

October 7, 2011

AG Damage Ad Hoc Study Committee

Minutes

**MacKenzie Environmental Center
W7303 Cty. Hwy. CS
Poynette, Wi. 53955
Badger Den Meeting Room**

Meeting Called to Order at 10:10 AM

Roll Call: Marlin Laidlaw, Edward Guptill, Kevin Marquette, Al Phelan, Mike Rodgers, DNR Liaisons Brad Koele, Kari Lee Zimmermann and Tyler Strelow

Citizen Attending, Jim Johnson Jr. Bryan Johannes

Agenda Repair: A change in the order of Citizen Resolution was requested by Ed Guptill and the addition of Resolution 130407 was requested by Al Phelan

Motion to accept Agenda repair by Mike Rodgers

Seconded by, Kevin Marquette

Motion: To approve repair Agenda.

Motion: Carried Unanimously.

Adoption of Committee Mission Statement as read:

The mission of the Wisconsin Conservation Congress Ag Damage Ad-Hoc Committee is to review current regulations, policies and practices of Wisconsin's agricultural damage permit program for all species of wildlife currently included, while considering the social and economic concerns of hunters, farmers, landowners, and citizens and the biological concerns of the species.

The Committee is to provide any input and recommendations for changes to this program at the annual Executive Council meeting held in January 2012.

Motion: by Al Phelan to approve mission statement.

Second: by Mike Rodgers

Motion: Carried Unanimously

Public Comments: None were given

Department Information Items & Updates:

Brad Koele, gave presentation of the Ag Damage Program and handed out a folder with copies of, Chapter NR 12 Wildlife Damage and Nuisance Control, Administration Code, Agricultural Deer Damage Shooting Permit and Carcass Tag Distribution Issuance Guidelines, Landowner / Lessee Authorization to Shooting Permit Applications for Deer, Bear, Geese causing Spring Agricultural Damage, and Turkey, Wildlife Damage Abatement Claims Program, for 2010, and Deer Shooting Permits for 2010.

Brad then gave a slide presentation covering the above topics while answering question for Committee members. Hand outs can be obtained from Brad by contacting him at (Bradley.Koele@wisconsin.gov)

Question: How much of the money collected from sale of tags goes to program?

Answer: All of the tag sale goes to fund program.

Question: Is all of the money used?

Answer: Pretty much, we have a balance of about 2 million but this year we will likely overspend what we take in.

Question: You can keep that money without anyone taking it?

Answer: Yes

Question: How is money spent?

Answer: All governed by administration code.

Question: Are you saying the department sends out people to check the damage?

Answer: No. Another agency

Question: When are claims paid?

Answer: At the end of the year. Claims must be in by March first and paid by June first. We usually wait until all claims are in. This to make sure we have enough funds to cover claims, if don't have enough funding we then have to prorate claim.

Question: Am I correct in saying that there has to be a season established for Cranes and Elk before they qualify for the program?

Answer: Just for Cranes, Elk already qualify because there is a season outline even though we haven't had a season. As for Cranes, Kentucky or Tennessee, I believe it is

Kentucky is having a season this December so that will pave the way for states like Wisconsin in the future.

Question: Doesn't Minnesota have a Crane season?

Answer: Yes, Minnesota has a season. The northwestern part of Minnesota is a different flyway.

Question: Is this the program were they have to allow hunter access?

Answer: Yes, I will touch on that for deer if they receive funds for damage they must allow hunter access. Account 82 is where they receive crop damage tags without receiving funds for damage and don't have to allow public access to other hunter.

Question: Did you say they can't put stand on these lands?

Answer: They must obtain land owner permission before they put stands on land.

Question: Can they charge for access to their land or the tag?

Answer: No, can charge for either

Question: Can they charge for guiding and then give them a tag?

Answer: That is a gray area; they can't charge for access but could charge for guide services.

Comment: That's not right, that's a loophole and should be changed.

Answer: The Department is working on guiding issues like that.

Question: Can a land owner uses the tags for barter for rent of land?

Answer: That is not the intent of the program, but it could happen and there is no way we would know if we didn't get a complaint.

Question: Do farmland inside villages and cities keep getting money for damage or are fences put up?

