WASHINGTON WILDLIFE FIRST

Wildlife Commission Advocacy Kit

Wolf Rulemaking



Information and resources to advocate for wolves, in the Washington Department of Fish & Wildlife 2022 wolf rulemaking process.

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Wolves in Washington

Gray wolves are native to Washington state. Wolves were almost entirely extirpated from the state by the 1930s. In the 1990s, federal and tribal biologists reintroduced native gray wolves into Yellowstone National Park and central Idaho. Descendants of these wolves, as well as wolves from British Columbia in Canada, have since naturally dispersed back into Washington. In 2008, state wildlife managers documented the first breeding pack in almost 80 years, the Lookout Pack.

Washington Department of Fish and Wildlife reported at least 132 wolves and 24 packs (which includes at least 13 breeding pairs), as of December 2020. Additionally, the Confederated Tribes of the Colville Reservation (CTCR) reported 36 wolves in five packs. Wolves continue to expand their territories in the state, and to migrate in and out per natural cycles. Some Washington wolves may even be hybrid descendants of wolves that naturally recolonized from Idaho and those that migrated in from coastal or inland B.C.

The state manages wolves based on a 2011 Wolf Conservation and Management Plan and the 2017 Wolf-Livestock Conflict Interaction Protocol. These two documents provide guidelines for the Department to use when deciding whether to kill wolves following conflicts with livestock. The protocol was created with the Wolf Advisory Group, a group of citizens hand-selected by Department staff to advise on wolf management in Washington.

The current protocol fails to include enforceable requirements for livestock operators that would require the use of non-lethal conflict deterrent measures before the state would consider killing wolves for a livestock producer.Currently, the state uses the protocol to check the necessary boxes to make kill decisions, but behind closed doors admits to failing to follow the protocol when deciding to kill wolves.

By using this process, the citizens of Washington have been shut out of how the decision to kill wolves is reached. Opening the doors to that decision making process will not only give the public a voice on the matter, but it will provide everyone with the necessary certainty and accountability that is currently lacking.

Wolves Killed by WDFW

The Washington Department of Fish and Wildlife (WDFW) has killed 35 wolves on behalf of livestock producers since 2012. New rules are incredibly important to ensure the cycle of killing wolves does not continue.

2012: Wedge Wolf Pack. *Destroyed***.** 7 wolves killed on behalf of Diamond M Ranch* as a result of predations in the northeast section of the Colville National Forest (CNF).

2014: Huckleberry Wolf Pack. 1 wolf killed for another livestock owner as a result of predations on private and state-owned lands.

2016: **Profanity Peak Wolf Pack.** *Destroyed***.** 7 wolves killed on behalf of Diamond M because of predations in the Kettle River Range within CNF (all predations except one were on Diamond M cattle).

2017: **Sherman Wolf Pack.** *Destroyed***.** 1 wolf killed on behalf of Diamond M as a result of predations in the Kettle River Range within CNF.

2017: **Smackout Wolf Pack.** 2 wolves killed on behalf of another livestock owner as a result of predations on private land near CNF and predations in the eastern region of CNF.

2018: **Togo Wolf Pack.** 1 wolf killed on behalf of another livestock owner as a result of predations in the Kettle River Range within CNF.

2018: **OPT Wolf Pack.** 2 wolves killed on behalf of Diamond M as a result of predations in the Kettle River Range within CNF.

2018 Smackout Wolf Pack: 1 wolf killed on behalf of Diamond M as a result of predations on private land near the eastern region of CNF.

2019: **OPT Wolf Pack.** *Destroyed***.** 8 wolves killed on behalf of Diamond M for predations in the Kettle River Range within CNF.

2019: **Grouse Flats Wolf Pack:** 1 wolf killed as a result of predations on private lands and WDFW land.

2020: ***New*** **Wedge Wolf Pack:** 3 wolves killed as a result of predations on public and private land in and around the CNF. Vast majority of predations were on Diamond M cattle.

2021: **Columbia County.** 1 wolf killed as a result of permit issued to a private landowner, after predations on private lands in Columbia County.

WDFW Kills Wolves for the Same Livestock Producer, Year After Year



"Once they start eating cattle, there's only one remedy — to kill them,"* said an owner of Diamond M Ranch and president of the Stevens County Cattleman's Association. *"A dead wolf no longer causes problems."

