

Legislators try to limit protection for wolves

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Oregon wildlife officials and lawmakers are working on dual fronts to reduce state protections for gray wolves, trying to ease what have proved to be unexpectedly strict rules against killing the animals likely to take up residence in the state.

An opinion from the state attorney general's office delivered to the Oregon Fish and Commission earlier this month concludes that Oregon's Endangered Species Act makes it illegal to kill a wolf on both public and private land and requires wildlife authorities to restore the species to the state.

By extending protections beyond public land onto private property, too, the new opinion carries the law further than officials had realized.

It says specifically that the state law prevents the state from adopting a policy of killing or otherwise removing wolves that enter Oregon, as some ranching groups have advocated.

Oregon's Endangered Species Act requires the state to "bring the species back to the extent that it no longer needs protection," Assistant Attorney General William Cook told the commission. "We don't think that would allow turning wolves back at the border."

The legal findings place a heavy new burden on Oregon wildlife managers to prepare for the return of a keystone predator that stirs emotions across the West.

Giving the predators no protection is also not an option, Cook said. Any action by the state must support the fundamental goal of conserving the species in Oregon, where wolves were exterminated decades ago to make the range safe for livestock. State law now lists wolves as endangered.

But the law could leave Oregon state wildlife officials in an awkward position when it comes to wolves entering Oregon from Idaho, where they were reintroduced under a federal recovery program in 1995. Three wolves are known to have made it to Oregon, although each was either killed or removed.

Biologists say it's likely more are roaming the state and could eventually form packs. Reliable sightings have been reported this winter near John Day and Pendleton.

Federal "experimental" status covering the reintroduced animals allows ranchers to shoot them in certain circumstances, a notable exception to the protections of

the federal Endangered Species Act. Federal officials expect later this month to release a rule reclassifying wolves from endangered to threatened, allowing more leeway to control wolves in Oregon.

But current state law allows no such latitude, so state officials could find themselves protecting wolves federal law says could be killed.

Fish and Wildlife Commission members said that could impose undue hardship on ranchers in Eastern and Central Oregon, where wolves are likely to arrive first but may be far from welcome.

Commissioners instructed state biologists and attorneys to advise them at the board's next meeting in March on how the state Endangered Species Act could be revised so it offers the same flexibility as the federal act. They plan to take the advice to the Legislature, which could revise the law.

"We want to make it so landowners are not constrained any more by the state law than the federal law," said commission Chairman John Esler.

State lawmakers have already introduced bills to repeal state protections for wolves. Some would keep the state from protecting species already covered by the federal Endangered Species Act or drop state protection of species taken off the federal endangered list. One measure, Senate Bill 97, would remove the wolf from the state endangered list and reclassify wolves as predators so they could be shot freely, as coyotes are now.

The bill's sponsor, Sen. Roger Beyer, R-Molalla, said the state must be freed from the confines of the state Endangered Species Act so officials can manage wolves when they arrive.

"It's a matter of when they come here, not if," he said. "If the wolf is de-listed (by the federal government) but still on our list, we don't have any management tools."

Oregon's endangered act could allow the Fish and Wildlife Commission to issue permits for killing or capturing wolves for research purposes or if they prey on livestock. But such permits may not hold up without a statewide plan showing that they are in the best interests of wolf conservation in Oregon.

The Fish and Wildlife Commission directed biologists to research wolf management plans devised by other states such as Montana, Idaho, Michigan and Wisconsin that may suggest options useful in Oregon. Biologists will report back to the commission in March.

A series of 15 public meetings around the state during the winter solicited public concerns that fell into several categories, including the cost of wolf management, wolf damage to livestock and the ecological value of wolves.

Commissioners will have to decide on the state's objective for wolves, which may include allowing them in limited numbers. If the objective requires changes in Oregon's endangered species law, commissioners may pursue the changes in cooperation with the Legislature.

Wolf advocates said they were disappointed that the Fish and Wildlife Commission's first decisions on wolves in Oregon appeared designed to placate the livestock industry.

"They're a wildlife management agency working with the trust of the whole Oregon public," said Brett Brownscombe of the Hells Canyon Preservation Council. "Right now they're trying to please one special interest group that cries the loudest."

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