

Report From Agency

REPORT TO LEGISLATURE

NR 10 Wis. Adm. Code

This rule will make permanent a trial bobcat season framework that was split into two separate time periods from 2010 through 2012.

Board Order No. WM-09-11
Clearinghouse Rule No. 12-031

Basis and Purpose of the Proposed Rule

Through this rulemaking, the department will make permanent a trial bobcat season framework that was in place from 2010 through the 2012 – 2013 seasons. This rule establishes that the bobcat hunting and trapping seasons are split into two time periods; the first beginning on the Saturday nearest Oct. 17 and continuing through Dec. 25 and the second beginning on Dec. 26 and continuing through Jan 31.

The primary interest expressed by advocates for a split season framework is that ideal conditions for hunting with hounds occur when there is snow cover. These conditions do not occur before the December 31 end of the traditional, straight-season framework every year. In order to provide the type of hunting opportunity that hunters have asked for, but still maintain opportunities that trappers and hunters who do not use hounds have enjoyed, this proposal would add an additional month and create an early and a late time period and require permit applicants to choose one-or-the-other.

The dates of the bobcat season under this proposal, during the 2010 and 2011 trial period, and by emergency rule in 2012 were; the Saturday nearest Oct. 17 - Dec. 25 and Dec. 26 to Jan 31. There appears to have been public support for the new season framework and the opinion of department staff is that it provides the tools for sound use, management and protection of the bobcat resource. If permanent or emergency rules are not promulgated, the season automatically reverts back to a single permit period beginning on the Saturday nearest October 17 and continuing through December 31 in the fall season of 2013.

All hunters and trappers must obtain a special harvest permit before pursuing bobcats, and the annual bag limit is one bobcat per permit. Bobcat harvest goals are set annually based upon population size in relation to management goals. The number of harvest permits issued is based on the highest success rate during the previous three years for the first time period and a conservative, high success rate for the later, new time period. Because these harvest controls are in place, the actual dates and length of the hunting and trapping seasons are more important for hunter/trapper satisfaction than for protecting the bobcat population from overharvest.

Respondents to the 2010 bobcat hunter/trapper survey were asked their overall impression of the new "split" bobcat season. Overall, Period 1 respondents were fairly neutral on the split season, however Period 2 respondents viewed the split differently and rated the split season more favorably. According to the survey, hunters/trappers support maintaining the longer season (65.4%). Hunters/trappers differed by period on returning to the original season structure, with Period 1 respondents being somewhat neutral but Period 2 respondents not supporting a change.

Summary of Public Comments and Public Participation in Rulemaking

On August 27 the department held a hearing in Madison. Carolyn Schueppel of Madison attended the hearing, representing herself, speaking for informational purposes. Ms. Schueppel discussed a number of subjects at the hearing and explained that she is opposed to trapping in general because of concerns about humaneness. She believes that better public awareness of

the presence of trapping activity is needed. Topics discussed that specifically related to the bobcat season framework were:

- Are bobcats gestational during the season (no, breeding occurs in February through March)?
- Any relationship between the wolf/hound hunting lawsuit and bobcats/hound hunting (no)?
- Concerns about incidental take of other species (most other seasons, such as coyote/fox/raccoon are open while bobcat is open, however, live release is usually an option with trap-types commonly used for bobcat)?

2012 Spring Fish & Wildlife Meetings/Hearings

This rule proposal was a subject of voting in each county on April 9, 2012. The statewide voting result was Ayes, 2,251; Noes, 1,126. The proposal was supported in 66 counties, rejected in 4, and voting results were tied in 2.

History of Public Participation

The split bobcat season framework is the result of several years of development and was initiated by hound hunters who have a desire to hunt at a time when there is greatest likelihood of snow cover.

A comparable bobcat season proposal was supported in voting as a Conservation Congress advisory question in 2008 by a vote of, Ayes, 2,521; Noes, 1,933 with 49 counties supporting and 23 opposing. The proposal was supported by 57% of voters. The proposal was not recommended by the department at that time because of concern that it would have the net impact of increasing harvest pressure and depended upon population monitoring precision that was not possible in areas south of HWY 64 where hunting is not currently allowed. However, department staff people continued to be aware of the strong desire, on the part of hound hunters in particular, for expanded opportunity.

Bureau director Tom Hauge directed his staff to continue working with congress delegates and members of the public to identify opportunities for improving bobcat hunting and trapping regulations. At a November 14, 2008 meeting, the split season framework that was in place in 2010 and 2011 was developed. Attendees of the November meeting included five department staff people and the following members of the public; Eric Anderson (University of Wisconsin-Stevens Point), Leslie Adams (UWSP), Ed Harvey (Conservation Congress), Scott McAuley (Wisconsin Trappers Association; CC), Lee Sillars (WTA, CC), Ralph Fritsch (Wisconsin Wildlife Federation), George Meyer (WWF), Dick Baudhuin (WWF, CC), Joan Baudhuin, Scott Zimmerman (CC), Fred Wiesman (Wisconsin Bear Hunters Association), Larry Vanderhoef (WTA), Paul Wait (Wisconsin Outdoor News), Al Lobner (CC, WBHA), Bob Welch (WBHA), Rich Kirchmeyer (trapper).

The new proposal was a subject of 2009 spring hearing voting as a department rule. Spring hearing attendees supported the proposal to split the bobcat season framework and require harvest reporting within 24 hours. The vote was Ayes, 3,447; Noes, 1,851 with 62 counties supporting and ten opposing. The proposal was supported by 65% of voters.

Legislative committees in the Senate and Assembly showed interest in the bobcat season framework and held hearings in summer, 2009. At both meetings, representatives of the Wisconsin Bear Hunters Association expressed opposition. Concerns expressed were focused on the likelihood of an early closure if the bobcat harvest quota is met before the end of the season. The number of applicants for bobcat harvest tags exceeds the number of permits available in any given year - in 2009 the minimum number of preference points required to draw a permit was four. As described at the hearing, association members were upset that, after applying for four years, it is possible that someone who did not hunt early in the season may not get the opportunity to use that tag at all. This is a concern that was raised by others as early as

the November 14, 2008 meeting but, at that time, people recognized that possibility and accepted it.

On September 23, 2009, the Assembly Fish & Wildlife Committee unanimously requested that the department place a two-year sunset on its rule proposal.

The department held a hearing in Madison on June 28, 2011. There were no appearances at the hearing and no correspondence was received during the comment period.

Modifications Made

No modifications were made as part of the hearing process.

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or economic impact analysis. The department solicited comments on an economic impact analysis of this proposal during a period beginning on March 26 and ending on April 8. During that period the department posted the analysis on its website and distributed the proposed rule and analysis to parties it determined would be interested. One general comment of support was received. A copy of the analysis can be found on the department's website at <http://dnr.wi.gov> at the Natural Resources Board's home page under the agenda for the board's December 2012 meeting.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated into the rule.

Final Regulatory Flexibility Analysis and Effects on Small Business

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g).