



Oregon Wolf Management

Oregon Department of Fish and Wildlife, February 2016

Science Review: Gray Wolf Delisting

Summary of Peer Review Requirements

Delisting a species from Oregon Endangered Species act (ESA) (ORS 496.176) requires a public rulemaking decision by the Oregon Department of Fish and Wildlife (ODFW) Commission. Statute requires that any delisting decision must be made based on a review of the best available scientific and other data. Specifically, the scientific information used must be documented and verifiable information related to the species' biological status. Consultation with federal agencies, other interested state agencies, other states having a common interest, and other interested persons and organizations is also required.

Per OAR 635-100-0112, ODFW staff examined the best available scientific and other documented information related to the biological status of wolves in Oregon and determined that wolves met the criteria for delisting from the Oregon List of Endangered Species. A "panel review" is not a requirement of ESA statute or rule, but had been suggested by some delisting opponents.

Summary of Analysis and Peer Reviewed Model

Wolves have now become established in Oregon and have increased in both distribution and abundance from 2008 through 2014. As part of the delisting process ODFW conducted a population viability analysis using a published and peer reviewed Individual Based Model to assess population dynamics and viability of Oregon's wolves. The analysis along with all model input parameters and assumptions, was provided throughout the public review process in an effort to receive review of the analysis from all interested parties. The analysis of future population growth using conservative parameter inputs indicates a very high probability that Oregon's wolf population will grow and remain extant in future years. In addition, there is a very low probability of decline below conservation levels and factors related to wolf health, habitat, dispersal, habitat connectivity, and wolf survival all indicate a healthy and growing population that is unlikely to decline in the near-term.

Public Process and Peer Reviews

On October 14, 2015, in a continued effort to consult with agencies, organizations, local governments, tribes, other states, and interested persons, ODFW solicited review and comments to the October 9, 2015 updated biological status review. Twenty-seven groups or individuals responded to this general consultation request. A notable contact to ODFW Commission came from L. David Mech, a Senior Scientist with the Biological Resources Division, U.S. Geological Survey and an Adjunct Professor in the Department of Fisheries, Wildlife and Conservation Biology, and Ecology, Evolution and Behavior at the University of Minnesota. Dr. Mech has studied wolves and their prey since 1958, authoring many publications and books. His review agreed with the ODFW determination for delisting under the Oregon Wolf Plan. He also noted that from a biological standpoint, Oregon's wolves should be regarded not as an isolated population but rather as a part of the Northern Rocky Mountain wolf population that includes Wyoming, Montana, Idaho, Washington, and California besides Oregon. Further, this larger population is now an extension of the wolf population in BC and Alberta. This population throughout these states is thriving, increasing and expanding its distribution and is legally well protected.

In addition, ODFW directly contacted eight scientists, all with PhD's in a wildlife related field, to review the scientific validity of the population viability analysis as follows:

- Dr. Katie Dugger, Assistant Unit Leader USGS Oregon Cooperative Fish and Wildlife Research Unit, Oregon State University
- Dr. Tim Hiller, Faculty Researcher, Mississippi State University
- Dr. Pat Kennedy, Professor of Wildlife Ecology, Oregon State University
- Dr. Jon Horne, Senior Wildlife Research Biologist, Idaho Department of Fish and Game
- Dr. Scott McCorquodale, Regional Manager, Washington Department of Fish and Wildlife
- Dr. Ryan Long, Assistant Professor, University of Idaho
- Dr. Kelly Stewart, Associate Professor, University of Nevada, Reno
- Dr. Joe Bull, Postdoctoral Fellow, University of Copenhagen

Responses were received from four of the scientists and are referenced below.

There are 8 attachments from the Nov 9, 2015 commission meeting that pertain to Senate Committee request for science review background during the delisting consideration. In making its decision, the Commission considered all of the comments received including scientific review solicited by ODFW, from individuals and solicited by constituent groups.

http://www.dfw.state.or.us/agency/commission/minutes/15/11_november/index.asp

Attachment 2 Staff Determination Summary (5pp)

Attachment 5 Consultation (37pp)

Supplemental Consultation (175pp)

ODFW Scientific Review Summary (3pp)

Summary of responses received from four scientists:

- Dr. Joe Bull – University of Copenhagen, Co-author of published model modified by ODFW to conduct PVA of wolves in Oregon
- Dr. Jon Horne – Idaho Department of Fish and Game, Senior Research Biologist
- Dr. Katie Dugger – U.S. Geological Survey, Oregon Cooperative Wildlife Research Unit, Assistant Unit Leader
- Dr. Ryan Long – University of Idaho, Assistant Professor

ODFW Science Review 11-6-2015 (164pp)

Includes the complete responses from each of the four scientists who responded.

