Form 1100-001 (Rev. 6/12)

Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item

Item No. 3C1

SUBJECT: Request approval of the statement of scope for Board Order WM-01-13, the 2013 Wildlife Management Spring Hearing rule proposals, including restrictions on training dogs in tracking and trailing wolves and also for emergency dog training rules under ACT 169.

FOR: September 2012 Board meeting

PRESENTER'S NAME AND TITLE: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

On a recurring schedule, the department submits wildlife-related rule change proposals relating to hunting, trapping and wildlife management. The April statewide Spring Fish and Wildlife hearings, in odd-numbered years, are the forum for public involvement.

This scope statement contains a preliminary list of potential 2013 Spring Fish & Wildlife Hearing agenda items, including rules related to training dogs used to track and trail wolves. The department will also propose similar emergency rules, under rule authority established in 2011 ACT 169 in response to Dane County Circuit Court Judge Peter Anderson's decision pursuant to ACT 169, related to training dogs to track and trail wolves. The department may request adoption of emergency rules related to dog training at the Board's October meeting.

Following scope statement approval, the department will continue developing these rule proposals, prepare an economic impact analysis, and return to a later board meeting to request authorization for hearings and approve the final agenda.

These proposals originate in part from department staff, board members, and Conservation Congress statewide advisory questions that won approval in 2011. These proposals include Conservation Congress advisory questions that won approval in 2012, some of which are still being evaluated by department staff.

Finally, this scope statement could initiate modifications to white-tailed deer hunting regulations including modifying seasons, carcass tag use, and other rules if necessary to implement provisions of the report and review of deer management practices prepared by the state's deer trustee. There have been no decisions to advance specific proposals. However, if it becomes clear that spring fish & wildlife hearings would be an appropriate process for considering deer trustee related-rules, approval of this scope statement preserves the ability to do so.

RECOMMENDATION: Approval of the statement of scope for Board Order WM-01-13, the 2013 Wildlife Management Spring Hearing rule proposals, including restrictions on training dogs in tracking and trailing wolves and also for emergency dog training rules under ACT 169

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

- ☐ (choose one)
- ☒ Statement of scope
- ☐ Fiscal estimate and economic impact analysis (EIA) form
- ☐ Response summary
- ☒ Attachments to background memo
- ☒ Governor approval of statement of scope
- ☐ Environmental assessment or impact statement
- ☐ Board order/rule

Approved by	Signature	Date
Tom Hauge, Bureau Director	Thomas M. Hauge	9/5/12
Kurt Thiede, Administrator	[illegible]	9/5/12
Cathy Stepp, Secretary	[illegible]	9/6/12

cc: Board Liaison - AD/8 Program attorney – LS/8 Department rule coordinator – LS/8
Scott Loomans - WM/6

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: August 14, 2012

TO: Natural Resources Board Members
FROM: Cathy Stepp, Secretary
SUBJECT: Scope statement for emergency rules establishing the 2012 migratory game bird seasons

Subject of Proposed Rule:
These rule changes are proposed for inclusion on the 2013 Spring Hearing rules package and questionnaire. This rule package will create and amend regulations for hunting, trapping, closed areas, dog training, and the use of department lands found in Ch's. NR 1, 10, 11, 12, 15, 17 and 45

Policy Analysis:
Specifically, these rules could:

1. Simplify pheasant hunting regulations by eliminating the requirement to tag harvested birds at stocked hen/rooster pheasant hunting areas. Instead, field dressed carcasses of all birds would need to retain proof of species and sex identification while being transported. [NR 10.01(2)2]
2. Simplify firearm deer hunting regulations by allowing the use of rifles statewide. Currently, only shotguns may be used in some areas. If the statewide use of rifles were not to win support at some point during the rule making process, the department would consider expanding rifle use in individual counties including, but not limited to, Shawano and Outagamie as recommended in Conservation Congress voting. [NR 10.01(3)(e)1.a.]
3. Simplify mink and muskrat trapping regulations by creating more consistent opening dates throughout the state and require reporting the harvest of certain species such as otter and fisher within 24 hours. [NR 10]
4. Establish a controlled dove hunt at Bong State Recreation Area in Racine County in order to improve hunter satisfaction by reducing hunter interference. [NR 10.06]
5. Simplify regulations for pheasant hunters at Richard Bong State Recreation Area in Racine County, including eliminating the arm band requirement for pheasant hunters.
6. Expand open water hunting opportunities for waterfowl by allowing the activity on 12 additional lakes. [NR 10.12(3)]
7. Simplify Canada goose hunting regulations and permit issuance procedures. [NR 10.125]
8. Lengthen the period of time that trappers have to check traps, as recommended in voting by the Conservation Congress in 2012. [NR 10.13]
9. Eliminate the refuge/closed area at Mecan Springs, Waushara County, as recommended in voting by the Conservation Congress in 2012. [NR 11.011]
10. Modify the type of refuge at Tichigan Wildlife Area in Racine County to prevent disturbance of waterfowl during the waterfowl hunting season. [NR 15.04]
11. Establish regulations on training dogs used for wolf hunting. Regulations may be similar to those established for training dogs used for bear hunting. Additionally, the department will also propose similar emergency rules, under rule authority established in 2011 ACT 169 and in response to Dane County Circuit Court Judge Peter Anderson's decision pursuant to ACT 169, related to training dogs to track and trail wolves. The department may request adoption of emergency rules related to dog training at the Board's October meeting. [NR 17]
12. Establish that, when the bear hunting season is open, hunting hours apply to people who are training bear hunting dogs as well as to people who are hunting bears. [NR 17.04]
13. Establish that, in addition to collecting certain food items, it is also legal to cut and gather willow stakes on department managed lands for non-commercial uses. Willow stakes are often used by trappers. [NR 45.04]
14. Allow unattended, overnight placement of portable tree stands on department managed lands. [NR 45.09]
15. Increase the daily pheasant hunting fee at Bong State Recreation Area in Racine County from $3.00 to $12.00 ($5.00 if stocking was not done on the previous day) because the current fee is not sufficient to cover the cost of this stocking program. [NR 45.12]

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16. The department may include other, minor, non-controversial rule proposals passed at the annual Spring Fish & Wildlife Hearings as advisory questions by the Conservation Congress.
17. This rule proposal may make modifications to white-tailed deer hunting regulations including modifying seasons, carcass tag use, and other regulations if necessary implement provisions of the report and review of deer management practices prepared by the state's deer trustee. These changes may modify ch's. NR 1, 10 or 12.

All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

The harvest of hen pheasants is generally prohibited in the wild but is allowed at certain stocked public hunting grounds. Hunters at these properties must tag the leg of harvested birds before transporting them in any way. Eliminating the tag requirement will save money for the department. By instead requiring that all harvested bird carcasses retain evidence of species and sex identification, such as the head or a fully feathered wing, a conservation warden will still be able to identify a hen pheasant and can ask the person who possesses it where it was harvested.

The use of firearms for deer hunting is restricted to shotguns, muzzleloaders and handguns only in certain portions of the state. At one time people generally believed that these firearms were safer but research and experience indicate that is not the case. Allowing the use of rifles statewide will be a simplification of regulations. Residents of Shawano County have asked for a stand-alone rule proposal, in addition to the statewide proposal, so that a Shawano County proposal can advance if a statewide rule does not. In Conservation Congress voting, residents of Outagamie County have also requested expanded use of rifles.

Currently there are four separate zones for mink and muskrat harvest, with slightly different opening or closing dates. This proposal would consolidate zones in order to simplify regulations that are no longer needed.

Richard Bong Recreation Area, located in Racine County, currently experiences very heavy dove hunting pressure that detracts from the quality of the hunting experience. A "managed hunting program" could require hunting only from established "blinds" and establish other regulations that will be conducive to a high quality hunt. Additionally, arm bands must be worn by pheasant hunters. This requirement may no longer be needed and the department will evaluate eliminating it.

Wisconsin has a long tradition of restricting waterfowl hunting to the near shore and marsh areas of lakes and flowages. This provides safe open water resting areas for migrating waterfowl and may help ducks remain in an area for a longer period during the hunting season. However, "open water" hunting is allowed on some large lakes and the Great Lakes where it is believed that open water hunting does not eliminate safe resting areas. This proposal would expand open water hunting opportunities to as many as 12 additional lakes.

Currently, there are no restrictions on the time of day for training dogs used to hunt bears. In the past, training dogs by trailing wild bears was not legal during the hunting season for bears. With the passage of 2011 ACT 28, dog training is now allowed during the bear hunting season. This proposal will require that all bear pursuit activities take place only during daylight hours when the bear hunting season is open in order to eliminate the need to determine who is hunting and who is only training. Bear dog training typically is done during daylight hours so this will not result in a significant loss of opportunity.

