

IN THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment )  
to the Curry County Code )  
Adding Article One, Division Twenty )     ORDINANCE NO. 19-07  
Two, Creating a Wolf Advisory )  
Committee for Curry County )

The Board of Commissioners for the County of Curry ordains as follows:

**SECTION 1: TITLE**

This Ordinance shall be known as Ordinance 19-07, an ordinance amending the Curry County Code with respect to General Administration, Article One.

**SECTION 2: ADOPTION**

Exhibit "A", attached hereto and incorporated by reference, is adopted as an amendment and new Division Twenty Two to the Curry County Code.

Exhibit "B", attached hereto and incorporated by reference, is adopted as program procedures for the Wolf Advisory Committee.

Exhibit "C", attached hereto and incorporated by reference, is adopted as application for Financial Assistance

**SECTION 3: SEVERANCE CLAUSE**


If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of the Ordinance; and it is hereby expressly declared that every other section, subsection, provision clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

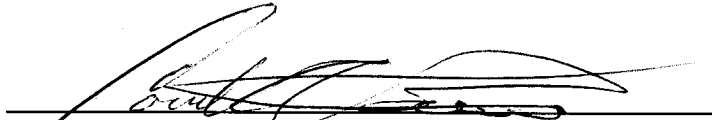
**SECTION 4: EMERGENCY CLAUSE**

The Board of Commissioners for the County of Curry deems this Ordinance necessary for the immediate preservation and protection of the public peace, health, safety and general welfare for Curry County and declares an emergency exists, and this Ordinance shall be effective upon adoption.

DATED this 22<sup>nd</sup> day of May, 2019.

**BOARD OF CURRY COUNTY COMMISSIONERS**

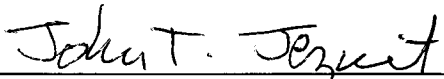
  
\_\_\_\_\_  
Christopher Peasch, Chair

  
\_\_\_\_\_  
Court Boice, Vice Chair 5-26-19

  
\_\_\_\_\_  
Sue Gold, Commissioner

First Reading: 5-22-19  
Second Reading: NONE  
Emergency Adoption: 5-22-19  
Effective Date: 5-22-19

**Attest:**

  
\_\_\_\_\_  
Recording Secretary

**Reviewed as to Form:**

  
\_\_\_\_\_  
John Huttli, Curry County Counsel

**“EXHIBIT A”**

**ARTICLE ONE**

**DIVISION TWENTY TWO**

**WOLF ADVISORY COMMITTEE**

**SECTION 1.22.010 Creation of Wolf Advisory Committee**

There is hereby established for Curry County a Wolf Advisory Committee (“Committee”).

**SECTION 1.22.020 Membership; Terms of Office; Compensation**

The Committee shall consist of seven (7) members. One (1) member shall be a Curry County Commissioner; two (2) members shall own or manage livestock; two (2) members shall support wolf conservation or coexistence with wolves; and, two (2) members shall have business interests within Curry County and be selected by the other five (5) members of the Advisory Committee.

Committee membership is a four-year term. All members shall be appointed by Order and serve at the pleasure of the Curry County Board of Commissioners. Position numbers shall have staggered terms so that Position One serves for one year; Position Two serves for two years; and Position Three serves for three years; Positions Four through Seven serve for four years. After the initial term, all positions shall be four-year terms.

Appointments shall expire on December 31<sup>st</sup> of the appropriate year. Appointments shall be filled as soon as possible after the first of the January in any given year. Should a vacancy occur prior to the expiration date of any term, the vacancy shall be filled by the Board after receiving recommendations from the Advisory Committee.

All members of the Committee shall serve without compensation. Meeting attendance may be by telephonic or electronic means.

**SECTION 1.22.030 Meetings**

The Committee may establish regular meetings, which will be conducted pursuant to Oregon’s Public Meetings Laws and Rules.

The Committee has the power to establish their regular meeting dates and times. Until the Committee establishes another date and time, Committee meetings shall be the first Wednesday of every other month at 5:00 pm. Additional meetings may be convened as long as Oregon Public Meetings Laws and Rules are followed. At its first regular meeting the Committee shall appoint a Chair and Vice Chair.

The Committee shall meet at least once annually.

