

**INTERIM RESPONSE STRATEGY
FOR
REPORTED GRAY WOLF ACTIVITY
IN OREGON**

Coordinating Agencies:

U.S. Fish and Wildlife Service

Oregon Department of Fish and Wildlife

APHIS – Wildlife Services

January 2004

Prepared by:
John Stephenson
La Grande Field Office
U.S. Fish & Wildlife Service

Information on Oregon State law provided by the Assistant Attorney
General, Natural Resources Section, Oregon Department of Justice.

Table of Contents

Purpose and Need	1
Legal Status of Wolves in Oregon.....	1
Overview of Potential Situations	3
1. Unconfirmed reports of wolf activity (tracks) or sightings	3
2. Verified wolf activity (not involving a depredation or conflict)	3
3. Report of wolf-caused depredation on livestock or other domestic animals	4
4. Unintentional wolf capture	4
5. Report of a dead or injured wolf.....	5
Response Strategy.....	6
Instructions for Receptionists and others who receive an initial call.....	6
Situation-Specific Response Checklists	6
Verified Wolf Activity, Without A Problem Incident	7
Report of Wolf-Caused Livestock Depredation	8
Report of an Accidental Wolf Capture.....	10
Report of a Dead or Injured Wolf	11
Equipment Inventory.....	12
Action Items	12
Attachment A: Summary of the 4(d) Rule for the Western Gray Wolf DPS ...	13
Wolf response actions available to private individuals	13
Wolf response options available to FWS personnel or its designated agents	15
Accidental take of a wolf	16
Attachment B: Key Contacts Phone Directory	17
U.S. Fish and Wildlife Service	17
U.S. FWS Law Enforcement.....	17
Wildlife Services	17
Oregon Department of Fish & Wildlife	18
Oregon State Police	18
Tribal Government Contacts	18
U.S. Forest Service & BLM.....	18
Veterinarians	19
Aircraft Services	19

Purpose and Need

This is not a wolf management plan or recovery strategy. It is not a plan for establishing wolves in Oregon, nor a strategy for keeping them out of the State. The sole purpose of this document is to prepare for a coordinated and effective response to possible situations that may arise as gray wolves (*Canis lupus*) move, under their own power, into Oregon from adjacent states.

This response strategy is a cooperative effort between Federal and State wildlife agencies. It emphasizes close coordination with all affected and responsible parties and a common understanding of specific roles and responsibilities. As long as gray wolves are federally-listed as threatened or endangered under the Endangered Species Act of 1973 (Act), the U.S. Fish & Wildlife Service (FWS) has overall lead responsibility for wild wolves in Oregon. The other agencies with responsibilities for addressing wolf issues in Oregon are: APHIS-Wildlife Services which investigates livestock depredations and implements animal control actions when necessary, and the Oregon Department of Fish & Wildlife (ODFW) which is the State agency responsible for managing wildlife resources in Oregon. In addition, tribal governments are responsible for managing wildlife on their reserved lands and they also maintain certain hunting and fishing rights on ceded lands in the State.

Absent from Oregon wildlands for over half a century, gray wolves have recently begun to reappear in eastern parts of the State. In March 1999, a radio-collared female was captured near John Day and returned to Idaho. In May 2000, a collared wolf was struck and killed by a vehicle on Interstate 84 south of Baker City, and in October 2000, an uncollared wolf was found shot to death between Ukiah and Pendleton. All three animals were confirmed to be migrants from Idaho.

The Federal gray wolf recovery program in the northwestern United States is focused on maintaining populations in parts of Idaho, Montana, and Wyoming. There are no federally-sponsored plans to promote wolf recovery in Oregon and no Federal funds for wolf management are allocated to FWS's Oregon Fish and Wildlife Office.

Despite Oregon's sideline role in Federal wolf recovery efforts, experts predict that wolves will continue to move into the State from the expanding Idaho population and it is possible that packs could become established. There have been numerous, unconfirmed wolf sightings in Oregon over the past few years. Consequently, the FWS, ODFW, and Wildlife Services must be prepared to respond to incidents involving wolves in Oregon.

LEGAL STATUS OF WOLVES IN OREGON

The legal status of gray wolves in Oregon is influenced by the following factors:

1. Gray wolves were extirpated from Oregon over 50 years ago, so there is no resident population in the State (wolf hybrids have no Federal legal status).
2. The three confirmed wild gray wolves found in Oregon in recent years were all traced back to the Central Idaho experimental population and that population is the most likely source of future migrants to the State.

3. Pursuant to a final rule published in the Federal Register on April 1, 2003:
 - a. Oregon is within the boundaries of the federally-designated Gray Wolf Western Distinct Population Segment (Western DPS);
 - b. the Western DPS is reclassified from endangered to threatened status; and
 - c. a special regulation under 4(d) of the Act is now in effect that provides a wider range of options for responding to wolf-human conflicts.
4. The gray wolf is listed as endangered by the State of Oregon and thus receives certain protections, as stipulated in the State Endangered Species Act (State ESA).

