Form 1100-001
(R 2/11)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.C.2

SUBJECT: Request approval of the statement of scope for Board Orders WM-08-12 and WM-09-12(E) related to establishing wolf hunting and trapping regulations and a depredation program.

FOR: MAY, 2012 **BOARD MEETING**

TO BE PRESENTED BY / TITLE: Bill Vander Zouwen, Wildlife and Landscape Ecology Section Chief

SUMMARY:

The primary objectives of the future rules are to establish regulated and managed harvest opportunities for gray wolves via hunting and trapping, and to establish the administrative procedures for submission and payment of wolf depredation claims. The desired outcome is the maintenance of a healthy wolf population at an established population goal.

The department anticipates rules that will be consistent with existing policies for hunting, trapping, and wildlife damage claims payments for other species. The department has regulations in place for the method of harvest, transportation, recording and registration of many harvested species. The department establishes management zones and sets harvest levels. A similar approach will be used for wolves. Additionally, the department already administers a wildlife depredation program that includes activities such as investigating and payment of claims.

Under 2011 ACT 169, published on April 16, 2012, the department is required to submit rules necessary for the implementation or interpretation of laws establishing a wolf hunting and trapping season and depredation program. Wolves became a state managed species on January 27, 2012 when the U.S. Fish and Wildlife Service published a final rule removing them from the list of endangered and threatened wildlife and plants in Michigan, Minnesota, Wisconsin, and portions of adjoining states.

RECOMMENDATION: Approval of the statement of scope for Board Orders WM-08-12 and WM-09-12(E) related to establishing wolf hunting and trapping regulations and a depredation program.

LIST OF ATTACHED MATERIALS:

No	☐	Fiscal Estimate Required	Yes ☐	Attached
No	☐	Environmental Assessment or Impact Statement Required	Yes ☐	Attached
No	☐	Background Memo	Yes ☐	Attached

APPROVED:

Tom Hauge — Bureau Director, Tom Hauge — Date 5/1/12

Kurt Thiede — Administrator, Kurt Thiede — Date 5/7/12

Cathy Stepp — Secretary, Cathy Stepp — Date 5/8/12

cc: NRB Liaison
DNR Rules Coordinator
Tom Hauge - WM/6
Scott Loomans - WM/6

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: May 1, 2012

TO: Natural Resources Board Members

FROM: Cathy Stepp, Secretary

SUBJECT: Approval of wolf hunting/trapping regulations and depredation program rule statements of scope

Subject and Objective of Proposed Rule:

The objectives of these proposed rules are to establish regulated and managed harvest opportunities for gray wolves via hunting and trapping, and to establish the administrative procedures for submission and payment of wolf depredation claims. The desired outcome of these rules is the maintenance of a healthy wolf population at an established population goal.

Description of Policy Issues:

Policies relevant to the rule are similar to those for hunting, trapping, and wildlife damage claims payments for other species. The department has regulations in place for the method of harvest, transportation, recording and registration of many harvested animals. The department establishes management zones and sets harvest levels. These proposed rules will not differ significantly from ones that are currently in place. Additionally, the department already administers a wildlife depredation program including investigating depredation and payment of claims.

This proposed rulemaking will establish wolf harvest zones and the process for modifying those zones in the future. This rulemaking may establish that the number of wolf harvest permits to be issued will be based on annual population estimates in relation to the statewide population goal and hunter and trapper success rates. Regulations will be established to guide the issuance of wolf harvest permits as well as collect information on harvested animals and enforce harvest limits. This proposal will establish trapping regulations that provide for the humane capture of wolves and avoidance of non-target species. The proposal may establish regulations on the size, type, placement, and times for use of traps and cable restraints. Statute currently establishes conditions and authorities for the removal of wild animals causing damage and the department has established rules. This rule proposal will add wolves to rules the department has already promulgated for other species. This proposal will not affect current rules which allow a landowner to kill a wolf that is in the act of killing, wounding or biting a domestic animal. The department will investigate and propose rules that outline the process for submitting a wolf depredation claim and a payment schedule. The department already has a similar process for agricultural damage caused by deer, bear, geese and turkeys.

Statutory Authority:

ss. 29.011, 29.014, 29.185, 29.597, 29.885, and 29.888 Wis. Stats.

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Estimate of Time Needed to Develop the Proposed Rules:

320 hours.

