

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Remand of Dane County Circuit Court Case No. 12-CV-3188 for NRB decision whether to undertake further relemaking regarding using dogs to hunt wolves

FOR: February 2013 Board meeting

TO BE PRESENTED BY: Kurt Thiede, Division Administrator and
Tim Andryk, Legal Services Bureau Director

SUMMARY:

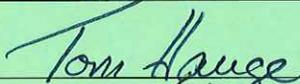
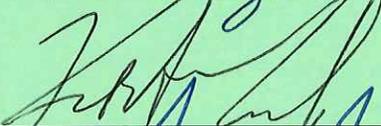
The issue of training dogs that will be used to hunt wolves has been remanded back for the Natural Resources Board to decide whether to proceed with further rule-making. The court also directed the department to take action on that subject within 45 days of January 16, 2013.

This additional board action which the court has required may simply be a reaffirmation of the board's previous action. The board has already authorized further rule-making proceedings on using dogs to track and trail wolves at the December 12, 2012 Natural Resources Board meeting. At that meeting the Board authorized public comment and hearings on the permanent wolf season rule proposal, which includes proposed restrictions on the use of dogs for hunting wolves. In addition, at the September 26, 2012 Natural Resources Board meeting, the Board voted to proceed with rule-making on using dogs to track and trail wolves through the permanent rule process but not through the emergency rule process.

RECOMMENDATION: Proceed with further rule-making on hunting wolves with dogs through the permanent rule process, but not the emergency rule process because additional emergency rules are not necessary to implement 2011 Act 169, for the reasons in the record before the Board.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- Background memo
- Previous background memo, permanent rule order, and spring hearing questions
- January 16 Circuit Court Order & Judgement
- Excerpt from Minutes of Sept and brief of action from Dec 2012 NRB meetings

Approved by	Signature	Date
Tom Hauge, Bureau Director		2/11/13
Kurt Thiede, Administrator		2/11/13
Cathy Stepp, Secretary		2/11/13

DATE: February 7, 2013

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Remand of Dane County Circuit Court Case N. 12-CV-3188 for NRB decision whether to undertake further rule-making pertaining to the use of dogs to hunt wolves.

At the September 26, 2012 Natural Resources Board (NRB) meeting, the NRB directed the department to proceed with rule-making pertaining to using dogs to track and trail wolves through the permanent rule process. The department plans to include proposed regulations on using dogs to track and trail wolves in our permanent wolf rule that is scheduled for board adoption in June 2014. In the interim, the board determined that several advisory questions on potential dog regulations for tracking and trailing wolves be asked at the 2013 Spring Conservation Hearings in all 72 counties to gain input on various dog training provisions. In addition, based on the record before the Board and testimony provided at the meeting by citizens and Department wardens familiar with dog training and the use of dogs to pursue game in Wisconsin, the Board decided to NOT proceed with any additional emergency rules pertaining to the use of dogs to track and trail wolves. The current emergency rule pertaining to the wolf season will remain in effect until permanent rules are adopted, likely in 2014. The minutes/transcript of this agenda item at the September meeting reflecting the testimony and Board discussion is included in this green sheet packet, along with my September 24, 2012 memo, for your consideration.

At the December 12, 2012 NRB meeting, the Board authorized proceeding with public hearings and public comment on a permanent rule proposal for the wolf season. The permanent rule proposal includes restrictions pertaining to the use of dogs for hunting wolves and for training dogs to hunt wolves. The proposed restrictions include:

- (1) No more than 6 dogs at a time may be used to track and trail wolves (6 pack rule).
- (2) All dogs may be uniquely identified.
- (3) A prohibition on pursuing wolves with dogs at night, due to safety concerns,
- (4) Dogs can train on wolves when the wolf season is open to hunting with dogs and during the month of March.

Due to an injunction placed on the use of dogs by the Dane County Circuit Court, the use of dogs to pursue wolves was not authorized for the 2012 inaugural wolf hunting season. The injunction on the training of dogs to track and trail wolves remains in place, although the injunction on the use of dogs to hunt wolves was lifted. However, the decision on allowing the use of dogs to track and trail wolves for hunting did not come in time to allow the use of dogs in 2012 as the statewide season ended with the closure of the state's final wolf harvest zone on December 23, 2012.

The purpose of this memo is to once again provide the Board with background on what is known, perceived or unknown regarding the use of dogs for wolf hunting or training dogs to hunt wolves. It will document what the department did consider for the emergency rule, what options are available for a training rule, and a discussion of those alternatives suggested by others.

Dog Restrictions Discussion in Wolf Rule Promulgation

The Wolf Season Framework Ad Hoc Group (the group formed to develop the emergency rules adopted by the NRB in July 2012) did consider potential restrictions relating to each season component covered in statute (Act 169). The Group discussed reasonable, practical, and effective dog hunting restrictions that would best manage the hunt and its impacts on wolves and allow the kind of wolf hunt desired by the legislators responsible for the bill. The Ad Hoc Group's understanding was that rules in the special emergency rule allowed by the statute could only be about the wolf hunting and trapping season and that dog training rules would need to be adopted through a normal rule promulgation process. The ad hoc group recommended dog identification requirements and night hunting prohibition with dogs as rules in addition to statutory requirements. In addition, several staff had numerous discussions among themselves, with administrators, and with board members about the practicality and benefit of potential dog use restrictions (e.g. dog breed restriction). The group did not believe additional restrictions were practical, enforceable, or in line with the intent of the law.

Wolf Hunting with Dogs Rule Options

Additional options to restrict dog use for wolf hunting have been evaluated by department staff for the Board's review and discussion:

Breed Restrictions – It has been suggested that the department should restrict breeds that may have been historically bred to chase down and kill wolves or coyotes. However, as we stated during the initial emergency rule discussions, it is already illegal to use dogs to kill game of any kind intentionally or inadvertently. It is not illegal to have a particular breed in a truck or to take them on a walk in the woods. The department can't stop someone from being out in the field with any breed. The department does not currently restrict any breeds from being used for pursuing or tracking game with the aid of dogs.

What has been and continues to be illegal is the killing of a wolf by a dog. The department does not know how it would determine what breeds could not be used. A dog of a particular breed or cross-breed may not actually kill a wolf without being trained to do so, thus the breeding may not be the limiting factor. It may be difficult to identify breeds for wardens, and it would be even more difficult with the potential for cross-breed dogs. What percent background of a particular breed is too much, and how would one know how much it has of a prohibited breed?

Experienced dog trainers also point out that the breed of the dog is not as significant of a factor as is the dog's disposition. From an enforcement standpoint it would require specialized training to identify dog breeds as well as the complications of trying to figure out percentages of mixed breed type or dogs bred into a trail hound to make the more aggressive.

Wolf carcasses are required to be registered and inspected by DNR staff, who will inspect carcasses to determine if a wolf is killed by a dog. There are methods of determining whether the wolf has been killed by a bullet, arrow, or dog. Complaints will also be investigated and appropriate law enforcement action will be taken. Wardens will be watching for dog users who are using breeds that maybe more likely to chase down, catch and kill wolves, as well as any dogs that have been trained to chase down, catch and kill a wolf or other wild animal. Further it is violation of the animal cruelty law to intentionally release a dog for the purpose of fighting with or killing a wolf.

Leash Requirement During Tracking and Trailing – A leash law requirement is not in effect for any other game species where the use of dogs is allowed for hunting or training. Further the thought that a leash law could be effective is impractical given the thick vegetation of woods and swamps where this activity will occur. A hunter with dogs on a leash may be able to track a wolf, but is very unlikely to be able to shoot a wolf. In the case of a wolf hunt the dog will trail the wolf while the hunter gets into position to attempt to harvest the animal humanely with a firearm, just like coyote hunters do. Dogs on a leash can't keep up with wolves to have the potential to bay them, and hunters can't position themselves where wolves are likely to become vulnerable to a shot because the wolves will be so far ahead of the dogs that one wouldn't know where to post. The leash requirement suggested in affidavits in the lawsuit (attached to my September 24, 2012 Memo, included in this green sheet packet) is believed to be based on a segment of administrative code that is intended to limit dog impacts on public lands managed for bird reproduction during the nesting season. It is not a training prescription, and it is not a reasonable rule for training a dog, except in the very early stages of a young dog's training.

Certification Requirement – In developing rules for the use of dogs in wolf hunting we looked to what is in place and what appears to be working for other species. Regarding certification of those intending to use dogs for hunting or training on wolves, we don't require certification for any other dogs used on any other game. While the department could possibly certify a hunter, it wouldn't certify each dog. The department believes that it would be more practical and reasonable to provide the information that dog users should be aware of or may increase their chances of success (i.e. Best Management Practices or BMPs) rather than requiring a course. This is how trapping is being addressed; a course has been offered by the Wisconsin Trappers Association for those interested in wolf trapping. Certification of a potential dog trainer or hunter would require a course, certificate issuance and record program, and most importantly experts in training hunters for hound use on wolves. A course could be put together, but there is little DNR expertise for training hunters in this method for wolf hunting. Similar to trapping, it would seem more appropriate for the expertise and training to come from an outside organization. We would need the experts, or those with experience in the use of dogs to be the ones training and certifying themselves and others who are planning to use dogs.

Prohibition in Core Wolf Habitat – Plaintiff affidavits suggested dog use prohibitions in core wolf habitat, in some cases defined as den and rendezvous sites and sometime left undefined, perhaps meaning all core wolf range. We can't know where all of the dens and rendezvous sites are or put together a detailed enough map for hunters that delineates all of the locations and establishes identifiable boundaries for where exactly a hunter with dogs can and cannot go. The state map would be covered with small, complex boundaries for each pack over the northern half of the state. Further, we cannot expect dogs not to follow a wolf into such an area from outside the area.

More proactively perhaps, the legislation addressed this issue, dog hunting will be allowed by statute only from the day after the regular gun deer season (late November) to the end of February, when wolves are not using or defending dens or rendezvous sites. While we cannot assume this graph (Figure 1.) to completely reflect the risk of future interactions, it does suggest that the higher period of depredations on dogs occurs in July, August and September. This may be due to more dogs in the woods, or a variety of other factors, but the fact that wolves aggressively defend rendezvous sites and denning sites, during these months can't be ignored. Historically, hunters pursue bobcat, coyotes and fox with dogs during the winter months (December, January and February), and have reported that their dogs have often chased wolves during this time period.

However wolf depredations on dogs are rare with only three depredations on dogs while hunting, in Wisconsin, occurring during this time period in the last three years.

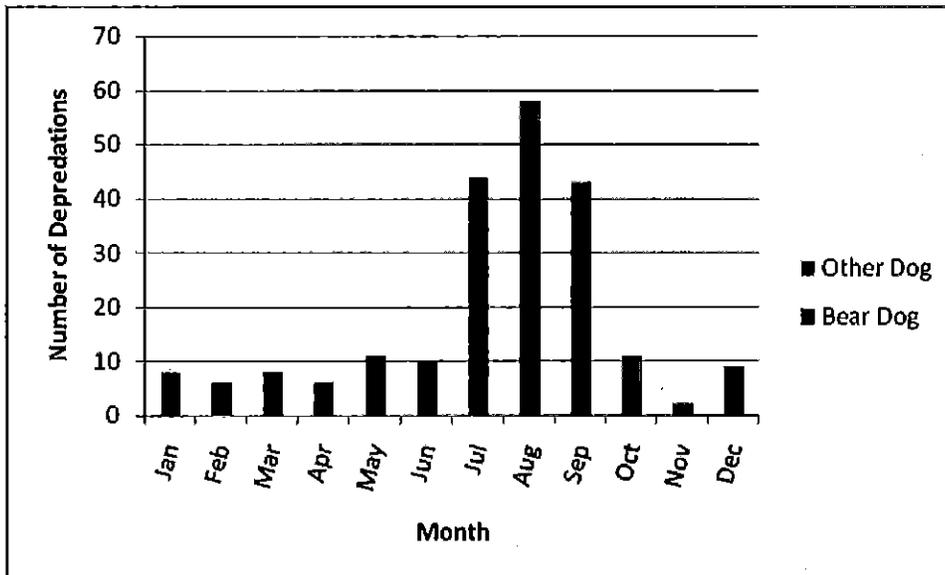


Figure 1. Monthly variation in verified dog depredation incidents in Wisconsin from 1999–2010 (Erik Olson – UW Madison)

If core habitat includes best wolf range, this could include all of zones 1, 2 and 5, where most of the state’s wolves exist. The goal of the season is to reduce the wolf population across the state, including the best or core range. It would not make sense to take away a tool for increasing hunter success where most of the wolves live.

Dog Training Restriction Options

While we feel the permanent rule process is adequate to put dog pursuit restrictions on wolves in place, the judge has also determined that the emergency rule process could be used to put such regulations in place for this year. However, with so many unknowns on the use of dogs, including overall interest and availability of adequate snow conditions, the department questions the necessity to engage in emergency rules on this topic at this time. In advance of permanent rule making the following restrictions on training of dogs for wolf hunting have been evaluated as follows:

Time of Year Restriction – The department could restrict dog training for wolf hunting to the period from Mid-October or November through February (could start after gun season to reduce conflict with deer hunting through March,), after pups are grown and rendezvous sites are no longer defended, when snow is on the ground, and before pups are born the following year. Houndsmen suggest that they need snow for finding tracks and training dogs. This rule would negate the need for rules and maps to keep wolf hound training out of denning and rendezvous sites, because wolves are not using and defending these at this time of year.

Breed Restrictions – See detailed discussion of this issue above.

6-Pack Rule – This rule would be consistent with dog rules for hunting for bear and wolves. It would be a reasonable, practical, fair-chase restriction.

Dog Identification Requirement – This rule would be consistent with bear and wolf hunting with dog rules.

Training Hours and Night Training Prohibition – This rule would be consistent with the wolf hunting rule, and would provide for enforceability of hunting hour restrictions. Training hours would be identical to the small game hunting hours, which would be identical to the wolf hunting hours using dogs during the period they are allowed.

Other Considerations

The following observations should be understood when considering options for restricting dog training and hunting for wolf harvest:

Dog Value and Risk -People care about their dogs and invest a great deal in them. They are not going to use their dogs where there is a high risk of losing them. Some dogs cost thousands of dollars, so hunters will be selective of when and where they will pursue a wolf with their dogs to minimize any injury to their dogs.

Reimbursements – The statutes prohibit hunters that are pursuing wolves from collecting reimbursement for a dog that is killed or injured while in pursuit of wolves for wolf hunting. Further, in the emergency rules, the NRB adopted rules that prohibited the reimbursement of a dog that is killed or injured during the act of tracking or trailing a wolf under a training scenario.

Wolf Selection for Chase - Houndsmen will use their dogs where tracks indicate that there are only 1-2 wolves, a situation where wolves will typically run rather than attack a pack of dogs. Experience shows that pursuing wolves in denning sites, rendezvous sites, and where there are packs of 3 or more are more likely to have conflicts with hounds. Hunters will avoid these situations. In addition, this information could be shared with those planning to pursue hounds in a guidance document to hound hunters and trainers.

Calling off the Hunt- Houndsmen are going to pull off their dogs when they cross roads if they sense trouble. This is feasible as hunters have sophisticated electronic tracking equipment that can identify the exact location of their hounds. If the hounds are in the vicinity of a roadway, hunters can quickly locate their hounds and end the pursuit. Again, another recommendation that could be offered as guidance to those using hounds to hunt or train on wolves.

Reduction in Dog Depredations -There were only 11 dog depredations claimed in 2012. While there may be a number of factors leading to this reduction, one could opine that, bear dog users are being more careful and benefitting from website information on problem wolf areas, and have improved on their ability to avoid these areas of potential conflict. Other factors could play into the reduction as well. But one can not refute the fact that while the wolf population has been on the increase, in each of the last five years there has been a steady reduction in the number of hunting dog depredations (Figure 2.).

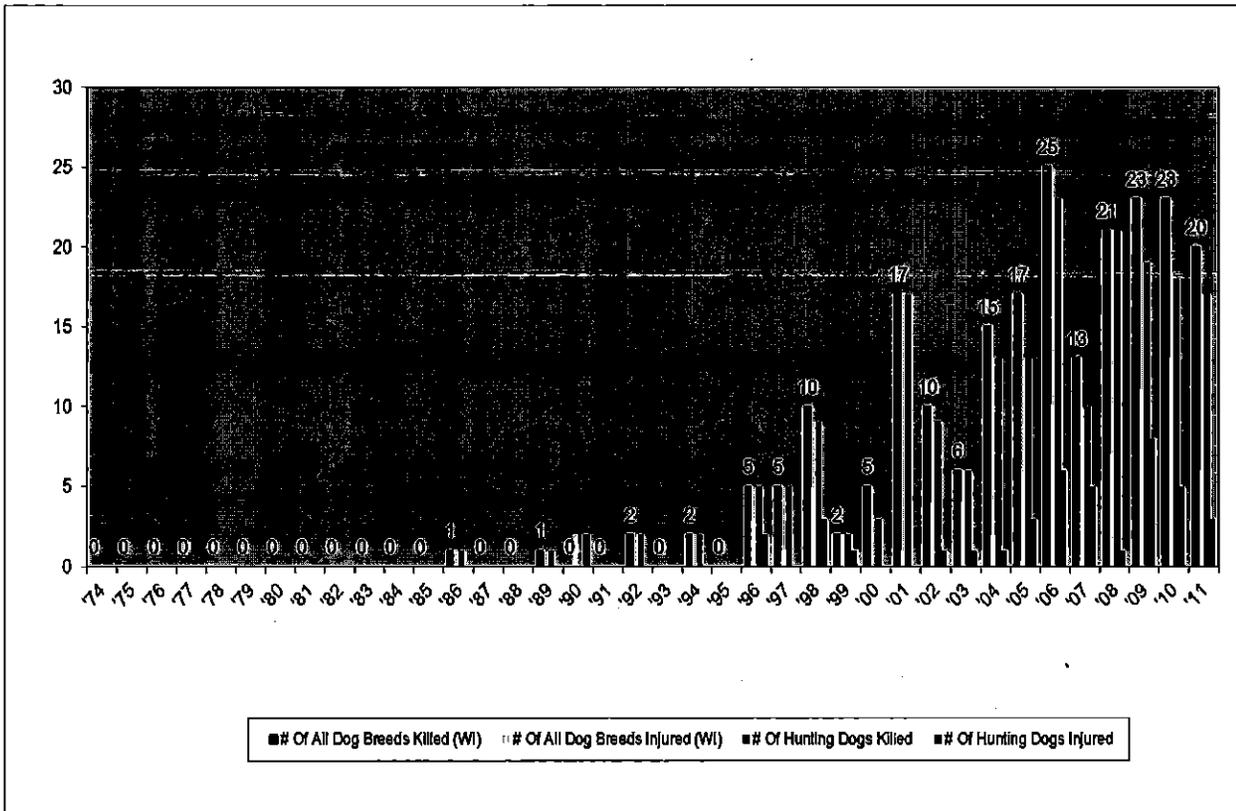


Figure 2. All Dogs Depredated (n=223) and Injured (n=86) by wolves in Wisconsin, 1974-2011.

Dog Training Without Problems - It became legal to train dogs on free roaming wolves when wolves were federally delisted on January 27, 2012, but we still had a very low dog depredation number. Although, we do not know how many houndsmen took advantage of this opportunity. However, training dogs to hunt wolves has been prohibited by a Dane County Circuit Court injunction since August 31, 2012.

Winter Hound Use Experience-We have had very few problems in wolf country during the last 3 winters, when dogs would be used to chase carnivores. Dogs were used to hunt bobcat in December through January and for coyotes all winter with only 3 claimed hunting depredations in the last 3 years.

Chases Without Incident - Numerous houndsmen report that their dogs have unintentionally chased wolves during the time of the year when wolf hunting with dogs is allowed by statute and rule (December –February) while coyote, fox or bobcat hunting without catching or killing wolves or being killed by wolves, as the wolves run from dog packs at this time of the year.

Safety of Wolf Trackers – Affidavits from the Plaintiffs suggested that the safety of our volunteers and staff that track wolves could be at risk. This is a highly speculative assumption. We have no available evidence of a tracker or citizen ever being attacked by hounds trailing game, nor is there any available evidence of wolves that are being pursued or chased by anything, having attacked people. We have strived to base our season on the merits of science, social desires, and regulations that are reasonable, practical, enforceable and acceptable.

In summary, the department is committed, as we know the NRB is, to adjust rules, regulations, quotas and zones as necessary to both effectively and safely administer a wolf management program in the state. While well reasoned, legally justified and enforceable, as well as safe regulations are the goal of any new administrative rule, we realize that often rules must be adjusted as we accumulate data and information. Our hunting and trapping regulations contain regulations that have morphed and adapted over time to keep up with changing technologies, improved techniques, new information and the desires of our customers. One must assume that these wolf regulations are no different. Learn and adapt, that is our philosophy. We have set rules, quotas and regulations based on past experiences, what is known, and our best professional judgment. To do otherwise is to succumb to speculation and overly burdensome and potentially unnecessary regulation.

2013 Spring Hearing Advisory Questions – Hearings were authorized by the NRB at its Jan. 23, 2013 meeting

QUESTIONS 48- 51. Regulations for training dogs that will be used to hunt wolves

2011 ACT 169 established a wolf hunting season and authorized the hunting of wolves with the aid of dogs. Although training dogs to hunt wolves is currently not allowed as the result of an injunction from the courts, it may be allowed if rules are written. There are very few rules currently in place that would apply to training dogs to hunt wolves, unless new rules are written.

Under this proposal, training dogs would be prohibited during most of the year, including the summer period. Training dogs would be allowed during the period of the hunting season when it is also legal to hunt wolves with dogs and in March (day after the nine-day gun deer season through March 31).

Dog trainers would be limited to using no more than six dogs in a pack, although dogs could be replaced with fresh dogs as long as there are not more than six dogs used at one time. This six dog restriction is identical to regulations that are already in place for hunting wolves with dogs and for training and hunting bears with dogs.

Dogs used in training would be required to possess some form of identification such as a tattoo or collar with the owner's name and address attached. A person using the dogs would also be required to possess rabies vaccination tags for the dogs. This is identical to regulations currently in place for hunting wolves with dogs and for training and hunting bears with dogs.

At times when the season for hunting wolves with the aid of dogs is open, people who are training, but not hunting, would need to follow normal hunting hours. People who are actually hunting wolves with dogs are limited to daylight hours under current rules. This regulation would eliminate the need for conservation wardens to determine who is hunting and who is only training if they receive a complaint.

48. Do you favor limiting the training of dogs used to hunt wolves to the period beginning on the day after the nine day gun deer season through March 31?	48. YES _____	NO _____
49. Do you favor limiting people who are training dogs to hunt wolves to using no more than six dogs in a pack, with the replacement of dogs allowed as long as there are no more than six dogs used at one time?	49. YES _____	NO _____
50. Do you favor requiring that dogs used in training possess some form of identification such as a tattoo or collar with the owner's name and address attached, and that the owner possess the dogs vaccination tags while afield?	50. YES _____	NO _____
51. Do you favor establishing that dog training for wolves is limited to normal hunting hours at times when the season for hunting wolves with the aid of dogs is also open?	51. YES _____	NO _____

QUESTION 68. Hunting wolves with dogs

Hunting wolves with dogs and training dogs to hunt wolves are controversial. In 2012, the state's wolf quotas were quickly and fully reached without the use of dogs.

67. Would you favor legislation to prohibit the use of dogs to hunt and training dogs to hunt wolves?	68. YES _____	NO _____
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Wisconsin Federated Humane Societies Inc. et al,

Case No. 12 CV 3188

v.

ORDER & JUDGMENT

Cathy Stepp et al.

Hearing in the above case having been held on January 8, 2013, and January 16, 2013, all parties appearing by counsel of record, for the reasons stated on the record of said hearings and incorporating the court's ruling of September 14, 2012:

IT IS ORDERED that defendant-intervenors' renewed motion to dismiss for lack of standing is DENIED;

IT IS FURTHER ORDERED that JUDGMENT BE ENTERED:

1. Declaring that the Wisconsin Natural Resources Board has the authority under Section 21 of 2011 Act 169 to promulgate emergency and final rules for the safe and humane use of dogs in the tracking and trailing of wolves in hunting; and remanding the matter to the Natural Resources Board with instructions that within 45 days of the date of this order the Board determine, in accordance with Wis. Stat. § 227.12(3), whether to undertake further rulemaking pursuant to the authority so declared;
2. Declaring Wis. Admin. Code § NR 17.04(1) invalid as exceeding agency authority to the extent it authorizes the training of dogs on free-roaming, wild wolves;

IT IS FURTHER ORDERED that the temporary injunction issued on August 31, 2012, is VACATED.

This is a final decision for purposes of appeal.

Dated this 16th day of January, 2013,

BY THE COURT:



Peter C Anderson
Circuit Court, Branch 17

CC: Atty. Carl Sinderbrand
Atty. Robert Habush
Atty. Jodi Habush-Sinykin
AAG Thomas Dawson
AAG Cynthia Hirsch
Atty. Thomas Janczewski
Atty. Ted Wisniewski
Atty. James Lister
Atty. Anna Seidman
Atty. Michael Maistelman
Atty. Stacy Wolf
Atty. Jennifer Chin

Permanent Rule Order – Hearings were authorized by the NRB at its Dec. 12, 2012 meeting

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

The statements of scope for this rule, SS 023-12 generally, SS 038-12 related to coyote hunting, and SS 062-12 related to dog training were approved by the Governor on April 12, May 29, and August 14, 2012 respectively. The statements of scope were published in Registers No. 676 on April 30, No. 678 on June 14, and No. 680 on August 31, 2012. The statements of scope were approved by the Natural Resources Board on May 23, June 27, and September 26, 2012 respectively. These rules were approved by the Governor on _____.

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01(3)(h)1.c., to amend NR 10.001(1r), 10.001(25)(c), 10.02(1), 10.06 (5) and (8)(intro.), 10.07(2)(b)2., 10.07(2m)(intro.) and (e)(intro.), 10.07(2m)(f)(intro.), 10.09(1), 10.13(1)(b)9., 10.13(1)(b)15., 10.13(1)(b)16., 10.145(intro), 10.145(3) to (8), 12.10(intro.), 12.10(1)(a)4., 12.10(1)(b)2., 12.15(13) and 19.25, to repeal and recreate NR 10.01(3)(h)1.a., to create NR 10.001(7s), 10.001(22q), 10.001(23a), 10.001(23am), 10.001(23b), 10.001(23b), 10.001(26g), 10.001(33), 10.01(3)(j), 10.07(1)(m), 10.07(2m)(em), 10.07(2m)(g)3., NR 10.07(4), 10.13(1)(b)15m., 10.13(1)(b)18., 10.145(1m), 10.16(5), 10.295, 12.15(11)(e), 12.60 to 12.63, 12.64(1)(a) and (b)(intro.)1., 12.64(1)(b)2. and 3., 12.64(1)(b)4. and 5., 12.64(2)(a) to (c), 12.64(2)(d), 12.64(3), 12.65, and 17.04(cm) and (note), 17.04(3)(d) and (note) relating to the wolf hunting and trapping season, regulations, a depredation program, training hunting dogs, and coyote hunting.

WM-08-12

Analysis Prepared by the Department of Natural Resources

Statutory Authority, Statutes Interpreted, and Explanation: The department is directed by s. 29.014, Wis. Stats., to establish regulations for the taking of game that conserve game populations, including wolves, and provide opportunities for continued hunting and trapping. This 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. This section authorizes other actions such as establishing that wolves are not small game and allows removing them from a protected species list because they will be protected under other rules.

Many provisions of 2011 Wis. ACT 169 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 ss. 29.185(5) and (6), 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), Stats., of the ACT.

Opening the coyote hunting season at times when a firearm deer season is also open is specifically authorized under s. 29.185(5)(d) which was created by 2011 ACT 169.

A variety of provisions explicitly authorize the department to limit wolf harvest if necessary to effectively manage the state wolf population. The department's authority to limit the number of harvest licenses issued is established in s. 29.185(1), Stats. The establishment of wolf harvesting zones is required by the s. 29.185(5)(b), Stats., of the ACT. Department authority to close the season in a harvest zone is

established in s. 29.185(5)(c), Stats. Regulations on the proper use of tags and registration of harvest are authorized under s. 29.185(7), Stats., and generally by s. 29.014, Stats.

Regulations on the types of traps that may be used to harvest wolves are authorized under s. 29.185(6)(f), Stats., and generally by s. 29.014, Stats.

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

Restrictions on the removal of wild animals and the wildlife damage abatement and claims program are established under the authority of ss. 29.014 and 29.885, Stats. These provisions 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. Current administrative rule and statutory requirements for preventative abatement action before killing certain wild animals will be extended to wolves. Public hunting and trapping of certain species must be allowed for species currently covered under s. 29.885 (4m), Stats. The department will extend these requirements for wolves being removed under s. 29.888, Stats., of the ACT through this rulemaking. These provisions will not affect current rules that allow a landowner, lessee or occupant of land to kill a wolf that is actually in act of killing, wounding or biting a domestic animal.

Regulations on the activities of training dogs for hunting certain species are authorized under s. 23.09(intro.), Stats., which directs the department to provide an adequate and flexible system for the protection, development and use of game and under s. 29.014, Stats., which authorizes establishing conditions for taking game.

All rules promulgated under this authority are subject to review under ch. 227, Stats. Non-statutory provisions of 2011 ACT 169 require the department to submit rules necessary for implementation or interpretation and establish that the department is not required to make a finding of emergency.

Related Statute or Rule: Similar emergency rules related to wolf harvest and depredation management, Board Order WM-09-12(E), were adopted by the Natural Resources Board on July 17, signed by the Governor on August 10, and became effective on August 18, 2012.

Identical emergency rules related to the coyote hunting season were adopted by the Natural Resources Board on August 8, signed by the Governor on August 30, and are effective on October 1, 2012, Board Order WM-16-12(E).

Similar emergency rules related to training dogs that will be used to hunt wolves are proposed. The Natural Resources Board approved drafting those rules at its September 26, 2012 meeting.

Related Judicial Activity: Training dogs to hunt wolves, as proposed in this rule order, is temporarily prevented or enjoined by a court order. The use of dogs for tracking and trailing wolves under a wolf harvesting license is currently not allowed under court order. As this is a temporary injunction, the injunction on the use of dogs for wolf hunting and training could be lifted at a future date.

Plain Language Rule Analysis: The Bureau of Wildlife Management recommends promulgating rules modifying chapters NR 10, 12 and 19 Wis. Admin. Code related to the wolf hunting and trapping season and regulations, dog training regulations and a depredation program.

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.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations.

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 (ESA). 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.

The states of Wisconsin, Minnesota and Michigan are required 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 ESA, the service can initiate the listing process, including emergency listing.

Comparison with rules in Adjacent States: The only adjacent state that has established a wolf hunting and trapping season is Minnesota. Michigan is likely to allow hunting or trapping in the future but has not established a season framework that can be evaluated at this time.

Minnesota will allow hunting and trapping, but not with the assistance of dogs, for the first time in 2012. The application fee will be \$5.00 and the harvest permit will cost \$50.00. Minnesota will issue 6,000 harvest permits with the intention of harvesting a quota of 400 wolves from a population of

approximately 3,000 animals. Because 2012 will be Minnesota's first wolf hunting and trapping season, they have no experience with their season framework.

Summary of Factual Data and Analytical Methodologies: 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. 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.

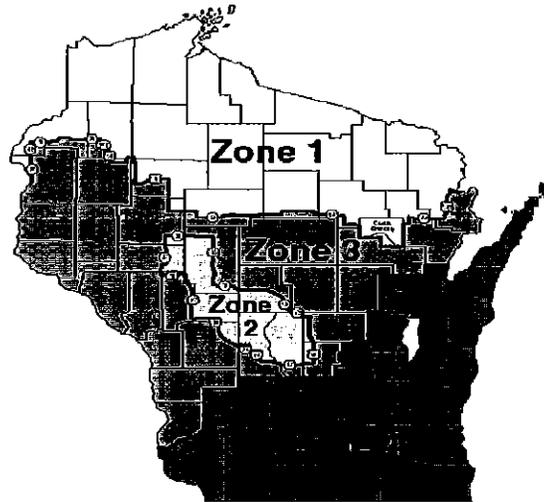
The proposal creates a definition of "reservation wolf packs" for the purposes of establishing wolf harvest quotas. The department proposes not including wolves on tribal lands when establishing quotas.

This rule establishes 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 interpretations.

With the removal of endangered and threatened species protections for wolves, they will automatically be classified as small game unless the exemption in SECTION 2 of this rule is created. Small game is not 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.

Between 1988 and 2012 the coyote hunting season was closed at times when firearm deer seasons are open in Wolf Management Zone 1. This rule would open the coyote season. Under this proposal, wolves would continue to be protected during the firearm deer season and harvest would only be allowed by a person who possesses a valid wolf harvesting license. The current closure was established when wolves were listed in Wisconsin and federally as an endangered species, to prevent incidents of misidentification by people who intended to harvest coyotes. The closure is no longer needed for protection of the wolf population and this coyote hunting opportunity can be restored. The wolf population has expanded and packs are established in many areas outside of Wolf Management Zone 1, where the current coyote season closure has never been in effect. Coyote harvest has also been allowed in Wolf Management Zone 1 at times when firearm deer seasons were not open.

NR 10.20 Wolf management zones.



Coyotes are commonly harvested incidentally by people who are primarily hunting deer during the firearm deer season. Expanding that opportunity to hunters in Wolf Management Zone 1 will increase opportunity for those hunters and they are the only people who are likely to be affected by the proposed rule.

This rule proposal establishes wolf harvesting zones which are different than the management zones under existing NR 10.20 Admin. Code. 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. An alternative might be to allow hunters to obtain a new license with a new zone designation when the season in a hunter's original zone choice 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. However, geographically smaller zones have the disadvantages of regulatory complexity and reducing the area available to individual hunters and trappers. Larger zones reduce the amount of fine tuning of management that is possible. The wolf harvesting zones in this proposal represent a compromise that takes advantage of the opportunity to utilize zones but minimizes the number of zones.

This rule making will establish that harvest quotas for wolves will be based in part on the wolf population, population trends and established population goals. 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. 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 and approved by the Natural Resources Board.

Requiring reporting or 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, this rule requires a hunter or trapper to report harvest by phone or other method authorized by the department within 24 hours of the harvest, allowing the department to monitor harvest activity as it occurs during the season. If reporting 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. Similar reporting requirements are already in place for bobcat and Canada geese, two other species for which the department possesses emergency season closure authority.

There is an additional requirement to present wolf carcasses and pelts to the department for inspection and registration purposes at a later time. At registration, the department will collect samples from carcasses that can be used to determine age and reproductive information and for health monitoring of the animals. Detailed information on the location of harvest will also be collected. The time of registration is when registration tags will be issued indicating that the animal has been registered with the department and is now the property of the hunter or trapper. Many hunters and trappers will be familiar with these requirements because they are similar or identical to other species that are currently hunted or trapped such as bear, bobcat, otter, fisher, and deer.

The department anticipates that compliance with reporting and registration requirements will be good. Wolf hunters and trappers will have significant incentive to report and register in order to obtain the state registration tag 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 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 radio telemetry gear by the department for research purposes. Under the proposal, the use of radio telemetry gear for locating wolves will 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 are specifically 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 is legal.

This rule proposal establishes 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 would be allowed beginning on the day after bear season closes and continuing through the close of the wolf season in a zone. 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, as established in the ACT. This proposal clarifies that blood is considered an animal part or by-product and may not be used as bait.

Regulations for baiting in this proposal are similar in many respects to current bear baiting regulations except for the materials that are allowed. Current statute establishes that it is illegal to use baits containing poison of any description where it might cause the destruction of wild animals. This proposal will clarify that poisonous substances are not allowed. For instance, the toxicity of chocolate to canines is well known and comes from the methylxanthine alkaloids, theobromine and caffeine (theobromine makes up about 80-85% of the alkaloid content). The weight of individual wolves and the approximate amounts of these alkaloids in a product vary, making it difficult to recommend a safe amount and a complete prohibition of chocolate is more practical. Actual cacao beans have about 4-8g/ounce of alkaloids. Dry cocoa powder has about 800mg/oz. Other approximate amounts are, baking chocolate at 400mg/ounce, semisweet chocolate and dark chocolate with 150 mg/ounce, and milk chocolate with 50mg/ounce. An acute lethal oral dose (LD50) in a dog is 100-200mg/kg - approximately 2ounces of milk chocolate per kilogram or 1 ounce per pound of a dog's weight. However, severe clinical signs and even deaths can occur at much lower doses.

Meat or other animal parts and by-products can be used as bait for trapping, as they are not prohibited by the ACT, and no rule change regarding the use of baits for trapping is required or proposed in this order. Allowing the use of meat or other animal parts and by-products as bait for trapping may be important to prevent the incidental capture of non-target species such as deer when using cable restraints. The disposal of the carcasses of domestic animals is regulated by the Department of Agriculture, Trade and Consumer Protection and they are not legal for use as bait for trapping wolves.

Hunting at night is authorized under ACT 169 and 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 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. The proposal clarifies that the jaw spread is measured as the maximum outside dimension of jaws across the open trap but not measured diagonally. This is intended to prevent the incidental catch and retention of bears at times when they are normally still active. This rule would establish 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 is 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 DNR in the Necedah National Wildlife Refuge 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 significance of current rule is that it also allows enforcement of special closed area regulations by the department. This proposal includes wolves in a way that is consistent with language for species that are currently hunted and trapped at Necedah. The proposal 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. In 2010 the department paid approximately \$204,000 in claims to owners of animals under the existing program for depredation caused by wolves. The existing program will remain in place under this proposal but will only apply at times when wolves are listed as endangered or threatened. Most aspects of the current program are recreated by this proposal in a new section that will be in effect at times when wolves are not listed as protected or threatened.

Several new features are also created that will apply only when wolves are not listed as endangered or threatened. This rule creates 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 creates 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 establishes that the 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. The proposal establishes that 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 establish that someone with a valid hunting license of any kind can 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 WI trapping license. Finally, this proposal revises the current missing calf rules to create 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.

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. The use of dogs for tracking and trailing of when hunting wolves under a wolf harvesting license is currently not allowed under court order. The use of dogs for training to track or trail free roaming wolves is also not currently allowed under court order. This is a temporary injunction that could be lifted at a future date and the department could finish promulgating these rules. These proposed rules are similar to ones that already apply to bear hunters and people who train dogs used for bear hunting. Additional restrictions have been suggested during the process of promulgating emergency rules and through judicial action. The department has considered and will continue evaluating suggestions. Because ACT 169 establishes that the use of dogs to track or trail wolves is allowed for hunting wolves, additional restrictions on the practice will be evaluated to assure that they maintain the use of dogs in a way that is practical and which contributes to hunting success.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis: The department has determined that these rules will have only a minimal economic impact locally or statewide. A notice for solicitation of comments on economic impacts was posted on the department's website from October 20 through November 2 and various interest groups

were contacted by email. During that period the department posted the analysis on its website and distributed the proposed rule and analysis to parties it determined would be interested. The department received 8 comments from individuals or organizations and none from local governments. Most comments were either critical or supportive of wolf hunting but did not address individual economic impacts. The Ruffed Grouse Society expressed concerns about the potential for incidental catch of bird dogs and how that could lead to reduced grouse hunting and associated expenditures.

The department held a public meeting to solicit comments on the economic impact analysis of proposed permanent rules on October 29 in Madison. One person attended the meeting and expressed opposition to wolf hunting and discussed economic impacts generally. No one indicated that they or their business would be impacted economically.

Anticipated Private Sector Costs and effects on Small Business: 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. The department does not have experience yet to gauge the level of public participation and interest in this new activity. 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. 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 and that, combined with the low number of hunters, means there will be limited new retail expenditures even though this is a new opportunity. 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.

During the firearm deer season, hunters are primarily pursuing deer and that is what drives a person's decision to participate. Hunters may appreciate the opportunity to harvest a coyote incidentally to their deer hunting activities as authorized under this proposal in wolf management zone 1, but the opportunity is not anticipated to have any impact on hunter participation or their related activities and expenditures.

The ACT and this rulemaking will allow Wisconsin to manage wolves to population levels that will be lower than the current population. As a result, there will likely be less wolf depredation on domestic animals. Under previous requirements of law and under the ACT, 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. In 2010, the department investigated and made damage payments for depredations of 84 cattle or missing cattle and six sheep.

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.

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SECTION 1. NR 10.001(1r) is amended to read:

NR 10.001(1r) "Animal part or animal byproduct" means honey, blood, bones, fish, meat, solid animal fat, animal carcasses or parts of animal carcasses, but does not include liquid scents other than blood.

SECTION 2. 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 3. NR 10.001(22q) is created to read:

NR 10.001(22q) "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 4. NR 10.001(23a) is created to read:

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

SECTION 5. NR 10.001(23am) is created to read:

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

SECTION 6. NR 10.001(23b) is created to read:

NR 10.001(23b) "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 7. 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 8. 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.

SECTION 9. 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 10. NR 10.01(3)(h)1.a. is repealed and recreated:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(h) <i>Coyote</i> 1. Hunting a.	All year	None

SECTION 11. NR 10.01(3)(h)1.c. is repealed.

SECTION 12. 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 all wolf harvesting zones unless closed under s. NR 10.145(7)	October 15 – 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 13. 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 14. NR 10.06(5) is amended to read:

NR 10.06(5) HUNTING HOURS. Hunting 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. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset. All waterfowl hunting starts at 9:00 a.m. on the first day of the duck hunting season established in s. NR 10.01 (1) (b). 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 hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

Zone Adjustment

B ----- Add 4 minutes

C ----- Add 8 minutes

D ----- Add 12 minutes

E ----- Add 16 minutes

F ----- Add 20 minutes

SECTION 15. NR 10.06(8)(intro.) is amended to read:

NR 10.06(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 as follows:

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

Section 16. NR 10.07(1)(m) is created to read:

NR 10.07(1)(m) *Telemetry devices.* Use radio-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 17. 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 18. 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 19. NR 10.07(2m)(em) and note are created to read (note that 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):

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.

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 20. 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 21. 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 22. NR 10.07(4) is created to read (note that 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):

NR 10.07(4) WOLF HUNTING. (a) Hunting at night. During the period when hunting wolves at night is allowed under s. NR 10.06(8), no person may hunt wolves from 20 minutes after sunset to 30 minutes before sunrise unless the person hunts in all of the following ways;

1. With the aid of predator calling techniques, or over a bait or feeding site authorized under sub. (2m).

2. From a stationary position.

3. Without the use or aid of dogs.

(b) Dog use. 1. 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.

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

SECTION 23. NR 10.09(1) is amended to read:

NR 10.09 (1) PROHIBITED METHODS. No person shall:

(a) Shotshells.

1. 'Slugs or balls.' Possess or have in control, while hunting any gamebird, any shotshells loaded with single slug or ball except during the open gun season for deer, elk or bear.

2. 'Size.' Possess or have in control, while hunting, shells containing shot larger than no. BB during the period commencing on June 1 and continuing through the last day of any deer season or hunt

established in s. NR 10.01 (3) (e), (es), or (et), whichever season is later, except in any of the following circumstances:

a. During the open season established in s. NR 10.01 (1) (b), (c) and (g) when nontoxic shot size BBB and T may be used for hunting migratory game birds listed in s. NR 10.01 (1) (b), (c) and (g).

b. A person holding a valid permit to harvest a bobcat or wolf and an unfilled pelt tag issued under s. NR 10.145 may possess and use shotshells containing shot larger than no. BB for the purpose of hunting bobcat or wolf during the open season established in s. NR 10.01 (3) (d) and (j).

(b) *Incendiary shells.* Possess or have in control, while hunting, any shell, cartridge or ammunition known as tracer shells, or incendiary shells or cartridges. Distress flares are exempt from this section.

(c) Guns and devices.

1. 'Type.' Hunt with any means other than the use of a gun designed to be fired from the shoulder utilizing the energy of gun powder or compressed air, bow and arrow or by falconry except:

a. Muzzleloaders may be used for hunting, except that any muzzleloader used in the muzzleloading season described in s. NR 10.01 (3) (es) shall have a solid breech plug attached with threads, be capable of being loaded only from the muzzle, use black powder or other black powder substitute, and may include a mounted telescopic sight.

b. Hare, rabbit, squirrel, raccoon, fox, coyote, bobcat and unprotected wild animals may be hunted with handguns or pellet guns of .17 caliber or larger. Handguns shall have a minimum barrel length of 4 inches measured from the muzzle to the firing pin with the action closed.

c. Deer, wolf or bear may be hunted with handguns loaded with centerfire cartridges of .22 caliber or larger and that have a minimum barrel length of 5 ½ inches measured from the muzzle to the firing pin with the action closed.

Note: Hunters using handguns must comply with all state and federal laws respecting handguns, including s. 941.23, Stats., respecting concealment, and ~~s. 29.597~~ s. 167.31, Stats., respecting transportation.

d. Deer, wolf or bear may be hunted with cylinder loading black powder muzzle-loading handguns which are not less than .44 caliber, do not use cartridges, and have a minimum barrel length of 7 inches measured from muzzle to breech face that fire a single projectile weighing not less than 138 grains.

e. Crossbows may be used by disabled individuals issued a permit under ss. 29.171 (4) and 29.193 (2), Stats., which authorize the use of a crossbow and by resident senior citizens who are age 65 and older to hunt small game, bear, and deer, elk and wild turkey with an appropriate archery hunting license, permit and tag if required.

Note: In addition, pursuant to ss. 29.164 and 29.171, 29.014(1m) and 29.185(6)(a)1, Stats., crossbows may be used ~~by resident senior citizens for hunting turkey under a license issued under s. 29.164, Stats., bear under a license issued under s. 29.184, Stats., elk under a license issued under s. 29.182, Stats., and for small game and deer under the authority of an archery license issued under s. 29.171, Stats.~~ for deer, elk, turkey, bear, wolves and small game under a license that also authorizes hunting these species with a firearm during a season open for hunting that species with a firearm.

f. Notwithstanding sub. 1, a persons possessing a class D disabled hunting permit issued pursuant to s. 29.193(2)(d)3., Stats., may use an adaptive device that allows them to use an authorized type of firearm, bow and arrow, crossbow or air gun while hunting without the need for the firearm, bow and arrow, crossbow or air gun to be held by hand or fired from the shoulder, provide the person is still in physical possession and control of the weapon.

2. 'Deer, wolf or bear hunting.' Hunt any deer, wolf or bear with any air rifle, rim-fire rifle, any center-fire rifle less than .22 caliber, any .410 bore or less shotgun or a rifle or handgun loaded with .410 shotgun shell ammunition or with ammunition loaded with nonexpanding type bullets or ammunition loaded with shot other than a single slug or projectile.

3. 'Possession.' Possess any rim-fire rifle larger than .22 caliber or any center-fire rifle .22 caliber or larger in areas wherein there is an open season or hunt specified in s. NR 10.01 (3) for hunting deer with shotgun only unless the rifle is unloaded and enclosed within a carrying case.

(d) Automatic firearms. Hunt with a fully automatic firearm.

(e) Handguns. Persons possessing a class A or C, or D disabled permit may use handguns chambered for .410 or larger shot shells for hunting all species except deer, elk, bear, wolf, turkey and migratory game birds.

SECTION 24. NR 10.13(1)(b)9. is amended to read:

NR 10.13(1)(b)9. 'Steel jawed traps.' No person may 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 on October 15 and continuing through November 30 for sets that are not water sets.

SECTION 25. NR 10.13(1)(b)15. is amended to read:

NR 10.13(1)(b)15. 'Cable restraints specifications for bobcat, coyote and fox.' Except as provided under (15m), 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 26. 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 27. 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.' No person may 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 28. 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 firearm may be used to kill a wolf that is caught in a trap on the Friday before the first day of the November firearm deer season, notwithstanding NR 10.09(2). A person who is prohibited from possessing a firearm under state or federal law, who 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.

Note: A gun chambered for the .22 caliber rim-fire cartridge may be used to dispatch a wolf that has been legally captured using trapping methods but is prohibited for hunting wolves under s. NR 10.09(1).

SECTION 29. 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, wolf, fisher or otter 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.

SECTION 30. 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 31. NR 10.145(3) to (8) are amended to read:

NR 10.145(3) APPLICATION AND ISSUANCE PROCEDURES.

(a) *Forms.* Applications for permits shall be made on forms provided by the department.

(b) *Deadlines.* All permit applications shall be postmarked no later than the deadline dates indicated on the form or received by a department service center location on those dates to be considered for selection. The annual application deadlines may not be sooner than July 1.

Note: The department conducts extensive publicity on the application deadlines beginning several months prior to any deadline. Application deadline dates are published in news releases, the department web site at www.dnr.wi.gov, license outlet handouts, and pertinent regulation pamphlets. Department service center hours may vary by location.

(c) *Application limit.* No person may apply for more than 1 permit for each species.

(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 boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations.

(g) Wolf harvesting license transfer. A person who has previously been transferred a wolf harvesting license may not receive an additional wolf harvesting license through a transfer under s. Ch. 29.179, 29.180, or 29.185, Stats.

