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The statement of scope for this rule, SS 045-21 was approved by the Governor on April 30, 2021, published in Register No. 785A2 on May 10, 2021 and approved by the Natural Resources Board on June 23, 2021. This rule was approved by the Governor on insert date.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, AMENDING, REPEALING AND RECREATING AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 10.2 (1) (b); to **amend** NR 10.001 (25c), 10.02 (1), 10.06 (5) and (8), 10.07 (2) (b) 2., (2m) (intro), 10.13 (1) (b) 9., 15. and 16., 10.145 (intro) (3) (d) and (f) (5), 12.10 (intro), (1) (a), 4., (b) 2., 12.15 (13), 12.50, 12.51, 12.53 (1) and (2), 12.54, and 19.25 (intro); to **repeal and recreate** NR 10.086 (2); and to **create** NR 10.001(7s) (21q), (23c), (23cc), (23cd), (26g) and 33, 10.01 (3) (j), 10.07 (1) (m), (2m) (em) and note, (2m) (f) and (4), 10.08 (3) (b), (2) (b), 10.13 (1) (b) 15m., and 18, 10.145 (1m) and (5) (a), 10.16 (5), 10.295, NR 12.15 (11) (f) and 12.60 to 12.65, and 19.25 (a) relating to wolf harvest regulations.

**WM-02-21**

**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted, Statutory Authority and Explanation , of Agency Authority:** The department is directed by s. 29.014(1), Wis. Stats., to establish and maintain conditions for the taking of game, including wolves, that conserve populations and provide opportunities for continued hunting and trapping. This provision authorizes the department to establish rules that restrict harvest to safe levels which are established based on population estimates, population goals, and hunter and trapper success rates.

2011 Wis. ACT 169 created s. 29.185, Wis. Stats. Subsection (1m) directs the department to authorize and regulate the hunting and trapping of wolves. It further provides that the department may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses. Various provisions of s. 29.185, Wis. Stats., provide the department with additional authority to administer and regulate a wolf harvest season. The establishment of wolf harvesting zones is required by the s. 29.185(5)(b), Wis. Stats. Department authority to close the season in a harvest zone is established in s. 29.185(5)(c), Wis. Stats. Regulations on the proper use of tags and registration of harvest are authorized under s. 29.185(7), Wis. Stats. Regulations on the types of traps that may be used to harvest wolves are authorized under s. 29.185(6)(f), Wis. Stats.

The placement of baits for wildlife that contains poison of any type is prohibited in s. 29.088(1), Wis. Stats., and the department has interpreted this statute to mean that substances that are poisonous to canines are illegal to use for wolf hunting baits.

Section 29.885, Wis. Stats. provides the department with the authority to remove and authorize the removal of wild animals that are causing a nuisance or damage and establishes conditions regarding such removal.

2011 Wis. Act 169 also created s. 29.888, Wis. Stats., which directs the department to administer a wolf depredation program under which persons may be reimbursed for death or injury caused by wolves to livestock, hunting dogs other than those being actively used in the hunting of wolves, and pets and for management and control activities conducted by the department for the purpose of reducing damage caused by wolves.

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Collectively, s. 29.885 and 29.888 allow the department to require written authorization for a member of the public to capture and relocate or kill wolves in damage and nuisance situations, consistent with current requirements for species such as deer, bear, and elk. Public hunting and trapping of certain species must be allowed for species currently covered under s. 29.885 (4m), Stats.

Section 21 of 2011 Wis. Act 169 requires the department to promulgate rules to implement ss. 29.185 and 29.888.

**4. Related Statutes or Rules:** None.

**5. Plain Language Analysis:**

In response to 2011 ACT 169, the department promulgated EmR1210 to establish harvest regulations for the administration and implementation of a wolf harvest season. Provisions of EmR1210 related to wolf harvest included establishing wolf hunting zones (Section 30, EmR1210); shooting hours (Section 11, EmR1210); reporting, registration and carcass presentation requirements (Section 28, EmR1210); and regulations regarding the use of dogs (Section 19, EmR1210). EmR1210 established that harvest quotas for wolves will be based in part on the wolf population, population trends, established population goals, ecological considerations, and wolf conflict with agricultural and land uses (Section 27 EmR1210).

EmR1210 also established a wolf depredation program that is similar to the existing program that applies when wolves are listed as threatened or endangered and is consistent with the wildlife damage, claims and abatement program that is in place for other species (Sections 36-43 EmR1210).

Since EmR1210 was promulgated, some sections in code which relate to wolf harvest and depredations have been moved or updated and new statutes have been put in place. This rule proposes to permanently codify provisions of EmR1210 with updates to align wolf regulations to reflect the subsequent changes in statute and code. These updates are housekeeping in nature, generally serving to update citations and relocate provisions to apply the wolf program as established by EmR1210 to the most current version of the administrative code. For example, CR 17-061 renumbered ss. NR 10.145 (7) and (8). These sections established season closure rules and harvest reporting for furbearer species and was amended by EmR1210. CR 17-061 also permanently established in code regulations for tagging and registering wolves. This rule does not include provisions from EmR1210 that were permanently promulgated by other rulemaking. This rule will adjust the opening day of the wolf harvest season from October 15 to the first Saturday in November in response to a statutory change. This rule also proposes two substantive changes that were not contained in EmR1210: reducing the time that an individual has to register a harvested wolf to eight hours after the animal has been recovered and issuing tags that specify a single zone within which a wolf can be harvested.

Many provisions of s. 29.185, Wis. Stats., will be duplicated in administrative code to clarify what is prohibited and because that is where people are accustomed to finding similar or identical regulatory information for other species. The following provisions are found in s. 29.185(5) and (6), Wis. Stats.: season dates, use of dogs, hunting hours, baiting regulations, regulations on traps, firearms, bows and crossbow use. Rule updates on the payments of claims for damage associated with gray wolves will be similar to new language created in s. 20.370(5)(fv), Wis. Stats.

SECTIONS 1, 3 to 5, and 7 contribute to defining “reservation wolf” pack for the purposes of establishing wolf harvest quotas.

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SECTION 2 defines “point of kill”, a term used to describe when a flashlight can legally be used at night while hunting species for which there are no hunting hour restrictions.

SECTION 6 clarifies, in the definition, that wolves are not small game.

SECTIONS 8 AND 32 define and establish Wolf Harvesting Zones.

SECTION 9 locates the statutorily established wolf hunting and trapping season dates in the table where other season dates are established.

SECTIONS 10, 11 and 37 strike wolves from the list of protected species for which hunting and trapping seasons are not established and relocates a provision allowing landowners, lessees and occupants of lands to kill nuisance wolves in certain situations.

SECTION 12 establishes normal daytime hours for hunting wolves but eliminates hunting hour restrictions for the portion of the wolf season beginning on the day following the traditional 9-day November firearm deer season each year.

SECTION 13 prohibits the use of radio telemetry receivers to aid in locating wolves for any purpose unless specifically authorized by the department.

SECTIONS 14 to 18 establish that baiting is allowed as a method of hunting wolves and the conditions under which bait may be placed for hunting wolves.

SECTION 19 establishes special regulations for hunting wolves at night including a prohibition of using dogs at night. This SECTION also establishes regulations related to dog tags, identification, and the number of dogs that may be used.

SECTION 20 AND 21 change the registration timeline for a harvested wolf from 5 p.m. the day after harvest to 12 hours after recovery of the wolf.

SECTION 22 prohibits the use of steel jawed foothold traps with a jaw spread of greater than seven inches for non-water sets during the early part of the wolf trapping season to reduce the incidental capture of certain non-target species.

SECTIONS 22 and 23 establish a period during the wolf hunting and trapping season when cable restraints may be used in order to reduce the incidental capture of non-target species and create standards for the use of cable restraints placed to capture wolves.

SECTION 24 allows the possession and retention of coyotes, foxes, and bobcat captured incidentally to wolf trapping in cable restraints that are not otherwise legal to place for coyotes or bobcat, if the respective season is open and the person has a valid unfilled permit and tag, in the case of an incidental bobcat.

SECTION 25 establishes that only a firearm may be used as a method of dispatching a live wolf that has been captured in a trap or cable restraint.

SECTION 26 AND 27 establish that a wolf harvesting license is required to hunt or trap wolves and create guidelines and criteria that must be considered by the department when establishing harvest quotas and issuing permits.

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SECTION 28 AND 29 explains how applications for wolf harvesting licenses are made and successful applicants are selected. These SECTIONS also establish the manner for tagging, reporting and registering harvested wolves with the department. Finally, these sections create language that is consistent with s. 29.185 (5) Wis. Stats., regarding a process for closing the wolf hunting and trapping seasons.

SECTION 30 establishes that the U.S. Fish and Wildlife Service may allow wolf hunting at the Necedah National Wildlife Refuge. This does not require the service to allow wolf hunting. Trapping furbearers such as wolves is already possible under current rules, at the service's discretion.

SECTIONS 32 to 35 re-establish that when wolves are not listed as threatened or endangered species department authorization is required to remove wolves causing damage or which constitute a nuisance and establish conditions and requirements for removal.

SECTION 35 clarifies that dogs may not be used to pursue wolves under a wolf damage shooting permit unless specifically authorized by the department, similar to permits issued for bear damage.

SECTIONS 37 to 39 establish a wolf depredation program that is in effect only at times when wolves are not listed as a threatened or endangered species. It also clarifies that the existing program only applies when wolves are listed.

## **6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

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.

Federal law requires the states to monitor wolf populations for at least five years to ensure the species continues to thrive. If it appears, at any time, that the gray wolf cannot sustain itself without the protections of the Endangered Species Act, the service can initiate the listing process, including emergency listing.

## **7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:**

The statement of scope initially provided that the primary purpose of this rule was to permanently codify and housekeep regulations that were initially adopted on an emergency basis in 2012. A preliminary public hearing on this statement of scope was held virtually on April 23, 2021. Fourteen members of the public attended the hearing with five choosing to make a public statement. A representative from the Wisconsin chapter of the Humane Society of the United States expressed opposition to the court-ordered wolf season that occurred in February 2021 and offered suggestions for future hunts. These suggestions included reducing the time to register a harvested wolf, banning night hunting and hunting from snow machines, limiting group hunting and creating buffers around the ceded territories. A representative from the Wisconsin Farm Bureau Federation suggested that the department pause this rulemaking until the Department's wolf management plan committee and wolf harvest committee could begin their work. The Friends of the Wisconsin Wolf and Wildlife testified against a mandated wolf hunt and was opposed to this rulemaking. One individual testified against any wolf harvest while another spoke against the February season and encouraged the department to work further with tribal governments.

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The department also received eleven written comments during the comment period for this preliminary public hearing. Comments from the Wisconsin Cattlemen's association mirrored the oral testimony from the Wisconsin Farm Bureau Federation. The Wisconsin Chapter of the Sierra Club offered ideas for safeguards to add to the rulemaking. These included issuing fewer licenses, requiring in-person carcass registration and preventing private property trespass violations from hound hunting. Two individuals wrote to support the wolf season and the scope statement. Seven individuals wrote comments against the wolf hunt and made suggestions that mirrored those made by the Humane Society of the United States during the public hearing.

Subsequent to this preliminary hearing, the department revised the statement of scope to allow for consideration of three specific substantive changes in addition to housekeeping measures: the issuance of tags that specify a single zone within which wolf harvest may occur, reducing the timeline for registering a harvested wolf, and making shooting hours consistent across all forms of wolf harvest.

The Department held a preliminary public hearing on the revised statement of scope on Monday, June 7, 2021, at 1 p.m. virtually through Zoom. Thirty members of the public attended the hearing with five choosing to make a public comment. Three of speakers represented themselves while the other two represented organizations, the Wisconsin Coon Hunters Association and the Humane Society of the United States. The Wisconsin Coon Hunters Association was concerned that potential restrictions on night hunting would impact other activities, including trapping and hunting coons with hounds. The Association recommended that any rules regarding night hunting be drafted very specifically to avoid impacts to these other users. This concern was shared by another individual who felt it will be difficult to determine whether a hunter is night hunting coyotes or wolves. Two individuals testified against the three additional changes proposed in the scope statement. For example, these individuals felt that restrictions on night hunting would be discriminatory against callers and that the proposal was reactionary to the court-ordered wolf harvest season that occurred in February 2021. Finally, the Humane Society of the United States was supportive of the three items added to the revised scope statement but felt additional measures should be taken, including limiting group hunting and eliminating the use of motor vehicles while hunting with hounds.

In addition to those testifying at the hearing, twenty-eight members of the public submitted written comments regarding the revised statement of scope. Sixteen individuals wrote in support of the revisions to the scope statement. However, the majority of the individuals that supported the revisions to the scope statement felt that the statement of scope should be amended further to permit the department to take additional measures to restrict the hunting of wolves. Suggestions included issuing limiting group hunting, issuing fewer licenses, restricting the use of using motor vehicles while pursuing wolves with hounds, prohibiting the use of bait, and eliminating the use of hounds while hunting. Four commentators, including the Sierra Club of Wisconsin, Animal Wellness and the Center for a Humane Economy, made similar suggestions without specifically addressing the content of the statement of scope. Two individuals expressed opposition to all wolf harvest. One individual commented that they doubted the accuracy of the department's wolf count; another specifically wrote that they wished to continue to be able to hunt wolves at night. Finally, two others expressed opposition to the revisions to the original statement of scope.

## **8. Comparison with Similar Rules in Adjacent States:**

The only adjacent states that have established a wolf hunting and trapping season are Minnesota and Michigan. Neither are required to hold a season by statute.

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Michigan held a single wolf hunting season in 2013. Wolves are only found in the Upper Peninsula of Michigan. Successful hunters were required to report their harvest the day of the hunt.

Beginning in 2012, Minnesota allowed hunting and trapping of wolves, but not with the assistance of dogs. Minnesota required that harvested wolves be registered by 10 p.m. the day of harvest.

Neither Minnesota nor Michigan have authorized the harvest of wolves since wolves were removed from the federal endangered species list in January 2021.

### **9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

In response to 2011 ACT 169, the department promulgated EmR1210 to establish harvest regulations for the administration and implementation of a wolf season. These provisions included establishing wolf hunting zones (Section 30, EmR1210); shooting hours (Section 11, EmR1210); reporting, registration and carcass presentation requirements (Section 28, EmR1210); and regulations regarding the use of dogs (Section 19, EmR1210). EmR1210 established that harvest quotas for wolves will be based in part on the wolf population, population trends, established population goals, ecological considerations, and wolf conflict with agricultural and land uses (Section 27 EmR1210). EmR1210 also established a wolf depredation program that is similar to the existing program that has been applied when wolves are listed as threatened or endangered and consistent with the wildlife damage, claims and abatement program that is in place for other species (Sections 36-43 EmR1210).

The department administered three wolf seasons under EmR1210. In December 2014 a federal judge relisted the wolf on the endangered species list before a permanent rule could be promulgated.

Since the emergency rules were promulgated in 2012,<sup>4</sup> some sections in code which relate to wolf harvest and depredations have been moved or updated and new statutes have been put in place. This rule proposes to permanently codify provisions of EmR1210 with updates to align wolf regulations to reflect the subsequent changes in statute and code. These provisions, along with relevant data and methodologies, are discussed below. This rule also proposes reducing the time that an individual has to register a harvested wolf to eight hours after the animal has been recovered and creating tags that specify the zone a wolf can be harvested.

This rule proposal will ensure continuity of the department's existing wolf management program by permanently codifying program policies, harvest regulations and a wolf depredation program with which the public is already familiar. These rule proposals are consistent with management guidelines and regulations for other species that are hunted or trapped in Wisconsin.

The proposal permanently adopts a definition of "reservation wolf packs" for the purposes of establishing wolf harvest quotas. The department has not historically included wolves on tribal lands when establishing quotas.

This rule permanently adopts a definition of the term "point of kill". The definition is important because the term describes when a flashlight can legally be used at night while hunting and when a light may not be used because shining while in possession of a firearm is not legal. This definition is consistent with past department policy.

This rule continues to exempt wolves from being classified as small game—something that otherwise would automatically occur any time wolves are not listed as endangered or threatened. Small game is not

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the appropriate designation for wolves because it will not be legal to hunt them with a license that authorizes hunting of small game, such as an archery, small game, sports, patrons or non-resident fur-bearer license.

