

SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

MOTIONS ON ASSEMBLY BILL 519

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends introduction and adoption of LRB a1235/1 to SA 1 to Assembly Bill 519, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES
NO

Signed: Neal J. Kedzie
Date: 10/20/03

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends adoption of SA 1 to Assembly Bill 519, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES
NO

Signed: Neal J. Kedzie
Date: 10/20/03

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 519 as amended, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES

NO

Signed: Steve J. Kedzie
Date: 10/20/03

SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

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The feeding of deer and elk.

VOTE ON MOTION:

YES

NO

Signed: Cathy Stepp

Date: 10/20/2003

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The feeding of deer and elk.

VOTE ON MOTION:

YES

NO

Signed: Cathy Stepp

Date: 10/20/2003

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The feeding of deer and elk.

VOTE ON MOTION:

YES

NO

Signed: Cathy Stepp

Date: 10/20/2003

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The feeding of deer and elk.

VOTE ON MOTION:

YES X

Signed: Paul A. Russo

NO _____

Date: 10/21/03

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends adoption of SA 1 to Assembly Bill 519, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES _____

Signed: Paul A. Russo

NO X

Date: 10/21/03

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The feeding of deer and elk.

VOTE ON MOTION:

YES _____

Signed: Robert W. Wiech

NO

Date: 10-21-03

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends adoption of SA 1 to Assembly Bill 519, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES _____

Signed: Robert W. Wiech

NO

Date: 10-21-03

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 519 as amended, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES _____

NO ✓

Signed: Robert W. Weirch

Date: 10-21-03

SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

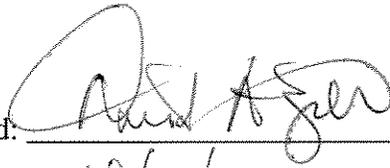
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The feeding of deer and elk.

VOTE ON MOTION:

YES
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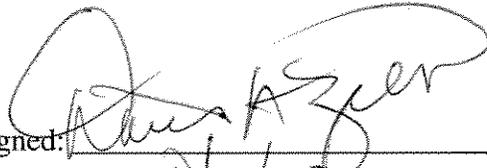
Signed: 
Date: 10/21/03

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VOTE ON MOTION:

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Signed: 
Date: 10/21/03

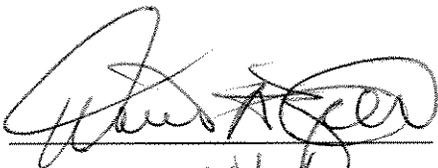
Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 519 as amended, relating to:

The feeding of deer and elk.

VOTE ON MOTION:

YES

NO

Signed: 

Date: 10/21/03

Assembly Bill 519 . . . relating to: baiting and feeding of deer.

BILL SPONSORS

Introduced by Representatives Gunderson, M. Williams, Albers, Bies, Gronemus, Grothman, Krawczyk, Musser, Nass, Olsen, Pettis, Seratti, Sherman and J. Wood; cosponsored by Senators Welch, Brown, Decker and Lazich.

BILL HISTORY

Assembly Bill 519 was introduced on September 11, 2003 and referred to the Assembly Committee on Natural Resources. A public hearing was held on September 16, 2003 and executive session on the same day. The committee recommended passage of Assembly Bill 519 as amended (10 Ayes, 1 Noes - Miller). On September 23, 2003, the Assembly passed ASA 1 to Assembly Bill 519 (85 Ayes, 14 Noes) and referred it to the Senate Environment and Natural Resources Committee.

The Committee held a public hearing on October 20, 2003 and on October 21, 2003 the committee paper balloted two motions on Assembly Bill 519. By paper ballot, the committee adopted Senate Amendment 1 to ASA 1 (# Ayes, # Noes) and recommended concurrence as amended (# Ayes, # Noes)

LRB ANALYSIS

Current Law:

Current law requires the Department of Natural Resources (DNR) to promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting (recreational feeding rules). Currently, "wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion. Under current law, the recreational feeding rules do not apply after June 30, 2004.

Because of various objections by standing and joint committees of the legislature, these rules have not taken effect. However, on August 29, 2003, the Natural Resources Board adopted and implemented an emergency rule relating to baiting and feeding which essentially bans the practice in 23 Wisconsin counties.

