



CR 86-51

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

File Ref:

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MAY 20 1987

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Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. WM-12-86 was duly approved and adopted by this Department on November 20, 1986. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 15th
day of May, 1987.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

8-1-87

ORDER OF THE WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

.....
IN THE MATTER of amending s. NR 19.75 and .
creating ss. NR 19.01(2)(L) and (m) and .
19.84 of the Wisconsin Administrative Code . WM-12-86
pertaining to authorizing persons to shoot .
deer causing damage. .
.....

Analysis Prepared by Department of Natural Resources

The rules are promulgated under the authority of s. 227.11(2)(a), Stats., and interprets s. 29.595, Stats.

The creation of s. NR 19.84, Wis. Adm. Code, establishes administrative rules regulating the Department's procedures on, and restrictions regarding the issuance of permits which authorize persons to shoot deer causing damage.

Two systems to address removal of deer causing damage are established by these rules. The first allows the shooting of deer during the period closed to gun deer hunting (crop growing season) and authorizes the use of designated shooters. The second allows licensed hunter participation for taking deer during the bow and gun deer hunting seasons.

General Conditions

Persons filing complaints of deer damage and requesting authorization to shoot deer must use Department forms. Upon receipt of a complaint, the Department investigator determines if damage in excess of \$1,000 is occurring or is likely to occur. The investigator also determines whether reasonable abatement methods (if available) are being used by the complainant. County wildlife damage administrators are contacted by the Department if the alleged damage is in a county under the wildlife damage program established in s. 29.598, Stats.

The permit, if issued, authorizes the shooting of a specified number of deer on the complainant's property and adjoining property with that owner's consent.

The complainant's property suitable for hunting and identified on the permit application as well as adjacent land either owned by the complainant or on which the permittee controls hunting access must be open to hunting by the public or by at least 2 persons per 40 acres of land suitable for hunting each day of the bow or gun deer hunting season. Permittees may refuse access to specific individuals at any time for reasonable cause.

All deer shot must be tagged with DNR carcass tags. The number of deer killed may be deducted from the fall deer hunting harvest quota.

The Department's decision on the complaint and request to shoot deer must be made within 5 business days of receipt of the written complaint. Renewals must be processed by DNR before permit expiration.

DNR personnel may not shoot deer unless an extraordinary safety risk exists or the permittee cannot kill an adequate number of deer and, if the county under the wildlife damage program won't pay the costs, the permittee agrees to pay.

Closed Gun Season Conditions

A permit to shoot deer during the period closed to gun deer hunting is subject to the following additional conditions:

1. A permit may not exceed 30 days without DNR reinvestigation.
2. No more than 3 persons may be named as designated shooters except in extraordinary circumstances. Shooters who meet the requirements of ss. 29.226 and 29.227, Stats., pertaining to hunter safety and age are eligible to participate except for persons who have had their hunting privileges revoked during the past 12 months.
3. Shooting is permitted from one hour before sunrise to one hour after sunset.
4. No more than 10 deer may be removed without DNR reinvestigation.
5. All deer must be turned over to the DNR or persons designated by DNR for disposal.
6. All normal deer hunting restrictions apply except:
 - a) Hunting license requirements
 - b) Any firearm legal for gun deer hunting may be used
7. Unused carcass tags must be turned over to DNR within 10 days of permit expiration.

Open Bow and Gun Season Conditions

A permit to shoot deer during the period open to bow and gun deer hunting is subject to the following additional conditions:

1. The permit application deadline for landowners is the Friday nearest September 1 each year.
2. Permits are valid upon receipt and are effective for the bow and gun-deer season established for the zone in which the damage is occurring.
3. Only antlerless deer may be killed.
4. Shooters other than the permittee must have a valid, current Wisconsin deer hunting license and listed on the permit application.
5. Each permit shooter may keep one deer killed under permit authority. This deer is bonus to the shooter's hunting license bag limit.

- 6. The permittee receives a serialized deer carcass tag and registration card. Each shooter receives a serialized armband, carcass tag and registration stub corresponding to the remainder of deer to be removed.
- 7. All dead deer must be registered with the Department.