This proposal maintains that hybridized variations of true wolves are also considered to be wolves. This broad definition resolves potential questions about the use of harvesting licenses and eligibility for the depredation program when animals that appear not to be true wolves are involved.

This rule proposal permanently adopts previously established wolf harvesting zones. The department will establish harvest quotas for each zone and hunters and trappers are allowed to pursue wolves only in the zone indicated on the license. Under the rule, the department will have the ability to list more than one zone or subzone on a license, providing flexibility for hunters if one zone they intended to hunt is closed early. Managing harvest by the use of zones allows harvest to be focused in certain locations or regions for purposes such as reducing incidents of wolf depredation or keeping populations low in areas determined not suitable for wolves. Zones can also be used to decrease harvest pressure in certain areas where it is needed to maintain or rebuild populations in suitable habitat. The ability to focus harvest pressure allows managers to safely maximize hunting opportunity.

This rule making will permanently adopt previously established factors which must be considered in setting t harvest quotas for wolves, such as the wolf population, population trends and population goals established in a wolf management plan. The number of permits issued to reach a harvest quota will be based in part on the trends of hunter and trapper success rates and is consistent with the department's harvest management strategy for other species. In establishing harvest permit levels, the department will also consider the likelihood of a season being open for its entire allotted number of days. A final consideration will be managing wolf conflict with agriculture and land use in an area and maintaining a sustainable population in core habitat areas.

The department is currently engaged in the process of drafting a new wolf management plan. For wolves, a population goal at which public harvest and proactive control could occur is currently, and will continue to be, established in a species management plan prepared by the department.

Requiring registration of individual animals harvested by hunters and trappers is a commonly used method of gathering information for harvest management, population monitoring, and to aid in enforcing regulations. Requirements of this rule will provide the department with more timely harvest information than is possible with registration requirements for some other species because there are two required actions that a successful hunter or trapper needs to make. First, it is required that a hunter or trapper to register harvest by phone or other method authorized by the department within eight hours of recovering a harvested wolf, allowing the department to monitor harvest activity as it occurs during the season. If registration information indicates that the harvest quota for wolves has or will be met, the department will use this information to implement an early season closure to prevent exceeding the harvest quota in a particular zone.

The department anticipates that compliance with reporting and registration requirements will be good. Wolf hunters and trappers will have significant incentive to register and certify in order to obtain the state certification seal that allows possession, transfer and sale of the wolf pelt or carcass. Possessing the attached registration tag is also necessary in order to obtain the services of a taxidermist or tannery.

Another important feature of tagging, transportation, and registration requirements are that they are a primary way of enforcing harvest regulations and preventing illegal harvest. Effective enforcement of harvest restrictions by conservation wardens and tribal wardens is intended to protect the wolf population

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overall and also preserves opportunities for legal harvest. Federal involvement can occur when illegally killed wolves are transported across state lines or killed on federal lands (National Park Service land, National Wildlife Refuges, National Forests, Federal military bases, or Indian reservations).

A number of wolves have been captured and fitted with telemetry gear by the department for research purposes. Under this rule proposal, the use of radio telemetry gear for locating wolves will continue to be prohibited unless specifically authorized by the department. The prohibition would apply to locating wolves for any purpose. People who hunt with the aid of dogs and train hunting dogs also commonly use this technology for monitoring their dogs. Individuals using dogs will continue to be exempted from the prohibition of possessing radio telemetry gear as long as it is not used to locate wolves that are fitted with transmitters. Harvest of a collared wolf will remain legal.

This rule proposal maintains regulations on the use of bait for hunting, firearm and crossbow use, and hunting hours. Many of these regulations are similar to provisions established in statute and are reproduced in administrative code to assure enforceability of the statutory provisions and to increase ch. NR 10's usefulness to department staff and the public. Also, under this proposal, baiting for wolves will continue to be allowed beginning on the day after bear season closes through the close of the wolf season in a zone. Regulations for baiting in this proposal are similar in many respects to current bear baiting regulations. For hunting wolves statewide, 10 gallons of bait is allowed, and it must be covered to prevent access by deer. Additionally, it will be legal to hunt wolves over baits that were lawfully placed for hunting deer. Similar to the restrictions on hunting deer and bear, animal parts and by-products are not allowed as bait for hunting wolves.

Current statutes establish that it is illegal to use baits containing poison of any description where it might cause the destruction of wild animals. This proposal maintains a similar provision in administrative code which is specific to canine animals. Doing so locates more of the baiting regulations in one place, for convenience and rule use ability. It also recognizes that there are food substances which are known to be toxic to canines and may not be used in a way that will poison canine animals.

Hunting at night continues to be authorized under this rulemaking; however, the rule addresses safety concerns about hunting in the dark with large caliber rifles and shotguns shooting slugs or buckshot by reducing the likelihood that someone will shoot a firearm without being certain of what lies beyond their target. By requiring that a person hunt from a stationary position and prohibiting hunting with hounds at night, shooting opportunities are more likely to occur in directions where the hunter has been able to anticipate and avoid possible unsafe shooting scenarios. It is anticipated that this extra precaution will help assure public safety.

This proposal will continue to restrict the size of steel jawed traps not placed as water sets when used during the early part of the wolf season, through November 30, from a maximum jaw spread of 8 inches to a maximum of 7 inches. This is intended to prevent the incidental catch and retention of bears at times when they are normally still active. This rule would maintain regulations on the allowable times for use and the dimensions and mechanical requirements of cable restraints to capture wolves. A cable restraint is a device used for restraining furbearers without injuring them which consists of a non-spring activated galvanized aircraft cable which includes a relaxing mechanical lock, stops, and swivel set in a non-entanglement manner. Cable restraints meeting certain specifications are currently legal for use at certain times for fox, coyote and bobcat. Under this proposal, cable restraint use for wolves continues to be restricted to times when black bears are normally not active to prevent incidental capture and retention of bears.

Hunting and trapping are currently prohibited by the department in the Necedah National Wildlife Refuge



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but there are a number of exceptions. As the landowner, the Fish & Wildlife Service already has the ability to allow or prohibit hunting and trapping and service staff people can enforce federal regulations. The proposed rule also allows enforcement of special closed area regulations by the department. The proposed rule does not require the service to allow wolf hunting or trapping but is necessary if the service decides to allow wolf hunting.

Wolf depredation management is an important aspect of wolf management in Wisconsin. The department is charged with protecting and maintaining a viable population of wolves, but also must protect the interests of people who suffer losses due to wolf depredation. Wolves occasionally kill livestock, poultry, and pets. Although wolf depredation does not impact a significant portion of livestock growers, poultry producers, and pet owners, it brings hardship to individuals who experience incidents of depredation. The department administered a wolf depredation program while wolves were listed on the federal endangered species list. EmR1210 created a similar but more detailed wolf damage program which has been utilized during periods when were not listed. For example, in 2020 the department paid approximately \$228,694.32 in claims to owners of animals under the existing program for depredation caused by wolves. This rulemaking will continue the wolf depredation management program that was put in place by EmR1210.

To remain consistent with compensation eligibility requirements for other species, this rule continues a requirement that landowners must allow access to the public for hunting and trapping wolves to be eligible for depredation compensation. Landowners could restrict the use of hunting with dogs if trespass on neighboring lands is perceived to be an issue. In order to minimize the use of lethal control, the proposal also continues a requirement that individuals seeking wolf depredation compensation must cooperate with the implementation of any recommended abatement. These rules clarify that anyone seeking wolf depredation compensation must allow access to the department or its agent to inspect property and any abatement techniques being used. The proposal maintains that a panel of three representatives from Dept. of Agriculture, Trade and Consumer Protection, UW-Extension, and Wisconsin Farm Bureau Federal can defer the establishment of maximum payments amounts to another expert in the event the type of animal whose value is being evaluated is outside of their area of expertise. Consistent with its past administration of the wolf depredation compensation program, the department will not pay any wolf depredation claims until after December 31 of each year so that the level of program funding is known when payments are made. The department will also pro-rate claims if funds are not sufficient to pay all claims. These rules will continue to allow persons with a valid hunting license of any kind to assist a person who has a wolf removal permit. For most species the appropriate license for that species is required to assist someone with a removal permit, however, because wolf harvesting licenses will be limited by a drawing, expanding the types of licenses needed to assist permittees under the damage program is needed. Individuals assisting a permittee using trapping methods would need to possess a valid Wisconsin trapping license. Finally, this proposes a “one-for-five” rule under which producers would be eligible to receive compensation for up to 5 additional calves for every verified or probable wolf depredation. This provision is based on the department’s actual payment history for missing calves and continues to acknowledge that there is not always verifiable evidence of depredation on calves.