Answers: Cities and Villages have ordinances about the discharge of firearms. Yes there are just places we just can't do anything else.

Question: If a land owner plants crops in a place knowing he is going to get crop damage from bear, why do they keep paying year after year or should they be told you can't get crop damage funds for that area?

Answer: There are times people plant crop like you saying up north in the big wooded areas. We have pretty strict requirements on where crops are planted because it is too costly to put up fences, and other damage control in some of these places.

Question: Do people enrolled in act 82 receive any fund from the program or from the Department of Agriculture?

Answer: No, fund from either only shooting permits.

Question: Can a person leave corn standing in the winter?

Answer: No, to collect crop damage funds, they can get shooting permits.

Question: \$500.00 deductible you say he has to prove \$1000.00 of damage is that based on the size of land or the enterer farm?

Answer: If it's forty acres or six hundred acres they must prove the \$1,000.00 of damage. That is for shooting permit and covered by State Statute.

Question: Why are cash crops and hay the same? A farmer can get three or four crops of hay and still leave plenty in the field that they don't use and cash crops it's one crop and done. So shouldn't they be figured different?

Answer: Any crop left standing is not eligible for damage. For any damage the technician has to take a number of field samples to figure out the yield differences.

Question: Shouldn't we be treating the 80 acre farm and the 1,000 acre the same? And with all the budget cut why are we paying 100% shouldn't they also be adjusted?

Answer: I know with \$7.00 a bushel corn and \$12.00 beans it doesn't take much to get \$1000.00 worth of damage.

Question: Shouldn't there be a value put on the animal? Crop prices are way up and people are paying \$3,000.00 to hunt deer in Buffalo County that deer has to be worth something, let level the playing field.

Answer: Sure, I understand crops prices are up and we are getting fewer farmer in our program because framer are valuing hunting more and more.

Question: With all of the people you see in this program how many of them are gaming the program and how many really need the help from the program.

Answer: All of them are being impacted to some extent but I can also tell those that are just doing enough just to meet requirements. If they have to shoot six deer that all they shoot, but by State Statutes Code they are meeting the requirements and that is all that is necessary.

Question: Are there still tags given out just because someone is complaining they have crop damage with meeting the \$1000.00 damage requirement?

Answer: For the most part the field technicians do a good job of assessing the damage but it could be happening. On flip side of this for non agriculture complaints we do issue nuisance permits.

Question: Now is the nuisance permit something different?

Answer: Yes, for the nuisance permit there is no dollar amount required to meet.

Question: Is that one tag that is issued to kill the problem animal?

Answer: No, I have never seen where only one tag was issued for deer, bear, yes but not deer. Most permits are for five animals.

Question: Are the shooting permits the first thing offered to control the damage?

Answer: No, if the technician thinks that a fence will work and the farmer refuses then he is on his own. Silage bag have an issue that last couple of years.

Question: Do the nuisance permits fall under these Statutes?

Answer: They don't.

Question: When was the \$1,000.00 threshold established?

Answer: As far as I know it was 1983.

Question: Why is it when you shoot a doe caring?

Answer: Because the fetuses apart of carcass of the doe they are not separate bodies.

Question: Do you have cost amount for how much it cost to trap a bear?

Answer: Yes, \$375.00 per bear.

Law Enforcement Report, Ag Damage Issues – Tyler Strelow

Ag Damage Program runs pretty smooth. The program is more of social issue than anything. Some people that are in the program don't realize that they must obey all hunting regulation even though they are issued an Ag Damage Tag. We do get call on poaching of deer in late January through March in blaze orange shooting deer; well we just notify the caller that shooting deer under the Ag Damage Program. We do have some cases where the applicant does go to extremes to fill their tags. We had one case that I herd of they were using snares. There are some issues where land owner has people already lined up to hunt so only a select few get to hunt on that land and really can't do much about that. There are defiantly loopholes that could be found in these laws but for the most part runs smoothly.

Comment: I think Tyler is right, the biggest problems are the social issues that come from the program, people don't have access to these land and they are shooting deer during the time that the bucks have shed their antlers. Another issue is free venison that comes up with the Amish they don't want to buy a license. They know that we have a program that gives them free deer and they don't have to buy a license. At first they said they wouldn't do that but over time they added to their clan and a new member planted yellow raspberries right in a pinch point between two ridges and the deer wiped out his entire crop and was issued a shooting permit so they got what they wanted free venison without buying license. In the long run they quit because they caused so much hard feeling with the neighbors.

