

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-03-18(E) and WM -04-18

Relating to: Wildlife harvest management regulations, re: Ch. NR 10, Wis. Administrative Code

Rule Type: There will be a permanent and a companion emergency version of this rule.

1. Finding/nature of emergency (Emergency Rule only):

The department finds that an emergency rule is necessary in order to continue issuing certain hunting licenses in a way that is consistent with newly enacted statutes and to continue proper management of wildlife populations in a way that preserves the public welfare.

2. Detailed description of the objective of the proposed rule:

The department uses a variety of harvest management techniques in order to both distribute harvest of game animals and to meet harvest objectives for certain species. One common method of enforcing harvest management regulations has been to issue carcass tags that authorize the harvest of a deer or turkey and to require validation of the carcass tag upon taking possession of the animal. The department has also required hunters to report the harvest of Canada geese by 5:00 p.m. on the day after harvest and used that reporting information to make harvest management decisions.

Recently enacted statutes prohibit the issuance of carcass tags for turkey hunting and prohibit the department from requiring that tags be validated upon taking possession of a turkey. The same act eliminates requirements for the department to issue of carcass tags for deer hunting or for hunters to validate the tags upon taking possession of a deer. Additionally, the department is prohibited from requiring hunters to report the harvest of Canada geese more than once annually.

These rules will eliminate administrative code requirements for the department to issue or for hunters to possess carcass tags for deer and turkey. Requirements that deer and turkey hunters validate carcass tags will be eliminated. Additionally, the requirement to report the harvest of geese will be repealed.

Additional rule changes may be pursued which are reasonably related to those discussed here.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Relevant policies in current rules include requirements to issue carcass tags that authorize the harvest of a deer or turkey and to require validation of the carcass tag upon taking possession of the animal. The department has also required hunters to report the harvest of Canada geese by 5:00 p.m. on the day after harvest.

A policy alternative that will be evaluated through this rule process will be for the department to issue "harvest authorizations" instead of carcass tags to deer and turkey hunters. Harvest authorization is terminology that is established in the statute that necessitates these rule changes. Harvest authorizations

could differ from carcass tags in the following ways, 1) there would be no requirement to physically possess a harvest authorization while in the field hunting, 2) there would be no requirement to attach a harvest authorization to the carcass of a deer or turkey, and 3) there would be no requirement to validate a deer or turkey tag. A hunter would still be able to possess proof of licensure while hunting and valid forms of proof would continue to include an actual paper license, a card issued by the department, a driver's license that has been linked to the department's statewide automated licensing system, or certain forms of electronic proof of licensure. The department would be able to determine through these current forms of proof that a hunter is also authorized to harvest certain deer or turkey.

It is likely that the department will collect less information from Canada goose hunters under this proposal than under current rules. The department will continue to collect harvest information for migratory birds as required under federal rules. We will evaluate our use of that information and investigate alternative methods of gathering harvest information.

The department will consider additional policy alternatives that may be identified in development of these rules. These rules may make additional changes which are necessary in order to implement the Act, provide customer service, or to assure that provisions of current rules are enforceable.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 29.014 (1), Stats., directs the department to establish and maintain any bag limits and conditions governing the taking of fish and game that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing and hunting.

A number of provisions in 2017 Wisconsin ACT 59 provide initiative for this rulemaking project.

In the s. 29.164 (2) (a), Stats., the department is prohibited from requiring the possession of validation of a turkey carcass tag.

In s. 29.164 (2) (c) 2. and in numerous other locations the term "authorization" is established as an alternative to "carcass tag" related to turkey hunting.

The department is prohibited from requiring reporting or registration of Canada goose harvest by provisions of 29.192 (1) (b) and 29.192 (1m).

In the s. 29.347 (2), Stats., provisions establishing that the department shall require the possession or validation of a deer carcass tag are eliminated. This change in policy is most clearly seen by reviewing Section 578u. of the 2017 Executive State Budget.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

Employees will likely spend more than 160 hours developing these rules.

6. List with description of all entities that may be affected by the proposed rule :

Hunters who pursue deer, turkeys, and Canada geese are most likely to be impacted by these rules. Requirements that currently apply to these hunters have been reduced or eliminated by recently enacted statutes and these rules will make comparable changes to administrative code.

Private vendors who contract with the department to issue licenses will also be affected by the proposed rules. Those include a range of retail outlets such as convenience stores, department stores, small sporting goods shops, as well as large retailers of outdoors-related merchandise. In nearly all situations, the effects are likely to be minimal and likely to result in improved delivery and access to services.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

For deer and turkey hunting, there are no related federal regulations. States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register.

The state is required by federal regulations to gather and report migratory bird harvest information to the U.S. fish and wildlife service. Under these rules the department will continue to fulfill those requirements.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

No economic impacts are anticipated as a result of these rules. The department currently requires hunters to obtain licenses for hunting and establishes bag limits and other requirements for hunting. The department currently contracts with a vendor and provides automated licensing to the public at private retail outlets, department service centers, and online. Following these rules, the same basic framework of hunting regulations and license delivery will still be in place.

The long range implications of this rule proposal will be the same as the short term impacts in that access to outdoor recreational activities will continue or improve and that activity will continue to generate economic activity.

These rules are primarily applicable to individuals and impose no new compliance or reporting requirements for small business. Vendors who choose to serve as department license outlets would continue to have compliance and reporting requirements and follow operational standards, however, we do not anticipate that those will be significantly different than what is currently required of vendors.

These rules will not modify the actual fees for any licenses or permits.

9. Anticipated number, month and locations of public hearings:

The Department anticipates holding two public hearings in early January. Hearing cities will Wausau and Madison.

The Department has selected this modest hearing schedule because the major policy determinations have been made by statute and these rules serve primarily to make our requirements consistent with new laws.

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