



## Senate Committee on Financial Institutions and Sporting Heritage

*CR 23-047*

*Gray wolf harvest regulations*

*December 19, 2023*

Good morning, Chair Stafsholt and members of the Committee. My name is Scott Karel, and I am the Wildlife Regulations Policy Specialist for the Wisconsin Department of Natural Resources. With me today to help answer questions is Eric Lobner the Director of the Wildlife Management Program, Randy Johnson, Large Carnivore Specialist, and Brad Koele, Wildlife Damage Specialist. Thank you for the opportunity to testify in support of CR 23-047, related to gray wolf harvest regulations.

CR 23-047 achieves two primary objectives. First, it will codify, with housekeeping updates, provisions of emergency rule EmR1210, which went into effect on August 18, 2012. EmR1210 was an emergency rule passed in response to 2011 Act 169 (Act 169), which required the department establish a wolf harvest season when wolves are removed from the federal and state endangered species lists. This emergency rule created harvest regulations and established a claims program for when wolves are not listed as an endangered species. Non-statutory provisions of Act 169 state that this emergency rule remains in effect until a permanent rule takes effect. Second, it will implement recommendations from the new wolf management plan.

This rule proposes to permanently codify provisions of EmR1210. It is updated for consistency with statutes and other codes that have changed since 2012. These updates are housekeeping in nature, generally serving to update citations and renumber and relocate provisions. This rule also updates terminology as needed to enhance consistency across statutes, other provisions of administrative code, and practice. These rules found in EmR1210 were used to regulate each of the previous wolf harvest seasons.

In October 2023, the department finalized a new wolf management plan. CR 23-047 proposes 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 occupied wolf dens.
- It will create a dog training season for wolves which is open only in a zone or subzone when that zone 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, continuing to use a six-zone structure with updated boundaries and creating additional subzones.

Approval of a rule package is a necessary step to prepare for a future public wolf harvest season if wolves should be removed from the federal endangered species list. Currently, wolves remain listed, and no wolf harvest season can occur at this time. Nevertheless, the department is working hard to ensure harvest season plans and necessary administrative rules are in place so that if a change occurs in the future, a wolf season can be implemented in a timely fashion consistent with state law and the wolf management plan.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. I would be happy to answer any questions you may have.

## Testimony before the Senate Financial Institution and Sporting Heritage Committee

Submitted by George Meyer—December 19, 2023

Chair Stafsholt, Members of the Senate Sporting Heritage Committee:

Thank you for the opportunity to testify on Clearinghouse Rule 23-047.

Specifically, I am recommending the Committee return the proposed rule to the DNR and request that they modify the rule section dealing with establishing the wolf harvest quota and the allocation of that quota between state and tribal harvesters.

Prior to getting into the substance of the issue of state/tribal harvest quota allocation let me give you my background and expertise on that issue. The Federal 7<sup>th</sup> Circuit Court of Appeals in January 1983 handed down what is known as the Voigt decision which reaffirmed the off-reservation hunting, fishing and gathering rights of the Ojibwe tribes in roughly the northern third of Wisconsin. At that time I was serving as the DNR's Enforcement Division Administrator and was assigned the responsibility of leading the state team to negotiate with the tribes on how their off-reservation hunting, fishing and gathering would take place while the Federal Court ruled on the multitude of rules and regulations needed on a permanent basis. I was selected for that position because I was an attorney, had previous experience negotiating with tribes and as Enforcement Administrator had oversight of the State Conservation Wardens and their enforcement of hunting, fishing and trapping laws.

During the eight years before the final Federal Court decision was handed down, the state and tribes negotiated over 100 short term agreements establishing the annual rules for tribal, hunting, fishing and gathering. During those eight years I also was stationed full time on northern Wisconsin boat landings to advise state law enforcement personnel including state wardens on the state/tribal agreements governing the highly controversial spearfishing seasons.

I also was a major advisor to the Attorney General's Office on the many court decisions that ultimately reached the settlement of the litigation in 1991.

Now getting to the substance of the issue.

Individual states have the sole legal responsibility to manage all wildlife species within their border except for endangered and migratory species.

Currently, wolves in Wisconsin are under the management authority of the Federal government because of their endangered classification. Once they are removed from the Federal Endangered Species List, wolves become the management responsibility of the state government. The Federal Voigt decision provided that the tribes had harvest rights for fish, game and plants on public lands in the ceded territory, however the case further provided that the state had retained the ultimate management authority of the species.