Tyler: Just for clarification only the permit applicant doesn't have to buy a license.

The other social issue is farming the system instead of farming the land they farm the system.

Tyler: Farming is a business so any chance that they have to get income their going to use. Any business man that knows how to fill out some paper work is going to do it.

Tyler: I would ask the committee how do form a program to deal with social issues and crop damage.

Comment: The threshold is low in some cases. People can see if there is a real bad problem. So many of these farms sold off the hunting land because it was worth so much they could buy a tractor and then they lost control, and they need the help. So when your giving out 10 tags out and the guy has 400 acres of corn, and beans we are probable to liberal, with the budget cut and all I think we need to look at that threshold. Right know we sitting there with a one size fits all. If we do anything it has to make a little more sense. I don't think we can mend all of the social issues. One way would be to fix the program so there are less people participating. A little more pain before you can get tags, right know it is just too liberal, and we aren't keeping up with the times. Maybe we have to value the herd like we value the crops. This could be a much bigger thing than we think it is. We could be challenged of all different directions anything we take away from a business will be looked at negatively. We just can't do \$1000.00 on 10 acres and \$1000.00 on 100,000 acres just can't be that way.

Tyler: You can't penalize some one just because they have more acres than someone how has less.

Comment: No, someone how has 40 acres \$1000.00 is more of his crop than someone how 100,000 acres. What percentage of any crop should wildlife have access too before they become penalized with their life.

Comment: Good question, you'll find all kind of different answers. Some Farmers will say none; other will say 10% to 15%.

Comment: What could we justify as reasonable? The public will come up with something.

Comment: Lets face it the deer get picked on for crop damage but the coon and squirrels do a lot of damage too, and in some cases there is more damage than what they get paid for especial if bears get into a corn field. Then to how many don't get damage?

Comment: Some of the farming practices can cause crop damage. Like silage bags twenty five years ago you never saw silage bags, know everybody has them, so if you are going to have them put a fence around them. When practices change so must program.

Comment: Some farmer that have bee hives put electric fence around them to keep the bears out and it works they didn't come to us first they put up the fence and say that is part of doing business. What level of responsibility do you have when you change crops? We might want to say storage facilities are off limits to any payments.

Comment: Stored crops were originally not part of the program but were add latter.

Comment: When you bring large amounts of crop into one location you may want to think about the health of the wildlife. Like feeding and baiting.

Comment: There is regulation about row crop, no damage permit after October 1. We could add something there.

Comment: What about the guy that plants corn and leaves it stand so he can shoot the deer in the winter. Those deer belong to each and every one of us that live in the State of Wisconsin not just the guy that wants to shoot at every deer in the county that's what we need to stop.

Comment: They can't receive funds but can get tags.

Question: Can they bait bear out of the Federal just to shoot them?

Answer: No not unless it is written on the permit.

Comment: Really, well they were.

Answer: Here is a gray area, that land is open to the public so the public can bait for the bears.

Question: How many states beside Wisconsin pay for damage for deer?

Answer: Last time I looked about 14. We are the only state in the mid west. Some have shooting permits but no compensation.

Question: Are there any other State that pays crop damage for hay crops?

Answer: Not that I'm aware of.

Comment: Other states are considered gain state, here we run everything through a cow and some grasses are not as palatable to deer as our hay crops.

Comment: So sometime between now and January, 2012 we will have to come up with a report to give to the Executive Council, that has recommendations to help with social issues and some of the gray areas. Resolutions will be separate if they either pass or not.

Resolutions

Resolution: 270110 change time line for filling AG Tag Permits,
Author Jim Johnson Jr.

