

Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item

**SUBJECT:** Approval of staff guidance revisions for illegally held wildlife situations

**FOR:** September 2013 Board meeting

**TO BE PRESENTED BY:** Kurt Thiede, Land Division Administrator

**SUMMARY:**

Following the Governor's call for DNR and DATCP to review ways of addressing situations involving illegally held wildlife, the following revisions to guidance for program staff have been developed:

Immediate reintroduction of wild animals back to the wild:

- After voluntarily collecting an illegally captured wild animal, DNR staff would reintroduce the animal to the wild if it does not pose a threat to public health, the health of wildlife, or to the animal itself. In the case of deer, if a deer originates in a Chronic Wasting Disease (CWD) affected area, it could only be reintroduced in that CWD area.

Ability of a licensed rehabilitator to rehabilitate wild animals for reintroduction to the wild:

- If a wild animal cannot be immediately released into the wild, but could be safely released after rehabilitation, it could be taken to a licensed rehabilitator in a CWD affected area. In the case of deer, following rehabilitation, a deer which originated in a CWD affected area could only be reintroduced into that CWD area.

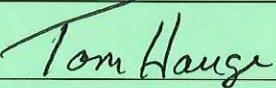
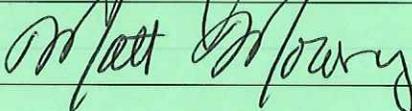
Restricted use of euthanasia:

- DNR staff would only euthanize a wild animal if it is sick, highly likely to be diseased, or a threat to public health or the health of other wildlife.

**RECOMMENDATION:** Approval of revisions to illegally held wildlife response procedures for staff

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- Background memo  N/A
- Illegally Possessed Wildlife Response Procedures for Staff  N/A

Approved by	Signature	Date
Tom Hauge, Bureau Director		9/13/13
Kurt Thiede, Administrator		9/13/13
Cathy Stepp, Secretary		9/13/13

DATE: September 10, 2013  
TO: Natural Resources Board Members  
FROM: Secretary Cathy Stepp

**SUBJECT: Request approval of revisions to illegally held wildlife response procedures for staff**

The department is requesting approval of revisions in guidance for department staff in responding to situations involving illegally held captive wildlife, primarily deer. The modifications come after Governor Scott Walker called on the secretaries of the Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection to examine the current laws and policy.

The proposals are not designed to encourage individuals to take animals from the wild. For example, fawns often appear to be abandoned when, in reality, their mothers are finding food nearby. The department emphasizes that wild animals should always be left in the wild.

**Summary**

For species other than deer, there are no significant policy changes. Public comments on recent illegally held wildlife events show a strong preference that euthanizing wild animals should be a last resort option. These guidance revisions spell out that department staff will use this alternative only when other responses such as release back to the wild or placement with a rehabilitator and then a Captive Wild Animal Farm license holder are not possible.

For deer, the significant changes are identified with underlining for new language and strikeouts for eliminated language on page 9 of the attached Illegally Possessed Wildlife Response Procedures for Staff. Following is a summary of the three proposed changes in guidance:

Reintroduction of wild animals into the wild

After voluntarily collecting an illegally captured deer, DNR staff would reintroduce the animal to the wild if it does not pose a threat to public health, the health of wildlife, or to the animal itself. If a deer originates in a Chronic Wasting Disease (CWD) affected area, it could only be reintroduced in a CWD affected area. Previous guidance not to release deer back to the wild if they were taken from a CWD zone or if they were held for more than 24 hours is repealed.

Ability of a licensed rehabilitator to rehabilitate wild animals for reintroduction to the wild

If a deer taken from a CWD affected area cannot be immediately released into the wild, but could be safely released after rehabilitation, it could be taken to a licensed rehabilitator within a CWD area. Following rehabilitation, a deer which originated in a CWD affected area could only be reintroduced as closely as practical to where it was originally taken.

Restricted use of euthanasia

DNR staff would only euthanize a deer if it is sick, highly likely to be diseased, or a threat to public health or the health of other wildlife. This policy may result in fawns or deer which are habituated to humans being released back to the wild. However, providing an opportunity for these animals to survive in the wild is an outcome that many people prefer over just euthanizing these deer.

**Related Policy Documents**

If the board approves these proposed revisions to guidance, the department's view is that they will replace the provisions in the board-approved Wisconsin Chronic Wasting Disease Response Plan: 2010 to 2015.

Approval of these revisions will also require updates to the department's Deer Rehabilitation Policy which will be made during the next review of that document by the newly formed Wildlife Rehabilitation Advisory Council.

