

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Request adoption of Board Order WM-01-08, rule change proposals resulting from the wildlife management portion of the annual Spring Hearing Questionnaire, revisions to NR 10, 11, 17 and 45.

FOR: MAY, 2008 **BOARD MEETING**

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

SUMMARY:

The department recommends adoption of the following proposals:

- Extend the raccoon trapping and hunting seasons by 15 days.
- Establish a definition of live trap.
- Establish a definition of body gripping type trap.
- Establish a new population goal for bobcat of 2,500 animals, plus-or-minus 20%.
- Allow dog training with captive wild animals by license during the period when dog training is otherwise prohibited in the northern restricted zone.
- Prohibit paintball activity on department managed lands except when approved by the department.
- Establish a fee of \$2.75 for a duplicate copy of the trapper education course certificate of accomplishment and make them available from any DNR license vendor.
- Add an additional year to the experimental fall season for hunting wild turkeys with the aid of dogs in nine counties.
- Eliminate the dryland trapping closed area in Vilas, Forest and Oneida counties and establish unique trapping regulations to protect pine marten in those areas.
- Eliminate the dryland trapping closed area in Bayfield, Sawyer and Ashland counties and establish unique trapping regulations to protect pine marten in those areas.

RECOMMENDATION: Adoption of Board Order WM-01-08, revisions to NR 10, 11, 17 and 45 relating to hunting, trapping, closed areas, dog training and the use of public lands.

LIST OF ATTACHED MATERIALS:

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

APPROVED:

/s/	5/12/08
_____	_____
Bureau Director,	Date
/s/	5/12/08
_____	_____
Administrator,	Date
/s/	5/14/08
_____	_____
Secretary, Matt Frank	Date

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

DATE: April 21, 2008

TO: Natural Resources Board

FROM: Matthew Frank

SUBJECT: Adoption of 2008 Wildlife Management Spring Hearing Package, Rule Order WM-01-08

I am requesting Natural Resources Board adoption of Board Order WM-01-08, a rule package pertaining to NR 10, 11, 17 and 45, Wis. Adm. Code, relating to hunting, trapping, dog training and the use of public lands. These rule changes were the subjects of discussion and voting at the 2008 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, where appropriate, species advisory committees prior to inclusion as rule proposals in this rule order. On Monday April 14, a hearing was conducted in each county of the state.

Summary of the Rule:

The department placed seven statewide questions and three questions that are primarily of local interest on this year's Spring Hearing Questionnaire. All of those questions received majority support by total vote and by county tally (Appendix A). These proposals have not been modified and appear in the same form as they were presented to the board in January, 2008.

The department recommends adoption of the following proposals:

- Extend the raccoon trapping and hunting seasons by 15 days to coincide with the closing of the coyote trapping and fox trapping and hunting season.
- Establish a definition of live trap.
- Establish a definition of body gripping type trap.
- Establish a new population goal for bobcat of 2,500 animals, plus-or-minus 20%.
- Allow dog training with captive wild animals by license from May to June 30, the period when dog training is otherwise prohibited in the northern restricted zone.
- Prohibit paintball activity on department managed lands except when approved by the department.
- Establish a fee of \$2.75 for a duplicate copy of the trapper education course certificate of accomplishment and make them available from any DNR license vendor.
- Add an additional year to the experimental fall season for hunting wild turkeys with the aid of dogs in nine counties in Southwest Wisconsin.

- Eliminate the dryland trapping closed area in Vilas, Forest and Oneida counties and establish unique trapping regulations to protect pine marten in those areas.
- Eliminate the dryland trapping closed area in Bayfield, Sawyer and Ashland counties and establish unique trapping regulations to protect pine marten in those areas.

Public Comments

Statewide attendance at spring hearings was 6,407. Appendix A summarizes the results of voting on rule change proposals and a Natural Resources Board advisory question. Attendees favored all of the Wildlife Management bureau proposals.

In addition to vote tallies from the Spring Hearing, the department received a handful of written comments (Table 1). Most were simply “yes” or “no” comments and not elaborate position statements.

