

# Confirmed wolf attacks double in Washington state

State is better at documentation

By **DON JENKINS**  
Capital Press

The number of confirmed wolf attacks on cattle in Washington state in 2018 was more than double any previous year, according to state Department of Fish and Wildlife reports.

At least 31 cows or calves were killed or injured, topping the previous high of 15 in 2016. The count does not include missing cattle or suspected depredations in which scavengers picked the bones and ate evidence of wolf bites.

Cattle Producers of Washington President Scott Nielsen said the number of attacks is increasing, but attributed the large jump in confirmed depredations to better documentation.

"I don't think there was a big increase. I think it has been a slow, steady growth," he said. "It's not way worse now. They're just admitting it."

The Department of



Washington Department of Fish and Wildlife

**Wolf attacks on livestock are up this year.**

Fish and Wildlife has not announced a final count for the year, and the department's periodic reports on wolf activities often lag weeks behind events.

As in the past, most depredations took place in Ferry and Stevens counties during the summer and fall grazing season. The Old Profanity Territory pack in Ferry County was blamed for 16 attacks.

Cattle, however, were attacked in more parts of the state and over more months than usual. Attacks started in May and continued into late fall.

In southeast Washington, the Grouse Flats pack has attacked at least three cattle since late August. In north-central Washington, one wolf took down a 400-pound calf in Okanogan County, where wolves are

still federally protected.

The calf was killed in the Department of Fish and Wildlife's Sinlahekin Wildlife Area, where cattle gather in the fall before moving from public summer grazing grounds to private pastures for the winter. No cattle had been attacked by wolves there before, according to the department. Unlike in the eastern one-third of Washing-

ton, the department can't lethally remove wolves to stop attacks on livestock.

"We need to get out from that (federal) listing," Okanogan County rancher Vic Stokes said. "There's no doubt we're going to have wolves. We ranchers have to understand that there are a lot of wolves in northeast Washington, and they are going to disperse."

"We're trying to prepare for them the best we can," he said.

The Department of Fish and Wildlife has documented wolf attacks on livestock every year since 2012. The high-water mark for depredations remains 2014, when a wolfpack ravaged a flock of sheep in Stevens County. The department confirmed that wolves killed at least 28 sheep and injured six others.

The department shot four wolves in three packs to stop attacks on livestock in 2018.

Nielsen credited new Fish and Wildlife Director Kelly Susewind with wanting to get a more accurate accounting of livestock losses. He said the number

of confirmed depredations should motivate the department to collar more wolves to better follow packs.

Efforts to obtain comment from the Department of Fish and Wildlife were unsuccessful.

Nielsen also said a wildlife deputy hired by Stevens and Ferry counties has helped to find downed calves and cows before the scavengers do. The county's role has given department investigations more credence among ranchers, he said. "There's been some oversight," he said.

In southeast Washington, the Grouse Flats wolfpack straddles the Washington-Oregon border. The pack attacked cattle owned by three different ranchers between Aug. 23 and Oct. 28, according to the Department of Fish and Wildlife.

One attack took place in a fenced private pasture and one on a U.S. Forest Service grazing allotment. In the other attack, wolves chased a 600-pound calf off a Forest Service allotment and killed it in an adjacent private pasture.

## Washington court: Fish and Wildlife can regulate land to protect fish

By **DON JENKINS**  
Capital Press

Washington's Department of Fish and Wildlife can regulate construction on dry land if the agency decides fish may be affected, the state Supreme Court ruled unanimously in December.

The court rejected a lawsuit by five counties that alleged the department was overstepping its authority by requiring local governments to get permits from the agency to build and maintain bridges that span but do not touch water.

More broadly, the decision affirms the Department of Fish and Wildlife's jurisdiction over a host of activities on public and private land, such as clearing brush, maintaining dikes and stabilizing riverbanks. Critics, including some farm and landowner groups, say the department's reach threatens the use of private property.

"The jurisdiction has become unlimited," Cindy Alia, a lobbyist for Citizens Alliance for Property Rights, said. "Fish and Wildlife's jurisdiction can go clear to the mountaintop."

The lawsuit stemmed from rules the Fish and Wildlife Commission adopted in 2015 to enforce the state's hydraulic code, a 75-year-old law that directs the agency to police construction to protect salmon and fish habitat.

Counties argued the rules unlawfully extended the department's authority beyond the water's edge. The counties warned, in court documents, that the rules could justify stopping projects based on considerations such as climate change. More prosaically, the counties said they didn't want to have to obtain a permit from the department every time they repaved a bridge, repaired a guardrail or repainted white lines.

The Department of Fish and Wildlife argued that lawmakers directed them to protect fish and that projects on land could remove stream-protecting vegetation, and put chemicals and sediment in water. The department said the law and other regulations limit its authority to block construction.

The court agreed with the department's more expansive application of the law. Writing for the court, Justice Susan Owens said the Department of Fish and Wildlife can require permits for upland projects and doesn't have to be absolutely certain the project will affect fish, only reasonably certain.

"And we defer to the department's expertise in determining which projects meet that standard," she wrote.

The law says the department must approve projects that "will" alter waterways. Owens said the word means the same as "may."

Justices Sheryl Gordon McCloud and Steven Gonzalez agreed that the department should regulate projects on land. But they wrote a separate opinion stating they couldn't agree that "will" is synonymous with "may."

Several Indian tribes supported the Department of Fish and Wildlife's position by submitting written arguments to the Supreme Court. The tribes argued that overturning the department's rules would end the state's longstanding regulation of

construction projects to protect fish.

In recent years, the Legislature has considered but never passed bills to limit the Department of Fish and Wildlife's authority over projects that touch water. In 2017, the Republican-controlled state Senate passed a bill to create a task force to study the issue. The bill did not move in the Democratic-controlled House. Democrats will control both chambers during the 2019 session.

"There's no realistic chance they will make a change we could support," said Tom Davis, the director of government relations for the Washington Farm Bureau.

Department of Fish and Wildlife biologists have generally done a good job of applying the hydraulic code, but the Supreme Court ruling may encourage more restrictions, particularly with the push to increase fish runs to feed orcas, Davis said. "To

what degree will they go for orca recovery?"

Douglas, Kitsap, Lewis,

Pierce and Spokane counties brought the challenge to the Supreme Court.

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