

**78th Oregon Legislative Assembly - 2016 Regular Session**  
**STAFF MEASURE SUMMARY**  
**Senate Committee On Environment and Natural Resources**

**MINORITY REPORT**  
**MEASURE: HB 4040 MRB**  
**CARRIER: Sen. Prozanski**

**Fiscal:** No fiscal impact  
**Revenue:** No Revenue Impact

**Action Date:** 02/23/16

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.) Minority

**Meeting Dates:** 02/16, 02/18, 02/23

**Signers of the Report:** Sen. Michael Dembrow, Sen. Floyd Prozanski

**Prepared By:** Beth Reiley, Committee Administrator

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**WHAT THE MEASURE DOES:**

Prohibits State Fish and Wildlife Commission (Commission) and State Department of Fish and Wildlife (ODFW) from modifying Oregon Wolf Conservation and Management Plan (Wolf Plan) or any related rule during pendency of any action, suit or proceeding challenging Wolf Plan or decision made pursuant to Plan. Prohibits Commission and ODFW from entering into settlement agreement related to challenge of Wolf Plan or decision made pursuant to Wolf Plan unless any intervenors on action had opportunity to participate in settlement process and either failed to participate or agreed to terms of settlement agreement.

**ISSUES DISCUSSED:**

- Impact of legislation on legal challenges to State Fish and Wildlife Commission's (Commission) decision to remove *Canis lupus* from state list of threatened or endangered species
- Development of Oregon Oregon Wolf Conservation and Management Plan (Wolf Plan)
- Wolf populations in Oregon and region
- Instances of depredation
- Management options allowed within phases of Wolf Plan
- Science used by Commission in delisting decision

**EFFECT OF MINORITY AMENDMENT:**

Replaces measure.

**BACKGROUND:**

The gray wolf is currently listed as an endangered species under the federal Endangered Species Act (ESA) west of Highways 395/78/95, and any take of wolves in this area is regulated by the US Fish and Wildlife Service. Wolves were federally de-listed on May 5, 2011 in areas east of those highways.

The gray wolf was listed under the Oregon ESA until November 10, 2015 when the State Fish and Wildlife Commission (Commission) voted 4-2 to delist. Currently, the Oregon Wolf Conservation and Management Plan (Wolf Plan) provides protections for the gray wolf and management is determined by plan phases based on the number of wolves and their distribution across the state. Wolves in eastern Oregon are managed under Phase 2 rules, while wolves in western Oregon are managed under Phase 1 rules. Phase 1 rules provide ESA-like protections until the area of the state has four breeding pairs of wolves for three consecutive years. In 2016, wildlife officials will begin a required review of the Wolf Plan.

House Bill 4040-MRB would prohibit the Commission and the State Department of Fish and Wildlife (ODFW) from modifying the Wolf Plan or any related rule during the pendency of any action, suit or proceeding challenge to

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the Wolf Plan or decision made pursuant to the Plan. The Act would also prohibit the Commission and ODFW from entering into a settlement agreement, related to the challenge of the Plan or a decision made pursuant to the Plan, unless any intervenors on the action had the opportunity to participate in the settlement process and either failed to participate or agreed to the terms of the settlement agreement.