

Report to
Legislative Council Rules Clearinghouse
NR 8, 10,11, 12, 16,17, 19 and 45, Wis. Adm. Code
Natural Resources Board Order No. WM-05-19

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 make changes related to trapping and hunting regulations.

A number of provisions in 2017 Wisconsin Act 59 provide initiative for this rulemaking project. In the s. 29.164 (2) (a), Stats., the department is prohibited from requiring the possession of validation of a turkey carcass tag. In s. 29.164 (2) (c) 2. and in numerous other locations the term “authorization” is established as an alternative to “carcass tag” related to turkey hunting. In the s. 29.347 (2) Stats., provisions establishing that the department shall require the possession or validation of a deer carcass tag are eliminated. This change in policy is most clearly seen by reviewing Section 578u. of 2017 Act 59.

Additionally, s. 29.885 (2) grants the department the authority to remove or authorize the removal of a wild animal that is causing damage or that is causing a nuisance.

Opening the coyote hunting season at times when a firearm deer season is also open is specifically authorized under 29.185(5)(d) which was created by 2011 ACT 169.

Federal Authority

States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison of Adjacent States

These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state’s resources and public desires.

Court Decisions Directly Relevant

None.

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

These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate. This rule package will

amend regulations for hunting, trapping, nuisance wildlife management, removal of car-killed deer. The department may include other, minor, non-controversial rule proposals including ones which have passed at the annual Spring Fish & Wildlife Hearings as advisory questions by the Conservation Congress

Agency Procedures for Promulgation

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

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

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