Table 1. 2008 Spring Hearing Written Comments

Question	Support	Oppose	Neutral
Extend raccoon season	5		
Live trap definition	1	1	
Body grip trap definition	1	1	
Bobcat population goal	4		
Prohibit paintball activity	7	1	
Duplicate trapper ed. certificate	4	1	
Dog training in north	5	1	
Clam Lake dryland trapping	4		
Forest County dryland trapping	2	1	
Additional year, hunt w/dogs	5	1	
Extend fall turkey season	4	1	

Appendix B contains the actual spring hearing proposals and questions.

Prohibiting unauthorized paintball activity on department lands

The issue of paintball activity on department managed lands has been controversial in the past and warrants further discussion. Because this was only the second time that a paintball related question was asked at spring hearings the department tried to draw attention to that proposal in its press releases and by mailing a letter to about 50 paintball equipment retailers or paintball field operators (Appendix C). These efforts generated a limited response.

A complete prohibition on paintball activity on department lands was proposed in 2001 (as an individual rule and not through the spring hearing process) but dropped after it met with significant opposition in the legislature. The department recommends advancing regulations at this time because of new developments:

- DNR wardens in Wisconsin and deputy sheriffs in other locations have encountered individuals participating in “war” like games on state lands while performing other enforcement duties and had complaints called in about suspected illegal activities. Wardens are concerned about the safety of those using paintball guns and other members of the public on state lands when local law enforcement and the

rest of the public are not aware that a game is in progress. LE officers have reported encountering paintball guns that closely simulate real firearms, and real firearms that simulate toy handguns.

- In addition to 81% support this year, the proposal was also strongly supported in 2007 as a conservation congress advisory question; approved in 63 counties; 2,435 Yes, 829 no; 75% support (the 2001 proposal did not go through the spring hearing process).
- Under this proposal it may be possible to allow the activity in certain situations. The rule does not describe those situations but generally, the activity could not be in conflict with the management goals for the property.

Dog training with captive wild animals in the northern restricted zone

Question number 7 was the only close vote, winning 52% support statewide and 51% in counties that are in the northern restricted zone where dog training on captive and free-roaming wild animals is prohibited from May 1 to June 30. The department continues to fully support this proposal.

The proposal would allow the issuance of permits for dog training with captive wild animals such as pheasants and quail or, in a licensed hound dog training enclosure, rabbits and coyotes. Training dogs on free roaming animals would continue to be illegal from May 1 to June 30 in the northern restricted zone.

The proposal makes the times when captive wild animals may be used for dog training consistent statewide. Outside of the northern restricted zone dog training with captive wild animals already occurs year round except as limited through individual bird or hound dog training permits.

This rule change is needed to correct an inconsistency with hound dog training enclosure regulations that have no seasonal restrictions. Additionally, the current prohibition is not seen as necessary since the activity can be controlled through department-issued permits. Department staff do not view this proposal as a significant policy change.

Advisory question related to modifying the fall turkey season

One advisory question was placed on the spring hearing docket at the request of the Natural Resources Board. The results of voting are summarized in this memo but new regulations based on the advisory question are not proposed in this rule order.

Question 11 proposes extending the fall turkey season to include the Monday following the 9-day gun deer season through December 31 in turkey management zones 1 through 5 for two years.

That question received the support of 72% of spring hearing voters. The proposal will be forwarded to the department's Wild Turkey Management Committee for consideration this summer. If the proposal continues to receive support then it could be added to the spring hearing docket for final consideration in 2009.