Groups Likely Affected by the Proposed Rule:

The Ojibwe tribes who reserved hunting, fishing and gathering rights in the 1837, 1842, and 1854 treaties, have indicated that they are affected by the proposed rule. The department will consult with the tribes during promulgation of these rules. It is likely that some of the groups that registered with the Government Accountability Board when the authorizing legislation was being considered in the legislature believe they will be affected by this proposed rule. Groups registering in support of the ACT include; Safari Club International, Wisconsin Chapters, United Sportsmen of Wisconsin, Inc., Wi~Force (Wisconsin Firearm Owners, Ranges, Clubs & Educators, Inc.), Wisconsin Bear Hunters Association, Wisconsin Bowhunters Association, Wisconsin Cattlemen's Association, Wisconsin Farmers Union, Wisconsin Independent Businesses Inc., Wisconsin Pork Association, and the Wisconsin State Cranberry Growers Association. The Stockbridge-Munsee Community registered in opposition with the board. The Humane Society of the United States registered in opposition at the hearing held by the State Assembly Natural Resources Committee on February 1, 2012. Others likely to be interested in these rules, and who not primarily be interested in hunting and trapping opportunities, are the Midwest Wolf Stewards and the Timber Wolf Alliance. Additionally, hunters and trappers and members of groups such as the Wisconsin Trappers Association, Wildlife Federation, and the Conservation Congress will be interested.

Preliminary Federal Regulatory Analysis:

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. 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.

Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

In the long term it is expected that new wolf hunting and trapping opportunities, and continuing wildlife watching activity, will contribute positively to Wisconsin's existing tourism economy. 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. However, The ACT and this rulemaking will allow Wisconsin to manage wolves at population levels lower than the current population. A result will be less wolf depredation on domestic animals. Individual producers who are concerned about livestock depredation are likely to view a hunting season as very important to them economically. No significant costs are associated with compliance to these rules.

Agency Contact People:
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STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-08-12 and WM-09-12 (Emergency)

Relating to: Establishing a wolf hunting/trapping season and regulations, NR Ch's.10, 12 and 19

Rule Type: Both Permanent and Emergency

1. Finding/nature of emergency:

Non-statutory provisions in SECTION 21 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.

2. Detailed description of the objective of the proposed rule:

The objectives of this proposed rule are to establish regulated and managed harvest opportunities for gray wolves via hunting and trapping, and to establish the administrative procedures for submission and payment of wolf depredation claims. The desired outcome of these rules is the maintenance of a healthy wolf population at an established population goal.

This rulemaking will restate in administrative code many provisions that are already explicitly described in statute. Many similar or identical provisions, which apply to other species, are found only in administrative code. If statutory provisions related to wolves are not duplicated in administrative code, a person who is not aware of statutory provisions will draw incorrect conclusions about regulations that apply. These include; season dates, hunting hours, baiting regulations, regulations on firearms and crossbow use, and updates to the payments of claims for damage associated with gray wolves.

This proposed rulemaking will establish wolf harvest zones and the process for modifying those zones in the future. The department has established 4 wolf management zones previously in rule. Wolf harvest zones may differ from wolf management zones. Through this rulemaking process, the department will consider and may propose a process for annually establishing an allowable statewide harvest of wolves and allocating the harvest among the wolf harvest zones. Currently, for other species, some population goals are established in administrative code and others are established in a species management plan that has been approved by the agency's board but have not been promulgated as rules. In the past, the wolf population goal was established not by rule but in a management plan. The goal was a late winter count of 350 animals outside of Native American reservations. This proposal will also recognize tribal harvest rights of up to 50% of the annual allowable take of wolves within the Ceded Territory.

This rulemaking may establish that the number of wolf harvest permits to be issued will be based on annual population estimates in relation to the statewide population goal, and hunter and trapper success rates.

In order to facilitate the issuance of wolf harvest permits, as well as, collect information on harvest and enforce harvest limits, the following requirements will be established; application deadlines, selection protocol, permit transfer procedures, possession of a carcass tag while hunting, tagging the carcasses of harvested animals, reporting, registration, tissue, parts and carcass collection, and a process for rapid season closure when harvest quotas are met before the scheduled close of the season. These regulations will be familiar to hunters and trappers because they are similar or identical to those already in place for species such as bobcat, fisher, otter, deer, bear, turkeys and Canada geese.

This proposal will establish trapping regulations that meet public expectations for humane capture of wolves and avoidance of non-target species. The proposal may establish regulations on the size, type, placement, and times for use of traps and cable restraints. To the greatest extent possible, regulations will be based on research and testing for methods that result in low injury scores and eliminate harvest of non-target species. Wolf trapping in the lower 48 states is new in modern times and a review of existing best management practices is ongoing at the time this scope statement is being proposed.

