

MAY 02 2001

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-03-01

Legislative Council Rules Clearinghouse Number 01-006

Subject of Rules Hunting, trapping and
nuisance wildlife control

Date of Transmittal to Presiding Officers May 1, 2001

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

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

Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 10, 12 and 19, Wis. Adm. Code
Hunting, trapping and nuisance wildlife control

Board Order No. WM-03-01
Clearinghouse Rule No. 01-006

Statement of Need

The proposed changes involve clarifications, increasing management efficiency and altering limitations on hunters. The proposed rules:

1. Clarify the existing language by specifying that the Burnett County subzone is not included in the early September goose hunting season.
2. Eliminates the requirement of having to keep deer hunting back and carcass tags attached prior to harvesting a deer. The current rule describing the use of deer hunting back and carcass tags states that the carcass and back tags cannot be detached until after a deer has been harvested. With the new automated license issuance system, the back and carcass tags are no longer printed in a fashion that requires this practice.
3. Eliminates the requirement of having both the mink and muskrat seasons open before trappers can use smaller traps. In 1998 the muskrat and mink season closure was changed resulting in the muskrat season extending longer than the mink season in all zones except the Winnebago zone. The rule proposes to allow the smaller size traps to be used when either the mink or muskrat season is open.
4. Allows landowners to harass birds to relieve a damage or nuisance situation in urban areas and golf courses. The current rules only allow landowners to harass birds in agricultural or specially permitted situations.
5. Updates the allowable hunting hours for participants of the deer damage shooting program by allowing permittees to follow the new hunting hours which went into effect on November 18, 2000.

Modifications as a Result of Public Hearing

There were no modifications as a result of public hearing.

Appearances at the Public Hearing and Their Position

There were no appearances.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated.

Final Regulatory Flexibility Analysis

The rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. Therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(g)1.m., 10.103(1), 10.13(1)(b)11., 12.16(1) and 19.25; and to create NR 12.10(1)(b)4. relating to hunting, trapping and nuisance wildlife control.

WM-03-01

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014, 29.192, 29.885 and 227.11, Stats.
Statutory interpreted: ss. 29.014, 29.192, 29.885 and 227.11, Stats.

In this order:

Section 1 clarifies the language regarding the exclusion of the Burnett County Subzone from the early September goose season.

Section 2 eliminates the requirement of having to keep deer hunting back and carcass tags attached prior to harvesting a deer.

Section 3 eliminates the requirement of having both the mink and muskrat seasons open before trappers can use smaller traps (less than 5½ inch spread for foot holds and 6¾ inch for conibear traps).

Sections 4 and 6 allow landowners to harass birds to relieve a damage or nuisance situation in urban areas and golf courses.

Section 5 updates the allowable hunting hours for participants of the deer damage shooting program by allowing permittees to follow the new hunting hours which went into effect on November 18, 2000.

Section 1 NR 10.01(1)(g)1.m. is amended to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
Geese. 1. Canada geese and its subspecies	m. Early goose hunt subzone B as established in s. NR 10.31 (11), <u>excluding the Burnett county subzone as described under s. NR 10.31(1)(b).</u>	Sept. 1-Sept. 15 excluding the Saturday, Sunday and Monday of Labor Day weekend.	3	6

Section 2 NR 10.103 (1) is amended to read:

NR 10.103 Deer hunting. (1) TAGS. A ~~one-piece~~ back and carcass tag shall be issued with each hunting license ~~and shall remain intact until the hunter kills a deer while hunting.~~ While hunting, no person may possess a validated carcass tag including bonus and special carcass tags unless it is attached to a legally killed deer.

Section 3 NR 10.13(1)(b)11. is amended to read:

NR 10.13(1)(b)11. 'Minimum waterset.' Except when the muskrat ~~and~~ or mink season is open, no person may set, place or operate any waterset smaller than 5½ " jaw spread for steel jaw traps and 6¾" x 6¾" for killer traps of the conibear type.

Section 4 NR 12.10(1)(b) 4. is created to read:

NR 12.10(1)(b) 4. Harass or disturb protected wild birds, not listed as endangered or threatened in s. NR 27.03, in such a way as to relieve a damage or nuisance situation in urban areas and golf courses, provided the bird is not physically harmed.

Section 5 NR 12.16(1) is amended to read:

NR 12.16(1) SHOOTING HOURS. Permittees and participants ~~may hunt deer only during the period from 30 minutes before sunrise to 15 minutes after sunset during the closed deer gun season, unless exempted by the department. During the deer gun season participants shall comply with shooting hours described in s. NR 10.06(5), unless exempted by the department.~~ Exemptions shall be granted to allow hunting of deer one hour before sunrise to one hour after sunset during the closed season in situations where permit eligibility is based under s. NR 12.10(2)(b)2. and with permit conditions restricting permit shooting of deer to within the fenced area and restricting shooter presence to one person at any one time.

Section 6 NR 19.25 is amended to read:

NR 19.25 Wild animal protection. Unless engaged in dog training as authorized by the department in s. NR 17.001(8), or other activity specifically authorized by the department, a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10(1)(b)4.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 25, 2001.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)

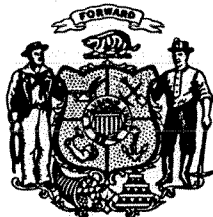
WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

Ronald Sklansky
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(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

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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 01-006

AN ORDER to amend NR 10.01 (1) (g) 1. m., 10.103 (1), 10.13 (1) (b) 11., 12.16 (1) and 19.25; and to create NR 12.10 (1) (b) 4., relating to hunting, trapping and nuisance wildlife control.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-06-01 RECEIVED BY LEGISLATIVE COUNCIL.

03-02-01 REPORT SENT TO AGENCY.

RNS:RJC:jal;ksm

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)]

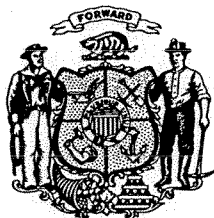
Comment Attached YES NO

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CLEARINGHOUSE RULE 01-006

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

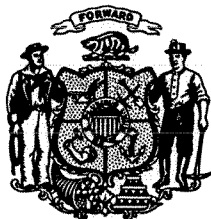
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- b. In s. NR 10.13 (1) (b) 11., the title should be set off in single quotation marks.
- c. In the treatment clauses for SECTIONS 3 and 4, a period should be inserted after the subdivision number.
- d. In s. NR 12.16 (1), the word "participates" should be replaced by the word "participants," as it is in the original rule. In addition, the period after the word "department" at the end of the first sentence should not be underscored.

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2**RULES CLEARINGHOUSE**

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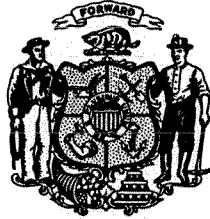
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The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary