Form 1100-001
(R 9/07)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.2

SUBJECT: Request adoption of Board Order WM-06-08, modifications to chs. NR 1, 8, 10, 11, 12, 15, 16, 17, and 19, the 2008 Wildlife Management housekeeping rule package

FOR: JUNE, 2008 **BOARD MEETING**

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

SUMMARY:

Annually the department updates administrative code language to correct inconsistencies, update outdated language and provide clarification where appropriate. This year, the department is proposing the following changes:

- Designate elk as big game animals.
- Allow issuance of all approvals, permits, licenses, subscriptions and passes through the automated licensing system.
- Update the names of existing disabled-only zones for wild turkey hunters.
- Update and eliminate duplicative or unnecessary deer hunting season language.
- Correct a drafting error related to the youth deer hunting season.
- Correct a cross reference to continue allowing hunting certain species at night during Dec. and Oct. deer hunts.
- Correct a cross reference related to types of legal archery hunting equipment.
- Adjust bear management zones A and D to account for the Bad River Reservation.
- Update wildlife damage and nuisance control rules to be consistent with recently passed legislation.
- Update rules which establish the Horicon Marsh Fur Farm to include newly acquired lands.
- Re-establish pheasant management zones for the purposes of regulating Class B shooting preserves.
- Eliminate the sunset of a rule which allows training dogs with the aid of raccoon and rabbits at certain times.
- Define the term "preserve" to eliminate confusion about when a Taxidermy or Fur Buyers license is required.
- Waive department fur tagging requirements for tribes that have their own fur tagging systems.
- Repeal the "initial" advanced license for wildlife rehabilitation.
- Clarify that animals which are being rehabilitated may not be exposed to domestic animals during rehabilitation.
- Correct a typographical error related to wildlife rehabilitation regulations.

RECOMMENDATION: Request adoption of Board Order WM-06-08, modifications to chs. NR 1, 8, 10, 11, 12, 15, 16, 17, and 19, the 2008 Wildlife Management housekeeping rule package

LIST OF ATTACHED MATERIALS:

No	☐	Fiscal Estimate Required	Yes	☑	Attached
No	☑	Environmental Assessment or Impact Statement Required	Yes	☐	Attached
No	☐	Background Memo	Yes	☑	Attached

APPROVED:

/s/ (Barb Zellmer for Tom Hauge) — 5/15/08

Bureau Director, Tom Hauge, Wildlife Management — Date

/s/ — 5/19/08

Administrator, Laurie Osterndorf, Lands Division — Date

/s/ — 6/16/08

Secretary, Matt Frank — Date

cc: Laurie J. Ross - AD/5
Laurie Ross - AD/5
Tim Andryk - LS/5
Carol Turner - LS/5
GLIFWC & Tribes - 14
Bob Manwell - CE/8
Regional Wildlife Supervisors - WM/6 - 5
Scott Loomans - WM/6
Barb Zellmer - WM/6
Bill VanderZouwen - WM/6
Tom Van Haren - LE/5
Regional LE Supervisors - LE/5 - 5
Kurt Thiede - LS/5
Conservation Congress Exec. Comm. - 4
JoAnne Farnsworth - WM/6

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: May 14, 2008

TO: Natural Resources Board Members

FROM: Matthew Frank

SUBJECT: Adoption of Board Order WM-06-08, modifications to chs. NR 1, 8, 10, 12, 15, 16, 17, and 19, the 2008 Wildlife Management housekeeping rule package

Recommendation:
The department recommends adoption of WM-06-08, a housekeeping rule package pertaining to chapters NR 1, 8, 10, 12, 15, 16, 17, and 19 Wis. Adm. Code.

Rule Summary:

Annually the department updates administrative code language to correct inconsistencies, update outdated language and provide clarification where appropriate. This year, the department is proposing the following changes related to hunting, trapping, dog training, nuisance animal removal, wildlife rehabilitation, and license issuance:

