

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01(1)(g)1.n., to amend NR 10.01(1)(v), to repeal and recreate NR 10.01(1)(b), (d), (g)1.a. to k., (g)2.a. to k., (g)3.a. to k., (u)1., and (u)2 and creating NR 10.01(1)(dm) relating to the 2002 migratory game bird season.

WM-24-02 (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 2002 migratory game bird season. The significant regulations are:

Section 1. Ducks - The state is divided into two zones each with 60-day seasons. The north season will run continuous with no split and the south will have a 5-day split. This year the northern duck zone season will begin at noon on September 28 and continue through November 26. The southern duck zone season will begin at noon on October 5 and continue through October 13 and from October 19 to December 8. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, and from October 19 until the end of the duck seasons in the North and the South 2 of the 4 mallards may be hens, one black duck, 1 pintail (during the open dates of the 30 day pintail season), 2 wood ducks, 2 redheads and 3 scaup. A 30-day pintail season will be offered from September 28 – October 27 in the northern duck zone and from October 5 – October 13 and October 19 – November 8 in the southern duck zone. The canvasback season is closed in 2002.

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, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 94 days; Exterior Zone - 94 days in the north and 92 days in the south (North: Sept. 21 – Sept. 27 and Sept. 28 (noon) – Dec. 23; South: Sept. 28 - Oct. 4, Oct. 5 (noon) - Oct. 13 and Oct. 19 – Jan. 2); and Mississippi River Subzone - 70 days (Sept. 28 - Oct. 4, Oct. 5 (noon) - Oct. 13 and Oct. 19 – Dec. 11). The Burnett County subzone is closed to Canada goose hunting.

Section 2. Prohibits the harvesting of canvasbacks during the 2002 waterfowl seasons.

Section 3. This section repeals outdated language that established the bag limit for Canada geese during the 2001 youth waterfowl hunt.

Section 4. This section modifies the date of the two-day youth waterfowl hunt.

SECTION 1. NR 10.01(1)(b), (d), (g)1.a. to k., (g)2.a. to k., (g)3.a. to k., (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) All species of wild duck except pintail and canvasback	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.
	Northern zone as established in s. NR 10.32	Sept. 28 at 12:00 noon – Nov. 26	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, 2 redheads, 2 wood ducks, and 3 scaup. In addition 5 mergansers to include not more than one hooded merganser. From Oct. 19 – Nov. 26 the bag may include 2 hen mallards.	
	Southern zone as established in s. NR 10.32	Oct. 5 at 12:00 noon - Oct. 13 and Oct. 19 – Dec. 8	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, 2 redheads, 2 wood ducks, and 3 scaup. In addition 5 mergansers to include not more than one hooded merganser. From Oct. 19 – Dec. 8 the bag may include 2 hen mallards.	

NR 10.01(1)(d) Pintail	Northern zone as established in s. NR 10.32	Sept. 28 at 12:00 noon - Oct. 27	1	2
	Southern zone as established in s. NR 10.32	Oct. 5 at 12:00 noon - Oct. 13 and Oct. 19 - Nov. 8	1	2
NR 10.01(1)(g) Geese 1. Canada geese and its subspecies	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in subd. 1.b.	Sept. 21 - Sept. 27 and Sept. 28 at 12:00 noon - Dec. 23	1	2
	b. Brown county subzone	Sept. 21 - Sept. 27 and Sept. 28 at 12:00 noon - Dec. 23	1	2
	c. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in this subd. 1. d. to k.	Sept. 28 - Oct. 4, Oct. 5 at 12:00 noon - Oct. 13 and Oct. 19 - Jan. 2	1	2
	d. Burnett county subzone	None	None	None
	g. Horicon zone	Four permit periods: Sept. 16 - Oct. 4 and Oct. 5 at 12:00 noon - Oct. 20 Sept. 30 - Oct. 4 and Oct. 5 at 12:00 noon - Nov. 3 Oct. 12 - Nov. 15 Nov. 2 - Dec. 18	 2 2 2 2	The possession limit is equivalent to the number of carcass tags issued.
h. Collins zone	Three permit periods: Sept. 16 - Oct. 4 and Oct. 5 at 12:00 noon - Oct. 6	 2	The possession limit is equivalent to the number of carcass tags issued.	

Oct. 7 - Oct. 27

2

Oct. 28 - Nov. 22

2

i. Rock Prairie subzone

Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon -
Oct. 13 and Oct. 19 -
Jan. 2

1

2

k. Mississippi river
subzone

Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon -
Oct. 13 and Oct. 19 -
Dec. 11

1

2

2. Snow or blue
and Ross' geese

Entire state

As established by
zone

10

20

a. All that part of the
exterior zone lying
within the northern
subzone established in
s. NR 10.32 except for
the subzone described
in subd. 2.b.

