

# 07hr\_SC-ENR\_CRule\_06-037\_pt01



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2007-08

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Environment and Natural Resources (SC-ENR)

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (June/2014)

**Senate**

**Record of Committee Proceedings**

**Committee on Environment and Natural Resources**

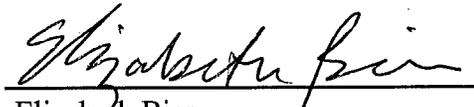
**Clearinghouse Rule 06-037**

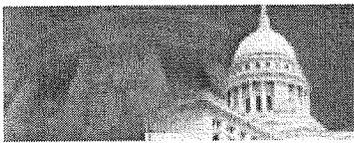
Relating to correcting management unit boundaries, clarifying trapping requirements, correcting cross-references, and updating rules on the identification of tree stands on state lands.

Submitted by Department of Natural Resources.

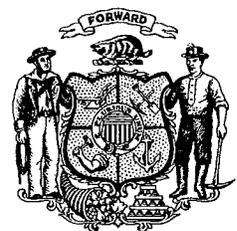
January 08, 2007      Referred to Committee on Environment and Natural Resources.

February 8, 2007      No action taken.

  
Elizabeth Bier  
Committee Clerk



# WISCONSIN STATE LEGISLATURE



**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-02-06

Legislative Council Rules Clearinghouse Number 06-037

Subject of Rules Correcting management unit boundaries, clarifying trapping requirements, correcting cross-references, and update rules on the identification of tree stands on state lands.

Date of Transmittal to Presiding Officers January 4, 2007

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](mailto:turnec@dnr.state.wi.us)

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



**Fiscal Estimate — 2003 Session**

- Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-02-05

Subject  
 2006 Wildlife Housekeeping Rule Order

**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**

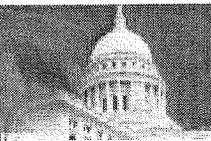
These technical rule changes are minor and non-controversial in nature. The intent of these rule changes is to provide clarification to existing rules, simplify regulations, and update administrative code language and references. Specifically, these rules will:

- Correct an inaccurate statutory cross-reference in ch. NR 10
- Clarify that site exposed bait and scent restrictions apply to all traps including snares and cable restraints
- Clarify that the trapper who catches or kills a bobcat, fisher or otter must use their own carcass tag on the animal
- Corrects and clarifies the boundaries between wild turkey hunting zones and bear hunting zones in Lincoln County, and provides consistency between deer, turkey and bear hunting zone boundaries
- Updates rules pertaining the identification of tree stands on state owned properties

**Long-Range Fiscal Implications**

None.

Prepared By: Joseph Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 08-21-06



WISCONSIN STATE LEGISLATURE



## REPORT TO LEGISLATURE

NR 10 and 45, Wis. Adm. Code  
Correcting management unit boundaries, clarifying mapping requirements, correcting cross-references, and updating rules on the identification of tree stands on state lands

Board Order No. WM-02-06  
Clearinghouse Rule No. 06-037

### Basis and Purpose of the Proposed Rule

The proposed rule contains technical rule changes that are minor and noncontroversial in nature. The proposals provide clarifications to current rules, update definitions, increase management efficiency and alter limitations on hunters. Annually the department updates administrative code language to correct inconsistencies and outdated language and provide clarification where appropriate. This year, the department is proposing the following changes related to hunting and trapping. Specifically, this rule:

- Corrects an inaccurate statutory cross-reference in ch. NR 10
- Clarifies that site exposed bait and scent restrictions in place for trapping apply to all traps, including snares and cable restraints
- Clarifies that the trapper who catches or kills a bobcat, fisher or otter must use their own carcass tag on the animal
- Corrects and clarifies the boundaries between wild turkey hunting zones and bear hunting zones in Lincoln County, and provides consistency between deer, turkey and bear hunting zone boundaries
- Updates regulations regarding the identification of tree stands on state-owned lands

### Summary of Public Comments

No comments were received on the proposed rule.

### Modifications Made

The rule that went out for public hearing included corrections and clarifications to deer management unit boundaries in Deer Management Units 41, 50, 51A, 67A and 67B. However, these boundary corrections were implemented through the 2006 deer rule package that went into effect earlier this year. Therefore, these corrections were removed from this rule order.

### Appearances at the Public Hearing

No one appeared at the public hearing.

