

Report to
Legislative Council Rules Clearinghouse
NR 10, 11, 17, and 45 Wis. Adm. Code
Natural Resources Board Order WM-01-13

Wisconsin Statutory Authority

Sections 23.09(2)(b), 23.09(13), 23.091, 27.01(9)(c), and 29.014, Stats.

Federal Authority

Not applicable

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

These rule changes are proposed for inclusion on the 2013 Spring Hearing rules package and questionnaire. This rule package will create and amend regulations for hunting, trapping, closed areas, dog training, and the use of department lands found in Ch's. NR 10, 11, 17 and 45, Wis. Adm. Code.

SECTIONS 1, 3 to 5, 9 and 13 simplify firearm deer hunting regulations by allowing the use of rifles statewide. Currently, only shotguns, muzzleloaders and handguns may be used in some areas. If the statewide use of rifles were not to win support during the rule making process, the department would consider expanding rifle use in Shawano and Outagamie as recommended in spring hearing voting. These sections also make housekeeping updates in response to 2011 ACT 50 which prohibited certain firearm deer seasons from being held prior to the Saturday before the Thanksgiving holiday.

SECTIONS 2 and 8 simplify pheasant hunting regulations by eliminating the requirement to tag harvested birds at stocked hen/rooster pheasant hunting areas. Instead, field dressed carcasses of pheasants would need to retain proof of species and sex identification while being transported.

SECTIONS 6 and 7 simplify mink and muskrat trapping regulations by creating more consistent opening dates throughout the state.

SECTIONS 10 and 15 to 17 establish that, when the bear hunting season is open, hunting hours apply to people who are training bear hunting dogs as well as to people who are hunting bears.

SECTION 11 establishes that certain traps placed for weasels need to be checked by the trapper at least once every four days instead of daily.

SECTION 12 requires reporting the harvest of otter and fisher within 24 hours.

SECTION 14 simplifies regulations for pheasant hunters at Richard Bong State Recreation Area in Racine County, including eliminating the arm band requirement for pheasant hunters.

SECTION 13 establishes a controlled dove hunt at Bong State Recreation Area in Racine County in order to improve hunter satisfaction by reducing hunter interference.

SECTION 14 eliminates the refuge/closed area at Mekan Springs, Waushara County, as recommended in voting by the Conservation Congress in 2012.

SECTION 18 establishes that, in addition to collecting certain food items, it is also legal to cut and gather willow stakes on department managed lands for non-commercial uses, if prior permission is obtained from the property manager. Willow stakes are often used by trappers and individuals using licensed set lines and bank poles.

SECTION 19 allows unattended, overnight placement of portable stands and blinds on department owned and managed lands from September 1 through the following January 31.

SECTION 20 increases the daily pheasant hunting fee at Bong State Recreation Area in Racine County from \$3.00 to \$12.00 (\$5.00 if stocking did not occur on that day) because the current fee is not sufficient to cover the cost of this stocking program.

All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

The harvest of hen pheasants is generally prohibited in the wild but is allowed at certain stocked public hunting grounds. Hunters at these properties must tag the leg of harvested birds before transporting them in any way. Eliminating the tag requirement will save money for the department. By instead requiring that all harvested bird carcasses retain evidence of species and sex identification, such as the head or a fully feathered wing, a conservation warden will still be able to identify a hen pheasant and can then verify where it was harvested.

The use of firearms for deer hunting is restricted to shotguns, muzzleloaders and handguns only in certain portions of the state. At one time people generally believed that these firearms were safer but research and experience indicate that is not the case. Allowing the use of rifles statewide will be a simplification of regulations. Residents of Shawano County have asked for a stand-alone rule proposal, in addition to the statewide proposal, so that a Shawano County proposal can advance if a statewide rule does not. In Conservation Congress voting, residents of Outagamie County have also requested expanded use of rifles.

Currently there are four separate zones for mink and muskrat harvest, with slightly different opening or closing dates. This proposal would consolidate zones in order to simplify regulations that are no longer needed.

