Form 1100-001N (Rev. 09/14)

Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item

Item No. 2.C.2.

SUBJECT: Request that the board approve the statement of scope and grant conditional approval of the notice of public hearings and notice of submittal to the Legislative Council Rules Clearinghouse for Board Order WM-09-16 related to beaver and otter trapping season seasons in Ch. NR 10 Wis. Admin. Code.

FOR: June 2016 Board meeting

TO BE PRESENTED BY: Scott Loomans, Wildlife Regulations Policy Specialist

SUMMARY:

This proposal would address management goal recommendations of the new beaver management plan, mainly the need to maintain or slightly increase the overall northern beaver population by reducing harvest pressure in April. Harvest pressure could continue to be applied on waters identified as important for trout management by continuing to allow April trapping. Through this rule process, the department will also investigate alternatives that would allow harvest pressure to be quickly reapplied if the beaver population were to increase beyond certain levels. The otter harvest season would be adjusted so that it is consistent with the beaver season.

In addition to developing the beaver management plan, the department also involved the public by asking an advisory question to gauge public opinion at 2016 spring hearings. The question did not contain specific season dates. Voting results are summarized below.

Beaver Management Zone A:
- Statewide popular vote of Ayes, 1,954; Noes, 1,273
- Statewide county vote of 47 / 21/ 4 (Yes / No / Tie)
- Local popular vote of Ayes, 257; Noes, 229
- Local county vote of 5 / 8 / 1

Beaver Management Zone B:
- Statewide popular vote of Ayes, 1,913; Noes, 1,310
- Statewide county vote of 44 / 27/ 1 (Yes / No / Tie)
- Local popular vote of Ayes, 236; Noes, 213
- Local County vote of 5 / 6

The department will proceed carefully to develop a rule proposal by working closely with a variety of interest groups who have already been actively involved and who are very interested in management of this important species.

RECOMMENDATION: Request that the board approve the statement of scope and grant conditional approval of the notice of public hearings and notice of submittal to the Legislative Council Rules Clearinghouse for Board Order WM-09-16 related to beaver and otter trapping season seasons in Ch. NR 10 Wis. Admin. Code.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- ☐ Background memo
- ☒ Scope statements
- ☒ Governor's approval of scope statements
- ☐

Approved by	Signature	Date
Tom Hauge Bureau Director	Tom Hauge	5/19/16
Sanjay Olson, Land Division Administrator		5/22/16
Cathy Stepp, Secretary		5-24-16

cc: Board Liaison – AD/8

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-09-16

Relating to: Modifying the beaver and otter trapping seasons.

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 rule change will modify the seasons for trapping beaver and otter in northern Wisconsin in order to address concerns about population declines and to implement management goals in the state's beaver management plan.

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 of the policies in this rule are consistent with past board policies of regulating fish and game harvest for conservation purposes and to authorize the removal of nuisance wild animals in certain situations.

There is interest in this proposal from a number of sources, including the Wisconsin Conservation Congress and the Wisconsin Trappers Association who are concerned about beaver populations. Initiating a process to promulgate those rules fulfills a role of the board and the Conservation Congress established in s 15.348 Stats.

A long term decline in beaver populations across Beaver Management Zones A & B in the Northern part of the state has been documented. A primary reason may be the long harvest season which is designed to both reduce the overall beaver population and to more directly affect beaver presence on priority trout waters. This proposal would address management goal recommendations of the new beaver management plan, mainly the need to maintain or slightly increase the overall northern beaver population by eliminating trapping pressure on most waters in April. Harvest pressure would continue to be applied on waters the department identifies as being important for trout management by continuing to allow April trapping on those designated waters. Through this rule process, the department will also investigate alternatives that would allow harvest pressure to be quickly reapplied if the beaver population were to increase beyond certain levels.

The otter harvest season would be adjusted so that it is consistent with the beaver season. Beaver and otter can be trapped in the same locations, using similar methods. Concurrent seasons provide for the legal harvest of some otter that are captured incidentally to beaver trapping activities.

4. Detailed explanation of statutory authority for the rule:

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. This grant of rule-making authority allows the department to make changes related to trapping methods and the seasons for taking game and furbearing animals.

The department's authority to authorize the removal of wild animals that are causing damage is established under s. 29.885.

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

100 hours.

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

People who trap beaver and otter are one group of people who would be impacted by these rules. Trappers have shown an interest in allowing beaver to become more abundant by a slight reduction in harvest pressure. Beaver management is also an important component of managing cold water resources for trout and anglers will have an interest in this proposal. One possible outcome of this rulemaking process is that overall trapping effort would be reduced but the department will, through these rules, seek to maintain significant harvest pressure on a subset of waters that are important for specific fisheries management purposes.

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:

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with 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 a significant economic impact on small businesses):

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. 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.

Under these rules, trappers will continue to enjoy long beaver and otter trapping seasons along with a possibility that beaver and otter will be more abundant in much of their habitat.

9. Anticipated number, month and locations of public hearings:

The department will hold four public hearings spread geographically around the state in August, 2016.

Contact Person: Scott Loomans, Wildlife Regulation Policy Specialist, 608-267-2452, scott.loomans@wisconsin.gov

Department Head or Authorized Signature

3/22/16

Date Submitted

SCOTT WALKER

OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

April 21, 2016

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

RE: Scope Statement for NR 10 (WM-09-16)
Relating to modifying the beaver and otter trapping seasons

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on March 23, 2016, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapter NR 10 (WM-09-16) of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor