

Report From Agency

REPORT TO LEGISLATURE

NR 10 and 45, Wis. Adm. Code
The 2011 Annual Spring Hearing Rule relating to hunting, trapping,
and the management of department lands.
Board Order No. WM-01-11
Clearinghouse Rule No. 11-007

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 origins of these rule change proposals are either from department staff or Conservation Congress advisory questions from the previous year that were forwarded by the Congress' executive council. The proposed rules will:

1. Repeal the sunset of a two year trial period for the extended fall turkey hunting season so that this December hunt will become permanent.
2. Extend each of the six consecutive five day spring turkey hunting seasons by two days. New seasons would run from Wednesday through the following Tuesday.
3. Eliminate the archery deer hunting season closure during the traditional November nine day gun deer season.
4. Repeal the requirement that elk hunters must wear blaze orange except when a firearm deer season is open.
5. Establish a September firearm and archery hunting season for elk. The season would run concurrently with the first 30 days of the archery deer hunting season.
6. Allow a landowner, lessees or occupant of private land, or any other person with permission of the landowner, lessee or occupant, to shoot a cougar that is in the act of killing, wounding or biting a domestic animal and require that the carcass of the cougar be turned over to the Department. Department rules already allow landowners, lessees or occupants to shoot a wolf in the same situation, although the authority is currently pre-empted by federal rule. These sections clarify that, in addition to the landowner, lessee or occupant, the authority to shoot a wolf also applies to employees and family members should wolves be delisted at the federal level.
7. Allow normal hunting hours for pheasants on weekends at stocked properties that otherwise close at 2:00 p.m.
8. Require that, if asked, bear hunters must provide carcass samples to the Department at the time of harvest registration for purposes of research.
9. Allow the use of rifles, in addition to shotguns, for firearm deer hunting in all of Waupaca County.
10. Allow firearm deer hunting at Copper Falls State Park during the traditional nine day and muzzleloader only seasons.

11. Include Manitowoc in the list of counties where the discharge of firearms on Department lands is prohibited except while hunting, dog training, or at established ranges.

Summary of Public Comments

On Monday April 11, a hearing was conducted in each county of the state. Statewide attendance was 5,575. Hearing attendees had the opportunity to register support or opposition by voting on individual proposals in this package of rules. The following tables summarize voting activity.

Voting on the proposal that repeals the blaze orange requirement during elk hunting seasons was essentially tied – it lost by just 22 votes out of 4,576 votes cast. The proposal was supported in 38 counties, lost in 28 and tied in 6. In deciding to recommend this proposal, the department considered that there will be no more than five state licensed elk hunters for the foreseeable future. Each of those hunters will have recently taken an elk hunter class where they will be reminded about safe hunting techniques and identifying their target. This likely represents a very low safety risk considering that there are many more bear, small game, and archery deer hunters currently in the woods at the same time in September – with no blaze orange and a good safety record. Under the proposal, blaze orange would still be required whenever a firearm deer season is open.

Summary of April 11, 2011 Spring Hearing Voting

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
28	Eliminate the archery deer season closure during the traditional November firearm season	2,630	2,356	Yes	40 / 31 / 1		Advance
29	Allow normal hunting hours for pheasants on weekends at stocked 2:00 p.m. closure properties	3,004	1,333	Yes	71 / 1		Advance
30	Repeal the requirement that elk hunters must wear blaze orange	2,277	2,299	No	38 / 28 / 6		Advance
31	Establish a September elk season that would run concurrently with the first 30 days of the archery deer season	3,132	1,400	Yes	71 / 1		Advance
32	Allow a landowner, their employee, family member, lessee or occupant of private land to kill a cougar that is attacking a domestic animal	4,247	712	Yes	72 / 0		Advance
33	Require that bear hunters provide carcass tissue samples, if requested, to the department at registration	3,372	1,352	Yes	71 / 1		Advance
34	Extend each of the six consecutive spring turkey hunting seasons by two days	3,024	1,974	Yes	58 / 14		Advance
35	Repeal the sunset of a trial period for the extended fall turkey hunting season	3,469	1,201	Yes	70 / 2		Advance

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Proposals of primarily local interest							
36	Allow rifles for deer hunting in Waupaca County	2,742	869	Yes	70 / 1 / 1	117 / 37	Advance
37	Establish firearm and muzzleloader deer seasons at Copper Falls State Park	2,677	712	Yes	69 / 3	Ashland 38 / 15 Bayfield 37 / 7	Advance
38	Prohibit firearms discharge except while hunting, Manitowoc	1,780	1,305	Yes	47 / 19 / 6	64 / 41	Advance
39	Prohibit firearms discharge except while hunting, Pierce	1,706	1,336	Yes	44 / 23 / 5	17 / 27	Not advance
40	Prohibit firearms discharge except while hunting, St. Croix	1,699	1,354	Yes	41 / 25 / 6	20 / 29	Not advance

Written Comments

In addition to vote tallies from the hearing, the department received a handful of written comments which are summarized below. Most were simply “yes” or “no” comments and not elaborate position statements.

Two letters of opposition to allowing deer hunting at Copper Falls state park were received. The authors believe there are safety concerns and will be user conflicts. The department is still recommending hunting at Copper Falls because of significant experience with deer hunting at many other state parks and very few problems during the 9 day firearm season. Several letters also expressed support for crossbow use by people who have attained the age of 55.

Table 1. 2011 Spring Hearing Written Comments

	Question	Support	Oppose
28	Eliminate the archery deer season closure during the traditional November firearm season	3	4
29	Allow normal hunting hours for pheasants on weekends at stocked 2:00 p.m. closure properties	3	1
30	Repeal the requirement that elk hunters must wear blaze orange	2	3
31	Establish a September elk season that would run concurrently with the first 30 days of the archery deer season	6	
32	Allow a landowner, their employee, family member, lessee or occupant of private land to kill a cougar that is attacking a domestic animal	5	2
33	Require that bear hunters provide carcass tissue samples, if requested, to the department at registration	4	1
34	Extend each of the six consecutive spring turkey hunting seasons by two days	2	3
35	Repeal the sunset of a trial period for the extended fall turkey hunting season	6	1
36	Allows rifles for deer hunting in Waupaca County	4	
37	Establish firearm and muzzleloader deer seasons at Copper Falls State Park	5	2
38	Prohibit firearms discharge except while hunting, Manitowoc	3	
39	Prohibit firearms discharge except while hunting, Pierce	3	
40	Prohibit firearms discharge except while hunting, St. Croix	3	

Modifications Made

Effective date of extending the archery deer hunting season. Extending the archery deer hunting season so that it is open concurrently with the firearm deer hunting season was initially proposed to be effective in 2012 in order to better coordinate the timelines of regulation pamphlet printing and the rule making process. Several individuals requested a 2011 effective date. In this proposal, the season extension will be effective for this fall's hunting season. Because the rule making process will not be complete when regulations go to the printer, the regulations will contain a notice that archery hunting may be allowed and a recommendation that hunters contact the DNR or watch for media releases.

Firearm discharge other than normal hunting on DNR lands in St. Croix and Pierce counties. The department's initial proposal would have prohibited target shooting on department managed lands in these two counties. Based on the results of voting in St. Croix and Pierce counties, that provision has been removed from the rule order.

Appearances at the Public Hearing

Statewide attendance was 5,575.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis and fiscal estimate were revised to reflect modifications made.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated into the rule.

Final Regulatory Flexibility Analysis

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. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.