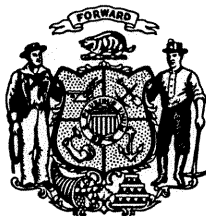


## WISCONSIN LEGISLATIVE COUNCIL STAFF

***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
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(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



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

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**CLEARINGHOUSE REPORT TO AGENCY**

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[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 00-103**

AN ORDER to amend NR 10.12 (5) (d) and 10.125 (3) (a) 1.; and to repeal and recreate NR 10.01 (1) (b), (g) 1. a. to k. and 2. and (u) 1. and 2. and 10.12 (1) (h), relating to the 2000 migratory game bird season.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

06-09-00 RECEIVED BY LEGISLATIVE COUNCIL.

07-10-00 REPORT SENT TO AGENCY.

RS:JES;jal;tlu

**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

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## CLEARINGHOUSE RULE 00-103

### 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. The statutes cited in the analysis accompanying the rule as authorizing rule-making should be listed in ascending order.

b. Since SECTION 1 in the rule repeals and recreates various subunits in s. NR 10.01 (1), the department should consider whether to include in this rule other formatting changes in s. NR 10.01 (1) to conform this subsection with the preferred drafting style. These changes include:

- (1) Consecutively numbering all subunits in a list. See, for example, the list of subparagraphs in s. NR 10.01 (1) (g) 1., that excludes subpars. (b) and (j).
- (2) Providing the same treatment of all paragraphs in s. NR 10.01 (1). Paragraphs (b), (c), (e), (f) and (g) are all contained within Table 1 whereas pars. (u) (intro.) and (v) contain full text outside of Table 1.

c. Section NR 10.01 (1) (g) 2. uses the slashed alternative "snow/blue," contrary to s. 1.01 (9) (a), Manual.

d. A strike-through indicating deletion of text should apply to an entire word and not part of a word. In particular, s. NR 10.12 (5) (d) 1. should include ". . . ~~shotshell loaded with any material~~ shot, either . . ." rather than "~~shotshell loaded with any material, either~~ . . ."

**4. Adequacy of References to Related Statutes, Rules and Forms**

The reference in s. NR 10.12 (1) (h) to regulations of the U.S. Fish and Wildlife Service relating to baiting in 50 C.F.R. s. 20.21 is vague, as s. 20.21 contains 12 paragraphs and only one of the paragraphs relates to baiting. The reference should be to 50 C.F.R. 20.21 (i).

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

a. The summary of SECTION 4 in the analysis accompanying the rule indicates that this SECTION allows Canada goose hunters to attach goose kill permits to the neck or leg of a harvested goose. The analysis would be clearer if it indicated that this provision only applies to Canada goose hunters in the Horicon and Collins zones due to the limitation in s. NR 1.25 (3) (a) (intro.).

b. Is the introduction to s. NR 10.01 (1) (u) 1. correct? It indicates that all species of wild duck are regulated under sub. (1) (u). However, it appears that all species of wild duck are to be regulated under s. NR 10.01 (1) (b).

c. "Nontoxic" should be used consistently throughout the rule. Section NR 10.12 (5) (d) (title) uses "non-toxic" whereas s. NR 10.15 (5) (d) 1. and 2. use "nontoxic."

Report to  
Legislative Council Rules Clearinghouse  
NR 10, Wis. Adm. Code  
Natural Resources Board Order No. WM-20-00

Wisconsin Statutory Authority

ss. 29.014, 29.041, 29.197 and 227.11(2)(a), Stats., interpreting ss. 29.014, 29.041 and 29.197, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Under international treaty and federal law, migratory game bird seasons are closed unless opened annually via the U.S. Fish and Wildlife Service (FWS) regulations process. The federal regulations for seasons starting the Saturday nearest October 1 or later will be established by FWS in early August. Our public hearings will be conducted early August. Since this proposed rule precedes receipt of the preliminary federal framework regulations by about 3 months, the actual season lengths, dates and harvest allocations will change.

The proposed rule also repeals and recreates baiting as it is defined under FWS migratory game bird hunting prohibited methods. The non-toxic shot provisions are being amended to be consistent the FWS non-toxic shot requirements. This rule allows goose hunters to attach goose kill permits to the neck or leg of a harvested goose.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Liaisons

Jon Bergquist, Bureau of Wildlife Management – 266-8841  
Tim Andryk, Bureau of Legal Services – 264-9228  
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on June 8, 2000

LRB or Bill No./Adm. Rule No.  
WM-20-00 and WM-21-00(E)  
Amendment No. if Applicable

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

**FISCAL ESTIMATE**  
JOA-2048 N(R10/94)

Subject: 2000 Migratory Game Bird Season

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 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  
s. 20.370(1)(mu)

Assumptions Used in Arriving at Fiscal Estimate

**SUMMARY OF BILL/RULE -**

This rule package establishes the seasons and daily bag limits for migratory game bird hunting.

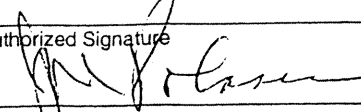
**FISCAL IMPACT:**

The proposed changes will not result in any significant changes in spending or revenue. There are no government costs anticipated due to the provisions of this bill.

Long-Range Fiscal Implications

None

13

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794		(608) 266-2794	03/18/2000

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

The Wisconsin Natural Resources Board proposes an order to amend NR 10.12(5)(d) and NR 10.125 (3) (a) 1., and repeal and recreate NR 10.01(1)(b), (g)1.a. to k., (g)2., (g)3., (u)1., and (u)2., and NR 10.12 (1)(h) relating to the 2000 migratory game bird season.

*Transcript of meeting for 10/10/00*

WM-20-00

*Doesn't authorize rule making*

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014, 29.197, 29.041, 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.014, 29.041, and 29.197, Stats.

The proposed rules establish the regulations for the 2000 migratory game bird season. The significant regulations are:

**Section 1.**

**Ducks.** The state is divided into two zones each with 60-day seasons. The season in the southern duck zone begins at noon September 30 and continues for 60 days, closing November 28. The north duck zone season begins at noon September 30 and continues through November 28. The daily bag limit in both zones is 6 ducks, including 4 mallards, of which only one may be a hen, and one canvasback for the entire 60 days in both zones.

**Canada Geese.** The state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 95 days; Exterior Zone - 94 days; and Mississippi River Subzone - 80 days. The Burnett County and New Auburn subzones are closed to Canada goose hunting.

**Section 2.**

This rule repeals and recreates baiting as it is defined under U. S. Fish and Wildlife Service migratory game bird hunting prohibited methods.

**Section 3.**

This rule amends the administrative code to be consistent with U.S. Fish and Wildlife Service non-toxic shot requirements.

**Section 4.**

This rule allows Canada goose hunters to attach goose kill permits to the neck or leg of a harvested Canada goose.