SECTION 1. NR 19.01(2)(L) and (m) created to read:

APPROVALS	BUSINESS DAYS
NR 19.01(2)(L) Deer and bear shooting permits under s. 29.595, Stats. Permits may be granted orally, but shall be confirmed in writing.	5
(m) Renewal deer and bear shooting permits under s. 29.595, Stats., issued prior to initial permit expiration. Permits may be granted orally, but shall be confirmed in writing.	5

SECTION 2. NR 19.75 is amended is read:

NR 19.75 PURPOSE. This subchapter is adopted to implement and administer the ~~wild-animal~~ deer damage provisions under s. 29.595, Stats., and the wildlife damage abatement and claim program established under s. 29.598, Stats. In its administration of the wildlife damage abatement and claim program the department shall assure that the funds appropriated by the legislature are used in the most cost-effective manner. ~~Wild-animal~~ Wildlife damage abatement measures when determined by the department and the administering county to be cost-effective shall be funded and receive priority in payment over damage claims.

SECTION 3. NR 19.84 is created to read:

NR 19.84 DEER SHOOTING PERMITS. The department may issue deer shooting permits to control deer causing damage in accordance with this section.

(1) APPLICATION REQUIREMENT. The complainant shall apply for a deer shooting permit on forms supplied by the department describing the area incurring damage.

Note: The forms may be obtained from department field stations.

(2) ISSUANCE CRITERIA. Prior to permit issuance or reissuance, the department shall determine that:

(a) Abatement attempt. Reasonable alternative abatement methods, if available, are being employed, or have been employed, and have failed to or probably will not reduce the adverse conditions below the level prescribed in par. (b);

(b) Damage extent. 1. Damage to commercial seedings, crops, Christmas trees, orchards or nursery stocks exceeds or is likely to exceed \$1,000 in that calendar year;

2. An extraordinary public safety risk exists; or

3. Excessive deer browsing may adversely affect property or vegetation located within public or private arboretums, closed areas, refuges or similar sanctuaries;

(c) Damage location. The area where the damage is occurring is accurately described on the application form;

(d) County involvement. For lands located in a county which administers a wildlife damage abatement program under s. 29.598, Stats., the county wildlife damage administrator has conducted a damage investigation and made recommendations for damage abatement, if that administrator determines such damage abatement measures should be implemented by the complainant; and

(e) Row crop harvest. Less than 90% of row crops described in the application have been harvested in the county of application, determined by the county agricultural agent.

Note: Damage to crops other than row crops are not affected by this paragraph.

(3) GENERAL CONDITIONS. The following conditions apply to all deer shooting permits:

(a) Public hunting. All lands suitable for hunting described on the deer shooting permit and any adjacent lands suitable for hunting either owned by the permittee, or on which the permittee has the right to control hunting access, shall be open to public deer hunting during the deer hunting season following issuance of the permit. Permittees may refuse access to specific individuals at any time 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; however, on the permittee's land, the presence of at least 2 hunters per day per each 40 acres suitable for hunting shall constitute a reasonable cause for refusal.

(b) Posting. The land described in the application and required to be open to hunting under par. (a) may not be posted against hunting except to indicate hunting is by permission only.

(c) Authorized area. The permit applies only to land owned or land on which access is controlled by the permittee and to any adjoining land of consenting landowners as described in the permit. Consenting landowners shall list their names, addresses, acreage, and telephone numbers on the application and certify their consent with their signatures. All land under permit shall be contiguous unless the department approves an exception.

(d) Shooter eligibility. Any person who meets the requirements of ss. 29.226 and 29.227, Stats., pertaining to hunter safety and age are eligible to

participate except for persons who had their hunting license privileges revoked during the 12 month period preceding the date of application under this section.

(e) Regulation compliance. Unless otherwise provided in this section, the holder of any deer shooting permit and each participant listed on the permit shall comply with all hunting rules and laws. Any firearm legal for gun deer hunting may be used by closed season deer shooting permit participants throughout the period closed to gun deer hunting.

Note: This rule allows rifles, shotguns and muzzle-loaders to be used by closed season deer shooting permit participants statewide during the period closed to gun deer hunting including during the bow deer season. Open season deer shooting permit participants must comply to hunting season rules and laws. Archers may possess strung and uncased bows from 30 minutes before closed season shooting to 30 minutes after the close of shooting hours, but they may only shoot an arrow at deer during the established shooting hours.

(f) Harvest quotas. The number of deer killed under this section may be deducted from the harvest quota for the associated deer management unit determined under s. NR 10.01(3)(e) 9.

(4) CLOSED SEASON CONDITIONS. Permits effective during periods closed to gun deer hunting shall be issued in compliance with sub. (3) and the following:

(a) Application deadline. Applications may be made at any time by the affected landowner or operator.

(b) Performance. An applicant who fails to comply with permit conditions is not eligible to apply for or receive a deer shooting permit for one year from the expiration date of that permit.

