

MAY 31 2001

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-02-01

Legislative Council Rules Clearinghouse Number CHR 01-008

Subject of Rules Hunting, trapping and captive
Wildlife

Date of Transmittal to Presiding Officers May 29, 2001

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

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

Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

MAY 8 1961

Department of Internal Security

NOTICE TO RESIDING OFFICERS OF PROPOSED RULEMAKING

For the purpose of this notice, a Residing Officer is defined as an officer who is assigned to a post in the United States or its possessions and is not on temporary assignment to another post.

The proposed rulemaking is being conducted in accordance with the provisions of the Internal Security Act of 1950, as amended.

Residing Officers are requested to advise the undersigned of any objections to the proposed rulemaking by the date specified below.

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REPORT TO LEGISLATURE

NR 10, 11, 16, 17 and 45, Wis. Adm. Code
Hunting, trapping and captive wildlife

Board Order No. WM-02-01
Clearinghouse Rule No. 01-008

Statement of Need

The proposed rule changes will improve hunting and trapping opportunities, create two pheasant management zones, define adult bear, eliminate the requirement of having to transport deer and bear in an exposed manner prior to registration, create deer and turkey hunting seasons at Mill Bluff state park, prohibit target shooting on state-owned lands in La Crosse, Outagamie and Winnebago counties, allow the use of rifles during the first two days of the gun deer season in all Mississippi River Block units that can currently use rifles during the last 7 days of the regular gun deer season and address issues relating to captive wild birds.

Modifications as a Result of Public Hearing

The proposals to prohibit target shooting on state owned or controlled lands in Brown and Oconto Counties were defeated locally. However, in Brown County, the statewide vote supported the proposal. Because of the close statewide votes and the lack of local support, these counties have not been recommended for a prohibition on target shooting on state owned or controlled lands within these counties.

Appearances at the Public Hearings and Their Position

	Yes	No
Update the Natural Resources Board policy on furbearers	3,737	2,433
Creates a legal definition of adult bear	3,735	2,446
Allows bear hunters to maintain a maximum of 6 dogs in a hunting pack	3,775	2,140
Eliminates the requirement of having to transport deer and bear in an exposed manner prior to registration	6,187	1,058
Allows the use of enclosed trigger traps in watersets prior to the opening of the mink or muskrat season	4,159	896
Prohibits game farms from raising wild turkeys in the wild turkey management zones, penned turkeys would still be legal	4,918	1,197
Requires birds reared in captivity released for dog training be marked with plastic leg bands	4,388	1,310
Modifies the Collins Zone season structure by replacing the current 4 time periods with 3 longer time periods	2,023	456
Prohibits target shooting, except on designated gun ranges on state-owned land in Brown county	1,680	1,612
	Brown County vote	56 81
Prohibits target shooting, except on designated gun ranges, on state-owned land in La Crosse county	1,690	1,698
	La Crosse County vote	57 19

Prohibits target shooting, except on designated gun ranges, on state-owned land in Oconto county	1,644	1,769
Oconto County vote	27	45
Prohibits target shooting, except on designated gun ranges, on state-owned land in Outagamie county	1,713	1,705
Outagamie County vote	117	9
Prohibits target shooting, except on designated gun ranges, on state-owned land in Winnebago county	1,743	1,700
Winnebago County vote	188	112
Allows the use of rifles during the first two days of the regular gun deer season in areas where rifles are currently allowed during the last 7 days of the season	2,573	1,021
Creates 2 new turkey management units	5,120	236
Increases the overwinter goal in deer management units 75A from 15 to 20 deer per square mile of deer range	1,800	757
Extends the late bow season at Buckhorn State Park	3,032	270
Establishes a spring turkey season at Mill Bluff State Park	2,874	295
Establishes a gun deer season at Mill Bluff State Park	2,844	327
Establishes an archery deer season at Mill Bluff State Park	2,966	279
Expands the period in which waterfowl hunting is closed at Mecan Springs	1,319	1,170

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. Therefore, a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.101 (2)(d), 10.105(1), 10.29(1) 17.02(4)(d)2.; renumber NR 10.105(2); to amend NR 1.16(2), 10.01(1)(g)1.h., (2)(f)3., (3)(e)1.d., 2., 3.c. and (es), 10.101(1)(c), 10.104(4)(b), 10.13(1)(b)4. and 5., 10.27(3) and (7), 11.011(intro.), 16.02(1), 17.02(4)(b)2.(intro.), 45.09(5)(intro.); to repeal and recreate NR 10.29(2); and to create NR 10.001(1L) and (9b), 16.02(7), 17.02(3)(e) and (f) relating to hunting, trapping and captive wildlife.