Presentation: This resolution came about when contacted by citizens of Melrose, Jackson County about Amish shooting deer in a corn field that was left stand during winter, and were shooting at all hours. They had the wardens there so they stopped the night shooting. The deer herd was reduced all of sudden neighbor were complaining that there were no deer and was there anything that could be done about the Ag Damage program. I wanted to check this out because sometimes these get blown out of proportions. So I asked a neighbor that drove the Amish around if he had seen

anything. He said you wouldn't believe what they are doing. They shoot everything that moves if it's a buck they take a hammer and knock the horns off. Talk with a Congress member from Clarke County we have the same thing up here with a man that grows scrubs. This man even planted corn to draw the deer to his land to shoot them. I have talked to a lot of people and none of them think the program should be eliminated. What they would like to see is the time frame changed for filling these tags to August 1 to December 31. I was also thinking that maybe we could have the applicant contact his land owners as to what he is intending to do about Ag Tags.

Motion: To pass Resolution 270110 by Mike Rodgers

Second: by Kevin Marquette

Motion carries.

Discussion: Bad weather in late March could wipe out a lot of deer, and they are migrating from other areas to food sources. I like that part about having applicant contacting neighbors about his intention of use of Ag Tags. I also like the part of waiting until latter in the year to harvest the deer, its closer to the hunting season and maybe more will participate and get to share in the harvest. That's a great point you mean to tell me six months isn't enough time to fill your tags. Last year I found the first shed around December 31 and the last around March 31. I have never seen an antlered buck after the middle of February. Every sportsman finds it nauseating to field dress a doe with fawns. This would help with the WM 40 permits and the \$1000.00 threshold where we have to issue these permits by February 15. This might make things easier for the wardens; they won't be getting calls asking why when someone is out turkey hunting and someone is shooting rifles. It might be hard for the land owners that need to fill their tags. Yes, but if they would be shooting the deer during hunting season maybe they wouldn't have a need to shoot the deer in February thru April. They will have more incentive to shoot them during hunting season. You know what they are doing they are hunting on snow. A lot of those deer aren't their deer they coming from other places farther away. By all rights if they take responsibility for their land they shouldn't have to hunt over winter. I had the opportunity add up the deer registered during January, February, and March there 835 deer in those three month. But you don't know how many of those are bucks? Right. With migrating and not shooting deer in the summer he is probably not shooting the deer he needs to be shooting. I have one comment, I have been going around listening to people saying it is insignificant number of deer if you look at all of the deer shot, but it is happening on your land or in your neighbor hood it is significant. It can ruin your hunting for years. Yes, I would agree with that. We are already seeing that a lot of guys are waiting until August and September before they start shooting. Basically it is a one growing season lag. You're not shooting them before the growing season but after the growing season. Do we or are we going write the question here today or is someone here going to help us write the question? Kari, I can work with Brad to write the question.

Resolution: 200310 Eliminate Act 82 of the Ag Damage Program.

Author: Bryan Johannes

Presentation: I own about 275 acres , when I purchase it most of it was agricultural, so what I did was what I thought was right I planted over 80,000 trees over twenty years to try and give something back to wildlife and by doing so my taxes went up considerably. I live next to these gentlemen that own 112 acres and they were farmers on the other side of me how a friend of mine is, and he owns 160 acres. One of the gentlemen got into the Ag Damage Program and it just became a nightmare of the 112 acres that they have 2 acres is considered huntable. So they get these permits and fill them and get more. They just shoot, shoot, shoot. The wardens, says if they were an honest person there wouldn't be a problem. Some of the problem I have they don't ware blaze orange, and they put silencer on their guns so you can't hear them shoot. What happened is I caught them shooting on my property and I tried to talk to them nice, next time I called them up talked to them again, next time I called the sheriff and they warned them. Next time I herd them shoot I went to talk to them and found blood trail and deer. So I turned them in, nothing happened, so I thought I catch them, caught them real easy. So they put the Ag Tags in his brother's name. So I contacted a gentleman by the name of Christianson. I told him if these people don't want Ag Damage problems, I'll pay for 50% of the cost of the fence. They didn't want that. So along comes this act 82 but they are no longer farming so they aren't eligible now the land owner on that has the 160 acres wants to rent their land but they won't rent it to him unless he gives them the Ag Tags. So what happen is it turns into a private hunting club and the guy that rent the land has to get them the Ag Tags.

Bryan then read his resolution. Then mentioned several law change that he would like to see happen. They have to ware blaze orange at all time, and don't let them shoot antlered deer.

Discussion: Eliminate Act 82

Brad: We do have a policy in the department that if they reach their harvest goals they don't tags the next year. What you have here is almost a loophole in the program.

