

Report From Agency

REPORT TO LEGISLATURE

NR 10 & 45, Wis. Adm. Code

Board Order No. WM-16-17
Clearinghouse Rule No. CR-18-005

Basis and Purpose of the Proposed Rule

SECTION 1 revises a cross-reference where public land is defined related to the use of antlerless deer hunting permits. The stewardship public access law is cross-referenced but the reference should be to the stewardship program generally in Ch. 23 Stats.

SECTIONS 2 & 3 address the fact that additional metro subunits have been created and provides consistency between the archery and crossbow metro subunit seasons.

SECTIONS 4 AND 5 remove woodchucks as a protected wild animal and establish an open woodchuck season in accordance with 2017 ACT 64.

SECTIONS 6 & 12 eliminate the requirement for elk hunters to wear a back tag and repeal other notes and references to the requirement for deer hunters to wear a back tag. The deer hunting back tag requirement was repealed by 2015 ACT 222.

SECTION 7 relaxes the requirement to register harvested furbearers within five days of the month of harvest. The proposal would require registration within seven days of the month of harvest which would always include a weekend day that may be more convenient for some hunters or trappers.

SECTION 8 would provide that blaze or fluorescent pink is a legal alternative to blaze orange for ground blinds placed on department lands during firearm deer seasons and revise other sections of code where blaze orange is referenced. These revisions are needed for consistency with 2015 ACT 131 which established that blaze or fluorescent pink may be worn as an alternative when blaze orange clothing is required.

SECTION 9 corrects a map error in the La Crosse area and Eau Claire area metropolitan deer management subunits.

SECTION 10 corrects the turkey management zone map so that it is current with recent highway development.

SECTION 11 may establish that an antlerless deer hunting permit issued to a disabled person who holds a hunting permit under s. 29.193 (2) Stats. is valid for harvesting an antlerless deer on either public lands or on private lands. This would address a resolution of the department's Disability Advisory Council.

Summary of Public Comments

The only public comments that were expressed at the public hearing were in regards to a provision of the rule that changed waterfowl blind placement on Lake Koshkonong. Those not in favor of the provision felt that the rule change inhibits waterfowl hunters and makes our already complex rules more confusing for hunters. The current waterfowl concealment rule was the result of cooperation between the DNR and many stakeholder groups and allowing this rule to change sets a bad precedent. This rule change also sets a precedent for privatizing water.

Those in favor of the Lake Koshkonong provision expressed that the current concealment language has been abused and has eliminated property rights. They felt that this is a step in the right direction to eliminate the conflicts that have arisen due to the change from the former concealment rule. Because of the complexity of Lake Koshkonong and property rights the current concealment language has increased contact and aggressive behavior from hunters and has increased the number of violations and trespassing on private property.

Modifications Made

No modifications were made to the rule as a result of public comments. One modification was made to the rule as a result of a vote of the Wisconsin Natural Resources Board. The lone NRB modification was the removal of the Lake Koshkonong waterfowl blind placement rule.

Appearances at the Public Hearing

The DNR held a public hearing regarding WM-16-17, the Bureau of Wildlife Management's clean-up rule, on February 16, 2018 in Madison, Wisconsin. There were 7 people in attendance of which 6 gave testimony for the record. All 7 people in attendance were there to provide comments on the waterfowl hunting concealment language change for Lake Koshkonong.

- 2 individuals representing the Wisconsin Conservation Congress Migratory Committee and the Wisconsin Wildlife Federation Migratory Committee were in opposition of the rule change.
- 5 individuals representing property owners and hunters that use Lake Koshkonong were in favor of the rule change.

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate through the public comment process, as no public comments on either were received.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on February 13, 2018. The LCRC provided comments on statutory authority and the form, style and placement in administrative code.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

Pursuant to the Governor's Executive Order 50, Section II, this will be a level 3 economic impact analysis. The rules most significantly impact individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. No fiscal effects on small businesses, their associations, or local governments are anticipated.

Response to Small Business Regulatory Review Board Report

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