Over the past decade, WDFW has sent taxpayer-funded gunners to kill 35 endangered wolves from nine packs, destroying five packs of wolves. Of the 35 wolves that WDFW has killed, more than 80% have been on behalf of one livestock producer, Diamond M Ranch, which consistently refuses to put in place meaningful nonlethal deterrents to protect its cattle. In fact, nearly 90% of the wolves killed by WDFW—including all the wolves killed on behalf of Diamond M Ranch—were killed as a result of conflicts with cattle on public forest lands within the Colville National Forest.

Year after year, WDFW has sought to eradicate wolf packs living in the Kettle River Range, a mountainous, heavily treed landscape within the Colville National Forest, which provides ideal wolf habitat (*see photo of Diamond M's grazing allotment below*). Livestock owners turn their cattle loose in this wild region every spring, with no supervision or protection, then demand that WDFW kill the cougars, bears, and wolves that inevitably prey on the defenseless cattle.



CC Mountain Allotment, used by Diamond M Ranch, in the Colville National Forest.

WDFW Kills Wolves for the Same Livestock Producer, Year After Year



Profanity Peak Pack on a trail cam prior to being killed for Diamond M Ranch.

"Wolves and cattle are like oil and water. They do not mix, and they never will." **Diamond M Ranch.**

Diamond M has consistently refused take any action to protect its cattle. WDFW acknowledges that the most effective nonlethal deterrent in the Colville National Forest is regular range riding, but WDFW records show that Diamond M has never implemented effective range riding—and has consistently refused free services offered by the Department. Rather, Diamond M. regularly abandons some of its cattle in its National Forest mountain allotments, violating the existing terms of its grazing leases by not removing cattle when the lease ends, and leaving the cattle to freeze or be preyed upon over the winter.

Diamond M routinely turns its cattle out onto core wolf areas, including placing its salt blocks right next to wolf den or rendezvous sites. Even when these sites are discovered, Diamond M refuses to move its cattle away from these core areas, or use range riders to protect them, but instead insists that WDFW kill entire wolf packs. Diamond M's owners have also consistently refused to accept generous state offers of compensation for their cattle losses, insisting instead that the only "compensation" they want is "a dead wolf for every dead calf." And WDFW has complied with Diamond M's demands, by consistently violating its own Protocol by eliminating entire packs of wolves, including pups, at Diamond M's behest.

Generally, wolves are responsible for fewer than 0.1% of cattle losses, with the vast majority of cattle deaths resulting from illness, weather, and calving problems. One WSU study found that wolves killed only 0.3 percent of cattle grazing in core wolf pack territories. However, the cattle belonging to Diamond M are 14 times more likely to be preyed on by wolves than other cattle herds grazing in the same territory.

Rulemaking Talking Points

A Rule is Needed to Control When Taxpayer Funds Are Used to Kill Endangered Wolves

- The Washington Department of Fish and Wildlife (WDFW) has proven that we cannot trust its discretion in deciding when to use taxpayer funds to kill our state's endangered wolves.
- Year after year, WDFW has abused our trust. WDFW has refused to examine the pattern of wolf-livestock conflict that has led it to kill wolves over and over again, in the same territory, on behalf of the same producer. Instead, WDFW has been willfully blind to the facts and circumstances that created this pattern, refusing to acknowledge when a producer's willful negligence has contributed to the loss of its livestock.
- WDFW consistently violates its own policies when killing wolves. WDFW pretends to follow its Wolf-Livestock Interaction Protocol (Protocol), but the facts reveal that it is just checking boxes on the Protocol to justify its kill orders—including frequently claiming that producers have employed non-lethal deterrents to protect their cattle, when its own records show that the opposite is true.
- WDFW consistently releases false and misleading information to the public to justify its decisions to kill wolves. At the same time, it delays its response to public information requests, forcing advocates to file lawsuits to get any timely information about the facts behind its kill orders.
- The best way to hold WDFW accountable is through a meaningful rule that sets standards the Department must meet before it kills wolves and requires WDFW to be transparent about wolf-killing decisions.