(h) Loss of preference points. When an applicant has been selected to receive a license or permit under this paragraph through a random or preference drawing, they shall lose all accumulated preference points for that species.

(4) TAGGING REQUIREMENTS.

(a) *Field tagging.* When a bobcat, wolf, fisher or otter is killed and before it is carried by hand or transported in any manner, the person who trapped or killed the bobcat, fisher, wolf, or otter shall immediately validate their pelt tag by slitting, tearing or punching the pelt tag in the manner indicated by the department and attach and seal the pelt tag to the animal in the manner indicated by the department. Failure to validate and attach and seal the pelt tag invalidates the permit or tag. No person may tag a bobcat, wolf, fisher or otter that was trapped or killed by another.

(b) *Transportation and possession.* No person may transport or possess an unskinned bobcat, wolf, fisher, otter carcass, or a raw pelt of these species unless it has been tagged in accordance with par. (a).

(c) *Tag retention.* The pelt and registration tag shall remain attached to the pelt until removed by a fur dresser or taxidermist at time of preparation.

(5) RECORDING OF HARVEST.

(a) 1. 'Bobcat, wolf, fisher and otter.' Unless authorized by the department, each person who has killed a bobcat, wolf, fisher or otter during the respective open season shall exhibit the pelt, separated from the rest of the carcass, to an authorized department representative no later than 5 days after the month of harvest.

(b) The department may require each person exhibiting a bobcat, wolf, fisher or otter pelt to exhibit and provide the skinned carcass to the department.

(c) *Department tagging.* The department shall inspect the pelt, and attach and lock a registration tag to the head portion of the pelt of all lawfully taken and possessed bobcat, wolf, fisher and otter.

(d) *Mounting.* Persons who intend to have a bobcat, wolf, fisher or otter mounted by a taxidermist may exhibit the bobcat, wolf, fisher or otter to the department for registration in whole carcass condition without separating the pelt and shall surrender the skinned carcass to the department within 30 days of registration.

(6) POSSESSION AND TRANSFER RESTRICTIONS. No person may:

(a) Possess raw bobcat, wolf, fisher or otter pelts after the 5th day following closure of the open season for each species and the respective opening date of the next trapping or hunting season without a registration tag attached and locked to the head of the animal.

(b) Transfer, give, trade, sell or purchase a raw pelt or unskinned carcass of any bobcat, wolf, fisher or otter pelt without a registration tag being attached and locked to the head portion of the pelt by the department in accordance with sub. (5) (c).

(7) 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.

(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.

(b) Ability to hunt wolves in additional zones upon season closure. A wolf harvesting license authorizes the holder to hunt or trap in the wolf harvesting zone or zones listed on the license. If the department utilizes its season closure authority in a harvesting zone, the department may authorize the holder to use their license in additional open zones.

(8) REPORTS.

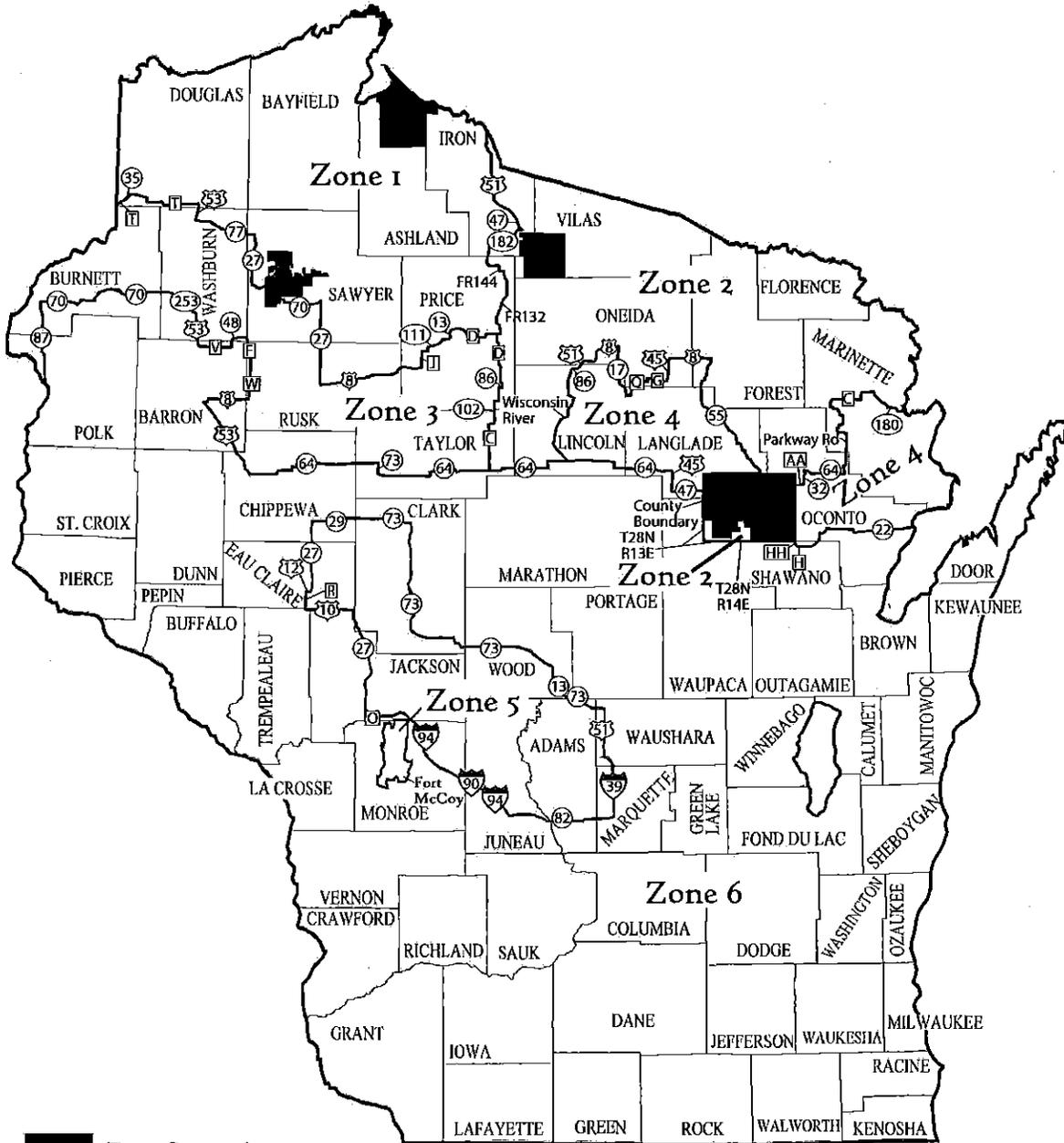
(a) *Harvest reports.* The department may require each successful bobcat permit or wolf harvest license applicant to submit a harvest report in a manner prescribed by the department within 24 hours of harvesting a bobcat or wolf. If the department requires a person who has been issued a bobcat harvest permit or wolf harvest license to report the harvest under this section, the person shall make the report in the manner required by the department within 24 hours of the time the person kills the bobcat or wolf.

SECTION 32. 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.

SECTION 33. 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.

SECTION 34. 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 35. 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 36. 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 anytime after the raccoon has reached cover by climbing a tree or pole to a height of at least 10 feet.

Section 37. NR 12.15(11)(e) is created to read:

NR 12.15(11)(e) *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 38. NR 12.15(13) is 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.

SECTION 39. NR 12.60 to 12.63 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 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.

Section 40. NR 12.64(1)(a) and (b)(intro.)1. are created to read:

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.

SECTION 41. NR 12.64(1)(b)2. and 3. are created to read:

NR 12.64(1)(b)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.

Section 42. NR 12.64(1)(b)4. and 5. Are created to read:

NR 12.64(1)(b)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.

SECTION 43. NR 12.64(2)(a) to (c) are created to read:

NR 12.64(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 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 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.

(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.

SECTION 44. NR 12.64(2)(d) is created to read:

12.64(2)(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 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.

SECTION 45. NR 12.64(3) is created to read:

NR 12.64 (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.

SECTION 46. NR 12.65 is created to read:

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 47. NR 17.04(2)(cm) and (note) are created to read (note that 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):

NR 17.04(2)(cm) *Wolf dog training*. A person may not use dogs to pursue wolves except as provided in sub. (3)(d).

Note: A dog training license is not required to train on free roaming wolves. Wolves may be hunted with the aid of dogs 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.

SECTION 48. NR 17.04(3)(d) and (note) are created to read (note that 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):

NR 17.04(3)(d) *Wolf dog training*. Except where prohibited by s. NR 45.06, an individual may use dogs to pursue wolves without a leash 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 March of the following year provided:

1. Each dog is uniquely tattooed or wears a collar with the owner's name and address attached.
2. No more than 6 dogs in a single pack may be used to pursue wolves regardless of the number of persons assisting and regardless of the dog ownership.
3. Training only occurs at times of the day when hunting wolves with dogs is also allowed if the wolf harvesting season is open pursuant to NR 10.06(c).

Note: A dog training license is not required to train on free roaming wolves. Wolves may be hunted with the aid of dogs 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.

SECTION 49. NR 17.08(2)(cm) and (note) are created to read (note that 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):

NR 17.08(2)(cm) *Wolf dog trialing*. A person may not use dogs to pursue wolves except as provided in sub. (3)(d).

Note: A dog trial license is not required to trial on free roaming wolves. Wolves may be hunted with the aid of dogs 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.

SECTION 50. NR 17.08(3)(d) and (note) are created to read (note that 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):

NR 17.08(3)(d) *Wolf dog trials*. Except where prohibited by s. NR 45.06, an individual may use dogs to pursue wolves without a leash for dog trials 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 the open season for hunting wolves in that wolf harvest zone provided:

1. Each dog is uniquely tattooed or wears a collar with the owner's name and address attached.
2. No more than 6 dogs in a single pack may be used to pursue wolves regardless of the number of persons assisting and regardless of the dog ownership.
3. Trials only occur at times of the day when hunting wolves with dogs is also allowed if the wolf harvesting season is open pursuant to NR 10.06(c).

Note: A dog trial license is not required to train on free roaming wolves. Wolves may be hunted with the aid of dogs 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.

SECTION 51. NR 19.25 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.

(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 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 52. EFFECTIVE DATE. This rule shall take 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 53. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)

View the DECEMBER 2012 Agenda, information briefs (green sheets) on each item, and other meeting materials at: <http://dnr.wi.gov/about/nrb/2012/December/12-12-NRB-agenda.html>

NATURAL RESOURCES BOARD

BRIEF OF ACTION

A special meeting of the Natural Resources Board was held on Tuesday, December 11, 2012 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 1:05 p.m. for action on items 1 and 3. The meeting adjourned at 6:10 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

1.B. Approval of agenda for December 11-12, 2012

Mr. Hilgenberg MOVED approval, seconded by Mr. Bruins. The motion carried unanimously.

2. Information Items

2.A. Air, Waste, and Water/Enforcement

None

2.B. Land Management, Recreation, and Fisheries/Wildlife

2.B.1. Report and preliminary findings from the 2012 firearm deer season

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

3. Action Items

3.A. Air, Waste, Water, and Enforcement

None

3.B. Land Management, Recreation, Fisheries, and Wildlife

3.B.1. Request adoption of plan for management of hunting, fishing, and trapping in Wisconsin State Parks in accordance with 2011 Wisconsin Act 168

Mr. Bruins MOVED seconded by Mr. Kazmierski, to leave the hunting and trapping opportunities as they currently are and that the Board take Act 168 as a strong mandate to improve and expand hunting opportunities on the thousands of acres of land already in DNR ownership.

Mr. Kazmierski withdrew his second. He misunderstood Mr. Bruins' motion.

Ms. Wiley seconded Mr. Bruins' motion

Mr. Hilgenberg MOVED that the department review all state parks for additional hunting opportunities for the 9 day gun season and bring back recommendations to the Board on January 23, 2013 for consideration. Mr. Bruins accepted as a friendly amendment.

3.B. Land Management, Recreation, Fisheries, and Wildlife

- 3.B.1.a Bobcat, fisher, and otter population trends, harvest quotas, and harvest management within established quotas

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

- 3.B.1.b. Request adoption of Board Order WM-09-11 related to the bobcat hunting and trapping seasons

Mr. Kazmierski MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

- 3.B.2 Request authorization for public hearings for Board Order ER-19-10, revisions to falconry rules, Admin. Code NR 18, to comply with federal regulations governing the sport of falconry

Dr. Thomas requested the Board receive information on upcoming Falconry events and to include falconry as a possible work-in to a Board out-state tour for summer 2013.

Mr. Hilgenberg MOVED approval, seconded by Ms. Wiley. The motion carried unanimously.

- 3.B.3 Request authorization for public hearings for Board Order WM-08-12, related to the wolf hunting and trapping season, regulations, a depredation program, training hunting dogs, and coyote hunting

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.

Dr. Thomas commented that the Department should collect information as to why hunters made their decisions on harvest (market capture analysis).

- 3.B.4 Request authorization for public hearings for Board Order FH-19-12, regarding housekeeping corrections, clarifications, and updates to outdated code for fishing in inland, outlying, and boundary waters

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins. The motion carried unanimously.

- 3.B.5 Request adoption of revisions to Wisconsin's Elk Management Plan

Mr. Hilgenberg MOVED approval, seconded by Mr. Cole.

Mr. Kazmierski MOVED to amend the plan to add in Predator Control. The motion failed due to lack of a second.

The original motion carried unanimously.

- 3.B.6 Request adoption of the Columbia County Planning Group Master Plan

Mr. Hilgenberg requested that the department track survey responses on all future master plans.

Mr. Wiley MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.

SEPTEMBER 25-26, 2012

View the September 2012 Agenda, information briefs (green sheets) on each item, and other meeting materials at: <http://dnr.wi.gov/about/nrb/agenda.html>

NATURAL RESOURCES BOARD

OFFICIAL MINUTES/TRANSCRIPT

3.C.1, 8.B.1, and 8.B.2

The regular meeting of the Natural Resources Board was held on Wednesday, September 26, 2012 at Ramada Inn and Convention Center, Grand Hall, 205 South Barstow Street, Eau Claire Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:00 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	Preston Cole – present
Christine Thomas – present	Jane Wiley – present
Terry Hilgenberg – present	David Clausen – present
Greg Kazmierski – present	

1.B. Approval of agenda for September 25-26, 2012

Deputy Secretary Moroney requested that item 3.B.7 – *Land Acquisition – Avon Bottoms Wildlife Area – Rock County* and item 8.A.1 – *Update on Wisconsin waterway inventory* be moved to the October 24, 2012 meeting.

Mr. Cole **MOVED** approval, seconded by Mr. Kazmierski. The motion carried unanimously.

3.C. Scope Statements

3.C.1 Request approval of the statement of scope for Board Order WM-01-13, the 2013 Wildlife Management Spring Hearing rule proposals, including restrictions on training dogs in tracking and trailing wolves and also for emergency dog training rules under ACT 169

Scott Loomans, Wildlife Regulations Specialist stated that this is a rule that the department is planning to discuss with the Board at three meetings – scope approval, hearing authorization which is really the spring hearing agenda approval, and then adoption. He did not go through point-by-point except to talk about dog training. As far as number 11, the permanent part of dog training rules – dogs that will be used to hunt wolves. The department is thinking about something similar to what is in place for bear dog training right now so that would be a restriction on the number of dogs, a seasonal restriction, and dog identification. We are always listening to ideas that have come and will be coming. The department also has provided an option for emergency rule writing for approval of emergency rules that would be in part from this approval and in part from approval of the Act 169 rules that the department already has written that have emergency authority and which the Judge had said should have included dog training regulations. He offered that Tim Andryk, DNR Legal Services Bureau Director, would like to address the Board regarding the wolf Portion of the item. **(Handout)**

Tim Andryk, Legal Services Bureau Director briefly told the Board about the court decision and how it affects this scope statement. On August 31, Judge Peter Anderson, Dane County Circuit Court, enjoined the use of dogs for hunting wolves and for training dogs to hunt wolves. He basically said the department did not adequately consider the concerns regarding dog use and the

concerns raised by the plaintiffs in the lawsuit which are in the affidavit. The Judge said that the department needed to go back to the Board to adequately consider that the issues regarding the use of dogs and perhaps impose additional restrictions in the emergency rule. The Judge stated the department did have the authority to include in the emergency rule restrictions on dog training and basically strongly suggested the department do so. He said that even if the Board decides to not make any additional changes or impose any additional restrictions this year to the emergency rule, we would be entitled to due deference in the court if the department and Board considers the concerns of the plaintiffs and address them either through response from department staff and through testimony, we would be entitled to due deference. The Judge said that it was the department and the Board's decision to make whether additional restrictions on the use of dogs were necessary for this year. The department needs to get a record to the judge to show that there was this discussion and it was a discussion on addressing concerns of the plaintiffs. In that regard, the department also has a couple of wardens here who have spent their lives hunting with hounds and have worked closely with the hound hunting community of northern Wisconsin. They are here to answer questions also and to give a background on how people would use hounds to hunt wolves and the risks involved, if the Board is interested in hearing that.

Chair Clausen stated to Attorney Andryk that a correspondence memorandum was handed out last night (Tuesday, September 25, 2012). He asked whether that was meant to be a basis for discussion during the presentation or whether that was to be part of the Board discussion after we hear public testimony.

Attorney Andryk responded either way. It was meant to provide additional background on this scope statement and also add to the record going back to the Judge to say this is our record that the Board considered this and whether to impose additional restrictions or not to impose additional restrictions. This is the information they had before them. This is what the Board considered.

Mr. Bruins MOVED to remove the emergency dog training rules from Board Order WM-01-13 under Act 169, seconded by Mr. Hilgenberg.

Public Appearances:

1. Rob Bohmann, Racine, representing WI Conservation Congress as Chair. He stated that he has a 7 year old Labrador retriever (Gander) who is not only his number one hunting buddy, but he is a member of their family. He has spent hundreds and hundreds of hours with him while hunting in the field. Since he brought him home when he was just seven weeks old, he has literally spent thousands and thousands of dollars on him in food, vet bills and training. He received his junior hunt title when he just eight months old, his senior hunt title when he was a year and a half old, and his master hunt title when he was two and a half years old. He is what hunters call a "college graduate." He comes to work with him from time to time, and he has been to his children's schools for show and tell. He comes along with them on all of their family trips that they take. When they come home from work or school, he greets them at the door with a kiss. When they are at home sick, he lays at their feet until they are better. More importantly, when he sees him carry his gun case up from the basement, he knows it is time for him to go to work. After all, it is what he was trained to do.

Now, he does know that he is not a hound, and he would not use him for hunting bear or wolves. But, he is just like any other hunter who appreciates hunting over a great dog. You see, it is not about the harvest of an animal or a bird; it is all about the dog performing the way he or she was trained to perform. Whether it is tracking and treeing a bear, flushing a grouse or pheasant, or retrieving a goose or duck from frigid waters, it is about the experience of hunting with a great dog. When they leave home with their dogs for a day's hunt, they understand there is always a risk involved. The vast majority of hunters who use dogs are ethical and would not put their dogs in harm's way intentionally. They understand that there is always the possibility that something may happen to their dogs, and when it does, they take full measure to ensure that their dogs are taken care of. When their dogs are accidentally hit by pellets while upland game hunting, they take him to the vet to get the pellets removed. When they step on a piece of glass in the parking lot they get them stitches in their paw. When they

get tangled in barb wire fence and rip their chest open, they take them to the vet for treatment. Or, when their dog breaks through the ice while retrieving a duck and struggles to get back on the ice, they go get them before they are drawn under the surface. He can speak on every one of these incidents from experience, because every one of them had happened to his dog, Gander. But the risk does not stop him from hunting with his dog. That is what they do when they hunt with dogs; it is what their dogs are trained to do, what they love to do.

He was here today because of concern regarding the hunting of wolves with dogs from some non-hunting groups. The department has worked tirelessly with hunting groups in establishing this season. The legislation that was passed this past spring which established a wolf season was not developed while sitting on a barstool. It was developed with the countless hours of discussion with many hunting groups throughout the state. They are not barbaric in any means; they are hunters who have a passion for the experience of hunting with a great hunting dog. The Congress is an advisory body to the Natural Resources Board. As Chair of the Congress, he urged the Board to support the approval of the scope statement for a permanent rule at the Spring Hearings. He also urged the Board to not proceed with any restrictions on the use of dogs in the emergency rule at this time.

No Board discussion followed.

2. **Al Lobner**, Milladore, representing WI Bearhunters Association. He stated that in the past they have heard testimony from wolf experts on what will happen when dogs track and trail wolves and what will transpire during the chase. Having worked with, and after following hounds for over 40 years, many times in the last 10 years having also trailed wolves, he has not encountered wolves stopping to fight with a pack of dogs. Although there is documentation on wolves depredating on dogs it is while they are at a bear tree, in someone's yard, or while out rabbit or bird hunting. We need to ask ourselves "Why does this happen". From his perspective and experience it is because the wolf views that dog as food. All of the dogs that are depredated on while bear hunting are usually barking while trailing or treeing a bear. This barking hound is easy for a wolf and her pups to find. Quite honestly they are ambushed and eaten for food because their natural food supply, deer, and whatever, may be limited and they cannot supply their pups with enough to eat at that time. Remember, these wolf pups during bear training season are just starting to travel with the pack and as all young do, can consume enormous amounts of food. They also are not efficient hunters; therefore, they rely on the pack to help supply them with food. Simply put, hounds standing at a tree, treeing on a bear are certainly an easy catch for any female wolf and her pups. Also bear in mind that dogs trailing game move much slower than deer that are trying to escape their predators. Hounds trailing game also are not nearly as aware, as deer that are continually being preyed upon by wolves. Once we get into the fall these wolf pups become better hunters and can contribute to their own well being by catching rabbits, coon, beaver and smaller species of game that they can handle by themselves. They also are faster, stronger and have a much better ability to hunt on their own or with the pack for that matter. Much like our hound pups they are becoming more efficient and can fend for themselves, for the most part, thereby taking pressure off of their parents to supply them with food.

As it gets later into fall and winter these wolf pups will begin to go off on their own for short periods of time. Many times while coyote hunting, dogs will run upon a lone wolf track. The wolf is a larger animal than a coyote therefore it will give off more scent, and because of this increased scent, hounds will many times begin to trail the wolf. It is my observation that wolves will run like other game, coyotes, fox, deer and bear, circling and using the wind, as well as variations in terrain and habitat, to evade the hounds. We know that hounds pursuing game will travel at about 7 miles per hour or less on the average. Wolves can easily sustain a gait of 20 MPH and above for long periods of time, making it highly unlikely for a wolf to be threatened by a pack of hounds. From what I have seen and experienced these wolves run and possess the same habits as a coyote and by using the same tactics that coyote hunters use, hunters will be able to harvest wolves with no adverse effects to their dogs.

Chair Clausen asked Mr. Lobner to wrap up his testimony.

In his experiences, he has never seen a wolf turn to fight with a dog while it is being chased. He has seen and heard of plenty of dogs being ambushed while trailing or treeing other game. However, these wolves that depredate on dogs are simply hungry and trying to survive. Thank you. (Handout)

Mr. Kazmiercki stated that one of the claims that the plaintiffs made in the lawsuit was that the Humane Societies would incur the cost and expense of taking care of these dogs that are beat up by the wolves. In your experience of a hound hunter, and he knows that hounds get hurt, would you guys dump a dog off at a Humane Society?

Mr. Lobner stated he did not know anyone that had ever done that. Quite frankly, that is news to him.

Dr. Thomas stated she assumed Mr. Lobner's dogs were collared in some way. She asked what kind of collar his dogs specifically wear.

Mr. Lobner stated that along with the main collar, he also runs telemetry collars and GPS collars at the same time.

Dr. Thomas asked whether he is running a GPS collar and also a shock collar on them.

Mr. Lobner corrected, telemetry.

Dr. Thomas asked whether you typically use shock collars like bird hunters do.

Mr. Lobner stated that he does sometimes with his younger dogs but generally the older ones, no.

Chair Clausen stated that he will hold speakers to the three minute limit and would appreciate that speakers do not make him tell them to quit.

2. Barbara Thomas, Menomonie, representing the Sierra Club. She thanked the Board for their thoughtful discussion last evening on the sand mining issue. That is huge to them in their town. The Sierra Club is committed to maintaining the world's remaining native ecosystems -- marine, aquatic and terrestrial. This is a moral and ethical obligation that all people share, as all living organisms and their natural ecosystems possess intrinsic, spiritual, and ethical values that cannot be measured in human economic or utilitarian terms. To that end, the John Muir Chapter, Sierra Club has serious concerns regarding the use of dogs in tracking and trailing wolves, which may pose threats to human health and safety, as well as threats to pets, livestock, and wildlife.

