

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-18-20

Relating to: The 2021 Wildlife Management spring hearing rule related to hunting, trapping, and target shooting.

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

These will be permanent rules.

2. Detailed description of the objective of the proposed rule:

These rule changes are proposed for inclusion on the 2021 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. Allow falconry to take place on the Richard Bong State Recreation Area after the 2 p.m. closure.
2. Increase the time that cable restraints are allowed during regulated tapping seasons.
3. Return to a three-zone framework for mink and muskrats.
4. Allow the department to regulate target shooting on department properties in Columbia County.
5. Extend the date of the gray and fox squirrel seasons.

Additional rule changes may be pursued which are reasonably related to those discussed here.

These rules may make additional updates such as correcting cross-reference citations, updating road names on maps, changes needed in order to update application forms, or revisions which are necessary for consistency with recently enacted legislation.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

All the policies in this rule would be generally consistent with past board policies of regulating fish and game harvest and managing department lands for conservation purposes. Some of these proposals originated as Wisconsin Conservation Congress citizen resolutions that received support at prior spring hearings.

Falconry is a unique sport that has a low or no impact on other activities. Due to Bong's popular managed pheasant hunting program (8770 average annual pheasant hunters from 2015- 19) and high number of user's falconers have stopped practicing their sport during legal hunting hours due to safety concerns of the falcons used.

Because of the nature of pheasant hunting, falconry birds are at a high risk of being mistaken for pheasants while partaking in their sport. This proposed change will specifically allow falconry hunting on the Bong property after the 2p.m. hunting closure to ensure a safe continuation of the sport. This proposed change will have a very limited impact on other uses or the pheasant hunting program itself. At this time two hunting activities are allowed after 2p.m. (waterfowl and bow deer); this proposal would add falconry as a third.

In 2014, as part of a larger rule simplification program, the Department switched to a one-zone, one-opening day format for managing muskrat and mink. This resulted in earlier opening dates in the central and southern zones and a uniform end date. Prior to this simplification, the department had managed mink and muskrats through multiple harvest zones. This proposal would return to a multiple zone framework for mink and muskrat.

Currently, trappers cannot use cable restraints until December 1st. Rule change to will allow the use of cable restraints beginning on the dryland trapping opener (Saturday nearest October 17th) for bobcat, fox and coyote.

Target shooting is unregulated on DNR owned lands unless these lands are in counties listed s. NR 45.09(5), Wis. Adm. Code. A public range was recently built in Columbia County in 2013 and has been opened to the public. It is desirable to include Columbia County to this rule to address potential property user safety concerns, vandalism, and littering problems.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

160 hours.

6. List with description of all entities that may be affected by the proposed rule:

Hunters and trappers are the principal groups that will be affected by this rulemaking.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

Based on our preliminary analysis, we do not anticipate an economic impact to individuals or groups. If there were to be any economic impact resulting from this rule, we anticipate that it would be very minimal. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

9. Anticipated number, month and locations of public hearings:

The department will hold a public hearing in each county on the second Monday in April, 2021.

These hearings will be held in conjunction with the annual Conservation Congress spring meeting, which will immediately follow the department's administrative rule hearing at each hearing location.

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