WM-02-01

Analysis Prepared by the Department of Natural Resources

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

Statutory interpreted: ss. 23.09(2), 29.089, 29.192 and 29.867, Stats.

In this order:

Section 1 Updates our Natural Resources Board policy on furbearers by incorporating trap standard improvements into our overall furbearer management program.

Sections 2 and 10 Defines an adult bear and prohibits the shooting of a bear that is accompanied by a bear that is not an adult bear.

Section 4 Restructures the Collins Zone by splitting the season into 3 time periods rather than the current 4 time periods.

Sections 5, 8 and 18 Establishes spring turkey, firearm, muzzleloader and late bow deer seasons at Mill Bluff state park.

Sections 6 and 7 Removes the prohibition of using rifles during the first 2 days of the regular nine day gun deer season in all units where rifles are allowed during the last 7 days of the season.

Section 9 Removes expired language.

Sections 11 and 27 Allows bear hunters to replace dogs in the pack should they drop out of a hunt.

Section 12 Increases the overwinter goal in deer management unit 75A from 15 to 20 deer per square mile of deer range.

Section 13 and 14 Eliminates the requirement of having to transport deer and bear in an open an exposed manner prior to registration.

Sections 15, 16 and 3 Allows the use of commercially manufactured, enclosed trigger traps within 15 feet of beaver dams and during closed seasons for muskrat, beaver, mink or otter.

Section 17 Extends the archery deer season in Buckhorn state park one month (through December).

Sections 18 and 20 Creates two turkey management zones and a spring turkey hunting season in those zones.

Section 21 Closes Mekan Springs to hunting and trapping during all open waterfowl seasons.

Sections 22 and 23 Prohibits game farms licensed for killing turkeys in the wild turkey management zones. Penned turkeys within the wild turkey management zones would remain legal.

Sections 24 and 25 Requires captive wild birds used for dog training to be marked with department leg bands prior to release.

Sections 26 and 28 Adds La Crosse, Outagamie and Winnebago counties to the list of counties where target shooting on state owned lands is illegal unless at designated target ranges.

Section 1. NR 1.16(2) is amended to read:

NR 1.16(2) HARVEST. Furbearers are significant from ~~a~~ an ecological, biological, recreational, cultural and economic standpoint. ~~Regulations~~ Management efforts will assure their future in suitable natural ecosystems and harvest regulations will be designed to make optimum use of these species for these purposes.

(a) Every effort shall be made to design regulations on as uniform a basis as possible that will still maintain desirable population levels from year to year. ~~High pelt prices on these species can result in temporarily depressed, local populations. Both recreational~~ Best management practices that include cultural, ecological and biological objectives shall be accorded primary consideration in the management of furbearer populations and the establishment of harvest regulations.

(b) Because of the ~~recreational and cultural,~~ economic, recreational and public service value of the furbearer harvest, present trapping methods and techniques must continue. However, efforts to develop new trapping methods and techniques best management practices for trapping that would improve humaneness, selectivity, efficiency, effectiveness and safety will be encouraged.

Section 2. NR 10.001(1L) is created to read:

NR 10.001(1L) "Adult bear", means a bear measuring 42 inches or greater measured in a straight line from the tip of the nose to the base of the tail.

Section 3. NR 10.001(9b) is created to read:

NR 10.001(9b) "Enclosed trigger trap" means any trap with a pull-activated trigger, inside an enclosure, and recessed 1 1/4 inches or more, from an opening that is no greater than 1 3/4 inches in diameter.

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

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
	h. Collins zone	Four <u>Three</u> permit periods: Sept. 16 – Sept. 29 and Sept. 30 at 12:00 noon – <u>Oct. 1</u> – <u>Oct. 6</u> Oct. 2 – Oct. 15 <u>Oct. 7 – Oct. 27</u> Oct. 16 – Oct. 29 Oct. 30 – Nov. 17 <u>Oct. 28 – Nov. 7</u> and <u>Nov. 27–Dec. 1</u>	2 2 2 2	The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.

Section 5. NR 10.01(2)(f) 3 is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
Zones 4A, 5A, 10A, 13A, 15A and, 15C, and the Mill Bluff state park portions of zones 9 and 13 as described in s. NR 10.29.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.

Section 6. NR 10.01(3)(e) 1.d. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.d. The Pepin county portion of unit 59B.	Shotgun <u>Firearm</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 2 <u>9</u> consecutive days.	One buck deer or as authorized by hunter's choice and antlerless permits issued under s. NR 10.104.
	<u>Firearm</u> season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless permits issued under s. NR 10.104.

