

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: WM-16-17

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Relating to: The 2017 Bureau of Wildlife Management clean-up rule amending Ch.'s NR 10 Game and Hunting, and NR 45 Use of Department Properties, Wis. Admin. Code

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Rule Type: Permanent

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

This will be a permanent rule.

### 2. Detailed description of the objective of the proposed 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These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate.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 and trapping, found in Ch.'s. NR 10 and 45 Wis. Admin. Code.

Individual provisions of this omnibus rule package would accomplish the following:

1. This proposal would revise a cross-reference where public land is defined related to the use of antlerless deer hunting permits. The stewardship public access law is cross-referenced but the reference should be to the stewardship program generally in Ch. 23 Stats.
2. The proposal would eliminate the requirement for elk hunters to wear a back tag and repeal other notes and references to the requirement for deer hunters to wear a back tag. The deer hunting back tag requirement was repealed by 2015 ACT 222.
3. These rules would relax the requirement to register harvested furbearers within five days of the month of harvest. The proposal would require registration within seven days of the month of harvest which would always include a weekend day that may be more convenient for some hunters or trappers.
4. This proposal would provide that blaze or fluorescent pink is a legal alternative to blaze orange for ground blinds placed on department lands

during firearm deer seasons and revise other sections of code where blaze orange is referenced. These revisions are needed for consistency with 2015 ACT 131 which established that blaze or fluorescent pink may be worn as an alternative when blaze orange clothing is required.

5. These rules may establish that an antlerless deer hunting permit issued to a disabled person who holds a hunting permit under s. 29.193 (2) Stats. is valid for harvesting an antlerless deer on either public lands or on private lands. This would address a resolution of the department's Disability Advisory Council.
6. This rule would require that on Lake Koshkonong, boats and blinds may be used to hunt waterfowl only if they are within 3 feet of naturally occurring emergent vegetation that provides at least 50% concealment.
7. This rule may make additional updates such as correcting cross-reference citations, updating road names on maps, changes needed in order to update application forms, or revisions which are necessary for consistency with recently enacted legislation.
8. The department may include other, minor, non-controversial rule proposals including ones which have passed at the annual Spring Fish & Wildlife Hearings as advisory questions by the Conservation Congress.

**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:**

All of the policies in this rule are consistent with past board policies of regulating fish and game harvest for conservation purposes. The changes proposed in this rule will have a minimal impact on the activities of hunters or trappers and are proposed primarily to maintain consistency with recently revised statutes or to update cross-references.

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

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 and hunting regulations.

In s. Ch. 29.053 Stats. the department is authorized to take a variety of actions in order to provide additional hunting opportunities for persons who are physically disabled. This includes establishing that antlerless deer hunting permits, which are normally valid only on public or on private lands, are valid on both public and on private land types for persons holding a hunting permit for disabled persons.

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

Approximately 40 hours will be needed by the department prior to and following the hearings.

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

Hunters and trappers are the primary people who will be affected by this rulemaking. Any impacts will be very minor.

**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:**

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.

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

These rules, and the legislation which grants the department rulemaking authority, will have no effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business.

These proposed rule changes are not expected to impact the activities of hunters, trappers, or other outdoor enthusiasts and will not have an impact on their related spending activities. Correspondingly, no economic impacts are anticipated.

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

The Department anticipates holding one public hearing in the month of December 2017. Hearing cities will be: Madison.

The Department will hold these hearings in these locations to offer a public input opportunity for these minor rule changes.

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Kurt Thiede, Interim Secretary

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Date Submitted