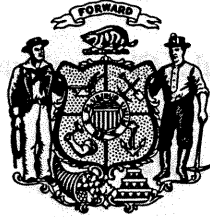


WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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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 00-031

AN ORDER to repeal NR 10.01 (1) (g) 1. d., 2. d. and 3. d., 10.06 (3), (4) and (5), 10.31 (1) (d), 11.02 (2) (a) and 15.022 (11) (a); to amend NR 10.01 (3) (c) and (es), 10.02 (5), 10.06 (2) (a) and (b) and (8) (a) and (b), 10.09 (1) (c) 1. c., 10.12 (5) (d) (intro.) and 1., 10.13 (3) (a) and 10.145 (5) (a) 1.; to repeal and recreate NR 10.01 (3) (h) 1. a., 10.31 (3) (a) and 10.34 (1); and to create NR 10.01 (1) (h), 10.06 (2) (c), 10.20, 11.05 (2) and 16.02 (5) (e), relating to hunting, trapping and captive wildlife.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-10-00 RECEIVED BY LEGISLATIVE COUNCIL.
03-06-00 REPORT SENT TO AGENCY.

RS:RW:jal;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)]

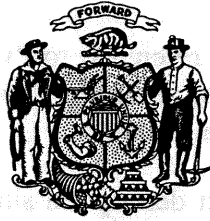
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-031

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.]

2. Form, Style and Placement in Administrative Code

- a. In SECTION 4 of the rule, the agency should use the same display headings as are in the current rule.
- b. Use of periods at the end of "open season" entries should be consistent throughout the rule.
- c. In s. NR 10.02 (5), SECTION 8, the strike-through should include a comma.

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

- a. Should the reference to "snowshoe hare" in s. NR 10.01 (3) (c) in Table 3 be deleted; does the rule apply to all cottontails, jackrabbits and snowshoe hares under s. NR 10.01 (3) (c) 1.; or does the provision only apply to snowshoe hare?
- b. In s. NR 10.06 (2) (c), SECTION 10 needs to be reviewed for clarity. The references to animals by weapons ("bow deer" and "deer with firearms") is somewhat misleading and possibly confusing to people unfamiliar with current regulations.

c. As drafted, determining the applicable hunting hours would appear to be very difficult. The agency may wish to include information describing how specific hunting hours can be obtained by the public.

d. In s. NR 10.12 (5) (d), the reference to "waterfowl, coots and mourning doves" should be changed to "waterfowl, coots or mourning doves" to clarify that the rule applies to the hunting of each, not just when all are being hunted.

e. Does s. NR 10.20 need a text description similar to that used for other hunting and management units and zones, such as s. NR 10.28?

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 10.01(1)(g)1.d., 2.d. and 3.d., 10.06 (3), (4) and (5), 10.31(1)(d), 11.02(2)(a), 15.022(11)(a); to amend NR 10.01(3)(c) and (es), 10.02(5), 10.06(2)(a) and (b), (8)(a) and (b), 10.09(1)(c)1.c, 10.12(5)(d)(intro.) and 1., 10.13(3)(a), 10.145(5)(a)1.; to repeal and recreate NR 10.01(3)(h)1.a., 10.31(3)(a), 10.34(1); and to create NR 10.01(1)(h), 10.06(2)(c), 10.20, 11.05(2), 16.02(5)(e) relating to hunting, trapping and captive wildlife.

WM-1-00

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014, 29.041 and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.014, 29.041 and 29.177, Stats.

Sections 1, 2, 3 and 18. wildlife refuge – eliminates the New Auburn subzone for migratory birds.

Sections 4, 8 and 14. mourning dove hunting – establishes mourning dove hunting season, daily bag limit, possession limit. Removes mourning dove from the protected animal list and requires non-toxic shot for hunting of mourning doves.

Section 5. snowshoe hare hunting – establishes snowshoe hare hunting season, daily bag limit, and possession limit.

Section 6. deer hunting – allows unfilled gun deer licenses to be used during the muzzleloader deer season and allows deer of either sex to be harvested with the unfilled deer tag in the Mississippi River Block Units during the muzzleloader season.

Section 7. coyote hunting- changes the area closed to coyote hunting during the gun deer season.

Sections 9. hunting zones – creates hunting hour areas and zones to more accurately reflect the intended opening and closing times.

Section 10 and 12. hunting hours- establishes hunting hours for gun bear, bow deer, deer with firearms and small game.

Section 11. gun deer hunting hours - repeals old hunting hours table.

Section 13. handgun use – allows the same cartridges that are legal to hunt deer or bear in a rifle, to be legal in a handgun.

Section 15. trapping hours – lengthens legal trapping hours.

Section 16. bobcat, fisher and otter – establishes timely registration of bobcat, fisher and otter harvest.

Section 17. wolves - creates wolf management zones.

Section 19. Horicon zone – modifies Horicon Zone boundary.

Section 20. pheasants – adds portions of Eau Claire and Pepin counties to the pheasant management zones.