- Designate elk as big game animals.
- Allow the department to issue all approvals, permits, license subscriptions and passes through the automated licensing system.
- Update the names of existing disabled-only zones for wild turkey hunters.
- Update and eliminate duplicative or unnecessary deer hunting season language.
- Correct a drafting error related to the youth deer hunting season.
- Return to the practice of allowing hunting at night of species for which there are no hunting hours restrictions during all firearm deer seasons except the traditional nine-day firearm deer season.
- Correct a cross reference related to types of legal archery hunting equipment.
- Adjust bear management zones A and D to account for the Bad River Reservation.
- Update wildlife damage and nuisance control rules to be consistent with recently passed legislation.
- Update rules which establish the Horicon Marsh Fur Farm to include newly acquired lands which are part of the marsh.
- Re-establish pheasant management zones in the captive wildlife chapter so that provisions which were inadvertently removed by previous rulemaking are restored.
- Eliminate the sunset of a rule which allows training dogs with the aid of raccoon and rabbits at certain times.
- Establish a definition of “preserve” in order to eliminate confusion about when a Taxidermy or Fur Buyers license is required.
- Waive department fur tagging requirements for tribes that have their own fur tagging systems.
- Repeal the “initial” advanced license for wildlife rehabilitation.
- Clarify that animals which are being rehabilitated may not be exposed to other species, including domestic, during rehabilitation.
- Correct a typographical error related to wildlife rehabilitation regulations.

Background:

<u>Designate elk as big game animals</u>
Chapter NR 1 contains Natural Resources Board policy statements on deer and bear but not elk. The proposed statement is similar to the existing language which designates black bear as a big game animal.

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Allow the department to issue all approvals, permits, license subscriptions and passes through the automated licensing system

Current rule authority allows only the sales of hunting, fishing and trapping related authorizations with the automated license system at department outlets and through private vendors. This proposal would establish the ability for vendors to issue any type of department license, permit, publication or other services in order to expand customer service. No specific expansion of services is proposed at this time but establishing the authority to do so may generate interest from other department programs.

Update the names of existing disabled-only zones for wild turkey hunters

These zones need new names because of the creation of a new seven zone turkey map.

Eliminate duplicative deer hunting season language

Special firearm deer hunting season language currently exists in three places in administrative code. That language is duplicative and no longer necessary with the sunset of the two-year experiment with seasons that do not include October antlerless only deer hunts. Additionally, these provisions clarify that only antlerless deer may be harvested by archers during the October antlerless only firearm season.

Correct a drafting error related to the youth deer hunting season

This provision corrects a drafting error by removing the word “federal”.

Return to the practice of allowing hunting at night of species for which there are no hunting hours restrictions during all deer seasons except the traditional nine-day firearm deer season

In the past hunting at night for species such as raccoon and coyote has been allowed during October and December firearm deer seasons but not the traditional nine-day November firearm season. This provision updates a cross reference so that this policy can continue.

Correct a cross reference related to types of legal archery hunting equipment

This provision updates a cross reference.

Adjust bear management zones A and D so that the Bad River Reservation will be entirely in Zone D

This proposed change places the Bad River Reservation in one zone so that it is not split between bear management zones D and A. Since very little non-tribal hunting occurs in this area the proposed change will not significantly affect the public.

Update wildlife damage and nuisance control rules to be consistent with recently passed legislation

This change is a response to the passage of 2005 ACT 82 and the proposed rule language is identical to that found in the new statute. Prior to ACT 82, public access for hunting certain species on lands where shooting permits have been issued or wildlife damage claims assistance is disbursed was required. That is no longer true on lands where a deer shooting permit is the only form of abatement and eligibility for wildlife damage claims is waived.

Update rules which establish the Horicon Marsh Fur Farm to include newly acquired lands which are part of the marsh

The property boundary of the Horicon Marsh Wildlife Area has expanded due to land acquisitions by the department but this expansion in not reflected on the map which establishes the Horicon Marsh Fur Farm. This proposal would eliminate the map and establish that the Horicon Marsh Wildlife Area "as posted with department signs" is the Horicon Marsh Fur Farm so that the map in Administrative Code does not have to be continually updated.

Re-establish pheasant management zones in the captive wildlife chapter so that provisions which were inadvertently removed by previous rulemaking are restored

The pheasant management zone map was eliminated in 2006 so that the Pheasant Stamp would be required of pheasant hunters statewide. This change had unintended effects on shooting preserve regulations. This change would restore the ability of Class B Shooting Preserves to stock and harvest hen pheasants if they are outside the boundary of the Pheasant Management Zone by restoring that zone map for the purposes of shooting preserve regulations only.

Eliminate the sunset of a rule which allows training dogs with the aid of raccoon and rabbits at certain times in the Northern Closed Area

The Natural Resources Board approved this change in October 2006 as part of a rule package that established hound dog training enclosure regulations. Because of a drafting error the change was not actually made in Administrative Code.

Establish a definition of "preserve" in order to eliminate confusion about when a Taxidermy or Fur Buyers license is required

This proposal would clarify that a taxidermy license is not necessary if a person is only tanning the hides of furbearing animals.

