

Clearinghouse Rule 09-052

Report to
Legislative Council Rules Clearinghouse
NR 12, and 16, Wis. Adm. Code
Natural Resources Board Order WM-21-07

Wisconsin Statutory Authority

ss. 29.014, 29.885(3)b., and 169.11, 169.36(9)(b), and 227.11 Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None.

Analysis of the Rule – Rule Effect – Reason for the Rule

2007 ACT 119 requires that the department designate wild or feral hogs as harmful wild animals. The same statute, ss. 169.11 Stats., also authorizes that any non-native animal that is a threat to the environment, public health or the health of domestic animals, or is capable of inflicting severe physical harm to humans or domestic animals may be designated a harmful wild animal. Specifically, these rule proposals:

Section 1 establishes that harmful wild animals may not be trapped and relocated without written permission of the department.

Section 2 adds wild or feral swine, mute swans and wolf dog hybrids to the list of species which are classified as harmful wild animals and establishes definitions.

Section 3 creates an exemption from the requirement that animals be confined at all times so that wolf-dog hybrids can be controlled by a leash.

Section 4 eliminates the option of keeping mute swans that are only sexually sterilized and not also pinioned in pens that are not covered and clarifies that mute swans which are both pinioned and sexually sterilized may not be at large from the property which is licensed.

Section 5 allows the possession of wild or feral swine only by certain people who are producing them for meat and slaughter off-site or by a custom meat processor and that feral or wild swine are permanently marked with identifying information.

Section 6 requires wolf-dog hybrids to be sexually neutered and permanently marked with identifying information.

Sections 7, 8 and 11 establish pen standards and allow that wolf-dog hybrids may utilize space that is intended for human occupancy.

Section 9 requires that enclosures for wild or feral swine include a section of fence or wall that is buried at least 30 inches.

Section 10 establishes that secondary, perimeter fences are not required for housing mute swans and that the perimeter fence standards are reduced for wolf-dog hybrids in rural areas.

Section 11 applies the existing pen space requirements for captive timber wolves that are held in pens with open tops to wolf-dog hybrids that are held in pens with open tops. This section also establishes that minimum pen size standards do not apply until January 1, 2014.

Section 12 establishes record keeping and reporting requirements for wild or feral swine, wolf-dog hybrids and mute swans.

Section 13 requires the owners of harmful wild animals to report escapes to the department within 24 hours of becoming aware of the escape. This section also clarifies that the department may

dispose of an escaped harmful wild animal upon determining that the animal poses a risk to public safety or to the health of other domestic or wild animals.

Agency Procedures for Promulgation

Public hearings, followed by Natural Resources Board adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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