



## Wolf Hunting in Wisconsin

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Wolves had once disappeared from Wisconsin, but the Department of Natural Resources (DNR) now estimates a gray wolf<sup>1</sup> population of over 1,000 in the state.<sup>2</sup> This issue brief summarizes the history and current status of Wisconsin's wolf harvest season and related state and federal law.

### FEDERAL DELISTING AND RELISTING

Under the federal<sup>3</sup> Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (USFWS) lists animal and plant species as either endangered or threatened, based on specified factors relating to the risk of extinction.<sup>4</sup> A person may not take<sup>5</sup> a plant or animal that is listed as endangered without a federal permit, and a state may not allow hunting or trapping of a federally listed species.<sup>6</sup> The gray wolf was [initially listed](#) as endangered in the 1960s, when the species was near extinction.

However, USFWS must periodically review the list and remove (i.e., “delist”) species that no longer satisfy the listing criteria. As gray wolf numbers have improved in Wisconsin and other states, USFWS has delisted the gray wolf in multiple rule actions, but those actions have been challenged in court. After [one such federal delisting action](#) took effect in January 2012, the Legislature enacted legislation, described below, to allow for a wolf harvest season in Wisconsin. However, in 2014, a federal court [vacated](#) (i.e., set aside) the federal delisting action and directed that the gray wolf be relisted in the western Great Lakes region.<sup>7</sup>

In a [final rule](#) that took effect in January 2021, USFWS again delisted the gray wolf species, this time throughout the lower 48 states.<sup>8</sup> The new rule attempted to rectify legal concerns raised in past cases by no longer dividing the gray wolf species into distinct population segments. However, in February 2022, the U.S. District Court for the Northern District of California [vacated](#) the final rule, holding that USFWS had incorrectly focused on the recovery of certain “core populations” rather than analyzing threats throughout the gray wolf's historical range.<sup>9</sup>

### STATE REQUIREMENT TO HOLD A HARVEST SEASON IF DELISTED

Wisconsin law, created by [2011 Wisconsin Act 169](#), requires DNR to allow wolf hunting and trapping in the event of federal delisting. Specifically, DNR must establish an annual wolf harvest season that begins on the first Saturday in November and ends on the last day of February. In doing so, DNR may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses. In addition, DNR may close a wolf harvesting zone to hunting and trapping wolves, if it determines that such closure is necessary to effectively manage the state's wolf population.<sup>10</sup>

DNR must divide the state into wolf harvesting zones and identify the zones in a wolf management plan. DNR must also issue a license and wolf carcass tag to each person who applies, subject to certain conditions. Alternatively, if more people apply than there are licenses, DNR must distribute 50 percent of the licenses through a lottery system and 50 percent of the licenses through a cumulative preference system.<sup>11</sup>

Act 169 directed the Natural Resources Board (NRB), DNR's oversight body, to promulgate administrative rules, including an emergency rule, to implement the act. The act authorized the

emergency rule to remain in effect until a permanent rule takes effect. NRB subsequently promulgated such an [emergency rule](#), which took effect on August 18, 2012. Among other provisions, the emergency rule establishes six zones, specifies approved methods for hunting and trapping wolves, and sets forth criteria governing DNR’s establishment of an annual harvest quota. DNR [initiated the process](#) for promulgating a permanent rule following the January 2021 delisting. After the February 2022 court decision vacating the federal rule to delist the gray wolf, DNR [announced](#) that it would continue work on the wolf management plan and rule promulgation.

## WOLF HARVEST SEASONS

Wisconsin has held four wolf harvest seasons during the intervals in which federal delisting actions were in effect. During the [2012](#), [2013](#), [2014](#), and [February 2021](#)<sup>12</sup> harvest seasons, hunters and trappers harvested an estimated 117, 257, 154, and 218 wolves, respectively. DNR closed the February 2021 harvest season after three days, because the harvest exceeded an established quota.