*only in Horicon & Collins zones - see NR 10.125(2)(1)(10)*

*S. Clark*

1 section 7  
 1500 - 1500 change - 1500 - 1500 open season

SECTION 1. NR 10.01(1)(b), (g)1.a. to k., (g)2., (g)3., (u) 1 and (u)2. are repealed and recreated to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(b) <i>All species of wild duck</i>	Entire state	As established by zone	As established by season and zone	Double the daily bag limit through the entire season, except opening day when it is the same as the daily bag limit.
	South zone as established in s. NR 10.32	Sept. 30 at 12:00 noon - Nov. 28	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, 2 wood ducks & 3 scaup; 5 mergansers to include not more than one hooded merganser.	
	North zone as established in s. NR 10.32	Sept. 30 at 12:00 noon - Nov. 28	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, 2 wood ducks & 3 scaup; 5 mergansers to include not more than one hooded merganser.	
NR 10.01(1)(g) <i>Geese</i> 1. Canada geese and its subspecies	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25	1	2
	c. Burnett county subzone	None	None	None
	d. New Auburn subzone	None	None	None



e. Brown county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25	1	2
f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25	1	2
g. Horicon zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 20;	2	
	Oct. 2 - Nov. 5;	2	
	Oct. 14 - Nov. 17;	2	
	Oct. 30 - Dec. 19	2	
h. Collins zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 1;	2	
	Oct. 2 - Oct. 15;	2	
	Oct. 16 - Oct. 29;	2	
	Oct. 30 - Nov. 17 and Nov. 27 - Dec. 1	2	
i. Rock Prairie subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 15	1	2
k. Mississippi river subzone	Sept. 30 at 12:00 noon- Dec. 18	1	2

*Copy from book*  
*24*

2. Snow/blue and  
    's' geese

Entire state

As established by zone 10

20

a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.

Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

c. Burnett county subzone

Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

d. New Auburn subzone

Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

e. Brown county subzone

Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.

Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

g. Horicon zone

Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 19

h. Collins zone

Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Nov. 17 and Nov. 27 - Dec. 1

i. Rock Prairie subzone

Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 15

k. Mississippi river subzone

Sept. 30 at 12:00 noon - Dec. 18

3. All other geese and  
    brant

Entire state

As established by zone

1 white-fronted goose  
and 1 brant

2 white-fronted geese  
and 2 brant

25

a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e. Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

c. Burnett county subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

d. New Auburn subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

e. Brown county subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k. Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 25

g. Horicon zone Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 19

h. Collins zone Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Nov. 17 and Nov. 27 - Dec. 1

i. Rock Prairie subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 15

k. Mississippi river subzone Sept. 30 at 12:00 noon- Dec. 18

NR 10.01(1)(u)

1. All species of wild ducks, mergansers and coots

North zone as established in s. NR 10.32

Sept. 9 - Dec. 5

3 in aggregate with those species listed under subd. 2

6 in aggregate with those species listed under subd. 2

Feb. 20 - Mar. 10

3 in aggregate with those species listed under subd. 2

6 in aggregate with those species listed under subd. 2

	South zone as established in s. NR 10.32	Sept. 9 - Dec. 5	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Feb. 20 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
2. Gallinules, Sora rail, Virginia rail, common snipe and woodcock	Entire state	Sept. 1 - Dec. 16	3 in aggregate with those species listed under subd. 1	6 in aggregate with those species listed under subd. 1

SECTION 2. NR 10.12(1)(h) and note is repealed and recreated to read:

NR 10.12(1)(h) *Baiting*. By the aid of baiting as described by the U.S. Fish and Wildlife Service in 50 CFR 20.21.

SECTION 3. NR 10.12 (5) (d) is amended to read:

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

1. Take, catch, kill or pursue waterfowl and coot with any shotshell loaded with any material, either in shotshells or as loose shot for muzzle-loading, other than nontoxic shot.

2. Possess any shotshell or muzzle-loading firearm loaded with any material other than nontoxic shot.

*Note: Muzzle loading firearms are not restricted by this rule because shotshells are not part of their mechanism.*

SECTION 4. NR 10.125 (3) (a) 1 is amended to read:

NR 10.125 (3) (a) 1. Completely attach and seal the permit, utilizing its own adhesive, to the neck or leg of the goose before it is carried by hand or transported in any manner.

The foregoing rules are approved and adopted by the Natural Resources Board on

\_\_\_\_\_, 2000.

The rules shall take effect upon publication in the official state newspaper.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

*No. 10.12(5)(d) 11/70*

*write  
see Manual  
94. 0170  
10/20/00*

SEP 07 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-20-00

Legislative Council Rules Clearinghouse Number 00-103

Subject of Rules 2000 Migratory game bird season

Date of Transmittal to Presiding Officers September 6, 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  
2000 migratory game bird season

Board Order No. WM-20-00  
Clearinghouse Rule No. 00-103

### Statement of Need

The proposed rules establish the regulations for the 2000 migratory game bird season. The significant regulations are:

**Ducks** – The state is divided into two zones each with 6-day seasons. The season in both duck zones begins at noon September 30 and continues through November 28. The daily bag limit in both zones is 6 ducks, including no more than 4 mallards of which only one may be a hen, one black duck, one pintail, one canvasback, 2 redheads, 2 wood ducks and 3 scaup.

**Canada geese** – The state is apportioned into three goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are as follows:

Collins Zone	68 days
Horicon Zone	95 days
Exterior Zone	93 days
Mississippi River subzone	80 days
Burnett County	closed
New Auburn	closed

The youth waterfowl hunt is established for two consecutive days and a daily bag and possession limit for geese is established.

The rule repeals and recreates baiting as it is defined under U.S. Fish and Wildlife Service migratory game bird hunting prohibited methods. The non-toxic shot requirements are also amended to be consistent with U.S. Fish and Wildlife Service rules.

The rule also allows Canada goose hunters to attach goose kills permits to the neck or leg of a harvested goose within the Horicon and Collins zones.

### Modifications as a Result of Public Hearings

The season and daily bag and possession limits for geese were created for the two-day youth waterfowl hunt. The provisions allowing Canada goose hunters to attach goose kill permits to the neck or leg of a harvested Canada goose was restricted to the Horicon and Collins zones.

Appearances at the Public Hearing and Their Position

August 7, 2000 – La Crosse

In support – none  
In opposition – none

As interest may appear:

Sandy Heidel, W8043 Hwy. ZN, Onalaska, WI 54650  
Dave Thompson, Holmen, WI 54636  
Harry Meinking, Sr., 1902 Charles Street, La Crosse, WI 54603  
Fred Funk, W7931 CTH ZB, Onalaska, WI 54650  
Grant R. Schultz, E1474 CTH UU, DeSoto, WI 54624  
Marc A. Schultz, W8155 CTY Rd. ZB, Onalaska, WI 54650  
Gary M. Mrozek, Route 1, Box 117A, Rollingstone, MN 55969  
Ray Heidel, W8043 Hwy ZN, Onalaska, WI 54650  
Dave Zumach, 2019 Winnebago Street, La Crosse, WI 54601  
Tim Morgan, Route 2, Box 713, Stoddard, WI 54658  
John R. Zimmerman, 3007 Robin Hood Drive, La Crosse, WI 54601  
Don Heidel, W5779 Mahlum Road, Holmen, WI 54636  
Michael Derpinghaus, N7015 Sunrise Lane, Holmen, WI 54636  
Michael Blank, N5863 E. Lake View Court, Onalaska, WI 54650  
Brian Bender, 4625 Mormon Coulee Road, #99, La Crosse, WI 54601  
Tim Olson, 1316 Cardinal Street, Box 265, Bangor, WI 54614  
Marty Schneider, Anderson MNP #70, West Salem, WI 54669  
Lara Hill, 9458 Nebraska Avenue, Cashton, WI 54619  
Christine Lousias, U.S. Fish & Wildlife Service, 555 Lester Avenue, Onalaska, WI 54650  
Jim Ramsey, 2907 Holly Place, La Crosse, WI 54601  
Ken Gilster, 1259 CTH PH, Onalaska, WI 54650  
James R. Beck, 4581 N. Kinney, Onalaska, WI 54650  
David Blank, 1101 Maple Street, La Crosse, WI 54601  
Robert E. Laub, 401 N. Third, La Crosse, WI 54601  
Jeff Frohock, 5212 Mormon Coulee Road, La Crosse, WI 54601

