

02-017
8

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-01-02

Legislative Council Rules Clearinghouse Number 02-017

Subject of Rules Hunting

Date of Transmittal to Presiding Officers May 29, 2002

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, Wis. Adm. Code
Hunting

Board Order No. WM-01-02
Clearinghouse Rule No. 02-017

Statement of Need

The proposed rule changes will increase the population goal for black bears in bear management unit "C". The rule will also increase opportunities for turkey hunters by establishing a fall turkey hunting season in Mill Bluff state park. In addition, the rule would remove the Blackhawk Lake Wildlife Area from the list of properties where harvesting hen pheasants is allowed to assist with the propagation of the wild pheasant population in the area. The rule would allow the Department to more accurately and efficiently record the archery harvest.

Modifications as a Result of Public Hearings

No modifications were made as a result of public hearings.

Appearances at the Public Hearings and Their Position

Hearings were held in all 72 counties on April 8, 2002. The vote totals for the proposals are as follows:

	<u>Yes</u>	<u>No</u>
1. Bear population goal in Zone "C"	7,160	1,314
2. Bow-killed deer registration	8,143	958
3. Hen pheasants at Blackhawk Lake Wildlife Area	3,254	547
County vote (Iowa County)	50	1
4. Fall turkey hunting at Mill Bluff State Park	4,065	439
County vote (Monroe County)	61	4
County vote (Juneau County)	79	0

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rules pertain to hunting. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rules. Therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01 (2)(c)2. and (f)2., 10.102(1)(d) and 10.106(2)(d) 1. relating to hunting.

WM-01-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014, 29.089, 29.184 and 227.11, Stats.

Statutory interpreted: ss. 23.09(2), 29.089, 29.184, Stats.

In this order:

Section 1 Eliminates the Blackhawk Lake Wildlife Area from the list of properties where cock and hen pheasant hunting is allowed and updates property names.

Section 2 Establishes a fall turkey hunting season in Mill Bluff State Park.

Section 3 Increases the population goal in bear management zone "C" from 800 to 1,200 bears.

Section 4 Modifies the current bow deer harvest registration requirements to allow hunters to register a bow killed deer up to three days following harvest or by 5:00 PM on the day after close of a bow season.

Section 1. NR 10.01(2)(c)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
2. Cocks and hens-Within the following named properties as posted with department signs: a. Avoca (Iowa county) b. Blackhawk (Iowa county) c.b. Scuppernong (Waukesha county) d.c. Little Scarboro and Kewaunee C.D. <u>"Buzz" Besadny fish and wildlife area (Kewaunee county)</u> e.d. Pine River (Richland county) f.e. Vernon (Waukesha county) g.f. Blue River <u>Boscobel</u> unit of the Lower Wisconsin Riverway (Grant county) h.g. La Farge <u>Kickapoo valley reserve</u> (Vernon county) i.h. Kettle Moraine state forest (Waukesha county) j.i. Tom Lawin wildlife area (Chippewa county)	Same as in subd. 1. a.	Same as in subd. 1. a.

Section 2. NR 10.01(2)(f)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
2. All wild turkey hunting zones as described in s. NR 10.29 <u>and Mill Bluff state park portions of zones 9 and 13,</u> excluding all other state parks, for which a quota has been established under s. NR 10.25(5).	Fall season beginning on the Saturday nearest October 10 and continuing for 30 consecutive days.	Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.

Section 3. NR 10.102(1)(d) is amended to read:

NR 10.102(1)(d) *Population goals.* The fall pre-hunt black bear population goal is as follows:

<u>Zone</u>	<u>Population Goal</u>
A	4,600
A1	3,300
B	2,200
C	800 <u>1,200</u>

Section 4. NR 10.106(2)(d)1. is amended to read:

NR 10.106(2)(d) *Bow killed deer.* 1. 'Time deadline.' A deer killed under an archery deer license shall be registered no later than 5:00 P.M. on the third day after it was killed, or by 5:00 P.M. on the day after the close of the bow season period during which it was killed, as described in s. NR 10.01 (3)(em), whichever is earlier.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 22, 2002.

All sections within this rule shall take effect on January 5, 2003 except section 2 which shall take effect on the first day of the month following publication.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 02-017

AN ORDER to amend NR 10.01 (2) (c) 2. and (f) 2., 10.102 (1) (d) and 10.106 (2) (d) 1., relating to hunting.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-05-02 RECEIVED BY LEGISLATIVE COUNCIL.

02-15-02 REPORT SENT TO AGENCY.

RS:WF:tl;rv

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

RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 02-017

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. The analysis to SECTION 1 should state that the rule also changes references to three areas in which cock and hen hunting is allowed to reflect the fact that these areas have been renamed.

b. SECTION 2 amends s. NR 10.01 (2) (f) 2. to state that the Mill Bluff State Park portions of zone 9 and 13 “as described in s. NR 10.29” are designated as wild turkey hunting areas. However, s. NR 10.29 does not appear to describe the Mill Bluff State Park portions of zones 9 and 13. It is suggested that either the underscored language in s. NR 10.01 (2) (f) 2. be placed after the reference to s. NR 10.29 or that s. NR 10.29 be modified to describe the Mill Bluff State Park portions of zones 9 and 13.

c. In s. NR 10.102 (2) (d), the word “is” should be replaced by the word “it.”

Fiscal Estimate — 2001 Session

<input type="checkbox"/> Original	<input checked="" type="checkbox"/> Updated	LRB Number	Amendment Number if Applicable
<input type="checkbox"/> Corrected	<input type="checkbox"/> Supplemental	Bill Number	Administrative Rule Number WM-01-02

Subject
 Wildlife Spring Hearing Package for 2002

Fiscal Effect

State: No State Fiscal Effect

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

- | | |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> 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 Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Turkey Hunting - Establishment of a fall turkey hunting season at Mill Bluff State Park

Pheasant Hunting - Removes the Blackhawk Lake Wildlife Area from the list of state properties where hunting hen pheasants is allowed.

Bear Hunting - Increases the population goal in bear management zone "C" from 800 to 1,200 bears.

Deer Hunting - Changes the timeframe for registering an archery killed deer to allow for the registration of a deer within one day of a bow hunting season.

Fiscal Impact: It is not expected that these changes will result in a fiscal impact.

Bureau of Wildlife Management:

We do not estimate that the rule proposals will result in an increase or decrease in revenues or expenditures for the Wildlife program.

Law Enforcement:

These proposals are not expected to result in a net change in FTE hours or expenditure of new funds. The changes will only be in terms of method of enforcement tactic used and definition of terms within said rules. Wardens will use existing equipment and existing hours to enforce these rules.

Long-Range Fiscal Implications

None

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency DNR
Authorized Signature <i>Joe Polasek (ET)</i>	Telephone No. 7	Date (mm/dd/ccyy) 4-19-02