With the passage of 2011 ACT 169, hunting wolves with the aid of trained dogs is allowed. While not addressed in the ACT, training dogs used for wolf hunting will also be allowed because that species is no longer on lists of threatened or endangered species. Regulations on the times dogs may be trained and the number of dogs that may be used in pack will be established and may be similar to existing regulations for training dog used for bear hunting.

Collecting plants from department managed lands is generally prohibited except for some edibles and the removal of invasive plants. This proposal would also allow collecting willow stakes on department managed lands for non-commercial uses. Willow stakes are often used by trappers for marking trap locations and anchoring traps. Willow is a fast growing species that, although native, is sometimes considered invasive in certain areas.

Currently the overnight, unattended placement of tree stands for hunting is not allowed on department managed lands. This regulation is designed to prevent the "staking out" or making advance claims to hunting locations in favor of a first-come-first served practice. However, the overnight placement, remaining in place for as long as an entire season, of stands is allowed on some lands may also be practical on department lands.

Waterfowl refuges are commonly established to provide safe resting areas for migratory birds and also have the effect of improving hunting by allowing them to remain in an area for longer periods of time during the hunting season. Under this proposal, entry into the Tichigan Wildlife Manage Area refuge would be prohibited at any time a waterfowl season is open. Deer hunting would still be allowed after waterfowl seasons close.

At Richard Bong Recreation Area hunters pay a daily entrance fee of $3.00 to hunt stocked pheasants and the daily bag limit is two birds. This fee has not been updated since being established in 1982. An increase to $12.00 ($5.00 if stocking was not done on the previous day) will allow the managed pheasant hunt program to continue in a sustainable manner while improving the quality and consistency of the hunt for program participants.

The department has evaluated the policy alternatives for a handful of proposals that were topics of voting at Conservation Congress spring hearings in 2012. For instance, extending amount of time that trappers have to check traps, currently daily checks are required, and eliminating the Mecan River Springs waterfowl closed area. Both of these won popular support in voting this spring and may be advanced by the department.

This rule proposal may make modifications to white-tailed deer hunting regulations including modifying seasons, carcass tag use, and other regulations if necessary implement provisions of the report and review of deer management practices prepared by the state's deer trustee. The report does recommend new policies on making deer management decisions. However, Wisconsin will continue to manage for a deer herd that provides recreational hunting opportunity and that is in balance with the habitat that supports it and while considering other impacts of deer populations. The report was released to the public in July, 2012, and further evaluation will occur before specific rule changes are proposed.

Statutory Authority:
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 deer hunting and management, simplify Canada goose hunting regulations, eliminate previous rules on the possession of hen pheasants but require that the species and sex of birds being transported be identifiable. This section authorizes other rule-making such as establishing the types of firearms that may be used for hunting, waterfowl hunting regulations, and bear and wolf pursuit regulations and other hunting regulations. Finally, this section authorizes setting season dates for species such as coyotes, mink and muskrat and establishing trap-check and carcass harvest reporting requirements.

The establishment of game refuges is authorized in s. 23.09(b) relating to the department's ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

Managed hunting opportunities which control activities within zones at Bong Air Base, the Richard Bong Recreation Area, are authorized by s. 23.09(13) and 23.091. Special fees for use of the recreation areas for certain types of visitation, such as pheasant hunting, are authorized under 27.01(9)(c).

Sections 23.095, 23.11 and 29.014, Stats. allow for the protection of natural resources, establish general department powers, and authority to establish hunting and trapping regulations on department managed lands including regulations on the placement of tree stands, collecting willow stakes, and dog training.

Estimate of Staff Time Needed to Develop the Proposed Revision:
Approximately 306 hours will be needed by the department prior to and following the hearings.

Groups Likely Affected by the Proposed Rule:
Hunters, trappers, dog trainers, and recreational users of DNR lands are the principal groups that will be affected by this rulemaking.

Anticipated economic impact of implementing the rule:
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.

This scope statement contains a proposal to increase the daily fee for pheasant hunting at Richard Bong Recreation Area from $3.00 to $12.00. The daily bag limit is two birds per day beginning on the third day of the season (1 per day on opening weekend). A survey of privately owned southern Wisconsin pheasant game farms showed that most charge between $44.00 and $50.00 for two birds. The Illinois Department of Natural Resources conducts similar managed pheasant hunts and charges $25.00 per day with a daily bag limit of two. Because the fee at the recreation area will continue to be significantly lower than similar opportunities available in the region, no shift in hunting activity or hunter's related expenditures is anticipated.