The Central Idaho wolf population was established in 1995 as a “nonessential experimental population” pursuant to Section 10(j) of the Act. Special regulations apply to the management of this experimental population (50 CFR 17.84(i)). The experimental rules 7(iii)(A-D) recognized lone wolves would disperse outside the geographic boundaries of the Central Idaho Nonessential Experimental Population Area (the Idaho state line is the boundary) and gave the FWS legal authority to actively manage them.

The Federal “4(d) rule” now in effect for the Western DPS is similar in nature to the existing 10(j) regulations that guide management of the Central Idaho experimental population. It identifies actual or perceived conflict situations between wolves and human activities, and provides the regulatory authority for implementing response actions to address those situations (including lethal control when necessary). See Attachment A for a summary of response measures authorized by the 4(d) rule and the specific circumstances under which they apply.

In Oregon, some provisions of the Federal 4(d) rule are in apparent conflict with legal protections for State-listed endangered species. The State ESA prohibits ‘take’ of an endangered species, which is defined in that statute as killing or capturing an animal. Exemptions to this State prohibition are possible through ODFW issuance of a variety of ‘take’ permits. The State Fish and Wildlife Commission has begun a process to develop a wolf management plan that could authorize issuance of such permits. The State recently appointed a 14-member Wolf Advisory Committee and is currently working with that committee to develop a management plan. Until a State plan is completed and adopted, the Federal 4(d) rule provisions that conditionally allow private individuals to kill problem wolves are not consistent with State law. Once a State wolf management plan is in place, ODFW may receive the authority from the State Fish and Wildlife Commission to issue ‘take’ permits to authorize the response measures described in the 4(d) rule (Assistant Attorney General, Natural Resources Section, Oregon Dept. of Justice, pers. comm., 2004).

Until the State is able to issue their ‘take’ permits, the FWS agrees to not issue Federal lethal take permits to private individuals in Oregon. However, the FWS and its designated agents (e.g., Wildlife Services) have 4(d) rule authorities to capture or kill wolves in Oregon, as needed, to control problem animals and/or monitor individuals or packs.

Overview of Potential Situations

Discussed below are situations that might arise in Oregon and an overview of our response strategy for each situation. Clearly, each incident will have a unique context and our response will likely vary from case to case to account for individual circumstances. The availability of resources also could affect our response.

If wolf activity is discovered within or immediately adjacent to tribal lands, we will initiate government-to-government discussions with the affected tribe prior to taking any management action.

1. UNCONFIRMED REPORTS OF WOLF ACTIVITY (TRACKS) OR SIGHTINGS

FWS and ODFW regularly receive reports from people who have observed either large tracks or large animals that they think may be wolves. The current response procedure is for FWS personnel (John Stephenson) to interview these people and fill out a questionnaire that documents the specific observations and where they occurred. These observations are also mapped and stored in a database. The FWS will continue this procedure and when warranted conduct follow-up field investigations to see if wolf activity can be verified. ODFW and Wildlife Services personnel will continue to forward wolf sighting reports to FWS.

2. VERIFIED WOLF ACTIVITY (NOT INVOLVING A DEPREDATION OR CONFLICT)

Wolf activity in Oregon will be considered verified only when a professional wildlife biologist from the FWS, ODFW, or Wildlife Services has been able to see and conclusively confirm the presence of a wild wolf. If there is uncertainty about the identification, wolf experts may be brought in to assist in the confirmation process. When current, highly credible reports are received from other sources, appropriate personnel will be sent out to try to verify those reports.

If wild wolves are confirmed to be present in Oregon and the animal(s) has not been implicated in a livestock depredation or other problem incident, FWS and ODFW will collaborate to monitor wolf activity to the best of our ability given available resources. Tribal wildlife agencies may also participate in monitoring activities. In addition, we will immediately coordinate with livestock producers in the local area to provide information on what type of actions are allowable under the 4(d) rule (see Attachment A) and what steps to take if they suspect a wolf depredation (see checklist on pg 8).

The preferred monitoring approach is to capture and radio-collar an animal to facilitate regular tracking of movements. However, this can be difficult to accomplish with a lone wolf that is roaming across wide areas. Therefore, we will likely wait until there are multiple observations of wolf activity in an area - indicating the presence of one or more resident animals - before initiating a concerted effort to capture and collar a wolf. A potential alternative approach is to do periodic surveillance from the ground and air to document tracks and any observed wolf activity.

