

Chapter NR 12

WILDLIFE DAMAGE AND NUISANCE CONTROL

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NR 12.001 Definitions. (1) "Contiguous land" means lands under the same ownership which are connected to lands on which wildlife are causing damage including lands separated by a roadway, easement, license or waterway.

(2) "Lands suitable for hunting or trapping" means lands where the conduct of hunting or trapping is not likely to result in a violation under ss. 29.22 (1), 167.30, 167.31 and 941.20 (1) (d), Stats., or damage to buildings and where it is probable an animal causing damage may be harvested.

Note: Sections 29.22 (1), 167.30, 167.31 and 941.20 (1) (d), Stats., concern shooting near hospitals, schools, sanatoriums, parks, buildings and highways.

(3) "Landowner" means any person over 18 years of age and any partnership, firm or corporation that holds title to land whether or not this land is subject to easement, mortgage, lien, lease or restrictive covenant, except that this term does not include any person who is under guardianship, a person who is incompetent or a person who is mentally ill. A person, partnership, firm or corporation is deemed to hold title to land if the person, partnership, firm or corporation has any of the following:

- (a) Title as sole owner.
- (b) Title as a joint owner.
- (c) Title as owner of an undivided interest.
- (d) Title as sole or joint trustee or as sole or joint assignee.
- (e) A land contract vendee's interest therein.

(4) "Lessee" means any person possessing a written lease for use of land for the production of commercial seedlings, crops, orchard trees, Christmas trees, nursery stock, honey, and livestock.

(5) "Management unit" and "hunting zone" mean those management units established for deer in s. NR 10.28, and those management zones established in ss. NR 10.30 and 10.31 for deer, bear and Canada geese.

(6) "Permanent deer fence" means a fence erected for year-round protection from white-tailed deer that meets the specifications in s. NR 16.01, authorized under s. NR 16.02 (12) or adopted by a county participating under s. 29.598, Stats.

(7) "USFWS" means the United States department of the interior, fish and wildlife service.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

Register, September, 1990, No. 417

NR 12.01 Purpose. This chapter is established to administer s. 29.59, Stats., relating to the removal of wild animals causing damage or nuisance.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

NR 12.05 Birds causing depredation. (1) FINDINGS. The natural resources board finds that unlimited shooting or trapping of cowbirds, crows, grackles, house sparrows, starlings, and red-winged blackbirds is necessary when causing depredation.

(2) PERMIT WAIVER. Neither a federal nor state permit are required of any person to shoot or trap birds listed in sub. (1) when found committing or about to commit depredations upon agricultural crops, livestock, ornamental or shade trees or when constituting a health hazard or other nuisance provided:

(a) Disposition. Birds killed and their plumage may not be sold or offered for sale.

(b) Premises inspection. Any person taking these birds shall at all reasonable times, including during actual operation, permit any federal or state game law enforcement officer, free and unrestricted access on the premises over which the operations have been or are being conducted, and shall furnish promptly to the officer whatever information he or she requests about the operation.

(3) LICENSE WAIVER. Hunting and trapping licenses are not required for shooting or trapping these birds when causing the depredations described under sub. (2) (intro.).

(4) SHOOTING HOURS. The hours for shooting depredating birds during the open season for migratory birds as specified under s. NR 10.01 (1) shall be the same as those established for migratory game bird hunting under s. NR 10.06 (4).

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90; cr. (4), Register, September, 1990, No. 417, eff. 10-1-90.

NR 12.10 Authorization to remove wild animals causing damage. Landowners, lessees or occupants may remove from lands under their control wild animals and their associated structures causing damage or constituting a nuisance in accordance with this section.

(1) WRITTEN APPLICATION REQUIRED. (a) General prohibitions. Unless otherwise approved by the department, a landowner, lessee or occupant may not engage in the following without applying in writing and receiving written approval from the department to:

1. Destroy any wild animal classified as:
 - a. A furbearing animal or game fish, animal or bird under s. 29.01 (4) through (7), Stats.; or
 - b. Protected under s. NR 10.02; or
 - c. Endangered or threatened under s. NR 27.03;
2. Use any restricted-use pesticides listed in s. NR 80.01 (4); or
3. Live-capture and relocate any wild animal to department controlled lands.
4. Live-capture and relocate white-tailed deer, black bear or any wild animal classified as endangered or threatened under s. NR 27.03.

Note: Application forms are obtained from department field stations.

(b) Exemptions. Written authorization is not required to:
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