

RESOLUTION NO.: 8—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The State Wildlife Damage Abatement and Claims Program (WDACP), fully
2 funded by a surcharge on hunting licenses, is a voluntary Department of Natural
3 Resources (DNR) program to assist a person who owns, leases, or controls land
4 on which certain wild animals cause damage to crops or livestock the ability to
5 apply to the county for wildlife damage claim payments and for wildlife damage
6 abatement assistance. Wildlife damage payments include damage caused by deer,
7 bears, geese and cougars, as well as elk and sandhill cranes if hunting those
8 animals is authorized. The Outagamie County Land Conservation Department
9 currently contracts with a representative from USDA Animal and Plant Health
10 Inspection Service for the Wildlife Damage Program, with said claims reviewed
11 by the Land Conservation Committee.

12
13 There is pending legislation that would make changes to the Wildlife Damage
14 Abatement and Claims program by requiring the DNR to administer the wildlife
15 damage abatement program and the wildlife damage claim program in a county
16 that does not administer one or both of these programs.

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18 Additionally, pending legislation would eliminate a \$10,000 limit under current
19 law on the total amount that may be paid to a claimant for each wildlife damage
20 claim. The pending legislation maintains the current law requirement that the
21 DNR pay wildlife damage claimants on a prorated basis if there is not a sufficient
22 amount appropriated to pay all the claims.

23
24 Additionally, pending legislation would eliminate the requirement under current
25 law that a county participate in the administration of the WDACP in order to be
26 eligible for reimbursement by DNR for the costs that the county incurs in
27 processing and donating venison from certain deer carcasses and in processing and
28 donating meat from certain wild turkey carcasses.

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30 Additionally, pending legislation would add that damage to commercial seedings
31 or crops growing on agricultural land caused by operating a vehicle in a field in
32 order to place a bear trap under the wildlife damage abatement program is eligible
33 for a wildlife damage claim payment.

34 NOW THEREFORE, the undersigned members of the Agriculture, Extension Education,
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36 Zoning & Land Conservation Committee recommend adoption of the following resolution.

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38 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support
39 pending legislation that would make changes to the State Wildlife Damage Abatement and Claims
40 Program (WDACP) by requiring the Department of Natural Resources (DNR) administer the
41 wildlife damage abatement program and the wildlife damage claim program in a county that does
42 not administer one or both of these programs; eliminating a \$10,000 limit on the total amount that
43 may be paid to a claimant for each wildlife damage claim; eliminating the requirement that a
44 county participate in the administration of the WDACP in order to be eligible for reimbursement
45 by DNR for the costs that the county incurs in processing and donating deer carcasses and wild
46 turkey carcasses; and adding that damage to commercial seedings or crops growing on agricultural
47 land caused by operating a vehicle in a field in order to place a bear trap under the wildlife damage
48 abatement program is eligible for a wildlife damage claim payment, and

49 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a
50 copy of this resolution to the Wisconsin Counties Association and the Outagamie County Lobbyist
51 for distribution to the State Senators and State Representatives representing Outagamie County
52 and the Governor of the State of Wisconsin.

53 Dated this ____ day of May 2023

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Respectfully Submitted,

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AGRICULTURE, EXTENSION
EDUCATION, ZONING AND LAND
CONSERVATION COMMITTEE

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70 _____
Debbie Vander Heiden

_____ Daniel Rettler

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Rick Lautenschlager

_____ Sarah Weinberg

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Dustin Koury

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83 Duly and officially adopted by the County Board on: _____

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86 Signed: _____
Board Chairperson

_____ County Clerk

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90 Approved: _____

Vetoed: _____

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93 Signed: _____
County Executive