Bryan: So I thought I will put up a fence on my own, so I contacted a man about a fence and he told me you're going to spend \$30,000.00 on a fence and that won't stop them. They'll just shoot thru the fence.

Others: What I want to know is; where are these deer coming from? and if they're using silencer its legal to have a silencer. The other thing is law enforcement has been there? Yes, more than once. So do you have to go through your District Attorney ? If you want too press charges for trespassing charges? Yes. I'm frustrated and you guys are my last resort. I'm not going to sit on my fence line forever, so we have to change the laws some how. I understand that there are people that need help and need the help, but something has to be done with those that abuse the system and are violating.

Others: Maybe we need to change the tag so that, they are issued for the description of the property not individuals. It would be hard for us to say eliminate Act 82 and get anyplace.

Question: Why you start another program if the other plan is working?

Answer: My guess is that some constituent got a hold of a legislator persuaded him.

This program didn't come from the DNR.

Question: Are there specific rule in the program that can be pointed out or is the entire the program.

Comment: Look it's a new program and it is causing problems. If you change the times for filling the tags to what was said by this other gentleman you won't have a problem. Eliminate Act 82 and implement the shooting date of August 1 to January 1. It will be easier for law enforcement, because it will during hunting season. I understand where you're coming from but it also happens with the nuisance tags, its not just Act 82 would it be better to table this or incorporate it into something else instead of saying eliminate it. Might it be better to put into a package with something else. Well the Governor has issued a challenge to simplify rules. Although this isn't a rule it's a State Statute. There might be some way we can incorporate all of this into what we take to the Executive Council.

Motion: By Al Phelan to, incorporate information from Resolution 200310 and discussion into our report to the Executive Council.

Second: By Kevin Marquette

Resolution: 390211 Changes to Ag Damage Program

Author: Edward Guphill

Ed explained how the resolution would work. The applicant would get paid for antler less deer (doe fawn, doe) nothing for buck, or buck fawn and would also be paid for letting hunters hunt on his or her property and the department would then sell the tag over the counter much like they do for extra turkey tags. This would eliminate the select few that are now able to hunt under Act 82 and would create opportunities for on land now that they are not able to access. The department would also get more revenue because they would now sell the tags for say \$20.00 instead of giving them out for free or \$2.00. The tag would be a three part tag all parts would be signed by both the hunter and the landowner, a part of the tag would stay with the landowner, another part would stay with hunter and the last part would go to registration station and turned in like stubs are now. Registration stubs will have the landowners name on it so he would then get paid.

Discussion: Do you have a dollar amount? No, I thought that the Department would determine that. My thought is bounties don't typically go over that good, and secondly charging a fee for additional tag, that wouldn't go over and if we are going down the road of getting rid of Act 82 more properties would be open anyway. If you remove Act 82 then we don't need this. I think it is complicated and would be hard to explain at a spring hearing. There are disciplinary action in place to deal with abuse. Do these disciplinary actions deal with fraud. There are other actions to deal with fraud. Do they do any checks on these landowners that are in the programs like background. Example

if a farmer is collecting total disability how he could receive money from a program like we have or get an income from framing? There really are no background checks. When these permits are issued Warden know who has them and if they notified about violations can check them out. There are just people out there doing wrong and they will find away. There is nothing that prevents them from getting to the program. We could stiffen up the game violations that could be part of our report.

Motion: To table Resolution 390211 by Ed Guptill

Second: by Kevin Marquette

Motion Carried

Discussion: Just by tabling this Resolution doesn't mean it can't be part of our report. Right.

Resolution 130407

Author Al Phelan

Al Phelan, explained his resolution, this solution has pasted State wide vote but nothing has happened with the resolution. The solution deals with nuisance permits for cities, municipalities and airports. The city of Madison owns Cherokee Park which is located outside of the City of Madison, so this is city property they own outside of the city limits. The park is located next to a public hunting grounds and the city doesn't allow hunting in this park. The city also doesn't allow the hunting public to access the public hunting ground by way of the park. The city receive shooting permit ever year from the DNR for the refuge that the city has created. Were as the city created their own problem and the problem of not allowing hunters to access the public hunting grounds. If the city would allow access through the park by the public too hunting grounds deer would be pushed to the public hunting grounds. Were as, it is the responsibility of the DNR to preserve hunting heritage citizen of the State, not just the city employees of the City of Madison. This resolution asks that the Department review its requirement for nuisance shooting permits state wide that are issued to cities and municipalities.