August 8, 2000 – Rhinelander

In support:

Steve Oestreicher, Chair, Conservation Congress, 8475 Oneida Lake Drive, Harshaw, WI 54529

In opposition – none

As interest may appear:

Joe Pozarski, 4129 N. Bay Road, Rhinelander, WI 54501  
Keith A. Olsen, 7495 Oneida Lake Drive, Harshaw, WI 54529

August 9, 2000 – Green Bay

In support"

Jon Bechle, 2539 Robinson Avenue, Green Bay, WI 54311

William Kreuser, 1695 Biemeret Street, Green Bay, WI 54304  
Joe Loehlein, 3955 Valley Stream Circle, Oneida, WI 54155

In opposition – none

As interest may appear:

Jeff DeGrave, 1055 S. Northview Road, Green Bay, WI 54311  
Richard B. Knudson, E3821 Townline Road, Kewaunee, WI 54216  
Dick Koerner, 540 Sunrise Bay Road, Neenah, WI 54956  
Janet M. Smith, 3358 Nautical Avenue, Green Bay, WI 54311  
Robert M. Witkowski, 400 Main Street, Kewaunee, WI 54216  
Dale L. Karg, 713 Miller Street, Kewaunee, WI 54216  
Christopher Ecke, 2647 Shade Tree Lane, Green Bay, WI 54313  
Dave Hetrick, 1122 Roscoe Street, Green Bay, WI 54304  
Dan DeGrave, 1161 S. Northview Road, Green Bay, WI 54311  
Laurie Duaine, 1316 Smith Street, Green Bay, WI 54302

August 10, 2000 – Pewaukee

In support:

John Bode, 4221 South 6<sup>th</sup>, Lot D41, Milwaukee, WI 53221  
Robert Reinicke, W278 N2449 Prospect Avenue, Pewaukee, WI 53072  
Dan Yagodiaski, W8991 Oak Lane, Beaver Dam, WI 53916

In opposition – none

As interest may appear:

Syd Herman, 441 Cambridge Avenue, Waukesha, WI 53188  
Russell Sobczyk, 13765 W. Old Oak Lane, New Berlin, WI 53151  
Jerry Stancl, 12310 N. Granville Road, Mequon, WI 53097  
Gerald Fohr, 273 Meadowside Court, Pewaukee, WI 53072  
Chuck Heschke, 410 W. Wisconsin, Pewaukee, WI 53072  
Christine M. Reed, 5515 N. Navajo Avenue, Glendale, WI 53217  
Jay Reed, Milwaukee Journal Sentinel, 5515 N. Navajo, Milwaukee, WI 53217  
Joe Bode, 4221 South 6<sup>th</sup>, Lot D41, Milwaukee, WI 53221  
Mark Peters, 353 Pagelow Lane, Brooklyn, WI 53521

#### Response to Legislative Council Rules Clearinghouse Report

All comments from the Legislative Council Rules Clearinghouse have been incorporated except 2.b. and 5.b. Comment 2.b. requested that the department consider formatting changes to s. NR 10.01(1) to conform this section with the preferred drafting style. Due to time constraints, this comments was not addressed. This comments will be addressed at a later date. Comment 5.b. asked whether the introduction to s. NR 10.01(1)(u)1. was correct. This introduction is correct. The introduction in s. NR 10.01(1)(u) specifies that this pertains to the falconry special season.

#### Final Regulatory Flexibility Analysis

The proposed rules regulate individual hunters; therefore, a final regulatory flexibility analysis is not required.



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

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(v), NR 10.12(5)(d) and NR 10.125 (3) (a) 1., repeal and recreate NR 10.01(1)(b),(c), (g)1.a. to k., (g)2., (g)3., (u)1., and (u)2., and NR 10.12 (1)(h) and create NR 10.01(1)(g)1.n., 2.n. and 3.n. relating to the 2000 migratory game bird season.

WM-20-00

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014, 29.041, 29.197 and 227.11(2)(a), Stats..

Statutes interpreted: ss. 29.014, 29.041 and 29.197, Stats.

The proposed rules establish the regulations for the 2000 migratory game bird season. The significant regulations are:

**Section 1.**

**Ducks.** The state is divided into two zones each with 60-day seasons. The season in the southern duck zone begins at noon September 30 and continues for 60 days, closing November 28. The north duck zone season begins at noon September 30 and continues through November 28. The daily bag limit in both zones is 6 ducks, including 4 mallards, of which only one may be a hen, and one canvasback for the entire 60 days in both zones. The daily bag limits for coots and gallinules have been increased to 10.

**Canada Geese.** The state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 95 days; Exterior Zone - 93 days; and Mississippi River Subzone - 80 days. The Burnett County and New Auburn subzones are closed to Canada goose hunting.

**Section 2.**

This section creates daily bag and possession limits for geese during the two day youth waterfowl hunt.

**Section 3.**

This section establishes a two consecutive day youth waterfowl hunt.

**Section 4.**

This section repeals and recreates baiting as it is defined under U. S. Fish and Wildlife Service migratory game bird hunting prohibited methods.

**Section 5.**

This section amends the administrative code to be consistent with U.S. Fish and Wildlife Service non-toxic shot requirements.

**Section 6.**

This section allows Canada goose hunters to attach goose kill permits to the neck or leg of a harvested Canada goose within the Horicon and Collins Zones.

**SECTION 1.** NR 10.01(1)(b), (c), (g)1.a. to k., (g)2., (g)3.,(u) 1 and (u)2. are repealed and recreated to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(b) <i>All species of wild duck</i>	Entire state	As established by zone	As established by season and zone	Double the daily bag limit through the entire season, except opening day when it is the same as the daily bag limit.
	South zone as established in s. NR 10.32	Sept. 30 at 12:00 noon - Nov. 28	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, 2 wood ducks and 3 scaup; 5 mergansers to include not more than one hooded merganser.	
	North zone as established in s. NR 10.32	Sept. 30 at 12:00 noon - Nov. 28	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, 2 wood ducks and 3 scaup; 5 mergansers to include not more than one hooded merganser.	
NR 10.01(1)(c) Coots and gallinules	Entire state	Concurrent with the open season for ducks as established in par. (b).	10	20
NR 10.01(1)(g) <i>Geese</i> 1. Canada geese and its subspecies	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2
		Oct. 28 - Dec. 24	2	4
	c. Burnett county subzone	None	None	None

d. New Auburn subzone	None	None	None
e. Brown county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2
	Oct. 28 - Dec. 24	2	4
f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2
	Oct. 28 - Dec. 24	2	4
g. Horicon zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27;	2	
	Sept. 30 at 12:00 noon - Nov. 10;	2	
	Oct. 7 - Nov. 17;	2	
	Oct. 30 - Dec. 19	2	
h. Collins zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 1;	2	
	Oct. 2 - Oct. 15;	2	
	Oct. 16 - Oct. 29;	2	
	Oct. 30 - Nov. 17 and Nov. 27 - Dec. 1	2	
i. Rock Prairie subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2

