



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 628

January 8, 2020

Mr. Chairman and committee members, thank you for taking the time to hear Senate Bill 628, which makes various changes to improve the function of the wildlife abatement program.

This legislation has been drafted at the request of farmers in northern Wisconsin and has the support of the Wisconsin Farm Bureau, Wisconsin Farmers Union, Wisconsin Bear Hunters, and Wisconsin Corn Growers Association. The bill was developed in consultation with the Department of Natural Resources and is intended to improve the efficiency of the program and address specific issues brought to my attention by local farmers.

Under current law, a person who owns, leases, or controls land on which certain wild animals cause damage to crops or livestock can apply to the county for wildlife damage claim payments and wildlife damage abatement assistance if the location of the damage is in a county that administers these programs.

The bill eliminates the \$10,000 limit to landowners who submit claims and provides that in any year in which claims exceed available revenue, the payments will be prorated. While there are a limited number of farms reporting extensive damage, there are some who experience a severe impact on their bottom line. It is my understanding that the available program revenue at the department should be able to fully cover payments in the short term, but they may have to be prorated in the future.

Additionally, the bill removes counties from the administrative process for the program and instead allows DNR to administer the entire program. Our conversations with the department indicate this should result in lower administrative costs and more consistent treatment of farmers throughout the state.

Under the bill, the program would also allow payments to farmers for the destruction of crops that occurs when DNR or their contractors have to operate a vehicle in the field in order to place a bear trap. Due to the size and weight of the traps and the ability to access portions of fields, it is often necessary to drive over several rows of corn or other crops in order to place and maintain the traps. The anticipated cost to the program of this change is minimal.

To address circumstances where farmers are leasing land that may belong to someone who wants to hunt on the land, or simply do not wish to open the land for public hunting, the bill creates a

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second tier of enrollment in the program. Under this second tier, with permission of the land owner, a farmer could enroll the property in the program solely for the purpose of placing bear traps on the property for abatement purposes. Enrollment in this portion of the program would not allow the farmer to receive compensation for crop loss or kill permits, and would not require that the land be opened to hunting.

Finally, the bill requires all bear traps to be equipped with remote monitors by June 30, 2021. One of the main concerns raised by farmers in areas heavily impacted by bear damage is that if the traps are placed without a monitor, the farmer has to go around and check every trap every day. This can be very time-consuming and may be a deterrent to enrolling in the program.

Thank you again for taking the time to hear this bill. I would be happy to answer any questions.



JAMES W. EDMING

STATE REPRESENTATIVE • 87TH ASSEMBLY DISTRICT

Testimony in Support of Senate Bill 628 *Senate Committee on Natural Resources and Energy* January 8, 2020

Mr. Chairman and committee members, thank you for holding this public hearing today and giving me the opportunity to speak to you in support of Senate Bill (SB) 628. I would like to thank Senator Petrowski for working with me on this important legislation.

SB 628 makes needed reforms to two programs that provide assistance to farmers that suffer crop damage or loss caused by wild animals: the wildlife damage abatement program and the wildlife damage claim program. Senator Petrowski and I began looking at reforming these programs a couple of years ago when we heard concerns from farmers in northern Wisconsin that these programs were not fully meeting the needs of many farmers in this part of the state.

The wildlife damage that a number of farmers in northern Wisconsin face are caused by bears. While any type of wildlife damage can cause problems for farmers, bear damage is particularly destructive. When a bear feeds on crops in a field, it will usually roll around and damage far more of the crop than it actually eats. Only a small number of bears, sometimes as few as one or two, can level a large portion of a 40-acre field. For a number of farmers, the financial cost of these damages quickly reaches the \$10,000 limit on claims for the wildlife damage claims program. I have heard from some farmers that have experienced wildlife crop damage losses in the range of \$30,000- \$40,000 in one year. I heard a story from a farmer in my district that illustrates just how quickly the \$10,000 cap can be reached. This constituent said that a sow and her cubs broke open some of the silage bags on his farm that he uses to store feed. Due to exposure to the elements, much of this feed was ruined and the damages from this one incident alone put him at his \$10,000 limit, without taking into consideration any other damage done throughout the year in the fields.

