

# CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: September 24, 2012  
TO: Natural Resources Board  
FROM: Cathy Stepp, Secretary  
SUBJECT: Discussion on Dog Training and Hunting Issues relating to wolves

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

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

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

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

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

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

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

department concluded that additional restrictions were not necessary at this time.

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

### **Dog Restrictions Discussion in Wolf Rule Promulgation**

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

### **Wolf Hunting with Dogs Rule Options**

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

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

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

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

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

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

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

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

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

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

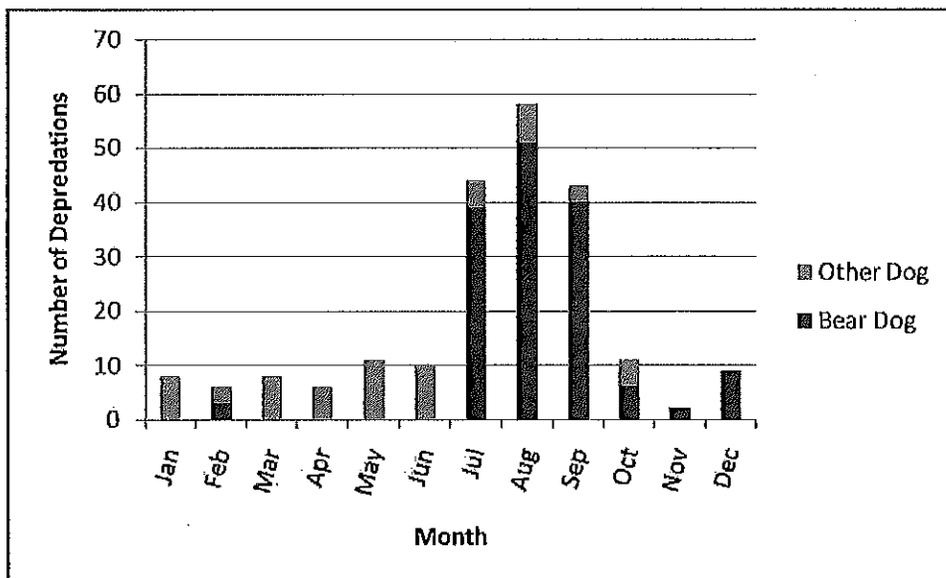


Figure 1. Monthly variation in verified dog depredation incidents in Wisconsin from 1999–2010 (Erik Olson – UW Madison)

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

### Dog Training Restriction Options

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

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

Breed Restrictions – See detailed discussion of this issue above.

