

## **Report From Agency**

### **REPORT TO LEGISLATURE**

NR 10, 11 and 16 Wis. Adm. Code  
Relating to remedial revisions relating to hunting, trapping, closed areas, nuisance wildlife  
management and captive wildlife.  
Board Order No. WM-04-13  
Clearinghouse Rule No. 16-035

#### Basis and Purpose of the Proposed Rule

Colony Traps are a legal trap type for muskrat. The legal width and height of colony traps would be increased by one-half inch so that trappers and trap manufacturers can utilize readily accessible dimensional hardware cloth to construct these types of traps.

Under current rules, deer waste from the CWD management zone may only be disposed at a landfill within the CWD management zone unless permission to move the waste to a landfill outside of the CWD management zone is granted by the department. This change would allow private sector waste haulers to negotiate disposal contracts with landfills outside of the CWD management zone, which could allow private sector business more cost effective methods for disposing of deer waste.

The current application process for sponsoring a Gun Deer Hunt for People with Disabilities on private land is cumbersome. Simplifying the process will help to reduce costs associated with the application procedure for private sponsors as well as reduce the department's costs of administering the hunt.

The holder of the Conibear® trademark contacted the WI Department of Justice requesting that the DNR remove the term 'Conibear' from administrative code, and replace it with a more generic term, such as 'body-gripping trap', to protect their trademark name.

Fence standards for captive wolf, wolf-dog hybrids, and coyote are currently the same as for cougar, bobcat, and lynx (i.e., 10 feet tall with an additional 4 feet at the top slanted in at a 30-45° angle). Canines are unlikely to climb fences, so this rule seeks to reduce fence standards for captive canines to reflect their likely behavior. The new fence standards that would be in place under this rule would be the same as current rules for captive bear (i.e., 8 feet tall with an additional 3 feet at the top slanted inward at a 30-45° angle). These rules also exempt wolf-dog hybrids from the perimeter fence requirement that applies to some harmful wild animals and makes the pen standard for wolf-dog hybrids consistent with true wolves, a species for which there is no perimeter fence requirement.

#### Summary of Public Comments

A hearing was held on June 29, 2016 at the State Natural Resources Office Building, GEF-2, in Madison. No one attended the hearing.

#### Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse made suggestions related to form and placement in administrative code and style. The report is attached as part of this green sheet package. The department made all of the suggested changes.

#### Changes to Rule Analysis and Fiscal Estimate

These are the original rule analysis and fiscal estimate and anticipated economic impact of implementing the rule.

#### 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.

This scope statement includes a proposal that would simplify the process by which private sector waste haulers are able to dispose of deer waste from the CWD Management Zone. This proposal is expected to reduce costs for private business because they will be able to find local, cost effective methods for disposal rather than transporting waste to one of the two landfills within the CWD management zone which accept deer waste. The department currently has authority to make exceptions on a case-by-case basis and has granted exemptions, so actual economic benefits will be minor.

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.