

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Request adoption of Board Order WM-03-12 (Emergency) and authorization to conduct hearings on Board Order WM-09-11 related to the bobcat hunting and trapping seasons

FOR: APRIL, 2012 BOARD MEETING

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

SUMMARY:

These rules would establish the 2012 bobcat hunting and trapping season framework and eliminate the sunset of the season framework that was split into two separate time periods on a trial basis in 2010 and 2011.

In 2010 and 2011, the bobcat season was split into two separate permit periods: 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. The opinion of department staff is that the new season framework provides the tools for sound use, management and protection of the bobcat resource.

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.

The permanent rule will be identical to the emergency rule.

Some people will view a reversion to the single season framework as a reduction of opportunity that is not socially acceptable. 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.

RECOMMENDATION: Adoption of Board Order WM-03-12 (Emergency) and authorization to conduct hearings on Board Order WM-09-11 related to the bobcat hunting and trapping seasons

LIST OF ATTACHED MATERIALS:

No Fiscal Estimate Required

Yes Attached

No Environmental Assessment or Impact Statement Required

Yes Attached

No Background Memo

Yes Attached

APPROVED:

Tom Hauge

Bureau Director, Tom Hauge

4/11/12

Date

Kurt Thiede

Administrator, Kurt Thiede

4/12/12

Date

Cathy Stepp

Secretary, Cathy Stepp

4/12/12

Date

cc: NRB Liaison
DNR Rules Coordinator

Tom Hauge, WM/6
John Olson, WM/6

Scott Loomans, WM/6
David Macfarland, SS/RS - Rhinelander

DATE: April 10, 2012
TO: Natural Resources Board Members
FROM: Cathy Stepp, Secretary
SUBJECT: Bobcat hunting and trapping seasons

FILE REF: 2100

I am requesting adoption of Board Order WM-03-12 (Emergency) and authorization to conduct hearings on identical Board Order WM-09-11 related to the bobcat hunting and trapping seasons

Summary of the Rule:

Through this rulemaking, the department proposes amending Ch. NR 10, Wis. Admin. Code and making permanent a trial bobcat season framework that was split into two separate time periods in 2010 and 2011.

In 2010 and 2011, the bobcat seasons were: the Saturday nearest Oct. 17 - Dec. 25 and Dec. 26 to Jan 31.

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.

The permanent and emergency rules are identical.

Rule Background:

We have just completed the second year of a trial bobcat season framework designed to increase opportunity by establishing two time periods and allowing harvest to continue later. In developing this season framework, the department anticipated that harvest success would increase in the later season which generally provides better tracking snow. Colder temperatures also improve access for hunters, trappers, and trained dogs traversing back roads, trails and wetlands.

The trial season framework and regulations have worked well, providing a longer and more relaxed season with adequate protections from over-harvest.

Emergency Season Closure

The department has authority under s. NR 10.145(7) to close the bobcat season early if harvest quotas are reached. The potential for early season closure was a concern expressed during development and legislative review of the split season structure. Fortunately, it is an authority the department has not had to utilize and will continue to establish harvest quotas that both avoid early closures and maximize harvest opportunity.

After deducting tribal allotments of 35 animals in each of the two years, the bobcat quota was split equally between the two time periods. The average harvest success rate over the previous three years was used to determine permit issuance for time period one. For time period two, for which there was no prior information, the department used a conservative harvest permit success rate of 90%. This assured that emergency closure did not happen and allowed all permit holders reasonable opportunity to hunt or trap.

2010-2011 Season

The harvest was 143 bobcats in time period one and 129 in time period two. Additionally, there were 36 animals harvested by tribal members in the ceded territory and 4 on tribal reservations. There were 37 animals recorded as incidental catches, but more than half of those were actually road kills. The success rate for the first time period was 54 % and for Time Period Two it was 68 %. Overall, the combined state harvest was 272 for a harvest permit success rate of 60 %.

2011-2012 Season

The second year of the trial season was comparable to the first, with a harvest of 113 bobcats in time period one and 132 in time period two. The harvest success rates were 40% and 69% respectively. The overall combined state harvest was 245 with a harvest success rate of 52 %.

Almost 75% of the harvest occurs as a hunting experience over trained dogs, with approximately 25 % taken during the regulated trapping season.

Hunter/Trapper Survey following 2011-2012 Season

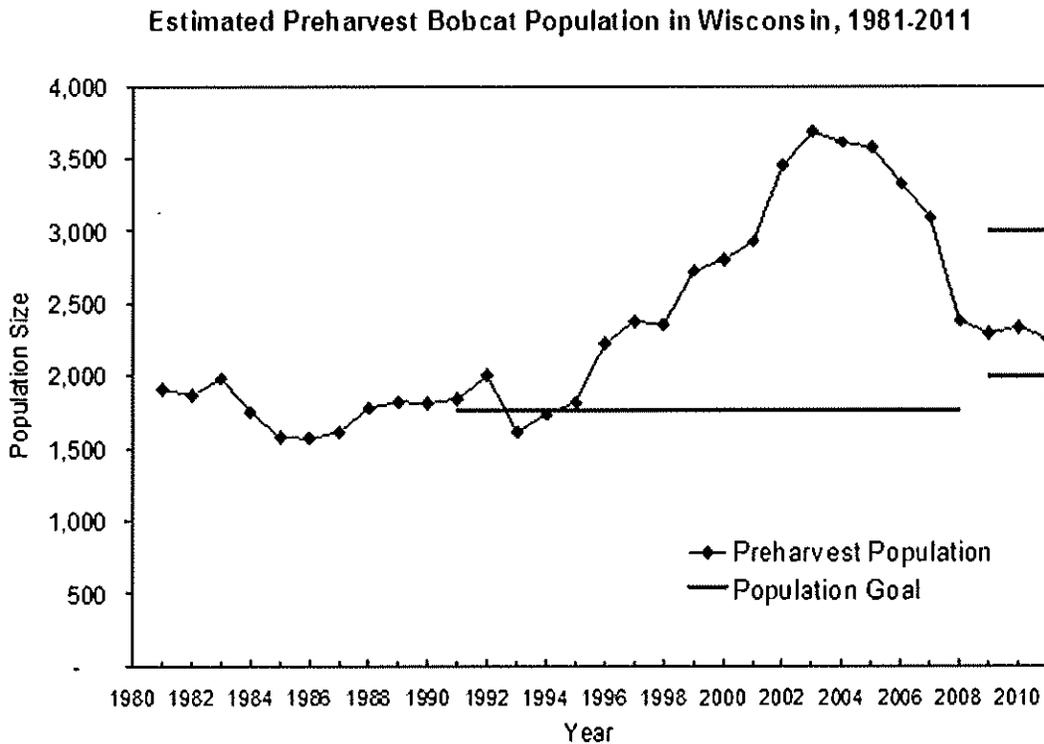
Respondents to the 2010 bobcat hunter/trapper survey were asked their overall impression of the new "split" bobcat season. Overall, Period 1 respondents were fairly neutral on the split season, however Period 2 respondents viewed the split differently and rated the split season more favorably. According 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.

Bobcat Management

Bobcat management is monitored closely by the DNR Furbearer Advisory Committee, a diverse group of interested biologists, researchers, law enforcement personnel, tribes, Great Lakes Indian Fish and Wildlife Agency, federal organizations and user groups. Over the years the committee has tracked population changes and has adjusted management goals accordingly.

A new management concept initiated in 2009 was an overall shift in population goals from a specific number to a range. From 1991 to 2008 our initial bobcat management goal in the northern 1/3 of Wisconsin was 1,800. As the overall population has changed so has our management goal. We now have a new goal range of 2,500 plus or minus 20 % for an overall goal of 2,000 to 3,000 bobcats in northern Wisconsin. This has worked well, allowing flexibility and making slow adjustments rather than sudden changes.

Table 1. Wisconsin Bobcat Population Goal vs. Preharvest Population Estimates.



Research currently under way may provide us with additional answers about the presence and observed expansion of bobcats in the southern two-thirds of the state. As we understand this secretive resource better we may be able to further refine our management programs.

Past Public Participation:

2012 Spring Fish & Wildlife Meetings/Hearings

This rule proposal was a subject of voting in each county on April 9, 2012. The proposal is attached as Appendix A. The statewide voting result was Ayes, 2,251; Noes, 1,126. The proposal was supported in 66 counties, rejected in 4, and voting results were tied in 2.

History of Public Participation

The split bobcat season framework is the result of several years of development and was initiated by hound hunters who have a desire to hunt at a time when there is greatest likelihood of snow cover. A comparable bobcat season proposal was supported in voting as a Conservation Congress advisory question in 2008 by a vote of, Ayes, 2,521; Noes, 1,933 with 49 counties supporting and 23 opposing. The proposal was supported by 57% of voters. The proposal was not recommended by the department at that time because of concern that it would have the net impact of increasing harvest pressure and depended upon population monitoring precision that was not possible in areas south of HWY 64 where

hunting is not currently allowed. However, department staff people continued to be aware of the strong desire, on the part of hound hunters in particular, for expanded opportunity.