The purpose of monitoring wolf activity, once verified, is several-fold. First, it will be important to determine what areas are being used by wolves. Second, by keeping tabs on the

animal(s) we may be able to anticipate problem situations and utilize non-lethal harassment techniques (e.g., shooting rubber bullets) to possibly head-off or reduce conflicts. Finally, if problem situations do occur, the presence of radio-collared animals will increase the efficiency of subsequent actions.

3. REPORT OF WOLF-CAUSED DEPREDATION ON LIVESTOCK OR OTHER DOMESTIC ANIMALS

When a report is received implicating a wolf in the attack of livestock (cattle, sheep, horses, or mules) or other domestic animals, our response will include the following elements:

- Wildlife Services investigates. Keys to a successful response include:
 - Wildlife Services personnel are rapidly notified and respond promptly;
 - coordination with the affected livestock producer to secure the scene;
 - prompt notification of key individuals in various agencies;
 - coordination between agencies to plan possible follow-up actions.
- If the investigation determines that a wolf was involved in the depredation of livestock or dogs, some type of response action will be initiated. The 4(d) rule provides the regulatory authorization and conditions for implementing a variety of non-lethal measures or lethal control measures on problem wolves. Site-specific circumstances will dictate the approach used (See Appendix A for description of actions allowed under the rule). Response actions will become more aggressive, if needed, until depredations cease in the area.
- Carter Niemeyer (FWS-Boise) will be called in to oversee initial wolf response efforts, in conjunction with Wildlife Services' specialists in Oregon and with assistance from local FWS and ODFW personnel. Wildlife Services is the lead Federal agency for wildlife damage management and, when authorized by FWS, will implement wolf control actions.

4. UNINTENTIONAL WOLF CAPTURE

Wolves may be inadvertently caught in traps or snares set for other animals. Such an incident occurred in northern Utah in late 2002. If an accidentally-captured wolf is healthy, the FWS will consult with partner agencies and other affected parties prior to initiating an action. Site-specific circumstances will influence how such captures are handled, however, a rapid response will be necessary to ensure the health and well-being of the animal.

Factors which will be considered when responding to the unintentional capture of a wild wolf in Oregon include the following:

- Given the current size and distribution of Idaho's wolf population, the FWS does not see any biological utility in relocating stray wolves back to Idaho. If there is no history of wolf problems in the area where the animal is captured, the preferred approach is on-site release. Research will be done to determine if there have been any reported wolf problems in the area prior to making a decision to release on-site.

- The Federal 4(d) rule stipulates that female wolves with pups captured on public lands will be released prior to October 1, unless there have been repeated depredations.
- If an on-site release is being considered, the animal's health should be carefully evaluated prior to release.
- If the animal is collared and released, the FWS, in conjunction with partner agencies, will monitor its movements at least once a month (the same minimum level of monitoring effort that is required for collared wolves in Idaho).
- If the decision is made to hold the animal, the animal will be kept in an appropriate kennel facility and veterinary care will be arranged if needed.

5. REPORT OF A DEAD OR INJURED WOLF

Given the potential for intentional harm of wolves, FWS Law Enforcement and/or Oregon State Police (OSP) personnel will be called in to investigate reports of dead or injured wolves. The FWS is responsible for investigating cases that involve unauthorized take of a federally-listed species. The OSP is responsible for investigating violations of State wildlife laws.

When an injured or dead wolf is found, our response will include the following elements:

- FWS Law Enforcement and OSP will be immediately notified and they will handle any type of criminal investigation. Keys to a successful response include:
 - law enforcement officers are rapidly notified and respond promptly;
 - the scene where the animal was found is effectively secured.
- If the situation involves a dead wolf, FWS Law Enforcement and/or OSP officers will immediately take over the investigation and they will determine all subsequent aspects of the response.
- If an injured wolf is found, actions will be taken immediately to stabilize its condition and provide appropriate veterinary care. Inter-agency coordination will be initiated to determine what should be done with the animal. Depending on the severity of the injury, a decision will be made on whether or not to release the animal.

Response Strategy

INSTRUCTIONS FOR RECEPTIONISTS AND OTHERS WHO RECEIVE AN INITIAL CALL

Handling Calls Involving a Reported Wolf Incident in Oregon

WHEN A CALL COMES IN ABOUT A POTENTIAL WOLF INCIDENT, PLEASE DO THE FOLLOWING:

1. Write down caller's name and phone number (where he/she can be reached at that moment);
2. Connect caller up with one of the designated wolf coordinators:

John Stephenson (FWS)	Gary Miller (FWS)	Mark Henjum (ODFW)
(541) 312-6429 office	(541) 962-8509 office	(541) 963-2138 office
(541) 786-3282 cell	(541) 786-3648 cell	(541) 975-4228 cell
(541) 322-6192 home	(541) 568-4292 home	(541) 963-0472 home

If one of these individuals does not work in your office, ask the caller to remain by the phone for a return call, then immediately phone one of the coordinators and pass on the information.

