

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-04-19

Relating to: Eliminating Night Hunting Restrictions for Raccoons, re: Ch. NR 10, Wis. Administrative Code

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:

This proposal will eliminate the restrictions on night hunting hours for raccoons during the traditional 9-day deer firearm season which begins on the Saturday immediately preceding the Thanksgiving holiday.

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:

Raccoons are primarily nocturnal so they are traditionally hunted at night, often with the aid of hounds. Historically, night hunting of raccoons was prohibited during the 9-day deer firearm season. After the discovery of Chronic Wasting Disease in the southern farmland zone, firearm deer seasons were extended and the prohibitions for night hunting raccoons were removed. Following the rule changes, no new law enforcement concerns were raised and it never arose as a concern by deer hunters or other members of the public.

Currently, night hunting of raccoons during the 9-day firearm season is legal in the southern one-third of state, an area with generally higher hunter densities, and

there has been no known conflicts or legal issues. Night hunting of raccoon is allowed statewide during all other gun deer seasons including holiday seasons, December antlerless deer hunts, the youth deer hunt, and the muzzleloader season. Based on our experience during other firearm seasons and in the southern farmland zone, we will consider simplifying regulations by allowing this activity in the rest of the state.

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.

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

40 hours.

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

Raccoon hunters are the principal group 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 anticipates holding two public hearings in the month of July. Hearing cities will be: Hayward and Rhinelander.

The Department will hold these hearings in these locations to allow hunters in the northern part of the state to comment on the rule.

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Preston D. Cole, Secretary

Date Submitted