		Oct. 28 - Dec. 15	2	4
	k. Mississippi river subzone	Sept. 30 at 12:00 noon - Oct. 27 and	1	2
		Oct. 28 - Dec. 18	2	4
2. Snow or blue and Ross' geese	Entire state	As established by zone	10	20
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	c. Burnett county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	d. New Auburn subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	e. Brown county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	g. Horicon zone	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 19		
	h. Collins zone	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Nov. 17 and Nov. 27 - Dec. 1		
		Sept. 23 - Sept. 29 and		

i. Rock Prairie subzone Sept. 30 at 12:00 noon  
- Dec. 15

k. Mississippi river subzone Sept. 30 at 12:00 noon  
- Dec. 18

3. All other geese and brant

Entire state

As established by zone

1 white-fronted goose and 1 brant

2 white-fronted geese and 2 brant

a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e. Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 24

c. Burnett county subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 24

d. New Auburn subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 24

e. Brown county subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 24

f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k. Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 24

g. Horicon zone Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 19

h. Collins zone Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon  
- Nov. 17 and Nov. 27  
- Dec. 1

i. Rock Prairie subzone Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon  
- Dec. 15

k. Mississippi river subzone Sept. 30 at 12:00 noon- Dec. 18

NR 10.01(1)(u) 1. <i>All species of wild ducks, mergansers and coots</i>	North zone as established in s. NR 10.32	Sept. 16 - Sept. 17 and Sept. 30 at 12:00 noon - Nov. 28 and	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Jan. 25 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
	South zone as established in s. NR 10.32	Sept. 16 - Sept. 17 and Sept. 30 at 12:00 noon - Nov. 28 and Jan. 25 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
2. Gallinules, Sora rail, Virginia rail, common snipe and woodcock	Entire state	Sept. 1 - Dec. 16	3 in aggregate with those species listed under subd. 1	6 in aggregate with those species listed under subd. 1

**SECTION 2.** NR 10.01(1)(g)1.n.,2.n. and 3.n are created to read:

R. 10.01(1)(g)1.n., 2.n. and 3.n. are created to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
1.n. Canada geese and its subspecies.	Entire state	Youth waterfowl hunting season as described under par. (v).	2	Double the daily bag limit.
2.n. Snow or Blue and Ross Geese	Entire state	Youth waterfowl hunting season as described under par. (v).	10	Double the daily bag limit.
3.n. All other geese and brant	Entire state	Youth waterfowl hunting season as described under par. (v).	1 white-fronted goose and 1 brant	Double the daily bag limit.

**SECTION 3.** NR 10.01(1)(v) is amended to read:

NR 10.01(1) (v) *Special youth waterfowl hunt event.* Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt all species of wild duck, mergansers, geese, coots and gallinules for 2 consecutive days starting on the 14th day before the opening of the regular duck season. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit, if hunting Canada geese. Daily bag limits are those described under s. NR 10.01 (1) (b), (c) and (g) and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

**SECTION 4.** NR 10.12(1)(h) and note is repealed and recreated to read:

NR 10.12(1)(h) *Baiting.* By the aid of baiting as described by the U.S. fish and wildlife service in 50 CFR 20.21(i).

**SECTION 5.** NR 10.12 (5) (d) is amended to read:

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

1. Take, catch, kill or pursue waterfowl and coot with any ~~shotshell loaded with any material~~ shot, either in shotshells or as loose shot for muzzle-loading, other than ~~nontoxic~~ non-toxic shot.
2. Possess any shotshell or muzzle-loading firearm loaded with any material other than ~~nontoxic~~ non-toxic shot.

~~Note: Muzzle-loading firearms are not restricted by this rule because shotshells are not part of their mechanism.~~

**SECTION 6.** NR 10.125 (3) (a) 1 is amended to read:

NR 10.125 (3) (a) 1. Completely attach and seal the permit, utilizing its own adhesive, to the neck or leg of the goose before it is carried by hand or transported in any manner.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 16, 2000

The rules shall take effect on 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 \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

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. FH-17-00

Legislative Council Rules Clearinghouse Number 00-076

Subject of Rules Lake planning grants

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Transmittal to Presiding Officers September 6, 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 190, Wis. Adm. Code  
Lake planning grants

Board Order No. FH-17-00  
Clearinghouse Rule No. 00-076

### Statement of Need

Amendments to s. 281.68, Stats., in the biennial budget expanded the scope of eligible grant activities. In addition to water quality studies, projects that assess broader elements of the lake ecosystem including fish and aquatic life and their habitat, the uses of lakes and shorelands as well as general education are now included.

The proposed rule creates 2 subcategories of grants to address the varying size and complexity of the state's lakes and the corresponding planning project needs. The create of a subcategory of small-scale projects with a per project grant maximum of \$3,000 will increase overall participating in the lake grants program. Large scale projects retain many of the features of the current program with an emphasis on developing more detailed lake management plans for larger lakes or lakes where the management challenges are more complex and technical. Separate priorities for each subcategory ensure that small-scale projects do not compete against large-scale projects for funding. In addition, several housekeeping changes were made to clarify policy and streamline the code.

### Modifications as a Result of Public Hearings

The purpose statement of s. NR 190.01 was revised to include the word "education" to be consistent with the rule changes.

The rule was revised to remove reference to small lakes when referring to detailed plans and better articulates that small scale projects can also provide a way for organizations to ease into detailed planning, as well as update existing plans.

In response to a comment that application and reporting requirements should be appropriately scaled down for small-scale projects, the department is developing short forms for applying and reporting for some small-scale projects. The proposed rule added a statement that final report requirements may include the use of a standardized form rather than a written report.

### Appearances at the Public Hearings and Their Position

*May 18, 2000 – Waukesha – no appearances*

*May 23, 2000 – Spooner – no appearances*

May 24, 2000 – Rhinelander

In support:

Ken Roesler, President, Long & Bass Lake Association, W1299 Long Lake Drive, Gleason, WI 54435  
Bryan Pierce, Vilas County UW Extension, 330 Court Street, Eagle River, WI 54521  
Tiffany Lyden, Vilas County Lake Conservation Specialist, 330 Court Street, Eagle River, WI 54521  
Seth Wilner, 5550 Mohawk Shores Drive, Rhinelander, WI 54501  
Bob Gilray, Seven Island Lake Association, 1702 Lenard Street, Wausau, WI 54401

In opposition:

Rand Atkinson, Aquatic Resources, Inc., N4546 Butternut Lane, Birnamwood, WI 54414

As interest may appear:

Roger Odden, Pickerel/Crane Lake Rehabilitation Assoc., W5821 Pine Pt. Road, Pickerel, WI 54465  
Bob Heinrich, Pickerel Lake District, W1666 Bear Trail Road, Gleason, WI 54435  
Dan Venezia, WLSL Radio, 321 Dahl, Apt. 2, Rhinelander, WI 54501  
Curtis Powers, W3871 North Shore Lane, Tomahawk, WI 54487  
Gerald Behnke, Tambling Lake Association, Inc., 1642 Tambling Lake Lane, Eagle River, WI 54521  
Dick Nowak, Long & Bass Lake Assoc., W1295 Long Lake Drive, Gleason, WI 54435  
Tom Neidlein, Director, Manson Lake Assn., 1977 Rambling Lane Drive, Rhinelander, WI 54501  
Tim Marisch, Tambling Lake Assoc., 1646 Tambling Lane, Eagle River, WI 54521

#### Response to Legislative Council Rules Clearinghouse Report

In addition to comments on format, grammar, etc., which the Department accepted, the Clearinghouse raised two substantial comments on statutory authority that justify a response.

