

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT:

Request that the Board approve the statement of scope for Board Orders WM-08-13 and WM-09-13(Emergency), proposed rules affecting Ch. NR 45 related to firearms use on department land in Columbia County.

FOR: April 2013 Board meeting

PRESENTER'S NAME AND TITLE: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

The objective of these rules will be to prohibit firearms discharge for target shooting purposes on all department managed lands in Columbia County in areas where target shooting is not authorized. Firearm discharge for hunting, trapping, and dog training purposes and at established ranges would continue to be allowed.

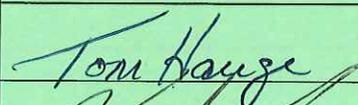
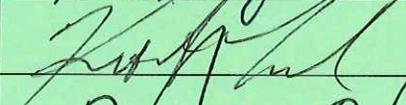
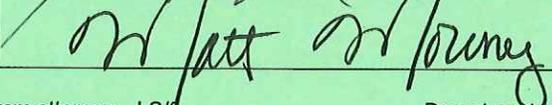
These rules are necessary to protect public safety and welfare due to the popularity of target shooting at properties which are undeveloped, have not been designated by the department, and are in locations which jeopardize the safety of neighbors and property users.

Target shooting is an enjoyable and normally safe activity that is practiced by many people in the Columbia County area. A subset of target shooters who are using department wildlife properties instead of gun clubs or private lands will be impacted by this rule. Under the proposal, it would remain possible for the department to authorize target shooting in a designated location without additional rulemaking. Safe locations and facilities for public target shooting are being considered in the area and, if they can be developed, would minimize any impact to target shooters. A number of residential property owners that live nearby or adjacent to areas currently used for target shooting will also be impacted by an improvement in safety conditions. Improved safety conditions will also benefit people who are using the properties for hunting, trapping and other purposes. In one location, people have reported having difficulty being able to safely return to their vehicle at a popular target shooting location which is also a main parking lot.

RECOMMENDATION: That the Board approve the statement of scope for Board Orders WM-08-13 and WM-09-13(Emergency).

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|--|---|
| <input type="checkbox"/> (choose one) | <input type="checkbox"/> Attachments to background memo |
| <input checked="" type="checkbox"/> Statement of scope | <input checked="" type="checkbox"/> Governor approval of statement of scope |
| <input type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input type="checkbox"/> Response summary | <input type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Tom Hauge, Bureau Director		3/20/13
Kurt Thiede, Administrator		3/22/13
Cathy Stepp, Secretary		3/25/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: March 15, 2013

TO: Natural Resources Board Members

FROM: Cathy Stepp, Secretary

SUBJECT: Scope statement for Board Orders WM-08-13 and WM-09-13(E) related to firearms use on department lands in Columbia County.

Subject of the Proposed Rules:

The objective of these rules will be to prohibit firearms discharge for target shooting purposes on all department managed lands in Columbia County in areas where target shooting is not authorized. Firearm discharge for hunting, trapping, and dog training purposes and at established ranges would continue to be allowed.

This rule will prevent potentially unsafe target shooting activities on department managed lands where concentrated housing developments are located downrange and where property user safety is a concern.

Policy Analysis:

The department currently possesses the ability to completely prohibit firearms discharge by posting lands that it owns or manages. However, shooting related to hunting, trapping, and dog training can still safely occur on department managed lands in Columbia County. Prohibiting target shooting, but still allowing hunting, trapping, and dog training, requires rule making.

Policies relevant to this rule are consistent with existing rules and this proposal will not establish new statewide policies. Under this proposal, portions or all department managed lands in Columbia County will be added to an existing rule that already prohibits target shooting on some individual properties and all department properties in the counties of: Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, Waukesha and Winnebago.

It is noteworthy that the county board has considered local ordinances prohibiting firearms discharge. However, an opinion of department staff is that a DNR regulation is preferable to local ordinances. A DNR rule will assure that normal hunting activities are not impacted and prevent the need for future legal action if the county were to overstep its ordinance authority to regulate firearms use.

Statutory Authority:

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats.

Under s. 23.09(2)(d) related to conservation, the department is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary. These rules are necessary to preserve public opportunities to hunt with firearms on lands that have been acquired as areas where any citizen may hunt or trap.

Pursuant to s. 227.24(1)(a) Stats., the department finds that putting this rule into effect prior to the time it would take effect using the permanent rule process is necessary to protect the public safety and welfare.

Estimate of Staff Time Needed to Develop the Proposed Revision:

80 hours.

Groups Likely Affected by the Proposed Rule:

Target shooting is an enjoyable and normally safe activity that is practiced by many people in the Columbia County area. A subset of target shooters who are using department wildlife properties instead of gun clubs or private lands will be impacted by this rule. Under the proposal, it would remain possible for the department to authorize target shooting in a designated location without additional rulemaking. Safe locations and facilities for public target shooting are being considered in the area and, if they can be developed, would minimize any impact to target shooters. A number of residential property owners that live nearby or adjacent to areas currently used for target shooting will also be impacted by an improvement in safety conditions. Improved safety conditions will also benefit people who are using the properties for hunting, trapping and other purposes. In one location, people have reported having difficulty being able to safely return to their vehicle at a popular target shooting location which is also a main parking lot.

Anticipated economic impact of implementing the rule:

While target shooting is an activity that many people in the Columbia County area enjoy, the department estimates that a minority of target shooters are using department managed public lands. The department is not aware of any economic impacts of this regulation in the 18 other counties where it is currently in effect. The department does not anticipate any economic impact as a result of extending this regulation to Columbia County.

