

Report From Agency

REPORT TO LEGISLATURE

NR 8, 10, 12 and 17, Wis. Adm. Code

The 2010 Annual Housekeeping Rule relating to license and permit procedures, game and hunting, wildlife damage and nuisance control and dog trials and training.

Board Order No. WM-02-10
Clearinghouse Rule No. 10-051

Basis and Purpose of the Proposed Rule

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.

Sections 1 and 2 allow customers to request free hard copies of turkey, pheasant, trout, or salmon stamps through the phone, a designated county clerk's office, or any department office that provides counter service.

Sections 3 to 7 update agency contact information and requirements for administration of the Wildlife Violator Compact Program.

Section 8 clarifies that a person who may only hunt with a mentor, and the mentor with whom they are hunting, can group hunt for deer even though they are only allowed to possess or control one firearm jointly. The season must be open for both hunters, they must be hunting within arms reach of one another, and both must possess the proper licenses and permits. This is consistent with s. 29.324, Stats., related to group hunting and simplifies the explanation of how this law applies during a mentored hunt.

Sections 9, 11 and 12 eliminate extraneous deer hunting season language and add a cross reference to update language following the 2006 sunset of a two-year experiment with seasons that did not include October antlerless only deer hunts.

Sections 10 and 13 eliminate the description of where hunting is allowed at Big Bay state park because it is unnecessary and the only state park for which such language is established in code.

Section 14 updates a cross reference related to the hours when hunting is allowed.

Sections 15 and 18 clarify that in addition to .410 shotguns, it is also illegal to hunt deer, bear or elk with handguns which fire .410 shotgun slugs.

Sections 16 and 17 update cross references related to deer registration and deer carcass tags in the CWD zone.

Section 19 clarifies that enforcement action can be taken against a person who fails to report bobcat harvest as required.

Section 20 repeals a redundant, unnecessary prohibition on hunting from a roadway specifically for wild turkeys.

Sections 21 and 23 clarify that when the assistant to a disabled hunter uses a firearm to aid in retrieval of a deer or turkey that has been shot by the disabled hunter, the assistant needs to possess a deer hunting license or any license that authorizes hunting when retrieving a turkey.

Section 22 clarifies that disabled hunters participating in special hunts may tag a deer of either sex with their gun buck carcass tag and additional antlerless deer if they possess valid tags for that unit.

Sections 24 through 26 move a provision to a more proper location in order to simplify code language about the removal of nuisance animals.

Section 27 clarifies that a federal permit for the removal of certain nuisance animals can serve as the state permit in order to reduce paperwork. The state could still review permits.

Section 28 clarifies that deer may be shot under the authority of nuisance permits on the day before the opening of nine day gun season in the CWD Management Zone where other firearm hunting is also allowed on that day. Outside the CWD Management Zone, hunting with firearms for species other than waterfowl would continue to be prohibited.

Section 29 clarifies that hunters under the authority of damage and nuisance program permits can retain more than one deer when authorized by the department.

Section 30 clarifies that pen standards for captive coyote, fox and rabbit, possessed with a hound dog training license under Ch. NR 17, apply when being transported or for the purpose of health care or treatment and special handling needs. These standards already apply for animals possessed under the authority of Ch. NR 16 related to captive wildlife and to bear, bobcat and raccoon possessed under the authority of Ch. NR 17, dog trials and training.

Summary of Public Comments

The department held a hearing in Madison on June 7, 2010 and there were no appearances.

The department received one written comment from Greg Wurz, Lake Mills. Mr. Wurz commented that the harvest of deer under nuisance permits should not be allowed on the day before the firearm deer season in the CWD Management zone.

Harvesting deer in this zone is currently allowed under s. NR 12.06 related to CWD management zone deer removal permits. Proposed rule language is intended to reduce confusion by restating that harvest is allowed in the CWD zone in the more general s. NR 12.10 related to authorization to remove wild animals causing damage or nuisance. A person who only reads s. NR 12.10 would not be aware that harvest is allowed on that day in the CWD Management zone. Because an actual change in the currently allowed practices was not proposed in this rule and was not a topic of discussion, the department declines to make this change.

Mr. Wurz expressed other concerns related to hunting antlerless deer in October and the size of the CWD management zone. Again, this rulemaking does not modify seasons or management zones and that was not a topic of discussion at hearings.

Modifications Made

No modifications were made as part of the hearing process.

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis and fiscal estimate.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated into the rule.

Final Regulatory Flexibility Analysis

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.

