

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 10.102 (1) (a), (d) and (e), to **amend** NR 10.01 (g) (2) and 10.102 (1) (intro), to **repeal and recreate** NR 10.30; and to **repeal** NR 10.102 (1) (note) relating to black bear management.

**WM-01-19**

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

**1. Statute Interpreted:** In promulgating this rule, s. 29.014 and 29.184 have been interpreted as providing the department the authority to establish and maintain open and closed seasons, along with regulating and limiting the number of bear hunters and bear harvested in any area of the state.

**2. Statutory Authority:** Statutes that authorize the promulgation of this rule include sections 29.014 and 29.184, Stats.

**3. Explanation of Agency Authority:** Section 29.014 Stats. grants rule-making authority to the department to maintain open and closed seasons for game species in the state. Section 29.184 Stats. grants the department the authority to regulate and limit the number of bear hunters and bear harvested in any area of the state.

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

**5. Plain Language Analysis:**

SECTION 1 acknowledges the new bear management zones in the sections of code that establish the hunting season for black bear.

SECTIONS 2, 3 and 4 delete the previous formula for determining bear harvest quotas and replace it with a variety of metrics based on annual data and social factors. Since bears do not seem to respond to reduced density by increasing reproductive output, population growth rate itself declines as harvest increases. This makes harvest a powerful tool for biologists, who can vary harvest levels to bring about desired changes in black bear abundance.

SECTION 4 also repeals the restriction that delayed effective date of bear licenses issued during the hunting season by three days.

SECTION 5 updates the bear management zone map.

**6. 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.

lower peninsula. Over half of the lower peninsula is closed to bear hunting.

To establish bear quotas, Minnesota has separate “quota” and “non-quota” zones. Quota zones are Minnesota’s higher-quality, heavily forested primary bear range in the northcentral and northeastern parts of the state. Quotas are established for each quota zone, with permit levels set using estimates of hunter success. No-quota zones are established outside of primary bear range, and permits are sold on a first-come, first-served basis. They utilize population models to estimate bear population size and trend by zone. Models also utilize age information derived from teeth submitted from harvested bears. In quota zones, information on trends in nuisance complaints and damage influence quota-setting decisions.

Michigan has separate zones and time periods. Quotas are established for each zone, with permit levels set using estimates of hunter success. Michigan utilizes population models to estimate bear population size and trend by zone. Models utilize age information derived from teeth submitted from harvested bears. Also derive some population metrics from hunter surveys. Information on trends in nuisance complaints and damage influence quota-setting decisions. This Michigan state bear plan states, “Perceived and measured social tolerance is given strong consideration when making harvest recommendations.”

Neither Minnesota or Michigan has a waiting period for hunters who purchase their license during the bear season.

Illinois and Iowa do not have bear hunting seasons.

**8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:** Historically, zone-specific numeric population goals have been used as a target for bear population management decision. However, establishing numeric goals that accurately reflect habitat suitability and biological carrying capacity is exceedingly difficult. As social constraints to bear population growth vary through space and time and it is difficult to reduce this variation yet maintain populations at or near established goals. Managing toward goals also may require sacrifice long-term hunter opportunity, as it may lead to decisions to reduce or stabilize bear population when further growth would be socially acceptable. Numeric population goals or target ranges may unnecessarily restrict decisions in a management arena where flexibility in annual quota-setting and discussions would allow wildlife managers to maximize hunter opportunity and satisfaction while responding to social concerns.

Bear management zones were first incorporated into Wisconsin’s bear management framework when the state was divided into three zones. Range expansion into southern Wisconsin presents challenges for wildlife managers. Prior to 1985, it was believed that black bears could not coexist with people in this zone and liberal harvests were used to limit population growth. A public survey conducted in 2018 revealed that a majority of southern Wisconsin residents are willing to reside near bears. Reconfiguring the current bear management zone structure may be a valid option for addressing areas of elevated bear-human conflict and/or chronic agricultural damage issues.

**9. Analysis and Supporting Documents Used to Determine the Effect on Small Business of the Proposed Rule:** The analysis and supporting documents used to determine the effect on small business of the proposed rule are as follows:

contained in the rule.

**11. Agency Contact Person:** Scott Walter, 101 South Webster Str., PO BOX 7921, Madison 53707-7921, 608-279-5250, Scott.Walter@Wisconsin.gov

**12. 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:

Scott Walter

Department of Natural Resources

101 S. Webster St., PO Box 7921

[scott.walter@wisconsin.gov](mailto:scott.walter@wisconsin.gov)

608-267-7865 (phone)

608-267-7589 (fax)

Written comments may also be submitted to the Department using the Wisconsin Administrative Internet Web site at <http://adminrules.wisconsin.gov>.

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

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**SECTION 1. NR 10.01 (g) (2) is amended to read:**

Kind of Animal and Locality	Open season (all dates inclusive)	Limit
<p><b>NR 10.01. (g) Black Bear (gun and bow seasons).</b> 2. Those portions of bear management zones A, B, C<sub>2</sub> <del>and D, E and F</del> as described in s. NR 10.30 where the use of dogs for bear hunting is prohibited as described in s. NR 10.10 (1) (b).</p>	<p>All methods not utilizing the aid of dogs, beginning on the first Wednesday following Labor Day and continuing for 35 consecutive days.</p>	<p>One ad issued u 10.102</p>

**SECTION 2. NR 10.102 (1) (intro) is amended to read:**

**NR 10.102 Black bear hunting quote and license issuance**

~~by inventories~~ population management goals. Quotas shall be approved by the Natural Resources Board.