Waive department fur tagging requirements for tribes that have their own fur tagging systems

Trapping and hunting seasons on tribal lands are not consistent with state seasons and current rule requires that animals taken on tribal lands and transported out must be tagged if the state season is not open. This provision would allow an exemption to that rule if a Wisconsin tribe has a wildlife tagging system that is similar to the department's current system. Several tribes currently have such a system.

Repeal the "initial" advanced license for wildlife rehabilitation

The "initial" advanced wildlife rehabilitation license was intended for use during the implementation phase of newly enacted captive wildlife statutes and rules. Now that these programs are well established, this type of license can be repealed.

Clarify that animals which are being rehabilitated may not be exposed to other species, including domestic, during rehabilitation

Wild animals which are being rehabilitated may not be visually exposed to other species of animals. This proposal adds clarity by emphasizing that "other species" includes domestic animals.

Correct a typographical error related to wildlife rehabilitation regulations

In this section, “license” should be “licensee”.

Recommended Public Participation

A hearing was held in Madison on April 25. No one appeared in favor or opposition of the rule. One written comment, a general statement of support for the rule, was received.

Rule Development:

These rules were developed with assistance from the bureaus of Law Enforcement, Legal Services, Customer Service & Licensing, Facilities and Lands, Endangered Resources and Parks & Recreation.

Small Business and Initial Regulatory Flexibility Analysis:

The revisions to chs. NR 1, 8, 10, 12, 15, 16, 17, and 19, Wis. Adm. Code, pertain to hunting and nuisance wild animal removal. 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. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

Bureau of Integrated Science Services has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Legislative Council Rules and Clearinghouse Report:
Comments from the Legislative Council Clearinghouse related primarily to form, style, and placement in the Administrative Code and have been incorporated in this rule order.

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2048 (R10/2000)

Fiscal Estimate — 2007 Session

☒ Original ☐ Updated	LRB Number	Amendment Number if Applicable
☐ Corrected ☐ Supplemental	Bill Number	Administrative Rule Number WM-06-08

Subject

Housekeeping rule package modifying chapters NR 1, 8, 10, 12, 15, 16, 17, and 19 related to hunting, trapping, captive wild animals, dog training, nuisance animal removal and license issuance.

Fiscal Effect

State: ☒ No State Fiscal Effect
☐ Indeterminate

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
☐ Indeterminate

1. ☐ Increase Costs
☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
☐ Permissive ☐ Mandatory
3. ☐ Increase Revenues
☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
☐ Permissive ☐ Mandatory
5. Types of Local Governmental Units Affected:
☐ Towns ☐ Villages ☐ Cities
☐ Counties ☐ Others _____
☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The intent of these rule changes is to correct drafting errors, provide clarification to existing rules, simplify regulations, increase access to department services, and update administrative code language and references. The department anticipates only minimal fiscal impacts. Specifically, these rules will:

- Designate elk as big game animals.
- Allow issuance of all approvals, permits, license subscriptions and passes through the automated licensing system.
- Eliminate duplicative deer hunting season language.
- Correct a drafting error related to the youth deer hunting season.
- Return to the practice policy of allowing hunting at night of species for which there are no hunting hours restrictions during all firearm deer seasons except the traditional nine-day firearm deer season.
- Correct a cross reference related to types of legal archery hunting equipment.
- Adjust bear management zones A and D to account for the Bad River Reservation.
- Update wildlife damage and nuisance control rules to be consistent with recently passed legislation.
- Update rules which establish the Horicon Marsh Fur Farm to include newly acquired lands which are part of the marsh.
- Re-establish pheasant management zones in the captive wildlife chapter so that provisions which were inadvertently removed by previous rulemaking are restored.
- Eliminate the sunset of a rule which allows training dogs with the aid of raccoon and rabbits at certain times.
- Establish a definition of "preserve" in order to eliminate confusion about when a Taxidermy or Fur Buyers license is required.
- Waive department fur tagging requirements for tribes that have their own fur tagging systems.
- Repeal the "initial" advanced license for wildlife rehabilitation.
- Clarify that animals which are being rehabilitated may not be exposed to other species, including domestic, during rehabilitation.
- Correct a typographical error related to wildlife rehabilitation regulations.

Long-Range Fiscal Implications

Adding new purchase options to the automated licensing system may result in an increase in permits and services which are sold and an increase in revenue to the department. However, since no specific services are proposed to be included at this time it is not feasible to predict long range implications.

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

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-06-08

Assumptions Used in Arriving at Fiscal Estimate – Continued

Allowing the issuance of permits, licenses, and services in addition to the ones currently allowed under ss. Ch. 29 Stats., would increase costs because programming updates to the automated licensing system would be needed. No specific program updates are proposed at this time, however. If new items are added to the automated licensing system it would be the responsibility of that program to provide resources to Customer Service & Licensing, the bureau which administers the licensing system. Those costs may be offset by increased sales resulting from easier access to services at license outlets statewide.

It is not anticipated that any other provisions of the rule will have fiscal impacts.

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2047 (R10/2000)

Fiscal Estimate Worksheet — 2007 Session

Detailed Estimate of Annual Fiscal Effect

☒ Original	☐ Updated	LRB Number	Amendment Number if Applicable
☐ Corrected	☐ Supplemental	Bill Number	Administrative Rule Number WM-06-08

Subject

Housekeeping rule package modifying chapters NR 1, 8, 10, 12, 15, 16, 17, and 19 related to hunting, trapping, captive wild animals, dog training, nuisance animal removal and license issuance.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

None.

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations — Salaries and Fringes	$ 0	$ - 0
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	$ 0	$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	$ 0	$ - 0
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues — Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes	$ 0	$ - 0
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
Total State Revenues	$ 0	$ - 0

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	$ 0	$ 0
Net Change in Revenues	$ 0	$ 0

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

WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

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Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 08-021

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.]

2. Form, Style and Placement in Administrative Code

a. In the treatment clause for SECTION 4, the word "through" should be replaced by the word "to."

b. It is recommended that s. NR 8.02 be further modified to simply require "all license agents to issue all department approvals or federal approvals designated by the department to be issued through the automated licensing system, except for approvals designated by the department to be issued only by the department or by specified license agents" if this is the department's intent.

c. In s. NR 8.06 (1) (intro.), after the word "another," the underscored material should follow the stricken material. Also, in sub. (1) (a), the last sentence should read: "A parent or guardian shall sign a purchase receipt under s. NR 8.04 (1) (a) on behalf of the child before the parent or guardian receives the approval."

d. It is recommended that s. NR 8.06 (3) be modified to only apply to a person purchasing an approval for another person "as provided in this section."

e. In s. NR 12.36 (1), if the only exception the department intends to make to the open access requirements for enrollees issued a shooting permit under s. 29.885, Stats., is the exception that is created in (1m), then (1) should remain mandatory "except as provided in (1m)" so that enrollees issued a shooting permit and receiving other abatement measures or payments do not have an argument that they should not be required to have open access.

f. In s. NR 12.36 (1m) 1., “, and” should be replaced by a period.

g. In s. NR 19.12 (1) (d), the title should be shown in italics.

h. It appears that the effective date clause of the rule should read: “This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.” [See s. 1.02 (4), Manual.]

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

a. Section 29.506, Stats., should be added to the lists of statutory authority and statutes interpreted (see s. NR 19.001 (13m)).

b. In the statements of statutory authority and statutes interpreted, it appears that the reference to s. 169.20 (6), Stats., is incorrect.

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

a. Do “license issuance manual” (s. NR 8.05) and “license issuance handbook” (s. NR 8.04 and elsewhere) refer to the same document? If so, the same term should be used for each reference.

b. It is not clear from the map created under s. NR 16.19 (8) what areas are included in pheasant management zones.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01(3)(ed)5., 10.01(3)(ez) and 19.73(3)(e); to amend NR 1.15(intro.) and (2)(d), 8.01(title) and (1), 8.02, 8.03(2)(c), 8.04(1), 8.05(1) and 8.06, 10.01(2)(f) 2. and 3, 10.01(3)(e)1.e., 10.01(3)(em)1., 10.01(3)(ev), 10.06(8)(b), 10.09(3), 12.36(1), 17.04(3)(a)(intro.), 17.08(3)(a)(intro.), 19.73(3)(a)(intro.), 19.77(2)(f) and 19.78(2); to repeal and recreate NR 10.30 and 15.11(1); and to create NR 1.15(2)(e), 16.19(8), 19.001(13m), 19.12(1)(d), relating to hunting, trapping, captive wild animals, dog training, nuisance animal removal, wildlife rehabilitation and license issuance.

WM-06-08

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of this rule order include ss. 23.16, 23.322, 23.325(2), 23.33, 27.01 (7), 29.014, 29.506, 29.889(7m), 30.52, 169.19(6), 169.21(3), 169.24, and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting, to establish other regulations for hunting, trapping, dog training, nuisance wild animal removal, and wildlife rehabilitation. These sections also establish that the department may charge fees for various department permits and products. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule, ss. 23.16, 23.322, 23.325(2), 23.33, 27.01 (7), 29.014, 29.506, 29.889(7m), 30.52, 169.19(6), 169.21(3), 169.24 and 227.11, Stats., have been interpreted as providing the department with the authority to make these housekeeping clarifications.

