

PILOTING THE USE OF A ROBOTIC WOLF DECOY  
AS A LAW ENFORCEMENT TOOL

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## Abstract

Between 1999 and 2004, eleven timber wolves (Canis lupus) were illegally shot and killed within the central forest region of Wisconsin. Most of the shootings occurred during gun deer seasons. These incidents have challenged law enforcement officials, who enforce state and federal regulations protecting the species. Within the semi-rural areas of the state, negative public sentiment toward wolves has increased with the rising wolf population. Conservation wardens with the Wisconsin Department of Natural Resources (WDNR) frequently take innovative and proactive approaches when addressing increasing violations. During the 2004 gun deer season, a robotic wolf decoy (robotic head and tail) was deployed in areas where wolf shootings are known. It was the first robotic wolf decoy utilized in the United States to specifically apprehend individuals attempting to shoot timber wolves. Challenges associated with Department approval and decoy acquisition were documented. The decoy was strategically placed on public lands and monitored near roadways for almost 40 hours over a seven-day period. Public reactions to the presence of the decoy were recorded via handwritten notes and video. Observed reactions ranged from hunters looking at the decoy to one hunter taking aim and firing a rifle round at the decoy. The average individual observation period was slightly over two minutes. Individuals committing violations of natural resource and safety laws were detained, interviewed, and cited under applicable state and federal statutes. Surprisingly, all individuals that were arrested advised wardens that they initially thought the wolf decoy was a live deer.

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## INTRODUCTION

Wisconsin is a proven leader in the use of robotic wildlife decoys to apprehend suspected violators of state firearms safety regulations. A wildlife decoy is a hide or skin of a preexisting animal draped on a synthetic mold bearing a similar size and shape to the original species. Wildlife decoys are used to mimic live specimens to solicit individuals that are predisposed to commit road-hunting violations. Decoy use in the state became popular in the 1980's with the non-robotic deer decoy. As violators became more cautious of non-moving deer, the addition of a robotic head and tail made the object a more convincing target. The success of the robotic deer decoy in curbing roadside poaching and decreasing shooting-related incidents made it a valuable law enforcement tool (Harelson 1999). The decoy program, coupled with increased education and state statute revisions, significantly reduced the amount of hunting-related shooting incidents in Wisconsin (Figure 1). The frequency of its use has created a deterrent effect even when it is not in operation. Since the deer decoy, subsequent wildlife decoys were developed including turkey, partridge, and pheasant. All decoys used in the state have been game species used for apprehending individuals committing firearm handling and transportation violations, such as discharging a firearm within 50 feet of a roadway's center and transporting an uncased or loaded firearm in a vehicle. Limited work has been done on using decoys to apprehend poachers attempting to illegally take a species out of season or for which there is no season of harvest. There is no available documentation that robotic wildlife decoys have been used in the past as a tool in safeguarding protected, threatened, or endangered wildlife species.

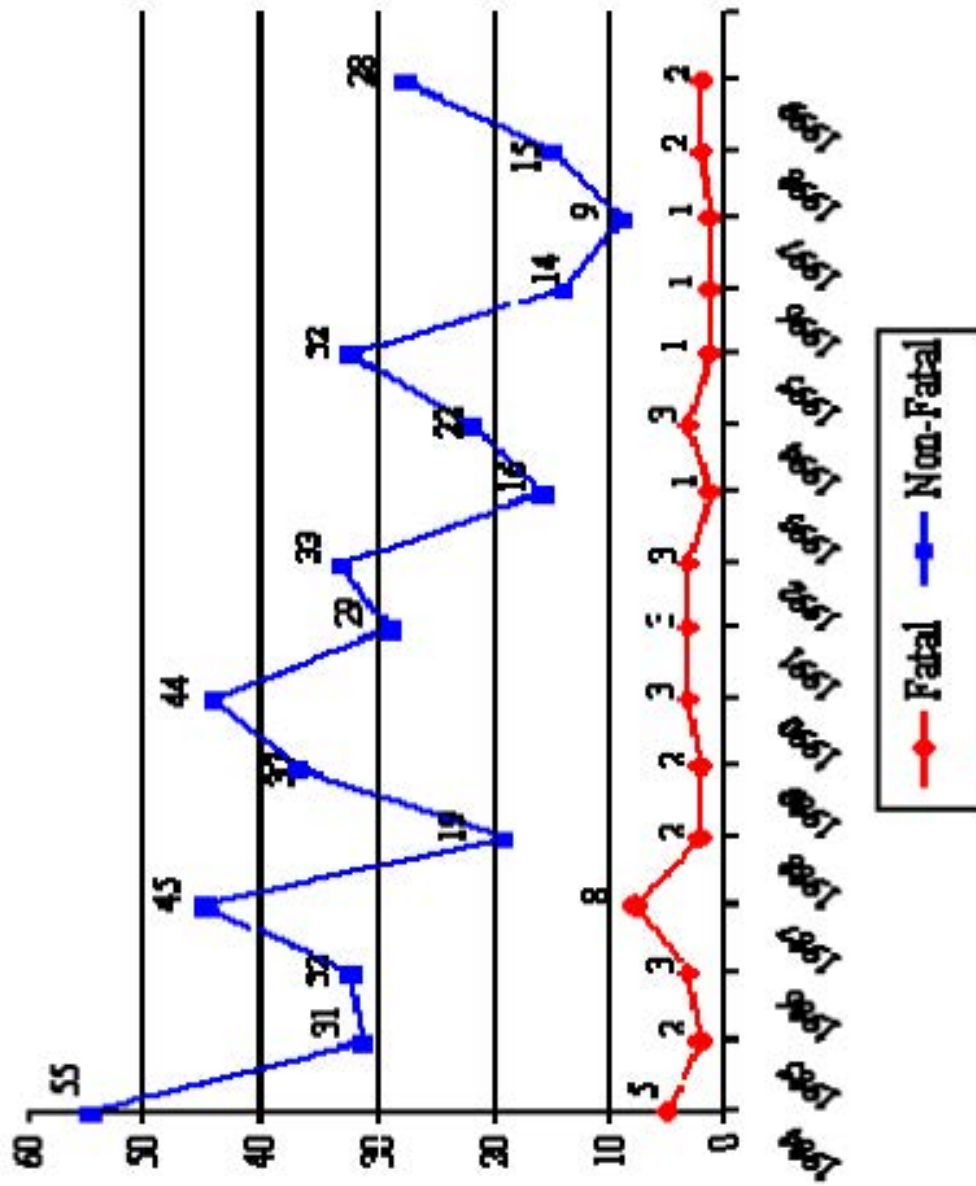


Figure 1. Hunting Accidents between 1984 and 1999

Timber wolves (Canis lupus), also called gray wolves, are the largest wild members of the dog family (Thiel and Wydeven 2003). Globally, the survival of this species is being threatened by human-wolf conflict. In many European countries, the total number of wolves is well below the threshold of a viable population. Due to topography, several wolf ranges throughout Europe have narrow fragmented shapes that decrease the probability of local survival. Added threats from illegal killings coupled with stochastic events may eventually drive populations to extinction (Boitani 2000). Society relies on wolves for the important role they play as keystone predators and in controlling wild ungulate populations by culling weak and sick animals. This control tool may stem the spread of ungulate diseases and prevents over-browsing in forested communities. In Wisconsin, for example, wolves kill between 8,000 and 9,000 deer per year (Seely 2005).

It has been estimated that Wisconsin was home to 3,000-5,000 wolves (Thiel and Wydeven 2003). Allegedly, wolves were more abundant in the southern portion of the state. As the human population grew, encounters with humans and livestock increased, driving packs to the northern forests of the state. In response to pressure from farmers, the Wisconsin Legislature established a wolf bounty in 1865. The bounty persisted until 1957 in an effort to preserve a dwindling deer population. Between 1960 and the mid-1970's, wolves were considered extirpated from Wisconsin (Thiel 2001).

In the mid-1970's, wolves gradually began re-colonizing northern Wisconsin from Minnesota (Thiel 2001). Wisconsin wolf populations slowly increased with the assistance of federal protection in 1974, granted under the Endangered Species Act. In

the early 1990's, wolves began dispersing to the central forest region of the state where they now comprise 20% of the state's total wolf population (Thiel, pers. comm., 2003). At the moment, the 500+ Wisconsin wolves continue to enjoy both federally endangered and state protected status.

Since 1999, law enforcement officials have investigated eleven wolf-shooting incidents in Wisconsin's central forest region (Table 1). Eight of the eleven incidents occurred during a gun deer season (Thiel, pers. comm., 2004). Four of those eight incidents occurred either within or directly adjacent to the Necedah National Wildlife Refuge located in Necedah, Wisconsin (Weber 2004). All but one of the cases have gone unsolved. Limited evidence with no substantial witness observations forced investigators to take reactive investigative steps, such as interviewing nearby hunters and posting reward posters in an attempt to obtain leads on possible shooter identities. For the most part, these reactive measures have been ineffective in apprehending wolf shooters and identifying motivations and circumstances surrounding the shootings. Having been involved with two of the eleven investigations, in addition to filming wolves in the wild, my interest in wolf conservation was provoked.

This study focuses on a new, proactive approach to wolf enforcement: the use of a robotic wolf decoy for apprehending potential poachers and gaining insight to their motivations and the circumstances surrounding their perceptions about wolves. Challenges associated with departmental approval to use such a tool and the process by which the decoy was acquired will also be highlighted. This is one of the first robotic wolf decoys ever used in the United States and the first wolf decoy used to directly

<b>Collection Date</b>	<b>Age</b>	<b>Sex</b>	<b>Collar</b>	<b>Pack</b>	<b>Location Recovered</b>
<b>25-Nov-99</b>	Adult	Female			Necedah National Wildlife Refuge
<b>15-Jan-00</b>	Pup	Female	Mi 0017	Chaney Lake	Spencer, Wisconsin area
<b>19-Nov-01</b>	Adult	Male	269	Pray	Clark County - Ballard Road
<b>19-Nov-01</b>	Adult	Male	342	Suk-Cerney	Necedah National Wildlife Refuge
<b>10-Jan-02</b>	Yearling	Male		Colburn	Colburn Wildlife Area - T19N R7E Sec. 21
<b>10-Jan-02</b>	Yearling	Female			South of Necedah National Wildlife Refuge
<b>24-Nov-02</b>	Pup	Male		Silo	South of Necedah National Wildlife Refuge
<b>25-Nov-03</b>	Pup	Female	411	Dead Creek	Gebhart's Marsh
<b>16-Feb-04</b>	Adult	Female	341	Seneca	
<b>16-Feb-04</b>	Adult	Female	340	Rat-Tail	
<b>31-Mar-04</b>	Adult	Male		Mead	T25N R7E Sec. 4 (NE)

Table 1. Wisconsin Central Forest Wolf Shooting Cases 1999 - 2004

apprehend individuals and interview them immediately following the observed violations. The importance of the study is demonstrated in the limited available knowledge that is currently available on the rationale behind wolf shootings that have occurred in the central forest region during gun deer seasons.

Problem Statement - The purpose of the study was to apprehend attempting wolf shooters and identify individual perceptions and reactions to the presence of a robotic wolf decoy.

Objective 1 – To assess the effectiveness of a robotic wolf decoy as a law enforcement tool.

Objective 2 – To increase understanding of the motivations of would-be wolf poachers.

Techniques used in attaining such include:

- Placing a robotic wolf decoy in the vicinity of a roadway where past wolf shootings are known
- Recording the number of vehicles containing individuals that notice the decoy versus the total number of passing vehicles
- Monitoring visual and audible reactions of vehicle occupants upon seeing the decoy
- Interviewing suspected violators who attempt to shoot the wolf decoy
- Tracking arrest dispositions to determine whether a robotic wolf decoy is an effective law enforcement tool.

Delimitations - The wolf decoy observation period occurred over a seven-day period during the 2004 Wisconsin nine-day gun deer season (November 20, 2004 – November 28, 2004). Observations were not made on November 22 and 25, 2004 due to either staff availability or holiday commitments. The total observation period lasted nearly 40 hours near locations of past wolf shootings within Clark, Jackson, Juneau, Lincoln, and Oneida Counties.

At each site, a wolf decoy observation form was completed. Information recorded on the form included the date, time, location, participants, weather conditions, length of video footage, total number of passing vehicles, and notes detailing reactions and behaviors of vehicle occupants to the presence of the decoy. We also recorded vehicle descriptions, number of occupants, and length of individual observations.

#### Acronyms

- UWSP – University of Wisconsin at Stevens Point
- WDNR – Wisconsin Department of Natural Resources
- USFWS – U.S. Fish and Wildlife Service
- NNWR – Necedah National Wildlife Refuge
- TWIN – Timber Wolf Information Network
- ESA – Endangered Species Act
- SA – Special Agent

## Definitions

- Chase vehicle – a law enforcement vehicle equipped with visual and audible signals used to pursue, stop, and detain vehicles occupied by individuals suspected of committing state and/or federal wildlife violations.
- Conservation Warden (Warden) – a state law enforcement officer charged with enforcing Wisconsin wildlife regulations administered by WDNR.
- Mens rea – as an element of criminal responsibility: a guilty mind; a guilty or wrongful purpose; a criminal intent. Guilty knowledge and willfulness (Nolan 1990).
- Special Agent – a criminal investigator with USFWS responsible for investigating federal wildlife violations, including the Endangered Species Act.
- Take – harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.

Assumptions – The study will be based on the following assumptions:

1. State and federal employees assisting with the operation did not disclose pertinent information to individuals who might compromise the study's integrity.
2. Persons wearing blaze orange clothing were either deer hunting, traveling to a deer hunting location, or returning from a deer hunting location.
3. Vehicles stopping on the roadway between the observers and the robotic wolf decoy were a result of the decoy's presence.
4. During suspect interviews, special agents and conservation wardens asked questions to solicit information on potential Endangered Species Act violations.



## REVIEW OF LITERATURE

Due to a lack of comparable studies on the use of robotic decoys simulating protected, threatened, or endangered wildlife species, I began my review on the history and global status of gray wolves, followed by a review of attitudinal studies and management practices. Being unfamiliar with most past wolf shooting cases in the central forest region of Wisconsin, I also initiated personal communications with state and federal wildlife officials who worked the cases and contacted counterparts in other areas of the country who were unsuccessful in implementing similar wildlife decoy studies. Finally, I reviewed applicable case law on wolf shootings and entrapment issues.

### Wolf Distribution: Past and Present

The gray wolf was once the most widely distributed mammal in the world, occupying almost every habitat, except jungles. The species inhabited the entire Northern Hemisphere north of 20°N, including North America, Europe, and Asia. Humans have greatly reduced the wolf's range (Mech 1970, Thiel 2001). Wolves have been exterminated from 95% of the United States, 15% of Canada, all of Mexico, and 25% of its original range in Europe and Asia (Route and Aylesworth 1999). Linnell et al. (2002) estimates that there are 60,000 wolves in North America, 20,000 wolves in Europe, and 40,000 wolves in Russia. Currently, wolves are legally protected in North America and most of Europe.

Protection efforts, such as the Endangered Species Act of 1973 (USA) and the 1979 Bern Convention (Europe), have allowed wolves to naturally recolonize portions of their existing range from isolated populations in Minnesota (USA), Italy, and eastern European countries. Prior to such legislation, wolves were killed for bounties because they posed a threat to humans, livestock, and valued game species. In Wisconsin (USA), as many as 3,000-5,000 wolves were killed from 1865-1957 (Thiel 1993). Warden-sponsored wolf hunts were popular and reflected natural resource officials' attitudes toward wolves. Initially, even Aldo Leopold failed to recognize the importance of wolves on the landscape. Unfortunately, shortly after the wolf bounties were removed in 1957, wolf populations were reduced to the point of extirpation in Wisconsin (Thiel 1993).

In 1975, one year after wolves were given federal endangered status, Wisconsin listed timber wolves as endangered. A wolf research team, led by Richard Thiel in 1979, confirmed the presence of wolves in northern Wisconsin. Researchers believed that dispersal from Minnesota led to the natural re-colonization of wolves into the state. Researchers used tracking, howling surveys, and radio collars to document wolf pack composition, behaviors, and movements. In the mid 1980's and early 1990's, wolf population growth plateaued due to lethal diseases including canine parvovirus and mange.

Today, there are established wolf populations in portions of North America and Europe. While the North American populations seem to be increasing within their territories, several European countries either do not have a population of wolves or their populations are unstable. It has been reported that Austria, Belgium, Denmark,

Holland, Luxemburg, and the United Kingdom still lack viable wolf populations (Route and Aylsworth 1999, Linnell et al. 2002). Variable wolf populations occur in France, Germany, Switzerland, Norway, and Sweden. Due to mountainous borders, the presence of few wolves in France, Germany, Portugal, Hungary, Switzerland, and the Czech Republic is strongly dependent on dispersers from other countries (Boitani 2000).

### Wolf Management

In 1989, WDNR drafted a wolf management plan and developed a recovery goal of eighty wolves within the state. As wolf populations continued to grow, WDNR revised its recovery goal in 1999 to 350 wolves and reclassified them as a state threatened species. On August 1, 2004, an amendment down-listed wolves from state threatened to protected status. By the end of 2004, the wolf population was estimated to be over 400 in the northern and central portions of the state (Figure 2). Political and social pressures from environmental and animal protectionist groups resulted in fluctuating federal reclassifications in the wolf's protection status. On January 31, 2005, U.S. District Judge Robert E. Jones of Oregon vacated the April 1, 2003 USFWS national wolf reclassification rule in response to a civil suit filed by nineteen non-governmental organizations alleging the agency violated provisions under the ESA. The Service's original rule divided all of the historic range of the gray wolf in the lower forty-eight states into three large distinct population segments, resulting in the down-listing of wolves in most of the western and eastern portions of the United States from endangered to threatened (Wydeven et al. 2005). In March 2006, the USFWS divided

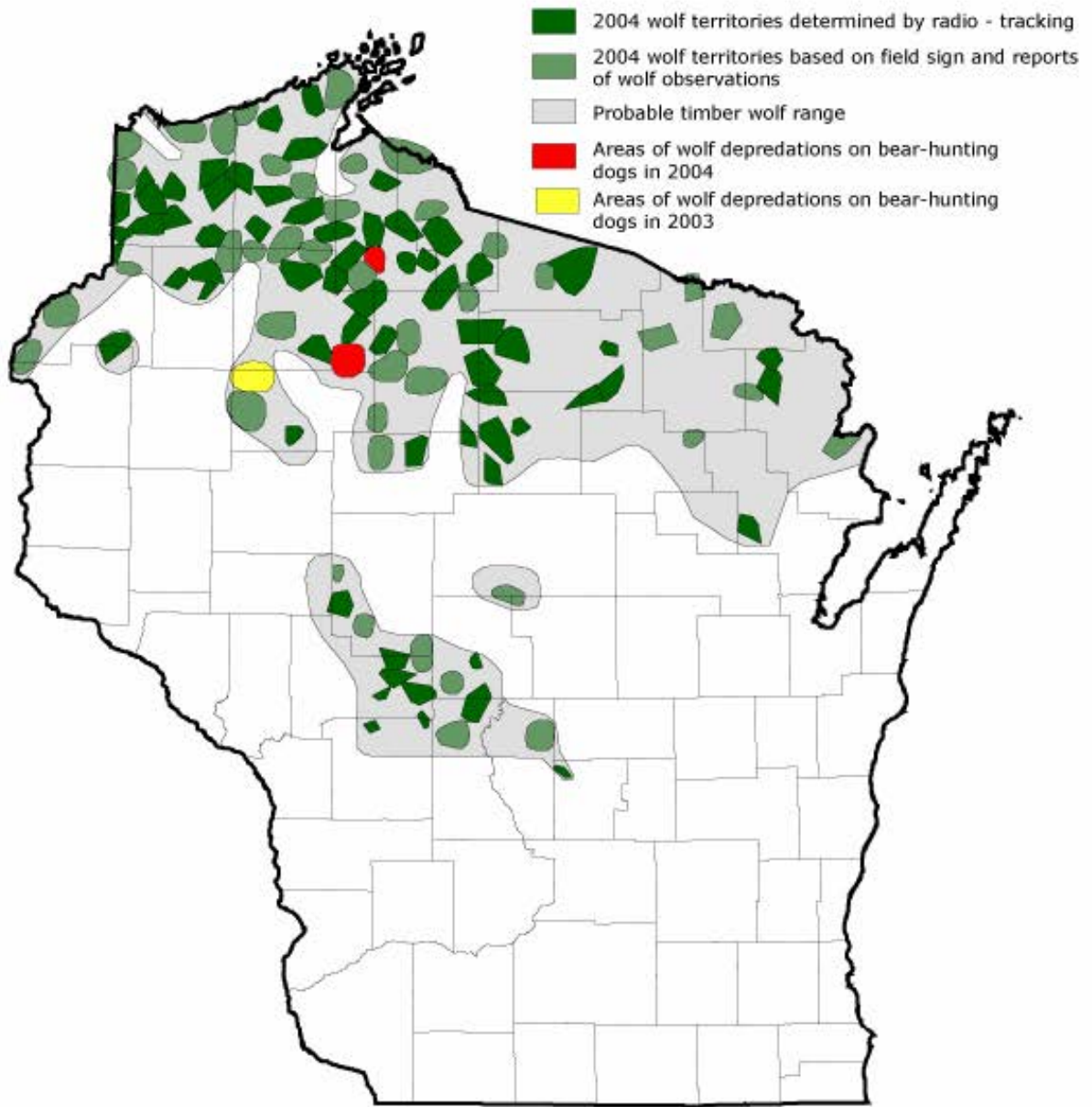


Figure 2. 2004 Wisconsin Timber Wolf Distribution Map

the eastern distinct population segment, so that it could propose delisting wolves in Minnesota, Wisconsin, and Michigan without affecting wolf populations in New England. During the study's observation period, wolves were federally threatened and state protected. State fines for the unintentional shooting of a wolf ranged from \$500 to \$2,000, and the intentional shooting of a wolf ranged from \$2,000 to \$5,000 and nine months incarceration. Potential federal penalties were \$25,000 fine and one year imprisonment.

### Wolf Poaching

Accumulated evidence over the years suggests that poaching in North America is increasing (Muth and Bowe 1998). Musgrave et al. (1993) defined poaching as the illegal taking of wildlife. Muth and Bowe (1998) further defined poaching as "any act that intentionally contravenes the laws and regulations established to protect wild, renewable resources, such as plants, mammals, birds, insects, reptiles, amphibians, fish, and shellfish." Some studies suggest that in certain geographic areas, the illegal taking of wildlife equals or exceeds the number of animals taken legally (Brinkley 1991). Because wildlife violations are somewhat numerous and there is little moral restraint associated with them, my experience is that they are differentially treated by the courts compared to violations that society deems more serious.

Poachers can have many different motives, including household consumption, financial gain, tradition, rebellion, self protection, and exhilaration. Most game wardens place greater enforcement effort on the monetary and excitement-oriented violations (Forsyth et al. 1998). Poachers might be driven by rebellion against state and

federal agencies and the regulations they administer. Individuals might also be prompted to poach to protect themselves, pets, and livestock against perceived predator threats.

Conflict over human interests is the primary cause of wolf poaching (Boitani 2000). Proper management and control over conflicts resulting in poaching is critical for long-term viability of the species and the prevention of another cycle of persecution and extermination (Treves et al. 2002). Recent poaching cases indicate that the potential still exists for population decline. In the spring of 2004, journalists collected evidence that wolf poaching was widespread and organized in rural communities straddling Norway and Sweden. Simple hatred toward wolves was believed to be the main driving force behind the illegal killings (Linnell 2004).