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State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0270/P1
EHS:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 29.889 (3) (a), 29.889 (4) (a), 29.889 (6) (a), 29.889 (7) (b) 4. and
2 29.89 (3) (a); *to renumber* 29.889 (5) (c) and 29.889 (7m) (ar) 1. and 2.; *to*
3 **amend** 20.370 (5) (fq), 29.889 (1) (intro.), 29.889 (2) (a), 29.889 (4) (b), 29.889
4 (5) (a), 29.889 (5) (b), 29.889 (5) (bm), 29.889 (5) (bs), 29.889 (6) (d), 29.889 (6)
5 (em), 29.889 (6) (f), 29.889 (7) (a), 29.889 (7) (b) (intro.), 29.889 (7) (b) 2., 29.889
6 (7) (b) 3., 29.889 (7) (bm), 29.889 (7) (d) 2., 29.889 (7m) (a), 29.889 (7m) (ar)
7 (intro.), 29.889 (8g) and 29.89 (5) (b) 2. c.; and *to create* 29.889 (1) (am), 29.889
8 (2) (am), 29.889 (5) (b) 3., 29.889 (5) (c) 2., 29.889 (5) (d) and 29.889 (7m) (ar) 2m.
9 of the statutes; **relating to:** the wildlife damage abatement program and the
10 wildlife damage claim program.

Analysis by the Legislative Reference Bureau

This bill makes changes to the wildlife damage abatement program and the wildlife damage claim program.

Current law authorizes a person who owns, leases, or controls land on which certain wild animals cause damage to crops or livestock (wildlife damage) to apply to the county for wildlife damage claim payments and for wildlife damage abatement assistance (wildlife damage payments). Wildlife damage for which a person is

eligible to receive wildlife damage payments includes damage caused by deer, bears, geese, and cougars, as well as elk and sandhill cranes if hunting those animals is authorized. Current law requires that, to be eligible for wildlife damage payments, the location must be in a county that participates in the administration of these programs. A county must apply to the Department of Natural Resources to administer these programs, including in its application a plan of administration that meets certain requirements. Once approved, DNR provides funding to the county for the costs incurred in administering these programs.

Under current law and DNR rule, a county pays 75 percent of the actual costs of providing wildlife damage abatement assistance, for which it is reimbursed by DNR, and the person receiving the assistance pays 25 percent of the costs. DNR pays wildlife damage claims directly.

Effective January 1, 2024, DNR is required to administer the wildlife damage abatement program and the wildlife damage claim program in a county that does not administer one or both of those programs. The bill specifies that, if DNR administers the wildlife damage abatement program in a county and provides wildlife damage abatement assistance to a person, DNR must determine the actual cost of providing that assistance and pay 75 percent of that cost, leaving the remaining 25 percent as the responsibility of the recipient.

The bill eliminates a \$10,000 limit under current law on the total amount that may be paid to a claimant for each wildlife damage claim. The bill maintains the current law requirement that DNR pay wildlife damage claimants on a prorated basis if there is not a sufficient amount appropriated to pay all claims.

The bill also eliminates the requirement under current law that a county participate in the administration of these programs in order to be eligible for reimbursement by DNR for the costs that the county incurs in processing and donating venison from certain deer carcasses and in processing and donating meat from certain wild turkey carcasses.

Under current law, the type of wildlife damage that is eligible for wildlife damage claim payments is limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock, and damage to apiaries or livestock. The bill adds that damage to commercial seedings or crops growing on agricultural land caused by operating a vehicle in a field in order to place a bear trap under the wildlife damage abatement program is eligible for a wildlife damage claim payment.

Under current law, if the amount of a wildlife damage claim exceeds \$500 but does not exceed \$5,250, the claimant is paid 100 percent of the amount, and if the amount of the claim exceeds \$5,250, the claimant is paid that amount plus 80 percent of the amount that exceeds \$5,250. The bill increases the wildlife damage claim amount threshold from \$5,250 to \$5,500.

Under current law, with certain exceptions, a person may receive wildlife damage payments only if the person opens the land for hunting the type of animal that caused the wildlife damage. Under this bill, this hunting requirement does not apply to a person who receives wildlife damage abatement assistance to acquire a

bear trap for land the person leases if the person waives any eligibility to receive a wildlife damage claim payment for damage caused by bears.