Now this resolution did go through the Congress process and the private and public land committee, and generated a question and the question passed state wide but nothing has happened yet. I just want to make sure this gets added to our report.

Discussion: What kind of permits are these? Nuisance , is this part of your committee's assignment. It deals with shooting permits. This sounds like what we have up in Marshfield. They allow you to apply for a hunting permit to hunt after all other seasons are over and what happens is the deer move out of the city to the nearest wood lot with cover and food. So when their not hunting in the city all of the deer move into the city and everyone is complaining about the damage the deer are causing. So maybe what need to happen is they run concurrent. They both the public and city owned land ran at the same time they could be helping each other and there wouldn't a refuge created. The Departments stand on these permits is they own the property so it's a community decision. The Department doesn't population goals or the kind of seasons. This is a

definite abuse of that system. I didn't see any of those permits come across my desk in the last four years. There doesn't seem to be a safety concern if they are allowing shooting by employees so I don't understand why their not allowing the public to hunt. They have had permits the last two years. Maybe before permits are handed out the Department tells them they have to first open these lands up to some kind of public hunting before they hand out shooting permits. They have had shooting permits. Yes it's pretty secret. They have been shooting out of trucks and all kinds of stuff.

We are going to include Resolution 13407 into our report.

Governor's charge to the Congress for Regulation Simplification:

Discussion: What he is asking is that the resolutions don't add layers to the regulations, but they simplifying the hunting and fishing regulations. Those are the things to be thinking about when you go through the resolutions, as well as more user friendly, also because of the small business implications. We could clean them up and remove the gray areas. Focus on area that will improve the programs. Some of the thing that bother people is why do some people have access to these animal and other don't and it's the same people year after year. While the state continues to accepts this. I don't think we can make it one size fits all. There may need to be graduated scale for these thresholds. Our goal might be to wean some of these people off of the system, and make budget cut every where else so why aren't there budget cut in these programs also. Maybe we have to separate it by crops. Let's not get confused they can get into the program with just \$50.00 of damage but they need to prove a \$1000.00 of damage to get a shooting permit. Maybe it needs to be a percentage of the value of the crop. There are options out there so if someone wants to stop the wildlife completely you would have to put up a fence. Someone should know how much a deer eat of any kind crop so it could be figured out. Crops and crop value is a area I would like spend some time looking into, last year we paid out \$140,000.00 for hay statewide. We have only so much money to spend we're spending the hunter money. So we need to be good stewards of that. We pay a lot of money investigating each claim so I hope we could cut down the numbers in the program. Let's think about this and get some more information and collaborate with each other. We are going to need another meeting to come up with our report. We have to generate a question that includes the resolutions as we talked about, and a report to give to the Executive Council. The report has to be done by the January 6 2012. So our December meeting let's do a Friday again, December 9th .

Member Matters:

Brad: one matter I get calls on, is landowners aren't required to return call about access. That might be something to look at. Also shooting of bucks with out antlers, shooting fawns, and people in the program during harvest time it's a pain to take time to show boundaries. Crop specialist, complain about there is not harvest objectives for geese.

Mike: Maybe we could look at changing the bear problems thing a little bit, or is that going to be hard to do? I know the land owner has crop damage but trapping and shooting before we even start is not the answer.

Al: Seems to me we have two separate issues. One the compensation for crop loss and the other is shooting permits. So for our next meeting maybe we should split our agenda.

Tyler: Another issue is public access.

Kevin: I'm glad you brought up access I will do a little more digging but I will get that by next meeting. I believe Washington State has a program that deals access graduates of this hunter ethic could hunt on land in these problems areas.

Ed: I would like to see us do something about the social issue when shooting permit are issued, and make sure shooting permits are the last resort.

Marlin: The magazine that you got is a gift the Buck and Bear Club show it to all of your friend and tell them to buy it and they will have to spend \$6.00.

Motion: To adjourn

Second: Kevin Marquette

Motion: Carried

Time: 2:45 PM