## **SECTION 1.22.040 Powers and Duties**

(1) The Curry County Wolf Advisory Committee shall administer the County's Wolf Depredation Compensation and Financial Assistance Program. The Committee shall, for the period during which the County maintains such a program, oversee the Program pursuant to Oregon Revised Statute (ORS) 610.150 which includes:

- (a) Advising the County on establishing or revising procedures by which person applying for compensation under the Program provide evidence of the loss or injury to livestock or working dogs due to wolf depredation. Evidence of the loss or injury must include a finding by the Oregon Department of Fish and Wildlife or the department's designated agent that wolf depredation was the probable cause of the loss or injury.
- (b) Advising the County on establishing or revising procedures by which persons applying for financial assistance under the Program provide an estimate of the potential cost of the livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation.
- (c) Advising the County on establishing or revising procedures by which livestock owners and managers experiencing above expected death or injury to livestock or working dogs attributed to wolf depredation shall be giving priority by the Advisory Committee for grant monies received under the Program.
- (d) Establishing compensation rates for death or injury to livestock or working dogs attributable to wolf depredation that are based on fair market value. Compensation for death or injury of livestock or working dogs takes priority over compensation for missing livestock.
- (e) Within an area of known wolf activity, establishing compensation rates for missing livestock attributable to wolf depredation. Compensation for missing livestock may be at a lower value than compensation for death or injury as allowed in Oregon Administrative Rules (OAR) 603-019-0015(i)(c) at the discretion of the Advisory Committee.
- (f) Advising the County on establishing eligibility requirements for compensation that ensures, contingent upon available funds, that:
  - 1. In order to consider awarding any compensation for death or injury to livestock or working dogs, or missing livestock and working dogs attributed to wolf depredation, the Advisory Committee must determine that the person did not

unreasonably or purposefully create circumstances that attract wolves or encourage conflict between wolves and livestock or working dogs, excluding accepted normal husbandry and grazing activities.

2. Compensation for documented death or injury to livestock or working dogs that is attributed to wolf depredation that occurred outside an area of known wolf activity shall be compensated regardless of the preexistence of wolf deterrence techniques.

3. Compensation for documented death or injury to livestock or working dogs that is attributable to wolf depredation that occurred within an area of known wolf activity shall be compensated if owners have demonstrated implementation of best management practices to deter wolves including reasonable non-lethal methods when practicable.

4. Compensation for missing livestock or working dogs that is attributed to wolf depredation that occurred within an area of known wolf activity may be granted if owners document that other possible causes for their animals to be missing, not including wolf depredation, have been eliminated for the number of missing animals they are claiming.

5. Compensation for the cost of livestock management techniques or nonlethal wolf deterrence techniques designed to limit wolf/livestock interactions and discourage wolf depredation of livestock.

(2) The Curry County Wolf Advisory Committee is to provide advice and guidance to the Board of County Commissioners on issues related to wolves, including interaction of wolves and livestock operations in the County.

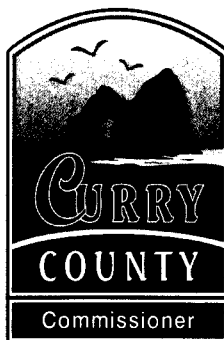
(3) Other powers and duties to further the purposes for which the Committee was created.

#### **SECTION 1.22.050 Staffing and Administration of Committee Business**

The Community Development Department, Planning Division, shall administer the activities of the Committee. The Planning Director or their designee shall serve as administrative officer for the Committee. Planning Division staff shall prepare all Committee agenda and reports, publish notice and record all minutes of the meetings.

The Planning Director shall be responsible for updating Board of Commissioner Office with the status of Committee membership.

## EXHIBIT B



### COUNTY WOLF ADVISORY COMMITTEE

#### PROCEDURES FOR THE REVIEW OF WOLF COMPENSATION AND FINANCIAL ASSISTANCE APPLICATIONS

By authority of Board Order No. \_\_\_\_\_, the County Wolf Advisory Committee (Advisory Committee) shall oversee the Curry County Wolf Depredation Compensation and Financial Assistance Program. The following procedures will govern applications seeking compensation and/or financial assistance under the Oregon Department of Agriculture (ODA) Wolf Depredation Compensation Grant program, as they may be amended from time to time.