Section 7. NR 10.01(3)(e)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(e) 2. Zone "B" Mississippi River Units Deer management units 59D, 61, 61B, 74A and 74B.</p>	<p>Shotgun <u>Firearm</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for <u>29</u> consecutive days.</p>	<p>One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.</p>
<p>a. The Buffalo, Trempealeau and Pepin county portions of deer management unit 61.</p>	<p>Firearm season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days.</p>	<p>One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.</p>
<p>b. The Pierce county portion of deer management unit 61.</p>	<p>Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for <u>29</u> consecutive days.</p>	<p>One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.</p>
<p>c. The Jackson, La Crosse and Monroe county portions of unit 59D, and the La Crosse portion of 74A.</p>	<p>Shotgun <u>Firearm</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for <u>29</u> consecutive days.</p>	<p>One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.</p>
<p>d. Trempealeau national wildlife refuge.</p>	<p>Shotgun season beginning on the Saturday immediately preceding the Thanksgiving</p>	<p>Sex and type of deer is as specified on permit issued by federal refuge <u>permit</u> facility.</p>

holiday and continuing for 9 consecutive days.

e. The Vernon county portions of deer management units 59D and 74A, and the Vernon and Crawford county portion of unit 74B.

Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 29 consecutive days.

One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.

~~Firearm season beginning on the day immediately following the season described above and continuing for 7 consecutive days.~~

Section 8. NR 10.01(3)(e) 3. c. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)3.c. The following state parks and trails: Big Bay, Devil's Lake, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Kinnickinnic, <u>Mill Bluff</u> , Mirror Lake, Newport, Rock Island, Tuscobia-Park Falls and Willow River.	The firearm type and season length is the same as authorized for the surrounding deer management unit.	The bag limit is the same as authorized for the surrounding deer management unit.

Section 9. NR 10.01(3)(es) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
(es) <i>Muzzleloader deer season</i> Entire state, except for the areas described in subd. 1m. and 2.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.	One buck deer and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
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.	Muzzleloader season beginning November 27, 2000 and ending on December 3, 2000.	One deer of either sex and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
2. Zone B as described in par. (3)(e) 2.	Beginning the Monday immediately following the Thanksgiving holiday and	One deer of either sex and additional deer as authorized by antlerless deer permits

continuing for 7 consecutive days. issued under s. NR 10.104.

Section 10. NR 10.101(1)(c) is amended to read:

NR 10.101(1)(c) ~~Adult bear with cubs. Non-adult bears.~~ Non-adult bears. Shoot, shoot at or kill ~~an adult~~ a bear that is accompanied by a ~~cub or cubs~~ bear that is not an adult bear.

Section 11. NR 10.101 (2)(d) is repealed.

Section 12. NR 10.104(4)(b) as amended by Clearinghouse rule 00-118 is amended to read:

NR 10.104(4)(b). *Unit goals.* The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in January and are as follows:

Management Unit	Deer Goal	Management Unit	Deer Goal	Management Unit	Deer Goal
1	20	38	20	63B	25
1M	10	39	20	64	20
2	18	40	20	64M	10
3	12	41	25	65A	30
4	10	42	20	65B	30
5	20	43	15	66	25
6	12	44	15	67A	25
7	15	45	20	67B	25
8	20	46	25	68A	30
9	20	47	25	68B	30
10	25	48	20	69	25
11	20	49A	25	70	25
12	17	49B	25	70A	25
13	15	50	20	70B	25
14	14	51A	25	70E	25
15	25	51B	25	70G	30
16	25	52	20	71	25
17	15	53	25	72	20
18	20	54A	25	73B	20
19	20	54B	25	73D	20
20	18	54C	25	73E	22
21	25	55	25	74A	15
22	20	56	30	74B	20
22A	20	57	22	75A	45 20
23	20	57A	25	75C	20
24	20	57B	25	75D	20
25	20	57C	30	76	20
26	20	58	25	76A	25
27	20	59A	20	76M	10
28	11	59B	15	77A	20
29A	10	59C	25	77B	15
29B	10	59D	20	77C	15
30	15	59M	10	77M	10
31	19	60A	20	78	15
32	21	60B	20	80A	15
33	20	60M	10	80B	20
34	17	61	15	81	15
35	20	62A	25		
36	25	62B	25		
37	25	63A	25		

Section 13. NR 10.105 (1) is repealed.

Section 14. NR 10.105 (2) is renumbered NR 10.105.

