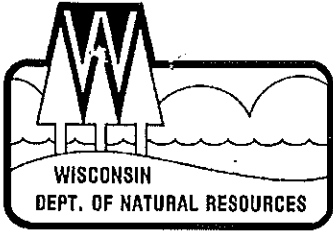


CR 93-135



George E. Meyer  
Secretary

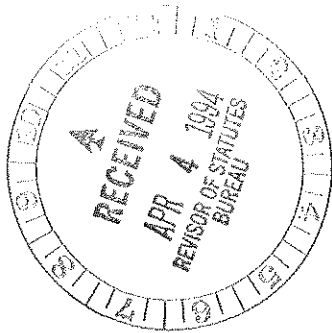
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street  
Box 7921  
Madison, Wisconsin 53707  
TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-5-93 was duly approved and adopted by this Department on December 9, 1993. 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 the Natural Resources Building in the City of Madison, this 24<sup>th</sup> day of March, 1994.

*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

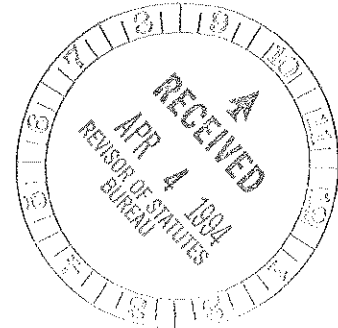
6-1-94



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
RENUMBERING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

IN THE MATTER of renumbering s. NR 12.001(6) and (7); amending ss. NR 12.10(title), (1)(a) (intro.), (2)(intro.), (c)&(d), (3)(c)&(d), 12.15(intro.), (1), (3)&(4), 12.16(intro.), (1), (2)&(8)(a), 12.17(intro.), 19.80(4)(a) (intro.)&2.; repealing and recreating s. NR 12.16(5) and creating ss. NR 12.001(6), (7)&(9), 12.10(1) (c)&(4), 12.15(12), (8)(a) and 19.80(4)(a)4 of the Wisconsin administrative code pertaining to deer shooting/depredation permit program

WM-5-93



Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.59 and 29.598, Stats.

In this order:

SECTION 1. Renumbering - allows maintenance of sequence in the definitions section.

SECTION 2. New definitions - the municipality definition is added to clarify the department's authority in s. 29.59, Stats., to authorize permits to remove or destroy wildlife causing damage or nuisance in urban areas. Participant and permittee definitions are intended to reduce confusion of department staff and the public as to who is a permittee and who is a participant.

SECTION 3. Adding nuisance to NR 12 - effort to rectify the absence in ch. NR 12 of any reference to department authority to deal with nuisance (especially urban) situations promulgated in s. 29.59, Stats.

SECTION 4. October 1 deadline for damage permit applications for growing season crops - establishes a deadline for application of deer damage shooting permits in order to focus removal for damage control purposes rather than for additional hunting opportunities. Because of the proximity of an October 1 deadline to the bow and gun deer seasons, and the normal timing of final harvests for the listed species the DNR believes this is a fair deadline for these crop types. Certainly exceptions will occur for which permits will be issued.

SECTION 5. Additional language clarification - various minor changes focusing on including "NUISANCE" and separating nuisance and damage sections and incorporation of the newly defined "permittee" term.

SECTION 6. Nuisance application criteria - similar language existed for damage applicants. This created language includes nuisance application criteria into the process which is promulgated in s. 29.59, Stats., but neglected in ch. NR 12.

SECTION 7. Hunting access logs, hunting and trapping rules compliance and reporting requirements - establishes means for enforcing compliance and

reporting standards and ties damage hunting and trapping to existing hunting and trapping rules and violation penalties.

SECTION 8. Violations - ties ch. NR 12 violations to penalty levels referred to in s. 29.99, Stats., thereby creating a generic penalty for those violations not covered under NR 12.15(3).

SECTION 9. Shooting hours, harvest objectives and tagging, transportation and registration requirements - Establishes closed season shooting hours identical to bow season hours; include in the harvest objective requiring 50% of the department authorized damage harvest within 45 days of issuance of the permit or the first half of the valid period of the permit to focus harvest when damage is occurring in order to reduce current damage; eliminating the harvest objective exemption which states "the harvest will not likely reduce the amount of damage sustained"; and requiring harvested damage deer to be tagged, transported and registered in accordance to requirements existing for deer harvested during the conventional deer hunting seasons.