1. Applications must be submitted on Advisory Committee-approved application forms along with any additional information that may be required.
2. Incomplete or illegible applications will not be accepted.
3. Only an original, "hard copy" of the application will be accepted and must be received in the County Administrator's Office no later than 5:00 p.m. on the date shown on the application.
4. All applications are public records as the term is defined in Oregon Revised Statute 192.005 *et seq* and shall be open for public inspection to the degree permitted by law.
5. Applications shall be reviewed at a properly noticed meeting of the Wolf Advisory Committee. The applicant shall be notified of the meeting date/time/location and is encouraged to attend the meeting, but the presence or absence of the applicant shall not be a factor used in awarding grant funds.
6. Applications for compensation for dead or injured qualified animals shall be prioritized over compensation for missing animals as described herein.
7. Applications submitted by the deadline shown on the application will be reviewed in January each year. Any application received after the deadline, due to a depredation which occurred after the deadline and prior to the end of the grant period, will be handled on a case by case basis.

8. After all applications for compensation for dead or injured qualified animals have been reviewed and a determination made, all such applications for missing animals shall be eligible to receive a portion of unexpended grant funds, pro rata by the individual missing qualified animal.
9. The burdens of proof and persuasion lie with the applicant.
10. The Wolf Advisory Committee shall review each individual claim, request supporting documentation (including reports by the Oregon Department of Fish and Wildlife), and make a final determination as to the compensation due to the applicant, subject to Curry County receiving compensation funds.
11. By majority vote, the Wolf Advisory Committee will have full authority to alter any of the payment guidelines shown below, depending on individual circumstances.
12. The action of the Wolf Advisory Committee is final.

Compensation rates for confirmed depredation of any domestic species will be determined annually by the Advisory Committee. The Advisory Committee will take into account the market rates reported during the week of October 1<sup>st</sup> with compensation rates effective for the following grant year, which runs from February to February. The approved compensation rates set for February 2019 through February 2020 are:

- Horses - \$1,500
- Dogs (all types) - \$1,000
- Sheep (mature) - \$200/refer to sale prices
- Lamb - \$200/refer to sale prices
- Calf (up to 650 lbs.) - \$1,000
- Yearling (up to 1,000 lbs.) - \$1,200
- Cow (mature) - \$1,200
- Bull - \$2,500
- Llama - \$100
- Goats (all ages) - \$200
- Swine cannot be compensated for

The Wolf Advisory Committee will make a final decision on individual compensation depending on documentation provided by applicants. It is expected that producers will be eligible for full compensation for losses at contracted prices, historical or actual pen of livestock sold, or any other mechanism which producers can justify to the Advisory Committee.

It is the intent of Curry County to pay full market price for classes of animals that have been purchased with unique character and abilities. The applicant will need to provide documentation for these special qualities. Exotic species will be paid with documentation provided by the owner.

If an animal is treated, but subsequently dies, the cost of treatment will be additive to the compensation provided for a lost animal. If the animal is treated, recovers, and is ultimately sold, compensation will be calculated according to the value received for sale of non-injured animals in the same age class if higher, plus the treatment cost.

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To further clarify compensation for missing livestock, above normal:

1. Livestock should be counted before turnout. Suitable documentation would be BLM/Forest Service turnout records and/or third party verification. The count at the end of the year will be deducted from the original count to show any loss.
2. The livestock owner must demonstrate that all measures have been exhausted to find missing livestock before compensation will be considered.
3. The Wolf Advisory Committee has determined that a three percent, natural death loss is an appropriate starting point to consider when determining missing livestock losses. If the applicant can substantiate a different percentage, the Wolf Advisory Committee may make an adjustment based on sufficient evidence.
4. Decreases in livestock body condition and potential decreases in conception rates will not be compensated at this time. If further research is forthcoming from studies conducted which offer reasonable proof and statistics for potential losses for body condition and conception rates, the Wolf Advisory Committee will re-evaluate in the future.
5. All applications for funding must be received by the date identified on the application. This will give the Wolf Advisory Committee time to compile, gather evidence and apply for compensation funding from the State of Oregon or the Federal government.



**Exhibit C**  
**CURRY COUNTY WOLF COMPENSATION AND**  
**FINANCIAL ASSISTANCE APPLICATION**

*Review Procedures for the Review of Compensation and Financial Assistance Applications*

Applications must be received by [DATE]  
(For depredations that occur after [ABOVE DATE], applications must be received by [ALTERNATIVE DATE])

Applications may be mailed or delivered to:  
Curry County [SELECT DEPARTMENT] Office

Compensation is subject to the availability of funds. There is no guarantee that compensation will be paid or that compensation will be paid at 100 percent of the level requested. Compensation decisions made by the Curry County Wolf Advisory Committee are final. The completed application and supporting information become part of the public record and are subject to public record requests. Applicants are not eligible for compensation for losses or for non-lethal control practices if the applicant has received compensation from other sources (including insurance) or if the applicant has taken the Oregon tax credit for the same losses or the cost of adopted practices.

