Form 1100-001
(R 2/11)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.1

SUBJECT: Request approval of Wildlife Management's 2012 spring meeting agenda of advisory questions

FOR: JANUARY, 2012 **BOARD MEETING**

TO BE PRESENTED BY / TITLE: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

The department proposes asking advisory questions on the following wildlife related subjects in order to gauge public opinion. These advisory questions will be the subject of voting at the 2012 spring fish & wildlife meetings held jointly with the Conservation Congress on the second Monday in April.

- Expanding open water hunting opportunities for waterfowl. (local question for each of 13 waterbodies in various counties)
- Eliminating the sunset of the current split season framework for bobcat hunting and trapping.
- Modernizing license requirements for hunting guides.
- Allowing the use of trail cameras on DNR managed lands open to public hunting. (Natural Resources Bd. question)

If there is sufficient public support, the proposals related to open water hunting and the bobcat season may be the subject of future proposed rulemaking. Modifying the requirements for guide licenses would require new legislation. Voting on the use of trail cameras will advise the department when it considers enacting policy changes, under authority it currently has, to authorize their use.

The department anticipates holding hearings on a spring hearing rules package again in 2013 and subsequent odd-numbered years. This timeline for rule promulgation is compatible with new requirements of ch. 227 Stats.

RECOMMENDATION: Approval of Wildlife Management's 2012 spring meeting agenda of advisory questions

LIST OF ATTACHED MATERIALS:

No	☑	Fiscal Estimate Required	Yes	☐	Attached
No	☑	Environmental Assessment or Impact Statement Required	Yes	☐	Attached
No	☐	Background Memo	Yes	☑	Attached

APPROVED:

Tom Hauge — Date 1/4/12
Bureau Director, Tom Hauge, Wildlife Management

Kurt Thiede — Date 1/5/12
Administrator, Kurt Thiede, Land Division

Cathy Stepp — Date 1/6/12
Secretary, Cathy Stepp

cc: NRB Liaison
DNR Rules Coordinator
Tom Hauge, WM/6
Scott Loomans, WM/6

DATE: December 16, 2011

TO: Natural Resources Board

FROM: Secretary Cathy Stepp

SUBJECT: Approval of Wildlife Management's 2012 spring meeting agenda of advisory questions

I am requesting Natural Resources Board approval to hold public meetings on wildlife related advisory questions in order to gauge public opinion. These advisory questions, including one natural resources board advisory question, will be the subject of voting at the 2012 spring fish & wildlife meetings held jointly with the Conservation Congress on the second Monday in April.

Background:
Annually the department submits proposals and advisory questions on a variety of subjects including hunting, trapping, wildlife management and the management of department lands. The statewide April Spring Fish & Wildlife hearings/meetings are the traditional vehicle for citizen input. The origins of these questions and proposals are most often: 1) department staff specialists from the bureaus of law enforcement, wildlife management, endangered resources and customer service and licensing, 2) publicly supported Conservation Congress advisory questions from prior years that were forwarded by the congress' executive council or; 3) advisory questions suggested by the natural resources board.

In 2012, all questions asked at the hearings will be advisory-only and are not rule change proposals. The department anticipates holding hearings on a spring hearing rules package again in 2013 and subsequent odd-numbered years. This timeline for rule promulgation is compatible with new requirements of ch. 227 Stats. as modified by 2011 ACT 21.

Summary of Agenda Items:
The department proposes asking wildlife related advisory questions in order to gauge public opinion. These advisory questions will be the subject of voting at the 2012 spring fish & wildlife meetings held jointly with the Conservation Congress on the second Monday in April.

Questions 1 to 13. Expanding open water hunting opportunities for waterfowl (local question, various counties).

Question 14. Eliminate the sunset of the current split season framework for bobcat hunting and trapping.

Question 15. Modernizing license requirements for hunting guides.

Question 16. Use of trail cameras on DNR managed public hunting lands (Natural Resources Board advisory question).

If there is sufficient public support, the proposals related to open water hunting and the bobcat season framework may be the subject of future proposed rulemaking. Modifying the requirements for guide licenses would require new legislation. Voting on the use of trail cameras will advise the department when it considers enacting policy changes, under authority it currently has, to authorize their use.

