

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.02 (2) relating to establishing an early close to the 2019 ruffed grouse season.

**WM-18-19(E)**

**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted:** Chapter 29 of the Wisconsin Statutes addresses the department's authority with respect to wild animals and plants. Section 29.014, Stats., confers broad rule-making authority to the department to "establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping. This grant of rule-making authority allows the department to promulgate rules related to resident game bird hunting.

**2. Statutory Authority:** In promulgating these rules, statutes being interpreted or establishing agency authority include s. 29.014.

The emergency rule-making process is established in s. 227.24, Stats.

**3. Explanation of Agency Authority:** In the chapter on wild animals and plants, 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 hunting regulations.

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

**5. Plain Language Analysis:**

SECTION 1 closes the ruffed grouse season for Zone A on January 5, 2019.

**6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:** For resident game bird hunting, there are no related federal 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.

**7. Comparison with Similar Rules in Adjacent States:** Minnesota and Michigan's ruffed grouse season ends on January 1st. Iowa's ends on January 31st. Illinois does not have a ruffed grouse season.

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

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. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in**

**Preparation of an Economic Impact Report:**

**10. 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

**11. Agency Contact Person:** Scott Karel, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. [scottr.karel@wisconsin.gov](mailto:scottr.karel@wisconsin.gov) (608) 267-2452

**12. 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:

Scott Karel  
Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707  
[Scottr.karel@wisconsin.gov](mailto:Scottr.karel@wisconsin.gov)  
608-267-2452  
608-267-7857 (fax)

Written comments may also be submitted to the Department at [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov).

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

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**SECTION 1. NR 10.01 (2) (a) 1. is amended to read:**

Kind of Animal and Locality	Open season (all dates inclusive)	Limit
<b>NR 10.01. (2) (a) Ruffed Grouse</b> 1. Zone A as established under s. NR 10.33.	Beginning on the Saturday nearest September 15 and continuing through <del>January 31</del> <u>January 5</u> .	Daily bag 5; possession 15

**SECTION 2. STATEMENT OF EMERGENCY.** 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. This represents the lowest estimated harvest in the 34 years the department has been conducting the small game hunter survey.

**SECTION 3. EFFECTIVE DATE.** This rule takes effect on the day of publication in the Wisconsin State Newspaper, as provided in s. 227.24 (1) (c), Stats.

**SECTION 4. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 25, 2019.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF Wisconsin DNR

DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

Preston D. Cole, Secretary

(SEAL)