Currently, hunting is prohibited in the Necedah National Wildlife Refuge except that hunting deer, turkey, and unprotected species with firearm and bow is allowed where posted by the United State Fish & Wildlife Service with their signs. This proposal extends the option for the property owner to also allow wolf hunting. Trapping for wolves is an option that the service already has if they choose to implement it.

Trapper education is currently a prerequisite for most people who wish to purchase a trapping license. However, the safe methods for trapping wolves have not been part of the curriculum of the Wisconsin Cooperative Trapper Education Course. Through this rulemaking, the department will investigate and propose the simplest, most efficient means possible of updating trapper's knowledge. Trapping wolves involves trap and cable restraints of sizes not previously in use on dry land in this state and significant care and regulatory assurances are needed for this practice to be accepted in the long run by the public.

Statute currently establishes conditions and authorities for the removal of wild animals causing damage and the department has established rules. This rule proposal will add wolves to rules the department has already promulgated for other species. In particular, the rules would require written permission to remove and relocate or to destroy a wolf causing damage and may require that the public be allowed to hunt on properties where removal is permitted. This proposal may also create a requirement that abatement measure be implemented before lethal means of control are authorized. This proposal will not affect current rules which allow a landowner to kill a wolf that is in the act of killing, wounding or biting a domestic animal. This proposal the department will investigate and propose rules that outline the process for submitting a wolf depredation claim and payment schedule. The department already has a similar process for agricultural damage caused by deer, bear, geese and turkeys.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Policies relevant to the rule are consistent with existing policies for hunting, trapping, and wildlife damage claims payments for other species in most aspects. The department has regulations in place for the method of harvest, transportation, recording and registration of many harvested animals. The department establishes population goals for species such as deer, bear and bobcat. These proposed rules do not differ significantly from ones that are currently in place. Additionally, the department already administers a wolf depredation program including investigating suspected incidents of depredation on domestic animals and payment of claims.

4. Detailed explanation of statutory authority for the rule:

The department is directed by s. 29.014, Wis. Stats. to establish regulations for the taking of game that conserve populations, including wolves, and provide opportunities for good hunting. 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.

Non-statutory provisions of 2011 ACT 169 exempt the department from making a finding of emergency in promulgating any rules that are necessary to implement the ACT.

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

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 29.185(1). The establishment of wolf harvesting zones is required by the s. 29.185(5)(b) of the ACT. Department authority to close the season in a harvest zone if the harvest quota is reached is established in 29.185(5)(c). Regulations on the proper use of tags and registration of harvest are authorized under s. 29.185(7) and generally by s. 29.014.

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

The department is required to establish and supervise the Wisconsin Cooperative Trapper Education Program under s. 29.597.

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. 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). The department will consider extending these requirements for wolves being removed under 29.888 of the ACT through this rulemaking. These provisions will not affect current rules that allow a landowner to kill a wolf that is actually in act of killing, wounding or biting a domestic animal.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The Bureau of Wildlife Management, in cooperation with endangered resources, costumer & outreach services, law enforcement, and legal services, will be responsible for promulgating permanent and emergency rules that support the implementation of a wolf hunting and trapping season. This would be a one-time expense that will be absorbed in the department's current budget. It is generally estimated that the effort of various staff will amount to the equivalent of two months of a staff specialist's time, approximately 320 hours.

6. List with description of all entities that may be affected by the proposed rule:

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses and no design or operational standards are established in the rule.

The Great Lakes Indian Fish & Wildlife Commission, representing eleven Ojibwe tribes who reserved hunting, fishing and gathering rights in the 1837, 1842, and 1854 Treaties, have indicated that they are affected by the proposed rule. The department will consult with the commission during promulgation of these rules.

It is likely that some of the groups that registered with the Government Accountability Board when the authorizing legislation was being considered in the legislature believe they will be affected by this proposed rule. Groups registering in support of the ACT include primarily groups with hunting and agricultural interests; Safari Club International, Wisconsin Chapters, United Sportsmen of Wisconsin, Inc., Wi~Force (Wisconsin Firearm Owners, Ranges, Clubs & Educators, Inc.), Wisconsin Bear Hunters Association, Wisconsin Bowhunters Association, Wisconsin Cattlemen's Association, Wisconsin Farmers Union, Wisconsin Independent Businesses Inc., Wisconsin Pork Association, and the Wisconsin State Cranberry Growers Association. The Stockbridge-Munsee Community registered in opposition with the board. The Humane Society of the United States registered in opposition at the hearing held by the State Assembly Natural Resources Committee on February 1, 2012.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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. 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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

In the long term it is expected that new wolf hunting and trapping opportunities, and continuing wildlife watching activity, will contribute positively to Wisconsin's existing tourism economy. Even though the total number of participants in hunting and trapping will be low, these unique opportunities will bolster Wisconsin's image as a premier destination for wildlife and outdoors oriented activities.

