



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Natural Resources and
Transportation...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Clearinghouse Rule 05-005

Relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock.

Submitted by Department of Natural Resources.

May 13, 2005 Referred to Committee on Natural Resources and Transportation.

June 16, 2005 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and
 Breske.
Absent: (0) None.

Appearances For

- Signe Holtz — WI Department of Natural Resources
- Jordan Lamb — WI Cattlemen's Association
- Jeff Lyon — WI Farm Bureau Federation

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- George Meyer, Madison — WI Wildlife Federation

Registrations Against

- None.

June 16, 2005 **EXECUTIVE SESSION HELD**

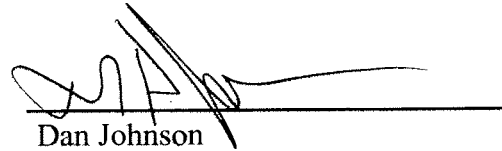
Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and
 Breske.
Absent: (0) None.

Moved by Senator Kapanke, seconded by Senator Breske that
Clearinghouse Rule 05-005 be recommended for modifications
requested.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and
Breske.

Noes: (0) None.

MODIFICATIONS REQUESTED RECOMMENDED, Ayes 5,
Noes 0

A handwritten signature in black ink, appearing to read 'Dan Johnson', is written over a solid horizontal line.

Dan Johnson
Committee Clerk

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirsch and
Breske.
Noes: (0) None.

MODIFICATIONS REQUESTED, Ayes 5, Noes 0

August 12, 2005 MODIFICATIONS RECEIVED FROM THE AGENCY, Pursuant
to s. 227.19 (4)(b)2., Wis. Stats.

September 1, 2005 **No action taken**

Dan Johnson
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: 6/16/05

Moved by: KAPANKE

Seconded by: BRESKE

AB _____ SB _____ Clearinghouse Rule OS-005
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
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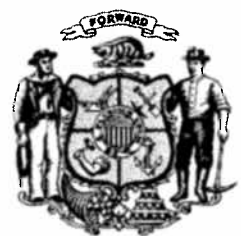
- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence UNSPEC. MODIFICATIONS

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____ _____ _____ _____



WISCONSIN STATE LEGISLATURE



**Wisconsin Farm Bureau Federation Comments
on Proposed Revisions to NR 12**

Relating to the payment program for damage caused to livestock
by endangered and threatened species and the gray wolf

February 9, 2005

The Wisconsin Farm Bureau Federation (WFBF) supports a compensation program for damaged to livestock caused by the gray wolf. However, we are opposed to the proposed rule as currently drafted, specifically subchapter III, which revises the payment program.

The recent ruling by a federal judge in Oregon, to return the gray wolf to the federal endangered species list, severely limits the Wisconsin Department of Natural Resources ability to control problem wolves. By only allowing the relocation of wolves that kill livestock, WFBF believes the compensation program becomes even more critical to livestock producers. WFBF supports the delisting of the gray wolf and will continue working with the DNR and other like minded groups to see that it happens.

With respect to NR 12, the WFBF offers the following suggestions to improve the rule and enhance DNR's public relations efforts with livestock producers. If these suggestions are incorporate in the proposed rule, WFBF will support the proposed rule.

As proposed, NR 12 imposes a \$250 deductible on each claim made for livestock lost to wolves. In addition, to receiving less compensation for losses, the \$250 deductible contradicts Wisconsin's 1999 Wolf Management Plan, which states that full reimbursement should be made to owners who have lost pets or livestock to wolves. In effect, this provision requires livestock producers who lose livestock to wolves to make a contribution toward maintaining the wolf population. The WFBF asks that the deductible be deleted from the rule.

The proposed rule also caps the amount the amount to be paid to a claimant for livestock losses to wolves to \$15,000 per year. Similar to the deductible issue, a cap on payments is inconsistent with the Wisconsin Wolf Management Plan which believes livestock producers should be fully compensated for losses due to wolves. WFBF asks that the payment cap be deleted from the rule.

Further, the proposed rule does not compensate livestock producers for other economic losses, caused by wolves including harassment and stress on livestock which can cause herd health problems and slower rate of gain and also the additional time commitment on producers continually monitor their herds to detect missing animals and/or evidence of wolf killings.

While the proposed rule pays livestock producers for the replacement value of the animal, the WFBF believes that there should also be a component added to compensate for the genetic value of the animal as well.

With respect to missing calves, the proposed rule permits the DNR to reimburse livestock producers for unconfirmed gray wolf depredations to calves when all of the six criteria are met. Specifically, WFBF contends that criteria #4 should be removed from the list. Producers should not have to have two calves killed in the same grazing season before DNR acknowledges that they have losses due to wolves. In addition, any information submitted by producers should be confidential and not open to public records. Livestock numbers are proprietary information.

Finally, the WFBF appreciates the opportunity to be part of the group that will annually determine the payment levels for livestock.

As you know, the WFBF has been concerned for years about the problems gray wolves cause livestock producers. Given the increasing number of gray wolves in Wisconsin, it's imperative that the DNR develop a fair and workable rule that provides full compensation to livestock producers for losses due to gray wolves.

We look forward to working with you on the development of the rule and the de-listing of the wolf from the Endangered and Threatened Species List.

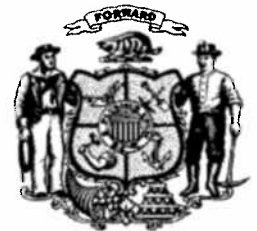
Contact:

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WISCONSIN STATE LEGISLATURE





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February 13, 2005

Mr. Tim Crooke
Bureau of Endangered Resources
P.O. Box 7921
Madison, WI 53707

RE: Wisconsin Cattlemen's Association Comments in Opposition to Proposed
Wisconsin Administrative Code § NR 12, Subchapter III –
Endangered/Threatened Wildlife and Gray Wolf Damage

Dear Mr. Crooke:

I am writing on behalf of the Wisconsin Cattlemen's Association ("WCA") to express the WCA's **opposition** to proposed NR 12, Subchapter III, relating to endangered/threatened wildlife and gray wolf damage as the rule is currently drafted.

The WCA is a voluntary member organization of farm and ranch families that works to promote and preserve the cattle industry in Wisconsin. Recently, there has been significant media attention on the increasing losses of Wisconsin livestock to gray wolves, especially in the northern part of Wisconsin. As losses increase, the economic impacts on Wisconsin cattle farmers also increase. Accordingly, the WCA is pleased that the Department of Natural Resources ("DNR") is creating a revised compensation program for livestock losses due to wolf depredation under the proposed NR 12, Subchapter III.

In addition, due to the recent federal ruling that returned the gray wolf to the federal endangered species list, this rule's importance is increased. The court ruling limits the Department's ability to kill problem wolves. Rather, it will require the Department to *move* wolves that prey on livestock. This makes the compensation structure for livestock lost to wolf depredation critical to WCA members.

However, the WCA cannot support this rule as it is currently drafted. The WCA has the following concerns with the current draft of NR 12, Subchapter III:

FILE

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1. *Missing Calves – NR 12.54(2)(c)*. This rule permits the Department to reimburse producers for “unconfirmed” gray wolf depredations to calves when all of the criteria under NR 12.54(2)(c) are met. One of those criteria requires that:

“The department has documented that at least 2 livestock losses on the claimant’s property within the same grazing season are verified as confirmed or probable wolf depredations.” See NR 12.54(2)(c)4.

For the reasons expressed above regarding the difficulty with documenting livestock losses to wolves, the WCA requests that this section be removed from the proposed rule. With this provision removed, the Department has the flexibility to reimburse for an unconfirmed loss of a calf without requiring that the producer have had confirmed losses in the same grazing season.

2. *Deductibles – NR 12.54(4)*. As proposed, NR 12 imposes a \$250.00 deductible on “each claim” made for livestock lost to wolves. See NR 12.54(4). This is problematic because it significantly reduces the compensation that can be provided to producers who have experienced losses. In addition, this provision is in *direct contradiction* to Wisconsin’s Wolf Management Plan, which clearly states that, “Full reimbursement should be made to owners who have lost pets or livestock to wolves.”¹

In effect, this provision is requiring those individuals who lose livestock to wolves to make a \$250.00 contribution toward maintaining the State’s wolf population.

Accordingly, the WCA requests that the deductible requirement be deleted from the rule.