**Comment:** The statutory basis for limiting eligibility to inland lakes in the rule is not apparent. This is further limited by referencing the Wisconsin Lake booklet as a static source of eligible waters. If this is retained, a specific dated version of this booklet should be cited.

**Response:** The definition of public inland lakes is consistent with ch. 33, Stats. In reality, this only limits Lake Superior and Lake Michigan and portions of other border waters from eligibility. The department believes it is within its rulemaking authority to further limit projects due to the limited funding availability and the belief that planning and management of these large waters are, in most cases, beyond the scope of local government and nonprofit lake management organizations. However, there may be exceptions that can be addressed through the code's variance procedures. The reference to the Wisconsin Lakes booklet is removed.

**Comment:** School districts do not have lake management purposes and cannot be-eligible sponsors nor can eligibility be extended by co-sponsorship; with an eligible sponsor.

**Response:** The reference to schools as eligible sponsors is removed from the proposal. The department is seeking a change in legislation.

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

The Wisconsin Natural Resources Board proposes repeal and recreation of NR 190 relating to lake planning grants.

**FH-17-00**

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 281.68(3) and 227.11(2)(a) Stats.

Statutes interpreted: s. 281.68(3), Stats.

This order establishes the eligibility, other requirements and procedures for receiving applications and awarding grants for lake planning. It implements changes in statute that allow for a broader range of eligible activities. Amendments to s. 281.68, Stats. in the biennial budget bill expanded the scope of eligible grant activities to include, in addition to water quality studies, projects that assess broader elements of the lake ecosystem including fish and aquatic life and their habitat, the uses of lakes and shorelands as well as general education.

The original code is repealed to allow for restructuring the rule into subchapters that establish small-scale and large-scale planning projects. This distinction will better address the varying size and complexity of the state's lakes and the corresponding planning project needs. Small-scale projects with a per project grant maximum of \$3,000 will be used to obtain and disseminate basic lake information, conduct education projects and develop management goals for lakes where a detailed plan is unwarranted, is in place, or needs updating. Also, a small-scale project may be used as a first phase in the development of a management plan. The \$3,000 cap will allow funding more grants with the same level of funding. A new priority system has been developed for these grants.

Large-scale projects will retain many of the features of the current program with an emphasis on developing more detailed lake management plans for larger lakes or lakes where the management challenges are more complex and technical. The priorities system for these projects has been revised to address projects that may require more than one grant accomplish.

These rules effect potential sponsors of lake management activities which include lake organizations, local government, tribes and nonprofit conservation organizations. The effects are believed to be positive, by providing a broader range of grant eligible activities.

The proposed rule is a type III action under NR 150, Wis. Adm. Code, and will not require an environmental assessment. Small business is not affected by the rule because grants are issued only to governmental units or nonprofit organizations. Therefore, under s. 227.114, Stats., an initial regulatory flexibility analysis is not required.

Repeal and recreation of  
Chapter NR 190

LAKE MANAGEMENT PLANNING GRANTS

**Subchapter I – General Provisions**

- NR 190.001 Purpose
- NR 190.002 Applicability
- NR 190.003 Definitions
- NR 190.004 Grantee accountability
- NR 190.005 Eligible and ineligible costs
- NR 190.006 Variances

**Subchapter II – Small-scale Projects**

- NR 190.01 Purpose
- NR 190.02 Applicability
- NR 190.03 Eligible applicants
- NR 190.04 Eligible planning projects
- NR 190.05 Applications
- NR 190.06 Determination of project eligibility
- NR 190.07 Priorities
- NR 190.08 Grant awards

**Subchapter III – Large-scale Projects**

- NR 190.11 Purpose
- NR 190.12 Applicability
- NR 190.13 Eligible applicants
- NR 190.14 Eligible planning projects
- NR 190.15 Applications
- NR 190.16 Determination of project eligibility
- NR 190.17 Priorities
- NR 190.18 Grant awards

**Subchapter I – General Provisions**

**NR 190.001 Purpose.** The purpose of this chapter is to establish procedures for implementing a lake management planning grant program as provided for in s. 281.68, Stats. Grants made under this program will assist lake planning projects. They will assist local organizations by helping to provide information and education on the uses of lakes, the quality of water in lakes, and the quality of fish, aquatic life and their habitat in lakes and the general quality of lake ecosystems. They will be used to improve lake management assessment and planning, by increasing local understanding of the causes of lake problems, and by aiding in the selection of activities to prevent degradation of lakes and protect or improve the quality of lakes and their ecosystems. This grant program is intended to provide support and guidance to local organizations which are interested in helping to manage and protect lakes and which will often have limited resources and organizational capabilities to do so.

**NR 190.002 Applicability.** This chapter applies to all counties, cities, towns,

villages, tribes, qualified lake associations as defined in s. 281.68(1)(b), Stats., public inland lake protection and rehabilitation districts, and town sanitary districts and other local governmental units as defined in s. 66.299(1)(a), Stats., and qualified nonprofit conservation organizations as defined in s. 23.0955(1), Stats., applying for financial assistance under s. 281.68, Stats., for a planning project for a public inland lake or lakes.

**NR 190.003 Definitions.** The following definitions are applicable to terms used in this chapter:

- (1) "Department" means the Wisconsin department of natural resources.
- (2) "Grant period" means the time period stated in the grant agreement during which the grant recipient is eligible to expend program grant funds for a project.
- (3) "Local share" means that portion of the cost of the project other than state funds administered by the department.
- (4) "Management unit" means a county, town, village, city, federally recognized Indian tribe, public inland lake protection and rehabilitation district, nonprofit conservation organizations or qualified lake association, as defined in s. 281.68(1)(b), Stats.
- (5) "Nonprofit conservation organization" has the meaning in s. 23.0955(1), Stats.
- (6) "Planning project" means a specific lake data acquisition, assessment, or evaluation activity to provide information on the existing or expected future quality of public inland lakes and their ecosystems or activities that may affect the quality of public inland lake ecosystems. It may also include activities related to the collection and dissemination of educational information for the purpose of promoting an understanding of lakes, lake ecosystems and their uses.
- (7) "Planning project priority list" means a ranking by the department of lake planning projects in the order of their scheduled receipt of funds.
- (8) "Public inland lake" means part or all of a lake, reservoir or flowage, or millpond within the boundaries of the state that is presently accessible to the public by contiguous public lands or easements giving public access.

**NR 190.004 Grantee accountability.** (1) Accounting for all planning project funds shall conform to generally accepted accounting principles and practices, and shall be recorded by the grant recipient in a separate account. Supporting records of grant expenditures shall be maintained in sufficient detail to show that grant funds are used for the purpose for which the grant is made. All financial records, including invoices and canceled checks or bank statements, that support all planning project costs claimed by the grant recipient shall be maintained and available for inspection for 3 years after final payment.