Section 15. NR 10.13(1)(b)4. is amended to read:

NR 10.13(1)(b)4. Watersets. Take, capture or kill, or attempt to take, capture, or kill any furbearing animals at any time by means of watersets except during that period when and in those areas where there is an open season for trapping muskrat, beaver, or otter or when using a commercially manufactured, enclosed trigger trap. In addition, persons removing beaver under s. NR 12.10 may use watersets.

Section 16. NR 10.13(1)(b)5. is amended to read:

NR 10.13(1)(b)5. Trap and snare placement. Set any snares or traps at any time within 15 feet of any beaver dam, except when trapping under the landowner authority established by s. 29.337, Stats., or with a commercially manufactured, enclosed trigger trap.

Section 17. NR 10.27(3) is amended to read:

NR 10.27(3) ~~EARLY AND LATE BOW SEASON SEASONS.~~ EARLY AND LATE BOW SEASON SEASONS. Deer hunting by bow and arrow ~~through November~~ is allowed in Buckhorn state park as specified in s. NR 10.01(3)(em).

Section 18. NR 10.27 (7) is amended to read:

NR 10.27(7) FIREARM, MUZZLELOADER AND LATE BOW SEASON. Deer hunting by firearm, muzzleloader and bow and arrow is established by s. NR 10.01(3)(e) 3., (es) and for the December portion of s. NR 10.01(3)(em) for Newport and , Rock Island and Mill Bluff state parks. Additionally, deer hunting by bow and arrow shall begin on October 15 and continue for the remainder of the season established in s. NR 10.01(3)(em) for Rock Island and Mill Bluff state ~~park~~ parks.

Section 19. NR 10.29(1) is repealed.

Section 20. NR 10.29(2) is repealed and recreated to read:



Section 21. NR 11.011(intro.) is amended to read:

NR 11.011 Waterfowl closed area: disturbance prohibited. (intro.) A closed season is established in the following areas posted with department signs. No person may hunt or trap any species of wild animal or disturb waterfowl thereon ~~from October 1~~ during the open seasons on waterfowl established in s. NR 10.01(1)(b) and (g) and from the day following the close of said waterfowl seasons through December 31. Legally killed or crippled game may be retrieved by dog or hand.

Section 22. NR 16.02(1) is amended to read:

NR 16.02(1) APPLICATION. This section applies to all game farms as provided in s. 29.867, Stats., including commercial operations, shooting game farms and hobbyists. The owner or lessee of any lands within the state suitable for the breeding and propagating of game birds or animals as may be approved by the department shall have the right upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, except as identified under sub. (7). On areas where the hunting or killing of wild animals is to be permitted, the game farm license shall only include species listed in s. 29.001 (30), (36) and (39), Stats.

Section 23. NR 16.02(7) is created to read:

NR 16.02(7) WILD TURKEYS. On game farms licensed for killing birds, captive wild turkeys are considered suitable and authorized only if the turkeys and the game farm are located outside a wild turkey hunting zone established under s. 29.164 (2)(c)2., Stats., and s. NR 10.29.

Section 24. NR 17.02 (3)(e) is created to read:

NR 17.02(3)(e) *Captive wild bird identification.* All captive wild birds released under the authority of a dog training license shall be marked prior to release around the leg with a permanent band supplied by the department.

Section 25. NR 17.02(3)(f) is created to read:

NR 17.02 (3)(f) *Bird bands.* No person in possession of captive wild birds killed under the authority of a dog training permit shall have on their person any department unused dog training bird bands.

Section 26. NR 17.02(4)(b)2.(intro.) is amended to read:

NR 17.02(4)(b)2. (intro.) No person may possess any loaded or uncased firearm or air gun while within the boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington and Waukesha and Winnebago counties as established by s. NR 45.09(5) except:

Section 27. NR 17.02(4)(d)2. is repealed.

Section 28. NR 45.09(5)(intro.) is amended to read:

NR 45.09(5)(intro.) No person may possess any loaded or uncased firearm or air gun while within the exterior boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, ~~and~~ Waukesha and Winnebago counties or on state forest lands in the Kettle Moraine or Point Beach state forests, state recreation areas or on state trails established on abandoned railroad grades, except as follows:

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2001.