3. *Maximum Annual Payments – NR 12.54(5)*. The current draft of NR 12 limits the amount paid to a claimant for livestock losses to wolves to \$15,000 per year. See NR 12.54(5). As stated above, this provision is also

¹ See Wisconsin Wolf Management Plan, October 27, 1999, The Wisconsin Wolf Advisory Committee of the Wisconsin Department of Natural Resources Madison, WI, *Executive Summary*, pg. 4. Available online at <http://dnr.wi.gov/org/land/er/publications/wolfplan/toc.htm>.

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inconsistent with the Wisconsin Wolf Management Plan's pledge to provide full compensation for losses due to wolves.

Some of these animals that are lost are *very* valuable. The cost of a full grown registered animal can range from \$5,000 to \$10,000 each.

In addition, although this payment may pay for replacement of the animal itself, it does not compensate for other economic losses experienced by cattle producers who have wolves preying on their livestock. For example:

- Wolves hunting livestock on farms harass and chase cattle through fences, which results in cattle eventually becoming unmanageable;²
- Wolves create stress for cattle, which cause herd health problems including abortions and lower resistance to disease;
- Wolves on the farm place an additional burden on the producer as pastures have to be patrolled on a continuous basis to detect missing animals and/or evidence of wolves; and
- If trapping is initiated by USDA-Wildlife Services, cattle may have to be moved out of summer pastures to a lot and fed the winter feed supply.

All of these factors create increased stress, worry, and sleepless nights for the producer and family. Because these costs are not factored into the compensation for losses of livestock, the WCA requests that the \$15,000 annual cap be removed from this rule.

4. *Required Recognition that Losses Difficult to Document.* Finally, the WCA requests that this rule be amended to include a provision requiring the Department to acknowledge studies indicating that the number of livestock lost is *six to nine times* the number that can be documented. Obviously not all undocumented losses can be attributed to wolves. However, the WCA suggests that the Department consider the findings in the following studies which further illustrate the difficulty with documenting livestock losses:

² For evidence of the effects of stress on cattle who are pursued by wolves, see Howery, Larry D. and Thomas J. DeLiberto, *Indirect Effect of Carnivores on Livestock Foraging Behavior and Production*, 2004.

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- Oakleaf, John K., et al, *Effects of Wolves on Livestock Calf Survival and Movements in Central Idaho*, Journal of Wildlife Management 67(2):299-305 2003. (Available online at <http://www.nrdpfc.ca/bios/dmurray/jwmoakl03.PDF> .)
- Oakleaf, John K., et al, *Preliminary Assessment of Wolf Predation on Livestock on the Diamond Moose Allotment in Central Idaho During the 1999-Grazing Season*, June 2000. (Available online at <http://mountain-prairie.fws.gov/wolf/annualrpt01/2001report.htm> .)

If you have any questions about these comments, please contact me directly at (608) 252-9358.

Sincerely,

DEWITT ROSS & STEVENS s.c.

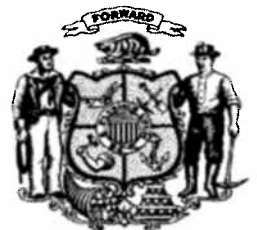
Jordan K. Lamb

JKL:jkl

cc. Members of the Department of Natural Resources Board



WISCONSIN STATE LEGISLATURE





WISCONSIN FARM BUREAU® MEMO

TO: MEMBERS OF THE DNR BOARD
FROM: JEFF LYON, DIRECTOR, GOVERNMENTAL RELATIONS
SUBJECT: ER 11-05 AND REVISIONS TO NR12 – WOLF DAMAGE PAYMENTS
DATE: APRIL 27, 2005

The Wisconsin Farm Bureau Federation (WFBF) is pleased that the Department of Natural Resources listened to the overwhelming public testimony and comments which supported the removal of the \$250 deductible and the \$15,000 annual payment cap for livestock losses due to wolves. The WFBF also appreciates being named to the committee which will annually determine payment maximums for livestock losses.

For those reasons, the WFBF supports adoption of the rule before you today however we remain concerned that a couple of issues were not addressed including the verification of missing calves.

As you know, the rule permits the DNR to reimburse livestock producers for unconfirmed gray wolf depredations for missing calves when all of the six criteria are met.

In our written comments, the WFBF specifically stated that criteria #4 should be removed from the list. Producers should not have to have two calves killed in the same grazing season before DNR acknowledges that they have losses due to wolves. Under this scenario a livestock producer could lose any number of calves in the same grazing season before they receive dime one in reimbursement.

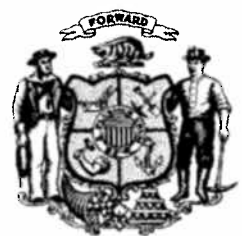
The WFBF is also concerned about the vagueness of the language in criteria #5. We are not sure what "claimant certifies that they will cooperate fully" means. The WFBF encourages livestock producers to work with government agencies on research projects that will help all concerned to get a better handle on livestock losses due to wolf depredation. However, we believe it should be voluntary with assurances that any information submitted by livestock producers be confidential and not open to public records. Livestock numbers are proprietary information.

With the 1999 Wisconsin Wolf Management Plan under review right now, the DNR has an excellent opportunity to more adequately address these issues in the next plan that will be approved by the DNR Board.

The removal of the \$250 deductible and the \$15,000 payment cap are a step in the right direction to 1) deal with a problem that is not going to go away and 2) build a positive relationship between the DNR and livestock producers.



WISCONSIN STATE LEGISLATURE





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June 16, 2005

Please respond to: Capitol Square Office
Direct line: 608-252-9358
Email: jkl@dewittross.com

Senator Neal Kedzie
Chair, Senate Natural Resources and
Transportation Committee
Room 313 South
State Capitol
P.O. Box 7882
Madison 53707-7882

RE: Clearinghouse Rule 05-005

Dear Senator Kedzie and Members of the Senate Natural Resources and Transportation Committee:

On behalf of the Wisconsin Cattlemen's Association ("WCA") I would like to express **support** for Clearinghouse Rule 05-005. However, the WCA would like to see the rule include one amendment, which is described below.

The WCA is a voluntary member organization of farm and ranch families that works to promote and preserve the cattle industry in Wisconsin. Recently, there has been significant media attention on the increasing losses of Wisconsin livestock to gray wolves, especially in the northern part of Wisconsin. As losses increase, the economic impacts on Wisconsin cattle farmers also increase. Accordingly, the WCA is pleased that the Department of Natural Resources ("DNR") is creating a revised compensation program for livestock losses due to wolf depredation under the proposed NR 12.

In addition, due to the recent federal ruling that returned the gray wolf to the federal endangered species list, this rule's importance is increased. The court ruling limits the Department's ability to kill problem wolves. Rather, it will require the Department to *move* wolves that prey on livestock. This makes the compensation structure for livestock lost to wolf depredation critical to WCA members.

Over the past few months, the WCA has worked with the Department of Natural Resources staff and Board on CR 05-005. Accordingly, the rule that is presented to you today is good for Wisconsin cattle producers who are faced with livestock losses due to

June 16, 2005

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wolf depredation. The Department and the Board have removed the originally proposed deductible and maximum payment cap for livestock losses due to wolves.

However, in order to recover losses for calves, the rule requires the following:

“The claimant certifies that they will cooperate fully with any research conducted by the department to determine the amount of mortality of missing calves that is caused by wolves.” See proposed NR 12.54(2)(c)5.

Although WCA supports additional wolf depredation research, it should be understood that not all farms lend themselves to research. In addition, the farmer may not have the time or the ability to participate in a particular study. Finally, research must be conducted carefully as most cattle recognize strangers as a threat and will act accordingly.

Therefore, the WCA suggests that this section be amended to provide for *voluntary* research participation by farmers who have lost calves. We ask the Committee to consider the following language:

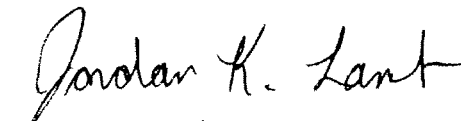
Amend NR 12.54(2)(c)5. to read as follows: “~~The claimant certifies that they will cooperate fully with any~~ agrees to participate in research conducted by the department to the extent that such participation is feasible and reasonable for the claimant and until such time as the claimant chooses to no longer participate, in order to assist the department in determining the amount of mortality of missing calves that is caused by wolves.”

