

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-09-23

Relating to: Wildlife Damage and Abatement, amending Ch. NR 12, Wis. Administrative Code

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

These are permanent rules.

2. Detailed description of the objective of the proposed rule:

These rule changes are proposed to update administrative code language in Chapter NR 12. These updates will primarily be clarifying in nature with some substantive changes. Specifically, these rules may:

1. Clarify claim eligibility requirements making monetary claims under the wildlife damage program.
2. Clarify allowable weapon types on nuisance and agriculture damage permits
3. Update county reimbursement procedures, conditions of animal removal permits, clarify permanent abatement options, and more clearly define expectations for enrollee cooperation.
4. Require that enrollees are responsive to requests for hunting access and that hunting access cannot be reserved in advance.
5. Allow the enrollee to use other acceptable methods of notification for hunters seeking access.
6. Align state rules with federal rules, including the Migratory Bird Treaty Act.
7. Update the list of species for which permits are and are not required for animal control work.
8. Update the criteria and conditions required in order to issue damage or nuisance removal permits including license and stamp requirements and hunter and trapper education requirements.
9. Clarify when public hunting access is required.
10. Amend criteria for deer harvest objective waivers.
11. Clarify standard definitions used for wildlife damage and nuisance program implementation.

Additional rule changes may be pursued which are reasonably related to those discussed here including additional updates to rules related to wildlife damage and abatement.

These rules may also include additional updates such as correcting cross-reference citations and changes needed in order to update application forms or revisions which are necessary for consistency with recently enacted legislation.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rules implement statutory requirement for wildlife damage and nuisance conflict management. These rules have been in place for decades. Recently the department along with impacted stakeholders underwent a comprehensive review of all of the rules related to wildlife damage and nuisance conflict management. The proposed rules are consistent with longstanding practices while making updates to provide better clarity for stakeholders and partners.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 29.885, Wis. Stats., grants the department the ability 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), Wis. 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 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.
- Procedures for record keeping audits and inspections.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours.

6. List with description of all entities that may be affected by the proposed rule:

Commercial agricultural producers, county wildlife damage specialists, USDA Wildlife Services, municipalities, and other landowners or businesses who experience wildlife damage issues may be impacted by these rules.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

None.

9. Anticipated number, month and locations of public hearings:

The Department anticipates holding a public hearing in January of 2024.

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