The Sierra Club believes lethal management and control of wildlife should be targeted toward individual problem animals and that such methods should discourage and prevent conflict between humans and wildlife. The Sierra Club opposes harvesting techniques that fail to minimize suffering and harassment. Dogs may be indiscriminate in pursuit and attack as to age and number of species, posing unnecessary risk to the young of the year and non-target species, including game animals which are not legal to hunt with dogs. It is impossible to prevent wolf/dog conflict, while dogs are unrestrained and often miles away from handlers. Recent research from the University of Montana Wolf Project indicates that wolves make the defense of young a top priority and will fight to the death in defense of their young. The John Muir Chapter believes it is inappropriate to risk disruption of breeding and depredation of wolf pups by hunting dogs.

In terms of economic scope, the John Muir Chapter feels that depredation payments for hunting dogs which are voluntarily run, off-leash, in known wolf habitat are inappropriate and unsustainable, and they should thus be discontinued. Hunting dog depredations payments, \$44,000 last year alone, have comprised the highest category of depredations cost to the state during wolf recovery. The Sierra Club believes acceptable management approaches include regulated periodic hunting when based on sufficient scientifically valid biological data. Since dogs are allowed to hunt wolves in no other state, the John Muir Chapter has grave concerns about any regulations which the NRB seeks to pass, implement and enforce under an "Emergency Rules" measure. Since wolf hunting will occur in the most remote places of the

state, the John Muir Chapter has serious concerns about enforcement. With 40 current warden vacancies, it is unclear whether present WDNR staff can effectively enforce regulations during the upcoming wolf season.

The Sierra Club opposes the use of captive or injured wildlife for sport hunting and the training of hunting dogs. They suspect that this could occur if Act 169 is allowed to proceed in its current form, and this creates grave concerns. They urge the Board to do everything in their power to avoid allowing the use of dogs in wolf hunting this season unless and until the serious concerns detailed above, including breeding season interference, potential wolf/dog conflict, and difficulty with enacting and enforcing effective emergency rules in a very limited timespan, are adequately researched and addressed. (Handout)

Mr. Kazmierski asked Barbara Thomas to explain the human health risks with this.

Ms. Thomas stated the danger to the hunters themselves who could be harmed in an attack. As a retired nurse, she can tell you they want no animal attacks on people.

Mr. Kazmierski stated he did not know of any cases of a human being attacked by a wolf and if there is he would like to know that.

Ms. Thomas stated she would follow-up with the Board.

3. Scott Meyer, Gleason, representing United Sportsmen of WI. He called to say he was at the wrong Ramada and will arrive late. He asked that the Board hear his testimony when he arrives.
4. Amy Visger, Minong, representing self. She called to say she was with Scott Meyer and would arrive late. She asked that the Board hear her testimony when she arrives.

Chair Clausen approved the request of Scott Meyer and Amy Visger. He asked Ms. Ericksen-Pilch to the podium.

5. Marie Ericksen-Pilch, Phillips, representing self. She and her husband reside in Price County and they have been co-coordinators and trackers on a volunteer basis for WI DNR since 1999. They co-coordinate region 5 in Price County and surrounding areas. She works in the woods alone from April through October and has a pretty good knowledge of the back roads. She owns a small farm and has a number of animals. She lives in wolf country. She is here today to talk about the training and hunting with wolves with dog. She strongly opposes it. Number one is the cruelty issue to dogs. As it is now, hunters are allowed to train and hunt bear, bobcat, cougar, raccoons, with dogs. When dogs are trained, they chase the animal. During training, the owner can come in and call the dogs off and the dogs are stopped. Wolves do not climb trees and wolves are not coyotes. Coyotes are a separate animal. The wolf pack structure is how it lives. Without the pack, wolves do not live. For a short period of time, they are dispersed. They usually will not survive without the pack structure. The cruelty issue is where it would allow actual canine-dog cruelty by fighting. It will occur. A lone track is not always a lone track. Wolves put out direct distribution which means one track on the land may be one plus animal. It could be two animals. It could be three animals. It is hard to determine that until you follow that trail sometimes for quite a while, one is not certain until you follow for a while. That is an efficiency that they do. In regards to wolves, the cruelty issue in her opinion and an opinion written, is the stress factors on the pack. The timeframe for this hunt is October through February, with dogs starting at November. That would cause a problem on the pack structure by allowing stress to interfere with breeding as it is just hunting without dogs, because wolves breed from January until about the end of February and beginning of March. Wisconsin will have hunting on the landscape as it is which might interfere. An alpha taken from one pack does not just go to another pack and pick up another alpha. It is a system that has fine-tuned the wolf to survive. We (hunters) are going to be in the process of disrupting that. With dogs added, it is going to cause more disruption and more stress on the pack which we do not know right now.

Chair Clausen asked Ms. Ericksen-Pilch to wrap it up.

The hunting and training timeframe would be right in the middle of the deer season which many people (deer hunters) would disagree.

6. Gregg Brzezinski, Allenton, representing self. He requested the Board forward the wolf hunting rules as written by the legislature with no additional amendments. There has been a lot of comments from so called wolf experts about the consequences of trailing wolves with hounds. Although these people may be experts on wolf biology and habits, they do not seem to have the experience in the real world of trailing hounds. We have certainly heard all the horror stories of animals being killed and eaten by wolves but this usually happens when people are unaware of wolves in the immediate area. In the real world of hound hunting, hunters will search out game that will be easier to track and trail normally in smaller sections of land. There will be hunters in direct contact with the hounds to help with getting the track jumped. There also will be other hunters in areas of known escape routes. This also helps to keep the dogs within close proximity of the hunters to minimize unnecessary and unwanted situations for the hounds. Another tactic used by hound hunters is to determine the number of animals in given areas and after that determination is made to choose the area that has the least amount of risk and the best chance for success. Having hunted with hounds for years and knowing how long it takes to train a hound to perform to a high level of efficiency he really cannot understand why anyone would put their dog in harm's way. It simply takes too much time to get a hound trained to take that risk. These assumptions made by the wolf experts are just that. They are assumptions of well-meaning but unknowing people. There have been situations in the past where hounds were killed by wolves but these situations happen when hunters are unaware that wolves are in the immediate area. When hound hunters are aware of the number of wolves in an area they can eliminate the unnecessary risks.

Ms. Wiley asked Mr. Brzezinski how you would shoot a wolf if your hounds are pursuing it. It is not like a pointing dog where they are going to stop.

Mr. Brzezinski stated no, they do not hold it. They get ahead of it. They can bay them like a bear. They can walk them. You can get ahead of them and shoot it just like a bear.

Ms. Wiley asked whether you are using bear hunting techniques.

Mr. Brzezinski responded it would be similar. Every wolf run is different as is every bear run. Sometimes you have to call the situation as it presents itself. Some bears tree and some bears do not. They shoot bears on the ground too.

Mr. Hilgenberg asked Mr. Brzezinski how long he has been hunting with hounds?

Mr. Brzezinski stated about 20 years.

Dr. Thomas stated she has a dog and hunts bird and has never done this. You can help her understand how there will not be necessarily dog and wolf negative interactions at the end of the hunt by telling me the scenario. How will the hunt end? What happens at the end? Her dog will point a bird. She will either flush it or the bird will flush. Sometimes the dog catches the bird. What is likely to happen at the end of the wolf hunt?

Mr. Brzezinski stated that ideally they will bring the wolf up to some of the hunters ahead of the pack of dogs and shoot the wolf ahead of the dogs or like a bear, they would bay it and slow it down enough that you could get there and shoot it.

Dr. Thomas questioned whether there would be a potential for like – standards of drivers?

Mr. Brzezinski stated to some extent, yes.

Dr. Clausen stated to Attorney Andryk that this sounds to him like group hunting. He asked whether Act 169 authorized group hunting for wolves.

Attorney Andryk stated it was silent on group hunting.

Dr. Clausen stated then that it did not authorize group hunting.

Attorney Andryk stated that group hunting is defined by someone being able to shoot a wolf if someone else has a tag. It did not allow for that. There would be under Act 169 no violation if someone is being assisted by someone with hounds to hunt wolves as long as the person who has the license with tag shoots the wolf.

Dr. Clausen asked whether the other people are authorized to carry weapons.

Attorney Andryk stated they can carry weapons for other purposes but not for the purpose of shooting a wolf.

Dr. Clausen confirmed that basically, the only person that is supposed to be shooting that wolf is the person that has the tag.

Attorney Andryk responded absolutely.

Dr. Clausen stated that under that scenario, that sounds like it will be tough to make sure the guy with the tag is in the right spot from his experience.

Attorney Andryk stated they have two wardens here that can address that.

7. Rad Watkins, Hazelhurst, representing Timber Wolf Alliance. He was not in attendance.
8. Larry Murphy, Butternut, representing self. He was not in attendance.
9. Jane Bolsky, Necedah, representing self. She was in attendance but did not testify. (Handout)
10. Larry Murphy, Butternut, representing self- duplication
11. Mike Belsky, Necedah, representing National Wolfwatcher Coalition. He stated he was at the meeting with his wife Jayne. They are lifetime Wisconsin residents and volunteer wolf trackers since 1998 and are both lifelong hunters. Regarding 3 C1, they are against the approval of this scope statement to enact emergency training regulations and permanent rules for training and using wolf hunting hounds. The Act 169 emergency rule continues to rush headlong into temporary wolf hound hunting/training rules and then wanting to make them permanent. This shows a total disregard for the fact that this will produce deadly and dire consequences for these hounds. If you allow wolf hunting hounds to go unleashed and set the training period to coincide with bear hound training, you are about to put into motion an unenforceable, socially unacceptable and dangerous scenario.
He asked the Board to sit down with a hunting regulation pamphlet and take a long look at the number of hounds already pursuing a myriad of wild animals in our woods within the same timeframe. You will find it to be almost impossible to enforce any regulations intended to ensure the safety of the wolf hunting/training hounds other than on a leash.
Presently there are 40 DNR warden vacancies in the state and no money to cover overtime. Last year during deer season there were many days when the only people out there were hunters because the wardens were out of funds. This leaves an overburdened wildlife law enforcement contingent to try to enforce complicated laws. With all the overlapping hound seasons, how will they be able to clearly define who is chasing what? Wolf hunting hounds are to be exempt from depredation payment. When the inevitable happens and a hound is killed by wolves the question will be, were they wolf training, bear training, or just hounding coyotes, raccoon, bobcat or fox? The payment for hound depredation must cease. The program is full of holes and is unsustainable by selling the lives of our wolves to pay for it. Maybe it is time to require bear, bobcat and coyote hounds to also be leashed to avoid cruel death and suffering. You allow hunting hounds compensation for death by wolf but do not allow compensation for a pet or even a child caught in a trap which you allowed to be placed on the landscape.
Compensatory equality for all citizens and their animals certainly is not represented by this DNR. It has been made perfectly clear in the past few months that you do have the authority to hold off on hunting with hounds until a full review of all aspects for both training and hunting can be studied in-depth. While you are directed to exercise authority and responsibility in accordance with governing state laws remember those laws also include WI Anti Cruelty Law 951.01 and it defines Cruel as "causing unnecessary and excessive pain or suffering or unjustifiable injury or death". It is an undeniable fact that wolf hunting hounds will be exposed to that very scenario unless critical protections are put in place. It is your responsibility to see that happens. They would like to see rules become illegal... (Handout)

Mr. Kazmiercki asked whether Mr. Belsky is suggesting that all dog hunting should be

eliminated.

Mr. Belsky stated no sir.

Mr. Kazmierski stated you kind of mentioned that.

Mr. Belsky stated that the DNR Board review hound hunting practices in the state to make sure that it does not impact the anti-cruelty laws and that it can be done in a safe manner and a quick kill as possible on the prey.

Mr. Kazmierski asked that if he was grouse hunting and his dog gets attacked by a wolf, would that be the same kind of cruelty.

Mr. Belsky stated that would be up to the Board to review.

Mr. Kazmierski then questioned Mr. Belsky whether he was familiar with those guard dogs that were being recommended for protecting livestock and whether those dogs were typically leashed.

Mr. Belsky stated no.

Mr. Kazmierski asked how then do they actually guard the flock.

Mr. Belsky stated they have a territory that they stay in.

Mr. Kazmierski stated that in essence, we are presetting up confrontation by the use of those dogs. That is what they are designed to do.

Mr. Belsky stated they are protecting a territory. He believes that the wolves will not come into that territory. They are urinating, marking, and defending their flock which holds the wolves off.

Mr. Kazmierski stated that they are unleashed and left out there 24/7.

Mr. Belsky stated correct but they are not running at large.

Dr. Clansen asked that Mr. Belsky to state exactly what things you said were necessary. Please end at the end of that.

Mr. Belsky listed the rules they would like to see become illegal, as follows:

- A. Training wolf hunting hounds with the use of any live captive wildlife (in roll cages or otherwise).
- B. The practice of wounding a wolf and allowing the hounds to bite, harass and torment that wolf.
- C. The use of hounds as decoys or bait animals to draw wolves.
- D. Train or hunt wolves unless the hounds are on leash.
- E. The DNR must require that hound hunters FIRST obtain a Dog Training Permit which (1.) confirms and complies with appropriate breed restrictions (scent hounds only), (2.) demonstrates compliance with training programs for dogs AND handlers in pursuit of wolves on leash to ensure no direct contact with a wolf and (3) would rule out the use of disposable shelter dogs.

12. Kenda Durham, Neillsville, representing self. He stated that he has owned, raised, and bred trailing hounds for over 30 years so he believes he is qualified as close as experts can be on this. He lives in Clark County and has been on many accidental runs, which he will call them. No problems. The wolves run. It has only been a single wolf. He applied for a wolf license hoping he could run his dogs to harvest a wolf. He did not receive one. He does not see any reason to reinvent the wheel to rush through a rule which in his opinion does not qualify as an emergency. There is no need for further restrictions. The so called expert testimony given in the past is not based on actual hunting experience but emotions and what if scenarios. Real life hunting experiences have known that every time that dog leaves your hand, you take the chance of not getting that dog back. They could get hit by a car, caught on a fence. You never know what is going to happen. He does not care what you are running if it is your beagle, your bird dog. You take that chance with your dog leaving your hand. Nobody who hunts with trailing hounds would intentionally find a large pack of wolves and put their dogs on it. They are going to try to single out that single individual animal to run. He does not need to be training dogs in the summer months on wolves. It is common sense. Why would you do it? They are running bear in the summer which is their main species. To run wolves, they like

snow on the ground so you can find the individual track. With no snow in the summer time, how would you know what you are putting on? It is just common sense. Why would you put your dog at risk for no reason? This Board needs to take into consideration that sometimes hunters do not need a bunch of rules to have common sense.

Ms. Wiley asked Mr. Durham when he would recommend training dogs for wolf hunting. What season?

Mr. Durham stated personally for his own self, his training would take place during the season.

Ms. Wiley questioned what if the Board is required by statute to have a training program, when do you think the best time would be to do it.

Mr. Durham stated probably with what the rules are placing now, he guessed, July – August, something like that.

Mr. Cole asked Mr. Durham to put a price on his dogs.

Mr. Durham stated it varies. A good seasoned, experienced hound about \$10,000 to \$15,000. You have generation chances to breed. Maybe a lesser dog \$500, you know, it is the market of supply and demand and the ability of your dog.

Mr. Kazmierski stated that the Board has had expert witnesses testify that are experts on wolves. He is considering you guys the experts on dogs. He asked for a brief background on how much time is spent training dogs, hunting with dogs, and for how long?

Mr. Durham stated that it is basically a year-round activity. Probably 200 days a year. He takes the dogs coon hunting at night after work, the bear training season July and August. It is every Friday, Saturday, Sunday. If you do not put time into these dogs, they will not develop

into a quality dog. You cannot take a bird dog out two times a year to point bird. You have to put time in, lots of time. It is more than a hobby, it is your life.

Ms. Wiley added that it is a passion.

Mr. Durham stated yes.

Mr. Kazmierski asked Mr. Durham that if he had a dog injured, whether he would take it to the Dane County Humane Society for treatment.

Mr. Durham stated no. He has a local vet that sees all his dogs. State law says they have to have rabies shots. All the shots occur, up to date. All through a licensed vet. Most of the hound guys you talk to, their dogs are treated better than their kids. That is what a lot of people say.

Mr. Kazmierski stated they are your kids. He then asked Mr. Durham to explain to the Board the whole scenario that happens when a dog gets on a wolf and what occurs and when the opportunity is to harvest the wolf. They had one person clarify but it should be reiterated.

Mr. Durham stated how it all basically breaks down, your dog is pursuing this wolf. The wolf is running hot. The dogs are running behind it. With the telemetry equipment and the hearing of your dogs, let us say they are going north. They get to the north road or trail or whatever. You get heading them dogs about ½ mile, 400 yards, 500 yards, whatever you can. Your person is going to shoot the wolf. Position yourself so the dogs are coming towards you. If they are coming your way, it is time to load your gun. As that wolf comes through you get a clean shot at it. If not, the race continues on. It is a game of cat and mouse is what they are going through.

Mr. Kazmierski asked whether these wolves are running hell bent for election or how do they move through.

Mr. Durham stated that the runs he has had, the wolves have been two – three minutes ahead of the dogs, up to one mile ahead of the dogs. You do not know. Every animal runs different but he will say they run. They have never stopped to turn, bloodshed. One incident he had last winter running coyotes. He thought they were running coyote. They were running wolf. He got in the woods. That wolf was walking in front of his dogs. They respected the animal.

They were back about 10 yards, just baying it, walking behind it. That wolf just walked and did what he wanted. Those dogs just followed that animal and barked at it. He got on the track and got the dogs in between them but the wolf is not scared of people. It comes right by you. You just cut your dogs off and catch them.

Mr. Kazmierki asked since he had some encounters with dogs on wolves, whether he ever felt at risk.

Mr. Durham stated no and the reason he said that is like he said before. It is a chance you take. If he is going to limit his hunting to hunt in an area as a space where there is wolves, he would like someone to show him in the state of Wisconsin where he can do that sport and not encounter wolves.

Dr. Thomas stated that when she hunts her bird dog and the bird flushes and she misses it which is a lot of the time, to get her dog back she either whistles or command over. If he does not pay attention to her then she zaps him with the shock collar so he does not use up all his energy chasing a bird or heading towards a road. When you get to the end game when you want to corral your dogs, how do you control the dogs? How do you get them to come back to you?

Mr. Durham stated for one, if you are going to shoot at the wolf and you miss it, the game goes on. It is a matter of where that wolf crosses the road, crosses the trail, you cut that dog off and you catch him. You might have to run them down and tackle them because a good dog does not quit until the end. He is tired when the game is over.

13. Patricia Randolph, Madison, representing self. She was not in attendance.

Chair Clausen asked Scott Meyer to the podium.

3. Scott Meyer, Gleason, representing United Sportsmen of Wisconsin. He stated he has owned and trained and bred hounds from 1979 to 2009. In that 30 year time frame he does not recall any former DNR employee ever stepping forward and claiming to be an expert on tracking and trailing hounds as was claimed in the last hearing, not even having owned one. This is a new experience for him. He is an avid hunter and has been fortunate to be able to experience everything Wisconsin has to offer from predator hunting with dogs to duck hunting to deer hunting, trapping, and fishing. In that almost 40 years of hunting experience, he has spent a lot of time trying to figure out animal behavior in a hunting situation as most hunters to including several of you Board members. Saying that he still has not been able to point blank been able to predict if an individual bear, bobcat, raccoon, fox, or wolf will attack, fight, or injure your dog as some here will try to claim it will happen. It is a ridiculous claim which no one can make and still have credibility. These are wild animals which are not predictable. As a dog owner with hunting dogs they make every effort to protect their dogs including non-hunting dogs which several of them own.

There is always a risk of using dogs when you are hunting but that is what they are bred for and trained for. The dogs live to hunt. As a dog owner it is his responsibility to care for that animal. They all have veterinary care whenever they are injured, hurt, and preemptive care such as shots. While there is a claim that these dogs would be taken to an animal shelter if attacked and injured by a wolf he did not know of any hunter, and he has hunted with several hundred dogs, that has ever taken their dog to an animal shelter versus a veterinary clinic. It is a very far-fetched claim. Tracking and trailing hounds have been used for centuries and is not a new thing. People who own hounds have an extreme amount of knowledge of their sport and have practical common sense which far outweighs any rule which you would implement. There needs to be no further restrictions since I do not believe there has been one case of a dog being killed or injured this year training on wolves because common sense as alluded to before tells these guys not to put down on a track until there is snow on a ground to tell you if it is a single wolf rather than a pack. As an owner of trailing hounds, this Board needs to understand that thousands of hours go into the training of these breeds. It is a lifestyle, not a hobby. The rule before you today he believes violates Act 21 and he does not believe this Board has the authority to act on this rule. The legislature was clear on what emergency rule promulgation

was to be allowed by the department. He further believes it violates their right to hunt fish and trap constitutional amendment as well and asked this Board not to act on this rule.

Ms. Wiley asked Mr. Meyer whether he said something about training his dogs to track wolves. She asked whether he has done that now or did she misunderstand him.

Mr. Meyer stated that training has been around for about eight months now.

Ms. Wiley stated she could not locate this in Act 169.

Attorney Andryk stated that when wolves were on the federal Endangered Species List, it was prohibited to take them. The definition of take included harass, disturb. You could not lawfully train dogs on hunting wolves while federally listed. There was no state law that prohibited it. When wolves were delisted on January 27, 2012, you could lawfully train dogs on wolves starting January 27, 2012. He did not know how many people knew that and took advantage of that but legally there is no prohibition on training dogs on wolves since January 27, 2012.

Ms. Wiley questioned whether the Board was told this at that time.

Dr. Clausen stated the Board was told they could not deal with that at the May 2012 meeting.

14. Rodney Helgeson, Warren, representing self. He stated he supports the ability to hunt wolves with hounds. He is a member of the Bear Hunters Association. In the winter he hunts farm country next to Fort McCoy and the state forests in Jackson County. They have some really big pines that they cast their dogs into for coyotes. Probably the third time they do that and they wind up on a wolf. They will try to catch them as quickly as they can. They have never had dogs injured or not event really close. They are usually out quite ahead of them. Probably run in the last five years to six years, run into about five wolves by accident. They catch the dogs as quick as they can catch them. He has been hunting coyotes for 20 years. He has been with the WI Bear Hunters Association for 30 years and on the Board of Directors for six years. He has been hunting with hounds for around 30 years. They are his buddies. He would not put them in any harm. He would like the ability to be able to hunt wolves with hounds.

15. Patricia McConnell, Black Earth, representing UW-Madison Department of Zoology as Certified Applied Animal Behaviorist and Adjunct Professor. She stated she absolutely understands the hunters when they say that they love their dogs. She gets it. She has working dogs. She has had livestock guard dogs. She has had many, many dogs that have accomplished a difficult task with her. If you have not done it, it is amazing. It is a magical connection that you can have with an animal. She gets it. She also gets the excitement of the chase. She is not a gun hunter but she has been on safaris in Africa. When over the radio someone says there is a lion pride trying to take over a kill from a bunch of cheetahs, you crank the wheel on the land rover and your heart is pounding. It is so exciting. I get the emotions and I get the excitement but emotion and arousal are not good ways to make carefully thought out decisions. That is why every sport has governing boards that act to protect the members of that sport or any individuals involved in it. In this case, all the individuals of Wisconsin are in a way, involved in this sport. Every one of us, because of the laws of the land owns an equal share of every wolf, every coyote, every porcupine, and everything there may be, it is all ours. It is a unique part of our country. It is very, very special. That is why you of the Board, have got to stand up to what is a very small group. It is a very small subset of the hunting population who want to be able to run their dogs on wolves.

Their argument to you today and in times past, that wolves do not kill dogs. Except before wolves were delisted and wrangling for the wolf hunt to occur, they argued that one of the reasons we need to control the wolf population is because wolves kill dogs and they do. We know that. It is indisputable. It also is indisputable, and I think most members of the state of Wisconsin did not know this, that bear hunting dogs are often badly injured by bears. Somebody said they love their dogs more than they love their kids. That is a concern because she would not send her children to go engage with a bear. She drank the Kool-Aid. She used to think that bears always climbed trees but they do not. Hundreds of them end up in that place. She just interviewed a veterinary from the north who said without question over one

hundred dogs a year go to a particular vet clinic to be stitched up after being injured by a bear. There are a lot of issues here. This is a Pandora's Box. There is a morass of conflicting and confusing information. Somebody needs to be outside the bubble of emotion and arousal and make some well-considered decisions. (Handout)

Mr. Kazmierski asked Ms. McConnell if she believes, as an animal behaviorist, whether a prey animal, in this instance the wolf that is being hunted, is going to act differently than he acts when he is hunting like in the case of wolves attacking bear dogs.

