

Report From Agency

REPORT TO LEGISLATURE

NR 10 and 45 Wis. Adm. Code
Relating to tree stand use on department managed lands and shooting hours.

Board Order No. WM-02-16
Clearinghouse Rule No. 16-028

Basis and Purpose of the Proposed Rule

Currently the overnight, unattended placement of tree stands and ground blinds for hunting 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 of stands is allowed on many other public lands which are not managed by DNR and may also be practical on department lands. This would provide hunters with the convenience of not having to carry and place a tree stand or blind for each hunt. This could be appealing, especially for an aging demographic of hunters. Some hunters have observed that competition for hunting locations in areas north of Hwy. 64 is already reduced compared to times when people felt that deer were more abundant.

As initially proposed the provisions related to tree stands would have sunset after a three year period. The rule was amended prior to adoption. As amended, this provision does not sunset. Also as amended, a hunter is limited to placing no more than two stands on department managed lands in one county.

Under these rules, unattended tree stands would need to be marked with the owner’s department customer identification number or name and address. It would be illegal to cause damage to a tree, but careful pruning of limbs less than 1 inch in diameter would not be considered causing damage to the tree the stand is placed in. This would not permit cutting trees, brush and other vegetation for shooting lanes.

In statewide voting on a comparable advisory proposal at 2015 spring fish & wildlife hearings, voting was supportive with results of Ayes, 1,814; Noes, 1,687. The county vote included 45 in support, 26 opposed, and a tie in one. For counties with area north of State Hwy 64, support was stronger and included 15 in support, 5 opposed, and a tie vote in one.

For many species, the department has established “hunting hours” so that the times of day when hunting can occur are limited. Typically, hunting is only allowed from 30 minutes before sunrise until 20 minutes after sunset. For clarity of meaning, these rules would change the way the department describes the times of day when hunting is allowed for certain species, identifying them as “shooting hours” rather than “hunting hours”. In some people’s view this would, for instance, clarify that it is legal to remain in a hunting blind or stand after hunting hours in order to observe game or prevent spooking game from an area as long as the person does not shoot.

Summary of Public Comments

Both of the department’s rule proposals were supported by the popular vote. The results of voting on the rule proposals are summarized below.

Table 1.

Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes/No/Tie)	Department Recommends	
Statewide Department Questions							
1	Overnight placement of stands N of 64 for all fall seasons	1,639	2,192	No	20 / 50 / 2	Popular: 462 / 501 County: 10 / 12	Advance as part of Question 3.
2	Overnight placement of stands N of 64 for all firearm seasons only	1,018	2,780	No	0 / 71 / 1	Popular: 282 / 662 County: 0 / 22	Take no action
3	Overnight placement of stands N of 64 for three year trial period	2,253	1,600	Yes	54 / 16 / 2	Popular: 569 / 396 County: 15 / 4 / 2	Advance
4	Shooting hours instead of hunting hours	2,339	1,474	Yes	61 / 8 / 3		Advance

Written Comments

The Douglas County Board of Supervisors, upon the recommendation of its Forest, Parks and Recreation Committee, endorsed the proposal related to tree stands and asks us to consider their support.

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 2 below.

Table 2.

Statewide Department Rule Proposals			
Question #		Ayes	Noes
1	Allow overnight placement of stands/blinds North of Hwy. 64	2	
2	Stands/blinds North of Hwy. 64 during firearm seasons only		1
3	Stands/blinds North of Hwy. 64 for three year trial period	1	
4	Shooting hours instead of hunting hours	1	1

Additionally, the department asked an advisory question in 2015 in order to gauge public opinion about allowing the overnight placement of tree stands and blinds on lands north of HWY 64.

Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	County Vote N. of Hwy 64 (Yes / No / Tie)	
Natural Resources Board Advisory Questions						
70	Unattended placement of portable stands on department lands north of State Hwy. 64 during gun and muzzleloader seasons, three year trial	1,814	1,687	Yes	45 / 26 / 1	15 / 5 / 1

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was amended to reflect that the provision related to tree stands does not sunset after a three year period and that hunters are limited to placing two stands or blinds in a county. These modifications would not have result in changes to the rule's fiscal impact and economic analysis so that document was not revised.

The department has determined that these rules will have no economic impact locally or statewide. The department posted a notice soliciting comments on this analysis on its website for a 14 day period beginning on February 26, 2016. No comments were received.

Final Regulatory Flexibility Analysis

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses and no design standards are contained in the rule.

Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24 (3m).

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.