Sept. 21 - Sept. 27
and Sept. 28 at 12:00
noon - Dec. 23

b. Brown county
subzone

Sept. 21 - Sept. 27
and Sept. 28 at 12:00
noon - Dec. 23

c. All that part of the
exterior zone lying
within the southern
zone established in
s. NR 10.32 except for
the zones and subzones
described in this subd.
2. d. to k.

Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon -
Oct. 13 and Oct. 19 -
Jan. 2

d. Burnett county
subzone

Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon -
Oct. 13 and Oct. 19 -
Jan. 2

g. Horicon zone Sept. 16 – Oct. 4 and
Oct. 5 at 12:00 noon
– Dec. 18

h. Collins zone Sept. 16 – Oct. 4 and
Oct. 5 at 12:00 noon -
Nov. 22

i. Rock Prairie subzone Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon –
Oct. 13 and Oct. 19 –
Jan. 2

k. Mississippi river
subzone Sept. 28 – Oct. 4,
Oct. 5 at 12:00 noon -
Oct. 13 and Oct. 19 –
Dec. 11

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 within the northern zone established in s. NR 10.32 except for the subzone described in subd. 3.b. Sept. 21 – Sept. 27 and Sept. 28 at 12:00 noon – Dec. 23

b. Brown county subzone Sept. 21 – Sept. 27 and Sept. 28 at 12:00 noon – Dec. 23

c. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in this subd. 3. d. to k. Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon –
Oct. 13 and Oct. 19 –
Jan. 2

d. Burnett county subzone Sept. 28 - Oct. 4,
Oct. 5 at 12:00 noon –
Oct. 13 and Oct. 19 –
Jan. 2

	g. Horicon zone	Sept. 16 – Oct. 4 and Oct. 5 at 12:00 noon – Dec. 18		
	h. Collins zone	Sept. 16 – Oct. 4 and Oct. 5 at 12:00 noon - Nov. 22		
	i. Rock Prairie subzone	Sept. 28 - Oct. 4, Oct. 5 at 12:00 noon – Oct. 13 and Oct. 19 – Jan. 2		
	k. Mississippi river subzone	Sept. 28 – Oct. 4, Oct. 5 at 12:00 noon - Oct. 13 and Oct. 19 – Dec. 11		
NR 10.01(1)(u) 1. All species of wild ducks, mergansers and coots except pintails and canvasbacks	Northern zone as established in s. NR 10.32	Sept. 21 - Sept. 22, Sept. 28 at 12:00 noon - Nov. 26 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
	Southern zone as established in s. NR 10.32	Sept. 21 - Sept. 22, Oct. 5 at 12:00 noon – Oct. 13, Oct. 19 – Dec. 8 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)(dm) is created to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(dm) Canvasback	Entire state	None	None	None

SECTION 3. NR 10.01(1)(g)1.n. is repealed.

SECTION 4. 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-ducks, mergansers, geese, coots, and gallinules for 2 consecutive days starting on ~~the 14th day before the opening of the regular duck season September 21.~~ 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 for the zone where goose hunting, as listed in par. (g)1., if hunting Canada geese. Daily bag limits are those described under s. NR 10.01 (1) (b), (c), (d), (dm) 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.

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 to 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 State of Wisconsin Natural Resources Board on August 14, 2002.

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

Dated at Madison, Wisconsin August 20, 2002

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Darrell Bazzell
Darrell Bazzell, Secretary

(SEAL)

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-23-02 and WM-24-02(E)

Subject
 2002 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 Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs

- | | |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This rule package establishes the seasons and daily bag limits for the 2002 migratory game bird hunting. Significant changes are:

Ducks - The state is divided into two zones each with 60-day seasons the north season will run continuous with no split and the south will have a 7-day split. This year the northern duck zone season will begin at noon on September 21 and continue through November 19. The southern duck zone season will begin at noon on September 28 and continue through October 6 and from October 14 to December 3. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, 1 pintail (during the open dates of the 30 day pintail season), 2 wood ducks, 2 redheads and 3 scaup. A 30-day pintail season will be offered from September 21 - October 20 in the northern duck zone and from September 28 - October 6 and October 14 - November 3 in the southern duck zone. The canvasback season is closed in 2002.

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, Rock Prairie and the Mississippi River.