Richard Bong Recreation Area, located in Racine County, currently experiences very heavy dove hunting pressure that detracts from the quality of the hunting experience. The purpose in creating a controlled dove hunt area on the Richard Bong State Recreation Area (RBSRA) is to prevent conflict with Special Use Zone (SUZ) user groups. The 1200 acre SUZ is located in the southwest part of the RBSRA. During the airbase construction the current SUZ area was to be the runway. The area was stripped of topsoil and a little over 2 miles of gravel was laid. Just south of the gravel runway several shallow runoff ponds were also built. When the property became a park the runway and surrounding area was designated as the SUZ to serve as a special area to support a variety of activities, many non-traditional, because of the heavy disturbance. Administrative rules list 25 different activities permitted in the SUZ - the ones relating to this rule change are hunting, all-terrain vehicles, and dog training/trialing. The priority ranking guidance in rule helps minimize conflicts, but with the introduction of dove hunting new issues started to develop. Currently there are approximately 7-8 miles of ATV & Motor bike dirt/gravel trails north of the gravel runway. The runway area is attractive to doves because of the gravel and shallow ponds, which also attracts the dove hunters. As dove hunting grew in popularity conflicts started to occur in the SUZ. Rangers observed dove hunters within the ATV loops hunting. A hunter would setup in the loop area and wait for an ATV or Motor Bike to drive by. When the vehicle would flush the dove off the trail the hunter would stand up and shoot at the bird. Also, dove hunters hunting by the ponds would shoot in the

direction of the ATV/Motor Bike trails. Fortunately no one has been injured, but changes are needed to avoid an accident. Another concern addressed by this proposal is that the pond areas are starting to become over-crowded. Several hunter groups would line the edge of the ponds shooting in different directions at doves and possibly at other hunting groups and other user groups- ATV/Motor Bike. As a result recommendations were made to create a 300 acre controlled hunting area in the SUZ where hunters are restricted to 8 locations identified by posts. Only 3 hunters are allowed per post; they must hunt within 10 feet of the posts; and they can only shoot to the south. In the remaining portions of the park open to hunting, hunters are not restricted to a specific area to hunt doves.

Arm bands must be worn by pheasant hunters at Richard Bong State Recreation Area. This requirement may no longer be needed and the department will evaluate eliminating it.

This proposal would exempt trappers from the daily trap checking requirement on dry land for certain types of sets made for weasels. Tending traps would be required at least once every four days. The trap types exempted under this proposal would be small body gripping traps contained in enclosures with an opening of a size that should prevent the capture of protected martens. Because body gripping traps are designed to kill the weasel upon capture, trappers have argued that live animals will not remaining in traps for extended periods of time. Additionally, the enclosures in which the traps are placed should prevent scavenging of trapped animals and keep them out of sight. In these specific trapping situations, daily trap checking requirements may not be needed.

Currently, there are no restrictions on the time of day for training dogs to pursue bears. In the past, training dogs by trailing wild bears was not legal during the hunting season for bears. With the passage of 2011 ACT 28, bear dog training is now allowed during the bear hunting season. This proposal will require that all bear pursuit activities take place only during lawful bear hunting hours when the bear hunting season is open in order to eliminate the need to determine who is hunting and who is only training. Bear dog training typically is done during daylight hours so this will not result in a significant loss of opportunity.

Collecting plants from department managed lands is generally prohibited except for some edible plant parts and the removal of invasive plants. This proposal would also allow collecting willow stakes on department managed lands for non-commercial uses with prior permission of the property manager. Willow stakes are often used by trappers for marking trap locations and anchoring traps. The restriction to taking only willows that are 2 ½" in diameter or less will allow taking trees that are large enough to use for bank poles and set lines but will maintain the prohibition of harvesting trees in general. Willow is a fast growing species that, although native, is sometimes considered invasive in certain areas.

Currently the overnight, unattended placement of hunting stands and blinds is not allowed on department managed lands. This regulation is designed to prevent the "staking out" or making advance claims to hunting locations in favor of a first-come-first served practice. However the overnight placement, remaining in place for more than one day, of stands is allowed on some other public lands and may also be practical on department lands.

At Richard Bong Recreation Area hunters pay a daily entrance fee of \$3.00 to hunt stocked pheasants and the daily bag limit is two birds. This fee has not been updated since being established in 1982. An increase to \$12.00 (\$5.00 if stocking was not done on the previous day) will allow the managed pheasant hunt program to continue in a sustainable manner while improving the quality and consistency of the hunt for program participants.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board adoption, Governor's Office of Regulatory Compliance final approval, followed by legislative review

Description of any Forms

None

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