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Wisconsin DNR Sued Over Wolf Hunting Rules

Plaintiffs object to regulatory void as state-sponsored dog fighting.

MADISON—A lawsuit was filed Tuesday against Wisconsin Department of Natural Resources (“DNR”) and Natural Resources Board, asking the Court to stay the DNR’s recently approved rules establishing a Wolf Hunting Season authorizing the use of dogs to hunt wolves.

“The Plaintiffs encompass a spectrum of Wisconsin citizens from across the state— hunters, landowners, ecologists, volunteer trackers, and community humane societies—who object to the state-sanctioned use of dogs to hunt wolves without the restrictions needed to prevent deadly animal fighting in violation of Wisconsin animal cruelty law,” states Jodi Habush Sinykin, the attorney representing the plaintiffs in the case, together with Robert L. Habush of Habush, Habush & Rottier, S.C., and Carl Sinderbrand of Axley & Brynelson, LLP.

According to Plaintiffs’ filings with the Court, other than prohibiting wolf hunting with dogs at night, the DNR has failed to impose restrictions on training and hunting with dogs as necessary to comply with the statutory directive that dogs be used to “track or trail” wolves and to curtail unsafe proximity between dogs and wolves.

Evidence submitted as part of the lawsuit, through expert affidavits, points to the high risk of hunting dogs suffering severe injuries or being killed during engagement with wolves in the absence of restrictions that prevent the risk of direct physical encounters between the two canine species.

One such expert is Richard Thiel, a retired DNR wolf manager who served 33 years with the Bureaus of Endangered Resources and Wildlife Management and one of five people in the state who served on both the DNR’s 1989 Wolf Recovery Plan, which he chaired, and the 1999 Wolf Management Plan. “Dog packs that will be used to chase a wolf or a pack of wolves will be regarded by the wolves as a threat,” explains Thiel in his sworn affidavit filed with the Court. “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.”

Nationally acclaimed expert in canine training and behavior, Patricia McConnell, Ph.D., also filed an affidavit in support of plaintiffs’ claim to enjoin the use of dogs to hunt wolves in the absence of reasonable restrictions imposed by DNR. According to Dr. McConnell, on-leash requirements for dogs training and hunting wolves, certified training, and breed restrictions are all necessary to prevent dogs from confronting wolves and, in turn, from suffering severe injuries and death in the ensuing fight. In Dr. McConnell’s professional opinion, without thoughtful and clear regulations, “Wisconsin’s wolf hunt will be little more than state-sponsored dog fighting.”

UW-Madison Professor Adrian Treves, Ph.D, another expert in wolf habitat and behavior, is in agreement. As set forth in his affidavit filed with the Court, “Because the rules promulgated by DNR are all but silent in terms of regulating how dogs may be used to hunt wolves and how dogs may be trained to hunt wolves, DNR has clearly failed to impose reasonable restrictions essential to the health and safety of humans, dogs, and wolves.”

In the weeks and months leading up to the Natural Resources Board's approval of the proposed DNR rules package on July 17, 2012, both DNR and the Board received scores of letters, emails and testimony submissions from citizens from every part of Wisconsin, objecting to the unrestricted use of dogs to hunt wolves as antithetical to Wisconsin values and societal mores.

"DNR's rules create a regulatory void certain to lead to irreparable harm, for in the name of wolf hunting, dogs and wolves will be permitted to confront and savage each other in a literal fight to the death," explains Jodi Habush Sinykin. "The absence of corrective action by the Natural Resources Board made it necessary for us to seek the assistance of the Court to stay the use of dogs in the upcoming wolf hunt until reasonable restrictions are promulgated by DNR to prevent violations of the law."

Plaintiffs' filings in Dane County Circuit Court seek declaratory judgment and injunctive relief to stop the DNR from issuing licenses that authorize the use of dogs for wolf hunting until reasonable restrictions are promulgated to provide adequate protections for dogs and to prevent the risk of deadly physical encounters between dogs and wolves.

"As Plaintiffs in this matter, we are grateful that a Judge will have the opportunity to take a close look at the rules' shortcomings," states Pam McCloud Smith, executive director of Dane County Humane Society and Board President of Wisconsin Federated Humane Societies, whose members include more than forty humane societies throughout Wisconsin; "The DNR's inaction in the face of known risks and harm to animals is not in accord with either Wisconsin animal cruelty protections or our values regarding humane treatment of animals."

Fast Facts:

Plaintiffs include: Wisconsin Federated Humane Societies, Dane County Humane Society, Wisconsin Humane Society, Fox Valley Humane Association, Northwood Alliance, National Wolfwatcher Coalition, Jayne and Michael Belsky, and Donna Onstott.

All of the filed Pleadings, including the Declaratory Action Complaint, Motion for Temporary Injunction, Brief in Support of Plaintiffs' Motion, and supportive Affidavits, can be emailed upon request directed to hslaw@bizwi.rr.com.