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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-02-02

Legislative Council Rules Clearinghouse Number 02-018

Subject of Rules Hunting, trapping and captive
wildlife

Date of Transmittal to Presiding Officers May 29, 2002

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

Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
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An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 10, 15, 16 and 17, Wis. Adm. Code

Hunting, trapping and captive wildlife

Board Order No. WM-02-02

Clearinghouse Rule No. 02-018

Statement of Need

The following proposed changes are minor in nature and non-controversial:

1. Provides a definition of "explosive tips" used for archery as prohibited equipment and is currently not defined in statute or administrative code.
2. Corrects the date of the one-day youth deer hunt so it coincides with the weekend of the October Zone T hunts to limit the conflict that may occur with other hunting seasons is two Saturdays in October were affected by deer gun hunting.
3. Codifies the public notice procedure for implementation of special herd control hunts. This provision was inadvertently not included in the recent Deer 2000 rule order.
4. Eliminates the requirement that group applicants submit all applications in a single envelope. This language is currently outdated. Applicants are no longer required to submit all applications in one envelope.
5. Extends the deadline for submitting a Class A bear license fee to April 15. Bear licenses are being sold through the automated Licensing System (ALIS) and the earliest licenses can be sold is March 10. This modification will allow hunters to purchase their license after March 10 and meet the deadline.
6. Eliminates the requirement that state waterfowl and turkey stamps must be attached to one's hunting license when hunting. The language requiring the attachment of the stamp to one's license is outdated as stamp approvals are now printed on the license.
7. Clarifies legal and illegal trapping hours as requested by the Wisconsin Conservation Congress.
8. Shortens the number of days needed before the daily number of pheasant hunting permits may exceed 300 from 14 to 2, and changes the time of day at which time the number of permits may be exceeded in the Bong State Recreation Area Hunting Zone to ensure a quality hunting experience.
9. Increases the number of days that a hunter may harvest 2 birds of either sex in the Bong State Recreation Area Hunting Zone. This change will increase the daily bag limit sooner on Bong in the early part of the season, bringing it in line with the existing regular pheasant-hunting framework for daily bag limits.
10. Adds a map of the most recently created metropolitan Deer Management Unit (1M) to the list of metro deer management units.

11. Updates those wildlife refuges in Marathon and Wood counties where the hunting of deer during the gun and muzzleloader seasons is allowed.

12. Repeals language regarding commercial deer farms that was made obsolete due to statutory changes.

13. Corrects inaccurate citations pertaining to "protected and unprotected wild animals".

Modifications as a Result of Public Hearing

There were no modifications.

Appearances at the Public Hearing and Their Position

There were no appearances.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were incorporated.

Final Regulatory Flexibility Analysis

The revisions pertain to rules relating to hunting, trapping, target shooting and captive wildlife.

These rules are applicable to individuals sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

Therefore, a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.25(1)(a)3., and 16.01(3); to renumber NR 15.02(6) and (7) and 15.022(9) and (10); to amend 10.01(3)(ev), 10.102(2)(b) and (4), 10.104(7)(b), 10.12(10), 10.125 (2)(c)2., 10.13(3)(a) and (b), 10.24(3)(c)1. and 2. and (6)(a)1., 10.25 (1)(c)3., and 17.001(9) and (10); and to create NR 10.001(9k), 10.01(3)(ez)3. and 10.28(2)(f) relating to hunting, trapping and captive wildlife.

WM-02-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014(1) and 227.11(2), Stats.

Statutory interpreted: ss. 23.09(2), 29.014(1), 29.024(6), and 29.173(3) Stats.

In this order:

Section 1 Defines “explosive tips” used for archery as prohibited equipment.

Section 2 Corrects the date of the one-day youth deer hunt to coincide with the special herd control hunts.

Section 3 Codifies the procedure for public notice prior to a deer season modification.

Section 4, 6, 8, and 13 Eliminates the requirement that group applicants submit all applications in a single envelope.

Section 5 Extends the deadline for submitting a Class A bear license fee to April 15.

Sections 7 and 12 Eliminates the requirement that state waterfowl and turkey stamps must be attached to one’s hunting license when hunting.

Section 9 Clarifies legal and illegal trapping hours.

Section 10 Shortens the number of days needed before the daily number of pheasant hunting permits may exceed 300 from 14 to 2, and changes the time of day at which time the number of permits may be exceeded in the Bong State Recreation Area Hunting Zone.

Section 11 Increases the number of days that a hunter may harvest 2 birds either sex in the Bong State Recreation Area Hunting Zone.

Section 14 Adds a map of the most recently created metropolitan Deer Management Unit (1M) to the list of metro deer management units.

Section 15 Allows the hunting of deer during the gun and muzzleloader seasons in portions of wildlife refuges in Marathon and Wood counties.

Section 16 Repeals language regarding commercial deer farms that was made obsolete due to statutory changes.

Section 17 Corrects inaccurate citations pertaining to “protected and unprotected wild animals.”

