

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DETERMINATION OF WEPA COMPLIANCE FOR
BOARD ORDER WM-33-13**

FINDINGS OF FACT

1. On September 26, 2012, the department received authorization from the Natural Resources Board to proceed with the rulemaking related to hunting, trapping, closed areas, dog training, and the use of department lands.
2. The department prepared proposed rules as Board Order WM-01-13. Included in this omnibus rule package was a provision related to mink and muskrat trapping seasons. The provision related to mink and muskrat trapping seasons was later separated into a stand-alone rule, Board Order WM-33-13.
3. The department made a preliminary determination that promulgation of the proposed rules constituted a Type III action under s. NR 150.03(6)(b)3.b., Wis. Adm. Code.
4. On January 23, 2013 the board approved the department's request to publish a public hearing notice and hold public hearings on the proposed rules.
5. In the notice of public hearing for the proposed rules which appeared in the March 14, 2013 Wisconsin Administrative Register, the department included its preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. The Notice included a statement that, based on comments received, an environmental analysis may be prepared before proceeding with the adoption of the proposed rules.
6. Public hearings were held in each county on April 8, 2013.
7. No comments were received on the department's preliminary determination that an environmental analysis under ch. NR 150, Wis. Adm. Code, would not be needed.
8. Effective April 1, 2014, ch. NR 150, Wis. Adm. Code, was repealed and recreated.
9. Under current NR 150.10(1m)(a) the department must conduct a strategic analysis for all new or revised administrative rules if the rule involves unresolved conflicts concerning alternative uses of available resources and the department has substantial discretion in formulating important provisions of the rule.
10. The proposed rules in Board Order WM-33-13 do not involve unresolved conflicts concerning alternative uses of available resources. Although the proposed rules modify the season dates for muskrat and mink trapping, the status of mink or muskrat as a furbearing animal and a game species with an established open harvest season and a closed season is unchanged. These rules do not alter harvest limits or underlying regulations establishing that mink and muskrat are a species which may be pursued by trapping methods.
11. The current s. NR 150.20(1) establishes that an environmental analysis is required for all department actions except those specifically exempt by statute.
12. The current s. NR 150.20(2)(b) provides that the Department may determine under s. NR 150.35, Wis. Adm. Code, that there is equivalent analysis for a specific.
13. The rulemaking process for Board Order WM-33-13 contained procedures for evaluating the environmental impacts of the proposed rules and provided for public disclosure and multiple opportunities for public input.

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CONCLUSIONS OF LAW AND DETERMINATIONS

14. A strategic analysis under the current s. NR 150.10 (1m), Wis. Adm. Code, is not required for Board Order WM-33-13 because proposed rules do not involve unresolved conflicts concerning alternative uses of available resources.
15. The Department has determined that the rulemaking process for Board Order WM-33-13 constitutes an equivalent analysis action, under s. NR 150.20(2)(b), Wis. Adm. Code.
16. The department has complied with WEPA, pursuant to both the former ch. 150, and the current ch. NR 150), Wis. Adm. Code, for Board Order WM-05-13.