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.

The ACT and this rulemaking will allow Wisconsin to manage wolves to population levels that will be lower than the current population. A result will 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.

Contact Person:

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EA.

Department Head or Authorized Signature

4-5-12

Date Submitted

SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

April 12, 2012

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

RE: Scope Statement for WM-08-12 and WM-09-12, wolf hunting/trapping season and regulations in NRs 10, 12, and 19

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on April 5, 2012 to SBO, pursuant to Wisconsin Statutes § 227.135, in regards to proposed rules WM-08-12 and WM-09-12 regarding wolf hunting/trapping season and regulations in NRs 10, 12, and 19 of the Wisconsin Administrative Code. With regard to the permanent rule, you may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3). With regard to the emergency rule, you may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.24(1)(e)1d.

Sincerely,

Scott Walker
Governor

State of Wisconsin

2011 Senate Bill 411

Date of enactment: **April 2, 2012**
Date of publication*: **April 16, 2012**

2011 WISCONSIN ACT 169

AN ACT *to repeal* 71.10 (5) (am); *to amend* 29.024 (2) (d), 29.171 (4) (b) (intro.), 29.314 (4) (b) 2., 29.314 (5) (b) 2., 29.563 (14) (a) 3., 29.563 (14) (c) 3., 29.977 (1) (d) and 29.983 (1) (b) 4.; and *to create* 20.370 (5) (fv), 29.179 (1) (a) 10m., 29.180 (1) (a) 10m., 29.185, 29.553 (1) (hr), 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.563 (12) (c) 3g., 29.563 (12) (c) 3r. and 29.888 of the statutes; **relating to:** hunting and trapping of wolves, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (5) (fv) of the statutes is created to read:

20.370 **(5)** (fv) *Wolf depredation program.* All moneys received from the issuance of wolf harvesting licenses under s. 29.185 and all processing fees received as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program under s. 29.888.

SECTION 2. 29.024 (2) (d) of the statutes is amended to read:

29.024 **(2)** (d) Except as provided under s. 29.179, 29.180, 29.182 (4), 29.185 (4), or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

SECTION 3. 29.171 (4) (b) (intro.) of the statutes is amended to read:

29.171 **(4)** (b) (intro.) Except as provided in par. (bc), crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b), 29.182 (3) (a), 29.184 (3) (c), 29.185 (6), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216 (2) shall meet all of the following specifications:

SECTION 4. 29.179 (1) (a) 10m. of the statutes is created to read:

29.179 **(1)** (a) 10m. Wolf harvesting license.

SECTION 5. 29.180 (1) (a) 10m. of the statutes is created to read:

29.180 **(1)** (a) 10m. Wolf harvesting license.

SECTION 6. 29.185 of the statutes is created to read:

29.185 Wolf harvesting licenses. (1b) DEFINITIONS. In this section:

(a) "Federal endangered list" means the U.S. list of endangered and threatened species, as it applies to this state.

(b) "State endangered list" means the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a).

(1m) DEPARTMENT AUTHORITY. If the wolf is not listed on the federal endangered list and is not listed on the state endangered list, the department shall allow the hunting and trapping of wolves and shall regulate such hunting and trapping as provided in this section and shall implement a wolf management plan. In regulating wolf

* Section 991.11, WISCONSIN STATUTES 2009–10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

hunting and trapping, the department may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses.

(2) LICENSES REQUIRED. (a) *Prohibition.* Except as authorized under a wolf harvesting license, no person may hunt or trap a wolf. Both residents and nonresidents are eligible for wolf harvesting licenses.

(b) *Resident archer licenses and trapping licenses.* Notwithstanding ss. 29.171 (2), 29.216 (2), and 29.241 (3), a resident archer hunting license, a nonresident archer hunting license, or a trapping license does not authorize the hunting or trapping of wolves.

(3) ISSUANCE OF LICENSES. (a) *Issuance; generally.* Except as provided in par. (bn), if the department establishes an open season as provided under sub. (5), the department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting license to each person who applies for the license, and who pays the required fees for the license.