Section 21 and 23. Pine Island Wildlife Refuge- eliminates the Pine Island refuge.

Section 22. wildlife refuge – creates a closed season for resting waterfowl in the Winx Flowage area.

Section 24. captive mute swans – requires game farm mute swans to be penned or sterilized.

Section 1. NR 10.01(1)(g) 1.d. is repealed. ✓

Section 2. NR 10.01(1)(g) 2.d. is repealed. ✓

Section 3. NR 10.01(1)(g) 3.d. is repealed. ✓

Section 4. NR 10.01 (1)(h) is created to read:

NR 10.01 (1) Migratory game birds.

✗

Kind of animal	Locality	Open Season	Daily bag limit	Possession limit
NR10.01(1)(h) Mourning dove	Entire state	Sept. 1- Oct. 30	15	30

Section 5. NR 10.01(3)(c) is amended to read:

NR 10.01(3)(c) Upland game animals. See table (3).

✗

Kind of animal and locality	Open season	Limit
NR10.01(3)(c) Cottontail, jackrabbit and snowshoe hare.		
1. Snowshoe hare in all counties of the state	All-year	None

- a. From east to west, that part of Wisconsin lying north of state highway 54 to the intersection with U.S. highway 10, then that part of Wisconsin lying north of U.S. highway 10 to the state's western boundary. Beginning on the Saturday nearest September 15 and continuing through March 31. Daily bag 5 : possession 10
- b. In all other parts of the state Beginning on the Saturday nearest October 17 at 12:00 noon and continuing through March 31. Daily bag 5; possession 10
2. Cottontail
- a. All that part of Wisconsin lying north of U.S. Highway 10 from Prescott to Waupaca and state highway 54 from Waupaca to Algoma.
From east to west, that part of Wisconsin lying north of state highway 54 to the intersection with U.S. highway 10, then that part of Wisconsin lying north of U.S. highway 10 to the state's western boundary. Beginning on the Saturday nearest September 15 and continuing through February 28. Daily bag 3; possession 6
- b. In all other parts of the state. Beginning on the Saturday nearest October 17 at 12:00 noon and continuing through February 28. Daily bag 3; possession 6
- c. In addition, there shall be an open season for hunting cottontails, except with the use of firearms, in Milwaukee county All year None
3. Jackrabbit
- In all counties of the state Beginning on the Saturday nearest October 17 at 12:00 noon and continuing through November 15 Daily bag 3; possession 6

Section 6. NR 10.01(3)(es) is amended to read:

Kind of animal and locality	Open season	Limit
<i>NR10.01(3)(es) Muzzleloader deer season</i>		
Entire state		
<u>1. Zone B as described in s. NR 10.35</u>	<u>Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.</u>	<u>As One deer of either sex and as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.</u>
<u>2. Remainder of state</u>	<u>Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.</u>	<u>One buck deer or as authorized by hunters choice and antlerless deer permits issued under s. NR 10.104.</u>

Section 7. NR 10.01(3)(h) 1. a. is repealed and recreated to read:

Kind of animal and locality	Open season	Limit
NR10.01(3)(h) <i>Coyote</i>		
1. Hunting		
a. Wolf management zone 1, as described in s. NR 10.20.	All year except closed during the gun deer seasons as established under ss. NR 10.01(3)(e) and 10.117.	None

Section 8. NR 10.02(5) is amended to read:

NR 10.02(5) Prairie chicken, Canada spruce grouse (spruce hen), mourning doves, swans, cranes, bitterns, plovers, kingfishers, cormorants, herons, sandpipers and grebes.

Section 9. NR 10.06(2)(a) and (b) are amended to read:

NR10.06(2)(a) *General. General Two general hunting hour zones areas are established as follows: Northern area: all of the following counties and all counties north of them; Pierce, Dunn, Eau Claire, Clark, Marathon, Shawano, Oconto and Door. Southern area: remainder of state. In addition, the following zones are established across the northern and southern areas:*

- A--- all that part of the state lying east of 88°-00F longitude.
- B--- all that part of the state lying between 88°-00F and 89°-00F long.
- C--- all that part of the state lying between 89°-00F and 90°-00F long.
- D--- all that part of the state lying between 90°-00F and 91°-00F long.
- E--- all that part of the state lying between 91°-00F and 92°-00F long.
- F--- all that part of the state lying west of 92°-00F longitude.

(b) *General prohibition.* Except as provided in subs. (4), (5), (6), (7) and (8), no person may hunt or shoot any game species on which an open season is prescribed on any day during the open season before the a.m. times or after the p.m. times established in sub. (3) par. (c).