Ms. McConnell stated she thought it was Scott Meyer that said that wild animals are unpredictable. Nobody can say exactly what any individual wolf is going to do. What she suggests is probably clear is that some wolves, as some have, in some context will turn and engage with dogs. Some dogs will attempt to engage with wolves. Go onto www.youtube.com and watch dogs ripping coyotes into shreds. Some wolves have been known to attack dogs. Some dogs have been known to attack wolves. Some dogs are going to run away. The idea, the concept that there is always going to be this carefully structured, managed hunt in which dogs with GPS collars are running after one single wolf and one single wolf only, if you know it is only one single wolf because we only see the tracks of one single wolf so there could not be any other wolf anywhere around. They are going to follow that and then the seas will part and the wolf will stop and the dogs will stop and then the hunter can get there and shoot the wolf. That might happen on occasion. But it is not going to happen all the time. There are going to be violations. There already are violations of the animal. There is a cruelty act in the state of WI. There are laws against unnecessary pain and suffering. They are not frankly being followed now. This will make it worse.

Mr. Bruins stated to Ms. McConnell that based on your testimony you are opposed to using dogs for hunting wolves.

Ms. McConnell stated yes she is.

Mr. Bruins stated that pretty much this is based on your concern of the dogs getting injured or at worse getting killed. He questioned whether it would follow then that you would oppose to hunting bear with dogs?

Ms. McConnell stated in a perfect world, if people could hunt...

Mr. Bruins stated no, not the perfect world stuff. There is not such a thing.

Ms. McConnell stated as so noted and to be, remember, we are talking about the perfect world in using dogs to hunt wolves. She would not have known how to answer that question until lately. Because of this issue, she learned so much. Frankly, she is almost sorry she learned it. She did not know you could put a coyote or a bear cub in a roll cage and let animals attack it. That is legal. She just learned that through this process. Every single person she talked to...

Mr. Bruins stopped her and went back to his question as to whether she would be opposed to hunting bear with dogs.

Ms. McConnell stated she is now based on what she learned so maybe one of the good things that could happen is that light is going to shine on some of the things going on. She did not know. Now she does.

Mr. Hilgenberg asked Ms. McConnell whether she is opposed to hunting.

Ms. McConnell stated absolutely not. She is a biologist. She is a zoologist. She is not in any way opposed to managing a stable population so it is sustainable. She has deer hunters on her own property. She raises lambs. She is not an animal rights activist. She is concerned about animal welfare and the wildlife of the state of Wisconsin.

Mr. Kazmierski questioned Ms. McConnell that as a biologist, whether she sees any upside to using dogs to hunt particular wolves.

Ms. McConnell stated no. The only exception she could imagine is for some reason – well she could not imagine. Basically what seems to be reasonable, and this should come from a wolf biologist. It is just common sense to her, although common sense is not always very common. It seems to be common sense that if there are particular packs that we know are making serious depredations on a particular agricultural enterprise, she has to be fair, she

knows what it is like to defend your animals from wild predators. If there is a particular pack that people have tried and tried and tried somehow to eliminate and for some reason no one knows how to track animals anymore, for some reason no one can control the population, then perhaps it could be considered but that would be the only, only possible scenario and she could not imagine that happening.

Mr. Kazmierski stated that it could be used as a potential tool.

Ms. McConnell stated dogs were not tools. Screwdrivers are tools.

Chair Clausen asked Amy Visger to the podium.

4. Amy Visger, Minong, representing self. She stated she has owned and hunted with hounds for 16 years and has been listening to so called experts that were former DNR employees and is offended by their comments. As a dog owner, she takes pride in raising and training her dogs. To think that she will put her dogs out on wolves without regard to their safety is simply not true. The fact of the matter is they will put their dogs down on a single track with snow conditions to ensure that their dogs are safe from a pack situation. There has been a lot of misinformation on how tracking and trailing hounds are used. The name actually means just that, they put a dog on a track and they trail it until the wolf is jumped. They then get ahead of the chase to intercept a wolf or bear or bobcat and harvest the animal. To those of them who are the real experts on hunting with hounds this has become a subject, which is much to do about nothing.

They know there is always a risk to their dogs the minute they unsnap their leash, no different than a duck hunter knows there is a risk to the dog drowning or a bird hunters dog getting hit by a car. they minimize these risks by knowing and checking how many wolves are in a section of land and putting out on a single track which is the same thing they do with other predators such as coyotes or bears. Hounds have been used for centuries to hunt predators and have been bred to track and trail game. No further restrictions are necessary. They, as hound hunters, know what they are doing and to have non-hunting forces trying to dictate how they hunt is ridiculous at best. Therefore, she asked the Board to reject this rule.

Mr. Kazmierski asked Ms. Visger whether her dogs ever got on a wolf track by accident.

Ms. Visger stated during bear season they had their dogs come out to a road. They always check tracks to make sure they are running bear and they found wolf tracks.

Mr. Kazmierski asked whether she was personal at danger as has been asserted by the lawsuit.

Ms. Visger stated no.

16. Ralph Fritsch, Townsend, WI Wildlife Federation (WWF) Wildlife Committee Chair testified in support of Board Order WM-01-13, a rule scoping statement which includes rules establishing restrictions on training dogs on tracking and trailing wolves and also emergency dog training rule under Act 169. The WWF includes 17 dog related organizations in the 184 hunting, fishing, trapping and forestry-related groups belonging to the Federation. The Federation has many experienced men and women who hunt with hounds. They firmly believe that training dogs to hunt wolves and the hunting of wolves can be accomplished in a humane manner. Groups that disagree with that position have convinced a Circuit Court Judge that such hunting and training requires the adoption of rules to govern such hunting and training. And that is why we are all here today on this Board Order.

Attached to his testimony is a letter from the WWF sent to Secretary Stepp after the recent court preliminary injunction in which they state "...the Federation is greatly concerned about the affidavit testimony submitted by the plaintiffs in the recent litigation. It is their belief that the affidavits present an inaccurate and unfounded presentation of the consequences of hunting wolves with dogs in the state. WWF and he suspect other hunting organizations are willing to assist the department in presenting a more accurate and balanced perspective on the hunting of wolves with dogs. It appears Judge Anderson would welcome hearing the other side of this issue. Please let WWF know if their help is welcome to advance the other side of the story." They continue to extend their hand to the department and this Board to assist in developing reasonable regulations governing wolf hunting and training with dogs.

Experienced houndsmen in the Federation like Dick Baudhuin and Corky Meyer are willing to share their advice and counsel. They do not question the sincerity or demonize many who oppose hunting wolves with dogs but do seriously question their experience and knowledge of hunting predators with dogs. The Federation is very willing to assist in filling that knowledge gap. (Handout)

Mr. Cole asked Mr. Fritsch as to whether WWF surveyed the membership of the WWF.

Mr. Fritsch asked Mr. Cole to clarify as to what issue.

Mr. Cole stated on this particular issue.

Mr. Fritsch clarified, on support?

Mr. Cole stated yes.

Mr. Fritsch stated the support was brought up at their last annual meeting and they stand in support of the proposed Act 169 and they did. It also was supported by the executive board of the WWF.

Ms. Wiley asked Mr. Fritsch whether there was much discussion on hunting with dogs.

Mr. Fritsch stated yes there was. It is a very controversial issue. There are pluses and minuses yet we felt it was their position and they still support their original position to support the act as written.

Chair Clausen asked whether Rad Watkins or Larry Murphy were in attendance. They were not so he continued with Dick Thiel.

17. Dick Thiel, Tomah, representing self. He stated that wolves are a wildlife resource and should be treated with the same respect sportspersons apply to other game animals. He appeared today once again to appeal to the Natural Resources Board to incorporate into this wolf hunt some modicum of respect for this animal. Hound hunting is not crucial to the goals of Act 169 to reduce the Wisconsin wolf population and provide recreational opportunities for hunters and trappers. Use of hounds in hunting and training will result in bodily harm, pain and death to wolves and privately owned hounds precisely because of the unpredictability of the situation. He has reviewed all the DNR's 192 death dog reports and injured dog reports. His judgment of those reports is as follows:

- (A) It is inappropriate to allow training during the pup-rearing season (April through September). Intrusions by hound packs will be challenged by resident wolves not because they eat dogs because they are hungry but because they are territorial and are protecting their pups. This will likely increase injuries to wolves and dogs and may likely lower pup survival rates. Adopting the 365-day coyote training period is far too excessive. Training confined to a one week period immediately following the Deer Gun Season would eliminate these conflicts and would also minimize conflicts with trappers who will likely begin their activities once pelts prime in December - January.
- (B) Specifically to training. The number of hounds used in training should be limited to 6. Individual hounds should not be changed out as this gives unfair advantage to hounds and exhausts wolves. Again, constituting unnecessary harassment of wolves.
- (C) Training should be confined to daylight hours.
- (D) Trainers may not use caged captive wolves, injured wolves for training hounds.
- (E) Hound hunters training or hunting should be required to carry back-tag identification. This is required for other types of dog training trials and for hunting deer.
- (F) Hound hunters should be required to receive certified training. This is not precedence setting. The WI Trappers Association - in cooperation with the DNR - holds mandatory trapper education classes for first-time trappers; it is presently sponsoring voluntary courses for first-time wolf trappers. And throughout the 1980's and 1990's first-time wild turkey hunters attended special training courses.
- (G) Hounds must be confined to leads and/or leashes and controlled by hunters at all times while training or hunting wolves.

It has been demonstrated that the Natural Resources Board does indeed have the authority to impose reasonable restrictions on training on hounds, which are necessary to

prevent animal cruelty violations in contravention of the statute's track and trail directive, the Agency will be flying in the face of Dane County Circuit Court Judge Anderson's ruling.

Please recall, if you will, the following. It is something he takes very seriously.

We strive to protect and enhance our natural resources;

To provide a healthy, sustainable environment and a full range of outdoor opportunities.

To ensure the right of all people to use and enjoy these resources in their work and leisure.

To work with people to understand each other's views and to carry out the public will.

And in this partnership consider the future and generations to follow. Reflect on these words

Natural Resources Board Members. It is the Mission Statement of the WI Department of Natural Resources. (Handout)

Mr. Kazmierski asked Mr. Thiel as to whether he has ever been in a hound hunt such as bear.

Mr. Thiel stated no but he has been around them.

Mr. Kazmierski clarified that he has never owned or trained them.

Mr. Thiel stated yes.

Mr. Kazmierski stated you were kind of the expert witness for the plaintiff's and he was curious that in his affidavit to the court that says you returned to provide expert consultation for plaintiff's attorneys Habush and Habush during the promulgation of the rules back in July. Were you on retainer at that time?

Mr. Thiel stated no, not then.

Mr. Kazmierski stated that in your sworn statement here it says that at that time you were.

Mr. Thiel stated that probably in July sometime when that first meeting happened. But that was a meeting. Incidentally, he is not making any money on it.

Mr. Kazmierski stated you seem to have a change of heart. Now you are willing to allow the use of dogs for hunting wolves?

Mr. Thiel stated no but I know where you are going.

Mr. Kazmierski stated he is just listening to the testimony that you just presented and it parted there from no dogs at all to hunt wolves.

Mr. Thiel stated that is correct and the reason why is that no one can ---?--- with the Natural Resources Board so he is trying to provide some responsibility.

Dr. Thomas questioned Mr. Thiel as to where the Board is headed, she is not sure herself.

Mr. Thiel stated that is good because everyone is confused. There is a statutory law and you are here today he presumes to figure out hunting and trailing with hounds. If you cannot eliminate that, then he is offering these suggestions.

Mr. Kazmierski stated you also mentioned in your affidavit and it keeps popping up that there is a human threat to allowing the use of dogs. Can you explain what the human threat is?

Mr. Thiel asked Mr. Kazmierski whether he had ever seen a canine fight.

Mr. Kazmierski stated no.

Mr. Thiel stated he knows wolves and he is not an expert or calls himself one. He does not believe in the word expertise. He has spent 40 years of his life working with wolves in the state of Wisconsin. He can tell you that when wolves fight, it is unbelievable. Fighting is different than prying. There are two different things. The mechanism is different. As with coyotes, the tools - the teeth are the same but the motivation is different. Fighting is something that is absolutely unbelievable to witness.

Mr. Kazmierski stated but that is the wolves fighting but he wants to know about the human risk because there is no incidence of humans being attacked by wolves in WI.

Mr. Thiel responded that there are two cases in North America where wolves killed people. It is not a far step from ones imagination that in trying to pull dogs apart from a pack of wolves that someone is going to get hurt. Do we really want to engage people in harms way? He is not saying that people are. The question is public safety. Do we really want to engage in putting people in harms way? We cannot predict the outcome. We can make an assumption that if you have two different canines fighting for possession of something, and in most cases of the wolf it is not food. When they kill something they eat it and there is a good reason for it. Pups are idiots and are hungry all the time. Once mom and dad kill they will leave it for the

pups and they can strip it down really quick. It is not the pups to his knowledge killing dogs. It is the adult wolves. You are promoting these kinds of violent conflicts over territory. Wolves are just ferocious in terms of constant turf protecting. You are asking for trouble by putting these two species together.

Mr. Kazmierski stated that also in your affidavit you stated that the time from late December through March are when wolves are really aggressive.

Mr. Thiel stated for a different reason.

Mr. Kazmierski stated because it is breeding season. Statistically, there has only been one dog killed during that time period in the last two years. Most dogs are killed during the summer months. His question to Mr. Thiel was what data did you use to support that that was the timeframe because there are a lot of dogs out there at that time of year with coyote hunting, bobcat.

Mr. Thiel said from wolves on wolves. We know wolves are very aggressive during breeding season. Incidentally, canis lupis is related to canis familiar which is the dog. They do not care if there is a distinction or not. If you are putting dogs into the fray during the peak of breeding season, you are just asking for trouble.

Mr. Kazmierski stated we currently do that now with the coyote season and the bobcat.

Mr. Thiel stated your bear hunters and your coyote hunters explain, they are usually not chasing wolves. Not at that time. Now they will be chased.

Mr. Kazmierski stated the dogs are in the woods at that time, certainly, and we have not had a significant amount of dog depredation during that time period.

Mr. Thiel assumed that once you start chasing at that time, you will see it pick up.

Incidentally, he would hope the Natural Resources Board going forward, makes sure they keep statistics so that they can be evaluated because there are open gaps in this. To do otherwise is absolutely criminal to not collect data on this hunt.

Mr. Cole requested the two wardens approach the podium and state their names.

Chair Clausen then requested Tim Andryk approach the podium.

Pat Novesky, warden out of Three Lakes, stated he covers Forest County and Oneida County.

Andy Dryja, warden out of Langlade County, stated he handles multiple dogs, virtually his whole life. He is 36 years old. He has been in law enforcement full time with the DNR since 1999. He graduated from Stevens Point with a resource management degree. He has been around for a little while.

Mr. Cole asked Warden Dryja to talk to the group about circumstances that may present themselves with dogs on wolf and how a person who is knowledgeable about this practice would react to what they find in the woods knowing that there is a lot of things that could occur at the end of that hunt. He asked to hear the warden's opinion about dogs on wolves.

Warden Dryja stated he would try to think of a best way to present this. There is not that many circumstances that could present themselves. As it is with raccoon hunting, bobcat hunting, coyote hunting, bear hunting, animals are unpredictable. When you use your hounds, you know pretty much what is going to happen for the most part. He stated he would take a step back and talk about what happens. In Langlade County when there is snow, there is not a road that is not checked all winter long. There are hunters out there. They are going to find the track. They are going to let their dogs go. Typically, when he bobcat hunts, he only takes two or three dogs. If he takes too many, it is going to screw up the trail. What he wants to do is let one or two dogs go. He is going to let those dogs cold trail which means somewhere between the start of the hunt and the wolf. It is complicated, but they are going to cold trail this animal until they catch up to it close enough. When they do that it is called jump. They are going to jump that animal, they are going to get it out of its bed, they are going to get it moving around. What the hunters try to do, is in order to harvest that animal they are either going to add dogs to push it faster or in the direction they want and the other thing that is going to happen is the hunters are going to try to get around and cut those dogs off or the animal pursuing. Then it is shot. All right?

The way trailing hounds originally were bred is they bark. They are barking telling the

hunter what is going on. Today with technology, telemetry, and GPS collars you do not necessarily have to recognize all those barks because you can look at your handheld GPS and you can see everywhere the dogs went. It actually makes some average hunters some very good hunters now. It is true. A lot of guys used to pride themselves on what their dog sounded like. That is not as important anymore but it is still key because when you hear those dogs coming through the woods, that tells you the direction of the animal and where you need to be to harvest that animal. What is going to happen is the wolves are either going to run, they are going to stop and get bayed up. Depending on where the hunters are, as in a coyote hunt, they are going to cut that wolf off and get a shot at it and if they do not they are either going to pull dogs or add dogs depending on where it goes. If they stop, the hunter is going to try to get in there and shoot that wolf. If they do not, sometimes what will happen is if when you are walking in like a cat, a bear, or a coyote, they know you are coming and they get out of there. They run again. He does not really see where the complications would be coming from. There are not that many outcomes. He could tell you particularly he looked into situations of an actual wolf hunt. We have not had a legal wolf hunt in the state for a long time. What we have had is in Jefferson County and Rock County some individuals who were coyote hunting incidentally ran wolf and did not realize they ran wolf and shot and killed the animal. The wardens thoroughly investigated it. They seized the animal. They documented those cases and guess what? No one else got hurt.

Dr. Thomas stated to Warden Dryja that the Board is sort of in-between a rock and a hard place here. We have legal and popular forces on one side that say we do not have the authority or it is not necessary to do any restrictions on training and trailing with hounds. Then we have legal and popular forces at the other end of the spectrum that say you must do this or the hunting cannot go on or there will be additional challenges. The Board is somewhere there in the middle of this mess. Mr. Thiel presented a list of things that she is not going to ask you about all of them because some of them are not in your expertise, but a list of things that are suggested restrictions and with your warden hat on and your houndsman hat on, and feel free, either of you. One of the suggestions is that houndsmen should not be able to change out their hounds during the hunt. What do you think about that?

Warden Dryja stated that basically you have to understand what changing out means. If you use the word changing out. He thinks statutorily they use the word replace in the context of bear hunting. What that means is you can add fresh dogs to a chase up to six dogs bear hunting but you have to catch those other dogs off the chase before you can add. It is not where you can just continue and add in dogs. You have to physically catch those other dogs before you can put new dogs out.

Dr. Thomas questioned whether "replacing" is the common practice in bear hunting.

Warden Dryja stated yes. It is a very common practice in coyote hunting or bobcat hunting.

Dr. Thomas then asked for his comment on training being confined to daylight hours, from a warden standpoint.

Warden Dryja stated to him, it does not have any bearing on what an enforcer would do. You can train day or night on coyotes. You can train day or night on raccoons, you can train day or night on mountain lions right now. A lot of people do not understand that. People do.

Dr. Thomas then asked about hound hunters training or hunting should be required to wear to carry back tag identifications like back tags for deer hunting.

Warden Dryja stated he does not have a specific here but there was a time when the department went having back tags with bear hounds. That rule has since went away and it was always a constant complaint from the hunters to have to wear that back tag. It has went away. He did not really see any consequences either way. It has not hurt law enforcement.

Dr. Thomas then asked, on a couple thoughts she had, as for the potential of asking Houndsmen, in addition to their telemetry and locational collars, to have electric collars that are used for bird hunting on their dogs. It is one thing to locate but another thing to control.

Warden Dryja stated the in the context of hunting wolves?

Dr. Thomas stated yes.

Warden Dryja stated the only time he uses shock collars is when he has a young dog because he wants to straighten him out and make sure he is not going off game. He works with his

dogs quite a bit. He knows what they are doing. He puts bells on them in the winter so he can hear them in case they are not barking. He did not think it to be unreasonable to say you have to put a shock collar on a dog. He did not know.

Warden Novesky stated that he did not know what the intent would be of who would want to put a shock collar on a hunt like that if they are thinking the dogs get too close to their quarry that they can shock the dog and call them off. Dogs get wise to shock collars. Some of them are not that good. He does not see any value in something like that.

Dr. Thomas stated the Board is being asked by some forces to look at what are things that will ensure there is not animal cruelty and you know, it is hard for her to image that leashing your dog is an effective way to hunt wolves and she was looking to try to figure out other ways that could demonstrate the hunter was able to control their dogs. Somebody just told them that they tackle the dog in order to call it off.

Warden Novesky stated that dogs are dogs. Everybody has had a dog that is a good dog and comes to you when call and there are other dogs.

Mr. Bruins stated that very little has been said as to the value of using dogs as to how it pertains to the success of the hunt. This department worked hard to get the wolf delisted so that we could control the number of wolves in the state of Wisconsin. He thought they worked very carefully to come up with a harvest quota that was right but based on some of the things he has read as to how the wolf populations have been controlled in other states, if we would disallow the use of dogs in the hunt, what is your best estimate it is as to how successful we would be at reaching quota?

Warden Dryja stated he did not want to speculate. He did not know. But what he can tell you from experience with hunting coyotes which is a similar animal, they get very wise to calling very fast. They also get very wise to trapping very fast you get a missed opportunity in the harvest. He did not know why we would want to remove an additional harvest tool. It can be extremely selective and extremely efficient and he thought the selective part if very important. When you are calling wolves in and trying to trap them, you are not as selective. The houndsmen is the most selective hunter in the world.

Dr. Thomas another question for the wardens. One of the things that the Board has asked the department to do over this next year is to gather a lot of data so we can fill in the gap on things we do not know. You said there has never been a regulated wolf hunt in Wisconsin and clearly not a dog hunt. As hound hunter's form this first season when gathering up data, how would you feel about having a neutral third party accompany the hunter and hounds on a hound hunt to record observations of what happens, whether there are wolf-dog interactions, let's say there may be a cadre of retired wardens that would be willing to volunteer for that activity in the interest of gathering data so that we could go forward to the second season definitively say to people, we went out on ten wolf hunts and there was not a single interaction of a dog and a wolf. We could answer that question if we did that. How would you feel about that?

Warden Novesky stated what he thinks you are getting at is whether the dogs are going to latch on to the wolf. Is the wolf going to latch on the dogs and vice-versa? They already covered part of that when people bring those carcasses in to get registered because that is part of their job during the registration process is to look over that carcass and make sure that the story they get is actually what they see based on the evidence on the carcass. So if a pack of dogs grab the wolf and stretches it out and kills it, they will notice that during the registration process.

Dr. Thomas stated that if it comes in.

Warden Novesky stated yes, if it comes in.

Dr. Thomas stated you did not exactly answer her question about how he would feel about a neutral third party.

Warden Novesky stated he did not know. Every group is going to be a little different. There is going to be people that say sure, come along, and there are going to be other people that say

they do not want anybody along. As far as from a law enforcement standpoint, he did not know if they have an authority to order people to tag along on a wolf hunt.

Dr. Thomas stated we could if we make it part of the rule.

Warden Novesky stated he did not know who would be qualified. These hunts are drawn out. You are talking about a hunt that is drawn out over several miles in wolf country which is pretty rugged terrain. It is going to be hard to have somebody with them to witness everything that happens during the entire hunt and that comes back to what we talked about with the wolves being you know, hunting with dogs, is going to be a good tool. Absolutely it is going to be a good tool if done legally with six dogs and one shooter. It is going to be a challenge in wolf country to get that one person in front of that chase to shoot a wolf. There is not going to be any danger of decimating the wolf population doing this legally.

Warden Dryja stated he understands the process on having someone tag along. He can appreciate that. He is looking at the practical aspects of having a physical person. He usually hunts by himself. He does not want anyone slowing him down. Especially young kids and things like that, he would take anyone anytime and like Pat said, it all depends on the group, the availability, the schedule, the timing, and that would be a very nice volunteer situation or program. He did not know if this should be ordered.

Mr. Hilgenberg asked that based on your area experiences, both as hunters and enforcers, if you had to set this program up, how would you have it set up?

Warden Dryja stated that is a very good question. He will try to tackle it. If he was going to set up a program like this, and a lot of thought and a lot of information has gone into it, and Warden Tom Van Haren has gone through it. He is our law expert and he has looked at this stuff and tried to maybe compromise or set up a best case scenario. He likes the way the season is structured. Their training seasons have been questioned by law enforcement. Not just for wolf season because the guys do not know a whole lot about what we are talking about but the lack of framework on other animals leaves the door fairly wide open and if we do not establish a training season then it is basically a wide open training season without any restrictions. He does like how the wolf hunt is set up. The training, either we have to figure out we need additional rules on it or do we just allow it like bobcat season training where you can go out and train your dogs year round except for the leash law when in closure at certain times of the year. Same thing with raccoons, coyotes, and same thing with mountain lions. To establish anything further on the wolf training season, he did not think so.