The issue in question is how the DNR should account for the tribal harvest of wolves when it establishes the state harvest quota for wolves. The annual harvest quota of a species is the foundational tool for the state to manage the population of a species. The state is to scientifically assess the population of a species in an area to determine if it is within the biological and social carrying capacity for that area. If it determines that the species is below the biological and social carrying capacity of an area it should lower the combined state and tribal harvest, i.e. the total quota. Conversely, if it determines that the species is above the biological and social carrying capacity in an area it should raise the combined state and tribal harvest (total quota). The bottom line is to achieve the desired population management levels for the area both the tribe and the state must meet their share (allocation) of the total quota. State management goals cannot be met unless both the tribes and the state harvest their allocation.

How has this allocation between state and tribal harvest been determined? The Federal Voigt decisions provide generally, that the tribal allocation of any harvestable wildlife species in the ceded territory is 50% of the total quota as defined by the DNR, with the remaining 50% allocated for state harvesters. However, Federal Judge Barbara Crabb in the case Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Wisconsin, 740 F. Supp. 400 (W.D. Wis. 1990) further ruled that the tribes right to a 50% harvest allocation request is not automatic, but “shall be based upon past harvest performance and capacity to harvest.”

How has this tribal “past harvest performance and capacity to harvest” standard been implemented in the past?

The wolves in Wisconsin were delisted from the Federal Endangered list for four harvest years. The following is how the state and tribal allocation was handled by DNR in those years.

To achieve wolf management goals, in 2012, the DNR set the Total Quota (state and tribal) at 201 wolves. The tribes then declared their 50% allocation of the wolves in the ceded territory. Recognizing the tribes right to 50%, DNR set the state harvest at 116 wolves. (Note that this number is more than 50% because some of the harvest is outside the tribal ceded territory.) The tribes did not harvest any of their allocated wolves which meant the wolf management population goals were not met.

In 2013, the DNR set the total quota at 275 wolves, once again the tribes declared a 50% allocation but the state recognized the tribes past non-harvest and wset the state quota at 251. Once again, the tribes did not harvest any wolves. In 2014, the DNR set the Total Quota at 156, the tribes declared their 50% allocation and DNR set the state quota at 150. Again, the tribes harvested no wolves.

Wolves were relisted until late 2020 and a court directed DNR to establish a harvest season in February 2021. The DNR, without explanation, deviated from Judge Crabb’s tribal “past performance and harvest capacity” standard. The DNR set the Total Quota at 200 wolves, the tribes declared their 50% allocation but the DNR set the state quota at only 119 wolves. The tribes did not harvest any wolves.

**Because the DNR failed to consistently follow the Federal Court “past performance” standard, it is critically important that the proposed DNR wolf hunting rules be amended to recognize that the state harvest quota for wolves each year fully take into account whether the tribes have shown that they will harvest their 50% harvest allocation based on past performance. If this is not done, wolf population management goals in the state can never be met.**

To address this issue, I would recommend that NR 10.14 (1) (g) be added to the rule: “Past tribal harvest performance and capacity.”

Secondly, proposed NR 10.14 (1) sets the procedure and standards for establishing wolf harvest quotas. Current Subsections (a) through (f) lay out the various considerations that should factor into the DNR quota decision. They are all good criteria. However, the introductory wording to the criteria in Section (1) is: “These determinations may take into account:” The use of the word may gives the Department the discretion to ignore one or all of the criteria in making their decision. The word “may” should be replaced by “shall”.

Thank you for this opportunity to present this information.



# Wisconsin Bear Hunters' Association, Inc.

December 19, 2023

Senate Committee on Financial Institutions and Sporting Heritage  
411 S  
Madison, Wisconsin 53703

Dear Chairman Stafsholt and Members of the Committee on Financial Institutions and Sporting Heritage,

The Wisconsin Bear Hunters Association (WBHA) cannot support Clearinghouse Rule 23-047 as written. We made our objections clear to the Natural Resources Board before they voted to advance the rule. We ask the committee to request the following changes:

- 1 - The rule changes the emergency rule to make tags zone specific. This limits the opportunity for hunters to find a location to hunt wolves if some of the zones have already closed due to trapping. In order to be fair to hunters and trappers the tags should be statewide.
- 2 - The rule changes the time to register a wolf from 5:00 pm the following day to 8 hours post harvest. This new timeline is unnecessarily short and does not match other fur bearing species like bobcats. We support keeping the current timeline.
- 3 - The new zones contain subzones 1A and 1B. We expect these new subzones to have zero or very low harvest quotas. We cannot support these buffer zones as they limit hunting access and provide havens for depredating wolves. We support elimination of these subzones.
- 4 - The entire harvest quota regime in the new rules will be based on the new wolf management plan. As we have some major concerns with the plan it is hard for us to support a harvest rule tied to that plan. Until we have some agreement on a new plan and especially on a target for the overwinter population, we cannot give our support to this rule.

WBHA asks the Senate to consider these changes to Clearinghouse Rule 23-047 affecting chapters NR 10 and 12 related to gray wolf harvest regulations. We cannot support the passage of this rule unless the above changes are made.

For more information, please contact the Wisconsin Bear Hunters' Association, 608-819-0150.



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

Department of Natural Resources  
Attn: Scott Karel  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921

September 11th, 2023

Dear Scott,

We are writing to express our concerns regarding the proposed Clearinghouse Rule 23-047 related to grey wolf harvest regulations. Specifically, how regulatory changes would pertain to Wolf Harvesting Zones on/near tribal lands. It is imperative that both the ecological balance of our state, and the respect for property owner's rights be carefully considered and re-evaluated.

1. **Zoning Around Tribal Lands:** The zoning system, which uses circular areas around tribal lands rather than aligning with their actual borders, inadvertently extends its influence into the surrounding private properties. This approach raises the following uncertainties:
  - a. **Ambiguities for Landowners:** Private landowners might find it challenging to ascertain which regulations apply to their properties due to the circular zoning system. This could lead to inadvertent violations or misunderstandings.
  - b. **Disputes and Tensions:** The potential for overlapping zones could lead to disputes between private landowners and tribal authorities. Such an arrangement could strain relationships and result in unnecessary conflicts.
2. **Introduction of "Reservation Wolf":** The concept of a "reservation wolf" indirectly impacts private landowners:
  - a. **Mismanagement Risks:** The arbitrary division based on territorial habits could lead to imbalances in wolf populations, leading to increased wolf presence on private lands, further affecting livestock or local fauna.

- b. **Regulatory Confusion:** The distinction between wolves based on their territorial habits might create confusion for private landowners about how to handle these animals, leading to potential legal and management challenges.
- 3. **Engagement with Private Landowners:** It's crucial to ensure that private landowners are adequately consulted and informed about any regulatory changes. Their firsthand experience and feedback can provide invaluable insights and help in refining regulations that are pragmatic and well-informed.

In conclusion, while the aim might be to establish a balance between wildlife conservation and tribal rights, it's crucial not to overlook the legitimate concerns of private landowners. They, too, play a significant role in our state's ecology and have rights that deserve equal consideration. I strongly urge the Wisconsin Natural Resources Board to revisit these regulations in close consultation with private landowners, ensuring an all-inclusive and well-rounded approach to wolf management.

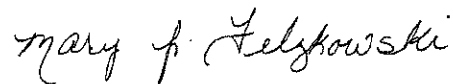
As an aside, we'd like to encourage the DNR to reevaluate their stance on a noncommittal statewide population goal. This is a concern that affects property owners throughout the state, as expressed through the resolutions passed in 36 of the 72 counties in Wisconsin.

Thank you for your time and attention to this matter.

Sincerely,



Representative Rob Swearingen  
Wisconsin State Legislature  
34th Assembly District



Senator Mary Felzkowski  
Wisconsin State Legislature  
12th Senate District



Thank you Chairman Stafsholt and Committee members for holding this hearing today.

My name is Chris Vaughan, and I am the Wisconsin State Director for Hunter Nation. We are a not-for-profit organization whose mission is to be the united voice of the American hunter, and to protect our Lifestyle, Heritage, and the Traditional American Values of God, Family and Country. On behalf of our Wisconsin members, I'd like to thank the Committee again for the opportunity to address this critical issue.