Proposed Rule Does Not Provide Public Accountability & Transparency

- The proposed rule does not include public reporting and transparency requirements, continuing to allow WDFW to make these decisions behind closed doors, without any requirement that it make timely reports to the public.
- The Department manages wolves on behalf of the public, as its trustee. WDFW should be required to provide accurate reports to the public, before it decides to use the public's money to kill endangered wolves.
- The rule should include requirements that WDFW publicly post, as soon as available:
  - Completed Conflict Mitigation Plans for "chronic conflict areas."
  - Investigation reports documenting wolf predations on cattle.
  - Before it begins any operation to kill wolves, a full rationale for its decision, which details how it has met all the standards imposed by the rule and its internal protocol.

Rulemaking Talking Points
Part 2

The Proposed Rule is Worse than No Rule at All

- Without dramatic amendments that reflect the language of the rulemaking petition and the directive of Governor Inslee, the Commission should refuse to adopt this rule.
- We need to approve a rule that will rein in the discretion of WDFW, requiring it to follow its own policies before it kills wolves, and to be honest and transparent with the public. However, the current proposed rule is worse than no rule at all.
- Instead of placing meaningful limits on the WDFW director, the proposed rule would enshrine his almost limitless discretion. No longer would he even need to pretend to follow WDFW's internal protocol, because the rule fails to incorporate its requirements.
- It includes no specific guidelines that must be met as a minimum threshold before WDFW will kill wolves—unlike the protocol, which has minimum requirements that it recommends WDFW consider prior to killing wolves:
    - Department has documented at least 3 depredation events within a 30-day rolling window of time, or at least 4 depredation events within a 10-month rolling window of time.
    - At least two (2) proactive deterrence measures and responsive deterrence measures have been implemented and failed to meet the goal of influencing/changing pack behavior to reduce the potential for recurrent wolf depredations on livestock.
    - WDFW expects depredations to continue (e.g., deterrence measures have not changed pack behavior, and overlap between wolves and livestock is expected to continue in near future).
    - The Department has documented the use of appropriate deterrence measures and notified the public of wolf activities in a timely manner.
    - The lethal removal of wolves is not expected to harm the wolf population's ability to reach recovery objectives statewide or within individual wolf recovery regions.
- It imposes no requirements for any areas of the state other than "chronic conflict areas," leaves the designation of such areas entirely up to the discretion of the WDFW Director and does not impose any meaningful requirements even upon areas that the WDFW Director decides to designate as chronic conflict areas.

Rulemaking Talking Points
Part 3

The Proposed Rule Fails to Address the Directive of the Governor

- In his letter directing the Fish and Wildlife Commission to engage in the current rulemaking process, Governor Inslee stated that "the potential for future depredations and lethal control actions, under our existing framework, remains unacceptably high," and listed four specific outcomes he wanted to see from the rule:
  - A standardized definition and requirements for the use of range riders.
  - Requirements for use of non-lethal deterrents most appropriate for specified situations.
  - Action plans in areas of chronic predation to end the need for annual wolf killing.
  - Compliance measures where livestock operators do not implement the required non-lethal measures.
  - The Department's rule fails to achieve any of the outcomes required by the Governor, but instead includes meaningless language that leaves all the discretion in the hands of the WDFW Director.

Proposed Rule Does Not Impose Any Enforceable Limits on WDFW Discretion

- The proposed rule does not impose any requirements or standards before the Department may kill wolves in all areas of the state not labeled by the Department as "chronic conflict areas."
  - The new rule should impose basic requirements on the Department before it may kill endangered wolves for livestock conflict and include enhanced obligations for "chronic conflict areas."
  - There is no minimum number of wolf predations that must occur before WDFW can kill wolves, even in "chronic conflict areas." WDFW's current Protocol requires a minimum of three wolf predations within 30 days or 4 within 10 months, but this standard is not incorporated into the proposed rule.
  - At a minimum, the rule should include a stricter standard than the current Protocol, which prevents WDFW from counting predations from one grazing season to justify a kill order in the next season, when circumstances are often entirely different.
  - The Department is likely to take the lack of standards in a new rule to mean that it does not even have to pretend to comply with the requirements of its current protocol—which, although they are too lax, are better than the complete absence of standards in WDFW's proposed rule.
- The proposed rule does not require the WDFW Director to designate areas of repeated livestock-wolf conflicts as "chronic conflict areas," but merely provides that he "may" designate such areas in regions where the Department has killed wolves due to livestock conflicts in two of the last three years.

