

CR 23-047 (WM-03-21) Appendix A: Response to public comments

This document summarizes common themes that were the subject of public comments on the draft wolf management rule and department responses to those comments. Because the draft rule would implement portions of the draft 2023 Wolf Management Plan, public comments submitted in connection with the rule tended to also touch on elements of the plan. Some department responses thus refer to the draft plan to clarify the relationship between the rule and the plan.

The department received many positive comments on both the draft rule and plan. The public overwhelmingly supported the reducing the registration timeline to eight hours after recovery of the animal and providing protections for wolf dens. The public also supported limiting the dog training season to the period when it is legal to hunt wolves with the aid of dogs.

Other comments addressed the following themes:

1. Some comments expressed support for using only non-lethal management practices and tended to oppose the hunting and trapping of wolves. These comments often cited the author's beliefs regarding the ecological and spiritual role of the wolf in Wisconsin as reasons for non-lethal management.

Wisconsin Statute s. 29.185(1m) requires the department to hold a wolf harvest season which permits the hunting and trapping of wolves whenever wolves are not listed on the federal or state list of endangered and threatened species and to regulate such harvest as provided by law. The draft 2023 Wisconsin Wolf Management plan recognizes the ecological and spiritual role of wolves in the state. When not precluded by the listed status of wolves, the plan recommends continuing an integrated wolf conflict program to address conflicts using a combination of lethal and non-lethal tools consistent with state law to most effectively address conflicts. The integrated program emphasizes providing abatement assistance and requiring full cooperation and assistance of the enrollee in operating, maintaining and applying all abatement measures.

2. Some comments complimented the use of the adaptive management strategies in both the draft rule and plan and supported not setting a numerical wolf population goal. Others stated a preference that the draft rule and plan establish a numerical population goal. These comment tended to express a desire for a population goal of 375 based on a belief that wolves are becoming overpopulated and competing with deer hunters for deer or other game. Some comment opposed the use of adaptive management strategies based on the author's preference that the wolf population should evolve as naturally as possible.

The department has heard a wide range of perspectives concerning the use of a numeric statewide wolf population goal as a strategy by which to guide management actions. The plan does not include a specific numeric statewide population size or goal. While such goals may be appropriate for a recovering species, static abundance goals often become ineffective and even unnecessary when considering the social, biological and legal complexities of a recovered wolf population. Instead, the plan recommends adjusting management actions and methods, such as conflict abatement and public harvest, in response to conditions observed in the field. This style

of adaptive management ultimately strives to balance public preferences regarding population sizes and related benefits with potential and realized negative interactions with wolves. It is more scientifically defensible than a static numeric population goal in the face of future uncertainties.

3. Some comments expressed opposition to certain harvest methods, such as night hunting, the use of dogs for tracking and trailing wolves, and the use of vehicles related to hunting based on the author's perception that such methods do not promote fair chase in a wolf hunt.

Night hunting. The draft rule and plan propose continuing to allow the hunting wolves at night during the portion of the season that follows the firearm deer hunting season. Hunting at night is a legal and long-established method for hunting species such as coyote and fox. Hunting wolves at night is not expected to result in significant safety or biological concerns and no impacts were demonstrated in past season when night hunting was allowed. This does not allow the hunting of wolves with the aid of dogs at night.

Hunting with dogs. Wisconsin Statute s. 29.185(5) authorizes the use of dog to hunt wolves beginning on the Monday that follows the last day of the regular season that is open to hunting deer with firearms and is therefore outside of the scope of this rulemaking to prohibit.

Use of vehicles while hunting. Wisconsin Statute s. 167.31 (2) (b) prohibits the possession of a loaded firearm and the discharge of a firearm, bow or crossbow from inside a motor vehicle. Wisconsin Statute s. 941.21 (1) (d) also prohibits the discharge of a firearm from within 50 feet of the centerline of the road. It is also currently illegal to chase any animal with any motorized vehicle. It is illegal to use UTVs, ATVs or snowmobiles on state lands and most public lands outside of designated trails.

4. Some comments expressed a preference that "reservation wolves", as defined in the draft rule, should be included within the wolf population estimate based on the potential for such wolves' territory to include non-tribal lands.