**10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:** These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to these rules. Implementing a wolf season will have a direct positive economic impact to both the department and various small businesses. During the first three years in which the department had the authority to conduct a wolf harvest season, an average of 17,000 people per year submitted applications for a wolf license. This

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brought in an average of \$247,781 in annual revenue for the department. People who hunt or trap wolves may reside anywhere in the state but are likely to hunt and trap in the northern third of the state where most wolves are found. This will result in increased purchases of lodging services in those areas. Some hunters/trappers will need to be assisted by paid guides in order to have a high likelihood of success. The gear used for wolf hunting will be similar to that used for deer or furbearers and that, combined with the low number of hunters, means there will be limited new retail expenditures. Successful hunters and trappers will contribute economically through the sales of wolf pelts or, more often, the purchase of taxidermy services. These will be minor contributions overall but for an individual taxidermist, guide, or motel owner who receives extra work, the impact is worth noting.

This rulemaking will allow Wisconsin to manage wolves to population levels that are consistent with the department's management objectives for wolves. Wolf harvest may result in fewer wolf conflicts and reduced wolf depredation on domestic animals. Under previous requirements of law, the department reimburses owners for the fair market value of domestic animals killed, or veterinary services, in wolf depredation incidents. A reduction in depredation will result in less time investigating damage, filling claims, and working with agency staff who administer the program. Individual producers who are concerned about livestock depredation are likely to view a hunting season as very important to them economically.

The department does not anticipate that there will be significant conflict in the field between people pursuing different outdoor recreational opportunities. It is possible that some wildlife watchers who seek wolves for viewing opportunities may be concerned about user conflict, however, and will be less active. They may initially spend less money travelling and pursuing these activities

**11. Effect on Small Business (initial regulatory flexibility analysis):** These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have an economic impact on a substantial number of small businesses under s. 227.24(3m), Stats.

**12. Agency Contact Person:**

Randy Johnson, Large Carnivore Specialist, 107 Sutliff Ave. Rhinelander WI 54501. (715) 499-0010. [randy.johnson@wisconsin.gov](mailto:randy.johnson@wisconsin.gov)  
 Scott Karel, Wildlife Regulation Policy Specialist, 101 South Webster St., Madison, WI 53707. (608) 267-2452. [scottr.karel@wisconsin.gov](mailto:scottr.karel@wisconsin.gov)

**13. Place where comments are to be submitted and deadline for submission:**

Written comments may be submitted at the public hearings, by regular mail, or email to:

[Insert name given in hearing notice here]

Department of Natural Resources

[Insert address]

[Insert telephone, fax, and e-mail]

Comments may be submitted to the department contact person listed above or to [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov) until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at

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<https://dnr.wi.gov/calendar/hearings/>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>. The consent of the Attorney General will be requested for the incorporation by reference of [insert description of material to be incorporated].

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## **RULE TEXT**

### **SECTION 1. NR 10.001(7s) is created to read:**

NR 10.001(7s) "Den site" means a specific location where wolf pups are born and raised in the spring season of the year.

### **SECTION 2. NR 10.001(21q) is created to read:**

NR 10.001(21q) "Point of kill" means the location at which a flashlight is used to illuminate and kill a wild animal whose position or location is already known by the hunter for the purpose of accurately identifying the animal, safely aiming the weapon and killing the animal. It does not include shining a light on fields, forests or other areas in general for the purpose of searching for or attempting to locate wild animals for which the hunter does not already know the specific location, such as a tree a hound has treed the animal in.

### **SECTION 3. NR 10.001(23c) is created to read:**

NR 10.001(23c) "Rendezvous site" means a specific location where wolf pups are kept in the summer and early fall seasons of the year.

### **SECTION 4. NR 10.001(23cc) is created to read:**

NR 10.001(23cc) "Reservation" means the federally established reservation of a tribe.

### **SECTION 5. NR 10.001(23cd) is created to read:**

NR 10.001(23cd) "Reservation wolf or wolves" means a wolf or wolves that have at least 50% of their territorial range located within the boundary of a reservation or for whom 50 percent of their rendezvous sites, or a den site, are located within the boundary of a reservation.

### **SECTION 6. NR 10.001(25c) is amended to read:**

NR 10.001(25c) "Small game" means all varieties of wild mammals and birds for which there is an open season, but does not include deer, moose, elk, bear, wolf, wild turkey or endangered, threatened or protected species of game. For the purpose of s. 167.31 (4) (e), Stats., small game does include wild turkeys.

### **SECTION 7. NR 10.001(26g) is created to read:**

NR 10.001(26g) "Tribe" means a federally recognized American Indian tribe or band in this state.

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**SECTION 8. NR 10.001(33) is created to read:**

NR 10.001(33) “Wolf Harvesting Zone” means a zone established in s. NR 10.295. Zone 1 includes the frozen surface of Lake Superior within this state. Zone 6 includes the frozen surface of Green Bay under the jurisdiction of Brown and Door counties, and Oconto County south of an east to west line originating at the mouth of the Oconto River, Oconto County. Zone 2 includes the frozen surface of Green Bay in Marinette County, and in Oconto County north of an east to west line originating at the mouth of the Oconto River, Oconto County. The easternmost boarder between zones 2 and 4 ends at HWY 180 and the oxbow of the Menominee River.

**SECTION 9. NR 10.01(3)(j) is created to read:**

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(j) Wolf hunting and trapping in the wolf harvesting zones established in s. NR 10.295 unless closed under s. NR 10.145(7)	First Saturday in November – last day of February unless department determines that an earlier closure is necessary to effectively manage the state’s wolf population pursuant to s. 29.185(5)(c).	One per license and pelt tag issued under s. NR 10.145.

**SECTION 10. NR 10.02(1) is amended to read:**

NR 10.02(1)(a) ~~Except as provided in par. (b), cougar, Cougar, Canada lynx, badger, moose, gray wolf, wolverine and flying squirrel.~~

~~(b) On private land, the landowner, lessee or occupant of the land, or any other person with permission of the landowner, lessee or occupant may shoot and kill any gray wolf or cougar in the act of killing, wounding or biting a domestic animal. Shootings shall be reported within 24 hours to a department conservation warden. The carcass of the wolf or cougar shall be turned over to the department.~~

**SECTION 11. NR 10.02(1) (b) is repealed.****SECTION 12. NR 10.06 (5) and (8) are amended to read:**

NR 10.06(5) SHOOTING HOURS. Shooting hours for bear, bow deer, deer with firearms, elk ~~and small game~~, ~~small game and wolves~~ are 30 minutes before sunrise through 20 minutes after sunset. Shooting hours for migratory game birds are 30 minutes before sunrise to sunset except for teal during a season for hunting teal species only. The hours for shooting teal during a teal-only season shall be sunrise through 7:00 p.m. except on the first day when shooting hours begin at 9:00 a.m. Shooting hours for the first day of the pheasant hunting season established in s. NR 10.01 (2) (c) begin at 9:00 a.m. The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392–5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The shooting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

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**Zone Adjustment**

- B ----- Add 4 minutes
- C ----- Add 8 minutes
- D ----- Add 12 minutes
- E ----- Add 16 minutes
- F ----- Add 20 minutes

(8) EXCEPTIONS. There are no hunting hour restrictions for pursuing coyote, fox, raccoon and all wild animals for which no closed season is established, or for wolves beginning with the first Monday that follows the last day of the regular season established under s. NR 10.01(3)(e) that is open to hunting deer with firearms and ending on the last day of February of the following year, except that shooting hours established in sub. (5) shall apply to archers and crossbow hunters pursuing any species during the black bear season established in s. NR 10.01 (3) (g), during the archery and crossbow deer seasons established in s. NR 10.01 (3) (em) and (ep), and during the elk season established in s. NR 10.01 (3) (i).

