Form 1100-001
(R 2/07)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.1

SUBJECT: Request adoption of Board Order WM-14-07, rule change proposals resulting from the wildlife portion of the annual Spring Hearings, revisions to NR 10, 16, 19 and 45.

FOR: MAY **BOARD MEETING**

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

SUMMARY:

The department recommends adoption of the following 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.
- 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 and a customer identification number.
- Prohibit deer feeding near dwellings and businesses when feed is being used by bear or elk.
- Expand the time when cable restraints may be used for coyote and fox and allow use for a portion of the bobcat season.
- Relax the cable size standards for cable restraints.
- Establish a fee for the course of instruction under the trapper education program.
- 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 season at Brunet Island State Park and create a nine-day, shotgun deer season.
- Establish 2:00 p.m. closing time for pheasant hunting at Mud Lake and Pine Island Wildlife Areas, Sauk/Columbia Co.
- Create a pilot program to allow fall turkey hunting with the aid of dogs in seven counties.

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

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:

Tom Hauge — Bureau Director, — Date 4/24/07

Laurie Ostrander (sign) — Administrator, — Date 4/25/07

Scott Hassett — Secretary, Scott Hassett — Date 5/2/07

cc: Laurie J. Ross - AD/5
Cons. Cong. Executive Comm. - 4 - LS/5
GLIFWC & Tribes - 14 - WM/6
Kurt Thiede - 6 - LS/5
Tom Hauge - WM/6
Randy Stark - LE/5
Tom Van Haren - LE/5
Diane Brookbank - CS/GEF 3
Kevin Huggins - CS/GEF 3
Tim Andryk - LS/5
Carol Turner - LS/5
Reg. WM Sups. - 5 - WM/6
Reg. LE Sups. - 5 - WM/6
Bob Manwell - CE/8
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)*.	Background Memo (if needed)*
Fiscal Estimate	Response Summary
Environmental Assessment (if needed)	Fiscal Estimate
Rule	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	JA CT	4/24/07 4/24/07	Approved with recommended changes.
Other (if applicable)			

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: April 25, 2007

TO: Natural Resources Board

FROM: Scott Hassett

SUBJECT: Adoption of 2007 Spring Hearing Package, Wildlife Management Rule Order WM-14-07

I am requesting Natural Resources Board adoption of Board Order WM-14-07, a rule package pertaining to NR 10, 16, 19 and 45, Wis. Adm. Code, relating to hunting and trapping. These rule changes were the subjects of discussion and voting at the 2007 Spring Fish and Wildlife Hearings.

Background:

Annually, the department submits rule change proposals relating to hunting, trapping and game management. Citizen input is gathered through the statewide Spring Fish and Wildlife hearings. 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. On Monday April 16, a hearing was conducted in each county of the state.

Summary of the Rule:

The department placed 20 statewide questions and five questions that are primarily of local interest on this year's Spring Hearing Questionnaire. Of those questions, 18 received majority support by total vote and by county tally (Appendix A). With the exception of question 62 relating to hunting turkeys in the fall with the aid of dogs, the department recommends adoption of the proposals that were supported at Spring Hearings as they were presented to the board in January, 2007.

Two of the nine counties affected by the proposal to allow fall turkey hunting with dogs, Richland (yes, 10; no, 13) and Sauk (yes, 37; no, 38), did not support that question during voting on April 16. Since those counties have had negative or tied votes on that issue in the past, the department recommends advancing the experimental season but not including Richland and Sauk counties.

The department recommends adoption of the following 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.
- Allows 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.

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- Require that ground blinds which are left unattended display the customer identification number of the person who is using the blind.
- Prohibit deer feeding near dwellings and businesses when feed is being used by bear or elk.
- Expands the time when cable restraints may be used for coyote and fox and allows their use for a portion of the bobcat season.
- Relax the cable size standards for cable restraints.
- 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 seven counties.

