

1. Destroy any wild animal classified as:
 - a. A furbearing animal or game fish, animal or bird under s. 29.01 (4) through (7), Stats.; or
 - b. Protected under s. NR 10.02; or
 - c. Endangered or threatened under s. NR 27.03;
2. Use any restricted-use pesticides listed in s. NR 80.01 (4); or
3. Live-capture and relocate any wild animal to department controlled lands.
4. Live-capture and relocate white-tailed deer, black bear or any wild animal classified as endangered or threatened under s. NR 27.03.

Note: Application forms are obtained from department field stations.

(b) *Exemptions.* Written authorization is not required to:

1. Destroy by shooting or trapping:
 - a. Any unprotected wild animal under s. NR 10.04; or
 - b. Any bird causing depredation under s. NR 12.05; or provided that all game and furbearing animals are disposed of as directed by the department;
 - c. Any species listed in s. 29.24, Stats.; or
 - d. Muskrats damaging dikes, dams, shoreline or roadways.
2. Live-trap and relocate any wild animal, except white-tailed deer, black bear or any wild animal classified as endangered or threatened under s. NR 27.03, to lands not controlled by the department.
3. Remove beaver dams.

Note: Animals listed in s. 29.24, Stats., are beavers, foxes, raccoons, rabbits, squirrels and woodchucks.

(c) *Application deadline.* The department may not consider any application to shoot deer causing damage to corn, alfalfa, clover, other hay, soybeans, small grains, vegetable crops, melons, strawberries, cabbage, potatoes, cucumbers, popcorn, sunflowers or ginseng filed after October 1, unless the department finds that extraordinary conditions exist. Extraordinary conditions include, but are not limited to, ongoing, severe damage to crops occurring after October 1, which will cause extensive yield reductions or winter losses.

(2) **APPROVAL CRITERIA.** Prior to authorizing the removal of wild animals causing damage, the department shall find that:

(a) *Abatement attempt.* The applicant is employing or has agreed to employ alternative abatement methods deemed reasonable by the department.

(b) *Damage extent.* 1. Damage to applicant's property in the current calendar year exceeds or is likely to exceed \$1,000 if caused by any species included under s. 29.598, Stats.; or

2. White-tailed deer are causing damage on lands enclosed by a permanent deer fence that has been certified to be in proper working order by

either the department or the county wildlife damage program administrator; or

3. Damage will result in a loss of plants or animals listed as threatened or endangered under s. NR 27.03; or

4. Extraordinary damage other than specified in subs. 1 to 3 is occurring or is likely to occur.

(c) *Access control.* The applicant has the authority to control access as required by s. 29.59 (4m), Stats., for purposes of hunting and trapping on the lands being damaged and any contiguous lands under the same ownership that are suitable for hunting or trapping.

(d) *Previous performance.* The applicant has complied with the conditions of any previous department authorizations to remove wild animals causing damage or nuisance issued within the preceding 12 months and this chapter.

(e) *County involvement.* For species and lands covered under an approved county wildlife damage plan of administration under s. 29.598, Stats., the county wildlife damage administrator has conducted a damage investigation and made recommendations on abatement measures to be implemented by the applicant.

(f) *Migratory birds.* The USFWS has authorized the department to remove or authorize the removal of birds classified as migratory under 50 CFR 10.13.

(3) **PARTICIPATION BY OTHERS.** Persons other than the landowner, lessee or occupant, may assist in the removal of wild animals causing damage or nuisance in accordance with this subsection.

(a) *Number and selection of participants.* The department may limit the number of persons assisting in a removal subject to s. NR 12.10 (1). All participants shall be selected by the permittee. First preference may be given to members of the permittee's immediate family. Next preference shall be given to persons that are able to provide immediate removal assistance and meet the requirements specified under par. (b) and s. NR 12.15 (11).

(b) *Age and safety training.* All participants shall meet the requirements of ss. 29.226 and 29.227, Stats., pertaining to hunter safety and age.

(c) *Written authorization.* All participants shall possess written approval from the permittee when carrying on removal activities.

(d) *No fees.* The permittee may not charge any form of fee to a participant.

(4) **NUISANCE APPROVAL.** An applicant meeting the approval criteria described in sub. (2) (a), (d) and (f) may be authorized to remove wild animals causing a nuisance under conditions the department considers reasonable.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90; am. (1) (a) (intro.), (2) (intro.), (c), (d), (3) (c) and (d), cr. (1) (c) and (4), Register, May, 1994, No. 461, eff. 6-1-94.