Note: If hunting at night for wolves, additional requirements are established in s. NR 10.07(4).

**SECTION 13. NR 10.07(1) (m) is created to read:**

NR 10.07(1)(m) *Telemetry devices*. Use telemetry or similar equipment to locate, pursue or hunt any wolf that has radio transmitters attached to them unless authorized by the department. No person may hunt or pursue wolves while in possession of a radio-telemetry receiver except with the aid of dogs that are equipped with radio transmitters and the device is only used for the purpose of locating transmitters attached to the dogs.

**SECTION 14. NR 10.07 (2) (b) 2. is amended to read:**

NR 10.07(2)(b)2. For the purpose of hunting deer or wolves in compliance with sub. (2m).

**SECTION 15. NR 10.07 (2m) (intro.) and (e) (intro.) are amended to read:**

NR 10.07(2m) BEAR, WOLF AND DEER BAITING REGULATIONS.

(e) Deer and wolf hunting. Bait or feed may be placed and used for hunting deer or wolves outside of the counties described in par. (b), except no person may place, use or hunt over bait or feed:

**SECTION 16. NR 10.07(2m) (em) and note are created to read:**

NR 10.07 (2m) (em) Wolf baiting regulations.

1. Bait or feed may be placed and used for the purpose of hunting wolves, except no person may place, use or hunt over bait or feed:

a. Beginning on March 1 and continuing through the last day of the bear hunting season in s. NR 10.01(g).

b. In excess of 10 gallons of bait or feed at any feeding site.

c. Unless the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material. Liquid scent does not need to be enclosed.

d. Unless, when the bait or feeding site is checked or re-baited, all bait that has been uncovered is again enclosed and made inaccessible to deer in accordance with subd. par. c.

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e. Unless the person placing the bait possesses a valid wolf harvesting license or written authorization from the holder of a valid wolf harvesting license to place and maintain a bait site for the licensee. Written authorization shall include: name, address and phone number of the wolf harvesting license holder; the name, address and phone number of the person placing or maintaining the bait site; and the County, Town and property owners name for the location where the licensee has authorized the person assisting them to place the bait.

f. Containing chocolate or other substances that are poisonous to canine animals.

2. Wolves may be hunted and wolf dogs may be trained over bait or feed lawfully placed for the purpose of hunting bear or training dogs to pursue bear in compliance with par. (d) and s. 29.184, Stats., and for deer in compliance with par. (e), provided the bait or feeding site does not contain any material listed in subd.1. f.

**Note:** The American Veterinary Medical Association's official website contains contact information for poison control centers that maintain lists of toxic substances.

**SECTION 17. NR 10.07 (2m) (f) (intro) is amended to read:**

NR 10.07(2m) (f) *Additional prohibitions.* For bear hunting and bear dog training, wolf hunting, and for deer hunting outside of the counties described in par. (b), no person may place, use or hunt over bait or feed that:

**SECTION 18. NR 10.07(2m) (g) 3. is created to read:**

NR 10.07(2m)(g)3. Wolves without possessing a valid unused wolf harvesting license and pelt tag.

**SECTION 19. NR 10.07 (4) and 10.08 (3) (b) 1.m. are created to read:**

NR 10.07(4) WOLF HUNTING. (a) Dog use. No person may use dogs for tracking or trailing wolves except for the period beginning on the first Monday that follows the last day of the regular gun deer season established in s. NR 10.01 (3) (e) 1. a. and b., and ending on the last day of February of the following year, or the date the department closes the season pursuant to s. 29.285(5)(c), Stats., whichever is earliest.

(b). Number of dogs. No more than 6 dogs in a single pack may be used to trail or track a wolf, regardless of the number of hunters assisting the holder of the wolf harvesting license and regardless of dog ownership

(c) Dog Tags. While a person is using a dog to hunt wolf, the person shall keep on his or her person any tag required for the dog under ss. 95.21 (2) (f), 174.053 (2), or 174.07 (1)(e).

(d) Dog Identification. The dogs shall be tattooed or wear a collar with the owner's name and address attached.

NR 10.08 (3) (b) 1m. Wolf. The possession limit corresponds to the number of pelt tags issued.

**SECTION 20. NR 10.086 (2) is repealed and recreated to read:**

NR 10.086 (2) REGISTRATION TIMELINE.

(a) No person who harvests any of the species identified in pars. (a) to (h) may fail to register the animal, using a telephone, internet, or other registration system established by the department, before 5:00 p.m. of the day after the animal was recovered.

**SECTION 21. NR 10.086 (2) (b) is created to read:**

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(b) No person who harvests a wolf may fail to register the wolf, using a telephone, internet, or other registration system established by the department, within ~~12~~ 8 hours after the wolf is recovered.

**SECTION 22. NR 10.13(1) (b) 9. and 15 are amended to read:**

NR 10.13(1)(b)9. 'Steel jawed traps.' Set, place or operate any steel jaw trap with a spread width of more than 8 inches measured from the two outside points of the jaw which are farthest apart but not diagonal, except that the maximum spread width is 7 inches during the period beginning the first Saturday in November and continuing through November 30 for sets that are not water sets.

15. 'Cable restraints specifications for bobcat, coyote and fox.' Except as provided under (15m), Set set, place or operate any cable restraint except for bobcat from December 1 to January 31 and fox and coyotes from December 1 to February 15, dates inclusive, provided the cable restraint conforms to the following specifications in addition to those under subd. 13.

**SECTION 23. NR 10.13(1)(b)15m. is created to read:**

NR 10.13(1)(b)15m. 'Cable restraints specifications for wolves' Set, place or operate any cable restraint for wolves except from December 1 to the last day of February, dates inclusive, while in possession of a valid unfilled wolf harvesting license and pelt tag, and provided the cable restraint conforms to the following specifications in addition to those under subd. 13.

- a. Cable length of 10 feet or less, with a diameter of 3/32 inch or larger, consisting of multiple strands of wire.
- b. Cable stops shall be affixed to the cable to ensure that the portion of the cable which makes up the noose loop may not be longer than 48 inches when fully open, or less than 8 inches when fully closed.
- c. The bottom of the set restraint cable loop may not be less than 6 inches nor greater than 14 inches above the surface. The measurement to the surface is the distance to the first surface beneath the bottom of the set cable restraint where the surface is ground, ice, crusted or packed snow or any other hard material.
- d. A cable restraint shall include a reverse-bend washer lock with a minimum outside diameter of 1 1/4 inches; and a 1500 pound swivel that acts as the maximum opening cable stop.
- e. A cable restraint shall be staked in a manner that does not allow the restraint device to reach any part of a fence, rooted woody vegetation greater than 1/2" in diameter or any other immovable object or stake that could cause entanglement.

**SECTION 24. NR 10.13(1)(b)16. is amended to read:**

NR 10.13(1)(b)16. 'Incidental take of raccoons, coyote, fox, bobcat and mink.' Retain any raccoon, coyote, fox, or bobcat taken incidentally with a cable restraint during the period when the use of cable restraints is authorized under subd. 15. ~~a.~~ unless it is during the open season for hunting or trapping raccoons, coyote, fox, or bobcat listed in s. NR 10.01 (3) (b), (d), (f), or (h), and the person has the appropriate valid unfilled license, permits and tags, if required. No person may retain any mink taken incidentally with a colony trap unless it is during the open season for mink listed in s. NR 10.01 (4) (e).

**SECTION 25. NR 10.13(1)(b)18. is created to read:**

NR 10.13(1)(b)18. 'Killing captured wolves.' Kill any wolf caught in a trap except humanely by the use of a firearm. A person who is prohibited from possessing a firearm under state or federal law, who

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has caught a wolf by trapping, may authorize a person who is accompanying them and who is allowed to possess and use a firearm to kill the trapped wolf humanely with a firearm.

**SECTION 26. NR 10.145(intro) is amended to read:**

NR 10.145 Bobcat, wolf, fisher and otter. No person may hunt or trap, or attempt to hunt or trap, any bobcat or wolf unless he or she possesses a current and valid license or permit from the department and any associated pelt tags for the area or unit in which he or she is hunting or trapping or trapping, or for fisher and otter, unless he or she possesses a current and valid harvest authorization issued by the department.