On October 4, 2021, DNR [announced](#) that a fall 2021 wolf harvest season would begin on November 6, 2021. However, the hunt was temporarily enjoined by the Dane County Circuit Court in October 2021, on grounds relating to DNR’s authority to rely on the 2012 emergency rule to administer the season.<sup>13</sup> In addition, the February 2022 federal court decision, discussed above, currently prohibits DNR from holding a harvest season.

## REIMBURSEMENT FOR INJURY CAUSED BY WOLVES

The state provides reimbursement for injury caused by wolves to livestock, pets, and hunting dogs, except when a dog is injured while actively hunting a wolf.<sup>14</sup> The funding source and requirements for reimbursement differ depending on whether the gray wolf species is listed. When the gray wolf is listed, reimbursements are funded through the endangered resources fund, through which a small percentage of the revenues from endangered species-related income tax check-offs and special license plates is allocated to reimbursements for damage caused by listed species.<sup>15</sup> When the gray wolf is not listed, DNR must first utilize funds received from wolf harvest licenses to provide reimbursements for damage caused by wolves.<sup>16</sup> The [emergency rule](#) promulgated to implement Act 169, discussed above, requires a landowner to provide access to the public for hunting and trapping wolves and to DNR for abatement activities before receiving such reimbursement.

<sup>1</sup> The gray wolf (*canis lupus*), also sometimes called the “timber wolf,” is the wolf species found in Wisconsin.

<sup>2</sup> See [DNR, Wisconsin Gray Wolf Monitoring Report 15 April 2020 Through 14 April 2021](#).

<sup>3</sup> Wisconsin law similarly requires DNR to establish a list of species that are threatened and endangered in this state. [[s. 29.604, Stats.](#); [ch. NR 27, Wis. Adm. Code.](#)] DNR [removed](#) the gray wolf from the state threatened and endangered species list in 2004, but continues to monitor the gray wolf’s status as a species of “special concern.”

<sup>4</sup> For a more detailed summary of listing criteria, history, and procedures, see [Congressional Research Service, The Gray Wolf under the Endangered Species Act \(ESA\): A Case Study in Listing and Delisting Challenges \(Jan. 17, 2020\)](#).

<sup>5</sup> In this context, “take” is broadly defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting an animal. [[16 U.S.C. s. 1532](#) (19).]

<sup>6</sup> 16 U.S.C. ss. [1533](#) (c) (2) and [1538](#) (a) (1).

<sup>7</sup> *Humane Society v. Jewell*, 76 F. Supp. 3d 69 (D.D.C. 2014) (aff’d by *Humane Society v. Zinke*, 865 F.3d 585 (D.C. Cir. 2017)).

<sup>8</sup> 85 Fed. Reg. 69778.

<sup>9</sup> *Defenders of Wildlife v. USFWS*, 2022 U.S. Dist. LEXIS 30123 (Feb. 10, 2022).

<sup>10</sup> Section [29.185](#) (1m) and (5) (a) and (c), Stats.

<sup>11</sup> Section [29.185](#) (2) (a), (3) (bn), and (5) (b), Stats.

<sup>12</sup> After the federal delisting action took effect in January 2021, DNR initially announced that it would first hold a harvest season in fall 2021. However, the Jefferson County Circuit Court issued a writ of mandamus ordering DNR to hold a wolf harvest season in February 2021. [*Hunter Nation v. DNR*, No. 2021-cv-000031 (Wis. Cir. Ct. Jefferson Cty. Feb. 12, 2021).]

<sup>13</sup> *Great Lakes Wildlife Alliance v. NRB*, No. 2021-cv-002103 (Wis. Cir. Ct. Dane Cty. Nov. 18 2021). Motions have been filed to dismiss further litigation in the case.

<sup>14</sup> The statutes [allow](#) the use of dogs to hunt wolves for part of the harvest season, subject to certain limitations.

<sup>15</sup> Sections [20.370 \(1\) \(fs\)](#) and [70.10 \(5\) \(a\) 2.](#), Stats.; [ch. NR 12, subch. III, Wis. Adm. Code](#).

<sup>16</sup> [Section 29.888, Stats.](#)