

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-17-19 & WM-18-19(E)

Relating to: Ruffed Grouse Management; Ch. NR 10 Wis. Admin. Code

Rule Type: Permanent and Emergency

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

The department finds that an emergency rule is necessary in order protect the ruffed grouse population and so that the state can continue to properly manage the species in a way that preserves the public welfare.

To monitor the ruffed grouse population, the department utilizes annual drumming surveys and estimates harvest annually through a small game hunter survey. Ruffed grouse drumming activity declined 34% statewide from 2017 to 2018. The decline was greatest in the northern region, with a 38% decline in drumming grouse detected. This area contains the most extensive early-successional forest habitat and healthiest ruffed grouse populations, so focus is generally placed on trends in the northern region. Also, estimated ruffed grouse harvest declined from 262,943 in 2016 to 185,336 in 2017, a 29.5% decline. The estimated harvest again dropped in 2018 to 173,347. This represented the lowest estimated harvest in the 35 years the department has been conducting the small game hunter survey. While spring drumming counts were higher in 2019, the cause of the decline from 2017-2018 is still unknown, and the decline occurred after the drumming surveys were completed.

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

This emergency rule will shorten the 2019 ruffed grouse season by closing the season earlier than the end dates currently in rule. The current end dates are January 31st in ruffed grouse management zone A and December 8th for zone B.

The permanent rule will implement changes related to ruffed grouse management and hunting regulations that have emerged from the Department's 2020 ruffed grouse plan. Some of the objectives from this plan may include changing the ruffed grouse management zone boundaries and adjusting season dates.

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

These rules 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.

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:

The state is currently split into two ruffed grouse management zones. Zone B is primarily made up of southeastern portion of the state with the majority of the state falling in Zone A. Under current rules, the season in Zone A begins on the Saturday closest to September 15th and closes on January 31st of the following year while Zone B opens on the Saturday nearest October 17th and runs through December 8th.

In 2017, the West Nile Virus was found in Michigan's Upper Peninsula ruffed grouse population. The 2018 spring drumming counts were down 34% and three grouse have tested positive for West Nile with bulk of samples still requiring analysis. Multiple factors working individually, concurrently, or interactively can impact grouse populations. These population drivers include habitat conditions, brood and nesting conditions, food availability, winter conditions, and disease. At this time, there is no definitive evidence pointing to one or multiple factors driving the decline in drumming activity observed in Wisconsin in 2018. To provide potential benefits to the state's ruffed grouse population, the department recommends closing the 2019 ruffed grouse season early.

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.

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 roughly 40 hours developing these rules.

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

These rules will impact hunters who pursue ruffed grouse and small businesses for whom ruffed grouse hunters and their associated expenditures generate revenue. However, the closure will occur after the peak period for ruffed grouse hunting activity which is in October and November and no significant impacts are expected. Research indicates that late season harvest can have negative impacts on grouse populations.

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 a significant economic impact on small businesses):

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. However, there might be an economic impact to small business who depend on ruffed grouse hunters for revenue. This rule may shorten the ruffed grouse season by almost two months, which could result in decreased revenue during that time.

According to the U.S. Fish and Wildlife Service and U.S. National Survey of Fishing, Hunting, and Wildlife-2011 (USFWS 2011), grouse hunting in Wisconsin accounts for only 7% of the total hunting effort (hunting days) in Wisconsin. The Wisconsin DNR or the USFWS does not keep specific data on hunting expenditure related to grouse hunting. Additionally, the closure will occur after prime portions of the season that are most desirable to travelling hunters. Based on the limited number of days that hunters dedicate to grouse hunting relative to other types of hunting in Wisconsin, we do not expect that the impact of limiting the grouse hunting season in Wisconsin on hunting expenditure (reduced expenditure) will be significant.

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

The Department anticipates holding one public hearing in the month of October 2019 in Rhinelander, WI.

The Department will hold this hearing in this location to give businesses and residents of northern Wisconsin, where most of the ruffed grouse habitat exists, the opportunity to comment on the impacts of closing the ruffed grouse season early.

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