



Honorable Theodore R. Kulongoski
Governor of Oregon
160 State Capitol
900 Court Street, NE
Salem, Oregon 97301-4047

June 16, 2010

CLEMENCY APPLICATION

Dear Governor Kulongoski,

We are writing to urge you to pardon the death sentences issued by the Oregon Department of Fish & Wildlife for two gray wolves in northeast Oregon. On May 30th, ODFW issued federal “animal damage control” agents a permit to kill two wolves from Oregon’s single confirmed breeding wolf pack, which currently resides in Wallowa County. Since ODFW issued this permit the wolves have not been located within or near any livestock pastures. Nevertheless, ODFW has since extended the kill permit’s expiration to June 18th and expanded the geographic scope—allowing federal agents to hunt these wolves down and kill them anywhere within an over 40-square mile area in Wallowa County. This extermination, if carried out, contradicts principles of justice that our society recognizes as fundamental. It also threatens violations of state law.

As you know, wolves are currently listed in Oregon as an endangered species and protected by our state’s Endangered Species Act. Unfortunately, wolves have been the target of decades of cruel and unfair persecution. The very fact that they are now listed as a species in danger of extinction is a direct result of eradication efforts carried out by our federal government and many state governments, which sought to completely eliminate the species throughout the entire continental United States. Prior to the recent return of wolves, the last wolf in Oregon was killed in 1946.

Fortunately, much of our society has evolved over the past few decades and we now seek to preserve our native predators rather than eliminate them out of fear and misunderstanding. The principles of conservation biology have taught us that wolves and other top predators play crucial roles in maintaining healthy ecosystems. Since their reintroduction to Yellowstone and the wilderness of Idaho in the mid-90s, wolves have slowly made their way back to Oregon. We now have our first breeding pack of wild wolves to inhabit this state in over a half-century!

The future of the wolf in Oregon, however, is still in limbo as only a handful of these wild creatures are known to occupy our state. ODFW’s lethal take permit now authorizes the elimination of a substantial percentage of the entire confirmed wolf population in Oregon.

Most Oregonians enthusiastically welcome the return of wolves. Many of us also recognize that the return of these wild animals does present certain challenges for those who choose to raise their livestock in and near wild country. In appealing for clemency, we in no way intend to dismiss the economic strain realized by those individuals. However, the recent loss of six cattle in Wallowa County must be tempered by the facts, fundamental principles of American justice, and far-reaching public policy implications:

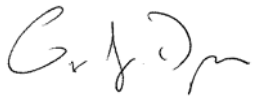
- ODFW has not identified which members of this wolf pack are responsible for these recent livestock depredations and now aims to arbitrarily kill 2 members. This means that two of only a small handful of wild wolves are under imminent threat of being killed for acts they may not have even committed.
- Livestock growers in Northeast Oregon have been well aware for over a year that wolves have returned to this region, yet many of these individuals have continued practices that knowingly attract predators—livestock carcasses left to rot where they die from disease or other natural causes or piled up in open pits. Even after the recent depredations, some landowners remain uncooperative when it comes to properly disposing of their dead livestock and reducing attractants. Wolves have an incredible sense of smell and it is fundamentally unfair to blame them for livestock losses when unreasonable attractants persist in areas they are known to occupy. Moreover, under OAR 635-110-0010(6)(a)(C), lethal take is allowed only if “No unreasonable conditions exist to cause the wolf-livestock conflict.” We feel that “unreasonable conditions” do, in fact, exist.
- Non-lethal measures must be employed by both ODFW and landowners on a widespread and consistent basis if they are to have any meaningful chance of effectiveness. Having read ODFW’s reports on the recent depredations, it is clear that on *some* properties non-lethal measures have been implemented. For the measures to be effective, however, it is essential that they be applied equally across the entire area that wolves are frequenting. We again refer you to the “unreasonable conditions” test of OAR 635-110-0010(6)(a)(C).
- It is a common tenant of death penalty practice that all non-lethal measures should be attempted before resorting to lethal measures. In this case, we believe an important non-lethal step authorized by the Oregon Wolf Plan has been skipped over, called non-lethal injurious harassment. OAR 635-110-0010(3). Non-lethal injurious harassment means scaring off a wolf without killing, but with some injury to, the wolf. Before the death sentences were issued, this important interim step should have been attempted.
- Killing two wild animals for acting within their nature will not work to deter future livestock loss. Reducing the potential for future conflicts between wolves and livestock lies in the hands of human beings and if Oregon is going to maintain a healthy wolf population, then livestock growers must accept greater responsibility for proactively protecting their property from loss through non-lethal means.

- The underlying issue here is the economic impact of the loss of livestock. Yet we remind you that it was the Oregon Cattlemen's Association who blocked the implementation of a compensation program at the time the Oregon Wolf Plan was adopted. They later tried to incorporate compensation language into a subsequent bill, but that bill was tied to such extreme wolf kill language there was no chance of it passing. Although we are not fully comfortable with a compensation program, we committed to such a program during the Oregon Wolf Plan process and continue to support it. We do feel that if such a program were implemented there would be greatly reduced conflict over the return of wolves, and steps like the death warrants issued for two members of the fledgling Imnaha pack would not be necessary.

We are requesting that you utilize your broad powers under the Oregon Constitution and state statutes to rescind the kill permits for the two wolves, effective immediately.

Thank you for your prompt attention to this Clemency Application. This is, quite literally, a matter of life and death for 20% of the Oregon's only confirmed breeding wolf pack. While the undersigned groups support the Oregon Wolf Plan, we also believe strongly that it will not work without strict adherence to its language and the policy implications behind that language. Killing these two wolves will not advance the goals of the Oregon Wolf Plan. Wolves are part of Oregon's natural heritage, and we must take all steps necessary to ensure the sound management of this native species.

Sincerely Yours,



Greg Dyson,
Executive Director
Hells Canyon Preservation Council

and

Josh Laughlin,
Campaign Director
Cascadia Wildlands