Season lengths are as follows:

- Collins Zone - 68 days - Horicon Zone - 94 days
- Exterior Zone - 94 days - Mississippi River Subzone - 70 days

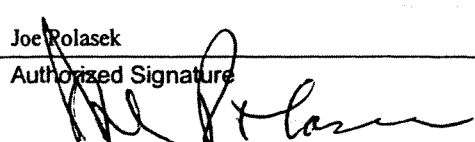
Youth hunt - The two day youth waterfowl hunt will be offered on the same tow days statewide, 14 days prior to the duck opener in the South and 7 days prior to the duck opener in the North.

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

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 8-9-02

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 25.06(1)(a)1. to 3. relating to commercial fishing in Lake Superior

FH-15-02(E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041, 29.519(1)(b), 227.11(2)(a) and 227.24(1)(a), Stats.
Statutes interpreted: ss. 29.014(1), 29.041 and 29.519(1)(b), Stats.

The order changes the total allowable commercial and home use harvest of lake trout from Lake Superior and the allocation of the harvest among non-Indian commercial fishers and the Red Cliff and Bad River bands.

SECTION 1. NR 25.06(1)(a)1. to 3. are amended to read:

NR 25.06(1)(a)1. The total allowable commercial and home use harvest in waters of Lake Superior east of Bark Point may not exceed ~~59,510~~ 62,711 lake trout. The total allowable commercial and home use harvest in waters of Lake Superior west of Bark Point may not exceed ~~4,430~~ 2,643 lake trout.

2. That number of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior east of Bark Point may not exceed ~~5,740~~ 5,856 lake trout, and from the waters of Lake Superior west of Bark Point may not exceed ~~4,430~~ 1,464 lake trout.

3. That number of lake trout to be harvested by the Red Cliff and Bad River bands, including both commercial and home use fishers, from the waters of Lake Superior east of Bark Point may not exceed ~~53,800~~ 56,855 lake trout. That number of lake trout to be harvested by the Red Cliff and Bad River bands, including both commercial and home use fishers, from the waters of Lake Superior west of Bark Point may not exceed ~~3,000~~ 1,179 lake trout. If the Red Cliff and Bad River bands do not reach an agreement on the method of allocating the tribal quota between them, the department may divide the quota 50% for the Bad River band and 50% for the Red Cliff band, or by any other equitable method.

Statement of Emergency

The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent negotiated amendments to the agreement between the State and the Red Cliff and Bad River Bands. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. Failure of the State to do so will not only deprive state fishers of increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 26, 2002.

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

Dated at Madison, Wisconsin July 3, 2002

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Darrell Bazzell
Darrell Bazzell, Secretary

(SEAL)

ORDER OF
 THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
 AMENDING RULES

The Wisconsin Natural Resources Board adopts an order to amend NR 20.20(73)(j)4. relating to sport fishing for yellow perch in Lake Michigan and Lake Michigan tributaries.

FH-18-02(E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041, 227.11(2)(a) and 227.24(1)(a), Stats.
 Statutes interpreted: ss. 29.014(1) and 29.041, Stats.

The order changes the sport fishing open season for yellow perch on Lake Michigan and its tributaries (not including Green Bay and its tributaries). Currently the open season runs from July 1 to May 31, leaving a closed season during all of June. With this revision, the open season will run from June 16 to April 30, leaving a closed season from May 1 through June 15.

SECTION 1. NR 20.20(73)(j)4. is amended to read:

NR 20.20(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OTHER SIZE RESTRICTIONS (INCHES)
(j) Panfish	4. Lake Michigan, Lake Michigan tributaries	a. Hook and line	Continuous, but the open season for yellow perch is July 1 to May 31 June 16 to April 30	25 in total but only 5 may be yellow perch	None

FINDING OF EMERGENCY

The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

Yellow perch reproduction has been poor in Lake Michigan since 1990, leading to the closure of commercial fishing and severe limitations on sport fishing. Reproduction was moderately good in 1998, and reproduction by fish spawned in that year now provides the best hope for an early recovery of the population. This rule is needed to adequately protect fish spawned in 1998 during the 2002 spawning season.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on February 27, 2002.

The rules contained herein shall take effect upon publication as emergency rules, as provided in s. 227.24(1)(c), Stats.

Dated at Madison, Wisconsin March 25, 2002

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Darrell Bazzell
Darrell Bazzell, Secretary

(SEAL)

12/12/01

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

The Wisconsin Natural Resources Board adopts an emergency order to amend NR 20.10(10) and 20.33(5)(c); and to create NR 20.10(10m) relating to sturgeon spearing on the Lake Winnebago system

FH-35-01(E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041, 227.11(2) and 227.24, Stats.
Statutes interpreted: ss. 29.014(1) and 29.041, Stats.

