



NR 19

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss

RECEIVED  
OCT 30 1979  
4:15 pm  
REVISOR OF STATUTES  
BUREAU

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. G-25-79 was duly approved and adopted by this Department on July 26, 1979. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 30<sup>th</sup> day of October, 1979.

*Anthony S. Earl*  
\_\_\_\_\_  
Anthony S. Earl, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING AND RECREATING, AND CREATING RULES

.....  
IN THE MATTER of repealing and recreating .  
sections NR 19.001 & NR 19.21; and creating .  
sections NR 19.22, NR 19.23 and NR 19.24 of . G-25-79  
the Wisconsin Administrative Code pertaining .  
to wild animal damage claims .  
.....

Analysis Prepared by Department of Natural Resources

The proposed administrative rules pertain to and interpret the provisions of the statutes authorizing the payment of damages caused by deer or bear and duck, geese and sandhill crane. They contain definitions including the terms or phrases "harvested in accordance with normal agricultural practices", "posted against trespass or hunting" and "public hunting". The proposed provisions establish eligibility criteria for the payment of such damages and require notice of intent to harvest. They further exempt from eligibility for payment harvested crops in storage.

The proposals establish criteria for the issuance of or entering into deer and bear damage contracts and elements required to be included in such contracts.

In addition, the rules recognize that all animal damage records are public records and are available for reasonable examination by and reproduction, at a reasonable cost, for the public at the office authorized to render the final decision on a claim.

The 1979-81 budget eliminates wild animal damage payments on June 30, 1980.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources by sections 29.594, 29.595, 16.61, 23.11 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals and recreates, and creates rules as follows:

SECTION 1 - Section NR 19.001 is repealed and recreated to read:

NR 19.001 Definitions. (1) "File" or "filed" means receipt by the department of a written notice, verified claim or other document.

(2) "Harvested in accordance with normal agricultural practices" means that agricultural practice commonly used in the area of the lands to harvest mature crops.

(3) "In or near the area where damage occurs" means for purposes of s. 29.594, Stats., any parcel of land under one ownership wholly or partially within or abutting any zone where hunter numbers or concentrations are limited by law.

(4) "Lands" for purposes of ss. 29.594 and 29.595, Stats., means property under the same ownership or control and within a 3-mile radius of the exterior boundary of the damaged crop.

(5) "Posted against trespass or hunting" means notice in any form, including that given orally, in writing, by publication, by sign or by any other means that denies or discourages free entry to or permission to remain on lands to any person engaged in or about to engage in lawful deer or bear hunting, whichever is applicable, except:

(a) Signs located within 100 yards of a building which specifically prohibit or restrict trespass only within that 100-yard area.

(b) Lands entered under and managed in accordance with the department's "Project Respect" program.

(6) "Public hunting" means for purposes of s. 29.594, Stats., lands on which the owner or occupant allows hunting for Canada geese by persons other than the immediate family and who have received permission from the owner or occupant to hunt said lands. The owner or occupant may limit such hunting as to time or place, but may not discriminate against persons requesting permission because of their age, race, religion, sex, familiarity of occupant or owner or any other arbitrary standards.

(7) "Unprotected wild animals" means those animals which are listed and provided for in section NR 10.04, Wis. Adm. Code, and which are not listed in sections NR 10.01 or NR 10.02, Wis. Adm. Code.

(8) "Verified" means to confirm or establish by oath, normally in the form of a notarized statement.

SECTION 2 - Section NR 19.21 is repealed and recreated to read:

NR 19.21 Deer and bear damage (29.595). (1) Posting. (a) A person shall be ineligible to collect deer or bear damage payments if the lands subject to the claim have been posted within 12 months prior to the filing of a verified claim.

(b) Leased lands posted by persons other than the lessee shall not disqualify the lessee from receiving deer and bear damage payments on other non-posted lands owned or leased by the lessee.

(c) Lands for which a verified claim has been filed for deer and bear damage may not be posted prior to completion of the department's investigation of the claim.

(2) Harvest. (a) Notification. Damage claimants shall notify the department of their intent to harvest at least 5 days prior to the intended date of harvest.

(b) Questionable practices. If the department has determined that crops have not been harvested in a normal agricultural manner, the claimant, upon providing a certified statement from the county agricultural agent stating that the crop(s) were harvested in a normal agricultural manner, shall then be eligible for payment of the claim providing all other requirements of ss. 29.594 and 29.595, Stats., have been met.

(3) Storage. Damage incurred to harvested crops regardless of the method of storage shall not be eligible for claim payment.

SECTION 3 - Section NR 19.22 is created to read:

NR 19.22 Deer fence contracts. (1) Eligible persons. The department may require a contract pursuant to s. 29.595(3)(b), Stats., of those persons owning and leasing lands where:

- (a) Deer damage to these lands has occurred or is occurring; and
- (b) The department has reason to believe that there will be future deer damage on the lands; and
- (c) The landowner and lessee are eligible to apply for and receive deer damage payments.

(2) Terms of deer fence contract. When the department has determined that a deer proof fence is required that can be built at less cost than the estimated future damage, a deer fence contract shall be required. Such contract shall contain but not be limited to the following provisions:

(a) A contract shall be effective and prohibit deer damage payments for such lands for a minimum of 20 years from a date certain following delivery of the materials.

(b) The specifications for the fence construction.

(c) The materials provided by the department.

(d) Minimum maintenance of the fence by the landowner and lessee.

(3) Fence construction. Unless the department determines that a situation is so extraordinary to require different provisions, all materials for fence construction shall be provided by the department with fence construction to be completed by the landowner and lessee according to the specifications provided by the department.

(4) Denial of contract. Any landowner and lessee who refuses to enter into a contract pursuant to s. 29.595(3)(b), Stats., when notified by the department by certified mail shall be ineligible to receive deer damage payments on said lands from the date of refusal or 30 days from notification whichever occurs first.

SECTION 4 - Section NR 19.23 is created to read:

NR 19.23 Duck, goose and sandhill crane damage (29.594). (1) Notification. Damage claimants shall notify the department of their intent to harvest at least 5 days prior to the intended harvest.

(2) Storage. Damage incurred to harvested crops regardless of the method of storage shall not be eligible for claim payments.

SECTION 5 - Section NR 19.24 is created to read:

NR 19.24 Department animal damage records (16.61). (1) Animal damage records of the department are public records and as such are available for reasonable examination by and reproduction at reasonable cost for the public at the office authorized to render the final decision on a claim.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on July 26, 1979.

The rules contained herein shall take effect upon publication as provided in section 227.026, Stats.

Dated at Madison, Wisconsin

October 30, 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl  
Anthony S. Earl, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

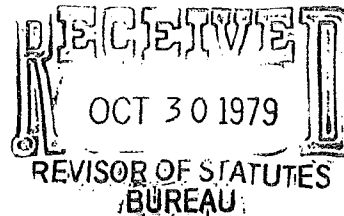
Anthony S. Earl  
Secretary

October 30, 1979

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

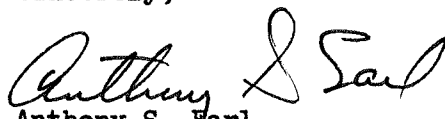


Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. G-25-79. These rules were submitted to the Assembly Tourism, Recreation and Economic Development Committee and the Senate Natural Resources Committee pursuant to sec. 227.018, Stats. There were no objections.

You will note that this order takes effect upon publication. Kindly publish it in the Administrative Register accordingly.

Sincerely,

  
Anthony S. Earl  
Secretary

Enc.