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Proposed 2012 Spring Hearing Questions:

Questions 1 to 13. Expanding open water hunting opportunities for waterfowl (local question, various counties).

Wisconsin has a long tradition of restricting waterfowl hunting to the near shore and marsh areas of lakes and flowages. This provides safe open water resting areas for migrating waterfowl and may help ducks remain in an area for a longer period during the hunting season. However, "open water" hunting is allowed on some large lakes and the Great Lakes where it is believed that open water hunting does not eliminate safe resting areas. This type of hunting may involve specialized boats and other equipment and primarily targets diving species of ducks. All open water blinds must be removed at the close of hunting hours each day.

The waters where open water hunting is currently allowed are:

- Grant County and the Lake Pepin portions of the Mississippi river (non-refuge areas) regardless of the distance from shore provided the blinds are securely anchored.
- Big Green Lake, Lake Superior, Lake Michigan and Green Bay provided if beyond 500 feet of any lake or bay shoreline. Blinds do not have to be anchored in these areas.
- Lake Winnebago and Petenwell flowage if more than 1,000 feet from any shoreline including islands provided blinds are securely anchored.

Following a citizen request to increase hunting opportunities by expanding the number of lakes available for open water duck hunting, an ad hoc committee of citizens conducted a statewide review of 130 of the state's largest lakes. Nine local meetings were held around the state. The committee recommended that the following 13 (Poygan and Winneconne are considered one lake) be considered for open water duck hunting.

Beaver Dam Lake in Dodge County (excluding Rakes and Trestle Works Bays), Lake Butte des Morts in Winnebago County, Lakes Poygan and Winneconne in Waushara and Winnebago counties, Castle Rock Lake in Adams and Juneau counties (south of railroad bridge and county road G), Grindstone Lake in Sawyer County, Fence, North Twin and Trout Lakes in Vilas County, Lake Koshkonong in Dane, Rock and Jefferson counties, Lake Puckaway in Marquette and Green Lake counties (the waters west of the west end of the dredge bank, excluding the waters east of the west end of the dredge bank), Shawano Lake in Shawano County, Lake Wisconsin in Sauk and Columbia counties (north of railroad bridge), Lake Wissota in Chippewa County (south of county road S and north of county road X),

In order to increase areas available to waterfowl hunters and to provide more opportunities for a unique type of waterfowl hunting, do you favor allowing hunting from open water areas if the hunter is more than 1,000 feet from shoreline including islands on the following waters or portions of waters?

1. Beaver Dam Lake in Dodge County (excluding Rakes and Trestle Works Bays).

Yes ____ No ____

2. Lake Butte des Morts in Winnebago County.

Yes ____ No ____

3. Lakes Poygan and Winneconne in Waushara and Winnebago counties.

Yes ____ No ____

4. Castle Rock Lake in Adams and Juneau counties (south of railroad bridge and county road G).

Yes ____ No ____

5. Grindstone Lake in Sawyer County.

Yes ____ No ____

6. Fence Lake in Vilas County.

Yes ____ No ____

7. North Twin Lake in Vilas County.

Yes ____ No ____

8. Trout Lake in Vilas County.

Yes ____ No ____

9. Lake Koshkonong in Dane, Rock and Jefferson counties.

Yes ____ No ____

10. Lake Puckaway in Marquette and Green Lake counties (the waters west of the west end of the dredge bank, excluding the waters east of the west end of the dredge bank).

Yes ____ No ____

11. Shawano Lake in Shawano County.

Yes ____ No ____

12. Lake Wisconsin in Sauk and Columbia counties (north of railroad bridge).

Yes ____ No ____

13. Lake Wissota in Chippewa County (south of county road S and north of county road X).

Yes ____ No ____

Question 14. Eliminate the sunset of the current split season framework for bobcat hunting and trapping.

In 2009 and earlier, the hunting and trapping season for bobcat began on the Saturday nearest October 17 and continued through December 31. Beginning in 2010, for a two year trial period, the season has been lengthened and split into an early time period which runs from the Saturday nearest October 17 to December 25 and a late time period which runs from December 26 to January 31. Hunting and trapping are legal during both periods. Permit applicants must select either the early or the late season.