This order amends the registration deadline for sturgeon speared from the Lake Winnebago system from 6:00 p.m. on the day speared to 1:30 p.m. on the day speared and establishes a closed season for sturgeon spearing from 12:30 p.m. to 6:30 a.m. of the following day.

SECTION 1. NR 20.10(10) is amended to read:

NR 20.10(10) Possess a sturgeon unless each person who has speared a sturgeon during the open season for spearing sturgeon shall exhibit the sturgeon, with the person's sturgeon carcass tag attached as required by s. 29.237, Stats., to a warden or other authorized department personnel at an official sturgeon registration station. Sturgeon shall be intact and registered at a station on Lake Winnebago if speared in Lake Winnebago. Sturgeon shall be intact and registered at a station on Lake Butte des Morts, Winneconne or Poygan if speared in Lake Butte des Morts, Winneconne or Poygan. Sturgeon shall be exhibited at a sturgeon registration station not later than ~~6:00~~ 1:30 p.m. on the day speared. The registration tag shall remain attached and locked to the sturgeon until the carcass is prepared for final consumption.

SECTION 2. NR 20.10(10m) is created to read:

NR 20.10(10m) Fish for sturgeon by the method of spearing or possess or control a spear or similar device within a fishing shelter on Lake Winnebago system waters from 12:30 p.m. until 6:30 a.m. of the following day.

SECTION 3. NR 20.33(5)(c) is amended to read:

NR 20.33(5)(c) *Effective date of season closure.* The season closure shall take effect at ~~6:00~~ 12:30 p.m. on the day following issuance of the department press release announcing the season closure in par. (b).

Finding of Emergency

The department of natural resources finds that an emergency exists and the foregoing rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting this emergency are:

Winter spear harvest of sturgeon has continued to exceed the total allowable harvest goals due to an increase in spearing pressure and the current format of the season, which allows continued spearing for 1 day following the announcement of the season closure (when 80% of the total allowable harvest is reached). Harvest on the final day of the 2001 season resulted in a final harvest that exceeded the total

allowable harvest by 52%. An emergency order is needed to protect the sturgeon population by preventing continued overharvest of female sturgeon during the 2002 season while permanent rules are being developed. The early closure should reduce spearing effort by 40%, which should decrease the daily harvest and reduce the risk of exceeding the total allowable harvest on the final day of the season.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 5, 2001.

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

Dated at Madison, Wisconsin, 6 December 2001

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Darrell Bazzell
Darrell Bazzell, Secretary

(SEAL)

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

The Natural Resources Board proposes an order to renumber and amend NR 10.01(3)(es); to amend NR 10.01(3)(e)(intro.) and 1.(intro.), 10.01(3)(em)1., 10.01(3)(h)1.a. and 10.06(8)(b); repeal and recreate NR 11.13, create NR 10.01(3)(e)7., (em)4, 10.01(3)(es)1.h., 10.011, 10.09(2)(d) and 10.104(11), pertaining to deer hunting in deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 41, 42, 43, 52, 52A, 54A and 58.

WM-15-01(E)

Analysis Prepared by the Department of Natural Resources

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

Statutes interpreted: ss. 29.014, 29.177, 29.197 and 29.181, Stats.

In this order:

Sections 1 and 2. Regular Gun Deer Season - Establishes an either-sex regular gun deer season November 17-25 in deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 41, 42, 43, 52, 54A and 58.

Sections 3 and 4. Antlerless Bow Hunt - Restricts archers to antlerless deer only during the deer herd control hunts October 25-28 and December 6-9.

Sections 5 and 6. Muzzleloader Deer Season - Establishes an either-sex muzzleloader season November 26-December 2.

Section 7. Coyote hunting- Prohibits coyote hunting in wolf management zone 1 during deer herd control hunts.

Section 8. Deer Herd Control Hunts - Establishes a deer herd control hunt October 25-28 and December 6-9 in the above deer management units.

Section 9. Hunting Hours - Establishes hunting hours for the deer herd control hunt.

Section 10. Hunting Seasons Closure - Clarifies that the 24 hour firearm prohibition does not apply to the day before the October and December herd control hunts.

Section 11. Special Deer Permits - Authorizes the issuance of free special antlerless deer permits for the above units.

Section 12. Property Closed Areas - Authorizes establishment of time-specific closed areas by posting of signs on department properties.