Summary of Proposal (prior to amendments):

Assembly Bill 519 authorizes any person to feed deer or elk for "viewing purposes" in any area that the DNR has not designated as a chronic wasting disease eradication zone, management zone, or intensive harvest zone. The bill imposes restrictions on the allowable location of feeding and amount of feed.

Assembly Bill 519 authorizes any person to feed deer or elk for hunting purposes north of U.S. Highway 54 during any open season and in any area that the DNR has not designated as a chronic wasting disease eradication zone, management zone, or intensive harvest zone. The bill imposes restrictions on the allowable location of baiting and the amount of bait.

Amendments:

Assembly Substitute Amendment 1 and Assembly Amendment 1 to Assembly Substitute Amendment 1 applies only to deer and not to deer and elk. ASA 1 authorizes the DNR to promulgate rules that prohibit feeding deer for hunting or viewing purposes in a county which meets any of the following conditions:

Posted Speed Limits? - On line 14 of page 2, the bill prohibits feeding only within 100 yards of roadways with "posted" speed limits of 45 miles per hour or more. As I drove the town roads of Sauk County this past weekend at the legal speed limit of 55 mph, there were no posted signs. Deer and fast moving cars should not be encouraged to mix regardless of a posted speed limit. Many, many of Wisconsin's 40,000 car-deer accidents occur on similar roads. We recommend that the word **(posted)** be removed from line 14.

2 gallons per 40-acre limit- On lines 21 and 22, the bill proposes a 2 gallon limit per 40-acre limit for each hunter. While well intentioned, **this language is unenforceable** and creates a compliance hurdle most hunters will have difficulty with. Wisconsin does not have a grid overlaid on it that tells us whether or not we've crossed from one 40-acre tract to another. Unless a warden physically watches a person place multiple baits they will not be able to enforce this regulation. They will not be able to respond to hunter complaints about violations and this will lead to increased frustration. Most hunters will not know that they would need to walk more than 440 yards from their current bait site if they want to place another. We recommend dropping this provision. There is nothing to be gained by adding this provision.

Effective Dates - It is our recommendation that if passed the **effective date for AB 519 be after the current deer hunting seasons**. The baiting and feeding issue has been very confusing for the general public and we believe that most hunters have a good understanding of the current regulations for 2003. If we are going to make a change, let's make effective for 2004.

Finally, we understand that the committee will be considering an amendment that will replace the countywide prohibition for baiting and feeding for counties within 10 miles of a CWD or Tb+ animal with a municipality closure. We are very concerned that this amendment could drastically reduce the coverage of this disease preventative measure.

I have some maps that illustrate that the wrong interpretation of the amendment can have dramatic impacts. I am happy to share them with the committee if it is helpful to your deliberations.

**DNR Testimony on AB 519
Feeding and baiting of Deer & Elk
Presented to Senate Committee on the Environment
October 20, 2003**

Good Afternoon! As I indicated before the Assembly Committee on Natural Resources, there won't be any surprises in my comments today. As you are aware, we believe that a statewide ban on baiting and feeding deer is a critical piece of the disease control strategy needed for Wisconsin.

Wisconsin and National animal health experts have reviewed the role of baiting and feeding and disease. They are firm in their conclusions. They tell us that baiting and feeding does facilitate the transmission of disease from one animal to another and can help get a disease established in our herd. A statewide ban is one of their key recommendations.

There is no shield protecting any portion of our state from serious diseases. We have documented two serious diseases in our state. Not only have we found CWD in our wild herd in southern Wisconsin. We have also documented both CWD and Tb in captive cervid farms in central and eastern Wisconsin. We have to conclude that the risk is real.

Once a disease gets established in a wild herd it is very difficult and costly matter to control and eradicate it. I believe our CWD efforts together with Michigan's Tb control program offer ample proof of this. Sadly, CWD may well have spread beyond control in some western states. Colorado is reporting a steady increase in prevalence of CWD in their deer herd and is finding the disease continues to spread across their state. Last week they indicated that CWD was present in 75% of 4.5 year-old bucks examined from their long-term monitoring units. So nearly all of these prime age bucks which are highly sought by hunters in these units would be animals that the Center of Disease Control and World Health Organization say should not be eaten. That is not a future that we want for Wisconsin.

