

Report From Agency

REPORT TO LEGISLATURE

NR 10 & 45, Wis. Adm. Code

Board Order No. WM-21-18
Clearinghouse Rule No. 19-017

Basis and Purpose of the Proposed Rule

The department is recommending modifications to NR 10 and 45, Wis. Adm. Code, relating to hunting, trapping, trapping, and target shooting. These rule changes were part of the 2019 Spring Hearing questionnaire and agenda. Specifically, individual sections of this rule proposal will:

1. Eliminate the restrictions on night hunting hours for raccoons during the 9-day deer season to provide consistency throughout the entire state.
2. Simplify the river otter trapping season framework by establishing an annual bag limit instead of requiring permits obtained through a drawing.
3. Allow trappers to set traps within 15 feet of beaver dams.
4. Allow trappers to retain raccoons incidentally caught in beaver traps after the close of the raccoon season.
5. Move the pheasant shooting hour closure on certain properties from 2 p.m. to 12 p.m.
6. Simplify weapons and ammunition restrictions that currently apply to hunters.
7. Allow the department to regulate target shooting on department properties in Rock County

Summary of Public Comments

All but one of the department's proposals, question number seven relating to eliminating minimum caliber requirements for pellet guns for hunting certain small game species, were supported statewide. In addition to the online and in-person input, the department received only one written comment during the official comment period. This individual wrote in support of Wildlife Management rule questions number one and six.

Modifications Made

After reviewing the public input and further discussing the rule proposals, the Wildlife Management program chose not to make any edits to the proposed rule.

Although question number seven regarding removing minimum caliber requirements for pellet guns was not supported statewide, the results were nearly tied with only 189 more individuals disproving the measure. After doing further research, we are unable to find any major retailer that sells pellet gun ammunition below the .17 caliber standard that is established in administrative code. In the effort to further simply our regulations the department recommends moving forward with this section as part of the rule package. Additionally, the Wisconsin Conservation Congress at their annual convention supported advancing the question.

Appearances at the Public Hearing

The department held a public hearing in each county on the second Monday in April 2019. 3,402 individuals attended the spring hearings in person while 7,310 provided input online which was available for the first time.

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate through the public comment process, as no public comments on either were received.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on April 2, 2019. The LCRC provided comments on the form, style and placement in administrative code, the adequacy of references to related statutes, rules and forms, and on clarity, grammar punctuation, and use of plain language.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. 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.