

Report From Agency

REPORT TO LEGISLATURE

NR 10, 12 and 16, Wis. Adm. Code
Hunting, nuisance wild animal removal and captive wildlife

Board Order No. WM-16-07
Clearinghouse Rule No. 07-035

Basis and Purpose of the Proposed Rule

Annually the department updates administrative code language to correct inconsistencies, update outdated language and provide clarification where appropriate. These technical rule changes are minor and non-controversial in nature. This year, the department is proposing the following changes related to hunting and nuisance wild animal removal:

- Clarify that a disabled person is a person who holds a Class A, B or C disabled permit.
- Establish that the rabbit hunting season closes on the last day in February rather than February 28.
- Correct a cross reference in the firearm deer hunting season.
- Update the fisher zone map which is based on the recently updated Deer Management Zone Map.
- Relax bear carcass registration so that bear may be transported to and registered at stations that are adjacent to highways that form the boundary of the bear management zone in which it was killed.
- Correct drafting errors in the rule that establishes small game hunting in state parks.
- Clarify that landowners who are removing certain nuisance wild animals are not subject to hunting or trapping season dates.
- Update cross references and terminology so that DATCP's animal diseases and movement and DNR's captive wildlife rules are consistent.

Background:

Definition of a disabled person:

Under current law, most people who participate in a bear hunt need to possess either a Class B Bear License (pursuit license) or Class A Bear License (allows harvest), even if they are only helping or observing and not shooting. The assistant to a disabled person who is bear hunting, however, is not required to possess any license. For purposes of this law, the proposal would define that a disabled person is a person who possesses a Class A, B, or C disabled hunting permit which is the way current law is interpreted.

Closing date of the rabbit hunting season:

Currently the rabbit hunting season closes on February 28 each year. To reduce confusion during leap years, this proposal would close the rabbit hunting season on the last day of February each year.

Firearm deer hunting season cross references:

This section corrects a cross reference in the deer hunting seasons rule.

Fisher management zone update:

Fisher management zones are based on deer management units. This change updates fisher zone A to reflect the elimination of DMU 5 which occurred in 2004. The actual fisher zone boundaries will not change.

Bear carcass registration:

This rule clarifies that successful bear hunters can register their animals at registration stations that are not in the bear management unit of the kill if that registration station is adjacent to a highway that is a boundary of the unit.

State park small game hunting corrections:

A major update of state park hunting rules was recently undertaken. This change corrects drafting errors that came out of that complicated process.

Nuisance wild animal removal update:

This proposed change clarifies that hunting and trapping seasons do not apply to landowners who are removing nuisance wild animals which is how the current rule has been interpreted.

Captive deer farm language update:

The Department of Agriculture, Trade, and Consumer Protection recently updated portions of ATCP 10 related to animal diseases and movement. This proposal updates cross-references and terminology in NR 16 related to captive wildlife so that the two chapters are consistent.

Summary of Public Comments

No comments were received by the Department

Modifications Made

No modifications were required as a result of public comments.

Appearances at the Public Hearing

No one appeared at the public hearing.

Changes to Rule Analysis and Fiscal Estimate

No changes were required.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted and incorporated into the rule.

Final Regulatory Flexibility Analysis

The revisions to chs. NR 10 and 12, Wis. Adm. Code, pertain to hunting and nuisance wild animal removal. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.