### Changes to Rule Analysis and Fiscal Estimate

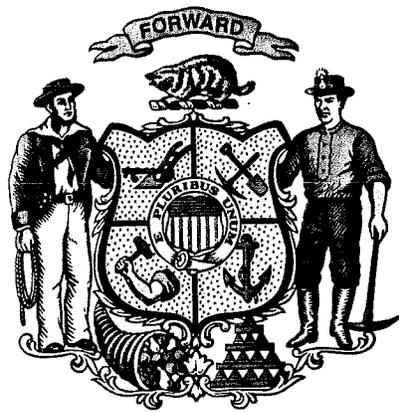
The rule analysis was changed to reflect the portions removed from the proposed order.

### Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

### Final Regulatory Flexibility Analysis

The proposed rules regulate individual hunters and trappers and impose no compliance or reporting requirements for small businesses. Therefore, a final regulatory flexibility analysis is not required.





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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Richard Sweet**  
*Clearinghouse Assistant 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 06-037**

AN ORDER to amend NR 10.05 (1), 10.13 (1) (b) 2., 10.145 (4) (a) and 45.09 (2); and to repeal and recreate NR 10.29 and 10.30, relating to correcting management unit boundaries, clarifying trapping requirements, correcting cross-references, and updating rules on the identification of tree stands on state lands.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-11-2006 RECEIVED BY LEGISLATIVE COUNCIL.

04-26-2006 REPORT SENT TO AGENCY.

RS:REL

**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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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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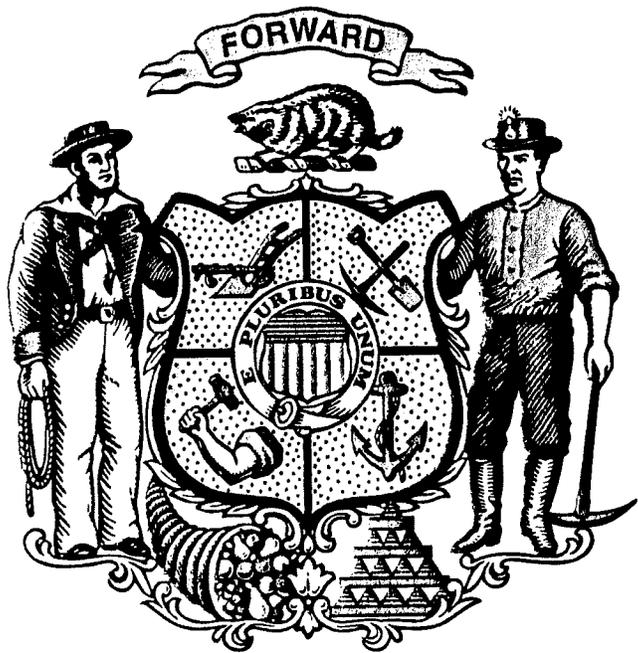
### CLEARINGHOUSE RULE 06-037

#### 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 January 2005.]

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

- a. In the first sentence of the statutory authority and explanation section of the analysis, “authorizes” should be changed to “authorize.”
- b. In the statement of statutes interpreted, the first comma should be deleted and a comma should be inserted after the word “rule.”
- c. In the first sentence of the plain language section of the analysis, a hyphen should be inserted between “trapping” and “related.”
- d. In the first sentence of the federal regulatory analysis section of the rule analysis, “Federal” should be changed to “federal.”
- e. In the anticipated private sector costs section of the analysis, “nor” should be changed to “and.”



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

The Wisconsin Natural Resources Board proposes an order to amend ss. NR 10.05(1), 10.13(1)(b)2., 10.145(4)(a), and 45.09(2), and to repeal and recreate ss. NR 10.29 and 10.30, correcting management unit boundaries, clarifying trapping requirements, correcting cross-references, and update rules on the identification of tree stands on state lands.

WM-02-06

### Analysis Prepared by the Department of Natural Resources

**Statutory Authority and Explanation:** Statutes that authorize the promulgation of this rule order include sections 29.014 and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and that all rules promulgated under this authority are subject to review under ch. 227, Stats.

**Statutes Interpreted and Explanation:** In promulgating this rule, section 29.014, Stats., has been interpreted as providing the department with the authority to make these housekeeping clarifications.

**Related Statute or Rule:** None.

**Plain Language Rule Analysis:** These hunting and trapping-related rule changes are minor and non-controversial in nature. The intent of these rule changes is to provide clarification to existing rules, simplify regulations, and update administrative code language and references. Specifically, these rules will correct management unit boundaries, clarify trapping requirements, correct cross-references, and update rules on the identification of tree stands on state lands resulting from a change requested by the legislature in 2005.

**Federal Regulatory Analysis:** Provided state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations, regulation of hunting and trapping of native species has been delegated to state fish and wildlife agencies. Additionally, none of the proposed rules exceed the authorities granted the states in 50 CFR 10.