(c) Permit period. 1. No shooting permit issued during the period closed to gun deer hunting may exceed 30 days or extend into the gun deer hunting season.

2. The permit may be extended by the department if applied for prior to the permit termination. If renewed, the new permit period shall commence before the initial permit expires.

(d) Participation. No more than 3 persons may be authorized to shoot deer under a permit and each person's name and address shall be listed on the permit.

(e) Licensing. No license is required by persons shooting deer under permit.

(f) Kill limit. No more than 10 deer may be killed under the initial authorization without further investigation and authorization by the department.

(g) Shooting hours. Deer may be killed only during the period from one hour before sunrise to one hour after sunset each day unless department personnel participate under sub. (6).

Note: The department provides a shooting hours table to each participant.

(h) Carcass care. Each deer killed by the permittee shall immediately be field dressed and tagged as described in s. NR 10.103(2) and hung in a shaded location.

(i) Deer disposition. All dead deer shall be turned over to the department or persons designated by the department.

(j) Reporting. The permittee shall report the killing of a deer within 4 hours to the department representative designated in the permit or persons

designated by the department. Within 10 days after the permit expiration date, the permittee shall return all unused carcass tags to the department and obtain a department receipt for the tags.

(5) OPEN SEASON CONDITIONS. Permits effective during periods open to gun deer hunting shall be issued in compliance with sub. (3) and the following:

(a) Application requirement. Applications on department forms shall be submitted to the department bureau of wildlife management, Box 7921, Madison, WI 53707 and either received by the department or postmarked no later than the Friday nearest September 1.

(b) Performance. The applicant shall kill at least 80% of the number of deer authorized for harvest on the permit. An applicant who fails to comply with permit conditions or fails to kill 80% or more of the authorized number of deer is not eligible to apply for or receive an open season deer shooting permit for one year from the expiration date of that permit.

(c) 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).

(d) Deer type. Only deer without antlers or with an antler less than 3 inches in length may be killed.

(e) Permit limitation. Open season deer shooting permits may not be issued in lieu of closed season permits if:

1. The county wildlife damage program administrator and the department agree the shooting permit should have been used for abatement purposes during the period closed to gun deer hunting; or

2. The applicant failed to comply with the conditions of a closed season permit.

(f) Kill limit. The number of carcass tags issued under this section shall be determined by the department after consultation with the applicant and appropriate county wildlife damage program personnel if the damage is occurring in a county which administers a wildlife damage abatement program under s. 29.598, Stats.

(g) Deer disposition. Each eligible shooter may retain one deer in addition to their deer obtained by regular license.

Note: Each deer killed under permit must be registered with the department.

(h) Permit materials issuance. The department shall issue the following materials:

1. One serialized deer carcass tag and registration card to each permittee.
2. One serialized armband, carcass tag and registration card to each shooter designated on the permit application.

Note: The permittee is the permit applicant.

(i) Permit materials possession. Each permittee shall possess the carcass tag and registration card associated with the deer shooting permit while hunting on lands described in the permit. Each shooter shall wear a serialized armband on their outermost garment and possess a serialized carcass tag and registration card while hunting on lands associated with his or her deer shooting permit.

(j) Permit materials restriction. Permits, tags and armbands are not transferable and may not be altered or defaced.

(k) Permit materials use. Immediately upon killing a deer, each shooter shall attach a carcass tag as described in s. NR 10.103(2). The registration card and armband shall be turned over to the registrant when the deer is registered with the department.

(l) Shooter eligibility. Shooters other than the permittee shall be listed on the permit application and possess a valid, current Wisconsin deer hunting license.

(m) Reporting. The department may require reports of permittees and eligible shooters.

(6) DEPARTMENT ASSISTANCE. Department personnel may not shoot deer causing damage unless:

(a) Safety. An extraordinary safety risk exists; or

(b) Inadequate kill. The permittee has demonstrated an inability to kill an adequate number of deer during the closed season and, if department costs are not reimbursed by the county wildlife damage program, the permittee agrees to pay those costs.

The foregoing rules were approved and adopted by the Natural Resources Board on

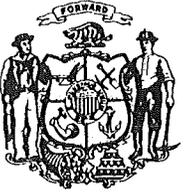
The rules shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated in Madison, Wisconsin May 14, 1987

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
4679L



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

May 14, 1987

File Ref: 1020

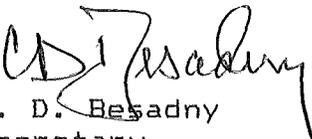
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-12-86. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Transportation, Tourism and Conservation pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.