Seven questions, all related to open-water hunting and waterfowl hunting closed areas on the Upper Mississippi River National Fish & Wildlife Refuge, were not supported (Appendix A, questions 48 – 54). Agency staff people do not recommend adoption of those proposals at this time. The department may continue to seek input, will monitor the progress of the federal regulations process, and will continue to assess the challenges posed by inconsistent state and federal closed area boundaries on the refuge.

Public Comments and Department Responses

Appendix A summarizes the results of voting on rule change proposals, department advisory questions, and Natural Resources Board advisory questions.

In addition to vote tallies from the Spring Hearing, the department received a handful of written comments and a petition (Table 1). Similar to the overall attendance at hearings, which was low compared to previous years, the number of written comments received was low.

The department received 36 individual notes, letters and emails regarding a trial season for turkey hunting with the aid of dogs, all but six of them supportive. People who supported the idea said that there would not be a conflict between turkey hunters and other people who are in the woods during that season. Additionally, the department received a petition of support for this proposal that was signed by 983 people. Of those signatures, 729 were from Wisconsin residents and 227 of those people reside in the nine counties affected by this proposal.

Table 1. 2007 Spring Hearing Written Comments

Question	Support	Oppose	Neutral
Fur farm regulations		4	1
Fall turkey hunt w/dogs	30*	6	
*Additionally, a petition of support contained 792 signatures			

Because it is uncommon for wild fur farm regulation changes to be a topic at spring hearings, the department sent a letter to all licensed wild fur farmers to make them aware of the proposal to extend trap size, type and placement restriction to fur farms. Five people responded to the letter. The most common concern was that trap tags would be required of people who are trapping on licensed wild fur farms. The proposed rule applies only to trap size, type, and placement, however, and trap tags will not be required under this proposal. One person said that he uses the same trapping techniques regardless of whether-or-not he is trapping on a fur farm so the change would not affect that person.

In addition to the Spring Hearing, informational meetings were held on seven proposals that relate to the creation of new waterfowl hunting closed areas and an area that would be closed to open water hunting in the Upper Mississippi River National Fish & Wildlife Refuge. These proposals are not recommended for adoption by the board at this time but a brief summary is included for informational purposes. Table 2 summarizes these meetings however not all of the attendees signed-in and actual attendance was higher. Likewise, not all of the attendees filled out comment sheets and so were not recorded as supporting or opposing the proposals.

Poor weather on the days of the first two meetings probably limited attendance. Support for the proposed closed areas was limited but people did generally seem to understand the department's concern about the possibility of inconsistent state and federal regulations if the proposals were not adopted.

Table 2. Mississippi River Closed Areas Informational Meetings

Location	Attendance	Support	Opposition
Cochrane/Fountain City 2/28/07	12	10	2
La Crosse 3/1/2007	26	1	5
Prairie du Chien 3/7/2007	20		3

Question number 55 proposes allowing the use of cable restraint devices for fox, coyote and bobcats during the month of December. Some sporting dog groups expressed concern at meetings about the increased take of bobcat, which are sought by both trappers and hound hunters, and the use of illegal devices on land. No written comments were received. Bobcats were included in this rule proposal primarily because if they are restrained in these sets, it would allow a trapper with a valid bobcat tag to reduce it to possession. Those without permits would release bobcats as they have been doing during the later, existing cable restraint season. Cable restraint use in combination with valid bobcat tags is expected to be minor, but may result in a slight increase of overall success rates. Illegal use should be reported and will be followed up on similar to any other trapping or wildlife violation.

Because many of the people who hunt pheasants at Pine Island and Mud Lake Wildlife areas reside in Columbia, Sauk, and Dane counties, the department looked at the votes in those counties as well as statewide vote in order to determine if there was support for closing pheasant hunting hours at 2:00 p.m. for part of the season. People voted overwhelmingly to close pheasant hunting hours at 2:00 p.m. in Dane (yes, 112; no, 28) and Sauk Counties (yes, 61; no, 11) and the proposal lost by two votes in Columbia County (yes, 22; no, 24).

