

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected This analysis was updated to reflect a change after hearings which resulted in removal of unneeded language related to the placement of tree stands.

2. Administrative Rule Chapter, Title and Number

Board Order WM-02-16 modifying Chs. NR 10 Game and Hunting, NR 13 Chippewa Treaty Rights Participants, NR 18 Falconry, and NR 45 Use of Department Properties.

3. Subject

The 2016 wildlife management spring hearing rules related to tree stand use on department managed lands and shooting hours.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

None

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

State Fiscal Impact

Determining a precise fiscal impact to the department is not possible. However, law enforcement and property management staff people are stationed throughout the state for the purpose of managing and enforcing regulations on department managed properties and it is anticipated that any new effort required when the use of tree stand is allowed North of HWY 64 can be absorbed within current budgets and workloads.

Potential increased workload could result from complaints about theft of unattended stands, which is already a common call to field staff. Wardens and Park Rangers have full police powers on DNR owned and managed lands, and would therefore end up being the primary law enforcement agency who will deal with complaints and investigations of theft of personal property left unattended on DNR lands.

Despite the existing requirement to label tree stands, abandonment will lead to increased workload and cleanup costs at the end of hunting seasons. Department staff people already experience this with waterfowl hunting blinds. Abandonment of tree stands will result in tree damage if they are not removed.

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The policies in this rule are generally consistent with past board policies of regulating hunting activities and managing the use of department managed lands.

Historically, the overnight, unattended placement of tree stands and ground blinds for hunting has not been allowed on department managed lands. This regulation is designed to prevent the "staking out" or making advance claims to hunting locations in favor of a first-come-first served practice. However the overnight placement of stands is allowed on many other public lands which are not managed by DNR and may also be practical on department lands. Allowing stands to remain in place would provide the convenience of not having to carry and place a tree stand or blind for each hunt, especially for an aging demographic of hunters. During the rulemaking process, hunters were asked to weigh convenience against a philosophy of trying to reduce competition on public lands.

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For many species, the department has established "hunting hours" so that the times of day when hunting can occur are limited. Typically, hunting is only allowed from 30 minutes before sunrise until 20 minutes after sunset. For clarity of meaning, these rules would change the way the department describes the times of day when hunting is allowed for certain species, potentially identifying them as "shooting hours" rather than "hunting hours". In some people's view this would, for instance, clarify that it is legal to remain in a hunting blind or stand after hunting hours in order to observe game or prevent spooking game from an area as long as the person does not shoot.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis for this permanent rule. A notice for Solicitation of comments on this analysis was posted on the department's website and the state's administrative rules site on February 26 2016. No comments were received.

No effects on small businesses, their associations, or local governments are anticipated.

11. Identify the local governmental units that participated in the development of this EIA.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for solicitation of comments on this analysis from interested groups, individuals or local governments was posted on the department's website for a 14 day period beginning on February 26.

No effects on local governments are anticipated.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

No effects on small businesses, sectors, utility rate payers, local governmental units, or the state economy are anticipated. The hunting regulations proposed in this rule related to the times when hunting is allowed and the use of department managed lands will not be significantly different those in place during previous seasons. These rules are applicable to individual hunters and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

These rules are not expected to significantly affect currently available outdoor opportunities and no impacts to the economic activities of hunters, trappers, or outdoor recreation enthusiasts are expected.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Currently the overnight, unattended placement of tree stands and ground blinds for hunting is not allowed on department managed lands. This regulation is designed to prevent the "staking out" or making advance claims to hunting locations in favor of a first-come-first served practice. However the overnight placement of stands is allowed on many other public lands which are not managed by DNR and may also be practical on department lands. Allowing stands to remain in place would provide the convenience of not having to carry and place a tree stand or blind for each hunt, especially for an aging demographic of hunters. During the rulemaking process, hunters were asked to weigh convenience against a philosophy of trying to reduce competition on public lands.

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14. Long Range Implications of Implementing the Rule

The long range implications of this rule proposal will be the same as the short term impacts. These proposals will contribute to the maintenance of the current economic activity generated by people who participate in hunting activities.

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15. Compare With Approaches Being Used by Federal Government

Federal regulations allow states to manage the wildlife resources and state-owned lands 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.

The National Forest Service currently allows the unattended, overnight placement of tree stands and blinds on their lands.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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 and for the use of state owned lands for public hunting which are established based on needs that are unique to those state's resources and public desires.

17. Contact Name	18. Contact Phone Number
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