Allowing the use of rifles for firearm deer hunting statewide will result in an increase in firearm sales in subsequent years. Many hunters perceive that hunting deer with rifles is preferable to hunting with shotguns, muzzleloaders, or handguns. Because ordering and shipping firearms is difficult, many or most of these purchases will occur at shops in Wisconsin. It is difficult to estimate how many purchases will occur because people would still be able to hunt with shotguns, muzzleloader and handguns. Purchases may be spread out over a period of years as people update their firearms. While the amount of economic impact is difficult to estimate, an increase in firearm sales would be an assured result of this rule change and is something that sporting goods outlets are already anticipating.

The economic impacts of deer hunting regulations are difficult to estimate and range from no impact in most cases to significant impacts if opportunities to hunt are significantly impacted or if deer populations are significantly impacted. Specific changes that may be considered under this scope statement have not been selected at this time however; only changes recommended in a report and review of deer management practices prepared by the state's deer trustee would be considered under this scope statement.

Other proposed rule changes are not expected to significantly influence the spending activities or hunting and trapping activity of hunters, trappers, dog trainers, or other outdoor enthusiasts. Correspondingly, no related economic impacts are anticipated.

Agency Contact:
Scott Loomans, Wildlife Regulation Policy Specialist, 101 South Webster Street, PO Box 7921, Madison, WI 53707-7921, (608) 267-2453, Scott.Loomans@wisconsin.gov

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-01-13

Relating to: The 2013 Wildlife Management spring hearing rule related to hunting, trapping, dog training, and the use of department managed lands.

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:

These rule changes are proposed for inclusion on the 2013 Spring Hearing rules package and questionnaire. This rule package will create and amend regulations for hunting, trapping, closed areas, dog training, and the use of department lands found in Ch's. NR 1, 10, 11, 12, 15, 17 and 45.

Specifically, these rules would;

1. Simplify pheasant hunting regulations by eliminating the requirement to tag harvested birds at stocked hen/rooster pheasant hunting areas. Instead, field dressed carcasses of all birds would need to retain proof of species and sex identification while being transported. [NR 10.01(2)2]
2. Simplify firearm deer hunting regulations by allowing the use of rifles statewide. Currently, only shotguns may be used in some areas. If the statewide use of rifles were not to win support at some point during the rule making process, the department would consider expanding rifle use in individual counties including, but not limited to, Shawano and Outagamie as recommended in Conservation Congress voting. [NR 10.01(3)(e)1.a.]
3. Simplify mink and muskrat trapping regulations by creating more consistent opening dates throughout the state and require reporting the harvest of certain species such as otter and fisher within 24 hours. [NR 10]
4. Establish a controlled dove hunt at Bong State Recreation Area in Racine County in order to improve hunter satisfaction by reducing hunter interference. [NR 10.06]
5. Simplify regulations for pheasant hunters at Richard Bong State Recreation Area in Racine County, including eliminating the arm band requirement for pheasant hunters.
6. Expand open water hunting opportunities for waterfowl by allowing the activity on 12 additional lakes. [NR 10.12(3)]
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8. Lengthen the period of time that trappers have to check traps, as recommended in voting by the Conservation Congress in 2012. [NR 10.13]
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14. Allow unattended, overnight placement of portable tree stands on department managed lands. [NR 45.09]
15. Increase the daily pheasant hunting fee at Bong State Recreation Area in Racine County from $3.00 to $12.00 ($5.00 if stocking was not done on the previous day) because the current fee is not sufficient to cover the cost of this stocking program. [NR 45.12]
16. The department may include other, minor, non-controversial rule proposals passed at the annual Spring Fish & Wildlife Hearings as advisory questions by the Conservation Congress.
17. This rule proposal may make modifications to white-tailed deer hunting regulations including modifying seasons, carcass tag use, and other regulations if necessary implement provisions of the report and review of deer management practices prepared by the state's deer trustee. These changes may modify ch's. NR 1, 10 or 12.

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 generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

The harvest of hen pheasants is generally prohibited in the wild but is allowed at certain stocked public hunting grounds. Hunters at these properties must tag the leg of harvested birds before transporting them in any way. Eliminating the tag requirement will save money for the department. By instead requiring that all harvested bird carcasses retain evidence of species and sex identification, such as the head or a fully feathered wing, a conservation warden will still be able to identify a hen pheasant and can ask the person who possesses it where it was harvested.