**PART I**

**APPLICANT INFORMATION**

Name: \_\_\_\_\_ Contact Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

The applicant's signature verifies the information in this application, including supporting information, is correct and the applicant has not received compensation from other sources, no claimed the Oregon tax credit for losses or cost of practices claimed in this application. The applicant's signature also verifies the applicant did not unreasonably or purposefully create circumstances that attracted wolves or encouraged conflict between wolves and livestock or working dogs, excluding accept normal husbandry and grazing activities.

Date: \_\_\_\_\_ Applicant's Signature: \_\_\_\_\_

Continue to Part II Next Page

**PART II**

**USFWS / ODFW Consultation Information**

Have you consulted with U.S. Fish and Wildlife Service (USFWS) or Oregon Department of Fish and Wildlife (ODFW) on mitigation measures to limit wolf/livestock interaction?    \_\_\_ Yes  
\_\_\_ No

If yes,

Name of USFW or ODFW person consulted: \_\_\_\_\_

Date(s) of consultation(s): \_\_\_\_\_

What measures were recommended? \_\_\_\_\_

\_\_\_\_\_

What measures were implemented? \_\_\_\_\_

\_\_\_\_\_

***USFS / ODFW Verification***

USFW / ODFW Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Continue to Part III

**PART III**

**Compensation Requested for Non-Lethal Methods to Limit Wolf-Livestock Interaction Implemented in Previous Year**

Compensation requested for the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Bone Pile Removal/Burial            | <input type="checkbox"/> Fladry                  |
| <input type="checkbox"/> Range Rider                         | <input type="checkbox"/> Livestock Guardian Dogs |
| <input type="checkbox"/> Other (Identify and Describe) _____ |  |

Date and specific location of practice or activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is this location in an Area of Known Wolf Activity (AKWA) as defined by ODFW?

Yes     No

Amount requested for each activity and location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Attach documentation of completed practices (including photos as appropriate), copies of receipts, copies of a journal or log of range rider activities, and other documentation confirming expenses (attach additional pages as necessary).***

Continue to Part IV

**PART IV**

**Compensation Requested for Confirmed Depredations and Missing Livestock in Previous Year**

**Section 1 – Compensation Requested for Confirmed Depredation(s)**

Date and specific location of depredation: \_\_\_\_\_

Is this location designated by ODFW as an AKWA? \_\_\_\_\_Yes \_\_\_\_\_No

If yes, have you performed best management practices within the AKWA? \_\_\_\_\_Yes \_\_\_\_\_No

If best management practices have been performed, please list and provide documentation of the practices you have implemented: \_\_\_\_\_

Has the loss or injury been confirmed by ODFW? \_\_\_\_\_Yes \_\_\_\_\_No

If yes, please attach the following documentation: ODFW Depredation Report, pictures, correspondence, and any other pertinent information.

Number, description, and value of dead livestock or dead livestock working dogs: \_\_\_\_\_

Were these animals insured? \_\_\_\_\_Yes \_\_\_\_\_No

If yes, please specify the amount per animal: \_\_\_\_\_

Total amount of compensation requested for livestock/dogs lost to depredation: \_\_\_\_\_

***Attach Pages as Necessary for Additional Information, Documentation, or Comments***

**Part IV (cont'd.)**

**Section 2 – Compensation Requested for Missing Livestock**

Date range unconfirmed depredation occurred resulting in missing livestock: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Location of pasture(s) or range where livestock went missing: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is this location designated by ODFW as an AKWA? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, have you performed best management practices within the AKWA? \_\_\_\_\_ Yes \_\_\_\_\_ No

If best management practices have been performed, please list and provide documentation of the practices you have implemented: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number, description, and value of missing livestock: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe measures taken to locate missing livestock: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What is the normal, average, or historical number of missing livestock for this pasture? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Do you have written records to document the historical level of missing livestock? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Were these animals insured? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please specify amount per animal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Total amount of compensation requested for missing livestock: \_\_\_\_\_

***Attach Pages as Necessary for Additional Information, Documentation, or Comments***