

Baumgartner
01-006

**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

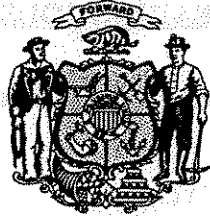
By _____
Darrell Bazzell, Secretary

(SEAL)

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



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

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



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

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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

- a. In s. NR 10.01 (1) (g) 1. m., a comma should be inserted after the reference to s. NR 10.31 (11).
- 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.

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

WM-03-01

Amendment No. if Applicable

FISCAL ESTIMATE

2048 N(R10/94)

Subject

Annual Wildlife Housekeeping Rule Order Changes 2001

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Government Units Affected:
 Towns Villages Cities
 Counties WTCS Districts
 School Districts Others

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL/RULE -


Goose hunting- clarifies the language regarding the exclusion of the Burnett County Subzone from the early September goose season.
 Deer hunting- updates the rule language regarding deer hunting back and carcass tags to conform with the new ALIS system.
 Trapping- allows trappers to use smaller traps, less than 5 1/2 inch spread for foot holds and 6 1/4 inch for conibear traps, when either the mink or muskrat seasons are open.
 Nuisance wildlife- allows landowners to harass birds to relieve a damage or nuisance situation in urban areas and golf courses.
 Shooting hours for agricultural shooting permits- allows agricultural deer damage permit holders to follow the new hunting hours.

We do not estimate that any of these proposed changes will result in an increase or decrease in revenues or expenditures.

There are no local government costs anticipated due to the provisions of this bill.

Long-Range Fiscal Implications

3

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794		(608) 266-2794	12/13/2000

June 1, 2001

Darrell Bazzell, Secretary
WI Department of Natural Resources
101 South Webster St. - GEF 2
Madison, WI 53702

Dear Secretary Bazzell:

Pursuant to section 227.19(4)(b)1. a. of the Wisconsin Statutes, the Senate Environmental Resources Committee hereby requests a meeting with the agency to review and discuss possible modifications to Clearinghouse Rule Senate 01-006, relating to hunting, trapping and nuisance wildlife control.

This request for a meeting automatically extends the committee's review period for an additional thirty days.

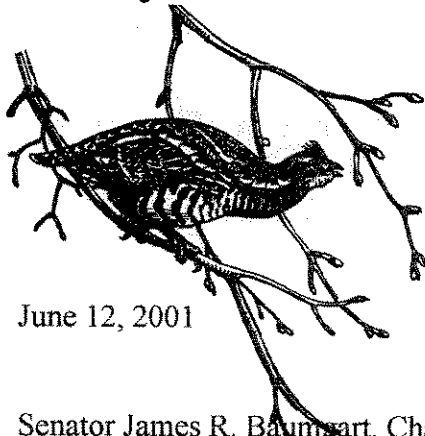
Please contact my committee clerk, Anne Eskeitz at your earliest convenience to discuss a date for a meeting.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee

JUN 14 2001

University of Wisconsin-Madison



June 12, 2001

Senator James R. Baumgart, Chair
Senate Environmental Resources Committee
State Capitol
P. O. Box 7882
Madison WI 53707-7882

Department of Wildlife Ecology

226 Russell Labs, 1630 Linden Drive, Madison WI 53706-1598
Phone: 608-262-2671 FAX: 608-262-6099
<http://www.wisc.edu/wildlife>

School of Natural Resources

College of Agricultural and Life Sciences

Dear Senator Baumgart:

I will be unable to attend the 21 June Hearing on a rule change that would allow people increased flexibility in non-lethal control of problem birds-especially Canada geese in urban settings. Thus, I wanted to urge support of the proposed rule change.

Currently, many actions that could provide some relief from frustrating problems caused by geese and other species are allowed only under permit or not at all. The blanket prevention of wildlife harassment is outdated and needs to be brought in line with changing human-wildlife interactions.

Wildlife still needs protection, but empowering people to solve some problems on their own, without causing physical harm to the animals in question, is a good idea. Some of the wildlife problems people now face on golf courses, in parks, and on industrial and residential sites were unimaginable several decades ago. Yet they are now with us and getting worse. Allowing people to harass animals out of an area with approved abatement techniques would streamline law enforcement, move birds to areas where hunting could help reduce populations, and make people feel better about wildlife and wildlife management.

I urge you to support the proposed wildlife rule change which would allow people to harass nuisance or damage-causing birds on their property as long as no harm comes to the birds.

Thanks for your consideration.

