

Cascadia Wildlands

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October 29, 2015

Cascadia Wildlands Testimony Oregon Department of Fish and Wildlife Commission

Good afternoon Chair Finley and members of the commission,

My name is Nick Cady, I am the Legal Director of Eugene-based Cascadia Wildlands, a regional non-profit conservation organization representing 10,000 members and supporters. Cascadia Wildlands educates, agitates, and inspires a movement to protect and restore Cascadia's wild ecosystems. We envision vast old-growth forests, rivers full of wild salmon, wolves howling in the backcountry, and vibrant communities sustained by the unique landscapes of the Cascadia bioregion.

We are here today to respond to the recommendation by the Department of Fish and Wildlife ("Department") to delist the gray wolf from the state Endangered Species Act at this early juncture in wolf recovery. We currently have a minimum of 77 confirmed wolves in the state, and Americans have been following with awe the reestablishment of wolves in eastern Oregon and the budding wolf population in Oregon's western recovery zone. Wolf recovery is moving along, and in much part, due to the tireless work of Department staff.

As an initial note, Cascadia has been very disappointed in that it seems the Department is trying to take the most expeditious route out of the wolf management in Oregon. This approach might be predictable and acceptable if the federal U.S. Fish and Wildlife had not already delisted the eastern portion of Oregon and has a pending proposal to delist the entire state in an attempt to do the exact same thing. Oregon's Endangered Species Act explicitly contemplates recovery of a species to follow a specific path: a species is endangered, then downlisted to threatened, and if recovery continues and there is no threat of conservation failure, the species is moved to the sensitive species list and continued to be monitored.

Neither the Department nor the Commission has considered or even mentioned moving wolves from endangered to threatened, making it patently clear that the agency is just attempting to take the easiest route, and not the route best for wolf recovery. This is inappropriate because of the duty owed to Oregonians that widely and enthusiastically support the recovery of gray wolves and have supported the expenditure of public funds to this end.

Secondly and most importantly, Cascadia and numerous other organizations have repeatedly stressed the premature nature of the proposed wolf delisting in Oregon. I think the common-sense conclusion of an analysis of the numbers and distribution in the state is that the species should remain listed until its population and distribution is more prolific. We have provided our own analysis of the delisting document developed by the Department, and we believe that as required by Oregon law, the best available science indicates that wolves are not recovered and are still at risk of failure.

The only way that the Department can move forward with scientific and legal confidence is if it conducts an independent, external peer review of the delisting proposal and analysis provided by the Department. This is plainly required by Oregon law. ORS § 496.171; OAR 635-100-0100(16). The

law states that any removal of a species from the endangered or threatened species list must be supported by “verifiable” scientific information. The Department’s own regulations elaborate and define verifiable to mean “scientific information reviewed by a scientific peer review panel of outside experts.” *Id.* The regulations go even further and explicitly describe our present situation, where the Department is singularly relying upon its own study, its own information it must be again “peer reviewed by outside experts.” *Id.*

A peer review is legally, scientifically, and practically the only way forward for the Department to delist gray wolves.

Again, we would urge the Department to exercise precautionary principles when dealing with all wildlife under its jurisdiction. Oregon is changing, and with it so must the Department. More and more Oregonians are enjoying non-consumptive wildlife experiences and are moving here for jobs because of the easy access to Oregon’s beautiful public lands and rivers and the wildlife therein. The Department has a duty to cater to the interests of this evolving public body not the least because the Department is beginning to rely upon general fund dollars, and this reliance will only continue to increase.

But specifically with wolves and other carnivores, caution needs to be exercised because of the irrational fear and vitriol that drove this species and most predator species across our country to the brink of extinction. Still to this day the number one factor weighing on wolf recovery is the level of human-caused mortality.

We are strongly concerned that delisting could signal to some that it is “open season” on wolves or a reduction in poaching penalties. It is critical we avoid any increases in wolf mortality during this early recovery period. Just last month the alpha pair of the Sled Springs pack was mysteriously found dead near Enterprise. This is not tolerable in Oregon.

The extensive non-lethal efforts and stakeholder outreach by the Department have made Oregon the model for wolf conservation in the nation. Delisting will signal a sharp departure away from these efforts that have made wolf recovery a success so far in this state. Conducting an external scientific peer review on the Department’s proposal to ensure it can move forward with legal and scientific confidence is the right path forward.

Thank you for your time today.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Cady', written in a cursive style.

Nick Cady, Legal Director
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