Aside from the lack of a statewide ban, Assembly Substitute Amendment 1 has some other serious flaws.

- The county or a portion of the county is in a chronic wasting disease control zone designated by DNR rule.
- A county in which a positive test for chronic wasting disease or bovine tuberculosis has been confirmed in any captive or free-roaming domestic or wild animal after December 31, 1997.
- The county or a portion of the county is within a 10-mile radius of the known location of a captive or free-roaming domestic or wild animal that has been tested and confirmed positive for chronic wasting disease or bovine tuberculosis after December 31, 1997.
- The amendment removes the “south of Highway 54” provision.
- The amendment repeals the June 30, 2004 sunset on feeding restrictions

The substitute amendment authorizes any person to feed deer for viewing purposes in areas other than the counties in which the DNR prohibits feeding of wild animals, subject to all of the following conditions:

- The feeding site must be within 50 yards of an owner-occupied residence or business that is generally open to the public.
- The feeding site may not be less than 100 yards from the traveled portion of a highway that has a posted speed limit of 45 miles per hour or more.
- No more than two gallons of material may be present at the feeding site at any time.
- The substitute amendment repeals the current July 1, 2004 sunset of DNR authority to regulate the feeding of wild animals for purposes other than hunting.

The substitute amendment authorizes any person to feed deer for hunting purposes in areas other than the counties in which the DNR prohibits feeding of wild animals, subject to all of the following conditions:

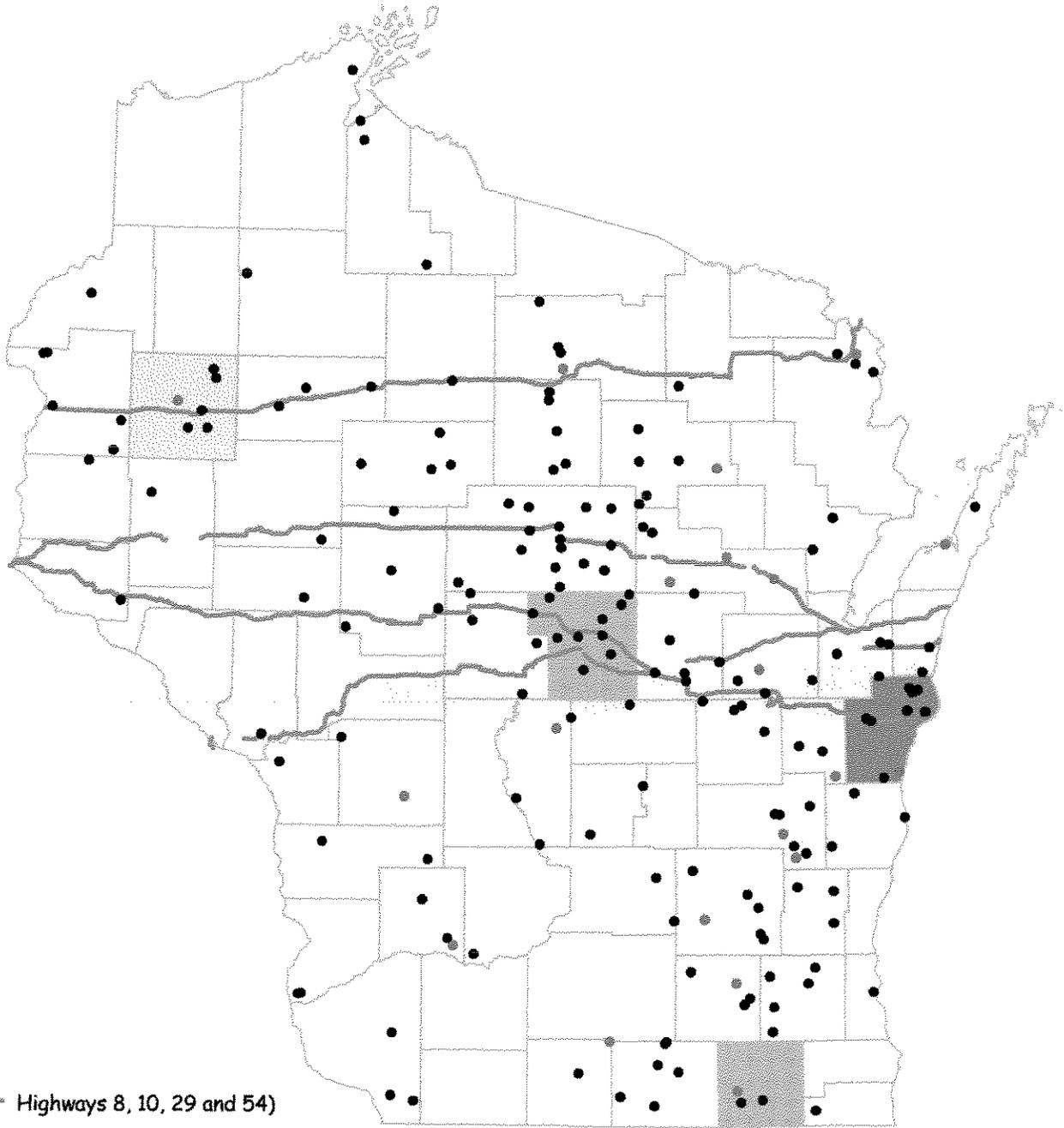
- No more than two gallons of material may be present at a feeding site at any time.
- No feeding site may be closer than 100 yards of another feeding site.
- The person does not place more than two gallons of feed in an area of 40 acres or less.