The Department has the authority to define and limit the number of wolf hunters and trappers along with the number of wolves that may be taken by issuing wolf harvest licenses. This defined number of hunters and licenses is based on population estimates, population goals and expected hunting & trapping success rates. A clearly defined numeric population goal and harvest quota is also necessary to ensure that we have a wolf population that is healthy and ecologically functional here in Wisconsin. We acknowledge wolves are an important part of our state's natural and cultural heritage and our organization is proud of the incredible conservation success of the wolf recovery plan, but to continue the discussion of the "social impact" over science is the wrong approach to manage an apex predator. I will reiterate, that regardless of the emotions on both sides, we should always adhere to the tenants of the North American Model of Wildlife Conservation and base decisions on sound science, not emotion. The resident stakeholders and their elected officials overwhelmingly support a defined wolf population goal, which this current plan lacks. Hunter Nation understands that management of the wolf population is crucial for the balance of all our states wildlife. We support the efforts to implement a plan to maintain a healthy and sustainable wolf population that considers public safety, livestock, and other domesticated animals.

In closing, Hunter Nation urges the Committee to support a wolf management plan that establishes a statewide wolf population goal with a defined harvest quota.

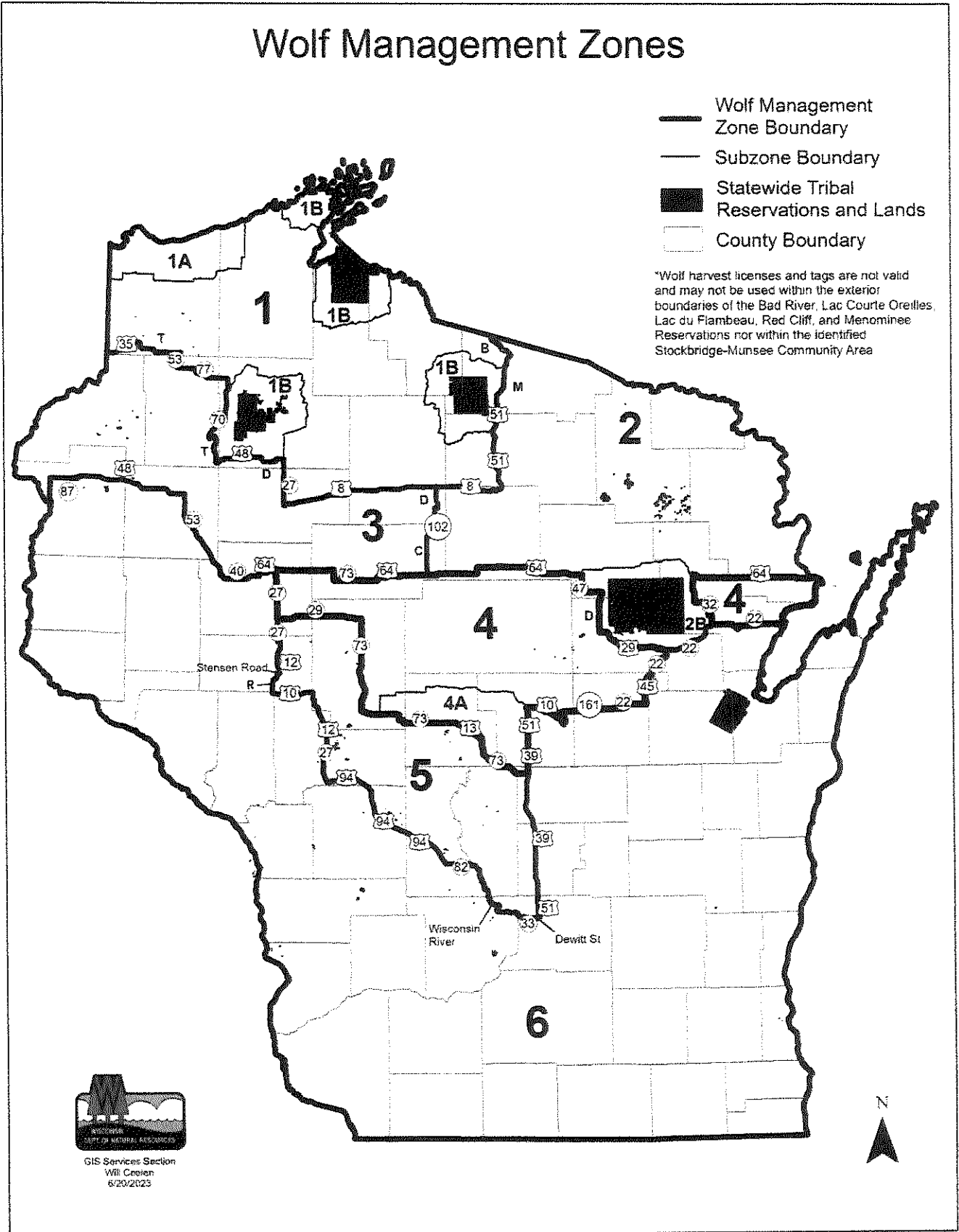
Chris Vaughan  
[Chris@HunterNation.org](mailto:Chris@HunterNation.org)  
(608) 719-8475  
Hunter Nation - Wisconsin State Director