**State Regulatory Analysis:** These housekeeping rule changes do not represent policy or significant rule changes that may differ from surrounding states. All surrounding states have regulations and rules in place for the management of wild upland, migratory and trapping species, however these proposed rule changes to the Wisconsin Administrative code are not relevant to or comparable to any known similar housekeeping initiatives in our surrounding states.

**Summary of Factual Data and Analytical Methodologies:** This rule order is based solely on the need to correct inconsistencies created through the promulgation of other rules and statutes and to serve as a vehicle to provide clarification to existing code.

**Anticipated Private Sector Costs:** These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

**Effects on Small Businesses:** These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

**Agency Contact Person:** Kurt A. Thiede, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452  
wmrules@dnr.state.wi.us

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### Section 1. NR 10.05(1) (note) is amended to read:

Note: The exceptions provided in s. 167.31 (4) (e), Stats., allow any person who is legally hunting small game with a muzzle-loading firearm or shotgun loaded with shotshells containing shot size BB or smaller, to hunt within 50 feet of the roadway's center, if the roadway is surfaced with anything other than concrete or blacktop. Additionally, Class A and B disabled hunting permit holders may also hunt within 50 feet of certain roadways under conditions listed in s. 167.3431(4)(cg), Stats.

**Section 2. NR 10.13(1)(b)2. is amended to read:**

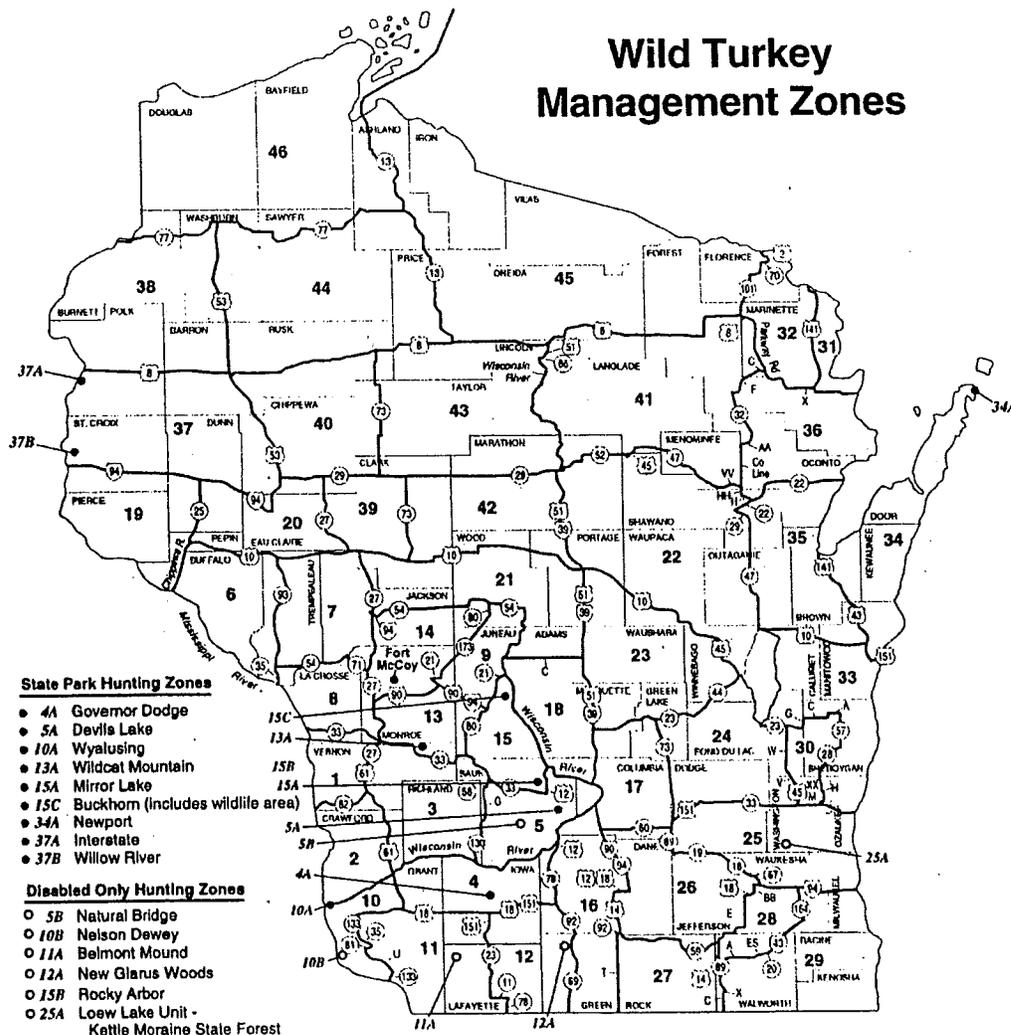
**NR 10.13(1)(b)2. 'Bait or scent.'** Set out or place any bait or scent for attracting furbearing animals during the closed season. During the open season, no person may use sight exposed bait consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of any trap, snare or cable restraint.