(2) The grant recipient shall submit to the department a claim for payment on forms provided by the department within 6 months after the planning project ending date. All costs claimed for payment shall be documented and shall be consistent with the grant agreement relative to expenditures made within the grant period, within the scope of work, and within estimated costs. The grant recipient may request, for good cause, a grant agreement amendment for expenditures in excess of those identified as estimated costs in the grant agreement.

(3) All of the grant recipient's records pertaining to the planning project are subject to audit. Claims made for payment may be adjusted by audit.

(4) All water tests, which require laboratory analyses and which, are part of the

planning project shall be analyzed by a laboratory, which has been selected by the department.

(5) Any grant provided for funding of a planning project that includes acquisition of physical or chemical data may be conditioned upon the grant recipient being required to implement a quality control and quality assurance plan approved by the department.

(6) Data and information acquired as part of the planning project shall be reported to the department in a format specified by the department in the grant agreement.

(7) All planning projects shall have as an element a final report that is suitable for use by the general public. For some projects the department may allow the use of standardized forms as a substitute for a final report.

(8) No applicant may receive more than 2 planning grants per funding cycle.

(9) The cumulative state share of the cost of all planning projects funded under this chapter may not exceed \$100,000 for any one lake.

(10) A grant awarded under this chapter may be terminated by the department for nonperformance of any term or condition of the grant agreement and the department may seek reimbursement of the state share previously distributed to the grant recipient.

(11) If the department finds that the planning project has not been satisfactorily completed by the end of the grant period, the department may seek reimbursement of the state share previously distributed to the grant recipient.

**NR 190.005 Eligible and ineligible costs.** (1) **ELIGIBLE COSTS.** Reasonable and necessary project costs, which are consistent with the approved project, as determined by the department, and incurred during the project period are eligible for grants. Eligible costs may include:

(a) Labor costs required for carrying out activities identified in the grant agreement. Costs shall be based on management unit rates for the position including salary, fringe benefits and other items determined to be appropriate by the department.

(b) Direct costs for laboratory analysis, surveys, newsletters, brochures, mailings, professional service contracts and similar items.

(c) The cost of necessary supplies and equipment used exclusively for project-related purposes over its useful life or the cost of the portion of supplies or equipment used for the project.

(d) The costs of leased equipment and facilities for the length of the project.

(e) The substantiated value of donated materials, equipment, services and labor as all or part of the local share of the project cost subject to all of the following:

1. All sources of local share donation shall be indicated when the application for a grant is submitted.

2. The maximum value of donated labor shall be equal to the prevailing federal minimum wage requirements.

3. The value of donated equipment shall conform to the Wisconsin department of transportation highway rates for equipment.

**Note:** The county highway rates for equipment are formulated under s. 84.07. Stats., and can be found in chapter 5 of the State Highway Maintenance Manual published by the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, Madison, WI 53705.

4. The value of donated materials and services shall conform to market rates and be established by invoice.

(f) Other costs determined by the department to be necessary to carry out an

adequate planning project.

(2) **INELIGIBLE COSTS.** Costs not directly associated with or necessary for the implementation of the project as determined by the department are ineligible for grants. Ineligible costs include:

(a) Fines and penalties due to violation of, or failure to comply with, federal, state or local laws and regulations.

(b) Ordinary operating expenses of local government applicants, such as salaries and expenses of public officials, that are not directly related to the project.

(c) Purchase of boats, autos or office furniture.

(d) Capital improvement project costs.

**NR 190.006 Variances.** The department may approve in writing a variance from a requirement of this chapter upon the written request of an applicant if the department determines that a variance is essential to effect necessary grant actions or program objectives and where special circumstances make a variance in the best interest of the program. Before approving a variance, the department shall take into account factors such as good cause and circumstance beyond the control of the applicant. The department may not grant variances from statutory requirements.

## **Subchapter II – Small-scale Projects**

**NR 190.01 Purpose.** Small-scale projects are intended to address the planning needs of lakes where education and public awareness, obtaining basic information on lake use and conditions, or enhanced organizational capacity are the primary project objectives. These will be protection-oriented, often volunteer-led efforts, that will be used to develop a foundation for lake management efforts or updating existing plans.

**NR 190.02 Applicability.** This subchapter applies to all applicants for and recipients of small-scale planning grants.

**NR 190.03 Eligible applicants.** All management units are eligible applicants for small-scale projects.

**NR 190.04 Eligible planning projects.** Planning projects eligible for funding under this subchapter include:

(1) Lake trend monitoring projects. Projects that collect and report chemical, biological and physical data about lake ecosystems to provide long term base line information and monitor trends in lake ecosystem health.

(2) Lake education projects. Projects that will assist management units in collecting and disseminating existing information about lakes for the purpose of broadening the understanding of lake use, lake ecosystem conditions and lake management techniques.

(3) Organization development projects. Projects that will assist management units in the formation of goals and objectives for the management of a lake or lakes.

(4) Studies, assessments and other activities as needed to implement or augment management goals or a plan for a lake or lakes or combinations of other activities listed in this subchapter.

**NR 190.05 Applications.** (1) Applications from management units for funding of small-scale planning projects shall be made on forms provided by the department and shall be submitted to the region director for the region in which the planning project is located.

**Note:** Forms may be obtained free of charge from the following DNR region headquarters located at:

1. Southeast -- 2300 N. Dr. Martin Luther King Jr. Dr., Box 12436, Milwaukee 53212
2. South Central -- 3911 Fish Hatchery Road, Fitchburg 53711
3. Northeast -- 1125 N. Military Ave., Box 10448, Green Bay 54307
4. Northern/Rhineland -- 107 Sutliff Ave., Rhineland 54501
5. Northern/Spooner -- 810 W. Maple St., Spooner 54801
6. West Central -- 1300 W. Clairemont Ave., Call Box 4001, Eau Claire 54702

(2) The department shall review the application for completeness and may return the application with a request for more detailed information. The application is not considered complete until the additional information requested by the department has been received.

(3) The department shall receive planning project applications by February 1 and by August 1 of each year for a project to be eligible for grant awards in the subsequent 6-month period.

**NR 190.06 Determination of planning project eligibility.** (1) Following receipt of the application, the department shall make a determination of planning project eligibility. The department may accept the application and include the project in the priority list developed under s. NR 190.07(1), or deny the request for funding based on consideration of the factors identified in s. 281.68 (1), (1r), (2) or (3), Stats.

(2) The total state share of the cost of small-scale project may not exceed \$3,000.

(3) The department shall state the basis for determination of ineligibility in writing to the affected management unit.

**NR 190.07 Priorities.** (1) The department shall prepare or update a planning project priority list by March 1 and September 1 of each year. The planning project priority list shall include new applications received and accepted by the department under s. NR 190.05.

(2) Priorities shall be set on a statewide basis.

(3) Applications for lakes which meet the minimum boating access standards of s. NR 1.91(4) or where the department determines that existing facilities are sufficient to meet existing public demand for access, shall receive priority over lakes which do not meet these conditions.

(4) The department shall consider the following factors when developing a project priority list:

(a) The utility of the data and information that will be generated for assessing lake ecosystems.

(b) The degree to which the project will enhance knowledge and understanding of lake ecosystems.

(c) The degree to which the project will assist local decision-making and provide for the formation of goals or a strategy to protect a lake or lakes and lake ecosystems.

(d) The degree to which the project will likely result in significant improvement in the management of a lake or lakes and lake ecosystems.

(e) The degree of public access to the lake.

(f) Whether it is a first-time small scale application.