The WCA raised this concern at the last Natural Resources Board meeting on April 27th in Prairie du Chien and the Board discussed making such a change. However, no formal motion was ever offered. The WCA asks that you consider making this change.

If you have any questions, please contact me directly at 252-9358.

Kind regards,

DEWITT ROSS & STEVENS s.c.



Jordan K. Lamb

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[2>Wolves Doing Perhaps Too Well In State](#)

[Population Of 455 Raises Concerns Of Conflicts](#)

The Capital Times :: FRONT :: 7A

Thursday, May 19, 2005

By Robert Imrie Associated Press

WAUSAU

A new estimate shows Wisconsin's gray wolf population may have grown to as many as 455 animals, far exceeding the goal set by state game managers and increasing the potential for more conflicts between the predators and humans.

"We are glad the wolf population is doing well," Adrian Wydeven, coordinator of the wolf program for the state Department of Natural Resources, said Wednesday. "We are concerned there are some wolves in packs spreading into some areas where they are causing more problems."

The latest estimate indicates the wolf population grew 14 percent in a year and is nearly 100 over the DNR's management goal for the species.

The DNR said that in 2004, wolves killed livestock on 22 farms, compared with 14 farms in 2003 and eight in 2002. Last year, 24 problem wolves were legally killed, compared with 17 in 2003. The agency has permits to kill up to 34 this year.

"I think we have lost some public support already because of the growth of the population," Wydeven said in a telephone interview from Park Falls. "I believe there has been some erosion of tolerance. There is some risk that illegal killing (of wolves) could increase."

For example, a pair of collared wolves in northeastern Wisconsin were illegally killed, he said. "That is kind of unusual. Normally, an illegal kill will hit only one member of a pack."

Eric Koens, who has a herd of about 100 beef cattle in Rusk County and is a director with the Wisconsin Cattlemen's Association, said big problems loom because northern Wisconsin keeps losing wolf habitat to development at the same time the wolf population is growing.

"You see them all over. They are like stray dogs," he said. "People cannot even let their dog out to take a leak at night. They are attacked and killed. It is a sad situation."

The DNR's original wolf recovery plan in 1989 called for a self-sustaining population of 80 wolves and that's all the state needs, Koens said.

Based on late winter surveys, 425 to 455 wolves now roam in 108 packs mainly in the northern and central forest regions, the DNR said. A year ago, the DNR estimated there were 373 to 410 wolves, also in 108 packs.

The DNR bases the estimate on aerial surveys that track 35 packs with radio-collared wolves, snow track surveys done by DNR trackers and volunteers over thousands of miles and reports of wolf sightings by the general public.

The estimate does not include the wolf pups that would have been born in April.

Wydeven said Wisconsin's habitat could support at least 100 to 200 more wolves, but the public's tolerance probably wouldn't allow it.

Dave Withers of Iron River, chairman of the wolf committee of the Wisconsin Bear Hunters Association, said many people believe the DNR's population estimate is too conservative, and public support for wolves is eroding.

"There will be more people illegally killing wolves than there were before to protect their livestock and their hunting dogs," Withers said. "There is a general feeling among a lot of the residents in the areas where wolves live that they just don't like wolves."

The wolf is a native species that was wiped out in Wisconsin by the late 1950s after decades of bounty hunting. Since the animal was granted protection as an endangered species during the mid-1970s, wolves migrated into the state from Minnesota and their numbers have been growing ever since.

Minnesota has the largest wolf population in the lower 48 states, at around 2,400.

The process of removing the gray wolf from federal protection in Wisconsin is on hold because of a federal judge's ruling in Oregon, which takes away much of the DNR's flexibility to manage the growing numbers, Wydeven said.

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Outdoors Editor
John Nolan
(608) 252-6168

Face it, wolves growing problem

When the Department of Natural Resources announced last month that Wisconsin is now home to an estimated 455 gray wolves — 14 percent more than a year ago and about 22 percent more than the population goal of 350 — I wondered whether to brag or complain.

After all, when wolf numbers slipped from 25 in 1980 to 15 in 1985 because of disease, DNR biologists worried the critter was doomed.

Now, just 20 years later, we've seen a 30-fold increase in the population — and we're unsure it will stabilize on its own. All we know for sure is that wolf numbers averaged 20 percent increases through the 1990s and into early 2000. Since then, the increases slowed a bit, and the number of packs remained at 108 the past two years.

With those increases have come inevitable conflicts with people or, more accurately, our livestock, pets and hunting dogs. In 2002, the DNR verified wolf depredation on livestock on eight farms. That number climbed to 14 farms in 2003 and 22 farms in 2004. In turn, the state trapped and euthanized 17 wolves in 2003 and 24 wolves in 2004 after concluding they had killed livestock.

Wolf worshippers no longer go unchallenged when telling people wolves require wilderness, can't live near people and roads and would naturally cap their number at 100 in Wisconsin. And all but the most strident stopped claiming wolves never attack humans. Sure, wolf attacks on humans remain rare, but recent incidents in Canada and Alaska prove it's wrong to ascribe every attack to a sick or diseased wolf. And even if every attack was explained by illness or self-defense, it was still a wolf, wasn't it?

It's not so easy to dismiss critics as hostile rubes when they attend public hearings with photos of eviscerated dogs and half-eaten cattle. It's one thing to dismiss fears as "Little Red Riding Hood Syndrome" when wolves are as rare as cougar sightings, but you must concede wolves are not just another yipping dog once they're established neighbors.

As a result, the battle for the public's heart and mind over wolves has grown complicated. If defenders of the wolf wish to maintain some credibility, they should con-



PAT DURKIN

cede wolves sometimes must be killed, even if it means regulated hunting and trapping seasons. Unless wolves fear humans, it's doubtful we'll see declines in depredation on pets and livestock.

Meanwhile, across the aisle, it's difficult to see political advantage in sporting wolf-hating pins and bumper stickers. Democracies don't embrace "anti" philosophies and all-or-nothing solutions.

Besides, a reality of American society is that we deal indecisively with overabundant wildlife, whether it's deer, geese, bears or wolves. We forever acknowledge something must be done, but can't stomach obvious solutions. If we avoid lethal controls for deer and geese, which could provide infinite free meals for food pantries, it's doubtful we'll soon see hunting and trapping seasons for wolves, no matter how useful and beautiful their pelts.

Highlighting those inner conflicts is a recent study by Kevin Schanning, a sociology professor at Northland College in Ashland. Survey responses from more than 600 people in Michigan and Wisconsin showed only 20 percent think killing wolves is wrong, yet 57 percent think wolves should be protected.

As Schanning recently told Wisconsin Public Radio: "The general public in both states are saying (they're) not exactly sure how to manage them, but managing them by euthanizing them or somehow killing them doesn't seem to be very accepted."

With such public waffling, those who apologize for the wolf's every indiscretion will likely prevail in the years ahead. But that advantage could disappear overnight when a wolf crosses the line and attacks a Wisconsinite, especially if it's a youngster.

We should do wolves a favor and address their growing abundance before they're burdened with the widespread fears of earlier eras.

Contact Pat Durkin, a free-lance writer, at patrickdurkin@charter.net or 721 Wesley St., Waupaca, WI 54981.





WISCONSIN FARM BUREAU® MEMO

TO: SENATE NATURAL RESOURCES COMMITTEE
FROM: JEFF LYON, DIRECTOR, GOVERNMENTAL RELATIONS
SUBJECT: CLEARINGHOUSE RULE 05-005
WOLF DAMAGE PAYMENT PROGRAM FOR LIVESTOCK
DATE: JUNE 16, 2005

The Wisconsin Farm Bureau Federation (WFBF) is pleased that the Department of Natural Resources listened to the overwhelming public testimony and comments which supported the removal of the \$250 deductible and the \$15,000 annual payment cap for livestock losses due to wolves.

Further, we appreciate the DNR board addressing the issue of verification of missing livestock. At their April meeting, the board reduced the number of verified livestock losses from two to one, in order to begin the reimbursement process.

During the public hearing process Farm Bureau stated that producers should not have to have two calves killed in the same grazing season before DNR acknowledges that they have losses due to wolves. Under that scenario a livestock producer could lose any number of calves in the same grazing season before they receive dime one in reimbursement.