(bn) *Issuance system.* 1. In issuing wolf harvesting licenses under this subsection, the department shall determine the number of licenses that will be available for a given year. The number of licenses to be issued shall equal an even number.

2. If the number of qualified applications for wolf harvesting licenses exceeds the number of licenses that are available, the department shall issue 50 percent of the licenses by selecting at random the applicants to be issued the licenses.

3. The department shall issue the remaining 50 percent of the wolf harvesting licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for but who were not issued a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. If the number of applicants within a preference category exceeds the number of wolf harvesting licenses available in the category, the department shall select at random within the category the applicants to be issued the licenses. For each season, the department shall allow each applicant to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for license but who is not selected. An applicant who applies for either a preference point or a license at least once during any 3 consecutive years shall not lose his or her acquired preference points under the system.

4. The department shall establish a method for dividing the applications into those that will be included in the at–random system and those that will be included in the cumulative preference system.

5. A person applying for a wolf harvesting license shall pay the processing fee at the time of application.

(c) *Preference system; on receipt of license.* A applicant who is selected to receive a wolf harvesting license under the cumulative preference system established under par. (bn) 3. may elect to receive a preference point instead of a license if he or she serving on active duty in the U.S. armed forces or national guard during all or part of the wolf harvesting season for which the license is issued.

(4) TRANSFER OF LICENSE. (a) Upon application by a holder of a wolf harvesting license to the department to transfer the license to another person and upon payment of any fee required under par. (b), the department shall transfer the license if the application is made no later than the 15 days immediately preceding the first day of the wolf harvesting season if the person to whom the license is transferred is at least 18 years of age and is otherwise eligible to use the license. The accompanying carcass tag shall also be transferred.

(b) If the holder of the wolf harvesting license is a resident and the holder applies to transfer the license to a nonresident, the holder shall pay, at the time of application, any difference between the fee for issuing the license to a resident and the fee for issuing the license to a nonresident.

(c) A holder of a license being transferred under this section may not receive any consideration for the transfer of the license.

(5) SEASONS; ZONES. (a) The department shall establish a single annual open season for both hunting and trapping wolves that begins on October 15th of each year and ends on the last day of February of the following year.

(b) The department shall divide the entire state into wolf harvesting zones and shall identify the zones in its wolf management plan. Each zone shall be open to both hunting and trapping, except as provided in par. (c). A wolf harvesting license authorizes its holder to hunt or trap or both only in the zone specified on the license.

(c) The department may close a wolf harvesting zone to both hunting and trapping of wolves, if the department determines that the closure is necessary to effectively manage the state's wolf population. Closure of a wolf harvesting zone under this paragraph may not take effect until at least 24 hours after the department has done all of the following:

1. Posted notice of the closure on its Internet Web site.

2. Announced the closure on its telephone registration system.

3. Issued a press release announcing the closure.

(d) If the department closes a wolf harvesting zone to the hunting of coyotes during a season that authorizes hunting of deer with firearms, the department may reopen the zone to the hunting of coyotes if the department determines that the closure is no longer necessary to effectively manage the state's wolf population.

(e) Notwithstanding ss. 29.014 and 227.10 (1), the opening and closing of wolf harvesting zones as authorized under pars. (c) and (d) need not be promulgated as rules under ch. 227.

(6) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES. (a) *Authorization; hunting.* A wolf harvesting license authorizes the hunting of wolves by using any of the following:

1. A firearm, as authorized under par. (b), a bow and arrow, or a crossbow.

2. Dogs to track or trail wolves, subject to par. (c).

3. Predator calls, including electronic calls.

4. Bait that does not involve animal parts or animal byproducts, other than liquid scents.

(b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting with a rifle, a muzzle–loading firearm, a handgun, a shotgun that fires slugs or shotshells, and any other firearm that is loaded with a single slug or ball. A wolf harvesting license authorizes hunting with shot that is larger than size BB.

(c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the first Monday that follows the last day of the regular season that is open to hunting deer with firearms and ending on the last day of February of the following year.

2. No more than 6 dogs in a single pack may be used to trail or track a wolf, regardless of the number of hunters assisting the holder of the wolf harvesting license.

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

(d) *Hunting at night.* A person may hunt wolves during nighttime beginning with the first Monday that follows the last day of the regular season that is open to hunting deer with firearms and ending on the last day of February of the following year.

(e) *Inapplicability of restrictions.* A person who is hunting as authorized under a wolf harvesting license is not subject to any restrictions relating to hunting seasons, zones, or times that the department imposes on the hunting of coyote.

