

Protocol for Lethal Removal of Gray Wolves in Washington During Recovery

The primary purpose of this document is to outline a process and provide guidance that supports the Wolf Conservation and Management Plan (Plan) and other actions (e.g. Livestock-Wolf Mitigation Measures Checklist) implemented through Washington Department of Fish and Wildlife (WDFW) when lethal removal of wolves may be necessary. This document is intended as advisement to WDFW. As stated in the Plan (pg. 85), non-lethal management techniques will be emphasized throughout the recovery period and beyond. Wolf-livestock conflicts will be managed using a range of options to prevent depredations as presented in the Wolf Conservation Management Plan (pgs. 85-87). The Protocol assumes non-lethal measures, as outlined in the Livestock-Wolf Mitigation Measures Checklist and/or the Damage Prevention Cooperative Agreement – Livestock and the Wolf Depredation Management Flow Chart (Fig. 1), have been deployed where feasible before having to implement lethal measures. As a result of different geographic recovery areas, a variety of potential scenarios surrounding depredation events, and improved science based knowledge; the WDFW may apply different lethal and non-lethal strategies to deal with wolves that engage in depredation events (Fig. 1). This document is intended solely as guidance and does not establish any mandatory requirements except where items may be referenced in statute or administrative code. These guidelines may be reviewed and revised as-needed by WDFW with partner scientists, researchers, and stakeholders.

Definitions and background information:

Per the Wolf Conservation and Management Plan (pg. 88) lethal removal may be used to stop repeated depredation when it is documented that livestock have been killed by wolves, non-lethal methods have been tried but failed to resolve conflict, depredations are likely to continue, and there is no evidence of intentional feeding or unnatural attraction of wolves by the livestock owner. Lethal control will be used as needed after case-specific evaluations are made, with use becoming less restrictive as wolves progress toward delisting (Wolf Conservation and Management Plan pg. 88). Situations will be evaluated on a case-specific basis, with management decisions based on pack history and size, pattern of depredations, conflict history, number of livestock killed, state listed status of wolves, extent of proactive management measures being used on the property, and other considerations (Fig. 1).

Per the Wolf Conservation and Management Plan (pg. 80) lethal control may be necessary to resolve repeated wolf-livestock conflicts and is performed to remove offending animals. Both

the northern Rocky Mountain states and Great Lake states have used lethal control actions during wolf recovery (Wolf Conservation and Management Plan; pg. 80).

Domestic animal means any animal that is lawfully possessed and controlled by a person (WAC 232-36-030).

Livestock means horses, cattle, sheep, goats, swine, donkeys, mules, llamas, and alpacas (WAC 232-36-030).

Physical act of attacking means actual or imminent animal-to-human or animal-to-animal physical contact (WAC 232-36-030).

Depredations are defined in the Wolf Conservation and Management Plan (pg. 232) as any death or injury of livestock caused by a predator.

Repeated depredations, as stated in this document, means three to four depredation events (different days), depending on whether appropriate non-lethal measures are in place, with at least one confirmed livestock kill by a pack of wolves or a lone wolf within a four month period. The time period can be six months where depredations have been deemed chronic or excessive as determined by the Department. In areas where lethal measures have been used in the past and adequate non-lethal measures have been and continue to be employed, two confirmed depredations including at least one livestock killed will be considered repeated depredations.

Offending wolves: On property leased or controlled by the livestock owner where livestock are managed to avoid and reduce conflict, wolves or other members of a group or pack of wolves (including adults, young, and young-of-the-year) that have depredated on domestic livestock; that were directly involved in the depredations; or fed upon the livestock remains that were a result of wolf depredation; or were fed by or are dependent upon adults involved with depredations may be candidates for removal. (59 FR 60252, November 22, 1994).

Caught-in-the-act authority to lethally remove a specified number of wolves: The intent of the caught-in-the-act permit is to allow landowners to defend their property at the time of a wolf attack. Conditions to issue a caught-in-the-act permit are considered on a case specific basis, as identified by responding WDFW staff (using tools such as the Livestock-Wolf Mitigation Checklist). The Director makes the decision to issue a caught-in-the-act permit.

Western Washington: Where wolves are under Federal jurisdiction

Currently, WDFW has no authority to take lethal action in the western two-thirds of Washington. However, should the USFWS grant authority to WDFW, a caught-in-the-act permit to lethally remove a specified number of wolves may be issued after a documented wolf

depredation (injury or kill) on livestock in the area and efforts to avoid and resolve the problem through conflict avoidance measures identified in the Livestock-Wolf Mitigation Checklist have been deemed ineffective by WDFW staff. The decision to issue a caught-in-the-act-permit is made by the Director.