SITUATION-SPECIFIC RESPONSE CHECKLISTS

Response checklists have been developed for each type of potential wolf situation to facilitate a smooth and organized response:

1. **Unconfirmed report of wolf activity (e.g., tracks) or sightings:** The person making the report will be interviewed (John Stephenson is the lead) and the information will be recorded on a questionnaire form and the location plotted on a map. Follow-up field investigations will be conducted when warranted, particularly when multiple credible reports come in from the same geographic area.
2. **Verified wolf activity, without a problem incident:** See response checklist, page 7.
3. **Report of possible wolf-caused livestock depredation:** See response checklist, page 8.
4. **Report of an inadvertent (accidental) wolf capture:** See response checklist, page 10.
5. **Report of an injured or dead wolf:** See response checklist, page 11.

Response Checklist:

VERIFIED WOLF ACTIVITY, WITHOUT A PROBLEM INCIDENT

If the presence of wild wolves is confirmed, and there has not been a livestock or domestic animal depredation or other problem incident, we will respond as follows:

- Document specific location(s) where activity has been observed.**
- Notify the following individuals** (see phone directory in Attachment B, pg 15):
 - FWS: Kemper McMaster, Gary Miller, Phil Carroll, Ed Bangs, Carter Niemeyer
 - ODFW: Ron Anglin, Craig Ely, Mark Henjum
 - Wildlife Services: Dave Williams or Mark Jensen
 - Tribal: Carl Scheeler (Umatilla), Keith Lawrence or Curt Mack (Nez Perce)
 - Forest Service & BLM: Contact units that are near the location of wolf activity.
- Refer media inquiries** to Phil Carroll (FWS) and Anne Presentin Young (ODFW).
- Determine need for tribal government consultations;** if wolf activity is within or immediately adjacent to an Indian Reservation, government-to-government discussions with the affected tribe shall be initiated.
- Provide information updates to livestock producers in the area** and describe what they can legally do to discourage wolves from frequenting their property or grazing allotment (see Attachment A, pg 13, for information on allowable actions).
- Conduct reconnaissance, either by ground or air,** to determine if animal(s) is radio collared. Coordinate with Curt Mack on radio frequencies of wolves in Idaho. Wildlife Service's plane in Pendleton or Burns is equipped with a receiver & antenna.
- Monitor wolf activity,** using some combination of the following three approaches:
 1. Compile location information from incidental sightings of animals and tracks.
 - Compile and map information received on animal and track sightings.
 2. Conduct periodic ground surveys (i.e., scat and track surveys, howling surveys) and/or flyovers to monitor wolf activity.
 - Personnel from participating agencies and organizations would be trained to assist in regular ground surveys;
 - Flights would be coordinated between FWS, ODFW, & Wildlife Services.
 3. Use radio-telemetry to regularly track collared animal(s).
 - Carter Niemeyer would initially lead animal capture and collaring efforts.
 - Tracking flights would occur at least monthly (use same radio-tracking procedures currently in effect in Idaho).
 - Ground-based tracking would be done by FWS and ODFW to the degree it is warranted and feasible.

Response Checklist:
**REPORT OF WOLF-CAUSED DEPREDAATION ON
 LIVESTOCK OR OTHER DOMESTIC ANIMALS**

INITIAL ACTIONS:

- Get detailed description of the incident location from the caller.** Ask about specific directions on how to reach the scene (street names, landmarks, gates, etc...).
- Provide caller with following instructions on protecting the scene:**
 - Avoid walking in and around the area;
 - Keep dogs and other animals from the area to protect evidence;
 - Place tarp over carcass;
 - If possible, use cans or other objects to cover tracks and scats that can confirm the depredating species;
 - Inform caller that a Wildlife Services investigator will be notified of the incident.
- Contact Wildlife Services.** Relay information provided by the caller and request that an investigator be dispatched to the scene.

Dave Williams

Office: (503) 326-2346 Cell: (971) 404-6717

- Continue coordination with Wildlife Services and the livestock owner** to ensure someone responds and that the owner is kept informed.
- Notify the following individuals** (see phone directory in Attachment B, pg 15):
 - FWS: Kemper McMaster, Gary Miller, Phil Carroll, Ed Bangs, Carter Niemeyer
 - ODFW: Ron Anglin, Craig Ely, Mark Henjum
 - OSP: Southern Command Center, Randy Scorby
 - Tribal: Carl Scheeler (Umatilla), Keith Lawrence or Curt Mack (Nez Perce)
 - Forest Service & BLM: Contact units that are near the incident location.
- Refer media inquiries** to Phil Carroll (FWS) and Anne Pressentin Young (ODFW).
- Dispatch a FWS and/or ODFW biologist to the scene.**

WHILE WILDLIFE SERVICES INVESTIGATES:

- Request Carter Niemeyer's assistance** to assist with capture and/or response measures.
- Determine need for tribal government consultations;** if the wolf activity is within or immediately adjacent to an Indian Reservation, government-to-government discussions with the affected tribe shall be initiated.

