

Report to
Legislative Council Rules Clearinghouse
NR 10, 12, 17 and 19, Wis. Adm. Code
Natural Resources Board Order WM-08-12

Wisconsin Statutory Authority

ss. 23.09, 29.014, 29.088(1), 29.185, 29.885 and 29.888 Stats.

Federal Authority

Wolves are currently a state managed species. The US Department of Interior announced in December, 2011 that gray wolf populations in the Great Lakes region have recovered and no longer require the protection of the Endangered Species Act (EAS). The U.S. Fish and Wildlife Service published a final rule in the Federal Register that removed wolves in Michigan, Minnesota and Wisconsin, and in portions of adjoining states, from the list of endangered and threatened wildlife and plants. The rule went into effect on January 27, 2012.

Court Decisions Directly Relevant

The use of dogs for hunting wolves and training dogs to hunt wolves, as proposed in this rule order, is temporarily prevented or enjoined by a court order. This is a temporary injunction which could be lifted at a future date.

Analysis of the Rule – Rule Effect – Reason for the Rule

This rule proposal will guide management activities by the department, establish regulations that apply to individual hunters and trappers, and establish a wolf depredation program. The authorizing legislation for significant portions of this rule is 2011 ACT 169. In all cases, these rule proposals are consistent with existing management guidelines and regulations for other species that are currently hunted or trapped in Wisconsin. The wolf depredation program is similar to and consistent with the existing program for gray wolves when they are listed as threatened or endangered and the wildlife damage, claims and abatement program. Specifically, this rule would:

SECTION 1 clarifies that blood is an animal part or byproduct which may not be used as bait for hunting.

SECTIONS 2, 4 to 6, and 8 define “reservation wolf” pack for the purposes of establishing wolf harvest quotas.

SECTION 3 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 7 clarifies, in the definition, that wolves are not small game.

SECTIONS 9 and 33 define and establish Wolf Harvesting Zones.

SECTIONS 10 and 11 repeal the coyote hunting season closure in Wolf Management Zone 1 and create a statewide open season.

SECTION 12 locates the statutorily established wolf hunting and trapping season dates in the table where other season dates are established.

SECTIONS 13 and 51 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.

SECTIONS 14 and 15 establish normal daytime hours for hunting wolves but eliminate 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 16 prohibits the use of radio telemetry receivers to aid in locating wolves for any purpose unless specifically authorized by the department.

SECTIONS 17 to 21 establish that baiting is allowed as a method of hunting wolves and the conditions under which bait may be placed for hunting wolves.

SECTION 22 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 23 updates code language for consistency with 2011 ACT 168 and 2011 ACT 169 regarding the allowed types of firearms, ammunition, and crossbow use for hunting wolves.

SECTION 24 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 25 and 26 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 27 allows the possession and retention of coyote, fox, and bobcat captured incidentally to wolf trapping in cable restraints that are not otherwise legal to place for coyote, fox or bobcat, if the respective season is open and the person has a valid trapping license, and in the case of an incidentally caught bobcat, also an unfilled bobcat permit and tag.

SECTION 28 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.

SECTIONS 29 and 30 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.

SECTION 31 explains how applications for wolf harvesting licenses are made and successful applicants are selected. This SECTION limits the acquisition of wolf harvesting license through transfer to one. This SECTION also establishes the manner for tagging, reporting and registering harvested wolves with the department. Finally, this SECTION creates language that is consistent with 2011 ACT 169 regarding a process for closing the wolf hunting and trapping seasons.

SECTION 32 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 34 to 37 re-establish, following delisting of the species, that department authorization is required to remove wolves causing damage or which constitute a nuisance and establish conditions and requirements for removal.

SECTION 38 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 39 to 46 establish a wolf depredation program that is in effect only at times when wolves are not listed as a threatened or endangered species.

SECTIONS 47 to 50 establish seasonal and time-of-day restrictions, and dog identification requirements for training dogs used to assist in hunting wolves.

Agency Procedures for Promulgation

Public hearings will be held in a number of locations around the state. At this time, the department has not selected specific locations or a date.

Description of any Forms (attach copies if available)

None

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