Register, May, 1994, No. 461

NR 12.15 Conditions of permits to shoot or trap wild animals causing damage. The following general conditions apply to all permits to remove wild animals causing damage:

(1) **PUBLIC USE DURING OPEN SEASONS.** All lands described on the application and any contiguous lands under the same ownership suitable for hunting or trapping shall be open to public hunting or trapping of the species causing the damage for a period of one year from the effective date of the permit. These lands may be posted to indicate that hunting permission is required from the permittee. The department may require a permittee to keep a daily log of hunter's names and telephone numbers on forms provided by the department as a condition of the permit.

(2) **USE REFUSAL.** Permittees may refuse access to hunters or trappers for reasonable cause. Reasonable cause may not be based on age, race, religion, color, handicap, sex, physical condition, development disability, creed, sexual orientation, or national origin. The presence of at least 2 hunters or active trapping of at least one trapper per each 40 acres suitable for hunting or trapping, respectively, shall constitute a reasonable cause for refusal.

Note: Other examples of reasonable cause may include drunkenness, vandalism, littering, or reckless conduct.

(3) **REGULATION COMPLIANCE.** The permittee and all participants shall comply with all hunting and trapping rules specified under ch. NR 10 or ch. 29, Stats., unless otherwise provided under this chapter, ch. 29, Stats., or by permit. Permittees and participants who fail to comply shall be subject to the penalty applicable to the appropriate ch. NR 10 or ch. 29, Stats., violation.

(4) **REPORTING.** Each permittee shall keep a current, correct and complete record of all participants and permit activities as required by the department on forms furnished by the department. Permit records may be inspected by the department at any time. Copies of records shall be provided to the department upon request. The permittee shall report the total number of wild animals or structures removed and return all unused permit materials and any participant authorizations issued, to the department within 10 days after the permit expiration date.

Note: Permit materials may include carcass tags, armbands and hunter permission slips.

(5) **CARCASS CARE AND DISPOSITION.** Unless otherwise directed by the department, each animal shall be:

(a) Tagged with a carcass tag provided by the department immediately upon killing;

(b) Field dressed and stored in a cool location; and

(c) As soon as practical, turned over to the department designee authorized to receive the carcass.

(6) **DEPARTMENT ASSISTANCE.** The department may not assist the permittee in shooting or trapping unless:

(a) Extraordinary damage is occurring; or

(b) The permittee has demonstrated an inability to kill an adequate number of wild animals and damage to the permittee's property in the

current calendar year exceeds or is likely to exceed \$5,000 if caused by any species included under s. 29.598, Stats.

(7) **PERMIT MATERIALS POSSESSION.** Each participant shall have in their possession while hunting or trapping under the authority of a permit to remove wild animals causing damage any materials issued to the participant by the department or permittee.

(8) **PERMIT MATERIALS RESTRICTION.** Permit materials are not transferable and may not be altered or defaced.

(9) **PERMIT KILL LIMIT.** The department may specify the sex and age of the animals to be removed and limit the number of carcass tags issued under this section after consultation with the applicant and, if the damage is occurring in a county participating under s. 29.598, Stats., the appropriate county wildlife damage program personnel.

(10) **AUTHORIZED AREA.** The permit applies to all lands subject to public use under sub. (1) and may extend $\frac{1}{4}$ -mile onto adjoining lands of consenting landowners.

(11) **LICENSES, STAMPS AND PERMITS.** Except as provided under s. 29.24, Stats., and excluding the permittee, all participants shall possess the appropriate state and federal hunting or trapping license, and stamps for hunting or trapping for that animal.

(12) **VIOLATIONS.** No person may violate the terms of any permit issued under this chapter.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90; am. (intro.), (1), (3) and (4), cr. (12), Register, May, 1994, No. 461, eff. 6-1-94.

NR 12.16 Conditions of permits to shoot deer causing damage. In addition to s. NR 12.15, the following conditions shall apply to all shooting permits for deer causing damage.

(1) **SHOOTING HOURS.** Permittees and participants may hunt deer only during the period from 30 minutes before sunrise to 15 minutes after sunset during the closed deer gun season, unless exempted by the department. During the deer gun season participants shall comply with shooting hours described in s. NR 10.06 (5). Exemptions shall be granted to allow hunting of deer one hour before sunrise to one hour after sunset during the closed season in situations where permit eligibility is based under s. NR 12.10 (2) (b) 2. and with permit conditions restricting permit shooting of deer to within the fenced area and restricting shooter presence to one person at any one time.

