

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DETERMINATION OF WISCONSIN ENVIRONMENTAL POLICY ACT COMPLIANCE FOR BOARD ORDER WM-21-13**

FINDINGS OF FACT

1. On August 14, 2013, the department received authorization from the Natural Resources Board to proceed with the rulemaking and to publish a notice to hold public hearings on administrative rules related to hunting and trapping in state parks.
2. The department prepared proposed rules as Board Order WM-21-13.
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. In the notice of public hearing for the proposed rules which appeared in the December 31, 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.
5. Public hearings were held in Eau Claire, Wausau and Fitchburg from January 21 to 23, 2014 and written public comments were accepted until January 24.
6. 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.
7. Effective April 1, 2014, ch. NR 150, Wis. Adm. Code, was repealed and recreated.
8. 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.
9. The proposed rules in Board Order WM-21-13 do not involve unresolved conflicts concerning alternative uses of available resources. Although the proposed rules establish restrictions on the types of traps which may be used on dry land in state parks and regulate where the discharge of firearms may occur, the status of hunting and trapping in state parks as activities which are allowed under state statute is unchanged by these rules. These rules do not alter the underlying season dates or harvest limits for species which may be pursued by hunting or trapping methods. These rules do not modify the purpose for which state parks properties are established which is to preserve scenic or historical values or natural wonders.
10. The current s. NR 150.20(1) establishes that an environmental analysis is required for all department actions except those specifically exempt by statute.
11. 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 action.
12. The rulemaking process for Board Order WM-21-13 contained procedures for evaluating the environmental impacts of the proposed rules and provided for public disclosure and multiple opportunities for public input.

CONCLUSIONS OF LAW AND DETERMINATIONS

13. A strategic analysis under the current s. NR 150.10 (1m), Wis. Adm. Code, is not required for Board Order WM-21-13 because the proposed rules do not involve unresolved conflicts concerning alternative uses of available resources.

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CONCLUSIONS OF LAW, CONTINUED FROM PREVIOUS PAGE

14. The Department has determined that the rulemaking process for Board Order WM-21-13 constitutes an equivalent analysis action, under s. NR 150.20(2)(b), Wis. Adm. Code.
15. 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-21-13.