

Report to
Legislative Council Rules Clearinghouse
NR 10 & 45, Wis. Adm. Code
Natural Resources Board Order No. WM-21-18

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.

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats.

Under s. 23.09(2)(d) related to conservation, the department is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary. These rules are necessary to preserve public opportunities to hunt with firearms on lands that have been acquired as areas where any citizen may hunt or trap.

Federal Authority

States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including 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 of 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 for inclusion on the 2017 Wildlife Management Spring Hearing rules package and questionnaire. This rule package will modify regulations for hunting, trapping, and target shooting found in Ch's. NR 10 Game and Hunting and 45 Miscellaneous Fur, Fish, Game and Outdoor Recreation.

Specifically, these rules may:

1. Eliminate the restrictions on night hunting hours for raccoons during the 9-day deer season to provide consistency throughout the entire state.
2. Simplify the river otter trapping season framework by establishing an annual bag limit instead of requiring permits obtained through a drawing.
3. Allow trappers to set traps within 15 feet of beaver dams.
4. Allow trappers to retain raccoons incidentally caught in beaver traps after the close of the raccoon season.
5. Move the pheasant shooting hour closure on certain properties from 2 p.m. to 12 p.m.
6. Simplify weapons and ammunition restrictions that currently apply to hunters.
7. Allow the department to regulate target shooting on department properties in Rock County.

Agency Procedures for Promulgation

The department will hold a public hearing in each county on the second Monday in April 2019. These hearings will be held in conjunction with the annual Conservation Congress spring meeting. The agency will request adoption by the Natural Resources Board in June 2019. The agency will then obtain the governor's signature and then submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None

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