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

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

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

### **Other Considerations**

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

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

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

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

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

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

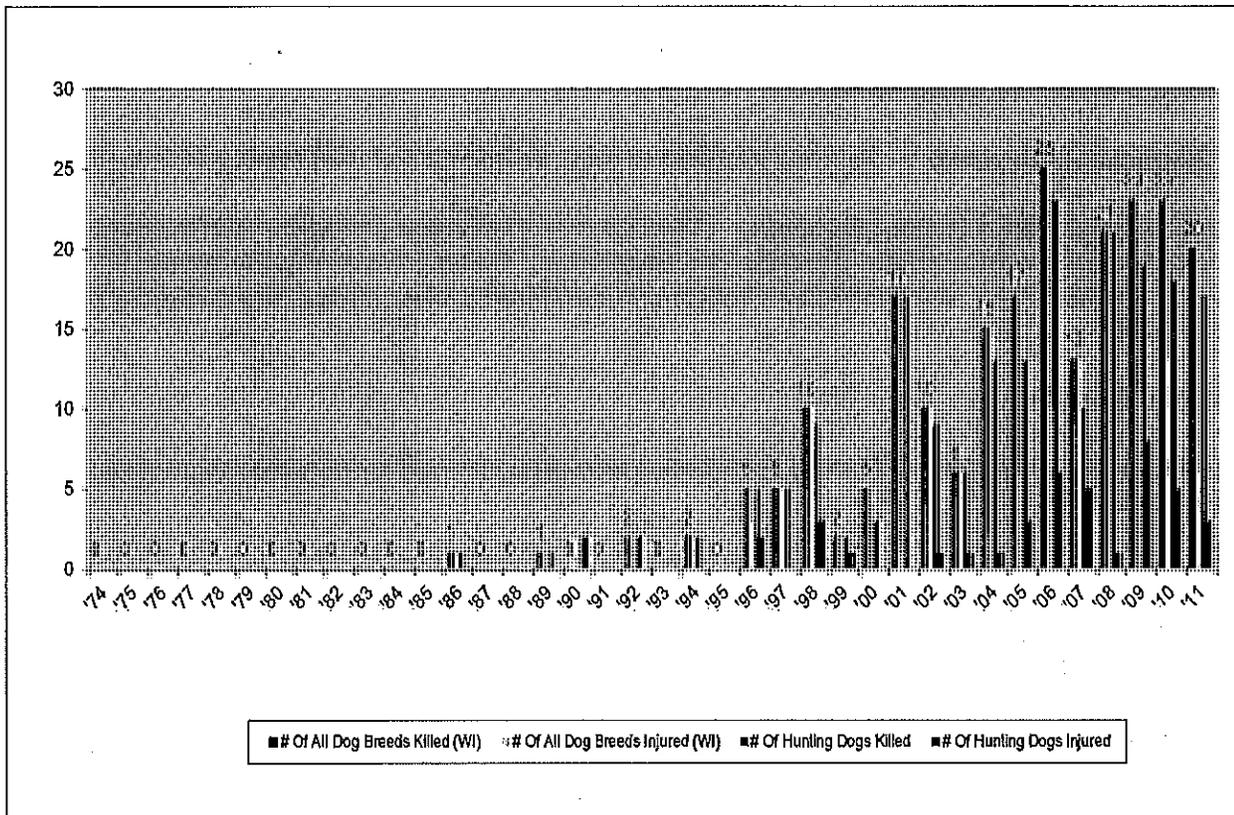


Figure 2. All Dogs Depredated (n=223) and Injured (n=86) by wolves in Wisconsin, 1974-2011.

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

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

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

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

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

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



## APPENDIX A

August 13, 2012

The Honorable Peter C. Anderson  
Dane County Circuit Court Branch 17  
Dane County Courthouse  
215 S. Hamilton Street  
Madison, WI 53703-3285

Re: Wisconsin Federated Humane Societies, Inc., et al. Cathy Stepp, et al.  
Case No. 12-CV-3188

Dear Judge Anderson:

Enclosed for filing in the above matter are the following documents:

1. Affidavit of Randle Jurewicz;
2. Affidavit of Julia A Langenberg; and
3. Affidavit of Jayne Belsky.

Sincerely,

AXLEY BRYNELSON, LLP

Carl A. Sinderbrand  
CAS:mj

### Enclosures

Cc: (via e-mail w/enc.)  
Attorney Thomas Dawson  
Attorney Jodi Habush Sinykin  
Attorney Robert Habush

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

Plaintiffs,

vs.

Case No. 12-CV-3188

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

Classification Code: 30701

Defendants.

**AFFIDAVIT OF JULIA A. LANGENBERG**

State of Wisconsin    )  
                                  ) ss.  
Dane County            )

JULIA LANGENBERG, being first duly sworn on oath deposes and states as follows:

1. I am an adult resident of Wisconsin and one of the individuals retained as an expert on behalf of the plaintiffs in this matter.

2. Attached hereto as Exhibit 1 is a true and correct copy of my Curriculum Vita, which summarizes my education, employment positions, honors and awards, professional memberships and affiliations, research, publications, conference papers, writings, technical reports, presentations, and research awards. Some of my pertinent qualifications reflected in Exhibit 1 are as follows:

a. I graduated from Yale University, *cum laude*, in 1978, with a B.S. degree in biology; followed by a V.M.D doctorate degree in veterinary medicine, *magna cum laude*,

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

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

- e. I currently have a state veterinary license in Wisconsin, am licensed by the United States Drug Enforcement Administration, and accredited by the United States Department of Agriculture.
- f. I have authored or co-authored 39 peer-reviewed publications on wildlife veterinary issues, including an article, in press, entitled, "*Causes of mortality for Wisconsin's wolves: Elucidating patterns and quantifying bias;*" and from 1983 to 2012, have given 40 invited presentations around the World.