Warden Novesky stated you are asking them to put on two different hats because he has six dogs in my yard that he wants to run as often as he can but at the same time he has to put his warden hat on. When he reads some of these things with training, there has always been loopholes in their dog training system. There are people that take advantage of those. For the most part, people are pretty good but like any, like it is trapping, deer hunting or whatever, they always have those people out there that are going to find loopholes and try to beat them. Guess that is what keeps them in business too, but when he reads some of the training laws he can see where some of those loopholes are going to pop up. He thought you need to regulate that somewhat. He did not have the magic answer for hunting with hounds.

Ms. Wiley stated she was going to ask the hard question, bear in mind you have your uniforms on. You are not here as private citizens, you made the choice to come here and wear your uniforms. Would you propose not hunting with dogs for the first year of the wolf hunting season so we can get a handle on the success rate of hunting and also have a chance to develop some reasonable hunting with dogs activities?

Warden Dryja stated we have reasonable activities now that are listed. He truly does. He is on a fine line here.

Ms. Wiley stated you are in a hard place because you are here wearing your uniforms so you have to speak the department line but you also have said you are both hunt with dogs.

Warden Dryja stated he is not sure what the department line is. He could do a dance here. He does not see the wolf season going forward as being a problem.

Ms. Wiley clarified with or without dogs. Either way.

Warden Dryja stated with trapping, with dogs, with calling, with all measures, legal hunters. Warden Novesky stated he would agree with Warden Dryja on that. There is a lot of hype building up to this because we have wolf season now which everybody has been talking about for a long time, we have dog season which is one of the first ones in the United States so there is a lot of hype here. After five years, a lot of this might be a non-event. There is a lot of people out there with the impression they are going to grab their five gallon pail and flip it upside down and sit in the woods and shoot a wolf. It is not that simple.

Mr. Cole asked whether Attorney Andryk was available for questions.

Chair Clausen stated he has some questions or two and has been waiting until the end.

Mr. Cole asked whether he had questions for these guys or for Tim.

Chair Clausen stated for these guys and Tim. Last night the Board received a correspondence memorandum from Secretary Stepp. It talked about the dog training and that type of thing. In one of the paragraphs in here it says "as the department..." and before he started this, he stated he has been a lifelong hunter. He had beagles growing up. He spent hundreds if not thousands of hours hunting rabbits. In his youth he did a lot of raccoon hunting with hounds. He thoroughly enjoyed being out in the woods in the night and sometimes coming back the next day to find his dog. He had killed a bobcat using hounds. He has harvested coyotes and fox not using hounds but basically sitting out and calling or trying to walk them up and catch them during the breeding season.

He is not unfamiliar with this type of thing and on another aspect, he has been a veterinarian in northern Wisconsin for 47 years and said he has sewed up at least his share of dogs that had very serious injuries from bear hunting and occasionally those injuries were fatal. So he had that perspective as a veterinarian. His impression here is, and this is going to get into an edgy area, but when the legislature authorized the use of dogs, they opened a Pandora's Box and brought aspects of things that we sometimes do under scrutiny that it may not have otherwise come in. As the department shared at previous NRB meetings, there is an animal cruelty law that would already apply to those intentionally causing their dogs to kill wolves. Are we authorized to enforce that law or is that a law because it is a 951 thing, is that something that would take a Sheriff or District Attorney to enforce?

Warden Dryja stated what he will explain there is not just a clear cut answer. Wardens have full police powers on state lands. On state lands wardens can enforce any and all laws in the state of Wisconsin. Wardens also have power granted to them called expanded authority. What expanded authority allows wardens to do is anywhere in the state, depending upon whether it is county land or federal land or private land, they see a crime in their presence they can deal with that. They have some protocol that they do, call the Sheriff's department and let them know what is going on, but to give them a badge and a gun and send them around and someone is robbing a Kwik Trip, and we have to stand there like this (twiddling thumbs), does not make any sense. Expanded authority is very important. Depending on the situation, they absolutely could investigate that. If the warden investigated under the statutory rule that says you cannot allow your dogs to kill any free ranging wild animals, we can be there for that. Wardens have to develop an intent of the situation. So if they would look at it, okay, what we thought was unintentional and moved to intentional, we investigated it anyway so why not just turn the file over to the District Attorney's office like we would do anyway.

Chair Clausen stated that this is where he was going. He was going to raise this under Board Members Matters but might just as well do it at this time. The next sentence says "the hunting rule the NRB adopted by emergency rule already makes it illegal to kill any game, including wolves with dogs, even if not intended." How often have you ever written a citation for that?

Warden Dryja stated never.

Chair Clausen said okay. Again, this is something that did not even occur to him. He has been well aware that in places like South Dakota and he knows people out there that do this who basically run down coyotes with their site hounds. That is common in several of the western states. It is not a particularly pretty thing when it happens. As this issue has come

about and he has talked with other people. He has talked with two retired wardens from the northern area, both of whom had supervisory experience and are highly respected he believes, and a retired land leader from up there. These guys are all telling him that it is not at all uncommon for when the snow gets a little bit deeper for the hounds to catch and kill coyotes. He realizes he is putting the wardens in a difficult spot here. Have you ever looked at a coyote carcass to determine whether or not it was torn apart or whether it was shot?

Warden Dryja stated no. Coyote carcasses do not get registered.

Chair Clausen stated right.

Warden Dryja stated there is not sight tag. The hunters do not tag them. It is an unlimited species with no requirement for the hunter to bring the animal to the department. They do not look at coyotes.

Chair Clausen asked whether the statements from these two wardens and the land leader are erroneous?

Warden Dryja stated what he would say is with coyotes and with bobcats, if the snow gets extremely deep, your dogs can run down and catch them. That does not mean that they will kill them or shred them apart. It depends on the handler and it depends on the dogs. It depends on where the handler is.

Chair Clausen stated he had only one other question, for Attorney Andryk. Like he said, he thought Pandora's Box has been opened here and we may not have heard the last of this. He is looking here and he is almost thinking back to the day he attended the court hearing. If he goes back here to the page that says "we feel the permanent rule process is adequate to put dog training restrictions on wolves in place. The Judge has determined" Anyway, it says "the department questions the necessity to engage in emergency rules on this topic at this time." If that is the case, why did you even bring it forward?

Attorney Andryk stated the Judge told the department to. The Judge basically said that under Act 169, the department has authority to promulgate emergency rules on wolves and told us to go back to the Board and consider it. The Judge said the department would be entitled to deference if the Board decides to make no additional changes or to make changes but the department needs to adequately...

Chair Clausen stated that basically, we have created a record here by fact that we discussed this and regardless of what we do on this, we have created that record.

Attorney Andryk stated yes.

Mr. Cole referenced the letter from State Representatives Suder and Moulton that was sent to the Board on the 24th, he asked Attorney Andryk whether they were right in their assertion.

Attorney Andryk stated that is going to be argued at their brief that we do not have authority to promulgate dog training rules in Act 169. The Judge disagreed with that. He felt that within the parameters of Act 169 it was necessary to promulgate rules on training and thus we have authority to promulgate rules for the wolf hunt on dog training on Act 169. So the authors of the Bill have weighed in and said that was not their intent and that the Judge is misinterpreting their intent and that Act.

Dr. Thomas asked whether the Judge's direction constitute an emergency.

Attorney Andryk stated it could.

Chair Clausen stated that like Dr. Thomas had stated earlier, we are between a rock and a hard place. We have a Judge and a public that feel this is a violation of the animal cruelty statutes. We have another group that feels that everything is just fine. His thought is that we are going to have a hard time coming up with any type of a rule that is going to be in any way acceptable to one group or the other. He ran this through his mind considerably and maybe even more than that. To him, it seems like if the legislature created something where there is some type of a conflict between the statutes, he thought it should be up to them to go back and revisit this thing and either alter the humane laws or alter the dog training laws.

Attorney Andryk stated he did not know if there was a real conflict between the human laws and the wolf legislation. Under the animal cruelty statute, as Warden Dryja pointed out, to

violate that you have to intentionally release a dog for the purpose of fighting with a wolf or killing a wolf. There has to be intent. That is a criminal statute. There is a prohibition on a dog killing a wolf and again you can check regulations but it is already against the law for the dogs to physically engage the wolves. Under Act 169, dogs are used for tracking and trailing and not for killing and taking the wolf. As long as hound hunters, from testimony from people here and our wardens, are following best management practices as they described, in their opinion there is not going to be a violation of animal cruelty law with Act 169.

Mr. Kazmierski stated that in the Judge's order, he really did not tell us that we had to amend the training rule or not. He just said we had to consider it. He asked whether the Board has met the standard of considering it to this point, do you think?

Attorney Andryk stated that the Board has had a lot of information on this. A lot of testimony.

Mr. Kazmierski thought they were there already.

Attorney Andryk stated they are close. Like he said, the Judge said that it is up to the Board to decide whether or not to impose additional restrictions or not impose any. He said that decision would be entitled to due deference from the court if there was actual consideration as evidenced by the record.

Mr. Kazmierski stated that the reason he is asking, is that some of the written comments we got, one was by Adrian Treves. He said "the scope statement proposing emergency rules for training hounds lacks sufficient time for rule development of science-based rules to avoid violations of animal cruelty laws", so on and so forth. Okay. So it sounds to him like both sides are saying, hey, we need to talk about this and he thinks going the permanent rule route and going through the Congress and maybe getting some of these groups together. He has heard some common ground here today which we did not hear a lot of last time. Let us look at that for the permanent rule. If that still satisfies the Judge's Order, he is just wondering if that is not a good way to good.

Attorney Andryk stated it could, in his opinion. He could not say which way the Judge would rule. He cannot predict it. He believes they are doing what the Judge told them to do.

Dr. Clausen asked Mr. Bruins to restate his motion.

Mr. Bruins restated his motion: He would like to move to remove from the recommendation to approve the scope statement the language that says "and also for emergency dog training rules under Act 169."

Dr. Clausen clarified that Mr. Hilgenberg seconded that.

Mr. Hilgenberg stated yes.

Dr. Clausen asked Attorney Andryk to explain to him now, what the difference is between removing this from the language and just defeating the emergency rule portion.

Attorney Andryk stated his understanding of the motion is that you are bifurcating that scope statement. You are pulling out the approval to make additional restrictions to the emergency order, not approving that, but still going forward with the scope statement with a follow-up permanent rule in the permanent rule process. In essence, you would not be proposing additional restrictions for this season but you would be looking down the road in the future with the permanent rule restrictions.

Ms. Wiley asked what the restrictions were on it.

Mr. Cole stated they would need to develop them.

Mr. Bruins stated that is to be developed in the permanent rule.

Ms. Wiley asked whether Mr. Bruins whether he was accepting the emergency rule as is.

Mr. Bruins stated he is proposing to remove the emergency language which would put them back to the recommendation, the way he understood it, of being supportive of working towards the permanent rule and going through due process.

Dr. Thomas stated she understands that you cannot predict what the Judge is going to do. Even if you could, there would be no reason to have two attorneys on every case. Going back to Mr. Kazmierski's question, have we actually considered this and decided that there is no point in going forward right now because there is not enough time to do an adequate job of going forward. That is one conclusion we might have come to. We could have come to the conclusion that no violation of the animal cruelty is happening under the current situation and that is a different reason for coming to the conclusion of not going forward for emergency rule. Does the Judge care which reason we use or is it only that we had a deliberation?

Attorney Andryk stated he thought the Judge would look at your decision on whether additional restrictions in use of dogs are needed right now and if they are not needed. In the future, the follow-up permanent rule would be appropriate. If you feel they are needed now but you do not go forward, that would probably not be very favorable by the Judge. If you decide they are not needed now, and based on the record before you, you managed consideration of that record, he thought the Judge would be more inclined to give deference to that decision.

Ms. Wiley stated she still does not understand it and asked whether the motion was to vote on the emergency rule.

Dr. Thomas stated the motion is to vote to take it out so there would be no emergency rule.

Mr. Bruins stated it would be removed from consideration.

Ms. Wiley stated that if there is no emergency rule, the Board is allowing the rule to go through as it is with the option of presumably changing it later, correct?

Chair Clausen asked if the Board did that, would that automatically approve WM-01-13 or is a separate vote needed to do that?

Dr. Thomas stated she did not think the Board had not gotten to that yet.

Chair Clausen stated he wanted to make sure the Board did not get to that point yet.

Attorney Andryk stated he thought it was a separate rule. You have to have a motion and a second first and then vote on the approval of that. If you approve the motion, then you would be pulling out the part of the scope statement dealing with the emergency rule so that you vote on that scope statement, you are just voting on permission to process for the follow-up permanent rule but not for initiating emergency rules.

Ms. Wiley stated to Chair Clausen that she was going to the quick on this and that it can be voted down if you like.

Chair Clausen stated there is one motion already.

Ms. Wiley stated she will suggest an amendment to it.

Chair Clausen said okay.

Ms. Wiley MOVED to amend the emergency rules that no dogs may be used for hunting wolves beginning November 26, 2012, and ending February 28, 2013, so the department has time to carefully access the humane and sensible dog training and dog hunting rules for implementation during the 2014 hunting season.

Mr. Hilgenberg stated this is contrary to the motion.

Ms. Wiley stated that is right. It is indeed. You are accepting the whole thing and I am making an amendment to a portion of it.

Mr. Hilgenberg stated it is contrary to the motion.

Dr. Clausen asked for clarification on Robert's Rules of Order from Attorney Andryk.

Attorney Andryk stated you would have to vote on Ms. Wiley's motion as a separate motion first and then get to Mr. Bruin's motion.

Ms. Wiley called the question.

Chair Clausen asked whether there was a second.

Mr. Bruins asked for clarification of Ms. Wiley's motion.

Ms. Wiley stated it would remove dog hunting from the current hunting season.

Mr. Bruins asked which proposal goes first.

Ms. Wiley stated that the amendment goes first.

Chair Clausen stated that if we have a second, then Ms. Wiley's motion is on the floor.

Ms. Wiley's motion failed due to the lack of a second.

Mr. Bruins clarified that the Board is now back to discussing his motion, correct?

Chair Clausen stated correct.

Mr. Bruins stated that if the Board could take a step back here. The department worked hard to get the wolf delisted so that we could control the wolf numbers in the state of Wisconsin.

Subsequent to that, the legislature acted and gave us a directive to establish a hunt including the use of dogs. In mid-summer, when did we meet, in July?

Mr. Cole stated July 17.

Mr. Bruins stated July 17, after reading hundreds of emails and listening to forty-some different people testify, we had a very good discussion and at that particular time, the Board voted to allow the hunt with parameters that were presented to them by the department. Subsequent to that, some animals rights groups had petitioned the courts to not allow the hunting of dogs. We have a judge's ruling but this whole thing is very fluid, it is not totally through the court process yet. So in his estimation, we are still under the directive of the legislature. That is why he made this motion. He is fully supportive of developing the permanent rule as to how dogs can be utilized in the hunt but to put something in emergency status with how fluid the situation is, he thinks it is foolish for them to go there.

Chair Clausen corrected Mr. Bruins that he should say animal humane organizations.

Mr. Bruins stated animal welfare groups, animal rights groups, however you want to phrase it.

Chair Clausen stated welfare and humane are preferable.

Chair Clausen asked for a roll call vote on Mr. Bruin's motion to remove the emergency dog training rule.

The motion carried on a roll call vote of 6 - 1

William Bruins – Yes

Preston Cole – Yes

Christine Thomas – Yes

Jane Wiley – No

Terry Hilgenborg – Yes

David Clausen – Yes

Greg Kazmierski – Yes

Chair Clausen stated the Board has made a record and it makes little difference what the Board does on this one way or another on this particular part of it.

Chair Clausen then stated that they are dealing with the main motion. Part of this is not controversial. Part of it is controversial. He would like to take this in two parts. One is the scope statement for WM-01-13 minus the rule proposal for the permanent rules for dog training and then the Board will vote on the dog training part. Otherwise, it will be confusing. He would hate to hold up the scope statement for the first part of it if there is controversy on the second. Unless someone has some serious objections about that, that is the way he would like to do this. Is there a motion to approve WM-01-13 scoping statement for the spring hearing rule proposals minus the restrictions on dog training.

Ms. Wiley MOVED approval, seconded by Dr. Thomas, of the 2013 Wildlife Management Spring Hearing rule proposals. The motion carried unanimously.

Chair Clausen stated the Board has latitude to either turn this down or not take any action on it. The Board can pass this as part of WM-01-13, or the Board can request that it be made part of Act 169 and be considered with the rest of the wolf hunting rules.

Dr. Thomas stated she does not understand the difference.

Chair Clausen stated that the difference is if the Board does this through the spring hearing it will

be through the spring hearing process and will be an essentially isolated or separated issue and may not be compatible if we get one result or one answer there and the Act 169 process in developing the permanent rules goes forward on another track. The Board could end up with something that is not compatible. That is the point he raised.

Dr. Thomas asked whether the spring hearing is just one more way to gather public information.

Mr. Bruins stated that if taken under advisement, yes.

Chair Clausen asked whether there is still a chance for other input on this thing. He supposed that before they adopt it, there is.

Attorney Andryk stated yes. There will be public comment on the permanent rule. Obviously we will have to come back to the Board with the request to go to hearing and then when that happens, the public comment period begins, we publish a notice, set up the hearings, and there would be quite a bit of opportunity for public comment.

Chair Clausen asked whether there was a motion to approve this as part of the permanent rule.

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the restrictions on dogs in tracking and trailing wolves.

Dr. Thomas stated that what she would like to know is, however, if what is written here, is it broad enough so that this whole list of ideas that have been written out by various people will be considered. In other words, are we going to get to next year and the department is going to tell her, well you did not tell us specifically x, y, or z was in here so now we cannot consider that.

Attorney Andryk stated that Kurt Thiede has been dying to get into this conversation.

Mr. Thiede, Lands Administrator, asked to butt in to the conversation. He stated that part of the way that the Scope Statement has been written has been intentionally broad for wolves. Basically everything that was discussed today is still on the table for consideration that would go into those rules. The other thing that he would add is for his own clarification, going through the spring hearing process, if that is the decision that is made, typically the spring hearings in addition to the input that is received at those hearings, they also do collect information, and written comments. We also provide that summary to the Board at adoption. He wanted to provide that.

Ms. Wiley stated that if they voted for this, we would be approving it for spring hearings.

Mr. Thiede stated he would need some clarification. Is this your motion, Dave?

Mr. Kazmierski stated he made the motion.

Mr. Thiede stated if you approve that then basically you are including it as part of the spring hearing rule process and then they would be coming back as communicated in December 2012 with the wolf proposal to take to the spring hearings in April 2013.

Chair Clausen asked for further questions, if not, he called the question.

The motion carried on a roll call vote of 6 - 1

William Bruins -- Yes

Preston Cole -- Yes

Christine Thomas -- Yes

Jane Wiley -- No

Terry Hilgenberg -- Yes

David Clausen -- Yes

Greg Kazmierski -- Yes

Dr. Thomas stated she would like to make a suggestion. Part of why she voted to take out the emergency rule but to still go forward promulgating the rule, was that she thinks they will learn a lot this year. We have had a lot of testimony that says there are going to make dog-wolf interactions and we have had a lot of testimony that states there is not going to be any dog-wolf interactions. She personally decided to come down on the "we do not have evidence" to tell us for sure there is going to be a problem this year. But, we could know some things next year that we do not know now. When she suggested her crazy idea of a third party going along with whomever has wolf tags who might be hunting with dogs as a voluntary program. She is making a suggestion to both the department and the hound hunters out there that if any of you have or know people that get wolf tags who want to do it this way, it would really help. If we are not worried

this is going to be a problem, it would really help if we had some folks who do not have a dog in the hunt who went along. Invite someone to go along and see what happens so that we actually have some documentation next year to fall back on. This is just a suggestion.

Mr. Hilgenberg asked whether it is appropriate for the Board to ask staff to do an automatic survey of all the hunters that are successful.

Mr. Thiede stated they are not done with the wolf topic today. They have an information item later today on the information they will be collecting. The intent is to follow-up with a questionnaire from successful wolf hunters. In addition to the data that we will be collecting upon registration and though phone-in, there will be opportunity to collect information.

Ms. Wiley asked to follow-up on Dr. Thomas' suggestion, and suggest that she would hope that the hunters would not preselect based on age, sex, sexual orientation if you will, or anything else in terms of who they invite to go hunting. She believes she could stand up and run with anybody.

Dr. Thomas stated this sounds like a volunteer.

Ms. Wiley stated, yes, she is volunteering.

8.B. Land Management, Recreation, Fisheries, and Wildlife

8.B.1 Wisconsin wolf management plan timeline for revisions and discussion

Kurt Thiede, Land Administrator, stated he had provided the Board with two memos yesterday and a draft timeline for the Board's review. In their opinion, it allows public input, important social dimensions work, data collections, and information gathering. It also tracks closely with their proposed permanent wolf rule hunting timeline. Nothing is guaranteed but it is their intent that they have a plan approval that would coincide closely with the permanent rule adoption which would occur based on their estimation prior to the 2014 season. The idea is to have two seasons of data collection prior to establishing permanent rules. The timeline would closely track that. The timeline they discussed and provided, he believes, will provide the Board a review that is focused on using at least two seasons, harvest data, experience, human dimension, and research. Stakeholder involvement is the basis for the publicly accepted plan. They will strive to seek the same balance that was struck in the original 1999 wolf management plan.

(Handout)

Dr. Clausen asked whether there is anything in there that precludes a discussion of what role the wolf will play within our ecosystem.

Mr. Thiede stated from his perspective they will take a holistic look. They plan to open up the plan for discussion. They have not set up any sideboards on it. From their opinion, with the two year timeframe, they may get some push back from staff on whether or not they would be able to meet that timeline. It is important on what was heard from Mr. Cole and other Board members to take a look at the plan.

INFORMATIONAL ITEM -- NO ACTION WAS TAKEN

8.B.2 Wolf harvest season information gathering

Kurt Thiede, Land Administrator, referenced the memo that was distributed yesterday. He reviewed the highlights in the types of data and information that will be collected on the wolf hunt. Attached to that memo is a list prepared by staff, wildlife management, science services, and customer service. In general, the department will continue to conduct wolf track counts and also have begun assessing and developing a white paper on potential alternative wolf population techniques. He hoped to have that completed within the next month, but nothing that the department may be able to put in place immediately. The idea would be to perhaps even pilot as soon as next spring as alternative techniques to try to take into account cost effectiveness but then also information and data collection that would satisfy the five year federal delisting requirements of monitoring the wolf population. Some highlights on how the department plans on going about collecting that data are as follows: wolf harvest call-in, reporting, and registration by successful hunters and trappers; survey of warden and wildlife manager observations; carcass evaluations; use of weapon/method used; GPS locations-latitude and longitude; wildlife health monitoring review of diseases; USF&WS trapping and removal effort reports; records of wolves dispatched

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by landowners with or without permits; wolf track surveys; radio telemetry work, and alternative population estimation. They will be happy to keep the Board up to speed on those discussions as more information is gathered. (Handout)

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Chair Clauson requested a motion to adjourn the meeting.

Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg to adjourn the meeting. The motion carried 5 – 0, Mr. Cole and Mr. Bruns had departed previously.

The meeting adjourned at 3:00 p.m.

The Natural Resources Board and Department of Natural Resources are committed to serving people with disabilities. If you need Board information in an alternative format, please contact:

Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or laurie.ross@wisconsin.gov

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The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.

DATE: September 24, 2012

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Discussion on Dog Training and Hunting Issues relating to wolves

At the September 2012 Natural Resources Board (NRB) meeting, the NRB will be considering a scoping statement that requests approval to begin the development of rules for dog training. Specifically, these rules would relate to the training of dogs on free roaming wolves. We are also requesting NRB approval to proceed with an emergency rule on dog training, based on the decision of the Dane County Circuit Court. The purpose of this memo is to provide the Board with background on what is known, perceived or unknown regarding the use of dogs for wolf hunting or training dogs to hunt wolves. It will document what the department did consider for the emergency rule, what options are available for a training rule, and a discussion of those alternatives suggested by others. Further, we hope to supplement this document with testimony of department staff familiar with and experienced in the use of dogs for hunting non-avian game species in Wisconsin.

Dog training and the use of highly trained hunting dogs for the pursuit of game is endorsed by the Natural Resources Board. Wis. Administrative Code, Chapter NR 1.11 (12) states:

"[The natural resources board:] Strongly encourages the use of well trained hunting dogs in the pursuit and retrieval of game; that extensive training and field trial competition provide hunting dogs which are proficient at finding and retrieving more game..."