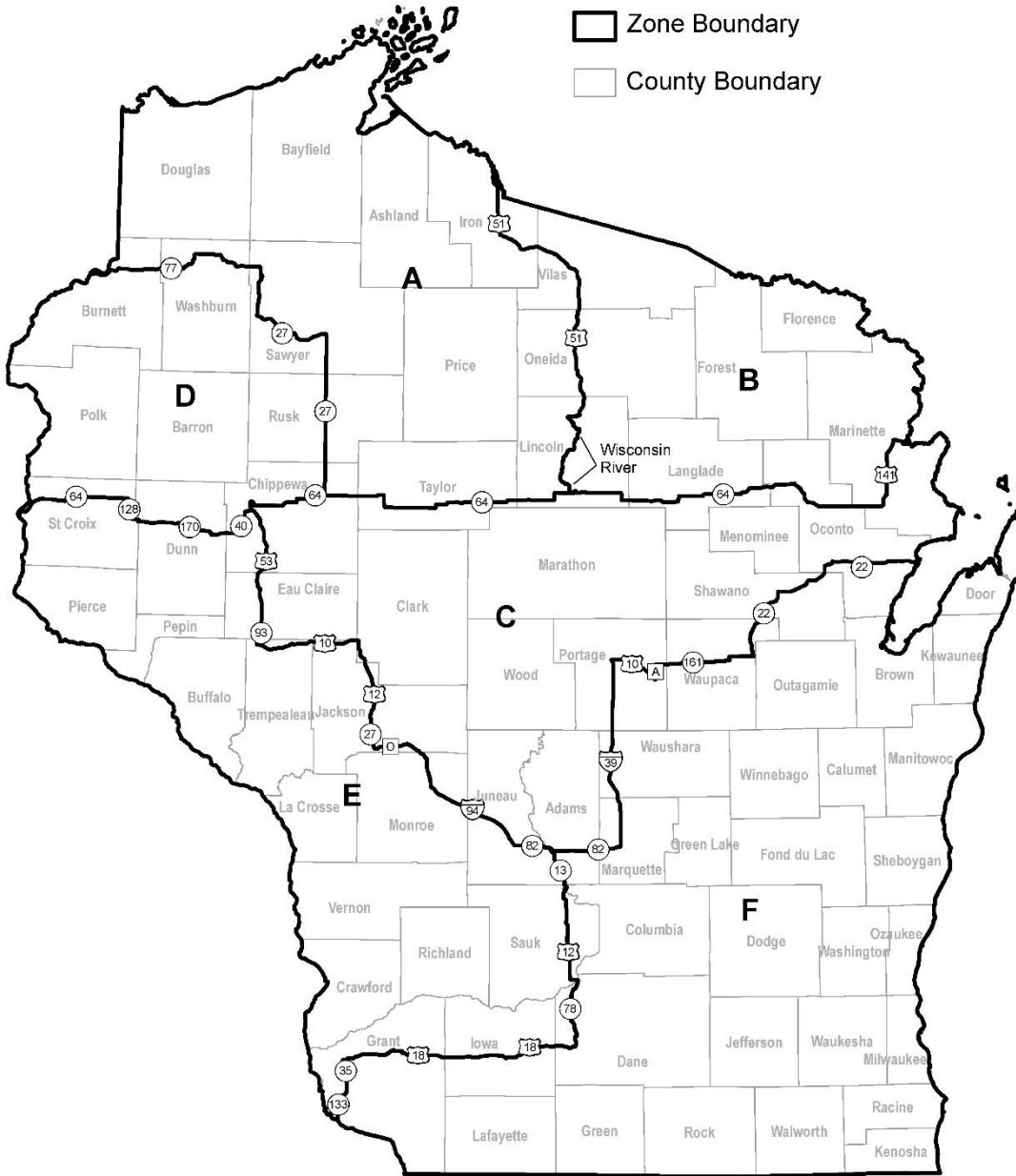
**SECTION 3. NR 10.102 (1) (note) is created to read**

**NR 10.102 (1) Note:** Population management goals may take into account annual data agricultural damage, nuisance complaints, hunter crowding or conflict, hunter success, hunter safety and bear disease/health issues.

**SECTION 4. NR 10.102 (1) (a) and (d) and (4m) are repealed.**

**SECTION 5. NR 10.30 is repealed and recreated to read:**

**NR 10.30 Black bear hunting zones.** Black bear hunting zones are established as described in the following map:



▭ Zone Boundary

▭ County Boundary

**SECTION 5. EFFECTIVE DATE.** Sections 1 and 5 shall take effect on March 1, 2021. Sections shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

**SECTION 6. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Resources Board on December 11, 2019.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

Preston D. Cole, Secretary

(SEAL)