Senate Amendment 1 to ASA 1 replaces “county or a portion of the county is within a 10-mile radius” with “municipality or a portion of the municipality is within a 10-mile radius”. SA 1 deletes the countywide prohibition on baiting and feeding for any county with a CWD positive animal but not in an eradication zone. Finally, SA 1 prohibits the use of feed containing any animal parts or animal by-products.

Comparison of Various Baiting and Feeding Regulations October 17, 2003 – Prepared by the Office of State Senator Neal Kedzie

<p>The DNR Emergency Rule completely bans baiting and feeding in:</p> <ul style="list-style-type: none"> • LaFayette County • Green County • Rock County • Walworth County • Dane County • Iowa County • Grant County • Richland County • Crawford County • Vernon County • Sauk County • Columbia County • Juneau County • Marquette County • Jefferson County • Waukesha County • Racine County • Adams County • Waushara County • Portage County • Calumet County • Manitowoc County • Sheboygan County <p>In the remaining 49 counties where baiting and feeding is allowed, a 10-gallon limit is allowed with no restrictions on placement.</p> <p>The June 30, 2004 sunset provision for feeding is intact and those 23 counties are banned because:</p> <ol style="list-style-type: none"> 1. The county or portion of the county is within a CWD Eradication Zone; or, 2. The county is within 10 miles of a CWD positive deer or elk, but not within a CWD Eradication Zone. 	<p>ASA 1 to AB 519, completely* bans baiting and feeding in:</p> <ul style="list-style-type: none"> • LaFayette County • Green County • Rock County • Walworth County • Dane County • Iowa County • Grant County • Richland County • Crawford County • Vernon County • Sauk County • Columbia County • Juneau County • Marquette County • Jefferson County • Waukesha County • Racine County • Adams County • Waushara County • Portage County • Calumet County • Manitowoc County** • Sheboygan County <p>In the remaining 49 counties where baiting and feeding is allowed, a 2-gallon limit and other placement restrictions apply. The amendment repeals the June 30, 2004 sunset provision for feeding restrictions and deletes the previous "south of Highway 54" language.</p> <p>* The County or a portion of the county is within a CWD Eradication Zone or the County is within 10 miles of a CWD positive deer</p> <p>** Manitowoc County passed an ordinance banning baiting and feeding</p>	<p>SA 1 to ASA 1 to AB 519, completely* bans baiting and feeding in:</p> <ul style="list-style-type: none"> • LaFayette County • Green County • Rock County • Walworth County • Dane County • Iowa County • Grant County • Richland County • Crawford County • Vernon County • Sauk County • Columbia County • Juneau County • Marquette County <p>SA 1 to ASA 1 to AB 519, partially** bans baiting and feeding in:</p> <ul style="list-style-type: none"> • Jefferson County • Waukesha County • Racine County • Adams County • Waushara County • Portage County • Calumet County • Manitowoc County*** • Sheboygan County <p>In the remaining 49 counties and any municipality where baiting and feeding is allowed, the 2-gallon limit and other placement restrictions apply. The June 30, 2004 sunset provision is repealed and the "south of Highway 54" language is deleted.</p> <p>In addition, SA 1 prohibits the use of animal parts or animal by-products in feed material.</p> <p>* The County or a portion of the County is within a CWD Eradication Zone</p> <p>** "Partially" could mean as few as one Township or as many as nine Townships, depending on where the CWD positive deer is located.</p> <p>*** Manitowoc County passed an ordinance banning baiting and feeding</p>
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Wisconsin Whitetail Deer Escapes

