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Conservation organizations, Governor John Kitzhaber, the Oregon Department of Fish & Wildlife (ODFW), and the Oregon Cattlemen's Association have announced a resolution to a legal challenge to the state's authority to kill endangered gray wolves. Below are answers to the following questions:

1. Why did conservation groups file a legal challenge in the first place?
2. What's happened since the legal challenge?
3. How does this new plan work?
4. What has to happen now?
5. How is this plan better than the 2005 Wolf Conservation & Management Plan?
6. Where does this plan fall short?
7. Why settle for anything less than perfect?
8. What is the status of wolves in Oregon?
9. Are wolves a threat to the livestock industry, human safety, or other animals?
10. Who cares?

### **1) Why did conservation groups file a legal challenge in the first place?**

Due to ambiguity in the state's Wolf Plan and increasingly intense local political pressure to kill wolves, plaintiffs believed ODFW was killing the endangered species in violation of both the Plan and state Endangered Species Act. At the time of the legal challenge in October 2011, the state's confirmed wolf population stood at 14 animals. Conservationists believed the state's wolf killing program risked undermining Oregon's fragile wolf recovery, ignored other requirements of the Plan, and violated public trust.

### **2) What's happened since the legal challenge?**

Based on the merits of the case, the Oregon Court of Appeals issued an injunction and stopped the state's wolf killing program. In 2012, Oregon's confirmed wolf population reached 46 known wolves. By their own reports, the livestock industry and ODFW increased efforts to implement non-lethal measures to prevent conflict. Even as the wolf population grew, the number of cows lost to wolves statewide dropped from 13 in 2011 to 4 in 2012. Meanwhile in neighboring states like Idaho, aggressive wolf killing policies led to a decrease in the wolf population while conflict between wolves and the livestock industry increased.

### **3) How does this new plan work?**

The rule and legislation provide essential sideboards and clarity to important definitions. Notably, the rule defines "chronic depredation" as 4 qualifying incidents of depredation attributed to the same wolf or wolves in a 6-month period. The state may (but is not required to) kill wolves that have reached the threshold of chronic depredation if such action is requested.

For a depredation to count as a qualifying incident, the affected livestock operator must have implemented basic non-lethal measures to prevent conflict between wolves and livestock. The state must be able to document the specific non-lethal measures implemented, and share that information with the public in a timely manner. Additionally, the state must have conducted a thorough, credible,

and transparent investigation and come to the conclusion that wolves in fact were responsible for the loss. Livestock operators may choose not to comply. In that case, any such depredations will not count as qualifying incidents that can lead to lethal control by the state.

ODFW will, in a transparent manner and based upon credible information, designate *areas of known wolf activity* and *areas of depredating wolves*. Upon each designation, the state will coordinate with landowners, livestock producers, and other relevant interests to discuss how best to prevent conflict between livestock operations and wolves. Expectations and requirements for preventing conflict can be tailored to each individual situation, but basic minimum measures must be taken for an incident of depredation to qualify and count towards the lethal control threshold.

If the state chooses to carry out lethal control, it must be limited to the wolf or wolves reasonably believed to be responsible for the qualifying depredations and target as few wolves as possible. Additionally, lethal control orders are limited in duration and can only be reinstated if depredations continue.

When the state has authorized a lethal control action, livestock operators in that area may kill wolves that are seen chasing or attacking livestock so long as they are prioritizing non-lethal measures and are not baiting wolves. At other times and places livestock operators may kill wolves without a permit if they are actively attacking their livestock. Any such action will be subject to a thorough investigation by state authorities. Those who are found to have killed wolves illegally will face legal penalties.

#### **4) What has to happen now?**

The ODFW Commission must adopt a rule crafted through the settlement process. The legislature must then pass legislation giving legal authority to that rule. Upon passage, followed by a signature from the governor, the legislation will moot the ongoing legal challenge. Settling parties have agreed to support specific language of the rule and legislation which will govern what the Wolf Plan calls Phase I of management.

#### **5) How is this plan better than the 2005 Wolf Conservation & Management Plan?**

The 2005 Wolf Plan represented an imperfect social and political compromise. Though the settlement does not address every flaw in the plan, it makes some significant improvements that may serve as a model for other states and future improvements to the Plan. The settlement:

- **Has the support of the livestock industry**
  - The 2005 Wolf Plan came out of an exhaustive public process that included input from a broad group of stakeholders. Though many compromises were made to win support from the livestock industry, the Oregon Cattlemen's Association opposed the final Plan. Opposition to the Plan and wildlife protections fed much of the subsequent conflict. The Oregon Cattlemen's Association is supporting this compromise, and it is expected that all sides will give it an opportunity to work.
- **Eliminates ambiguities that led to conflict**
  - Conservationists stood by and supported the compromise Wolf Plan because it prioritized conservation and education and only allowed the state to kill wolves as an option of last resort. Conservation organizations did not oppose the state's initial lethal actions as they were carried out within the spirit and letter of the Plan. Despite the Plan's laudable goals, it left a lot of ambiguity. That ambiguity, coupled with additional changes to the Plan in 2010 and increasingly intense political pressure were the primary drivers of conflict. The new rule sets clear expectations for all parties and requirements for transparency.