Note: Copies of hunting tables showing these hours shall be provided to all permittees for their reference and for distribution to participants.

(2) (a) *Harvest objective.* The permittee and participants, unless granted an exemption under par. (b), shall kill at least 80% of the number of deer authorized for harvest on the permit and shall kill at least 50% of this number during the first 45 days after permit issuance, to retain eligibility for future deer shooting permits.

(b) *Harvest objective exemption.* The department may exempt the permittee from killing the deer necessary to meet harvest objectives if deer are unavailable for harvest within the authorized area.

(3) **CARCASS TAG DISTRIBUTION.** The number of carcass tags provided to the permittee shall be based upon the harvest objective specified under sub. (2) and the expected harvest success rate. The permittee may distribute the carcass tags provided to the permittee to the persons they have authorized to assist or retain them for their use.

(4) **EFFECTIVE DATES.** Authorization to kill deer commences the date of permit receipt by the permittee and continues through the open season for the appropriate zone described in s. NR 10.01 (3) (e) and (em), except that no deer may be killed during 24 hour period prior to the open season for hunting deer with gun.

(5) **TAGGING, TRANSPORTATION AND REGISTRATION OF CARCASSES.** (a) Each person who has killed a deer or if s. 29.405, Stats., applies, the person who has tagged the deer, shall comply with s. 29.40, Stats., and ss. NR 10.103 and 10.105.

(b) Any deer taken during the closed or bow deer season and retained by a participant or permittee shall be registered in accordance with s. NR 10.106 (2) (d). Any deer taken during the regular deer gun season and retained by a participant or permittee shall be registered in accordance with s. NR 10.106 (2) (a). Deer shall be registered at a location designated by the department.

(6) **CARCASS SALE AND PRICE.** The department shall offer the permittee and each participant the opportunity to retain one deer killed under the deer shooting permit. All deer not retained under this subsection shall be disposed of by the department.

(7) **DEER TYPE.** Unless exempted by the department, only deer without antlers or with an antler less than 3 inches in length may be killed.

(8) **USE OF FIREARMS.** The following conditions shall apply to the use of firearms on deer shooting permits:

(a) All participants and persons assisting participants, shall comply with the blaze orange clothing regulations of s. 29.22 (2), Stats., unless exempted by the department. Exemptions will be granted where local ordinances prohibit the discharge of firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

Note: These blaze orange regulations pertain to all gun hunters, their assistants and bow hunters engaged in deer removal activities described in s. NR 12.16.

(b) Except as provided under subd. 3., all participants shall comply with the firearm type restrictions applicable to the permittee's land during the gun-deer season specified under s. NR 10.01 (3) (e).

(c) In counties with shotgun seasons, a permittee, their employes or members of their family that have been authorized to participate by the permittee may use a rifle during the time period closed to gun deer hunting.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90; am. (intro), (1), (2) and (8) (a), r. and recr. (5), Register, May, 1994, No. 461, eff. 6-1-94.

NR 12.17 Conditions of permits to shoot Canada geese causing damage. In addition to s. NR 12.15, the following conditions shall apply to all shooting permits for Canada geese causing damage:

Register, May, 1994, No. 461

(1) **GOOSE HUNTING PERMIT REQUIRED.** All participants other than the permittee shall have been issued a permit to hunt Canada geese under s. NR 10.125 that is valid for the current license year and goose hunting zone which contains the lands on which the permittee has been authorized to shoot Canada geese causing damage.

(2) **CARCASS TAG DISTRIBUTION.** The permittee may retain 2 of the carcass tags provided to them by the department for their use. The permittee shall distribute the remaining carcass tags to the hunters he or she has authorized to assist. The permittee may not provide more than 2 carcass tags to each authorized hunter and may not distribute the second carcass tag until they have used their first carcass tag.

(3) **USE OF OTHER PERMITS.** All persons authorized to participate under this section shall have used any other goose hunting permit and carcass tags issued to them which are valid for the locations and effective dates specified in the permit prior to using the carcass tags issued sub. (2).

(4) **REPORTING.** Any person receiving a permit from a permittee under this section shall report the harvest of a Canada goose to the permittee and mail a completed goose harvest report card to the department within 48 hours of the time of harvest.

(5) **BAG LIMIT.** No person may take or possess more than 2 Canada geese under each permit issued under this section.

(6) **WEEKDAYS ONLY HUNTING.** No person may kill a Canada goose under a permit issued under this section on a Saturday or Sunday during the effective dates of their permit.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90; am. (intro.), Register, May, 1994, No. 461, eff. 6-1-94.