

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-21-18

Relating to: The 2019 Wildlife Management spring hearing rule related to hunting, trapping, and target shooting.

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, and target shooting found in Ch's. NR 10 Game and Hunting and 45 Miscellaneous Fur, Fish, Game and Outdoor Recreation.

Specifically, these rules may;

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 on beaver dams located on private land with written permission from the landowner.
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.

Additional rule changes may be pursued which are reasonably related to those discussed here.

These rules may make additional updates such as correcting cross-reference citations, updating road names on maps, changes needed in order to update application forms, or revisions which are necessary for consistency with recently enacted legislation.

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 the policies in this rule would be generally consistent with past board policies of regulating fish and game harvest and managing department lands for conservation purposes.

Raccoons are active at night and are very commonly pursued by hunters after dark. However, in the northern two-thirds of the state, hunting at night is not allowed for any species during the 9-day firearm deer season. Night hunting for raccoons was allowed in the area generally known as the southern farmland deer hunting zone when firearm deer seasons were lengthened after the discovery of CWD. Hunting raccoons at night is currently legal in the southern 1/3 of state, an area with generally higher hunter densities, and there have been no known conflicts or legal issues. This proposal will simplify regulations and eliminate the restrictions on night hunting for raccoons during the 9-day deer season for all other areas of the state.

This proposal would change the river otter season framework from the quota/permit system to a bag limit/quota system. River otter are currently managed through a limited quota/permit framework. This system requires trappers to apply by August 1, includes a \$3 issuing fee, and requires wildlife to coordinate mailing of durable tags to successful applicants. A quota is established annually, and permit levels are calculated based on average success rates over the previous 3 harvest seasons. Instead of a drawing and issuance of physical permits, an annual bag limit for river otter would be included with the purchase of a trapping license. Trappers would no longer be required to purchase/apply for an otter permit and would no longer be required to carry a physical tag.

Current law prevents the placement of traps, except enclosed trigger traps, at any time within 15 feet of any beaver dam. The landowner exemption does allow a landowner to trap on a dam, but this exemption does not extend to agents of the landowner. The United States Department of Agriculture-Wildlife Services can trap on dams as part of their beaver program as well. This proposal would allow both nuisance and fur trappers to trap on a beaver dam with written permission from the landowner.

Muskrats may be utilized by a trapper even if caught when the muskrat season is closed if they are taken while trapping beaver during the beaver season. Allowing the possession of raccoon would be a similar exemption.

Currently, pheasant shooting hours close at 2 p.m. on public lands stocked with pheasants during the pheasant season to allow staff to stock birds without hunters pursuing them straight out of the stocking truck. In some cases, due to staff limitations and other logistics, DNR staff must begin stocking pheasants earlier. This proposal would establish a noon closure on stocked properties to give staff more time and flexibility to stock while removing hunting pressure on the birds until the next morning.

Target shooting is unregulated on DNR owned lands unless these lands are in counties listed Ch. NR 45.09 (5), Wis. Adm. Code. There are no designated public shooting ranges in Rock County, a county with a relatively high population density and relatively flat topography. There is significant unregulated target shooting on state owned lands such as the Avon Bottoms Wildlife Area. This proposal would allow the department to regulate target shooting on state-owned lands in Rock County.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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.

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats.

Under s. 23.09 (2) (d) related to conservation, the department is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary. These rules are necessary to preserve public opportunities to hunt with firearms on lands that have been acquired as areas where any citizen may hunt or trap.

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.

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 :

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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an 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 will hold a public hearing in each county on the second Monday in April, 2019.

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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