

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Request authorization for public hearing for Board Order WM-14-07, wildlife portion of the annual Spring Hearing Questionnaire, revisions to NR 10,15, 17, 19.

FOR: JANUARY **BOARD MEETING**

TO BE PRESENTED BY: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

The following rule changes are proposed for inclusion on the wildlife portion of the 2007 Spring Hearing questionnaire:

- Reduce the number of Turkey Management Zones from 46 to 7.
- Rename Bear Hunting Zone A1 as Zone D.
- Eliminate the open season for jackrabbits.
- Establish a non-resident trapping season for raccoons.
- Legalize the use of shotgun slugs for hunting species other than gamebirds and allow buckshot for hunting bobcat.
- Require the use of blaze orange on ground blinds used on department lands.
- Prohibit deer feeding near residences and businesses when that feed is being used by bear or elk.
- Prohibit open water hunting in a portion of pool 11 on the Upper Mississippi River National Fish and Wildlife Refuge.
- Create closed areas, modify current boundaries on the Upper Mississippi River National Fish and Wildlife Refuge.
- Establish a closed area and special season in a portion of pool 10 of the Mississippi River Fish and Wildlife Refuge.
- Expand the times for use, cable standards, and species for which cable restraint devices may be used.
- Establish fees for the course of instruction under the Cooperative Trapper Education Program.
- Apply current trap size, type and placement standards to licensed wild fur farms.
- Create an archery season and special tagging options for DMU 79, Apostle Islands National Lakeshore.
- Create 9-day shotgun season and eliminate muzzleloader season for deer at Brunet Island state park.
- Create a 9-day shotgun season for deer at Lake Wissota state park.
- Establish a 2:00 p.m. closing time for hunting pheasants at Pine Island and Mud Lake Wildlife Areas.
- Create a limited pilot program for hunting wild turkeys with dogs during the fall season.

RECOMMENDATION: Authorize public hearings for Board Order WM-14-07, revisions to NR 10, 11, 16, 19 and 45 relating to hunting, trapping, closed areas, fur farms, and the use of public lands.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Bureau Director,

Date

Administrator,

Date

Secretary, Scott Hassett

Date

- | | | |
|--|----------------------------|--------------------------|
| cc: Amy J. Arthur - AD/5 | Randy Stark - LE/5 | Carol Turner - LS/5 |
| Cons. Cong. Executive Comm. - 4 - LS/5 | Tom Van Haren - LE/5 | Reg. WM Sups. - 5 - WM/6 |
| GLIFWC & Tribes - 14 - WM/6 | Diane Brookbank - CS/GEF 3 | Reg. LE Sups. - 5 - WM/6 |
| Kurt Thiede - 6 - LS/5 | Kevin Huggins - CS/GEF 3 | Bob Manwell - CE/8 |
| Tom Hauge - WM/6 | Tim Andryk - LS/5 | Peter Biermeier - PR/6 |

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- -Why is the rule needed?
- -What are the significant changes?
- -What are the key issues/controversies?
- -What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background Memo (if needed)*

Fiscal Estimate

Environmental Assessment (if needed)

Rule

Background Memo (if needed)*

Response Summary

Fiscal Estimate

Environmental Assessment (if needed)

Rule

* If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review			
Management and Budget			
Legal Services -Program Attorney -Carol Turner			
Other (if applicable)			

DATE: January 8, 2006

TO: Natural Resources Board

FROM: Scott Hassett

SUBJECT: NRB Authorization for Public Hearings on Wildlife Management Rule Order WM-01-07

I am requesting Natural Resources Board authorization to hold public hearings on WM-01-07, a rule package pertaining to NR 10, 11, 16, 19 and 45, Wis. Adm. Code, relating to hunting and trapping. These rule changes will be presented at the 2007 Spring Fish and Wildlife Hearings.

Background:

Annually, the department submits rule change proposals relating to hunting, trapping and game management. The statewide Spring Fish and Wildlife hearings are the vehicle identified for citizen input. The origins of these rule change proposals are: 1) department staff specialists from the bureaus of law enforcement, wildlife, endangered resources and customer service and licensing, or; 2) Conservation Congress advisory questions from the previous year that were forwarded by the Congress Executive Council. All of these proposals were reviewed by department staff and species committees prior to inclusion as rule proposals in this rule order. For details on each of the proposed rule changes, please refer to the attached proposed spring hearing questions (Appendix A).

Summary of the Rule:

The department has recommended modifications to chapters NR 10, 11, 16, 19 and 45, Wis. Adm. Code, relating to hunting, trapping, closed areas, fur farms, feeding wild animals, and the use of public lands. These rule changes are proposed for inclusion in the 2007 Spring Hearing Questionnaire. Specifically, these proposals:

- Reduce the number of Turkey Management Zones from the current 46 to seven.
- Rename Bear Hunting Zone A1 as Zone D.
- Eliminate the open season for jackrabbits.
- Establish a non-resident trapping season for raccoons that begins two weeks after the start of the season for residents.
- Legalize the use of shotgun slugs for hunting species other than game birds and allow the use of buckshot for hunting bobcat at all times during that season.
- Require the display of blaze orange on ground blinds used on department lands during seasons when hunters are required to wear blaze orange.
- Prohibit deer feeding near dwellings and businesses when feed is being used by bear or elk.
- Prohibit open water hunting on portions of Mississippi River pool 11 to match USFWS Regulations for the Upper Mississippi River National Fish & Wildlife Refuge.
- Change closed area boundaries and create new closed areas on the Upper Mississippi River Wildlife and Fish Refuge to make them consistent with those adopted by the USFWS.
- Establish a closed area at the Wisconsin River Delta of the Upper Mississippi River National Fish and Wildlife Refuge beginning on November 1 each year for consistency with the USFWS.
- Expand the time when cable restraints may be used for coyote and fox, allow their use for a portion of the bobcat season, and modify cable size standards.
- Establish a fee of \$12.00 for the course of instruction under the trapper education program and \$28 for correspondence courses that require out-of-state mailing.

- Apply the existing trap size, type, and placement regulations to licensed wild fur farms.
- Create an archery season for deer and special tags in Unit 79, Apostle Islands National Lakeshore.
- Create a nine-day, shotgun-only deer hunting season at Lake Wissota State Park and create Deer Management Unit 59E.
- Eliminate the 19-day muzzleloader-only deer hunting season at Brunet Island State Park and create a nine-day, shotgun-only season in its place.
- Establish a 2:00 p.m. closing time for pheasant hunting at Mud Lake Wildlife Area in Columbia County and Pine Island Wildlife Area in Sauk and Columbia Counties.
- Create a pilot program to allow fall turkey hunting with the aid of dogs in certain counties.

Additionally, the department seeks public input through the spring fish and wildlife hearings on the following advisory questions:

- Expand the prohibition on the discharge of firearms and air guns on department lands in certain counties so that it applies to department lands statewide.
- Establish record keeping and qualification requirements as conditions of a license to guide hunters, anglers and trappers.

Rule Development:

These rules were developed with the assistance of the Bureaus of Law Enforcement, Parks and Recreation, Customer Service and Licensing, and Legal Services.

Small Business and Initial Regulatory Flexibility Analysis:

The revisions to Chs. NR 10, 11, 16, 19 and 45, Wis. Adm. Code, relating to hunting, trapping, closed areas, fur farms, feeding wild animals, and the use of public lands are applicable to individual sportspersons and impose no compliance or reporting requirement for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

The department has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Appendix A. Proposed 2007 Spring Hearing Questions.

2007 Spring Hearing Questions

Statewide Questions

1. Reduce the number of Turkey Management Zones (2008)

Currently there are 46 Turkey Management Zones. Hunters are required to apply for a permit in a zone and may only hunt in that zone. New zones were created as the wild turkey population expanded but today most areas capable of supporting turkeys are populated.

This proposal would reduce the number of Turkey Management Zones to 7, as indicated on the map. The new zones will be created by combining old, existing zones so that hunters should see no difference in permit levels and zone histories will still be useful for wildlife biologists. The number of state park (9) and disabled hunting zones (6) would remain the same. Hunters would have more options for hunting locations, permit application would be simplified, and regulations would be less complex.



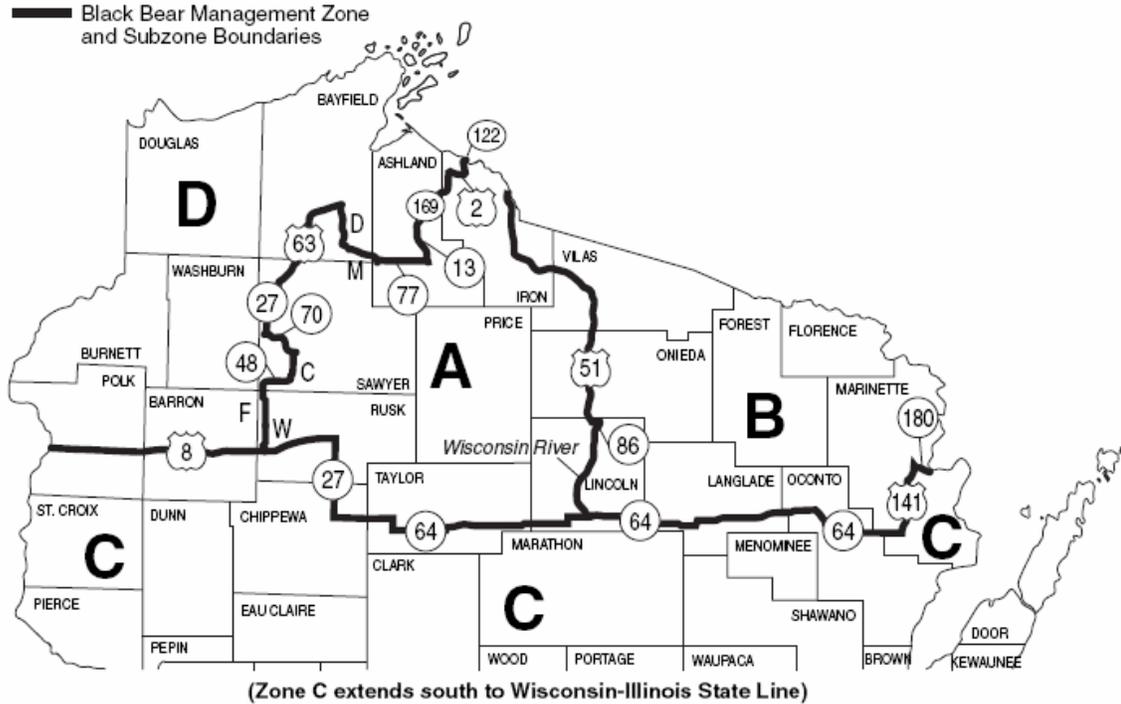
Do you favor reducing the number of Turkey Management Zones from 46 to 7?

1. YES ___ NO ___

2. Establish that bear hunting zone A1 is an independent zone and rename it zone D (2008)

In order to address higher numbers of bears and more numerous nuisance and damage complaints, bear hunting zone A was split in 1996 and zone A1 was created so that more hunting pressure could be directed there. People who possess a harvest permit for zone A may also hunt in zone A1 but those who possess a tag for A1 may only hunt in that zone.