Rule Development:

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

Small Business and Initial Regulatory Flexibility Analysis:

The revisions to Chs. NR 10 and 45, Wis. Adm. Code, relating to hunting, trapping, 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 relating to the actual rule order have been incorporated (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. 2008 Spring Hearings - Results of Wildlife Management & Natural Resources Board Proposals

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
1	Extend raccoon trapping/hunting seasons	5,030	496	YES	72 / 0 / 0		Advance
2	Establish a definition of live trap	4,595	684	YES	71 / 1 / 0		Advance
3	Establish definition of body gripping trap	4,449	700	YES	72 / 0 / 0		Advance
4	Increase bobcat population goal	4,217	1,143	YES	72 / 0 / 0		Advance
5	Prohibit/restrict paintball activity on DNR lands	4,543	1,077	YES	72 / 0 / 0		Advance
6	Fee of \$2.75 for a duplicate trapper education certificate of accomplishment	4,231	1,125	YES	72 / 0 / 0		Advance
7	Dog training by permit in northern closed area	2,741	2,512	YES	43 / 25 / 4		Advance
Local Department Questions							
8	Eliminate Clam Lake dryland trapping closed area	3,402	1,148	YES	69 / 2 / 1	Ashland/Bayfield/Sawyer* 138 / 33	Advance
9	Eliminate Forest County dryland trapping closed area	3,384	1,167	YES	69 / 3 / 0	Forest/Oneida/Vilas* 197 / 46	Advance
10	Additional year of turkey hunting with the aid of dogs in certain counties.	3,335	2,040	YES	67 / 5 / 0	Nine County Area* 342 / 195	Advance
Natural Resources Board Advisory Question							
11	Extend fall turkey hunting season	4,016	1,595	YES	68 / 4 / 0		Refer to Department Turkey Committee

* Local questions were approved in all directly affected counties

Attendance – 6,407

PROPOSED STATEWIDE WILDLIFE MANAGEMENT RULE CHANGES

QUESTION 1: Extend the raccoon trapping and hunting seasons to be consistent with the fox trapping and hunting seasons and coyote trapping season. (2009)

Currently the raccoon trapping and hunting seasons end on January 31 while the fox and coyote trapping seasons close on February 15. Fox hunting also ends on February 15 while the coyote hunting season is open year round except during firearm deer seasons in certain areas.

This proposal would extend the raccoon trapping and hunting seasons by 15 days so they would run concurrently with the fox and coyote trapping seasons. If those seasons are open at the same time then fox and coyote trappers will not have to be concerned about incidentally catching raccoon because they could possess and utilize those animals. Additionally, raccoon hunters may gain additional opportunities. It is anticipated that this proposal will lead to a very minor increase in raccoon harvest. Raccoons are generally abundant and the population is believed to be stable.

- Do you favor extending the raccoon hunting and trapping seasons by 15 days so that the last day of the season would always be February 15?

1. YES _____ NO _____

QUESTION 2: Define “cage or box trap” as a live trap that is able to catch only one animal. (2009)

There is currently no definition of live trap but establishing one will make trapping rules easier to explain and enforce and would help make possible the elimination of two dryland trapping closed areas in northern Wisconsin. This proposal would establish that a “cage or box trap” is a trap that is designed to allow an animal to enter the trap enclosure, be captured and remain alive inside the cage or box type enclosure until it can be released unharmed or reduced to possession by the operator of the trap. A cage or box trap is a trap that is not used as a water set or in conjunction with a steel jawed trap, an enclosed trigger trap or body grip trap.

- Do you favor creating the definition of a “cage or box trap” described above?

2. YES _____ NO _____

QUESTION 3: Create a definition of body gripping trap. (2009)

There is currently no definition of body gripping trap even though that term is used throughout the trapping regulations and in administrative code. Creating a definition will make trapping rules easier to explain and enforce. This proposal would establish that a “body gripping trap” is a steel trap designed to allow the animal’s head, neck or torso to enter the trap opening and be held by compression of the jaws around the head, neck or torso when the trap is sprung and which is not a cage trap, enclosed trigger trap, snare, cable restraint or steel jawed trap.

- Do you favor establishing the definition of body gripping trap described above?

3. YES _____ NO _____

QUESTION 4: Establish a new population goal for bobcat of 2,500 animals, plus-or-minus 20%. (2009)

The current population goal for bobcat in the area north of State Highway 64 is one per 10 square miles of habitat or approximately 1,800 animals. Department staff believe that, while the population has exceeded that goal, the public has been supportive of the increased population of approximately 3,000 animals and there have been few complaints or problems. There appears to be no reason to reduce the bobcat population to the current goal other than that it is required by rule. Additionally, this proposal would create a range of plus-or-minus 20%. Establishing a target range is more practical for a species which has small over-all numbers and for which harvest success can vary greatly based on weather conditions.