These problems are not confined to Scandinavia, but appear to be occurring throughout Europe and North America, requiring international cooperation for wolf restoration efforts. Poaching is widespread, and probably the single most important mortality factor for wolves (Linnell 2004). Spain is estimated to have an illegal harvest of 400 wolves per year, and Italy, where wolves enjoy protected status, has an illegal harvest of 50-70 wolves per year--15-20% of Italy's total wolf population (Linnell et al. 2002). In Wisconsin, 35% (7 individuals) of the wolves that were found dead during the winter of 2004-2005 were believed to be the result of illegal killings. After the poaching of two adult wolves in the Alvin Creek Pack in northern Forest County, no wolves were detected in the pack's home range by late winter (Wydeven et al. 2005). This incident suggests that killing alpha individuals within a pack can cause instability

that leads to eradication (Bath and Majić 1999). Illegal shooting not only affects the overall wolf population, but it also impacts pack social structure and behavior.

The main consequence of poaching is that it creates a huge uncertainty in wildlife management population estimates (Linnell 2004), which can undermine recovery programs and endangered species protection (Mech 1998, Treves et al. 2004). Furthermore, wolf poaching threatens environmental, aesthetic, and economic benefits of restored wolves (Williams et al. 2002). For example, setbacks in wolf recovery may erode the prosperity of tourism based on available opportunities to hear and see wolves in the wild.

Ultimately, noncompliance with wolf protection statutes may reflect a lack of support by a segment of the public whose values and preferences differ from professional wildlife managers. Such ideas and priorities have been captured in studies related to personal attitudes regarding the presence of wolves and the impacts of human-wolf conflict. These attitudes are likely linked to human-wolf conflict and are important in understanding motives behind poaching events.

#### Human Attitudes toward Wolves

Successful wildlife management involves not only an understanding of biology and habitat of a species, but also an understanding of public attitudes toward the species. Human dimensions research can develop a baseline to monitor changing attitudes, identify areas of support and conflict, and build partnerships with specific interest groups (Bath and Majić 1999). Wolf restoration remains more of a socio-political issue than a biological one and requires a better understanding of human

dimensions (Bath 2000). An increasing number of Americans are “non-consumptive” users of wildlife (Decker et al. 2001). These individuals often belong to stakeholder groups that have strong political influence. Incorporating human dimensions research with stakeholder involvement can improve wildlife management by getting members of society directly involved in the decision-making process.

Because public support plays a critical role in shaping legislation aimed at species conservation and the means by which it is implemented, political and social influence that “consumptive” user groups have on wolf management practices cannot be ignored. Their legislative lobbying and publicizing of negative human-wolf interactions may outweigh wolf recovery objectives and create hostility in people that would have otherwise been indifferent to restored wolf populations. An example is the bear hunters in Wisconsin who have threatened to boycott public wolf meetings because they thought their concerns were being ignored (Naughton-Treves et al. 2003). Bear hunters have become vocal opponents of wolf recovery due to a number of wolf depredation incidents on hunting hounds running in northern Wisconsin wolf range. Public pressures might lead to increased agency control measures, such as trapping and killing suspect wolves, which might negatively affect sensitive wolf populations.

Several surveys have been administered to people of various cultures in an attempt to identify human attitudes toward the presence of wolves and future recovery of wolf populations. Researchers like Ericsson and Heberlein (2003) believe that people with well-developed negative attitudes are more likely to actively hinder wolf restoration. Bjerke et al. (1998) and Nie (2001) suggest that attitudes toward wolves



are established early in life, are deep rooted and value laden, and are connected to individual lifestyles.

Most researchers agree that on a global scale, rural residents living in wolf range tend to have more of a negative attitude toward wolves than residents of urban areas (Ericsson and Heberlein 2003, Williams et al. 2002). In USA and Europe, pro-wolf urban influences are seen as forcing wolf restoration in rural areas, which has led to strong local opposition. Ericsson and Heberlein (2003) assumed that people living in wolf areas have more first-hand experience, which would influence their attitudes. When Bath and Majić (1999) asked people living near Croatian wolf populations to describe their feelings, they learned that most were unwelcoming. They described this attitude as the NIMBY (not in my backyard) syndrome. In addition, resentment toward outside influence of urbanites may increase motivation of poaching as a form of rebellion against government authority (Forsyth et al. 1998).

Other geographic attitudinal changes seem to occur between interest groups and between regions and countries within the same interest group. A survey of students, shepherds, and foresters in three different regions in Croatia identified different attitudes between the interest groups regarding their fear of wolves, perception of restoration efforts, and the impacts wolves have on livestock and game animals (Bath and Majić 1999). Human attitudes also differed considerably in three regions of Croatia (Gorski kotar, Lika, and Dalmatia) that are home to wolf populations (Bath 2000). Similarly in France, Savoie residents tend to be more positive about wolves than residents of Des Alpes Maritimes (Bath 2000). A quantitative summary by Williams et al. (2002) suggested that residents of continental USA have a more positive

attitude toward wolves than people of Scandinavia and Western Europe, where the majority of people did not support wolf restoration.

Researchers also tend to agree that farmers are more negative toward wolves than people in other professions, especially if they have experienced livestock loss due to wolf predation (Bjerke et al. 1998, Nie 2001, Naughton-Treves et al. 2003). In Wisconsin, for example, 15% of livestock producers, compared to 8% of non-livestock producers, stated they would shoot a wolf if they encountered one while hunting (Naughton et al. 2005). Bjerke et al. (1998) survey of Norwegian residents discovered that farmers and ranchers living near wolf populations were more hostile toward wolf recovery.

Hunters appear to be the most widely studied interest group. For instance, Naughton et al. (2005) found that 13% of hunters compared to 7% of non-hunters in Wisconsin stated that they would shoot a wolf. In an earlier survey, Naughton-Treves et al. (2003) reported that 13.9% of Wisconsin bear hunters might shoot a wolf if they encountered one while deer hunting. The same survey revealed that 42.3 % of bear hunters would shoot a wolf if it threatened a pet. Comparatively, only 16% of the general public stated that they would shoot a wolf if it threatened a pet. A study by Lohr et al. (1996) of Canadian deer hunters found that less than 16% supported wolf recovery. In Europe, 71% of surveyed hunters in France expressed dislike or strong dislike toward wolves (Bath 2000). Even though 70% of the hunters in Sweden thought the effects of wolf restoration would not negatively impact game, they appear to be more negative toward wolves than the general public (Ericsson and Heberlein 2003).

These negative attitudes might be based on beliefs that wolf restoration might affect hunters' chances of killing deer or other ungulate species. Many wolf advocates turn to Minnesota, a state that ranks number one in the nation for Boone and Crockett Club's trophy deer, as an example (Nie 2003). During the last two decades, both wolf and deer populations have increased significantly in Minnesota, affording deer hunters a better harvest than they experienced thirty years ago.

Despite such evidence on negative attitudes, Williams et al.'s (2002) meta-analysis on 37 attitude surveys over a thirty-year period discovered that hunters were more positive than non-hunters toward wolves. A prior study by Kellert (1991) in Michigan showed that deer hunters expressed high naturalistic and low negativistic values toward wolves. According to Kellert, the naturalistic value emphasized satisfaction that people obtain from direct experience with nature. Conversely, negativistic values might occur when wolves provoke negative and anxious feelings in people and/or cultures.

Some surveys indicated that attitudes vary with social characteristics. People with higher education levels and younger people tended to be more positive toward wolves (Williams et al. 2002, Ericsson and Heberlein 2003). In Norway, Bjerke et al. (1998) found that people older than 55 years with minimal education were more negative toward wolves. However, such evidence is inconclusive. Most of the respondents that supported wolves in Croatia had relatively little knowledge about the species (Bath and Majić 1999). In 1985, researchers found that knowledgeable residents of northeastern USA were supportive of wolves (Bjerke et al. 1998).

## Livestock and Pet Depredation

The most widely accepted theory for justification on wolf killing incidents in agricultural and rural areas of USA and Europe is the protection of livestock and domestic pets (Bath and Majić 1999, Bjerke et al. 1998, Treves et al. 2002). This retaliation on wolves might occur because livestock and domestic pet owners feel their economic interests are being jeopardized or they see the wolf as a symbol of urban dominance or unwelcome federal intervention (Williams et al. 2002, Naughton-Treves et al. 2003). Naughton-Treves et al. (2003) believe livestock producers and hunters using hounds are most able to influence wolf mortality by poisoning or shooting wolves. It may be easier for these groups to rationalize illegal behavior if they perceive themselves as victims.

Examples of livestock depredation include Central Italy, which suffers a mean annual loss of 2,550 sheep to wolves per year. In Siena, a pack of seven wolves was eradicated by local residents in a period of two years following intense sheep predation by wolves (Ciucci and Boitani 1998). In 1997, shepherds protested wolf recovery on the streets of France after 150 sheep were killed by wolves (Bath 2000). In Croatia, a more in-depth study determined that 85% of a wolf's diet appears to be domestic livestock (Bath and Magić 1999). From 1976-2000, there were 52 verified incidents involving injury or death to livestock in Wisconsin (Treves et al. 2002).

Social factors influencing livestock depredation involve animal husbandry practices. Ciucci and Boitani (1998) believe that the most important variable associated with high depredation is the lack of preventative measures. The failure to correct husbandry practices is the primary cause of recurrent depredations. Time and money

needed to alter practices might deter farmers from making improvements.

Compensation payments from governments and private organizations subsidizing animal losses might also remove incentives for farmers and ranchers to lower the risk of depredation by changing animal husbandry practices (Naughton-Treves et al. 2003).

Several studies have looked at environmental factors contributing to livestock depredation. The majority of depredation events that cause conflict primarily occur in areas of human development where habitat has been altered, prey populations reduced, and where free-ranging flocks and herds of livestock are left unattended at night (Ciucci and Boitani 1998, Mech 1995). Most livestock depredation occurs on private property during warmer months on partially-wooded pastures, with the exception of some locations in western USA where sheep and cattle graze on sparsely-vegetated public property (Treves et al. 2002). Ciucci and Boitani (1998) report that high levels of depredation occur at the borders of wolf ranges in Spain and at the fringes of forest-agricultural areas in North America. Their data suggest that vegetative cover influences the outcome of attacks. Small agricultural plots located near forested areas seem to be more prone to wolf depredation events than plots further removed from forest habitat.

According to a study by Treves et al. (2004), areas in Wisconsin and Minnesota affected by livestock depredation displayed a mixture of human-modified habitats (25%) and unmodified habitats (75%) with a slightly higher density of deer. Such results might indicate that wolves encounter livestock incidentally when following concentrated ungulate populations. Wisconsin's occupied wolf regions are characterized by deciduous and evergreen forests interspersed with lakes, wetlands, and

agricultural areas (Treves et al. 2002). Forest and shrub land cover might provide greater security for wolves when approaching livestock (Ciucci and Boitani 1998).

Livestock depredation seems to peak in summer and early fall. Considering the most common depredation occurs with calves, this time of year seems to correspond to the calving season (Ciucci and Boitani 1998, Treves et al. 2002). It can also be attributed to the increased food requirements for pup growth, easy accessibility of domestic animals, and a decreased vulnerability of young, wild ungulates as the summer progresses (Ciucci and Boitani 1998, Mech 2001, Kojola and Kuittinen 2002).

One of the best examples of a human-wolf conflict related to livestock and cattle interests is the reintroduction of an experimental wolf population into Yellowstone National Park. Wolves were originally native to the area and were eradicated between 1860 and the 1930s (Bangs 1994). In 1995, the U.S. Fish and Wildlife Service released Canadian gray wolves into Yellowstone and portions of Central Idaho. The government's goal was to establish ten breeding pairs for three successive years (Bangs 1994). Even though the Defenders of Wildlife agreed to compensate livestock owners for their losses due to wolf depredation, the decision was met with controversy and litigation by groups such as the American Farm Bureau Federation and the National Cattlemen's Association (Nie 2003). In its ruling, the U.S. Court of Appeals for the 10<sup>th</sup> Circuit decided that the wolves would remain in those reintroduced areas. Many ranchers feared that they would suffer cattle losses on federal lands open to livestock grazing. The U.S. Fish and Wildlife Service estimated an annual average loss of 19 cattle and 68 sheep, a small price when compared to a net economic value of \$8.3 million per year for reintroduced wolves (Bangs 1994).

A second controversial conflict involves wolf-dog encounters. Wolf predation on domestic dogs is said to occur most frequently in wolf ranges where dogs are used to pursue game, such as with bear hunters in Wisconsin (Treves et al. 2002), small game hunters in Finland (Kojola and Kuittinen 2002), and deer and moose hunters in Sweden (Ericsson and Heberlein 2003). Based on known incidents of aggressive encounters in Wisconsin, Wydeven et al. (2003) believe that most dog depredations occur when dogs get too close to wolf pups at summer rendezvous sites, a situation where wolves would likely be aggressive to other large carnivores. The study also found that larger packs, with more pups, were more likely to attack dogs, while smaller packs tended to prey on livestock. Dog carcasses in Wisconsin were rarely fed upon, suggesting the acts were committed to defend territories. Researchers in Finland, however, concluded that wolves might prey on dogs for food or territory defense. An analysis of the forty-three wolf attacks that occurred from 1996-1999 showed that in the cases that resulted in death, all but one of the dog carcasses were eaten by wolves (Kojola and Kuittinen 2002). The differences might be geographically associated with the types and quantity of prey available or the wolf pack structure and size of the territory.

Human-wolf conflict is intensified in cases of uncertain depredation that are blamed on wolves. The efficacy of Italy's compensation program is undermined by the presence of free-ranging dogs and the difficulty in distinguishing between wolf and dog depredation (Ciucci and Boitani 1998). In Wisconsin, depredations by different predators, such as bears, coyotes, and wolf-dog hybrids, are also often difficult to distinguish. Treves et al. (2002) estimate that one-fifth of the unknown depredation cases in the state may have involved wolf-dog hybrids.

## Human Threat

A second theory for killing wolves is that they are perceived to threaten human lives (Bath and Majić 1999, Bath 2000, Treves et al. 2002). Conflicts are inevitable when wolves threaten humans. The danger that wolves pose to human safety remains controversial. Linnell et al. (2002) believe that fear of wolves is dependent on a person's social and cultural situation. Eighteenth Century European and Scandinavian villages had more frequent wolf attacks, where those events are memorialized in monuments, stories, and poems that serve as symbols of fear toward the species. Bath and Majić (1998) believe that fear of wolves is fostered from childhood, and that perceptions may be affected by the myths and stories of wolves attacking small children.

Wolves frequently live very close to humans without threatening their lives (Boitani 2000). The risks of humans being killed by non-rabid wolves today appears to be very low, taken in context with attacks by other large predators. Attacks by mountain lions, bears, and even moose have occurred more frequently than wolf attacks (Conover et al. 1995). There have been eight world-wide incidents of human mortality caused by wolves in the last fifty years (Linnell et al. 2002). Given the statistics, humans' fear of wolves continues to place them in conflict with the species.

## Profit

Another theory suggests that some wolves are poached for their value. The endangered species trade is lucrative in the sense that it provides collectors with highly prized products made from rare and protected species (Park 2001). Wolves might be



seen as a hindrance to production (livestock industry) or a commodity unto themselves. Every commodity is a conjunction of a use-value and an exchange-value (Kovel 2002). “Use-value” can be interpreted as the value humans place on wolves for their biological role and aesthetic appeal, while exchange-value represents wolves’ exchangeability for capital gain.

Though rare, wolf poaching cases have occurred where suspects have been apprehended while still in possession of the contraband. In 2001, an Idaho resident illegally shot a wolf in Utah and transported the animal’s hide and skull back to his residence. Among the potential charges, the man plead guilty to violating the Endangered Species Act (U.S. Fish and Wildlife Service 2002).

### Management Practices

Traditionally, wildlife managers have been reactive in controlling conflicts (opposition to wolves) due to depredation events. State or private compensation programs are provided in mid-western USA and in many European countries (Boitani 2000). They are intended to reduce animosity toward wolves. In some countries, such as Italy, compensation programs have been the only means employed to manage such conflicts. In Tuscany, from 1991-1995, compensation costs averaged US \$344,821 per year for depredation events (Ciucci and Boitani 1998). Typically, compensation programs reimburse farmers for losses to wolves. Wisconsin, however, has a unique policy of paying for hunting hounds as well. No other state or privately-funded compensation program pays for hounds injured or killed by carnivores on public land (Naughton-Treves et al. 2003). Wisconsin pays a per wolf compensation rate of \$96

compared to Minnesota's rate of \$110 for livestock and pet depredation events (Treves et al. 2002, Mech 1998).

Compensation programs have been scrutinized. Encounters between wolves and domestic animals can cost millions of dollars annually, deterring some governments from even offering the program (Mech 1998). Ciucci and Boitani (1998) found that in Italy, high compensation programs alone were not effective in reducing conflict or preventing illegal killing of wolves. Most researchers agree that compensation has to be linked with preventative measures for it to be effective (Ciucci and Boitani 1998, Boitani 2000). Ciucci and Boitani (1998) also argue that claims in Italy should be withheld in reoccurring incidents of faulty husbandry techniques, such as failing to adequately fence livestock. Even though a Wisconsin public opinion survey found that people who were paid for their losses were no more tolerant of wolves than people who claimed a loss but were not compensated, Wisconsin continues to provide compensation in depredation cases. In fact, a law enacted in 2000 stipulates that the WDNR will continue to pay for damages even after wolves are removed from the list of threatened species (Naughton-Treves et al. 2003). The Wisconsin compensation program is supported by a large segment of the public. Naughton et al. (2005) believe that ceasing the program might invoke retaliation and increased hostility toward wolves. The program might also serve politicians looking for support from a diverse constituency.

Several countries have begun modifying farming practices through the use of electric fences, nocturnal confinement of flocks and herds, and surveillance of flocks and herds by shepherds and guard dogs. Many farmers opt against such measures

because it involves cultural change and economic commitment (Ciucci and Boitani 1998). In Wisconsin, the merits of guarding, deterrent devices, and fencing have all been examined at one time or another. Their application remains limited and the cost-effectiveness of prevention is often hard to estimate (Wydeven et al. 2003). Guard dogs accompanied by shepherds seem to work in Europe, but may not be as effective in North America, where herds and flocks often move unattended. In Finland, where dog attacks are prevalent, spiked collars and pepper vests are being considered to minimize depredation (Kojola and Kuittinen 2002). Other deterrent devices such as flagging, shock collars, diversionary feeding, and taste aversion are often difficult to maintain, expensive, time consuming, and sometimes create habituation. Electric fencing is also costly to build on large areas and it restricts the passage of other wildlife, such as antelope. Because wolves often kill young, old, and infirm livestock, some states provide incentives to North American farmers for pasturing these animals near human habitations and confining them at night (Naughton et al. 2005). Wisconsin deer farmers are already required to install predator proof fencing to reduce wolf predation and limit compensation costs (Treves et al. 2002).

Trapping and shooting depredating wolves is more common in North America than other continents, where wolf populations are higher. Wolves often die as a result of relocation attempts, therefore trapping is frequently regarded as one of the final options. In Wisconsin, 38 wolves were captured at depredation sites from 1991-2002. Four wolves died during capture. The mortality rate for the remainder that were captured and relocated exceeded 47% (Naughton-Treves et al. 2003). Most lethal

control methods that attempt to kill depredating wolves are not selective toward particular individuals and are thus uncommonly used.

Some adaptive management strategies include predictability studies, which require anticipating locations of conflict and tailoring research and intervention according to local conditions. Treves et al. (2004) believe the proximity of wetlands and forests will elevate the risk of depredation, while the proximity of road networks and human settlement will decrease the likelihood of depredation. Wydeven et al.'s (2003) analysis on Wisconsin wolf depredation provided some predictability in determining likely wolf depredation, however, the probability that any one pack will cause depredation is less than 5% annually. The researchers reported that the occurrence of prior depredations appears to be a better predictor, because wolves that caused depredation repeated it in 33-76% of subsequent years.

Researchers agree that education is paramount in decreasing human-wolf conflict. An honest presentation of facts about wolves is vital in building trust among different interest groups (Linnell et al. 2002). However, educating the public can be difficult because wolves are not as important to people as family, friends, careers, and politics (Bath and Majić 1999, Bath 2000). Involving the public in the planning and decision-making process, such as in Wisconsin, Canada, and Germany, can increase support in wolf restoration and decrease human-wolf conflicts (Boitani 2000). Public awareness programs, like those in France, can increase acceptance of wolves (Bath 2000). Wisconsin has considered providing hunters with maps on wolf pack locations and depredation sites, however, some have rejected the idea due to the potential for retaliation and harassment.

Some suggest that ecotourism can generate significant economic benefits to local communities, such as in Ely, Minnesota and Greendale, Wisconsin, where people have the opportunity to view and photograph captive wolves for a fee (Bath and Majić 1999). The United Kingdom, Romania, and Croatia are generating income for local communities through tours in search of wolf sign and guided howling sessions (Bath 2000). Wisconsin managers fear that such activities might cause wolves to abandon preferred rendezvous sites and disturb den areas that might lead to wolf pup mortality (Wisconsin Department of Natural Resources 1999). Ecotourism seems to be limited to a country's social and economic context because wolves are elusive and occur in low population densities.

U.S. states have demonstrated that legislation and enforcement are critical in improving wolf management by funding for depredation control and regulating wolf-dog hybrids (Treves et al. 2002). Legislation in Europe needs to be reformed. Currently, legislation serves as an ineffective general umbrella where responsibilities such as protection, hunting permits, health issues, and damage control are fragmented and managed by different agencies (Boitani 2000). Wolf restoration would be more effective if governed by a single national or continental entity. Because several European countries manage wolves at regional levels rather than national levels, Boitani (2000) suggests the implementation of a European wolf management plan that would address management needs of the various countries to maintain and restore viable wolf populations. The Bern Convention might be the sole opportunity in coordinating a legislative forum for such a management plan. At present, the Large Carnivore Initiative for Europe is building partnerships and developing action plans as

a basis for decision-making, but it is not a substitute for a much needed management plan. Even though conservation laws are in place, enforcement of such laws is poor in many European countries. Boitani (2000) feels that lack of enforcement is among the most important factors in limiting wolf survival in Europe. He believes that illegal hunting is tolerated by some authorities as an acceptable method of wolf control.

Locally, wildlife law enforcement agents can have a positive effect on wolf management in Wisconsin by investigating wolf poaching cases, educating citizens on the importance of wolves at public events, and apprehending individuals attempting to intentionally kill wolves. In response to 33 illegal wolf shootings in the last three years (Wydeven et al. 2004), I have implemented the use of a robotic wolf decoy in the state to apprehend suspects attempting to shoot wolves and to deter others from considering killing wolves. Compensation programs, predictability analysis, and education have limits on their effectiveness, but there will always be a need for enforcement. As John Linnell (2004, pg. 2) stated: “It is possible to have the best legislation, the best science, the best population models, the best action plans, but it can all become useless without enforcement on the ground.”

#### Past Wolf Shooting Incidents in Central Wisconsin

Wisconsin wildlife managers supported this study with hopes that a robotic wolf decoy would deter poachers in areas with a high frequency of poaching events. Shortly after Wisconsin's 1999 reclassification of wolves from endangered to threatened, wolf shooting incidents began occurring within the central forest region of Wisconsin. Four of the eleven incidents occurred either in or adjacent to NNWR during gun deer

seasons. Three of the shootings occurred during or immediately prior to the opening weekend of the state's traditional 9-day gun deer seasons. All four cases were unsolved and eventually closed.

The first of these cases occurred on November 25, 1999. The carcass of an adult female timber wolf was recovered from within NNWR. The wolf was shot twice sometime during the opening weekend of the 1999 gun deer season. The diagnostic report indicated that one of the gunshots was sustained at close range (Thomas 1999). Investigators interviewed a witness to the shooting, however, a limited amount of information was gathered. With the exception of the metal fragments recovered from the wolf, no physical evidence was collected at the scene. On November 16, 2000, investigators distributed reward posters within the refuge and in the village of Necedah offering a \$4,000 reward for information leading to the arrest of the person who shot and killed the wolf. No leads were generated and the case was closed in early 2001 (Weber, pers. comm., 2004).

The second wolf was found near the southern boundary of NNWR on November 19, 2001. The adult male's collar emitted a mortality signal that was received by a WDNR aircraft. The wolf was suspected to have been shot during the opening weekend of the gun deer season. Again, with the exception of a .30 caliber bullet removed from the carcass, no evidence was collected at the scene (Weber, pers. comm., 2004).

On January 10, 2002, a citizen located a yearling female wolf that was suspected to have been shot during the 2001 late antlerless-only gun deer season. The wolf was recovered on privately-owned land south of NNWR approximately 15-20

yards from 30<sup>th</sup> Street. No evidence was located at the scene (Weber, pers. comm., 2004).

The last known wolf shot on NNWR was recovered on November 24, 2002. The male wolf pup was located by a citizen driving along State Highway 21 during the opening day of the gun deer season (Figure 3). The wolf was recovered approximately 20 yards from the highway and was suspected to have been shot from the highway the day before the opening of the deer season. Investigators learned that the wolf had been shot with a 6-mm bullet, and extensive internal damage indicated that the animal likely collapsed immediately after being shot. No evidence was located at the scene, and the case went unsolved (Weber, pers. comm., 2004).

These highlighted cases within or near NNWR describe the challenges that wildlife law enforcement officers face when investigating wolf shooting incidents. Remote locations coupled with a large number of orange-clad hunters bearing firearms produces little hope that evidence will be recovered or witnesses identified. Reactive approaches to such single-incident cases have left investigators somewhat frustrated with their attempts at wolf enforcement.

#### Similar Wolf Decoy Studies

Though Wisconsin may be the first state to implement a proactive approach to wolf enforcement through the use of a robotic wolf decoy, it is not a totally unique tool in itself. In 2002 and 2003, SA Curtis Graves with USFWS used a wolf decoy in Arizona and New Mexico. Graves initially deployed a non-robotic decoy, later installing robotics in the head and tail. Graves used the decoy on U.S. Forest Service





Figure 3. Photographs of Shot Wolf, Found November 24, 2002

property in areas of known past wolf shootings. His intent was to gather information (i.e. vehicle descriptions and license plate numbers) that might assist him in solving past cases. He also thought that the decoy would serve as a deterrent to individuals thinking about shooting a wolf. Graves did not have intentions on pursuing ESA charges had someone shot or attempted to shoot the decoy. His decision was based largely on the fact that the decoy was cloaked with an eastern gray wolf hide, rather than an endemic Mexican gray wolf hide (Graves, pers. comm., 2004).

Graves used the decoy approximately 15 times near small-populated communities during deer, elk, and bear hunting seasons. The wolf decoy was fitted with a blaze orange-colored collar to simulate collared wolves found locally. Graves explained that he did not observe anybody shoot at the wolf decoy. He did comment that some of the local residents threw sticks and rocks at it in an attempt to make it move. Graves thought that if the decoy did not move from its position after 30 seconds, the onlookers probably knew that it was not an actual wolf. Graves said that his only documentation from the project were the handwritten notes that he took. Graves advised that he had not heard of any other research being done within the U.S. on the use of a robotic wolf decoy as a law enforcement tool (Graves, pers. comm., 2004).

Wisconsin and Michigan share a similar wolf population size. Michigan's wolf population is confined to the Upper Peninsula. In early 2004, Wisconsin reported 373 wolves to Michigan's 360 wolves. Lt. Thomas Courchaine of the Michigan Department of Natural Resources reported 17 wolves shot in the Upper Peninsula between 1998 and 2004. He further explained that his agency purchased a robotic wolf decoy. The Michigan Department of Natural Resources had intended on using the

decoy in 2003 in an attempt to further pending investigations through ballistic comparisons and suspect interviews. Courchaine reported that the decoy was never deployed due to staff restructuring and the need to direct attention toward other wildlife management issues (Courchaine, pers. comm., 2004).

### Case Law

Nationally, wildlife law enforcement officers with experience in wolf enforcement have become familiar with a 1998 Federal Supreme Court case: U.S. v. McKittrick. Chad K. McKittrick was convicted of three counts of taking, possessing, and transporting a gray wolf from Yellowstone National Park. The Ninth Circuit Court affirmed the conviction and sentenced McKittrick to six months imprisonment. The presiding judge instructed the jury that the government need only prove that the defendant knowingly took an animal and that the animal was a species protected under the ESA. The judge denied that the government needed to prove that the defendant knew the animal was a wolf (Lazarus 1999).

Ironically, after the conviction, the Solicitor General's Office informed the Supreme Court that Department of Justice prosecutors would no longer use the mens rea knowledge instruction approved by the Ninth Circuit in U.S. v. McKittrick. The Solicitor General argued that the instruction did not adequately explain the meaning of the term "knowingly" in Title 16, Section 1540 (b) (1). Since the McKittrick case, the government needs to prove that the defendant knowingly shot (i.e. take) the species at issue. The U.S. Attorney's Office will likely not charge a case under ESA if the defendant claims he/she thought the animal was a dog or a coyote (Spoon, pers. comm.,

2003). The implementation of these revised jury instructions has further challenged investigators working wolf shooting cases. In central Wisconsin, an open coyote hunting season in wolf range is an example of such a challenge.

When using a wildlife decoy mimicking a species protected under ESA, investigators have to rely on the suspect's "attempt" to take the species when building a legal case. The definition of "attempt" set forth in section 5.01 of the A.L.I. Model Penal Code requires (1) an intent to engage in criminal conduct, and (2) conduct constituting a "substantial" step toward commission of the intended offense which strongly corroborates the actor's criminal intent (U.S. v. Joyce).

An issue presented, however, is whether one who shoots an object believing it to be a wolf, although it is not, and who intends to kill it, has in fact attempted to do so under the terms of the ESA. Can one be convicted for the attempted commission of an offense that would be impossible to complete? "Factual impossibility," which refers to those situations in which a circumstance or condition, unknown to the defendant, makes the consummation of the intended criminal conduct impossible, is not a defense to an attempt (U.S. v. Frazier). The Ninth Circuit clearly rejected this defense of impossibility when it upheld the conviction of a defendant who sold a substance believing it to be cocaine, when it was, in fact, a non-controlled substance (U.S. v. Quijada). The Quijada opinion was subsequently relied upon in U.S. v. Steward, in affirming a defendant's conviction for attempting to sell what he believed to be methamphetamine.

Some suggest the use of a robotic wildlife decoy is a form of entrapment. There is a body of legal literature, however, countering such arguments. A person entrapped

into committing a crime is immune from prosecution for that crime. Chief Justice Roberts defined entrapment as “the conception and planning of an offense by an officer” (Sorrells v. U.S.). Miles et al. (2004) more recently defined entrapment as “implanting in an innocent person’s mind the disposition to commit a crime and then induce that person to commit the crime so that they can prosecute him/her.”

Inducement requires at least a showing of persuasion or mild coercion (U.S. v. Nations) or extraordinary promises of the sort “that would blind the ordinary person to his legal duties” (U.S. v. Evans). Mere solicitation to commit a crime is not inducement, nor does the government’s use of artifice, stratagem, pretense, or deceit establish inducement (Jacobson v. U.S.). Chief Justice Earl Warren focused predisposition upon whether the defendant “was an unwary innocent or, instead, an unwary criminal who readily availed himself of the opportunity to perpetrate the crime” (Sherman v. U.S.). Predisposition has been defined as the “defendant’s preexisting willingness to commit a crime whenever an opportunity is presented to him” (Palmer 1987). Predisposition should not be confused with intent. A person may have intent to commit a crime, yet be entrapped. Also, predisposition may exist in the absence of prior criminal conduct. Merely giving a person who is already predisposed to commit a crime the opportunity to do so is not entrapment.

### Summary

Wisconsin has a well-established wolf population in the northern and central-forested portions of the state. In order to maintain this population and prevent another cycle of persecution, wildlife managers need to continue monitoring programs. Wolf

poaching incidents continue to threaten sensitive pack structures. These incidents challenge law enforcement officials due to little evidence and witnesses at the scene of these violations. Human dimensions research has identified some motivations for poaching wolves, including livestock and pet depredation, human threat, and profit.

Proactive law enforcement is essential in maintaining the integrity of the wolf program in Wisconsin. Other approaches such as compensation programs, wolf death investigations, and trapping depredating wolves seem to be either ineffective or harmful to individual wolves. Modifying farming practices also appears to be unattractive due to high costs. Depredation predictability studies do not seem to be very accurate and education programs might fall on deaf ears. The direct apprehension of poachers attempting to take a wolf might be the best option in minimizing mortality and serving as a deterrent for others considering shooting a wolf.

Based on the aforementioned material, it would appear that livestock owners and hound hunters might be more apt than others to intentionally shoot a wolf in Wisconsin. Deer hunters have enjoyed a long history of successful harvests in the state. I anticipate that unless a deer hunter is represented by another group or has had a prior negative experience with a wolf, he or she will comply with laws safeguarding wolves and will not be prone to intentionally shooting a wolf.

There is little documentation available on the use of robotic wolf decoys in the United States. This was a unique study that targeted areas of known past wolf shooting incidents in central and northern Wisconsin. Case law dictates that the use of such a device does not violate an individual's constitutional rights and can be used as a tool to charge suspects with attempting to take a species protected under ESA. Additional

violations included road hunting and illegal transportation of uncased/loaded firearms. Upon making arrests, one of the primary objectives for investigators was determining whether or not the individuals thought the decoy was an actual wolf.

## METHODS

In March 2003, officials from WDNR and UWSP met at the Sandhill Outdoor Skills Center in Babcock, Wisconsin to discuss the potential robotic wolf decoy project. Taking into consideration the past wolf shooting incidents at NNWR, it was recommended that NNWR be the focus of the enforcement effort during the opening weekend of the 2003 gun deer season (Figure 4). I made contact with Custom Robotic Wildlife in Mosinee, Wisconsin regarding a cost estimate on the construction of a robotic wolf decoy. Provided that I supply the hide, the decoy was estimated at \$1,067.30 (Wolslegal, pers. comm., 2003). That same month, SA Spoon stated that the U.S. Department of Justice Wildlife and Marine Resources Section attorney advised him that an individual could be charged with attempting to take a federally-listed species if apprehended for shooting at a wolf decoy (Spoon, pers. comm., 2003). With WDNR supervisory and management approval, I prepared to conduct the study during the 2003 gun deer season.

With funds donated by the Timber Wolf Information Network (TWIN), a robotic wolf decoy was constructed using a hide from a past Wisconsin wolf shooting case (Figure 5). I acquired the decoy on November 13, 2003 and attended a scheduled meeting that same day at NNWR with USFWS agents/officers and WDNR wardens interested in assisting with the study. A core group of agents and wardens traveled through NNWR and selected several appropriate locations where the wolf decoy could be placed. Per WDNR decoy policy (Appendix E), a location with a proper backstop is required in the event a shooter shoots beyond the decoy in an area where hunters might



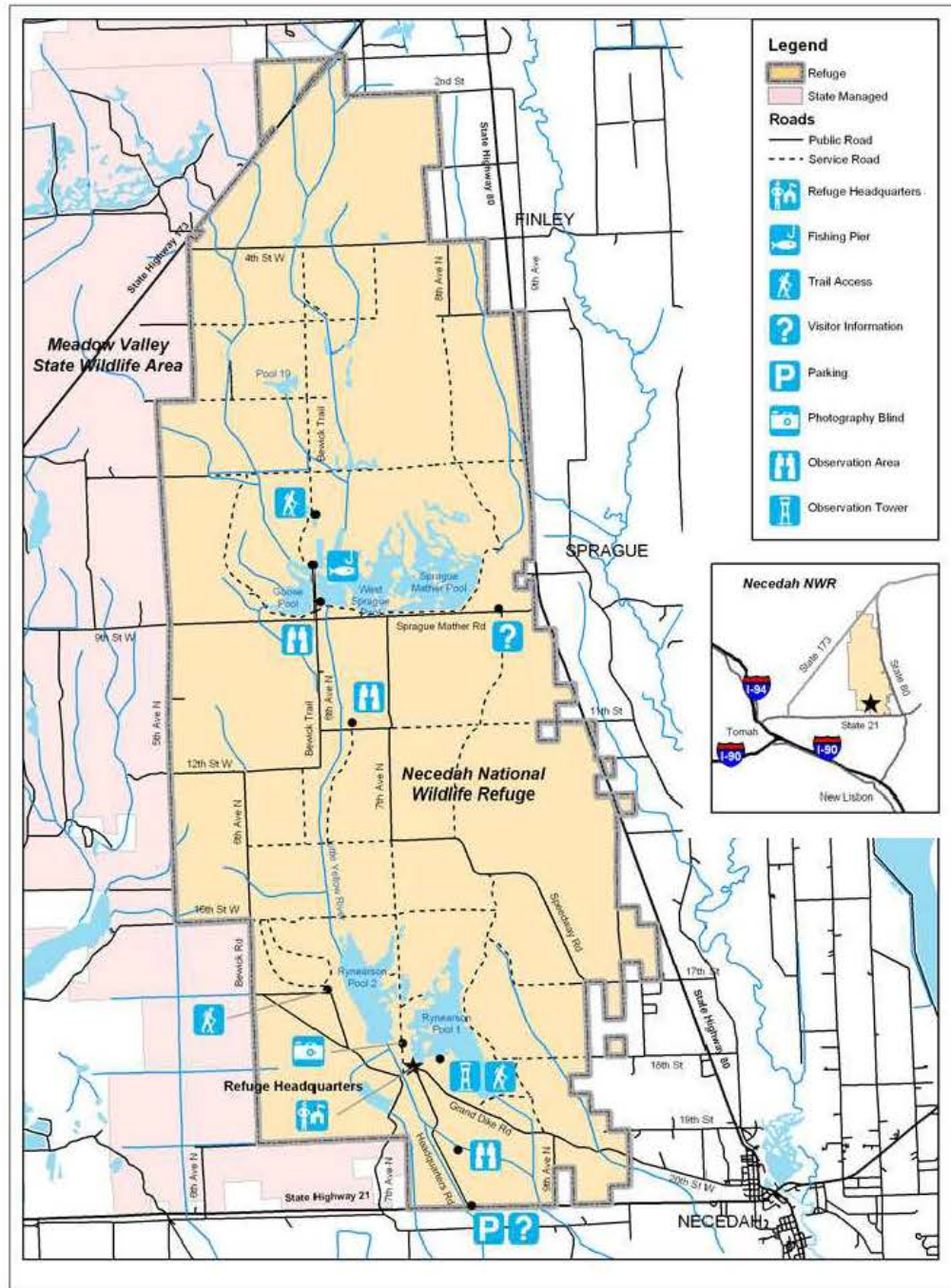


Figure 4. Necedah National Wildlife Refuge Map



Figure 5. Photographs of 2003 Robotic Wolf Decoy

be present. Such a backstop might be a sand berm, rock outcropping, or large felled tree. The locations also needed to be near a suitable pull-off to hide a chase vehicle in the event an apprehension was required.

The following day, a schedule was drafted and sent to participants detailing meeting locations, equipment needs, and assignments (Appendix A). Agents traveling a considerable distance made transportation and lodging arrangements. Private land owners in Adams County were also approached and asked to cooperate with the study by allowing placement of the decoy on their properties. The land owners consented to the use of their land during the week of the deer season and even commented on the likelihood of wardens and agents apprehending individuals shooting at the decoy.

On November 18, 2003, WDNR West Central Regional Warden Mark Burmesch advised me that there was some hesitation on the part of WDNR Bureau of Law Enforcement managers regarding the project. That same evening, I drafted a memorandum to Chief Warden Randy Stark and Regional Warden Mark Burmesch highlighting the importance of the robotic wolf decoy project and sent the document via electronic mail (Appendix B). The following day, three days prior to the opening day of the gun deer season, a message was relayed to me that the chief warden and WDNR secretary had a meeting regarding the robotic wolf decoy study. The chief explained that given the political atmosphere and the recent federal down-listing of wolves from endangered to threatened status, it was decided that the study be postponed with a possibility for consideration in future years. I immediately contacted the participants to advise them of the project's postponement. On December 4, 2003, Richard Thiel

advised the TWIN Board of Directors and staff at WDNR's Bureau of Endangered Resources that the study had been cancelled for the 2003 gun deer season.

Before soliciting approval to run the operation during the 2004 gun deer season, I decided to get the wolf decoy remodeled. I was unsatisfied with the appearance of the decoy, namely the shape of the head and the position of the ears. I acquired a wolf hide from the USFWS St. Paul, Minnesota office and delivered it to Custom Robotic Wildlife on February 19, 2004. This wolf hide had also been seized as evidence in a Minnesota wolf shooting investigation.

In early April 2004, I was advised that TWIN was unsatisfied with WDNR's decision to postpone the wolf decoy project. Robert Welch, TWIN's financial officer and corporate agent, drafted a letter to WDNR Secretary Scott Hassett explaining the organization's disappointment and requesting reimbursement of funds used in the creation of the decoy in the event the decoy was not deployed during the 2004 gun deer season (Appendix C). Secretary Hassett's reply letter, dated June 25, 2004, advised TWIN that the decoy would be given serious consideration for the 2004 gun deer season (Appendix D). On June 30, 2004, Chief Warden Randall Stark updated WDNR's decoy policy to include the use of wolf decoys (Appendix F). Three weeks later, I was advised that the wolf decoy could be utilized during the 2004 gun deer season in areas of past wolf shootings.

During October, a planning meeting at NNWR was once again scheduled with interested conservation wardens, special agents, and refuge officers. The remodeled wolf decoy was showcased (Figure 6) and duties were assigned. It was unanimously agreed that the decoy would be used within NNWR during the opening weekend of the





Figure 6. Photographs of 2004 Robotic Wolf Decoy



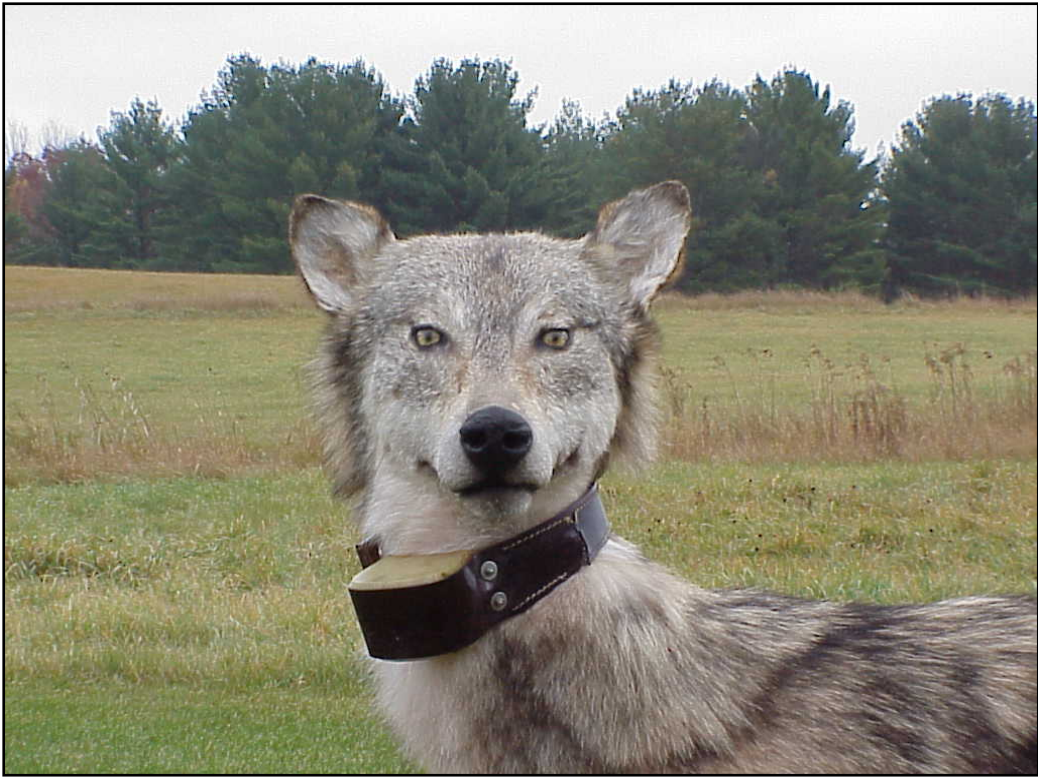


Figure 6. Continued

2004 gun deer season. Based on results from the opening weekend, an assessment would be made whether to remain on the refuge during the remainder of the deer season or relocate to other publicly-owned areas in other counties where wolves had been subject to past shooting incidents.

The study began on November 20, 2004 at NNWR. The wolf decoy was placed in various locations within NNWR on November 20 and 21, 2004. The decoy was not used on November 22, 2004 due to a staffing shortage. On November 23, 2004, the decoy was placed off of Bald Peak Lane and Abbott Ranch Lane in Clark County, Wisconsin. The decoy was placed in two different locations off of Ballard Road in Clark County on November 24, 2004. The decoy was not operated on November 25, 2004 due to historically little travel on Thanksgiving Day. On November 26, 2004, the decoy was placed once again off of Bald Peak Lane and off of Jungle Road in Jackson County, Wisconsin. After running the study in the central forest region of the state, I decided to place the decoy on Rocky Run Road in Oneida County, Wisconsin and off of Parrish Road in Lincoln County, Wisconsin. Both Oneida County and Lincoln County are located in the northern portion of the state. On November 28, 2004, we returned to the NNWR to run the study on the last day of the 2004 gun deer season.

Four participants were used on all but one day of observation. On November 26, 2004, only three individuals participated in the study. Two participants were always assigned to operate and observe the wolf decoy. One individual was responsible for operating the electronics and communicating via police radio, while the second individual video recorded the actions of individuals responding to the presence of the decoy. The two participants assigned to such duty positioned themselves on the

opposite side of the road from the decoy. Their position was close enough to the road to make accurate observations with the aid of binoculars, yet concealed enough to remain undetected. They wore camouflaged clothing and packed rations to sustain them the entire day. As a safety precaution, an article of blaze orange-colored clothing was placed behind them to alert hunters approaching from their backside. One of the observers recorded the time and other pertinent information on a wolf decoy observation form (Appendix G). A separate form was used at every location.

The two concealed observers were in communication with the occupants of the chase vehicle. The chase vehicle was responsible for apprehending violators that were witnessed by the observers and interviewing the occupants of the vehicle who were involved in the violations. The chase vehicle was an unmarked law enforcement vehicle that was hidden from view off the roadway in question. Most of the participants that assisted with the study were credentialed law enforcement officers equipped with issued tactical gear.



## RESULTS

The robotic wolf decoy was set up seventeen times during a seven-day period during the 2004 gun deer season. Some of the sites were used more than once, giving a total of thirteen different locations. The sites were located within Clark, Jackson, Juneau, Lincoln, and Oneida Counties. Total operation time came to 39 hours and 51 minutes with 59 minutes and 55 seconds captured on video. Of the 149 passing vehicles, 43 reacted in some way to the presence of the wolf decoy. Law enforcement officers made contact with occupants of 12 of those vehicles. Occupants of the remaining 31 vehicles were uninterrupted by law enforcement. The average time a motorist stopped and reacted to the decoy's presence before driving away equaled 2.3 minutes (Figure 7). Six citations were issued to four individuals for hunting and firearm safety infractions. All but one of the citations resulted in a conviction. One citation was dismissed because the local conservation warden failed to appear in court on the trial date. The results at each of the seventeen sites have been summarized as follows:

1. The decoy was placed in a sedge meadow at NNWR approximately 65 yards from the roadway on the opening day of the 2004 gun deer season. The occupants of the first two passing vehicles did not indicate they noticed the decoy. The first vehicle that reacted to the decoy was a white-colored panel van. The van stopped, backed up, and remained in idle for approximately three minutes while the two male individuals seated in front looked at the decoy. The van then drove away without incident.