SB 628 seeks to solve this problem by lifting the \$10,000 limit on damage claims. If the amount of claims exceeds the available revenue in a year, payments will be prorated. This bill also allows farmers to receive payments for damage to crops caused by the placing of bear traps and streamlines the administration of these programs under the Department of Natural Resources. In addition, SB 628 creates a new portion of the abatement program to provide some abatement assistance for farmers who farm on leased land and the landowner does not want to open their property for hunting.

Mr. Chairman and members, I ask for your support of SB 628 and thank you again for the opportunity to testify before you today.



Senate Committee on Natural Resources and Energy

2019 Senate Bill 628

Changes to the Wildlife Damage Abatement and Claims Program

January 8, 2020

Good morning Chairman Cowles and members of the Committee. My name is Brad Koele, and I am Wildlife Damage Specialist with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify on Senate Bill 628.

The Wildlife Damage Abatement and Claims Programs were established in 1983. These programs provide damage abatement assistance and partial compensation for damages to commercial agricultural crops caused by deer, bear, elk, turkey, and geese. In 2018, the programs provided damage abatement assistance to over 1,000 agricultural producers and paid more than \$740,000 to 220 producers that sought compensation for wildlife damages.

These programs are funded by hunters through a \$2 surcharge on each hunting license and from revenue generated through the sale of Antlerless Deer Harvest Authorizations, commonly referred to as "bonus permits." Hunters, in exchange for funding the programs and with a few exceptions, are provided hunting access to properties enrolled in the program. In 2019, almost 120,000 acres were made accessible to public hunters through these programs. This is a win-win for hunters and agricultural producers. Hunters get the benefit of accessing private lands for hunting and agricultural producers benefit from reduced damages to their agricultural crops.

SB 628 proposes five changes to the Wildlife Damage Abatement and Compensation Program:

1. Eliminates the current \$10,000 compensation limit
2. Eliminates the requirement that counties administer the program
3. Creates an abatement only option for bear damage enrollees
4. Allows compensation for crop damages to access locations for bear trapping
5. Requires that all bear traps are equipped with trap monitors by June 30, 2021

I will address each of these proposed changes individually.

Elimination of the maximum compensation limit

Currently, there is a \$10,000 maximum compensation limit on wildlife damage claims. There is a \$500 claim deductible, and once that is met, producers are compensated for 100% of wildlife damages up to \$5,500 and 80% for damages in excess of \$5,500, up to the \$10,000 maximum. In 2018, 23 producers enrolled in the program had losses that exceeded the \$10,000 compensation limit. The average claim payment in 2018 was \$3,482.

The \$500 claim deductible and \$10,000 compensation limit have been in place since 2009. Prior to 2009, the deductible was \$250 and the maximum claim payment was \$15,000. In 2009, the State Legislature increased the program deductible and decreased the compensation limit in response to a projected budget shortfall.

The department estimates that eliminating the maximum compensation limit would increase program expenditures by \$378,000 to \$549,000 annually.

Reviewing program revenues and expenditures over the last several years, these added expenditures will exceed annual revenues, eventually resulting in the proration of damage compensation payments made to producers. As previously described, program funding is partially dependent on revenue generated from the sale of "bonus permits." Revenues can vary significantly from year to year. For example, program revenues totaled more than \$3.32 million in FY18 and in FY19, revenues totaled \$2.65 million. In FY19, program expenditures exceeded revenues.

A possible alternative to eliminating the compensation limit altogether would be to increase the compensation limit to \$25,000. This would be a considerable increase in the amount of compensation available to producers and would also reduce the risk that claims would need to be prorated. In 2017, three producers exceeded \$25,000 in appraised damages and two producers exceeded that level in 2018. At a \$25,000 compensation limit, 98%-99% of current program claimants would receive full compensation for wildlife damages.

Elimination of the requirement that counties administer the program

Under current law, counties administer the Wildlife Damage Abatement and Claims Program. The Department can not administer the program on behalf of or instead of a county. Currently, 53 counties contract program implementation to USDA-Wildlife Services, eight counties have a county employee administer the program, nine counties hire an independent damage technician for program implementation and two counties, Kenosha and Menominee, do not participate in the program.