4. **Special Considerations – Deer:** Due to CWD and the department's efforts to manage the disease, there are additional special considerations to evaluate when dealing with white-tailed deer illegally possessed by the public. The assessment of illegally possessed deer needs to be evaluated in terms of where the deer originated, how long it has been in captivity, and where it is currently being possessed. Existing captive cervid regulations allow permittees to maintain licensed captive cervids. At times, licensed captive cervids escape from facilities. Captive cervid rules regulate escape reporting, escape recapture and/or allowed euthanasia by DNR representatives under certain circumstances. Additionally, in special circumstances and situations in the CWD Management Zone affected area, a more rapid response may be needed to preclude any risks associated with the movement of deer.
- a. **Communication with the Captive Wildlife Administrative Warden (CWAU):**  
With every situation involving an illegally possessed live whitetail deer, the results of the assessment shall be communicated to the CWAU. The CWAU shall then assist department staff in evaluating and managing the situation for public interest and public safety considerations. If the person in possession of the wild animal is not cooperative during an attempted seizure, law enforcement actions may be invoked per the recommendation of the CWAU and others upon consultation.
  - b. **Deer from or possessed within the CWD Management Zone (CWD-MZ) an area where CWD or TB has been identified:** ~~The current Deer Rehabilitation Policy prohibits the rehabilitation of deer in counties where CWD or bovine tuberculosis has been confirmed in a captive or free-ranging animal (available on the intranet, <http://intranet.dnr.state.wi.us/int/land/wildlife/rehab.htm>, and the DNR's Wildlife Rehabilitation webpage, <http://dnr.wi.gov/topic/wildlifehabitat/deerrehab.html>).~~ This restriction also applies to This guidance applies to counties and portions of counties that are within a 10-mile radius of a confirmed CWD or TB positive. Deer from a CWD MZ affected area or possessed within a CWD-MZ affected area may not be transported into or rehabilitated in counties outside of the CWD MZ affected area. Therefore, the only Options for deer that have been taken from these areas and subsequently possessed in the CWD-MZ affected area for <24 hours is immediate are release to the originating location, transfer to a wildlife rehabilitator located in a CWD area, or euthanasia only if it is sick, highly likely to be diseased, a threat to public health or the health of other wildlife. The only option for deer that have been taken from these areas and subsequently possessed in the CWD-MZ for > 24 hours is euthanasia.
    - **Release:** Deer taken from the CWD MZ affected area where immediate release is possible shall be placed back at the originating location in the wild. Situations precluding immediate release back into the wild include cases of human habituation, terminal disease or injury, infectious disease, and/or deformities making a normal life in the wild impossible. In addition, fawns shall not be released unless they have a reasonable chance at survival.
    - **Transfer:** Transferred to a licensed wildlife rehabilitator who is located within a CWD affected area if the deer could be safely released after rehabilitation. A deer which originates in a CWD affected area could only be released in the closest reasonable proximity to where it was originally taken.

- **Euthanasia:** When immediate release back to the originating site in the wild is not an option, deer from a CWD-MZ affected area or possessed within a CWD-MZ affected area shall be euthanized following the preceding procedures of subs. 3.a.
  
- c. **Deer from outside a CWD Management-Zone affected area:** If a deer is taken from outside the CWD management-zone affected area, and was not possessed in a facility that contrary to the Deer Rehabilitation Policy housed deer from within the CWD management-zone affected area, one of the following dispositions shall be utilized:
  - 1) **Release:** The deer should be immediately released back to the site of origin if the animal exhibits no signs of human habituation, injury, or disease and it has a reasonable chance of living a normal life in the wild. If the site of origin is unsuitable, deer may be released at another location, provided it is within the animal's natural range of dispersal and appropriate landowner permission is granted. Fawns shall not be released unless they have a reasonable chance at survival.
  - 2) **Transfer:** Transferred to a licensed wildlife rehabilitator in accordance with the *Deer Rehabilitation Policy* (<http://intranet.dnr.state.wi.us/int/land/wildlife/rehab.htm> or <http://dnr.wi.gov/topic/wildlifehabitat/deerrehab.html>)
  - 3) **Euthanasia:** If release of the deer to the wild or transfer to a licensed wildlife rehabilitator is not feasible or deemed in the best interest of the animal and/or human health and safety, the deer shall be euthanized following the preceding procedures of subs. 3.a.

## V. BACKGROUND/HISTORY

Pursuant to state and federal regulations, no person may take or possess any protected native animal from the wild except as authorized under the terms of a valid license or permit issued by the Department of Natural Resources and the U.S. Fish and Wildlife Service [ss. 169.04(1) and 169.05(1) Wis. Stats. and 16 U.S.C. 703]. The associated conditions of these licenses and permits are designed to protect wildlife and human health and safety.

It is recognized that people often take possession of live wild animals for a variety of reasons, many of which are well-intended (e.g. assist an injured animal, rescue of a young animal believed to be abandoned, etc.). In recognition of these reasons, the legislature enacted sec. 169.05, Wis. Stats. allowing citizens to hold a live wild animal for 24 hours for the sole purpose of transferring it to a licensed wildlife rehabilitator or DNR personnel. Beyond a 24 hour period, continued possession is illegal without prior authorization from the department.

