

State of Wisconsin  
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. WM-3-98

Legislative Council Rules Clearinghouse Number 98-093

Subject of Rules Wildlife abatement and control grants  
for urban communities

Date of Transmittal to Presiding Officers January 13, 1999

**Send a copy of any correspondence or notices pertaining to this rule to:**

**Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LC/5, 101 South Webster**

**266-1959**

## REPORT TO LEGISLATURE

NR 50.23, Wis. Adm. Code  
Wildlife abatement and control grants for urban communities

Board Order No. WM-3-98  
Clearinghouse Rule No. 98-093

### Statement of Need

The wildlife damage control grants for urban communities program was created in the 1997-1999 state budget and has spending authority for \$25,000 annually from the wildlife damage surcharge account. The rule authorizes urban communities to receive 50% cost sharing for a variety of wildlife damage and control measures for white-tailed deer and Canada geese. The rule requires that participating communities gather public input on solving their wildlife damage problems, monitor and establish population goals and describe control methods. The department will evaluate proposals based on criteria included in the rule.

### Modifications as a Result of Public Hearing

There were no modifications as a result of public hearing.

### Appearances at the Public Hearing and Their Position

No one appeared at the public hearing.

### Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

### Final Regulatory Flexibility Analysis

The proposed rule relates to grants to urban municipalities for controlling wildlife damage in urban communities. The rule does not impact small businesses; therefore a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL  
RESOURCES BOARD CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 50.23 relating to wildlife abatement and control grants.

WM-3-98

Analysis Prepared the Department of Natural Resources

Statutory authority: ss. 20.370(5)(fr) and 29.887, Stats.

Statutes interpreted: ss. 29.887 and 29.889, Stats.

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SECTION 1. NR 50.23 is created to read:

**NR 50.23 Wildlife damage control grants for urban areas.** (1) **APPLICABILITY.** This section is applicable to municipalities in urban areas applying for grants under s. 29.887, Stats.

(2) **DEFINITIONS.** In this section:

(a) "Municipality" means a town, city, village, county or tribal government.

(b) "Urban area" means any area designated pursuant to s. 86.196(1)(c), Stats.

(3) **COST SHARING GRANTS.** Municipalities in urban areas may apply for cost-sharing grants for cost-effective wildlife abatement and control measures. The department may award matching grants for up to 50% of the department approved costs of the projects. No grant may exceed \$5,000 in any fiscal year.

(4) **ELIGIBLE SPECIES.** Only projects addressing white-tailed deer or Canada geese are eligible for grants.

Note: Projects addressing Canada goose removal or control shall comply with applicable federal regulations.

(5) ELIGIBLE PRACTICES. Municipalities may apply for a grant for 50% of the cost to do any of the following:

- (a) Develop an urban wildlife population control plan.
- (b) Monitor wildlife populations and establish population estimates.
- (c) Remove deer under a department approved project which uses sharpshooters.
- (d) Trap and translocate deer and geese.
- (e) Implement managed hunts.
- (f) Remove resident Canada geese by methods approved by the department.
- (g) Perform required health and tissue sampling.
- (h) Process, distribute or dispose of geese or deer to a charitable organization.
- (i) Modify habitat.
- (j) Implement any other wildlife control or damage abatement practices approved by the department.

(6) APPLICATION AND GRANT AWARD. (a) Applicants for grants from the urban wildlife damage program shall submit applications to the appropriate department regional office no later than December 1 of each year on forms prescribed by the department.

Note: Regional offices locations are as follows:

DNR, NER Headquarters, 1125 Military Avenue, PO Box 10448, Green Bay, WI 54307-0448;  
DNR, NOR Headquarters, 810 W. Maple Street, Spooner, WI 54801;  
DNR SCR Headquarters, 3911 Fish Hatchery Road, Fitchburg, WI 53711;  
DNR, SER Headquarters, 2300 N Dr. Martin Luther King Jr Dr, PO Box 12436, Milwaukee, WI 53212;  
DNR, WCR Headquarters, 1300 West Clairemont Avenue, P.O. Box 4001, Eau Claire, WI 54702.

Additional information is available from the DNR Bureau of Community Financial Assistance, PO Box 7921, Madison, WI 53707.

(b) The department shall notify successful grant applicants and send them a grant agreement. Development and implementation of the applicant's population control plan may not proceed until the grant agreement is signed by the applicant and the department.

(7) GRANT CONDITIONS. (a) Applicants shall agree in the application to develop an urban wildlife population control plan approved by the department. The plan shall be completed within

one year of the date of the signed grant agreement. This control plan shall include all of the following:

1. A description of the public input process conducted by the municipality in establishing the need for urban wildlife population control.
2. Description of need for urban wildlife population control. Need may include public concern about nuisance, health, human safety, property or crop damage.
3. A description of population monitoring procedures used to establish estimates of local deer or goose numbers.
4. A desired population management goal.
5. A description of the approved control methods.
6. Other information required by the department.

(b) The department shall consider the following criteria when awarding grants:

1. The extent that the application addresses prevention and abatement of wildlife damage to human safety, health or property.
2. The extent that the application addresses prevention and abatement of nuisance wildlife problems not addressed in subd. 1.
3. The extent that the application includes long-term solutions to wildlife problems such as habitat modification or adopting a no wildlife feeding ordinance.
4. The cost effectiveness of practices.
5. The severity of the wildlife damage or nuisance problem being addressed by the application.
6. The likelihood of preventing the specified damage or nuisance.
7. The municipality's compliance with s. 29.038, Stats., and other department administered laws, rules and programs.

(8) PAYMENT. (a) Grantees shall comply with all applicable laws and regulations including chs. NR 12, 19 and 50 and ss. 29.885, 29.887, and 29.889, Stats., unless otherwise provided under this chapter.

(b) The department may pay 50% of the grant amount to municipalities at the time the grant agreement is signed and executed if requested by the municipality.

(c) If municipalities do not use the grant to develop or implement a department approved wildlife control plan, they shall repay the department their grant money that was not spent or that was inappropriately spent plus interest at 5% annually accrued within 3 years of the date the grant agreement was executed.

(d) At the time of the grant award, the grantee may request an amount equal to 25% of the total cost of developing the plan.

(9) TERMINATION AND REPAYMENT. If the grantee does not complete the control plan within one year of the date the grant was signed, or implement the approved plan within 2 years of the date the grant was signed, the department may terminate the grant, and the grantee shall repay the department their grant money that was not spent or that was inappropriately spent plus interest at 5% annually accrued within 3 years of the date the grant agreement was executed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 9, 1998.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)