Section 10. NR 10.06(2)(c) is created to read:

NR10.06 (2)(c) *Hunting hours.* Hunting hours for bear, bow deer, deer with firearms and small game are 30 minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset. All

waterfowl hunting starts at 12:00 noon on the first day of the duck hunting season established in s. NR 10.01(1)(b). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data from the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

rules

Zone ---- Adjustment

B---Add 4 minutes

C---Add 8 minutes

D---Add 12 minutes

E---Add 16 minutes

F---Add 20 minutes

Section 11. NR 10.06(3), (4) and (5) are repealed. ✓

Section 12. NR 10.06(8)(a) and (b) are amended to read:

NR 10.06(8)(a) *Bow bear and deer seasons.* Hunting hours established in sub. ~~(3)~~ (2)(c) shall apply to archers pursuing any species during the bow bear season established in s. NR 10.01(3)(g) and during the bow deer season established in s. NR 10.01 (3)(em). ✓

(b) *Gun deer season.* Hunting hours established in sub. ~~(5)~~ (2)(c) shall apply to bow and gun hunters pursuing any species during the regular gun deer season established in s. NR 10.01(3)(e). ✓

Section 13. NR 10.09(1)(c)1.c. is amended to read:

NR 10.09(1)(c)1.c. Deer or bear may be hunted with handguns loaded with ~~.357, .41 and .44 magnum caliber centerfire cartridges or any other caliber handgun chambered for commercially manufactured cartridges which produce a minimum muzzle energy of 1000 foot pounds.~~ .22 caliber or larger. ~~Such handguns~~ Handguns shall have a minimum barrel length of 5 ½ inches measured from the muzzle to the firing pin with the action closed.

Section 14. NR 10.12(5)(d)(intro.) and 1. is amended to read:

NR 10.12(5)(d) *Non-toxic shot requirements.* (intro.) While hunting waterfowl ~~and coot,~~ coots and mourning doves within any area of the state, no person may:

1. Take, catch, kill or pursue waterfowl ~~and coot,~~ coots and mourning doves with any shotshell loaded with any material other than nontoxic shot.

Section 15. NR 10.13(3)(a) is amended to read: ✓

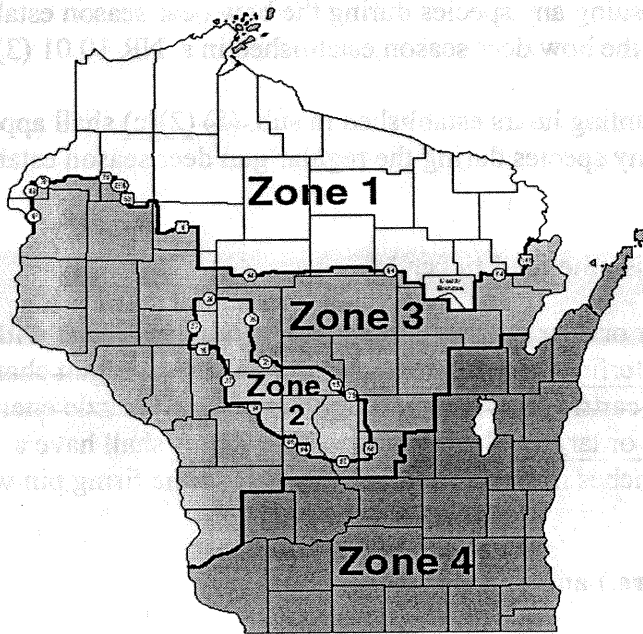
NR 10.13(3)(a) *Legal time period.* The trapping hours shall be from ~~6:00~~ 4:00 a.m. to ~~7:00~~ 8:00 p.m. (CST).

Section 16. NR 10.145 (5)(a)1. is amended to read:

NR 10.145 (5)(a)1. 'Bobcat, fisher and otter'. Unless authorized by the department, each person who has killed a bobcat, fisher or otter during the respective open season shall exhibit the pelt to an authorized department representative no later than 5 days after ~~the close of the season~~ the month of harvest.

Section 17. NR 10.20 is created to read:

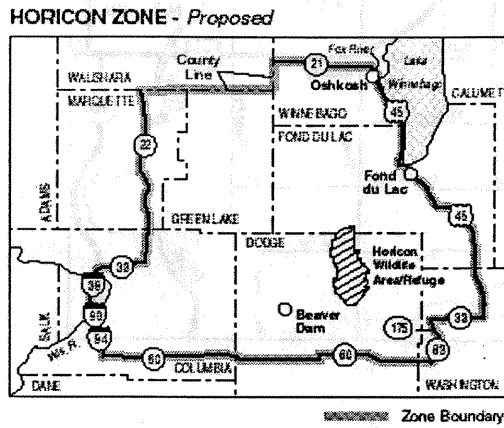
NR 10.20 Wolf management zones.



Section 18. NR 10.31(1)(d) is repealed.

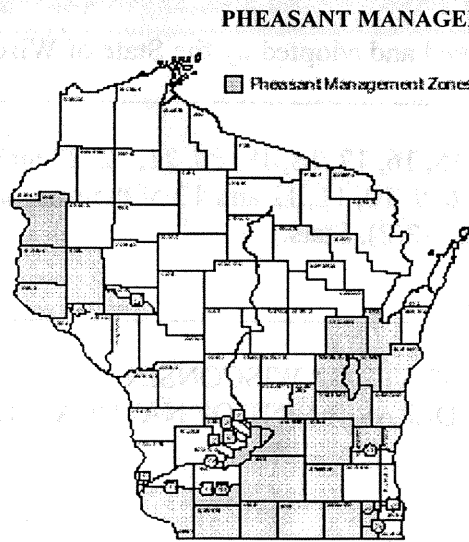
Section 19. NR 10.31(3)(a) is repealed and recreated to read:

NR 10.31(3)(a) Horicon zone boundaries



Section 20. NR 10.34(1) is repealed and recreated to read:

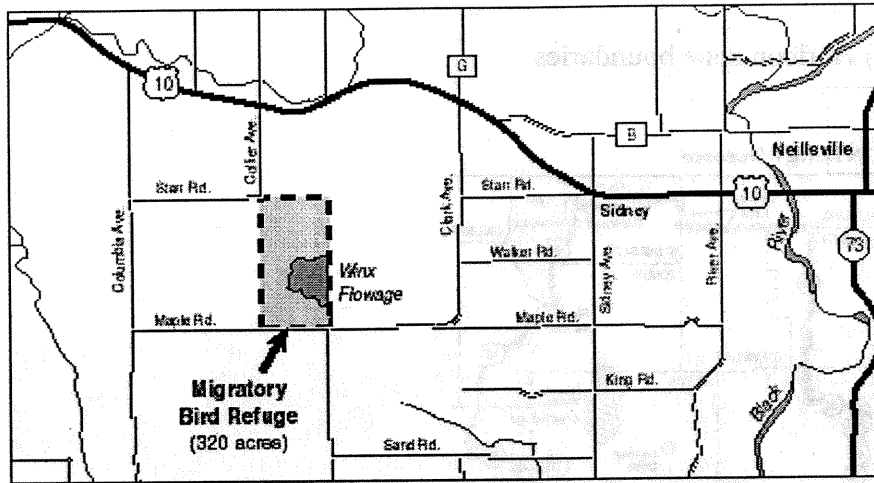
NR 10.34(1) PRIORITY HABITAT MANAGEMENT ZONES



Section 21. NR 11.02(2)(a) is repealed.

Section 22. NR 11.05 (2) is created to read:

NR 11.05(2) CLARK COUNTY. (a) *Winx Flowage area*. East ½ of township 24 north, range 3 west, section 24, town of Hewett.



Section 23. NR 15.022(11)(a) is repealed.

Section 24. NR 16.02 (5)(e) is created to read:

NR 16.02 (5)(e) All mute swans held on a game farm licensed pursuant to this section shall be enclosed within a covered pen by the licensee year-round unless pinioned and rendered sterile by a licensed veterinarian.

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

Sections 1, 2, 3, 4, 5, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 shall take effect on March 1, 2001 and sections 6, 9, 10, 11, 12 and 13 of the rule, shall take effect on Nov. 18, 2000 as provided in s. 227.22(2), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

JUN 05 2000

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-2-00a

Legislative Council Rules Clearinghouse Number 00-031

Subject of Rules Hunting, trapping and captive
wildlife

Date of Transmittal to Presiding Officers May 30, 2000

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

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

266-1959

REPORT TO LEGISLATURE

NR 10, 11 and 16, Wis. Adm. Code

Hunting, trapping and captive wildlife

Board Order No. WM-1-00a

Clearinghouse Rule No. 00-031

Statement of Need

The proposed rule changes will improve hunting and trapping opportunities, increase a pheasant management zone, establish a closed waterfowl area and address issues related to captive wildlife.

Sections 1, 2, 3 and 18 eliminate the New Auburn subzone, an area closed to migratory bird hunting. A proposal to eliminate the Barron County portion of the closed area was defeated in the 1994 spring hearing. The Canada goose population in this area has reached a point in which it is considered more a detriment than a valued natural resource.

Section 4 allows any hunter to shoot an antlered deer during the muzzleloader deer season if their regular gun deer tag has not been filled during the regular gun deer season. This would also allow hunters in the Mississippi River block unit to harvest deer of either sex with their regular gun deer tag during the muzzleloader season.

Sections 5 and 17 reduce the gun deer season coyote hunting closed area as called for in the recently approved wolf management plan.

Sections 6, 7, 8, 9, 10, 11 and 12 create hunting hour zones to more accurately reflect the true opening and closing times and create new sunrise/sunset tables for bow deer, deer with firearms, small game and waterfowl.

Section 13 allows hunters to use handguns, loaded with the same cartridges that are legal to use in rifles, to harvest deer and bear.

Section 14 lengthens the legal trapping hours. Current law requires trappers to tend traps only between 6:00 a.m. and 7:00 p.m. CST and 7:00 a.m. and 8:00 p.m. DST. These hours hamper participation from groups such as students and shift workers. Changing trapping hours without adjustment for daylight savings time will provide a greater recreation opportunity, simplify the rule, and have no negative impact on the resource. The proposed trapping hours of 4:00 a.m. to 8:00 p.m. CST will also allow licensed trappers to reduce capture time and increase humane treatment of trapped animals.