Livestock or Domestic Animal Depredation Report Checklist (continued)

- Consult with Ed Bangs, the FWS Region 1 Directorate, and ODFW Directorate** on possible response actions if a wolf is implicated.
- Assess efficacy of non-lethal measures** and document that process.
- Determine the appropriate response measure**, consistent with the 4(d) rule.

IF INVESTIGATION CONCLUDES A WOLF WAS INVOLVED:

- Receive authorization for a course of action** from McMaster and Bangs.
- Initiate response efforts**, headed by Niemeyer and Wildlife Services' specialists.
- Provide information updates to livestock producers in the area** and describe what they can legally do to discourage wolves from frequenting their property or grazing allotment (see Attachment A, pg 13).

Response Checklist:
REPORT OF AN ACCIDENTAL WOLF CAPTURE

INITIAL ACTIONS:

- Get detailed description of the incident location from the caller.** Ask about specific directions on how to reach the scene (street names, landmarks, gates, etc...).
- Provide caller with instructions on what to do until someone arrives** and inform them that FWS or ODFW personnel will respond to the scene immediately.
- Send FWS and/or ODFW biologist to confirm that captured animal is a wolf.**
- Notify the following individuals** (see phone directory in Attachment B, pg 15):
 FWS: Kemper McMaster, Gary Miller, Phil Carroll, Ed Bangs, Carter Niemeyer
 ODFW: Ron Anglin, Craig Ely, Mark Henjum
 Wildlife Services: Dave Williams or Mark Jensen
 OSP: Southern Command Center, Randy Scorby
 Tribal: Carl Scheeler (Umatilla), Keith Lawrence or Curt Mack (Nez Perce)
 Forest Service & BLM: Contact units that are near the location of wolf activity.
- Refer media inquiries** to Phil Carroll (FWS) and Anne Pressentin Young (ODFW).
- Determine need for tribal government consultations;** if wolf activity is within or immediately adjacent to an Indian Reservation, government-to-government discussions with the affected tribe shall be initiated.

SECONDARY ACTIONS:

- Consult with Ed Bangs, the FWS Region 1 Directorate, and ODFW Directorate** on what to do with the animal.
- Call a veterinarian to the scene to evaluate the animal's condition.**
- Have radio transmitter brought to scene.** If the animal is to be released in Oregon it will be fitted with a radio collar.
- Receive authorization for a course of action** from McMaster and Bangs.
- If decision is to hold or relocate, make necessary arrangements to transport and kennel the animal.**
- If decision is to release on site, provide information updates to livestock producers in the area** and describe what they can legally do to discourage wolves from frequenting their property or grazing allotment (see Attachment A, pg 13)

Response Checklist:
REPORT OF A DEAD OR INJURED WOLF

INITIAL ACTIONS:

- Get detailed description of the incident location from the caller.** Ask about specific directions on how to reach the scene (street names, landmarks, gates, etc...).
- Provide on-site person with the following instructions on protecting the scene:**
 - Treat area as a potential crime scene;
 - Do not touch anything and keep all people and animals from the area;
 - A tarp can be placed over the wolf carcass;
 - Cans or other items can be placed over footprints and animal tracks.
- Contact FWS Law Enforcement and Oregon State Police.** Relay information provided by the caller and request that an officer be sent to the scene.

Chris Brong (FWS, Wilsonville) (503) 682-6131 Cell: (503) 866-0456
Randy Scorby (OSP, Baker City) (541) 523-5848 x4070 Cell: (541) 519-5372
Craig Tabor (FWS, Boise) (208) 378-5333 Cell: (208) 850-1085

IF THE WOLF IS DEAD: Law enforcement personnel will take over the investigation and determine all subsequent aspects of the response.

IF THE SITUATION INVOLVES AN INJURED WOLF:

- Arrange for immediate veterinary care (if needed)**
- Dispatch a FWS or ODFW biologist to the scene,** and continue coordination with LE agent and person on-site.
- Notify the following individuals** (see phone directory in Attachment B, pg 15):
 - FWS: Kemper McMaster, Gary Miller, Phil Carroll, Ed Bangs, Carter Niemeyer
 - ODFW: Ron Anglin, Craig Ely, Mark Henjum
 - Wildlife Services: Dave Williams or Mark Jensen
 - Tribal: Carl Scheeler (Umatilla), Keith Lawrence or Curt Mack (Nez Perce)
 - Forest Service & BLM: Contact units that are near the incident location.
- Refer media inquiries** to Phil Carroll (FWS) and Anne Pressentin Young (ODFW).