As wolves can legally pursue wolves (Wis. Act 169), we feel that follow-up rules on training are consistent and appropriate to follow the guidance on developing well trained dogs adopted by the NRB. Should the NRB approve the scoping statement, we foresee the development of dog training rules that would mirror closely the hunting rules: no more than 6-dogs could be used, no training on wolves at night, dog identification would be required, times of year restrictions (i.e. October through March).

Recently, a lawsuit was filed in Dane County Circuit Court objecting to a perceived lack of restrictions in the recent wolf season rule that the plaintiffs believed are needed to minimize the probability of fights between dogs and wolves. Further the plaintiffs allege and the judge agreed that the Board should have considered emergency rules on dog training. As the department shared at previous NRB meetings, there is an animal cruelty law that would already apply to those intentionally causing their dogs to kill wolves, and the hunting rule that the NRB adopted by emergency rule already makes it illegal to kill any game (including wolves) with dogs, even if not intended. Further the NRB adopted the following additional restrictions regarding dog use:

- 1) The emergency rule followed the statutory intent by adopting regulations that are already in practice for bear, the six-pack rule and that all dogs need to be uniquely identified;
- 2) The Board adopted additional provisions to help address public safety concerns, a night hunting with dogs prohibition; and
- 3) A note was added to the rule requiring the department to collect data to inform future decisions on the use of dogs and other harvest methods.

While other restrictions were discussed, they were not included in the rule since they were determined to be impractical, unenforceable, or in conflict with the statutory intent. In addition, communications with dog

hunters, the hound hunting community, internal communications and communications with the NRB, the department concluded that additional restrictions were not necessary at this time.

However, earlier this month, a Dane County Circuit Court issued an injunction that prevents people from training dogs on wolves and using dogs to hunt wolves until the department and the NRB considers and addresses concerns regarding the use of dogs (Appendix A) even if the NRB were to not adopt any additional restrictions. The judge determined that the department may implement Act 169 with emergency rule promulgation to address both training and hunting with dogs. This memo serves as a review of prior considerations and briefly discusses evaluations of options suggested by plaintiffs and others.

Dog Restrictions Discussion in Wolf Rule Promulgation

The Wolf Season Framework Ad Hoc Group (the group formed to develop the rules adopted by the NRB in July 2012) did consider potential restrictions relating to each season component covered in statute (Act 169). The Group discussed reasonable, practical, and effective dog hunting restrictions that would best manage the hunt and its impacts on wolves and allow the kind of wolf hunt desired by the legislators responsible for the bill. The Ad Hoc Group's understanding was that rules in the special emergency rule allowed by the statute could only be about the wolf hunting and trapping season and that dog training rules would need to be adopted through a normal rule promulgation process. The ad hoc group recommended dog identification requirements and night hunting prohibition with dogs as rules in addition to statutory requirements. In addition, several staff had numerous discussions among themselves, with administrators, and with board members about the practicality and benefit of potential dog use restrictions (e.g. dog breed restriction). The group did not believe additional restrictions were practical, enforceable, or in line with the intent of the law.

Wolf Hunting with Dogs Rule Options

Additional options to restrict dog use for wolf hunting have been evaluated by department staff for the Board's review and discussion:

Breed Restrictions – It has been suggested that the department should restrict breeds that may have been historically bred to chase down and kill wolves or coyotes. However, as we stated during the initial emergency rule discussions, it is already illegal to use dogs to kill game of any kind intentionally or inadvertently. It is not illegal to have a particular breed in a truck or to take them on a walk in the woods. The department can't stop someone from being out in the field with any breed. The department does not currently restrict any breeds from being used for pursuing or tracking game with the aid of dogs.

What has been and continues to be illegal is the killing of a wolf by a dog. The department does not know how it would determine what breeds could not be used. A dog of a particular breed or cross-breed may not actually kill a wolf without being trained to do so, thus the breeding may not be the limiting factor. It may be difficult to identify breeds for wardens, and it would be even more difficult with the potential for cross-breed dogs. What percent background of a particular breed is too much, and how would one know how much it has of a prohibited breed?

Experienced dog trainers also point out that the breed of the dog is not significant of a factor as is the dog's disposition. From an enforcement standpoint it would require specialized training to identify dog breeds as well as the complications of trying to figure out percentages of mixed breed type or dogs bred into a trail hound to make the more aggressive.

DNR staff will inspect carcasses as opportunities arise to determine if a wolf is killed by a dog. It will be mandatory that wolf carcasses be turned in at registration, and there are methods of determining whether the wolf has been killed by a bullet, arrow, or dog. Complaints will also be investigated. Wardens will be watching for dog users who are using breeds that maybe more likely to chase down, catch and kill wolves, as well as any dogs that have been trained to chase down, catch and kill a wolf or other wild animal. Further it is violation of the animal cruelty law to intentionally release a dog for the purpose of fighting with or killing a wolf.

Leash Requirement During Tracking and Trailing – A leash law requirement is not in effect for any other game species where the use of dogs is allowed for hunting or training. Further the thought that a leash law could be effective is impractical given the thick vegetation of woods and swamps where this activity will occur. A hunter with dogs on a leash may be able to track a wolf, but is very unlikely to be able to shoot a wolf. In the case of a wolf hunt the dog will trail the wolf while the hunter gets into position to attempt to harvest the animal humanely with a firearm, just like coyote hunters have done for years. Dogs on a leash can't keep up with wolves to have the potential to bay them, and hunters can't position themselves where wolves are likely to become vulnerable to a shot because the wolves will be so far ahead of the dogs that one wouldn't know where to post. The leash requirement suggested in affidavits (Appendix A) in the lawsuit is believed to be based on a segment of administrative code that is intended to limit dog impacts on public lands managed for bird reproduction during the nesting season. It is not a training prescription, and it is not a reasonable rule for training a dog, except in the very early stages of a young dog's training.

Certification Requirement – In developing rules for the use of dogs in wolf hunting we looked to what is in place and what appears to be working for other species. Regarding certification of those intending to use dogs for hunting or training on wolves, we don't require certification for any other dogs used on any other game. While the department could possibly certify a hunter, it wouldn't certify each dog. The department believes that it would be more practical and reasonable to provide the information that dog users should be aware of or may increase their chances of success (i.e. Best Management Practices or BMPs) rather than requiring a course. This is how trapping is being addressed; a course has been offered by the Wisconsin Trappers Association for those interested in wolf trapping. Certification of a potential dog trainer or hunter would require a course, certificate issuance and record program, and most importantly experts in training hunters for hound use on wolves. A course could be put together, but there is little DNR expertise for training hunters in this method for wolf hunting. Similar to trapping, it would seem more appropriate for the expertise and training to come from an outside organization. We would need the experts, or those with experience in the use of dogs to be the ones training and certifying themselves and others who are planning to use dogs.

Prohibition in Core Wolf Habitat – Plaintiff affidavits suggested dog use prohibitions in core wolf habitat, in some cases defined as den and rendezvous sites and sometime left undefined, perhaps meaning all core wolf range. We can't know where all of the dens and rendezvous sites are or put together a detailed enough map for hunters that delineates all of the locations and establishes identifiable boundaries for where exactly a hunter with dogs can and cannot go. The state map would be covered with small, complex boundaries for each pack over the northern half of the state. Further, we cannot expect dogs not to follow a wolf into such an area from outside the area.

More proactively perhaps, the legislation addressed this issue, dog hunting will be allowed by statute only from the day after the regular gun deer season (late November) to the end of February, when wolves are not using or defending dens or rendezvous sites. While we cannot assume this graph (Figure 1.) to completely

reflect the risk of future interactions, it does suggest that the higher period of depredations on dogs occurs in July, August and September. This may be due to more dogs in the woods, or a variety of other factors, but the fact that wolves aggressively defend rendezvous sites and denning sites, during these months can't be ignored. Historically, hunters pursue bobcat, coyotes and fox with dogs during the winter months (December, January and February), and have reported that their dogs have often chased wolves during this time period. However wolf depredations on dogs are rare with only one depredation, in Wisconsin, occurring during this time period in the last two years.

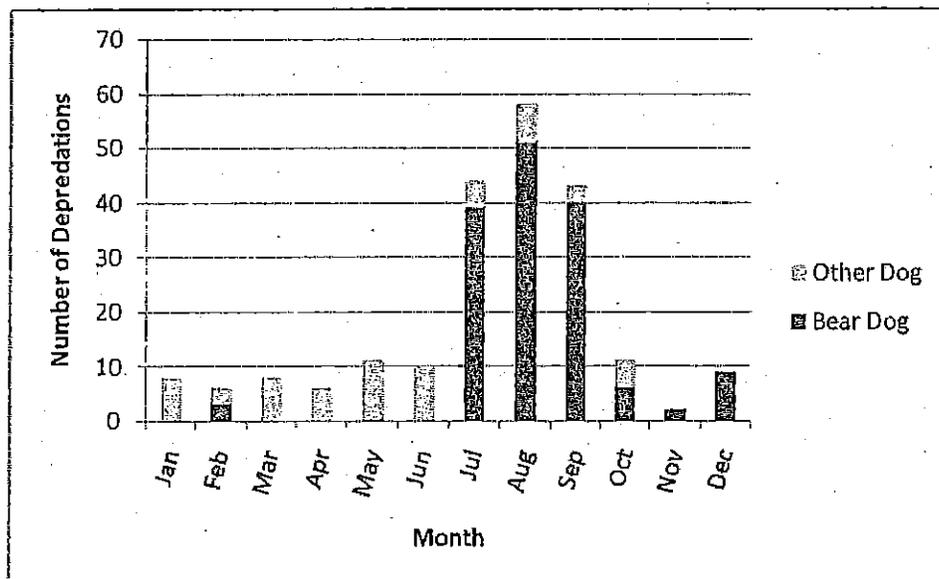


Figure 1. Monthly variation in verified dog depredation incidents in Wisconsin from 1999–2010 (Erik Olson – UW Madison)

If core habitat includes best wolf range, this could include all of zones 1, 2 and 5, where most of the state's wolves exist. The goal of the season is to reduce the wolf population across the state, including the best or core range. It would not make sense to take away a tool for increasing hunter success where most of the wolves live.

Dog Training Restriction Options

While we feel the permanent rule process is adequate to put dog training restrictions on wolves in place, the judge has also determined that the emergency rule process could be used to put such regulations in place for this year. However, with so many unknowns on the use of dogs, including overall interest and availability of adequate snow conditions, the department questions the necessity to engage in emergency rules on this topic at this time. In advance of permanent rule making the following restrictions on training of dogs for wolf hunting have been evaluated as follows:

Time of Year Restriction – The department could restrict dog training for wolf hunting to the period from Mid-October or November through February (could start after gun season to reduce conflict with deer hunting; could go a little later but further into breeding season before pups are born), after pups are grown and rendezvous sites are no longer defended, when snow is on the ground, and before pups are born the following year. Houndsmen suggest that they need snow for finding tracks and training dogs. This rule would negate the need for rules and maps to keep wolf hound training out of denning and rendezvous sites, because wolves are not using and defending these at this time of year.

Breed Restrictions – See detailed discussion of this issue above.

6-Pack Rule – This rule would be consistent with dog rules for hunting for bear and wolves. It would be a reasonable, practical, fair-chase restriction.

Dog Identification Requirement – This rule would be consistent with bear and wolf hunting with dog rules.

Training Hours and Night Training Prohibition – This rule would be consistent with the wolf hunting rule, and would provide for enforceability of hunting hour restrictions. Training hours would be identical to the small game hunting hours, which would be identical to the wolf hunting hours using dogs during the period they are allowed.

Other Considerations

The following observations should be understood when considering options for restricting dog training and hunting for wolf harvest:

Dog Value and Risk -People care about their dogs and invest a great deal in them. They are not going to use their dogs where there is a high risk of losing them. Some dogs cost thousands of dollars, so hunters will be selective of when and where they will pursue a wolf with their dogs to minimize any injury to their dogs.

Reimbursements – The statues prohibit hunters that are pursuing wolves from collecting reimbursement for a dog that is killed or injured while in pursuit of wolves for wolf hunting. Further, in the emergency rules, the NRB adopted rules that prohibited the reimbursement of a dog that is killed or injured during the act of tracking or trailing a wolf under a training scenario.

Wolf Selection for Chase - Houndsmen will use their dogs where tracks indicate that there are only 1-2 wolves, a situation where wolves will typically run rather than attack a pack of dogs. Experience shows that pursuing wolves in denning sites, rendezvous sites, and where there are packs of 3 or more are more likely to have conflicts with hounds. Hunters will not subject their hounds to one of these situations. In addition, this information could be shared with those planning to pursue hounds in a guidance document to hound hunters and trainers.

Calling off the Hunt- Houndsmen are going to pull off their dogs when they cross roads if they sense trouble. This is feasible as hunters have sophisticated electronic tracking equipment that can identify the exact location of their hounds. If the hounds are in the vicinity of a roadway, hunters can quickly locate their hounds and end the pursuit. Again, another recommendation that could be offered as guidance to those using hounds to hunt or train on wolves.

Reduction in Dog Depredations -There were only 4 dog depredations claimed this year. While there may be a number of factors leading to this reduction, one could opine that, bear dog users are being more careful and benefitting from website information on problem wolf areas, and have improved on their ability to avoid these areas of potential conflict. Other factors could play into the reduction as well. But one can not refute the fact that while the wolf population has been on the increase, in each of the last five years there has been a steady reduction in the number of hunting dog depredations (Figure 2.).

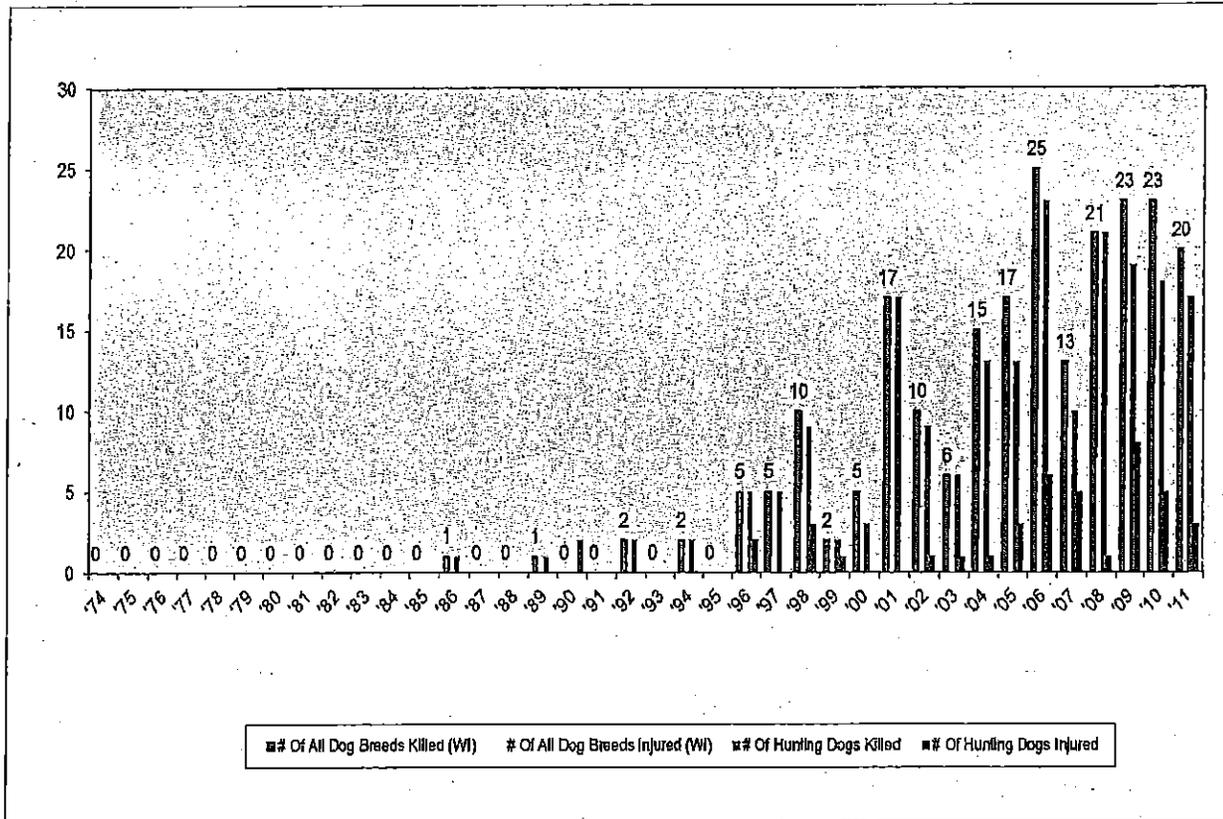


Figure 2. All Dogs Depredated (n=223) and Injured (n=86) by wolves in Wisconsin, 1974-2011.

Dog Training Without Problems - It became legal to train dogs on free roaming wolves when wolves were federally delisted on January 27, 2012, but we still had a very low dog depredation number. However, we do not know how many houndsmen took advantage of this opportunity.

Winter Hound Use Experience-We have had very few problems in wolf country during the last 2 winters, when dogs would be used to chase carnivores. Dogs were used to hunt bobcat in December through January and for coyotes all winter with only 1 claimed depredation in the last 2 years.

Chases Without Incident - Numerous houndsmen report that their dogs have unintentionally chased wolves during the time of the year when wolf hunting with dogs is allowed by statute and rule (December -February) while coyote, fox or bobcat hunting without catching or killing wolves or being killed by wolves, as the wolves run at this time of the year.

Wolf Hunting Success - Use of dogs is another tool for increasing hunter success and the probability of reaching prescribed harvest quotas to achieve desired population reduction toward the population goal. Hunter success in every other state has been set at a level lower than Wisconsin. Obviously we will learn much from our initial seasons.

Safety of Wolf Trackers - Affidavits from the Plaintiffs (Appendix A, *Belsky* Affidavit) suggested that the safety of our volunteers and staff that track wolves could be at risk. This is a highly speculative assumption. We have no available evidence of a tracker or citizen ever being attacked by hounds trailing game, nor is there any available evidence of wolves that are being pursued or chased by anything, having attacked people. We have strived to base our season on the merits of science, social desires, and regulations that are reasonable, practical, enforceable and acceptable.

In summary, the department is committed, as we know the NRB is, to adjust rules, regulations, quotas and zones as necessary to both effectively and safely administer a wolf management program in the state. While well reasoned, legally justified and enforceable, as well as safe regulations are the goal of any new administrative rule, we realize that often rules must be adjusted as we accumulate data and information. Our hunting and trapping regulations contain regulations that have morphed and adapted over time to keep up with changing technologies, improved techniques, new information and the desires of our customers. One must assume that these wolf regulations are no different. Learn and adapt, that is our philosophy. We have set rules, quotas and regulations based on past experiences, what is known, and our best professional judgment. To do otherwise is to succumb to speculation and overly burdensome and potentially unnecessary regulation.

- b. I was employed by the Wisconsin Department of Natural Resources from 1977 until I retired in March 2011, after 33 years of service as a wildlife biologist working in both the Bureaus of Endangered Resources and Wildlife Management.
- c. I am one of 5 people who served on both the DNR's 1989 Wolf Recovery Plan, which I chaired, and the 1999 Wolf Management Plan.
- d. From 1980 to 1989, as a Wisconsin DNR Natural Resource Specialist-Wolf Biologist, I was responsible for determining annual distribution and numbers of timber wolves in Wisconsin, including coordination of trapping and radio collaring activities and winter track surveys. I ultimately served as Team Leader of the state's Timber Wolf Recovery Team, responsible for creating the state's recovery plan approved in 1989.
- e. From 1989 to my retirement in 2011, I served as WDNR Natural Resources Educator, including oversight of educational programs and coordination of timber wolf survey work in the Central Forest region of Wisconsin, including trapping, radio collaring, howl surveys and winter track surveys.
- f. From 1996 to 1999, I served on the DNR committee responsible for writing the Wolf Management Plan, approved by the Natural Resources Board in 1999.
- g. I have authored two books on Wisconsin wolves: The Timber Wolf in Wisconsin: the death and life of a majestic predator, University of Wisconsin Press (1993) and Keepers of the Wolves: the early years of wolf recovery in Wisconsin, University of Wisconsin Press (2001).
- h. I have authored or co-authored 22 peer-reviewed publications on Wisconsin's wolves, in addition to other technical publications, brochures and reviews.

- i. I have received numerous professional honors and awards over the years relating to my study of Wisconsin's Timber Wolf.
- j. I helped create two educational organizations devoted to disseminating accurate information on Wisconsin wolves: Timber Wolf Alliance in 1987 and Timber Wolf Information Network in 1989. I served on Timber Wolf Alliance's board until 1989. From 1989 to the present, I have been an active member of Timber Wolf Information Network, having chaired that board numerous times over the past 22 years.

3. Attached hereto as Exhibit 2 is a true and correct copy of my report in this matter, entitled "Addendum Testimony of Richard P. Thiel," which identifies my opinions, to a reasonable degree of scientific certainty, as well as the underlying reasons for my opinions. A summary of my observations and opinions are set forth in the following paragraphs.

4. Attached hereto as Exhibit 3 is a true and correct copy of the testimony I submitted to the Natural Resources Board in advance of the Board's July 17, 2012 hearing on the proposed DNR rule implementing Act 169's Public Wolf Harvest Bill.

5. In my professional opinion, the provisions in Act 169 authorizing the use of dogs to track or trail wolves, create the opportunity for unprecedented, dangerous confrontations between wolves and hunting dogs. While this new law increases the likelihood of such confrontations and associated harm to wolves, dogs and humans, the risks could be managed and mitigated, consistent with criminal statutes prohibiting animal fighting and mistreatment, through appropriately crafted regulations administered by DNR. However, the emergency rule proposed by DNR and recently approved by the Natural Resources Board fails to address these risks of severe injury and death due to the absence of any regulation pertaining to how dogs must be

trained or can be used to track and trail wolves, in a manner that is safe and in accord with state animal welfare mores and law.

6. In my professional opinion, to a reasonable degree of scientific certainty, because conflicts with wolves and dogs are inherently violent and dangerous, it is critical that any permitted use of dogs for wolf hunting be subject to reasonable restrictions, as discussed below.

7. Due to behaviors specific to the gray wolves, the type of comprehensive restrictions and regulations needed for wolf hunting with dogs must be different from the type of restrictions necessary for the use of dogs when hunting other species such as birds, bear, or coyote.

8. Wolves primarily consider dogs as threats, especially those in pursuit or trespassing into wolf territories. The Wisconsin DNR has long recognized this fact, as demonstrated by the Wolf Warnings and weekly email updates posted by the DNR advising citizens of the risks to their dogs in certain portions of the state, particularly at certain times of the year. See "Wolf DNR Wolf Warning Page for Dogs" <http://dnr.wi.gov/topic/wildlifehabitat/wolf/dogdeps.html>, attached hereto as Exhibit 4.

9. Outcome of encounters between wolves and dog is dependent on many variables including:

- a. dominance status of wolf(ves) encountered, with alphas being more aggressive than subordinate pups or some yearlings
- b. terrain that may or may not contain escape routes for wolves
- c. relative numbers of each canid during encounters
- d. size of dog (breed) encountered
- e. presence of food or pups

- f. time of year, as pup rearing (May through October) and breeding (late December through mid March) are periods of heightened aggressiveness,
- g. individual personalities of specific wolves and dogs (and among dogs, breed predisposition); and
- h. site of encounter relative to pack territory (viz. edge vs. core).

10. Traditionally, hound hunters in Wisconsin are not in visual contact with their dog packs while hunting in thick wooded terrain. This contributes to the high rate of mortality observed by Ruid et al (2009), attached hereto as Exhibit 5 and as explained in my testimony attached as Exhibit 2.

11. In my professional experience and opinion, dog packs that will be used to chase a wolf or a pack of wolves will be regarded by the wolves as a threat. If the wolves flee (canids do not climb trees, as do bears or cats) and are still encroached upon, or if the wolves stand their ground, they will most likely fight the oncoming dog pack.

12. When defensive behavior is activated, it is exceedingly difficult to get wild wolves to cease, as they tend to be very single-minded and focused in their aggressiveness. Dogs so attacked – unless they are breeds that specialize in attack / killing – have little survival chance, especially if they are smaller in both stature and weight, and in equal or fewer numbers than the attacking wolves.

13. Attacks will be swift and furious. Dogs will be seriously injured and die, and wolves will be injured and die, as they both fight by slashing out with their canines and carnassial teeth, as amply demonstrated by the injuries and mortality confirmed in Exhibit 6.