For those reasons, the WFBF supports adoption of the rule before you today however there is one remaining technical issue regarding missing calves that needs to be addressed.

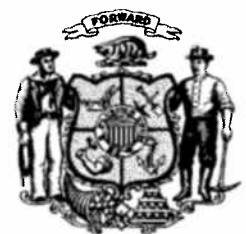
In our statement during the public hearing process, we pointed out our concern regarding the vagueness of the language in criteria #5. We were not sure what "claimant certifies that they will cooperate fully" meant. Farm Bureau certainly encourages livestock producers to work with government agencies on research projects that will help everyone get a better handle on livestock losses due to wolf depredation. However, we contend that it should be voluntary with assurances that any information submitted by livestock producers be confidential and not open to public records. Livestock numbers are proprietary information. Some livestock operations do not lend themselves to research for a variety of reasons

Our concerns were discussed by the board at their April meeting. In fact, board Chairman Gerald O'Brien asked about the criteria for research. Mr. O'Brien noted that in one particular case, a farmer was concerned for the safety of some students who were conducting research, because the cattle were already nervous. During the board discussion, members considered adding language referring to "reasonable" research, but did not take action. A livestock producer should not have to open their farm for research in order to receive reimbursement for livestock losses.

Farm Bureau welcomes the opportunity to help the committee come up with language that would allow livestock producers to the extent possible voluntarily participate in feasible and reasonable research.



WISCONSIN STATE LEGISLATURE



CRule 05-004
" 05-005

Page 1 of 2

Johnson, Dan (Legislature)

From: Osterndorf, Laurie J
Sent: Wednesday, June 15, 2005 4:44 PM
To: Kedzie, Neal; Stepp, Cathy; Kapanke, Dan; Wirch, Bob; Sen. Breske
Cc: Heinen, Paul H; Smith, Amber M.; Holtz, Signe L
Subject: Rules ER-12-10 and ER-11-05

Tomorrow the Natural Resources and Transportation Committee will be reviewing both ER-12-10 and ER-11-05 (payment program for agricultural damage caused by endangered and threatened species (E/T) and gray wolves and payment program for personal property damage caused by endangered and threatened species and gray wolves.)

I'd like to provide the following as background for you:

Agricultural damage

What the rule does:

- Establishes definitions of types of depredation and livestock for rule purposes
- Claims that are confirmed or probable wolf or E/T will be reimbursed the fair market value not to exceed an established maximum for that animal type.
- Claims for veterinary expenses for injuries to livestock injured by wolf or E/T will be reimbursed.
- The maximums will be established by a 3-person panel made of experts from the DATCP, UW-Madison Extension, and Wisconsin Farm Bureau Federation.
- Also establishes a list of criteria that need to be met in order for the owner to be reimbursed for calves that are missing at the end of the season.
- Establishes response times, necessary compliance, and claim submittal requirements.

Controversies

- The rule that went to hearing proposed a \$250 deductible and a \$15,000/claimant/year maximum, which are provisions in the wildlife damage program rules (i.e., those rules that govern agricultural damage due to hunted animals). The majority of public comments did not favor these provisions. They were removed from the proposed rule before it went to the Natural Resources Board for approval.
- Some members of the agricultural community were not in favor of one of the criteria proposed to establish eligibility for reimbursement for missing calves. The Natural Resources Board modified that provision.

Other States

- No other state with wolves reimburses for missing animals.
- Minnesota reimburses for verified losses only; it does not reimburse for probable or missing. They do not reimburse for losses of guard animals.
- Michigan reimburses for verified and probable losses up to \$100,000 per year. The maximum payment is the replacement value the day the animal is killed. They do reimburse for losses of guard animals.
- Michigan and Minnesota programs are through their agriculture departments and are funded by general purposes revenue.

Personal Property damage

What the rule does:

- Establishes definitions of types of depredation, hunting dogs, and pets for rule purposes
- Claims that are confirmed or probable wolf or E/T will be reimbursed the fair market value based on recent sale records for similar animals or pets not to exceed \$2,500.
- Claims for veterinary expenses for injuries to livestock injured by wolf or E/T will be reimbursed.
- Establishes that the Department would not reimburse for additional dogs killed by wolves within five miles of a previous dog kill site that the Department has publicly noticed.
- Provides that there will be no compensation for damage to personal property done by E/T species or wolves other than to livestock, hunting dogs, and pets.

Controversies

- The rule that went to hearing proposed a \$250 deductible and a \$15,000/claimant/year maximum, which are provisions in the wildlife damage program rules (i.e., those rules that govern agricultural damage due to hunted animals). The majority of public comments did not favor these provisions. They were removed from the proposed rule before it went to the Natural Resources Board for approval.
- Many bear hunters are not in favor of the “five-mile rule.”
- More than half of the public surveyed in a Northland College study stated that reimbursing bear hunters whose dogs were killed by wolves while the dogs were pursuing bears on public lands should not be reimbursed; 32 percent thought they should be reimbursed.
- Donors to the Endangered Resources Fund do not want their donations to be used to reimburse for personal property, especially hunting dogs.

Other States

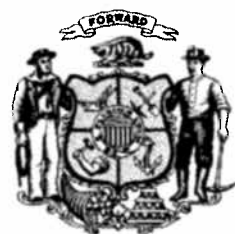
- Neither Michigan nor Minnesota (both states with wolf populations) reimburses for losses of hunting dogs or pets—by wolves or E/T species.
- Neither Illinois or Iowa reimburse owners for losses of personal property due to E/T species.

Please contact me or Signe Holtz (26-9210) with questions. Thank you.

Laurie Osterndorf
Administrator, Division of Land
(608) 267-7552
(608) 219-0643 (cell)



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR NEAL KEDZIE

FROM: John Stolzenberg, ^{Yes} Chief of Research Services

RE: Questions on Clearinghouse Rules 05-004 and 05-005, Relating to the Payment Program for Damage Caused by Endangered and Threatened Species of Wildlife and Gray Wolves to Livestock and to Hunting Dogs and Pets

DATE: June 28, 2005 (Revised July 13, 2005)

This memorandum responds to the questions you raised at the June 16, 2005 hearing held by the Senate Committee on Natural Resources and Transportation on the Department of Natural Resources' (DNR) proposed rules relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock and to hunting dogs and pets. These rules are Clearinghouse Rules (CHR) 05-004 and 05-005. In particular, you asked the following questions:

- What are the statutes governing the payment of claims for damage caused by gray wolves?
- What is the effect of the applicability provision in both rules in proposed s. NR 12.51 if public hunting or trapping of gray wolves is authorized?

Relevant Statutory Provisions

Two statutes relate to the payment of claims for damage caused by gray wolves, ss. 20.370 (1) (fs) and 71.10 (5) (am), Stats. The text of these statutes is reproduced in the attachment to this memorandum.

Section 20.370 (1) (fs), Stats., contains an appropriation from the Conservation Fund for the DNR's endangered resources program. This program is defined via cross-references to ss. 71.10 (5) (a) 2. and 71.30 (10) (a) 2., Stats., to include the following components:

- Purchasing or improving land or habitats for any native Wisconsin or endangered or threatened species or for any nongame species.
- Conducting the Natural Heritage Inventory Program.

In subsequent phone conversations, Tim Andryk, attorney, DNR, indicated that, while the DNR presently has the authority to establish an open season for wolf hunting, the department does not have statutory authority to prescribe desirable features of a wolf hunt. Examples of these features include establishing a wolf hunting license, restricting wolf hunting to specific zones or areas within the state, and establishing a preference and lottery system to control the size of the wolf hunt. At the time that the Legislature considers the details of any wolf hunt, Mr. Andryk indicated the department would also request that the Legislature address how the state should pay for wolf damage after the hunt is established.

Mr. Andryk also noted that the department's intent in including s. NR 12.51 in the rules is to "sunset" the rules in CHR 05-004 and 05-005 and to establish that the department will not use the procedures in these rules to process claims for wolf damage if the hunting of wolves is allowed. Furthermore, he indicated that, if the public hunting of wolves is authorized and there is no change in the statutes governing payments for wolf damage, the department would continue to pay for wolf damage under the laws identified at the beginning of this memorandum using procedures that the department would develop at the time the hunt is authorized. These new procedures could include provisions in CHR 05-004 and 05-005.

