

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board adopts an order to **repeal and recreate** NR 10.01, note, relating to eliminating night hunting restrictions for raccoons.

**WM-04-19**

**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted and Explanation of Agency Authority:**

The chapter on wild animals and plants, in s. 29.014, Stats., “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, restrictions and conditions for taking fish and game.

**2. Statutory Authority:** The promulgation of this rule order is authorized by section 29.014, Stats.

**3. Related Statutes or Rules:** There are no currently active related administrative rules.

**4. Plain Language Analysis:**

SECTION 1 removes the restrictions for night hunting of raccoons, coyotes and fox during the night deer gun season in the forest and central farmland deer management zones.

**5. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

States possess inherent authority to manage the wildlife resources located within their boundaries 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.

**6. Comparison with Similar Rules in Adjacent States:** Minnesota, Iowa, Illinois and Michigan allow night hunting of raccoons during their firearm deer seasons. Michigan and Iowa both allow night hunting of coyote and fox during their firearm deer seasons.

**7. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:**

Raccoons, foxes and coyotes are often hunted at night, frequently with the aid of hounds or calls. Historically, night hunting of raccoons, foxes and coyotes was prohibited during the night firearm season. The peak of raccoon hunting often occurs during the nine-day gun deer season. The discovery of Chronic Wasting Disease in the southern farmland zone, firearm deer seasons were

**8. Analysis and Supporting Documents Used to Determine the Effect on Small Business of Preparation of an Economic Impact Report:** These rules, and the legislation which grants the department rule-making authority, do not have fiscal effects on the private sector or small business. Costs to the private sector or small businesses are associated with compliance to these rules.

**9. Effect on Small Business (initial regulatory flexibility analysis):** These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. No design standards are contained in the rule.

**10. Agency Contact Person:** Shawn Rossler, Furbearer Specialist, 608-267-9428, [Shawn.Rossler@wisconsin.gov](mailto:Shawn.Rossler@wisconsin.gov)

**11. Place where comments are to be submitted and deadline for submission:**

Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Shawn Rossler  
Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707  
[Shawn.rossler@wisconsin.gov](mailto:Shawn.rossler@wisconsin.gov)  
608-267-2452  
608-267-7857 (fax)

Written comments may also be submitted to the Department at [DNRAdministrativeRulesComments@wisconsin.gov](mailto:DNRAdministrativeRulesComments@wisconsin.gov).

Hearing dates and the comment submission deadline are to be determined.

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**SECTION 1. NR 10.06 (8) is repealed and recreated to read:**

10.06 (8) EXCEPTIONS. There are no shooting hour restrictions for pursuing coyote, raccoon and all wild animals for which no closed season is established except that shooting hours established in sub. (5) shall apply to archers and crossbow hunters pursuing any species during bear season established in s. NR 10.01 (3) (g), during the archery and crossbow deer seasons established in s. NR 10.01 (3) (em) and (ep), and during the elk season established in s. NR 10.01 (3) (i).

**SECTION 2. EFFECTIVE DATE.** This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

Preston D. Cole, Secretary

(SEAL)