Sections 15 and 16 require successful trappers/hunters to register bobcat, fisher and otter within 5 days of the month of harvest. This would give the Department an important management tool in case a respective zone harvest is predicted to exceed prescribed goals.

Sections 19, 21 and 23 removes Pine Island from the Horicon Zone and places it in the Exterior Zone. This also removes the closed area and refuge from the Pine Island Wildlife Area to prevent the development of crowded firing lines, if the Pine Island Wildlife Area is moved to the Exterior Zone.

Section 20 amends the existing pheasant management zones to include portions of Eau Claire and Pepin Counties.

Section 22 establishes a migratory game bird closed area on the west side of the Winx Flowage in Clark County. The Winx Flowage area has traditionally been closed to waterfowl hunting because local landowners have baited the site to attract migratory birds. State law prohibits hunting waterfowl that are acting under the influence of bait. The problem is that no definite boundary has been identified. The proposed rule removes any individual interpretation and allows for protection of geese that frequent the area.

Section 24 requires game farm mute swans to be penned or sterilized. This proposal will address the increasing population of mute swans. Mute swans pose a serious threat to the ecological integrity on many areas by competing with native wildlife and destroying habitat.

Modifications as a Result of Public Hearing

The proposal for a snowshoe hare season was dropped. The vote was 4,717 in favor and 16,580 against.

Appearances at the Public Hearing and Their Position

Public hearings were held in all 72 counties. Following is the vote totals on the issues in the proposed order.

<u>Issue</u>	<u>In support</u>	<u>In opposition</u>
New Auburn subzone elimination	10,199	1,300
Unused gun deer tag use during muzzleloader season	19,775	2,600
Mississippi River block unit deer hunting	12,698	1,599
Coyote hunting	13,280	5,342
Hunting hour clarification	19,463	1,497
Extend gun deer hunting hours	18,559	2,751
Cartridges for handguns	10,245	7,869
Trapping hours	16,275	1,402
Bobcat, fisher and otter registration	10,447	3,164
Pine Island excluded from Horicon Zone	5,521	3,304
Pine Island Wildlife Area refuge and closed area	6,596	1,712
Pheasant management zones – Eau Claire County	3,840	579
Pheasant management zones – Pepin County	3,836	609
Winx Flowage	3,446	935
Mute swans	12,920	1,034

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rule regulate individuals hunters and trappers. Therefore, a final regulatory flexibility analysis is not required.

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 10.01(1)(g)1.d., 2.d. and 3.d., 10.06 (3) and (4), 10.145(5)(a)2, 10.31(1)(d), 11.02(2)(a), 15.022(11); to amend NR 10.01(3)(es), 10.06(2)(a) and (b), 10.06(6) and (7), 10.06(8)(a) and (b), 10.09(1)(c)1.c, 10.13(3)(a), 10.145(5)(a)1.; to repeal and recreate NR 10.01(3)(h)1.a., 10.06(5), 10.31(3)(a), 10.34(1); and to create NR 10.20, 11.05(2), 16.02(5)(e) relating to hunting, trapping and captive wildlife.

WM-1-00a

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014, 29.192, 29.604, 21.621, and 227.11, Stats.

Statutory interpreted: ss. 29.192, 29.604, and 29.621, Stats.

Sections 1, 2, 3 and 18. wildlife refuge – eliminates the New Auburn subzone for migratory birds.

Section 4. deer hunting – allows unfilled gun deer licenses to be used during the muzzleloader deer season and allows deer or either sex to be harvested with the unfilled deer tag in the Mississippi River Block Units during the muzzleloader season.

Section 5. coyote hunting- changes the area closed to coyote hunting during the gun deer season.

Section 6. hunting zones – creates hunting hour areas and zones to more accurately reflect the intended opening and closing times.

Section 7. gun deer hunting hours - repeals old hunting hours table.

Sections 8, 9, 10, 11 and 12. hunting hours- establishes hunting hours for gun bear, bow deer, deer with firearms and small game.

Section 13. handgun use – allows the same cartridges that are legal to hunt deer or bear in a rifle, to be legal in a handgun.

Section 14. trapping hours – lengthens legal trapping hours.

Section 15 and 16. bobcat, fisher and otter – establishes timely registration of bobcat, fisher and otter harvest.

Section 17. wolves- creates wolf management zones.

Section 19. Horicon zone – modifies Horicon Zone boundary.

Section 20. pheasants – adds portions of Eau Claire and Pepin counties to the pheasant management zones.

Section 21 and 23. Pine Island Wildlife Refuge- eliminates the Pine Island refuge.

Section 22. wildlife refuge – creates a closed season for resting waterfowl in the Winx Flowage area.

Section 24. captive mute swans – requires game farm mute swans to be penned or sterilized.

Section 1. NR 10.01(1)(g) 1.d. is repealed.

Section 2. NR 10.01(1)(g) 2.d. is repealed.

Section 3. NR 10.01(1)(g) 3.d. is repealed.

