

STATEMENT OF SCOPE

Department of Natural Resources

DNR Rule Number: NH-10-26 (E), NH-11-26

Relating To: Wolf depredation claims (ch. NR 12)

Rule Type: Emergency and Permanent

Scope:

1. Finding/nature of emergency (Emergency Rule only):

The department finds that an emergency exists because wolf depredation compensation costs continue to occur at an unsustainable rate and funding is anticipated to be insufficient to fully pay claims related to wolf depredation in FY2027 and beyond. The department needs rules in place to adequately administer the wolf depredation program and provide a clear and transparent process for paying wolf depredation claims when such claims exceed available funds. Providing meaningful compensation after depredation events is very important to owners of pets and livestock, but dedicated funding is not provided for paying these claims, and costs have continued to rise since wolves were delisted as an endangered species at the state level more than 20 years ago.

2. Detailed description of the objective of the proposed rule:

This rule will create a process for how wolf depredation claims will be paid when the statutorily identified funding sources are insufficient to fully cover all claims for the entire fiscal year. These rules may set limits on the maximum amount each claimant may receive, establish a system for prioritizing claims according to type and authorize the proration of payments when claims are expected to exceed available funds.

Additional rule changes may be pursued which are reasonably related to those discussed here.

These rules may also include additional updates such as correcting cross-reference citations, updating road names on maps, changes needed in order to update application forms or revisions which are necessary for consistency with recently enacted legislation.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

While wolves are on the state or federal endangered species list, eligible wolf depredation claims, including those for death or injury of livestock, pets and hunting dogs (except those actively used in the hunting of wolves) caused by wolves must be paid from funding sources tied to the endangered species program. These claims must be paid as soon as practicable. In the past, the department paid these claims in the order as they were received. The department projects that funding from statutorily identified funding sources, without intervention, will not be

sufficient to pay all wolf damage claims beginning in FY 2027, which begins on July 1, 2026. The department may seek to prorate wolf claims so that all individuals who have wolf depredation claims can receive as much compensation as possible.

Policy alternatives to prorating claims include continuing to pay wolf depredation claims on a first-come-first-serve basis until all the funds are depleted. However, this approach could potentially leave individuals who experience wolf depredations later in the fiscal year without any compensation.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Restrictions on the removal of wild animals and the wildlife damage abatement and claims program while the wolf is on the state or federal endangered species list are established under the authority of s. 29.888(5). This subsection establishes the funding sources for wolf depredations claims while the wolf is protected and requires the department to pay damage claims as soon as practicable after determining that the claim is eligible to be paid.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

100 hours.

6. List with description of all entities that may be affected by the proposed rule:

Agricultural producers who experience wolf depredations and individuals with pets and hunting dogs depredated by wolves will be the primary groups impacted by these rules.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The US Department of Interior announced in November 2020 that gray wolf populations across the lower 48 states have recovered and no longer require the protection of the Endangered Species Act. The U.S. Fish and Wildlife Service published a final rule in the Federal Register that removed gray wolves across the lower 48 states from the list of endangered and threatened wildlife and plants. The rule went into effect on January 4, 2021. On February 10, 2022, a federal court ruling returned wolves to the federal list of endangered species where they remain.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

This rule may result in prorating wolf depredation claims if funding is insufficient to adequately cover all claims in a given fiscal year. Some individuals experiencing wolf-caused depredations of pets and livestock may not be able to receive full compensation for their claims should funding sources be insufficient to cover all claims for the fiscal year.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding one public hearing in the month of December 2026.

The department will hold the public hearing virtually to allow for as many people to attend as possible. Comments may be provided by mail, phone and email as well as in-person.

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Date Approved