

Report to
Legislative Council Rules Clearinghouse
NR 10, 12, 13, 15, 19, 40 Wis. Adm. Code
Natural Resources Board Order Number WM-12-15

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 regulations and turkey hunting regulations or permit applications. This grant of rule-making authority also allows rulemaking which establishes the disposition of wild animals killed in vehicle accidents with additional direction provided in s. 29.349 related to animals killed by motor vehicles.

Additional statutory authority relating to the issuance of turkey hunting permits is found in s. 29.164 which establishes that the department may regulate and limit the hunting of wild turkeys by issuing licenses.

The wildlife damage abatement and claims program is established in s. 29.889 and rule making is specifically authorized under subsection paragraph (2) (b) which directs the department to establish rules for eligibility under the program.

The department’s authority to promulgate wild rice is established in s. 29.607 related to wild rice. This statute establishes department powers and requires that the department obtain the advice and consent of the tribal council before promulgating any rules governing the harvest, use and disposition of wild rice growing within the bounds of an Indian reservation.

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.

The department’s authority to classify and regulate invasive species is established s. 23.22 and rule making is specifically authorized under subsection paragraphs (2) (a) and (b), which directs the department to establish rules to identify, classify, and control invasive species.

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.

Comparison with Adjacent States

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 that are established based on needs that are unique to that state’s resources and public desires.

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate. This rule package will amend regulations for hunting, trapping, closed areas, nuisance wildlife management, removal of car-killed deer, and invasive species.

Agency Procedures for Promulgation

The agency will hold hearings in January and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

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