**Section 3. NR 10.145(4)(a) is amended to read:**

**NR 10.145(4) TAGGING REQUIREMENTS. (a) Field tagging.** When a bobcat, fisher or otter is killed and before it is carried by hand or transported in any manner, the ~~permittee~~ person who trapped or killed the bobcat, fisher or otter shall immediately validate ~~the~~ their pelt tag by slitting, tearing or punching the pelt tag in the manner indicated by the department and attach and seal the pelt tag to the animal in the manner indicated by the department. Failure to validate and attach and seal the pelt tag invalidates the permit. No person may tag a bobcat, fisher or otter that was trapped or killed by another.

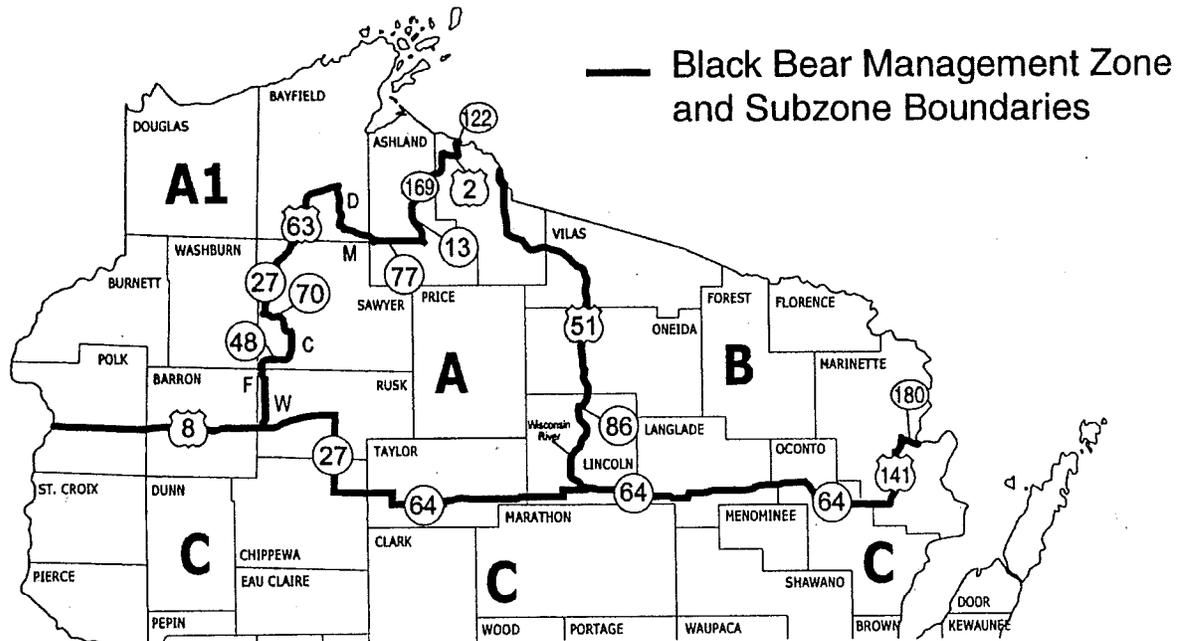
**Section 4. NR 10.29 is repealed and recreated to read:**

**NR 10.29 Wild turkey hunting zones.**



**Section 5. NR 10.30 is repealed and recreated to read:**

**NR 10.30 Black bear hunting zones.** Black bear hunting zones are established as designated on the following map:



(Zone C extends south to the Wisconsin State Line)

**Section 6. NR 45.09(2) is amended to read:**

**NR 45.09(2)** Except for blinds used exclusively for waterfowl hunting as provided in s. 29.327 (2), Stats., no person may construct, occupy or use any elevated or ground blind or other elevated device except that portable tree stands and blinds may be used provided they are removed from the property each day at the close of hunting hours. ~~Free Unoccupied tree stands shall have the owner's name and address or department customer identification number or their name and address,~~ written in the English language attached to the tree stand in a manner so it is clearly visible to a person standing on the ground, and kept legible at all times. No person may cause damage to trees by the placement or erection of portable tree stands or by any other manner while climbing or hunting from a tree. This subsection does not apply to the use of blinds constructed entirely of dead vegetation found on the property.

**Section 7. Effective date.** This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

**Section 8. Board adoption.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 27, 2006.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)