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

Plain Language Rule Analysis: The Bureau of Wildlife Management recommends promulgating administrative rules that modify sections of chs. NR 1, 8, 10, 12, 15, 16, 17 and 19. These rule changes related to hunting, trapping, captive wild animals, dog training, nuisance animal removal and license issuance are minor and unlikely to be controversial. The intent of these rule changes is to correct drafting errors, provide clarification to existing rules, simplify regulations, and update administrative code language and references. Policy issues affected by this rule are ones which have already been addressed by previous rulemaking. Specifically, these rules will:

- Designate elk as big game animals.
- Allow the department to issue all approvals, permits, license subscriptions and passes through the automated licensing system.
- Update the names of existing disabled-only zones for wild turkey hunters.
- Update and eliminate duplicative or unnecessary deer hunting season language.
- Correct a drafting error related to the youth deer hunting season.
- Return to the policy of allowing hunting at night of species for which there are no hunting hours restrictions during all firearm deer seasons except the traditional nine-day firearm deer season.
- Correct a cross reference related to types of legal archery hunting equipment.
- Adjust bear management zones A and D to account for the Bad River Reservation.
- Update wildlife damage and nuisance control rules to be consistent with recently passed legislation.
- Update rules which establish the Horicon Marsh Fur Farm to include newly acquired lands which are part of the marsh.

- Re-establish pheasant management zones in the captive wildlife chapter so that provisions which were inadvertently removed by previous rulemaking are restored.
- Eliminate the sunset of a rule which allows training dogs with the aid of raccoon and rabbits at certain times.
- Establish a definition of "preserve" in order to eliminate confusion about when a Taxidermy or Fur Buyers license is required.
- Waive department fur tagging requirements for tribes that have their own fur tagging systems.
- Repeal the "initial" advanced license for wildlife rehabilitation.
- Clarify that animals which are being rehabilitated may not be exposed to other species, including domestic, during rehabilitation.
- Correct a typographical error related to wildlife rehabilitation regulations.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the 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 to states in 50 CFR 10.

Comparison with rules in Adjacent States: These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

Summary of Factual Data and Analytical Methodologies: This rule order is necessary to correct inconsistencies created through the promulgation of other rules and statutes, update code language, correct previous drafting errors, and to clarify existing administrative code language. The rule changes included in this order do not deviate from current department policy on the management of wildlife and the regulation of hunting and trapping.

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 Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule.

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

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Section 1. NR 1.15(intro.) is amended to read:

NR 1.15 Big game mammals. (intro.) Big game mammals in Wisconsin are white-tailed deer, ~~and~~ black bear and elk. The needs and actions specified in this section are essential to an effective big game management program.

Section 2. NR 1.15(2)(d) is amended to read:

NR 1.15(2)(d) *Animal damage.* Deer, ~~and~~ bear and elk damage complaints will be handled according to the provisions of s. 29.889, Stats., and rules as published in the Wisconsin administrative code. Damage can be most economically controlled by maintaining populations with a hunting season harvest as specified in par. (a).

Section 3. NR 1.15(2)(e) is created to read:

NR 1.15(2)(e) *Elk*. Maintaining elk as a big game animal and offering the best opportunity for a once-in-a-lifetime, quality hunting experience. In addition, the maintenance of elk as a valued component of the natural community will be emphasized by continued management.

Section 4. NR 8.01(title) and (1), 8.02, 8.03(2)(c), 8.04(1), 8.05(1) and 8.06 are amended to read:

NR 8.01(title) ~~**County clerk, duties.**~~ **Definitions.**

(1) "Approval means any type of approval or authorization issued by the department ~~under ch. 29, Stats.,~~ through the automated license issuance system, including any license, permit, certificate, card, stamp, tag, sticker, purchase receipt or customer identification number, unless the context requires a different meaning.