**SECTION 27. NR 10.145(1m) is created to read:**

NR 10.145(1m) WOLF HARVEST QUOTAS. The wolf harvest quota shall be determined annually by the department. The department may base its determination upon:

- (a) Population estimates and trends, not including reservation wolves.
- (b) Population goals established in a species management plan approved by the Natural Resources Board.
- (c) The projected impacts of wolf harvest quotas on the wolf population.
- (d) Managing the species' to reduce conflict with agriculture and land use in an area.
- (e) The ecological impacts of wolf predation.
- (f) The ecological importance of wolves.
- (g) The take of wolves for depredation management purposes.
- (h) Previous levels of harvest.
- (i) The impact of disease, illegal harvest, and other causes of mortality on the wolf population.
- (j) Recreational demands for wolf hunting and trapping opportunity.
- (k) Wolf harvest management in adjacent states if those states are sources of dispersing wolves.
- (l) Consideration of conservation genetics.
- (m) Off-reservation treaty rights established under *Lac Courte Oreilles Indians v. State of Wis., 775 F. Supp. 321, 323 (W.D. Wis. 1991)* and on-reservation jurisdiction of Native American tribes.
- (n) Harvest quotas established under this section are for the purposes of hunting and trapping and are in addition to wolves killed in depredation control activities.

(1u) WOLF HARVESTING LICENSES. The number of wolf harvesting licenses to be issued shall be determined annually by the department. The department shall base its determination on:

- (a) The quota established in sub. (1m).
- (b) The projected success rates of hunters and trappers.
- (c) Maximizing opportunities for participation in hunting and trapping.
- (d) Minimizing the need to exercise the early season closure authority established in sub. (7).
- (e) Minimizing under and over harvest relative to the quota established in sub. (1m).

**SECTION 28. NR 10.145 (3) (d) and (f) and (5) are amended to read:**

NR 10.145(3) (d) *Random selection*. If the number of applications for permits or licenses exceeds the number of permits or licenses available, successful applicants shall be randomly selected.

(f) *Validity*. All permits are valid only in the area or areas and for the time period specified on the permit during the open season established for bobcat and wolves. Wolf harvesting licenses and tags are not valid and may not be used within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations or within the Stockbridge-Munsee wolf zone.



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(5) SEASON CLOSURE. The secretary of the department may close a portion or all of any bobcat, wolf, otter or fisher season established in s. NR 10.01, upon a finding by the department that the harvest for that season will exceed the level authorized by the department under sub. (1). ~~Closure~~ Bobcat, otter, and fisher season closure shall become effective upon issuance of an order and publication in the official state newspaper. Wolf hunting and trapping season closure shall become effective 24 hours after posting a notice on the department's website, announcement on its telephone registration or harvest reporting system, and issuance of a press release.

**SECTION 29. NR 10.145 (5) (a) is created to read:**

(a) Factors the department shall consider in closing the wolf hunting and trapping season are:

1. The reported harvest relative to the harvest quota.
2. The rapidity at which the quota is being approached.
3. The anticipated harvest in coming days.
4. Other known sources of mortality that may be greater than anticipated when quotas were set.

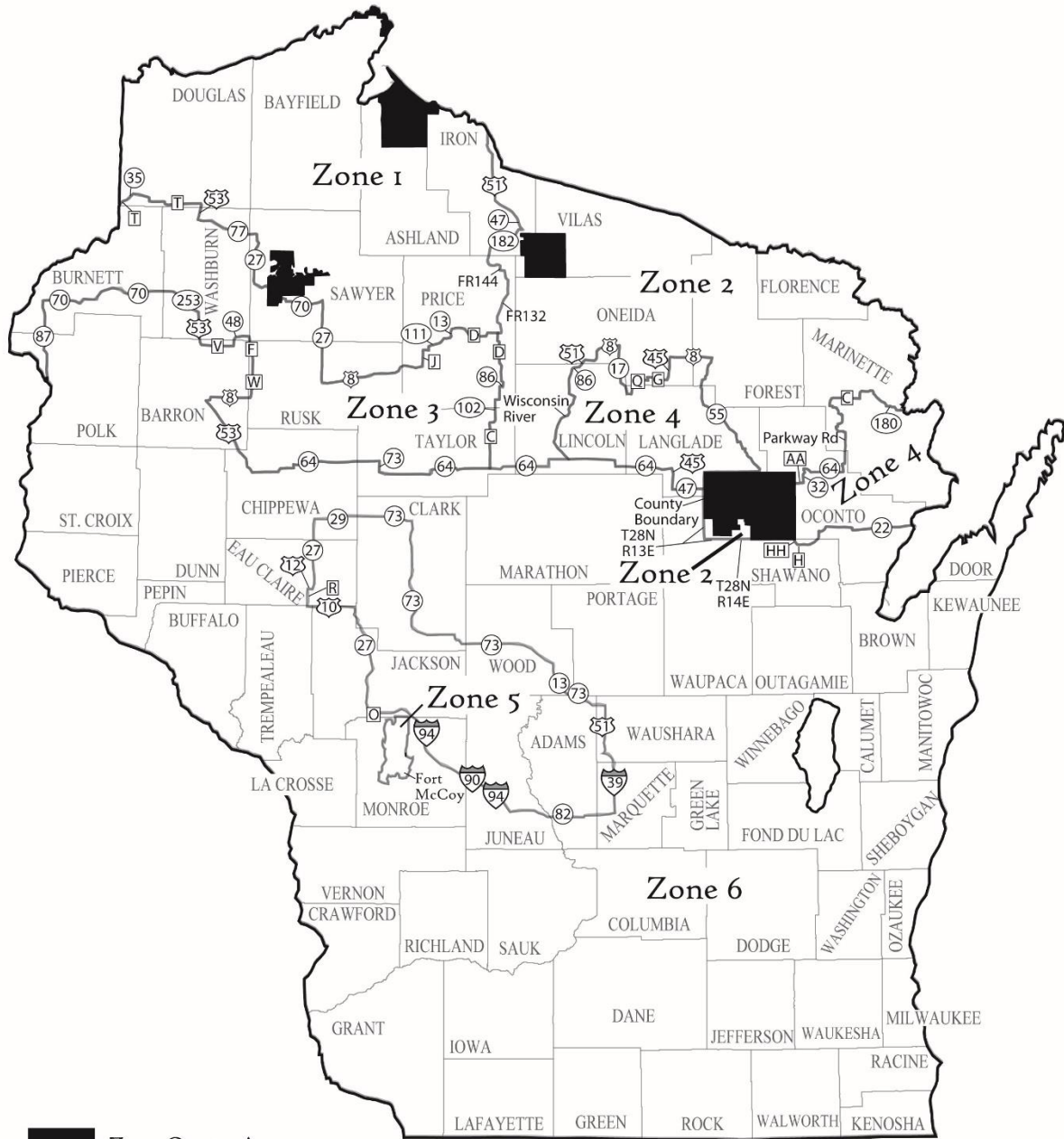
**SECTION 30. NR 10.16(5) is created to read:**

NR 10.16(5) WOLF HUNTING SEASON. An open season for hunting wolves is established on the Necedah national wildlife refuge, and shall be concurrent with the open season for hunting wolves in s. NR 10.01(3)(j). Such open season shall be effective only in those areas on the Necedah national wildlife refuge designated by posted notices of the U.S. Fish and Wildlife Service. Hunting on the Necedah national wildlife refuge may be restricted to only those persons authorized by the U.S. Fish and Wildlife Service.

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**SECTION 31. NR 10.295 is created to read:**

NR 10.295 Wolf Harvesting Zones.



**Zero Quota Areas**

Wolf harvest is not allowed within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations nor within the designated Stockbridge-Munsee wolf zone except with DNR depredation permits.

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**SECTION 32. NR 12.10(intro.) is amended to read:**

NR 12.10(intro.) **Authorization to remove wild animals causing damage or nuisance.** Landowners, lessees or occupants may remove from lands under their control wild animals and their associated structures causing damage or constituting a nuisance in accordance with this section and s. NR 12.15.