**NR 190.08 Grant awards.** (1) The department shall issue grant awards based upon the planning project priority list developed under s. NR 190.07. Grant awards shall be made twice each year.

(2) The grant award may not exceed the state share of the estimated costs of the planning project as set out in the grant application.

(3) The state share of the planning project cost may not be greater than 75% of the eligible planning project costs.

(4) The local share of the planning project cost may not be less than 25% of the eligible planning project costs.

(5) The department may distribute up to 100% of the state share of the small-scale planning project costs based upon the estimated cost to the grant recipient following acceptance of the grant agreement by the applicant.

### **Subchapter III – Large-scale Projects**

**NR 190.11 Purpose.** Large-scale projects are intended to address the needs of larger lakes and lakes with complex and technical planning challenges. The intent of these projects is to result in a lake management plan that may require more than one grant to complete.

**NR 190.12 Applicability.** This subchapter applies to all management units applying for large-scale projects.

**NR 190.13 Eligible applicants.** All management units are eligible applicants for large-scale projects.

**NR 190.14 Eligible planning projects.** (1) Activities eligible for funding under this subchapter include:

(a) Acquisition of new or updated, physical, chemical and biological information within lakes or lake ecosystems.

(b) Definition and mapping of lake watershed boundaries, sub-boundaries and drainage system components.

(c) Descriptions and mapping of existing and potential land conditions, activities and uses within lake watersheds that may affect the water quality of a lake or its ecosystem.

(d) Assessments of water quality and of fish, aquatic life and their habitat.

(e) Review, evaluation or development of ordinances and other local regulations related to the control of pollution sources, recreational use or other human activities that may impact water quality, fish and wildlife habitat, natural beauty or other components of the lake ecosystem.

(f) Acquisition of sociological information such as census data and lake use information that is necessary to the development of a long-term lake use plan.

(g) The analysis, evaluation, reporting and dissemination of information obtained as part of the planning project.

(h) The development of alternative management strategies, plans and specific project designs necessary to identify appropriate lake protection or improvement projects.

(2) Planning projects in this subchapter may apply to groups of lakes particularly for the purpose of coordinating and organizing regional and countywide lake organization, education, monitoring, planning and protection.

**NR 190.15 Applications.** (1) Applications from management units for funding of large-scale planning projects shall be made on forms provided by the department and shall be submitted to the region director for the region in which the planning project is located.

**Note:** Forms may be obtained free of charge from the following DNR region headquarters located at:

1. Southeast -- 2300 N. Dr. Martin Luther King Jr. Dr., Box 12436, Milwaukee 53212
2. South Central -- 3911 Fish Hatchery Road, Fitchburg 53711
3. Northeast -- 1125 N. Military Ave., Box 10448, Green Bay 54307
4. Northern/Rhineland -- 107 Sutliff Ave., Box 818, Rhineland 54501
5. Northern/Spooner -- Hwy 70 West, Box 309, Spooner 54801
6. West Central -- 1300 W. Clairemont Ave., Call Box 4001, Eau Claire 54702

(2) If the project is proposed as a phase in the development of a multiple element plan, or when more than one grant is being proposed, the applicant shall provide a description of and schedule for all past and future phases.

(3) The department shall review the application for completeness and may return the application with a request for more detailed information. The application is not considered complete until the additional information requested by the department has been received.

(4) The department shall receive planning project applications by February 1 and by August 1 of each year for a project to be eligible for grant awards in the subsequent 6-month period.

**NR 190.16 Determination of planning project eligibility.** (1) Following receipt of the application, the department shall make a determination of planning project eligibility. The department may accept the application and include the project in the priority list developed under s. NR 190.17, or deny the request for funding based on consideration of the factors identified in s. 281.68 (1), (1r), or (3), Stats.

(2) The total state share of the cost of a planning project may not exceed \$10,000.

(3) The department shall state the basis for determination of ineligibility in writing to the affected management unit.

**NR 190.17 Priorities.** (1) The department shall prepare or update a planning project priority list by March 1 and September 1 of each year. Planning projects included in the planning project priority list shall be new applications received and accepted by the department under s. NR 190.15.

(2) Priorities shall be set on a statewide basis.

(3) Applications for lakes which meet the minimum boating access standards of s. NR 1.91(4) or where the department determines that existing facilities are sufficient to meet existing public demand for access, shall receive priority over lakes which do not meet these conditions.

(4) The department shall consider the following factors when developing a project priority list:

(a) The degree to which the project contributes toward a holistic set of alternatives to assist local decision-making or contributes to the formation of a strategy to enhance or maintain the quality of a lake ecosystem.

(b) The degree to which the planning project will enhance knowledge and understanding of a lake's fish, aquatic life and their habitats.

(c) The degrees to which the planning project will enhance knowledge and understanding of a lake's watershed conditions that affect or have potential to affect a lake's ecosystem.

(d) The degree, to which the proposed planning project enhances local understanding of the lake's water quality, potential uses and factors which affect a lake's water quality.

(e) The degree to which the project will likely result in significant improvement in the management of a lake or lakes and lake ecosystems.

(f) The availability of public access to, and public use of, the lake.

(g) The degree, to which the proposed planning project complements other lake management efforts, is supported by other affected management units and leverages other local community funds for the project.

(h) The importance of the information obtained from a planning project to the state as identified in its resource management plans.

(i) Whether the project is a first-time large-scale project for a lake.

**NR 190.18 Grant awards.** (1) The department shall issue grant awards based upon the planning project priority list developed under s. NR 190.17. Grant awards shall be made twice each year.

(2) The grant award may not exceed the state share of the estimated costs of the planning project as set out in the grant application.

(3) The state share of the planning project cost may not be greater than 75% of the eligible planning project costs.

(4) The local share of the planning project cost may not be less than 25% of the eligible planning project costs.

(5) The department shall withhold 25% of the state share for a final payment and shall withhold final payment until it has made a determination that the planning project and any required audits have been satisfactorily completed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 16, 2000.

The rules shall take effect on 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 \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

AUG 28 2000

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

eff 9/1/00

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(v), NR 10.12(5)(d) and NR 10.125 (3) (a) 1., repeal and recreate NR 10.01(1)(b),(c), (g)1.a. to k., (g)2., (g)3., (u)1., and (u)2., and NR 10.12 (1)(h) and create NR 10.01(1)(g)1.n., 2.n. and 3.n. relating to the 2000 migratory game bird season.

WM-21-00(E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014, 29.041, 29.197, 227.11(2)(a) and 227.24 Stats.

Statutes interpreted: ss. 29.014, 29.041 and 29.197, Stats.

The proposed rules establish the regulations for the 2000 migratory game bird season. The significant regulations are:

**Section 1.**

Ducks. The state is divided into two zones each with 60-day seasons. The season in the southern duck zone begins at noon September 30 and continues for 60 days, closing November 28. The north duck zone season begins at noon September 30 and continues through November 28. The daily bag limit in both zones is 6 ducks, including 4 mallards, of which only one may be a hen, and one canvasback for the entire 60 days in both zones. The daily bag limits for coots and gallinules have been increased to 10.

Canada Geese. The state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 95 days; Exterior Zone - 93 days; and Mississippi River Subzone - 80 days. The Burnett County and New Auburn subzones are closed to Canada goose hunting.

**Section 2.**

This section creates daily bag and possession limits for geese during the two day youth waterfowl hunt.

