

MEMORANDUM

DATE: March 28, 1995
TO: Members, Assembly Natural Resources Committee
FROM: DuWayne Johnsrud, Chair
RE: Rule Referral

The following Rules have been referred to our committee:

Clearinghouse Rule 94-199	Relating to hunting and trapping. Submitted by Department of Natural Resources.
Clearinghouse Rule 94-212	Relating to sport fishing and fish refuges. Submitted by Department of Natural Resources.

Our current review period extends through 4-19-95. Copies of each rule summary are enclosed. Please contact my office if you would like a copy of any rule.

REPORT TO LEGISLATURE

NR 10, 11 & 12, Wis. Adm. Code
Hunting and trapping

Board Order No. WM-1-95
Clearinghouse Rule No. 94-199

Statement of Need

The proposed rule changes are minor and involve corrections, removal of archaic regulations, increasing hunting opportunities and clarification of existing rules.

Section 1 changes the grouse hunting dates for Zone C from running concurrent with the pheasant season to the Saturday nearest October 17 through December 8.

Section 2 deletes an erroneous reference to the Bell Center public hunting ground and renames Jim Falls wildlife area as the Tom Lawin wildlife area.

Section 3 adds Fond du Lac county to the areas where deer hunters would be required to use shotguns only and deletes the reference to Pepin county as a portion of deer management unit 59D.

Section 4 deletes an erroneous reference to La Crosse county as a portion of deer management unit 61.

Section 5 adds 6 2:00 p.m. closure pheasant properties (Eldorado Marsh, Grand River, Jackson Marsh, Mud Lake, Nichols Creek and Scuppernong) to the code that were mistakenly deleted and corrects the name of the C.D. Besadny wildlife area.

Section 6 removes the requirement for fisher and otter to be registered in the county taken or an adjacent county.

Section 7 increases hunting opportunities by establishing a new turkey hunting zone, 39, which includes portions of Chippewa, Clark and Eau Claire counties.

Section 8 increases hunting opportunities by opening the 600-acre Pershing closed area for deer hunting.

Section 9 clarifies the requirements for individuals removing damage or nuisance animals.

Section 10 encourages greater use of wildlife animals removed in nuisance and damage situations.

Section 11 clarifies the requirement that people removing deer under shooting permits and their assistants wear blaze orange.

Modifications as a Result of Public Hearing

Under s. 227.16(2)(a), Stats., no public hearing was requested.

Appearances at the Public Hearing and Their Position

Not applicable.

Response to Comments by Legislative Council Rules Clearinghouse

The recommendation was accepted.

Final Regulatory Flexibility Analysis

The revisions pertain to rules relating to hunting, refuges and the taking and disposal of damage and nuisance animals. The 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 rule. Therefore, a final regulatory flexibility analysis is not required.

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

.....
The Wisconsin Natural Resources Board proposes an order to
renumber NR 11.03(3); to amend NR 10.01(2)(a)3., (c)2., (3)
(e)1.a., d. and 2.a., 12.10(3)(c), 12.16(8)(title), (intro.),
(a) and (b); to repeal and recreate NR 10.06(6), 10.145(5)
(a), 10.29; and to create NR 12.10(3)(e) relating to hunting
and trapping.
.....

WM-1-95

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(3), 227.11(2)(a), and 227.16, Stats.

Statutes interpreted: ss. 29.174(2), 29.107, 29.1075 and 29.1085, Stats.

In this order:

Section 1. Grouse hunting dates in Zone C - deletes reference to Zone C grouse hunting dates as being concurrent with the cock pheasant season and instead establishes new dates.

Section 2. Pheasant hunting areas - deletes erroneous reference to Bell Center public hunting ground and renames Jim Falls wildlife area as the Tom Lawin wildlife area.

Section 3. Deer management unit 59D - adds Fond du Lac county to the areas where deer hunters would be required to use shotguns only and deletes the reference to Pepin county as a portion of deer management unit 59D.

Section 4. Deer management unit 61 - deletes erroneous reference to LaCrosse county as a portion of unit 61.

Section 5. 2:00 p.m. pheasant closure - adds 6 properties that were erroneously deleted from the list of properties closed for pheasant hunting at 2 p.m. and correctly identifies C.D. Besadny wildlife area.

Section 6. Fisher and otter registration - removes the requirement to register fisher or otter in the county taken or adjacent county.

Section 7. Turkey hunting zone - creates a new turkey hunting zone, 39, which includes portions of Chippewa, Clark, and Eau Claire counties.

Section 8. Pershing Closed Area - opens the 600-acre closed area to deer hunting.

Section 9. Damage and nuisance animal removal - clarifies the requirements for individuals removing damage or nuisance animals.

Section 10. Use of removed damage and nuisance animals - encourages greater use of wildlife animals removed in nuisance and damage situations.

Section 11. Blaze orange requirement - clarifies the requirement that people removing deer under shooting permits, and their assistants, wear blaze orange.