NR 8.02 Authorization to issue approvals. (1) All license agents shall issue ~~daily vehicle admission receipts and annual vehicle admission receipts under s. 27.01 (7) (d), Stats.~~

~~**(1m)** All license agents shall issue the nonresident snowmobile trail use stickers required under s. 350.12, Stats.~~

~~**(2)**All license agents shall issue all recreational fishing, and hunting licenses and stamps in ch. 29, Stats., except:~~

~~(a)(title) *Issued only by the department, county clerks and license agents authorized by the department.* The following licenses shall be issued only by the department, county clerks and license agents authorized by the department to issue them:.~~

~~1. Disabled fishing license under s. 29.193 (3), Stats.~~

~~2. Veteran's disabled fishing license under s. 29.193 (3) (c), Stats.~~

~~3. Duplicate senior citizen recreation card under s. 29.624, Stats.~~

~~4. Military fishing license under s. 29.194 (2), Stats.~~

~~5. Military small game license under s. 29.194 (3), Stats.~~

~~6. Slat net licenses under s. 29.526, Stats.~~

~~7. Set or bank pole licenses under s. 29.531, Stats.~~

~~8. Set line licenses under s. 29.533, Stats.~~

~~**(3)** All license agents shall issue the following approvals: antlerless bonus deer permits under s. 29.181, Stats.; trapping licenses under s. 29.241, Stats.; wild rice harvest license under s. 29.607, Stats.; and ginseng harvest license under s. 29.611, Stats.~~ all department approvals or federal approvals designated by the department to be issued through the automated licensing system, except for approvals designated by the department to be issued only by the department or by specified license agents.

NR 8.03 (2)(c) All license agent applicants not included in par. (a) or (b) shall be considered for approval by the department. Factors which may be considered for approval of an application include, but are not limited to the following:

1. Need for a license vendor in the area.
2. Convenience of location of the establishment.
3. Potential sales volume.
4. Amount and timing of hours open for business.
5. Stability of the business and personal and financial standing of the applicant.
6. Availability of point of sale equipment.

NR 8.04 Forms of approvals. (1) APPLICATION AND APPROVAL REQUIREMENTS. (a) An applicant shall provide appropriate identification and update all ~~application~~ personal information as indicated by the department's license issuance ~~handbook~~ manual when applying for an approval. In addition, an applicant shall sign the purchase receipt attesting to his or her residency and that his or her privileges for all approvals issued have not been revoked by a court of law.

Note: The department's license issuance ~~handbook~~ manual is available from the Department of Natural Resources' Bureau of Customer Service and Licensing, 101 South Webster, P.O. Box 7924, Madison, Wisconsin 53707.

~~(b) A first-time applicant through the automated license issuance system, who has not been issued a customer identification number, shall complete and sign an application for a customer identification number. The applicant shall carry the completed application when exercising privileges authorized by the approval.~~

~~(c)~~ (b) An applicant shall sign the issued approval, if required by the department on the approval form, before exercising any privileges authorized by the approval and carry the signed approval on their person when exercising privileges authorized by the approval.

~~(d)~~ (c) Pursuant to s. 29.024 (5), Stats., the license agent is not required to sign the approval.

NR 8.05 Telephone issuance of approvals. (1) The department may issue approvals by telephone according to procedures described in the department's ~~telephone~~ license issuance ~~handbook~~ manual.

Note: The department's ~~telephone~~ license issuance ~~handbook~~ manual is available from the Department of Natural Resources' Bureau of Customer Service and Licensing, 101 South Webster, P.O. Box 7924, Madison, Wisconsin 53707.

NR 8.06 Purchasing a ch. 29, Stats., approval for another person. (1) ~~An~~ Except as prohibited in sub. (2), an individual may purchase an approval for another ~~who is not required to complete and submit an application for a customer identification number, pursuant to s. NR 8.04 (1) (b). A signed purchase receipt under s. NR 8.04 (1)(a) is not required. The purchaser shall submit~~ if the purchaser submits an application form completed and signed by the applicant except that:

(a) A parent or guardian of a child under the age of 18 may ~~submit and sign an application~~ purchase an approval on behalf of a child under 18 years of age. A parent or guardian shall sign a purchase receipt under s. NR 8.04(1)(a) on behalf of the child before the parent or guardian receives the approval.

(b) Stamp approvals may be purchased for another person if a customer identification number is provided.

(2) ~~A person purchasing~~ An individual may not purchase an approval for another person ~~may purchase the approval from any license agent~~ when there is a limited quantity of approvals available, except a parent or guardian may purchase an approval for their child under the age of 18.

(3) A person purchasing an approval for another person as provided in this section may purchase the approval from any license agent.

Section 5. NR 10.01(2)(f) 2. and 3. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(f)2. All wild turkey hunting zones as described in s. NR 10.29 and Mill Bluff state park portions of ~~zones 9 and 13,~~ zone 1 excluding all other state parks, for which a quota has been established under s. NR 10.25 (5).	Fall season beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the Thanksgiving holiday.	Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.
3. Zones ~~4A, 5A, 10A, 13A, 15A, 15C, 34A, 37A, 37B~~ 1A, 1B, 1C, 1D, 1E, 1F, 2A, 4A, 4B and the Mill Bluff state park portions of ~~zones 9 and 13~~ zone 1 as described in s. NR 10.29.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.

