

Hearing Date: April 23, 2018

Today's Date: May 4, 2018

Agency: ODNR Division of Wildlife

Rule Numbers: 1501:31-1-02, 1501:31-5-02, 1501:31-7-05, 1501:31-7-06, 1501:31-9-01, 1501:31-9-02, 1501:31-9-03, 1501:31-9-06, 1501:31-9-08, 1501:31-11-08, 1501:31-15-02, 1501:31-15-03, 1501:31-15-06, 1501:31-15-07, 1501:31-15-09, 1501:31-15-10, 1501:31-15-11, 1501:31-15-12, 1501:31-15-17, 1501:31-25-01

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule(s) in question.

Name	Rule number
Andrea Jones	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Barry Lazarus	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Carol Waltz	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Cathy Cowan Becker	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Cheryl Carpenter	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
The Humane Society of the United States/Corey Roscoe	1501:31-15-02, 1501:31-15-09, 1501:31-15-12, 1501:31-15-17
David Matthews	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Debra Brinker	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Geri Chapman	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Heather Cantino	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
James Lambright	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Jeff Crecelius	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
June Sadranek	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Karen McClellan	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Ohio State Trappers Association/Keith Daniels	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Laura Kinsey	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Linda Sauer	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
MarYann Kafer	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
M. Lucher	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Marsha Calder	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Melinda Stimpson	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Michael Ahern	1501:31-15-02, 1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Michael Goldman	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Mike Hollingsworth	1501:31-15-02, 1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Randi Pokladnik	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Rebecca Corbin	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Rebecca Estok	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Roxanne Groff	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Stacey Lambright	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Stephanie Curran	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Timothy Mann	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Todd Swarnmyer	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Animal Welfare Institute/ Vicki Deisner	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Carol Siegley	1501:31-15-02, 1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Leigh Terhzaz	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Katie Swett	1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Coalition to protect Ohio's Bobcats	1501:31-15-02, 1501:31-15-09, 1501:31-15-12, 1501:31-15-17
Debra Brinker	1501:31-15-03
Heather Cantino	1501:31-1-02, 1501:31-5-02, 1501:31-7-05, 1501:31-7-06
Jeff Crecelius	1501:31-7-05

Hearing Summary Report

Consolidated Summary of Comment Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule Numbers(s)

The ODNR Division of Wildlife received no comments during the public hearing regarding rules 1501:31-9-01, 1501:31-9-02, 1501:31-9-03, 1501:31-9-06, 1501:31-9-08, 1501:31-11-08, 1501:31-15-06, 1501:31-15-07, 1501:31-15-10, 1501:31-15-11, and 1501:31-25-01. The Division received 1 comment during the public hearing regarding rule 1501:31-1-02. The comment expressed general opposition to the terms utilized to define hunting and trapping regulations. The Division received 1 comment during the public hearing regarding rule 1501:31-5-02. The comment expressed general opposition to the use of gas and diesel powered motors on lakes. The Division received 2 comments during the public hearing regarding rule 1501:31-7-05. One comment expressed general opposition to the hunting of migratory game birds, and one comment expressed that changes in bag limits be summarized in the hearing document. The Division received 1 comment during the public hearing regarding rule 1501:31-7-06. The comment expressed general opposition to the hunting of waterfowl. The agency received 5 comments during the public hearing regarding rule 1501:31-15-02. The comments expressed general opposition to the issuance of bobcat trapping permits. The Division received 1 comment during the public hearing regarding rule 1501:31-15-03. The comment expressed general opposition to the regulation allowing for nuisance wild animal control. The Division received 37 comments during the public hearing regarding rule 1501:31-15-09. 35 comments expressed general opposition to the proposal to establish regulations for bobcat trapping and 2 comments expressed general support of the proposal to establish regulations for bobcat trapping. The Division received 37 comments during the public hearing regarding rule 1501:31-15-12. 35 comments expressed general opposition to the proposal to create a bobcat trapping permit and the fee for those permits and 2 comments expressed a general support of the proposal to create a bobcat trapping permit. The Division received 37 comments during the public hearing regarding rule 1501:31-15-17. 35 comments expressed general opposition to the proposal to establish three bobcat zones and a bobcat trapping season and 2 comments expressed general support to the proposal to establish three bobcat zones and a bobcat trapping season.

The Wildlife Council received an additional 4,492 emails and other documents for consideration prior to the hearing. These comments and documents were reviewed by the Division and have been made part of the record. These submissions included letters of support for and opposition to rule proposals. The vast majority of these submissions were related to rules 1501:31-15-09, 1501:31-15-12 and 1501:15-17.