All sections within this rule shall take effect on April 1, 2002 except section 12 which shall take effect January 1, 2002 and sections 5, 8 and 18 which shall take effect on the first day of the month following publication.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____

Darrell Bazzell, Secretary

(SEAL)

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

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 01-008

AN ORDER to repeal NR 10.101 (2) (d) and 10.29 (1); to amend NR 1.16 (2), 10.01 (1) (g) 1. h., (2) (f) 3. and (3) (e) 1. d., 2. and 3. c. and (es), 10.101 (1) (c), 10.104 (4) (b), 10.105, 10.13 (1) (b) 4. and 5., 10.27 (3) and (7), 11.011 (intro.), 16.02 (1), 17.02 (4) (b) 2. (intro.) and 45.09 (5) (intro.); to repeal and recreate NR 10.29 (2); and to create NR 10.001 (1L) and (9b), 16.02 (7) and 17.02 (3) (e) and (f), relating to hunting, trapping and captive wildlife.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-06-01 RECEIVED BY LEGISLATIVE COUNCIL.

03-05-01 REPORT SENT TO AGENCY.

RNS:RW;jal;ksm

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

MAR 06 2001

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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RNS:RW:jal;ksm

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 01-008

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 s. NR 10.01 (3) (e) 2. c., it appears that the word "county" has been inadvertently omitted after the second "La Crosse."

b. In s. NR 10.101 (1) (c), the title refers to "Subadult" bear. It would seem that using "Non-adult" bear would be clearer, since there is no definition of the term "subadult."

c. In SECTION 13, the agency should show the proposed change to s. NR 10.105 as a repeal of s. NR 10.105 (1) and a renumbering of s. NR 10.105 (2) to s. NR 10.105 (1).

d. The agency should use care to make sure the provisions in Clearinghouse Rule 00-118, relating to deer population goals, are promulgated prior to the promulgation of Clearinghouse Rule 01-008 so that the treatment of s. NR 10.104 (4) (b) is as intended.

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

a. It is not clear from the rule how s. NR 10.29 (2) is changed. A more complete description of the modifications would be helpful.

b. The reference in s. NR 11.011 (intro.) in SECTION 20 should show "intro" in parentheses. Also, the reference to "said waterfowl seasons" is not clear as to which seasons are being referenced. [See s. 1.01 (9) (c), Manual.]

c. The agency should review the effective date provision of the rule to assure that it is properly drafted to reflect the intent of the agency and to provide for an effective date in the event the rules are not published prior to the stated date.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.101 (2)(d), 10.29(1); to amend NR 1.16(2), 10.01(1)(g)1.h., 10.01(2)(f)3., 10.01(3)(e)1.d., 10.01(3)(e)2., 10.01(3)(e)3.c., 10.01(es), 10.101(1)(c), 10.104(4)(b), 10.105, 10.13(1)(b)4 and 5., 10.27(3) and (7), 11.011 intro., 16.02(1), 17.02(4)(b)2.(intro.), 45.09(5)(intro.); to repeal and recreate NR 10.29(2); and to create NR 10.001(1L), 10.001(9b), 16.02(7), 17.02(3)(e) and 17.02(3)(f) relating to hunting, trapping and captive wildlife.

WM-02-01

Analysis Prepared by the Department of Natural Resources

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

Statutory interpreted: ss. 23.09(2), 29.089, 29.192 and 29.867.

In this order:

Section 1 Updates our Natural Resources Board policy on furbearers by incorporating trap standard improvements into our overall furbearer management program .

Sections 2 and 10 Defines an adult bear and prohibits the shooting of a bear that is accompanied by a bear that is not an adult bear.

Section 4 Restructures the Collins Zone by splitting the season into 3 time periods rather than the current 4 time periods. Reasons? >

Sections 5, 8 and 17 Establishes spring turkey, firearm, muzzleloader and late bow deer seasons at Mill Bluff state park.

Sections 6 and 7 Removes the prohibition of using rifles during the first 2 days of the regular nine day gun deer season in all units where rifles are allowed during the last 7 days of the season.

Section 9 Removes expired language.

Section 11 Allows bear hunters to replace dogs in the pack should they drop out of a hunt.

Section 12 Increases the overwinter goal in deer management unit 75A from 15 to 20 deer per square mile of deer range.

Section 13 Eliminates the requirement of having to transport deer and bear in an open an exposed manner prior to registration.

Sections 14, 15 and 3 Allows the use of commercially manufactured, enclosed trigger traps within 15 feet of beaver dams and during closed seasons for muskrat, beaver, mink or otter.

Section 16 Extends the archery deer season in Buckhorn state park one month (through December).

Sections 18 and 19 Creates two turkey management zones and a spring turkey hunting season in those zones. Explains?

Section 20 Closes Mecan Springs to hunting and trapping during all open waterfowl seasons. ?

