



NORTHWEST ENVIRONMENTAL DEFENSE CENTER

10015 S.W. Terwilliger Blvd., Portland, Oregon 97219

Phone: (503) 768-6673 Fax: (503) 768-6671

www.nedc.org

September 30, 2010

Via Electronic Mail:

ODFW.Comments@state.or.us

RE: 2010 Evaluation of the Oregon Wolf Conservation and Management Plan

To Whom It May Concern:

We are writing on behalf of the Northwest Environmental Defense Center (NEDC), Western Watersheds Project (WWP), and private citizens Donna Dicks, JennyRae Foreman, Meera Gajjar, Brian Gullen, and Sarah Perelstein in regard to Oregon Department of Fish and Wildlife's (ODFW) 2010 evaluation of the Oregon Wolf Conservation and Management Plan (Plan). We support increased protection for Oregon's wolves so that this iconic, keystone species can re-establish itself throughout its native range.

NEDC is a non-profit, public interest organization dedicated to preserving, protecting, and improving the natural environment in the Pacific Northwest. NEDC is based in Portland, Oregon, and has been working since 1969 to protect the environment and natural resources of the Pacific Northwest by providing legal support to individuals and grassroots organizations with environmental concerns, and engaging in litigation independently or in conjunction with other environmental groups. NEDC's membership consists of a Board of practicing attorneys and law students along with local citizens interested in the shared goal of protecting the environment through legal means. The members of NEDC derive educational, scientific, aesthetic, recreational, spiritual, and other benefits from the protection of our nation's biodiversity.

Western Watersheds Project (WWP) is a non-profit conservation group founded in 1993 with 1400 members and with field offices in Idaho, Montana, Utah, Wyoming, Arizona and California. WWP's mission is to protect and restore western watersheds and wildlife through education, public policy initiatives and litigation. WWP is headquartered at the Greenfire Preserve in Clayton, Idaho. The group works to influence

and improve public lands management throughout the West, with a primary focus on the negative impacts of livestock grazing on 250,000,000 acres of western public lands.

We appreciate that re-establishing wolves in Oregon is a contentious issue, and that ODFW is subject to competing demands from various stakeholder groups. We support managing Oregon's wolf population levels according to science rather than politics. ODFW should account for the carrying capacity of Oregon's diverse habitats and the need for gene flow and genetic diversity within and between populations when setting wolf population objectives. We strongly oppose any 'cap' or maximum total number of wolves in Oregon. We also support mandating all reasonable steps to minimize wolf-livestock conflicts before resorting to physical hazing or lethal removal.

We submit these comments in support of a large, healthy, and widespread population of wild wolves in Oregon. These comments respond to some of the issues identified in the document '*Staff Summary of Policy Issues Raised by Stakeholders*' (ODFW, August 6, 2010). The 2005 plan called for a total review in 2010, therefore there is nothing 'outside the scope' of the 2010 review.

I. The non-lethal or preventative efforts for addressing wolf-livestock conflicts currently stated in the plan are inadequate for protecting wolves or livestock.

ODFW should mandate that reasonable non-lethal strategies for reducing conflict must be utilized before any lethal removal is allowed. The Plan's current 'good faith' standard for non-lethal techniques to reduce wolf-livestock conflicts should be replaced by a less vague and more enforceable standard. The only real requirements in the Plan state that when wolf numbers are low, more emphasis is placed on wolf control techniques that do not involve lethal removal. This is extraordinarily vague and completely insufficient to protect wolves from unnecessary lethal removal. Non-lethal efforts should be a mandatory first step before lethal removal can be contemplated.

There are a number of reasonable non-lethal measures that should be applied before any lethal take can be implemented. They include: RAG boxes; riders (for cattle); herders (for sheep); and the use of fladry and electric fencing for sheep bands at night bedding locations. Livestock should not be allowed to graze in proximity (i.e. within 10 miles) to wolf dens or rendezvous sites. The senseless practice of creating attractants (like carcass piles) or otherwise habituating wolves to humans and livestock must be outlawed. Newborn and young livestock should be treated with greater supervision because they are more vulnerable to wolf depredation. Lastly, guard dogs must be used at all times. Guard dogs are more effective and safer in larger numbers. The Plan should

require ranchers to have a certain amount of guard dogs depending on size of herd. This will keep the guard dogs safer and reduce conflicts.

II. The ‘adjacency’ criteria for initiating ODFW-authorized lethal take of wolves should be retained in the Plan.

ODFW should maintain the original language in OAR 635-110-0010 that requires two depredations occur on adjacent property before lethal action is taken against wolves. This language provides a practical management strategy for dealing with depredation while ensuring the conservation objectives of the Plan are being safeguarded. Changing the language from “adjacent” to “in the area” as per the June 29, 2010 rule would unreasonably increase the frequency of lethal action. Depredations on adjacent property could indicate that the wolves are using specific ranches as a steady source of food. However, depredations “in the area” would mean that perhaps a few ranchers in a large area have each lost one livestock animal. In that case, the potential economic losses of the ranchers do not justify killing wolves. Lethal action should be a last resort used when specific ranches have been unduly affected by multiple depredations.

