

Report From Agency

REPORT TO LEGISLATURE

NR 10, 12, 13, 15, 19 and 40 Wis. Adm. Code
Relating to remedial revisions to regulations for hunting, trapping, closed areas, nuisance wildlife management, removal of car-killed deer, and invasive species
Board Order No. WM-12-15
Clearinghouse Rule No. 16-037

Basis and Purpose of the Proposed Rule

Recent trap designs include ones with jaws constructed of polymers and these new trap types have passed humane trap standard evaluations. As polymer trap designs become available, this proposed rule would allow their legal use. The change to a more realistic description of "foothold" instead of "steel jaw" would also better describe how the devices are designed to work, by just holding the animal.

By applying as a group, turkey permit applicants can assure that all members of a hunting party will draw tags that are for the same time period and hunting zone. Currently, a maximum of four hunters are allowed to submit a group application for the spring and fall wild turkey hunting seasons. This proposal would increase the limit on the number of participants in the group to ten hunters. This would reduce the number of complaints received by department staff that the current group application cap does not allow all members of an intended hunting party to apply together as a group.

The use of electronic calls is currently illegal for turkey hunting. There is an exception which allows the use of electronic calls by people who possess permits for hunters with mobility-related disabilities. These rules would expand the exception so that electronic calls could also be used by people who are deaf.

Dove hunters at the Richard Bong State Recreation Area are currently required to hunt at numbered blinds and must remain within 10 feet of the blind while hunting in order to manage the hunting pressure at that location. These rules would establish that hunters need to remain 25 feet from their blind, which the department has observed is more practical. There have been no hunting accidents during this manage hunt. Additionally, minor updates to pheasant hunting permit requirements are made.

Under current rules, it is illegal for the holder of agricultural damage shooting permit tags to charge any type of fee of people who receive the tags. The Department has learned of individuals, other than the permittee, charging fees for guiding services on agriculture damage permits or selling agriculture damage tags to other participants. This proposal would clarify that it is illegal for anyone to charge a fee for hunting in agricultural damage shooting permit situations.

Under 2011 Act 251 ss. 4, 10 to 15 changes were made to the car-killed deer statute to include bear and turkeys. In the future, the department may also change to tags or permits that can be printed from law enforcement vehicle computers but those tags may not be durable enough if they must be attached to the carcass. These changes will make administrative rules consistent with changes made by Act 251 and provide more efficient issuance of tags or permits in the field. This proposal may also save on the cost of printing special durable, three-ply carcass tags that have to be distributed statewide to all law enforcement agencies and to more efficiently make future modifications to permits.

The National Society for the Colonial Dames of America in the State of Wisconsin owns a small property in Columbia County which is called the Old Indian Agency House. It is designated as a game refuge under department rules and the owners have requested that the property be

undesigned. The initial purpose for a number of the refuges established in this Ch. NR 15 is unknown. The only practical benefit to a refuge owner may be that department law enforcement staff could take enforcement action against someone who is hunting on the property. However, where these properties are privately owned, enforcement of trespassing laws by local police may be a more practical way to prevent hunting if the owner does not allow it.

Current rules establish a number of date-regulated lakes in northern Wisconsin which have been jointly agreed upon by the Department and the Great Lakes Indian Fish and Wildlife Commission. On these lakes, state officials inspect the rice crop, post signs at access points, and coordinate public notice of when the rice crop may be harvested. All of these lakes, except Noquebay Lake in Marinette County, are within the ceded territory of Northern Wisconsin. Allowing rice harvest on Noquebay Lake does not require approval or consultation with the Voigt Task Force, or the Ojibwe tribes because this is outside of the ceded territory. This proposal would eliminate date-regulation authority on this body of water so that the department does not need to inspect the rice for ripeness or publicize when harvest is allowed.

The proposed rule edits the invasive species list to make minor name corrections and to correct county listing inconsistencies which were identified late in the department's recent extensive rulemaking process, which became effective May 1, 2015.

This rule repeals a section of code that established regulations for tagging the carcasses of wild animals, birds and fish taken on Indian reservations. This language is no longer needed with the passage of 2013 ACT 85 which established statutory requirements for the transportation in this state of game taken in another state or on Indian land.

Summary of Public Comments

A hearing was held on June 29, 2016 at the State Natural Resources Office Building, GEF-2, in Madison. No one attended the hearing.

Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse made suggestions related to form and placement in administrative code and style. The report is attached as part of this green sheet package. The department made all of the suggested changes.

Changes to Rule Analysis and Fiscal Estimate

These are the original rule analysis and fiscal estimate and anticipated economic impact of implementing the rule.

Final 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.

Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24 (3m).

Pursuant to the Governor's Executive Order 50, Section II, this was a level 3 economic impact analysis for the permanent rule. A notice for solicitation of comments on this analysis was posted on the department's website beginning on February 22.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.