

CR 13-021
WM-33-13
Fish, Game, etc., Chs. NR 1--

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING RULES

The statement of scope for this rule, SS 062-12, was approved by the Governor on August 14, 2012, published in Register No. 680, on August 31, 2012, and approved by the Natural Resources Board on September 26, 2012. This permanent rule was approved by the Governor on November 21, 2013.

The Wisconsin Natural Resources Board proposes an order to repeal and recreate 10.01 (4) (a) and (e) related to muskrat and mink trapping seasons.

WM-33-13

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The chapter on wild animals and plants, in s. 29.014, Stats., “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 the mink and muskrat trapping seasons.

Statutes Interpreted and Explanation: Section 29.014, Stats. allow for the protection of natural resources, establish general department powers, and authority to establish hunting and trapping regulations.

Related Statute or Rule: These rules were originally part of Board Order WM-01-13, the 2013 wildlife management spring hearing rules package related to hunting, trapping, closed areas, dog training, and the use of department lands. Upon adoption of that rule at the board’s May 22, 2013 meeting, sections that modified the mink and muskrat trapping season dates were removed from the board order so that additional consideration of the muskrat and mink season opening dates could occur.

Plain Language Rule Analysis: This rule package will establish new season dates for trapping mink and muskrat in ch. NR 10, Wis. Adm. Code.

SECTIONS 1 and 2 simplify the mink and muskrat trapping regulations by creating more consistent opening dates throughout the state. The season dates are the same for both species.

Federal Regulatory Analysis: 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.

Comparison with rules in Adjacent States: These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

Summary of Factual Data and Analytical Methodologies: All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

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. Under current rules:

- 'North zone' — Beginning on the Saturday nearest October 17 and continuing through the last day of February.
- 'South zone' — Beginning on the Saturday nearest October 28 and continuing through the last day of February.
- 'Winnebago zone' — Beginning on the Saturday nearest October 28 and continuing through March 15.
- 'Mississippi River zone' — Beginning on the second Monday in November or the day following the close of the open season for ducks as established under sub. (1) (b) 1., whichever occurs first, and continuing through the last day of February.

Under this proposal, the opening day would be the Saturday nearest October 25 except in the Mississippi River zone. In the Mississippi river zone the season would continue to open on the second Monday in November or the day after the duck season closes, whichever occurs first, which represents compromise between waterfowl hunters and trappers to accommodate those diverse resources interests.

The opening weekend of the muskrat season can be important to fur trappers. A significant amount of the muskrat harvest by trappers occurs on the opening weekend of the season and, thereafter, muskrat numbers and trapping success may be lower. Fur quality improves during the fall season as winter approaches, so the timing of the season opener can also be important.

Under current rules, trapping season dates are staggered to open progressively later in the southern part of the state and take advantage of pelt primeness and favorable conditions for trapping before winter arrives. However, muskrat trappers relay that the staggered opening dates allow some people to take advantage of multiple opening dates and contribute to significant competition for prime trapping locations and muskrats.

A proposal in board order WM-01-13, the 2013 wildlife management spring hearing rule, would have consolidated opening dates so that most of the state would have opened on the third Saturday in October. This proposal would have spread trapping pressure around the state on one opening day and relieved the competition that results from people moving around to different zones to take advantage of multiple opening days. While the proposal had strong support in voting held in each county, a number of concerns were relayed to the department that muskrat fur quality would not be prime in certain areas on the third Saturday in October.

These rule revision would open the muskrat and mink trapping seasons on the Saturday nearest October 25, which would be the fourth Saturday in October during most years. This opening date is designed to address both concerns about distributing trapping pressure and not beginning the trapping season until muskrat pelts are likely to be prime in most of the state.

The mink trapping seasons are consistent with the muskrat trapping season dates both under current rules and this proposal. Mink are a species that is commonly caught by muskrat trappers and keeping the seasons consistent allows trapping for both species at the same time. Public interest in the opening date for trapping is focused more on muskrat, however, because of the greater opening weekend harvest and competition for trapping locations.

Anticipated Private Sector Costs and 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 rule proposal is not expected to significantly influence the spending activities or trapping activity of people who are interested in mink and muskrats. Correspondingly, no related economic impacts are anticipated.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24 (3m).

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SECTION 1. NR 10.01 (4)(a) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(a) Muskrat trapping.</i>		
1. Statewide except in the Mississippi River Zone	Beginning on the Saturday nearest October 25 and continuing through the Sunday nearest March 7.	None
2. Mississippi River Zone- All that part of Buffalo, Crawford, Grant, LaCrosse, Trempealeau, and Vernon counties lying east of the Chippewa river and west of the Burlington Northern railway.	Beginning on the second Monday in November or the day following the close of the open season for ducks established for the Mississippi River zone under sub. (1) (b), whichever occurs first, and continuing through the Sunday nearest March 7.	None

SECTION 2. NR 10.01 (4)(e) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(e) Mink trapping.</i>		
1. Statewide except in the Mississippi River Zone	Beginning on the Saturday nearest October 25 and continuing through the Sunday nearest March 7.	None
2. Mississippi River Zone- All that part of Buffalo, Crawford, Grant, LaCrosse, Trempealeau, and Vernon counties lying east of the Chippewa river and west of the Burlington Northern railway.	Beginning on the second Monday in November or the day following the close of the open season for ducks established for the Mississippi River zone under sub. (1) (b), whichever occurs first, and continuing through the Sunday nearest March 7.	None

SECTION 3. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 4. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 23, 2013.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)