The later time period, when snow cover is likely, provides hunting conditions that hunters using trained dogs have said they prefer. The early time period maintains dry-land trapping opportunities that some trappers prefer as well as providing some hunting opportunities with snow cover in December.

Following the two year trial, the department's opinion is that the new split season framework provides harvest management tools that allow for sound use, management and protection of the bobcat resource. The previous single season format also provided the necessary harvest management tools. We are interested in assessing which season structure is preferred by hunters and trappers before recommending a permanent season framework.

14. Do you favor permanently establishing two bobcat permit periods (third Sat. in Oct – Dec. 25 and Dec. 26 – Jan. 31) and limiting hunters and trappers to one period or the other?

YES_____NO_____

Question 15. Modernizing license requirements for hunting guides.

Under current Wisconsin law, a $40 annual guide license is required of individuals who are employed or receive compensation or reward for assisting another person with hunting, fishing or trapping. There are currently no requirements or qualifications to become a licensed hunting, fishing or trapping guide in this state except that a person must be 18 and, if guiding for the purposes of hunting or trapping, must be a Wisconsin Resident. In 2010 there were over 1,400 guides licensed in WI for hunting, fishing or trapping. The license application does not collect information in regards to the species that will be guided for or locations that guiding activity will occur. There are no record keeping and reporting requirements even though other commercial activities such as commercial fishing and sport trolling do require record keeping and reporting.

Guiding for hunting and fishing is an established commercial activity in Wisconsin. Modernizing guide license requirements would help ensure that natural resources are protected by providing information that assures good decision making and preserving equal opportunities to participate in outdoor recreational activities. Updating license requirements may also increase the standing of the guiding industry in the public's eye and create a fair playing field for those involved.

Guiding regulations could be modernized by establishing a new definition of a guide. A more precise definition of a guide could include a person who subleases private lands and conducts activities associated with subleases. Many times the activities associated with subleasing constitute guiding (setting up stands, providing maps and lodging), but the vague definition in current law precludes requiring a guide's license.

Reporting requirements for guiding activities could provide information that is valuable to fish and wildlife biologists, law enforcement, and to the public when deciding how to manage fish and game. Information such as the number of privately owned acres leased, publicly owned areas used by guides, number of animals harvested, and client information would be valuable.

Some within the guide community have suggested that a guide license with more comprehensive minimum standards would be good for guides as a whole to help legitimize their industry to the general public. Minimum standards would also ensure protection of the public from guides that lack adequate knowledge, training and insurance.

15. Do you favor updating Wisconsin's guide license requirements by establishing a new definition of a guide, require reporting of harvest, acres owned/leased for guiding and client information, and by establishing minimum standards for insurance and training?

Yes ____ No ____

Question 16. Use of trail cameras on DNR managed public hunting lands (Natural Resources Board advisory question).

A prohibition on the storage of personal property on department managed lands is established by the department by administrative rule. Based on this provision, the department has explained that it is illegal to leave an unattended trail camera overnight on DNR lands unless authorized by the department.

Trail cameras are popular and very commonly used by hunters on private land for scouting wildlife. Department staff and board members have received requests from individuals who would like to use trail cameras on department lands. Placing cameras and checking them for images of wildlife may be a form of outdoor recreation that will engage people to utilize public lands. Their use may help hunters be more aware and more excited about the opportunities available on department managed lands. Additionally, their use may result in people providing information that is valuable to the department about species observed on those lands.

A concern about trail camera use is that their presence will give the impression that an area is already "claimed" or "staked out" and could lead to conflict in the field. Trail camera theft, abandonment, personal privacy, and damage to cameras through land management practices such as prescribed burning or timber harvest are other concerns.

Some concerns about the use of trail cameras on DNR managed lands could be addressed by establishing the following conditions on their use:

- Placement only occurs in areas where hunting is allowed and outside of designated special use zones such as campgrounds and improved trails.
- Trail cameras bear the name and address or department issued customer identification number of the owner or operator permanently attached or engraved to the outside of the camera so that it is clearly visible without the need to move or adjust the camera.

16. Do you favor allowing the overnight placement and use of trail cameras on lands open to public hunting that are managed by the department, but not in special use zones such as campgrounds and improved trails?

Yes ____ No ____