SECONDARY ACTIONS (FOR RESPONSE TO INJURED ANIMAL):

- If treatment is required, the animal will be transported to a veterinary facility.**
- If the animal has only minor injuries, a decision will be made on whether to release it** (see secondary actions on page 9).

Equipment Inventory

Radio Telemetry Equipment

Radio transmitters – 6 Telonics Mod-500s (MS6 mortality sensor, CLM collar, Cast-1)

- 5 were shipped on 12/13/2001, 1 shipped on 3/15/2002 – magnets have not been removed from transmitters since they were received.

Handheld Receivers – 2 Communication Specialist R-1000s (216-220 Mhz)

- with folding 3-element yagi antennas (AF Antronics)

Plane-mounted Receiver (ATS R2000, 216-220 Mhz, with folding yagi antenna)

- on Wildlife Service's Super Cub plane based in Pendleton, OR (541-276-8563)

Capture Equipment

Capture poles – 2

Y-poles – 2

Syringe poles -- 2

Leg-hold traps – Wildlife Services has 17 McBride #7 w/ beaded jaws & 12 ft chain.

Action Items

- Identify and acquire the additional equipment needed to capture, hold, and process a wolf.
- Identify and acquire the equipment needed to implement response measure.
- Acquire a transportable holding crate for short-term, on-site holding and animal transport.
- Designate one or more acceptable holding facilities in eastern Oregon.
- Coordinate schedules to ensure that one of the three primary contacts -- John Stephenson, Mark Henjum, Gary Miller -- is always reachable by phone. When a situation arises where none of the three will be reachable, designate an alternate and leave clear instructions for how to contact the designated individual.
- Distribute this response strategy to the eastern and central Oregon field offices of all Federal, State, Tribal, and local natural resource management agencies. Make sure receptionists (and anyone else likely to receive a wolf report) at these offices know what to do and who to contact when a wolf report is received.
- Consider creating refrigerator magnet placards with information on who to contact for distribution to livestock producers and other potentially affected parties.
- Determine training needs for FWS, ODFW, and Wildlife Services personnel to effectively implement this strategy and pursue those training needs.
- Determine if radio transmitters should be traded to the Nez Perce Wolf Program so they can be used immediately (since they have been sitting on the shelf for a while).

Attachment A: Summary of the 4(d) Rule for the Western Gray Wolf DPS (with clarification on how rule implementation in Oregon is affected by State law)

The Federal 4(d) rule for the Western Gray Wolf DPS identifies certain specific circumstances where take of gray wolves is allowed. “Take” is defined in the Federal ESA as: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

Some allowable forms of take are applicable to private individuals whose interests are being (or could potentially be) adversely affected by wolves. Other forms of take can be implemented only by the U.S. Fish & Wildlife Service (FWS) or its designated agents (other Federal, State, or tribal agencies). Finally, the rule includes a provision covering accidental take, and defines the conditions under which a take is considered accidental.

WOLF RESPONSE ACTIONS AVAILABLE TO PRIVATE INDIVIDUALS

The following actions are identified in the 4(d) rule as ones that affected private individuals may take in response to wolf-related problems. Some of these actions require a permit from the FWS, others do not. Each action is authorized only within a specific set of conditions, which are listed below. The Federal ESA allows for more restrictive state laws to apply to private individuals. Therefore, any harassment or control of wolves by private individuals must comply with Oregon wildlife laws. As previously mentioned, **until the State Fish and Wildlife Commission authorizes ODFW to issue “take permits,” it is illegal under State law for private individuals in Oregon to kill or capture a wolf.**

Opportunistic harassment – When chance encounters occur, landowners on their own land or permittees who are legally using public land under valid livestock grazing allotments may harass wolves in a non-injurious manner. Such actions can include scaring off an animal(s) by firing shots into the air, making loud noises, or otherwise confronting the animal(s) without doing bodily harm.

- No Federal permit is needed; currently a State wildlife harassment permit is required;
- Must not result in injury to the wolf;
- Is authorized only when a wolf is unintentionally encountered;
- Prior confirmation of wolf activity in the area is not required;
- Opportunistic harassment must be reported to the FWS within 7 days.

Non-lethal injurious harassment – If persistent wolf activity is confirmed on privately owned land or on a public land grazing allotment, a landowner or permittee may be issued a 90-day permit from the FWS and provided with rubber bullets or bean bag projectiles to harass wolves in a potentially injurious manner. Such projectiles are designed to be non-lethal.

- Requires a Federal 10(a)(1)(A) permit; currently a State harassment permit is required;
- Wolves can be pursued, so it doesn’t have to be an unintentional encounter;
- Can occur only on private land or on a public land grazing allotment.