- Do you favor establishing a new bobcat population goal of 2,500 animals, plus-or-minus 20%?

4. YES _____ NO _____

QUESTION 5: Prohibit paintball activity on department managed lands except when approved by the department. (2009)

This proposal would prohibit the use of paintball guns on department-managed properties unless prior authorization is obtained from the department. Department staff and members of the public have expressed concern with littering, user conflict, and firearm identification challenges for law enforcement that can lead to unsafe situations. While paintball activities would generally not be allowed on department property, they could be allowed if it were determined that it is a legitimate outdoor activity that does not conflict with the intended use of a particular property. Requiring prior department authorization to use paintball guns will better assure that the public is aware the activity is occurring and that law enforcement staff have advance notice that people possess paintball guns, not real firearms.

- Do you favor prohibiting paintball gun activity on department managed lands except when approved by the department?

5. YES _____ NO _____

QUESTION 6: Establish a fee of \$2.75 for a duplicate copy of the trapper education course certificate of accomplishment and make them available from any DNR license vendor. (2009)

Duplicate trapper education course certificates of completion are currently available by request through the department's Madison office and are delivered by mail. Obtaining a duplicate copy takes valuable time but there is no fee. This proposal would make those duplicates available over-the-counter through any license vendor and establishes a fee that would cover the costs of providing this service.

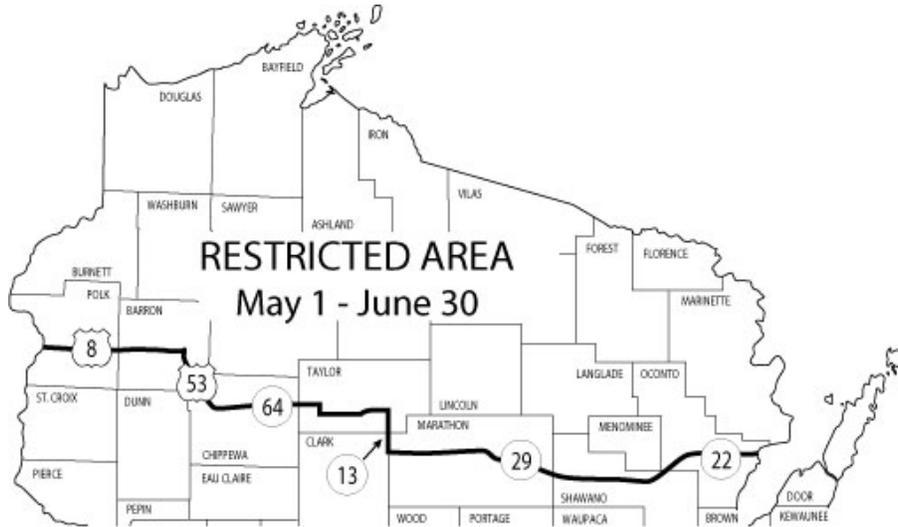
This service is already provided for graduates of hunter safety, boating, snowmobile and ATV courses for the same fee.

- Do you favor making duplicate copies of the trapper education course certificate of completion available through all license outlets and establishing a fee of \$2.75 for that service?

6. YES _____ NO _____

QUESTION 7: Allow dog training with captive wild animals by license during the period when dog training is prohibited in the northern restricted zone. (2009)

Dog training utilizing captive wild animals such as pheasants, gray partridge, quail, raccoon, rabbit, coyote and fox is currently allowed by the department by license. However, no dog training using captive or free-ranging wild animals is allowed in the northern restricted zone from May 1 to June 30 on any private or public lands other than Class 1 field trial grounds and shooting preserves.