Section 4. NR 10.01(3)(es) is amended to read:

NR10.01(3)(es) Muzzleloader deer season

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Entire state, <u>except for the areas described in subd 1m. and 2.</u>	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.	As <u>One buck deer and additional deer</u> authorized by <u>hunter's choice and antlerless deer permits</u> issued under s. NR 10.104.
<u>1m. Deer management units 1,2,3,4,5, 6,7,8,9,10,11,12,13,14,17,18,19,20,24, 28,29A,29B,30,31,34,35,36,37,38,44, 49B,50,52,53,55,56,78 and the Tuscobia-Park Falls state trail.</u>	<u>Muzzleloader season beginning November 27, 2000 and ending on December 3, 2000.</u>	<u>One deer of either sex and additional deer as authorized by antlerless deer permits</u> issued under s. NR 10.104.
2. <u>Zone B as described in par. (3)(e)2.</u>	<u>Beginning the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.</u>	<u>One deer of either sex and additional deer as authorized by antlerless deer permits</u> issued under s. NR 10.104.

Section 5. NR 10.01(3)(h) 1. a. is repealed and recreated to read:

Kind of animal and locality	Open season	Limit
NR10.01(3)(h) <i>Coyote</i>		
1. Hunting		
a. <u>Wolf management zone 1, as described in s. NR 10.20.</u>	<u>All year except closed during the gun deer seasons as established under ss. NR 10.01(3)(e) and (es) and 10.117.</u>	<u>None</u>

Section 6. NR 10.06(2)(a) and (b) are amended to read:

NR10.06(2)(a) *General.* ~~General~~ Two general hunting hour ~~zones~~ areas are established as follows: Northern area: all of the following counties and all counties north of them; Pierce, Dunn, Eau Claire, Clark, Marathon, Shawano, Oconto and Door. Southern area: remainder of state. In addition, the following zones are established across the northern and southern areas:

- A--- all that part of the state lying east of 88°-00F longitude.
- B--- all that part of the state lying between 88°-00F and 89°-00F long.
- C--- all that part of the state lying between 89°-00F and 90°-00F long.
- D--- all that part of the state lying between 90°-00F and 91°-00F long.
- E--- all that part of the state lying between 91°-00F and 92°-00F long.
- F--- all that part of the state lying west of 92°-00F longitude.

(b) *General prohibition.* Except as provided in subs. ~~(4), (5),~~ (6), (7) and (8), no person may hunt or shoot any game species on which an open season is prescribed on any day during the open season before the a.m. times or after the p.m. times established in sub. ~~(3) (5).~~

Section 7. NR 10.06(3) and (4) are repealed.

Section 8. NR 10.06(5) is repealed and recreated to read:

NR 10.06 (5) *HUNTING HOURS.* Hunting hours for bear, bow deer, deer with firearms and small game are 30 minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset. All waterfowl hunting starts at 12:00 noon on the first day of the duck hunting season established in s. NR 10.01(1)(b). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

Zone ---- Adjustment

- | | |
|--------------------|--------------------|
| B---Add 4 minutes | E---Add 16 minutes |
| C---Add 8 minutes | F---Add 20 minutes |
| D---Add 12 minutes | |

Section 9. NR 10.06(6) is amended to read:

NR 10.06(6) (intro.) *PHEASANT HUNTING.* (intro.) Except as provided in this subsection, pheasant hunting hours are those hunting hours established for small game in s. NR 10.06 ~~(3) sub. (5).~~ Pheasant hunting hours shall close at 2:00 p.m. daily within the posted boundaries of the following state wildlife areas beginning the third day of the pheasant hunting season established in s. NR 10.01 (2)(c) and continuing through November 3.

Section 10. NR 10.06 (7) is amended to read:

NR 10.06(7) *WILD TURKEY HUNTING*. The hunting hours for pursuing wild turkeys shall be the same as the hours established in sub. ~~(3)~~ (5) except that spring season hunting hours shall close at 5:00 p.m. daily.

Section 11. NR 10.06(8)(a) is amended to read:

NR 10.06(8)(a) *Bow bear and deer seasons*. Hunting hours established in sub. ~~(3)~~ (5) shall apply to archers pursuing any species during the bow bear season established in s. NR 10.01(3)(g) and during the bow deer season established in s. NR 10.01 (3)(em).

Section 12. NR 10.06(8)(b) is amended to read:

NR 10.06(8)(b) *Gun deer season*. Hunting hours established in sub. (5) shall apply to bow and gun hunters pursuing any species, except migratory game birds listed in s. NR 10.01(1), during the regular gun deer season established in s. NR 10.01(3) (e).

Section 13. NR 10.09(1)(c)1.c. is amended to read:

NR 10.09(1)(c)1.c. Deer or bear may be hunted with handguns loaded with ~~.357, .41 and .44 magnum caliber centerfire cartridges or any other caliber handgun chambered for commercially manufactured cartridges which produce a minimum muzzle energy of 1000 foot pounds.~~ .22 caliber or larger ~~Such handguns shall~~ and that have a minimum barrel length of 5 ½ inches measured from the muzzle to the firing pin with the action closed.

