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# JAMES W. EDMING

STATE REPRESENTATIVE • 87<sup>TH</sup> ASSEMBLY DISTRICT

## Testimony in Support of Assembly Bill 163

*Assembly Committee on Transportation*

April 27, 2021

Mr. Chairman and committee members, thank you for holding this public hearing today on Assembly Bill (AB) 163. I am grateful for the opportunity to speak in favor of this important proposal that will provide a new tool for local governments to protect their roadways from damage caused by beavers and muskrats. I would like to thank Senator Stafsholt for working with me on this legislation. AB 163 is a redraft of the amended version of AB 592 that was approved by the Assembly on a voice vote late last session. Unfortunately, it was not concurred in by the Senate because of the cancelation of their final floor session due to COVID-19.

The idea for this legislation came from some local officials in my district who were experiencing problems with beavers causing damage to local roadways. Beavers often dam up culverts under or near roadways, which can cause flooding in the area and damage the roadway. This damage and flooding can lead to safety issues for area residents and expensive repairs for local property owners and local governments. Muskrats can also cause headaches for local officials by burrowing into road embankments and under the roadway which undermines the structural integrity of the roadway. While the Department of Natural Resources (DNR) does deploy measures to prevent or deter beavers and muskrats from causing damage, such as trapping, this is not always effective.

Under current law, the DNR may remove or authorize the removal of a wild animal that is causing damage or is a nuisance. However, the law does not currently allow the discharging of a firearm within 50 feet of the center of a roadway. This can make it difficult to shoot a beaver or muskrat that has dammed up a culvert or burrowed into a road embankment. AB 163 creates an exception to this prohibition by allowing the DNR or an agent of a local government authorized by the DNR to discharge a firearm within the 50-foot buffer to shoot a beaver or muskrat that is causing damage to a roadway. It is important to note that the DNR still has the discretion on whether or not to permit the discharge of a firearm under this exemption and that they can only do so if they determine that the discharge does not pose a threat to public safety.

In addition to creating this exemption, AB 163 also adds flooding and culvert blockages caused by a beaver or muskrat to the definition of damages under the statutes.

As a part of the most recent state budget, the legislature made some significant investments in local road funding. AB 163 will help protect the investments made in our local roads by giving our local governments a new tool to help prevent road damage. I am pleased that this legislation has earned the support of both the Wisconsin Towns Association and the Wisconsin Counties Association and I hope that it earns your support as well. Thank you again Mr. Chairman and committee members for the opportunity to testify before you today.



# ROB STAFSHOLT

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**TO:** Assembly Committee on Transportation  
**FROM:** Senator Stafsholt  
**DATE:** April 27<sup>th</sup>, 2021  
**SUBJECT:** Testimony for Assembly Bill 163

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Thank you Chairman Plumer and members of the Assembly Committee on Transportation for holding a hearing and allowing me to testify in support of Assembly Bill 163 (AB 163). This legislation is the amended version of AB 592 from last session that was approved on a voice vote by the Assembly and didn't make it to the Senate floor due to COVID.

Representative Edming brought this legislation to my attention because there has been issues in some parts of Wisconsin relating to beavers or muskrats damming up culverts under roadways and causing flooding. The Department of Natural Resources (DNR) can remove a wild animal by trapping, capturing, relocating or shooting the wild animal if it is causing damage, under current law. Generally, the DNR cannot however discharge a firearm within 50 feet of the center of a roadway.

With this issue continuing to rise, I felt that it was necessary to help with this concern. AB 163 allows for DNR or an agent designated by the DNR to shoot a beaver or muskrat that is causing damage to a roadway, within 50 feet of the center line, as long as it does not put public safety at risk. Since trapping, capturing, or relocating of a wild animal that causes damage to a roadway isn't always successful, I feel that it is necessary to be able to keep our roadways safe from these wild animals damaging them. In the end, this can also save our taxpayers money by not having to fix roadways that were damaged by a beaver or a muskrat.

I am happy to have the support of the Wisconsin Towns Association on this legislation.

Thank you again for holding a hearing today. I ask for your support on AB 163.