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Waterfowl refuges are commonly established to provide safe resting areas for migratory birds and also have the effect of improving hunting by allowing them to remain in an area for longer periods of time during the hunting season. Under this proposal, entry into the Tichigan Wildlife Manage Area refuge would be prohibited at any time a waterfowl season is open. Deer hunting would still be allowed after waterfowl seasons close.

At Richard Bong Recreation Area hunters pay a daily entrance fee of $3.00 to hunt stocked pheasants and the daily bag limit is two birds. This fee has not been updated since being established in 1982. An increase to $12.00 ($5.00 if stocking was not done on the previous day) will allow the managed pheasant hunt program to continue in a sustainable manner while improving the quality and consistency of the hunt for program participants.

The department has evaluated the policy alternatives for a handful of proposals that were topics of voting at Conservation Congress spring hearings in 2012. For instance, extending amount of time that trappers have to check traps, currently daily checks are required, and eliminating the Mecan River Springs waterfowl closed area. Both of these won popular support in voting this spring and may be advanced by the department.

This rule proposal may make modifications to white-tailed deer hunting regulations including modifying seasons, carcass tag use, and other regulations if necessary implement provisions of the report and review of deer management practices prepared by the state's deer trustee. The report does recommend new policies on making deer management decisions. However, Wisconsin will continue to manage for a deer herd that provides recreational hunting opportunity and that is in balance with the habitat that supports it and while considering other impacts of deer populations. The report was released to the public in July, 2012, and further evaluation will occur before specific rule changes are proposed.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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 deer hunting and management, simplify Canada goose hunting regulations, eliminate previous rules on the possession of hen pheasants but require that the species and sex of birds being transported be identifiable. This section authorizes other rule-making such as establishing the types of firearms that may be used for hunting, waterfowl hunting regulations, and bear and wolf pursuit regulations and other hunting regulations. Finally, this section authorizes setting season dates for species such as coyotes, mink and muskrat and establishing trap-check and carcass harvest reporting requirements.

The establishment of game refuges is authorized in s. 23.09(b) relating to the department's ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

Managed hunting opportunities which control activities within zones at Bong Air Base, the Richard Bong Recreation Area, are authorized by s. 23.09(13) and 23.091. Special fees for use of the recreation areas for certain types of visitation, such as pheasant hunting, are authorized under 27.01(9)(c).

Sections 23.095, 23.11 and 29.014, Stats. allow for the protection of natural resources, establish general department powers, and authority to establish hunting and trapping regulations on department managed lands including regulations on the placement of tree stands, collecting willow stakes, and dog training.

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

306 hours.

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

Hunters, trappers, dog trainers, and recreational users of DNR lands are the principal groups that will be affected by this rulemaking.

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.

This scope statement contains a proposal to increase the daily fee for pheasant hunting at Richard Bong Recreation Area from $3.00 to $12.00. The daily bag limit is two birds per day beginning on the third day of the season (1 per day on opening weekend). A survey of privately owned southern Wisconsin pheasant game farms showed that most charge between $44.00 and $50.00 for two birds. The Illinois Department of Natural Resources conducts similar managed pheasant hunts and charges $25.00 per day with a daily bag limit of two. Because the fee at the recreation area will continue to be significantly lower than similar opportunities available in the region, no shift in hunting activity or hunter's related expenditures is anticipated.

Allowing the use of rifles for firearm deer hunting statewide will result in an increase in firearm sales in subsequent years. Many hunters perceive that hunting deer with rifles is preferable to hunting with shotguns, muzzleloaders, or handguns. Because ordering and shipping firearms is difficult, many or most of these purchases will occur at shops in Wisconsin. It is difficult to estimate how many purchases will occur because people would still be able to hunt with shotguns, muzzleloader and handguns. Purchases may be spread out over a period of years as people update their firearms. While the amount of economic impact is difficult to estimate, an increase in firearm sales would be an assured result of this rule change and is something that sporting goods outlets are already anticipating.

The economic impacts of deer hunting regulations are difficult to estimate and range from no impact in most cases to significant impacts if opportunities to hunt are significantly impacted or if deer populations are significantly impacted. Specific changes that may be considered under this scope statement have not been selected at this time however; only changes recommended in a report and review of deer

management practices prepared by the state's deer trustee would be considered under this scope statement.

