



June 30, 2010

Dear ODFW,

Thank you for this opportunity to engage with the five-year review of the Oregon Wolf Plan. As you know, Hells Canyon Preservation Council (HCPC) was a member of the Wolf Advisory Committee convened to advise ODFW on the creation of a wolf management plan for Oregon, over 6 years ago. We have remained very involved with wolf issues in Oregon and throughout the west in the intervening period, and have watched with close interest as wolves started repopulating in Oregon, giving ODFW the opportunity to implement the landmark Oregon Wolf Plan.

Joining in these comments is the Oregon Natural Desert Association (ONDA), another organization with longstanding interests in Oregon wolf issues.

Much has changed in the five years since the adoption of the Wolf Plan—more than anyone predicted. We now have at least two packs of wolves in NE Oregon, and perhaps more elsewhere. In addition, wolf/livestock interactions have occurred much more frequently than we expected during this period. As a result, the precise language of the Wolf Plan and the associated administrative rules have been tested very thoroughly during this initial five-year period.

For context, let me remind you that HCPC has been a strong supporter of the Oregon Wolf Plan. While the Plan is certainly not what we would have written if we were drafting it alone, we do believe it is a balanced compromise between all the various interests involved in the wide-ranging issue of wolf recovery. But make no mistake, it is a fragile compromise. Our support of the Wolf Plan has no further room for movement. Should any key language be modified during this review process, it is a foreseeable consequence that support for the Wolf Plan from the conservation community will dissipate.

Thus, you will find that our suggestions do not address any core factors of the Wolf Plan, such as numbers of breeding pairs, the three-phase setup, or the general concepts of when lethal take can occur. Instead, we are suggesting specific language changes to address areas where the practical application of the Wolf Plan has shown that its language is not adequate to reach the intended result.

We note with some dismay that ODFW has jumped the gun and this week issued temporary rules that substantively change the Oregon Wolf Plan's administrative rules. This action is disappointing at any level, but particularly so when done in a period during

which the Plan is open for public comments.

1. Compensation: We continue to support the concept of a compensation program, and understand that such a program would likely require legislative approval. We would encourage ODFW to examine the possibility of a compensation program that is not based on specific payments for depredations, but instead is a general subsidy paid to all livestock growers operating in wolf country. The subsidy approach would help compensate for the costs of non-lethal approaches and other expenses associated with operating in wolf country.
2. Wildlife Services: Based on what we have seen of the participation of Wildlife Services in Oregon wolf issues, we strongly recommend changes to clarify and reduce (or even eliminate) their role. On pages 32, 38, 45 & 47 of the Plan, there are specific references to Wildlife Services' role. We recommend deleting the references to this agency, or at a minimum clarify that in all cases, ODFW is the lead agency.
3. Translocation & Relocation: We strongly recommend leaving these sections intact. If anything, they should be expanded to provide ODFW more authority in dealing with wolf conflict situations.
4. Location Information: On pages 46 and 74 of the Plan, there are allowances for providing landowners and livestock producers information on the location of wolves. We feel this language is much too vague, and should be limited to wolf locations near the landowner's or producer's property, while explicitly excluding denning and rendezvous sites.
5. Economics: The economics section should be updated to incorporate updated information on actual depredations experienced in other states with wolves overlapping with livestock productions. It should also be updated to include the important economic study showing that wolf-related tourism brings in \$35 million to the Yellowstone area: Duffield et al., 2008. One piece of vital information missing from the economics section is the local economic impact of wolf management. ODFW has injected tens, if not hundreds, of thousands of dollars into the local and state economies through its wolf management program. It is important to include these easily quantifiable figures in the economic impacts section of the Plan.
6. Backstop Language: A fatal flaw of the Wolf Plan is that it contains no "backstop" language. On page 30 of the Plan there is set out a one-year monitoring effort that would take place if wolves decrease below the level at which delisting occurred. That one-year delay could be fatal to wolf populations, nor is there any proscribed action at the end of the monitoring period—a mere "status review" is the only step mandated if the population is below the delisting level. We find this process to be

too little, too late. We recommend backstop language that would automatically and immediately relist the wolves anytime their population decreases below the delisting level.

