

CR 90-9



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)


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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WM-78-89 was duly approved and adopted by this Department on March 29, 1990. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 21st
day of May, 1990.


Bruce B. Braun, Deputy Secretary

(SEAL)

8-1-90

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating s. NR 10.40 .
of the Wisconsin Administrative Code .
pertaining to special deer hunts by .
disabled persons .
.....

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Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(3) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.09 as affected by 1989 Wisconsin Act 31 and 29.22(2), Stats.

The proposed rules: establish the procedures and rules for special gun deer hunts by persons with physical disabilities who possess either a Class-A (permanent physical disability) or Class-C (visual disability) disabled hunter permit. These permits authorize the hunter to kill one deer of either sex. Specific provisions of the proposed rules include:

1. Establishment of an annual application procedure with the following provisions:
 - A. Applications for special hunts must be on DNR forms and shall include the approval of the landowner(s) hosting the early hunt.
 - B. Applications deadline of June 1.
 - C. Hunt sponsor must provide the department with a final list of the names of all participating disabled hunters by September 1.
2. Requiring a minimum of 5 participants and establishing a maximum hunter density of 2 per 40 acres of land.
3. Limiting the time period during which special deer hunts could be conducted to a 9-day period beginning on the Saturday nearest October 1.
4. Specifying that all regular deer hunting regulations would apply. Note: Firearms would be limited to those approved for use during the regular gun deer season and blaze orange clothing must be worn by all disabled hunters and their assistants.
5. Prohibiting the charging of fees to hunt participants by the landowner.
6. Specifying that disabled hunters may not be refused based on age, race, religion, color, handicap, sex, physical condition, development disability, creed, sexual orientation or national origin.
7. Prohibiting all other day-time hunting by nonparticipants on the property during the special deer hunt.
8. For hunts being conducted on lands open to public hunting, requiring the applicant to

post the property boundary with notices of the special gun deer hunt dates and the prohibition of other day-time hunting.

SECTION 1. NR 10.40 is created to read:

NR 10.40 DISABLED HUNTERS; SPECIAL HUNT AUTHORIZATIONS. (1) PURPOSE.

Pursuant to s. 29.174(2)(f), the Natural Resources Board establishes this section to provide additional recreational hunting opportunities to the citizens of Wisconsin and to establish procedures for conducting special hunts that will encourage greater hunting participation by persons with physical and visual disabilities.

(2) DEFINITION. "Special gun deer hunt" means a department authorized local firearm season for deer conducted outside the regular gun deer hunting seasons established under NR 10.01(3)(e).

(3) SPECIAL GUN DEER HUNTS. (a) Application requirements. 1. All applications to conduct a special gun deer hunt shall be on department forms and be submitted to the designated department office for the county within which the hunt will be conducted by June 1.

2. All applications shall include:

- a. The authorization of the host landowner to conduct a special gun deer hunt; and
- b. A legal description of the lands on which the hunt is to be conducted.

3. The applicant shall provide a final list of the names, addresses and Class A or C permit numbers of all participating hunters and the names of their designated assistants to the department by September 1.

Note: Application forms may be obtained at department district and area offices.

(b) Participation limits. No person may participate in more than one special gun deer hunt in the same calendar year and all participants must possess a valid gun deer license and either a Class A or C permit as defined in s. 29.09(9), Stats., that was issued on or after August 9, 1989.

(c) Participant selection. No person may be refused participation based on their age, race, religion, color, handicap, sex, physical condition, development disability, creed, sexual orientation or national origin.

(d) Dates. All special gun deer hunts shall be conducted during the 9 consecutive day period that begins on the Saturday nearest October 1.

(e) Hunter participation limits. The department may not authorize a special gun deer hunt if the number of participating hunters is less than 5 or if the hunter density will exceed 2 per 40 acres of land described on the application.

(f) Regulation compliance. Unless otherwise provided by the department, all disabled hunters and accompanying persons shall comply with all hunting rules and laws applicable to the regular gun deer season specified under s. NR 10.01(3)(e).

Note: Firearms are limited to those approved for use during the regular gun deer season in that county as specified under s. NR 10.01(3)(e) and blaze orange clothing meeting the requirements of s. 29.22(2) must be worn by all disabled hunters and accompanying persons. Participants must use their regular gun deer season license, backtag and carcass tag.

(g) Authorizations to assistant. The designated assistant of the special gun deer hunt participant may use a firearm while retrieving a deer shot by a participant.

(h) Other hunting prohibited. Within the dates specified under par. (d), no person

other than the special gun deer hunt participant may hunt on the lands described on the application during the big and small game hunting hours specified under s. NR 10.06.

(i) Posting requirement. The applicant shall post, at intervals not to exceed 100 yards, the boundary of all lands open to public hunting at least 7 days prior to the start of the hunt with a notice that indicates the dates on which the special gun deer hunt will be conducted on those lands and the dates and hours during which hunting by nonparticipants is prohibited. All such notices shall be removed by the applicant within 2 days of the close of the special gun deer hunt.

(j) Reports. If requested by the department, the applicant shall complete a special gun deer hunt report on forms supplied by the department.

(k) No fees. The landowner or applicant shall not charge any form of a fee to a person participating in a special gun deer hunt.

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The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 29, 1990.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin May 18, 1990.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
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June 8, 1990

In reply refer to 1020

Mr. Gary L. Poulson
Assistant Revisor of Statutes
Suite 702
30 W. Mifflin Street

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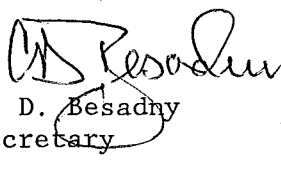
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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-78-89. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Government Operations and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.