Agency Contact:

Scott Loomans, Wildlife Regulation Policy Specialist, 101 South Webster Street, PO Box 7921, Madison, WI 53707-7921, (608) 267-2453, Scott.Loomans@wisconsin.gov

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-08-13

Relating to: Firearms use on department land in Columbia County, Ch. NR 45 Wis. Admin. Code

Rule Type: Permanent and Emergency

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

This rule is necessary to protect public safety and welfare due to the popularity of target shooting at properties which are undeveloped, have not been designated by the department, and are in locations which jeopardize the safety of neighbors and property users.

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

The objective of these rules will be to prohibit firearms discharge for target shooting purposes on all department managed lands in Columbia County in areas where target shooting is not authorized. Firearm discharge for hunting, trapping, and dog training purposes and at established ranges would continue to be allowed.

This rule will prevent potentially unsafe target shooting activities on department managed lands where concentrated housing developments are located downrange and where property user safety is a concern.

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:

The department currently possesses the ability to prohibit firearms discharge by posting lands that it owns or manages. However, the department believes that hunting, trapping, and dog training can still safely occur on department managed lands in Columbia County. Prohibiting target shooting, but still allowing hunting, trapping, and dog training, requires rule making.

Policies relevant to this rule are consistent with existing rules and this proposal will not establish new statewide policies. Under this proposal, portions or all department managed lands in Columbia County will be added to an existing rule that already prohibits target shooting on some individual properties and all department properties in the counties of: Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, Waukesha and Winnebago.

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

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats.

Under s. 23.09(2)(d) related to conservation, the department is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary. These rules are necessary to preserve public opportunities to hunt with firearms on lands that have been acquired as areas where any citizen may hunt or trap.

Pursuant to s. 227.24(1)(a) Stats., the department finds that putting this rule into effect prior to the time it would take effect using the permanent rule process is necessary to protect the public safety and welfare.
Rev. 3/6/2012

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

80 hours.

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

Target shooting is an enjoyable and normally safe activity that is enjoyed by many people in the Columbia County area. A subset of target shooters who are using department wildlife properties instead of gun clubs or private lands will be impacted by this rule. Under the proposal, it would remain possible for the department to authorize target shooting in a designated location without additional rulemaking. Safe locations and facilities for public target shooting are being considered in the area and, if they can be developed, would minimize any impact to target shooters. A number of residential property owners that live nearby or adjacent to areas currently used for target shooting will also be impacted by an improvement in safety conditions. Improved safety conditions will also benefit people who are using the properties for hunting, trapping and other purposes. In one location, people have reported having difficulty being able to safely return to their vehicle at a popular target shooting location which is also a main parking lot.

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:

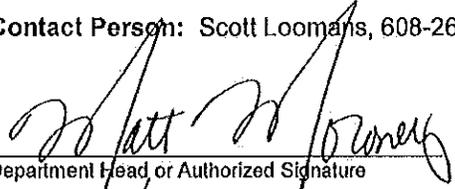
Pittman-Robertson funding has been used to acquire and manage wildlife areas to sustain wildlife and allow hunting, trapping and other outdoors activities in Columbia County. Through these rules, the department hopes to preserve the use of firearms for hunting, consistent with federal guidelines for properties where Pittman-Robertson funding has been invested.

The United States Fish & Wildlife Service owns and manages a number of waterfowl production areas in Columbia County. The topography and management of those properties is similar to that of department managed lands in the county. The service does not allow recreational target shooting on its properties but does allow hunting.

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

While target shooting is an activity that many people in the Columbia County area enjoy, the department estimates that a minority of target shooters are using department managed public lands. The department is not aware of any economic impacts of this regulation in the 18 other counties where it is currently in effect. The department does not anticipate any economic impact as a result of extending this regulation to Columbia County.

Contact Person: Scott Loomans, 608-267-2452


Department Head or Authorized Signature

2/6/13
Date Submitted

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.:

WM-09-13(E)

Relating to:

Firearms use on department land in Columbia County, Ch. NR 45 Wis. Admin. Code

Rule Type:

Permanent and Emergency

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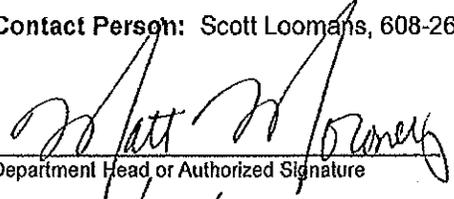
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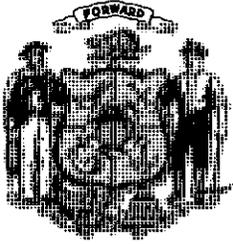
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Contact Person: Scott Loomans, 608-267-2452


Department Head or Authorized Signature

2/6/13
Date Submitted



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

February 20, 2013

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

**RE: Scope Statement for WM-08-13 relating to firearms use on department land in
Columbia County**

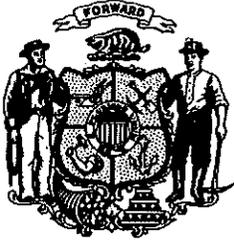
Dear Secretary Stepp,

I hereby approve the statement of scope submitted on February 8, 2013, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule WM-08-13. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

A handwritten signature in black ink, appearing to be "S. Walker", written over a horizontal line.

Scott Walker
Governor



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

February 20, 2013

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

**RE: Scope Statement for WM-09-13 Emergency Rule relating to firearms use on
department land in Columbia County**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on February 8, 2013, pursuant to Wisconsin Statutes § 227.135, in regards to an emergency rule modify Chapter NR 45 of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.24(1)(e)1d.

Sincerely,

Scott Walker
Governor