Supplemental Consultation 11-2 to 11-6-15 (11pp)

Supplemental Consultation 10-30 to 11-2-15 (29pp)

Consultation Comments Addressed (7pp)

Concerns raised during consultation request varied, but were categorized into 23 general concerns. The response to these concerns were summarized by ODFW staff in an effort to inform the Commission's decision regarding delisting.



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Lethal Take and Harassment

The Oregon Wolf Conservation and Management Plan (Wolf Plan) uses a phased approach based on population objectives for wolves that ensures conservation of the species while minimizing conflicts with livestock. The plan divides the state into two management zones; east and west, and lethal take of wolves is allowed only in very specific circumstances related to wolf-livestock conflicts. The Wolf Plan sets specific objectives regarding the management of wolf-livestock conflicts and strives to resolve wolf-livestock conflicts before they result in losses while ensuring the continued conservation of wolves. Non-lethal techniques such as carcass removal, radio-activated guard devices, harassment, fladry, husbandry, range riders and others are the first choice of managers. As the wolf population increases in Oregon, the Wolf Plan allows more options for addressing conflicts. However, in situations where chronic losses are occurring, lethal control actions may be employed to minimize livestock losses regardless of the wolf population status. This combination of strategies is consistent with the conservation of wolves nearly everywhere they occur.

The current Wolf Plan does not provide for general public take of wolves in any phase of implementation. One exception is in situations of take if the act was necessary to avoid imminent, grave injury to a person (ORS 161.200).

The Wolf Plan consists of three management phases as follows; **Phase I** – This is the Conservation Phase. Management activities are directed toward achieving the conservation population objective of four breeding pairs of wolves for three consecutive years. **Phase II** – In this phase management activities are directed toward achieving the management population objective of seven breeding pairs of wolves for three consecutive years. **Phase III** – This is the Management Phase. Management activities are directed toward ensuring the wolf population does not decline below Phase II levels and that wolves do not climb to unmanageable levels that cause conflicts with other land uses. This phase provides for maintenance of wolf numbers.



IMPORTANT NOTE: The information below describes ODFW's management rules for lethal control and harassment but these are superseded by federal rules west of Hwys 395-78-95. The U.S. Fish and Wildlife Service, not ODFW, regulates any lethal take and harassment of wolves where wolves are federally listed.

Phase I. Take and harassment options for livestock producers

Currently the West Wolf Management Zone is in Phase I. Under current rule (OAR 635-110-0010) livestock producers may take a wolf (only if federally delisted) caught biting, wounding or killing livestock or working dogs, *without a permit*, under the following circumstances:

- Wolf is in area of Oregon where it is not federally listed (currently, east of Hwys 395-78-95).
- Wolf is on land owned or lawfully occupied by livestock producer.
- No bait or other intentional attractants are present.
- Any take of a wolf is reported to ODFW within 24 hours. The scene must be preserved and the carcass not removed.
- A livestock producer can allow an agent to take a wolf if written authorization procedures are followed. These rules also allow for livestock producers to take wolves which are *chasing* livestock under the same circumstances as above, but there are two additional requirements:
 - ODFW must have determined that wolves in the area are in “chronic depredation” of livestock. (Chronic depredation is defined as four confirmed, qualifying depredations within six months.)
 - Livestock producer must have first undertaken non-lethal actions as defined in rule.

Livestock producers in Oregon are encouraged to haze or scare a wolf away from livestock as long as the actions do not harm or injure the wolf (by making loud noises for example). When depredation (or other wolf-livestock conflict) occurs, ODFW can permit livestock producers in an area of wolf-livestock conflict (in areas where federally delisted only) to injuriously harass wolves (e.g. haze wolves in ways that could cause injury – this includes pursuit). Hazing permits will not be issued if there are identified circumstances which attract wolf-livestock conflict. All events of hazing should be reported to ODFW within 48 hours.

