

DEC 27 1999

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FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-155

AN ORDER to repeal and recreate NR 10.28 (1); and to create NR 10.01 (3) (e) 3. e. and 10.27 (8), relating to deer hunting in Council Grounds state park.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

11-09-99 RECEIVED BY LEGISLATIVE COUNCIL.

11-30-99 REPORT SENT TO AGENCY.

RS:GAA:jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.28(1) and create NR 10.01(3)(e)3.e. and 10.27(8) relating to deer hunting in Council Grounds state park

WM-4-99

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.014, 29.089(3), 29.181, and 227.11(2), Stats.

Statutes interpreted: ss. 29.014, 29.089, 29.181, Stats.

In this order:

Section 1. State park deer hunting – Creates a nine day shotgun and seven day muzzleloader season for Council Grounds state park (unit 32A).

Section 2. State park shotgun, muzzleloader and archery deer hunting – Authorizes a shotgun deer season during the nine-day regular gun deer season, followed by muzzleloader hunting during the seven day muzzleloader season and archery hunting during the statewide late-archery deer hunting season in Council Grounds state park.

Section 3. State park deer management units – Designates deer management unit number and adds Council Grounds state park (unit 32A) to the statewide Deer Management Unit Map.

Section 1. NR 10.01(3)(e)3.e. is created to read:

NR 10.01(3)(e)3.e.

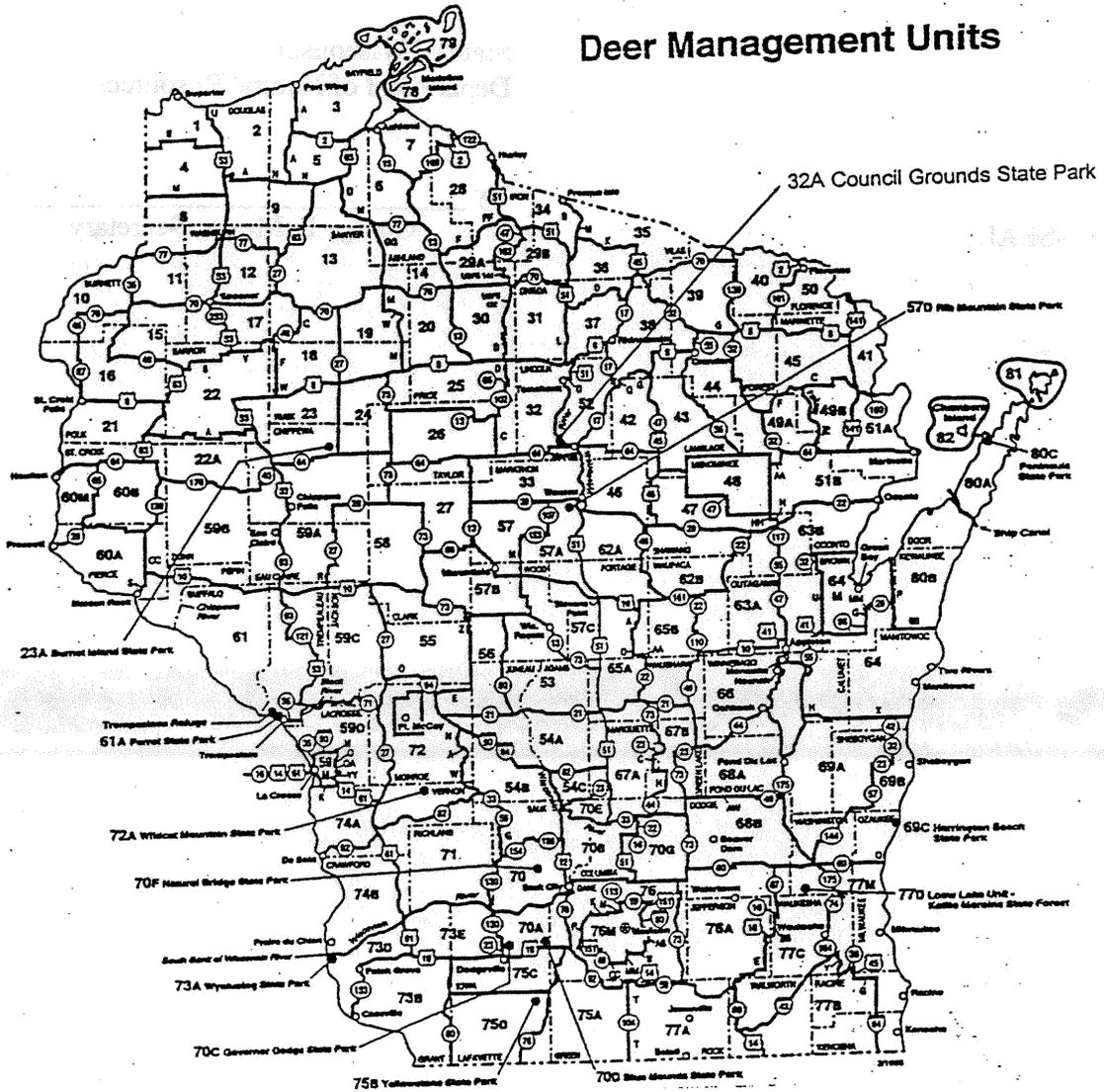
Kind of animal and locality	Open season (all dates inclusive)	Limit
e. Council Grounds state park (unit 32A).	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days followed by a muzzle loading firearm season beginning on the following Monday and continuing for 7 consecutive days.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR. 10.104.

Section 2. NR 10.27(8) is created to read:

NR 10.27(8) SHOTGUN, MUZZLELOADER AND LATE BOW SEASON. A shotgun season and a muzzleloader season for deer hunting is established by s. NR 10.01(3)(e)3. and deer hunting by bow and arrow is established for the December portion of s. NR 10.01(3)(em) for Council Grounds state park. Hunting and the bag limit is authorized by unfilled hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 3. NR 10.28(1) is repealed and recreated to read:

NR 10.28(1) STATEWIDE DEER MANAGEMENT UNITS



The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

State of Wisconsin
Department of Natural Resources

By _____
George E. Meyer, Secretary

(SEAL)

FEB 25 2000

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. WM-4-99

Legislative Council Rules Clearinghouse Number 99-155

Subject of Rules Deer hunting in Council Grounds
state park

Date of Transmittal to Presiding Officers February 23, 2000

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
Deer hunting in Council Grounds State Park

Board Order No. WM-4-99
Clearinghouse Rule No. 99-155

Statement of Need

Council Grounds State Park is a 502 acre state park located in an adjacent to the City of Merrill. Approximately 95 acres of the park are within the city limits. Council Grounds has a long history of high deer densities. Currently, no hunting is allowed in the park. There is very little evidence of natural regeneration, and the understory is significantly over browsed. Seedlings that have been planted have had to be protected from deer. There has been damage to ornamental trees and shrubs on adjacent private properties, and there has been agricultural damage, and subsequent shooting permits on adjacent farms as well.

The park is located within Deer Management Unit 52. On February 23, 1999 a group of approximately 20 people, composed of DNR staff, local media and volunteers conducted a deer drive to estimate the number of deer in the park. A conservative count of 105 deer were counted that day.

The proposed rule would:

1. Create a shotgun deer season for Council Grounds State Park, which runs concurrent with the 9-day gun deer season. This section also establishes a separate deer management unit for the park so that hunter numbers can be controlled through Hunter's Choice Permit issuance.
2. Create a muzzleloader deer hunting season at Council Grounds State Park running concurrent with the statewide muzzleloader only season. Adding 7 days of muzzleloader hunting will further address deer damage and expand hunting opportunities.
3. Allow late season bow hunting at Council Grounds State Park from the Saturday following the close of the statewide gun deer season through December 31.

Modifications as a Result of Public Hearing

No modifications were made as a result of public hearing.

Appearances at the Public Hearing and Their Position

In support:

Terry W. Ralph, W8713 Hwy. 64, Merrill, WI 54452
Gregory Jonas, N1852 Hwy. 17, Merrill, WI 54452
Thomas A. Wenninger, DNR Warden, 39 North Henry Street, Tomahawk, WI 54487
Aaron Hoffman, 206 E. Third, Merrill, WI 54452
Michael Willman, 803 E. 7th Street, Merrill, WI 54452
Myron C. Myers, N2817 CTH K, Merrill, WI 54452
Pat Hoffman, 2207 W. Jackson Street, Merrill, WI 54452

Charles Iwen, W3636 Yankee Rapids Trail, Merrill, WI 54452
Doug Williams, 1407 Highland Street, Merrill, WI 54452
Harold Wegner, W8004 CTH M, Merrill, WI 54452
Joseph C. Ryder, DNR Warden, 408 N. Scott Street, Merrill, WI 54452
Gene Block, N2512 Hwy. 107, Merrill, WI 54452
Russell Welch, 306 N. Ohio Street, Merrill, WI 54452
Randel Van Blaricom, 803 E. Eighth Street, Merrill, WI 54452
John Meyer, W5399 Joe Snow Road, Merrill, WI 54452
Michael J. Prebey, W8068 CTH M, Merrill, WI 54452
Martin Walsh, N2547 Hwy. 107, Merrill, WI 54452

In opposition:

Barry Klade, W6272 Forest Drive, Merrill, WI 54452
Chuck Batchelder, 1005 N. Genesee, Merrill, WI 54452

As interest may appear:

Alan Waid, W4640 Merrill Town Hall Road, Merrill, WI 54452
Duane Pfister, 1601 10th Street, Apt. 103, Merrill, WI 54452
Kurt Helmstadter, 110 East 6th Street, Merrill, WI 54452
Earl Hinz, Sr., W5086 Creek Avenue, Merrill, WI 54452
Calvin Klade, N2693 Town Hall Road, Merrill, WI 54452
Robin Klade, 909 Sturgeon Eddy, Wausau, WI 54403
Todd L. Grabau, W5539 Hillside Drive, Merrill, WI 54452
Herb Schotz, P.O. Box 9, Merrill, WI 54452
Rowe Klade, W6118 Forest Drive, Merrill, WI 54452
Chuck Summers, 308 N. State Street, Merrill, WI 54452
Gary Waldburger, 505 E. 2nd Street, Merrill, WI 54452

Response to Legislative Council Rules Clearinghouse Report

The Rules Clearinghouse did not have any comments or recommendations.