Section 14. NR 10.13(3)(a) is amended to read:

NR 10.13(3)(a) *Legal time period*. The trapping hours shall be from ~~6:00~~ 4:00 a.m. to ~~7:00~~ 8:00 p.m. (CST).

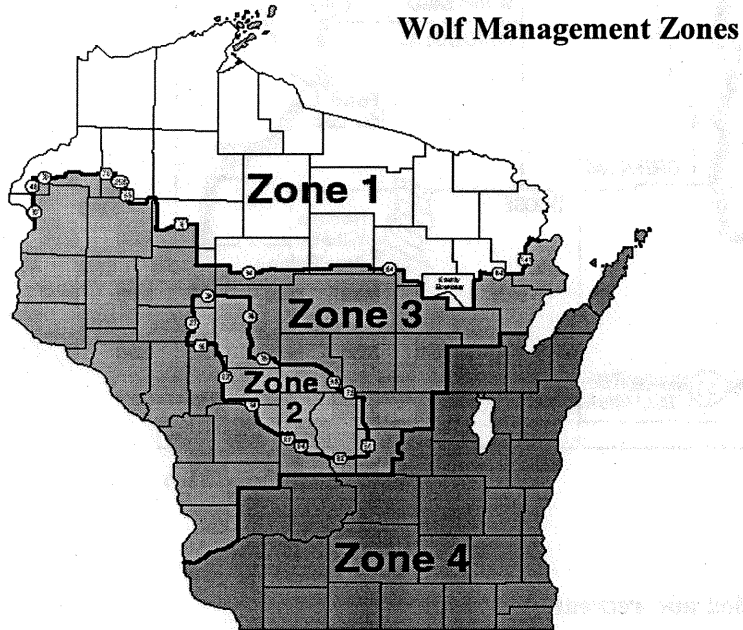
Section 15. NR 10.145 (5)(a)1. is amended to read:

NR 10.145 (5)(a)1. 'Bobcat, fisher and otter'. Unless authorized by the department, each person who has killed a bobcat, fisher or otter during the respective open season shall exhibit the pelt to an authorized department representative no later than 5 days after the close of the season the month of harvest.

Section 16. NR 10.145 (5)(a)2 is repealed.

Section 17. NR 10.20 is created to read:

NR 10.20 Wolf management zones.

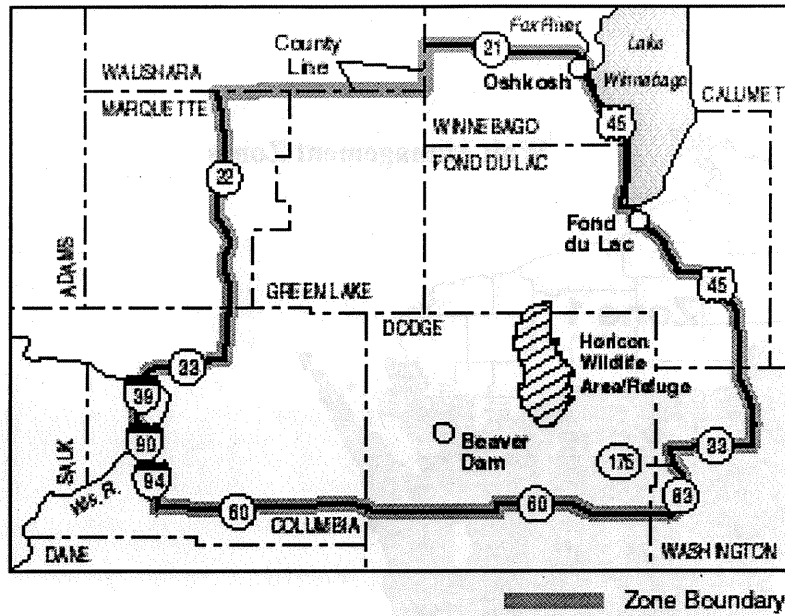


Section 18. NR 10.31(1)(d) is repealed.

Section 19. NR 10.31(3)(a) is repealed and recreated to read:

NR 10.31(3)(a) Horicon zone boundaries

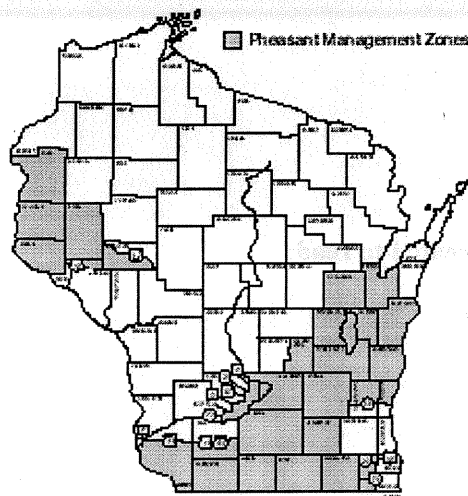
HORICON ZONE



Section 20. NR 10.34(1) is repealed and recreated to read:

