The statement of scope for this rule, SS-041-19, was approved by the Governor on April 29, 2019, published in Register No. 761A.1. on May 6, 2019 and approved by the Natural Resources Board on June 26, 2019. This rule was approved by the Governor on _____.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.06 (8) (b) and note, relating to eliminating night hunting restrictions for raccoons.

WM-04-19

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted and Explanation of Agency 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.

2. Statutory Authority: The promulgation of this rule order is authorized by section 29.014.

3. Related Statutes or Rules: There are no currently active related administrative rules.

4. Plain Language Analysis:

SECTION 1 removes the restrictions for night hunting of raccoons, coyotes and fox during the nine-day deer gun season in the forest and central farmland deer management zones.

5. Summary of, and Comparison with, Existing or Proposed Federal Statutes and 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. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

6. Comparison with Similar Rules in Adjacent States: Minnesota, Iowa, Illinois and Michigan all allow night hunting of raccoons during their firearm deer seasons. Michigan and Iowa both allow the night hunting of coyote and fox during their firearm deer seasons.

7. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Raccoons, foxes and coyotes are often hunted at night, frequently with the aid of hounds or calls. Historically, night hunting of raccoons, foxes and coyotes was prohibited during the nine-day deer firearm season. In some parts of the state. The peak of raccoon hunting often occurs during the nine-day gun deer season. After the discovery of Chronic Wasting Disease in the southern farmland zone, firearm deer seasons were extended and the prohibitions for night hunting raccoons, foxes and coyotes were removed. Night hunting of raccoon, foxes, and coyotes is allowed during all other gun deer seasons

including CWD zone seasons, October and December antlerless deer hunts, the youth deer hunt, and the muzzleloader season. Following the rule changes, no new law enforcement concerns were raised, and it never arose as a concern by deer hunters or other members of the public.

8. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report: These rules, and the legislation which grants the department rule-making authority, do not have fiscal effects on the private sector or small businesses. No costs to the private sector or small businesses are associated with compliance to these rules.

9. Effect on Small Business (initial regulatory flexibility analysis): These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design standards are contained in the rule.

10. Agency Contact Person: Shawn Rossler, Furbearer Specialist, 608-267-9428, Shawn.Rossler@wisconsin.gov

11. Place where comments are to be submitted and deadline for submission:
Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Shawn Rossler
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707
Shawn.rossler@wisconsin.gov
608-267-2452
608-267-7857 (fax)

Written comments may also be submitted to the Department at DNRAdministrativeRulesComments@wisconsin.gov.

Hearing dates and the comment submission deadline are to be determined.

SECTION 1. NR 10.06 (8) (b) and note is deleted:

SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].