This proposal would create an independent zone D with its own harvest quota and population goals. Doing so will reduce confusion, better regulate the number of hunters utilizing these zones, and improve the ability to manage the bear population in each individual zone.



Do you favor eliminating Bear Hunting Zone A1 and creating an independent Zone D?

2. YES ___ NO ___

3. Close the season for hunting jackrabbits (effective 2008)

Currently it is legal to hunt jackrabbits from the Saturday nearest October 17 through November 15 and there is a daily bag limit of three. The most recent observations of this species were in 1995 and 1997. Jackrabbits are listed as a Species of Concern which can be a precursor to being listed as threatened. It is not believed that any hunting effort is directed at this species.

Do you favor closing the hunting season for jackrabbits because of the limited information and rarity of this species?

3. YES ___NO___

4. Create a non-resident trapping season for raccoons (2007)

Wisconsin currently has a non-resident trapping license that allows trapping of most species but not raccoons. Raccoons may be hunted by non-residents although the season begins approximately two weeks later for non-residents.

Because there are separate raccoon hunting seasons for residents and non-residents, Wisconsin must also establish a specific raccoon trapping season for non-residents. A raccoon trapping season for non-residents would be structured like the hunting season so that it opens two weeks later. Under the proposal the trapping season for non-residents would begin on the Saturday nearest November 1 and continue through January 31. The season for residents would continue to open on the Saturday nearest October 17 and continue through January 31.

Do you favor establishing a non-resident trapping season for raccoons that would begin on the Saturday nearest November 1 and continue through January 31?

4. YES ___NO___

5 & 6. Allowing the possession and use of slugs and buckshot for certain species (2008)

Currently it is illegal to possess shotgun ammunition that is loaded with a single slug while hunting at times other than the gun deer seasons. The use or possession of buckshot while hunting is not allowed from June 1 through the gun deer seasons and for two days thereafter.

This proposal would allow the use of shotgun slugs for hunting unprotected species such as wild hogs or for coyote, fox, and bobcat at times when it is currently not legal to possess that ammunition. The possession of slugs would still be illegal while hunting game birds. The proposal would also allow the use of buckshot for hunting bobcat during the bobcat hunting season, including while deer seasons are open, by people who possess a valid unused bobcat carcass tag.

Do you favor allowing the possession and use of shotgun slugs at any time for hunting any species except game birds?

5. YES ___NO___

In addition, do you favor allowing the use of buckshot for hunting bobcat at any time during that season?

6. YES ___NO___

7. Blaze orange for ground blinds on state lands during seasons when hunters must wear orange (2008)

Currently there are no blaze orange requirements on manufactured ground blinds that completely enclose the hunter. Some people have suggested that, during seasons where hunters are required to wear blaze orange, these types of blinds should display some orange for safety reasons. Previous Conservation Congress advisory questions have supported that concept.

Do you favor requiring that portable ground blinds display a minimum of 144 square inches of orange that is visible from 360 degrees on state owned lands during firearm deer seasons?

7. YES ___NO___

8. Deer feeding near residences and businesses (2007)

It is currently illegal to feed bear or elk for recreational viewing purposes. Legislators and citizens have complained about situations where bears and elk are feeding at legal deer feeding sites in rural subdivisions and near roadways, creating unnecessary human/wildlife conflicts and potentially unsafe situations.

This proposal would establish that deer may not be fed near homes or businesses if the person who places the feed knows that bear or elk are using the deer feeding station.

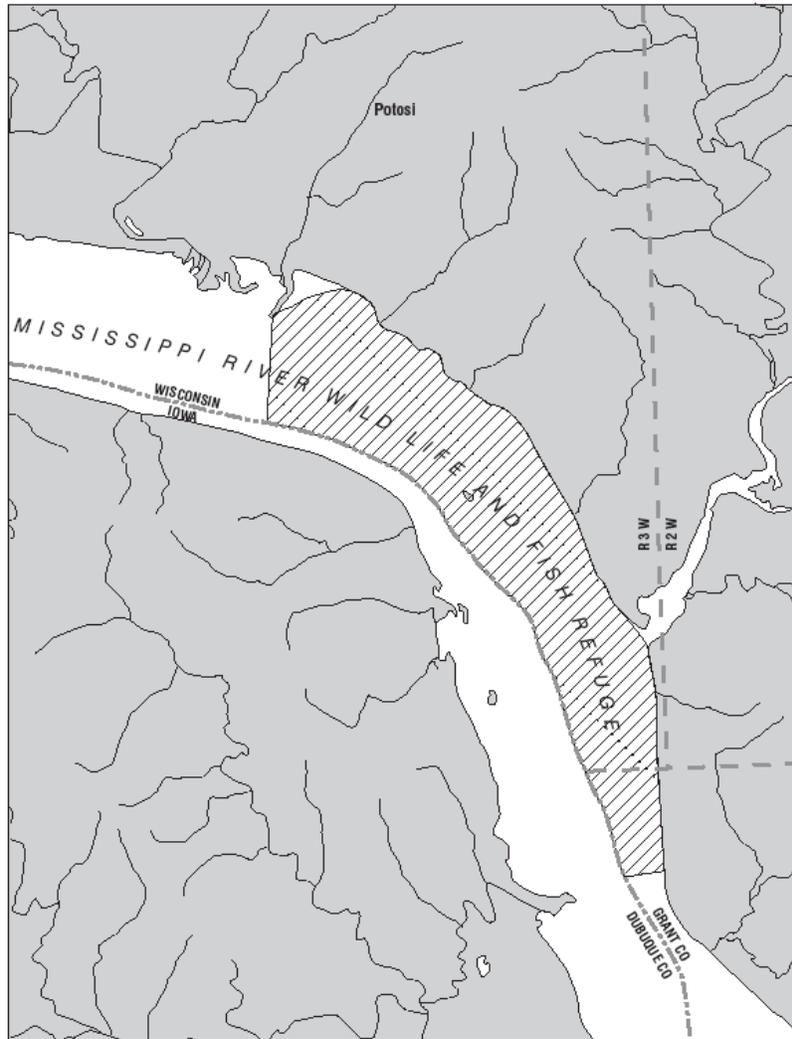
Do you favor prohibiting deer feeding stations near residences and businesses when the feeding site is also attracting and being used by bear or elk?

8. YES ___NO___

9. Open water hunting on the Grant County waters of the Upper Mississippi River National Fish and Wildlife Refuge (2007)

Open water hunting for migratory birds is currently allowed in the Grant County waters of the Upper Mississippi River National Fish and Wildlife Refuge in Pool 11. In the rest of the state, open water hunting is not generally legal and hunters must stand on the bed of the waterbody or boats and blinds must be partially concealed by emergent vegetation. The United States Fish and Wildlife Service has proposed closing a portion of the refuge in Grant County to open water hunting.

This proposal would make Wisconsin's regulations consistent with rules that the USF&WS is in the process of adopting by ending open water hunting in the area from river mile 586.3 to river mile 592.1 in Wisconsin waters, further described as the area between lines drawn approximately east to west from Fenley Bluff to the point of the John Deere deflection dike and between the Potosi Point jetty and Specht's Ferry, as shown on the map. Adopting corresponding state regulations will prevent confusion, management and enforcement difficulties that will result from having two conflicting sets of rules. The department will withhold promulgation of this rule until the federal regulations are enacted. Use of this area by open water hunters is low.



Do you favor creating an area that is closed to open water hunting for migratory birds in the Grant County waters of Pool 11 of the Upper Mississippi River National Fish and Wildlife Refuge?

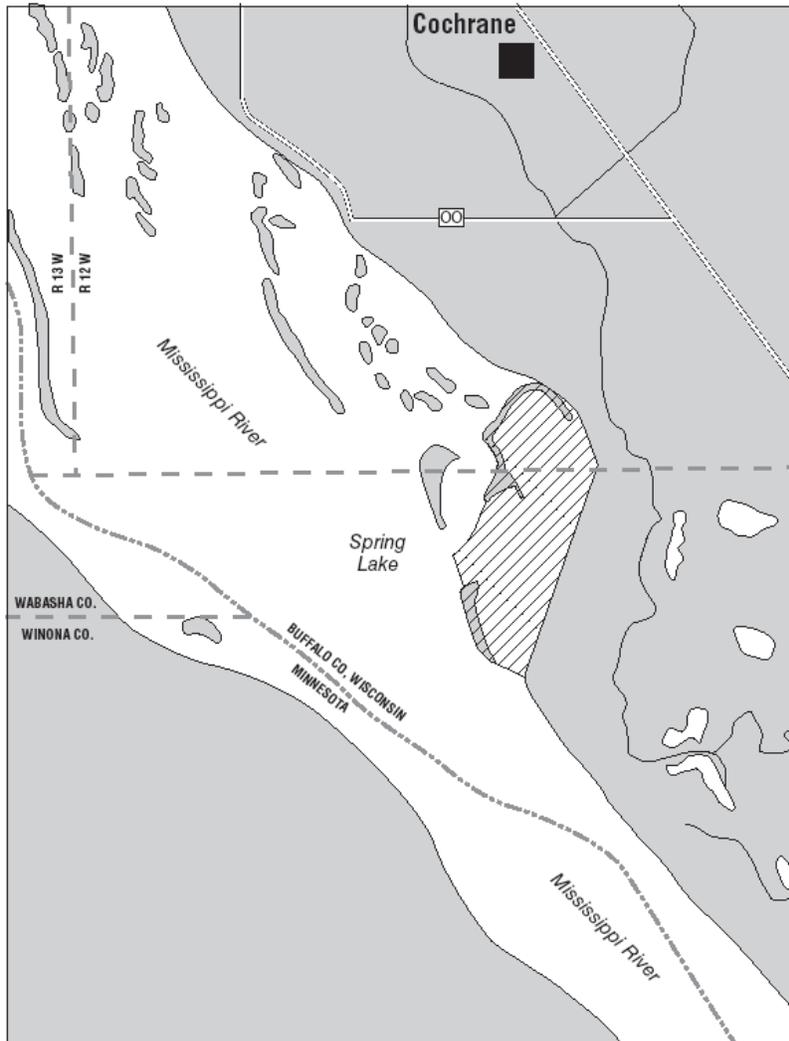
9. YES ___ NO ___

10, 11, 12, 13 & 14. Modify Upper Mississippi River Fish & Wildlife Refuge closed areas to be consistent with federal regulations (2007)

The United States Fish and Wildlife Service has adopted a new management plan for the refuge that includes changing the boundaries of two existing closed areas and the creation of three new closed areas. Closed areas are a commonly used management tool that provides safe resting areas for migrating waterfowl as well as to maintain hunting opportunities throughout the season by keeping birds in an area. These closed area boundaries have not been significantly revised for approximately 45 years.

This proposal would make Wisconsin's regulations consistent with rules that the USF&WS is in the process of adopting by changing boundaries and adding new closed areas. Adopting corresponding state regulations will prevent confusion, management and enforcement difficulties that will result from having two conflicting sets of rules. The department will withhold promulgation of this rule until the federal regulations are enacted.