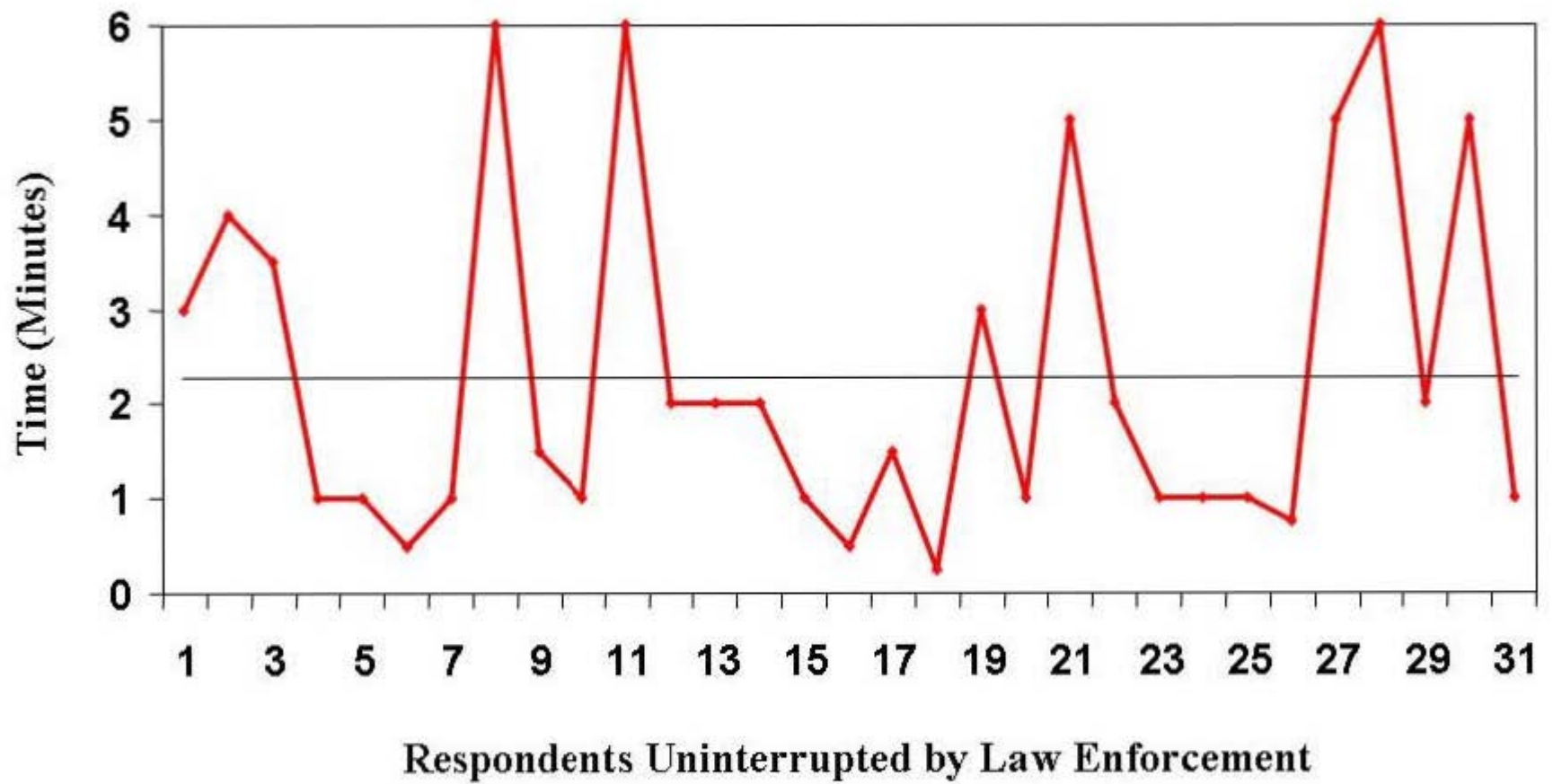


Figure 7. Uninterrupted Respondent Observation Times

The second vehicle bearing two occupants stopped in the roadway for approximately four minutes. The driver of the Chevrolet Blazer revved the engine of the vehicle in what appeared to be an attempt to spook the wolf. The Blazer departed the area after the desired reaction was not received.

An adult male and a juvenile male walked down the roadway with rifles slung over their shoulders. Upon seeing the decoy in the sedge meadow, both individuals took turns looking at the decoy through a scope on one of the rifles for approximately four minutes. The adult smiled before the two walked away. Approximately one half hour later, the two walked back down the roadway. The adult looked on the opposite side of the roadway from which the decoy was placed. The adult saw the wardens lying in concealment. The adult thanked the wardens and advised them that he appreciated the effort. The adult explained that he only used the scope to get a closer look at the decoy. The wardens asked that he keep the operation quiet.

2. The decoy was placed in an open woodland field on NNWR in the early afternoon on the first day of the 2004 gun deer season. A pick-up truck pulled off the road in the vicinity of the decoy. Four individuals exited the vehicle and loaded their rifles as if getting ready to routinely hunt in the area. The four individuals began walking toward the direction of the decoy when the first two stopped abruptly upon seeing the decoy. Two men raised their rifles and looked at the decoy through their scopes while the other two men stood behind them. Eventually, all four began walking toward the decoy once again. At that point, I exited from my place of concealment and asked the four hunters to leave the decoy alone. The hunters continued walking past

the decoy. The operation was halted at that site due to a safety risk of individuals hunting in an area behind the decoy.

3. The last location chosen during the opening day was a semi-wet opening on NNWR near State Highway 80. The decoy was placed on the south side of a roadway. The first vehicle that reacted was a van bearing Illinois registration. The van stopped and backed up. A male exited the van from the passenger side and immediately made eye contact with the wardens lying on the north side of the road. The wardens told the individual to leave the area.

Within the next hour, three more vehicles reacted to the decoy. The first was a Jeep Cherokee that slowed to a stop. The driver of the Jeep looked at the decoy for approximately one minute before driving away. The second vehicle was a Ford Ranger. The driver stopped the vehicle, backed up, and honked the horn all within half a minute before driving away. The final vehicle was a smaller pick-up carrying an adult male and a younger boy. The driver stopped, backed up, and whistled twice out the window before driving away a minute later.

4. The next morning, the crew operated the decoy where it had the day before: the semi-wet opening near State Highway 80. At about 7:30 A.M., a Chevrolet Blazer followed by a Dodge Caravan stopped in the roadway. After a brief moment, both vehicles continued west down the road. Approximately six minutes later, the Caravan drove past the decoy traveling east. Wardens heard the vehicle turn around in the roadway and continue back to the west. The Caravan slowly drove past the decoy the third time and stopped approximately 25 yards down the road. A male passenger, later identified as Paul Peterson, exited the vehicle with an uncased, loaded rifle. Peterson

walked east down the roadway with the rifle in the direction of the decoy. Peterson walked a few feet off of the roadway before firing one shot in the direction of the decoy. The chase vehicle was called to the scene and apprehended Peterson before he reached the Caravan (Appendix I).

Peterson consented to an interview back at the refuge headquarters (Appendix H). During the interview, Peterson stated that when he and his two hunting companions drove past the decoy the first time, they thought it was a deer. Peterson switched vehicles from the Blazer to the Caravan and drove past the decoy a second time, again thinking the decoy was a deer. Peterson stated that he loaded his rifle, walked down the roadway, and shot at an object that he believed to be a live deer. It was only after Peterson fired the round that he understood that the object was not a deer. After firing the round, Peterson walked closer to the decoy and saw that it was a wolf decoy. At that point, Peterson tried to flee before he was apprehended by a USFWS refuge officer and a USFWS special agent (Appendix M).

Information that wardens considered when accepting Peterson's account included Peterson's initial statement when asked why he shot at a wolf. Peterson stated he would not shoot at a wolf because he did not have a wolf permit, even though wolf permits are not granted for recreational harvest. Peterson's lack of hunting experience and poor equipment (rifle missing a front sight) convinced wardens that Peterson was telling the truth. On three occasions before shooting from 210 feet away, Peterson witnessed what he believed to be a live deer rather than a wolf decoy. Subsequently, Peterson's round struck a tree above the decoy (Figures 8-9). Wardens issued Peterson three citations including failing to display a backtag, transporting an uncased firearm in



Figure 8. Paul R. Peterson Case - Warden Dremel Taking Notes near a Shell Casing Marked with an Orange Cap





Figure 9. Paul R. Peterson Case – Rifle Round in Tree Marked with an Orange Cap

a vehicle (Appendix J), and possessing a loaded firearm within 50 feet of a refuge roadway (Appendix N). The driver of the Caravan was also issued a citation for transporting a loaded pistol in a vehicle. Both defendants plead no contest in state court and were found guilty of the aforementioned offenses (Appendices K and L). Peterson also paid \$150.00 for the federal charge of possessing a loaded firearm within 50 feet of a refuge roadway on December 30, 2004 (Hjelmgren, pers. comm., 2005).

5. Later that same morning, the decoy was placed in a jack pine clearing on the southern portion of NNWR. Wardens concealed themselves behind oak limbs on the opposite side of the roadway. Within ten minutes of placing the decoy, a white-colored Jeep Cherokee with two occupants stopped and looked at the decoy for one and one half minute before driving away. A few minutes later, a red-colored pick-up truck stopped and both occupants looked at the decoy for one minute before the vehicle departed.

A white-colored pick-up truck carrying an adult male and a juvenile male stopped and remained motionless in the roadway for six minutes. Both occupants looked at the decoy for a brief period before the adult barked out the window at the decoy and then honked the vehicle's horn. The boy commented to the adult that he observed the head move. The boy exited the passenger side of the truck and walked approximately ten feet from the truck toward the decoy. The boy walked back to the vehicle and re-entered before the vehicle left the area. Approximately 50 minutes later, a purple-colored Jeep Cherokee with two occupants stopped in the roadway for two minutes. One of the occupants whistled out the window before the vehicle drove away.



Three minutes later, the vehicle drove past from the opposite direction without slowing down.

6. On Tuesday, November 23, 2004, the operation was moved to Clark County, Wisconsin off a forest lane near an area where I videotaped wolf pups in June 2003. By fall 2003, biologists reported that only three of the six wolf pups had survived. The decoy was placed in a wooded area and was monitored from a hill on the opposite side of the road.

Forty-five minutes after the decoy was positioned, a green-colored Dodge pick-up truck approached a second time. The single occupant abruptly stopped and backed the truck up. The driver yelled, "Get!" and whistled out the window of the vehicle before driving away two minutes later. The same truck drove past a third time approximately two hours later without slowing down. Three pick-up trucks carrying two occupants each stopped in the roadway. Two of the drivers exited their respective trucks and stood in the road. One of the drivers commented that the object was a "DNR wolf decoy." At that point, I emerged from my location and asked the individuals to leave the area. One of the individuals stated, "No problem" before the three trucks drove away. Less than a half hour later, a truck bearing two occupants stopped for one minute allowing one of the individuals to look at the decoy through binoculars. The truck left without incident. A few minutes later, a different truck carrying two occupants stopped for one-half minute. One of the individuals sounded a short howl out the window.

Two and a half hours after placing the decoy, the batteries failed on the robotics resulting in an inability to move the head and tail during the final observation at that

location. A GMC Suburban driven by David Janke slightly passed the decoy before stopping. Janke exited the vehicle and removed a rifle from the back seat. Janke was observed loading the rifle and walking down the road toward the direction of the decoy. Janke walked 13 feet off the road, shouldered the .308 caliber rifle, pointed it in the direction of the decoy, and looked through the scope. Janke did not fire a round at the decoy.

The chase vehicle was called in while Janke was walking back to his truck. Janke stated that he initially stopped because he thought the object was a deer. Janke admitted that after he looked at the object through the rifle's scope, he knew something did not look right. Janke stated that he did not shoot because he thought the object was a deer that someone "propped up." Janke stated that he did not see the collar on the animal. Even while wardens interviewed Janke, Janke did not know the object was a wolf decoy. Janke insisted that he thought the object was a deer propped up as a joke. Janke admitted he would have shot, had the object been a live deer. Because the road did not appear as a solid line on a Wisconsin Department of Transportation map, Janke was merely advised that he should not make it a practice to hunt from roadways if he was uncertain to the road's classification.

7. Later that same morning, the decoy was placed off Abbott Ranch Lane, which parallels Bald Peak Lane to the west. Three pick-up trucks stopped in the roadway one minute after wardens positioned the decoy. A passenger of one of the trucks exited and walked approximately ten feet in the direction of the decoy. The male individual returned and all three trucks departed after one and one half minutes. One minute later, a column of five pick up trucks stopped in the roadway. A passenger in

the first truck looked at the decoy through binoculars. Wardens emerged from their place of concealment and told the onlookers to continue on their way. The individual holding the binoculars advised, “You need to put antlers on that thing!” The driver of the second vehicle told wardens, “I hope you catch them.” Due to heavy traffic, the decoy was removed from that location after only 19 minutes.

**8.** Early that afternoon, the decoy was set off the southern end of Abbott Ranch Lane near U.S. Highway 10 in Clark County. One half hour after placement, a red-colored truck carrying two occupants stopped on the roadway for 15 seconds. The male passenger looked at the decoy through binoculars for a brief moment before the vehicle drove away. The other ten passing vehicles did not respond to the decoy.

**9.** On the morning of November 24, 2004, the decoy was placed on a logging road 70 yards south of Ballard Road in Clark County (Figure 10). The decoy was out of range to be remotely controlled. At 8:12 A.M., a white-colored diesel pick-up truck stopped and backed up on the roadway. A male individual, later identified as Eugene Schreindl, exited from the passenger side of the truck and loaded a rifle while standing on the roadway. Schreindl crept in a hunched manner alongside the length of the truck and continued to walk to the southern edge of the roadway. Schreindl was not wearing a gun deer backtag as required by state law. Schreindl stood on the edge of the roadway shouldering the rifle, pointing it in the direction of the decoy, and looking through the scope of the rifle for over 30 seconds. Without discharging his rifle, Schreindl walked back to the truck and repositioned himself in the passenger compartment before the truck drove away (Appendix O). I contacted the wardens in the chase vehicle via police radio. The wardens initiated a traffic stop on the white-



Figure 10. Eugene C. Schreindl Case – Wolf Decoy Positioned on Logging Road

colored pick-up truck west of the decoy's location. During the brief interview, Schreindl advised the wardens that he thought the object was a live deer until he had a chance to look at the object through the scope on his rifle. Schreindl stated that after looking at the object through the scope, he determined that the object was a deer decoy. Schreindl admitted that he would have shot at the object from the roadway had the object been a live deer (Appendix P). Subsequently, Schreindl was issued a citation for hunting within 50 feet of a roadway's center. On December 23, 2004, Schreindl entered a no contest plea and was found guilty by the Clark County Circuit Court Judge (Appendix Q).

**10.** Later that same morning, the decoy was repositioned further west in a sedge meadow on the north side of Ballard Road. Within 15 minutes, a single occupant in a red-colored Ford pick-up truck slowed to a stop. The driver looked in the direction of the decoy for several seconds before departing. Approximately one half hour later, a silver-colored GMC pick-up truck stopped in the roadway. Both occupants exited the vehicle and looked at the decoy through binoculars. One of the male individuals stated that it was a timber wolf. Upon seeing the collar, the same individual stated that it was a "DNR timber wolf." The chase vehicle was called in to make contact with the individuals. One of the individuals advised the warden that he was going to call the DNR regarding the wolf sighting before being contacted. Later that day, the individuals stopped and continued the conversation with the wardens in the chase vehicle. The driver advised that he stopped the truck because he initially thought the decoy was a live deer. The individual went on to further state that he was pleased to see the DNR working the wolf enforcement effort.

**11.** On November 26, 2004, the decoy was returned to a previous location off Bald Peak Lane and monitored from a hill on the opposite side of the road. At 8:55 A.M., a Dodge Ram pick-up truck pulled into the clearing near the decoy's location. An adult male and a juvenile male exited the vehicle and began preparing hunting equipment. After determining the individuals did not notice the decoy, I emerged from my place of concealment and asked the two deer hunters if they would be willing to relocate to a different hunting location. The male individual consented to the request, and the vehicle departed the scene. None of the other four passing vehicles noticed the decoy at that location.

**12.** Later that morning, the decoy was placed in a sedge meadow off Jungle Road in northern Jackson County. A black-colored Chevrolet Suburban carrying three occupants stopped on the roadway for two minutes. A male individual exited from the back seat and stood on the road before requesting a camera from one of the individuals remaining in the vehicle. Before receiving the camera, the male individual repositioned himself in the back seat prior to the vehicle departing the scene. Approximately 15 minutes later, a black-colored Chevrolet Blazer with two occupants stopped on the roadway. Both individuals looked in the direction of the decoy. One of the individuals exited the Blazer and motioned the occupants of a following red-colored Chevrolet Avalanche to stop their approach. The individual re-entered the Blazer before the Blazer drove away from the scene. The two occupants of the approaching Avalanche also looked in the direction of the decoy. One of the occupants yelled, "Bang, bang!" several times out the window. The Avalanche returned over an hour later and stopped on the roadway. One of the male individuals exited the truck, whistled, and stated,

“Here boy.” The same individual held a sandwich and soda and verbally offered both to the wolf decoy. The individual resumed his position in the vehicle before departing the area.

**13.** On November 27, 2004, the decoy was deployed in the northern county of Oneida off of Rocky Run Road. The day’s challenges included periodically brushing off the heavy snow that accumulated on the decoy’s back. Approximately one hour into the operation, a blue-colored GMC Suburban carrying two occupants stopped on the roadway for one minute. Both occupants looked in the direction of the decoy before departing the area. One minute later, a silver-colored Ford pick-up truck carrying two occupants stopped and traveled a short distance in reverse. Both occupants looked in the direction of the decoy before leaving 45 seconds later.

**14.** In the early afternoon of the same day, the decoy was placed in a wooded area off Parrish Road in neighboring Lincoln County. Heavy snow continued to fall making video recording very difficult. Several minutes after placement, a blue-colored GMC truck carrying four occupants stopped on the roadway. A passenger, later identified as Randy Ballmer, exited the truck, chambered a round into his rifle, and walked down the road until he was in line with the decoy. Two other passengers exited the truck while Ballmer shouldered his rifle, pointing it in the direction of the decoy for approximately ten seconds without discharging the rifle. Wardens overheard a male voice say, “It’s a timber wolf.” A different male voice stated it was a “big wolf”, then a “DNR timber wolf.” Wardens called the chase vehicle to the scene (Appendix R). Ballmer was issued a citation for hunting within 50 feet of a roadway’s center. Ballmer advised the arresting wardens that he initially thought the object was a deer. Ballmer

plead not guilty to the charge and a trial date was set. Ballmer allegedly argued that the rifle was not loaded. The local conservation warden failed to appear in court for the trial and the charge was dismissed (Appendix S).

Approximately one half hour later, a single occupant vehicle stopped and backed up. The driver looked at the decoy for approximately five minutes and left without incident.

**15.** November 28, 2004 marked the final day of the project. The decoy returned to the NNWR in the jack pine clearing located at the southern end of the refuge. One recorded vehicle drove past in nearly two and a half hours. The driver of the vehicle did not notice the decoy's presence.

**16.** Later that same morning, the decoy was moved to a more central location within the refuge in an area recently mowed off of Speedway Road. The decoy was pulled from the location after approximately one hour due to a hunter safety concern. A group of hunters started a deer drive along a ditch immediately behind the decoy.

**17.** The semi-wet opening near State Highway 80 was selected as the final location within the NNWR. At 12:47 P.M., a black-colored Toyota pick-up truck bearing Illinois registration and carrying two occupants stopped in the roadway east of the decoy. Two male individuals wearing blaze orange clothing slowly walked down the road toward the decoy. Wardens could not determine whether the individuals were carrying rifles. After the individuals drove away from the area, the chase vehicle was called to stop the vehicle. Three miles south on State Highway 80, the individuals advised USFWS refuge officers that they thought the object was a coyote and wanted to



get a closer look. They advised that they have been hunting in the area for several years and have never seen a coyote.

A yellow-colored Jeep carrying two occupants stopped, backed up, and remained motionless on the roadway for approximately two minutes. One of the occupants whistled and yelled, "Here boy", out the window. Shortly before departing, a voice exclaimed, "I got a gun." Further actions were not observed. Approximately 45 minutes later, a green and silver-colored GMC carrying two occupants stopped on the roadway for one minute. Both individuals looked in the direction of the decoy before the vehicle drove away.

In conclusion, our most interesting finding of the study was hunters' perceptions of what they observed. Of the fourteen individuals who either gave verbal statements to law enforcement or were overheard speaking to one another, ten believed the robotic wolf decoy was a live deer or a deer decoy. The remaining four were split in believing the wolf decoy was a coyote or a wolf (Figure 11).

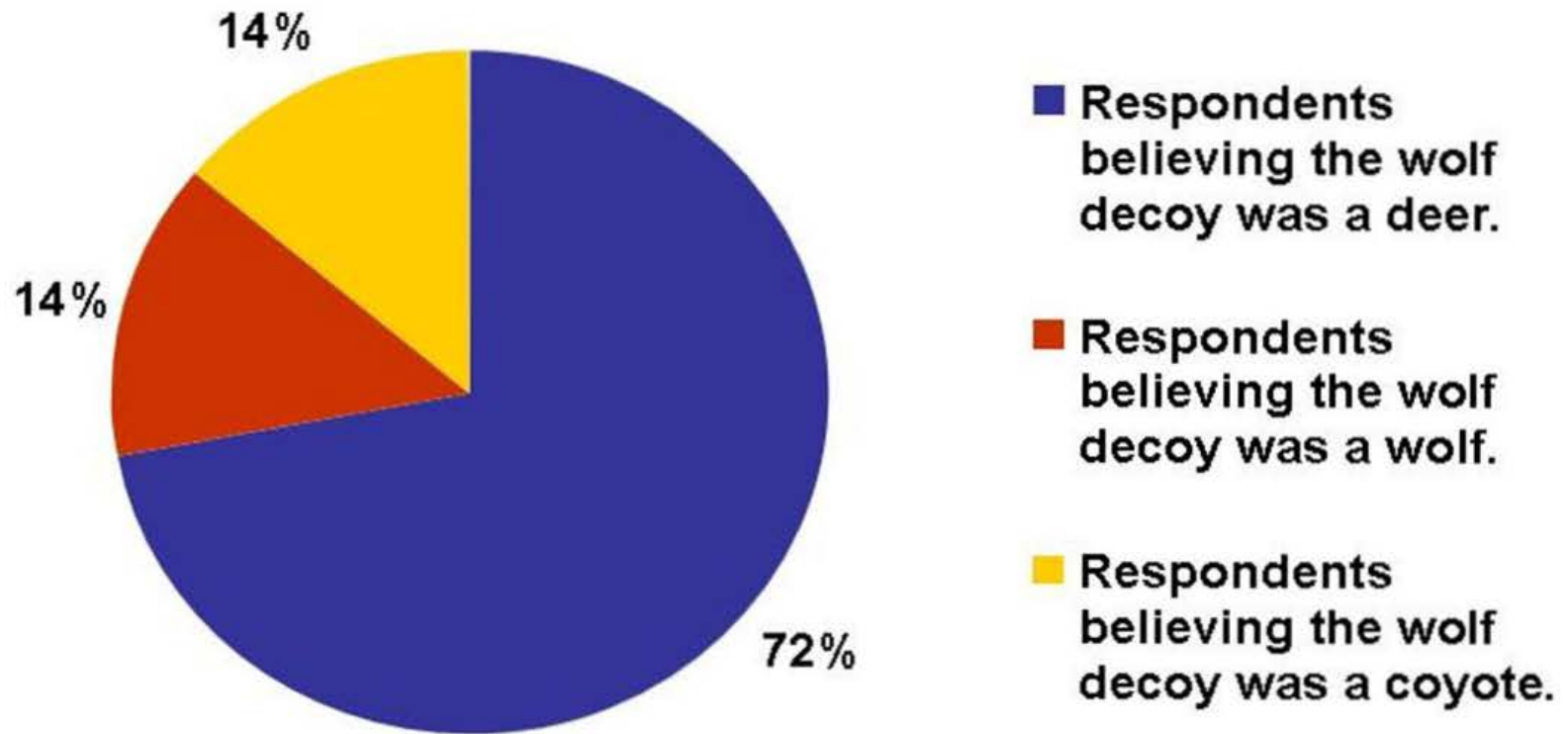


Figure 11. Respondents Species Identification of the Wolf Decoy

## DISCUSSION

Surprisingly, some unexpected observations and challenges were documented during the project. Misidentification of the decoy and minimal individual observation times were among the most prevalent. Positive public feedback on the project proved contrary to the WDNR's initial apprehension in accepting the operation. Major challenges included relying on an independent contractor to construct the decoy and working with cooperating agency representatives within their jurisdiction. The project's scope was significantly narrowed in that it strictly relied upon information gathered from vehicle operators and passengers traveling along roadways within areas of known past wolf shooting incidents.