Advisory Questions

In addition to the statewide and local questions, four advisory questions were placed on the spring hearing docket by the department or the board. While the results of voting on these four questions are summarized in this memo, new regulations based on the advisory questions are not proposed in this rule order.

The first proposed closing department managed lands to the discharge of firearms at times other than during the hunting seasons or by dog training or trialing permit. That proposal did not receive popular support statewide (yes, 1,558; no, 1,777) but was approved in 35 counties. In the future, the department will consider seeking a rule change that would expand the firearms discharge prohibition in counties where that idea has been supported. The discharge of firearms on department managed lands outside of normal hunting activity is already prohibited in 17 southern Wisconsin counties.

The creation of new guide license requirements and reporting was supported in 69 counties with 2,333 people voting in favor and 954 voting no. With the board's permission, the department will seek sponsors for the necessary legislation.

Hearing attendees were asked if they preferred the option of an 85-day Canada goose season in the exterior zone with a bag limit of two birds per day or a 92-day season with a bag limit of one for 12 days

and two birds per day for the remainder of the season. Hunters indicated that they preferred an 85 day season and two-bird daily bag limit by a vote of 2,166 to 846. That recommendation will be considered as the 2007 migratory bird seasons are being established this summer.

Although hearing attendees indicated that they do not support requiring the use of non-toxic shot for most bird hunting on department managed lands (yes, 1,506; no, 1,850), they did support the use of non-toxic shot for dove hunting (yes, 1,740; no 1,591) with 41 counties voting in favor. That recommendation will also be considered as migratory bird hunting regulations are being established this summer

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, 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.

Legislative Council Rules and Clearinghouse Report

Comments the department received from Legislative Council Clearinghouse have been incorporated with the exception of suggestions related to waterfowl hunting closed areas on the Mississippi River which are no longer provisions of this rule order (see attached report).

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. 2007 Wildlife Management & Natural Resources Board Advisory Questions Spring Hearing Results.

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Y/ N)	Department Recommendation
Statewide Department Questions							
39	Turkey Zone Consolidation	2,479	1,048	YES	63/ 7 / 2		Advance
40	Renaming Bear Zone A1 as Zone D	2,565	493	YES	71 / 1		Advance
41	Close the Jackrabbit Hunting Season	2,119	990	YES	65 / 6 / 1		Advance
42	Nonresident Raccoon Trapping Season	1,772	1,400	YES	47 / 23 / 2		Advance
43	Shotgun Slugs for Hunting Additional Species	2,283	1,003	YES	70 / 1 / 1		Advance
44	Buckshot for Hunting Bobcat	2,174	1,057	YES	67 / 5		Advance
45	Blaze Orange on Ground Blinds on Public Land	2,626	886	YES	72		Advance
46	Unattended Ground Blinds to Display I.D.	2,406	1,103	YES	68 / 2 / 2		Advance
47	Prohibit Deer Feeding When Used by Bear/Elk	2,137	1,362	YES	54 / 14 / 4		Advance
48	Open Water Hunting Closure, Pool 11	960	2,005	NO	14 / 56 / 2		Defer
49	Create Spring Lake Waterfowl Closed Area	920	2,052	NO	12 / 59 / 1		Defer
50	Create Fountain City Waterfowl Closed Area	884	2,068	NO	16 / 56		Defer
51	Modify Lake Onalaska Waterfowl Closed Area	829	2,125	NO	13 / 59		Defer
52	Modify Goose Island Waterfowl Closed Area	829	2,112	NO	13 / 58 / 1		Defer
53	Create Sturgeon Slough Waterfowl Closed Area	822	2,098	NO	12 / 59 / 1		Defer
54	Create WI River Delta Hunt/Closed Area	809	2,096	NO	12 / 58 / 2		Defer
55	Cable Restraints for Bobcat and in December	1,988	824	YES	62 / 8 / 2		Advance
56	Update Cable Restraint Specifications	2,012	741	YES	66 / 5 / 1		Advance
57	Trapper Education Fees	2,322	707	YES	68 / 4		Advance
58	Extend Trap Regulations to Wild Fur Farms	2,148	601	YES	69 / 3		Advance
Local Department Questions							
59	Apostle Islands Deer Seasons (DMU 79)	1,493	414	YES	66 / 1 / 5	Bayfield 31 / 6	Advance
60	Deer Hunting Season at Lake Wissota Park	1,654	257	YES	71 / 1	Chippewa 51 / 13	Advance