14. In order to reduce the likelihood or incidence of the violent confrontations and animal fighting described in the preceding paragraphs, it is incumbent upon the DNR to impose

reasonable restrictions on the use of dogs as a method for hunting wolves. Such restrictions should include, at a minimum:

- a. Leash or lead tethering of dogs during trailing or tracking activities, during both training and hunting for wolves, to ensure that dogs remain close to humans and do not confront wolves;
- b. Dog training and hunting should be prohibited in geographically identified core wolf habitat, as defined and updated periodically by DNR;
- c. Certified training of hunters and their hounds on leash and lead pursuit;
- d. Restrictions on times of the year for training and hunting wolves with dogs, to minimize confrontations during times when wolves are mating and breeding, and when pups first leave the den.

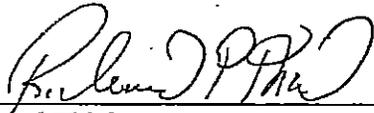
15. In my professional opinion, without such reasonable restrictions and regulations to mitigate unsafe proximity between dogs and wolves, especially during the most volatile times in the wolves annual cycle, the use of dogs to hunt wolves will result in a high risk of direct physical encounters between wolves and dogs, leading to severe bloodshed and grievous injuries on the part of both dogs and wolves.

16. The rules promulgated by DNR utterly fail to address how dogs may be used to hunt wolves and how dogs must be trained to hunt wolves, in every important respect. It is therefore my opinion that DNR has failed to impose reasonable restrictions essential to the health and safety of humans, hounds, and wolves.

17. In my professional opinion, to a reasonable degree of scientific certainty, the absence of reasonable restrictions concerning the use of dogs to hunt wolves, including when, where and how such dogs are to be trained and used in the hunt, will lead to confrontation and

fighting between dogs and wolves, exposing each to unreasonable and unnecessary risk of grievous injuries, extreme pain and suffering, and death. Additionally, the absence of such reasonable restrictions will prevent DNR from ensuring that the wolf hunt is conducted consistent with the statutory restrictions on the use of dogs to "track or trail" and the statutory prohibitions against animal fighting.

18. I make this affidavit in support of Plaintiffs' claims and efforts to enjoin the use of dogs to hunt wolves in the absence of DNR regulations imposing reasonable restrictions on the use of dogs to track or trail wolves.


Richard Thiel

Subscribed and sworn to before me
this 30th day of July, 2012.


Notary Public, State of Wisconsin
My commission expires permanently.

state's endangered resources program and helping to develop, coordinate and secure the state's wolf depredation payment program.

4. I participated in the founding of Wisconsin's wolf management program, writing the grant that secured the necessary funds in 1979 and hiring the state's first wolf biologist, Dick Thiel. In the 1980s, I served on the Wisconsin Wolf Recovery Team, which developed the first state wolf recovery plan in the United States.

5. In the 1990s, I hired Adrian Wydeven, the current Wisconsin state wolf biologist. I also served on the Wisconsin wolf technical committee which developed the 1999 Wisconsin Wolf Management Plan.

6. I am one of five people who were authors of both the DNR's 1989 Wolf Recovery Plan and 1999 Wolf Management Plan.

7. Since the establishment of the state's endangered species and wolf depredation payment program in 1984, I coordinated state payments for wolf depredations. During the 1990s and 2000s, demands on this program increased substantially with the continued growth of the state's wolf population. As part of my responsibilities for management of the program, I worked with USDA-Wildlife Service to verify claims for reimbursement relating to hunting dogs killed or injured by wolves.

8. During most of my career, I also served as the point person for coordinating transport, storage and delivery of dead wolves for necropsies and scientific collections, coordinating and facilitating research regarding causes of wolf mortality in the state.

9. Throughout my career, I worked extensively in the areas of policy and regulatory development on wolf issues, providing information and support to DNR management and the Natural Resources Board as they considered new regulations on wolves and new management

plans. I also worked closely with the Legislature to maintain support for policies and plans related to wolf management.

10. Throughout my career, I have assisted on winter wolf track surveys, summer wolf trapping, wolf howl surveys; and I have given countless presentations on wolves to students, conservation groups, and other organizations.

11. I have been actively involved in a variety of community and volunteer endeavors. In 1987, I helped to found the Timber Wolf Alliance, to promote education about wolves in Wisconsin and to provide volunteer opportunities to promote wolf recovery.

12. I have received numerous professional honors and awards for my work, including awards given by the Wisconsin Natural Resources Board, DNR's Bureau of Endangered Resources, DNR's Bureau of Wildlife Management, the U.S. Fish & Wildlife Service, the Wisconsin Conservation Congress, and the USDA-Wildlife Service. I also have co-authored and contributed to numerous peer-reviewed publications regarding Wisconsin's wolves.

13. My opinions, summarized in the ensuing paragraphs, regarding DNR's emergency rule relating to wolf harvesting standards and procedures, approved by the Natural Resources Board on July 17, 2012, are stated to a reasonable degree of scientific certainty, as are the underlying reasons for my opinions.

14. In my opinion, based upon my professional experiences and knowledge, it is critical that there either be reasonable restrictions imposed on the use of dogs for hunting wolves and for training dogs for wolf hunting, or a prohibition against such uses of dogs. I hold this opinion because confrontations and unrestricted proximity between wolves and dogs are inherently violent and dangerous, and create an unreasonable risk of serious injury and death to dogs, wolves, and others (including humans) who may be close to such encounters.

15. It is well established by scientific research and has been long acknowledged by DNR that wolves consider dogs primarily as threats, especially those trespassing onto wolf territory. *See* "Wolf DNR Wolf Warning Page for Dogs," attached hereto as Exhibit 1.

16. Outcome of encounters between wolves and dogs is dependent on a number of variables. Among the most significant factors is the presence of wolf pups and time of year. Specifically, pup rearing (May – October) and breeding (late December – mid-March) are times of heightened intolerance and aggressiveness on the part of wolves. *See* Ruid et al (2009), excerpt attached to the Thiel Affidavit, previously submitted to the Court, as Exhibit RPT-5.

17. Traditionally, hound hunters in Wisconsin are not in visual contact with their dog packs while hunting in thick wooded terrain. This contributes to the high rate of mortality observed by Ruid et al (2009).

18. Based upon my review of hundreds of reports and depredation claims between the years 1985 and 2011, wolf attacks on dogs in wolf territories are swift and brutal. Dogs are usually killed as a result of such attacks. Some dogs have survived a wolf attack but were seriously injured. According to the Wisconsin Annual Wolf Damage Payment Summary, compiled by DNR annually, 192 hounds have been killed in Wisconsin by wolves from 1985 to 2012, and 40 hounds have been injured by wolves but survived in the same time span. *See* DNR Payment Summary, attached hereto as Exhibit 2.

19. The USDA Wildlife Service reports and photographs, previously filed with the Court as Exhibits JH-C and JH-D to the Habush Affidavit and also attached hereto as Exhibits 3 and 4, typify and further depict the extent and severity of the injuries and deaths sustained by hunting dogs from confrontations with wolves.

20. In my professional opinion, based upon over thirty-one years of experience at DNR and my personal familiarity with DNR's depredation claim file, the risk to dogs and the number of dead and seriously injured dogs will increase significantly, perhaps exponentially, once unleashed dogs are used to pursue, trail and track wolves, either in the course of hunting wolves or while training to hunt wolves.

21. Once dogs are used to pursue wolves, without restrictions to limit their proximity to wolves and to limit their intrusion into wolf territory during such volatile times as mating and rendezvous (*i.e.*, the weeks following pups' removal from the den), deadly conflicts between wolves and dogs will be certain. Wolves are unlikely to run from dogs as do coyotes, raccoons and bears; rather, they will confront territorial intruders to protect their young.

22. Due to the size, strength, social structure, and territorial defense specific to wolves, the type of comprehensive restrictions and regulations needed for wolf hunting with dogs, and needed for training dogs for wolf hunting, must be different from the type of restrictions necessary for dog training and hunting other species, such as birds, raccoon, bear, or coyote.

23. DNR needs to promulgate specific rules to regulate wolf hunting with dogs and dog training for hunting wolves, as general rules regarding training on game species are inadequate to prevent confrontations and brutal conflicts between dogs and wolves. Such regulations are necessary to reasonably ensure that the use of dogs is limited to tracking or trailing, and not to attacking or killing (or being killed) by wolves. DNR's present rule is entirely devoid of specific restrictions that are necessary to meet these goals.

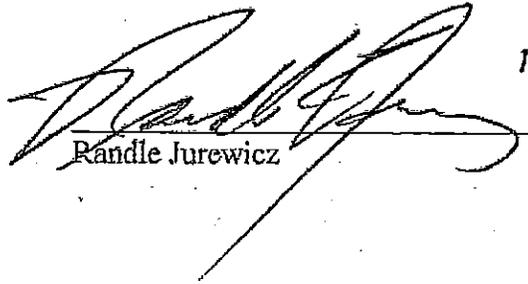
24. The types of restrictions that are necessary to limit the use of dogs to tracking or trailing, as set forth in Act 169, include:

- a. Leash or lead tethering of dogs during trailing and tracking activities, to ensure that dogs remain close to humans and do not confront wolves;
- b. Exclusion of hunting dogs, and dogs being trained to hunt wolves, from known areas of core wolf habitat (e.g., documented den and rendezvous sites);
- c. Certified training of hunters and their hounds on leash and lead pursuit,
- d. Restrictions on times of the year for training and hunting wolves with dogs, to minimize confrontations during times when wolves are mating and breeding and when pups first leave the den.

25. Because the rules promulgated by DNR are nearly silent in terms of regulating how dogs may be used to hunt wolves and how dogs may be trained to hunt wolves, DNR has failed to impose reasonable restrictions essential to the health and safety of humans, hounds, and wolves.

26. In my professional opinion, to a reasonable degree of scientific certainty, the absence of reasonable restrictions concerning the use of dogs to hunt wolves, including when, where and how such dogs may be trained and used in the hunt, and the manner in which dogs will be restrained to ensure that they are used exclusively to track or trail wolves, will lead to bloody confrontations and fighting between dogs and wolves, exposing each to unreasonably high risk of grievous injuries, extreme pain and suffering, and death.

27. I make this affidavit in support of Plaintiffs' claims and efforts to enjoin the use of dogs to hunt wolves in the absence of DNR regulations imposing reasonable restrictions on the use of dogs to track or trail wolves.


Randle Jurewicz

Subscribed and sworn to before me
this 13th day of August, 2012.



Notary Public, State of Wisconsin

My commission expires in perpetuity.

from the University of Pennsylvania in 1982; and a diploma in Wildlife Medicine and Husbandry, in 1985, from the University of Sydney, Australia.

- b. I was employed as Wildlife Veterinarian by the Wisconsin Department of Natural Resources from 1999 to 2010. My duties included responsibility for leadership of the Wildlife Health program, design and implementation of wildlife health monitoring programs for wolves and other species, and completion of necropsy cause-of-death and disease investigations on recovered dead wolves and other species. I also actively worked with DNR policy, management, and planning teams, including those relating to wolf management, oversaw DNR compliance with relevant federal and state animal welfare standards, and participated in educational programs for decision-makers and stakeholders on wildlife health issues.
- c. Prior to my tenure as DNR Wildlife Veterinarian, I worked as a veterinarian in a number of settings, including Taronga Zoo and Western Plains Zoo in Australia (1984-85); Patuxent Wildlife Research Center, the Baltimore Zoo, and Montgomery Animal Hospital in Maryland (1985-86); the Philadelphia Zoo in Pennsylvania (1986-87); and International Crane Foundation in Wisconsin (1987-1999).
- d. I have taught and provided clinical veterinary care for non-domestic animal patients at the University of Pennsylvania School of Veterinary Medicine as a lecturer in Exotic, Wildlife and Zoological Medicine (1986-87), and at the University of Wisconsin School of Veterinary Medicine as clinical instructor in Avian-Exotic Animal Medicine (1989-93).

e. I currently have a state veterinary license in Wisconsin, am licensed by the United States Drug Enforcement Administration, and accredited by the United States Department of Agriculture.

f. I have authored or co-authored 39 peer-reviewed publications on wildlife veterinary issues, including an article, in press, entitled, "*Causes of mortality for Wisconsin's wolves: Elucidating patterns and quantifying bias;*" and from 1983 to 2012, have given 40 invited presentations around the World.

3. Attached hereto as Exhibit 2 is a true and correct copy of my report in this matter, which identifies my opinions, to a reasonable degree of scientific certainty, as well as the underlying reasons for my opinions. A summary of my observations and opinions are set forth in the following paragraphs.

4. In my professional opinion, to a reasonable degree of scientific certainty, because direct encounters between wolves and dogs are inherently violent and dangerous, it is critical that there either be reasonable restrictions imposed on the use of dogs for hunting wolves and for training to hunt wolves, or a prohibition against such hunting.

5. Due to the social organization and behaviors specific to the gray wolf, the type of restrictions and regulations needed for dogs hunting wolves and related training will need to be different than the type of restrictions necessary for dogs hunting other species, such as birds, bear, or coyote. In my professional opinion, more extensive and intensive restrictions and regulations are needed for dogs being trained and used to hunt wolves than are needed and currently exist in rules for dogs training and hunting other species.

6. The DNR rules promulgated to regulate the use of dogs to hunt wolves are inadequate to meet even minimum accepted standards of animal care and human treatment as

described in federal and state statutes (Animal Welfare Act and chapter 951 of the Wisconsin Statutes) and applied by the DNR through its Institutional Animal Care and Use Committee.

7. Over the course of my 11 year tenure as DNR Wildlife Veterinarian, 154 hunting dogs were killed and 29 hunting dogs were injured but survived as a result of confrontations with wolves, as documented in the Wisconsin Annual Wolf Damage Payment Summary, attached to my report (Exhibit 2). The high number of hunting dogs killed by wolves, also observed by Ruid, et al (2009), attached to the Thiel Affidavit as Exhibit RPT-5, is due in part to hound hunters in Wisconsin, often not remaining in visual contact with their dog packs while hunting in thick wooded terrain.

8. As illustrated by the USDA-Wildlife Service reports and photographs attached to my report (Exhibit 2) most of these dogs were hunting dogs killed by wolves while in pursuit of bears and other species.

9. The majority of these dog fatalities took place in the summer months of July and August when wolves have their pups in rendezvous sites. See Ruid, et al (2009). This substantiates the aggressive territoriality wolves display while raising pups, which puts both wolves and dogs at high risk for irreparable harm, including severe injuries, excessive pain and brutal death if summer training of wolf-hunting dogs is allowed.

10. As established by the reports by licensed veterinarians that are part of the USDA-Wildlife Service reports and photographs, wolves are capable of causing severe, frequently lethal injuries to dogs, including multiple lacerations, extensive deep tissue bruising, bone fractures, and penetrating wounds to body cavities and evisceration of internal organs.

11. My personal observations from numerous necropsy evaluations of wolves killed by other canids substantiate and are consistent with this conclusion, *i.e.*, wolves are capable of inflicting severe life threatening injuries to canids when they attack or are attacked.

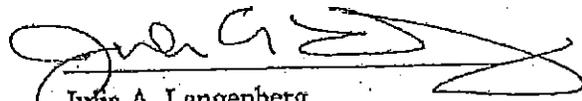
12. In order to avoid the violent confrontations and animal fighting described in the preceding paragraphs, it is incumbent upon DNR to impose reasonable restrictions on the use of dogs as a method for hunting wolves and on the training of dogs during and outside the hunting season; or otherwise prohibit the use of dogs to hunt wolves. In my opinion, restrictions that would help ensure that dogs are used exclusively to track or trail wolves should include:

- a. Leash or lead tethering of dogs during trailing and tracking activities, to ensure that dogs remain close to humans and do not confront wolves;
- b. Exclusion of hunting dogs hunting wolves, and dogs being trained to hunt wolves, from known areas of core wolf habitat (*e.g.*, documented den and rendezvous sites);
- c. Training and certification of hunters and their hounds on leash and lead pursuit; and
- d. Restrictions on times of the year for training and hunting wolves with dogs, to minimize confrontations during times when wolves are mating and breeding and when pups first leave the den;

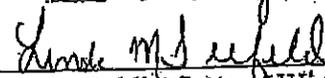
13. In my professional opinion, to a reasonable degree of scientific certainty, in the absence of regulatory controls that, in their totality, minimize the risk that wolves and dogs will have unrestricted, direct contact with one another while training or hunting, the use of dogs to hunt wolves will lead to confrontation and fighting between dogs and wolves, exposing each to unacceptably high risk of grievous injuries, extreme pain and suffering, and death.

14. DNR's current rules authorizing the use of dogs to hunt wolves, which do not address any of these significant risks, do not include those reasonable restrictions that are essential to the health and safety of hunting dogs and wolves.

15. I make this affidavit in support of Plaintiffs' claims and efforts to enjoin the use of dogs to hunt wolves in the absence of DNR regulations imposing reasonable restrictions that limit the use of dogs to track or trail wolves.


Julia A. Langenberg

Subscribed and sworn to before me
this 13th day of August, 2012.


Notary Public, State of Wisconsin
My commission expires 3-16-2014

4. Over the years, I have actively supported the Wisconsin Department of Natural Resources ("DNR"), not only financially, but also in understanding the difficult tasks they face in preserving our wildlife.

5. I live surrounded by hundreds of acres of public forest and prime wolf habitat. Wolves live literally outside my back door. I feel that I have an investment and interest in what happens to all of Wisconsin's wildlife, including Wisconsin's wolves.

6. I have been a volunteer at the Necedah National Wildlife Refuge 1998 to 2009. My volunteer efforts have involved tracking, photographing, and at times monitoring radio-collared wolves both on and off the Necedah National wildlife Refuge. I have conducted both winter and summer surveys covering hundreds of miles both driving and walking.

7. Over the course of those 11 years, I volunteered my tracking time and shared my information with the DNR for wolf count surveys. In that effort, I donate on average 200 to 400 hours of my personal time each year.

8. As a wolf tracker, I have had the opportunity over the last 10+ years to observe first-hand the activities of various wolf packs, experiencing the unique opportunity to observe many wolves in their natural habitat over an extended period of time.

9. Since November of 1999 my husband and I have owned and operated a Wisconsin State Licensed Captive Wildlife Facility, the only Wolf-dog Sanctuary in Wisconsin.

10. In a number of communications and submission following the enactment of 2011 Wisconsin Act 169 on April 2, 2012, preceding and during the DNR's rule-making process, I informed the DNR and the Natural Resources Board of the need for stringent regulations governing the use of dogs in wolf hunting.

11. In a June 16, 2012 letter, a true and correct copy of which is attached hereto as Exhibit 1, I pointed to DNR's acknowledgment of the brutal and deadly consequences of wolf-dog interactions, including DNR's creation of caution areas, posting of warning signs for hound hunters, and thousands of email alerts over the years relating to areas where risks to dogs are greatest. I further stated the need for "clear rules within the written regulations," specifying how dogs may be trained to hunt wolves.

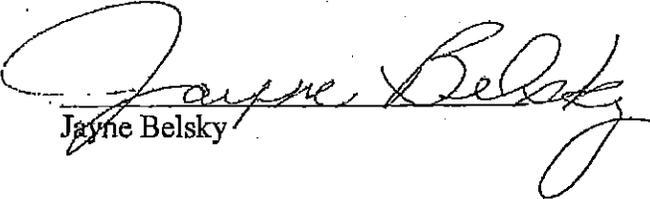
12. In a July 12, 2012 email communication to DNR and the Natural Resources Board, a true and correct copy of which is attached as Exhibit 2, I again urged the DNR to exercise great caution in implementing the hunting wolves with dogs, stating that DNR has "every right and every responsibility to limit the time frame when dogs can be used and the locations where they can be used." I further admonished the DNR for its silence on the subject of training, identifying the need for guidelines regarding the use of leashes, captive wildlife, and length of training season for dogs, as DNR's inaction gives hunters training dogs to hunt wolves "a free pass" to do anything they please, anytime, and anywhere.

13. When DNR and the Natural Resources Board approved the final emergency rule on July 17, 2012, they included none of those reasonable restrictions necessary for training or using dogs in the wolf hunt that would limit their use to tracking or trailing wolves. DNR's recently approved wolf hunting rules provide no regulations specifically addressing wolf hunting hound training on free ranging wolves in Wisconsin, and require no license to train wolf hunting hounds using free ranging wolves. Rather, general rules regarding training on any game species are the only restrictions that apply to wolf hound training.

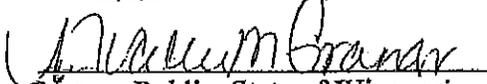
14. It is my opinion, based upon my personal experiences and knowledge, that without clearly stated, written restrictions and regulations enforced by DNR to mitigate unsafe

proximity between dogs and wolves in both training and hunting activities, the use of dogs to pursue wolves will result in deadly physical encounters between wolves and dogs, leading to an even higher incidence of the deaths and injuries to hunting dogs for which DNR has been warning—and compensating—Wisconsin hunters about for years.

15. I make this affidavit in support of Plaintiffs' claims and efforts to enjoin the use of dogs to hunt wolves in the absence of DNR regulations imposing reasonable restrictions on the use of dogs to track or trail wolves.


Jayne Belsky

Subscribed and sworn to before me
this 11 day of August, 2012.


Notary Public, State of Wisconsin
My commission expires 8-23-15.



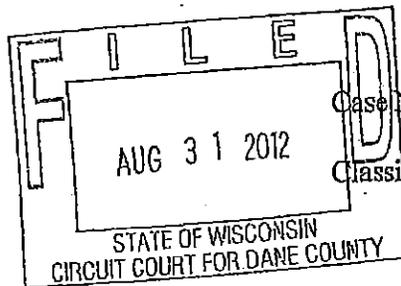
WISCONSIN FEDERATED HUMANE
SOCIETIES, INC., *et al.*,

Plaintiffs,

vs.

CATHY STEPP, SECRETARY,
WISCONSIN DEPARTMENT OF
NATURAL RESOURCES, *et al.*,

Defendants.



Case No. 12-CV-3188

Classification Code: 30701

**ORDER GRANTING STAY RELATING TO THE USE OF DOGS
TO TRAIN OR HUNT WOLVES**

The Plaintiffs having filed an action for declaratory judgment, challenging emergency rules adopted by the Wisconsin Department of Natural Resources ("DNR"), as they relate to the use of dogs in conjunction with wolf harvesting and the training of dogs for wolf hunting; and

The Plaintiffs having moved the Court for an order granting a stay or temporary injunction to prevent DNR from allowing the use of dogs to hunt or train to hunt wolves pending resolution of this action; and

The Court having considered the submittals of the parties, including briefs, pre-filed testimony and exhibits, and having heard oral argument on August 29, ^{and 31} 2012; and

The Plaintiffs having satisfied the Court they have a reasonable probability of success on the merits of their claim, that there is a significant risk of grievous harm to dogs, wolves, and Plaintiffs' protected interests, and that a stay or injunction should issue to preserve the *status quo* pending resolution of this case;

For the reasons stated on the record of the hearing held August 31, 2012, IT IS HEREBY ORDERED that pending resolution of this action or further order of the court:

1. Defendants are prohibited from issuing licenses to hunt wolves which authorize the use of dogs. Defendants shall notify all license recipients of this limitation when issuing wolf harvesting (hunting) licenses, at a minimum through conditions in or attached to the wolf harvesting license, that dogs may not be used in conjunction with wolf hunting;
2. Wisconsin Administrative Code § NR 17.04(1) is enjoined to the extent it would authorize the training of dogs to hunt wolves. Defendants shall make reasonable efforts to notify hunters and/or trainers that the use of dogs to train to hunt wolves is not authorized.
3. Within fourteen days of this Order, defendants shall submit to the Court and counsel for plaintiffs, documentation of the actions that they have undertaken to provide the notifications required by this Order.
4. Nothing in this order shall be construed as restricting, limiting, or prohibiting the issuance of licenses to hunt wolves or the actual hunting of wolves which do not involve the use of dogs. Nor shall this order be construed as restricting, limiting, or prohibiting either the use or the training of dogs to hunt other animals.

Dated this 31st day of August, 2012,

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Peter C. Anderson", written over a horizontal line.

Honorable Peter C. Anderson
Circuit Judge

cc: counsel of record

WISCONSIN FEDERATED HUMANE
SOCIETIES, INC.,

DANE COUNTY HUMANE SOCIETY,

WISCONSIN HUMANE SOCIETY,

FOX VALLEY HUMANE ASSOCIATION,

NORTHWOOD ALLIANCE, INC.,

NATIONAL WOLFWATCHER COALITION,

JAYNE AND MICHAEL BELSKY, and

DONNA ONSTOTT,

Plaintiffs,

vs.

CATHY STEPP, SECRETARY, WISCONSIN
DEPARTMENT OF NATURAL RESOURCES,

WISCONSIN DEPARTMENT OF NATURAL
RESOURCES, and

WISCONSIN NATURAL RESOURCES BOARD,

Defendants.

Case No. _____

Classification Code: 30701

AFFIDAVIT OF RICHARD P. THIEL