Our findings were consistent with those of other studies, such as Kellert (1991), who determined deer hunters generally have positive attitudes toward wolves. The study also reinforced that Midwesterners in general are positive toward wolf restoration efforts, such as in Kellert's (1999) Minnesota study that showed state residents clearly valued wolves as ecologically important and aesthetically appealing. Only a small minority of residents in Wisconsin's neighboring state disliked wolves.

All four individuals who commented on the project during the field study period gave favorable remarks regarding the effort put forth. Those comments included:

- *We appreciate what you are doing.*
- *I hope you catch them.*
- *We're pleased to see you working the effort.*

Experience tells me that the majority of people who voice their opinion at public hearings, wildlife quota meetings, and newspaper editorials seem to be opposed to wildlife regulations. This study provided a platform for input from both the vocal and non-vocal user groups. Even the individuals that were arrested for committing violations did not provide negative remarks toward the endeavor. A spouse of one of the defendants called to reiterate that her husband would never intentionally shoot a wolf and that he appreciates the presence of wolves in the state. She was concerned that her husband would also be charged for attempting to shoot a wolf under the ESA (Peterson, pers. comm., 2004).

All four individuals detained and interviewed for committing state and/or federal violations initially misidentified the decoy as a deer. Even individuals that used rifle scopes and binoculars initially mistook the wolf decoy for either a deer or a deer decoy. In fact, 72% of individuals giving verbal information through either statements or conversation with law enforcement officers believed the decoy to be a deer. The remaining 28% was evenly split in believing the decoy was either a wolf or a coyote. Such information raises the possibility that past wolf shootings within NNWR and the central forest region during the gun deer seasons may have been a result of accidental shootings due to wolf-misidentification rather than deliberate wolf killings. Though my sample size is small, the consistency of the findings challenges the long held assumption that wolves killed during the gun deer season were intentional violations of state and federal laws.

The current policy of closing the coyote season was assumed to protect wolves from misidentification. These findings suggest that policy may be inadequate. Hunters

participating in the traditional Wisconsin nine-day gun deer season may be consumed with intentions on seeing deer that they lose focus in properly identifying other four-legged wildlife species. The modern liberalization of deer quotas in the form of bonus antlerless permits may also serve to make hunters less careful in identifying their target because multiple valid permits lessen the need to be selective during harvest opportunities. Clearly, more emphasis needs to be placed on wolf identification at hunter education courses in order to curb the potential for future accidental wolf shooting incidents.

Another interesting observation was the minimal average time that passing motorists spent looking at the wolf decoy. One might believe that the opportunity to observe a timber wolf in the wild is one of rare occurrence. Yet, the average time individual motorists spent observing the decoy was 2.3 minutes. Most motorists stopped for a minute or less without making any attempt at trying to rouse or spook the object before driving away. One might also believe that had the individuals suspected the object as being a decoy, they would have visually scanned the area for law enforcement presence. This leads researchers to ponder whether or not the majority of those motorists correctly identified the object as a wolf or if they incorrectly identified it as another wildlife species, such as a coyote or a deer.

This project was originally slated for the 2003 gun deer season. The study was postponed that year by WDNR due to anticipated negative public feedback during a period in which wolves were considered for down-listing from federally-endangered to federally-threatened status (Stark, pers. comm., 2003). Ironically, Michigan's robotic wolf decoy program was terminated that year for similar reasons (Courchaine, pers.

comm., 2004). Peek et al. (1991) commented on the need for agencies to consider resource protection over social pressures:

*“Although agencies must respond to social and political considerations, they also need to be vigilant in avoiding undue external group influence, particularly ‘capture’ by pressure groups motivated more by self-serving than by species-recovery objectives.”*

It was not until WDNR received a letter of dissatisfaction from TWIN regarding the postponement that it approved the project for the following year. Shortly after replying to TWIN’s concerns and addressing the future use of the wolf decoy, the agency revised its law enforcement decoy policy to incorporate wolf decoys. Such a timely response to public pressure emphasizes the significant role that conservation organizations play in resource management decisions. It also corroborates the concept that natural resources are managed in ways to benefit the public.

Working with USFWS staff on this project proved to be both beneficial and challenging. NNWR staff supplied demographic information relating to areas of high deer hunting pressure and roads receiving the greatest amount of vehicular traffic. A USFWS wildlife biologist provided insight on wolf populations and pack composition within the refuge. In fact, three wolves were photographed within the refuge near the study area approximately five weeks after the field study (Peterson, pers. comm., 2005).

Certain areas within the refuge were slightly altered three weeks after the wolf decoy sites had been selected. Some of the fields were freshly mowed and logging roads were blocked off. These alterations affected decoy placement and vehicular travel patterns. Fields with patches of tall grass were considered optimal to break-up the decoy’s silhouette and conceal the battery pack. These freshly mowed areas forced

law enforcement personnel to either move the decoy a further distance from the road or completely relocate the operation.

Another unexpected dilemma encountered on the NNWR was the frequency of passing USFWS vehicles. During the 18 hours and 38 minutes of field observation on the refuge, seven USFWS vehicles traveled down roadways where the wolf decoy was positioned. The passing vehicles included law enforcement squad trucks, wildlife biologist telemetry trucks, and car-counter vehicles (used to record visitor data). The mere presence of these vehicles in the area may have been a deterrent to individuals considering shooting a wolf. The hunting public in general has difficulty in differentiating vehicles driven by biologists, maintenance staff, and game wardens. Hunters might assume that a vehicle with a USFWS emblem traveling within the refuge on a weekend is occupied by a law enforcement agent.

The wolf decoy that was procured in November 2003 from Custom Robotic Wildlife had noticeable exterior flaws. The ears were laid back, the eyes were off-set, and the head appeared deformed. The decoy was the subject of criticism from fellow wardens assisting with the study. The owner of Custom Robotic Wildlife admitted to accidentally shrinking the hide by drying it too close to the radiator. Immediately upon hearing the study was postponed in 2003, measures were taken to rebuild the decoy. I obtained a new hide from the USFWS's St. Paul, MN office and delivered it to Custom Robotic Wildlife. The decoy was remodeled at no additional cost. The remodeled decoy used in 2004 was a great improvement over the original decoy, however, it still had a more slender appearance than one would expect from a wolf bearing a winter coat.

An apparent weakness in the study is that it only addressed the actions of occupants of passing vehicles. Past wolf-shooting investigations have revealed that wolves have been shot both from roadways and in remote roadless locations. Because it would be virtually impossible to predict hunter foot-travel routes and ineffective to position the decoy off designated trails, areas near roadways were selected to obtain an adequate sample population.

Other minor challenges included deer hunters unexpectedly arriving to the study area to either prepare for a deer drive or to gain entry to a preexisting deer stand. On three occasions, the decoy was either relocated or hunters were asked to select a different deer hunting location. The study was not allowed to continue during those incidents due to the potential for rifle rounds fired in the direction of unsuspecting deer hunters.

Vehicles traveling together as part of a deer hunting party proved to be a hindrance. When occupants of the lead vehicle noticed the wolf decoy, all other parties were forced to stop their respective vehicles. An individual will be unlikely to commit a criminal offense when in the company of several witnesses. In such cases, the wardens emerged from their place of concealment to motion the gapers onward.

Inclement weather was somewhat expected for late November. Rain and heavy snow hampered video documentation and speedy remote control effects. During such foul weather, electronic equipment was stowed away to preserve its future functionality. Heavy snowfall also required the observing wardens to leave their place of concealment to periodically brush the accumulating snow from the decoy's back in



an effort to maintain its lively appearance. Approaching the decoy from a wide angle was mandatory to prevent a connection between footprints left in the snow to the decoy.

Toward the end of the field study, local wardens participating in the study were apprehensive toward working the wolf decoy effort. One warden commented that a deer decoy would be more effective in apprehending hunters violating road hunting regulations. Certainly, a deer decoy is a more effective tool for making arrests associated with deer hunting. In addition to gathering information, the purpose of the wolf decoy project was to apprehend individuals intentionally attempting to take an ESA-listed species. Although such intentional actions were not observed, important data was collected that may rationalize causes associated with past wolf shooting incidents. Law enforcement officials are often concerned with the number of arrests rather than taking proactive approaches in determining underlying motives to criminal behavior.

TWIN was very appreciative of the robotic wolf decoy effort. Treasurer and Corporate Agent Robert Welch stated that his organization had studied reward programs for years concerning illegal shootings and found that none have proven to work. The organization was pleased that a few individuals were arrested through the use of the decoy. According to Welch, TWIN was looking to become more proactive in working directly with law enforcement field operations (Welch, pers. comm., 2004).

The robotic wolf decoy proved to be of value in identifying weaknesses associated with wolf identification. The study suggests that more emphasis should be placed on wolf identification at hunter education courses. With time, periodic use of the robotic wolf decoy will serve as a deterrent to individuals attempting to take

protected, threatened, or endangered species. Use of the decoy will also serve as an alarm to deer hunters that other four-legged wildlife species inhabit the natural environment during the “sacred” Wisconsin nine-day gun deer season.

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# Appendix A - 2003 Wolf Decoy Schedule

## Saturday – November 22<sup>nd</sup>

**Location:** Necedah Refuge/Meadow Valley

**Meeting Place:** Refuge Headquarters – 5:15 A.M.

**Participants:**

Ed Spoon (FWS) – F105	cell # (608) 575-8160
Mark Little (DNR) – C179	cell # (608) 797-4779
Ted Dremel (DNR) – C141	cell # (262) 818-1707
Georg Wagner (DNR) – C322	cell # (715) 210-0141

**Details:** Initially, Wagner and Dremel will monitor the decoy, while Spoon and Little stand-by in a chase vehicle (either Spoon’s SUV or Wagner’s van). Assignments and chase vehicles may change during the day. All participants should bring adequate outdoor surveillance dress, snacks, and interview equipment (notebook, recorder, statement forms – whatever your preference).

## Sunday – November 23<sup>rd</sup> -

**Location:** Necedah Refuge/Meadow Valley

**Meeting Place:** Refuge Headquarters – 5:15 A.M.

**Participants:**

Ed Spoon (FWS) – F105	cell # (608) 575-8160
Dave Trudeau (FWS) – F401	cell # (608) 547-1222
Ted Dremel (DNR) – C141	cell # (262) 818-1707
Georg Wagner (DNR) – C322	cell # (715) 210-0141

**Details:** Initially, Wagner and Dremel will monitor the decoy, while Spoon and Trudeau stand-by in a chase vehicle (either Spoon’s SUV or Wagner’s van). Assignments and chase vehicles may change during the day. All participants should bring adequate outdoor surveillance dress, snacks, and interview equipment (notebook, recorder, statement forms – whatever your preference).

## Thursday – November 27<sup>th</sup> - Thanksgiving -

**Location:** Necedah Refuge/Meadow Valley

**Meeting Place:** Refuge Headquarters – 5:30 A.M.

**Participants:**

Matt Weber (DNR) – C115                      cell # (715) 299-6288  
Leanne Ganz (DNR) – C317 cell # (715) 459-6506  
Georg Wagner (DNR) – C322                      cell # (715) 210-0141

**Details:** Wagner and Ganz will monitor the decoy, while Weber stands-by in a chase vehicle. We will run the decoy until about 1:00 P.M. All participants should bring adequate outdoor surveillance dress, snacks, and interview equipment (notebook, recorder, statement forms – whatever your preference).

**Saturday – November 29<sup>th</sup>**

**Location:** Adams County – To be announced

**Meeting Place:** Place and time to be announced – plan on working all day.

**Participants:**

Gary Jagodzinski (FWS) – F102                      cell # (608) 780-1187  
Brian Ezman (DNR) – C279 cell # (715) 432-4522  
Georg Wagner (DNR) – C322                      cell # (715) 210-0141

**Details:** All participants should bring adequate outdoor surveillance dress, snacks, and interview equipment (notebook, recorder, statement forms – whatever your preference). More details will be announced after Ezman makes contact with a property owner in Adams County.

**Saturday – November 29<sup>th</sup>**

**Location:** Adams County – To be announced

**Meeting Place:** Place and time to be announced – plan on working all day.

**Participants:**

Gary Jagodzinski (FWS) – F102                      cell # (608) 780-1187  
Brian Ezman (DNR) – C279 cell # (715) 432-4522  
Georg Wagner (DNR) – C322                      cell # (715) 210-0141

**Details:** All participants should bring adequate outdoor surveillance dress, snacks, and interview equipment (notebook, recorder, statement forms – whatever your preference). More details will be announced after Ezman makes contact with a property owner in Adams County.

# **Appendix B – Correspondence on Validity of the Wolf Decoy Project**

## **CORRESPONDENCE/MEMORANDUM**

**State of Wisconsin**

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DATE: November 18, 2003

TO: Randy Stark, Mark Burmesch

FROM: Georg Wagner

SUBJECT: Validity of robotic wolf decoy project

In response to a telephone conversation with Mark Burmesch, the following points provide supportive information on the validity of the robotic wolf decoy project.

1. A considerable amount of planning has already occurred. Since March 2003, I have met with wildlife managers, members of non-profit organizations, and USFWS employees. During these meetings, we outlined the importance of this project and details involved. The Timber Wolf Information Network donated over \$1000 for the creation of a robotic wolf decoy, which has since been created. Recently, four DNR Wardens and two USFWS Agents met for one day at the Necedah Wildlife Refuge, discussing project details and selecting adequate decoy placement locations. Thirdly, a work schedule was created and distributed to several field wardens, USFWS Special Agents, and a Refuge Manager. Finally, private landowners in Adams County were contacted regarding placement of the decoy on their property. At present, work schedules have been cleared for this project. USFWS Agents have made hotel reservations for two different weekends.
2. The Warden Service is charged with enforcing conservation laws, even if there is a potential for negative reactions from user groups. The Timber Wolf Alliance, Milwaukee Zoo, The Defenders of Wildlife, and Timber Wolf Information Network have all expressed an interest in this project and fully support it. We cannot only consider the opinions of the hunting/fishing groups, but should also accommodate the opinions of non-hunting/fishing conservation organizations. Thus far, only positive feedback has been received. We should not be swayed by potential negative feedback if we already have the support from private citizens and organizations. If complaints are received, we need to carefully consider the source and reasoning behind them.

3. If this project goes well, other organizations have agreed to donate funds for the creation of similar decoys for our use in the future.
4. I have heard from wardens in other states and USFWS agents that Wisconsin is a leader in conservation law enforcement. This is an opportunity to orchestrate a project that has never been done elsewhere, and document the results.
5. This being my second attempt at the project, canceling it again (with the possibility of rescheduling it for a future year) would potentially sacrifice the integrity of the Warden Service. Relations between the Wisconsin DNR, USFWS, and cooperating non-profit agencies could be jeopardized.
6. Some private landowners are aware of this project. In one year's time, word of the project's details will circulate. Area landowners have commented that if the decoy were placed on public lands, it would most certainly be shot at.
7. We need to work for the greater good. Even though we might not consider pressing state charges for attempting to shoot a wolf, the USFWS has met with AUSAs regarding federal charges pertaining to the Endangered Species Act. Senior USFWS agents and agent supervisors have explored past uses of other endangered species decoys throughout the U.S. Agents have determined that if an admission is obtained, they can charge violations under the Endangered Species Act. We can only benefit by the working relationship with the USFWS in this project.
8. This project will provide documentation for the first-time use of a non-game decoy.
9. The wolf decoy could serve as a future enforcement tool, deterrent, and potentially open the door for other non-game decoys. I'm sure some doubts were cast upon the first use of a deer decoy, however, they have been successfully used to apprehend violators.
10. This project will gain insight on people's attitudes toward the presence of wolves in Wisconsin, and their potential motivations for attempting to shoot wolves.
11. Through interviews of suspects shooting at the decoy, we may obtain leads on past violators or witnesses to violations in the wildlife refuge.
12. If you have reservations on working the project throughout the deer season, please consider permitting it to run opening weekend...at the very least, opening day. There have been three wolves killed at the Necedah Wildlife Refuge in the last four years. It is our responsibility to address these incidents and work to prevent future wolf shootings in the area.

I ask that you give this project serious consideration. I feel very strongly that its benefits outweigh any negative aspects. Thank you.

## Appendix C – Letter to WDNR Secretary Scott Hassett from T.W.I.N.

Honorable P. Scott Hassett, Secretary  
Wisconsin Department of Natural Resources  
101 S. Webster St., Box 7921  
Madison, WI 53707-7921

Invoice for: Robo-Wolf Decoy

Greetings:

In late October, 2002, Timber Wolf Information Network (TWIN) was approached by several field warden and wildlife officials seeking funding to construct a "robo-wolf decoy". As you know, TWIN is an educational not-for-profit organization composed of citizen volunteers interested in disseminating factual knowledge on the gray wolf (*Canis lupus*) and its role in our ecosystem. TWIN has been one of several important instruments active in supporting DNR's wolf recovery and wolf management programs in Wisconsin over the past 20 years. We have conducted numerous workshops annually, supplied modest funding for wolf monitoring, especially in years with DNR budgetary shortfalls, and we have enjoyed a positive working relationship with DNR staff in all this time.

The robo-wolf decoy, we were informed, was to be used by Central Wisconsin DNR law enforcement officials during the fall deer gun season as a means of reducing the incidences of illegal shootings of protected gray wolves. Working with DNR on this project, we are proud to say that TWIN donated \$1,067.30 (cheque number 1016) issued to *Custom Robotics Wildlife* of Mosinee on 28 October 2003. As we understand it, TWIN defrayed the entire cost of constructing this single decoy. We were given to understand that DNR law enforcement and US Fish & Wildlife Service special agents were poised to deploy it for use in the November 2003 deer gun season in the vicinity of the Necedah National Wildlife Refuge. TWIN's only stipulation was that it be kept informed on the successful use of this law enforcement tool.

In mid-winter, 2004, TWIN Board of Directors was informed that you, as Secretary of DNR, in consultation with Chief Warden, Randy Stark, halted deployment of the decoy less than 48 hours before the 2003 season opener. The reason this project was placed on indefinite hold, we were told, was out of concern of generating public criticism with the controversial CWD issues and the changing status of the wolf. We viewed this decision with disbelief and consternation. This decision cost our organization considerable money. It undoubtedly cost DNR and FWS precious money as plans were already afoot to move agents in to monitor the decoy at a time when DNR is chronically underfunded.

Mr. Hassett, as resource educators we are well aware of these issues. Regardless of its changing *state* status the wolf would and remains a protected species because of its *federal* status. We are also certain that the affairs revolving around CWD have not dampened law enforcement's zeal to pursue those who poach deer. So it seems we are left with a state agency housing differential policies regarding a game species (deer) and a protected species (wolf). It is no little irony that a wolf pup was shot illegally in the Central Forest during the 2003 deer season, and at least 2 other radio-collared wolves there were shot illegally in January 2004 (and, yes, we are aware the pup's death resulted in a conviction which is good but does not speak well for the nearly dozen similar deaths in that region of the state where convictions are a highly unlikely result of investigation).

I am directed by the Timber Wolf Information Network's Board of Directors to seek remuneration for our investment in this project *if* the DNR fails to deploy this device in the November 2004 deer season somewhere within central Wisconsin. Further, since this was a Law Enforcement decision, TWIN Board directs that DNR provide evidence that funds for reimbursement of our money comes from Law Enforcement, not Endangered Resources, since the former was party to the decision and it is an LE tool.

Sincerely,

Robert J. Welch, TWIN Financial Officer and Corporate Agent (and DNR CWD Volunteer!)

# Appendix D – Letter to T.W.I.N. from WDNR Secretary Scott Hassett



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711

June 25, 2004

Ref: L 819

Mr. Robert J. Welch  
Timber Wolf Information Network  
E110 Emmons Creek Road  
Waupaca, WI 54981

Subject: Robo-Wolf Decoy

Dear Mr. Welch:

Thank you for your recent letter, and the support that TWIN has shown the Department of Natural Resources over the past years. We appreciate the positive working relationship that the DNR and TWIN has had over the past 20 years. We certainly hope that we will continue to enjoy this positive relationship.

You are correct that during the fall of 2003, in consultation with Chief Warden Randy Stark, the decision to not deploy the wolf decoy was made shortly before the beginning of the gun deer season. Although I understand your concern, we felt that it was the right decision to make at that time. This was not a permanent decision, but rather one of timing.

Our wardens have used various types of decoys for many years as a law enforcement tool. We have a policy that our wardens follow when utilizing decoys designed to ensure decoys are deployed safely and in situations that do not engender adverse public opinion. Our goal is to obtain compliance with laws that promote public safety. For example, we use the decoy to deter people from shooting from roadways.

As you will recall, at that time last year when the decision was made to not deploy the decoy, the state was going through the process to de-list the gray wolf from "threatened" to "protected". You are well aware that any action on the status of the gray wolf is always a contentious and controversial issue in Wisconsin. At that time, there was considerable attention to the de-listing as it would provide us more flexibility to deal with problem wolves in the state. This flexibility was greatly needed. We felt that introducing the use of a wolf decoy at the same time would could potentially jeopardize the decoy program. Specifically, both the de-listing and the use of the wolf decoy are important tools for us to use in management of the wolf program. We felt the only way to be able to have both of these tools available was to allow the de-listing process to finish, and save the wolf decoy for future use. Our decision should not be interpreted as a lack of commitment in protecting wolves from illegal shooting, but rather a conscious effort to ensure the overall decoy program was not jeopardized by being brought into that particular controversy at that particular time.

Further, currently charges that can be levied against someone shooting any of our decoys are fairly limited. Wisconsin courts have been unwilling to convict anyone of charges relating to taking a protected species or shooting an animal during the closed season because the decoy is not an actual animal. The normal charges are shooting from a roadway or possessing an uncased firearm in a vehicle. Given this

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Quality Natural Resources Management  
Through Excellent Customer Service



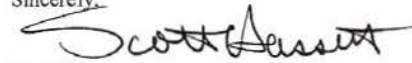


knowledge, we felt that there would be a very small possible gain with considerable risk for major negative consequences for the agency, the wolf program, and the decoy program.

Please be assured that this decision did not come easily. There were a number of discussions involving field personnel, regional supervisors, and ultimately, myself and Chief Warden Stark. However, our intent was not to permanently stop its use. Our intent is to discuss this enforcement tool with the appropriate District Attorneys and plan for its use during the deer season of 2004.

While I know that our decision to wait was disappointing for you, I hope you can understand why this course of action was taken. Again, I appreciate your organization's support, and hope that our relationship will continue in the future.

Sincerely,

A handwritten signature in cursive script that reads "Scott Hassett". The signature is written in black ink and is positioned above the typed name.

Scott Hassett,  
Secretary

# Appendix E – WDNR Law Enforcement Use of Decoys Policy: 7/6/01

## LAW ENFORCEMENT USE OF DECOYS

		<i>Law Enforcement Handbook</i>
Effective Date: <b>7/6/01</b>	Total Pages: <b>2</b>	File Name: <b>Decoy Use</b>
Special Instructions: <b>MAL Reviewed 7/5/2000</b>		

**I. PURPOSE**

To address safety considerations of both the public and the officers involved and to minimize adverse public opinion regarding the use of decoys as a law enforcement tool.

**II. POLICY**

Placement of the decoy(s) must be based on known facts or prior complaints of violations associated with illegal hunting methods in a particular area.

**III. DEFINITIONS**

“Decoy” – Any device or object that may be construed to resemble wildlife.

“Large antlers” – having more than 8 points or a spread greater than 16 inches

**IV. PROCEDURES**

**A. Safety Considerations**

The wardens selecting the location for setting up the decoy(s) shall follow these conditions:

1. If the plan is for night work, the exact location and vicinity shall be observed first during daylight hours when visibility is maximum.
2. There should be a good backstop. Consider the chance of personal property, livestock, people, etc., being in the line of fire and that any type of firearm, bow and arrow or device might be used.
3. The location where vehicles will be stopping must provide for a sufficient view in both directions, with no obstructions, such as hills, curves, and signs that could block the view of approaching drivers. Decoys shall never be used at intersections.
4. No less than two-person teams may use deer decoys, always employing at least one observer who can clearly see the decoy and the location of the shooter. In situations involving roadways, the observer shall not be stationed on the same side of the road as the decoy unless the terrain allows for a safe viewing location. A manned squad with radio or voice communication to the observer must be immediately available while the decoy is in operation. When setting up and taking down the decoy, the officer's squad or emergency vehicle shall stay in open view on the road until the partner is in the safe viewing location or back in the vehicle.
5. During the gun deer season, persons placing or moving the decoy shall wear solid blaze orange cap and jacket. The observer should have an item of blaze orange clothing (vest or jacket) in possession and wear it upon contacting suspects.
6. Whenever practical, a piece of blaze orange material shall be affixed to the offside of a deer decoy to help prevent hunters from shooting back towards the road.

**B. Public Relations Considerations**

To assure the best possible public acceptance of decoys and minimize criticism from those arrested or inherently opposed to this technique, the following guidelines shall be considered prior to and during use:

1. Utilize the media and public gatherings, such as fairs and sport shows, to make the public aware of why animal decoys are an effective enforcement tool. Emphasize these are controlled situations and that precautions are taken to ensure the safety of all involved. Advance media support may act as a deterrent. Voluntary compliance is the Department's goal.
2. Decoys shall not be used on private lands outside of road right of ways without the permission of the owner or occupant. Exceptions would be: 1) on lands enrolled on the Forest Crop or Open Managed Forest Land programs, 2) with the approval of the Director, Bureau of Law Enforcement.
3. Do not use large antlers unless there is a specific complaint of violators concentrating only on trophy bucks.
4. Do not use live animals other than naturally occurring (free roaming) wild animals when the opportunity presents itself.
5. In counties where decoys have not been used or instances where a new District Attorney takes office, a contact with the District Attorney is recommended to alert him that the Department will be using decoys to respond to various complaints or fact situations

**V. BACKGROUND/HISTORY**

Historically, conservation wardens and citizens throughout Wisconsin have observed the illegal use of vehicles to hunt and take game from roadways. This includes the use of vehicles in violating hunting regulations such as transporting uncased and loaded firearms, shooting from vehicles, shooting too close to homes, and trespassing. The use of decoys has proven to be an effective tool to deter these types of violations.

The legislature has tried to maintain effective laws in dealing with these public concerns. Laws controlling uncased and loaded firearms were originally found in the Administrative Code, which only prohibited illegal methods of hunting. In order to stress concern for safety, as well as the adverse impact on the image of hunting in Wisconsin, the law was changed twice over a short period of time, ending up in Chapter 167, Wis. Stats., entitled "Safeguards of Persons and Property."

Compliance with any law depends largely on public acceptance and effective enforcement. In this case, the latter is by far the most difficult to achieve. Given the public acceptance and the legislative mandate to control unsafe practices, conservation wardens have adopted the use of decoys, in various forms, to apprehend violators associated with illegal hunting. These guidelines are designed to promote public and officer safety and minimize adverse public perception.

**VI. REFERENCES (i.e., Statutes, Administrative Codes, Manual Codes)**

- s. 167.31, Wis. Stats. – Safe use and transportation of firearms and bows
- s. NR 10.05(1), Wis. Adm. Code – Hunting adjacent to highways

**APPROVAL**

FOR THE SECRETARY

By

Tom Harelson  
Director,  
Bureau of Law Enforcement



# Appendix F – Updated WDNR Law Enforcement Use of Decoys Policy: 6/30/04

## LAW ENFORCEMENT USE OF DECOYS

		<i>Law Enforcement Handbook</i>
Effective Date: <b>7/6/01 (Updated 6/30/04)</b>	Total Pages: <b>2</b>	File Name: <b>Decoy Use</b>
Special Instructions: <b>MAL Reviewed 7/5/2000</b>		

**I. PURPOSE**

To address safety considerations of both the public and the officers involved and to minimize adverse public opinion regarding the use of decoys as a law enforcement tool.

**II. POLICY**

Placement of the decoy(s) must be based on known facts or prior complaints of violations associated with illegal hunting methods in a particular area.

**III. DEFINITIONS**

“Decoy” – Any device or object that may be construed to resemble wildlife.

“Large antlers” – having more than 8 points or a spread greater than 16 inches.

**IV. PROCEDURES**

**A. Safety Considerations**

The wardens selecting the location for setting up the decoy(s) shall follow these conditions:

1. If the plan is for night work, the exact location and vicinity shall be observed first during daylight hours when visibility is maximum.
2. There should be a good backstop. Consider the chance of personal property, livestock, people, etc., being in the line of fire and that any type of firearm, bow and arrow or device might be used.
3. The location where vehicles will be stopping must provide for a sufficient view in both directions, with no obstructions, such as hills, curves, and signs that could block the view of approaching drivers. Decoys shall never be used at intersections.
4. No less than two-person teams may use deer and wolf decoys, always employing at least one observer who can clearly see the decoy and the location of the shooter. In situations involving roadways, the observer shall not be stationed on the same side of the road as the decoy unless the terrain allows for a safe viewing location. A manned squad with radio or voice communication to the observer must be immediately available while the decoy is in operation. When setting up and taking down the decoy, the officer's squad or emergency vehicle shall stay in open view on the road until the partner is in the safe viewing location or back in the vehicle.
5. During the gun deer season, persons placing or moving the decoy shall wear solid blaze orange cap and jacket. The observer should have an item of blaze orange clothing (vest or jacket) in possession and wear it upon contacting suspects.
6. Whenever practical, a piece of blaze orange material shall be affixed to the offside of the decoy to help prevent hunters from shooting back towards the road.



**B. Public Relations Considerations**

To assure the best possible public acceptance of decoys and minimize criticism from those arrested or inherently opposed to this technique, the following guidelines shall be considered prior to and during use:

1. Utilize the media and public gatherings, such as fairs and sport shows, to make the public aware of why animal decoys are an effective enforcement tool. Emphasize these are controlled situations and that precautions are taken to ensure the safety of all involved. Advance media support may act as a deterrent. Voluntary compliance is the Department's goal.
2. Decoys shall not be used on private lands outside of road right of ways without the permission of the owner or occupant. Exceptions would be: 1) on lands enrolled on the Forest Crop or Open Managed Forest Land programs, 2) with the approval of the Director, Bureau of Law Enforcement.
3. Do not use large antlers unless there is a specific complaint of violators concentrating only on trophy bucks.
4. Do not use live animals other than naturally occurring (free roaming) wild animals when the opportunity presents itself.
5. In counties where decoys have not been used or instances where a new District Attorney takes office, a contact with the District Attorney is recommended to alert him that the Department will be using decoys to respond to various complaints or fact situations

**V. BACKGROUND/HISTORY**

Historically, conservation wardens and citizens throughout Wisconsin have observed the illegal use of vehicles to hunt and take game from roadways. This includes the use of vehicles in violating hunting regulations such as transporting uncased and loaded firearms, shooting from vehicles, shooting too close to homes, and trespassing. The use of decoys has proven to be an effective tool to deter these types of violations.

The legislature has tried to maintain effective laws in dealing with these public concerns. Laws controlling uncased and loaded firearms were originally found in the Administrative Code, which only prohibited illegal methods of hunting. In order to stress concern for safety, as well as the adverse impact on the image of hunting in Wisconsin, the law was changed twice over a short period of time, ending up in Chapter 167, Wis. Stats., entitled "Safeguards of Persons and Property."

Compliance with any law depends largely on public acceptance and effective enforcement. In this case, the latter is by far the most difficult to achieve. Given the public acceptance and the legislative mandate to control unsafe practices, conservation wardens have adopted the use of decoys, in various forms, to apprehend violators associated with illegal hunting. These guidelines are designed to promote public and officer safety and minimize adverse public perception.

**VI. REFERENCES (i.e., Statutes, Administrative Codes, Manual Codes)**

- s. 167.31, Wis. Stats. – Safe use and transportation of firearms and bows
- s. NR 10.05(1), Wis. Adm. Code – Hunting adjacent to highways

**APPROVAL**

FOR THE SECRETARY

By

Randall Stark  
Director,  
Bureau of Law Enforcement

  
\_\_\_\_\_

# Appendix G – Sample Wolf Decoy Observation Form



## Wolf Decoy Observation Form

**Date:** November 20, 2004

**Time:** 6:15 A.M. – 12:00 P.M.

**Latitude:** N44°02.407'

**Longitude:** W090°12.144'

**Distance from Road:** 65 yards

**Location Description:** Necedah National Wildlife Refuge - sedge meadow south of Suk-Carney Pool – decoy south of 7<sup>th</sup> Avenue

**Participants:** Georg Wagner and Theodore Dremel (WDNR) - observers, Ed Spoon and Jim Hjelmgren (USFWS) – chase vehicle

**Weather:** 43°, overcast, light rain, breezy

**Length of Video Footage:** 9 minutes, 9 seconds

**Total # of Passing Vehicles:** 5

### Observations:

- Occupants of the first and second vehicle did not respond to the decoy's presence. Occupant of the second vehicle may have spotted decoy observers.
- Both occupants of the third vehicle saw the decoy. The white-colored panel van stopped and backed up. The occupants looked at the decoy through the window for approximately three minutes before driving away.
- The fourth vehicle was a red-colored Chevrolet S-10 Blazer, Wisconsin registration #622-CLJ. Both occupants of the vehicle looked at the decoy from 8:52 A.M. to 8:56 A.M. During that time period, the driver of the vehicle revved the engine several times.
- At 9:15 A.M., a USFWS Biologist drove east past the decoy in a white-colored pick-up truck.
- The fifth observation was made on an adult and juvenile male walking east on the road past the decoy at 10:45 A.M. Both individuals stopped and looked at the decoy through the scope of a rifle for approximately three minutes. The adult smiled before continuing walking down the road. At 11:21 A.M., the same individuals walked west past the decoy, this time focusing their attention to the roadside opposite the decoy's location. After seeing Wagner and Dremel, the adult said; "Thank you, I appreciate what you are doing. I wanted to look at it through the scope." Dremel asked that he keep the operation quiet.

# Appendix H – Wagner’s Report on the Paul R. Peterson/Robert W. Fick Case

CASE ACTIVITY REPORT  
Form 4100-160 R 6/02

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>04-C322-013</b>	Case Title <b>Operation Robo Wolf</b>
Activity <b>Apprehension and Interview with Paul R. Peterson</b>	Date of Activity <b>November 21, 2004</b>

Narrative<sup>1</sup>

On November 21, 2004, Environmental Warden Georg Wagner and Conservation Warden Theodore Dremel were working a detail at the Necedah National Wildlife Refuge in Juneau County, WI. The detail involved placing a robotic wolf decoy on refuge property in an attempt to apprehend subjects shooting at the decoy and gain intelligence on past wolf shootings on the refuge. Warden Dremel placed the wolf decoy in a woodland field, approximately 80 yards from the roadway, on the south side of 5<sup>th</sup> Street West, approximately ¼ mile west of State Highway 80. Wardens Wagner and Dremel concealed themselves on the north side of 5<sup>th</sup> Street West. Warden Wagner operated a video camera while Warden Dremel operated the remote robotics and relayed information to Special Agent Ed Spoon and Refuge Officer Jim Hjelmgren, both of the U.S. Fish & Wildlife Service. The information was relayed to Spoon and Hjelmgren via a police radio. Spoon and Hjelmgren were positioned in an unmarked vehicle east of Wagner and Dremel.

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Warden Reporting <b>Georg Wagner</b>	Date of Report <b>December 1, 2004</b>	Exhibit Reference
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*This document was produced as a result of an official Law Enforcement investigation. Contents, in whole or part, are privileged by s. 905.09, Wis. Stats., and may not be used without express permission of the Wisconsin Warden service or appropriate prosecutor.*

At approximately 7:22 A.M., Wagner observed two vehicles traveling west on 5<sup>th</sup> Street West. The first vehicle was identified as a dark colored Chevrolet Blazer (WI registration # 928-FNU), and the second vehicle was identified as a dark colored Dodge Caravan (WI registration # 192-FHY). The Blazer stopped in the roadway west of the wolf decoy's location. The Caravan stopped behind the Blazer and then backed up past the wolf decoy and stopped east of the decoy's location – allowing the Blazer to back up and stop for a better view of the decoy. After a couple of minutes, both vehicles proceeded slowly past the decoy traveling west.

At approximately 7:25 A.M., the Caravan drove slowly past the wolf decoy traveling east on 5<sup>th</sup> Street West. At approximately 7:28 A.M., the Caravan returned traveling west and stopped in the roadway west of the wolf decoy's location. Wagner observed an individual exit from the passenger-side door of the Caravan wearing a blaze orange stocking cap, blaze orange vest (no backtag), red pants, and black boots. While Wagner was videotaping the vehicle and the subject who exited the vehicle, Wagner heard a sound similar to that of a bullet being chambering into a rifle. Wagner observed the individual walk a short distance east down the road carrying a rifle in his hand. The individual began walking south of the roadway. Wagner assumed that the individual was walking toward the wolf decoy. Several seconds later, Wagner heard a gunshot coming from the direction of the aforementioned individual. Warden Dremel radioed Spoon and Hjelmgren and advised them to make contact with the shooter and the driver of the Caravan. As Spoon's unmarked vehicle pulled up to the scene, Wagner observed Hjelmgren exit the vehicle and order the shooter to stop. Spoon's vehicle continued west to contact the Caravan. Wagner and Dremel placed blaze orange garments on over their camouflage and began walking toward the roadway to assist Hjelmgren and Spoon. Wagner was wearing a necklace badge around his neck to identify himself as a law enforcement officer.

As Wagner approached the shooter, Hjelmgren handed Wagner a Wisconsin driver's license and explained that he obtained the license from the shooter as identification. Wagner noted that the driver's license matched the description of the shooter, belonging to:

**Paul R. Peterson, DOB: 01/26/63  
3033 Elm Lane  
Racine, WI 53405  
male, white, brown hair, green eyes, 5'10", 170 lbs.  
DL# P362-6966-3026-00  
(262) 554-9740**



Wagner identified himself to Peterson as a warden with the Wisconsin Department of Natural Resources (DNR). Hjelmgren handed Wagner the rifle and magazine that Peterson had in his possession upon initial contact with Hjelmgren. Wagner asked Peterson if he was willing to accompany Wagner and Spoon to the refuge headquarters to answer some questions regarding Peterson's involvement in the incident. Peterson stated that he was willing to accompany Wagner and Spoon to answer their questions. Spoon approached Peterson and identified himself as a special agent with the U.S. Fish & Wildlife Service. Wagner handed Spoon the rifle and magazine and asked that he secure them in his vehicle. Wagner advised Spoon that Peterson had consented to speaking with Wagner and Spoon at the refuge headquarters. Spoon agreed to drive Wagner and Peterson to the headquarters office. Spoon requested that Peterson sit in the front passenger seat of his vehicle while Spoon drove the three individuals to the headquarters office. Spoon advised Peterson that he was free to leave at any time and was not required to accompany Spoon and Wagner. Peterson stated that he understood and was willing to speak with Spoon and Wagner. Wagner seated himself in the back seat behind Peterson.

Wagner asked Peterson if he had a gun deer license and backtag. Peterson explained that his backtag was in the Blazer that was parked on the north shoulder of the roadway approximately  $\frac{3}{4}$  mile west of where the shooting had occurred. Before traveling to the headquarters office, Spoon drove his vehicle toward the Blazer so that Peterson could obtain his backtag. Spoon, Wagner, and Peterson exited Spoon's vehicle, allowing Peterson to present his backtag. The driver of the Blazer was standing next to the Blazer and was later identified by Dremel as:

**William D. Fick, DOB: 12/16/59**  
**122 Blaine Avenue**  
**Racine, WI 53406**  
**DNR Customer # 278-684-543**

Peterson handed Wagner his backtag before he, Wagner, and Spoon repositioned themselves in Spoon's vehicle. Wagner noted that Peterson possessed a regular gun deer tag and a zone T deer tag. While Spoon drove to the headquarters office, Wagner copied the following information from Peterson's backtag:

**Paul R. Peterson**  
**DNR Customer # 027-937-929**  
**Backtag # 1281503**  
**Purchased license on 11/18/04**

**Purchasing agent # 002159**  
**Terminal # 3508348**  
**Transaction # 018269503**

Spoon, Wagner, and Peterson arrived to the headquarters office at approximately 8:20 A.M. Spoon was unable to gain entry into the headquarters office. Spoon displayed his badge to Peterson and explained that he was a special agent with the U.S. Fish & Wildlife Service. Wagner also displayed his badge and credentials for Peterson to view and explained that he was a warden with the Wisconsin DNR. Spoon advised Peterson that he was not under arrest and was free to leave at any time during the questioning. Peterson stated that he understood and consented to the questioning. Wagner initiated the questioning from the back seat of Spoon's vehicle, while Spoon momentarily exited the driver's seat to copy information from the rifle that was used by Peterson.

Wagner asked Peterson to describe the events that occurred after the two vehicles turned off of State Highway 80. Peterson stated that he was a passenger in the Chevrolet Blazer when the vehicles initially drove past the scene of the incident. Peterson stated that William Fick (Peterson's friend) was driving the Blazer. Peterson stated that Fick's father (Robert Fick) was driving the Caravan that was following the Blazer. Warden Dremel later identified Robert Fick as:

**Robert W. Fick, DOB: 03/28/38**  
**3419 N. 96<sup>th</sup> Street**  
**Milwaukee, WI 53222**  
**male, white, blond hair, blue eyes, 6'0", 310 lbs.**  
**(414) 465-0366**  
**DNR Customer # 172-675-746**

Peterson stated that both he and William thought the decoy was a doe deer. Peterson stated that after traveling past the decoy the first time, he exited the Blazer down the road and took a rifle, owned by William Fick, and a magazine with ammunition out of the pocket of his jacket and joined Robert Fick in the Caravan as a passenger. Peterson stated that he did not take the gun case or his jacket with him because he was in a hurry. Peterson admitted to taking an uncased rifle with him into the passenger compartment of the Caravan. Peterson stated that he knew he could not have a gun with ammunition in "grabbing" distance inside a vehicle. Peterson stated that the jacket, from which he obtained the ammunition, displayed his backtag. Peterson stated that he left his jacket in the Blazer. Peterson stated that Robert Fick also thought the decoy was a doe deer. Peterson stated that his intention was to return to the site and shoot the

object that he thought was a doe deer.

Peterson stated that Robert Fick drove past the scene and turned the Caravan around at the intersection of State Highway 80 and 5<sup>th</sup> Street West. After driving past the decoy 3 times and still believing it to be a live doe deer, Peterson stated that he exited the Caravan west of the scene and loaded the rifle in the roadway. Peterson stated that he walked toward the direction of the decoy, took aim behind the front shoulder, and fired a shot at what he believed to be a doe deer. Peterson stated that the magazine was filled with ammunition when he exited the Caravan. Peterson stated that he thought he was 30-40 yards from the roadway when he fired the shot at the decoy. Spoon advised Peterson that he would be seizing the rifle and issuing Peterson a seizure tag. Spoon later relinquished custody of the rifle and ammunition to Hjelmgren as evidence. Spoon read the following information from the rifle to Wagner, who copied the information down as:

**Remington Woodsmaster  
Model 742 – .30/06 caliber  
Serial # 7321005  
Equipped with a leather shoulder sling/missing sights**

Peterson stated that he does not hunt on a regular basis. Peterson stated that the last time he hunted was 20 years ago in Mondovi, WI. Peterson stated that he did not have hunter education certification. Peterson stated that he had a copy of the hunting regulations, but failed to review it. Peterson stated that he did not have a hunter's choice permit to harvest a doe, rather, he split the cost of a hunter's choice permit with William Fick. Peterson stated that the hunter's choice permit was issued in William Fick's name. Wagner informed Peterson that it was a violation for him to hunt an antlerless deer without a permit, considering the permit holder was further than audible distance for the group hunting exception to apply. Peterson stated that if he would have "stopped and thought about it," he would have known that he needed his own hunter's choice permit. Peterson also stated that he had a "good idea" of the law requiring hunters to display a backtag while hunting deer.

Wagner asked Peterson if he knew why someone would want to shoot a wolf. Peterson stated that he did not think the animal that he was shooting was a wolf. Peterson stated that he did not see the collar on the animal until after he fired the shot. Peterson stated that he would never shoot a wolf. Peterson stated that the only reason he could think that someone might want to shoot a wolf would be if he/she were a trophy hunter.

Wagner asked Peterson if he had any warrants or if he had ever received a

DNR citation in the past. Peterson stated that he was not wanted and that he had never received a DNR citation before. Wagner requested Spoon to check Peterson's citation/warrant record via Wisconsin State Patrol. Spoon handed Wagner the microphone to his police radio. Wagner radioed Wisconsin State Patrol District 5 and queried Peterson's record and that of the rifle used by Peterson. The dispatcher advised Wagner that Peterson was not wanted, however, Peterson had received a DNR citation in the past for failure to extinguish a fire. The dispatcher further advised that the rifle was not stolen. Peterson stated that he did not recall ever being issued a citation for failing to extinguish a fire.

At approximately 9:05 A.M., Wagner ended the interview when Dremel and Hjelmgren arrived to the headquarters office followed by Peterson's two hunting companions driving their respective vehicles. Dremel advised Wagner that Peterson had missed the decoy with the shot that he fired. Dremel stated that the shot traveled high and struck a tree behind the decoy. Dremel stated that the shell casing was located 40 feet from the center of the roadway and 210 feet from the decoy.

Wagner, Dremel, and Hjelmgren met with Peterson and the Ficks to explain the resulting enforcement actions from the incident. Dremel advised Robert Fick that he would be receiving a citation in the mail for transporting a loaded pistol in his vehicle. Wagner and Hjelmgren advised Peterson that he would be receiving 3 citations in the mail – 1 refuge citation for possessing a loaded firearm within 50 feet from the center of a refuge road and 2 state citations for failure to display a backtag and transporting an uncased rifle in a vehicle.