(f) *Trapping; types of traps.* The types of traps that shall be authorized by the department for trapping wolves shall include cable restraints.

(7) TAGS; REGISTRATION. (a) The department shall issue one wolf carcass tag to each person who is issued a wolf harvesting license under sub. (3). Each holder of a wolf harvesting license who kills a wolf shall immediately validate and attach the carcass tag to the wolf. No person may possess, control, store, or transport a wolf carcass unless it is tagged as required under this paragraph. The carcass tag shall be attached and validated in the manner required by the department. A person who kills a wolf shall register the carcass with the department on a telephone registration system or through an electronic notification system established by the department, except as provided in par. (am). The carcass tag may not be removed before registration. The removal of a carcass tag from a wolf before registration results in the wolf being untagged.

(am) In lieu of registering carcasses by telephone or through an electronic notification system, the department may require that the person who kills a wolf physically present the entire carcass to the department for registration.

(b) A person who harvests a wolf that has an attached or implanted radio telemetry device shall return the device to the department. The department shall inform the person, upon his or her request, of any information that has been collected through the telemetry device or otherwise by the department that relates that the wolf that was harvested.

SECTION 7. 29.314 (4) (b) 2. of the statutes is amended to read:

29.314 **(4)** (b) 2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot <u>for wolves or for</u> raccoons, foxes, coyotes, or other unprotected animals during the open season for the animals hunted.

SECTION 8. 29.314 (5) (b) 2. of the statutes is amended to read:

29.314 **(5)** (b) 2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot <u>for wolves or for</u> raccoons, foxes, coyotes, or other unprotected animals during the open season for the animals hunted.

SECTION 11. 29.553 (1) (hr) of the statutes is created to read:

29.553 **(1)** (hr) Wolf harvesting license.

SECTION 12. 29.563 (4) (a) 3. of the statutes is created to read:

29.563 **(4)** (a) 3. Wolf harvesting: $99.25.

SECTION 13. 29.563 (4) (b) 3. of the statutes is created to read:

29.563 **(4)** (b) 3. Wolf harvesting: $499.25.

SECTION 13g. 29.563 (12) (c) 3g. of the statutes is created to read:

29.563 **(12)** (c) 3g. Wolf harvesting issued to a resident: $50.

SECTION 13r. 29.563 (12) (c) 3r. of the statutes is created to read:

29.563 **(12)** (c) 3r. Wolf harvesting issued to a nonresident: $250.

SECTION 14. 29.563 (14) (a) 3. of the statutes is amended to read:

29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses <u>and wolf harvesting licenses</u>: $9.75.

SECTION 15. 29.563 (14) (c) 3. of the statutes is amended to read:

29.563 **(14)** (c) 3. Each application for a hunter's choice permit, bonus deer hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25 cents.

SECTION **16.** 29.888 of the statutes is created to read:

29.888 Wolf depredation program. (1b) In this section:

(a) "Federal endangered list" has the meaning given in s. 29.185 (1b) (a).

(b) "State endangered list" has the meaning given in s. 29.185 (1b) (b).

(1m) The department shall administer a wolf depredation program under which payments may be made to persons who apply for reimbursement for death or injury caused by wolves to livestock, to hunting dogs other than those being actively used in the hunting of wolves, and to pets and for management and control activities conducted by the department for the purpose of reducing such damage caused by wolves. The department may make payments for death or injury caused by wolves under this program only if the death or injury occurs during a period time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list. The department may expend moneys under this program for its management and control activities only during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list.

(2) The department shall establish maximum amounts that will be paid under sub. (1m) depending on the type of animal that suffered the death or injury. If the department determines that the amount available from the appropriation under s. 20.370 (5) (fv) is insufficient in a given fiscal year for making all of these payments, the department shall make the payments on a prorated basis.

(3) If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department may use all or part of the remaining moneys in the following fiscal year for management and control of the wolf population activities conducted by the department.

(4) If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c).

SECTION **17.** 29.977 (1) (d) of the statutes is amended to read:

29.977 **(1)** (d) Any bobcat, fox, wolf, beaver, or otter, $87.50.

SECTION **18.** 29.983 (1) (b) 4. of the statutes is amended to read:

29.983 **(1)** (b) 4. For any bobcat, fox, wolf, beaver, or otter, $87.50.

SECTION **18m.** 71.10 (5) (am) of the statutes is repealed.

SECTION 21. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 8th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, for the period before the effective date of the permanent rules that are submitted under paragraph (a). Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this paragraph.