NR 10.34(1) PRIORITY HABITAT MANAGEMENT ZONES

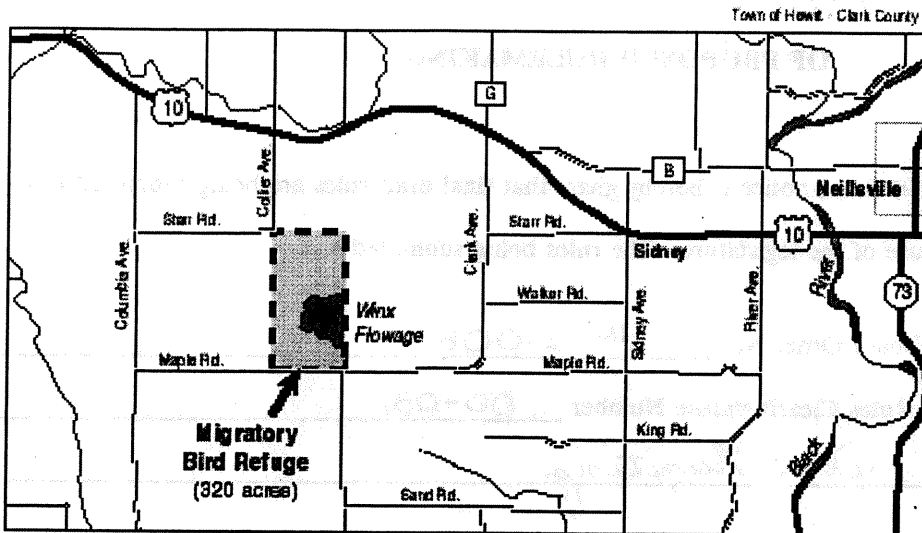
Pheasant Management Zones



Section 21. NR 11.02(2)(a) is repealed.

Section 22. NR 11.05 (2) is created to read:

NR 11.05(2) CLARK COUNTY. (a) *Winx Flowage area*. East ½ of township 24 north, range 3 west, section 24, town of Hewett.



Section 23. NR 15.022(11) is repealed.

Section 24. NR 16.02 (5)(e) is created to read:

NR 16.02 (5)(e) All mute swans held on a game farm licensed pursuant to this section shall be enclosed within a covered pen by the licensee year-round unless pinioned and rendered sterile by a licensed veterinarian.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2000.

Sections 1, 2, 3, 5, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 shall take effect on May 1, 2001 and sections 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the rule, shall take effect on Nov. 18, 2000 as provided in s. 227.22(2), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

JUN 05 2000

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-2-00b

Legislative Council Rules Clearinghouse Number 00-031

Subject of Rules Dove Hunting

Date of Transmittal to Presiding Officers 4 May 30, 2000

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

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

266-1959

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
Dove hunting

Board Order No. WM-2-00b
Clearinghouse Rule No. 00-031

Statement of Need

The federal government has authorized mourning dove hunting in Wisconsin every year since the Migratory Bird Treaty Act was signed in 1918. Wisconsin has declined to utilize this authorization to this point. In 1999, the Wisconsin Dove Hunters Association brought the proposal for a mourning dove season to the Conservation Congress and it appeared at the spring hearings as an advisory question. A mourning dove season was favored by a 2-1 margin. The Department was granted approval by the Natural Resources Board to go to public hearing with the mourning dove season for the 2000 spring hearings.

The proposed rule establishes a mourning dove hunting season and a daily bag and possession limit. The mourning dove is also removed from the protected animal list.

Modifications as a Result of Public Hearing

None. The Natural Resources Board did remove the requirement for non-toxic shot for hunting mourning doves.

Appearances at the Public Hearing and Their Position

Public hearings were held in all 72 counties. The vote was 21,067 in favor and 6,036 in opposition.

Response to Legislative Council Rules Clearinghouse Report

There were no recommendations on this proposal.

Final Regulatory Flexibility Analysis

The revisions apply to individual hunters. 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 10.02 (5) and to create NR 10.01(1)(h), relating to dove hunting.

WM-1-00b

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014 and 227.11, Stats.

Statutory interpreted: ss. 29.001(33), 29.014 and 227.11, Stats.

Section 1- Establishes mourning dove hunting season, daily bag limit and possession limit.

Section 2- Removes mourning dove from the protected animal list.

Section 1. NR 10.01 (1)(h) is created to read:

NR 10.01 (1) MIGRATORY GAME BIRDS.

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
NR 10.01(1)				
(h) <i>Mourning dove</i>	Entire state	Sept. 1- Oct. 30	15	30

Section 2. NR 10.02(5) is amended to read:

NR 10.02(5) Prairie chicken, Canada spruce grouse (spruce hen), ~~mourning doves~~, swans, cranes, bitterns, plovers, kingfishers, cormorants, herons, sandpipers and grebes.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 24, 2000.

The proposed rule shall take effect on May 1, 2001 as provided in s. 227.22(2), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)