If you have any questions on the information presented in this memorandum, please contact me directly at the Legislative Council staff offices.

JES:jal:ksm:tlu

Attachment

cc: Tim Andryk, DNR

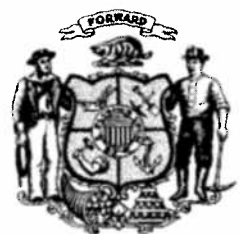
***Statutes Relating to the Payment of Claims for Damage
Caused by Gray Wolves***

20.370 **(1)** (fs) *Endangered resources - voluntary payments; sales, leases, and fees.* As a continuing appropriation, from moneys received as amounts designated under ss. 71.10 (5) (b) and 71.30 (10) (b), the net amounts certified under ss. 71.10 (5) (h) 4. and 71.30 (10) (h) 3., all moneys received from the sale or lease of resources derived from the land in the state natural areas system, and all moneys received from fees collected under ss. 23.27 (3) (b), 29.319 (2), 29.563 (10), and 341.14 (6r) (b) 5., for the purposes of the endangered resources program, as defined under ss. 71.10 (5) (a) 2. and 71.30 (10) (a) 2. Three percent of the moneys certified under ss. 71.10 (5) (h) 4. and 71.30 (10) (h) 3. in each fiscal year and 3% of the fees received under s. 341.14 (6r) (b) 5. in each fiscal year shall be allocated for wildlife damage control and payment of claims for damage associated with endangered or threatened species, except that this combined allocation may not exceed \$100,000 per fiscal year.

71.10 **(5)** (am) *Gray wolf as endangered or threatened species.* For purposes of the part of the endangered resources program that provides for wildlife damage control and the payments of claims for damage associated with endangered or threatened species, the gray wolf shall be considered an endangered or threatened species regardless of whether it is listed as endangered or threatened under s. 29.604 (3).



WISCONSIN STATE LEGISLATURE





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

July 21, 2005

Honorable Neal J. Kedzie, Chair
Senate Committee on Natural Resources and Transportation
Room 313 South
State Capitol

Honorable Scott Gunderson, Chair
Assembly Committee on Natural Resources
Room 7 West
State Capitol

Subject: Clearinghouse Rule No. 05-005
Payment program for damage caused by endangered and threatened
species of wildlife and gray wolves to livestock

Gentlemen:

On June 17, 2005, the Senate Committee on Natural Resources and Transportation requested the Department of Natural Resources to modify Clearinghouse Rule No. 05-004 relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock. On June 29, 2005, the Assembly Committee on Natural Resources also requested modifications to the rule.

At its meeting on July 21, 2005, the Natural Resources Board did not adopt any modifications to the proposed rule. Because of concerns raised by stakeholders that were discussed at the meeting, the Department will be proposing alternative modifications to the Natural Resources Board at a later meeting.

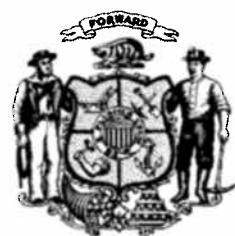
Sincerely,

Scott Hassett
Secretary

cc: Carol Turner – LS/5
Tim Andryk – LS/5
Randy Jurewicz – ER/6



WISCONSIN STATE LEGISLATURE





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

August 12, 2005

Honorable Neal J. Kedzie, Chair
Senate Committee on Natural Resources and Transportation
Room 313 South
State Capitol

Honorable Scott Gunderson, Chair
Assembly Committee on Natural Resources
Room 7 West
State Capitol

Subject: Clearinghouse Rule No. 05-005
Payment program for damage caused by endangered and threatened
species of wildlife and gray wolves to livestock

Gentlemen:

On June 17, 2005, the Senate Committee on Natural Resources and Transportation requested the Department of Natural Resources to modify Clearinghouse Rule No. 05-005 relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock. On June 29, 2005, the Assembly Committee on Natural Resources also requested modifications to the rule. At its meeting on August 11, 2005, the Natural Resources Board adopted a modification which amended proposed s. NR 12.54(2)(c)5. to read:

NR 12.54(2)(c)5. The claimant certifies that they will cooperate fully 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 of 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).

Under s. 227.19(4)(b)2., Stats., the Department of Natural Resources refers this modification to your Committees for an additional 10 working day review. Attached is a copy of the proposed rule with the modification incorporated. If the Department does not hear from you within 10 working days of receipt of this modification, the Department will continue processing the rule.

Sincerely,

Scott Hassett
Secretary

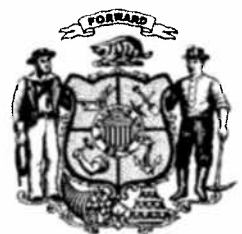
Attach.

cc: Carol Turner – LS/5
Signe Holtz – ER/6

Tim Andryk – LS/5
Randy Jurewicz – ER/6



WISCONSIN STATE LEGISLATURE



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create subch. III of NR 12 relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock.

ER-11-05

Analysis Prepared by Department of Natural Resources

Statutory Authority: Statutes that authorize the promulgation of this rule include ss. 20.370(1)(fs), 29.014 and 227.11, Stats. These sections grant rule-making authority to the Department to pay for damages done by endangered and threatened species of animals. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted: In promulgating this rule, ss. 20.370(1)(fs), 71.10(5)(am) and 29.604, Stats., have been interpreted as allowing the Department the authority to develop rules to implement a damage payment program authorized by this section.

Plain Language Rule Analysis: The program to pay for damage done by species listed as endangered or threatened in Wisconsin was established in the 1983-85 budget bill (s. 20.370(1)(fs), Stats.). Funds for these payments come from the endangered resources voluntary payments fund. The 1999-01 budget bill added endangered resources license plate funding and added that damage by gray wolves will be paid for by this fund even after wolves are delisted (s. 71.10 (5)(am), Stats.).

The endangered resources program has administered this program since 1985 without permanent rules because the species on the state's endangered and threatened list could change from year to year, there were relatively few claims per year, and there was no controversy about the program. There is now a need for permanent rules because the endangered resources program has responsibility for these payments regardless of legal status, claims have increased due to wolf damage, and there is significant public controversy about the wolf damage payment program.

Through the end of state fiscal year 2003-04, the Bureau of Endangered Resources has settled 199 damage claims totaling \$381,655.08. A vast majority of these claims, (164 for \$341,845.29) have been paid for damage done by gray wolves. The remaining claims were for damage done to fish farms by bald eagles, osprey and great egrets; trumpeter swan damage to personal property; and double-crested cormorant damage to commercial whitefish fishing. Bald eagles and double-crested cormorants have been removed from the endangered and threatened species list so damage they do is no longer eligible for reimbursement from the Department of Natural Resources through the endangered and threatened species damage program.

The Wisconsin wolf population has increased from just 25 animals in 1980 to 373 according to the DNR 2003-2004 mid-winter survey. From 1985 to 1998 wolf damage payments ranged from \$200 to \$12,000 per year. Wolf damage payments from 1999 to 2004 have averaged \$43,800 per year. We anticipate that wolf damage claims will be stable in the future now that the Department has the authority to destroy wolves that are causing depredations to livestock.

In 2003, the United States Department of Agriculture-APHIS- Wildlife Services verified that wolves killed 20 cattle (18 calves), and 24 sheep (17 lambs) on 13 farms across northern Wisconsin. These wolf depredations on livestock occurred in Bayfield, Burnett, Barron, Taylor, Forest, Ashland, Price, Rusk and Chippewa Counties. Wolves also killed one deer on a deer farm and 6 hunting dogs, and injured 4 dogs. According to DATCP Agricultural Farm Statistics there are 5,663 farms in those 9 counties where wolf depredations occurred (Bayfield-325, Burnett-351, Barron-1,384, Taylor-887, Forest-111, Ashland-186, Price-370, Rusk-578 and Chippewa-1,471). Wolf depredation occurred on 13/5663 or .0023% of the farms in those counties. The 2003-04 DNR winter survey documented 108 resident packs of wolves located in

parts of 29 Wisconsin counties. Those 29 counties contain 19,641 farms (DATCP farm statistics) and a total of 904,900 head of cattle and calves (WI 2003 DATCP farm statistics). At a minimum, in 2003 wolves depredated at 13 of the 19,641 farms (00.07%) and killed 20 of the 904,900 cattle available (00.002%).

