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# JAMES W. EDMING

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

## Testimony in Support of Senate Bill 535

*Senate Committee on Transportation, Veterans, and Military Affairs*

February 4, 2020

Mr. Chairman and committee members, thank you for holding this public hearing today. I appreciate the opportunity to speak to you in support of Senate Bill (SB) 535. I would like to thank Senator Tiffany for working with me on this important legislation.

A couple of years ago, I heard from some local officials in my district who were experiencing problems with beavers causing damage to some 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. While the Department of Natural Resources (DNR) does deploy measures to prevent or deter beavers from plugging up a culvert, 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 that has dammed up a culvert that runs near a roadway. SB 535 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 wild animal that is causing damage to a roadway. It is important to note that the DNR still has the discretion on whether or not to allow the discharge of a firearm, under this exemption.

During the drafting process, my office shared the bill draft with the staff at the DNR. After the bill was introduced the department looked at the bill again and requested an amendment that narrows this exemption to only beaver and muskrat and adds flooding and culvert blockages caused by a beaver or muskrat to the definition of damages under the statutes. This amendment also adds the requirement that DNR can only approve the discharge of a firearm under this exemption if the discharge does not pose a threat to public safety. This amendment has been introduced as Senate Amendment 1.

As a part of the most recent state budget, the legislature made some significant investments in local road funding. SB 535 will help protect the investments made in our local roads by giving our local governments a new tool to help prevent damage to our roads. 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.

Mr. Chairman and members, thank you again for the opportunity to testify before you today.



# TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

## **Testimony on Senate Bill 535 Senate Committee on Transportation, Veterans, & Military Affairs February 4, 2020**

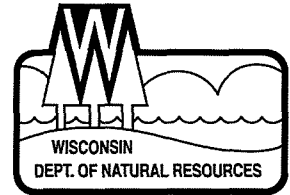
Thank you, Chairman Petrowski and members of the Senate Committee on Transportation, Veterans, & Military Affairs for hearing Senate Bill 535 (SB 535) related to the authority to shoot a wild animal causing damage to a highway.

This bill is a result of complaints from local officials who have had beavers and muskrats dam up culverts near roadways. This activity can cause flooding, which can lead to significant damage to roadways. Removal of dam material can provide relief but beavers can rapidly replace the material – sometimes within 24 hours. There are many non-lethal wildlife damage management options which include exclusion, habitat modification, repellents, and relocation. Often, several techniques can be used in combination.

Lethal methods include shooting and trapping. The issue SB 535 addresses is many times the beaver is located near a roadway and current law prohibits anyone from discharging a firearm within 50 feet of the center of the roadway. This bill would allow the DNR to authorize someone to shoot a beaver or muskrat that is causing damage to a roadway within 50 feet of the center line.

Again, thank you members of the Senate Committee on Transportation, Veterans, & Military Affairs for taking my testimony on Senate Bill 535. I would appreciate your support.

Thank you.



## Senate Committee on Transportation, Veterans and Military Affairs

### *2019 Senate Bill 535*

#### *Authority to shoot a wild animal causing damage to a highway*

*February 4, 2020*

Good morning Chairman Petrowski and members of the Committee. My name is Brad Koele, and I am the Wildlife Damage Specialist with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 535 (SB 535).

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 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.

SB 535 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 SB 535. 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 DNR 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, has led to an increase in beaver and muskrat populations and wide distribution on the landscape.

On behalf of the Bureau of Wildlife Management, I would like to thank you for your time today. I would be happy to answer any questions you may have.