The department estimates that allowing the department to administer the program would save approximately \$50,000 annually in administrative costs. Department administration of the program would also provide the following benefits:

- Reduce the administrative workload by eliminating 70 county agreements and annual budgets and up to 200 county reimbursement requests
- Quicken implementation of bear damage abatement (trapping and relocation services) in counties not currently administered by USDA-Wildlife Services
- Streamline claim processing, resulting in producers receiving compensation 4-8 weeks earlier than the current process
- Improve consistency of program implementation.

A source of potential controversy over eliminating the requirement that counties administer the program is that wildlife damage program funding is used to support a portion of a county employee's position in nine counties and it employs three independent private wildlife damage technicians. Eliminating this funding from the counties would result in the need for the counties to find other funding sources to support these positions and the need for the three independent damage technicians to find other employment. Damage program funding used to support these positions and individuals ranges from \$4,500 to \$43,500 depending on the county and the number of enrollees and acres enrolled in the

program. Another potential concern is that this change would take decision making authority away from the counties.

Creation of an abatement only option for bear damage enrollees

Currently, apart from apiaries, public hunting access is required on all properties that receive bear damage abatement assistance. In some situations, agricultural producers are not able to receive assistance on properties they lease because the landowner is not willing to allow public hunting access to the property. Under this proposal, public hunting access would not be required on a property if bear trapping and relocation is the only abatement being provided, and the producer is not eligible for bear damage compensation.

The benefit of this proposal is that it would reduce bear damages by providing abatement assistance to producers in locations that were not historically eligible for the program. That said, bear trapping and relocation are costly compared to other abatement options and hunters funding the program may argue that they are not getting any benefit since public hunting access is not required. However, bear trapped from crop fields are released on large tracts of public lands where they are available for harvest by hunters during the bear hunting season.

Allowing compensation for crops damaged to access locations for bear trapping

Currently, damage compensation is only available for crops that are damaged by wildlife. Compensation is not available for crops that are damaged when implementing abatement. This damage primarily occurs when bear trapping efforts are being implemented. On some fields, bear trappers need to run down corn with a vehicle to access the best locations for trapping and removing bear. In 2019, bear trappers recorded the amount of corn that was damaged to access trap sites and found that statewide, approximately one acre of corn was damaged at an estimated value of \$800.

This proposed change would allow the department to provide compensation for crops damaged when accessing bear trap locations. This would make bear trapping and relocation more acceptable to producers. The added costs to the program are expected to be insignificant.

Require that all bear traps are equipped with trap monitors by June 30, 2021.

Historically, producers were required to check bear traps by 8:00 a.m. daily. This was a significant workload for producers that had to check multiple traps, especially if the traps were located a significant distance from their home. To reduce this workload, the department began using bear trap monitors in 2013. Trap monitors send an email or text alert to the bear trappers when the trap door closes, and traps equipped with monitors are not required to be checked by the producer. The use of these monitors eliminates the producer's workload, provides efficiencies for bear trappers, and is more humane for the bear by reducing the time they spend in the trap. Since 2013, the department has steadily purchased additional monitors. We currently have 90 monitors in inventory. At the peak of the bear damage season 130 bear traps can be on the landscape. Given the current inventory of trap monitors and the number of traps that could be on the landscape, this proposal would require the purchase of 40 additional trap monitors.

The changes identified in SB 628 provide some significant improvements for agricultural producers and overall program administration. The use of bear trap monitors and allowing for compensation of corn damages to access trap sites do not require significant changes in program administration or use of program resources. Eliminating the compensation limit, eliminating county administration, and creating

an abatement only bear enrollment option require more significant changes in program administration and allocation of program resources.

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.

January 8, 2020

Senator Cowles, Chair
Senate Committee on Natural Resources and Energy

Thank you, Chairman Cowles and Committee Members for the opportunity to provide testimony in support of SB 628 relating to the wildlife damage abatement program and wildlife damage claim program.

Wisconsin Farm Bureau supports the proposed changes to the program which include eliminating the current \$10,000 limit on claims. Damage to corn by deer, bear and other wildlife can result in the loss of tens of thousands of dollars in a single season. This bill creates fairness in the program and will help crop farmers in the central to northern counties recoup a greater portion of that loss.

Allowing DNR to administer the program directly even in counties that have not historically participated with the DNR will improve consistency in the practical application of the process.