The population of gray wolves has recovered in Wisconsin to the point that the species has been removed from the state's threatened species list and is now managed as a protected species, according to the state's wolf management plan. The proposed payment program would continue as long as gray wolves remain on the protected animal list under s. NR 10.02(1). If wolves become a game species with a harvest season, additional administrative rules will be needed.

Federal Regulatory Analysis: The gray wolf was added to the federal list of endangered species in 1973. The U.S. Fish and Wildlife Service revised the status of gray wolves in Wisconsin from endangered to threatened on April 1, 2003. The federal change gave state agents more flexibility to deal with problem wolves, including allowing government agents to destroy wolves that kill domestic animals. Since April 1, 2003, the state has trapped and euthanized 39 wolves that were preying on livestock. The federal government has proposed rules to remove gray wolves from the U.S. list of threatened Species. We anticipate the earliest this rule would go into effect is 2005. The federal government does not pay for damages done by species on the federal list of endangered or threatened animals and there are no federal regulations on states paying for damages.

State Regulatory Analysis: Management of large carnivores present unique challenges to natural resource agencies. Currently Wisconsin is one of nine states in the U.S. known to have resident wolf populations. The following is a summary of the rules related to gray wolf management in the states adjacent to Wisconsin.

Illinois: Does not have an E/T damage payment program and since wolves are not a resident species Illinois does not have a wolf damage program.

Iowa: Does not have an E/T damage payment program and since wolves are not a resident species, Iowa does not have a wolf damage program.

Michigan: Wolves from Wisconsin recolonized the Upper Peninsula in the 1980's; there are now approximately 400 wolves in Michigan. The Michigan Department of Agriculture has a program to pay for livestock damage caused by wolves up to \$100,000 per year utilizing GPR funds. The Michigan program pays for both verified and probable livestock losses but does not pay for missing livestock. The maximum payment is the replacement value the day the animal is killed; there is no deductible. Michigan considers cattle or sheep guard dogs to be "livestock." Michigan does not have a program to pay for damage caused by other endangered or threatened species of wildlife.

Minnesota: Gray wolves were listed as a state threatened species in 1984 when the population was estimated to be 1,000 animals. They were removed from this list in 1996. The current population is estimated at over 2,500 wolves. The Minnesota Department of Agriculture has a program, funded by GPR, to pay for livestock damage caused by wolves. The Minnesota program pays for verified losses only; they do not pay for probable or missing livestock. Minnesota does not compensate for agricultural guard animals killed by wolves. Minnesota does not have a program to pay for damage caused by other E/T species.

A Summary of Factual Data: Through the end of state fiscal year 2003-04, the Bureau of Endangered Resources has settled 199 damage claims totaling \$381,655.08. A vast majority of these claims (164 for \$341,845.29) has been paid for damage done by gray wolves.

Anticipated Private Sector Costs: These rules do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Businesses: The proposed revision to ch. NR 12 will regulate payments for agricultural losses caused by endangered and threatened species of animals and by gray wolves. There are no compliance or reporting requirements for small businesses nor are there any design or operational

standards. However, there are requirements that must be followed by claimants if they want to receive reimbursement for their losses.

In accordance with s. 227.114, Stats., the department has considered the possible implications of these rules on small business and determined that there is no significant impact on small business in the state. Payments to ranchers for livestock losses have averaged \$31,200 per year for the past three state fiscal years. While these payments have been very important to the 10 to 15 farms that suffer wolf depredations each year, the amount of funding is not a significant boost to the livestock industry in Wisconsin.

The department has considered alternatives to paying for missing calves but the alternatives would be contrary to the statutory objective of reimbursing the public for damage caused by endangered and threatened species of wildlife and gray wolves.

Agency Contact Person: Randy Jurewicz, Bureau of Endangered Resources, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-7507.

[Drafter's Note: The Department has proposed two rules creating subch. III of ch. NR 12 relating to endangered/threatened wildlife and gray wolf damage. Clearinghouse Rule No. 05-005 (Board Order No. ER-11-05) relates to damage caused to livestock. Clearinghouse Rule No. 05-004 (Board Order No. ER-12-05) relates to damage to hunting dogs and pets. This subchapter is being created in two separate orders because of the potential controversy of one or both of the proposed orders. Where there are differences in wording in a section that appears in both orders, the additional wording is shown in brackets.]

SECTION 1. Subchapter III of Chapter NR 12 is created to read:

**NR 12 Subchapter III
Endangered/Threatened Wildlife and Gray Wolf Damage**

NR 12.50 Purpose. This subchapter is adopted to implement and administer the payment of claims for damage associated with endangered and threatened species funded under s. 20.370(1)(fs), Stats., and for damage caused by gray wolves authorized by s. 71.10(5)(am), Stats.

NR 12.51 Applicability. This subchapter applies to claims for damage caused by E/T species and gray wolves. It is not applicable to damage caused by gray wolves when the department authorizes either public hunting or trapping of gray wolves, or both.

NR 12.52 Definitions. For the purposes of this subchapter:

(1) "Confirmed depredation" means that the department has found clear evidence that wolves or an E/T species 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 or non-E/T species depredation" means that department has found conclusive evidence that something other than an E/T species or wolf killed or injured the animal.

(3) "Department " means the Wisconsin department of natural resources or agents designated by the department.

(4) "E/T species" means any animal on the Wisconsin list of endangered species under s. NR 27.02 or threatened species under s. NR 27.03.

(6) "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.

(8) "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.

(9) "Unconfirmed depredation" means any depredation that is not a confirmed depredation or a probable depredation.

NR 12.53 Depredation verification procedures. (1) **RESPONSE TIME.** Any person who believes that livestock [pets or hunting dogs] owned by the person has been injured or killed by an E/T species or a gray wolf and wishes to seek compensation under this subchapter shall contact the department within 24 hours of the depredation or within 24 hours of becoming aware of missing livestock [pets or hunting dogs]. The complainant shall provide the location of the depredation and a description of the animals injured, killed or missing. The department 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 E/T species or wolf depredation.
- (b) Probable E/T species or wolf depredation.
- (c) Confirmed non-wolf or non-E/T species 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.

NR 12.54 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 for in sub. (2)(c).

(b) *Compliance.* 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.

(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 E/T species or wolves not to exceed the established maximum for that animal type. A maximum amount to be paid for each type of animal shall 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.

Note: The list of maximum allowable claims will be available from the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921.

(b) *Veterinary expenses.* The department shall pay for all veterinary expenses incurred in the treatment of livestock [pets or hunting dogs] injured by E/T species or 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 bill.

(c) *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 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.

(3) **INSURANCE.** The department shall reimburse owners for losses due to E/T species or wolf depredation regardless of any other insurance the owner may have on the animals that were killed or injured.

SECTION 2. EFFECTIVE DATE. The rules 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 3. BOARD ADOPTION. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 27, 2005 and August 11, 2005.

Dated at Madison, Wisconsin _____

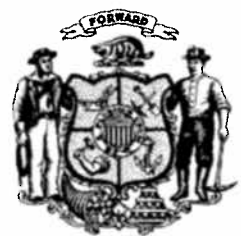
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)



WISCONSIN STATE LEGISLATURE



no date

CRule 45 005

Good day, Chairman Kedzie and Committee Members.

My name is Signe Holtz and I am the director of the Endangered Resources Program in the Department of Natural Resources. I am here today to testify in favor of the rule that you have before you.

Before I describe the rule, I want to reiterate the Department's commitment to the long-term conservation of the grey wolf in Wisconsin. This includes our commitment to work with farmers and pay for livestock damage caused by wolves. This is important to the agricultural community and it is imperative for the long-term viability of the wolf on the Wisconsin landscape. The management plan that the Natural Resources Board approved in 1999 put this commitment into policy and we remain committed to this today.

The rule before you addresses this issue. Until the last five years or so, the Endangered and Threatened Species damage program payments were quite small, there was little controversy, and the list of species covered was subject to change as species were removed from the state list (e.g., the bald eagle). The Department handled the program through administrative policy. Since the Endangered and Threatened Species (E/T) damage program was revised by the legislature to cover damages done by the gray wolf even after the wolf was removed from the state Endangered and Threatened species list, the damage program has grown in size of payments, complexity, and controversy. Therefore, with this rule the Department proposes to put the program into administrative rule.

The rule you have before you does the following things:

- It defines livestock comprehensively.
- It defines types of depredation verification.
- It provides for paying fair market value for animals that are confirmed or probable E/T species or wolf kills, up to a cap set annually by a 3-person panel made of agricultural experts.

- It establishes criteria that need to be met in order for a livestock producer to be eligible for reimbursement for calves that are missing at the end of the season.
- It establishes response times, necessary compliance, and claim submittal requirements.

Now I'd like to discuss the public review of this proposal.

We solicited and received opinions from the public in a variety of ways.

- We held five hearings across the state in February of this year with a total of 410 persons in attendance.
- We received written comments—83 individual letters and 12 letters on behalf of groups.
- We received two groups of form letters totaling 1,184 responses.
- We received a form e-mail with 1,131 responses.
- At the public hearings, there was strong support for continuing to pay damage for losses of livestock. Most speakers opposed two items that were proposed at that time and which have since been removed based on these comments—a \$250 deductible and a \$15,000/claimant/year maximum.
- The individually written comments also showed strong support for payment of damages for verified livestock losses and support for the \$15,000/claimant/year/cap. The individually written comments opposed the \$250 deductible and the reimbursement for missing calves.
- One form letter with 1,145 responses opposed the \$15,000 cap, the \$250 deductible, and some of the criteria for missing calf eligibility. The form letter with 39 responses was in favor of full compensation for livestock.
- The form e-mail with 1,131 responses supported both caps, supported payments if operations used best animal husbandry practices, opposed payments for penned deer, and opposed payments for insured animals.

There have been two studies of public attitudes about management of wolves in Wisconsin, one by a professor at UW-Madison and one by a professor at Northland College. Both of these showed strong support for compensation for livestock losses.

Other states handle livestock damage by wolves or E/T species differently.

- No other state with wolves reimburses for missing animals.
- Minnesota reimburses for verified losses only; it does not reimburse for probable or missing. The program does not reimburse for losses of guard animals.
- Michigan reimburses for verified and probable losses up to \$100,000 per year. The maximum payment is the replacement value the day the animal is killed. The Michigan program does reimburse for losses of guard animals.
- Michigan and Minnesota programs are through their agriculture departments and are funded by general purpose revenue. The Wisconsin program is funded by donations to the Endangered Resources Fund through the income tax check-off and the sale of Endangered Resources license plates. These donations also cover most of the Endangered Resources program from Natural Areas conservation and management, rare and nongame species management, native plant protection and management, the implementation of the Wisconsin Endangered Species Act, the inventory and analysis of rare and declining species and natural communities across the state, and the development, maintenance, and use of the databases that house all of these data.

Given the information we received during the public comment and hearing process, the Department recommended that the Natural Resources Board approve the proposed rules with two modifications based on the public comments: both the \$250 deductible and the \$15,000/claimant/year maximum were removed and are not in the rule before you. In addition, the Natural Resources Board adopted a modification to one of the criteria used to determine eligibility for reimbursement for missing calves. In that criterion, the Board lowered the number of documented livestock losses from two to one and added the requirement that there be evidence that wolves continued to be present on the property during the time that the calves were present.

Thank you for the opportunity to testify in support of these rules. If you have questions, I'd be happy to answer them.

Signe Holtz

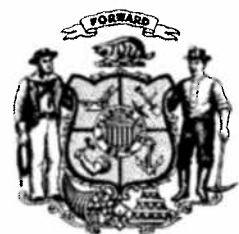
Director, Endangered Resources Program

Department of Natural Resources

June 16, 2005



WISCONSIN STATE LEGISLATURE



no date

(WI CATTLEMAN ASSOC.)
JORDAN LAMB
(FARM BUREAU ALSO)

CR 05-005

Payment Program for Gray Wolves to Livestock

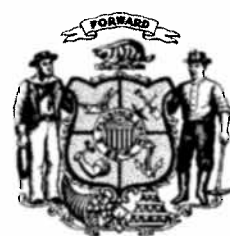
Proposed amendment to effectuate change to voluntary participation in research for calf losses:

Amend NR 12.54(2)(c)5. to read as follows: "The claimant ~~certifies that they will cooperate fully with any~~ agrees to participate in research conducted by the department to the extent that such participation is feasible and reasonable for the claimant and until such time as the claimant chooses to no longer participate, in order to assist the department in determineing the amount of mortality of missing calves that is caused by wolves."

WOULD LIKE TO SEE THIS AMENDMENT ADDED



WISCONSIN STATE LEGISLATURE



Clearinghouse Rule 05-005

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create subch. III of NR 12 relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock.

ER-11-05

Analysis Prepared by Department of Natural Resources

Statutory Authority: Statutes that authorize the promulgation of this rule include ss. 20.370(1)(fs), 29.014 and 227.11, Stats. These sections grant rule-making authority to the Department to pay for damages done by endangered and threatened species of animals. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted: In promulgating this rule, ss. 20.370(1)(fs), 71.10(5)(am) and 29.604, Stats., have been interpreted as allowing the Department the authority to develop rules to implement a damage payment program authorized by this section.

Plain Language Rule Analysis: The program to pay for damage done by species listed as endangered or threatened in Wisconsin was established in the 1983-85 budget bill (s. 20.370(1)(fs), Stats.). Funds for these payments come from the endangered resources voluntary payments fund. The 1999-01 budget bill added endangered resources license plate funding and added that damage by gray wolves will be paid for by this fund even after wolves are delisted (s. 71.10 (5)(am), Stats.).

The endangered resources program has administered this program since 1985 without permanent rules because the species on the state's endangered and threatened list could change from year to year, there were relatively few claims per year, and there was no controversy about the program. There is now a need for permanent rules because the endangered resources program has responsibility for these payments regardless of legal status, claims have increased due to wolf damage, and there is significant public controversy about the wolf damage payment program.

Through the end of state fiscal year 2003-04, the Bureau of Endangered Resources has settled 199 damage claims totaling \$381,655.08. A vast majority of these claims, (164 for \$341,845.29) have been paid for damage done by gray wolves. The remaining claims were for damage done to fish farms by bald eagles, osprey and great egrets; trumpeter swan damage to personal property; and double-crested cormorant damage to commercial whitefish fishing. Bald eagles and double-crested cormorants have been removed from the endangered and threatened species list so damage they do is no longer eligible for reimbursement from the Department of Natural Resources through the endangered and threatened species damage program.

The Wisconsin wolf population has increased from just 25 animals in 1980 to 373 according to the DNR 2003-2004 mid-winter survey. From 1985 to 1998 wolf damage payments ranged from \$200 to \$12,000 per year. Wolf damage payments from 1999 to 2004 have averaged \$43,800 per year. We anticipate that wolf damage claims will be stable in the future now that the Department has the authority to destroy wolves that are causing depredations to livestock.

In 2003, the United States Department of Agriculture-APHIS- Wildlife Services verified that wolves killed 20 cattle (18 calves), and 24 sheep (17 lambs) on 13 farms across northern Wisconsin. These wolf depredations on livestock occurred in Bayfield, Burnett, Barron, Taylor, Forest, Ashland, Price, Rusk and Chippewa Counties. Wolves also killed one deer on a deer farm and 6 hunting dogs, and injured 4 dogs.

According to DATCP Agricultural Farm Statistics there are 5,663 farms in those 9 counties where wolf depredations occurred (Bayfield-325, Burnett-351, Barron-1,384, Taylor-887, Forest-111, Ashland-186, Price-370, Rusk-578 and Chippewa-1,471). Wolf depredation occurred on 13/5663 or .0023% of the farms in those counties. The 2003-04 DNR winter survey documented 108 resident packs of wolves located in parts of 29 Wisconsin counties. Those 29 counties contain 19,641 farms (DATCP farm statistics) and a total of 904,900 head of cattle and calves (WI 2003 DATCP farm statistics). At a minimum, in 2003 wolves depredated at 13 of the 19,641 farms (00.07%) and killed 20 of the 904,900 cattle available (00.002%).

The population of gray wolves has recovered in Wisconsin to the point that the species has been removed from the state's threatened species list and is now managed as a protected species, according to the state's wolf management plan. The proposed payment program would continue as long as gray wolves remain on the protected animal list under s. NR 10.02(1). If wolves become a game species with a harvest season, additional administrative rules will be needed.