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

NR 10.01(3)(e)(intro.) and 1. (intro.). Gun deer season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(e) <i>Gun deer season.</i> As established by county and deer management unit.		The season limit is one deer unless the hunter possesses additional antlerless deer permits issued under s. NR 10.104 or hunts in accordance with s. NR 10.011.
1. Zone "A"		
All that part of the state not otherwise listed in <u>subd. 7.</u> and season zones "B" through "F".		

SECTION 2. NR 10.01(3)(e)7. is created to read:

NR 10.01(3)(e)7. Gun deer season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
7. Deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 41, 42, 43, 52, 54A and 58 the Tuscobia-Park Falls state trail and Big Bay state park.	Firearm season beginning on November 17, 2001 and ending on November 25, 2001.	One deer of either sex and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

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

NR 10.01(3)(em)1. Deer bow season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Statewide except as established under s. NR 10.01(3)(em)2. <u>subds. 2. to 5.</u>	Beginning on the third Saturday in September and continuing through the Sunday immediately prior to the opening of the deer gun season. Reopening on the second Saturday following the Thanksgiving holiday and continuing through December 31.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.

SECTION 4. NR 10.01(3)(em)4. is created to read:

NR 10.01(3)(em)4. Deer bow season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
4. Deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 39, 41, 42, 43, 52, 54A and 58 excluding the Tuscobia-Park Falls state trail.	Beginning on September 15, 2001 and continuing through October 24, 2001. Reopening on October 29, 2001 and continuing through November 15, 2001. Reopening on December 1, 2001 and continuing through December 5, 2001. Reopening December 10, 2001 and continuing through December 31, 2001.	One deer of either sex and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.
	Beginning on October 25, 2001 and continuing through October 28, 2001. Beginning on December 6, 2001 and continuing through December 9, 2001.	One antlerless deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104(5)(c).

SECTION 5. NR 10.01(3)(es)(intro.) is renumbered (es) 1. and amended to read:

NR 10.01(3)(es)1. Muzzleloader deer season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Entire state, except for the area described in subd. 1m, 1h. and 2.	Beginning 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.

SECTION 6. NR 10.01 (3)(es)1h. is created to read:

NR 10.01 (3)(es)1h. Muzzleloader deer season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
1h. Deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 39, 41, 42, 43, 52, 54A and 58 and the Tuscobia-Park Falls state trail.	Muzzleloader season beginning November 26, 2001 and ending on December 2, 2001.	One deer of either sex and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

SECTION 7. NR 10.01(3)(h)1.a. is amended to read:

NR 10.01(3)(h)1.a.

Kind of animal and locality	Open season (all dates inclusive)	Limit
Wolf management zone 1, as described in s. NR 10.20.	All year except closed during the gun deer seasons as established under ss. NR 10.01(3)(e) and (es), <u>10.011</u> and 10.117.	None

SECTION 8. NR 10.011 is created to read:

NR 10.011 Deer herd control hunts. Notwithstanding any other provisions of this chapter, which remain in effect, deer herd control hunts allowing the use of bows and firearms are established beginning on October 25, 2001 and ending on October 28, 2001, and beginning on December 6, 2001 and ending on December 9, 2001 in deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 41, 42, 43, 52, 54A and 58, excluding the Tuscobia-Park Falls state trail. This deer herd control hunt will not be held in the areas described in chs. NR 11 and 15 in these deer management units. The bag limit is one antlerless deer and additional antlerless deer as authorized by antlerless deer permits authorized under s. NR 10.104. The provisions of s. 29.301(2), Stats., relating to blaze orange requirements apply to all hunters except waterfowl hunters.

SECTION 9. NR 10.06(8)(b) is amended to read:

NR 10.06(8)(b) *Gun deer season.* Hunting hours established in sub. (5) shall apply to bow and gun hunters pursuing any species, except migratory game birds listed in s. NR 10.01(1) during the regular gun deer season established in s. NR 10.01(3)(e) and during the deer herd control hunts established in s. NR 10.011. There are no hunting hour restrictions for coyotes, fox, raccoon and all wild animals for which no closed season is established, during the deer herd control hunts established in s. NR 10.011.

SECTION 10. NR 10.09(2)(d) is created to read:

NR 10.09(2)(d) Hunting during the 24-hour period prior to the deer herd control hunts beginning on October 25, 2001 and December 6, 2001.

