

Natural Resources – Revises Ch. NR 10 - EmR1207

Filed with LRB: May 30, 2012
Publication Date: June 10, 2012
Effective Dates: October 1, 2012 through February 27, 2013
Hearing Date: August 27, 2012

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

The statement of scope for this rule, SS 009-12, was approved by the Governor on February 15, 2012, published in Register No. 674, on February 29, 2012, and approved by the Natural Resources Board on March 28, 2012.

This emergency rule was approved by the Governor on May 4, 2012. This emergency rule, modified to reflect the correct effective date, was approved by the governor on May 25, 2012.

The Wisconsin Natural Resources Board proposes an order to amend Ch. NR 10.01(3)(d)1. relating to the bobcat hunting and trapping season.

WM-03-12(E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of this rule order include ss. 29.011, 29.014, 29.192, 227.11 and 227.24 Stats. These sections grant rule making authority to the department to establish open and closed seasons for hunting and trapping and to establish other regulations. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule, ss. 29.011, 29.014, 29.192, 227.11 and 227.24 Stats., have been interpreted as providing the department with the authority to make this rule change.

Related Statute or Rule: A potentially identical permanent rule, Board Order WM-09-11, was published in 2011 in Register No. 663. This emergency rule is necessary to provide continuity of the bobcat hunting and trapping season framework during the period between the sunset of the old rule and the effective date of the proposed permanent rule.

Plain Language Rule Analysis: The Bureau of Wildlife Management recommends promulgating rules modifying chapter NR 10 Wis. Admin. Code related to the bobcat hunting and trapping season.

SECTION 1 Establishes that the bobcat hunting and trapping seasons are split into two time periods; the first beginning on the Saturday nearest Oct. 17 and continuing through Dec. 25 and the second beginning on Dec. 26 and continuing through Jan 31.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies.

Comparison with rules in Adjacent States: Bobcats are not harvested in Illinois and Iowa but are present and increasing in number in both states. Michigan hunters and trappers can generally harvest two bobcats per season. Minnesota hunters and trappers have a season limit of five bobcats. The more liberal season frameworks in Michigan and Minnesota reflect greater abundance of the species in those states and significantly less hunter and trapper interest. Neither state has the long tradition of hunting with hounds that Wisconsin has.

Summary of Factual Data and Analytical Methodologies: Through this rulemaking, the department will make permanent a trial bobcat season framework that was split into two separate time periods in 2010 and 2011. The primary interest expressed by advocates for a split season framework is that ideal conditions for hunting with hounds occur when there is snow cover. These conditions do not occur before the December 31 end of the traditional, straight-season framework every year. In order to provide the type of hunting opportunity that hunters have asked for, but still maintain opportunities that trappers and hunters who do not use hounds have enjoyed, this proposal would add an additional month and create an early and a late time period and require permit applicants to choose one-or-the-other.

The dates of the bobcat season under this proposal and during the 2010 and 2011 trial period were; the Saturday nearest Oct. 17 - Dec. 25 and Dec. 26 to Jan 31. There appears to have been public support for the new season framework and the opinion of department staff is that it provides the tools for sound use, management and protection of the bobcat resource. If permanent or emergency rules are not promulgated, the season automatically reverts back to a single permit period beginning on the Saturday nearest October 17 and continuing through December 31 in 2012.

All hunters and trappers must obtain a special harvest permit before pursuing bobcats, and the annual bag limit is one bobcat per permit. Bobcat harvest goals are set annually based upon population size in relation to management goals. The number of harvest permits issued is based on the highest success rate during the previous three years for the first time period and a conservative, high success rate for the later, new time period. Because these harvest controls are in place, the actual dates and length of the hunting and trapping seasons are more important for hunter/trapper satisfaction than for protecting the bobcat population from overharvest.

Respondents to the 2010 bobcat hunter/trapper survey were asked their overall impression of the new "split" bobcat season. Overall, Period 1 respondents were fairly neutral on the split season, however Period 2 respondents viewed the split differently and rated the split season more favorably. According to the survey, hunters/trappers support maintaining the longer season (65.4%). Hunters/trappers differed by period on returning to the original season structure, with Period 1 respondents being somewhat neutral but Period 2 respondents not supporting a change.

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no costs are associated with compliance to these rules.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24(3m).

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SECTION 1. NR 10.01(3)(d)1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(d) Bobcat (wildcat; hunting and trapping) 1. All that part of Wisconsin north of state highway 64	Two permit periods: The Saturday nearest Oct. 17 – Dec. 25 Dec. 26 – Jan 31 Beginning in 2012, the season begins on the Saturday nearest October 17 and continues through December 31 for one permit period	One per season by permit

SECTION 2. STATEMENT OF EMERGENCY. Pursuant to s. 227.24, Stats., the Department of Natural Resources finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare.

If emergency rules are not promulgated, the season automatically reverts back to a single permit period beginning on the Saturday nearest October 17 and continuing through December 31 in 2012. Frequent change of season dates and regulations for hunting and trapping can be confusing and disruptive to the public, can result in citations being issued, and is not necessary for protection of the bobcat population in this situation. Some people will view a reversion to the single season framework as a reduction of opportunity that is not socially acceptable. Therefore, this emergency rule is needed to preserve the public welfare.

SECTION 3. EFFECTIVE DATE. This rule shall take effect on October 1, 2012.

SECTION 4. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 25, 2012.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)