Specifically, regarding bear damage; when a bear trap is set in a field, often there is significant damage to the crop when transporting the trap to its location and manually monitoring the trap. This costly damage has not previously been eligible for claim reimbursement. This has discouraged some farmers from using bear traps but rather take their chances hoping to avoid being invaded. Under this bill, however, crop damage that is incurred in placing and monitoring a bear trap in a field will also be eligible for a claim.

The past requirement for a claimant to allow public hunting on their land also inhibits some farmers from participating. This is especially true in the case of working rented acres. Often the actual owner does not want public access on their land thus prohibiting the lessee from being able to have a bear trap placed on the acreage. These changes should positively affect participation by allowing the lessee to obtain and set a bear trap without forcing the lessor to open the land for public hunting.

Finally, the enhancement of remote monitoring on all bear traps should increase the efficiency of the inspection requirement. Traps must be checked on a regular basis and often this requires the farmer to drive many miles every day between traps. The benefit of technology in this application cannot be understated.

Thank you again for considering the modernization of this program. Wisconsin Farm Bureau urges you to support these changes.

Debi Towns

Debi Towns
Director of Government Affairs
Wisconsin Farm Bureau

Senators of the State of Wisconsin,

I am writing to you because I am out of state on a trip and unable to attend today's meeting.

Farmers, the last 5 to 6 years, have had a real hard time making it go with low commodity prices, the weather and a few farms, mainly in Rusk and Sawyer counties, have another problem, Wildlife (deer, bear, wolves, turkey's, and now elk) doing damage to crops and animals. In some cases these claims get to as much as \$35,000 to \$40,000 or more and can get paid only a minimum of \$9,500 leaving the farmer to withstand the rest.

We need to change the way the damage and abatement program is run, and Senate Bill 628 does help farmers recapture more of the losses they incur.

Farmers have no control on the wild life situation, and the DNR seems to be intent on increasing wild life populations. Bear kill in Zone A have gone from 1,243 in 2018 to 800 in 2020 to increase the bear population some more. At CDAC committee meetings, deer quotas are set to increase deer populations. Wolves are on the endangered species list and running rampant and now the DNR has re-introduced elk and they are starting to damage corn and hay fields. So, this problem is going to only get worse and farmers cannot financially withstand this anymore.

So please support Senate Bill 628 to help out some farmers who are additionally financially stressed.

Thank you for taking the time to read this.

Sincerely,

Mike Robers
Dairy Farmer
Exeland, WI

Senate Committee on Natural Resource and Energy (01-08-2020)

2019 Senate Bill 628

Terry D. and Paul H.

Testimonial Bullet Points:

- *Amount of damage compensated.
- *Trapping without opening land to public hunting.
- *Cutting tag numbers in zones.
- *Change zoning to the agricultural land area only.
- ~~*Loss of people in Wildlife Damage Abatement and Claims Program~~

Statement:

On First Bullet Points

John VanDoorn

2017: \$74,000

2018: \$58,000

Dale Biessel

2017: \$53,000

2018: \$48,000 (Documents Available)

The assessments for the Wildlife Damage Abatement and Claims Program are not true to actual damage acreage because the price of corn fell in 2018 and corn price is used to calculate damage values. The figures for Dale and John are not an expectable loss in today's extremely tight margins for farming, and devastates a farms APH for insurance coverage.

On Second Bullet Point

This is a critical tool to farmers today with larger farms leasing a larger percentage of land. As it stands a farmer has no way to combat bear damage due to the requirement of opening said land to public hunting. As a larger percentage of leased land is owned for hunting purposes the ability to at least trap bear gives us some recourse although we will not be able recoup financial compensation. Since land is made available to public hunting there has been a large decline in enrolment into the Wildlife Abatement and Claims program. This is because land owners renting there land do not want open to public hunting since they use it for there personal hunting.

On Third Bullet Point:

Northern zones in Wisconsin have seen a large decrease in hunting tags in 2019. These areas have had a steady increase in animal population. Acres damaged also increased in the agricultural areas in these zones in 2019.

Forth Bullet Point

Some management zone changes have been made. I don't think this is enough change since it still as a large percentage of land blocks that are county, state, and federal forests. With lower wildlife numbers compared to the agricultural land lowering the number of tags issued in these areas. With high population numbers in agricultural areas, sub zones would be a big advantage to keep these populations under control and stop hot spots from becoming an issue. Ag land has more resource available for wildlife and this dramatically sets the averages out of proportion in large management zones.