

Report From Agency

REPORT TO LEGISLATURE

NR 10 and 11, Wis. Adm. Code
The 2015 Wildlife Management Spring Hearing Rule relating to hunting, trapping, and closed areas.

Board Order No. WM-01-15
Clearinghouse Rule No. 15-024

Basis and Purpose of the Proposed Rule

These proposals are the 2015 DNR Wildlife Management Spring Hearing rules package and questionnaire. This rule package creates and amends regulations for hunting, trapping and closed areas found in Ch's. NR 10 and 11 Wis. Adm. Code.

SECTIONS 1, 8 and 9 expand the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be "concealed" if they are within 3 feet of the shoreline. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 2 and 6 increase the limit on the number of small game animals a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two, consistent with federal regulations for migratory game birds. These SECTIONS and SECTION 7 also establish a 9:00 a.m. opening time on the first day of the pheasant, quail, Hungarian partridge, and southern rabbit seasons instead of noon. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 3 and 4 modify the spring wild turkey hunting season opening date so that it is always the third Wednesday in April.

SECTION 5 simplifies the fall turkey hunting season framework so that hunting is always allowed on the day before the firearm deer hunting season and so that the season is continuous with no closed periods in Zones 1 to 5 in the southern part of the state. This section also increases the limit on the number of crows a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two

SECTIONS 10 and 11 allow the use of foot activated cable restraints, a device used to trap furbearing animals and for which best management practices have been approved by the Association of Fish and Wildlife Agencies. These SECTIONS also modifies the standards for construction of cable restraint devices used to trap furbearers to improve their efficiency for catching coyotes. Finally, this SECTION 10 modifies phrasing for consistency with the other subdivisions in this paragraph, as suggested by the Legislative Council Rules Clearinghouse.

SECTIONS 12 and 13 eliminate the trapping hours restriction so that traps may be placed or tended at any time. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 14 and 15 modify the location and size of a waterfowl hunting closed area at the *Wolf River Bottomlands Natural Resources Area* on DNR managed lands in Outagamie County.

Summary of Public Comments

On Monday April 13, a hearing was conducted in each county of the state. Statewide attendance was 4,610. Hearing attendees had the opportunity to register support or opposition by voting on individual proposals in this package of rules. The following tables summarize voting activity.

Summary of April 13, 2015 Spring Hearing Voting

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
1	Expand areas where waterfowl hunting is allowed from boats and blinds	2,429	1,347	Yes	65 / 6 / 1		Advance
2	Increase possession limit for small game - three times the daily bag limit	2,350	1,605	Yes	59 / 12 / 1		Advance
3	9:00 a.m. opening time on first day of pheasant and certain other seasons	2,789	948	Yes	72 / 0 / 0		Advance
4	Spring turkey season opening day of third Wednesday in April	3,074	756	Yes	72 / 0 / 0		Advance
5	Fall turkey season open statewide on the day before gun deer season	2,055	1,726	Yes	48 / 20 / 4		Advance
6	Fall turkey season open during firearm deer season in zones 1 to 5	1,932	1,825	Yes	46 / 25 / 1		Advance
7	Eliminate the trapping hours restriction	2,105	1,616	Yes	55 / 17 / 0		Advance
8	Allow the use of spring activated foot cable restraints by trappers	2,387	1,075	Yes	66 / 4 / 2		Advance
9	Cable restraint construction standards	2,016	1,391	Yes	60 / 10 / 2		Advance
Proposal of primarily local interest							
10	Eliminate Outagamie Wildlife Area and establish new closed area at the Wolf River Bottoms Wildlife Area, Herb Behnke Unit	1,600	829	Yes	66 / 5 / 1	Brown: Yes, 53; No, 18 Calumet: Yes, 20; No, 12 Outagamie Yes, 57; No, 20 Shawano: Yes, 37; No, 19 Waupaca: Yes, 33; No, 8 Winnebago Yes, 47; No, 22	Advance

Written Comments

In addition to voting on April 13, the department received a handful of written comments and phone calls during the official comment period. Most were simple statements of support or opposition and are summarized in Table 1 below.

Table 1.

Statewide Department Questions			
		Ayes	Noes
1	Expand areas where waterfowl hunting is allowed from boats and blinds	2	1
2	Increase possession limit for small game - three times the daily bag limit		3
3	9:00 a.m. opening time on first day of pheasant and certain other seasons	2	
4	Spring turkey season opening day of third Wednesday in April	2	1
5	Fall turkey season open statewide on the day before gun deer season	2	
6	Fall turkey season open during firearm deer season in zones 1 to 5	2	1
7	Eliminate the trapping hours restriction		3
8	Allow the use of spring activated foot cable restraints by trappers	1	2
9	Cable restraint device construction standards		3
Department Question Primarily of Local Interest			
		Ayes	Noes
10	Eliminate Outagamie Wildlife Area and establish new closed area at the Wolf River Bottoms Wildlife Area, Herb Behnke Unit	1	1

Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

Comments the department received from the Legislative Council Clearinghouse have been incorporated. Most changes are organizational or remedial in nature. One recommendation of the council is to codify the department's historical interpretation that jump shooting waterfowl from a boat is a legal activity, which we have included in the sections modifying the open water hunting prohibition and exceptions. This change will not result in a change to what has normally been considered a legal activity of pursuing waterfowl by skirting the edges of waterbodies in a boat that is not anchored and not powered by a motor.

The council also recommended that the department consider creating definitions of the words "navigability" and "un-manipulated" as they relate to the prohibition of open water hunting and exceptions. The department has decided not to establish definitions for those terms. The department annually modifies migratory bird hunting regulations and can create definitions if a need is identified following experience implementing the new rule.

The proposal to allow use of foot-activated cable restraints has been modified. When the initial proposal was drafted, wolves were a species that were legal to trap. Wolves were federally relisted as an endangered species on December 19, 2014 and regulated trapping is no longer allowed. The department is recommending adoption of foot-activated cable restraint specifications tailored specifically to capture the smaller fox, coyote and bobcat. Instead of a maximum cable length of ten feet, cables could be no longer than seven feet. The maximum length of the cable which makes of the foot loop would be 22 inches when open instead of 25,

resulting in a maximum foot loop that is essentially 7 inches in diameter with a breakaway not to exceed 350 pounds, unlikely to capture and hold an average sized wolf late in the year. If wolves are delisted in the future, any need for modifications can be addressed through a permanent rule process related to wolf harvest and management which was initiated well before relisting in 2014.

Appearances at the Public Hearing

Statewide attendance was 4,610.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was to reflect modifications made.

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.