

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 11, Wis. Adm. Code

Board Order No. WM-10-18  
Clearinghouse Rule No. 19-008

#### Basis and Purpose of the Proposed Rule

The proposed rule establishes the islands in the Apostle Islands National Lakeshore as a marten protection area. It also adds additional types of traps that are allowed within a marten protection areas. American marten, a state endangered species, have recently been confirmed on seven Apostle Islands (Stockton, Cat, Manitou, Rocky, Otter, Bear and Outer). This proposal would establish a third Marten Protection Area on those islands that are within the Apostle Islands National Lakeshore. Additionally, this rule allows flexibility to add or remove trap types allowed in MPA's. Research has shown that weasel boxes with a hole opening of 1 3/8" or less will prevent entry of American marten. Records also indicate that dryland foothold traps, with mandatory pan tension devices requiring four pounds of pressure to fire, can be used within marten range without risk of incidental capture of marten.

#### Summary of Public Comments

The public did not submit any comments on this proposed rule during the public comment period.

#### Modifications Made

No modifications were made to the rule as a result of public comments since no comments were received.

#### Appearances at the Public Hearing

The DNR held a public hearing regarding WM-10-18 on March 13, 2019 in Park Falls, Wisconsin. One member of the public attended the hearing. That person did not make an oral statement but registered in favor of the rule. The department received no written comments on the rule.

#### Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate through the public comment process, as no public comments on either were received.

#### Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on March 13, 2019. The LCRC provided comments on the statutory authority, form, style and placement in administrative code, the adequacy of references to related statutes, rules and forms, and on clarity, grammar punctuation, and use of plain language.

Changes to the proposed rule were made to address most of the recommendations by the Legislative Council Rules Clearinghouse. Comment 5.b. was not addressed since the deletion of the language "posted with department signs" was intentional.

#### Final Regulatory Flexibility Analysis

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. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.