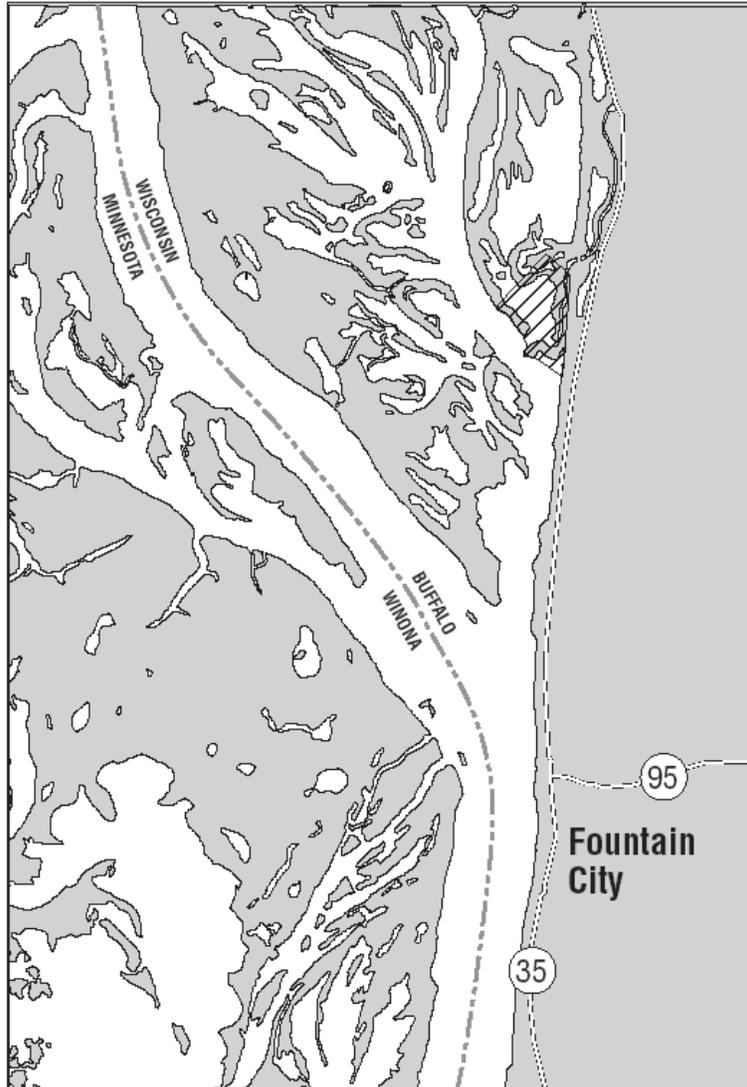
10. Spring Lake, Pool 5, Buffalo County (new closed area, 243 acres)



Do you favor creating Spring Lake closed area (243 acres) in order to be consistent with federal regulations and provide a resting area for ducks during the migratory bird hunting season?

10. YES ___ NO ___

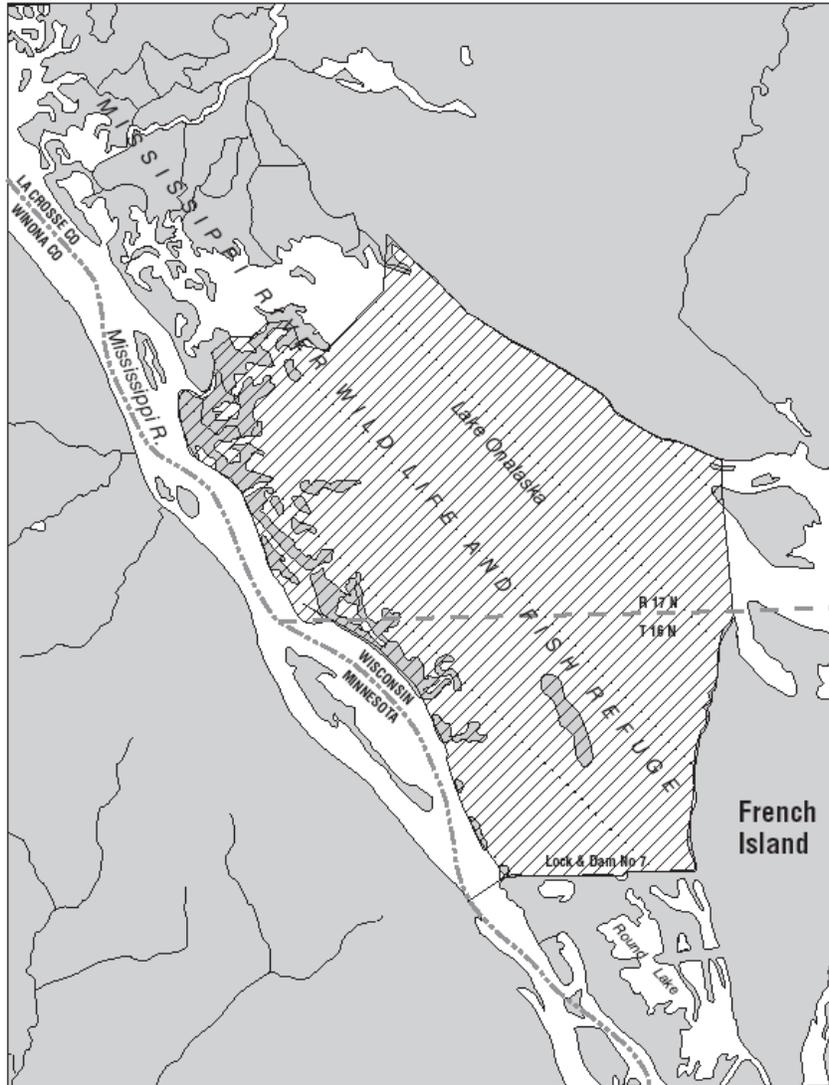
11. Fountain City Bay, Pool 5A, Buffalo County (new closed area, 24 acres)



Do you favor creating Fountain City Bay closed area (24 acres) in order to be consistent with federal regulations and provide a resting area for ducks during the migratory bird hunting season?

11. YES ___ NO ___

12. Lake Onalaska, Pool 7, La Crosse County (1.6 acre reduction on northwest corner, 1.1 acre reduction and a 14.3 acre increase along the southwest side)



Do you favor modifying the boundaries of the Lake Onalaska closed area as described in order to be consistent with federal regulations and provide a resting area for ducks during the migratory bird hunting season?

12. YES ___ NO ___

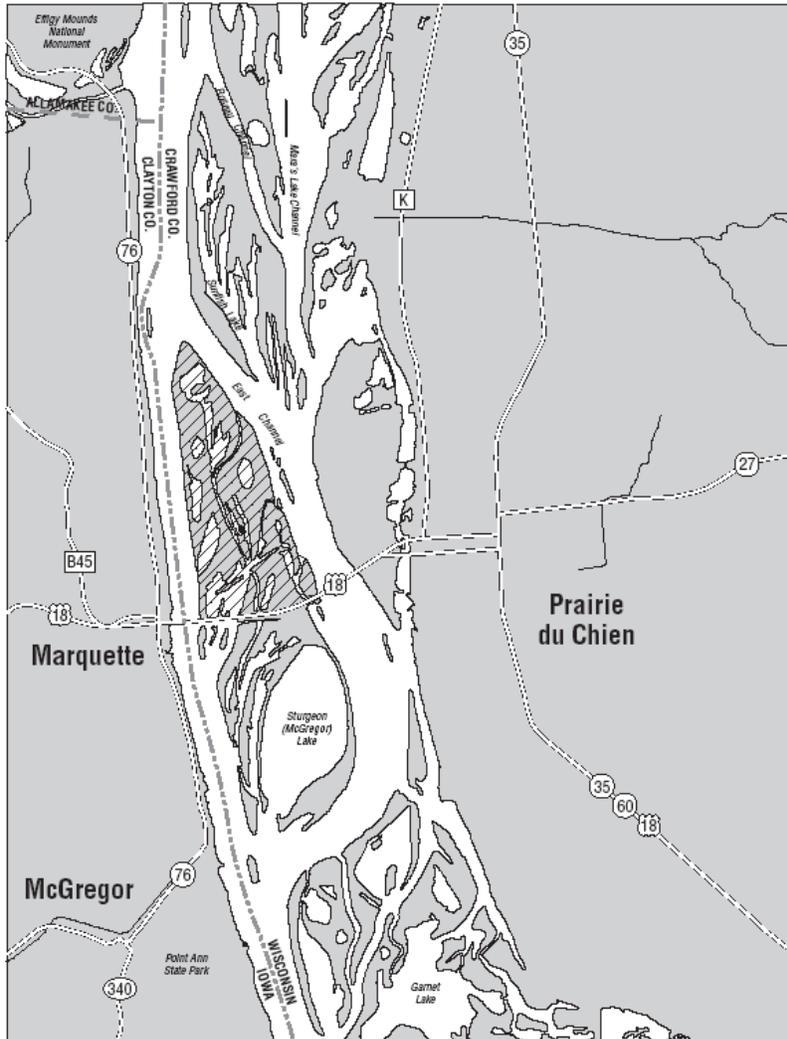
13. Goose Island, Pool 8, Vernon, La Crosse counties (110 acre increase to south boundary)



Do you favor increasing the size of the Goose Island closed area by 110 acres in order to be consistent with federal regulations and provide a resting area for ducks during the migratory bird hunting season?

13. YES ___ NO ___

14. Sturgeon Slough, Pool 10, Crawford County (new closed area, 340 acres)



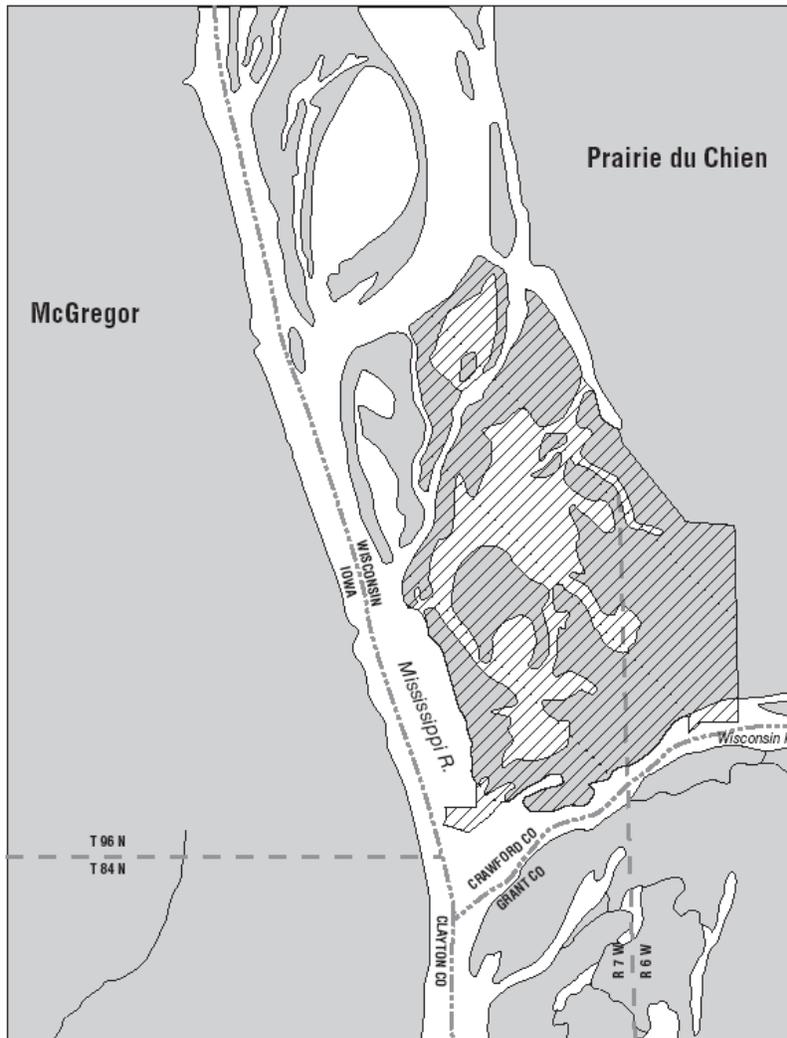
Do you favor creating the Sturgeon Slough closed area (340 acres) in order to be consistent with federal regulations and provide a resting area for ducks during the migratory bird hunting season?

14. YES ___ NO ___

15. Create Wisconsin River Delta special hunt/closed area (1,406 acres) in the Upper Mississippi River Fish & Wildlife Refuge, Crawford County, to be consistent with federal regulations (2007)

There is currently no closed area and hunting is allowed for the entire migratory bird hunting season in the area known as the Wisconsin River Delta (pool 10).

This proposal would create an area where migratory bird hunting would be allowed during the early portion of the season but would close on November 1 each year. Hunting for other species would be allowed from the close of the migratory bird season until March 15 and spring turkey hunting would be allowed. The dates and boundaries shown on the map represent a compromise that was developed by local hunters and anglers and the USFWS. Adopting corresponding state regulations will prevent confusion, management and enforcement difficulties that will result from having two conflicting sets of rules. The department will withhold promulgation of this rule until the federal regulations are enacted.



Do you favor creating the Wisconsin River Delta closed area (1,406 acres) but allowing migratory bird hunting prior to November 1, other hunting from the close of the migratory bird season until March 15, and spring turkey hunting?

15. YES ___ NO ___

16 & 17. Expanding the times and types of cable restraints that may be used for certain furbearers and allowing their use for bobcat (2008)

Cable restraints have been legal for use on fox and coyote from January 1 to February 15 for the past four years. This experimental season has been very successful with few problems. Cables must be comprised of either 7 bundles of wire with 7 wires per bundle or 19 bundles of wire with 7 wires per bundle.

Because of the success of cable restraints, this proposal would expand the times when they may be used to include December and allow their use for bobcat. Testing by the Association of Fish and Wildlife Agencies has shown that other types of wires 3/32 inch or greater diameter meet national standards for effectiveness and humaneness. The department also proposes allowing any type of “multi-strand” wire of 3/32” or greater diameter, eliminating specific descriptions.

Do you favor expanding the times when cable restraints may be used to include December and allowing their use for bobcat?

16. YES ___ NO ___

Do you favor eliminating specific descriptions of cables and requiring only that they be multi-strand and of 3/32 inch or greater diameter?

17. YES ___ NO ___

18. Trapper Education Program Fees (2008)

Trapper education students have paid an \$8.00 fee for the course of instruction since the program became mandatory in 1992. The fee was agreed upon by department staff and the Wisconsin Trappers Association, which implements the hands-on portion of the Trapper Education Program.

Because the \$8.00 fee is no longer sufficient to cover the cost of running the program, the department and instructors have requested a new fee of \$12.00 for the regular classroom and resident correspondence courses and \$28.00 for a correspondence course that requires out-of-state mailing costs. All correspondence course students would also pay a refundable \$17.00 deposit for materials that are returned after the course. The fee for an advanced trapper education course shall be only the amount necessary but not exceeding \$50. All fees will be established in Wisconsin Administrative Code.

Do you favor establishing a fee of \$12.00 for the regular classroom and resident correspondence courses, \$28.00 for an out-of-state correspondence course, and an amount not exceeding \$50 to cover the costs of administering advanced trapper education classes?

18. YES ___ NO ___

19. Extending trap size, type and placement requirements to trappers on licensed wild fur farms (2008)

Currently there are no restrictions on the type or size of traps, snares or cable restraints that may be used for taking beaver, coyote, mink, muskrat, otter, opossum, raccoon, skunk and weasel on a licensed wild fur farm. Other trappers must enclose certain body gripping traps, follow jaw spread regulations, cable restraint regulations, may not use traps with teeth on dry land, and other restrictions designed to establish humane standards and eliminate the capture of non-target species. DNR licenses wild fur farms are not fenced and other wildlife and animals may enter these properties.

Do you favor extending to trappers on licensed wild fur farms all of the trap size and placement restrictions that apply to people who trap under the authority of a regular trapping license?

19. YES ___ NO ___

Local Questions

1. Apostle Islands National Lake shore (DMU 79) deer seasons (Ashland and Bayfield Counties) (2008)

Deer Management Unit 79 is composed of 20 islands that are part of the Apostle Islands National Lakeshore. Currently the only deer hunting season in this unit is an either sex, muzzleloader-only season during the month of October. Hunters are required to use their regular gun buck deer carcass tag in order to harvest a deer.

This proposal creates an archery deer season that begins on the Saturday nearest September 15 and closes on September 30, reopens on November 1 and continues through the Sunday nearest January 6. The muzzleloader season remains unchanged. Hunters may use their regular season gun buck deer carcass tag for a buck during the muzzleloader season, or archery tags during the archery season, and once filled those tags would not be available for use elsewhere. As an alternative, hunters can also obtain additional special DMU 79 deer carcass tags free at a rate of 2 per day. These tags follow existing Earn-A-Buck rules; they are valid for antlerless deer, a buck deer if the hunter possesses an antlerless deer registration verification earned in this unit the previous year or in the current year, or a buck deer if the hunter also possesses an antlerless deer that has been legally harvested in this unit and tagged but not yet registered.

Earn-A-Buck rules would not apply to a hunter's regular gun buck deer carcass tag or archery buck deer carcass tag under the proposal.

The National Park Service's plan is to manage the land in DMU 79 for historical ecological habitat conditions and deer population levels through sport hunting. Historical deer populations varied between the islands from none to very few to about 10 per square mile. The National Park Service has indicated that it may require an access permit which may limit the dates and the islands on which hunting may occur.

Do you support creating an archery season and additional free earn-a-buck tags as an incentive for hunting deer in DMU 79?

1. YES ___ NO ___

2. Deer hunting seasons at Lake Wissota state park (Chippewa County)

There is currently no season for hunting deer at Lake Wissota state park and managers are dealing with problems resulting from a very large deer herd.

This proposal would establish Lake Wissota state park as unit 59E and create a nine-day shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday. Hunting will be primarily for antlerless deer but buck tags may be issued by the park. Muzzleloaders and handguns are also permitted during shotgun seasons.

Do you favor creating DMU 59E and a nine-day shotgun season at Lake Wissota state park?

2. YES ___ NO ___

3. Deer hunting season at Brunet Island (unit 23A) state park (Chippewa County)

Brunet Island State Park currently has a 19 day muzzleloader-only season that is primarily for antlerless deer.

This proposal would eliminate the muzzleloader-only season and expand the types of firearms that may be used to include shotguns. The length of the season would be reduced to nine days to be consistent with the way other state parks in the area will be managed. Hunting will still be primarily for antlerless deer but buck tags may be issued by the park. The increased effectiveness of shotguns may lead to a higher harvest. Muzzleloading firearms as well as handguns may be used during shotgun seasons.

Do you favor eliminating the 19 day muzzleloader-only season at Brunet Island state park and establishing a nine-day shotgun season in its place?

3. YES ___NO___

4. Hunting hours for pheasants at Mud Lake Wildlife Area (Columbia County) and Pine Island (Columbia and Sauk Counties) (2008)

Pheasant hunting hours currently close one-half hour after sunset at both of these properties. This proposal would close pheasant hunting hours at 2 p.m. daily beginning on the third day of season and continuing until November 3. The early closing time during the portion of the season when hunting pressure is highest would allow stocked pheasants to be distributed better and give the birds an opportunity to orient to their surroundings. This is the current practice at 20 other properties that are stocked with pheasants.

Do you support closing hunting hours for pheasants at Pine Island and Mud Lake Wildlife areas at 2:00 p.m. from the third day of the season until November 3 in order to allow stocked pheasants to be distributed and to orient themselves?

4. YES ___NO___

5. Establish an experimental program allowing the use of dogs for fall turkey hunting in certain counties (2007)

The use of dogs is not currently allowed for turkey hunting. Using dogs to scatter or “break up” flocks of turkeys in the fall so that the hunter can call them back is a traditional practice in some states. Other states have not experienced biological, safety, or law enforcement problems. Certain counties in Wisconsin have supported the concept of allowing dog use in the fall when the question was asked in previous years.

This question would create a two year experiment in eight counties where the use of dogs in fall turkey hunting would be evaluated to see if it is supported, does not create user conflicts, and could be expanded.

Do you favor creating a fall turkey hunting with dogs-pilot season in 2007 and 2008 in Crawford, Vernon, La Crosse, Richland, Sauk, Wood, Monroe and Jackson Counties?

5. YES ___NO___

Department Advisory Questions

1. Discharge of firearms and air guns on state owned lands outside of the hunting season

Currently it is illegal to discharge a firearm or air gun on certain state-owned lands except while hunting, dog training or trialing under department permit, or at an established shooting range. This rule prevents littering, damage to property, and addresses safety concerns where it applies to DNR managed properties in 17 counties located primarily in Southern Wisconsin and at the Kettle Moraine and Point Beach state forests as well as on recreation areas, natural areas, and trails.

This proposal would extend statewide the prohibition on public lands of target shooting and other discharge of firearms that is not part of a normal hunting activity.

Do you favor prohibiting the discharge of firearms and air guns on department lands statewide except for while engaged in a legal hunting activity or at a designated shooting range?

1. YES ___NO___

2. Requirements for licensed guides

Currently guides are required to purchase a state license if they receive any compensation or reward to guide, direct, or assist any other person in hunting, fishing or trapping. Hunting and trapping guides must be residents and all guides must be at least 18 years of age but there are no other requirements or qualifications. Recent investigations have revealed large scale violations that involved some guides and their clients and significant commercialization of the resource.

This proposal is to create a detailed definition of who is a guide, establish qualifications, require detailed record keeping, and authorize inspection by a warden or agent of the state. This information would facilitate law enforcement and exotic or diseased animal investigations. It would also provide fish and wildlife biologists with information for management of fish and wildlife populations, and make licensing and record keeping requirements consistent with the expectations of other businesses that profit from the natural resources of Wisconsin.

Do you favor legislation to develop more specific regulations, as described above, for licensed guides?

2. YES ___ NO ___

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

The Wisconsin Natural Resources Board proposes an order to repeal s. NR 10.13(note); to renumber NR 10.06(6)(m) to (t) and 11.032(1) to (5); to amend ss. NR 10.01(3)(bm), (c)3., (e)2.f. and 3.b. and (g), 10.09(1)(a)1., 10.10(1)(b), 10.102(1)(d), 10.13(1)(b)15.(intro.) and a., 10.25(4)(c), 45.09(2); to repeal and recreate NR 10.09(1)(a)2., 10.12(3)(a), 10.28(1), 10.29, 10.30, 11.032(intro.), 11.032(5) and (6); and to create NR 10.01(3)(em)2.b., 10.06(6)(m) and (q), 10.104(15), 11.032(2)(e) and (f) and (3)(b), 11.035, 16.18(5)(c), 19.51 and 19.60(2)(d)6. relating to hunting and trapping regulations.

WM-14-07

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted and Explanation of Agency Authority: The department has interpreted the following statutes as providing the authority to promulgate rules regarding hunting and trapping, use of state owned lands and license issuance: ss. 23.09(2)(b), 29.014, 29.089, 29.091, 29.041, 29.164(4)(b), 29.184(6), and 29.197(2), 29.597, Stats.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of these rules include, ss. 23.09(2)(b), 29.014, 29.089, 29.091, 29.164(4)(b), 29.184(6), 29.197(2), and 29.597 Stats. These statutes specifically provide the department with the authority to manage refuge areas for wildlife, promulgate rules regarding management of wildlife through the establishment of hunting seasons, management zones and regulations regarding the techniques by which game animals and game birds may be harvested. These statutes also provide authority to regulate the issuance of permits and licenses, as well as establishing conditions regarding the use of state land such as state parks, public recreation areas and hunting grounds. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Related Statute or Rule: There are no state rules or statutes currently under promulgation that relate to the provisions that are proposed in this administrative order.

Plain Language Analysis: The department has recommended modifications to chapters NR 10, 11, 16, 19 and 45, Wis. Adm. Code, relating to hunting, trapping, closed areas, fur farms, feeding wild animals, and the use of public lands. These rule changes are proposed for inclusion in the 2007 Spring Hearing Questionnaire. Specifically, these proposals:

- Reduce the number of Turkey Management Zones from the current 46 to seven.
- Rename Bear Hunting Zone A1 as Zone D.
- Eliminate the open season for jackrabbits.
- Establish a non-resident trapping season for raccoons that begins two weeks after the start of the season for residents.
- Legalize the use of shotgun slugs for hunting species other than game birds and allow the use of buckshot for hunting bobcat at all times during that season.
- Require the display of blaze orange on ground blinds used on department lands during seasons when hunters are required to wear blaze orange.
- Prohibit deer feeding near dwellings and businesses when feed is being used by bear or elk.
- Prohibit open water hunting on Mississippi River pool 11 to match USFWS Regulations for the Upper Mississippi River National Fish & Wildlife Refuge.
- Change closed area boundaries and create new closed areas on the Upper Mississippi River Wildlife and Fish Refuge to make them consistent with those adopted by the USFWS.
- Establish a closed area at the Wisconsin River Delta of the Upper Mississippi River National Fish and Wildlife Refuge beginning on November 1 each year for consistency with the USFWS.

- Expand the time when cable restraints may be used for coyote and fox, allow their use for a portion of the bobcat season, and modify cable size standards.
- Establish a fee of \$12.00 for the course of instruction under the trapper education program and \$28 for correspondence courses that require out-of-state mailing.
- Apply existing trap size, type and placement regulations to licensed wild fur farms.
- Create an archery season for deer and special tags in Unit 79, Apostle Islands National Lakeshore.
- Create a nine-day, shotgun-only deer hunting season at Lake Wissota State Park and create Deer Management Unit 59E.
- Eliminate the 19-day muzzleloader-only deer hunting season at Brunet Island State Park and create a nine-day, shotgun-only season in its place.
- Establish a 2:00 p.m. closing time for pheasant hunting at Mud Lake Wildlife Area in Columbia County and Pine Island Wildlife Area in Sauk and Columbia Counties.
- Create a pilot program to allow fall turkey hunting with the aid of dogs in certain counties.

Summary of, and Comparison with, Existing or Proposed Federal Regulations: Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations. Proposed hunting regulation and refuge boundary changes in the Upper Mississippi National Fish and Wildlife Refuge would make Wisconsin's regulations consistent with proposed federal regulations. The department suggests not promulgating these portions of the rule until enactment of federal regulations is certain.

Comparison with rules in Adjacent States: These 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 and recreational use of wild game, migratory and furbearer species that are established based on needs which are often unique to that state's resources or public desires. Regarding wild turkey hunting zones, Minnesota currently has 65 zones and Michigan has 26 but Iowa and Illinois have four and two respectively.

Minnesota and Michigan both require bear hunters to hunt within a zone and those states have 11 and 10 zones respectively.

Jackrabbits are hunted in Minnesota and Iowa but not Michigan or Illinois. None of the surrounding states devote significant resources to managing that species. Minnesota estimates that hunters harvest several thousand jackrabbits each year.

Surrounding states offer non-resident trapping seasons for raccoons with the exception of Minnesota where non-residents are not allowed to trap.

Surrounding states generally do not regulate the use of shotgun slugs or buckshot for taking game like coyotes, fox, unprotected species or bobcat except that Illinois only allows the possession of slugs during the deer season if that person also possesses a valid, unused deer permit. Surrounding states do not require the use of blaze orange on ground blinds.

Illinois does not allow the use of cable restraints on dry land but Minnesota, Iowa and Michigan do allow them in certain situations. Regulations in those states are similar to Wisconsin's but they do not specify the number of strands that a cable must be comprised of.

Trapper education courses are required in Minnesota and there is no fee. Trapper education is voluntary in Iowa, Michigan, and Illinois.

Surrounding states all have fall turkey hunting seasons and the use of dogs is allowed in Iowa and Michigan.

All of the surrounding states offer deer hunting seasons and have special seasons in certain areas like parks where there are individual management goals. Similar to Wisconsin, special hunts and seasons exist for archery and a variety of firearms including shotguns and muzzleloaders.

Summary of Factual Data and Analytical Methodologies: The rule changes included in this order do not deviate from current department policy on the management of wildlife, hunting and trapping. The deer seasons proposed for Brunet Island and Lake Wissota State Parks are consistent with the seasons established at other parks where hunting is feasible and practical. It also allows for increased use and recreational opportunities for hunters in these parks, especially at Lake Wissota where there is currently no season. At Brunet Island, the season will be five days shorter but the types of weapons are expanded to include muzzleloaders as in the past but also shotguns and handguns. The increased efficiency of shotguns may result in greater hunter effectiveness.

Currently, there are 46 turkey hunting management zones and this rule change would reduce that number to seven. The new units would be comprised of entire units that previously existed so that the existing turkey harvest database could still be used to make informed management decisions. This change will also provide hunters more choice of locations to hunt within a zone and simplified regulations and application, permit drawing and tag issuance processes.

Changing the designation of current bear management zone A1 by renaming it zone D will minimize the potential for confusion by the public and better distinguish this zone as a separate entity. Currently, people who possess a Class A harvest permit for zone A may hunt in zone A1 as well. This change would allow only people who possess a Class A harvest permit for zone D to hunt in zone D. The new harvest strategy will better regulate the number of hunters utilizing these zones and improve the ability to manage the bear populations in each zone.

There have been few recorded observations of Jackrabbits and they are listed as a Species of Concern. Since there is also very little management effort directed towards Jackrabbits it would be responsible not to encourage hunting. Closing the season for Jackrabbits should not affect hunting programs because it is not believed that there is currently any hunting effort directed towards that species.

Trapping by non-residents was authorized by 2005 ACT 284 and holders of the proper license were automatically authorized to participate in most open seasons except the raccoon season. Since there is a separate season for hunting raccoons by residents and non-residents a separate season must also be established for trapping by residents and non-residents. This will allow use of all of the privileges that were intended for the non-resident trapping license.

Currently, it is illegal to possess shotgun slugs while hunting other than during the gun deer hunting season. Buckshot is legal to use in many situations but not for deer hunting and buckshot may not be possessed from June 1 through the second day after the close of the last gun deer season of the year. There are legitimate uses of shotgun slugs for hunting species other than deer. Buckshot is used occasionally by bobcat hunters. Both of these rules were probably designed to prevent the poaching of deer and for public safety reasons but it is not believed that it is necessary to be as restrictive today. This rule would give hunters more flexibility in the type of firearms and ammunition that they choose to use.

Manufactured ground blinds, which are similar to tents and completely enclose the hunter, are being used widely today. During seasons when blaze orange must be worn by hunters, many people believe that these blinds defeat the purpose of preventing hunting accidents by making sure hunters are visible to others. This rule would require that these blinds display 144 square inches of blaze orange that is visible from all directions when they are used on department lands.

Baiting bears is currently legal for hunting and dog training purposes but feeding bears for other reasons is prohibited, as is the feeding of elk. Deer feeding is legal in many areas and those stations may attract bear and elk as well. In some situations people have continued to operate feeding stations in spite of being aware that bears or elk

were using them. This rule clarifies that any feeding station which is maintained after the owner should reasonably have known it was being used by bear or elk is illegal.

Open water hunting, the practice of hunting ducks from watercraft that are not near shore or concealed by emergent vegetation, is currently legal in pool 11 of the Upper Mississippi River National Fish & Wildlife Refuge. The United State Fish & Wildlife Service has proposed ending that practice in a portion of pool 11 in an attempt to increase the use of that area by waterfowl. Federal regulations may be in effect this fall, creating a situation where the department and the service have two sets of conflicting and contrary regulations. This change would make state regulations consistent with federal, thereby preventing confusion for hunters and allowing enforcement by state conservation wardens. The department suggests not promulgating this portion of the rule until enactment of federal regulations is certain.

There are currently nine closed areas in the Upper Mississippi River National Fish and Wildlife Refuge where hunting migratory birds is not permitted during the waterfowl hunting season. Closed areas are a common management tool used to provide safe resting areas for migrating waterfowl as well as to keep waterfowl in an area during hunting season. Changes that are being promulgated by the USF&WS will modify the boundaries of two of those areas and create three entirely new closed areas. Another new area will actually be open to migratory bird hunting in the early part of the season and close on November 1. Adopting the new closed areas would make state regulations consistent with federal, thereby preventing confusion for hunters and allowing enforcement by state conservation wardens. The department suggests not promulgating this portion of the rule until enactment of federal regulations is certain.

Cable restraints have been used on dry land for fox and coyotes for three years. Trappers have appreciated the expanded opportunity and there have been few problems. Cable restraints currently may only be used in January through mid-February but, considering the success of this tool, the department proposes allowing their use in December and for bobcat. Additionally, this proposal would relax cable standards because testing has shown that other multi-strand wires meet effectiveness and humaneness standards.

Since 1992 the fee for the course of instruction under the Cooperative Trapper Education Program has been \$8.00 for the regular class and \$12.00 for the correspondence class, and was agreed upon in a memorandum of understanding between the department and the Wisconsin Trappers Association. Most fees charged by the department are established either by statute or in administrative code. The proposed fee of \$12.00 for the regular classroom and resident correspondence course and \$28.00 for the out-of-state correspondence course, and an amount not to exceed \$50 for an advanced trapper education course, would better reflect the actual costs of administering the program today and would be established as an administrative rule.

Since the wild fur farm license and associated rules were moved from Chapter 29 to Chapter 169 of statutes under the 2001 ACT 56, trapping activities on lands licensed as a wild fur farm are no longer subject to restrictions on the type or size of traps, snares, or cable restraints that may be used for taking beaver, coyote, mink, muskrat, otter, opossum, raccoon, skunk, and weasel. Fur farms are not fenced and other wildlife and animals may enter these properties. Under this proposal the trap size and type restrictions that apply to other trappers, many of which are designed to improve humaneness and prevent the incidental take of protected species and species that are not in season, would apply to trappers on licensed wild fur farms.