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

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

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

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

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

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

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

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

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

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

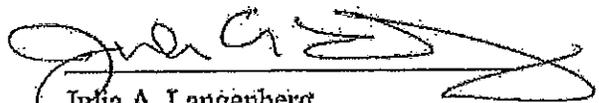
12. In order to avoid the violent confrontations and animal fighting described in the preceding paragraphs, it is incumbent upon DNR to impose reasonable restrictions on the use of dogs as a method for hunting wolves and on the training of dogs during and outside the hunting season; or otherwise prohibit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

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

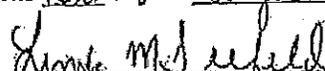
13. In my professional opinion, to a reasonable degree of scientific certainty, in the absence of regulatory controls that, in their totality, minimize the risk that wolves and dogs will have unrestricted, direct contact with one another while training or hunting, the use of dogs to hunt wolves will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

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

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

  
Julia A. Langenberg

Subscribed and sworn to before me  
this 13<sup>th</sup> day of August, 2012.

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

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

Plaintiffs,

vs.

Case No. 12-CV-3188

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

Classification Code: 30701

Defendants.

**AFFIDAVIT OF RANDLE JUREWICZ**

State of Wisconsin    )  
                                  ) ss.  
Dane County            )

RANDLE JUREWICZ, being first duly sworn on oath deposes and states as follows:

1. I am an adult resident of the State of Wisconsin. I am one of the experts retained on behalf of the plaintiffs in this matter.
2. I obtained both a B.S. degree (1973) and a M.S. degree (1980) in Wildlife Ecology from the University of Wisconsin-Madison.
3. I worked my entire professional career at the Wisconsin Department of Natural Resources ("DNR"), thirty-one years in total from April 1979 to December 2010, working in the Bureau of Endangered Resources. I began my career in the Bureau at its inception in 1979, first as the new program's sole biologist and later as Supervisor of the Endangered and Nongame Species Section. In that capacity, I was responsible for securing funding and hiring staff for the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

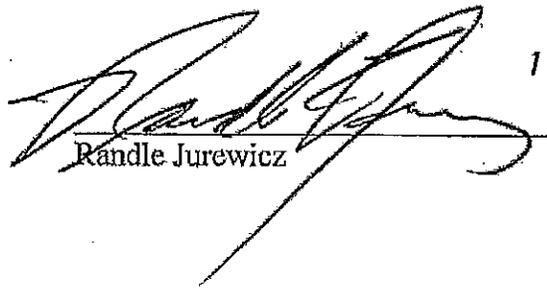
24. The types of restrictions that are necessary to limit the use of dogs to tracking or trailing, as set forth in Act 169, include:

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

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

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

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

  
Randle Jurewicz

Subscribed and sworn to before me  
this 13<sup>th</sup> day of August, 2012.

  
Notary Public, State of Wisconsin  
My commission expires in November.

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

Plaintiffs,

vs.

Case No. 12-CV-3188

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

Classification Code: 30701

Defendants.

**AFFIDAVIT OF JAYNE BELSKY**

State of Wisconsin    )  
                                  ) ss.  
Juneau County         )

JAYNE BELSKY, being first duly sworn on oath deposes and states as follows:

1. I am an adult resident of Wisconsin and one of the plaintiffs in this matter. I have lived in Central Wisconsin for 63 years.
2. I am presently employed as a Civilian Bailiff for the Juneau County Court in Mauston. Previously, I worked as an Air Tanker Manager for the Wisconsin Department of Natural Resources Fire Control at Necedah.
3. I have many years of experience as a wolf tracker and as a licensed captive wildlife facility owner. Additionally, I have hunted, trapped, fished, hiked and camped for most of my life.