Section 6. NR 10.01(3)(e)1.e. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.e. Except for areas identified in subds. 2. and 3., this season may be implemented in deer management units that meet the criteria established in par. (ed) 2.~~, starting in 2008~~ if the harvest resulting from the permit issuance procedures established in par. (ed) 1. a. in a deer management region does not meet the performance measures established in par. (ef) ~~1. Additionally, this season may be implemented in 2007 in a deer management unit that meets the criteria established in par. (ed) 2., if the 2006 harvest resulting from the permit issuance procedures established in par. (ed) 1. a. does not meet the performance measures established in par. (ef) 2.~~	Firearm season beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. The firearm type in a deer management unit is the same as authorized during the seasons listed in subdivision paragraphs a. and b.	One antlerless deer per antlerless deer permit issued under s. NR 10.104.

Section 7. NR 10.01(3)(ed)5. is repealed.

Section 8. NR 10.01(3)(em)1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
10.01(3)(em) *Deer bow season* 1. Statewide except as established under subds. 2. to 5. and pars. (ed), (et) and (ez).	*Early archery season*. Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season described in par. (e).	One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104. <u>During an October firearm season established in par. (e)1.e., the bag limit is one antlerless deer per antlerless deer permit issued under s. NR 10.104.</u>
	Late archery season. Reopening on the day immediately after the deer gun season described in par. (e) 1. a. and b. and continuing through the second Wednesday following the Thanksgiving holiday.	One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.

Beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.	One antlerless deer per antlerless deer permit issued under s. NR 10.104.
Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Sunday nearest January 6.	One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.

Section 9. NR 10.01(3)(ev) is amended to read:

NR 10.01(3)(ev) *Special youth gun deer hunt event*. Persons 12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state park units~~,~~ and deer management unit 48~~ and federal lands~~. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et). The bag limit is one buck deer per valid gun deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8). Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters and all other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters. Earn-a-buck requirements do not apply to youth hunters hunting in CWD zones identified in s. NR 10.28 (3) or non-CWD earn-a-buck units when using their regular gun buck deer carcass tag. Youth hunters may harvest and tag bucks or antlerless deer in CWD zones as authorized by CWD tags under s. NR 10.104 (11) or CWD landowner permit tags issued pursuant to s. NR 10.41 (3).

Section 10. NR 10.01(3)(ez) is repealed.

Section 11. NR 10.06(8)(b) is amended to read:

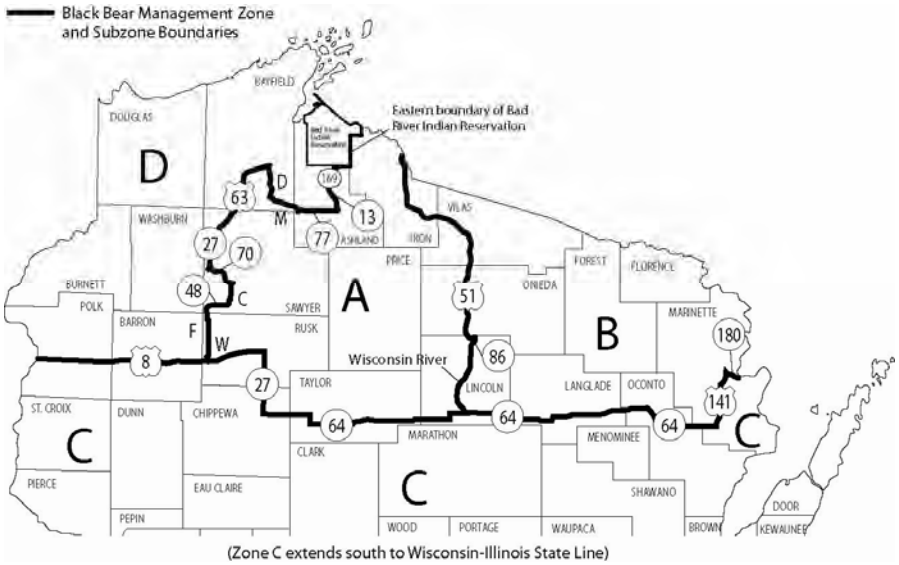
NR 10.06(8)(b) *Gun deer season.* Hunting hours established in sub. (5) shall apply statewide to bow and gun hunters pursuing any species, except migratory game birds listed in s. NR 10.01(1), during the ~~dates~~ season established in s. NR 10.01(3)(e)1. a. and b.

