

Report to
Legislative Council Rules Clearinghouse
NR 11, Wis. Adm. Code
Natural Resources Board Order No. WM-10-18

Wisconsin Statutory Authority

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to trapping.

In addition, s. 29.053 (2) grants the department the ability to exercise its authority under s. 29.014 to establish open and closed seasons to the state as a whole, or for any specified county or part of a county.

The Apostle Islands National Lakeshore was authorized by an act of Congress on September 26, 1970 (Public Law 91-424). This act allowed hunting, fishing, and trapping within the borders of the lakeshore in accordance with the appropriate laws of the State of Wisconsin and the United States.

Federal Authority

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. In general, hunting and trapping within the Apostle Islands National Lakeshore follows state regulations. However, in some instances, there are specific restrictions set in place by the federal government. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison of Adjacent States

The Upper Peninsula of Michigan and Minnesota both have a regulated marten trapping season. Marten are not currently found in Illinois or Iowa.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

Current rules establish a closed season for trapping any species of wild animals in certain areas of the state where the American (pine) marten are found, with certain exceptions. There are two American (pine) Marten Protection Areas and exceptions for certain type of traps which don't cause a danger to the marten. American marten have recently been confirmed on 7 Apostle Islands (Stockton, Cat, Manitou, Rocky,

Otter, Bear and Outer). This proposal may establish a third MPA on those islands that are within the Apostle Islands National Lakeshore.

Current language allows cable restraints and box traps as the types of traps that can be used in dryland sets in an MPA. This proposal may include language that allows flexibility to add or remove trap types allowed in MPA's. Research has shown that weasel boxes with a hole opening of 1 3/8" or less will prevent entry of American marten. Records also indicate that dryland foothold traps, with mandatory pan tension devices, can be used within marten range without risk of incidental capture of marten. These changes would provide trappers additional opportunities while not jeopardizing the welfare of the marten.

Agency Procedures for Promulgation

The agency will hold hearings in March and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and then submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None

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