The prohibition is intended to protect wild, free-roaming, ground nesting birds at the time when they are most likely to be nesting. The current prohibition is in conflict, however, with new rules that allow the use of captive wild animals year-round in hound dog training enclosures. Additionally, the general prohibition on the use of captive wild animals for dog training may not be necessary because that activity is already regulated through the dog training license. In fact, there is no restriction in the Southern part of the state where ground nesting birds are also common. This proposal would allow dog training with captive wild animals, clearing up a conflict with other administrative rules that allow it. All use of captive wild animals under this proposal would continue to be controlled by license and the prohibition on training dogs on free-roaming wild animals in the Northern Restricted Zone from May 1 through June 30 would remain in effect.

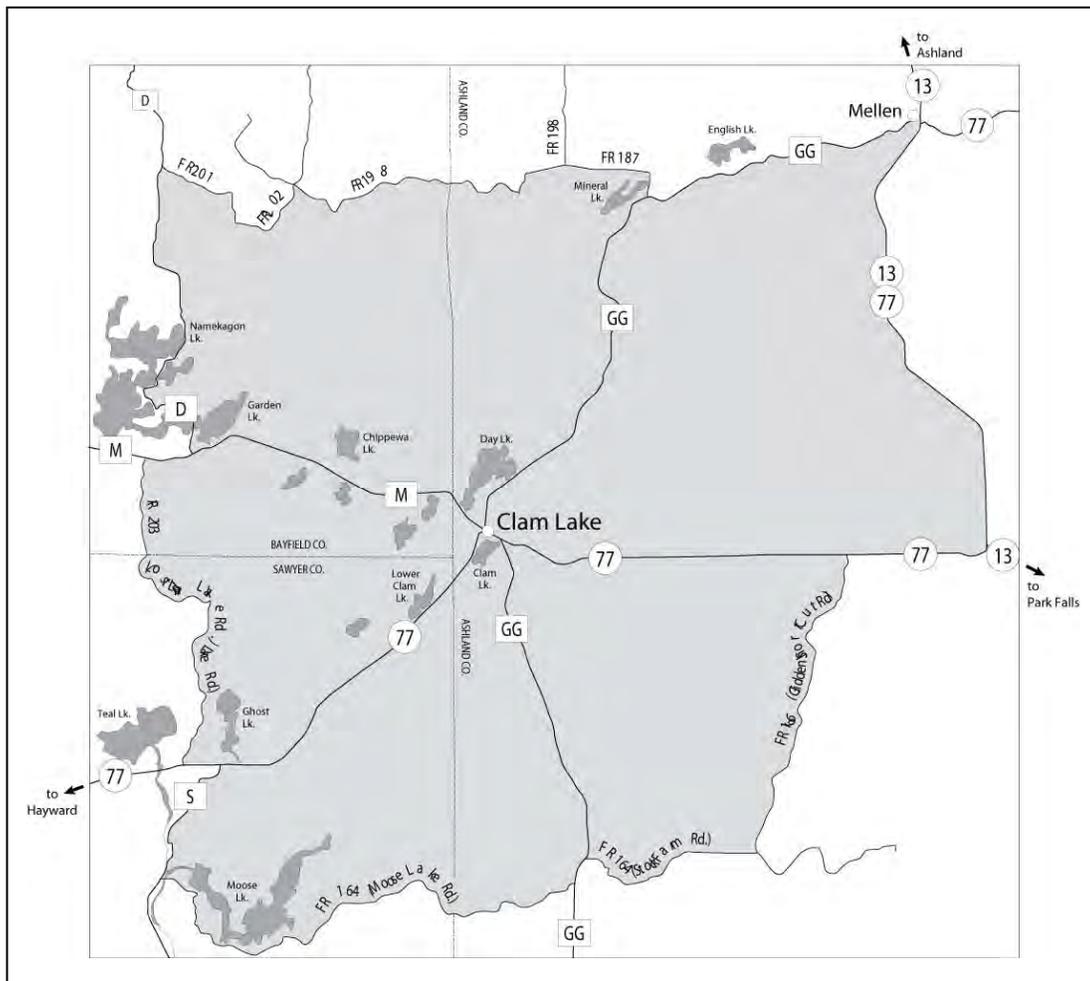
- Do you favor lifting the prohibition on dog training with the use of captive wild animals in the Northern Restricted Zone from May 1 through June 30 but still regulating the practice by license?

