

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: WM-18-22

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Relating to: The 2023 Wildlife Management Spring Hearing Rule

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Rule Type: Permanent

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

These rules are permanent

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

These rule changes are proposed for inclusion on the 2023 Wildlife Management Spring Hearing rules package and questionnaire. This rule package will modify regulations for hunting, trapping, and target shooting found in ch. NR 10 Game and Hunting and ch. NR 45 Miscellaneous Fur, Fish, Game and Outdoor Recreation.

Specifically, these rules may;

1. Allow the use of F-shot while hunting small game and game birds.
2. Expand the October youth deer hunt to 4 days.
3. Simplify the rules for quartering deer, bear and elk.
4. Make youth antlerless permits valid on either public or private lands.
5. Increase the student registration fee for trapper education
6. Allow individuals to aid disabled trappers in the field without holding specific harvest permits or authorizations for that animal.
7. Allow the issuance of an either sex diseased deer replacement permit.
8. Allow landowners to shoot a bear in the act of killing, wounding, or biting a domestic animal without the need for written authorization from DNR.

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

### **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 the policies in this rule would be generally consistent with past board policies of regulating fish and game harvest and managing department lands for conservation purposes. Some of these proposals originated as Wisconsin Conservation Congress citizen resolutions that received support at prior spring hearings.

The largest shot size allowed while hunting game birds and small game animals is T. This proposal would allow F-shot, which is larger than T, to be possessed and used while hunting. F-shot is currently allowed when hunting furbearers.

Currently the youth firearm deer season is 2 days long. This proposal may lengthen the season to 4 days, beginning on the Thursday prior to the 2<sup>nd</sup> Saturday in October.

This would simplify the deer and bear quartering restrictions by removing the requirement that the deer/bear be split into no more than five parts and that the head stay attached to one of the five parts.

Currently youth deer hunters are issued an antlerless deer harvest authorization that is valid statewide. But the hunter must select whether they want the authorization valid for public or private land. This rule proposal would explore eliminating the public/private designation, making the authorization valid on all property types.

Trapper education became mandatory in May 1992. The fee for the basic in person and correspondence course was originally \$8. The fee for the basic and correspondence course was last increased to \$12 in 2008. Fourteen years later, the \$12 fee no longer covers the cost of the program. This proposal would set the basic in person and correspondence course fee at \$20. The trapper education program now has an online course and this proposal will include a \$20 course fee for that option.

This proposal would make it legal for a trapper without a bobcat permit or harvest authorization for river otter or fisher to assist and individual who has a bobcat permit or river otter or fisher harvest authorization and also holds a class A, B, C or D hunting permit. Current rules require that anyone engaged in assisting disabled trappers for these species must also hold the appropriate harvest approval.

The department may provide a free replacement permit to hunters who harvest deer that are suspected of being diseased, provided that the entire deer is

surrendered to the department or is disposed of as directed by the department. That permit may only be issued for the same type of deer authorized on the approval used to harvest the suspect deer. This proposal would allow individuals to receive an either sex replacement permit if they harvest a diseased antlerless deer.

This administrative code change would make it legal for landowners or occupants to shoot bear in the act of killing, wounding, or biting a domestic animal without the need for written authorization from DNR. This would be consistent with the authority provided in administrative code for landowners or occupants of private lands to shoot wolves or cougar in the act of depredation

**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.

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11, Stats.

Under s. 23.09(2)(d), Stats., related to conservation, the department is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary. These rules are necessary to preserve public opportunities to hunt with firearms on lands that have been acquired as areas where any citizen may hunt or trap.

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

160 hours.

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

Hunters and trappers are the principal groups that will be affected by this rulemaking

**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 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.

The provision raising the student trapper education fee could have an economic impact on individuals seeking the training. An average of 1,200 people a year attend trapper education and the current fee is \$12. This proposal would explore a modest increase of \$8 in the trapper education fee to help cover the increased costs of implementing the program (insurance, venues, publications, instructor reimbursement, etc.). We anticipate the total economic impact of the rules would be very minimal for a total of roughly \$9,600 (1,200 X \$8) per year.

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

The department will hold a public hearing in each county on the second Monday in April 2023.

These hearings will be held in conjunction with the annual Conservation Congress spring meeting, which will immediately follow the department's administrative rule hearing at each hearing location.

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Preston D. Cole, Secretary

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Date Submitted