SECTION 10. Deer tagging, transportation and registration of carcasses - requires deer harvested under deer damage permits to be tagged and transported according to existing bow and gun season requirements.

SECTION 11. Deer damage permit registration requirements - requires deer harvested under deer damage permits during the closed and bow season to be registered according to existing bow season registration requirements, and damage deer harvested during the gun deer season to be registered according to gun season registration requirements.

SECTION 12. Blaze orange requirement for deer damage permit participants - requires all damage permit participants and assistants to wear blaze orange.

SECTION 13. Note explaining blaze orange requirement - explains who is impacted and where exemptions would be warranted.

SECTION 14. Shooting permits for Canada geese - merely changes order of words to more properly describe these permits.

SECTION 15. Additional language clarification - language changes focusing on improving clarity, grammar, punctuation and use of plain language.

SECTION 16. Additional language clarification - language changes focusing on improving clarity, grammar, punctuation and use of plain language.

SECTION 17. Shooting permit harvest objective compliance eligibility requirement for claims - requires a permittee to meet the harvest objective to be eligible for deer damage claims through the Wildlife Damage Abatement and Claims Program.

---

SECTION 1. NR 12.001(6) and (7) are renumbered 12.001(8) and (10).

SECTION 2. NR 12.001(6), (7) and (9) are created to read:

NR 12.001(6) "Municipality" means a county, city, village or town.

(7) "Participant" means any hunter or trapper authorized by the permittee, in writing, to assist the permittee in removing wild animals causing damage or nuisance.

(9) "Permittee" means any person or municipality issued a permit by the department to remove or destroy wild animals causing damage or nuisance.

SECTION 3. NR 12.10(title) and (1)(a)(intro.) are amended to read:

NR 12.10 (title) AUTHORIZATION TO REMOVE WILD ANIMALS CAUSING DAMAGE OR NUISANCE.

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

SECTION 4. NR 12.10(1)(c) is created to read:

NR 12.10(1)(c) Application deadline. The department may not consider any application to shoot deer causing damage to corn, alfalfa, clover, other hay, soybeans, small grains, vegetable crops, melons, strawberries, cabbage, potatoes, cucumbers, popcorn, sunflowers or ginseng filed after October 1, unless the department finds that extraordinary conditions exist. Extraordinary conditions include, but are not limited to, ongoing, severe damage to crops occurring after October 1, which will cause extensive yield reductions or winter losses.

SECTION 5. NR 12.10(2)(intro.), (c) and (d), (3)(c) and (d) are amended to read:

NR 12.10(2) APPROVAL CRITERIA. (intro.) Prior to authorizing the removal of wild animals causing damage, the department shall find that:

(2)(c) Access control. The applicant has the authority to control access as required by s. 29.59(4m), Stats., for purposes of hunting and trapping on the lands being damaged and any contiguous lands under the same ownership that are suitable for hunting or trapping.

(2)(d) Previous performance. The applicant has complied with the conditions of any previous department authorizations to remove wild animals causing damage or nuisance issued within the preceding 12 months and this chapter.

(3)(c) Written authorization. All participants shall possess written approval from the ~~landowner or lessee~~ permittee when carrying on removal activities.

(3)(d) No fees. The ~~landowner, lessee, or occupant~~ permittee may not charge any form of fee to a ~~person providing removal assistance~~ participant.

SECTION 6. NR 12.10(4) is created to read:

NR 12.10(4) NUISANCE APPROVAL. An applicant meeting the approval criteria described in sub. (2)(a), (d) and (f) may be authorized to remove wild animals causing a nuisance under conditions the department considers reasonable.

SECTION 7. NR 12.15(intro.), (1), (3) & (4) are amended to read:

NR 12.15(intro.) The following general conditions apply to all permits to remove wild animals causing damage:

(1)(title) PUBLIC USE DURING OPEN SEASONS. All lands described on the application and any contiguous lands under the same ownership suitable for hunting or trapping shall be open to public hunting or trapping of the species causing the damage for a period of one year from the effective date of the permit. These lands may be posted to indicate that hunting permission is required from the permittee. The department may require a permittee to keep a daily log of hunter's names and telephone numbers on forms provided by the department as a condition of the permit.

(3) REGULATION COMPLIANCE. The permittee and all participants shall comply with all hunting and trapping rules specified under ch. NR 10 or ch. 29, Stats., unless otherwise provided under this chapter, ch. 29, Stats., or by permit. Permittees and participants who fail to comply shall be subject to the penalty applicable to the appropriate ch. NR 10 or ch. 29, Stats., violation.