Final Regulatory Flexibility Analysis

Because the proposed rule regulates individual hunters, a final regulatory flexibility analysis is not required.

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Section 3. State park deer management units – Designates deer management unit number and adds Council Grounds state park (unit 52A) to the statewide Deer Management Unit Map.

Section 1. NR 10.01(3)(e)3.e. is created to read:

NR 10.01(3)(e)3.e.

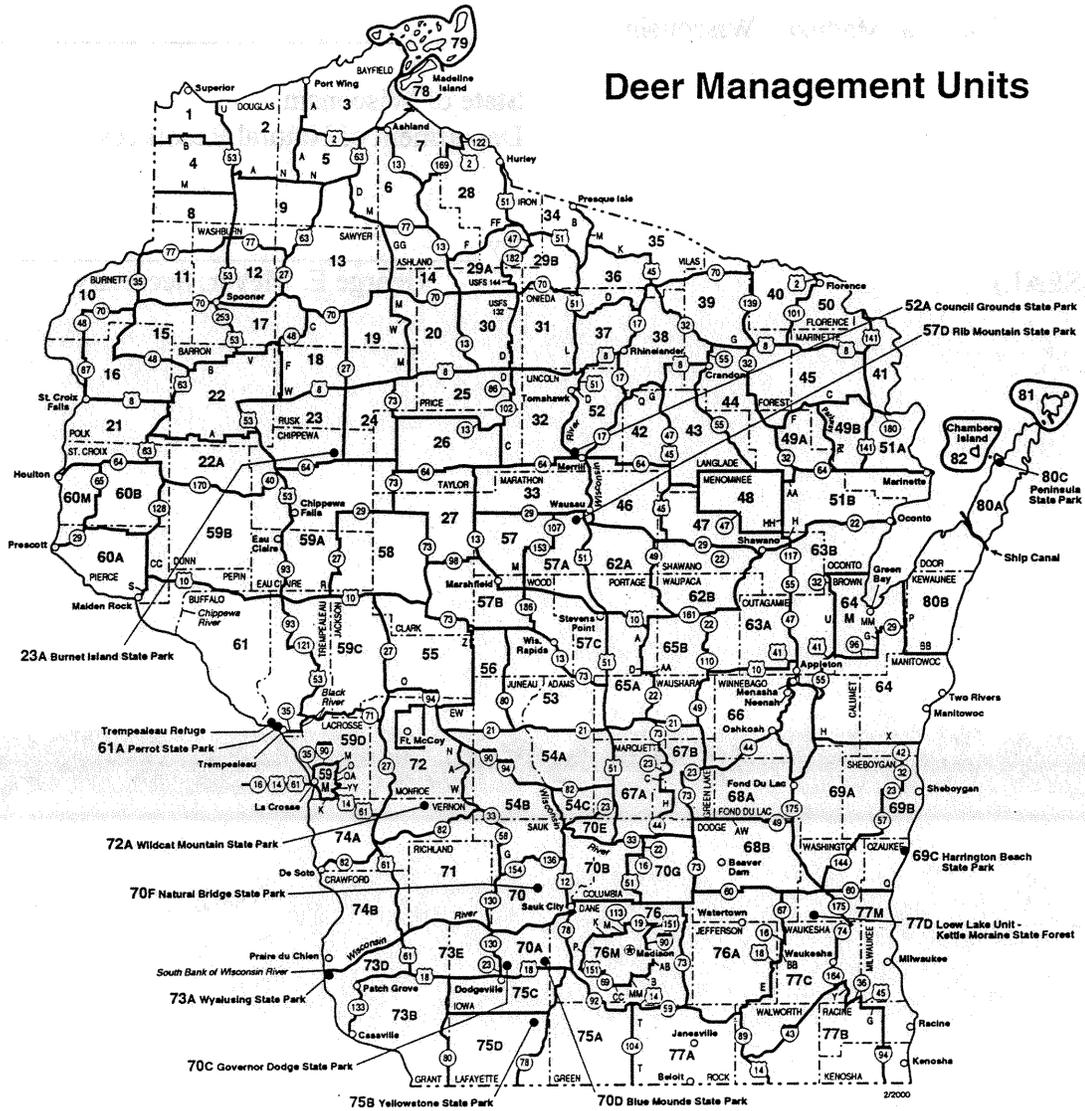
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Dated at Madison, Wisconsin _____

State of Wisconsin
Department of Natural Resources

By _____
George E. Meyer, Secretary

(SEAL)