The Apostle Islands National Lakeshore (unit 79) is a federally owned property and has seasons that are different than surrounding areas which is often the case on other federal properties and at state parks. The service wishes to continue managing the property for species and habitat conditions that are similar to those that existed at the time of European settlement and to provide primitive hunting experiences. The department has cooperated by creating an October muzzleloader-only deer hunting season. This proposal would add an archery season beginning on September 15 and closing on September 30, reopening after the muzzleloader season and running from November 1 to the Sunday nearest January 6. In order to encourage the harvest of antlerless deer, hunters would be given an additional buck tag for each antlerless deer that they harvest and would not have to use their regular season buck

deer carcass tag. Antlerless tags would be issued free at the rate of two per day. If they choose, hunters would also be able to harvest one buck without “earning” it but would have to use their regular season buck deer carcass tag during the muzzleloader season or archery buck deer carcass tag during the archery season.

There is currently no season for hunting deer at Lake Wissota state park. Brunet Island state park has a 19-day muzzleloader-only season primarily for antlerless deer. Both parks have substantial deer populations that threaten plant communities and the damage is especially severe at Lake Wissota. This proposal would create a nine-day shotgun only season at Lake Wissota that would coincided with the traditional firearm deer season. The proposal would also replace 19-day muzzleloader-only season at Brunet Island with a nine-day shotgun season (muzzleloaders and handguns are legal to use during shotgun seasons). While this would result in fewer days of hunting, allowing shotguns should result in a more effective hunt and seasons at the two parks will be consistent. Both parks would be identified as individual deer management units so that hunter numbers can be controlled, providing a high quality hunt.

Pheasant hunting hours at Mud Lake and Pine Island wildlife areas in Columbia and Sauk Counties currently close 20 minutes after sunset. At twenty other state properties where the department stocks pheasants, hunting hours for pheasants closes at 2:00 p.m. in order to facilitate stocking of birds without hunting pressure. This proposal would add Mud Lake and Pine Island to that list so that stocked birds can be better distributed and orient themselves to their surroundings.

Hunting turkeys with dogs is currently illegal. Several Southwestern counties have supported allowing their use during the fall season because it could provide a unique recreational opportunity that, as has been seen in other states, has few or no associated problems. This compromise would initiate a pilot program to allow fall turkey hunting with dogs in counties that have supported the proposal in the past. Richland County would also be included in order to create a contiguous zone where hunting with dogs is allowed even though that county has opposed the idea in previous years. The season would automatically sunset after two years and would have to be re-authorized after its degree of success and public acceptance has been assessed.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses.

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

Agency Contact Person: Scott Loomans, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452

Deadline for Written Comments: The deadline for written comments is April 16, 2007. Comments may also be electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>.

Section 1. NR 10.01(3)(bm) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(bm) Raccoon (non-resident hunting <u>and</u> <u>trapping</u>)	Beginning on the Saturday nearest November 1 and continuing through January 31.	None

Section 2. NR 10.01(3)(c)3. is amended:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(c)3. Jackrabbit		
In all counties of the state	Beginning on the Saturday nearest October 17 at 12:00 noon and continuing through November 15 <u>None</u>	Daily bag 3; possession 6_0

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

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2. f. Brunet Island (unit 23A) and Lake Wissota (unit 59E) state park <u>and Lake Wissota (unit 59E) state park</u>	Muzzleloading firearm <u>Shotgun</u> season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 <u>9</u> consecutive days.	One antlerless deer or one deer of either sex as authorized by deer permits issued under s. NR 10.104.

Section 4. NR 10.01(3)(e)3.b. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)3.b. Deer management unit 79 - Apostle Islands	Muzzleloading firearm season October 1-31.	One deer either sex. One buck per carcass tag as described under s. NR 10.104(15)(c). <u>Additional deer may be taken pursuant to s. NR 10.104(15)(d).</u>

Section 5. NR 10.01(3)(em)2.b. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(em)2.b. Deer management unit 79 - Apostle Islands	Archery season beginning on the Saturday nearest September 15 and continuing through September 30; and November 1 through the Sunday nearest January 6.	One deer per carcass tag as described under s. NR 10.104(15)(a) and (b). Additional deer may be taken pursuant to s. NR 10.104(15)(d).

Section 6. NR 10.01(3)(g) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
10.01(3)(g) Black bear (gun and bow seasons).		
1. Those portions of bear		

management zones ~~A₁ and B~~ and D as described in s. NR 10.30 where the use of dogs for bear hunting is authorized as described in s. NR 10.10 (1) (b). With aid of dogs only, beginning on the first Wednesday following Labor Day and continuing for 28 consecutive days in odd-numbered years and beginning on the second Wednesday following Labor Day for 28 days in even-numbered years. One adult bear per permit issued under s. NR 10.102.

All methods not utilizing the aid of dogs, beginning on the first Wednesday following Labor Day and continuing for 28 consecutive days in even-numbered years and beginning on the second Wednesday following Labor Day for 28 days in odd-numbered years. One adult bear per permit issued under s. NR 10.102.

2. Those portions of bear management zones A, ~~B₁ and C~~ and D as described in s. NR 10.30 where the use of dogs for bear hunting is prohibited as described in s. NR 10.10 (1) (b). All methods not utilizing the aid of dogs, beginning on the first Wednesday following Labor Day and continuing for 35 consecutive days. One adult bear per permit issued under s. NR 10.102.

Section 7. NR 10.06(6)(m) to (t) are renumbered NR 10.06(6)(n) to (p) and (r) to (v), respectively.

Section 7m. NR 10.06(6)(m) and (q) are recreated to read:

NR 10.06(6)(m) Mud Lake (Columbia county)
(q) Pine Island (Columbia and Sauk counties)

Section 8. NR 10.09(1)(a)1. is amended to read:

NR 10.09(1)(a) *Shotshells*.1. `Slugs or balls.' Possess or have in control, while hunting any gamebird, any shotshells loaded with single slug or ball except during the open gun season for deer, elk or bear.

Section 9. NR 10.09(1)(a)2. is repealed and recreated to read:

NR 10.09(1)2. `Size.' Possess or have in control while hunting, shells containing shot larger than no. BB during the period commencing on June 1 and continuing through the last day of any deer season or hunt established in s. NR 10.01 (3) (e), (es), (et) or (ez), whichever season is later, except:

a. During the open season established in s. NR 10.01 (1) (b), (c) and (g) when nontoxic shot size BBB and T may be used for hunting migratory game birds listed in s. NR 10.01 (1) (b), (c) and (g).

b. A person holding a valid permit to harvest a bobcat and their unfilled pelt tag issued under s. NR 10.145 may possess and use shotshells containing shot larger than no. BB for the purpose of hunting bobcat during the open season established in s. NR 10.01(3)(d).

Section 10. NR 10.10(1)(b) is amended to read:

NR 10.10(1)(b) *Dogs*. With the aid of dogs, except that dogs may be used for hunting bear during the season established in s. NR 10.01 (3) (g) 1. in black bear hunting zones A, ~~A1~~, and B and D as described in s. NR 10.30

Section 11. NR 10.102(1)(d) is amended to read:

NR 10.102(1)(d) *Population goals*. The fall pre-hunt black bear population goal is as follows:

Zone Population Goal

A 4,600

~~A1~~ 3,300

B 2,200

C 1,200

D 3,300

Section 12. NR 10.104(15) is created to read:

NR 10.104(15) APOSTLE ISLANDS. The following carcass tags are valid for the taking and tagging of deer in deer management unit 79, Apostle Islands:

- (a) Archery buck deer carcass tag.
- (b) Archery antlerless deer carcass tag.
- (c) Gun buck deer carcass tag.

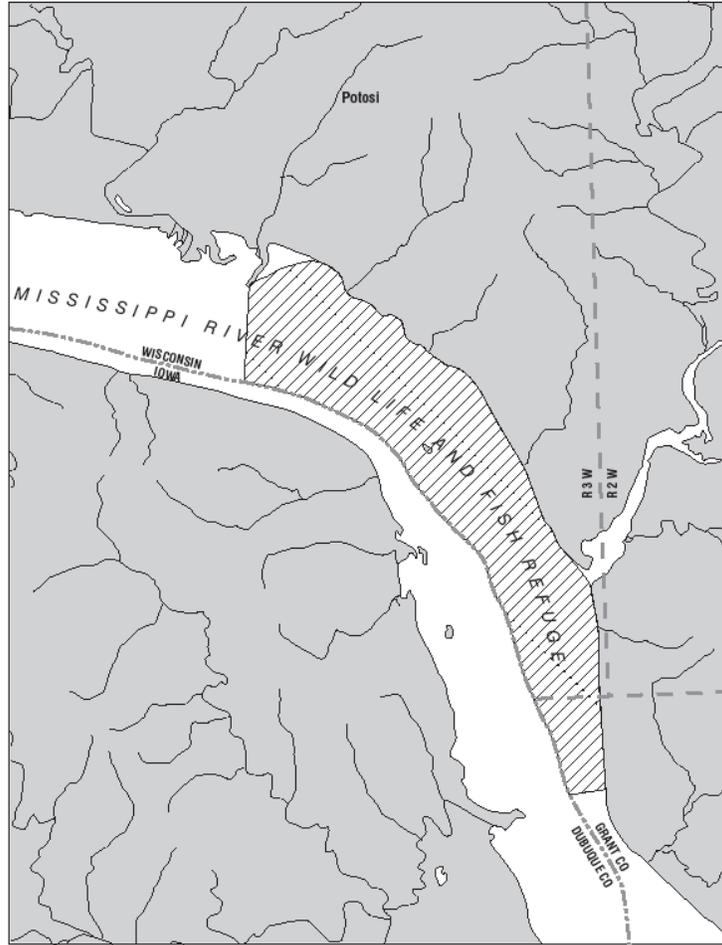
(d) Special deer management unit 79 deer permit. These special permits will be issued free of charge at a rate of up to 2 permits per day per hunter. Each tag may be used to tag any of the following:

- 1. An antlerless deer.
- 2. A buck deer if the hunter possesses an antlerless deer registration verification earned in this unit in the previous year or in the current year.
- 3. A buck deer if the hunter possesses an antlerless deer that has been legally harvested in this unit and is tagged prior to the harvest of the buck deer and the antlerless deer accompanies the buck deer until each is registered.

Note: All of the land in this unit is owned and managed by the Apostle Island National Lakeshore, the National Park Service. The National Park Service may require an access permit for the purposes of deer hunting which may limit the dates an individual may hunt and the island or islands on which hunting may occur.

Section 13. NR 10.12(3)(a) is repealed and recreated to read:

NR 10.12(3) (a) *Mississippi river*. Blinds in any of the waters of the Mississippi river and adjoining counties provided the blinds are securely anchored and located not more than 100 feet from any shoreline including islands. Blinds in open water in Grant county and the Lake Pepin portions of the Mississippi river are permitted regardless of the distance from shore provided the blinds are securely anchored except in the Wisconsin portion of the river between lines drawn approximately east to west from Fenley Bluff to the point of the John Deere deflection dike and between the Potosi Point jetty and Specht's Ferry, Township 2 north, 3 west, town of Potosi and Township 1 north, 2 west, town of Jamestown as described in the following map:



Section 14. NR 10.13(1)(b)15.(intro.) and a. are amended to read:

NR 10.13(1)(b)15. `Cable restraints specifications.' Set, place or operate any cable restraint except for bobcat from December 1 to December 31 and fox and coyotes from ~~January~~ December 1 to February 15, dates inclusive, provided the cable restraint conforms to the following specifications in addition to those under subd. 13. :

a. Cable length of 7 feet or less of ~~7 bundles comprised of 7 wires per bundle or 19 bundles comprised of 7 wires per bundle~~, with a diameter of 3/32 inch or larger, consisting of multiple strands of wire.

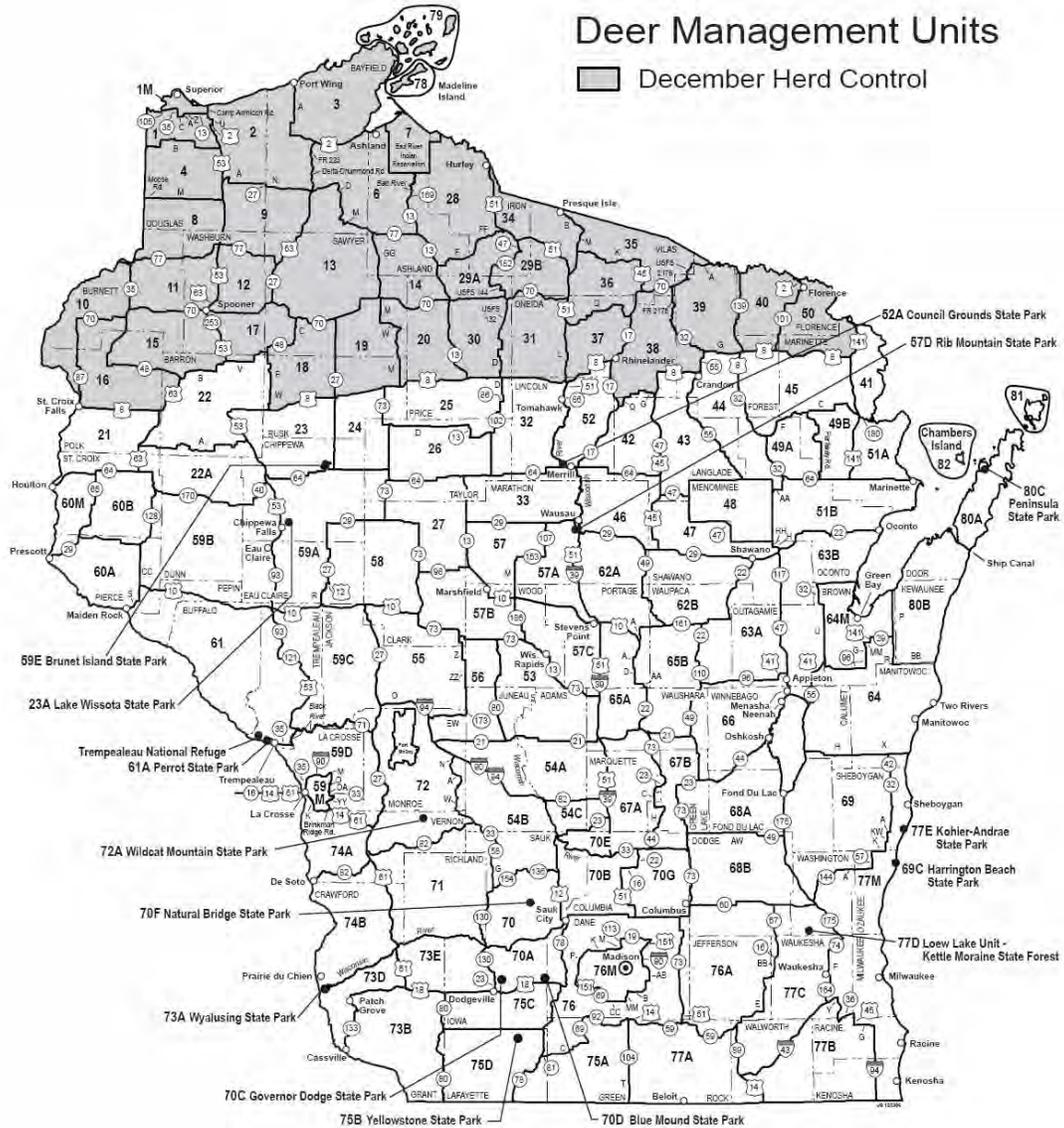
Section 15. NR 10.13(1)(b)15a. note is repealed.

Section 16. NR 10.25(4)(c) is amended to read:

NR 10.25(4)(c) With the aid of dogs, except during the open season for hunting turkeys described in s. NR 10.01(2)(f)2. in Crawford, Vernon, La Crosse, Richland, Sauk, Wood, Monroe and Jackson counties in 2007 and 2008.

Section 17. NR 10.28(1) is repealed and recreated to read:

NR 10.28(1) STATEWIDE DEER MANAGEMENT UNITS.

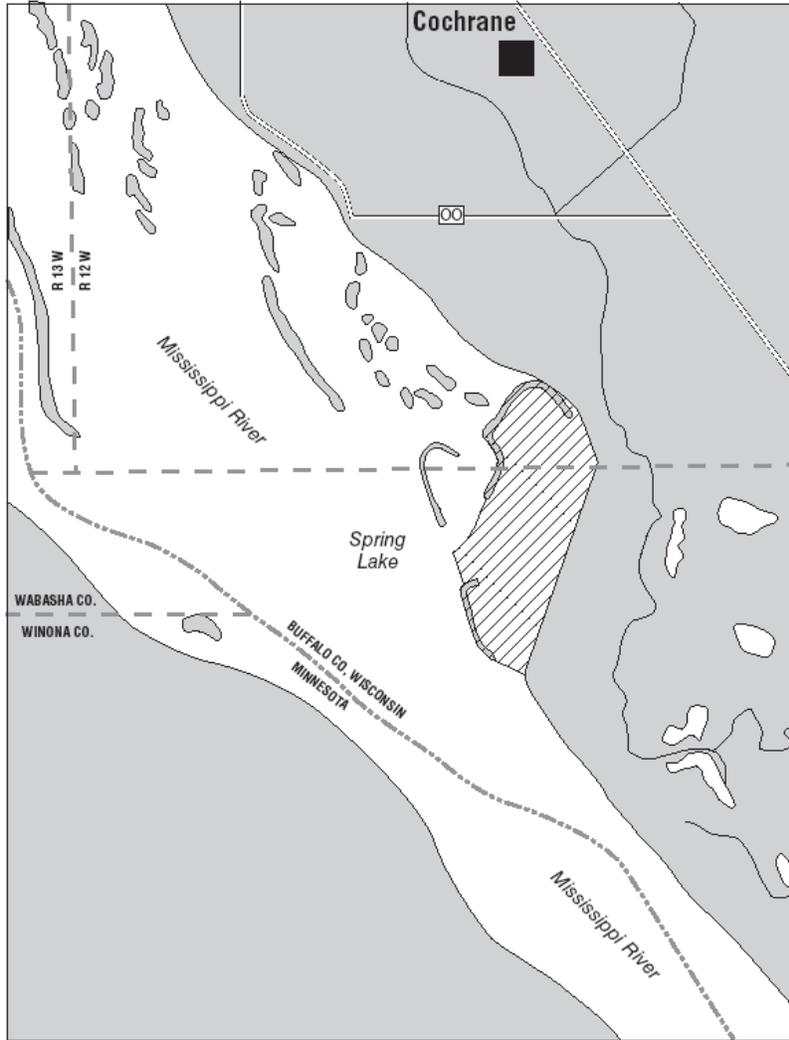


Section 18. NR 10.29 is repealed and recreated to read:

NR 10.29 Wild turkey hunting zones.

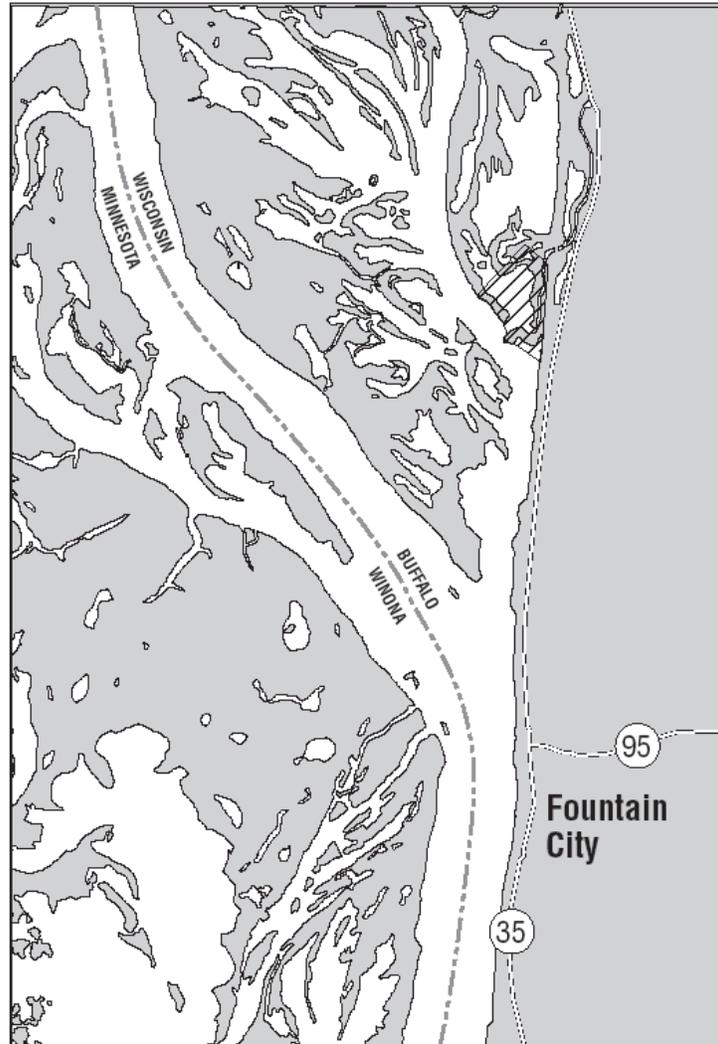
Section 21. NR 11.032(2)(e) is created to read:

NR 11.032(2) BUFFALO COUNTY. (e) *Spring Lake (Pool 5)*. Township 20 north, range 12 west, town of Milton.