The ODNR Division of Wildlife reviewed 183 written comments that were submitted at public meetings held to discuss the regulation proposals. 96 written comments were related to rule 1501:31-15-09, 1501:31-15-12 and 1501:15-17 with 66 expressing general opposition to the establishment of a bobcat trapping permit, seasons, and regulations and 22 in support of these proposals. 67 written comments were related to rule 1501:31-15-11 generally supporting the proposed regulations. The remaining submissions from the public meetings contained comments regarding the other rules proposed to be amended in this rule package and several suggestions for rule changes that are not under consideration at this time. These comments expressed various opinions, however they contained neither strong support of nor strong opposition to the proposals. The Division accepted submission of on-line comments regarding the proposed rule amendments from February 12 – March 31, 2018. A review of these comments found: 1,481 comments regarding rule 1501:13-15-09, 1501:31-15-12 and 1501:31-15-17 were submitted, 1,462 expressed general opposition to the establishment of a bobcat trapping permit, season, and regulations and 19 expressed general support of these proposals. 108 comments regarding rule 1501:31-15-11 were submitted which generally supported the proposed regulation. However, 56 expressed opposition to a limit on the number of deer which may be taken from public hunting areas. The remaining comments were regarding the other rules proposed to be amended in this rule package and several suggestions for rule changes that are not under consideration at this time. These comments expressed various opinions, however they contained neither strong support of nor strong opposition to the proposals.

An additional 7,925 emails were received by the Department expressing opposition to regulations proposed in rule 1501:31-15-09, 1501:31-15-12 and 1501:15-17 relating to the establishment of a bobcat trapping permit, seasons, and regulations.

A copy of all written submissions received by the Department, Division, and the Wildlife Council can be requested by sending your name and complete address to Wildinfo.Law@dnr.state.oh.us or to Mike Miller, Chief, ODNR Division of Wildlife, 2045 Morse Rd. Building G. Columbus Ohio, 43229.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

The proposal to amend rule 1501:31-5-02 by moving Fallsville wildlife area to paragraph (D) from paragraph (A) was found to be incomplete. The rule as original filed did not remove Fallsville wildlife area from paragraph (A). This correction was made, the rule was updated, and the rule was revised filed.

Amendments to rule 1501:31-15-03 were developed through a stakeholder outreach process. The proposal was submitted the Common Sense Initiative (CSI) Office for comment and review. A clarification was added to the original proposal based upon a review of the comments from the CSI comment period. The ODNR Division of Wildlife reviewed the comments from the public hearing and determined that the rule, as filed, is consistent with the requirements of Ohio Revised Code Section 1531.40 *Nuisance wild animal removal or control services; license*, therefore no additional comments were incorporated into the rule.

In response to the comments and testimony regarding rules 1501:15-02, 1501:31-15-09, 1501:31-15-12 and 1501:31-15-17 relating to the establishment of a bobcat trapping permit, setting a bobcat trapping season, and providing for bobcat trapping regulations the ODNR Division of Wildlife has reviewed the following: The November 2013 documentation submitted to delist the bobcat as a threatened species, the 2014 bobcat radio telemetry research final report entitled "Differences in the Ecology of Bobcats in Two Genetically Distinct Populations in Ohio", bobcat data analyses presented at The Wildlife Society annual conference in Sept 2014 entitled "Bobcat Habitat Associations and Demographics in a Strip Mined Landscape During Population Recovery", the Ohio Bobcat Management Plan, and independent data sets including fur taker surveys (2013-2016), bow hunter observation surveys (2015 – 2017), and the bobcat verified sightings database (2000 – 2017). As a result of this review, the Division has determined that the proposals to allow a limited, highly regulated bobcat trapping season in specifically designated parts of Ohio, the establishment of a bobcat trapping permit, as well as the regulations placed on those that participate in this activity are based upon the best available information, including biological information derived from professionally accepted practices in wildlife management as described in Ohio Revised Code Section 1531.04 *Division of wildlife - powers and duties*. Additionally, these proposals are consistent with the authority granted to the Chief of the Division of Wildlife in Ohio Revised Code Section 1531.08 *Chief of division - powers and authority regarding wild animals*.

The ODNR Division of Wildlife has reviewed the remaining comments received during the hearing process. This review determined that the rule proposals were consistent with the authority granted to the Chief of the Division of Wildlife pertaining to the protection, preservation, propagation, possession, and management of wild animals and for the protection of state-owned or leased lands and waters and property under the control of the Division of Wildlife. Therefore, no other comments were incorporated into the rules that were filed with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission, the Office of Small Business and the Secretary of State office on the 21st of March, 2018. However, rule 1501:15-02, 1501:31-9-06, 1501:31-15-09, 1501:31-15-12 and 1501:31-15-17 have been placed in "to be refiled status" to allow the Wildlife Council the opportunity to approve or disapprove those rules prior the JCARR hearing.