Other proposed rule changes are not expected to significantly influence the spending activities or hunting and trapping activity of hunters, trappers, dog trainers, or other outdoor enthusiasts. Correspondingly, no related economic impacts are anticipated.

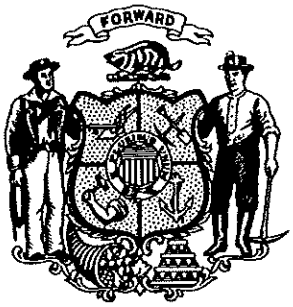
Contact Person: Scott Loomans, Wildlife Regulation Policy Specialist, 608-267-2452, scott.loomans@wisconsin.gov

Department head or authorized signature

7/25/12

Date Submitted

State of Wisconsin



Date of enactment: **April 2, 2012**
2011 Senate Bill 411 Date of publication*: **April 16, 2012**

2011 WISCONSIN ACT 169

AN ACT *to repeal* 71.10 (5) (am); *to amend* 29.024 (2) (d), 29.171 (4) (b) (intro.), 29.314 (4) (b) 2., 29.314 (5) (b) 2., 29.563 (14) (a) 3., 29.563 (14) (c) 3., 29.977 (1) (d) and 29.983 (1) (b) 4.; and *to create* 20.370 (5) (fv), 29.179 (1) (a) 10m., 29.180 (1) (a) 10m., 29.185, 29.553 (1) (hr), 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.563 (12) (c) 3g., 29.563 (12) (c) 3r. and 29.888 of the statutes; **relating to:** hunting and trapping of wolves, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION **1.** 20.370 (5) (fv) of the statutes is created to read:

20.370 **(5)** (fv) *Wolf depredation program.* All moneys received from the issuance of wolf harvesting licenses under s. 29.185 and all processing fees received as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program under s. 29.888.

SECTION **2.** 29.024 (2) (d) of the statutes is amended to read:

29.024 **(2)** (d) Except as provided under s. 29.179, 29.180, 29.182 (4), 29.185 (4), or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

SECTION **3.** 29.171 (4) (b) (intro.) of the statutes is amended to read:

29.171 **(4)** (b) (intro.) Except as provided in par. (bc), crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b), 29.182 (3) (a), 29.184 (3) (c), 29.185 (6), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216 (2) shall meet all of the following specifications:

SECTION **4.** 29.179 (1) (a) 10m. of the statutes is created to read:

29.179 (1) (a) 10m. Wolf harvesting license.

SECTION **5.** 29.180 (1) (a) 10m. of the statutes is created to read:

29.180 **(1)** (a) 10m. Wolf harvesting license.

SECTION **6.** 29.185 of the statutes is created to read:

29.185 Wolf harvesting licenses. (1b) DEFINITIONS. In this section:

(a) "Federal endangered list" means the U.S. list of endangered and threatened species, as it applies to this state.

(b) "State endangered list" means the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a).

(1m) DEPARTMENT AUTHORITY. If the wolf is not listed on the federal endangered list and is not listed on the state endangered list, the department shall allow the hunting and trapping of wolves and shall regulate such hunting and trapping as provided in this section and shall implement a wolf management plan. In regulating wolf

* Section 991.11, WISCONSIN STATUTES 2009–10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

hunting and trapping, the department may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses.

(2) LICENSES REQUIRED. (a) *Prohibition.* Except as authorized under a wolf harvesting license, no person may hunt or trap a wolf. Both residents and nonresidents are eligible for wolf harvesting licenses.

(b) *Resident archer licenses and trapping licenses.* Notwithstanding ss. 29.171 (2), 29.216 (2), and 29.241 (3), a resident archer hunting license, a nonresident archer hunting license, or a trapping license does not authorize the hunting or trapping of wolves.

(3) ISSUANCE OF LICENSES. (a) *Issuance; generally.* Except as provided in par. (bn), if the department establishes an open season as provided under sub. (5), the department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting license to each person who applies for the license, and who pays the required fees for the license.

(bn) *Issuance system.* 1. In issuing wolf harvesting licenses under this subsection, the department shall determine the number of licenses that will be available for a given year. The number of licenses to be issued shall equal an even number.

2. If the number of qualified applications for wolf harvesting licenses exceeds the number of licenses that are available, the department shall issue 50 percent of the licenses by selecting at random the applicants to be issued the licenses.