Section 1. NR 10.001(9k) is created to read:

NR 10.001(9k) "Explosive tips" means any arrow that expels compressed gases upon contact with an object or otherwise utilizes an explosive reaction. Compressed gasses can be caused by, but not limited to, the chemical reaction of explosive material or through compressed gas contained within or on the arrow shaft or tip.

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

NR 10.01(3)(ev) *Special youth antlerless deer hunt event.* Persons 12 years of age or older but under the age of 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 antlerless deer with a gun on the Saturday ~~nearest October 24~~ of a herd control hunt defined under s. NR 10.01(3)(ez)1.a. in deer management units, except state park units, not included in a deer herd control hunt under s. NR 10.01(3)(ez). Allowable types of guns are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). The bag limit is one antlerless deer per hunter's choice or antlerless deer permit issued under s. NR 10.104. Youth who are first time graduates of the hunter education program may use their certificates of accomplishment in place of a hunter's choice permit issued under s. 29.177, Stats., to take an antlerless deer. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters and all other hunting regulations apply. Blaze orange requirements under s. 29.301(2), Stats., apply to all hunters on this day except waterfowl hunters.

Section 3. NR 10.01(3)(ez)3. is created to read:

NR 10.01(3)(ez)3. Modification by the department under subd. 1. shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.

Section 4. NR 10.102(2)(b) is amended to read:

NR 10.102(2)(b) *Group applications.* Group applications for a maximum of 4 hunters may be submitted for Class A bear hunting licenses provided each applicant completes the application form ~~and all forms are submitted in one envelope marked "group application" on the outside.~~ The group's preference standing shall be that of the member with the lowest number of preference points. If the group is selected, the group shall accept or reject Class A bear licenses for all members of their group.

Section 5. NR 10.102(4) is amended to read:

NR 10.102(4) FEES. A successful applicant shall submit the appropriate license fee established by s. 29.563 (2) (a) 6. or 7. or (b) 4. or 5., Stats., to the department before receiving a Class A bear license. The fees shall be ~~mailed and postmarked submitted to a license vendor or department service center no later than the Friday nearest March 1 or received by the department customer service and licensing bureau, 101 S. Webster, P.O. Box 7924, Madison, WI 53707 no later than 4:30 p.m. on that Friday April 15~~ each year.

Section 6. NR 10.104(7)(b) is amended to read:

NR 10.104(7)(b) *Group applications.* Group applications up to and including 4 hunters will be honored for deer hunting established in s. NR 10.01 (3) (e) 3. provided each applicant completes the application form ~~and all forms are submitted in one envelope marked "group application" on the outside.~~

Section 7. NR 10.12(10) is amended to read:

NR 10.12(10) WATERFOWL STAMP. No person 16 years of age and older may hunt for waterfowl without a valid state waterfowl stamp ~~with the signature of the licensee written in ink across its face and firmly affixed by its own adhesive to the back of a valid small game or sports license approval~~ unless the person is carrying a valid conservation patron license, senior citizen recreation card, free military small game license or first-year hunter education certificate.

Section 8. NR 10.125(2)(c)2. is amended to read:

NR 10.125(2)(c)2. *Group applications.* If 2 or more persons wish to hunt together in the Collins or Horicon zones, each applicant shall ~~fill out complete and submit an application form and submit them together in one envelope clearly marked "group application" on the outside.~~ A group application shall be considered one application.

Section 9. NR 10.13(3)(a) and (b) are amended to read:

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

(b) *Illegal time period.* No person may set or reset any trap or traps or attend any trapline from ~~7:00~~ 8:00 p.m. to ~~4:00~~ 4:00 a.m. ~~(CST).~~

Section 10. NR 10.24(3)(c)1. and 2. are amended to read:

NR 10.24(3)(c)1. During the first ~~14~~ 2 days of the pheasant hunting season, the number of daily hunting permits issued to individuals may not exceed 300.

2. Beginning with the ~~15th~~ 3rd day of the pheasant season, the number of daily hunting permits issued to individuals may not exceed 300 until ~~10:00~~ 11:30 a.m. After ~~10:00~~ 11:30 a.m., additional hunting permits may be issued on a first-come, first-served basis.

Section 11. NR 10.24(6)(a)1. is amended to read:

NR 10.24(6)(a)1. Daily bag – one, either sex for the first ~~14~~ 2 days; 2, either sex, thereafter.

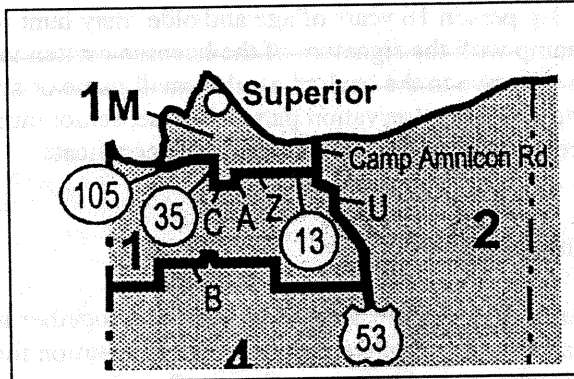
Section 12. NR 10.25(1)(a)3. is repealed.