Sincerely,

Scott R. Craven
Extension Wildlife Specialist
UW-Madison



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Wildlife Services

P.O. Box 1064
Rhineland, WI 54501
(715) 369-5221
Fax: (715) 369-1257

JUN 20 2001

June 18, 2001

State Senator
James R. Baumgart, Chair
Senate Environmental Resources Committee
State Capitol: P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Baumgart:

Through a cooperative agreement with the Wisconsin Department of Natural Resources, the U. S. Department of Agriculture-Animal and Plant Health Inspection Service-Wildlife Services program (USDA-WS) provides free technical advise and recommendations to assist thousands of Wisconsin residents each year in resolving their conflicts with wildlife. Technical assistance consists of providing the complainants with environmentally sound and socially acceptable recommendations that can be expected to effectively resolve wildlife conflicts. The complainants then implement techniques on their own to resolve the conflict

We have been informed that the Wisconsin Department of Natural Resources has proposed amending NR 19.25 and creating NR 12.10(1)(b)4 to allow Wisconsin residents to take nonlethal abatement actions to disperse birds, particularly Canada geese, without special authorization. The amended rules would allow property owners to implement nonlethal attempts to expediently resolve conflicts with birds causing damage or a nuisance.

People experiencing wildlife damage who utilize a combination of damage management techniques are more likely to be successful in reducing/resolving the conflict. Nonlethal techniques used to disperse birds such as pyrotechnics, chasing with dogs, scare-eye balloons, etc. are commonly recommended to be used in combination with other techniques because they are often inexpensive, effective, and their use is widely accepted by the public. Empowering people to resolve conflicts with birds on their own through the use of nonlethal abatement methods without the need to apply for special authorization expedites problem resolution and would likely be supported by many of the residents of Wisconsin that contact USDA-WS for wildlife damage management assistance.

Therefore, USDA-WS supports the proposal, as stated, to amend NR 19.25 and the proposal, as stated, to create NR 12.10(1)(b)4.

Sincerely,

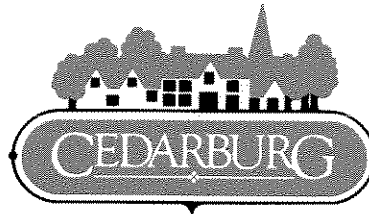
Robert Willging
Acting State Director, USDA-WS

Age of Gun Deer Hunters 2000 Season

Age	Resident Patron	Resident Sports	Resident Gun Deer	Military Gun Deer	12-yr Gun Deer	Nonresident Patron	Nonresident Sports	Nonresident Gun Deer	Total Gun Deer Licenses	Resident Archery	Nonresident Archery
84	2	4	334					7	347	31	
85	3		270					8	281	30	1
86	1	1	188					3	193	20	1
87	1	1	131					2	135	14	1
88	1	1	123					1	126	7	
89			78					2	80	6	
90			45					1	46	4	
91			25					2	27	2	
92			25						25	1	
93			18						18	1	
94			11						11	1	
95			2						2	1	1
96			6					2	8		
97			1					1	2		1
98			2						2		
99			11						11		
***100+			8						8		
Unknown	31	12	69					83	195	12	8
	77417	92014	483183	107	127	28	232	41604	694712		

***Accuracy of this figure may be affected by typographical errors.

JUN 20 2001



June 19, 2001

State Senator
James R. Baumgart, Chair
Senate Environmental Resources Committee
State Capitol P O Box 7882
Madison WI 53707-7882

Senator Baumgart:

I am writing in support of Clearinghouse Rule 01-006.

As Director of Parks and Recreation for the City of Cedarburg, I encourage you to support the proposed rule change, as any help we (municipalities) can get in the war against Canada geese would be appreciated. Although we have a permit to harass geese, the rule change would simplify the matter to allow property owners to deal with a nuisance situation on their own land by their own means. This is effect could reduce the number of geese we deal with in our parks and in return, reduce the amount of money we spend dealing with the problem. This would mean less tax support would be needed from citizens to deal with the problem also. The birds would still be protected as the proposed rule states that the animals may not be injured.

I urge you to support the rule change. Any help we (municipalities) can get is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Ray Maurer".

Ray Maurer
Director of Parks and Recreation

STATE OF WISCONSIN

To _____

Date 6/15 Time _____

WHILE YOU WERE OUT

M Lyle Roecker

of Maystill Corp.

N 89 W 4700 Patricia Drive

Phone Menomonee Falls
(262) 251-1632

Telephoned	<input type="checkbox"/>	Please Call	<input type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message Supports CR 01-006.

They want to be able to keep
geese and seagulls away with
music/noise. They're a major
problem defecating on
people and cars at the
industrial park, which
is near land fill.



Party Receiving Call