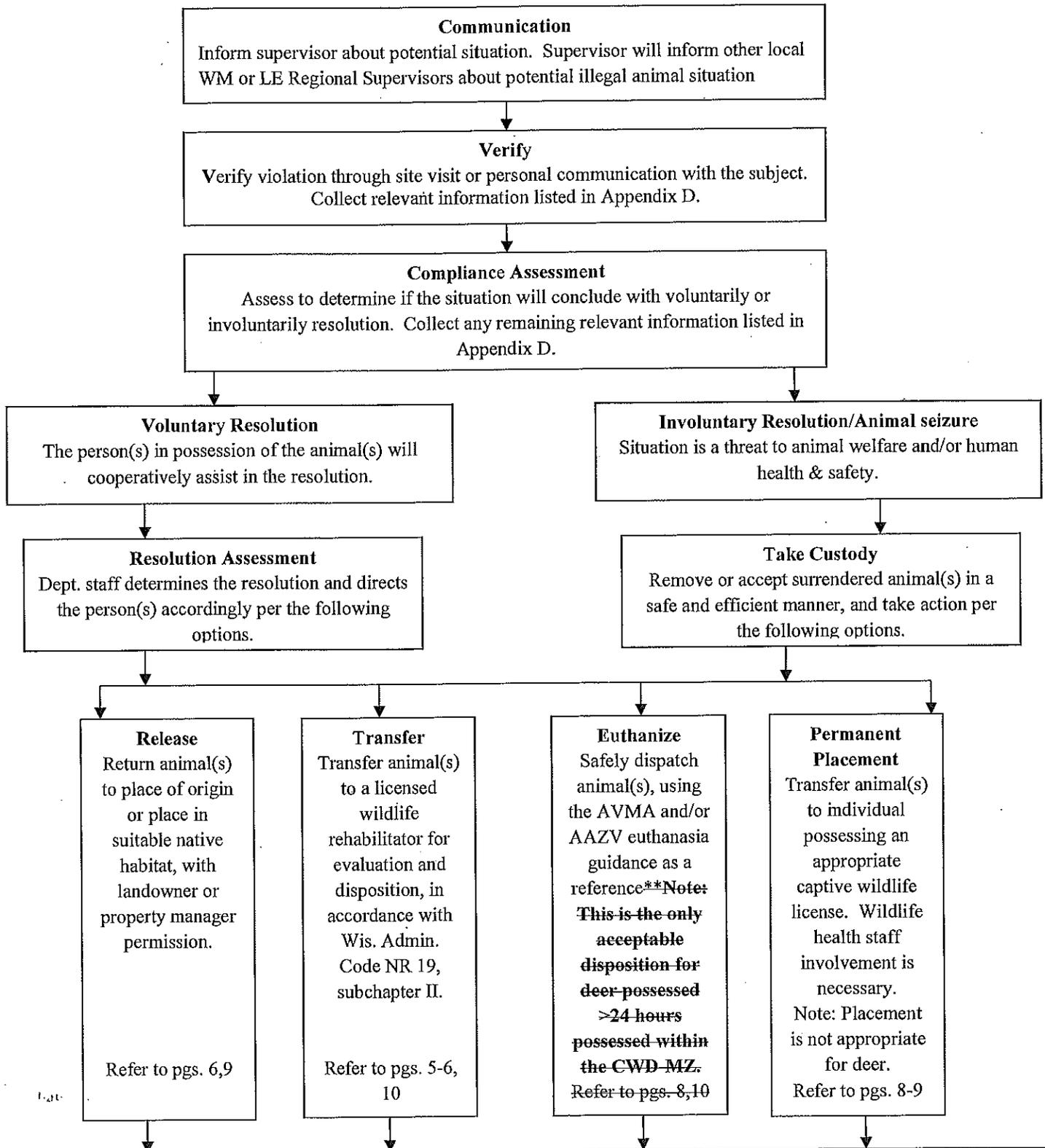
However, once the animal is in possession, past experiences show that the person in question often develops an emotional connection to the wild animal in their possession. As a result, wild animals are often illegally retained by the person rather than being turned over to the department or a licensed wildlife rehabilitator. Once the department becomes aware of an illegally possessed wild animal, WM and LE have a legal obligation to investigate and take steps to bring the situation into compliance with state and federal regulations for the welfare of both the animal and the public. As noted in sec. IV.A.3. of this guidance, the Procedure, a person's emotional attachment to the animal may lead to resistance to cooperate, or an attempt to get the media, legislators, or other organizations involved in an effort to circumvent the requirements of the law. Following the

**Appendix A**

**Wisconsin Department of Natural Resources**

**Illegally Possessed Wildlife Response Procedure for Staff Flowchart**

This flowchart is a supplemental resource to be used in conjunction with the document, *Illegally Possessed Wildlife Response Procedure for Staff*.



Follow up to determine case is closed and report to WM and LE Regional/District Supervisor, and the CWAU or Wildlife Health to ensure all final information is entered into the Captive Wildlife Events Database.

\*\* Contact the Wildlife Health Section for copies of the AVMA and AAZV guidelines. The AVMA guidelines are also available on the WM intranet, <http://intranet.dnr.state.wi.us/int/land/wildlife/protocol.htm>