# Wolf Management Zones

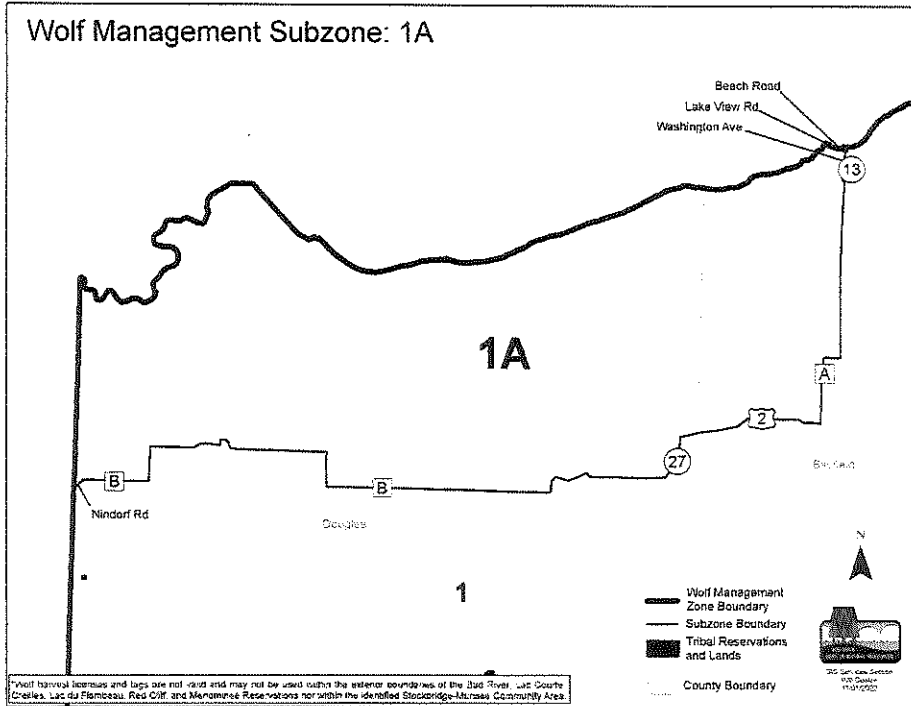
-  Wolf Management Zone Boundary
-  Subzone Boundary
-  Statewide Tribal Reservations and Lands
-  County Boundary

\*Wolf harvest 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, Red Cliff, and Menominee Reservations nor within the identified Stockbridge-Munsee Community Area