Phase I. Take options for ODFW

ODFW may authorize its personnel or authorized agents to use lethal force on a wolf or wolves it reasonably believes are responsible for chronic depredation only when a number of conditions are satisfied. See OAR 635-110-0010 for comprehensive rules regarding ODFW lethal take of wolves.

- Designation of an Area of Known Wolf Activity and subsequent coordination with producers.
- Designation of an Area of Depredating Wolves, and development of an area-specific wolf-livestock conflict deterrence plan in coordination with potentially affected landowners, livestock producers and other relevant interests.
- ODFW confirms a total of at least 4 qualifying incidents of depredation of livestock within the previous 6 months by the same wolf or wolves.
- ODFW issues and makes publicly available, prior to the exercise of lethal force, a written determination by the ODFW Director or director's designee to use lethal force to address a specified situation of chronic depredation.
- The depredation incident qualifies by specific rule conditions related to non-lethal measures used.
- ODFW documents and make publicly available all determinations, information and documentation of the depredation situation per specific rule.

Phase II. Take and Harassment options for livestock producers

Currently the East Wolf Management Zone is in Phase II. Producers can haze or scare (by making loud noises for example) a wolf or wolves without a permit if:

- The wolf is testing, chasing, attempting to test/chase, or is in close proximity to livestock, **and**
- The actions do not harm or injure the wolf, **and**
- The encounter is unintentional (i.e., pursuit is not allowed)

In addition, on private land, and in federally delisted areas, injurious harassment of wolves (e.g. haze wolves in ways that could cause injury but not kill – this includes pursuit) is also allowed by producers on private land they own or lawfully occupy. In this situation, there can be no identified circumstance that attracts wolf-livestock conflict. On public land, if depredation or other wolf-livestock conflict occurs, ODFW can permit livestock producers in the area to injuriously harass wolves (e.g. haze wolves in ways that could cause injury but not kill – this includes pursuit). Hazing permits will not be issued if there are identified circumstances which attract wolf-livestock conflict.

Any type of harassment should be reported to ODFW within 48 hrs.

Livestock producers or their agent may take a wolf caught biting, wounding, killing, or chasing livestock or working dogs, *without a permit*, under the following circumstances:

- Wolf is in area of Oregon where it is not federally listed (currently, east of Hwys 395-78-95).
- Wolf is on land owned or lawfully occupied by livestock producer.
- No bait or other intentional actions to attract wolves are present.
- Any take of a wolf is reported to ODFW within 24 hours. The scene must be preserved and the carcass not removed or disturbed.

A livestock producer can allow an agent to take a wolf if written authorization procedures are followed.

Phase II. Take options for ODFW

In situations of chronic livestock depredation, lethal take may be implemented by ODFW in certain circumstances under Oregon Administrative Rule OAR 635-110-0020. The following are some of the general conditions that must be met prior to ODFW authorizing lethal control:

- ODFW confirms at least two incidents of depredation in the area, or one confirmed depredation followed by three attempted depredations (testing or stalking) in the area.
- Property owner or permittee who requests lethal control must have documented unsuccessful attempts to solve the situation through non-lethal means,
- There can be no identified circumstance which attracts wolf-livestock conflict,
- The requester is in compliance with wolf protection laws and the conditions of any harassment or take permits,
- The situation of wolf depredation is likely to remain chronic despite the use of additional non-lethal conflict deterrence measures, and,

The wolf or wolves identified for removal are those ODFW believes to be associated with the depredations, the removal of which ODFW believes will decrease the risk of chronic depredation.

Phase III. Take and harassment options for livestock producers

Lethal take and harassment of wolves in Phase III is the same for Phase II, except that wolf depredation on livestock may be confirmed by either ODFW or USDA Wildlife Services.

Phase III. Take options for ODFW

Lethal take of wolves to deal with chronic depredation is allowed under the same conditions as for Phase II except that wolf depredation on livestock may be confirmed by either ODFW or Wildlife Services. In addition, the Commission will authorize controlled take of wolves by special permit in specific areas where necessary to address chronic wolf-livestock conflicts or ungulate population declines.