3. The department shall issue the remaining 50 percent of the wolf harvesting licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for but who were not issued a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. If the number of applicants within a preference category exceeds the number of wolf harvesting licenses available in the category, the department shall select at random within the category the applicants to be issued the licenses. For each season, the department shall allow each applicant to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for license but who is not selected. An applicant who applies for either a preference point or a license at least once during any 3 consecutive years shall not lose his or her acquired preference points under the system.

4. The department shall establish a method for dividing the applications into those that will be included in the at–random system and those that will be included in the cumulative preference system.

5. A person applying for a wolf harvesting license shall pay the processing fee at the time of application.

(c) *Preference system; on receipt of license.* A applicant who is selected to receive a wolf harvesting license under the cumulative preference system established under par. (bn) 3. may elect to receive a preference point instead of a license if he or she serving on active duty in the U.S. armed forces or national guard during all or part of the wolf harvesting season for which the license is issued.

(4) TRANSFER OF LICENSE. (a) Upon application by a holder of a wolf harvesting license to the department to transfer the license to another person and upon payment of any fee required under par. (b), the department shall transfer the license if the application is made no later than the 15 days immediately preceding the first day of the wolf harvesting season if the person to whom the license is transferred is at least 18 years of age and is otherwise eligible to use the license. The accompanying carcass tag shall also be transferred.

(b) If the holder of the wolf harvesting license is a resident and the holder applies to transfer the license to a nonresident, the holder shall pay, at the time of application, any difference between the fee for issuing the license to a resident and the fee for issuing the license to a nonresident.

(c) A holder of a license being transferred under this section may not receive any consideration for the transfer of the license.

(5) SEASONS; ZONES. (a) The department shall establish a single annual open season for both hunting and trapping wolves that begins on October 15th of each year and ends on the last day of February of the following year.

(b) The department shall divide the entire state into wolf harvesting zones and shall identify the zones in its wolf management plan. Each zone shall be open to both hunting and trapping, except as provided in par. (c). A wolf harvesting license authorizes its holder to hunt or trap or both only in the zone specified on the license.

(c) The department may close a wolf harvesting zone to both hunting and trapping of wolves, if the department determines that the closure is necessary to effectively manage the state's wolf population. Closure of a wolf harvesting zone under this paragraph may not take effect until at least 24 hours after the department has done all of the following:

1. Posted notice of the closure on its Internet Web site.

2. Announced the closure on its telephone registration system.

3. Issued a press release announcing the closure.

(d) If the department closes a wolf harvesting zone to the hunting of coyotes during a season that authorizes hunting of deer with firearms, the department may reopen the zone to the hunting of coyotes if the department determines that the closure is no longer necessary to effectively manage the state's wolf population.

(e) Notwithstanding ss. 29.014 and 227.10 (1), the opening and closing of wolf harvesting zones as authorized under pars. (c) and (d) need not be promulgated as rules under ch. 227.

(6) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES. (a) *Authorization; hunting.* A wolf harvesting license authorizes the hunting of wolves by using any of the following:

1. A firearm, as authorized under par. (b), a bow and arrow, or a crossbow.

2. Dogs to track or trail wolves, subject to par. (c).

3. Predator calls, including electronic calls.

4. Bait that does not involve animal parts or animal byproducts, other than liquid scents.

(b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting with a rifle, a muzzle–loading firearm, a handgun, a shotgun that fires slugs or shotshells, and any other firearm that is loaded with a single slug or ball. A wolf harvesting license authorizes hunting with shot that is larger than size BB.

(c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the first Monday that follows the last day of the regular season that is open to hunting deer with firearms and ending on the last day of February of the following year.

2. No more than 6 dogs in a single pack may be used to trail or track a wolf, regardless of the number of hunters assisting the holder of the wolf harvesting license.

3. While a person is using a dog to hunt wolf, the person shall keep on his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or 174.07 (1) (e).

(d) *Hunting at night.* A person may hunt wolves during nighttime beginning with the first Monday that follows the last day of the regular season that is open to hunting deer with firearms and ending on the last day of February of the following year.

(e) *Inapplicability of restrictions.* A person who is hunting as authorized under a wolf harvesting license is not subject to any restrictions relating to hunting seasons, zones, or times that the department imposes on the hunting of coyote.

(f) *Trapping; types of traps.* The types of traps that shall be authorized by the department for trapping wolves shall include cable restraints.

