

# STATEMENT OF SCOPE

## Department of Natural Resources

**Rule No.:** WM - 03 - 17

**Relating to:** The 2017 Wildlife Management spring hearing rule related to hunting, trapping, refuges and closed areas, and wildlife nuisance control.

**Rule Type:** Permanent

**1. Finding/nature of emergency (Emergency Rule only):** These will be permanent rules.

**2. Detailed description of the objective of the proposed rule:**

These rule changes are proposed for inclusion on the 2017 Wildlife Management Spring Hearing rules package and questionnaire. This rule package will modify regulations for hunting, trapping, refuges and closed areas found in Ch's. NR 10 Game and Hunting, 11 Closed Areas, 12 Wildlife Damage and Nuisance Control, 15 Game Refuges, and 19 Miscellaneous Fur, Fish, Game and Outdoor Recreation.

Specifically, these rules would;

1. Simplify the season framework and expand opportunities by establishing that the fall turkey and pheasant hunting seasons as well as the fisher trapping season are always open on the New Year's Holiday weekend, consistent with the current archery deer season. The turkey, pheasant and fisher seasons currently close on December 31.

2. Establish an option for county deer management advisory councils to recommend extending the archery and crossbow deer hunting seasons in a unit so that it would continue through January 31 instead of closing after the New Year's Holiday weekend. In units in a farmland deer management zone only, the department could extend the season upon a council's recommendation for the current season only.

3. Remove protective status for an exotic species, the Eurasian collared dove, and a species that is listed as invasive, the monk parrot. Eliminating the current protected status would simplify management and control of monk parrots and would allow the legal harvest of Eurasian collared doves.

4. Simplify a number of weapons and ammunition restrictions that currently apply to hunters but which are likely outdated and not needed for conservation or safety related purposes.

5. Allow the department to issue antlerless deer hunting permits directly to hunters who have access to public or private lands which are enrolled in the Deer Management Assistance Program and for which antlerless permits are available under the program. Currently, tags are sold to a landowner or authorized representative who must distribute the tags.

6. Consolidate fisher management zones from the current six so that there would be only two zones. The extensive zone configuration was important when the species was still expanding its range but is no longer needed now that fisher are well established and distributed.

7. Consolidate otter management zones so that there would be two instead of three and eliminate the population goal of 13,000 animals. The two zone configuration would be consistent with the bobcat and

proposed fisher management zones. Eliminating the 13,000 animal population goal for otters is recommended because population estimates may not be precise enough to assist with species management.

8. Eliminate or reduce the size of wildlife refuges on wildlife management areas which are no longer needed for conservation purposes.

9. Repeal the one time limit for participating in learn-to-hunt program events because opportunities are available to provide more instruction and participation.

10. Simplify fall turkey hunting regulations by eliminating the requirement to apply and hold a drawing for permits. Permits could be issued over-the-counter.

11. Additional rule changes may be pursued which are reasonably related to those discussed here. The department may also include other, minor, non-controversial rule proposals passed at the annual Spring Fish & Wildlife Hearings as advisory questions by the Conservation Congress.

### **3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest and managing department lands for conservation purposes and authorizing the removal of nuisance wild animals in certain situations.

A number of these proposals are recommendations of the Wisconsin Conservation Congress to the Natural Resources Board and initiating a process to promulgate those rules fulfills a role of the board and the congress established in s 15.348 Stats.

This proposal would simplify the season framework and expand opportunities by establishing that the fall turkey and pheasant hunting seasons as well as the fisher trapping season are always open on the New Year's Holiday weekend. These seasons currently close on December 31. The archery deer season was historically among the seasons that closed on December 31. The current Sunday nearest January 6 closure was a recommendation of the Deer Management for 2000 and Beyond effort and it was first in effect for the 2002 season. Presumably, the change was made to expand hunting opportunities by assuring that the archery deer season would always be open on the New Year's Holiday weekend. We do not think extending these seasons by a handful of days will have any impact on pheasants, turkeys, or fisher populations. This is a time of year when hunting and trapping pressure is low. In particular, fisher harvest is controlled by permit issuance and, if a noticeable amount of new harvest were to occur, it would be automatically accounted for in future years permit levels. This will provide additional opportunity for the limited number of people who will take advantage of it at a time when many people do have vacation or leave from work.

Providing the option for an extended archery season in certain units is a recommendation of the Conservation Congress. Current regulations provide for archery and cross deer season that run continuously from the Saturday nearest September 15 through the Sunday nearest January 6. Current rule also provides Farmland Zone County Deer Advisory Councils (CDACs) the option of recommending an antlerless only Holiday Hunt from December 24 through January 1. The proposed rule modification would provide CDACs with the option of recommending that the archery and crossbow seasons run through January 31 in any unit where they also recommended a Holiday Hunt season framework.

Eurasian collared doves are currently a protected species in Wisconsin because that is the default status for any species which is not otherwise listed. Collared doves are present in the state and have been encountered by mourning dove hunters. Classifying them as unprotected species would allow harvest of this exotic species. Monk parrots are not known to present at this time but they have become established

in Chicago and could naturally colonize in Wisconsin cities. Monk parrots are listed as a prohibited species under Ch. NR 40, Invasive Species Identification, Classification and Control. In most situations, the possession, transportation, transfer and introduction of monk parrots is prohibited. The department can give permission to people who wish to remove animals. This proposal would eliminate the requirement that people first get the department's permission to destroy monk parrots.

Under current law, there are a number of complex and historic provisions which regulate the use of weapons and ammunition for hunting. These provisions increase regulation complexity despite there being little evidence, other than anecdotal, that they are necessary and appropriate. In general, the current regulations seem to be a mix of "hunting ethics" and safety; a new proposal would balance those interests while creating an adaptable framework for future weapon innovations in an overall simplified framework. For instance, this proposal could eliminate various handgun barrel length restrictions, eliminate restrictions on use of .410 shotguns, and eliminate pellet gun caliber restrictions.

The proposal may allow the department to issue antlerless deer hunting permits directly to hunters who have access to public lands which are enrolled in the Deer Management Assistance Program and for which antlerless permits are available under the program. Currently, tags are sold to a landowner or authorized representative who must distribute the tags. The current distribution method, used primarily by private landowners for private lands, may not be an efficient distribution method for owners of larger properties such as industrial forest that is open to the public for deer hunting.

This proposal could consolidate fisher management zones from the current six so that there would be only two zones. The extensive zone configuration was important when the species was still expanding its range but is no longer needed now that fisher are well established and distributed.

Consolidating the current three otter management zones so that there would be two would make the zone configuration consistent with the current bobcat and the proposed fisher management zones. Eliminating the 13,000 animal population goal for otters is recommended because population estimates may not be precise enough to assist with species management.

This proposal would eliminate or reduce the size of wildlife refuges on wildlife management areas which are no longer needed for conservation purposes. Changes being considered include eliminating what is commonly known as the Rat River refuge in Winnebago County and the Van Loon beaver/otter closed area in La Crosse County. The proposal would reduce the size of the Theresa Marsh no entry refuge in Washington and Dodge counties.

Current regulations prevent novice hunters, anglers, and trappers from participating in more than one training event that involves waivers of regulations. This change is a recommendation of the Conservation Congress and would allow someone to participate in more than one learn-to-hunt event. Some novice hunters feel the need for additional training before becoming a license purchaser. The availability of these courses may allow participation in more than one event while still meeting demand from first time participants and may increase the recruitment of new hunters.

Fall turkey permits are currently allocated through a drawing and hunters are required to apply for a permit in advance. Fall harvest levels and hunting pressure may be low enough that a drawing is no longer needed in order to maintain a safe harvest level. If the drawing were eliminated, each hunter would receive one fall permit with the purchase of their license, which would be valid in the zone of their choice. With this simplification, hunters would no longer need to remember to apply for a fall turkey permit by a certain deadline, and would no longer have to pay a \$3.00 application fee.

#### **4. Detailed explanation of statutory authority for the rule:**

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 deer, turkey, pheasant, and fisher seasons as well as allow hunting of collared doves. Additionally, this authority allows the department to simplify the zone configurations for fisher and otter management. Finally, this authority allows the department to establish or eliminate restrictions for education activities commonly referred to as learn-to-hunt events. Related to learn to hunt events, the department’s proposal may also interpret s. 29.197 which is the statute that establishes special educational events where certain hunting regulations may be waived.

Sections 23.095, 23.11 and 29.014, Stats. allow for the protection of natural resources, establish general department powers, and authority to establish hunting regulations on department managed lands and managing refuge areas.

The ability to establish, modify or eliminate game refuges is authorized in s. 23.09 (b) relating to the department’s ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :**

160 hours.

**6. List with description of all entities that may be affected by the proposed rule :**

Hunters and trappers are the principal groups that will be affected by this rulemaking. If extended archery deer hunting opportunities result in a better ability to address deer impacts to agriculture and forestry, people involved in those industries may also be impacted.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :**

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. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

Based on our preliminary analysis, we do not anticipate an economic impact to individuals or groups. If there were to be any economic impact resulting from this rule, we anticipate that it would be very minimal. 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.

**9. Anticipated number, month and locations of public hearings :**

The department hold a public hearing in each county on the second Monday in April, 2017.

These hearings will be held in conjunction with the annual Conservation Congress spring meeting, which will immediately follow the department’s administrative rule hearing at each hearing location.

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