## Assembly Committee on Transportation

### *2021 Assembly Bill 163*

#### *Authority to shoot a beaver or muskrat causing damage to a highway*

*April 27, 2021*

The Wisconsin Department of Natural Resources (DNR) welcomes the opportunity to provide written testimony on Assembly Bill 163 (AB 163).

A problem many municipalities face is managing beaver and muskrat that are damaging roadways. Beaver can chew trees that subsequently fall onto roadways and they also dam culverts, leading to standing water on roadways. Muskrats can burrow into roadways, damaging the roadway bed. When dealing with wildlife conflicts it is important to have multiple options available for successful conflict resolution. State law currently allows municipalities or agents working on behalf of municipalities to trap muskrat and beaver using legal trapping methods or to shoot beaver and muskrat as long as the firearm is not discharged across a roadway or within 50 feet of the roadway center. While these options are usually sufficient for addressing damage caused by beaver and muskrat, there are some situations where effective management may require a beaver or muskrat to be dispatched within 50 feet of the roadway center, which is not permitted under current law.

AB 163 would allow the DNR to permit municipalities and their agents to shoot beaver and muskrat within 50 feet of the roadway center for damage management purposes. This legislation would give municipalities another option for dealing with beaver and muskrats causing damage.

The department does not anticipate any safety concerns with AB 163. Shooting within the roadway would be a permitted activity and permits would be issued on a case-by-case basis only where necessary and appropriate, with an emphasis on public safety.

The department can use the existing nuisance animal removal permitting process to permit these activities and we do not anticipate this would significantly increase the workload for the wildlife biologists who would be responsible for issuing permits.

Beaver and muskrat populations are doing quite well in Wisconsin. Higher surface water levels in recent years, coupled with a decrease in recreational trapping of beaver and muskrat due to a depressed fur market, have led to an increase in beaver and muskrat populations and wide distribution on the landscape.

Thank you for the opportunity to provide this written testimony. If you have questions or if there is any further information the department can provide, please feel free to contact Sean Kennedy, DNR Legislative Liaison, at [Seanp.Kennedy@Wisconsin.gov](mailto:Seanp.Kennedy@Wisconsin.gov).



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MEMO TO: Assembly Committee on Transportation  
FROM: Joe Ruth, WTA Legal Counsel/Lobbyist  
RE: AB 163, Authority to Shoot a Beaver or Muskrat Causing Damage to a Highway  
DATE: 04/26/2021

Chair Plumer and members of the Committee on Transportation, thank you for the opportunity to provide comments on AB 163.

Wisconsin's local governments have the difficult task of constructing and maintaining our local system of roads. Towns alone have 62,000 miles of roads in Wisconsin, making up about 54% of the state's entire road system. Funding and maintaining these local roads is often one of the largest challenges that a town board will face. The legislature has made significant investments in local roads over the last few years, but additional resources are not enough. Local governments must also have the right tools in their tool belt to protect their roads from unnecessary damage. AB 163 provides such a tool.

Beavers and muskrats too often cause damage to our rural roadways. Beavers will dam culverts, for example, causing standing water to accumulate on and around the road surface. Water is one of the most damaging elements a road will face. Muskrats burrow under and around road surfaces, weakening the structural integrity of the road base. All of this damage increases the cost to taxpayers and decreases the lifespan of our roads.

Current law recognizes the damage these animals cause and allows a local government to trap or shoot beaver and muskrat in order to protect local infrastructure. Removal of dams and similar structures can also help prevent damage from this wildlife, although these options are not always effective or even viable given the circumstances. Current law does not, however, allow the discharge of a firearm within 50 feet of the center of a roadway. This limitation restricts a local government's ability to manage the wildlife and adequately protect its infrastructure whenever the wildlife is too close to a roadway.

This bill allows a limited exception for local governments, with DNR approval, to discharge a firearm within close proximity to a roadway when acting to protect that roadway from beaver or muskrat damage. This exception would allow local government the flexibility to use the same tools otherwise available in protecting their roads under other circumstances.

For these reasons, we urge the committee to recommend passage of AB 163. Thank you for your consideration.