

Report From Agency

REPORT TO LEGISLATURE

NR 10, 15 and 19, Wis. Adm. Code
Deer and turkey hunting, hunting and trapping techniques, permit and
license issuance, dog training and learn-to-hunt programs

Board Order No. WM-01-06
Clearinghouse Rule No. 06-012

Basis and Purpose of the Proposed Rule

Annually, the Department submits rule change proposals relating to hunting, trapping and game management. The statewide spring fish and wildlife hearings are the vehicle for citizen input. The Department placed 11 statewide questions and 3 local questions on this year's spring hearing questionnaire. All the proposals received majority support by total vote and by county tally. Due to this support, the Department recommends the following proposals:

1. Extend the closing date of the ruffed grouse season in Zone A from December 31 to January 31, thereby consolidating ruffed grouse hunting zones from 3 to 2.
2. Require a pheasant stamp statewide for anyone who wishes to hunt pheasants.
3. Expand the fall wild turkey hunting season from October 1 – November 10 to the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season. This would be the same as the early archery deer season dates.
4. Extend the ending of the spring wild turkey hunting hours from 5:00 p.m. to sunset.
5. Create a 2-day youth turkey hunt on the weekend before the regular spring turkey season begins.
6. Issue turkey carcass tags remaining after the initial special license drawing over-the-counter at a rate of one carcass tag per customer per day.
7. Change the minimum age of the youth Learn-to-Hunt program from age 11 to age 10 to be consistent with current department policy.
8. Prohibit possession of electronic turkey calling equipment while turkey hunting.
9. Prohibit possession of electronic waterfowl calling equipment while waterfowl hunting.
10. Create consistent standards for body-gripping type traps, where traps 75 square inches or larger would be illegal as dry land sets, traps between 60 and 75 square inches would be legal only when half of the trap is below water at all times, or when at least 5 feet off the ground, or when properly enclosed, and creating a maximum allowable height dimension of 7½ inches for dry land body-gripping traps.
11. Allow Class A bear licenses to be purchased up to the day prior to the bear season, and allow the purchase of a Class A bear license during the bear season, provided the license is not effective until 3 days after the date of purchase.
12. Allow the use of rifles in Kewaunee County during the gun deer season.
13. Eliminate the Greenwood "No Entry Wildlife Refuge" in Waushara County.
14. Create a limited deer hunt in High Cliff State Park.

Summary of Public Comments

The vote totals at the spring hearings is as follows:

<u>Proposal</u>	<u>Yes</u>	<u>No</u>
Zone A ruffed grouse season extension	3,715	1,242
Pheasant stamp – statewide	3,272	1,780

Fall turkey hunting season extension	3,696	1,354
Spring turkey hunting hours – sunset	3,496	1,607
Youth turkey hunt	3,650	1,437
Turkey carcass tag issuance	4,076	962
Minimum age – Learn-to-hunt programs	2,778	2,415
Possession of electronic turkey calls	3,843	1,268
Possession of electronic waterfowl calls	3,920	1,200
Body-grapping trap requirements	2,994	1,329
Bear license purchase deadline	3,486	1,324
Rifles in Kewaunee County	2,413	1,006
Eliminate Greenwood Wildlife Refuge	2,533	1,053
High Cliff State Park deer season	2,735	589

Modifications Made

The one proposal that the Department has modified relates to the proposed deer hunt at High Cliff State Park. The Department’s hearing proposal established a limited entry 9-day shotgun deer gun season, followed by a 10-day muzzleloader season and late archery season at High Cliff State Park. Due to local concerns about safety and displacement of traditional park users, the Department recommends that the proposed season be replaced with a 9-day muzzleloader only season which would begin the Saturday preceding the Thanksgiving holiday and continue for 9 consecutive days (traditional 9-day November deer gun season). To address the issue of herd control, the Village of Sherwood will be approached by the Park Manager to sign a Memorandum of Understanding (MOU) for sharpshooters to be hired by the Village to take out the remaining numbers of deer needed to bring the park to recommended population levels. If the Village does not agree with the MOU, the Parks program will take on the responsibility of removing the required number of deer.

The change to s. NR 17.04(2)(a) changing the “no dog training” period on department lands was deleted from the order prior to the spring hearings. The reason we removed the change to NR 17 was to first have more discussion with the user groups affected prior to advancing the rule proposal.

Appearances at the Public Hearing

No appearance slips were filed for the public hearing. The vote totals for each proposal are given above.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was revised to reflect the modifications made. The fiscal estimate was also adjusted to reflect the different deer hunting season proposal in High Cliff State Park decreasing the estimated state cost.

Response to Legislative Council Rules Clearinghouse Report

The comments and recommendations were accepted, except for Comment 2.a. that the definition of “pheasant management zone” seems to be unnecessary. Section 29.191(2)(a)4., Stats., states that a person hunting pheasants outside the “pheasant management zone” is exempt from purchasing a stamp. Therefore, although the recommendation from the Clearinghouse would be a seemingly more appropriate means of drafting the intent of the rule, the Department must clarify that the pheasant management zone includes the entire state to avoid the exemption in statute from being utilized. To clarify this, the rule has been amended to include a cross-reference to this statute.

Final Regulatory Flexibility Analysis

The revisions to chs. NR 10, 15 and 19 are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, a final regulatory flexibility analysis is not required.

