

Report to
Legislative Council Rules Clearinghouse
NR 10, 11 and 16 Wis. Adm. Code
Natural Resources Board Order Number WM-04-13

Wisconsin Statutory Authority

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to make changes related to taking of unprotected species, movement of deer waste, the administration of deer hunts, legal trap types, and waterfowl hunting hours and season dates.

The establishment of game refuges is authorized in s. 23.09(2)(b) relating to the department’s ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

The department’s authority to authorize the removal of nuisance animals, such as monk parrots, is established in s. 29.885 (2).

The establishment of rules for the housing of captive wildlife is authorized in s. 169.39(3) which directs the department to promulgate rules pertaining to the specifications for enclosures.

Federal Authority

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with Adjacent States

These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state’s resources and public desires.

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate. This rule package will amend regulations for hunting, deer carcass transportation, and captive wildlife found in Ch. NR 10, 11 and 16.

Agency Procedures for Promulgation

The agency will hold hearings in June and request adoption by the Natural Resources Board in August. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

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