(7) TAGS; REGISTRATION. (a) The department shall issue one wolf carcass tag to each person who is issued a wolf harvesting license under sub. (3). Each holder of a wolf harvesting license who kills a wolf shall immediately validate and attach the carcass tag to the wolf. No person may possess, control, store, or transport a wolf carcass unless it is tagged as required under this paragraph. The carcass tag shall be attached and validated in the manner required by the department. A person who kills a wolf shall register the carcass with the department on a telephone registration system or through an electronic notification system established by the department, except as provided in par. (am). The carcass tag may not be removed before registration. The removal of a carcass tag from a wolf before registration results in the wolf being untagged.

(am) In lieu of registering carcasses by telephone or through an electronic notification system, the department may require that the person who kills a wolf physically present the entire carcass to the department for registration.

(b) A person who harvests a wolf that has an attached or implanted radio telemetry device shall return the device to the department. The department shall inform the person, upon his or her request, of any information that has been collected through the telemetry device or otherwise by the department that relates that the wolf that was harvested.

SECTION 7. 29.314 (4) (b) 2. of the statutes is amended to read:

29.314 **(4)** (b) 2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot <u>for wolves or for</u> raccoons, foxes, coyotes, or other unprotected animals during the open season for the animals hunted.

SECTION 8. 29.314 (5) (b) 2. of the statutes is amended to read:

29.314 **(5)** (b) 2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot <u>for wolves or for</u> raccoons, foxes, coyotes, or other unprotected animals during the open season for the animals hunted.

SECTION 11. 29.553 (1) (hr) of the statutes is created to read:

29.553 **(1)** (hr) Wolf harvesting license.

SECTION 12. 29.563 (4) (a) 3. of the statutes is created to read:

29.563 **(4)** (a) 3. Wolf harvesting: $99.25.

SECTION 13. 29.563 (4) (b) 3. of the statutes is created to read:

29.563 **(4)** (b) 3. Wolf harvesting: $499.25.

SECTION 13g. 29.563 (12) (c) 3g. of the statutes is created to read:

29.563 **(12)** (c) 3g. Wolf harvesting issued to a resident: $50.

SECTION 13r. 29.563 (12) (c) 3r. of the statutes is created to read:

29.563 **(12)** (c) 3r. Wolf harvesting issued to a nonresident: $250.

SECTION 14. 29.563 (14) (a) 3. of the statutes is amended to read:

29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses <u>and wolf harvesting licenses</u>: $9.75.

SECTION 15. 29.563 (14) (c) 3. of the statutes is amended to read:

29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25 cents.

SECTION 16. 29.888 of the statutes is created to read:

29.888 Wolf depredation program. (1b) In this section:

(a) "Federal endangered list" has the meaning given in s. 29.185 (1b) (a).

(b) "State endangered list" has the meaning given in s. 29.185 (1b) (b).

(1m) The department shall administer a wolf depredation program under which payments may be made to persons who apply for reimbursement for death or injury caused by wolves to livestock, to hunting dogs other than those being actively used in the hunting of wolves, and to pets and for management and control activities conducted by the department for the purpose of reducing such damage caused by wolves. The department may make payments for death or injury caused by wolves under this program only if the death or injury occurs during a period time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list. The department may expend moneys under this program for its management and control activities only during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list.

(2) The department shall establish maximum amounts that will be paid under sub. (1m) depending on the type of animal that suffered the death or injury. If the department determines that the amount available from the appropriation under s. 20.370 (5) (fv) is insufficient in a given fiscal year for making all of these payments, the department shall make the payments on a prorated basis.

(3) If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department may use all or part of the remaining moneys in the following fiscal year for management and control of the wolf population activities conducted by the department.

(4) If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c).

SECTION 17. 29.977 (1) (d) of the statutes is amended to read:

29.977 **(1)** (d) Any bobcat, fox, wolf, beaver, or otter, $87.50.

SECTION 18. 29.983 (1) (b) 4. of the statutes is amended to read:

29.983 (1) (b) 4. For any bobcat, fox, wolf, beaver, or otter, $87.50.

SECTION 18m. 71.10 (5) (am) of the statutes is repealed.

SECTION 21. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 8th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, for the period before the effective date of the permanent rules that are submitted under paragraph (a). Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this paragraph.

SCOTT WALKER

OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

August 14, 2012

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

RE: Scope Statement for WM-01-13 related to hunting, trapping, dog training, and the use of department managed lands.

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on July 25, 2012, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapters NR 1, 10, 11, 12, 15, 17, and 45 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