7. YES _____ NO _____

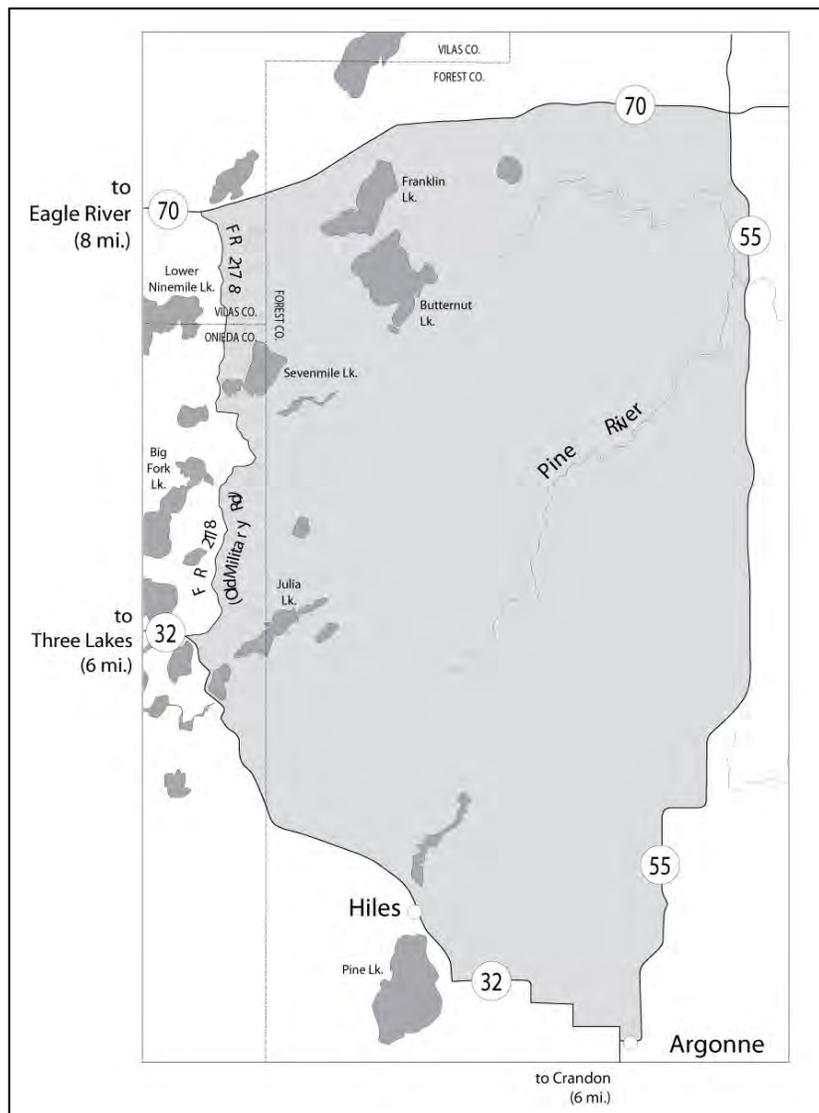
PROPOSED LOCAL WILDLIFE MANAGEMENT RULE CHANGES

QUESTIONS 8 & 9: Eliminate both of Wisconsin's dryland trapping closed areas and allow the use of dryland trapping techniques that protect pine marten (Vilas, Forest & Oneida and Bayfield, Sawyer & Ashland counties). (2009)

Currently there are two dryland trapping closed areas which were established in order to aid in the reintroduction of fisher and pine marten. Dryland trapping is not allowed in either area. Fisher are now well established in available habitat throughout northern Wisconsin but marten have not expanded beyond the original reintroduction areas after nearly 50 years. The abundant fisher population may be suppressing pine marten. The prohibition on dryland trapping also reduces opportunities for people who would like to trap a variety of upland furbearers. This proposal will allow the use of trap types on dryland that are not likely to catch or kill pine marten but which will be effective for species like fisher, raccoon, bobcat, coyote and fox. Allowable trap types would include cage or box type traps and cable restraints.



