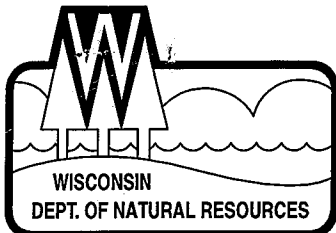


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Clearinghouse Rule 98-022

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
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STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

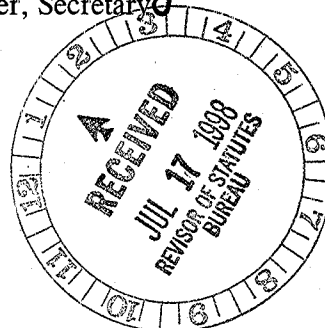
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WM-2-98 was duly approved and adopted by this Department on May 27, 1998. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 16th day of July, 1998.

George E. Meyer
George E. Meyer, Secretary

(SEAL)



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

The Wisconsin Natural Resources Board proposes an order to repeal NR 27.03(2)(d)1, (e)2, 4, 6, and 8, (i)3, 5 and 43, 27.03(3)(b)6, (e)2, 3, and 9, (g)1, (i) 4, 10, 50 and 52; amend NR 10.02(1), 10.09(1)(a)3.b., 11.10 (intro.), 19.30; repeal and recreate NR 10.25 (4)(e), 15.02(9); and create NR 27.03(2) (d)1m., (e)2m., 2t., 4m., and 6g., (i)5m., 25d., and 43m., (3)(b)6m., (e)5m., 5t., and 9m., (g)8., (i)4g., 28m., 50p., and 52. relating to hunting and trapping regulations

WM-2-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(3) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.174(2), 29.107, 29.1075 and 29.103, Stats.

In this order:

Section 1 adds lynx to the list of protected species

Section 2 establishes shot size limits for turkeys

Section 3 clarifies the prohibition on hunting turkeys over bait in the spring

Section 4 allows raccoon trapping with wet sets in fisher closed areas

Section 5 reduces the size of the refuge at Sheboygan Marsh

Section 6 requires background checks for trapper education instructors

Sections 7 and 8 correct scientific names for endangered and threatened species

SECTION 1. NR 10.02(1) is amended to read:

NR 10.02(1) Cougar, Canada lynx, badger, moose, elk, wolverine and flying squirrel.

SECTION 2. NR 10.09(1)(a)3.b., is amended to read:

NR 10.09(1)(a)3 b. Use or possess shells containing shot larger than ~~no. 4 lead or no. 2 steel or no. 4 for lead or other no. 4 non-steel shot~~ while hunting wild turkeys.

SECTION 3. NR 10.25(4)(e) is repealed and recreated to read:

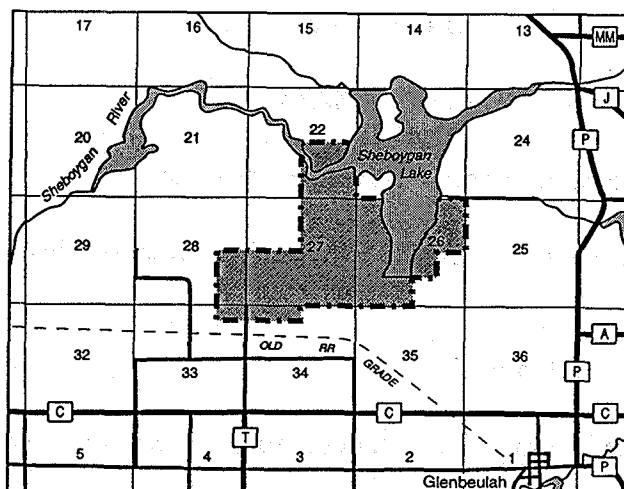
NR 10.25(4)(e) By the aid of bait or on or over a baited area in a manner prohibited by s. NR 10.12(1)(h).

