

Dane County judge temporarily halts fall wolf hunt citing DNR failure to follow rulemaking process

Posted on Friday, Oct 22, 2021

A Dane County judge today issued a temporary injunction halting the state's fall wolf hunt until the Department of Natural Resources "with all haste" creates and follows a rulemaking process to set a quota on the number of wolves that may be harvested.

Judge Jacob Frost's decision also suspends the issuance of licenses and tags for the hunt, which was to begin Nov. 6.

Frost said the way DNR implemented the latest wolf hunt and set a 130 wolf quota was unconstitutional because the department violated the rule making process. Frost, however, ruled the state law requiring the annual wolf hunt is constitutional.

The suit seeking to halt the hunt and strike down a 2012 law mandating the hunt was brought by several wildlife groups.

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Following the ruling, the [Wisconsin Farm Bureau Federation](#) and [Hunter Nation](#) put out statements criticizing DNR's actions surrounding the hunt.

WFBF President Kevin Krentz called for DNR to move quickly to issue emergency rules complying with the law.

"The DNR dereliction of duty continues into another wolf harvest season and time will tell what the cost will be for Wisconsin farmers," Krentz said. "Wisconsin Farm Bureau members expect the DNR to work within the constraints of state law but DNR inaction, similar to last year, threatens to derail another wolf harvest season."

Hunter Nation President and CEO Luke Hilgemann, whose group sought unsuccessfully to intervene in the case, called for DNR to appeal the ruling.

“With only three weeks until the wolf hunt is to open, the Wisconsin Department of Natural Resources must acknowledge state law and immediately appeal this case to the Wisconsin Supreme Court to get this matter cleared up,” Hilgemann said. “The Evers administration and Attorney General Kaul must stop following the marching orders of the radical anti-hunting groups that are trampling the rights of Wisconsin hunters, farmers, pet owners, and families.”

Frost said the injunction is an effort to maintain current legal requirements as outlined in the statute requiring an annual wolf hunt.

“This injunction maintains the status quo in two parts,” he said. “It requires DNR to actually comply with the law, or their rules, depending on which way you look at it.”

Frost said DNR must create a wolf management plan in order to follow the rulemaking process and set a quota.

He said the injunction will remain in place until DNR follows state statute requiring DNR follow the rulemaking process.

“So, I’m telling them they’re violating the statute, and until they comply with the statute, I can’t allow the licenses to be issued or any tags to be issued,” he said.

Frost also said DNR can be given wide authority to set a quota, but only if they go through the oversight process, including rulemaking.

But Frost said DNR did not do that.

“Nothing in the law, as I’ve said a few times, says that the DNR couldn’t set a quota at zero year after year as long as they find that that’s needed for the management of the wolf population,” he said.

He rejected DNR’s argument that the Legislature and Gov. Tony Evers’ ability to intervene in the procedure to set the wolf hunt quota was enough to satisfy rulemaking requirements.

“It’s not enough that the Legislature could change the law if they wanted to,” he said. “It’s not enough that the governor could potentially take some actions.”