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Testimony of Lena Spadacene, Wildlife Coordinator – Oregon Wild
Senate Environment and Natural Resources Committee
February 16, 2016

Good afternoon Chair Edwards and members of the Committee. Thank you for the opportunity to speak today. My name is Lena Spadacene and I serve as the Wildlife Coordinator for Oregon Wild.

Many concerns surround HB4040, but with respect to time and concise testimonies today, I'd like to speak directly to the science and delisting process as required by the state Endangered Species Act.

HB4040, as written, endangers the very process we all rely on to confidently and successfully manage the rehabilitation of threatened and endangered species.

Under Oregon law, any delisting rule "shall be based on documented and verifiable scientific information about the species' biological status." ORS 496.176(3).

'Verifiable science' has a very specific, measurable definition under the terms of the agency's own rules. "Verifiable" is defined as scientific information reviewed by a scientific peer panel of outside experts. OAR 635-100-0010(16).

This is the crux of the issue at hand. The Oregon Department of Fish and Wildlife has not demonstrated that their recommendation to delist the Gray Wolf met the requirements of "verifiable scientific information" during the delisting process. In fact, one of the two dissenting votes by the Commission in November to not delist was predicated on this failure to demonstrate concurrence with the law and best available science.

Oregon Wild, and its partners, sought a judicial review of the delisting process following the Commission's 4-2 vote. It seeks to ensure that a lawful independent review of peer-reviewed science was completed and ensure that the scientific process for delisting species remains robust and verifiable.

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HB4040, as written, threatens to intervene in an ongoing judicial review and has the potential to set a new low bar for how little to no verifiable scientific information is required to meet delisting requirements.

HB4040 seeks to use the legislature to override existing scientific and legal requirements for wildlife management by including language that specifically says the Commissions' decision *is ratified as satisfying the elements of the Oregon Endangered Species Act*.

Oregon is unique in its ability to forge agreements among stakeholders and manage a controversial species under the current wolf conservation and management plan. Back in 2013, my organization worked with other stakeholders, including the Oregon Department of Fish and Wildlife and the Oregon Cattlemen's Association, to craft an historic settlement agreement over wolf management, and we brought it before this committee for support from the Senate. That consensus-driven agreement has been a model for the nation – reducing conflict between wolves and livestock through non-lethal means, all while the wolf population has slowly increased.

For this successful model to continue, it is crucial that Oregon wildlife management decisions continue to be based on the best available – and verifiable science – and the law. HB4040 seeks to use the legislature to override existing legal and scientific standards, and to intervene in an ongoing judicial review.

For these reasons, HB4040 should be rejected.

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GUEST VIEWPOINT

Wolf delisting decision not based on the facts

BY ADRIAN TREVES

For The Register-Guard

FEB. 15, 2016

Last fall, the state Fish and Wildlife Commission voted 4-2 to remove protections of the state Endangered Species Act for gray wolves. It was a flawed decision, and the state Legislature could make it worse.

Oregon's law requires that listing decisions be based on "documented and verifiable scientific information," which would be defined "by a scientific peer review panel of outside experts." Oregon lawmakers are considering legislation that would make the delisting decision immune to legal review, undermining the separation of powers and the checks and balances we learned about in grade school.

I am part of a growing group of scientists who serve the public interest with research rather than serving donors or special interests. I feel obligated to write in defense of the broad public interest and to clarify what the best available science says.

Oregon's wolf delisting misses the mark on scientific evidence, and legislative decisions should never be immune to legal review.

Determining what's the best available science for a policy decision isn't a matter of voting for your favorite science. Multiple, qualified scientists conduct a careful review to interpret the quality and quantity of the evidence used to support a decision. The state Department of Fish and Wildlife and the state Fish and Wildlife Commission appear to have ignored the quality of the evidence despite ample, timely warning.

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I was one of 25 scientists and researchers who recommended against wolf delisting after interpreting the data on wolf recolonization and reviewing the state's evidence behind the proposal to delist. Our documents are available at faculty.nelson.wisc.edu/treves/reports/Oregon_Archive.zip .

Fish and Wildlife got the evidence flatly wrong and didn't communicate with most (any?) of the corresponding scientists to understand how to fix the mistakes.

The state contracted with a young researcher from abroad to conduct a wolf population viability analysis, which predicts the likelihood of extinction. It's not clear why the department hired someone so far afield when more experienced regional experts were available, as shown by their public comments.

Those senior scientists found the analysis was unreasonably optimistic and did not accurately represent the actual risks wolves face in Oregon.

One scientist described the analysis as fatally flawed. Another found the analysis was not statistically correct, not properly validated, used unrealistic values for wolf biology, and was not the right tool to justify delisting.

He wrote, "There appears to be little substance for ODFW to consider a population of (about) 85 wolves as being recovered."

The state also justified delisting as a way to raise social tolerance for wolves. That assumption runs exactly counter to the evidence.

My team at the University of Wisconsin, Madison conducts the world's longest--running study to monitor human tolerance for wolves. We've been measuring individual attitudes toward wolves since 2001.

After the federal government delisted wolves in the Great Lakes region, three things changed. First, tolerance for wolves decreased. Second, demands for more wolf-killing increased. And finally, poaching increased.

A particularly important finding was that Wisconsin's first-ever public hunting and trapping season on wolves resulted in lower tolerance for wolves among a large sample of men living in wolf range.

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Our research papers are all available at faculty.nelson.wisc.edu/treves/publications.php. Policies to liberalize wolf-killing seem to worsen social tolerance for wolves, contrary to state assumptions.

I heard from 23 of the 25 scientists opposed to delisting that neither the state nor the commission ever contacted them about their recommendations. Ignoring one scientist might be excusable, but ignoring so many who cited flaws in the commission's evidence is worrisome.

Why did the department and the commission proceed with poor science and assumptions that ran contrary to the evidence?

Consider Montana, where the state wildlife agency found that tolerance for wolves did not improve after wolf-hunting began, but tolerance for the agency's policy improved among some constituents. So it appears that killing wolves made that agency feel loved by some.

In my own state, I have seen problems start when commissioners and agencies make decisions based on who loves them instead of the public interest. Commissioners and agencies in Oregon, as in Wisconsin, have legal duties as trustees for wildlife to benefit current and future generations.

For more than a century, our states' courts and statutes have recognized wild animals as a public trust. Think of wildlife as a legacy for future generations.

When politicians make their decisions immune to judicial review, they are saying, "We are not accountable for the public interest and the permanent wildlife trust." Checks and balances exist to prevent tyranny.

Reclaim your legacy. The health of our wolves reflects the health of our democracy.

Adrian Treves is director of the Carnivore Coexistence Lab at the University of Wisconsin, Madison. He is the author of more than 100 scientific articles, including "Predators and the Public Trust" (2015).

<http://registerguard.com/rg/opinion/34040385-78/wolf-delisting-decision-not-based-on-the-facts.html.csp>