Eastern Washington: Where wolves are not under federal jurisdiction

Under WAC 232-36-052 farmers, ranchers and other domestic (including livestock) animal owners, including their employees or agents, where wolves are not under federal jurisdiction, are allowed to kill one wolf if it is attacking their animals. The goal of the rule is to allow landowners to defend their domestic and livestock animals at the time of a wolf attack. The rule applies under the following conditions:

(1) An owner of domestic (including livestock) animals, the owner's immediate family member, the agent of an owner, or the owner's documented employee may kill one gray wolf (*Canis lupus*) without a permit issued by the director, regardless of its state classification, if the wolf is attacking their domestic animals.

(a) This section applies to the area of the state where the gray wolf is not listed as endangered or threatened under the federal Endangered Species Act.

(b) Any wolf killed under this authority must be reported to the department within twenty-four hours.

(c) The wolf carcass must be surrendered to the department.

(d) The owner of the domestic (including livestock) animal must grant or assist the department in gaining access to the property where the wolf was killed for the purposes of data collection or incident investigation.

(2) If the department finds that a private citizen killed a gray wolf that was not attacking a domestic (including livestock) animal, or that the killing was not consistent with this rule, then that person may be prosecuted for unlawful taking of endangered wildlife under RCW 77.15.120.

(3) In addition to the provisions of subsection (1) of this section, the director may authorize additional removals by permit under the authority of RCW 77.12.240.

Stipulations for lethal removal of wolves

Situations will be evaluated on a case-specific basis, with management decisions based on pack history and size, pattern of depredations, conflict history, number of livestock killed, state listed

status of wolves, extent of proactive management measures being used on the property, and other considerations. Depending on this evaluation, the Department will consider lethally removing wolves when there have been repeated depredations (Fig. 1).

Prior to lethal action, the department must document that essential non-lethal measures consistent with the Livestock-Wolf Mitigation Checklist (and the Wolf Conservation and Management Plan (p. 88)) have been tried but failed to resolve the conflict, depredations are likely to continue, and there is no other evidence of intentional feeding or unnatural attraction of wolves by the livestock producer.

The objectives for lethal removal are to:

1. Quickly respond to repeated depredation events soon after they occur to attempt to target offending wolves.
2. Minimize the number of wolves killed as a result of depredations.

Strategy actions for lethal removal of wolves by WDFW

The number of wolves targeted for lethal removal depends, in part, on the specific circumstance in the local area, and the foraging behavior of wolves and escalating dependency on livestock. In general, the approach for lethal removal will be based upon the four conditions outlined in the Plan (p. 88) and attempt to target offending wolves if known, no special age and sex consideration will be made except on a case by case basis and could include the following actions:

- Remove specific offending wolves – The removal of offending wolves may be used to keep repeated depredations from continuing by removing the wolf or wolves that have been attacking livestock. This approach may be used at the time of the first confirmed livestock kill when there is significant wolf-livestock spatial overlap and previous depredations have occurred in the area. For example, if a dead calf is found that is partially consumed and it's a confirmed wolf kill, and lethal actions have been necessary in the past or repeated depredation (injury) criteria are met, and it's an area with high wolf use and active livestock grazing, then the Department may set a trap to capture and kill the offending - wolf or wolves.
- Remove multiple offending wolves – If repeated wolf depredations have developed, during a four month time period, the removal of multiple pack members involved in depredation may be used when the removal of a single wolf has not deterred the

depredations or there is evidence to suggest multiple wolves are involved in depredations.

- Remove all offending wolves or entire pack – Removal of all offending wolves or an entire pack may be used when depredation events continue despite previous non-lethal measures used or lethal removals or attempts.

Lethal removals will be incremental, meaning the process includes removing or attempting to remove individual offending wolves and/or multiple pack members prior to pack removal.