Sections 21 and 22 Prohibits wild turkey game farms from existing and being established in wild turkey management zones. ✓

Sections 23 and 24 Requires captive wild birds used for dog training to be marked with department leg bands prior to release. ✓

Sections 25 and 26 Adds Brown, La Crosse, Oconto, Outagamie and Winnebago counties to the list of counties where target shooting on state owned lands is illegal unless at designated target ranges. ✓

Section 1. NR 1.16(2) is amended to read:

NR 1.16(2) HARVEST. Furbearers are significant from a an ecological, biological, recreational-cultural and economic standpoint. ~~Regulations~~ Management efforts will assure their future in suitable natural ecosystems and harvest regulations will be designed to make optimum use of these species for these purposes. ✓ *Amended*

(a) Every effort shall be made to design regulations on as uniform a basis as possible that will still maintain desirable population levels from year to year. ~~High pelt prices on these species can result in temporarily depressed, local populations. Both recreational.~~ Best management practices that include cultural, ecological and biological objectives shall be accorded primary consideration in the management of furbearer populations and the establishment of harvest regulations.

(b) Because of the ~~recreational and~~ cultural, economic and public service value of the furbearer harvest, present trapping methods and techniques must continue. However, efforts to ~~develop new trapping methods and techniques~~ best management practices for trapping that would improve humaneness, selectivity, efficiency, effectiveness and safety will be encouraged. ✓

Section 2. NR 10.001(1L) is created to read:

NR 10.001(1L) "Adult bear", for the purpose of this chapter, means a bear measuring 42 inches or greater measured in a straight line from the tip of the nose to the base of the tail. ✓

Section 3. NR 10.001(9b) is created to read:

NR 10.001(9b) "Enclosed trigger trap" means any commercially manufactured trap with a pull-activated trigger, inside an enclosure, and recessed 1 1/4 inches or more, from an opening that is no greater than 1 3/4 inches in diameter. ✓

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

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
	h. Collins zone	Four <u>Three</u> permit periods: Sept. 16 – Sept. 29 and Sept. 30 at 12:00 noon – Oct. 1 <u>Oct. 6</u> Oct. 2 – Oct. 15 <u>Oct. 7 – Oct. 27</u> Oct. 16 – Oct. 29 Oct. 30 – Nov. 17 and <u>Oct. 28 – Nov. 7</u> and Nov. 27-Dec. 1	2 2 2 2	The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.

Section 5. NR 10.01(2)(f) 3 is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
Zones 4A, 5A, 10A, 13A, 15A and, 15C, and the Mill Bluff state park portions of zones 9 and 13 as described in s. NR 10.29.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.

Section 6. NR 10.01(3)(e) 1.d. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.d. The Pepin county portion of unit 59B.	Shotgun <u>Firearm</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 2 <u>9</u> consecutive days. Firearm season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless permits issued under s. NR 10.104. One buck deer or as authorized by hunter's choice and antlerless permits issued under s. NR 10.104.

Section 7. NR 10.01(3)(e)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e) 2. Zone "B" Mississippi River Units Deer management units 59D, 61, 61B, 74A and 74B.	Shotgun <u>Firearm</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for <u>29</u> consecutive days.	One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.
a. The Buffalo, Trempealeau and Pepin county portions of deer management unit 61.	Firearm season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days.	One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.
b. The Pierce county portion of deer management unit 61.	Shotgun <u>Firearm</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for <u>29</u> consecutive days.	One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.
c. The Jackson, La Crosse and Monroe county portions of unit 59D, and the La Crosse portion of 74A.	Shotgun season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days.	One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.
d. Trempealeau national wildlife refuge.	Firearm season beginning on the day immediately following the shotgun season described above and continuing for 7 consecutive days. Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	Sex and type of deer is as specified on permit issued by federal refuge permit <u>facility</u> .

county
^

*

e. The Vernon county portions of deer management units 59D and 74A, and the Vernon and Crawford county portion of unit 74B.

Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for ~~2~~ 9 consecutive days.

One deer of either sex and as authorized by antlerless deer permits issued under s. NR 10.104.

~~Firearm season beginning on the day immediately following the season described above and continuing for 7 consecutive days.~~

Section 8. NR 10.01(3)(e) 3. c. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)3.c. The following state parks and trails: Big Bay, Devil's Lake, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Kinnickinnic, <u>Mill Bluff</u> , Mirror Lake, Newport, Rock Island, Tuscobia-Park Falls and Willow River.	The firearm type and season length is the same as authorized for the surrounding deer management unit.	The bag limit is the same as authorized for the surrounding deer management unit.

Section 9. NR 10.01(3)(es) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
(es) Muzzleloader deer season Entire state, except for the areas described in subd. 1m and 2.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.	One buck deer and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
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.	Muzzleloader season beginning November 27, 2000 and ending on December 3, 2000.	One deer of either sex and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
2. Zone B as described in par. (3)(e) 2.	Beginning the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.	One deer of either sex and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.

