

Modifications From Agency

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PUBLIC HEARINGS
WM-03-09

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014, 29.089, 29.193, 29.197, 29.597, 169.085, 169.24, and 227.11, Stats., interpreting ss. 29.014, 29.089, 29.193, 29.197, 29.597, 169.085, 169.24, and 227.11, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 10 and 19, Wis. Adm. Code relating to hunting, trapping regulations and wildlife rehabilitation.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on Tuesday, December 15, 2009 at 6:00 p.m. at the following location: Schmeeckle Reserve, 2419 North Point Drive, Stevens Point, WI 54481.

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 December 16, 2009. 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.

In addition, the proposed rule will place a 2-year sunset provision on a rule promulgated by the 2009 spring hearing package that splits the bobcat hunting and trapping seasons into two separate permit periods. The sunset provision would cause the bobcat season to revert to a single permit period beginning on the Saturday nearest October 17 and continuing through December 31 in 2011 unless the sunset is lifted by rule.

The proposed rules will also:

1. Clarify that access permits are required of deer hunters at Lake Wissota state park.
2. Clarify that the harvest of deer of either sex is allowed by archery and gun hunters who possess disabled hunting permits, making this regulation consistent with the law that applies to disabled hunters during firearm seasons.
3. Clarify that, where it is legal to place bait for hunting deer, bait may be placed on the day before the archery season as is currently allowed on the day before the gun seasons.
4. Remove the prohibition of hunting deer with full metal jacketed, nonexpanding type bullets so that only nonexpanding type bullets are prohibited.
5. Establish that the prohibition of hunting and firearm discharge on the day before the firearm deer season applies only to the traditional nine-day deer season.
6. Establish that velvet antlers may be possessed in a CWD zone and clarifies that antlers being transported out of a CWD zone must be free of brain tissue but hair or hide does not need to be removed.
7. Incorporate by reference the definitions for a section of federal regulations that are already incorporated into Wisconsin code related to baiting migratory game birds.
8. Eliminate an unnecessary cross reference.
9. Eliminate confusing and unnecessary language and clarifies that, where body-gripping type traps from 60 to 75 square inches in size are prohibited, larger traps are also prohibited.
10. Eliminate an unnecessary gear requirement; relaxing mechanical locks are not needed on snares.

11. Eliminate a limit on participation by disabled hunters during turkey seasons that is no longer needed with only seven turkey management zones.
12. Correct an omission in the name of a deer management unit.
13. Include trapping as an educational outdoor skills activity for which certain exemptions are available so that this rule language will be consistent with statute.
14. Clarify that volunteer wildlife rehabilitators may only serve in a limited capacity on wildlife rehabilitation activities.
15. Correct the number of a subdivision.
16. Update wildlife rehabilitation code language so that it is consistent with proposed changes to the list of threatened and endangered species.

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.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule.

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 _____
Matthew J. Frank, Secretary