Lethal removal process

1. Decision process – Regional Wildlife Program Managers and/or the Conflict Section Manager are jointly responsible for notifying the Regional Director when a depredation situation may warrant lethal removal of wolves. The recommendation shall include documentation (such as Livestock-Wolf Mitigation Measures Checklist) demonstrating that all of the stipulations required to justify lethal action have been met, a recommendation for the number of wolves to remove, the start date, methods, staffing, geographical area, and other operational details. The situation will be discussed with senior staff and section managers (including Game Division Manager, Wildlife Program Assistant Director, Carnivore Section Manager, and Conflict Section Manager). The Director makes the decision to lethally remove wolves.
2. Communication on the lethal decision notice
 - a. Follow supervisor-employee “chain of command” for communicating on decisions for lethal removals.
 - b. Decisions for lethal removals will also be discussed during Wildlife Program senior staff weekly meetings and Olympia-Regional bi-weekly conference calls.
3. Methods – The preferred option is to complete the removal from the ground or air using marksmen or by trapping. Other humane options may be considered on a case-by-case basis.
4. Staffing – Once the determination for lethal removal is made by the Director, senior staff will decide if WDFW or USDA Wildlife Services will implement a removal. For removals implemented by WDFW, the core team to carry out the removal includes regional wildlife biologists and enforcement staff, conflict specialists, and carnivore biologists.

- a. Each region has a list of staff available for control operations
 - b. A Team Leader will be identified (by the Regional Wildlife Program Manager) and supervise day-to-day field activities
5. Field oversight – For removals implemented by WDFW staff or USDA Wildlife Services, oversight for field operations will be through the Regional Wildlife Program Manager and Enforcement Captain, in coordination with Game Division.
 6. Duration – The objective for any removal process (conducted by WDFW or Wildlife Services) is to have the removal completed within a short time period. Because the removal process can be incremental, there may be multiple strategies or incremental events employed in the identified geographic area depending upon the response of wolves remaining in an area after the initial strategy action is implemented. WDFW will use its discretion to determine the duration of time needed to effectively resolve depredation problems. Generally the objective for each strategy or incremental event is to have the removal completed within 7-15 days for first time depredation areas days; efforts may extend beyond 15 days if necessary depending upon effectiveness of initial actions
 7. Media – Updates will be provided to the public. WDFW does not intend to develop news releases for every action or depredation.

