

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date October 5, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NR Chs. 8 License and Permit Procedures, 10, Game and Hunting, 12 Wildlife Damage and Nuisance Control and 19 Miscellaneous Fur, Fish, Game and Outdoor Recreation	
4. Subject Gray wolf harvest regulations	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.370(fv), Wolf depredation program
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

11. Policy Problem Addressed by the Rule

Using a regular rulemaking process, this rule proposal will achieve two primary objectives. First, it will codify provisions of an emergency rule, EmR 1210, which went into effect on August 18, 2012. Non-statutory provisions of 2011 ACT 169 state that this emergency rule remains in effect until a permanent rule takes effect. Second, it will implement recommendations from and update regulatory text in consideration of a new wolf management plan.

In response to 2011 ACT 169, the department promulgated an emergency rule, EmR1210, to establish harvest regulations for the administration and implementation of a wolf harvest season. Provisions of the emergency rule related to wolf harvest included establishing wolf hunting zones (Section 30); shooting hours (Section 11); reporting, registration, and carcass presentation requirements (Section 28); and regulations regarding the use of dogs (Section 19). The emergency rule 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). The emergency rule 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).

Since the emergency rule was promulgated, some sections in code which relate to wolf harvest and depredations have been moved or updated and relevant statutes have been amended or newly created. This rule proposes to permanently codify provisions of EmR1210 with updates that 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. This rule also updates terminology as needed to enhance consistency across statutes, other provisions of administrative code, and practice. This rule does not include provisions from EmR1210 that were permanently promulgated by other rulemaking.

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As examples of the alignment that these rules will achieve, s. NR 10.145 (7) and (8) established season closure rules and harvest reporting for furbearer species and were amended by EmR1210 to include provisions related to wolves. However, CR 17-061 subsequently renumbered these provisions. This rule adjusts the placement of these provisions accordingly. CR 17-061 also permanently established in code regulations for tagging and registering wolves, making the need to still address these in this rulemaking unnecessary. 2015 ACT 285 adjusted the opening day of the wolf harvest season from October 15 to the first Saturday in November, which in turn necessitates an identical adjustment in this rule.

In 2023 the department will finalize a new wolf management plan. These rules propose additional updates to implement recommendations from this new plan. These updates are generally consistent with policies established in the emergency rule with a few exceptions. For example, this rule will provide that the department may issue wolf harvest tags that are specific to a certain zone or zones instead of tags that are valid in any open zone statewide as was done in previous harvest seasons. This rule will reduce the time a successful hunter or trapper must register their harvest from 5 p.m. the day after harvest to within eight hours after the wolf has been recovered. This rule will provide protections for wolf dens and create a dog training season for wolves which is open only when a zone or subzone is open to wolf harvest. This rule will create an enhanced reimbursement rate for producers that have multiple confirmed livestock depredation events within the same grazing season. This rule will also update wolf management and harvesting zones, using a six-zone structure with updated boundaries to fulfill both purposes.

This rule additionally updates regulatory text in consideration of the new wolf management plan. These updates are generally consistent with policies established in the emergency rule but account for the development of management metrics, objectives and guidelines in the new plan. One example of this includes the factors which the department may use to set and allocate among the zones a wolf harvest quota and license numbers. Some of the factors that were previously enumerated in the emergency rule are now fully captured and considered in the new plan so it is unnecessary for them to be individually listed in administrative code.

Certain 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.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

A notice for solicitation of comments on this analysis was posted on the department's website in July 2023 and various interest groups may be contacted. No fiscal effects on small businesses, their associations, or local governments are anticipated.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.

None at this time. Local Government units are not anticipated to be impacted by this rule.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

These rules, and the legislation which grants the department rule making authority, do not have a significant economic or fiscal effect on businesses, business sectors, public utility rate payers, local government units, or the state's economy as a whole. No significant costs are associated with compliance to these rule revisions. Implementing a wolf season will have a direct minor 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 brought in an average of \$247,781 in annual revenue for the department. 27,288 people applied for either a license or preference point for the February 2021 hunt. 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

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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.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

These proposals will contribute to providing good opportunities for hunting and trapping and maintenance of the economic activity generated by people who participate in those activities.

16. Long Range Implications of Implementing the Rule

Interest in wolf harvesting opportunities is likely to decline as the wolf population declines, resulting in less funding for depredation. However, depredation program needs may also decline and may result in some funds available for other wolf management activities.

17. Compare With Approaches Being Used by Federal Government

The U.S. 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. In February 2022, a federal judge restored wolves to the Endangered Species List in 45 states, including Wisconsin. The U.S. Fish and Wildlife Service is currently updating the status assessment of grey wolves in the lower 48 states and has shared its intent to propose a rule concerning the listing status by February 2, 2024.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

Michigan held a single wolf hunting season in 2013. Wolves are only found in the Upper Peninsula of Michigan. The quota was set at 43 wolves and allocated by Wolf Management Units (WMU), primarily directed at areas of wolf-human conflicts. Successful hunters were required to report their harvest by the end of the day of the harvest. WMUs could be closed if harvest targets were met. Any closures took place 24 hours after public notice. A total of 1,200 licenses were made available and were valid in any open WMU. Authorized methods of take included firearm, crossbow, and bow and arrow. Trapping, hunting with the aid of dogs, and hunting outside of daylight hours were not authorized. Harvested wolves were required to be presented to a check station within 72 hours to complete the registration process. Between November 16 and December 31, 2013, a total of 23 wolves were harvested.

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Beginning in 2012, Minnesota allowed hunting and trapping of wolves for three seasons. Total harvest quotas ranged from 400 wolves in 2012 to 220 in 2013. Harvest quotas were allocated by zone and season (early/late). Seasons were subject to early closures. Successful hunters and trappers were required to report their harvest by 10 pm the day of harvest. Total licenses issued ranged from 6,000 in 2012 to 3,500 in 2013. Authorized methods of take included hunting and trapping, but not with the assistance of dogs for tracking or trailing. Successful hunters and trappers also had to present wolf carcasses for pelt tagging, collection of additional harvest information, and to allow for collection of biological samples. The total number of wolves harvested was 413, 238, and 264 in 2012, 2013, and 2014 respectively.

Neither Minnesota nor Michigan have held a regulated wolf season since 2014. Both Minnesota and Michigan have recently approved updated wolf management plans and these may influence the implementation of any future wolf seasons held in the respective states.

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