Under the bill, effective June 30, 2023, DNR must require all bear traps acquired with wildlife damage abatement assistance to be equipped with remote monitors, including traps placed under the program prior to the effective date of the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (5) (fq) of the statutes is amended to read:
2 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
3 under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr)
4 and subs. (1) (hs), (hx), and (Ls) and (5) (fs) to provide state aid for the wildlife damage
5 abatement program under s. 29.889 (5) (c) and the wildlife damage claim program
6 under s. 29.889 (7) (d), for department administration costs under s. 29.889, for
7 county administration costs under s. 29.889 (2) (d), and for payments under s. 29.89.

8 **SECTION 2.** 29.889 (1) (intro.) of the statutes is amended to read:
9 29.889 (1) **DEFINITION.** (intro.) In this section, ~~“wildlife:~~
10 (b) “Wildlife damage” means damage caused by any of the following wild
11 animals that are not subject to regulation under ch. 169:

12 **SECTION 3.** 29.889 (1) (am) of the statutes is created to read:
13 29.889 (1) (am) “Administrator” means a county that administers the wildlife
14 damage abatement program or the wildlife damage claim program or the
15 department with respect to one or both of those programs if the program or programs
16 are not administered by the county.

17 **SECTION 4.** 29.889 (2) (a) of the statutes is amended to read:

1 29.889 (2) (a) *Assistance*. The department shall assist participating counties
2 in developing and administering the wildlife damage abatement and wildlife
3 damage claim programs. The department shall provide this assistance through
4 technical aid, program guidance, research, demonstration, funding, plan review,
5 audit, and evaluation services.

6 **SECTION 5.** 29.889 (2) (am) of the statutes is created to read:

7 29.889 (2) (am) *Administration*. If a county does not administer the wildlife
8 damage abatement program or the wildlife damage claim program, the department
9 shall administer that program in that county. The department shall maintain a list
10 of participants in the programs that it administers and shall make the list available
11 for public inspection.

12 **SECTION 6.** 29.889 (3) (a) of the statutes is repealed.

13 **SECTION 7.** 29.889 (4) (a) of the statutes is repealed.

14 **SECTION 8.** 29.889 (4) (b) of the statutes is amended to read:

15 29.889 (4) (b) *Filing of application*. In order to be eligible for wildlife damage
16 abatement assistance, a person is required to file an application with the
17 ~~participating county administrator~~ in a form acceptable to the county administrator.
18 An owner or lessee of land, a person who controls land, or an owner of an apiary or
19 livestock may file an application.

20 **SECTION 9.** 29.889 (5) (a) of the statutes is amended to read:

21 29.889 (5) (a) *Review*. ~~A participating county~~ The administrator shall review
22 each application for wildlife damage abatement assistance it receives to determine
23 if wildlife damage is occurring or likely to occur.

24 **SECTION 10.** 29.889 (5) (b) of the statutes is amended to read:

1 29.889 (5) (b) *Assistance*. ~~A participating county~~ The administrator may
2 provide wildlife damage assistance ~~where~~ for the reimbursement of costs associated
3 with wildlife damage abatement measures if all of the following are satisfied:

4 1. The administrator determines that wildlife damage is occurring or is likely
5 to occur ~~for the reimbursement of costs associated with wildlife damage abatement~~
6 ~~measures if the,~~

7 2. If the administrator is a county, the wildlife damage abatement measures
8 are authorized in the plan of administration under sub. (3) (c) 2.

9 **SECTION 11.** 29.889 (5) (b) 3. of the statutes is created to read:

10 29.889 (5) (b) 3. If the administrator is the department, the wildlife damage
11 abatement measures are authorized in the rules adopted by the department under
12 sub. (2) (b) and are carried out in full compliance with the direction of the
13 department.

14 **SECTION 12.** 29.889 (5) (bm) of the statutes is amended to read:

15 29.889 (5) (bm) *Cost-effectiveness of abatement*. ~~A participating county~~ The
16 administrator may recommend only those wildlife damage abatement measures that
17 are cost-effective in relation to the wildlife damage claim payments that would be
18 paid if the wildlife damage abatement measures are not implemented.

19 **SECTION 13.** 29.889 (5) (bs) of the statutes is amended to read:

20 29.889 (5) (bs) *Abatement authorized*. Notwithstanding par. (bm), for damage
21 caused by elk to crops or grasses grown for use by a bird hunting preserve licensed
22 under ch. 169, ~~a participating county~~ the administrator may recommend fencing the
23 affected property as a damage abatement measure.

24 **SECTION 14.** 29.889 (5) (c) of the statutes is renumbered 29.889 (5) (c) 1.

25 **SECTION 15.** 29.889 (5) (c) 2. of the statutes is created to read:

1 29.889 (5) (c) 2. If the department provides wildlife damage abatement
2 assistance to a person, the department shall determine the actual cost of providing
3 that wildlife damage abatement assistance. The department shall pay 75 percent
4 of the actual cost of providing wildlife damage abatement assistance and shall
5 require the recipient to be responsible for the remaining 25 percent of that cost.

6 **SECTION 16.** 29.889 (5) (d) of the statutes is created to read:

7 29.889 (5) (d) *Bear traps.* The department shall require that any bear trap
8 acquired with wildlife damage abatement assistance be equipped with a remote
9 monitor.

10 **SECTION 17.** 29.889 (6) (a) of the statutes is repealed.

11 **SECTION 18.** 29.889 (6) (d) of the statutes is amended to read:

12 29.889 (6) (d) *Compliance with wildlife damage abatement measures.* In order
13 to be eligible for wildlife damage claim payments for an occurrence of wildlife
14 damage, a person seeking wildlife damage claim payments shall have complied with
15 any wildlife damage abatement measures to abate that wildlife damage that were
16 recommended by the county administrator.

17 **SECTION 19.** 29.889 (6) (em) of the statutes is amended to read:

18 29.889 (6) (em) *Type of wildlife damage.* The type of wildlife damage that is
19 eligible for wildlife damage claim payments shall be limited to damage to commercial
20 seedings or crops growing on agricultural land, damage to crops that have been
21 harvested for sale or further use but that have not been removed from the
22 agricultural land, damage to orchard trees or nursery stock, or damage to apiaries
23 or livestock. Damage to commercial seedings or crops growing on agricultural land
24 caused by operating a vehicle in a field in order to place a bear trap pursuant to the
25 wildlife damage abatement program is eligible for wildlife damage claim payment.

1 **SECTION 20.** 29.889 (6) (f) of the statutes is amended to read:

2 29.889 (6) (f) *Other eligibility requirements.* In order to be eligible for wildlife
3 damage claim payments, a person is required to comply with eligibility requirements
4 adopted by the department under sub. (2) (b) and, if the administrator is a county,
5 with eligibility requirements specified in the plan of administration under sub. (3)
6 (c).

7 **SECTION 21.** 29.889 (7) (a) of the statutes is amended to read:

8 29.889 (7) (a) *Investigation.* ~~A participating county~~ The administrator shall
9 investigate each statement of claim and determine the total amount of the wildlife
10 damage that occurred, regardless of the amount that may be eligible for payment
11 under par. (b).

12 **SECTION 22.** 29.889 (7) (b) (intro.) of the statutes is amended to read:

13 29.889 (7) (b) *Calculating amount of payment.* (intro.) In calculating the
14 amount of the wildlife damage claim payment to be paid for a claim under par. (a),
15 the ~~participating county~~ administrator shall determine the amount as follows:

16 **SECTION 23.** 29.889 (7) (b) 2. of the statutes is amended to read:

17 29.889 (7) (b) 2. If the amount of claim is more than \$500 but not more than
18 ~~\$5,250~~ \$5,500, the claimant will be paid 100 percent of the amount of the claim that
19 exceeds \$500.