**SECTION 33. NR 12.10(1)(a)4. is amended to read:**

NR 12.10(1)(a)4. Live-capture and relocate white-tailed deer, elk, black bear, wolf or any wild animal classified as endangered or threatened under s. NR 27.03.

**SECTION 34. NR 12.10(1)(b)2. is amended to read:**

NR 12.10(1)(b)2. Live-trap and relocate any wild animal, except white-tailed deer, elk, black bear, gray wolf or any wild animal classified as endangered or threatened under s. NR 27.03, or any animal classified as a harmful wild animal under s. NR 16.11, to open unenclosed lands not controlled by the department with the permission of the owner. Pursuit of animals released under this subdivision by dogs may not occur in an area where a wild animal has been released for a period of 2 hours after release of the animal, except dogs may be released to pursue raccoons at any time after the raccoon has reached cover by climbing a tree or pole to a height of at least 10 ~~fee~~feet.

**SECTION 35. NR 12.15(11)(f) is created to read:**

NR 12.15(11)(f) *Wolf damage shooting permits.* Others participating under a wolf damage shooting permit shall possess any valid license authorizing hunting with a firearm or trapping, depending on the method used, and a valid shooting permit when engaged in wolf damage shooting permit activities.

**SECTION 36. NR 12.15(13), 12.50, 12.51, 12.53 (1) and (2), and 12.54 are amended to read:**

NR 12.15(13) USE RESTRICTIONS. Hunting bear or wolves with the aid of dogs under this chapter is prohibited, unless the department determines there are extraordinary conditions which warrant an exemption. When the department grants an exemption, permittees may restrict hunting access of ~~bear~~ hunters using dogs if trespass problems on adjoining private properties are likely to occur.

NR 12.50 Purpose. This subchapter is adopted to implement and administer the payment of claims for damage associated with endangered and threatened species funded under s. 20.370 (1) (fs), Stats., ~~and for damage caused by gray wolves authorized by s. 71.10 (5) (am), Stats.~~

NR 12.51 Applicability. This subchapter applies to claims for damages caused by E/T species ~~and gray wolves. It is not applicable to damage caused by gray wolves when the department authorizes either public hunting or trapping of gray wolves, or both.~~

NR 12.53 Depredation verification procedures. (1) RESPONSE TIME. Any person who believes that livestock, pets or hunting dogs owned by the person has been injured or killed by an E/T species ~~or a gray wolf~~ and wishes to seek compensation under this subchapter shall contact the department within 24 hours of the depredation or within 24 hours of becoming aware of missing livestock, pets or hunting dogs. The complainant shall provide the location of the depredation and a description of the animals injured, killed or missing. The department shall make an onsite inspection within 48 hours of receipt of the

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complaint and draft a written report of the investigation, which shall include an estimate of the value of the loss. Note: The Department will contract with the U.S. Department of Agriculture– APHIS–Wildlife Services to handle complaint contacts and response.

(2) VERIFICATION CATEGORIES. Each complaint received under this section shall be classified by the department under one of the following:

- (a) Confirmed E/T species ~~or wolf depredation.~~
- (b) Probable E/T species ~~or wolf depredation.~~
- (c) Confirmed ~~non-wolf or non-E/T~~ species depredation.
- (d) Unconfirmed depredation-

NR 12.54 (2) AMOUNT OF PAYMENTS. (a) Livestock. The department shall reimburse the claimant the fair market value, that is the feeder market value for young of the year or replacement value for adult (1+ years), of livestock killed by E/T species ~~or wolves~~ not to exceed the established maximum for that animal type. A maximum amount to be paid for each type of animal shall be established annually by the department. These maximums shall be determined each year by January 30, by a panel of 3 agriculture experts, one each from Wisconsin department of agriculture, trade and consumer protection, University of Wisconsin–Madison agricultural extension, and the Wisconsin farm bureau federation.

Note: The list of maximum allowable claims will be available from the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707–7921.

(am) Hunting dogs and pets. The department shall reimburse the claimant the fair market value based upon recent sale records for similar animals of hunting dogs or pets killed by E/T species ~~or wolves~~ up to a maximum of \$2,500 per animal.

(b) Veterinary expenses. The department shall pay for all veterinary expenses incurred in the treatment of livestock, hunting dogs or pets injured by E/T species ~~or wolves~~. If the animal dies from the injury, the veterinary treatment costs shall be paid in addition to the fair market value of the animal. If the animal does not die, only the veterinary treatment costs shall be paid.

(c) Missing calves. Should wolves be listed on the endangered species list, the department shall reimburse the claimant for missing calves beyond those that would be lost according to the normal mortality rate determined by U.S. department of agriculture and that research has shown to be attributed to wolf depredation when all of the following criteria are met:

1. The claimant tags all calves within 2 weeks of birth and provides a list certifying to the department an exact count at the beginning of the grazing season including information on the tag number, date and sex of all calves.

2. The claimant records and provides a list certifying to the department an exact count of all calves rounded up at the end of the grazing season and a list of all tagged calves determined to be missing.

3. The claimant provides a list certifying to the department all known deaths and losses of calves during the grazing season.

4. The department has documented that at least one livestock loss on the claimant's property within the same grazing season that is verified as a confirmed or probable wolf depredation and there is evidence that wolves continued to be present on the property during that period of time.

5. The claimant certifies that they will cooperate with any research conducted by the department to determine the amount of mortality of missing calves that is caused by wolves, if such cooperation does not impact the claimant economically in a significant manner or impose an unreasonable burden or

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hardship on the claimant. Disputes as to whether claimants are impacted economically in a significant manner or what is an unreasonable burden or hardship shall be resolved by the panel of 3 agricultural experts identified in par. (a).

Note: The U.S. department of agriculture calculates the normal calf mortality rate for beef cow-calf operations nationwide. In 2003 that rate was 2.3%. The department will conduct scientific field research in Wisconsin to determine how much mortality to missing calves can be attributed to wolves.

(3) INSURANCE. The department shall reimburse owners for losses due to E/T species ~~or wolf~~ depredation regardless of any other insurance the owner may have on the animals that were killed or injured.

**SECTION 37. NR 12.60 to 12.65 are created to read:**

Subchapter IV – Wolf Damage

NR 12.60 **Purpose.** This subchapter is adopted to implement and administer the payment of claims for damage associated with gray wolves authorized by s. 29.888, Stats. In administration of the wolf depredation program the department shall assure that the funds appropriated by the legislature are used first to pay wolf damage claims and if any funds remain after paying claims, funds may be used to pay for wolf management and control activities.

NR 12.61 **Applicability.** This subchapter applies to claims for damages caused by gray wolves. It is not applicable to damage caused by gray wolves at times when the wolf is listed on the federal and/or the state endangered species list.

NR 12.62 **Definitions.** For the purposes of this subchapter:

- (1) "Confirmed depredation" means that the department has found clear evidence that wolves were responsible for the depredation or injury, such as a carcass present with bite marks and associated hemorrhaging, tracks in the immediate vicinity or other sign.
- (2) "Confirmed non-wolf depredation" means the department has found conclusive evidence that something other than a wolf killed or injured the animal.
- (3) "Department" means the Wisconsin department of natural resources or agents designated by the department.
- (4) "Hunting dogs" means any dog used in the pursuit of game animals other than wolves.
- (5) "Livestock" means the following farm animals: bison and other bovine animals, sheep, goats, swine, farm-raised deer, equine animals, poultry, ratites, llamas, alpacas, captive game animals, guard animals for livestock, and fish.
- (6) "Pets" mean dogs and other domestic animals maintained as companion animals.
- (7) "Probable depredation" means that the department did not find a carcass from a reported depredation or the damage observed on the carcass was inconclusive but there is evidence of depredation such as a kill site, blood trails, tracks or scat located in the immediate vicinity.
- (8) "Unconfirmed depredation" means any depredation that is not a confirmed depredation or a probable depredation.