**Section 3.**

This section establishes a two consecutive day youth waterfowl hunt.

**Section 4.**

This section repeals and recreates baiting as it is defined under U. S. Fish and Wildlife Service migratory game bird hunting prohibited methods.

**Section 5.**

This section amends the administrative code to be consistent with U.S. Fish and Wildlife Service non-toxic shot requirements.

**Section 6.**

This section allows Canada goose hunters to attach goose kill permits to the neck or leg of a harvested Canada goose within the Horicon and Collins Zones.

SECTION 1. NR 10.01(1)(b), (c), (g)1.a. to k., (g)2., (g)3.,(u) 1 and (u)2. are repealed and recreated to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(b) <i>All species of wild duck</i>	Entire state	As established by zone	As established by season and zone	Double the daily bag limit through the entire season, except opening day when it is the same as the daily bag limit.
	South zone as established in s. NR 10.32	Sept. 30 at 12:00 noon - Nov. 28	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, 2 wood ducks and 3 scaup; 5 mergansers to include not more than one hooded merganser.	
	North zone as established in s. NR 10.32	Sept. 30 at 12:00 noon - Nov. 28	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, 2 wood ducks and 3 scaup; 5 mergansers to include not more than one hooded merganser.	
NR 10.01(1)(c) Coots and gallinules	Entire state	Concurrent with the open season for ducks as established in par. (b).	10	20
NR 10.01(1)(g) <i>Geese</i> 1. Canada geese and its subspecies	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2
		Oct. 28 - Dec. 24	2	4
	c. Burnett county subzone	None	None	None

d. New Auburn subzone	None	None	None
e. Brown county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2
	Oct. 28 - Dec. 24	2	4
f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27 and	1	2
	Oct. 28 - Dec. 24	2	4
g. Horicon zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 27;	2	
	Sept. 30 at 12:00 noon - Nov. 10;	2	
	Oct. 7 - Nov. 17;	2	
	Oct. 30 - Dec. 19	2	
h. Collins zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Oct. 1;	2	
	Oct. 2 - Oct. 15;	2	
	Oct. 16 - Oct. 29;	2	
	Oct. 30 - Nov. 17 and Nov. 27 - Dec. 1	2	
i. Rock Prairie subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon		

		- Oct. 27 and	1	2
		Oct. 28 - Dec. 15	2	4
	k. Mississippi river subzone	Sept. 30 at 12:00 noon - Oct. 27 and	1	2
		Oct. 28 - Dec. 18	2	4
2. Snow or blue and Ross' geese	Entire state	As established by zone	10	20
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	c. Burnett county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	d. New Auburn subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	e. Brown county subzone	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Sept. 23 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 24		
	g. Horicon zone	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Dec. 19		
	h. Collins zone	Sept. 16 - Sept. 29 and Sept. 30 at 12:00 noon - Nov. 17 and Nov. 27 - Dec. 1		

i. Rock Prairie subzone Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 15

k. Mississippi river subzone Sept. 30 at 12:00 noon  
- Dec. 18

3. All other geese and  
brant

Entire state

As established by  
zone

1 white-fronted goose  
and 1 brant

2 white-fronted geese  
and 2 brant

a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e. Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 24

c. Burnett county subzone Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 24

d. New Auburn subzone Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 24

e. Brown county subzone Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 24

f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k. Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 24

g. Horicon zone Sept. 16 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 19

h. Collins zone Sept. 16 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Nov. 17 and Nov. 27  
- Dec. 1

i. Rock Prairie subzone Sept. 23 - Sept. 29 and  
Sept. 30 at 12:00 noon  
- Dec. 15

k. Mississippi river Sept. 30 at 12:00



subzone noon- Dec. 18

NR 10.01(1)(u) 1. <i>All species of wild ducks, mergansers and coots</i>	North zone as established in s. NR 10.32	Sept. 16 - Sept. 17 and Sept. 30 at 12:00 noon - Nov. 28 and	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Jan. 25 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
	South zone as established in s. NR 10.32	Sept. 16 - Sept. 17 and Sept. 30 at 12:00 noon - Nov. 28 and Jan. 25 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
2. Gallinules, Sora rail, Virginia rail, common snipe and woodcock	Entire state	Sept. 1 - Dec. 16	3 in aggregate with those species listed under subd. 1	6 in aggregate with those species listed under subd. 1

**SECTION 2.** NR 10.01(1)(g)1.n., 2.n. and 3.n are created to read:

R. 10.01(1)(g)1.n., 2.n. and 3.n. are created to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
1.n. Canada geese and its subspecies.	Entire state	Youth waterfowl hunting season as described under par. (v).	2	Double the daily bag limit.
2.n. Snow or Blue and Ross Geese	Entire state	Youth waterfowl hunting season as described under par. (v).	10	Double the daily bag limit.
3.n. All other geese and brant	Entire state	Youth waterfowl hunting season as described under par.	1 white-fronted goose and 1 brant	Double the daily bag limit.

(v).

**SECTION 3.** NR 10.01(1)(v) is amended to read:

NR 10.01(1) (v) *Special youth waterfowl hunt event.* Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt all species of wild duck, mergansers, geese, coots and gallinules for 2 consecutive days starting on the 14th day before the opening of the regular duck season. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit, if hunting Canada geese. Daily bag limits are those described under s. NR 10.01 (1) (b), (c) and (g) and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

**SECTION 4.** NR 10.12(1)(h) and note is repealed and recreated to read:

NR 10.12(1)(h) *Baiting.* By the aid of baiting as described by the U.S. fish and wildlife service in 50 CFR 20.21(i).

**SECTION 5.** NR 10.12 (5) (d) is amended to read:

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

1. Take, catch, kill or pursue waterfowl and coot with any ~~shotshell loaded with any material shot, either in shotshells or as loose shot for muzzle-loading, other than nontoxic non-toxic shot.~~

2. Possess any shotshell or muzzle-loading firearm loaded with any material other than ~~nontoxic non-toxic shot.~~

~~Note: Muzzle-loading firearms are not restricted by this rule because shotshells are not part of their mechanism.~~

**SECTION 6.** NR 10.125 (3) (a) 1 is amended to read:

NR 10.125 (3) (a) 1. Completely attach and seal the permit, utilizing its own adhesive, to the neck or leg of the goose before it is carried by hand or transported in any manner.

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations into conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

The foregoing rules were approved and adopted by the Natural Resources Board on August 16, 2000.

The rules shall take effect upon publication in the official state newspaper.

Dated at Madison, Wisconsin August 21, 2000

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)

2000  
1999 Session

SCAL  
Detailed  
DO

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
WM-20-00 and WM-21-00(F)  
Amendment No. if Applicable

**FISCAL ESTIMATE**  
DOA-2048 N(R10/94)

Subject  
2000 Migratory Game Bird Season

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 Government Units Affected:
- Towns
  - Counties
  - School Districts
  - Villages
  - WTCS Districts
  - Others
  - Cities

Fund Sources Affected  
 GPR  FED  PRO  PRS  SEG  SEG-S

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

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL/RULE -

This rule package establishes the seasons and daily bag limits for migratory game bird hunting.

FISCAL IMPACT:

The proposed changes will not result in any significant changes in spending or revenue. There are no government costs anticipated due to the provisions of this bill.

Long-Range Fiscal Implications

None

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Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794		(608) 266-2794	03/18/2000