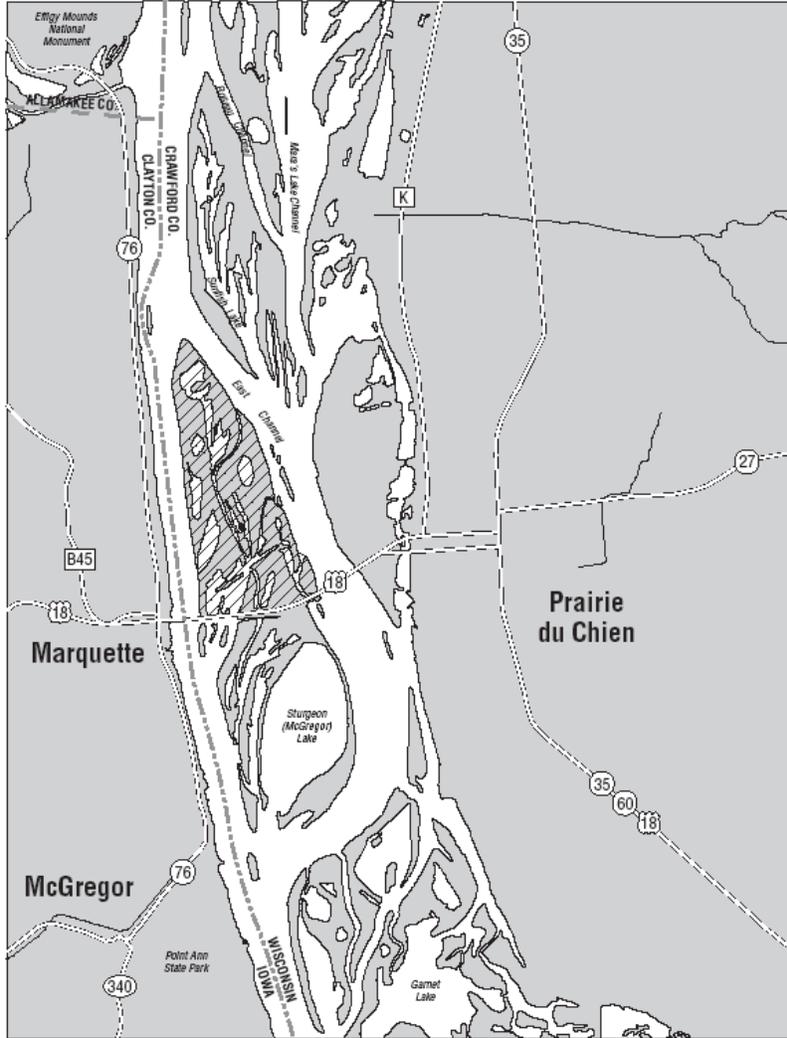
Section 22. NR 11.032(2)(f) is created to read:

NR 11.032(2) BUFFALO COUNTY. (f) *Fountain City Bay (Pool 5A)*. Township 19 north, range 11 west, town of Milton.



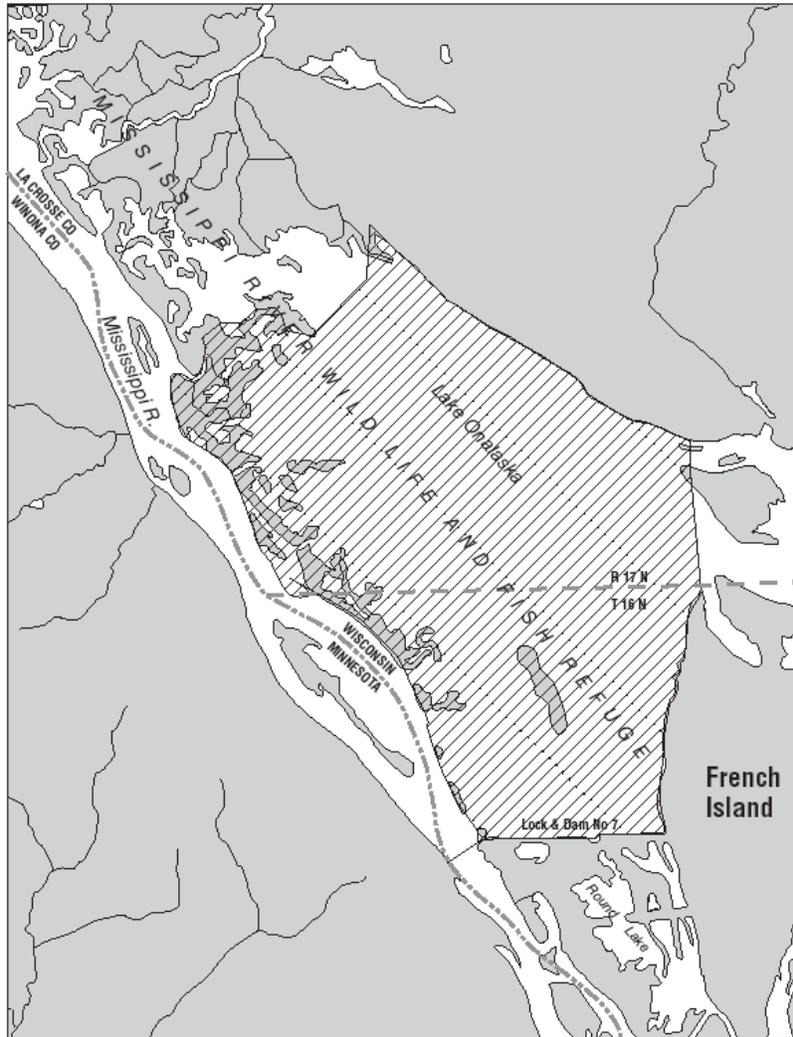
Section 23. NR 11.032(3)(b) is created to read:

NR 11.032(3)(b) *Sturgeon slough (Pool 10)*. Township 7 north, range 7 west, town of Prairie du Chien, and Township 6 north, 7 west, town of Bridgeport.



Section 24. NR 11.032 (5) is repealed and recreated to read:

NR 11.032(5) LA CROSSE COUNTY. (a) *La Crosse (Pool 7)*. Township 16 north, range 8 west, town of Campbell, and township 17 north, range 8 west, town of Onalaska.



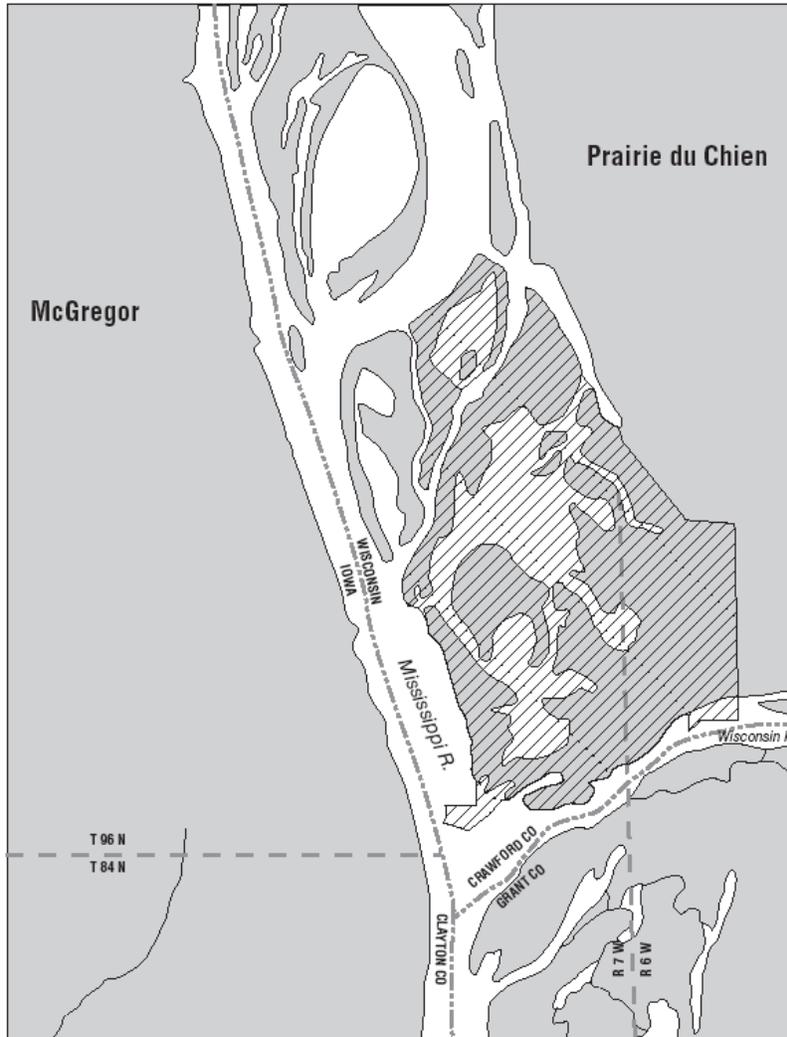
Section 25. NR 11.032(6) is repealed and recreated to read:

NR 11.032(6) VERNON COUNTY. (a) *Goose island (Pool 8)*. Township 14 north, range 7 west, town of Bergen.



Section 26. NR 11.035(1)(a) is created to read:

NR 11.035 (1) Mississippi River Special Closed area. (a) *Wisconsin River delta (pool 10)*. Township 6 north, range 6 west and township 6 north, range 7 west, town of Bridgeport. No hunting is allowed during the period beginning on November 1 and continuing through March 15. Legally killed or crippled game may be retrieved from these areas by dog or hand.



Section 27. NR 16.18(5)(c) is created to read:

NR 16.18(5)(c) A person trapping on a licensed wild fur farm under the authority of a wild fur farm license issued under s. 169.18, Stats., shall comply with the trap, cable restraint and snare size and placement rules specified under s. NR 10.13(1)(b), unless otherwise authorized in writing by the department.

Section 28. NR 19.51 is created to read:

NR 19.51 Wisconsin cooperative trapper education program fee. The fee for the course of instruction under the Wisconsin cooperative trapper education program shall be \$12.00 per student. The fee for correspondence trapper education certification program shall be \$12.00 per student for correspondence programs that require in-state mailing of course materials and shall be \$28.00 per student for correspondence programs that require out-of-state mailing of course materials. In addition to the fees established in this section, for correspondence courses, each student shall pay a \$17.00 deposit that shall be refunded when the course materials are returned. The fee for advanced trapper education courses shall be that amount needed to pay for the cost of the course, but not to exceed \$50.00 per student. Only instructors who are certified by the department to teach trapper education courses under s. 29.597, Stats., may charge a fee for a trapper education course established under s. 29.597, Stats.

Section 29. NR 19.60(2)(d)6. is created to read:

NR 19.60(2)(d)6. At a feeding site that the person knows or should have known is also being used by bear or elk. If the owner of the residence or business is notified by the department or otherwise becomes aware that bear or elk have been using a deer feeding site, the owner may not place or allow others to place any feed material that is accessible to deer, bear or elk within 50 yards of the owner occupied residence or business for a period not less than 30 days.

Section 30. NR 45.09(2) as amended by CHR 06-037 (Natural Resources Board Order No. WM-02-06) 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~~:

(a) 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. Unoccupied tree stands shall have the owner's 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~~

(b) 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.

(c) Hunt from any elevated or ground blind during any open season or special hunt for hunting deer with firearms unless the outside of the blind contains a minimum of 144 square inches of material that is a highly visible color commonly referred to as blaze orange, florescent orange, or florescent blaze orange, which is visible 360 degrees around the blind. Blinds that are left unoccupied shall have the owner's customer identification number or name and address written in the English language attached to the outside of the blind in a conspicuous location near the entrance to the blind and be kept legible at all times.

(d) This subsection does not apply to the use of blinds constructed entirely of dead vegetation found on the property.

Section 31. Effective dates. These rules shall take effect on February 1, 2008, except sections 1, 10, 13, 16, 20, 21, 22, 23, 24, 25, 26 which shall take effect on September 1, 2007.

Section 32. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)