61	Deer Hunting Season at Brunet Island Park	1,120	678	YES	49 / 17 / 6	Chippewa 40 / 20	Advance
62	Pheasant Hunting Hours, Mud Lake/Pine Island	1,308	449	YES	67 / 4 / 1	Columbia 22 / 24 Dane 112 / 28 Sauk 61 / 11	Advance
63	Fall Turkey Hunting with Aid of Dogs	1,536	1,489	YES	38 / 29 / 5	9 Counties 243 / 142	Advance
Department Advisory Questions							
64	Discharge of Firearm on Public Lands	1,558	1,777	NO	35 / 36 / 1		Not Advance
65	Requirements for Licensed Guides	2,333	954	YES	69 / 2 / 1		Requires Legislation
Natural Resources Board Advisory Question							
66	Exterior Zone Goose Season and Bag Limits	2,166 (A)	856 (B)	Option A	69 / 2 / 1		Advance Option A
67	Non-toxic Shot for Doves on Public Land	1,740	1,591	YES	41 / 29 / 2		Advance
68	Non-toxic Shot for all Birds on Public Land	1,506	1,850	NO	29 / 41 / 2		Not Advance

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(1)(b)15.a.(note); to renumber NR 10.06(6)(m) to (t); 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., 10.28(1), 10.29, 10.30; and to create NR 10.01(3)(em)2.b., 10.06(6)(m) and (q), 10.104(15), 16.18(5)(c), 19.51 and19.60(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.
- 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.
- Expand the time when cable restraints may be used for coyote and fox, allow their use for a portion of the bobcat season.
- Modify standards for the construction of cable restraints.
- 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.

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 shotguns and handguns as well as muzzleloaders. 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 and bear hunting seasons. 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 and bear. 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 shall discontinue feeding for at least 30 days.

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 Stats., 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 coincide 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 not currently allowed. 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. 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 was April 16, 2007.

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 and trapping)		
In all counties of the state	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~~ None	~~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~~ parks.	~~Muzzleloading firearm~~ Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for ~~19~~ 9 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	Muzzleloading firearm season October 1-31.	~~One deer either sex.~~ One buck per carcass tag as described

Islands		under s. NR 10.104(15)(c). Additional deer may be taken pursuant to s. NR 10.104(15)(d).

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
NR 10.01(3)(g) Black bear (gun and bow seasons).		
1.Those portions of bear management zones A, ~~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, B, ~~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 created 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)(a)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 in any of the following circumstances:

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 an 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 shall 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 deer management unit 79 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 deer management unit 79 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 National Park Service's Apostle Island National Lakeshore. 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 10.13(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.

