

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-09-21

Relating to: The 2021 Bureau of Wildlife Management housekeeping rule amending chs. NR 8, 10, 11, 12, 17, 18, 19, and 27, 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These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate.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 chs. NR 8, 10, 11, 12, 17, 18, 19, and 27 Wis. Admin. Code

Specifically, these rules would:

- Update the scientific name of species listed in code to the new correct name.
- Clarify that free bonus farmland antelerless deer permits must be used on private land.
- Change the definition of a muzzleloading rifle to better reflect advances in technology.
- Clarify the license requirements for bear damage shooting permits.
- Update the list of animals causing damage or nuisance that may be live-trapped and relocated without written authorization from the department.
- Clarify the bag limit for turkeys during the youth season.
- Align code with statute to ensure the appropriate scientific collector or research license is being issued in the correct scenario.
- Adjust refuge boundaries to reflect recently acquired property.
- Removes references to backtags which is prohibited in statute for certain species.
- Update the definition of wildlife-related violation to include the invasive species violations.

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, Stats., “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.

Under 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., Stats., 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.

Additionally, s. 29.885, Stats., 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 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 virtual public hearing in the fall of 2021

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