Lethal force – The Federal 4(d) rule conditionally authorizes private individuals to use lethal force against a wolf in three specific situations: (1) in defense of human life, (2) to stop a wolf that is in the act of attacking livestock or dogs, and (3) to stop chronic depredation on private land (once a Federal permit has been issued). However, at the present time ODFW lacks authorization to issue take permits for these situations, so under State law it is illegal for private individuals to use lethal force on a wolf in Oregon (although there are legal provisions for situations where human life is at risk) (Assistant Attorney General, Natural Resources Section, Oregon Dept. of Justice, pers. comm.. 2004). Although not currently allowed in Oregon, the situations where lethal force by private individuals is permitted under the Federal 4(d) rule are described below to provide a complete description of what this rule contains. Once a State wolf management plan is in place, ODFW may receive the authority to issue ‘take’ permits to authorize the lethal control actions described in the 4(d) rule.

In defense of human life – The 4(d) rule says any person may use lethal force on a wolf in a situation where that wolf represents an immediate and direct threat to a human life. The Oregon ESA does not address defense of human life, however, Oregon’s criminal code does provide a defense that may justify an otherwise illegal act that was necessary to avoid imminent, grave injury. See Oregon Revised Statutes 161.200.

- No permit is needed;
- Can be done at any time and location where there is an immediate and direct threat to human life;
- The incident must be reported to the FWS within 24 hours and the wolf carcass must not be disturbed.

To stop a wolf that is in the act of attacking livestock or dogs – On private land, the Federal 4(d) rule allows for a landowner to use lethal force on a wolf that is in the act of biting, wounding, or killing livestock, dogs, or other domestic animals. After the incident, the landowner must provide evidence of an animal(s) freshly (less than 24 hours) wounded or killed by wolves, and the FWS or its designated agent need to confirm that the animal(s) was wounded or killed by wolves. On public land, the FWS can issue a 45-day permit to an appropriate individual that authorizes that individual to use lethal force to stop an ongoing attack on livestock or guard dogs. Such permits are normally issued only after the FWS has confirmed that wolves have previously wounded or killed livestock in the area and agency efforts to resolve the problem have been completed and were ineffective.

- This 4(d) rule provision is currently inconsistent with State law as ODFW is not authorized to issue damage take permits for wolves. The Oregon Fish & Wildlife Commission may grant ODFW that authority by adopting a State Wolf Management Plan that includes such a measure;
- No Federal permit is required when on private land, however, a Federal 10(a)(1)(A) permit is required on public land (FWS has agreed to not issue Federal permits to private individuals in Oregon for this activity until ODFW has authorization to issue equivalent State take permits);
- There must be fresh evidence that an attack occurred (i.e., visible wounds);
- On public lands, a Federal 10(a)(1)(A) permit will not be issued for pet dogs; it is only permissible if the dog(s) is guarding or herding livestock;

- The incident must be reported to the FWS within 24 hours and the wolf carcass must not be disturbed.

To stop chronic depredation on private land – Under the Federal 4(d) rule, a private landowner can be issued a limited-duration permit that provides authorization to take a gray wolf on the landowner’s private land if this property or an adjacent private property has had at least two depredations by wolves on livestock or dogs that have been confirmed by the FWS or our designated agent and the FWS determines that wolves are routinely present on that property and present a significant risk to their livestock or dogs

- Requires a 10(a)(1)(A) permit (FWS has agreed to not issue Federal permits to private individuals in Oregon for this activity until ODFW has authorization to issue equivalent State take permits);
- Only applies to private lands.

WOLF RESPONSE OPTIONS AVAILABLE TO FWS PERSONNEL OR ITS DESIGNATED AGENTS

The following actions are identified in the 4(d) rule as ones that the FWS, or other Federal, State, or tribal agencies at FWS direction, may implement to respond to problem wolves. The FWS and its designated agents have the authority to implement these measures in Oregon.

Removal of wolf to protect human safety – The FWS or its designated agent may promptly remove any wolf that the FWS or its designated agent determines to be a demonstrable but non-immediate threat to human life or safety. This could include a wolf that has become habituated to the presence of humans and readily approaches them (e.g., frequents campgrounds) or a wolf that exhibits aggressive behavior towards people. Removal is defined as either killing the animal or capturing and placing it in captivity.

- This measure requires FWS written authorization, but can be carried out by other appropriate Federal, State, or tribal agencies; Wildlife Services is the lead Federal agency for wildlife damage management and they are a designated agent of FWS for wolf control in Oregon.