SECTION 4. NR 11.10 (intro.) is amended to read:

NR 11.10 FISHER/MARTEN CLOSED AREA. (intro.) A closed season is established in the following area posted with department signs. No person may trap any species of wild animal thereon at any time, except beaver, otter, raccoon, muskrat and mink may be trapped with wet sets during the open seasons established in s. NR ~~10.04(4)~~ 10.01(4).

SECTION 5. NR 15.02(9) is repealed and recreated to read:

NR 15.02(9) SHEBOYGAN COUNTY. Sheboygan Marsh. Township 16 north, range 20 east, towns of Greenbush and Russell.



SECTION 6. NR 19.30 is amended to read:

NR 19.30 CRIMINAL HISTORY CHECKS; VOLUNTEER SAFETY INSTRUCTORS.

Whenever application is made to the department by a person interested in becoming certified to instruct as a volunteer all-terrain vehicle, boating, bowhunter, hunter education, Wisconsin cooperative trapper education program or snowmobile safety instructor, the bureau of law enforcement shall conduct a criminal history, character and background check on the applicant.

SECTION 7. NR 27.03(2)(d)1, (e)2, 4, 6, and 8, (i)3, 5 and 43, 27.03(3)(b)6, (e)2, 3, and 9, (g)1, (i) 4, 10, 50 and 52 are repealed.

SECTION 8. NR 27.03(2) (d)1m., (e)2m., 2t., 4m., and 6g., (i)5m., 25d., and 43m., (3)(b)6m., (e)5m., 5t., and 9m., (g)8., (i)4g., 28m., 50p., and 52. are created to read:

NR 27.03(2)(d)1m. Blanchard's Cricket Frog- *Acris blanchardii*

- (e) 2m. Crystal Darter- *Crystallaria asprella*
2t. Gravel Chub- *Erimystox x-punctata*
4m. Starhead Topminnow- *Fundulus disper*
6g. Striped Shiner- *Luxilus chrysocephalus*
- (i) 5m. *Asplenium trichomanes- namosum*- Green Spleenwort (Polypodiaceae: Fern Family)
25d. *Moerhingia macrophylla*- no common name (Caryophyllaceae: Pink Family)
43m. *Tanacetum bipinnatum spp huronense*- Lake Huron Tansy (Asteraceae: Composite Family)
- (3)(b) 6m. Yellow-Crowned Night Heron- *Nyctanassa violaceus*
- (e) 5m. Redfin Shiner- *Lythrurus umbratilis*
5t. Speckled Chub- *Macrhybopsis aestivalis*
9m. Ozark Minnow- *Notropis nubila*
- (g) 8. Ellipse- *Venustaconcha ellipsiformis*
- (i) 4g. *Arnoglossum plantagineum*- Prairie Indian Plaintain (Asteraceae: Aster Family)
28m. *Elymus lonceolatus ssp.*- Thickspike Wheatgrass (Poaceae: Grass Family)
50p. *Rhynchosjsora scirysoides*- Bald Rush (Cyperaceae: Sedge Family)
52. *Solidago simplex var. Gillmanii*- Dune Goldenrod (Asteraceae: Composite Family)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 27, 1998.

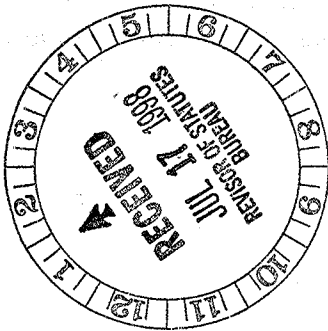
The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.,.

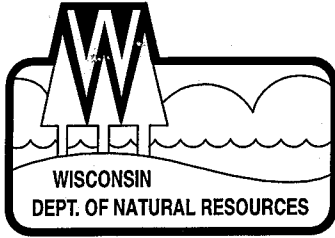
Dated at Madison, Wisconsin July 16, 1998

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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July 15, 1998

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-2-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George E. Meyer
Secretary

Enc.