SECTION 11. NR 10.104(11) is created to read:

NR 10.104(11) SPECIAL DEER HUNTING PERMIT. Each special permit is valid for the taking of one antlerless deer in deer management units 1, 1M, 2, 3, 4, 5, 6, 13, 14, 18, 19, 20, 25, 26, 29A, 30, 31, 32, 36, 37, 38, 41, 42, 43, 52, 52A, 54A and 58, including the Tuscobia-Park Falls state trail or in farmland deer management units designated as Zone T for the 2001 deer seasons, according to s. NR 10.117. Special deer hunting permits for antlerless deer issued under s. NR 10.104 and s. 29.177, Stats., shall be issued free of charge. Hunters may receive one special permit with their license for the archery season and one special permit with their license for the gun deer season or 2 free special permits with their conservation patron license. Additional bonus antlerless deer permits may be purchased pursuant to s. 29.181, Stats., for all of the above units except unit 52A. Notwithstanding all other provisions of this chapter, which remain in effect, hunter's choice permits under s. 29.177, Stats., or hunting access permits under s. NR 45.09(4) will be issued for, and are required to hunt during seasons described in s. NR 10.27, 10.01(3)(e) and (em) in unit 52A. These permits may be filled in open firearm, muzzleloader and archery seasons. Additional bonus permits for unit 52A may be purchased only by those who have obtained hunter's choice or access permits for unit 52A.

SECTION 12. NR 11.13 is repealed and recreated to read:

NR 11.13 Public lands closed area. The department may establish areas or time periods closed to hunting by posting signs within the exterior limits of public hunting grounds, state wildlife areas and other state-owned or leased lands administered by the department.

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. This emergency rule is needed to control deer populations that are significantly over goal levels in order to prevent substantial deer damage to agricultural lands and forest resources, and to minimize deer nuisance problems, thereby protecting the public peace, health, safety and welfare. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify the rules will result in excessively high deer populations well above established goal levels, causing substantial deer damage to agricultural lands and forest resources, and potential for disease.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 25, 2001.

The rule shall take effect on September 1, 2001.

Dated at Madison, Wisconsin, May 4, 2001

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Darrell Bazzell

Darrell Bazzell, Secretary

(SEAL)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE

COA-2048 N(R10/94)

Subject

Modifying 2001 Deer Seasons in 60 Farmland Deer Management Units with two four-day antlerless seasons and issuing free antlerless deer permits

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

20.370 (3)(mu) + (5)(Fq)

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL/RULE -

This rule establishes deer management units designated as Zone T in the farmland area of the state. The units included in Zone T are 23, 23A, 33, 46, 47, 51A, 51B, 54B, 54C, 57, 57A, 57B, 57D, 59A, 59B, 59D, 59M, 60M, 61, 61A, 62B, 63A, 63B, 64M, 65A, 65B, 66, 67A, 67B, 68A, 68B, 69, 69C, 70, 70A, 70B, 70C, 70D, 70E, 70F, 70G, 71, 72, 72A, 73B, 73E, 74A, 74B, 75A, 75C, 76, 76M, 77B, 77C, 77D, 77M, 80A, 80B, 80C and 81. Zone T designation includes two four-day deer control hunts, one free antlerless permit and either-sex gun and muzzleloader seasons.

FISCAL IMPACT - Farmland Zone T Units

Revenue Reduction:

One expected financial impact of this order is the loss of revenue from the \$3.00 application fee for hunter's choice and bonus permits, which will not be collected for Zone T deer management units. This number of permits is expected to be similar to 2000 sales as there is a similar number of units under the Zone-T framework in 2001. The reduction in revenue from permit application fees is estimated to be \$117,645 (39,215 applications submitted for these units in 2000 at \$3 each = \$117,645).

Another expected financial impact would be the loss of revenue from bonus sales in these units. The reduction in revenue from lost bonus permit sales is estimated to be \$2,451,225 (4,902 non-resident bonus permits at \$20 each = \$98,049, and 196,098 resident permits at \$12 each = \$2,353,176). This total is only slightly down from the 2000 total of \$2,719,896, a difference of \$268,671. These fees will not be collected because of the issuance of special free antlerless permits for these units. Bonus antlerless permits will be available for sale in the Zone T units after a hunter has received his/her free permit. We expect this option to be used very rarely, and so have estimated the loss of revenue to include all bonus sales in Zone T units in 2001.