Non-Adult?

Section 10. NR 10.101(1)(c) is amended to read:

NR 10.101(c) ~~Adult bear with cubs.~~ Subadult bears. Shoot, shoot at or kill ~~an adult~~ a bear that is accompanied by a ~~cub or cubs~~ bear that is not an adult bear.

Section 11. NR 10.101 (2)(d) is repealed:

[Handwritten scribble]

? Status

Section 12. NR 10.104(4)(b) as amended by Clearinghouse rule 00-118 is amended to read:

NR 10.104(4)(b). *Unit goals.* The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in January and are as follows:

Management Unit	Deer Goal	Management Unit	Deer Goal	Management Unit	Deer Goal
1	20	38	20	63B	25
1M	10	39	20	64	20
2	18	40	20	64M	10
3	12	41	25	65A	30
4	10	42	20	65B	30
5	20	43	15	66	25
6	12	44	15	67A	25
7	15	45	20	67B	25
8	20	46	25	68A	30
9	20	47	25	68B	30
10	25	48	20	69	25
11	20	49A	25	70	25
12	17	49B	25	70A	25
13	15	50	20	70B	25
14	14	51A	25	70E	25
15	25	51B	25	70G	30
16	25	52	20	71	25
17	15	53	25	72	20
18	20	54A	25	73B	20
19	20	54B	25	73D	20
20	18	54C	25	73E	22
21	25	55	25	74A	15
22	20	56	30	74B	20
22A	20	57	22	75A	45 20
23	20	57A	25	75C	20
24	20	57B	25	75D	20
25	20	57C	30	76	20
26	20	58	25	76A	25
27	20	59A	20	76M	10
28	11	59B	15	77A	20
29A	10	59C	25	77B	15
29B	10	59D	20	77C	15
30	15	59M	10	77M	10
31	19	60A	20	78	15
32	21	60B	20	80A	15
33	20	60M	10	80B	20
34	17	61	15	81	15
35	20	62A	25		
36	25	62B	25		
37	25	63A	25		

Section 13. NR 10.105 is amended to read:

NR 10.105 Transportation of deer and bear. (1) ~~No person may transport any deer or bear in or on any motor-driven vehicle from the time such deer or bear is killed to the time it is lawfully registered pursuant to s. NR 10.106 unless the deer or bear is carried openly and exposed and in such a manner so that the deer or bear carcass tag attached to the deer or bear cannot be handled or manipulated by any occupant of the vehicle.~~ (2) No person may transport a deer or bear from the time the deer or bear is killed to the time it is registered under s. NR 10.106 that is tagged with the carcass tag of another person unless accompanied by the person issued the carcass tag.

Section 14. NR 10.13(1)(b)4 is amended to read:

NR 10.13(1)(b)4. Watersets. Take, capture or kill, or attempt to take, capture, or kill any furbearing animals at any time by means of watersets except during that period when and in those areas where there is an open season for trapping muskrat, beaver, or otter or when using a commercially manufactured, enclosed trigger trap. In addition, persons removing beaver under s. NR 12.10 may use watersets.

OK all the time??

Section 15. NR 10.13(1)(b)5 is amended to read:

NR 10.13(1)(b)5. Trap and snare placement. Set any snares or traps at any time within 15 feet of any beaver dam, except when trapping under the landowner authority established by s. 29.337, Stats., or with a commercially manufactured, enclosed trigger trap.

Section 16. NR 10.27(3) is amended to read:

NR 10.27(3) ~~EARLY AND LATE BOW SEASON SEASONS.~~ Deer hunting by bow and arrow ~~through November~~ is allowed in Buckhorn state park as specified in s. NR 10.01(3)(em).

Section 17. NR 10.27 (7) is amended to read:

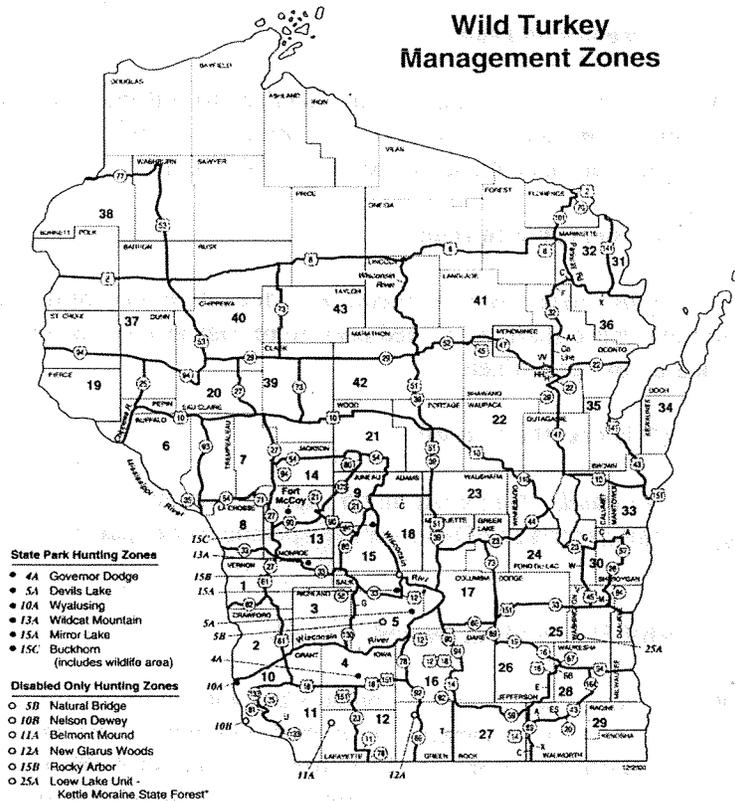
NR 10.27(7) FIREARM, MUZZLELOADER AND LATE BOW SEASON. Deer hunting by firearm, muzzleloader and bow and arrow is established by s. NR 10.01(3)(e) 3., (es) and for the December portion of s. NR 10.01(3)(em) for Newport ~~and~~, Rock Island ~~and~~ Mill Bluff state parks. Additionally, deer hunting by bow and arrow shall begin on October 15 and continue for the remainder of the season established in s. NR 10.01(3)(em) for Rock Island ~~and~~ Mill Bluff state ~~park~~ parks.

Section 18. NR 10.29(1) is repealed.

repealed

Section 19. NR 10.29(2) is repealed and recreated to read:

Wild Turkey Management Zones



Section 20. NR 11.011 (intro.) is amended to read:

NR 11.011 **Waterfowl closed area: disturbance prohibited.** A closed season is established in the following areas posted with department signs. No person may hunt or trap any species of wild animal or disturb waterfowl thereon ~~from October 1~~ during the open seasons on waterfowl established in s. NR 10.01(1)(b) and (g) and from the day following the close of said waterfowl seasons through December 31. Legally killed or crippled game may be retrieved by dog or hand.

Section 21. NR 16.02(1) is amended to read:

NR 16.02(1) APPLICATION. This section applies to all game farms as provided in s. 29.867, Stats., including commercial operations, shooting game farms and hobbyists. The owner or lessee of any lands within the state suitable for the breeding and propagating of game birds or animals as may be approved by the department shall have the right upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, except as identified under sub. (7). On areas where the hunting or killing of wild animals is to be permitted, the game farm license shall only include species listed in s. 29.001 (30), (36) and (39), Stats.

Section 22. NR 16.02(7) is created to read:

NR 16.02(7) WILD TURKEYS. On game farms licensed for killing birds, captive wild turkeys are considered suitable and authorized only if the turkeys and the game farm are located outside a wild turkey hunting zone established under s. 29.164 (2)(c)2., Stats., and s. NR 10.29. ✓

Section 23. NR 17.02 (3)(e) is created to read:

NR 17.02(3)(e) *Captive wild bird identification*. All captive wild birds released under the authority of a dog training license shall be marked prior to release around the leg with a permanent band supplied by the department.

Section 24. NR 17.02(3)(f) is created to read:

NR 17.02 (3)(f) *Bird bands*. No person in possession of captive wild birds killed under the authority of a dog training permit shall have on their person any department unused dog training bird bands. ✓

Section 25. NR 17.02(4)(b)2.(intro.) is amended to read:

NR 17.02(4)(b)2. (intro.) No person may possess any loaded or uncased firearm or air gun while within the boundary of state-owned lands posted with department signs in Brown, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, La Crosse, Oconto, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington and Waukesha and Winnebago counties as established by 45.09(5) except: ✓

Section 26. NR 45.09(5)(intro.) is amended to read:

NR 45.09(5)(intro.) No person may possess any loaded or uncased firearm or air gun while within the exterior boundary of state-owned lands posted with department signs in Brown, Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, and Waukesha and Winnebago counties or on state forest lands in the Kettle Moraine or Point Beach state forests, state recreation areas or on state trails established on abandoned railroad grades, except as follows: ✓

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

[All sections within this rule shall take effect on April 1, 2002.] - ?

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)