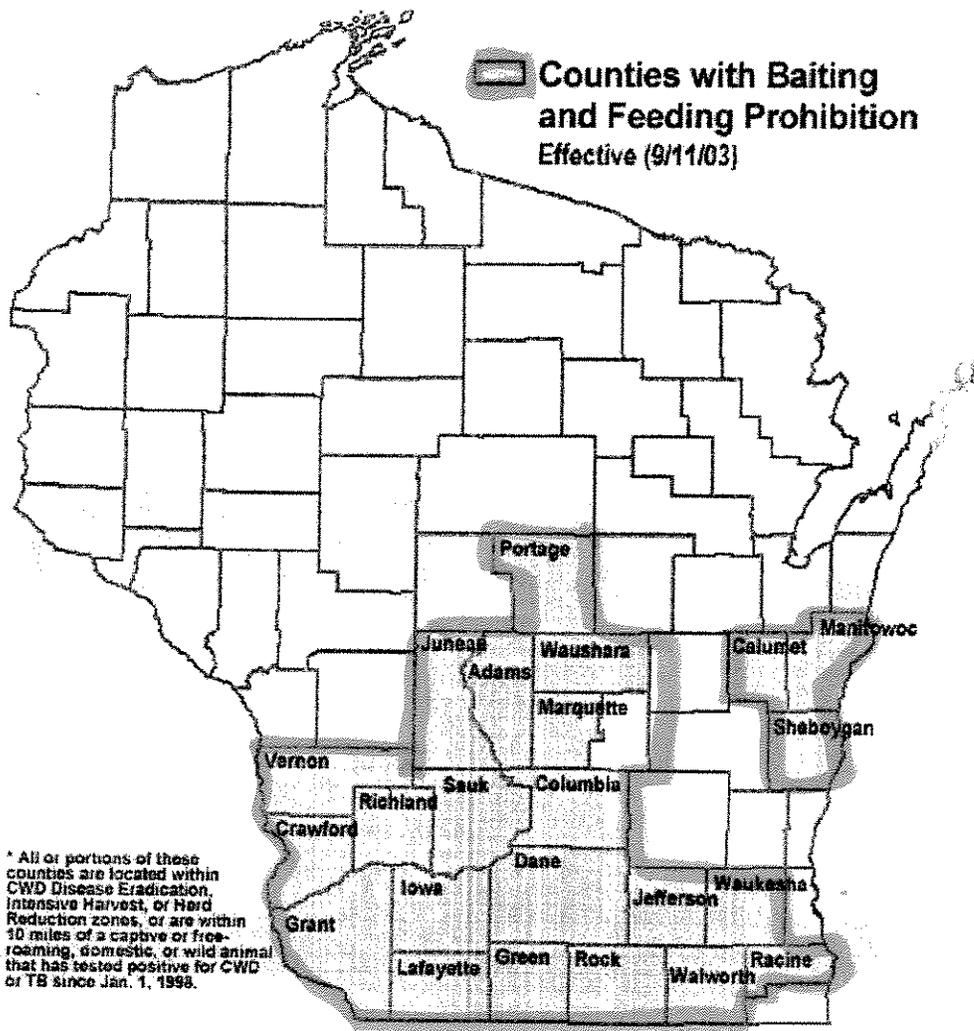


- Highways 8, 10, 29 and 54)
- Deer Farm with Escape as of 4/7/03
- Deer Farm with Escape
- TB Positive Farm
- CWD Positive Farm
- TB/CWD Positive Farm



GIS Services Section
April 7, 2003

2003 – 2004 Wildlife Baiting and Feeding Regulations



Affected Area:

On September 11, 2003 a prohibition on baiting and feeding went into effect in 23 southern Wisconsin counties (shaded on map). The counties included in the prohibition include Adams, Calumet, Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Waukesha, and Waushara. In the remaining counties (non-shaded), there are no restrictions on feeding, and baiting for deer hunting is allowed but regulated. Please see below for an explanation of the regulations in place for your county.

The counties included in the prohibition (shaded on map) include Adams, Calumet, Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Waukesha, and Waushara. In the remaining counties (non-shaded), there are no restrictions on feeding, and baiting for deer hunting is allowed but regulated. Please see below for an explanation of the regulations in place for your county.

Definitions:

"Bait" means any material used to attract wildlife including liquid scent.

"Bird feeding devices and structures" means any device or structure that has the primary purpose of attracting or feeding birds.

"Liquid" means a substance, neither solid or gaseous, that flows freely and takes the shape of its container at a temperature of 32°F.

"Liquid scent" means any liquid material except honey used to attract wild animals solely by its odor.

"Scent" means any material except honey, used to attract wild animals solely by its odor.

"Small mammals" mean all mammals other than bear, deer and elk.

Counties where baiting and feeding is prohibited (shaded counties):

Baiting

1. Except as provided in number 3. below, or as authorized as a condition listed in a CWD landowner shooting permit, no person may hunt with the aid of bait, or place or use bait for the purpose of hunting wild animals or training dogs.
2. No person may hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibition in this section if the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or training.

No person may hunt with the aid of bait, or place or use bait for the purpose of hunting wild animals or training dogs.

No person may hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibition in this section if the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or training.

(Continued on Side Two)

A person may hunt with the aid of bait or place or use bait in any of the following circumstances:

- a. Scent may be used for hunting deer or elk provided the scent is not placed or deposited in a manner that it is accessible for consumption by deer or elk. Non-liquid scents shall be removed daily by the end of hunting hours for deer. Two ounces or less of liquid scent may be placed or deposited in any manner for hunting game.
 - b. Hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices is allowed.
 - c. Hunting over crops planted and left standing as wildlife food plots is allowed.
 - d. Bait may be placed in compliance with number 4. between April 15 and the close of the bear season for hunting bear or training bear dogs during the open seasons for these activities, provided that when the bait is placed and when the bait site is checked or re-baited, the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material. Liquid scent used for hunting of bear or training bear dogs from April 15 to the end of bear season does not need to be enclosed in a hollow log, a hole in the ground or stump.
4. When hunting bear or bear dog training, no person may:
- a. Place, use or hunt with the aid of bait material, in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.
 - b. Place, use or hunt with the aid of bait material, other than scent, which is contained within or containing metal, paper, plastic, glass, wood or other similar processed materials. Use of hollow logs or stumps is permitted.
 - c. Place, use or hunt with the aid of bait material within 50 yards of any trail, road or a campsite used by the public.
 - d. Hunt with the aid of bait material, other than scent, without possessing a valid unused class A or a class B bear license.

Feeding

1. Except as provided in number 5. Below, or as a condition of a CWD landowner shooting permit, no person may place, deposit or allow the placement of any material to feed or attract wild animals.
2. Any person placing material or feed to attract wild animals other than permitted in number 5. Below, shall remove all food or other material illegally placed or deposited when ordered by the department to do so.
3. Landowners, lessees or occupants of any property where feeding is occurring, other than permitted in number 5. below, shall remove all food or other material illegally placed or deposited upon notification by the department of the illegal activity.
4. Elevated feeders that are designed to deposit food on the ground are prohibited.
5. The following activities are allowed:
 - a. Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If wild deer are utilizing bird feeding devices or structures the devices or structures shall be enclosed or elevated higher to prevent access by deer.
 - b. Feeding of wild animals, other than deer, elk or bear, by hand is allowed if:
 - Feed is placed not more than 30 feet away from the person doing the feeding, and
 - The person doing the feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.
 - c. Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.
 - d. Standing crops planted and left standing as wildlife food plots that may be used by wild animals.
 - e. Food material placed for bear hunting or bear dog training as specified in numbers 3. and 4. under baiting above.
 - f. Food material placed for trapping as specified in the 2003 Trapping Regulations.
 - g. The use of decoys for non-hunting purposes.
 - h. The placement of plain water for drinking or for bird baths.
 - i. The use of scents provided the material is not accessible for consumption by deer or elk.
 - j. Food or bait material placed or used for fish, reptiles, amphibians or arthropods provided the material is not accessible to bear, deer or elk.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