Section 12. NR 10.09(3) is amended to read:

NR 10.09(3)(b) *Special restrictions.* Use, possess or have under control while hunting, any poisoned or drugged arrow, arrow with explosive tips or any crossbow unless the crossbow is authorized under sub. (1)(c)1.~~d.~~e.

Section 13. NR 10.30 is repealed and recreated:

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



Section 14. NR 12.36(1) is amended to read:

NR 12.36 Open hunting access requirement. (1) Enrollees shall have hunting access control over all contiguous land on which they seek wildlife damage abatement assistance or claims. Enrollees shall open their land to hunting, using one of the access options in sub. (3), during the regular hunting seasons for the species causing the damage for which they have enrolled in the WDACP as required by s. 29.889 (7m), Stats. Enrollees may not charge any fees for hunting, hunting access or any other activity that includes hunting the species causing damage. This hunting access requirement shall also apply to enrollees who have also been issued a shooting permit under the authority of s. 29.885, Stats., and ~~ch. NR 12~~ this chapter, except as provided in sub. (1m).

(1m) *Exemptions*. The requirements under sub. (1) do not apply to a person to whom the department grants a shooting permit for deer causing damage that is issued as an abatement measure recommended under s. 29.889, Stats., if all of the following apply:

1. The permit is the only abatement measure the person receives under s. 29.889, Stats., for damage caused by deer.

2. The person waives any eligibility to receive a wildlife damage claim payment under s. 29.889 (7), Stats., for damage caused by deer.

Section 15. NR 15.11(1) is repealed and recreated to read:

NR 15.11 Horicon marsh fur farm. (1) A state fur farm to be known as the Horicon marsh fur farm is established on all of the state-owned land on the Horicon marsh wildlife area in Dodge county as posted with department signs and no person may hunt or trap any furbearing animals on such area unless authorized by a valid department permit. Any violation of the permit shall be deemed to be a violation of this section.

Section 16. NR 16.19 (8) is created to read:

NR 16.19(8) PHEASANT MANAGEMENT ZONES. Pheasant management zones are established for the purposes in s. 169.19(4m), Stats. A person holding a Class B bird hunting preserve license may not allow the hunting or taking of hen pheasants beginning on December 15 of each year and ending on the

following March 31 within the boundaries of the licensed preserve if the preserve is located totally or partially within a pheasant management zone.

Section 17. NR 17.04(3)(a)(intro.) is amended to read:

NR 17.04(3)(a) *Northern restricted zone hound dog training on raccoon and rabbits.* (intro.) ~~In 2004, 2005 and 2006, a~~ A person may train dogs on captive or free-roaming raccoons and rabbits in the northern restricted zone May 1 to June 30 provided all the following apply:

Section 18. NR 17.08(3)(a)(intro.) is amended to read:

NR 17.08(3)(a) *Northern restricted zone hound dog trialing on raccoon and rabbits.* (intro.) ~~In 2004, 2005 and 2006, a~~ An individual may trial dogs on captive or free-roaming raccoons and rabbits May 1 to June 30 provided all the following apply:

Section 19. NR 19.001(13m) is created to read:

NR 19.001(13m) "Preserve" means, for the purposes of s. 29.506(1), Stats., and this chapter, to treat or process the carcass of a wild animal to prevent the carcass from decaying or spoiling for the purpose of mounting the carcass or parts of the carcass in a lifelike manner.

Section 20. NR 19.12(1)(d) is created to read:

NR 19.12(1)(d) *Waiver exemption*. If a Wisconsin tribe has a tagging and registration system similar to the department's and an approved memorandum of understanding with the department pertaining to the system, tagging requirements under this section may be waived by the department. Tribal tags shall be validated and affixed to the carcass.

Section 21. NR 19.73(3)(a)(intro.) is amended to read:

NR 19.73(3) ADVANCED LICENSE. (a) *Requirements*. (intro.) ~~Except as provided under par. (e), applicants~~ Applicants shall meet all of the following requirements:

Section 22. NR 19.73(3)(e) is repealed.

Section 23. NR 19.77(2)(f) is amended to read:

NR 19.77(2)(f) Enclosures shall have visual barriers to restrict wildlife's view of humans, domestic animals, and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation or stress.

Section 24. NR 19.78(2) is amended to read:

NR 19.78(2) A ~~license~~ licensee shall notify the department within 48 hours of receipt of federal or state endangered or threatened species.

Section 25. Effective dates. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Section 26. Board adoption. This rule order 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 _____
Matthew J. Frank, Secretary

(SEAL)