The 2001 Zone T hunting season will again have the effect of reducing the balance in the WDACP account, but this is expected to be a short term effect, and projected balances in the WDACP account are anticipated to be sufficient to pay claims at least through 2003. Projections beyond 2003 are subject to need for and magnitude of subsequent Zone T seasons. Revenue to the WDACP in 2000 was approximately \$2,134,200, down from the 1999 revenue of approximately \$6,410,300 due to the increased issuance of free Zone T permits in lieu of selling bonus permits. The carryover balance at the end of 1999 was \$8,258,600. Costs to the account in 2000, including the costs of the new venison donation and processing program, were approximately \$3,567,900. The carryover balance at the end of 2000 is estimated to be approximately \$6,825,000. Total revenue to the account, after the estimated combined reduction of \$3,737,270 (\$1,386,546 Forest units and \$2,350,724 Farmland units) due to reduced bonus permit sales, is estimated to be \$2,134,200 in 2001.

(continued on pg. 2)

Long-Range Fiscal Implications

Revenue from bonus permit sales is earmarked by the legislature to fund the Wildlife Damage Abatement and Claims Program (WDACP). Bonus permit sales in 2000-01 will likely result in adequate WDACP funding in 2001. However, it is difficult to forecast impacts on the WDACP in 2002. Significant Zone T harvest in 2001 will reduce damage in 2002.

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794	<i>Joe Polasek</i>	(608) 266-2794	03/19/2001

CA
-tailed E
-OA-27

ions Used in Arriving at Fiscal Estimate

Revenue Increase:

Over the last decade, there has been a pattern of increased license sales in years with high antlerless permit availability. In years when antlerless permits increased substantially over the previous year, there were increases in deer-related license sales of between 4% and 5% (1998-2000 and 1989-1990). The proposed Zone T permit issuance procedure, with the number of proposed units similar to 2000, will see relatively similar totals of the number of antlerless permits available to hunters. For this reason, no increase in license sales is anticipated when 2001 is compared to the 2000 totals.

Cost Increase:

Increased cost expected to be accrued from sustaining the Zone T permit issuance procedure from 2000 to 2001 is \$14,800 statewide. This total includes the following estimates:

- ALIS and database management consultation and programming costs: \$14,800

60% of the proposed 2000 Zone T units are in the farmland region of the state. The portion of these increased costs in the Zone T farmland units, equal to 60% of the above costs, is \$8,880.

The primary impact of this proposal on law enforcement operations will stem from the two 4-day firearm herd control hunts. We assume that the deer herd control hunts will bring with them typical firearm deer season complaints from landowners, hunters and other enforcement agencies, accidents and the need for an active enforcement presence. These hunts will impact no less than 120 wardens that work in management units open during these firearm seasons. These periods are not usually major openings. Therefore, the opening will conflict with work schedules in approximately 25% of the wardens affected. To provide satisfactory coverage to the affected areas, an additional 2,400 hours of enforcement will be required (120 wardens X 25% X 8 days X 10 hours per day). An additional 1,800 hours of special conservation warden time will be expended during these periods. The cost for the additional coverage above what is normally present during these 4 day periods will include: \$46,800 in permanent salary and fringe, \$18,000 in special warden LTE costs, and \$12,960 in travel expenses. No estimate was made of costs associated with spill-over enforcement problems in adjacent management units during the deer herd control hunts. This estimate is left in place from the 2000 proposal and no significant changes are seen as needing additional attention.

Cost Reduction:

For fiscal year 2001, The Bureau of Customer Service and Licensing has spent \$243,078 on the hunter's choice and bonus application and mail-allocation process costs associated with printing, postage, freight, supplies and services, employee wages and fringes, Zone T, valeron and change orders. When compared to 2000, the increase with the new implementation via the ALIS terminals is \$1,718 statewide, which really comes down to being neither an increase nor a decrease.

The cost of materials used to issue bonus permits at ALIS outlets for the proposed Zone T units in 2001 will also be saved. At \$.10 per permit issued, expected savings from not issuing these 201,001 permits is \$20,100.10 statewide.

The cost of permit stock of Zone T antlerless permits issued at the point of sale, equal to \$.10 per Zone T permit issued: \$34,700. This estimate is based on a license sale similar to 2000, but with a reduction in the number of Zone T permits issued with a sale. This has been changed from a cost increase to a cost reduction due to the new technique of distributing Zone T permits and the reduction in number of permits available in 2001.

60% of the proposed 2001 Zone T units are in the farmland region of the state. The portion of these savings in the Zone T farmland units, equal to 60% of the two above costs, is \$158,239.26. Note that this decrease is not only a decrease from last fiscal year, but also is a decrease on an annual basis with the implementation of the Zone T season structure.