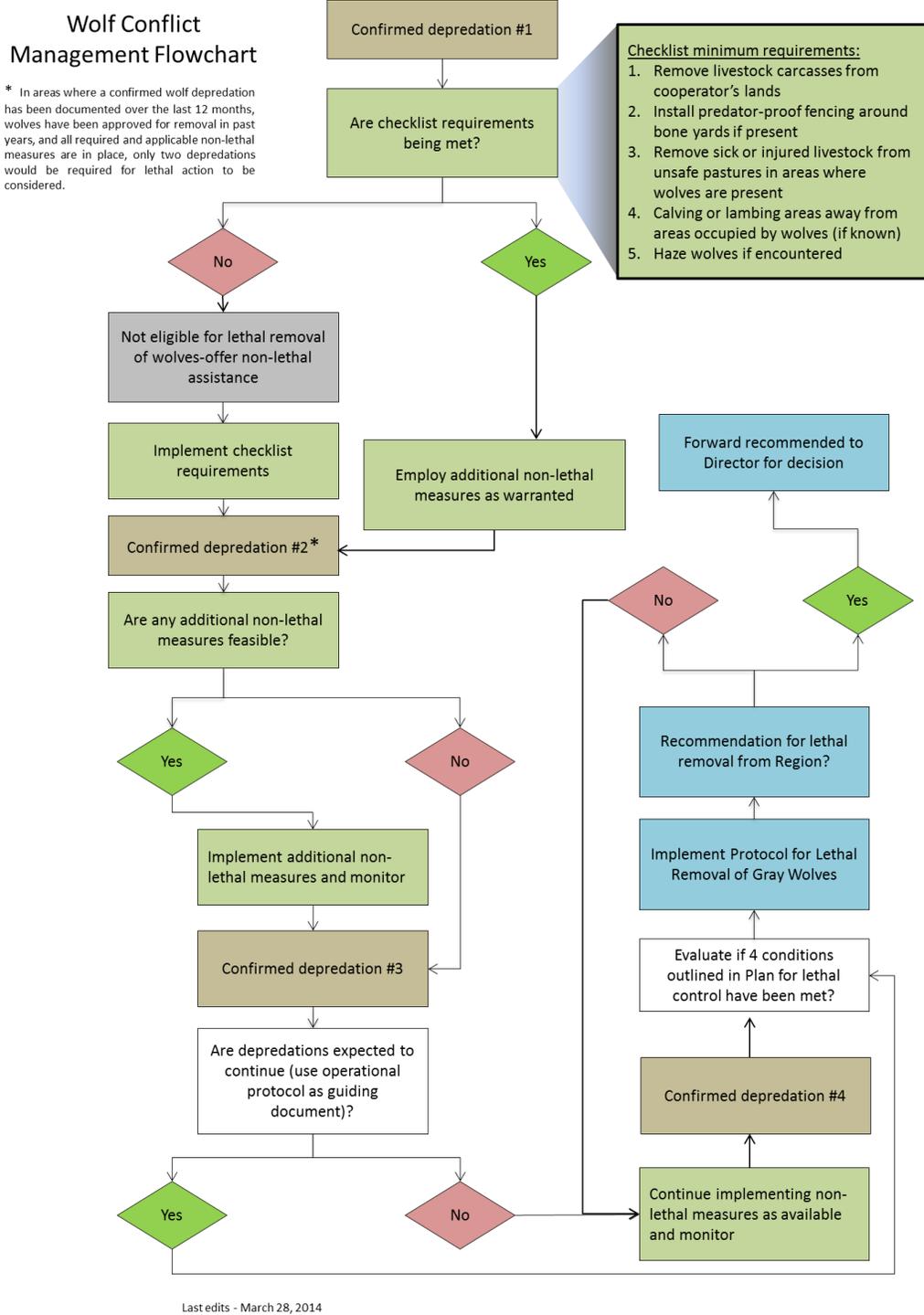
Kill Permit

Consistent with the Plan (pg. 86), kill permits may be issued to landowners on a case-by-case basis when department lethal removal strategies have not reached the target objective. The goal of issuing a kill permit would be to reduce the risk of depredation in areas where previous depredations have been verified. A few example scenarios include: 1) unsuccessful department trapping attempts lasting beyond a reasonable time frame, 2) one or more wolves have been removed but some remain that are identified for removal, 3) one or more wolves have been removed but it is unknown if others remain in the area, therefore a landowner is issued a kill permit in the event a wolf returns and the landowner has livestock at risk of depredation, 4) depredation history within the area indicates proactive control would reduce the risk of depredations by lowering the abundance of wolves involved in these depredations.

A kill permit can only be issued with prior Director approval. The following stipulations will be outlined on a case-by-case basis for each permit, duration of permit, number of wolves, and method of take. All wolves killed or injured under the kill permit must be reported to WDFW within 24 hours of the incident. No wolves may be transported dead or alive to other locations.

All wolves killed under the permit shall be turned over to WDFW. WDFW may add additional conditions to permits as necessary.

Figure 1. Wolf depredation management flowchart during wolf recovery in Washington.



Document reviewed annually by WAG

New Section

WAC 232-36-041 Wolf conflict resolution for private property damage.

The department is the primary source for property owners seeking to determine legal and effective remedies for addressing wolf interactions. Protection of property using nonlethal techniques is the primary response encouraged by the department. Harassment and/or lethal removal may also be important techniques to protect human safety or to protect property. The following criteria describe the actions available to protect property from damage by wolves:

(1) Cash compensation will only be provided to property owners by the department if the funds are appropriated by the legislature or provided through local or federal grants or contracts.

(2) The department may make agreements with private landowners to prevent property damage. These agreements may include the use of:

(a) Best management practices to reduce risk of private property damage;

(b) Scaring or hazing materials;

(c) Fencing materials;

(d) Volunteers or contractors referred by the department or department staff for hazing, fence repair, etc; and

(3) Private property owners must utilize nonlethal abatement techniques prior to requesting compensation from the department or before lethal actions are considered.

(a) The use of nonlethal techniques must be documented and consistent with procedures and requirements established by the department such as a livestock/wolf mitigation measures checklist; wolf location agreements; and protocols for lethal removals.

(b) Where deemed feasible and necessary by the department consistent with the livestock/wolf mitigation measures checklist, the nonlethal techniques required include:

(i) Sanitation and management of livestock carcasses so they are unavailable to wolves;

- (ii) Keep non-ambulatory (sick and injured) livestock safe and unavailable to wolves;
- (iii) Protect lambing and calving areas from wolves;
- (iv) Protect young lambs and calves on pastures and grazing allotments;
- (v) Haze wolves away from livestock when encountered;
- (vi) Other actions required in writing by the department.

(c) Property owner must comply with notification, investigation, and reporting requirements of the department.

(4) The department will establish written procedures for assisting private property owners consistent with this rule. The procedures will be part of documents such as the landowner damage prevention cooperative agreements, livestock/wolf mitigation measures checklist, wolf location agreements, protocols for lethal removals, or others and may include training, conditions, agreement requirements, permits, and incentives to help mitigate wolf interactions.

NEW SECTION

WAC 232-36-053 Lethal control of wolves to resolve repeated livestock depredations while wolves are classified as endangered or threatened.

Managing wolf-livestock conflicts is essential to wolf recovery. Managing conflicts means giving livestock owners the tools to minimize losses, while at the same time, not harming the recovery of wolves. Lethal control of wolves may be necessary to resolve repeated wolf depredations of livestock and is performed to remove offending animals. This tool may be used to stop repeated depredations if it is determined by the department that livestock have been killed by wolves, non-lethal methods have been tried but failed to resolve the conflict, depredations are likely to continue, and there is no evidence of intentional feeding or unnatural attraction of wolves by the livestock owner.

(1) Lethal action by the department or authorized agents will be considered:

- (a) When wolves have been documented to have depredated livestock as documented through an investigation conducted by trained and authorized department staff or USDA Wildlife Services staff;
- (b) At least one of the depredations resulted in the mortality of livestock;
- (c) Non-lethal measures consistent with this chapter have been documented by the department and have failed to stop depredations;

- (d) Depredations as determined by the department are likely to continue;
 - (e) The department has determined that there is no evidence that wolves have been baited or were unnaturally attracted to the area.
- (2) The department will establish written procedures or protocols for conducting lethal removal actions consistent with this chapter (e.g. protocols for lethal removal of wolves). The procedures must be documented in writing and be available to the public.

Wolf Recovery

Wolf recovery is being managed under Washington's Wolf Conservation and Management Plan (Wolf Plan) that was adopted by the Fish and Wildlife Commission in December of 2011. The Wolf Plan lays out the recovery objectives of at least fifteen breeding pairs of wolves for three years distributed across the state in three recovery zones. Key issues such as wolf-livestock conflict and wolf impacts on ungulate populations are addressed in the Wolf Plan and will continue to be implemented consistent with that plan. The 2009-15 Game Management Plan identified wolf recovery as an important issue for management of game species with strategies associated with completion and implementation of the Wolf Plan and monitoring impacts to ungulate species.

The wolf population in Washington has grown since the first pack was documented in 2008. The number of packs, breeding pairs, and the minimum number counted each year has increased an average of over 30 percent per year between 2008 and 2013. Currently there are thirteen documented packs and five breeding pairs which are established in two of the three recovery regions identified in the Wolf Plan.

Wolves will continue to be managed for recovery under the goals and objectives in the Wolf Plan. With the rate of wolf recovery observed to date in Washington, the Department is anticipating that recovery objectives may be reached during the term of this plan.

Issue Statement

Once wolf delisting objectives have been achieved, wolves can be considered for down listing or delisting. A population model developed by Maletzke et al. in 2011 has been tracking well with Washington's wolf population growth and predicts that recovery objectives may be reached by 2021.

Once wolves have achieved the recovery objectives in the Wolf Plan, a status review and classification recommendation will be prepared for the Fish and Wildlife Commission. At that time the Commission will also be asked to consider classification of wolves as either:

1. *Protected*: Meaning they would not be hunted, but could be killed if causing property damage issues.
2. *Game animal*: Meaning they can only be hunted under rules created by the Commission, they could also be killed if causing property damage.
3. *Un-classified*: They could leave wolves un-classified which would mean they are not protected.

Objective 10:

Develop a plan for how wolves will be managed after recovery objectives have been achieved.

Strategies:

- a. Utilize the Wolf Advisory Group to guide the Department's development of a post de-listing management plan. At a minimum the sections will include:
 1. Management Goals and Objectives
 2. A description of how wolves will be monitored
 3. A description of wolf population management zones
 4. Wolf- livestock conflict management
 5. Wolf-ungulate population management
- b. The plan's development will go through the State Environmental Policy Act process and will encourage public involvement including:
 1. A public scoping survey
 2. Conducting a random public opinion survey
 3. Public meetings
 4. Public review and comment of the draft plan
- c. The Fish and Wildlife Commission will be asked to adopt the post delisting wolf management plan through a public hearing process.