Section 13. NR 10.25(1)(c)3. is amended to read:

NR 10.25(1)(c)3. If a maximum of 4 persons wish to hunt together, each shall complete an application form for individual licenses ~~and submit them together in a single envelope clearly marked "group application"~~. The group application shall be treated as one application for purposes of random selection or consideration for a license. Landowner preference may be requested by group applicants provided all individuals are eligible under par. (b).

Section 14. NR 10.28(2)(f) is created to read:

NR 10.28(2)(f) Unit 1M



Section 15. NR 15.02(6)(a), (b), (c), (d) and (e) are renumbered to NR 15.022(8)(a), (b), (c), (d) and (e); NR 15.022(9) and (10) are renumbered NR 15.022(10) and (11); and NR 15.02(7) is renumbered NR 15.022(9).

Section 16. NR 16.01(3) is repealed.

Section 17. NR 17.001(9) and (10) are amended to read:

NR 17.001 (9) "Protected wild animals" means animals described in ~~s. NR 19.001 (5m)~~ s. NR 19.001 (14).

(10) "Unprotected wild animals" means animals described in ~~s. NR 19.001 (7)~~ s. NR 19.001 (17).

Note: For user clarification, the definitions established by ~~s. NR 19.001 (5m) and (7)~~ s. NR 19.001 (14) and (17) are presented as follows:

~~(5m)~~ **(14) "Protected wild animals" means those animals for which a closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule, and includes:**

(a) Nongame species unless specifically designated as unprotected by the department;

(b) Game fish, game animals, game birds and fur bearing animals during closed seasons;

(c) Endangered and threatened species listed in ch. NR 27.

~~(7)~~ (17) "Unprotected wild animals" means those animals for which no closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule.

Examples of unprotected wild animals include feral pigeons, chukar partridge and coturnix quail.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 22, 2002.

All sections within this rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 02-018

AN ORDER to repeal NR 10.25 (1) (a) 3. and 16.01 (3); to renumber NR 15.02 (6) and (7) and 15.022 (9) and (10); to amend 10.01 (2) (c) 2., (3) (ev) and (ez) 1. a. and c., 10.102 (2) (b) and (4), 10.104 (7) (b), 10.12 (10), 10.125 (2) (c) 2., 10.13 (3) (a) and (b), 10.24 (3) (c) 1. and 2. and (6) (a) 1., 10.25 (1) (c) 3. and 17.001 (9) and (10); and to create NR 10.001 (10), 10.01 (3) (ez) 3. and 10.28 (2) (f), relating to hunting, trapping and captive wildlife.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-05-02 RECEIVED BY LEGISLATIVE COUNCIL.

03-05-02 REPORT SENT TO AGENCY.

RNS:JES:ksm;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☒

NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached

YES ☒

NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☒

NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-018

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. Since s. NR 10.001 (10) already exists, the text of SECTION 1 should be placed in a different subsection in s. NR 10.001. To place the term in alphabetical order, it should be in a new subsection between subs. (9e) and (9m).

b. Since the provisions created by Clearinghouse Rule 00-154 have been published in the Administrative Register and are now effective, it is not necessary to include the phrase “as created by clearinghouse rule order 00-154” in the treatment clauses in SECTIONS 3 and 4.

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

In the analysis accompanying the rule, the lists of statutes that authorize promulgation of the rule and of the statutes that the rule interprets are unduly broad and vague. Can the department list relevant subsections or paragraphs?

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

In s. NR 10.125 (2) (c) 2., there should be a space after “submit”.

Fiscal Estimate — 2001 Session

☐ Original ☒ Updated
☐ Corrected ☐ Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-02-02

Subject
Annual Wildlife Housekeeping Order Changes 2002

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. ☐ Increase Costs
 ☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
 ☐ Permissive ☐ Mandatory

3. ☐ Increase Revenues
 ☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
 ☐ Permissive ☐ Mandatory

5. Types of Local Governmental Units Affected:

☐ Towns ☐ Villages ☐ Cities

☐ Counties ☐ Others

☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The department proposes the following housekeeping rule changes:

Deer Hunting - Defines explosive tips for archery hunting, adds a map of Deer Management Unit (DMU) 1M to the list of metropolitan DMUs, updates locations where gun deer and muzzleloader hunting is allowed in select wildlife refuges in Marathon County, and provides requirements for public notice prior to special deer season modification.

Pheasant Hunting - Updates properties which allow the hunting of hen pheasants and modifies the pheasant harvest regulations for the Bong State Recreation Area Hunting Zone.

Licensing - Eliminates the requirement that a group's hunting applications be submitted in a single envelope and eliminates the requirement that state waterfowl and turkey stamps be attached to one's hunting license when hunting.

Bear Hunting - Extends the deadline for submitting Class A bear hunting license fees to April 15.

Trapping - Clarifies legal hours for trapping.

Commercial Deer Farms - Repeals language regarding commercial deer farms made obsolete due to statutory changes.

Citations - Corrects inaccurate citations within the administrative code.

Long-Range Fiscal Implications

None

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Prepared By: Joe Polecek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature <i>Joe Polecek (ET)</i>	Telephone No.	Date (mm/dd/ccyy) 4-19-02