

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code

Board Order No. WM-04-19
Clearinghouse Rule No. 19-123

Basis and Purpose of the Proposed Rule

The proposed rule simplifies regulations by removing the restrictions for night hunting of raccoon, coyote and fox during the nine-day deer season in the forest and central farmland deer management zones.

Summary of Public Comments

Four written comments were also received. Three of the comments were supportive of the rule. One of the written comments was from the Wisconsin Coon Hunters Association and they believe lifting the restrictions will provide more opportunity while additionally creating a more consistent statewide season. One individual wrote in opposition of the rule and expressed concerns that it would promote illegal harvest and pressure deer during the gun season.

Modifications Made

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

Appearances at the Public Hearing

Two public hearings were held regarding WM-04-19. The first took place on October 16, 2019 in Rhinelander and the other on October 17, 2019 in Hayward. Five individuals attended the Rhinelander hearing, with three choosing to make a statement. All three individuals making statements were representing groups, including the Wisconsin Association of Sporting Dogs, the Wisconsin Wildlife Federation, and the Sundown Coon Hunters Club in Plymouth, Wisconsin. Supporting comments include:

- The fur quality for raccoons is best during the gun deer season.
- Raccoons are on the move during these times due to gut and bait piles.
- When this restriction was put in place in the 1960s there were far less deer and there were fewer deer seasons.
- Private landowners would still have to give permission to hunt on their property and modern technology helps prevent trespass issues.
- Minnesota, Iowa, Illinois and Michigan all allow night hunting of raccoons.
- This is currently legal in the southern portion of the state and there are no known issues.

Two of the individuals from the Rhinelander hearing also attended the Hayward hearing and were the only attendees. This time one was representing a different group, the Milwaukee Beagle Club. The comments made were supportive of the rule and similar to those given at the Rhinelander meeting.

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 October 8, 2019. The LCRC provided comments on the form, style and placement in administrative code. All suggested changes by LCRC were made to the rule except for comment 2.b.

After speaking with LCRC about this comment we decided for the sake of clarity we did not change the name of the rule. Initially the Department only envisioned removing the night hunting restriction for raccoons during the gun deer season. While drafting the rule we determined it would also be appropriate to remove the identical restrictions on night hunting for coyote and fox during the gun deer season and that doing so would fall within the scope of this rule. Due to the timing of adding these two additional species it would be too late to change the title of the rule without causing confusion.

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.