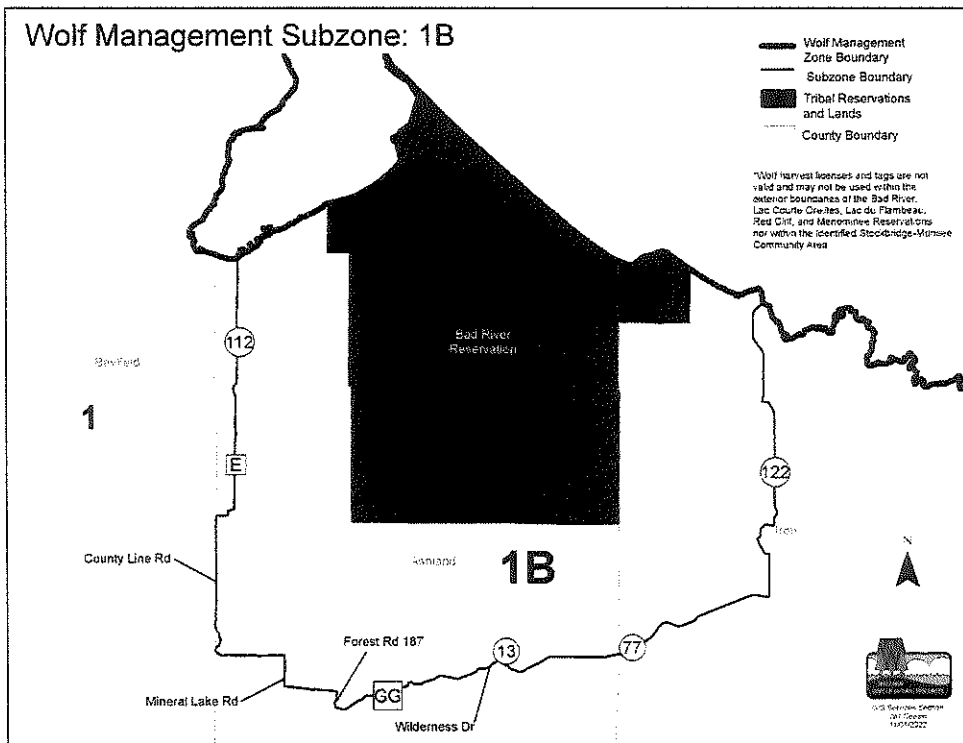


GIS Services Section  
Will Creizen  
8/29/2023

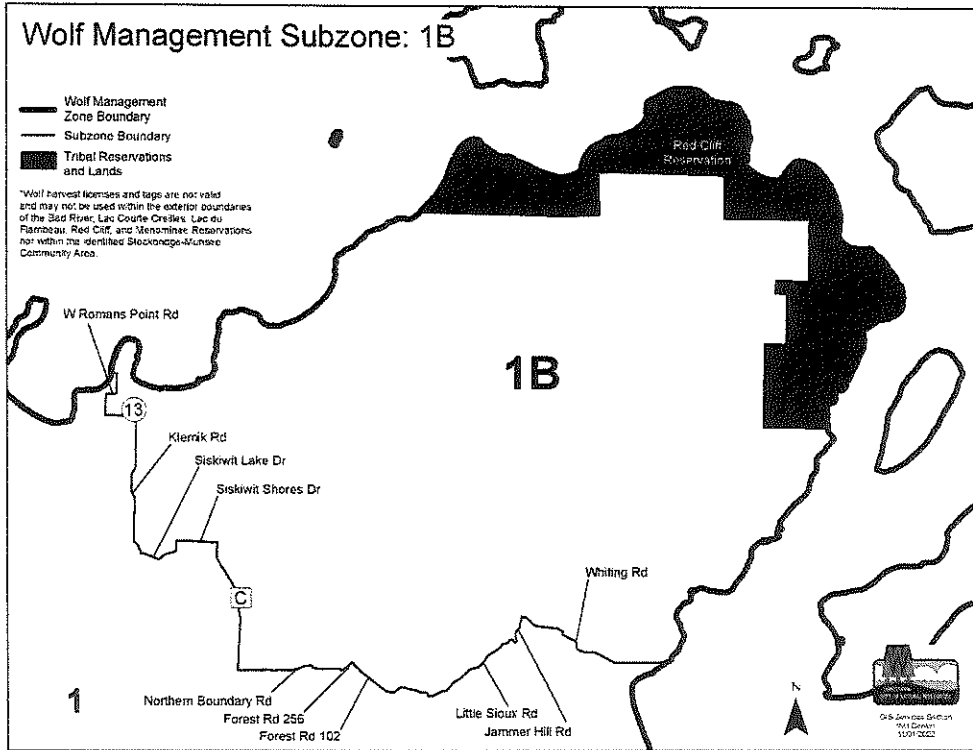
(2) WOLF MANAGEMENT SUBZONES (a) *Subzone 1A.*



