

Clearinghouse Rule 19-090
Report to
Legislative Council Rules Clearinghouse
NR 11 & 15, Wis. Adm. Code
Natural Resources Board Order No. WM-24-18

Wisconsin Statutory Authority

The chapter on wild animals and plants, in 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.

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats.

In addition, s. 29.053 (2) grants the department the ability to exercise its authority under s. 29.014 to establish open and closed seasons to the state as a whole, or for any specified county or part of a county.

Federal Authority

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. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison of 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.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

Current rules establish properties as closed areas and wildlife refuges. These designations restrict the public’s ability to access these properties for activities during specific dates. Many of the current closed area and refuge definitions are decades old. During that time wildlife use of the property has changed. This proposal updates the closed area and refuges designations of all currently designated properties so that the designations reflect the current property use. Even if the designation of a property

does not change, we updated maps for each property so that they are consistent with each other and so the boundaries of these areas are easily identifiable by the public.

Agency Procedures for Promulgation

The agency will hold hearings in July and August and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

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