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TO: Senate Committee on Sporting Heritage, Small Business and Rural Issues

FROM: Senator Rob Stafsholt

DATE: February 2, 2021

SUBJECT: Testimony in Favor of Senate Bill 54

Thank you, fellow members of the Senate Committee on Sporting Heritage, Small Business and Rural Issues for allowing me to testify in favor of Senate Bill 54 regarding allowable shot sizes.

Under rules promulgated by the Department of Natural Resources (DNR), no person while hunting may use, possess, or have under the person's control shot shells containing shot larger than T. This is a newly passed rule that has created unexpected consequences.

During the Wisconsin Natural Resources Board's January meeting, Keith Warnke, the Fish, Wildlife, and Parks Division Administrator from DNR, admitted there have been unintended consequences following the rule change. Keith claimed the DNR was working on a rule change to fix the issue, however, he was not able to give specifics on the process or a timeline. Instead of waiting for a solution and answers from the DNR, I believe the quickest way to fix the mistake is to pass Senate Bill 54.

This legislation will prohibit the DNR from limiting the use, possession, or control of shot shells based on shot size for hunting of fur-bearing animals during an open season established for that animal by the department. In addition, the bill prohibits the DNR from limiting the use of shot shells based on size for dispatching of nuisance wildlife as provided under current law.

Senate Bill 54 has the support of the Wisconsin Bear Hunters Association and Wisconsin Firearm Owners, Inc.

Thank you, members. I ask for your support and would be happy to answer any questions.



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Testimony in Support of Senate Bill 54

Senate Committee on Sporting Heritage, Small Business and Rural Issues
February 2, 2021

Members of the committee, thank you for holding this public hearing today. I appreciate this opportunity to come and speak before you in support of Senate Bill (SB) 54. I appreciate the chairman's leadership in working with me on this important legislation.

As a Northwoods representative, I represent many hunters throughout the 35th Assembly District, including those who hunt fur-bearing animals such as coyote, bobcat, opossum, beaver, and more. Last session, unfortunately, the Department of Natural Resources (DNR) promulgated rules that currently prohibit a hunter from using, possessing, or having under their control shotgun shells containing shot larger than T size.

To those unfamiliar with shot sizes, T-shot is typically used in hunting waterfowl such as duck and geese. Buckshot shell sizes, which have a larger range in size, are not typically used for game birds, but are used in dispatching fur-bearing nuisance and predatory animals. While T-shot can still be used in these cases, it is not as effective as the larger shot. While T-shot may wound an animal, it does not always kill on the first shot. This rule-change causes hunters to be less humane than they normally would be.

Our bill, SB 54, undoes what the DNR did last session. It prohibits the DNR from limiting the use, possession, or control of shot shells based on shot size for hunting fur-bearing animals during an open season established for that animal by the DNR, and prohibits the department from limiting the use of shot shells based on size for the hunting of nuisance wildlife. I am proud to bring this legislation forward with Senator Stafsholt and provide a solution for our hunters.

Members of the committee, thank you again for the opportunity to testify before you today.

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Senate Committee on Sporting Heritage, Small Business, and Rural Issues

2021 Senate Bill 54

Shot shell restrictions and the hunting of fur-bearing animals.

February 2, 2021

Good morning Chair Stafsholt and members of the Committee. My name is Steven Little, and I am the Assistant Deputy Secretary of the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 54 (SB 54).

As background, the department recently promulgated permanent rule CR 19-146. This rule contained provisions which sought to simplify weapon and ammunition regulations for hunting by deleting minimum weapon requirements. These were replaced by a simplified and adaptable framework for future weapon innovations. This rule went into effect on July 1, 2020.

CR 19-146 made “T” the largest shot size allowed while hunting. “T” size shot is the federal standard for migratory birds. This change had an unintended consequence in its application to bobcat and other furbearer species. Unfortunately, these impacts were not identified in the plain language analysis of the rule and were not identified as a concern during the various public input and legislative review opportunities associated with the rule. The department has since received feedback from coyote and bobcat hunters, which helped bring this issue to our attention.

The department has already begun promulgating a new permanent rule. We have made this a top priority and will work as quickly as possible to get this done with the belief that a fix can be in place prior to the beginning of the 2021 bobcat season. In the meantime, our wardens are exercising enforcement discretion on this item.

Regarding the bill, the department feels that it is important to maintain the discretion to regulate shot size. While the current climate might not necessitate a shot size for furbearers, future advances in weapons or ammunition may make it appropriate to implement shot size restrictions for these species. Additionally, one reading of this bill implies that it is permissible to shoot all furbearers, which is not true. A narrower species list in this proposal would avoid that interpretation. The department would be happy to provide detailed feedback on either of these suggested considerations, if it is of interest to the bill authors.

On behalf of the Department of Natural Resources, I would like to thank you for your time today. If there are questions, I will step aside and allow Scott Karel, Regulatory Policy Specialist for the Bureau of Wildlife Management, to respond.