"Reservation wolves", as defined in the draft rule, are included when determining the statewide wolf population abundance estimate. Reservation wolves are not included when determining a statewide harvest quota because large tribal reservations which support wolves are zero-quota areas. This is consistent with the emergency rule currently in place and is not a change in department policy.

5. Some comments expressed concern with the change in zone 4 boundaries, specifically moving parts of Marathon County into zone 4.

The draft wolf management plan recognizes that wolf habitat quality varies within zones 3 and 4. The plan recommends that expansion of wolves into areas of low-quality habitat should not be encouraged. Zone boundaries are designed to strike a balance between habitat quality and

management priorities while also considering the ability of the public to easily discern boundaries. This zone change is not expected to result in higher wolf populations or conflicts in the areas of Marathon County that were identified in the comments.

6. Subzones 1a and 1b received strong support from commenters who are interested in protecting wolves whose territory includes tribal reservation lands. However, commenters who hunt, trap or live in the subzones expressed concern about the potential for reduced hunting and trapping opportunities or the increased likelihood of conflict with wolves.

Subzones 1B and 2B are intended help balance competing social and biological factors unique to these areas and ultimately increase the department's ability to effectively manage the wolf population. These subzones are designed to decrease the likelihood of harvesting wolves from reservation wolf packs whose territories extend beyond reservation borders by limiting the total amount of public wolf harvest which may potentially occur in these areas annually while also continuing to allow reasonable public wolf harvest opportunities. The department does not expect to see an increase in wolf populations in the subzones

7. Some comments opposed the requirement that individuals receiving wolf conflict abatement assistance and/or compensation to provide access to the public for hunting and trapping wolves.

The requirement for individuals receiving wolf conflict abatement assistance and/or compensation to provide public hunting and trapping access during the open wolf harvest season is consistent with the public access requirement of the Wildlife Damage Abatement and Claims Program (WDACP) under 29.889 Wis. Stats. The WDACP provides damage abatement assistance and compensation for agricultural damages caused by deer, bear, elk, geese, and turkeys. Claims programs are statutorily funded through the sale of wildlife harvest permit applications and hunting license sales. The public hunting access requirement, where hunting and trapping are feasible, provide a benefit to the hunters and trappers funding the program while helping to achieve conflict resolution. In addition, Wis. Stat. s. 29.884(4m) requires individuals being issued wildlife damage removal permits to allow public access for hunting and trapping for the species causing damage. Under this requirement, anyone being issued a wolf damage or nuisance removal permit as an abatement strategy would already be required to allow public hunting access for wolf hunting and trapping.

8. Some comments suggested that the department should establish CWD subzones and limit wolf mortality in those zones to stop the spread of CWD in deer.

The scientific community continues to evaluate and consider the ecological impact that wolves and other predators may have in limiting the occurrence of CWD in deer. More research is needed on this topic before any significant policy or rulemaking steps should occur.

9. Some comments felt the rule should prescribe limits on the number of hounds and the rotation of hounds when pursuing wolves.

Wisconsin Statute s. 29.185(6)(c)2. provides that 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. The provisions of the draft rule which relates to the use of dogs to pursue wolves mirrors regulations for the use of dogs to pursue bear.

10. Some comments expressed a preference that the department require successful hunters and trappers to submit wolf carcass for inspection at time of certification so the department can gather scientific information.

Existing administrative code, in s. NR 10.08 (8), provides that the department may require any part of a harvested animal to be collected, sampled, or submitted to the department for research purposes. The management plan recommends continuing mandatory harvest registration and in-person certification. In person certification will make it possible to collect additional biological data or samples from harvested wolves when the department determines there is a need.

11. Some comments expressed a preference that the portion of the wolf quota which is allocated to but unharvested by the Ojibwe tribes should be made available for harvest by non-members of such tribes. A greater number of comments preferred that this portion of the quota remain unharvested.

The Ojibwe tribes, in accordance with federally affirmed off-reservation treaty rights, are entitled to declare for up to half of the available annual wolf harvest quota within the Ceded Territory of Wisconsin. The department will continue to work with the Great Lakes Indian Fish and Wildlife Commission to facilitate this declaration process.