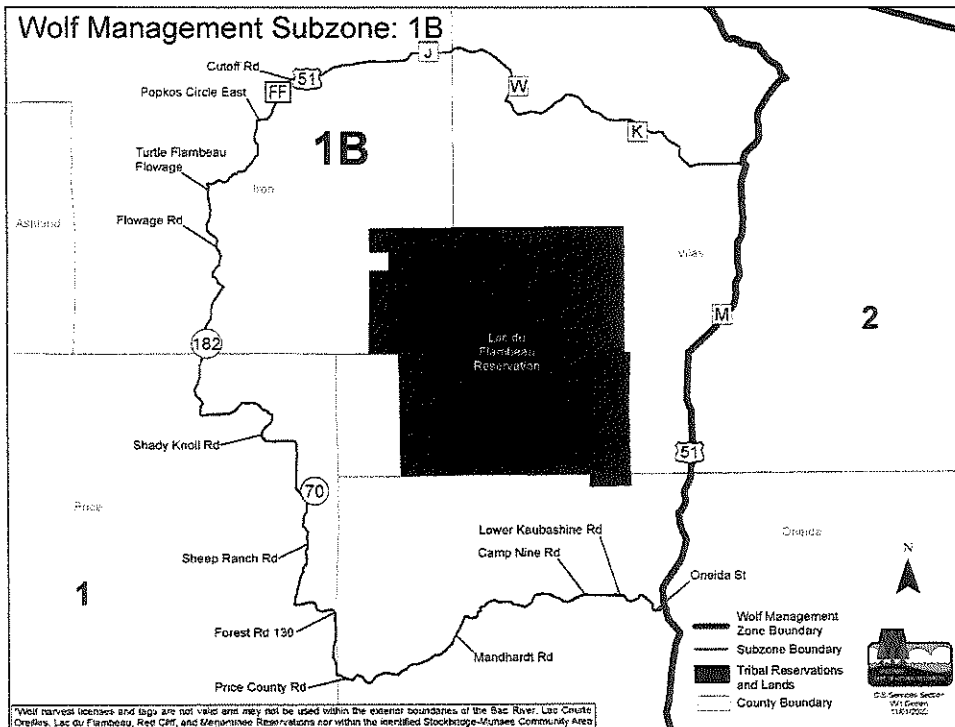
(b) *Subzone 1B.*  
 1. 'Ashland and Iron Counties.'



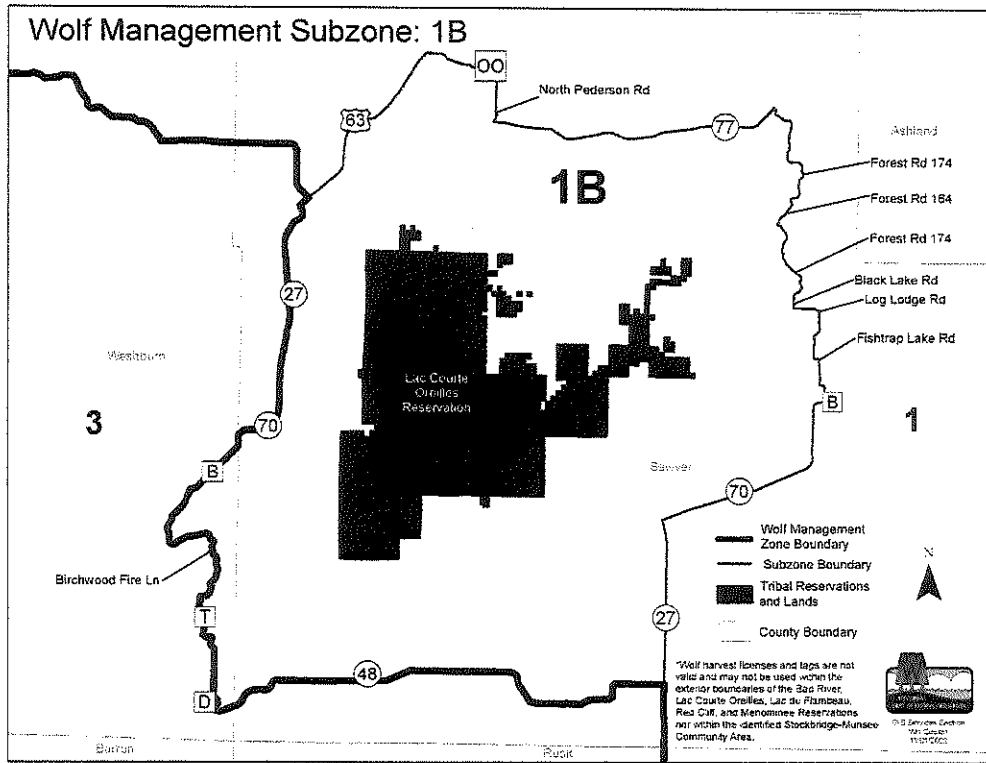
2. 'Bayfield County.'