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

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

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

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

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

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

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

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

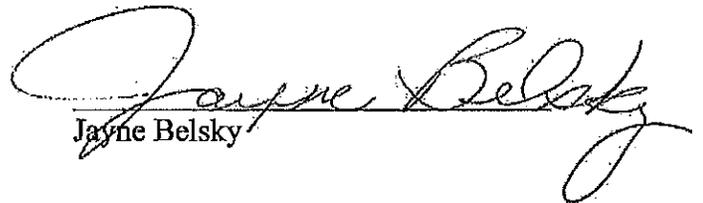
12. In a July 12, 2012 email communication to DNR and the Natural Resources Board, a true and correct copy of which is attached as Exhibit 2, I again urged the DNR to exercise great caution in implementing the hunting wolves with dogs, stating that DNR has "every right and every responsibility to limit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

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

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

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

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

  
Jayne Belsky

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

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



STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH \_\_\_\_\_

DANE COUNTY

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WISCONSIN FEDERATED HUMANE  
SOCIETIES, INC.,

DANE COUNTY HUMANE SOCIETY,

WISCONSIN HUMANE SOCIETY,

FOX VALLEY HUMANE ASSOCIATION,

NORTHWOOD ALLIANCE, INC.,

NATIONAL WOLFWATCHER COALITION,

JAYNE AND MICHAEL BELSKY, and

DONNA ONSTOTT,

Plaintiffs,

vs.

CATHY STEPP, SECRETARY, WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES,

WISCONSIN DEPARTMENT OF NATURAL  
RESOURCES, and

WISCONSIN NATURAL RESOURCES BOARD,

Defendants.

Case No. \_\_\_\_\_

Classification Code: 30701

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**AFFIDAVIT OF RICHARD P. THIEL**

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AFFIDAVIT OF RICHARD P. THIEL

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STATE OF WISCONSIN    )  
                                  ) ss  
DANE COUNTY            )

RICHARD P. THIEL, being first duly sworn on oath deposes and states as follows:

1. I was retained to provide expert consultation to plaintiffs' attorneys, Habush Habush & Rottier, S.C. and HS Law and Axley Brynerson, LLP, during the promulgation of revisions to Wis. Admin. Code chapter NR 10, relating to wolf harvesting standards and procedures. Those rule revisions were proposed by the Wisconsin Department of Natural Resources ("DNR") and approved by the Natural Resources Board ("NRB") on July 17, 2012. I was specifically asked to: (a) evaluate the development and impact of the proposed rules as they relate to the use of dogs to trail or track wolves; (b) assess the scientific or rational basis for the proposed regulations pertaining to the use of dogs to hunt wolves, and whether such regulations posed risk of irreparable harm by subjecting dogs and wolves to unreasonable risk of physical confrontations, animal fighting, grievous injuries and death; and (c) assess potential reasonable restrictions that should or must be imposed to mitigate these risks of harm.

2. Attached hereto as Exhibit 1 is a true and correct copy of my Curriculum Vitae, which summarizes my education, employment positions, honors and awards, professional memberships and certifications, publications, writings, technical reports, presentations and reviews. Some of my pertinent qualifications reflected in Exhibit 1 are as follows:

a. I obtained a B.S. in Natural Resources Management and Biology in 1975 from the University of Wisconsin, Stevens Point.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

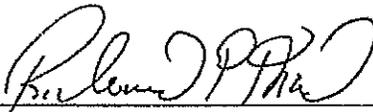
15. In my professional opinion, without such reasonable restrictions and regulations to mitigate unsafe proximity between dogs and wolves, especially during the most volatile times in the wolves annual cycle, the use of dogs to hunt wolves will result in a high risk of direct physical encounters between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

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

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

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

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

  
Richard Thiel

Subscribed and sworn to before me  
this 30<sup>th</sup> day of July, 2012.