SECTION 1. NR 10.01(2)(a)3.is amended to read:

Kind of animal and Locality	Open season (all dates inclusive)	Limit
3. Zone C as established under s. NR 10.33.	Concurrent with the open cock pheasant season established under s. NR 10.01(2)(e)1. <u>Beginning on the Saturday nearest October 17 and continuing through December 8.</u>	Daily bag 2; possession 4

SECTION 2. 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. Scuppernong (Waukesha county) d. Little Scarboro and Kewaunee (Kewaunee county) e. Pine River (Richland county) f. Vernon (Waukesha county) g. Blue River unit of the Lower Wisconsin Riverway (Grant county) h. La Farge (Vernon county) i. Kettle Moraine state forest (Waukesha county) j. Jim Falls <u>Tom Lawin</u> wildlife area (Chippewa county) k. Clifton Coulee wildlife area (Monroe county) l. Bell Center public hunting ground (Crawford county)	Same as in subd. 1.a.	Same as in subd. 1.a.

SECTION 3. NR 10.01(3)(e)1.a. and d. are amended to read:

Kind of animal and Locality	Open season (all dates inclusive)	Limit
<p>a. In the counties or parts of counties and deer management units of Brown, Calumet, Dodge, Door (Detroit, Plum, Rock, and Washington Islands only), Dunn (unit 59B portion), <u>Fond du Lac</u>, Green, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Outagamie, Ozaukee, Pierce (unit 59B, 60 and 60A portions), Racine, Rock, St. Croix (unit 59B and 60 portions), Sheboygan, Shawano (south of highway 29), Walworth, Washington, Waukesha, Waupaca, and Winnebago.</p>	<p>Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days</p>	<p>One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.</p>
<p>d. The Pepin county portion of unit 59D <u>59B</u>.</p>	<p>Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 2 consecutive days.</p>	<p>One buck deer or as authorized by hunter's choice and antlerless permits issued under s. NR 10.104</p>
	<p>Firearm season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days.</p>	<p>One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.</p>

SECTION 4. NR 10.01(3)(e)2.a. is amended to read:

Kind of animal and Locality	Open season (all dates inclusive)	Limit
a. The Buffalo, La Crosse, Trempealeau and Pepin county portions of deer management unit 61.	Shotgun season beginning on the Saturday preceding the Thanksgiving holiday and continuing for 2 consecutive days.	One deer of either sex and as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.
	Firearm season beginning on the day immediately following the shotgun season described and continuing for 7 consecutive days.	One buck deer and as authorized by antlerless deer permits issued under s. NR 10.104.

SECTION 5. NR 10.06(6) is repealed and recreated to read:

NR 10.06(6) PHEASANT HUNTING. Except as provided in this subsection, pheasant hunting hours are those hunting hours established for small game in s. NR 10.06(3). Pheasant hunting hours shall close at 2:00 p.m. daily within the posted boundaries of the following state wildlife areas beginning the second day of the pheasant hunting season established in s. NR 10.01(2)(c) and continuing for 13 consecutive days.

- (a) Allenton (Washington county)
- (b) Brooklyn (Dane and Green counties)
- (c) C.D. "Buzz" Besadny (Kewaunee county)
- (d) Dunnville (Dunn county)
- (e) Eldorado Marsh (Fond du Lac county)
- (f) Goose Lake (Dane county)
- (g) Grand River (Green Lake and Marquette counties)
- (h) Holland (Brown county)
- (i) Horicon (Dodge county)
- (j) Jackson Marsh (Washington county)
- (k) Killsnake (Calumet and Manitowoc counties)
- (l) Mazomanie (Dane county)
- (m) Mud Lake (Dodge county)
- (n) New Munster (Kenosha county)
- (o) Nichols Creek (Sheboygan county)
- (p) Scuppernong (Waukesha county)
- (q) Theresa (Dodge and Washington counties)
- (r) Tichigan (Racine county)
- (s) Vernon (Waukesha county)
- (t) White River (Green Lake and Marquette counties)

