

Report to
Legislative Council Rules Clearinghouse
NR 10, 11, 17, and 45 Wis. Adm. Code
Natural Resources Board Order WM-01-13

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 trapping methods and times and the seasons for taking game and furbearing animals.

The department’s authority to authorize the removal of wild animals that are causing damage is established under s. 29.885. Additionally authority to establish conditions for taking game, such as bears, is established in s. 29.014 as noted above.

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.

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.

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

These rule changes are proposed for inclusion on the 2015 Spring Hearing rules package and questionnaire. This rule package will create and amend regulations for hunting, trapping and closed areas found in Ch’s. NR 10 and 11 Wis. Adm. Code.

SECTION 1 expands the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be “concealed” if they are within 3 feet of the shoreline. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 2 to 6 increase the limit on the number of small game animals a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two, consistent with federal regulations for migratory game birds.

SECTIONS 3, 4, 6 and 7 establish a 9:00 a.m. opening time on the first day of the pheasant, quail, Hungarian partridge, and southern rabbit seasons instead of noon. The WI Conservation Congress has recommended modifications to this rule.

SECTION 4 modifies the spring wild turkey hunting season opening date so that it is always the third Wednesday in April. This section also simplifies the fall turkey hunting season framework so that hunting is always allowed on the day before the firearm deer hunting season and so that the season is continuous with no closed periods in Zones 1 to 5 in the southern part of the state.

SECTIONS 8, 9 and 11 allow the use of foot activated cable restraints, a device used to trap furbearing animals and for which best management practices have been approved by the Association of Fish and Wildlife Agencies.

SECTION 10 modifies the standards for construction of cable restraint devices used to trap furbearers to improve their efficiency for catching coyotes.

SECTION 12 eliminates the trapping hours restriction so that traps may be placed or tended at any time. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 13 and 14 modify the location and size of a waterfowl hunting closed area at the *Wolf River Bottomlands Natural Resources Area* on DNR managed lands in Outagamie County.

All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

A number of these proposals are recommendations of the Wisconsin Conservation Congress to the Natural Resources Board and initiating a process to promulgate those rules fulfills a role of the board and the congress established in s 15.348 Stats.

This rule proposal would have the effect of expanding the areas where a waterfowl hunter can park a boat (or blind) and hunt. The boat would no longer need to be concealed by emergent vegetation such as rice or cattails. Under this proposal, on-shore vegetation such as reed canary grass could provide the needed concealment. Additionally, dead trees or stumps could be considered concealing vegetation. While it expands areas where waterfowl hunting may occur, this rule would still maintain Wisconsin's requirement that people hunt from the edges of bodies of water and that they not hunt from open-water, offshore areas. Wisconsin's open water hunting rule dates back to early conservation statutes and may have been designed to keep hunters from setting up in front of each other and to keep them out of the middle of waters that are used as staging areas by migrating ducks or geese. Providing these areas where there is no hunting pressure may encourage birds to remain in an area longer and provide more chance for birds to spend time feeding and resting during migration. Hunters have supported the rule because it increases hunting opportunity by encouraging birds to remain in an area for longer periods of time.

Currently, the spring turkey hunting season opens on the Wednesday nearest April 13. Under this structure, the spring turkey season overlaps the Memorial Day holiday weekend in approximately one out of every three years (when it falls on the third Wednesday of the month). This proposal would stabilize the season opener so that it falls on the 3rd Wednesday of the month every year, making it more predictable and easier for hunters to schedule their hunts, resulting in the 6th time period always overlapping the Memorial Day holiday weekend, and reducing the likelihood of cold and snow during the Youth Hunt, Learn to Hunt Turkey events, and early time periods.

The fall turkey hunting season is currently closed from the Friday immediately preceding the 9-day gun deer hunt through the Sunday immediately following the 9-day gun deer hunt. This proposal would allow fall turkey hunting on the Friday immediately preceding the 9-day gun deer hunt statewide and, in zones 1 through 5 where the turkey season re-opens after deer season, would eliminate that closed period. This proposal would make the fall turkey hunt consistent with other fall seasons, simplify hunting regulations, and provide some additional hunter opportunity.

Trapping hours currently in place may be designed to deter trap theft or simplify enforcement of a requirement to tend or check traps daily. These rules would eliminate trapping hours. Eliminating trapping hours would simplify regulations and would provide a particular benefit to people whose work schedule conflicts with trapping hours. There is not a furbearer population management purpose for trap checking hours. These rules would maintain the requirement that traps be checked daily.

For simplicity and consistency with new federal regulations for migratory birds, this proposal would increase the limit on the number of small game animals a person is allowed to possess at home or in transport. Instead of the current possession limit which is twice the daily bag limit, it would be three times the daily bag limit, consistent with federal regulations for migratory game birds.

A cable restraint is a device used for the live capture of furbearers. The device consists of a non-spring activated cable which includes a relaxing mechanical lock, stops, and swivel. International research on humane trap systems has documented the safe use of cable restraints on dry land, with much of the field research conducted here in Wisconsin from 2000 to 2002. A “breakaway” is a component of the cable restraint device that allows larger non-target animals to be able to pull free of the device and self-release if caught. This also allows some larger coyotes to self-release. In most states, a 350 pound rating is the standard. These rules would increase the maximum allowable pound rating.

These rules would allow the use of foot activated cable restraints, a relatively new device used to trap furbearing animals. This device has been the subject of research and it is recommended as a humane method of trapping and for which best management practices have been approved by the Association of Fish and Wildlife Agencies. This would allow the use of a humane device in the restraint of fox, coyote, and bobcats during latter portions of harvest seasons.

These rules would eliminate one waterfowl hunting closed areas on department managed lands that are part of the Lower Wolf River Bottomlands Natural Resources Area and recreate the refuge in an area where it is more likely to maintain waterfowl numbers in the area throughout the course of the hunting season. These modifications were recommended following a planning process that involved members of the public. The closed areas would provide a more functional area for waterfowl to rest, creating more opportunity for waterfowl hunters in the area because birds would remain in the area for a longer period of time.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board adoption, Governor’s Office of Regulatory Compliance final approval, followed by legislative review

Description of any Forms

None

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Submitted on March 9, 2015