Rulemaking Talking Points Part 4

Proposed Rule Does Not Impose Any Enforceable Limits on WDFW Discretion (continued)

- Basic elements are missing from the "conflict mediation plan" that WDFW must develop if it decides to designate a "chronic conflict area."
  - It does not mandate that WDFW complete these plans within a specific timeframe, nor that they ever be disclosed to the public.
  - It does not require WDFW to use the best available science in developing those plans.
  - It does not set forth standards for "range riding," even if Washington taxpayers are paying for "range riding" contracts.
    - Without standards, the continued abuse of "range riding" contracts are likely. This means that taxpayers pay hundreds of thousands of dollars each year for work that might not be happening, and in some cases has been fraudulent.
    - Example: Range riders frequently bill WDFW and other state departments merely for driving their vehicles around the outskirts of grazing allotments; for chasing wolf packs through wolf GPS collar data (rather than protecting cattle); and for spending days in areas in which they fail to even locate the cattle they are supposed to be protecting.
    - If range riding is to be part of a conflict mitigation plan, or paid for by WDFW taxpayers, there should be minimum requirements, such as the requirement that range riders carry GPS tracking systems and keep detailed daily logs; that they spend their time with the cattle they are supposed to protect; that they retrieve cattle that have strayed and remove sick, injured or dead livestock from grazing allotments; and that they take steps to move cattle away from core wolf areas.
  - It requires only that livestock producers do not "intentionally" feed or bait wolves, meaning that WDFW could kill wolves even if it knew that they were being attracted to the area by "bone yards" of deceased livestock, salt blocks set out for cattle, or sick, injured, or newborn cattle left out on mountain grazing allotments.
    - Example: The Old Profanity Territory Pack of 8 wolves, which was killed by the Department in 2018-2019, had predations counted against it for preying on cattle left on a National Forest allotment beyond the permitted grazing season. All but one cow were found deceased, stranded in deep snow, with evidence they had survived an extended period prior to being found.
- The proposed rule does not require that livestock producers—even those in "chronic conflict areas," use any specific number of nonlethal deterrents, or that they employ them for any amount of time. This is worse than the minimal standards in the current Protocol, which requires at least two proactive and reactive nonlethal deterrents be in place.
- The proposed rule allows the Department to kill wolves, even in "chronic conflict areas," if just one producer in that area has cooperated on a conflict mitigation plan and deployed elements of that plan. This means if all wolf predations were on cattle belonging to producers that completely refused to cooperate with WDFW, or to use state-funded resources to take steps to protect their cattle, wolves can still be killed if a neighboring producer cooperates with WDFW

Take Action

GIVE PUBLIC TESTIMONY ON APRIL 8

- Register to speak at the public hearing on April 8th at 12:40 pm and tell the Commission that amendments are needed to make this rule effective.
- Please also submit any oral testimony into the written record, as detailed below.
- Register now- the faster you register, the more likely your voice will be heard. CLICK HERE.

SUBMIT COMMENTS BY APRIL 11th

- Written comments through the online portal or by email, are great ways to provide detailed input and supporting information, while ensuring any oral testimony is also included in the written record.
- Via Online Portal: Wolf-Livestock Conflict Deterrence Rule Proposal
- Via Email: Send an email, with or without an attachment, to WolfConflictDeterrence102@PublicInput.com.

SHARE OUR RESOURCES

- Please share this information with your friends and family and post it to your social media accounts. All resources, supporting documentation and plain text talking points can be found here: **Washington Wildlife First Wolf Rulemaking Resource Box.**
- Many Washingtonians do not often show up to speak about wildlife policy, which means organized hunting groups usually control the discussion.
- Help us change that, by finding five more people who are willing to take these simple steps.

About Washington Wildlife First

Our mission is to leverage the power of the law, informed advocacy, and strategic partnerships to reform Washington state's environmental and wildlife management agencies, and to protect and preserve the state's fish, wildlife, and wild spaces.

Washington Wildlife First is a 501 (c)(3) nonprofit organization; please consider a donation to support our work.

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