NR 12.63 **Depredation verification procedures.**

(1) RESPONSE TIME. Any person who believes that livestock, pets or hunting dogs, other than those used to hunt or pursue wolves, owned by the person has been injured or killed by a gray wolf and wishes to seek compensation under this subchapter shall contact the department or its agent within 24 hours of the depredation or within 24 hours of becoming aware of missing livestock, pets or hunting dogs

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other than those used to hunt or pursue wolves. The complainant shall provide the location of the depredation and a description of the animals injured, killed or missing. The department or its agent shall make an onsite inspection within 48 hours of receipt of the complaint and draft a written report of the investigation, which shall include an estimate of the value of the loss.

**Note:** The Department will contract with the U.S. Department of Agriculture-APHIS-Wildlife Services to handle complaint contacts and response.

(2) **VERIFICATION CATEGORIES.** Each complaint received under this section shall be classified by the department under one of the following:

- (a) Confirmed wolf depredation.
- (b) Probable wolf depredation.
- (c) Confirmed non-wolf depredation.
- (d) Unconfirmed depredation.

(3) **CLAIM SUBMITTAL.** The complainant shall submit a claim for reimbursement within 14 days of the loss on forms provided by the department.

**NR 12.64 Depredation reimbursement procedures.**

(1) **ELIGIBLE CLAIMS.**

(a) **Verified claims.** Only cases classified as confirmed depredation or probable depredation by the department shall be eligible for reimbursement, except as provided in sub. (2) (d).

(b) **Compliance.** All claimants for damage payments shall meet all of the following eligibility requirements:

1. **Carcass Disposal.** Claimants need to be in compliance with carcass disposal requirements of s. 95.50, Stats., for livestock claims and, for farm-raised deer claims, the farm-raised deer fencing requirements of ss. 90.20 and 90.21, Stats., in order to be eligible for reimbursement.

**Note:** Section 95.50, Stats., regulates disposal of livestock carcasses and requires burning or burying the carcass when the animal is suspected of dying from highly dangerous diseases. Sections 90.20 and 90.21, Stats., specify fencing requirements for those who raise or keep farm-raised deer.

2. **Open Hunting Access.** Unless exempted by the department, claimants seeking compensation for wolf damages that occurred on property they own or lease must have hunting access control over all contiguous land on which they seek wildlife damage abatement assistance or claims. Enrollees shall open their land to hunting or trapping wolves during the wolf hunting and trapping seasons established in s. NR 10.01(3)(j). Claimants may not charge any fees for hunting or trapping, hunting or trapping access or any other activity that includes hunting or trapping wolves. This hunting access requirement shall also apply to enrollees who have also been issued a wolf removal permit under the authority of s. 29.885, Stats., and this chapter. Enrollees may restrict hunting access to normal daylight hunting hours and may restrict wolf hunters using dogs if trespass on adjoining private properties is likely to occur. Enrollees may refuse hunting access for reasonable cause as defined in s. NR 12.31 (7).

3. **Hunter Density and Registration.** The enrollee shall allow at least 2 hunters per 40 acres of land suitable for hunting, as determined by the department using the criteria established in s. NR 12.36(3)(b)1. at any given time of the appropriate hunting season. The enrollee and hunting members of the immediate family that reside in the enrollee's household may be counted towards the hunter density requirement. To register for hunting and/or trapping access, licensed hunters and trappers shall contact the claimant and arrange a meeting where the claimant shall describe any hunting constraints on the property, and any information necessary to promote safety and prevent trespass.

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4. Compliance with wildlife damage abatement measures. In order to be eligible for wolf damage claim payments for an occurrence of wolf damage, a person seeking damage claim payments shall have complied with any wolf damage abatement measures to abate that wolf damage which were recommended by the department or its agent. Recommended measures shall be consistent with normal animal husbandry practices and may not interfere significantly with other normal animal husbandry practices in use on that farm.

5. Entry to land. Enrollees shall allow the department or its agent to enter and inspect, at reasonable times, any land for which a wild depredation claim has been filed or for which wolf damage abatement measures have been implemented.

(2) AMOUNT OF PAYMENTS. (a) Livestock. The department shall reimburse the claimant the fair market value, that is the feeder market value for young of the year or replacement value for adult (1+ years), of livestock killed by wolves not to exceed the established maximum for that animal type. A maximum amount to be paid for each type of animal may be established annually by the department. These maximums shall be determined each year by January 30 by a panel of agriculture experts which includes an individual from Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Farm Bureau Federation or the federation's designee.

**Note:** The list of maximum allowable claims will be available from the Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707-7921.

(b) Hunting dogs and pets. The department shall reimburse the claimant the fair market value for hunting dogs, other than those used to hunt or pursue wolves, or pets killed by wolves up to a maximum of \$2,500 per animal. Fair market value will be based upon recent sale records for similar dogs or pets, the recommendation of individuals with expertise in establishing the fair market value of dogs, and shall be approved by the department.

(c) Veterinary expenses. The department shall pay for all veterinary expenses incurred in the treatment of livestock, hunting dogs or pets injured by wolves. If the animal dies from the injury, the veterinary treatment costs shall be paid in addition to the fair market value of the animal. If the animal does not die, only the veterinary treatment costs shall be paid. A detailed receipt shall be submitted to the department within 14 days of paying the veterinarian bill.

(d) Missing calves. The department shall reimburse the claimant for missing calves beyond those that would be lost according to the normal mortality rate determined by U.S. department of agriculture and that research has shown to be attributed to wolf depredation at a rate of up to 5 calves for each verified loss of livestock when all of the following criteria are met:

1. The claimant tags all calves within 2 weeks of birth and provides a list certifying to the department an exact count at the beginning of the grazing season including information on the tag number, date and sex of all calves.

2. The claimant records and provides a list certifying to the department an exact count of all calves rounded up at the end of the grazing season and a list of all tagged calves determined to be missing.

3. The claimant provides a list certifying to the department all known deaths and losses of calves during the grazing season.

4. The department has documented that at least one livestock loss on the claimant's property within the same grazing season that is verified as a confirmed or probable wolf depredation and there is evidence that wolves continued to be present on the property during that period of time.

5. The claimant certifies that they will cooperate with any research conducted by the department to determine the amount of mortality of missing calves that is caused by wolves, if such cooperation does not impact the claimant economically in a significant manner or impose an unreasonable burden or hardship on the claimant. Disputes as to whether claimants are impacted economically in a significant

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manner or what is an unreasonable burden or hardship shall be resolved by the panel of 3 agricultural experts identified in par. (a).

**Note:** The U.S. department of agriculture calculates the normal calf mortality rate for beef cow-calf operations nationwide. In 2003 that rate was 2.3%. The department will conduct scientific field research in Wisconsin to determine how much mortality to missing calves can be attributed to wolves.

(3) CLAIM PAYMENTS.

1. The department will review and act on properly filed claims after December 31 of the year in which the damage occurred.

2. The department shall pay claimants the full amount of wolf damage claims if appropriations under s. 20.370(5)(fv), Stats., are sufficient to pay all wolf depredation claims in a given fiscal year.

3. If the approved claims exceed the funds available under appropriation s. 20.370 (5)(fv), Stats., claims shall be paid on a prorated basis. When prorating claims, the department shall pay a percent of each eligible claim equivalent to the percent of the total approved claim amount that can be paid with the total available funds.

4. The department shall reimburse owners for losses due to wolf depredation regardless of any other insurance the owner may have on the animals that were killed or injured.

NR 12.65 Personal property. The department may not provide compensation for damage done by wolves to personal property other than livestock, hunting dogs that are not dogs used or being trained for hunting or pursuing wolves, and pets.

**SECTION 38. NR 19.25 (intro) is amended to read:**

NR 19.25 **Wild animal protection.** Unless engaged in dog training or dog trials as authorized by the department in s. NR 17.001 (3) and (5), or other activity specifically authorized by the department or under (a), a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10 (1) (b) 4.

**SECTION 39. NR 19.25 (a) is created to read:**

(a) On private land, the landowner, lessee or occupant of the land, or any other person with permission of the landowner, lessee or occupant may shoot and kill any gray wolf or cougar in the act of attacking, killing, wounding or biting a domestic animal. Shootings shall be reported within 24 hours to a department conservation warden. The carcass of the wolf or cougar shall be turned over to the department.

**SECTION 40. EFFECTIVE DATE.** This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

**SECTION 41. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].



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Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

For Preston D. Cole, Secretary