Estimated Revenue Loss (based on 2000):

Hunter's Choice/Bonus application fee:	39,215 x \$3.00 = \$117,645.00
Bonus deer permits:	Residents: 196,098 x \$12 = \$2,353,176.00
	Non-residents: 4,903 x \$20 = \$98,049.00
	Total 2000 Bonus Revenue = \$2,451,225.00

Estimated Cost Increase:

Permit Issuance = \$14,800
Law Enforcement cost: = \$77,760.00

Estimated Cost Decrease:

HC/Bonus program and point of sale Bonus issuance = \$62,380.06

FISCAL IMPACTS BY ACCOUNT:

The above estimated fiscal effects of the proposed Zone T season can be broken down into two accounts. Revenue received from the sale of bonus permits applied to the Wildlife Damage Abatement and Claims Program, except for \$.50 from each permit, which is applied to the Fish and Wildlife Seg. account for administrative costs. The rest of the cost estimates above are applied to the Fish and Wildlife Seg. account.

Fish and Wildlife Seg.: \$51,965.74
Wildlife Damage Abatement and Claims Account: \$2,350,724.50



CA! ESTIMATE WORKSHEET

1999 Session

Revised Estimate of Annual Fiscal Effect
 JOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment
 WM-15-01(E)

Subject

Revising 2001 Deer Seasons in 60 Farmland Deer Management Units with two four-day antlerless seasons and issuing free antlerless deer permits
 One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
A. State Costs by Category		Increased Costs	Decreased Costs
State Operations - Salaries and Fringes		\$77,760	
(FTE Position Changes)			
State Operations - Other Costs		\$14,800	(\$62,880)
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$92,560	(\$62,880)
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR			
FED			
PRO/PRS			
SEG/SEG-S		\$92,560	(\$62,880)
III. State Revenues:	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes			
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			(\$2,568,870)
TOTAL State Revenues			(\$2,568,870)

NET ANNUALIZED IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$29,680	\$0
NET CHANGE IN REVENUES	(\$2,568,870)	\$0

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794		(608) 266-2794	03/19/2001

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

The Wisconsin Natural Resources Board proposes an order to amend ch. NR 6 (title) and 6.01 and to create NR 6.04 to define unreasonable and improper speed to include operating a snowmobile at speeds greater than 50 MPH during the hours of darkness.

LE-49-00(E)

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 23.11(1), 27.01(2)(k), 227.11(2)(a) and 227.24, Stats.

Statutes interpreted: ss. 350.03(2)(b), 350.04 and 350.10(1)(a), Stats.

Currently s. 350.10(1)(a), Stats., prohibits snowmobile operation at "unreasonable and improper speed," a phrase which is not further defined in the statute. This rule will define "unreasonable and improper" to include speeds in excess of 50-mph during the hours of darkness. The speed of 50-mph was selected, as it is the speed at which snowmobilers begin to be unable to stop within the distance illuminated by their headlights.

SECTION 1. Chapter NR 6 (title) is amended to read:

**SNOWMOBILE OPERATION STANDARDS, SNOWMOBILE STANDARDS
CERTIFICATION, AND SNOWMOBILE RAILROAD CROSSINGS.**

SECTION 2. NR 6.01 is amended to read:

NR 6.01 Purpose. The purpose of this subchapter is to define unreasonable or improper snowmobile speeds, establish procedures for certification of snowmobile equipment standards pursuant to s. 350.09, Stats., and establishes requirements for snowmobile races and derbies.

SECTION 3. NR 6.04 is created to read:

NR 6.04 Unreasonable or improper snowmobile speed. (1) Unreasonable or improper snowmobile speeds include operating a snowmobile over 50-miles per hour during the hours of darkness.

(2) Snowmobiles competing in a sanctioned race or derby are exempt, and are not deemed to be operating at unreasonable or improper speeds when exceeding 50-miles per hour during the hours of darkness.

Statement of Emergency

During the 1999-2000 snowmobile season conservation wardens investigated 38 fatal snowmobile accidents. Of these accidents, 10 deaths could be directly attributed to operation at excessive speed during the hours of darkness. Fourteen other deaths could have been avoided if the operators had observed more prudent speeds, allowing them to avoid nighttime hazards. Potentially 24 of the 38 fatalities could have been avoided if the snowmobiler had been operating at slower speeds during the hours of darkness. Unless an immediate change is made in the snowmobile laws similar number of avoidable fatalities will occur during the 2000-2001 snowmobile season. Even greater numbers could occur if the early snows seen in November of 2000 remain, thereby extending the snowmobile season beyond that experienced in 1999-2000.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 6, 2000.

The rules shall take effect on the date of publication in the official state newspaper.

Dated at Madison, Wisconsin December 7, 2000

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)