

Clearinghouse Rule 11-030

BEFORE THE DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS WM-02-11

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09(b), 29.011, 29.014, 29.063(3), 29.335, 29.361, and 227.11, Stats interpreting ss. 23.09(b), 29.011, 29.014, 29.063(3), 29.335, 29.361 and 227.11, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 10, 15, 19 and 45, Wis. Adm. Code relating to game and hunting, game refuges and the use of department managed properties.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on Tuesday, June 28, 2011 at 1:00 p.m. at the following location: Room 608, Natural Resources State Office Building (GEF-2), 101 South Webster St., Madison.

NOTICE IS HEREBY FURTHER GIVEN that the proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Scott Loomans, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until June 29, 2011. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Loomans.

Plain Language Rule Analysis: The intent of these rule changes is to correct drafting errors, provide clarification to existing rules, simplify regulations, and update administrative code language and references. Policy issues affected by this rule are ones which have already been addressed by previous rulemaking. The proposed rules will:

1. Clarify that the definitions of "animal part or animal byproduct" and "carcass" apply to bear baiting regulations as well as to deer baiting and feeding. These sections also clarify that eggs are not legal to use as bear bait and milk is, consistent with current interpretation. Lastly, this proposal clarifies that the term carcass includes domestic as well as wild animal carcasses.
2. Relax the deer registration requirement in the CWD management zone so that it is consistent with the registration requirements for archery hunters in the rest of the state.
3. Eliminate the April 10 elk permit application deadline in order to allow more time for people to submit applications. A new deadline will not be established by rule.
4. Allow the use of no. 8 gauge shotguns for waterfowl hunting as long as the gun is modified so that the chamber cannot hold cartridges larger than no. 10 gauge and no larger cartridges are possessed.
5. Repeal trap tagging information that is unnecessary because there is a specific statutory requirement and because 2009 ACT 38 allowed use of a department issued customer identification number instead of name and address information.
6. Correct the location information of Vernon Marsh Wildlife Management area in Waukesha County to include acreage in an additional township.
7. Clarify that the prohibition on the placement of personal property on department lands also applies to items left out to mark or "reserve" trap locations if the season is not open.

Related Statute or Rule: There are no state rules or statutes currently under promulgation that directly relate to the provisions that are proposed in this administrative order.

Comparison with rules in Adjacent States: These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies. Additionally, none of the proposed rules exceed the authorities granted to states in 50 CFR part 10.

Summary of Factual Data and Analytical Methodologies: This rule order is necessary to correct inconsistencies created through the promulgation of other rules and statutes, update code language, correct previous drafting errors, and to clarify existing administrative code language. The rule changes included in this order do not deviate from current department policy on the management of wildlife and the regulation of hunting and trapping.

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rules will have a significant economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Scott Loomans at (608) 267-2452 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary