

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: CS-03-16 and CS-04-16(E)

Relating to: Natural resources licenses and permits, Chs. NR 6, 8, 10, 19, 20, 23, 64.

Rule Type: There will be an emergency and a permanent version of these rules.

1. Finding/nature of emergency (Emergency Rule only):

Non-statutory provisions of 2015 Act 89 establish that the department may enact these rules using the process for emergency rules without finding that the rule is necessary for preservation of public peace, health, safety, or welfare.

2. Detailed description of the objective of the proposed rule:

These rules will modernize Wisconsin's automated system for delivering recreational license products. This will result in better access to products, faster delivery of special permits and registrations, and improved customer service and satisfaction.

The department is directed to promulgate these rules by 2015 ACT 89.

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:

Under current rules, a hunter or angler is required to attach a tag to certain harvested game immediately upon taking possession of it. These rules will modify those requirements in order to facilitate the use of tags which may not be printed on durable paper. Validation of tags would still be required but we could allow a person to keep the validated tag in their pocket in order to prevent, for instance, a paper tag from getting pulled off of a deer carcass while it is being removed from the field. The requirement to attach a tag could be modified for species such as deer, bear, turkeys, sturgeon, sharp-tailed grouse and others.

These rules will identify acceptable forms of proof to the original approval issued by the department or agent and the locations at and times during which these forms of proof are valid. In addition, these rules will identify who may produce a reprint, at what times, and for which approvals such reprints are valid.

The act introduces new terminology which will require new definitions in rule or changes to existing definitions.

These rules may make additional changes which are necessary in order to implement the Act, provide customer service, and assure that provisions of current rules are enforceable. Some of these needs may not be identified until the actual process of drafting rule language is initiated.

These rules will not modify the fees for recreational licenses or the season structures for hunting, fishing, and trapping activities.

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

Nonstatutory provisions of 2015 Act 89 establish that the department may enact these rules using the process for emergency rules without finding that promulgating a rule is necessary for the preservation of public peace, health, safety, or welfare. The emergency rule may remain in effect until July 1, 2018 or until the permanent rule is promulgated.

The chapter on conservation, in s. 23.47 created in 2015 Act 89, establishes the department may promulgate rules relating to forms of acceptable proof of an approval, electronic retrieval of information, and reprints of approvals and safety certificates.

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall establish and maintain conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to the licensing, use of harvest permits, and other regulations necessary to conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping.

Wisconsin’s boundary waters with other states are popular hunting, fishing and trapping locations. Specific authority to regulate hunting in and on all interstate boundary waters and outlying waters is established in s. 29.041.

Sections 23.11 and 29.014, Stats. allow for the protection of natural resources, establish general department powers on lands it manages including migratory bird refuges, and authority to establish hunting and trapping regulations on department managed lands. This authority could apply if property-specific permits currently issued by the department are converted to electronic permit delivery.

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

Approximately 400 hours will be needed by the department prior to and following the hearings.

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

Participants in outdoor recreational activities are a primary entity who will be affected by the proposed rule. Activities licensed by the department include hunting, fishing and trapping, as well as permits/passes/registrations for state parks, boats, snowmobiles, all-terrain vehicles.

Private vendors who contract with the department to issue licenses will also be affected by the proposed rules. Those include a range of retail outlets such as convenience stores, department stores, small sporting goods shops, as well as large retailers of outdoors-related merchandise.

In nearly all situations, the effects are likely to be minimal but would result in improved delivery and access to services. The department would continue to contract with a variety of private retail outlets to deliver services which will basically be the same and include licenses and registrations for outdoors related activities.

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 :

States may manage the fish and 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.

Migratory game bird hunting is regulated by the United States Fish & Wildlife Service (USFWS), in 50 CFR part 20. Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually through the USFWS regulations process. Wisconsin annually adjusts migratory bird seasons and regulations in order to stay within the federal framework.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

No economic impacts are anticipated as a result of these rules. The department currently contracts with a vendor and provides automated licensing to the public at private retail outlets, department service centers, and online. Following these rules, the same basic framework of license delivery would still be in place.

We do anticipate improved delivery of services and continued high levels of customer satisfaction because more services will be available at all locations and through the internet. These proposals will generally contribute to providing access to opportunities for hunting, fishing, trapping and other outdoor activities and maintenance of the economic activity generated by people who participate in those activities. The long range implications of this rule proposal will be the same as the short term impacts in that access to outdoor recreational activities will continue or improve and that activity will continue to generate economic activity.

These rules are primarily applicable to individuals and impose no new compliance or reporting requirements for small business. Vendors who choose to serve as department license outlets would continue to have compliance and reporting requirements and follow operational standards, however, we do not anticipate that those will be significantly different than what is currently required of vendors.

These rules will not modify the actual fees for any licenses, permits, registrations, or trail use stickers.

Contact Person:

Linda Olver (608) 264-8985 – Customer and Outreach Services

Matt O'Brien (608) 264-9230 – Law Enforcement

Scott Loomans (608) 267-2452 – Wildlife Management

Kate Strom-Hiorns (608) 266-5206 – Fisheries Management