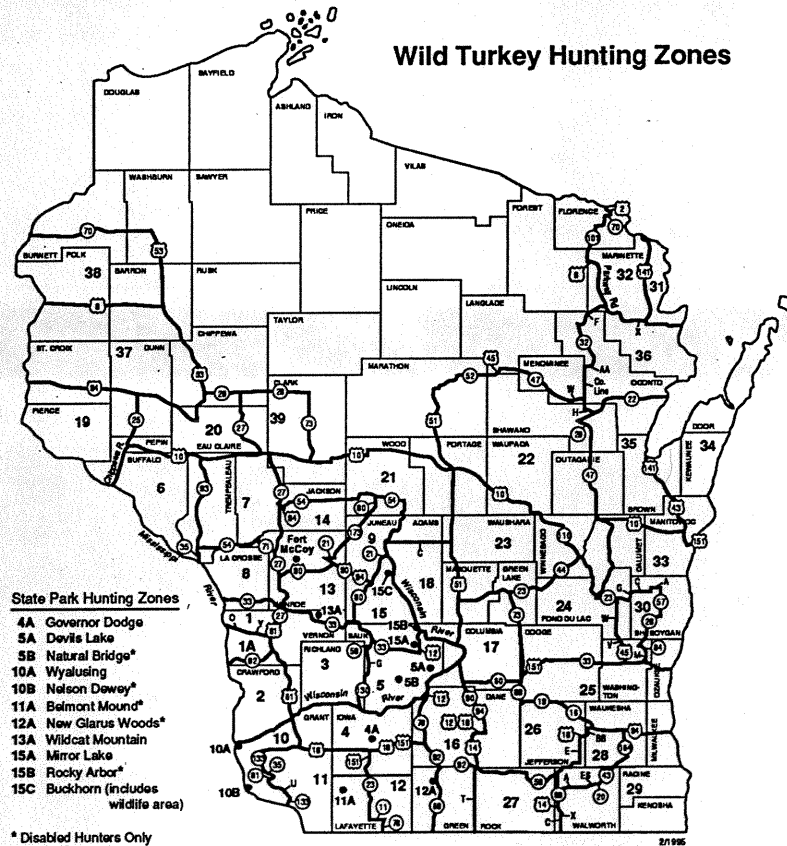
SECTION 6. NR 10.145(5) (a) is repealed and recreated to read:

NR 10.145(5) (a) 1. Bobcat. Unless authorized by the department, each person who has killed a bobcat shall exhibit the pelt to an authorized department representative in the county in which the animal was killed, or in an adjoining county, no later than 5 days after the close of the season.

2. Fisher and otter. Unless otherwise authorized by the department, each person who has killed a fisher or otter shall exhibit the pelt to an authorized department representative no later than 5 days after the close of the season.

SECTION 7. NR 10.29 is repealed and recreated to read:

NR 10.29 WILD TURKEY HUNTING ZONES. Wild turkey hunting zones are established as designated on the following map:



SECTION 8. NR 11.03(3) is renumbered NR 11.04(5).

SECTION 9. NR 12.10(3)(c) is amended to read:

NR 12.10(3)(c) All participants and persons assisting participants shall possess written approval from the permittee and the appropriate, valid hunting or trapping license when carrying on removal activities. Written approval shall include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, species of animals authorized for removal, signature of the landowner or lessee, and date.

SECTION 10. NR 12.10(3)(e) is created to read:

NR 12.10(3)(e) Animal or carcass care and disposition of permit exempt wild animal removals. Wild animals removed according to authority described in sub. (1)(b) which are live-trapped for relocation shall comply with s. 29.425(2), Stats., or which are destroyed by shooting or trapping shall comply with s. 23.095, Stats., with fur or fur-bearing animals sold to a licensed fur dealer. Unusable animals or animal by-products shall be disposed of in a sanitary manner.

SECTION 11. NR 12.16(8)(title), (intro.), (a) and (b) are amended to read:

NR 12.16(8)(title) WEAPON USE. (intro.) The following conditions shall apply to the use of firearms and bows on deer shooting permits:

(a) All permittees, all participants and persons assisting participants, shall comply with the blaze orange clothing regulations of s. 29.22(2), Stats., unless exempted by the department. Exemptions will be granted where local ordinances prohibit the discharge of firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

(b) Except as provided under ~~subd. 3~~ par. (c)., all participants shall comply with the firearm type restrictions applicable to the permittee's land during the gun-deer season specified under s. NR 10.01(3)(e).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 26, 1995.

The rule shall take effect the first day of the month following publication 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)

1993 Session

FISCAL ESTIMATE
DOA-2048 (R 11/90)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
WM-1-95
Amendment No. if Applicable

Subject
1995 Wildlife Management 30 Day Notice Rule

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

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 VTAE Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
20.370(1)(mu)

Assumptions Used in Arriving at Fiscal Estimate

This rule contains 8 rule changes that are primarily administrative in nature and not controversial. The fiscal impacts of each individual item is small. Sections 1&2 represent administrative changes erroneous references and there are no significant costs associated with the rules. Section 3 removes the requirement of registering fishers and otter. No significant cost change is associated with this change. Section 4 creates a new wild turkey hunting zone. Costs for administering the turkey hunt will not be affected by this change. Section 5 opens up 600 acres of Pershing Wildlife Area for gun deer hunting. No significant cost change is associated with this rule. Section 6 clarifies the requirements for individuals removing damage or nuisance animals. No significant cost change is associated with this rule. Neither is there a cost change associated with Section 7, encourages greater use of wildlife animals removed in nuisance damage situations. Section 8 is a clarification in the requirement that people removing deer under shooting permits, or their assistants, wear blaze orange and incurs no significant cost change.

Long-Range Fiscal Implications

Overall, department expenditures and revenues should not change.

Agency/Prepared by: (Name & Phone No.)

Todd L. Peterson - 608-267-2948
Natural Resources

Authorized Signature/Telephone No.

6-2794

Date

10-21-94