

Court stays kill order for cattle-killing wolves

By Jeff Barnard

AP Environmental Writer

November 15, 2011

The Oregon Court of Appeals ruled today that conservation groups have a good chance of overturning a state order to kill wolves blamed for attacking livestock, and issued a stay that will remain in force until the lawsuit is settled.

The ruling filed in Salem, Ore., set one condition: that conservation groups post \$5,000 security against any livestock losses while the case is pending.

The Oregon Department of Fish and Wildlife issued an order in late September to kill two members of the Imnaha pack in Wallowa County, including the alpha male, after confirming by radio tracking collar data that the pack was responsible for another cattle kill in Wallowa County.

Conservation groups sued to challenge it, arguing the Oregon Wolf Management Plan, which allows wolves to be killed to reduce livestock attacks, does not comply with the state Endangered Species Act. While federal Endangered Species Act protection has been lifted for wolves in Eastern Oregon, the state act still covers them.

Steve Pedery, conservation director of Oregon Wild, said the issue was whether Oregon would do everything possible to prevent attacks on livestock, or resort to killing wolves whenever cattle are killed.

"I think killing those two wolves wouldn't have done anything to reduce the likelihood of further livestock depredation," said Noah Greenwald of the Center for Biological Diversity. "It would

have left the Imnaha pack with the alpha female and one pup from this year. It's pretty questionable they would make it through the winter. It would have very likely spelled the demise of the Imnaha pack."

Pedery added that he thought that earlier kill orders carried out were a factor in the decision of two young wolves to leave the pack in early September. One of them, OR-7, has captured the hearts of people across the state since trekking some 300 miles. At last report it was in the southern Cascade Range east of Butte Falls. Oregon Wild has started a contest to name it. The first entry, from a little girl in Wallowa County, was "Whosafraida."

The Imnaha pack was the first in Oregon to breed pups since moving across the Snake River from Idaho, where they were reintroduced, and has been the only one of four packs known to exist that has been blamed for attacks on livestock — 14 livestock kills since mid-2010. Only one other pack has been confirmed to produce pups.

The Oregon Department of Justice, which represents the department, had not reviewed the case and had no immediate comment, said spokesman Tony Green.

Oregon Cattlemen's Association President Bill Hoyt said they were frustrated at the ruling.

"They had confirmed kills on the same ranch over a period of time and by the same pack," he said. "The plan calls for after having multiple confirmed kills, they will take lethal control. That's what the plan says.

"We didn't like the plan to begin with. But we are learning to live with it. Now, all of a sudden we can't even do that."

The court found that while ranchers will likely suffer losses if the wolves aren't killed, the Legislature has enacted a law to pay them for those losses.

Conservation groups have shown that killing the two wolves will cause irreparable harm to the Imnaha pack, and may cause irreparable harm to the reestablishment of wolves in Oregon in general, the court added.

While it is possible that the department's feeling that killing wolves that attack livestock will build acceptance of wolves by ranchers, the Legislature has never expressed that point of view, the court wrote.

"There is no indication in the ESA that the legislature considered killing members of any specific endangered species, including gray wolves, as necessary to maintain the species at an optimum level or to 'regulate' the species," the court wrote.

Acknowledging that nothing in the act prohibits the department from killing wolves, the court added that there is nothing that authorizes killing wolves, either.