Robert Fick added that he owned a wolf-dog hybrid. Robert stated that the hybrid was 70% wolf and 30% Alaskan malamute. Robert stated that his wolf-dog hybrid looked very similar to Wagner's wolf decoy, with the exception of having a larger, white-colored head. The wardens and officer thanked Peterson and the Ficks for their cooperation and handed Peterson some business cards. Peterson and the Ficks departed the refuge headquarters parking area at approximately 9:30 A.M.

# Appendix I – Dremel’s Report on the Paul R. Peterson/Robert W. Fick Case

CASE ACTIVITY REPORT  
Form 4100-160 R 6/02

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number  <b>04-C322-013</b>	Case Title  <b>Operation Robo Wolf</b>
Activity  <b>Dremel’s participation and observation in Wolf Decoy Shooting</b>	Date of Activity  <b>November 21, 2004</b>

Narrative<sup>2</sup>

On Sunday, November 21, 2004, Wisconsin Conservation Wardens Theodore J. Dremel and Georg Wagner had placed a robotic wolf decoy “in the woods” approximately ¼ mile west of the intersection of Highway 80 and 5<sup>th</sup> Street West located within the Necedah National Wildlife Refuge in Juneau County. The purpose of placing the wolf decoy in this area was to address past wolf shooting complaints and hunter/wolf conflicts.

While dressed in blaze orange clothing, both on Dremel and draped over the decoy, Dremel placed the wolf decoy in a small grassy clearing that was surrounded by woods approximately 80 yards to the south of 5<sup>th</sup> Street West. Dremel and Wagner removed their blaze orange jackets and were now both dressed in camouflage clothing and sitting on the north side of the road in a position where they could observe passing vehicles on 5<sup>th</sup> Street West. Dremel

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Warden Reporting  <b>Theodore J. Dremel</b>	Date of Report  <b>November 22, 2004</b>	Exhibit Reference
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and Wagner were working in cooperation with two United States Fish & Wildlife Service officers: Ed Spoon, Special Agent, and Jim Hjelmgren,

Refuge Officer, who had parked their unmarked squad to the east of Dremel and Wagner's location. Spoon and Hjelmgren were in radio communication with Dremel and Wagner.

At approximately 7:28 am two vehicles that appeared to be following one another approached Dremel and Wagner's location from the east and stopped on the gravel road near the wolf decoy. As the occupants of the vehicle looked toward the wolf decoy, Dremel used the remote to move both the head and tail on the decoy. The first vehicle can be described as a black, 4 door Chevy Trail blazer with a Wisconsin registration of 928-FNU; the second vehicle was a black Dodge Grand Caravan with a Wisconsin registration of 192-FHY. After looking toward the decoy for approximately 2 minutes, the vehicles drove off to the west. The black mini-van returned and drove very slowly past the wolf decoy to the east. Dremel believed he heard the black mini-van turn around at the intersection of Highway 80 and 5<sup>th</sup> Street West. The black mini-van returned to the location of the wolf decoy and parked along side of the road approximately 25 yards to the west of the clearing the wolf decoy was located. Dremel radioed Spoon and Hjelmgren and described the events taking place to them.

With the aid of binoculars, Dremel observed the passenger of the vehicle get out of the vehicle and load a rifle. Dremel saw that the passenger of the vehicle was an adult white male, who wore a blaze orange stocking hat, blaze orange vest, dark red pants and had dark facial hair. The passenger of the vehicle had crossed the road and began to walk slowly toward the decoy. The black mini-van then left Dremel's sight and drove toward the west. When the man approached the clearing the man began to crouch slightly and walk slower as if he were stalking or hunting the decoy. Dremel observed the man raise his rifle and shoot toward the decoy. Dremel radioed Spoon and Hjelmgren and told them a person had just shot at the decoy and asked them to respond and assist in contacting the man.

After the man shot the decoy, the man walked toward the decoy and stopped approximately 20 yards from the decoy. The man turned around and began walking toward the road. When the man walked a short distance he turned around again and walked back toward the decoy. Dremel believed that the man had discovered the wolf decoy was not a real animal and appeared to be confused. At this time Spoon and Hjelmgren arrived and the man began to quickly walk to the southwest of the decoy at a fast pace and began to jog at one point. Hjelmgren yelled for the man to return to the road and the man turned around and walked toward Hjelmgren.

When Spoon and Hjelmgren arrived, Dremel and Wagner put their blaze orange jackets on and approached the decoy shooter. Dremel waited at the

road and Spoon returned to Dremel's location with the Black mini-van. Dremel began to speak with the driver of the mini-van and asked to see his driver's and hunting license. The driver of the vehicle was identified by his Wisconsin Driver's license as:

**Robert W. Fick, M/W, Date of Birth - 03/28/38**  
**3419 N. 96<sup>th</sup> Street**  
**Milwaukee, WI 53222**  
**DNR customer # 172-675-746**

For safety reasons, Dremel wanted to make sure the firearms in the vehicle were unloaded and secure. With R. Fick's consent, Dremel inspected the rifles and saw that they were unloaded and enclosed in a carrying case. Dremel also saw a pistol holster in the back of the van and asked R. Fick if the pistol was unloaded. R. Fick stated that the pistol was loaded. Dremel removed the pistol from R. Fick's hand. Dremel removed the magazine and saw that the pistol was loaded with ammunition in the magazine of the pistol. Dremel worked the action and did not find a bullet in the chamber. R. Fick seemed surprised and said that the pistol was unloaded. Dremel then explained to R. Fick that all firearms must be unloaded which included both the chamber and an inserted magazine of the firearm. Dremel also added that firearms must be transported in a carrying case designed for the firearm and that a holster did not meet the legal definition of a carry case. R. Fick asked if he was transporting the pistol illegally. Dremel told R. Fick, that he was transporting an uncased loaded pistol and that was illegal. R. Fick stated he did not know the requirements for transporting pistols. Dremel recorded the following information from R. Fick's loaded, uncased pistol:

**Make – Walter**  
**Action - semi-automatic**  
**Caliber – P1 Kal 9 mm**  
**Serial number 045819W11.88BW**

Wagner and Spoon decided that they would interview the wolf decoy shooter at the Fish and Wildlife office building, while Dremel and Hjelmgren would stay at the shooting location to take measurements and speak with R. Fink. Dremel learned from Wagner that the name of the shooter was Paul Peterson from Racine, Wisconsin.

Dremel asked R. Fick if he knew what he had been contacted for and R. Fick stated that he did not know. When asked what R. Fick thought that his companion had shot at, R. Fick said he shot at a doe deer. Dremel then asked R. Fick how well he could see. With his glasses on, R. Fick looked down the

road and said he could see a green truck with a white cap. Dremel could also see the vehicle parked along the north side of the road well over ¼ mile away.

R. Fick repeatedly said that all the three times he drove past the wolf decoy that he thought it was a doe deer.

Dremel and R. Fick left the road and walked toward the wolf decoy. When Dremel and R. Fick approached within 65 yards from the decoy, R. Fick stated he still thought the wolf decoy was a doe deer. It should be noted that when R. Fick made this statement, there was no brush or debris to obstruct R. Fick's vision.

Another man approached Dremel and R. Fick's location and said that he didn't think his friend should have shot the wolf decoy. Dremel identified himself as a Conservation Warden to the man and asked to speak with him. Dremel asked Hjelmgren to speak with R. Fick.

At approximately 7:50 am, Dremel walked over to Wagner's squad and asked the man for his hunting license. The man displayed a resident deer hunting license which identified him as:

**William D. Fick, M/W, Date of Birth - 12/16/59**  
**122 Blaine Ave.**  
**Racine, WI 53406**  
**DNR customer # 278-684-543**

W. Fick also stated that he was the driver of the Chevy Trail Blazer and Peterson (the decoy shooter) was the passenger of his vehicle when they first saw the wolf decoy. W. Fick stated that he also thought the wolf decoy was a doe deer when he drove past. After seeing the wolf decoy, W. Fick then drove to the west and Peterson got into R. Fick's black mini-van because W. Fick was not yet prepared to hunt. W. Fick stated that R. Fick and Peterson had gone back to take at what they believed to be a doe deer. W. Fick heard the shot and saw people in blaze orange talking to his father and Peterson. Special Agent Spoon drove down to W. Fick's Chevy Blazer and told W. Fick that Peterson shot a wolf decoy.

Dremel and W. Fick then walked toward the wolf decoy, and W. Fick stated that he wouldn't have shot a wolf because he doesn't have a wolf permit. Dremel



looked at W. Fick in disbelief and W. Fick reconfirmed that he did not have a wolf permit and therefore would not shoot a wolf. W. Fick then asked Dremel where he could get a wolf permit. Dremel explained that wolves are protected in Wisconsin and could not be hunted or shot. W. Fick appeared to be surprised and asked if there were wolves in “this area.” Dremel informed

him that there were wolves in the area, and W. Fick again appeared to be surprised. Again, W. Fick told Dremel that when he drove by, he thought the wolf decoy was a doe deer.

Dremel and Hjelmgren jointly collected the 30.06 caliber shell casing from the area Peterson had shot toward the decoy. Hjelmgren photographed the shell casing where it was found in the woods. With assistance from W. Fick and using a tape measure, Dremel found that the shell casing was approximately 40 feet from the centerline of the road which is a violation of State law. (The road width at this location was 18 feet wide.) State law requires persons discharging a firearm be a minimum of 50 feet from the centerline or center of a road. Hjelmgren added that the laws on the federal refuge were more restrictive, requiring hunters to keep their firearm unloaded until they are 50 feet or more from the centerline of the road. Dremel reminded Hjelmgren that Peterson had loaded his rifle while he was standing on the road.

Hjelmgren paced off the distance from the shell casing to the wolf decoy and found that the distance was approximately 210 feet. Hjelmgren also informed Dremel that Peterson had missed the wolf decoy and had hit a tree approximately 18 feet behind the wolf decoy. Hjelmgren also photographed the bullet hole in the tree.

Dremel asked R. Fick and W. Fick if they would like to follow Dremel and Hjelmgren in their two vehicles to pick up their companion, Peterson. The Ficks agreed and followed the wardens back to the refuge offices. Dremel left the wolf decoy area at approximately 8:28 am.

Upon arriving at the refuge headquarters Dremel was able to speak with both of the Ficks and Peterson and explained that they would be receiving some citations in the near future from Dremel and Wagner. At this time, Wagner informed Peterson that he had discharged his rifle within 50 feet of the road’s center, did not have his backtag on, transported an uncased rifle, and violated the group deer hunting laws as Peterson did not have a tag for an antlerless deer. Dremel informed R. Fick that he was also transporting a firearm in violation of State Law. Dremel asked the group if they had any questions for the wardens, in which they stated they did not.

Dremel was listening to W. Fick tell the group that he owned a wolf-hybrid

## Appendix I

which was 70% wolf and 30% Alaskan Malamute. W. Fick stated that his pet and the wolf decoy looked similar but that his dog was whiter in color and had a larger head. W. Fick also again added that he thought the wolf decoy looked like a doe deer. The men thanked the wardens and Dremel ended contact with the Ficks and Peterson at approximately 9:30 am.

The wardens decided that Dremel would issue R. Fick a citation for transporting a loaded firearm in a vehicle. Dremel would also issue Peterson citations for hunting without a backtag and transporting an uncased firearm in a vehicle. Federal refuge officer Hjelmgren would cite Peterson for having a loaded firearm within 50 feet of a road's centerline.

The wardens left the refuge headquarters to resume their duties with the wolf decoy.

# Appendix J – Letter to Paul R. Peterson from WDNR



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Sturtevant Service Center  
9531 Rayne Road, Suite 4  
Sturtevant, Wisconsin 53177  
Telephone 262-884-2300  
FAX 262-884-2306

December 2, 2004

Paul R. Peterson  
3033 Elm Lane  
Racine, WI 53405

Dear Mr. Peterson:

During a recent contact with a Wisconsin Conservation Warden, you were advised that you would be receiving a citation for **Hunting deer without a back tag and transporting an uncased firearm in a vehicle** in the mail. The purpose of this letter is to issue that citation and to explain your options in how to bring this incident to closure. The citation, in the amount of **\$158.80 and 198.60 respectively**, is the minimum you could be charged for this violation. The amount is set by a panel of Wisconsin judges to provide uniformity across the state.

Your court date and the location of the court house is listed below. For your convenience, this does not require your personal appearance in court. If you wish to dispose of this matter without an appearance, please send a certified check or money order in the amount listed to this address:

Clerk of Court  
Juneau County  
200 Oak Street  
Mausten, WI 53948

January 24, 2004 at 8:30am,

If you do not feel this citation is justified and wish to ask for a trial, you clearly have that right. You should then contact the Clerk at the above address and inform them of this fact. They will advise you of your trial date. I feel I must advise you it is in your best interest to not disregard this matter, since the end result of this action may well be more imposing on you personally than the fine would be.

I'm sorry the contact ended in this manner, but am hopeful our next meeting will be under more favorable circumstances.

Regards,

Ted Dremel  
Conservation Warden

# Appendix K – Wisconsin Circuit Court Access Record on Paul R. Peterson

The Consolidated Court Automation Programs (CCAP)  
Wisconsin Circuit Court Access

**Wisconsin Circuit Court Access (WCCA)  
State of Wisconsin vs. PAUL R PETERSON**

**Juneau County Case Number 2004FO001028**

<b>Filing Date</b>	<b>Case Type Case Status</b>
12-14-2004	Non-Traffic Closed Ordinance Violation
<b>Defendant Date of Birth</b>	<b>Address</b>
01-1963	3033 ELM LANE, RACINE, WI 53405

### Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	167.31(2)(b)	Place/Transport Uncased Firearm/Vehicle	Forf. U	Guilty / No Contest
Defendant Owes the Court: \$ 0.00				
<b>Responsible Official</b>	<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>	
Jefferson, William	District Attorney			

### Defendant

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race <sup>1</sup></b>
PETERSON, PAUL R	01-1963	Male	Caucasian
<b>Address</b>	<b>Address Updated On</b>		
3033 ELM LANE, RACINE, WI 53405	12-14-2004		
<b>JUSTIS ID</b>	<b>Finger Print ID</b>		

### Charge(s)/Sentence(s)

**The Defendant was charged with the following offense:**

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	167.31(2)(b)	Place/Transport Uncased Firearm/Vehicle	Forf. U	11-21- 2004	No Contest on 01-24- 2005

**On 01-24-2005 there was a finding of:**

<b>Action</b>	<b>Court Official</b>
Guilty / No Contest	Jefferson, William

**On 01-24-2005 the following was ordered:**

<b>Sentence</b>	<b>Time</b>	<b>Begin Date</b>	<b>Notes</b>
Forfeiture / Fine			

**Citations****Citation R188536**

<b>Bond Amount</b>	<b>Deposit Type</b>	<b>Appearance Date and Time</b>	<b>Mandatory</b>
\$ 198.60	None	01-24-2005 at 08:30 am	No
<b>Name</b>	<b>Date of Birth</b>	<b>Sex</b>	
PETERSON, PAUL R	01-1963	Male	
<b>Address</b>	<b>Address Updated On</b>		
3033 ELM LANE, RACINE, WI 53405	12-14-2004		
<b>Plate Number</b>	<b>State</b>	<b>Expiration</b>	<b>VIN</b>
<b>Issuing Agency</b>	<b>Officer Name</b>	<b>Violation Date</b>	<b>MPH Over</b>
Dept. of Natural Resources		11-21-2004	
<b>Plaintiff Agency</b>	<b>Ordinance or Statute</b>	<b>Statute</b>	<b>Charge Description</b>
State of Wisconsin	Statute	167.31(2)(b)	Place/Transport Uncased Firearm/Vehicle
<b>Severity</b>			
Forf. U			

**Total Receivables**

<b>Court Assessments</b>	<b>Adjustments<sup>3</sup></b>	<b>Paid to the Court</b>	<b>Probation/Other Agency Amount<sup>4</sup></b>	<b>Balance Due to Court</b>	<b>Due Date<sup>5</sup></b>
\$ 198.60	\$ 0.00	\$ 198.60	\$ 0.00	\$ 0.00	

<sup>1</sup> The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

<sup>2</sup> Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

- <sup>3</sup> Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.
- <sup>4</sup> Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.
- <sup>5</sup> For cases with multiple assessments, the due date represents the assessment with the latest date.

The Consolidated Court Automation Programs (CCAP)  
Wisconsin Circuit Court Access

Wisconsin Circuit Court Access (WCCA)

State of Wisconsin vs. PAUL R PETERSON

Juneau County Case Number 2004FO001029

<b>Filing Date</b>	<b>Case Type</b>	<b>Case Status</b>
12-14-2004	Non-Traffic Ordinance Violation	Closed
<b>Defendant Date of Birth</b>	<b>Address</b>	
01-1963	3033 ELM LANE, RACINE, WI 53405	

**Charge(s)**

Count No.	Statute	Description	Severity	Disposition
1	29.301(3)	Fail/Display Back Tag while Deer Hunting	Forf. U	Guilty / No Contest
Defendant Owes the Court: \$ 0.00				
<b>Responsible Official</b>	<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>	
Jefferson, William	District Attorney			

**Defendant**

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race</b> <sup>1</sup>
PETERSON, PAUL R	01-1963	Male	Caucasian
<b>Address</b>	<b>Address Updated On</b>		
3033 ELM LANE, RACINE, WI 53405	12-14-2004		
<b>JUSTIS ID</b>	<b>Finger Print ID</b>		

**Charge(s)/Sentence(s)**

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	29.301(3)	Fail/Display Back Tag while Deer Hunting	Forf. U	11-21-2004	No Contest on 01-24-2000

**On 01-24-2005 there was a finding of:**

<b>Action</b>	<b>Court Official</b>
Guilty / No Contest	Jefferson, William

**On 01-24-2005 the following was ordered:**

<b>Sentence</b>	<b>Time</b>	<b>Begin Date</b>	<b>Notes</b>
Forfeiture / Fine			

**Citations****Citation R188537**

<b>Bond Amount</b>	<b>Deposit Type</b>	<b>Appearance Date and Time</b>	<b>Mandatory</b>
\$ 158.80	None	01-24-2005 at 08:30 am	No
<b>Name</b>	<b>Date of Birth</b>	<b>Sex</b>	
PETERSON, PAUL R	01-1963	Male	
<b>Address</b>	<b>Address Updated On</b>		
3033 ELM LANE, RACINE, WI 53405	12-14-2004		
<b>Plate Number</b>	<b>State</b>	<b>Expiration</b>	<b>VIN</b>
<b>Issuing Agency</b>	<b>Officer Name</b>	<b>Violation Date</b>	<b>MPH Over</b>
Dept. of Natural Resources	WEBER, MATT	11-21-2004	
<b>Plaintiff Agency</b>	<b>Ordinance or Statute</b>	<b>Statute</b>	<b>Charge Description</b>
State of Wisconsin	Statute	29.301(3)	Fail/Display Back Tag while Deer Hunting
<b>Severity</b>			
Forf. U			

**Total Receivables**

<b>Court Assessments</b>	<b>Adjustments<sup>3</sup></b>	<b>Paid to the Court</b>	<b>Probation/Other Agency Amount<sup>4</sup></b>	<b>Balance Due to Court</b>	<b>Due Date<sup>5</sup></b>
\$ 158.80	\$ 0.00	\$ 158.80	\$ 0.00	\$ 0.00	

<sup>1</sup> The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

<sup>2</sup> Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

<sup>3</sup> Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue



collection fees; and forgiven debts due to indigence, death, time served, or community service.

<sup>4</sup> Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

<sup>5</sup> For cases with multiple assessments, the due date represents the assessment with the latest date.

# Appendix L – Wisconsin Circuit Court Access Record on Robert W. Fick

The Consolidated Court Automation Programs (CCAP)  
Wisconsin Circuit Court Access

Wisconsin Circuit Court Access (WCCA)  
State of Wisconsin vs. ROBERT W FINK

**Juneau County Case Number 2004FO001013**

<b>Filing Date</b>	<b>Case Type Case Status</b>
12-06-2004	Non-Traffic Closed Ordinance Violation

<b>Defendant Date of Birth</b>	<b>Address</b>
03-1938	3419 W 96TH ST, MILWAUKEE, WI 53222

### Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	167.31(2)(b)	Place/Transport Loaded Firearm/Vehicle	Forf. U	Guilty / No Contest

Defendant Owes the Court: \$ 0.00

<b>Responsible Official</b>	<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>
Jefferson, William	District Attorney		

### Defendant

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race <sup>1</sup></b>
FINK, ROBERT W	03-1938	Male	Caucasian
<b>Address</b>			<b>Address Updated On</b>
3419 W 96TH ST, MILWAUKEE, WI 53222			12-06-2004
<b>JUSTIS ID</b>		<b>Finger Print ID</b>	

### Charge(s)/Sentence(s)

**The Defendant was charged with the following offense:**

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	167.31(2)(b)	Place/Transport Loaded Firearm/Vehicle	Forf. U	11-21-2004	No Contest on 12-20-2004

**On 12-20-2004 there was a finding of:**

<b>Action</b>	<b>Court Official</b>
Guilty / No Contest	Jefferson, William

**On 12-20-2004 the following was ordered:**

<b>Sentence</b>	<b>Time</b>	<b>Begin Date</b>	<b>Notes</b>
Forfeiture / Fine			

**Citations****Citation R188532**

<b>Bond Amount</b>	<b>Deposit Type</b>	<b>Appearance Date and Time</b>	<b>Mandatory</b>
\$ 238.40	None	12-20-2004 at 08:30 am	No
<b>Name</b>	<b>Date of Birth</b>	<b>Sex</b>	
FINK, ROBERT W	03-1938	Male	
<b>Address</b>	<b>Address Updated On</b>		
3419 W 96TH ST, MILWAUKEE, WI 53222	12-06-2004		
<b>Plate Number</b>	<b>State</b>	<b>Expiration</b>	<b>VIN</b>
<b>Issuing Agency</b>	<b>Officer Name</b>	<b>Violation Date</b>	<b>MPH Over</b>
Dept. of Natural Resources		11-21-2004	
<b>Plaintiff Agency</b>	<b>Ordinance or Statute</b>	<b>Statute</b>	<b>Charge Description</b>
State of Wisconsin	Statute	167.31(2)(b)	Place/Transport Loaded Firearm/Vehicle
<b>Severity</b>			
Forf. U			

**Total Receivables**

<b>Court Assessments</b>	<b>Adjustments<sup>3</sup></b>	<b>Paid to the Court</b>	<b>Probation/Other Agency Amount<sup>4</sup></b>	<b>Balance Due to Court</b>	<b>Due Date<sup>5</sup></b>
\$ 238.40	\$ 0.00	\$ 238.40	\$ 0.00	\$ 0.00	

<sup>1</sup> The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

<sup>2</sup> Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit

Court in the county where the case originated.

<sup>3</sup> Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.

<sup>4</sup> Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

<sup>5</sup> For cases with multiple assessments, the due date represents the assessment with the latest date.