20 **SECTION 24.** 29.889 (7) (b) 3. of the statutes is amended to read:

21 29.889 (7) (b) 3. If the amount of the claim is more than ~~\$5,250~~ \$5,500, the
22 claimant will be paid the amount calculated under subd. 2., plus 80 percent of the
23 amount of the claim that exceeds ~~\$5,250~~, ~~subject to subd. 4.~~ \$5,500.

24 **SECTION 25.** 29.889 (7) (b) 4. of the statutes is repealed.

25 **SECTION 26.** 29.889 (7) (bm) of the statutes is amended to read:

1 29.889 (7) (bm) *Multiple counties.* If the land where the wildlife damage
2 occurred is located in more than one ~~participating~~ county and the person files a
3 statement of claim with more than one ~~participating county~~ administrator, the
4 amount of the claim, as determined under par. (a), shall be prorated between or
5 among the ~~participating counties~~ administrators based on the amount of wildlife
6 damage occurring in each county.

7 **SECTION 27.** 29.889 (7) (d) 2. of the statutes is amended to read:

8 29.889 (7) (d) 2. The department shall pay claimants under subd. 1. from the
9 appropriation under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) the
10 department's administrative costs, payments made for county administrative costs
11 under sub. (2) (d), and payments made for wildlife damage abatement assistance
12 under sub. (5) (c). If the amount remaining after these deductions from the
13 appropriation under s. 20.370 (5) (fq) are not sufficient to pay the full amount
14 required under subd. 1., the department shall pay claimants on a prorated basis.

15 **SECTION 28.** 29.889 (7m) (a) of the statutes is amended to read:

16 29.889 (7m) (a) *Requirements.* A person who receives wildlife damage
17 abatement assistance or wildlife damage claim payments and any other person who
18 owns, leases, or controls the land where the wildlife damage occurred shall permit
19 hunting of the type of wild animals causing the wildlife damage on that land and on
20 contiguous land under the same ownership, lease or control, subject to par. (ae). In
21 order to satisfy the requirement to permit hunting under this subsection, the land
22 shall be open to hunting during the appropriate open season. ~~The county, with the~~
23 ~~assistance of the department,~~ administrator shall determine the acreage of land
24 suitable for hunting, in consultation with the department if the administrator is a
25 county.

1 **SECTION 29.** 29.889 (7m) (ar) (intro.) of the statutes is amended to read:

2 29.889 **(7m)** (ar) *Exemption; land not required to be open to hunting.* (intro.)

3 The requirement under par. (a) does not apply to ~~a~~ any of the following:

4 1m. A person to whom the department grants a shooting permit for deer
5 causing damage that is issued as an abatement measure recommended under this
6 section if all of the following apply:

7 **SECTION 30.** 29.889 (7m) (ar) 1. and 2. of the statutes are renumbered 29.889
8 (7m) (ar) 1m. a. and b.

9 **SECTION 31.** 29.889 (7m) (ar) 2m. of the statutes is created to read:

10 29.889 **(7m)** (ar) 2m. A person who acquires a bear trap with wildlife damage
11 abatement assistance under this section if all of the following apply:

12 a. The person leases the land on which the trap is placed.

13 b. The person waives any eligibility to receive a wildlife damage claim payment
14 under sub. (7) for wildlife damage caused by bears.

15 **SECTION 32.** 29.889 (8g) of the statutes is amended to read:

16 29.889 **(8g)** REVIEW. ~~A participating county's~~ The administrator's
17 determination of the amount of wildlife damage, the amount of a wildlife damage
18 claim, or the amount of wildlife damage abatement assistance shall be treated as a
19 final ~~decisions~~ decision for purposes of review.

20 **SECTION 33.** 29.89 (3) (a) of the statutes is repealed.

21 **SECTION 34.** 29.89 (5) (b) 2. c. of the statutes is amended to read:

22 29.89 **(5)** (b) 2. c. Moneys are available under s. 20.370 (5) (fq) after first
23 deducting from s. 20.370 (5) (fq) payments made for department and county
24 administrative costs, payments made for wildlife damage abatement assistance, and
25 wildlife damage claim payments under s. 29.889.