Federal Regulatory Analysis: The gray wolf was added to the federal list of endangered species in 1973. The U.S. Fish and Wildlife Service revised the status of gray wolves in Wisconsin from endangered to threatened on April 1, 2003. The federal change gave state agents more flexibility to deal with problem wolves, including allowing government agents to destroy wolves that kill domestic animals. Since April 1, 2003, the state has trapped and euthanized 39 wolves that were preying on livestock. The federal government has proposed rules to remove gray wolves from the U.S. list of threatened Species. We anticipate the earliest this rule would go into effect is 2005. The federal government does not pay for damages done by species on the federal list of endangered or threatened animals and there are no federal regulations on states paying for damages.

State Regulatory Analysis: Management of large carnivores present unique challenges to natural resource agencies. Currently Wisconsin is one of nine states in the U.S. known to have resident wolf populations. The following is a summary of the rules related to gray wolf management in the states adjacent to Wisconsin.

Illinois: Does not have an E/T damage payment program and since wolves are not a resident species Illinois does not have a wolf damage program.

Iowa: Does not have an E/T damage payment program and since wolves are not a resident species, Iowa does not have a wolf damage program.

Michigan: Wolves from Wisconsin recolonized the Upper Peninsula in the 1980's; there are now approximately 400 wolves in Michigan. The Michigan Department of Agriculture has a program to pay for livestock damage caused by wolves up to \$100,000 per year utilizing GPR funds. The Michigan program pays for both verified and probable livestock losses but does not pay for missing livestock. The maximum payment is the replacement value the day the animal is killed; there is no deductible. Michigan considers cattle or sheep guard dogs to be "livestock." Michigan does not have a program to pay for damage caused by other endangered or threatened species of wildlife.

Minnesota: Gray wolves were listed as a state threatened species in 1984 when the population was estimated to be 1,000 animals. They were removed from this list in 1996. The current population is estimated at over 2,500 wolves. The Minnesota Department of Agriculture has a program, funded by GPR, to pay for livestock damage caused by wolves utilizing GPR funds. The Minnesota program pays for verified losses only; they do not pay for probable or missing livestock. Minnesota does not compensate for agricultural guard animals killed by wolves. Minnesota does not have a program to pay for damage caused by other E/T species.

A Summary of Factual Data: Through the end of state fiscal year 2003-04, the Bureau of Endangered Resources has settled 199 damage claims totaling \$381,655.08. A vast majority of these claims (164 for \$341,845.29) has been paid for damage done by gray wolves.

Anticipated Private Sector Costs: These rules do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Businesses: The proposed revision to ch. NR 12 will regulate payments for agricultural losses caused by endangered and threatened species of animals and by gray wolves. There are no compliance or reporting requirements for small businesses nor are there any design or operational standards. However, there are requirements that must be followed by claimants if they want to receive reimbursement for their losses.

In accordance with s. 227.114, Stats., the department has considered the possible implications of these rules on small business and determined that there is no significant impact on small business in the state. Payments to ranchers for livestock losses have averaged \$31,200 per year for the past three state fiscal years. While these payments have been very important to the 10 to 15 farms that suffer wolf depredations each year, the amount of funding is not a significant boost to the livestock industry in Wisconsin.

The department has considered alternatives to paying for missing calves but the alternatives would be contrary to the statutory objective of fully reimbursing the public for damage caused by endangered and threatened species of wildlife and gray wolves.

Agency Contact Person: Randy Jurewicz, Bureau of Endangered Resources, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-7507.

Submission of Written Comments: Comments on this rule proposal may be mailed to Mr. Tim Cooke, Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707 until February 18, 2005. In addition, during the open comment period, comments may be submitted online at <http://adminrules.wisconsin.gov>.

[Drafter's Note: The Department has proposed two rules creating subch. III of ch. NR 12 relating to endangered/threatened wildlife and gray wolf damage. Board Order No. ER-11-05 relates to damage caused to livestock. Board Order No. ER-12-05 relates to damage to hunting dogs and pets. This subchapter is being created in two separate orders because of the potential controversy of one or both of the proposed orders. Where there are differences in wording in a section that appears in both orders, the additional wording is shown in brackets.]

SECTION 1. Subchapter III of Chapter NR 12 is created to read:

**NR 12 Subchapter III
Endangered/Threatened Wildlife and Gray Wolf Damage**

NR 12.50 Purpose. This subchapter is adopted to implement and administer the payment of claims for damage associated with endangered and threatened species funded under s. 20.370(1)(fs), Stats., and for damage caused by gray wolves authorized by s. 71.10(5)(am), Stats.

NR 12.51 Applicability. This subchapter applies to E/T species and gray wolves. It is not applicable to gray wolves when the department authorizes either public hunting or trapping of gray wolves, or both.

NR 12.52 Definitions. For the purposes of this subchapter:

(1) "Confirmed depredation" means that the department has found clear evidence that wolves or an E/T species were responsible for the depredation, such as a carcass present with bite marks and associated hemorrhaging, tracks in the immediate vicinity or other sign.

(2) "Confirmed non-wolf or non-E/T species depredation" means that department has found conclusive evidence that something other than an E/T species or wolf killed the animal.

(3) "Department " means the Wisconsin department of natural resources or agents designated by the department.

(4) "E/T species" means any animal on the Wisconsin list of endangered species under s. NR 27.02 or threatened species under s. NR 27.03.

(6) "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.

(8) "Probable depredation" means that the department has found that the carcass is missing or inconclusive but presence of evidence of depredation such as a kill site, blood trails, tracks or scat located in the immediate vicinity.

(9) "Unconfirmed depredation" means any livestock loss that does not meet the definition in subs. (1) and (8). This could be missing animals, animals that died of other causes, and animals killed by wolves but unconfirmed because of lack of evidence.

NR 12.53 Depredation verification procedures. (1) **RESPONSE TIME.** The complainant shall contact the department within 24 hours of the depredation or within 24 hours of becoming aware of missing livestock [pets or hunting dogs]. The complainant shall provide the location of the depredation and a description of the animals injured or killed. The department shall make an onsite inspection within 48 hours of receipt of the complaint and draft a written report of the investigation, which will 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.** The department shall classify the complaint under one of the following:

- (a) Confirmed E/T species or wolf depredation.
- (b) Probable E/T species or wolf depredation.
- (c) Confirmed non-wolf or non-E/T species 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.

NR 12.54 Depredation reimbursement procedures. (1) **ELIGIBLE CLAIMS.** (a) *Verified claims.* Only cases classified as confirmed or probable by the department will be eligible for reimbursement, except as provided for in sub. (2)(c).

(b) *Compliance.* 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.

(2) AMOUNT OF PAYMENTS. (a) *Livestock*. The department shall reimburse the claimant the fair market value, i.e., feeder market for young of the year or replacement value for adult (1+ years), of livestock killed by E/T species or wolves not to exceed the established maximum for that animal type. A maximum amount to be paid for each type of animal shall be established annually by the department.

Note: These maximums will be determined each year by January 30, by a panel of 3 agriculture experts, one each from DATCP, UW-Extension, and Farm Bureau. The list will be available from the Bureau of Endangered Resources, P.O.Box 7921, Madison, WI 53707-7921.

(b) *Veterinary expenses*. The department shall pay for all veterinary expenses incurred during the treatment of livestock [pets or hunting dogs] injured by E/T species or 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 bill.

(c) *Missing calves*. The department may reimburse for unconfirmed gray wolf depredations to calves 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 of 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 2 livestock losses on the claimant's property within the same grazing season are verified as confirmed or probable wolf depredations.

5. The claimant certifies that they will cooperate fully with any research conducted by the department to determine the amount of mortality of missing calves that is caused by wolves.

6. The department shall reimburse the claimant for missing calves that would be greater than the normal mortality rate determined by U.S. department of agriculture and that research has shown to be attributed to wolf depredation.

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.

(3) *INSURANCE*. The department shall reimburse owners for losses due to E/T species or wolf depredation regardless of any other insurance the owner may have on the animals that were killed or injured.

(4) *DEDUCTIBLES*. There shall be a \$250 deductible on each claim which will be deducted from the total value reimbursed for each claim payment.

(5) *MAXIMUM ANNUAL PAYMENTS*. The total amount paid to a claimant may not exceed \$15,000 per year.

SECTION 2. EFFECTIVE DATE. The rules 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 3. BOARD ADOPTION. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)