Bureau director Tom Hauge directed his staff to continue working with congress delegates and members of the public to identify opportunities for improving bobcat hunting and trapping regulations. At a November 14, 2008 meeting, the split season framework that was in place in 2010 and 2011 was developed. Attendees of the November meeting included five department staff people and the following members of the public; Eric Anderson (University of Wisconsin-Stevens Point), Leslie Adams (UWSP), Ed Harvey (Conservation Congress), Scott McAuley (Wisconsin Trappers Association; CC), Lee Sillars (WTA, CC), Ralph Fritsch (Wisconsin Wildlife Federation), George Meyer (WWF), Dick Baudhuin (WWF, CC), Joan Baudhuin, Scott Zimmerman (CC), Fred Wiesman (Wisconsin Bear Hunters Association), Larry Vanderhoef (WTA), Paul Wait (Wisconsin Outdoor News), Al Lobner (CC, WBHA), Bob Welch (WBHA), Rich Kirchmeyer (trapper).

The new proposal was a subject of 2009 spring hearing voting as a department rule. Spring hearing attendees supported the proposal to split the bobcat season framework and require harvest reporting within 24 hours. The vote was Ayes, 3,447; Noes, 1,851 with 62 counties supporting and ten opposing. The proposal was supported by 65% of voters.

Legislative committees in the Senate and Assembly showed interest in the bobcat season framework and held hearings in summer, 2009. At both meetings, representatives of the Wisconsin Bear Hunters Association expressed opposition. Concerns expressed were focused on the likelihood of an early closure if the bobcat harvest quota is met before the end of the season. The number of applicants for bobcat harvest tags exceeds the number of permits available in any given year - in 2009 the minimum number of preference points required to draw a permit was four. As described at the hearing, association members were upset that, after applying for four years, it is possible that someone who did not hunt early in the season may not get the opportunity to use that tag at all. This is a concern that was raised by others as early as the November 14, 2008 meeting but, at that time, people recognized that possibility and accepted it.

On September 23, 2009, the Assembly Fish & Wildlife Committee unanimously requested that the department place a two-year sunset on its rule proposal.

Proposed Public Participation:

The department proposes holding one hearing on the permanent rule proposal in Madison in August, 2012. The department believes a minimal hearing schedule will be sufficient considering that significant public involvement has already occurred and there is a demonstrated history of support.

Rule Development:

These rules were developed with assistance from the bureaus of Law Enforcement, Legal Services and Customer Service & Licensing.

Small Business and Initial Regulatory Flexibility Analysis:

This revision to Ch. NR 10 Wis. Adm. Code, relates to hunting, trapping. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. There are no design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

Bureau of Integrated Science Services has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Anticipated economic impact of the rule:

No economic impacts are anticipated. The hunting season framework proposed in this rule is identical to the season framework that was in place during the previous season. An analysis is attached as part of this rules package.

Description of all entities that may be impacted by the rule:

Groups likely to be impacted or interested in this rulemaking are bobcat hunters and trappers, including members of groups such as the Wisconsin Trappers Association, Bear Hunters Association, Wildlife Federation, and the Conservation Congress.

Appendix A.

	<p>Department of Natural Resources Annual Spring Fish & Wildlife Informational Hearing & Wisconsin Conservation Congress Annual Spring County Conservation Meeting</p>	
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<p>DEPARTMENT OF NATURAL RESOURCES STATEWIDE WILDLIFE ADVISORY QUESTIONS</p>

QUESTION 1. Eliminate the sunset of the current split season framework for bobcat hunting and trapping.

In 2009 and earlier, the hunting and trapping season for bobcat began on the Saturday nearest October 17 and continued through December 31. Beginning in 2010, for a two year trial period, the season has been lengthened and split into an early time period which runs from the Saturday nearest October 17 to December 25 and a late time period which runs from December 26 to January 31. Hunting and trapping are legal during both periods. Permit applicants must select either the early or the late season.

The later time period, when snow cover is likely, provides hunting conditions that hunters using trained dogs have said they prefer. The early time period maintains dry-land trapping opportunities that some trappers prefer as well as providing some hunting opportunities with snow cover in December.

Following the two year trial, the department's opinion is that the new split season framework provides harvest management tools that allow for sound use, management and protection of the bobcat resource. The previous single season format also provided the necessary harvest management tools. We are interested in assessing which season structure is preferred by hunters and trappers before recommending a permanent season framework.

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- | | |
|---|--------------------------|
| <p>1. Do you favor permanently establishing two bobcat permit periods (third Sat. in Oct--Dec. 25 and Dec. 26--Jan. 31) and limiting hunters and trappers to one period or the other?</p> | <p>1. YES____ NO____</p> |
|---|--------------------------|
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Fiscal Estimate — 2011 Session

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-03-12(E)

Subject
 Bobcat hunting and trapping season frameworks.

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs
 Indeterminate

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations
 None

Assumptions Used in Arriving at Fiscal Estimate

This proposal simply continues a season framework that has already been in place for two years and will result in no new fiscal impacts.

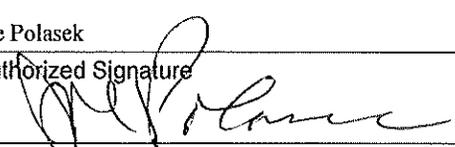
Through this rulemaking, the department proposes amending Ch. NR 10, Wis. Admin. Code and making permanent a trial bobcat season framework that was split into two separate time periods in 2010 and 2011.

In 2010 and 2011, the bobcat season was: the Saturday nearest Oct. 17 - Dec. 25 and Dec. 26 to Jan 31.

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.

Long-Range Fiscal Implications

Under 2011 ACT 50, this rule can only be in place for a maximum of 270 days and has no long range fiscal impacts.

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 04-11-12

Fiscal Estimate Worksheet — 2011 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-03-12(B)

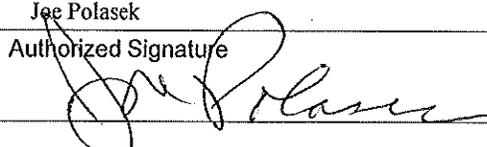
Subject
 Bobcat hunting and trapping season frameworks.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes	\$	\$ -	
(FTE Position Changes)	(FTE)	(- FTE)	
State Operations — Other Costs		-	
Local Assistance		-	
Aids to Individuals or Organizations		-	
Total State Costs by Category	\$ 0	\$ - 0	
B. State Costs by Source of Funds			
GPR	\$	\$ -	
FED		-	
PRO/PRS		-	
SEG/SEG-S	0	- 0	
State Revenues	<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -	
GPR Earned		-	
FED		-	
PRO/PRS		-	
SEG/SEG-S		-	
Total State Revenues	\$ 0	\$ - 0	

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 01-11-12

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 _____.

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).

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

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 the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. NR 10, Game and Hunting, Natural Resources Board Order WM-09-11

Subject

Re-establishing seasons for bobcat hunting and trapping.

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20 , Stats. Appropriations Affected

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Specific Businesses/Sectors

Local Government Units

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

In 2010 and 2011, the bobcat season was split into two separate permit periods: 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 emergency rules and a permanent rule that eliminates a sunset provision 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.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The bobcat hunting and trapping season framework proposed in this rulemaking will be the same as the season that was in place in 2010 and 2011. Because this rule preserves hunting and trapping opportunities which are identical to ones already in place, no fiscal or economic impacts are anticipated.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for Solicitation of comments on the analysis was posted on the department's website from March 26 through April 8 and various interest groups were contacted by email. One general comment of support was received from the Wisconsin Bear Hunters Association.

An alternative to be considered during the rules process is to allow the new, split season framework to sunset. No significant fiscal or economic impacts would be expected under this scenario either. Under both the single and the split season frameworks, bobcat harvest is controlled through the issuance of permits. Bobcat population goals and harvest quotas will be the same under either season framework. The level of participation by hunters and trappers is expected to be similar and their activities would generate similar levels of economic activity. Economic activity generated under the split season framework would be spread over an additional month. The very high level of interest in the bobcat season, 12,431 applicants for 455 available permits in

2010, indicates that people will pursue bobcats regardless of the season framework.

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 that 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 two time periods.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Implementing this rule will assure program continuity by preventing a return to the single, straight season framework. Some people will view a reversion to the single season framework as a reduction of opportunity that is not socially acceptable. 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.

Returning to the single, straight season framework for bobcat hunting and trapping is the primary alternative.

Another alternative would be to extend the trial period but that may not be needed because the department will have two years of harvest and survey data following the 2011 season. Extending the trial season framework is not particularly practical considering the length of time it will take to promulgate permanent rules to repeal the sunset.

Long Range Implications of Implementing the Rule

Following the two year trial, the department's opinion is that the new split season framework provides harvest management tools that allow for sound use, management and protection of the bobcat resource. We hope to provide this level of resource protection and provide bobcat hunting and trapping opportunities well into the future.

Compare With Approaches Being Used by Federal Government

Bobcat population goals, seasons, and regulations on the method of harvest are controlled by the state. There are no federal regulations and federal authorization is not required.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

Name and Phone Number of Contact Person

Scott Loomans, Wildlife Regulation Policy Specialist, 608-266-3534.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

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-09-11

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 scope statement for a potentially identical emergency rule, Board Order WM-03-12(E), was approved by the governor on February 15, 2012. The emergency rule is necessary to provide continuity of the bobcat hunting and trapping season framework during the period between the sunset of the current rule and the effective date of this permanent rule.

Plain Language Rule Analysis: The Bureau of Wildlife Management recommends promulgating rules modifying chapter NR 10 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 227.114(6) or 227.14(2g).

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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. EFFECTIVE DATE. This rule 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 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)