ODFW needs a better plan to deal with depredation than simply killing wolves every time two depredations occur ‘in the same area.’ ODFW can protect both wolves and livestock by using radio collar data to track overall and specific patterns in wolf depredation. If a certain pack of wolves demonstrates a propensity toward depredation, ODFW should use a targeted method such as relocation to prevent further conflict between wolves and ranchers.

A growing number of landowners or the subdivision of formerly large properties near wolf territories should not result in decreased protection of wolves. If ODFW does implement the “in the area” rule instead of keeping the original “adjacent” rule, it should clearly define “in the area” as less than three miles. The defined area would be large enough to protect many individual properties while making sure that the wolves targeted are likely involved in depredations. This would provide a necessary limit on the size of area that triggers lethal action while broadening the current rule to address ranchers’ concerns.

III. ODFW should call for compensation of wolf depredations only when owners have taken appropriate measures to protect their animals.

We support monetary compensation whenever wolves kill domestic animals, with the following caveats. First, Compensation is only appropriate—and should only be available—when the compensated party has taken all reasonable and practicable measures to avoid wolf-livestock or wolf-pet conflicts. Providing compensation without

requiring pet and livestock owners to take simple, reasonable measures to protect their animals invites abuse of the compensation system and sends the message that we condone inattentive ranching and pet ownership. Any successful compensation scheme must incentivize people to prevent the loss of their animals as well as reimburse them for their losses.

For pets such as cats and dogs, the appropriate measures for minimizing conflict with wolves might be as simple as not allowing pets to roam freely or unattended in areas where wolf encounters are possible. For livestock, these measures should include guard dogs, RAG boxes, riders (for cattle), herders (for sheep), and the use of fladry and electric fencing for sheep bands at night bedding locations. Additionally, livestock should not be allowed to graze in proximity (i.e. within 10 miles) to wolf dens or rendezvous sites, and livestock owners should not be allowed to create attractants (like carcass piles) or otherwise habituate wolves to humans and livestock.

Second, compensation is only appropriate when there is clear or undisputed evidence that wolves were actually responsible for killing the animal in question. The mere fact that wolves were spotted in an area, or fed on a carcass, should not be enough to allow someone to collect compensation. We are not suggesting an unobtainable burden of proof—only that an objective observer would be convinced that the *only* reasonable explanation for the death of a domestic animal was wolf predation. Any other standard invites abuse of the compensation program and validates unfounded claims that wolves are responsible for the death of pets and wildlife.

Third, when compensation is available, lethal removal of the wolves responsible for the depredation should be prohibited. The point of the compensation program is to allow livestock and pet owners to live and work around wolves without undue financial harm. If there is adequate monetary compensation for losses caused by wolves, there is no logical reason for the wolves to be killed afterwards.

Approval of a compensation plan would earn matching federal funds under the Omnibus Public Lands Management Act, of up to \$140,000 in FY2010 for compensation and non-lethal deterrence programs. ODFW should develop and propose a new compensation proposal in the Plan and pursue legislative approval.

IV. ODFW's current caught-in-the-act lethal permitting requirements should not be weakened.

ODFW should not expand the scope of 'caught-in-the-act' (CIA) permits governing lethal removal. As the 'Staff Summary' notes in the 2010 Management Plan Evaluation, the current CIA permits represent a compromise. Expanding the scope of

CIA permits to allow lethal removal when wolves are seen 'chasing' or 'harassing' livestock (or, as has been suggested, to allow ranchers to shoot-on-sight) takes the CIA permits too far from their original purpose and out of the realm of an emergency. We share the ODFW staff's concern that broadening the CIA language would not promote wolf conservation. Adopting the proposed changes would be step back; unless ODFW requires objective evidence of an attack, there will be too much subjectivity in the CIA permitting process, inevitable increasing the incidence of unnecessary lethal removal.

Furthermore, ODFW should not change the OARs to allow preventive or deterrent actions to count towards CIA permits. Preventative actions are taken in order to avoid lethal removal, not as step towards it. Conflating preventative and lethal removal in the CIA permitting process will make the standards for a lethal take of wolves significantly more lenient. The current OARs identify specific circumstances when lethal removal is permissible, and it is important to keep these instances highly regulated.

Thank you for the opportunity to participate in the future of wolves in Oregon. We hope that our comments will help guide ODFW's management of wolves for the benefit and enjoyment of all Oregonians.

Sincerely,

Lindsay Tallon
Project Coordinator

Miles Johnson
Project Coordinator