  
Notary Public, State of Wisconsin  
My commission expires is permanent.

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 17

DANE COUNTY

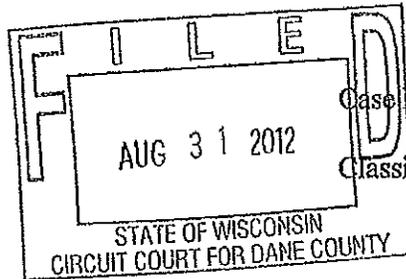
WISCONSIN FEDERATED HUMANE  
SOCIETIES, INC., *et al.*,

Plaintiffs,

vs.

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

Defendants.



Case No. 12-CV-3188

Classification Code: 30701

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

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

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

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

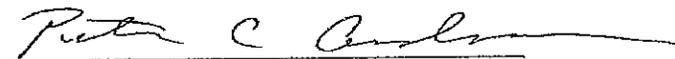
The Plaintiffs having satisfied the Court they have a reasonable probability of success on the merits of their claim, that there is a significant risk of grievous harm to dogs, wolves, and Plaintiffs' protected interests, and that a stay or injunction should issue to preserve the *status quo* pending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

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

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

Dated this 31st day of August, 2012,

BY THE COURT:

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

Honorable Peter C. Anderson  
Circuit Judge

cc: counsel of record



# WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

September 24, 2012

Wisconsin Department of Natural Resources Board  
Attn: Laurie Ross, Board Liaison  
101 S. Webster Street - AD/8  
Madison, WI 53708

Dear Natural Resources Board Members:

We are writing in regards to your September 26, 2012 meeting and the agenda item relating to the scope statement for Board Order WM-01-13. Included in this scope statement is a preliminary list of potential 2013 spring fish and wildlife hearing agenda items including rules relating to training dogs used in tracking and trailing of wolves. In response to Dane County Circuit Court Judge Anderson's decision related to wolves, we know the Department will be proposing emergency rules related to training dogs to track and trail wolves.

In preparing Senate Bill 411 (now WI Act 169), it was not the legislative intent to give emergency rule-making authority to the Department on dog training. As you know, dog training requirements are already in statute with regards to bear hunting, which are the same guidelines that we assumed would be applied to wolf hunting. We believe that any action taken by the NRB with regards to emergency rules on dog training is a violation of WI Act 21.

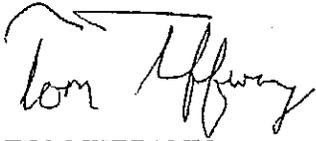
Therefore, we respectfully request that you deny the statement of scope for Board Order WM-01-13 with regards to dog training used in tracking and trailing of wolves and thereby prevent the Department from developing any emergency rules related to dog training.

Thank you in advance for your prompt attention to this request. If you have any questions, please feel free to contact us.

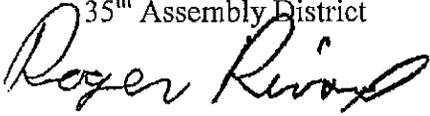
Sincerely,

SCOTT SUDER  
State Representative  
69<sup>th</sup> Assembly District

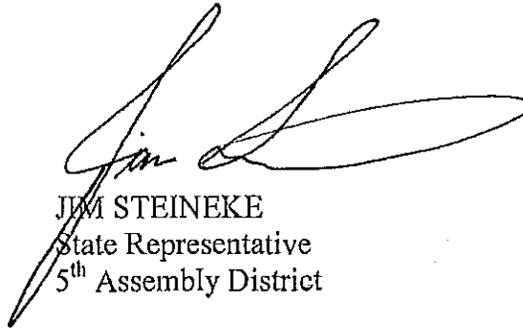
TERRY MOULTON  
State Senator  
23<sup>rd</sup> Senate District



TOM TIFFANY  
State Representative  
35<sup>th</sup> Assembly District



ROGER RIVARD  
State Representative  
75<sup>th</sup> Assembly District



JIM STEINEKE  
State Representative  
5<sup>th</sup> Assembly District