



Comments on CR 102 for Wolf-Livestock Interactions WSR 22-05-092

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To WDFW Staff and Commission,

Thank you for the opportunity to comment on proposed rule language pertaining to the management of wolf-livestock interactions. Conservation Northwest has been contributing field, policy, and financial resources towards reducing livestock depredations, reducing the need for lethal control of wolves, and increasing the acceptance of wolves on the landscape in rural areas since 2008. We also recognize the substantial commitment of the Department of Fish and Wildlife and the Washington State Legislature in devoting significant human and financial resources towards these same goals.

Our comments pertain first to the general concept of using a regulatory approach to managing wolf-livestock conflict, and second, on specifics of the proposed rule language.

Use of a Rules-based Approach to Mitigating Wolf-Livestock Conflict

We understand that the Department and Commission were directed by the Governor to undertake this rule-making process. The following comments are intended to add to the dialogue of how best to reduce the loss of wolves to lethal control, and loss of livestock to wolf depredation, both of which are needed to successfully address broader social conflict surrounding the return of wolves to Washington State.

Based on our direct experience working with ranchers and our familiarity with the social science on human conflict over wildlife, we do not think that the imposition of formal rules will result in the best outcome for both people and wolves. In the vast majority of cases in Washington, when ranchers and their employees are provided with the right tools and financial and technical support, the implementation of non-lethal measures occurs in a manner adequate to prevent high levels of livestock loss, and the need for lethal control. Our experience working directly with ranchers has taught us that developing relationships based on trust and respect are key to willingness to try both tried and true as well as novel approaches, and to jointly problem solve when something does not work as anticipated.

While there continues to be room for improvement, we think that the current system of Wolf Advisory Group guidance and decision-making by the Director and staff, has led to a remarkably low overall level of lethal control and livestock loss compared to the Northern Rocky Mountain states and Mexican Gray Wolves in the southwest. This outcome stems from investments of

public funds, work of field staff, and partnerships with local non-profits and ranchers, all in the absence of legally enforceable rules.

We recognize and share the frustrations with other conservation organizations of particular instances between 2016 and 2019 of repeated wolf removals and high rates of livestock loss. However, given the general culture of distrust of government in Northeast Washington, and the manner in which the particular situation unfolded and blew up in the press and over social media, we think there will continue to be resistance and controversy when livestock depredations occur again in the same landscape, and that formal rules will not serve to decrease the conflict. This is due to deep-seated identity conflict that is clearly present in this situation (Madden and McQuinn, 2014, Madden 2015, Zimmerman, 2020). In the absence of concerted efforts among all involved to get at the underlying conflict and repair relationships, we are concerned that the imposition of formal rules will only serve to exacerbate the situation, regardless of how well intended they are.

Furthermore, social science research has shown that people respond better to conservation initiatives when the systems in which they operate recognize their autonomy, enhance and affirm their competencies, and create mutual respect and trust (e.g., DeCaro and Stokes, 2008, Wilson et al. 2014, DeCaro 2015, Wilson et al., 2017, Salvatori et al., 2020). We are concerned that the imposition of a regulatory approach may result in regression of acceptance and application of proactive, non-lethal tools among ranchers who have been cooperating up to this point.

Finally, while we helped generate the concept of designating chronic conflict zones and developing conflict mitigation plans specific to these areas while participating in Wolf Advisory Group discussions, we are concerned with how much buy-in there will be from ranchers when these plans are developed under a regulatory requirement. We have observed, both from interactions with ranchers in the field in our own deterrence work, and with ranchers on the WAG, a sense of continued deteriorating trust among ranchers and WDFW staff, from both directions.

There is no doubt a need for high quality conflict mitigation plans in areas where past attempts at proactive non-lethal deterrence have not been successful and lethal control did not resolve the situation. However, both the development and implementation of such plans requires enough trust to gain sufficient knowledge of why past efforts did not work, and to be able to implement new approaches that have a higher chance of success. We are concerned that the current environment is not conducive to successful development and implementation of conflict mitigation plans, even in a voluntary context, let alone a regulatory one.

We therefore recommend, regardless of the outcome of this rule-making process, that the Department undertake a more formal conflict mediation effort run by an outside neutral party to work through the deteriorating relationship environment it confronts with its rancher stakeholders, especially, though not limited to northeast Washington.

Rule-specific Comments

Given that the development of a rule has been directed by the Governor, we in general commend WDFW staff for its attempts to write language that recognizes the need for minimizing specifics that may constrain its ability to provide tools and advice for particular depredation situations. The following comments are intended to improve upon the proposed approach, recognizing that while we expressed our concerns for there being rules at all, that it is likely that some rule language will be adopted by the Commission.

WAC 220-440-080:

Proposed language changes in underlined red text. We propose adding reference to the Wolf-livestock interaction protocol. The Wolf Advisory Group and WDFW staff have spent considerable time and resources improving guidance on implementation of non-lethal measures. We anticipate that this guidance will be updated as practitioners and researchers learn more about effective methods and implementation. If the use of non-lethal measures is going to be required as a baseline, a reference to the protocol will help ensure that implementation is consistent with evolving guidance. We think the addition of referring to the protocol still retains the ability of the Director to assess particular situations, as that concept is embedded in the protocol itself.

Language Edits

WAC 220-440-080 (3): In addition to the provisions of subsection (1) of this section, the director (or WDFW staff designee) may authorize agency lethal removal of wolves or additional removals by permit under the authority of RCW 77.12.240 if the director (or WDFW staff designee) determines an owner has proactively implemented appropriate nonlethal conflict deterrence measures as described in the current version of Department's Wolf-livestock Interaction Protocol.

WAC 220-440-260

Proposed language changes in underlined red text. These changes are intended to improve the acceptance and effectiveness of the plans. Please note the addition of language requiring analysis of why past actions did not work. It is crucial to learn from the past in putting these plans together!

In addition, we recommend specifying the authorization of lethal control to no lower than the thresholds contained in the Wolf-Livestock Interaction Protocol. This is necessary to retain our support as dedicated members of the WAG, and given that the rule allows for lethal control even in the event that some ranchers in a pack territory may not implement deterrence measures according to a conflict mitigation plan.

Language Edits

WAC 220-440-260_(2) Conflict mitigation plan.

The director (or WDFW staff designee) may designate a geographic area (e.g., all or a portion of a wolf pack territory) as a chronic conflict area when wolf depredations of livestock have occurred and lethal removal of wolves was authorized in two of the last three years.

For each designated chronic conflict area, WDFW staff will author a conflict mitigation plan. To the extent that affected livestock producers are willing and able, feasible, WDFW will develop the conflict mitigation plan in consultation with ~~willing,~~ affected livestock producers, as well as federal, state, and tribal agencies that manage lands and/or wildlife in the designated chronic conflict area, and entities who provide range riding or other conflict deterrence services. The plan will specify nonlethal deterrence measures that are appropriate for the chronic conflict area according to the professional judgment of WDFW staff, considering, but not limited to:

- (a) Species and type of livestock;
- (b) Characteristics of the livestock operation (e.g., size of pastures, type of fencing, open range grazing, presence of calving pens);
- (c) Herd composition, calving/lambing periods, and/or seasonality of livestock production for each affected livestock producer in a chronic conflict area;
- (d) The season of use when livestock are permitted to be on a leased grazing area (if applicable);
- (e) Location(s) where livestock will be grazed and measures to avoid livestock trespass;
- (f) Measures to avoid unnatural attractants for wolves; and
- (g) Landscape characteristics; and
h) Analysis of deterrence measures and lethal control efforts attempted in the past and why they did not successfully keep livestock depredations under the lethal control threshold.

Once a mitigation plan is in place, the plan may be revised or terminated by WDFW if on-the-ground conditions or state of knowledge changes.

(3) Criteria for lethal removal of wolves.

(a) The director (or WDFW staff designee) may authorize lethal removal of wolves in a chronic conflict area as a tool to address repeated depredations by wolves on livestock on a case-by-case basis, and at thresholds no lower than specified in the current Wolf-Livestock interaction protocol if, in the judgment of the director (or WDFW staff designee):

- (i) Depredations are likely to continue;

- (A) Intentional feeding/baiting of wolves was not a known factor in the repeated depredations;
- (B) Empirical and predictive data suggests that 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; and
- (C) One of the following circumstances are present:
- (I) The material conditions and expectations set forth in any applicable conflict mitigation plans have been substantially complied with; or
- (II) Wolves have attacked, injured, or killed livestock of more than one livestock producer, and **at least** one of the livestock producers with depredated livestock implemented nonlethal deterrence measures as deemed appropriate by WDFW staff, even neighboring livestock producers did not fully implement nonlethal deterrence measures set forth in an applicable conflict mitigation plan.
- (b) The lethal removal authorization will have an expiration date specified at the time of issue. Once issued, the authorization may be revised or terminated by WDFW if on-the-ground conditions or state of knowledge changes.

Literature Cited

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