

Report to
Legislative Council Rules Clearinghouse
NR 10, Wis. Adm. Code
Natural Resources Board Order No. WM-09-23

Wisconsin Statutory Authority

Section 29.885, Stats., grants the department the authority to remove or authorize the removal of any wild animal or structure of a wild animal that is causing damage or causing a nuisance. Section 29.889 (2) (b), Stats., requires the department to promulgate rules for eligibility and funding requirements for the wildlife damage abatement program and the wildlife damage claim program in order to maximize the cost-effectiveness of these programs. This section also grants the department rulemaking authority to establish all of the following:

- Authorized wildlife damage abatement measures and methods for implementing and paying for these abatement measures;
- Forms and procedures for payment and processing of statement of claims and applications for abatement assistance;
- Procedures and standards for determining the amount of wildlife damage;
- A methodology for proration of wildlife damage claim payments; and
- Procedures for record keeping audits and inspections.

Federal Authority

These rules are consistent with any federal regulations that guide wildlife damage management. Federal agencies also partner with the state in implementing wildlife damage and abatement programs.

Comparison of Adjacent States

The US Department of Agriculture's Wildlife Services and US Fish and Wildlife Service partner with the state in implementing wildlife damage and abatement programs in Minnesota and Illinois and these rules are generally similar with nuisance wildlife management in those states. USDA Wildlife Services does not partner with Michigan but their rules on wildlife conflict management are similar to that of Wisconsin.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

This rule expands the list of species for which department approval is needed to live trap and relocate a wild animal. This provides better protections for species which may be sensitive to relocation. This rule also eliminates the ability for individuals to live capture and relocate Canada geese. This change was made due to growing populations of resident Canada geese and concerns over Highly Pathogenic Avian Influenza (HPAI).

2017 Wisconsin Act 59 expanded the crop types eligible for abatement assistance under the Wildlife Damage Abatement and Claims Program (WDACP) to include cover crops grown at licensed bird hunting preserves.

The US Fish and Wildlife Service, through an agricultural depredation order, gave the department the authority to permit the removal of Canada geese causing spring agricultural damage. Previously the

department only had the authority to remove Canada geese during the fall in the Horicon goose management zone. This zone no longer exists and the need to remove geese in that area no longer applies. This rulemaking also updates code to address the fact that Canada goose shooting permits are meant to address damage occurring in the spring of the year in accordance with federal rules.

This rule clarifies that the department may suspend or revoke permits if the conditions are violated. This rule also clarifies situations when the county or their agent can determine that an enrollee is uncooperative when administering the WDACP program. This provides better legal accountability for individuals who are receiving assistance under the WDACP.

Under previous administrative code, the department used to calculate suitable deer and elk range when calculating deer density goals. This calculation was used when determining hunter densities for producers enrolled under the managed hunting access program. The department no longer calculates suitable deer and elk range and instead uses county population goals of increasing decreasing or maintaining the deer population.

This rule deletes a requirement that enrolled land must be in cultivation for the previous five years. It is often difficult to know if a property met this requirement and deleting it provides better assistance for producers and current agricultural practices.

Agency Procedures for Promulgation

The agency will hold hearings in August and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

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