- **Requires livestock operators to implement area-specific non-lethal measures to prevent conflict before requesting the state kill wolves.**
  - Prior to the settlement, livestock operators could claim – with no need for detail or evidence – that they had implemented non-lethal measures and request lethal control. Though livestock operators can choose not to implement non-lethal measures, any livestock they lose will not count towards authorizing lethal control on their behalf.
- **Requires the state to assist livestock operators in implementing non-lethal measures, document their use, and increase public transparency before killing wolves.**
  - Prior to settlement, efforts to implement non-lethal measures were largely ad-hoc and not publicly disclosed. Many of the agency’s actions were undocumented and not shared with the public. That led to a breakdown in trust between ODFW, stakeholders, and the broader public. Going forward, the state is required to communicate and coordinate with stakeholders and the public in a more timely and comprehensive manner.
- **Defines “chronic depredation” more appropriately**
  - Prior to settlement, a kill order could be issued for wolves that had not even been born when depredations occurred. Kill orders could be indefinite or applied far too broadly. The new plan defines “chronic depredation” as four qualifying incidents of livestock depredation attributed to a specific wolf or wolves within a six-month period.
- **Codifies provisions from the 2005 Wolf Plan**
  - In 2005, all parties agreed that in Phase II of management, livestock operators could kill wolves without a permit if those wolves were found actively attacking their livestock. In recent years, efforts have been made to legislate the permitless killing of wolves that would have provided a free pass to poaching. This settlement allows livestock operators to kill wolves in very specific circumstances and with penalties if the law is broken. If the plan is followed, such actions will be extremely rare.

#### **6) Where does this plan fall short?**

Killing an endangered species to address demands of a specific industry is a significant issue. Even with these changes, the 2005 Wolf Plan remains a political and social compromise. Some of its main provisions (such as low recovery goals) are not scientifically defensible. Not all of the Plan’s shortcomings were addressed in this process. The Plan still has some ambiguities that may lead to conflict and requires a leap of faith from all parties that it will be carried out faithfully.

#### **7) Why settle for anything less than perfect?**

Though plaintiffs were confident in the merits of their case, a winner-take-all approach to such disputes is rarely in the long-term best interest of any party. Oregonians value native wildlife and at a time when the state is facing very real challenges, fighting efforts to undermine basic wildlife protections is not a good use of anyone’s resources.

If all parties abide by the agreements made in settlement, conflict between the livestock industry and wildlife should remain low, killing wolves should be rare, and wolf recovery should stay on track. This settlement can serve as a model that can be improved upon in the future and in other states.

#### **8) What is the status of wolves in Oregon?**

Oregon’s wolf recovery remains tenuous, but in 2012 it got back on track. The population grew to 46 confirmed animals across the state and conflict with the livestock industry decreased. However, all of the state’s wolf packs are confined to the Northeast corner of the state and aggressive policies threaten source populations in neighboring states.

Wolves and other native carnivores continue to be at the center of a purposeful campaign of misinformation and fear. Thankfully though, conservation values – including support for native wildlife - remain a cornerstone of Oregon’s identity.

**9) Are wolves a threat to the livestock industry, human safety, or other animals?**

Wolves are native carnivores, and on occasion, will consume livestock. However, despite claims to the contrary, wolves are not a serious threat to the livestock industry, human safety, or populations of other native wildlife. Moreover, the state of Oregon has a compensation program that compensates responsible livestock operators who lose livestock to wolves. In 2012 wolves were responsible for the loss of four cows in Oregon, wolves have not threatened people, and Oregon’s ungulate populations co-evolved with wolves on the landscape. For more information check <http://www.tinyurl.com/wolfmyths>.

**10) Who cares?**

Wolves provide tangible economic and ecological benefits as well as those that are more difficult to quantify.

Outdoor recreation, wildlife watching, and ecotourism are growing, sustainable industries that have the potential to offset declines in boom-and-bust industries that harm the environment and quality of life. A study by the University of Montana demonstrated over \$35 million was added annually to local economies surrounding Yellowstone National Park from people who came specifically to see wolves. There’s no reason some of Oregon’s world-class landscapes and rural communities can’t also benefit from wolf recovery.

Wolves are a keystone species. They play an important and irreplaceable role on the landscape. Led by Oregon State University researchers and their students, scientists are discovering that the absence of wolves had unintended negative impacts on the landscape. Their return in places like Yellowstone National Park is helping to restore a natural and dynamic balance to the landscape and is credited with an increase in everything from streamside vegetation and songbirds to beavers and pronghorn.

Abundant wildlife means healthy landscapes and quality of life. But more importantly, a desire to see healthy abundant populations of all native wildlife is a core Oregon value. As the great conservationist hunter Aldo Leopold said, “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”