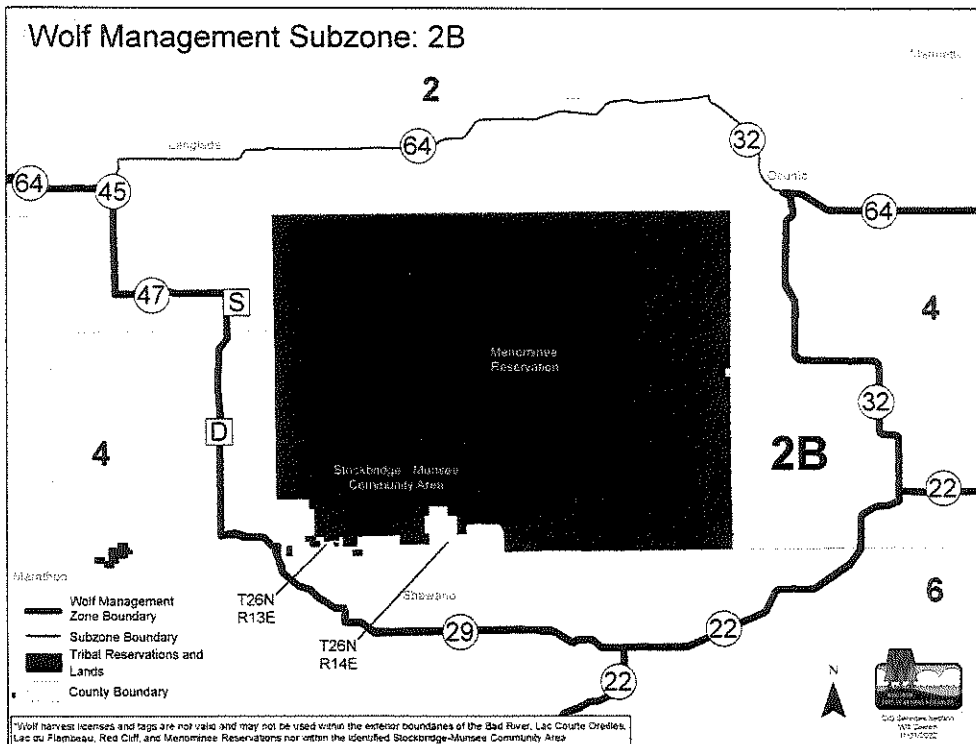
3. 'Vilas, Iron and Oneida Counties.'



4. 'Sawyer and Washburn Counties.'



(C) Subzone 2B.





## RE: Testimony by Adrian Wydeven on Wolf Management Rule

Chair Stafsholt and members of the Committee on Financial Institutions and Sporting Heritage:

My name is Adrian Wydeven. I am the co-chair of the Wisconsin's Green Fire (WGF) Wildlife Work Group. I worked at the DNR for many years. I was an original author of the 1999 Wolf Management Plan.

Thank you from WGF for the opportunity to comment on the Wolf Management Rule. WGF is a statewide organization that supports sound science in natural resources management. **We hope the Senate Committee supports the Wolf Harvest Rules that will allow the DNR to effectively manage wolf harvest in Wisconsin.**

WGF commends the DNR for developing a sound science-based, socially responsible, and culturally sensitive conservation plan for gray wolves in Wisconsin. We support the DNR's focus on ecological benefits of wolves, balancing with potential conflicts and cultural concerns while using an adaptive management approach. We agree with the configuration of zones and subzones for managing wolves in Wisconsin and especially appreciate subzones around Indian reservations to better protect wolf packs living on reservations. We also agree with the establishment of subzones 1a and 4a that allow more focused harvest within areas of intense livestock depredations.

The wolf rules include establishment of wolf harvest quotas based on metrics that focus on negative or positive outcomes from the wolf population, without relying on and specific population goals. This is similar to how we currently manage deer, bears, turkeys and other wildlife. At current wolf population levels and distribution, numeric goals are no longer appropriate for setting wolf harvest quota.

We also support 8-hour call-in for wolf harvest registration that will help prevent overharvest of wolf quota for specific zones.

Further, we support restricting wolf traps in November to 7 inches maximum spread that reduces the chance of capture of bears active at that time.

WGF understands that current statutes require the DNR to hold a wolf hunting and trapping season, and the proposed wolf management rules provide a reasonable approach for implementing wolf harvests in the state.

Thank you again for the opportunity to comment.

Adrian Wydeven,  
Co-Chair of the Wildlife Working Group of Wisconsin's Green Fire  
Cable, Wisconsin

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Senator Russ Feingold  
Dr. Patty Loew  
Dr. Patricia McConnell  
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