



Mary Fallin
Governor

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2016-16

Today I vetoed Senate Bill 1142, because of its safety risk to public property users and its deleterious effects on conservation. I recognize, however, that the harms articulated in my veto message are not likely to be realized on private land, since private property owners have tighter control over who is allowed access to their property and what activities occur thereon. Moreover, I understand the serious threat posed by feral swine to Oklahoma landowners and wildlife, and the responsibility of the state to continue its efforts in exterminating this dangerous nuisance. While research and experience have demonstrated that trapping feral swine proves to be the most effective method of eradication, private property owners should have, at their disposal, every tool available. As a result, I believe adjustments to current eradication practices should be made.

Accordingly, I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct the Oklahoma Department of Wildlife Conservation (ODWC) to promulgate administrative rules in conformity with the Administrative Procedures Act to streamline the process for obtaining annually renewable depredation permits for the removal or attempted removal of feral swine on private property, pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes. Such rules, to be initially promulgated as emergency rules with an effective date of November 1, 2016, shall, at a minimum:

1. Authorize landowners on private property to remove or attempt to remove feral swine at night, and with the use of: night vision equipment, including image-enhancement technology or thermal-imaging technology; motor-driven land conveyances to pursue or follow feral swine; and handheld or vehicle-mounted headlights or other powerful lights to pursue or follow feral swine. *Provided*, however, at no time shall it be permitted to pursue feral hogs on public roadways, or to discharge firearms from a public roadway.
2. Require private landowners to agree to provide advance notification to a game warden assigned to the county in which depredation efforts will occur, or a game warden assigned to an adjacent county. Such notification shall occur at a frequency that is mutually agreed upon by the ODWC and each particular landowner, and shall reasonably identify the land on which depredation efforts will occur. The ODWC shall ensure that the prescribed methods of notification are convenient, timely, of minimal (if any) cost, and accessible to a wide variety of users, as solicited through the public comment phase of the rulemaking process.

3. Explain how users may obtain the information necessary to avail themselves of the depredation permit program, including a link to the ODWC webpage that contains, among other things, the full text of the promulgated rules and a county-by-county directory for electronic notification purposes.
4. Clearly articulate under what conditions depredation permits may be revoked. Revocations shall be limited to those situations that plainly implicate public safety concerns or to avoid violation of state law.

Nothing in this Executive Order shall be interpreted to limit, in any way, other state entities from lawfully promulgating administrative rules that explain to the public if and how permission may be obtained to remove or attempt to remove feral hogs on land that it owns, leases, manages, or otherwise controls, as provided in Section 6-604(A) of Title 2 of the Oklahoma Statutes. Such rules may, among other things, establish seasonal restrictions on the removal of feral swine (for example, by prohibiting feral swine removal during primitive arms and gun deer hunting seasons in order to bolster the enforcement of illegal poaching).

This Executive Order shall be distributed to the ODWC Director, the Commissioner of Agriculture, the CEO of the Grand River Dam Authority, the Secretary of the Commissioners of the Land Office, the Secretary of Tourism and Recreation, and to all of my Cabinet Secretaries, who shall cause the provisions of this Order to be implemented as herein directed.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 20th day of May, 2016.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN

ATTEST:

CHRIS BENGE, SECRETARY OF STATE