Take of problem wolves – The FWS or its designated agent may carry out adverse conditioning, non-lethal measures, relocation, permanent placement in captivity, or lethal control of problem wolves. A problem wolf is one that attacks livestock or that twice in a calendar year is involved in attacks on domestic animals other than livestock. To determine the status of problem wolves, the following factors will be considered:

- (a) Evidence of wounded livestock or other domestic animals or remains of a carcass that shows that the injury or death was caused by wolves;
- (b) The likelihood that additional losses may occur if no action is taken;
- (c) Any evidence of unusual attractants or artificial or intentional feeding of wolves; and
- (d) Evidence that, on public lands, approved allotment management plans and annual operating plans were being followed.

- These actions require FWS authorization, but can be done by other appropriate Federal, State, or tribal agencies; Wildlife Services is the lead Federal agency for wildlife damage management;

- If response measures occurring on public lands result in the capture, prior to October 1, of a female wolf showing signs that she is still raising pups of the year (e.g., evidence of lactation, recent sightings of pups), whether or not she is captured with her pups, then she and her pups may be released at or near the site of capture. Female wolves may be removed if continued depredation occurs.

Take in response to wild ungulate impacts – If wolves are causing unacceptable impacts to wild ungulate populations, a State or tribe may capture and move wolves to other areas within the State. In order for this provision to apply, the State or tribe must develop and formally adopt a wolf management plan that defines such unacceptable impacts, describes how they will be measured, and identifies possible mitigation measures.

- Before wolves can be captured and moved, the FWS must approve the wolf management plan and determine that such actions will not inhibit wolf population growth toward recovery levels.

ACCIDENTAL TAKE OF A WOLF

Under the Federal 4(d) rule, take of a gray wolf is allowed if the take was accidental and incidental to an otherwise lawful activity and if reasonable due care was practiced to avoid such taking. Some situations that this would cover include: accidentally striking a wolf while driving on a road or the accidental capture of a wolf in a trap or snare that was legally set for other animals. Under the 4(d) rule, incidental take is not allowed if the take is not accidental or if reasonable due care was not practiced to avoid such taking; the FWS may refer such taking to the appropriate authorities for prosecution.

- This 4(d) rule provision covers accidental take by Federal agents in Oregon. However, under State law, it is illegal for private individuals to kill or capture a gray wolf even if the take is accidental. The Oregon Fish & Wildlife Commission may address accidental take in the State Wolf Management Plan;
- Shooters have the responsibility to identify their target before shooting. Shooting a wolf as a result of mistaking it for another species is not considered accidental.

OREGON DEPARTMENT OF FISH & WILDLIFE

Mark Henjum (Wolf Coordinator, La Grande) (541) 963-2138 (office)
 (541) 975-4228 (cell)
 (541) 963-0472 (home)

Craig Ely (Northeast Region Manager, La Grande) (541) 963-2138

Ron Anglin (Wildlife Division Administrator, Portland) (503) 947-6312

Anne Pressentin Young (Public Information Officer) (503) 947-6020

OREGON STATE POLICE

Southern Command Center (541) 523-5866

Randy Scorby (Lieutenant, Baker City) (541) 523-5848 x4070
 (541) 519-5372 (cell)

TRIBAL GOVERNMENT CONTACTS

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

Carl Scheeler (Wildlife Program Manager) (541) 966-2395 (office)
 (541) 969-3117 (cell)

NEZ PERCE TRIBE

Keith Lawrence (Wildlife Program Director) (208) 843-7372

Curt Mack (Gray Wolf Coordinator) (208) 634-1061

U.S. FOREST SERVICE & BLM

WALLOWA-WHITMAN NATIONAL FOREST

Karyn Wood (Forest Supervisor) (541) 523-6391

Tim Schommer (Forest Wildlife Biologist) (541) 523-1383

UMATILLA NATIONAL FOREST

Jeff Blackwood (Forest Supervisor) (541) 278-3716

Charlie Gobar (Forest Wildlife Biologist) (541) 278-3814

MALHEUR NATIONAL FOREST

Roger Williams (Forest Supervisor) (541) 575-3000

Larry Bright (Endangered Spp. Coord.) (541) 575-3000

VALE DISTRICT, BLM**Dave Henderson** (District Manager) (541) 473-3144**Dorothy Mason** (Endangered Spp. Coord.) (541) 523-1308OREGON DEPARTMENT OF AGRICULTURE**Rodger Huffman** (Animal Health & Identification)..... (503) 986-4680VETERINARIANS**Terry McCoy** (Animal Health Center, La Grande) (541) 963-6621**Mark Oman** (Country Animal Clinic, La Grande) (541) 963-2748AIRCRAFT SERVICES

Eagle Cap Aviation (La Grande) (541) 963-0809

Spence Air Service (Enterprise) (541) 426-3288

State Police (Baker City) (541) 523-5848
- shared plane with ODFW, contact Randy Scorby or Mark Henjum