

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-05-19

Relating to: The 2019 Bureau of Wildlife Management housekeeping rule amending Ch.'s NR 8, 10, 11, 12, 16, 17, 19 and 45, Wis. Admin. Code

Rule Type: Permanent

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

These will be permanent rules.

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These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate.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 8, 10, 12, 11, 16, 17, 19 and 45 Wis. Admin. Code

Specifically, these rules would:

1. Clarify that landowners and agents of a landowner are allowed to use bait/lures outside of a trapping season for nuisance wildlife control.
2. Remove references in code to Class A or B bear licenses which are no longer issued by the department.
3. Update code to reflect the fact that deer carcass removal can be contracted with state agencies other than the Department of Natural Resources.
4. Replace the term "carcass tags" with "harvest authorizations", the more appropriate term for describing the hunting privilege that is required to hunt deer and turkey and adds the term "harvest authorization" to the list of products that may be reprinted in the manner provided when authorized.
5. Clarify that shooting hour restrictions don't apply to the dispatch of lawfully trapped animals.
6. Specify that the firearm deer season established by the Menominee Indian Tribe for their members does not apply to non-tribal lands in Menominee County. The statewide deer season would apply to non-tribal lands in Menominee County.
7. Correct the wolf management zone map.

8. Provide consistency between the experience required to add migratory bird species to a rehab license authority with the requirements of the U.S. Fish and Wildlife Service.
9. Simplify weapon caliber restrictions.
10. Clarify terminology used regarding permits to shoot or trap wild animals causing damage.
11. Provide consistency and clarity in administrative rules on hunting on state properties including state trails.
12. Remove a restriction that prevents successful spring turkey applicants from receiving a Ft. McCoy military reservation turkey hunting license.
13. Amend the definition of Enclosed Trigger Trap to allow a push and/or pull trigger
14. Remove tagging requirements for otters harvested at a wild fur farm and replace it with a bag limit which would be consistent with the harvest of wild otter.
15. Update metropolitan deer management unit boundaries.
16. Adjust refuge boundaries to reflect recently acquired property.

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

This rule may make additional updates such as correcting cross-reference citations, updating road names on maps, changes needed to update application forms, or revisions which are necessary for consistency with recently enacted legislation.

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.

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 or 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. 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 2017 Act 59.

Additionally, s. 29.885 grants the department the authority to remove or authorize the removal of a wild animal that is causing damage or that is causing a nuisance.

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:

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. 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 July 2019. Hearing city will be Madison.

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Preston D. Cole, Secretary

Date Submitted