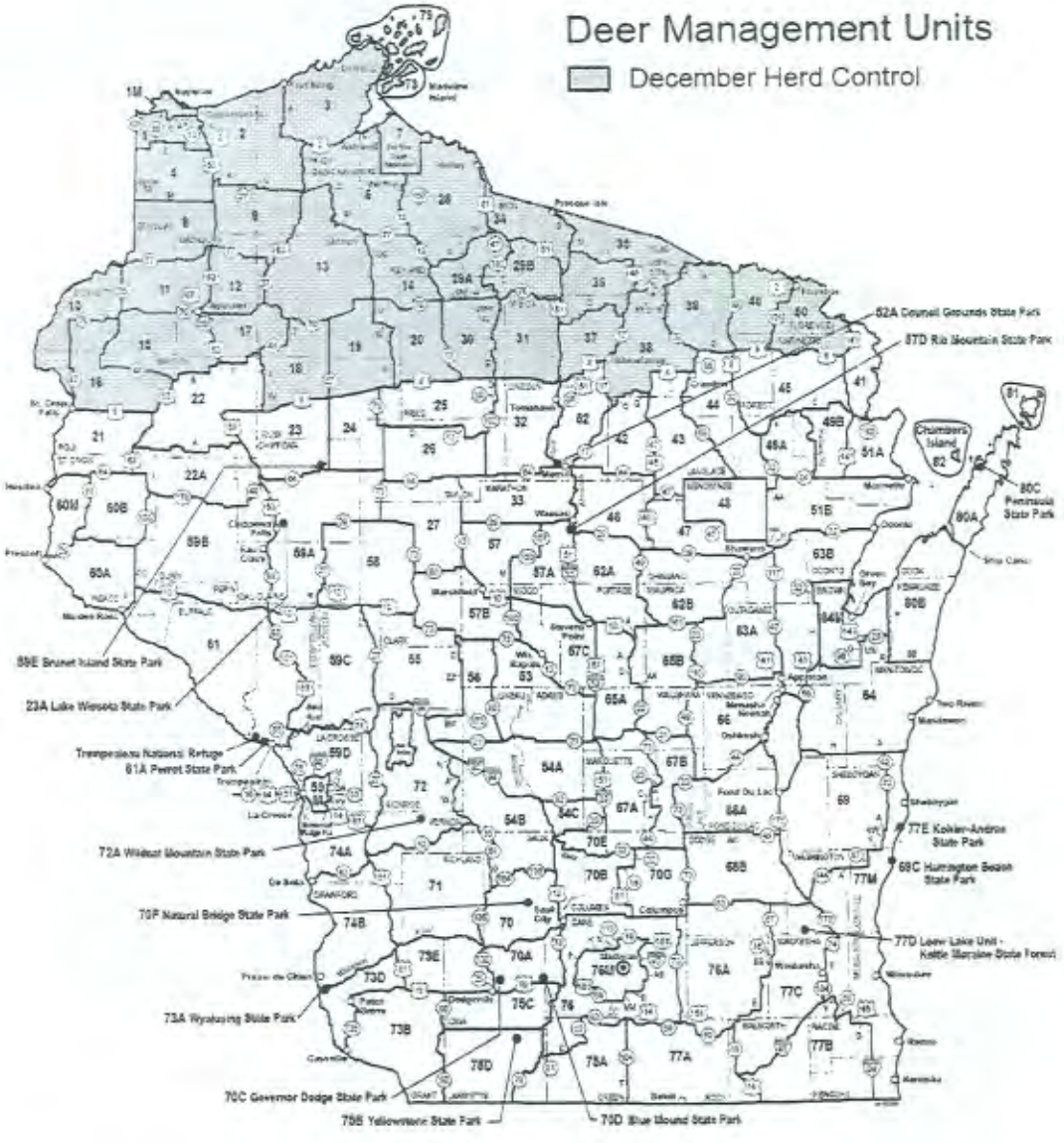
Section 14. NR 10.13(1)(b)15.a. note is repealed.

Section 15. 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, Jackson, Juneau, La Crosse, Monroe, Vernon and Wood counties in 2007 and 2008.

Section 16. NR 10.28(1) is repealed and recreated to read:

NR 10.28(1) STATEWIDE DEER MANAGEMENT UNITS.



Section 17. NR 10.29 is repealed and recreated to read:

NR 10.29 Wild turkey hunting zones.

Wild Turkey Management Zones

State Park Hunting Zones

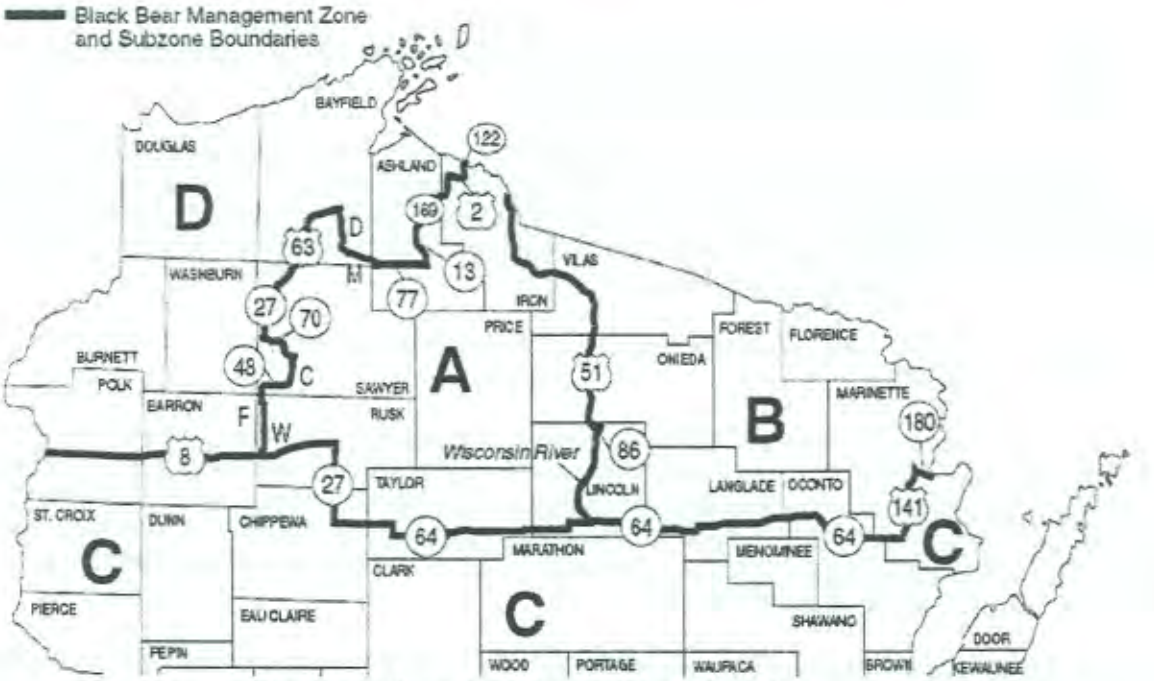
- 1A Governor Dodge
- 1B Devils Lake
- 1C Wyalusing
- 1D Wildcat Mountain
- 1E Mirror Lake
- 1F Buckhorn (excluden wildlife area)
- 2A Newport
- 4A Interstate
- 4B Willow River

Disabled Only Hunting Zones

- 1G Natural Bridge
- 1H Nelson Dewey
- 1I Belmont Mound
- 1J New Glarus Woods
- 1K Rocky Arbor
- 2B Loew-Lake Unit-Kettle Moraine State Forest

Section 18. NR 10.30 is repealed and recreated to read:

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



Section 19. 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 20. 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 21. 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 22. NR 45.09(2) is repealed and recreated to read:

NR 45.09(2) Except for blinds used exclusively for waterfowl hunting as provided in s. 29.327 (2) , Stats., and s. NR 10.12(12), and except for blinds constructed entirely of dead vegetation found on the property, no person may do any of the following:

(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 the owner's 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.

(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 ground blind during any open season or special hunt for hunting deer with firearms unless the outside of the blind displays a minimum of 144 square inches of material that is a solid highly visible color commonly referred to as blaze orange, florescent orange, or florescent blaze orange, and 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.

Section 23. Effective dates. These rules shall take effect on February 1, 2008, except sections 1, 15, and 21 which shall take effect on September 1, 2007, section 17 which shall take effect on June 1, 2008, and sections 10, 11 and 18 which shall take effect on November 1, 2008.

Section 24. 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)

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-14-07

Subject
2007 Wildlife Management Spring Hearing Rule Changes

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
ss. 20.370(1)(lq) and (1)(mu)

Assumptions Used in Arriving at Fiscal Estimate

Establishing a deer hunting season at Lake Wissota State Park would increase department costs. One time costs of $600 would result from creating maps that indicate where hunting is allowed and new signs. Additionally, there would be annual costs of approximately $350 for reproducing maps and efforts to inform the public through the media that hunting is taking place. There should be no additional law enforcement costs because the park already has full time staff who work during the deer season.

Creating a non-resident trapping season for raccoons will result in a minor increase in the sales of two licenses, the Non-resident Trapping license and the Conservation Patron license. It is impossible to estimate how many additional licenses will be sold so an estimate of the amount of increased revenue is not available.

Establishing a 2 p.m. close of pheasant hunting hours at Pine Island and Mud Lake Wildlife Areas would require a one time expense of approximately $6,300 for new signage on the properties. These costs include, labor and fringe for a limited term employee, mileage, and materials.

Increasing the cost of a trapper education course from $8.00 to $12.00 and establishing a fee of $28 for correspondence courses that require out-of-state mailing will result in a revenue increase for the department of approximately $1,738. This estimate assumes that a similar number of students will participate as in 2005, when 869 students students took the classroom course of instruction under the Trapper Education Program and another 177 took the correspondence course. This estimate also assumes that instructors keep half of the fee as they are authorized to do in order to cover their expenses for the course. Actual revenue to the department could be higher if an increase in the number of non-resident students results from 2005 ACT 284 which authorizes non-resident trapping and requires Wisconsin trapper education certification.

Creating special tags for hunting in the Apostle Islands National Lakshore, DMU 79, will result in increased costs of approximately $500 anually for designing or updating the tags and printing.

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	04-23-07

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-14-07

Subject
2007 Wildlife Management Spring Hearing Rule Changes

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
$6,900 for signage and cost of property posting at Lake Wissota state park, Pine Island and Mud Lake wildlife areas.

Annualized Costs:	Annualized Fiscal Impact on State Funds from: Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations — Salaries and Fringes	$	$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs	850	-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	$	$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	$	$ -
FED		-
PRO/PRS		-
SEG/SEG-S	850	-
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	$	$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S	1,738	-
Total State Revenues	$ 1,738	$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	$ 850	$
Net Change in Revenues	$ 1,738	$

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
Joe Polasek	266-2794	04-23-07

LCRC FORM 2

WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **07-015**

AN ORDER to repeal NR 10.13 (note); to renumber NR 10.06 (6) (m) to (t) and 11.032 (1) to (5); to amend 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), and 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.), and 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.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-07-2007 RECEIVED BY LEGISLATIVE COUNCIL.

02-22-2007 REPORT SENT TO AGENCY.

RS:JLK

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LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

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

   Comment Attached YES ☐ NO ☑

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

   Comment Attached YES ☑ NO ☐

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

   Comment Attached YES ☐ NO ☑

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

   Comment Attached YES ☐ NO ☑

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

   Comment Attached YES ☑ NO ☐

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

   Comment Attached YES ☐ NO ☑

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

   Comment Attached YES ☐ NO ☑

WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-015

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 introductory clause, "s. NR 10.13 (1) (b) 15. a. (note)" should replace "s. NR 10.13 (note)." [See s. 1.02 (1), Manual.]

b. In the plain language analysis, the first occurrence of the acronym "USFWS" should be spelled out and then the acronym should be used consistently throughout the rule preface.

c. On page 4 of the rule-making order, and the second full paragraph, the word "regulations" should be inserted after the phrase "consistent with federal." In the fifth full paragraph on page 4, the notation ", Stats.," should be inserted after the numbers "29 and 169."