(4) REPORTING. Each permittee shall keep a current, correct and complete record of all participants and permit activities as required by the department on forms furnished by the department. Permit records may be inspected by the department at any time. Copies of records shall be provided to the department upon request. The permittee shall report the total number of wild animals or structures removed and return all unused permit materials and any participant authorizations issued, to the department within 10 days after the permit expiration date.

SECTION 8. NR 12.15(12) is created to read:

NR 12.15(12) VIOLATIONS. No person may violate the terms of any permit issued under this chapter.

SECTION 9. NR 12.16(intro.), (1) and (2) are amended to read:

NR 12.16(intro.) In addition to s. NR 12.15, the following conditions shall apply to all ~~deer~~ shooting permits for deer causing damage.

(1)(title) SHOOTING HOURS. ~~Deer may be killed~~ Permittees and Participants may hunt deer only during the period from ~~one hour~~ 30 minutes before sunrise to ~~one hour~~ 15 minutes after sunset during the closed deer gun season, unless exempted by the department. During the deer gun season participants shall comply with shooting hours described in s. NR 10.06(5). Exemptions shall be granted to allow hunting of deer one hour before sunrise to one hour after sunset during the closed season in situations where permit eligibility is based under s. NR 12.10(2)(b)2, and with permit conditions restricting permit shooting of deer to within the fenced area and restricting shooter presence to one person at any one time.

Note: Copies of hunting tables showing these hours shall be provided to all permittees for their reference and for distribution to participants.

(2)(a) Harvest objective. The permittee and ~~permit~~ participants, unless granted an exemption under par. (b), shall kill at least 80% of the number of deer authorized for harvest on the permit and shall kill at least 50% of this number during the first 45 days after permit issuance. to retain eligibility for future deer shooting permits.

(b) Harvest objective exemption. The department may exempt the permittee from ~~having the kill~~ killing the ~~additional~~ deer necessary to meet the harvest objectives if:

~~1. The harvest will not likely reduce the amount of damage sustained by the permittee in the current and succeeding calendar year; or~~

~~2. Deer deer are unavailable for harvest within the authorized area.~~

SECTION 10. NR 12.16(5) is repealed and recreated to read:

NR 12.16(5) TAGGING, TRANSPORTATION AND REGISTRATION OF CARCASSES. (a) Each person who has killed a deer or if s. 29.405, Stats., applies, the person who has tagged the deer, shall comply with s. 29.40, Stats., and ss. NR 10.103 and 10.105.

(b) Any deer taken during the closed or bow deer season and retained by a participant or permittee shall be registered in accordance with s. NR 10.106(2)(d). Any deer taken during the regular deer gun season and retained by a participant or permittee shall be registered in accordance with s. NR 10.106(2)(a). Deer shall be registered at a location designated by the department.

SECTION 11. NR 12.16(8)(a) is amended to read:

NR 12.16(8)(a) All participants ~~using firearms and persons assisting participants,~~ shall comply with the blaze orange clothing ~~requirements~~ regulations of s. 29.22(2), Stats., unless exempted by the department. Exemptions will be granted where local ordinances prohibit the discharge of



firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

SECTION 12. NR 12.16(8)(a)note is created to read:

Note: These blaze orange regulations pertain to all gun hunters, their assistants and bow hunters engaged in deer removal activities described in s. NR 12.16.

SECTION 13. NR 12.17(intro.) is amended to read:

NR 12.17(intro.) In addition to s. NR 12.15, the following conditions shall apply to all ~~Canada geese~~ shooting permits for Canada geese causing damage:

SECTION 14. NR 19.80(4)(a)(intro.) and 2 are amended to read:

NR 19.80(4)(a)(intro.) All claimants for damage payments, recognized and included in the county plan, shall meet all of the following eligibility requirements:

2. The crops subject to the claim were not planted or manipulated to attract deer, bear or geese, ~~and~~.

SECTION 15. NR 19.80(4)(a)4. is created to read:

NR 19.80(4)(a)4. If a claimant has been issued a deer shooting permit under s. NR 12.16, the claimant has complied with the deer harvest objectives in s. NR 12.16(2).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 8, 1993.

The rule shall take effect upon publication in the Wisconsin administrative register as provided in s. 277.22(2) (intro.), Stats.

Dated at Madison, Wisconsin 3/24/94

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