7. Phase 1:

- a. "In the area." This phrase is used time and again in the Wolf Plan Administrative Rules. A good part of the recent dispute over the implementation of the Wolf Plan stems from vague language such as this. What does "in the area" mean? We recommend using more precise language, such as "an area not to exceed a radius of 3 miles from the current site of activity or depredation."
- b. Under the non-lethal injurious OAR, there is the requirement that ODFW "consider the location of know den sites." It is unclear what this means. Given that it would be entirely unreasonable to allow non-lethal injurious harassment around a den site, we recommend a clear prohibition on using non-lethal injurious harassment within a half-mile of a den site.
- c. The non-lethal non-injurious, caught-in-the-act and lethal take permits all require that "no unreasonable circumstances" existing prior to issuance of permits for these types of control. The Administrative Rules should be clarified to show how the absence of "unreasonable circumstances" must be verified prior to the issuance of the permits.
- d. The caught-in-the-act language would be more effective if it clarified how many woundings or attacks must occur before a permit can be issued.
- e. Before caught-in-the-act permits can be issued, ODFW must deem "efforts" to resolve the problem ineffective. The intent here is that non-lethal measures be tried first before resorting to lethal methods, so the rule should state exactly that—it should say "non-lethal efforts" rather than just "efforts."
- f. We also find this entire "efforts to resolve the problem have been deemed ineffective" language to be problematic. It provides no guidance to ODFW or the public as to what measures must be attempted before resorting to lethal control. We feel it is incumbent upon ODFW and property owners/permittees to attempt *both* non-lethal non-injurious and non-lethal injurious efforts before and lethal authorization is given. The rules should state that both types of non-lethal measures *must* be attempted before lethal measures can be authorized. In addition, landowners should be required to document their non-lethal efforts, but the ineffectiveness call must be left to ODFW and made prior to the issuance of any lethal take authorization.
- g. Another concern with the caught-in-the-act language relates to OAR 635-110-0100(5)(a)(B), which allows "grazing permittees using public land" to use lethal force when authorized by ODFW. This should be clarified to limit any actions to the permit area of the permittee. As it stands, it is much too broad and could allow any public land permittee to shoot a wolf anywhere once given a permit. We suggest changing the language to "public land permittees on allotments for which they hold a permit."

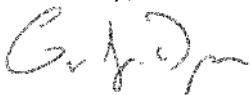
- h. For lethal take permits, OAR 635-110-0010(6)(C) prevents their issuance when any "unreasonable conditions" exist to "cause" the wolf-livestock conflict. We note that there is discrepancy between this language and the original language of the Wolf Plan. The Wolf Plan, at p.43, applies the same criteria here as with the injurious non-lethal harassment and caught-in-the-act permits: that "No unreasonable conditions exist that are attracting wolf-livestock conflict." Absent a compelling and substantiated justification for this departure from the Plan, the Rules should be amended to match the language of the Plan.
  - i. Finally, the lethal take permits have no geographic- or animal-specific scope to them. When all the prerequisites to issuing a lethal take permit have been met, there must be some limitations on that permit. For instance, if two wolves are chronically killing livestock, our goal should be to shoot *those* two wolves, not *any* two wolves. We suggest language that would limit the scope of a permit to the area in which the depredations are occurring, or, if specific animals can be identified, to those specific animals.
- 8. Phase II: In Phase II, landowners are "encouraged" to use non-lethal non-injurious methods first before resorting to non-lethal injurious methods. OAR 635-110-0020(3)(a). The use of the word "encouraged" lends no weight to the general goal of escalating control methods only after less invasive methods have failed. Moreover, the addition to the Rules of the word "encouraged" does not appear to have any foundation in the Plan itself. We request a change to this section to *require* a showing of failure of non-lethal non-injurious methods prior to using non-lethal injurious methods of control.
- 9. Phase III: In Phase III, an open hunt may be allowed to address ungulate populations below "management objectives." See p. 45. Our concern is that ungulate management objectives may be unreasonably high for ungulate populations now sharing their habitat with wolves. There must be some relation of the management objectives to the carrying capacity of an ecosystem that now contains wolves.
- 10. The Temporary Rules: The Temporary Rules promulgated by ODFW on June 29, affecting subsection 6 of Rule 0010, are downright offensive when made during this public comment phase, with little or no justification, and with no notice or opportunity for public input. What makes the Oregon Wolf Plan a generally sound Plan is the public process at its foundation. Spontaneously redrafting the Rules to fit a particular set of circumstances is the antithesis of public decision-making. Public trust is required for the Wolf Plan to work, and the passing of these Temporary Rules have undermined that trust. Moreover, the new Rules rely on the vague "in the area" language that was already a red flag for us due to its overly broad nature. The goal of this review process should be to make the rules more clear, not less clear, yet these Temporary Rule changes make the rules much less clear and more vague.

They also weaken the Plan dramatically. ODFW has now expanded the scope of actions that are prerequisites to issuing lethal take permits from adjacent properties to properties in the same area, whatever that means. We are strongly opposed to both the way in which the Temporary Rules were promulgated, and the content of them!

11. Training & Standards: It was made abundantly clear over the last few months that there needs to be some quantifiable training of agents making depredations calls, along with a standardized format for conducting depredation investigations.
12. The Wolf Advisory Committee: We understand and support the desire of ODFW to keep this review to minor edits of the Wolf Plan. We note, however, that many suggestions made by other special interest groups are calling for wholesale changes to the Oregon Wolf Plan. In our view, any wholesale changes to the structure and content of the plan must not be made without reconvening the Wolf Advisory Committee and initiating a thorough public process. Specific issues that would trigger the need to reconvene the Wolf Advisory Committee include:
  - Any change to the caught-in-the-act language or the requirements for a caught-in-the-act permit;
  - Any change to the numbers of breeding pairs that trigger different phases of the Plan;
  - Any change to the separate treatment of the east and west portions of the state;
  - Establishment of any maximum numbers of wolves; and
  - Establishment of “no wolf zones.”

Thank you for this opportunity to comment on the five-year review of the Oregon Wolf Plan. We look forward to participating closely with ODFW as the process moves forward.

Sincerely,



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and

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