Remaining parts of the state not included in the baiting and feeding ban (non-shield counties):

Baiting

It is illegal to:

1. place, use or hunt over bait contained within or containing metal, paper, plastic, glass, wood (other than hollow stumps) or other nondegradable materials.
2. use mechanical feeders for the purpose of hunting.
3. use any baiting material, liquid or scent for attracting wild animals containing honey, bones, fish, meat, solid animal fat (which includes bacon grease) or parts of animal carcasses.
4. place or hunt over baiting material, liquid or scent within 50 yards of any trail, road or campsite used by the public.
5. hunt over baiting material, liquid or scent during the archery season without possessing a valid, unused bear harvest permit or archery deer tag.
6. place more than 10 gallons of bait material or liquid scent in a baited area or hunt over a baited area containing more than 10 gallons of bait material or liquid scent. Note: You may hunt over material deposited by natural vegetation or found solely as a result of normal agricultural practices.

Clarification: It is illegal to hunt deer in an area that was baited in violation of 1., 2., 3. or 6. (above) from July 1 to January 31 unless the area is completely free of all baiting material for at least 10 consecutive days prior to hunting. The fact that the illegal bait is removed, allowing the area to be hunted after 10 consecutive days, does not alter any liability for the initial illegal placement of the bait.

Feeding

There are no limitations or restrictions on feeding wildlife in these counties. However, considering that the risks associated with CWD and Bovine TB may exist statewide, the Department of Natural Resources is requesting that individuals in these counties refrain from feeding deer. The activity of feeding results in an unnatural concentration of deer that can act as a method by which infectious diseases can be spread.

AB 519

AB 519 AS AMENDED BY ASA 1 (Gunderson)

1. Applies only to deer and not to deer and elk.
2. Removes the "south of Highway 54" provision.
3. Repeals the June 30, 2004 sunset on feeding restrictions.

ASA 1 to AB 519 authorizes the DNR to promulgate rules that prohibit feeding deer for hunting or viewing purposes in a county that meets any of the following conditions:

1. The county or a portion of the county is in a chronic wasting disease control zone designated by DNR rule.
2. A county in which a positive test for chronic wasting disease or bovine tuberculosis has been confirmed in any captive or free-roaming domestic or wild animal after December 31, 1997.
3. The county or a portion of the county is within a 10-mile radius of the known location of a captive or free-roaming domestic or wild animal that has been tested and confirmed positive for chronic wasting disease or bovine tuberculosis after December 31, 1997.

(N/D) CW/15

15 mi (N/D)

ASA 1 to AB 519 authorizes any person to feed deer for viewing purposes in areas other than the counties in which the DNR prohibits feeding of wild animals, subject to all of the following conditions:

1. The feeding site must be within 50 yards of an owner-occupied residence or business if the business is generally open to the public
2. The feeding site may not be less than 100 yards from the traveled portion of a highway that has a posted speed limit of 45 miles per hour or more.
3. No more than two gallons of material may be present at the feeding site at any time.
4. The substitute amendment repeals the current July 1, 2004 sunset of DNR authority to regulate the feeding of wild animals for purposes other than hunting.

ASA 1 to AB 519 authorizes any person to feed deer for hunting purposes in areas other than the counties in which the DNR prohibits feeding of wild animals, subject to all of the following conditions:

1. No more than two gallons of material may be present at a feeding site at any time.
2. No feeding site may be closer than 100 yards of another feeding site.
3. The person does not place more than two gallons of feed in an area of 40 acres or less.

SENATE AMENDMENT 1 TO ASA 1

Red 2/1

1. Replaces "county or a portion of the county is within a ¹⁵~~10~~-mile radius" with "municipality or a portion of the municipality is within a ¹⁵~~10~~-mile radius".
2. Deletes the countywide prohibition on baiting and feeding for any county with a CWD positive animal but not in a DNR eradication zone.
3. ~~Prohibits the use of feed containing any animal parts or animal by-products.~~