d. On page 5 of the rule-making order, in the first full paragraph, the word "coincided" should be replaced by the word "coincide."

e. In the treatment clause of SECTION 7m, the word "recreated" should be replaced by the word "created."

f. In SECTION 9, "NR 10.09 (1) (a) 2." should replace "NR 10.09 (1) 2." in the text of the rule.

g. In SECTION 10, the underscored comma should be removed.

h. In s. NR 10.09 (1) (a) 2. (intro.), the phrase "in any of the following circumstances" should be inserted after the word "except." [See also s. NR 11.032 (1) (intro.).]

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http://www.legis.state.wi.us/lc

i. The actions taken in SECTIONS 19m to 25 should be accomplished in the following way:

SECTION __ NR 11.032 (intro.) is repealed and recreated to read:

SECTION __ NR 11.032 (1) to (3) are renumbered NR 11.032 (2) to (4).

SECTION __ NR 11.032 (2) (e) and (f) are created to read:

SECTION __ NR 11.032 (3) (b) is created to read:

SECTION __ NR 11.032 (4) and (5) are repealed.

SECTION __ NR 11.032 (5) and (6) are created to read:

j. In SECTION 26, s. NR 11.035 should have a title and the title of s. NR 11.035 (1) should be in solid capital letters. [s. 1.05 (1) and (2) (b), Manual.]

k. In SECTION 30, "s." should be inserted before "NR 10.12 (12)" in s. NR 45.09 (2) (intro.), and "and s. NR 10.12 (12)" should be underscored. [s. 1.06 (1), Manual.] Because the new par. (d) does not follow grammatically from the introduction in sub. (2), the exception in par. (d) should be incorporated into the introduction. For example, the new introduction, with appropriate strikethroughs and underscores could read as follows: "Except for blinds used exclusively for waterfall hunting as provided in s. 29.327 (2), Stats., and s. NR 10.12 (12) and except for blinds constructed entirely of dead vegetation found on the property, no person may do any of the following:".

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

a. In SECTION 9, a comma should be inserted after "control" in s. NR 10.09 (1) (a) 2. (intro.).

b. In SECTION 9, "an" should replace "their" in s. NR 10.09 (1) (a) 2. b.

c. In SECTION 10, a period should be inserted at the end of the sentence in s. NR 10.10 (1) (b).

d. In SECTION 12, "shall be" should replace "will be" in s. NR 10.104 (15) (d).

e. In SECTION 12, does "each" in s. NR 10.104 (15) (d) (intro.) refer to all tags listed in pars. (a) to (d) or only to the one listed in par. (d)? If "each" refers to the tags in pars. (a) to (d), the introduction should so state.

f. In SECTION 12, "deer management unit 79" should replace "this unit" in s. NR 10.104 (15) (d) 2. and 3.

g. In SECTION 20, "following" in s. NR 11.032 (1) should be removed, and "described in subs. (2) to (6)" should be inserted after "areas."

h. In SECTION 20, the comma before "until" in s. NR 11.032 (1) (a) should be removed.

i. In SECTION 23, the second "Township" in s. NR 11.032 (3) (b) should not be capitalized. [s. 1.01 (4), Manual.]

j. In SECTION 26, "from November 1 to March 15" should replace "during the period beginning on November 1 and continuing through March 15" in s. NR 11.035 (1) (a). [See ss. 227.27 (1) and 990.001 (14), Stats.]

k. In SECTION 26, "the area" should replace "these areas" in s. NR 11.035 (1) (a).

l. In SECTION 29, "owner occupied" in s. NR 19.60 (2) (d) 6. should be hyphenated.

m. In SECTION 30, a comma should be inserted after "Stats.," in s. NR 45.09 (2).

n. In SECTION 30, "the owner's" should replace "their" in s. NR 45.09 (2) (a).