# Appendix M – USFWS Incident Report on the Paul R. Peterson Case

U.S. FISH AND WILDLIFE SERVICE



## INCIDENT REPORT

<b>STATION</b> <i>Necedah National Wildlife Refuge</i>		<b>CLASSIFICATION OF INCIDENT</b> <i>Failure to comply with Special Regulations.</i>		<b>REVIEWED BY</b> signature _____ date _____	
				<b>FILE NUMBER</b> (see reverse side)	
<b>LOCATION OF INCIDENT</b> <i>Necedah National Wildlife Refuge Juneau County</i>		<b>DATE OF INCIDENT</b> <i>11 month 21 day 04 year</i>		<b>TIME INCIDENT OCCURRED</b> <i>7:30</i> <span style="float: right;"><input checked="" type="checkbox"/> am <input type="checkbox"/> pm</span>	
<b>REPORTED TO FWS BY</b> <i>Theodore Diemel</i>	<b>ADDRESS</b> _____	<b>PHONE</b> HOME: _____ WORK: _____	<b>HOW REPORTED</b> PHONE <input type="checkbox"/> RADIO <input checked="" type="checkbox"/> PERSONAL CONTACT <input type="checkbox"/>		
<b>RECEIVED BY</b> <i>James J. Hjelmgren</i>	<b>WHEN RECEIVED</b> DATE: <i>11-21-04</i> TIME: <i>7:30</i> <span style="float: right;"><input type="checkbox"/> am <input type="checkbox"/> pm</span>		<b>REPORT MADE BY</b> <i>James J. Hjelmgren</i>	<b>DATE</b> <i>11-16-04</i>	<b>TIME</b> <i>1000</i> <span style="float: right;"><input type="checkbox"/> am <input type="checkbox"/> pm</span>
<b>PERSONS INVOLVED</b>	<b>ADDRESS</b>	<b>PHONE</b>	<b>DOB</b>	<b>INVOLVEMENT</b>	
<i>1 Peterson, Paul</i>	<i>3033 Elm Lane</i>	<i>-</i>	<i>1-26-63</i>	<i>Suspect</i>	
<i>2 Fick, Robert</i>	<i>3419 N. 96<sup>th</sup> St.</i>	<i>414 465-0344</i>	<i>3-28-38</i>	<i>Suspect</i>	
<i>3 Fick, William</i>	<i>122 Blaine Ave</i>		<i>12-16-59</i>	<i>Suspect</i>	

**DETAILS OF INCIDENT/REMARKS**

*See attached report for details.*

(Specify quantity and estimated value of property involved in incident.)

<b>DISPOSITION</b> _____ _____ _____	<b>REFERRED TO</b> _____
	<b>ORGANIZATION</b> _____
	<b>JURISDICTION</b> FCD <input type="checkbox"/> ST <input type="checkbox"/> CO <input type="checkbox"/> OTHER <input type="checkbox"/>

**Case Number:** NEC-05-06

**Date:** November 21, 2004

**Time:** Approximately 0730 hours

**Location:** Necedah National Wildlife Refuge, Juneau County, SW of the intersection of Highway 80 and 5<sup>th</sup> Street W.

**Details of Incident:**

On November 21, 2004 Special Agent SPOON and I were parked just south of the intersection of 5<sup>th</sup> Street West and 9<sup>th</sup> Avenue North; just east of the Necedah National Wildlife Refuge. SPOON and I, along with Wisconsin Environmental Warden GEORG WAGNER and Conservation Warden THEODORE DREMEL were engaged in a wolf decoy operation.

At approximately 0730 hours, SPOON and I were advised via radio by DREMEL that an individual; later identified as PAUL PETERSON, had exited a vehicle and loaded ammunition into the rifle he possessed. DREMEL also advised via radio that PETERSON appeared to be stalking the wolf decoy.

I was located within the driver's seat and our takedown vehicle was positioned in a north bound direction on 9<sup>th</sup> Avenue North. I rolled down the driver's side window in order to listen for the sound of rifle shots emanating near the location of the wolf decoy. Shortly after rolling down the window, I heard what I believed to be the sound of a gunshot. I believed the sound of the gunshot resonated from the approximate location of the wolf decoy and where WAGNER and DREMEL were located.

Immediately after hearing what I believed to be a gunshot, DREMEL called via radio and advised that the suspect; later identified as PETERSON, had shot at the wolf decoy. I then started the vehicle and SPOON and I proceeded to the location of the wolf decoy, and WAGNER and DREMEL. I positioned the vehicle on 5<sup>th</sup> Street West between WAGNER and DREMEL, and the wolf decoy located to the south.

From the vehicle and looking south towards the wolf decoy, I observed a white male wearing a blaze orange hat and blaze orange vest holding a rifle. I observed PETERSON carrying a rifle and walking north towards 5<sup>th</sup> Street West. PETERSON observed my presence and then turned and began to quickly walk to the southwest away from my location.

I immediately exited my vehicle and ran south towards PETERSON. I identified myself as a Refuge Officer and yelled for PETERSON to stop. PETERSON stopped as directed. I then advised PETERSON to lay his rifle on the ground and PETERSON did so. I then advised PETERSON to walk towards my location and he did so.



I asked PETERSON to provide me his drivers license. I also asked PETERSON to provide me his Wisconsin Firearms deer license. PETERSON stated his hunting license was located within the vehicle he arrived in. I also observed PETERSON to not have his "Back-Tag" on his person. PETERSON said his deer hunting "Back-Tag" was located within the vehicle he had arrived in.

I asked PETERSON why he had a problem with timber wolves? PETERSON immediately responded by saying he shot because he thought the wolf decoy was a deer. I asked PETERSON after looking at the wolf decoy how he could possibly mistake it for a deer. PETERSON responded by saying he thought the wolf decoy was a doe.

I checked PETERSON for weapons on his person and then I recovered the rifle he had possessed. The rifle was a Remington Woodsmaster, Model 742, semi-automatic 30.06 caliber, Serial # 7321005. The safety button for the rifle was located in the "fire" position. I removed a magazine from the rifle that contained 3 live rounds. I then ejected a live round from the chamber. I then gave the rifle, magazine, and chambered shell to Agent SPOON.

Agent SPOON and Warden WAGNER then transported PETERSON to the Necedah National Wildlife Refuge headquarters area in order to interview PETERSON. I then spoke with ROBERT FICK regarding the incident. Throughout my interview with FICK, he also maintained that he believed the wolf decoy was indeed a deer.

I then observe Warden DREMEL locate a 30.06 shell casing approximately 40 feet south of the center line of the 5<sup>th</sup> Street West Road. I observed DREMEL say that the location of the shell casing was also the approximate location where he had observed PETERSON fire his rifle at the wolf decoy. I photographed the shell casing and recovered it as evidence.

I then paced off the distance from the shell casing to the wolf decoy. The distance was approximately 210 feet. I did not locate a bullet within the decoy. I did however, locate what appeared to be a bullet hole in a tree located approximately 18 feet south of the wolf decoy. I then photographed the wolf decoy and what appeared to be a bullet hole in the tree.

Warden DREMEL retrieved the wolf decoy and placed it in our vehicle. We then proceeded to the headquarters area with both ROBERT FICK and WILLIAM FICK following our vehicle.

While at the headquarters area, I took possession of PETERSON'S rifle, magazine, and chamber shell from Agent SPOON. Wardens WAGNER and DREMEL concluded their interviews with PETERSON, ROBERT FICK, and WILLIAM FICK. The suspects were advised of the potential violations they were facing. I advised PETERSON that while on Necedah National Wildlife Refuge, possessing a loaded firearm within 50 feet of the center line of any public road is a violation. I advised PETERSON that a Federal Violation Notice would be sent to him via mail. All three suspects then cleared the scene.

**RESULTS:**

The rifle, magazine, and chamber shell are stored in an evidence locker located within my office at the Necedah National Wildlife Refuge.

On December 6, 2004 I sent via mail, a citation to PETERSON; citation number W680998. I cited PETERSON for 16 USC 668 dd (f)(2), 50 CFR 32.2(f), "Failure to Comply with Special Regulations", "Possess Loaded Firearm Within 50 Feet of the Centerline of a Public Road."



# Appendix N – Letter to Paul R. Peterson from USFWS



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Necedah National Wildlife Refuge  
W7996 20<sup>th</sup> Street West  
Necedah WI 54646  
608-565-2551



*Celebrating a  
Century  
of Conservation!*

DECEMBER 5, 2004

Paul Peterson  
3033 Elm Lane  
Racine, WI 53405

Dear Mr. Peterson,

On November 21, 2004 I, along with Agent SPOON and Wisconsin Wardens WAGNER and DREMEL, contacted you on the Necedah National Wildlife Refuge located in Juneau County, Wisconsin. You were observed violating several laws that included both State and Federal regulations. On the Necedah National Wildlife Refuge, it is a violation to possess a loaded firearm within 50 feet of the center line of all public roads. You were observed by Wisconsin Conservation Wardens loading a Remington 30.06 rifle while standing on 5<sup>th</sup> Street West in the Necedah National Wildlife Refuge.

I am issuing you a Federal citation for 16 USC 668 dd (f)(2), 50 CFR 32.2 (f), which is a class B misdemeanor for failure to comply with special regulations; "possess loaded firearm within 50 feet of the center line of a public road." The fine is \$150.00. Along with the citation, are instructions on how to proceed whether you choose to pay the fine or choose to plead "not guilty." Either way, you have 21 days to respond to the citation. Please call me if you have any questions concerning this citation. I can be reached at (608) 565-4422.

The rifle you utilized remains in an evidence locker. Once the State and Federal charges have been resolved either by payment or hearings, I will return it to you.

Sincerely,  
  
James Hjelmgren  
Zone Officer  
Necedah National Wildlife Refuge

# Appendix O – Wagner’s Report on the Eugene C. Schreindl Case

CASE ACTIVITY REPORT  
Form 4100-160

R 6/02

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number  <b>04-C322-013</b>	Case Title  <b>Operation Robo Wolf</b>
Activity  <b>Road Hunting Observation – Ballard Road</b>	Date of Activity  <b>November 24, 2004</b>

Narrative<sup>3</sup>

On November 24, 2004, Environmental Warden Georg Wagner, accompanied by University of Wisconsin-Stevens Point Professor Dr. Robert Holsman, worked a detail in southern Clark County off of Ballard Road. The detail involved placing a robotic wolf decoy on Clark County Forest property in an attempt to apprehend subjects shooting at the decoy and gain intelligence on past wolf shootings in the area. Warden Wagner placed the wolf decoy approximately 70 yards south of Ballard Road on a cleared lane near the following coordinates: N44°26.233', W090°23.797'. Wagner and Holsman concealed themselves on the north side of Ballard Road across from the cleared lane. The robotics failed to operate at this location due to either cold or low batteries. Holsman operated the video camera while Wagner relayed information to Wardens Brian Ezman and April Dombrowski via a police radio. Ezman and Dombrowski were positioned in Wagner’s unmarked squad van east of the decoy’s location.

At approximately 8:12 A.M., Wagner observed a white-colored diesel pick-up truck (later identified by Dombrowski as a 2003 Dodge, MI registration #

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3

Warden Reporting  <b>Georg Wagner</b>	Date of Report  <b>December 3, 2004</b>	Exhibit Reference
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*This document was produced as a result of an official Law Enforcement investigation. Contents, in whole or part, are privileged by s. 905.09, Wis. Stats., and may not be used without express permission of the Wisconsin Warden service or appropriate prosecutor.*

2481DL) traveling down the road from the east. The pick-up truck stopped west of Wagner's location and backed up a short distance. Wagner observed a male individual exit from the passenger-side door of the pick-up truck. Wagner heard a sound similar to that of a bullet being chambered into a rifle (later identified by Dombrowski as a .30/06 Remington Gamemaster, Model 760, serial # 456169, equipped with a Simmons scope). Wagner observed the passenger hunch over in a stalking fashion and walk along the side of the pick-up truck toward the wolf decoy. The passenger stood in the roadway with the rifle shouldered, pointing in the direction of the decoy for approximately 30 seconds. The pick-up truck backed up to the passenger's location – allowing the passenger to walk around, case the rifle and reposition himself back in the passenger seat of the pick-up truck. After the pick-up truck drove away traveling west, Wagner radioed Ezman and Dombrowski to make contact with the vehicle's passenger for hunting within 50 feet of the center of a roadway.

Ezman and Dombrowski later relayed to Wagner that they would be issuing the passenger a citation for hunting from the roadway. Dombrowski identified the passenger as:

**Eugene C. Schreindl, M/W, DOB: 11/05/42**  
**3763 Shoals Street**  
**Waterford, MI 48329-2265**  
**Backtag # 1325934**

# Appendix P – Dombrowski’s Report on the Eugene C. Schreindl Case

CASE ACTIVITY REPORT  
Form 4100-160 R 6/02

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number  04-C322-013	Case Title  Operation Robo Wolf
Activity  Contact with Eugene C. Schreindl	Date of Activity  November 24, 2004

Narrative<sup>4</sup>

On Wednesday, November 24, 2004 Wisconsin Conservation Warden was working a special detail during the 2004 Regular Gun Deer Season with Environmental Wardens Georg Wagner and Brian Ezman. The detail consisted of working a timber wolf decoy off Ballard Rd. in southern Clark County.

At approximately 8:30am Warden Wagner informed Wardens Dombrowski and Ezman that a white truck (Michigan license plate of 2481DL, 2003 Dodge truck) with two male occupants slowed down in the area of the decoy. Warden Wagner was set up undercover on the north side of Ballard Rd. with the decoy on the south side of Ballard Rd. Warden Wagner reported by portable radio to Wardens Dombrowski and Ezman the passenger, later identified by backtag and drivers license as:

**Eugene C. Schreindl, M/W DOB 11-05-42  
3763 Shoals St.  
Waterford, MI. 48329-2265**

<sup>4</sup>

Warden Reporting  April Dombrowski	Date of Report  11-30-04	Exhibit Reference
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*This document was produced as a result of an official Law Enforcement investigation. Contents, in whole or part, are privileged by s. 905.09, Wis. Stats., and may not be used without express permission of the Wisconsin Warden service or appropriate prosecutor.*

**Backtag #1325934**

got out of the vehicle and cycled the action, as to load a round in the chamber of his firearm. The firearm was later identified as a:

**30.06 Remington Gamemaster rifle  
Model 760  
Serial number: 456169  
Simmons scope**

He proceeded to walk very slow and quietly along side the vehicle, walking toward the east. As Schreindl stood on the roadway he shouldered his rifle for approximately 30 seconds. Schreindl was looking through his scope mounted on his rifle in the direction of the decoy. Schreindl did not shoot at the decoy but then unloaded and cased his firearm before getting into the truck. The truck continued to travel west on Ballard Rd.

Wardens Dombrowski and Ezman pursued the truck and stopped it on Ballard Rd. Warden Dombrowski opened the passenger door and spoke with Schreindl while Warden Ezman made contact with the driver. Warden Dombrowski could see Schreindl's firearm was in a case. She asked to look at the firearm and Schreindl handed her the firearm in the gun case. Warden Dombrowski had Schreindl walked toward the back of the truck.

Warden Dombrowski asked Schreindl what he was going to shoot at and he stated a deer. He stated he would have shot it too, but then after looking at it with his scope the second time he realized it was one of the DNR's dummy deer. He stated he then unloaded his firearm. The round he unloaded from the rifle was located on the dash between the driver and Schreindl.

Warden Dombrowski informed Schreindl that the decoy was not a "dummy deer". He looked surprised and stated yes it was. Warden Dombrowski advised Schreindl that what he thought was a dummy deer was actually a timber wolf decoy. She further advised Schreindl that he could not hunt, which included pursuing or attempting to capture or kill any wild animal within 50 feet of the roadway center. Schreindl stated that he was hunting until he realized what he was hunting was a decoy.

Wardens Ezman and Dombrowski advised Schreindl that he would be receiving a citation in the mail for hunting within 50 feet of the roadway center.

The wardens departed at approximately 8:40am.

# Appendix Q – Wisconsin Circuit Court Access Record on Eugene C. Schreindl

The Consolidated Court Automation Programs (CCAP)  
Wisconsin Circuit Court Access

**Wisconsin Circuit Court Access (WCCA)  
State of Wisconsin vs. Eugene C Schreindl**

**Clark County Case Number 2004FO000436**

<b>Filing Date</b>	<b>Case Type</b>	<b>Case Status</b>
12-14-2004	Non-Traffic Ordinance Violation	Closed
<b>Defendant Date of Birth</b>	<b>Address</b>	
11-1942	3763 Shoals Street, Waterford, MI 48329-2265	
<b>Branch Id</b>	<b>DA Case Number</b>	
1		

### Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	NR10.05(1)	Hunt Within 50 Feet of Road's Center	Forf. U	Guilty / No Contest
Defendant Owes the Court: \$ 0.00				
<b>Responsible Official</b>		<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>
Counsell, Jon M.		District Attorney		

### Defendant

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race <sup>1</sup></b>
Schreindl, Eugene C	11-1942	Male	
<b>Address</b>			<b>Address Updated On</b>
3763 Shoals Street, Waterford, MI 48329-2265			12-14-2004
<b>JUSTIS ID</b>	<b>Finger Print ID</b>		

### Charge(s)/Sentence(s)

**The Defendant was charged with the following offense:**

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
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1 NR10.05(1) Hunt Within 50 Feet of Road's Center Forf. U 11-24-2004 No Contest on 12-23-2004

**On 12-23-2004 there was a finding of:**

<b>Action</b>	<b>Court Official</b>
Guilty / No Contest	Counsell, Jon M.

**The following was ordered:**

<b>Sentence</b>	<b>Time</b>	<b>Begin Date</b>	<b>Notes</b>
Forfeiture / Fine			

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**Citations**

**Citation R144210**

<b>Bond Amount</b>	<b>Deposit Type</b>	<b>Appearance Date and Time</b>	<b>Mandatory</b>
\$ 198.60	None	12-23-2004 at 09:00 am	No
<b>Name</b>		<b>Date of Birth</b>	<b>Sex</b>
Schreindl, Eugene C		11-1942	Male
<b>Address</b>			<b>Address Updated On</b>
3763 Shoals Street, Waterford, MI 48329-2265			12-14-2004
<b>Plate Number</b>	<b>State</b>	<b>Expiration</b>	<b>VIN</b>
<b>Issuing Agency</b>	<b>Officer Name</b>	<b>Violation Date</b>	<b>MPH Over</b>
Dept. of Natural Resources		11-24-2004	
<b>Plaintiff Agency</b>	<b>Ordinance or Statute</b>	<b>Statute</b>	<b>Charge Description</b>
State of Wisconsin	Statute	NR10.05(1)	Hunt Within 50 Feet of Road's Center
<b>Severity</b>			
Forf. U			

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**Total Receivables**

<b>Court Assessments</b>	<b>Adjustments<sup>3</sup></b>	<b>Paid to the Court</b>	<b>Probation/Other Agency Amount<sup>4</sup></b>	<b>Balance Due to Court</b>	<b>Due Date<sup>5</sup></b>
\$ 198.60	\$ 0.00	\$ 198.60	\$ 0.00	\$ 0.00	

<sup>1</sup> The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

<sup>2</sup> Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit

Court in the county where the case originated.

<sup>3</sup> Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.

<sup>4</sup> Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

<sup>5</sup> For cases with multiple assessments, the due date represents the assessment with the latest date.



# Appendix R – Wagner’s Report on the Randy J. Ballmer Case

CASE ACTIVITY REPORT  
Form 4100-160 R 6/02

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>04-C322-013</b>	Case Title <b>Operation Robo Wolf</b>
Activity <b>Road Hunting Observation – Parrish Road</b>	Date of Activity <b>November 27, 2004</b>

Narrative<sup>5</sup>

On November 27, 2004, Environmental Warden Georg Wagner and Deputy Warden Mark Schraufnagel worked a detail in Lincoln County off of Parrish Road approximately 3 miles east of County Highway B. The detail involved placing a robotic wolf decoy on Lincoln County Forest property in an attempt to apprehend subjects shooting at the decoy and gain intelligence on past wolf shootings in the area. Warden Wagner placed the wolf decoy approximately 35 yards north of Parrish Road on a hilly, wooded area near the following coordinates: N45°26.584', W089°26.317'. Wagner and Schraufnagel concealed themselves on the south side of Parrish Road across from the decoy. Schraufnagel operated the remote robotics while Wagner relayed information to Wardens Ronald Nerva and Frederick Peters via a police radio. Nerva and Peters were positioned in a squad truck east of Wagner and Schraufnagel. Heavy snow was falling while the detail was being conducted at this location.

At approximately 2:09 P.M., Wagner observed a dark-colored Suburban-type truck traveling down the road from the east. The truck stopped west of

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5

Warden Reporting <b>Georg Wagner</b>	Date of Report <b>December 3, 2004</b>	Exhibit Reference
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Wagner's location. Wagner observed 3 individuals exit the truck. Wagner heard a sound similar to that of a bullet being chambered into a rifle. Wagner observed a male individual in the roadway with the rifle shouldered, pointing in the direction of the decoy for approximately 10 seconds. Wagner heard a male voice say, "it's a timber wolf." Wagner heard another male voice say it was a "big wolf," then a "DNR timber wolf." Wagner radioed Nerva and Peters and requested that they make contact with the vehicle and its occupants for a suspected road hunting violation. Several seconds later, Wagner saw the squad truck pull up to the scene and make contact with the individuals in and around the vehicle.

# Appendix S – Wisconsin Circuit Court Access Record on Randy J. Ballmer

The Consolidated Court Automation Programs (CCAP)  
Wisconsin Circuit Court Access

**Wisconsin Circuit Court Access (WCCA)  
State of Wisconsin vs. Randy JJ Ballmer**

**Lincoln County Case Number 2005FO000015**

<b>Filing Date</b>	<b>Case Type</b>	<b>Case Status</b>
02-01-2005	Non-Traffic Ordinance Violation	Closed
<b>Defendant Date of Birth</b>	<b>Address</b>	
01-1963	N4775 County Line Road, Gleason, WI 54435	
<b>Branch Id</b>	<b>DA Case Number</b>	
II		

### Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	NR10.05(1)	Hunt Within 50 Feet of Road's Center Defendant Owes the Court: \$ 0.00	Forf. U	Dismissed /Pr Motion
<b>Responsible Official</b>		<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>
Hartley, Glenn		District Attorney	Zengler, Kurt B	

### Defendant

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race <sup>1</sup></b>
Ballmer, Randy JJ	01-1963	Male	
<b>Address</b>			<b>Address Updated On</b>
N4775 County Line Road, Gleason, WI 54435			02-01-2005
<b>JUSTIS ID</b>	<b>Finger Print ID</b>		

### Charge(s)/Sentence(s)

**The Defendant was charged with the following offense:**

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	NR10.05(1)	Hunt Within 50 Feet of Road's Center	Forf. U	11-27-2004	

**On 07-08-2005 there was a finding of:**

<b>Action</b> Dismissed /Pr Motion	<b>Court Official</b> Hartley, Glenn
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**Citations****Citation R173257**

<b>Bond Amount</b>	<b>Deposit Type</b>	<b>Appearance Date and Time</b>	<b>Mandatory</b>
\$ 198.60	None	02-07-2005 at 10:00 am	No
<b>Name</b>		<b>Date of Birth</b>	<b>Sex</b>
Ballmer, Randy JJ		01-1963	Male
<b>Address</b>			<b>Address Updated On</b>
N4775 County Line Road, Gleason, WI 54435			02-01-2005
<b>Plate Number</b>	<b>State</b>	<b>Expiration</b>	<b>VIN</b>
<b>Issuing Agency</b>	<b>Officer Name</b>	<b>Violation Date</b>	<b>MPH Over</b>
DNR	Nerva, Ronald J	11-27-2004	
<b>Plaintiff Agency</b>	<b>Ordinance or Statute</b>	<b>Statute</b>	<b>Charge Description</b>
State of Wisconsin	Statute	NR10.05(1)	Hunt Within 50 Feet of Road's Center
<b>Severity</b>			
Forf. U			

**Total Receivables**

<b>Court Assessments</b>	<b>Adjustments<sup>3</sup></b>	<b>Paid to the Court</b>	<b>Probation/Other Agency Amount<sup>4</sup></b>	<b>Balance Due to Court</b>	<b>Due Date<sup>5</sup></b>
\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	

<sup>1</sup> The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

<sup>2</sup> Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

<sup>3</sup> Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.

<sup>4</sup> Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

<sup>5</sup> For cases with multiple assessments, the due date represents the assessment with the latest date.