Clam Lake fisher/marten restoration area closed to dryland trapping



Forest County fisher/marten restoration area closed to dryland trapping

- Do you favor eliminating the Clam Lake dryland trapping closed area and allowing the use of box or cage traps and cable restraints for species other than pine marten?

8. YES _____ NO _____

- Do you favor eliminating the Forest County dryland trapping closed area and allowing the use of box or cage traps and cable restraints for species other than pine marten?

9. YES _____ NO _____

QUESTION 10: Add an additional year to the experimental fall season for hunting wild turkeys with the aid of dogs in nine counties in Southwest Wisconsin (Crawford, Vernon, La Crosse, Richland, Sauk, Wood, Monroe and Jackson counties). (2009)

In 2007, the first year of the two-year trial, hunting was not legal during the September portion of the season because the administrative rule-making process was not completed in time. Additionally, the rule went into effect after regulations pamphlets were printed meaning there was limited notice of this opportunity. Extending the experiment to run through 2009 will ensure that there are actually two complete fall seasons of hunting and that the public has adequate notice of this opportunity. The department is not aware of complaints related to hunting activity during the October and November portions of the first year of the pilot season. Hunting wild turkeys with dogs in autumn is a traditional activity in other states where dogs are used to scatter flocks of turkeys that are then called back to the hunter.

- Do you favor adding one year to the experimental fall season for hunting wild turkeys with the aid of dogs in nine counties so that there are two full seasons and the public is aware of this opportunity?

10. YES _____ NO _____

PROPOSED NATURAL RESOURCES BOARD ADVISORY QUESTION

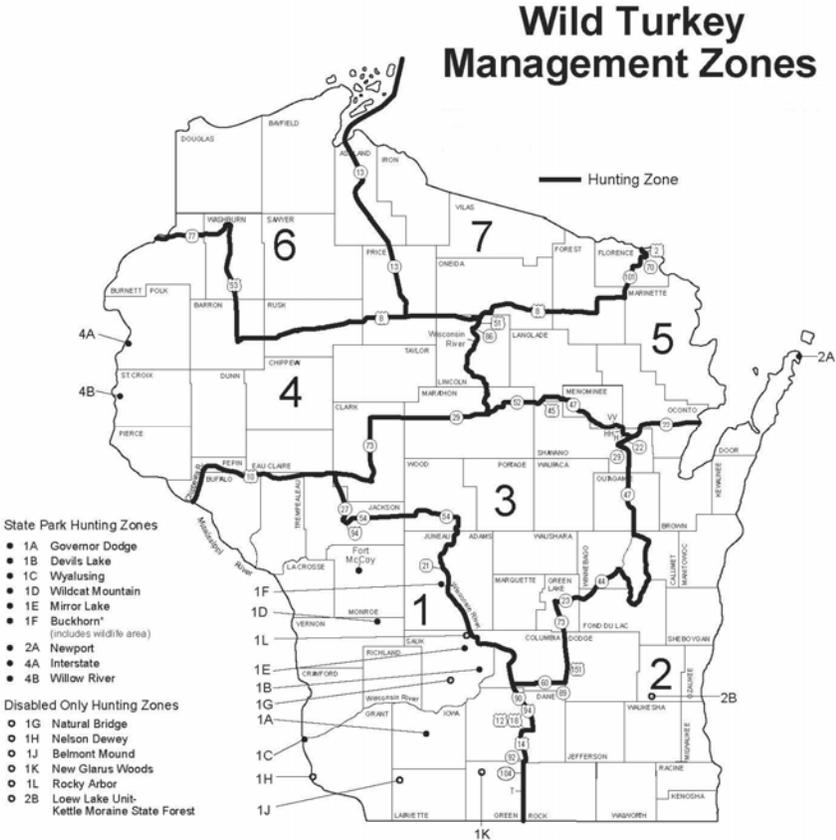
QUESTION 11: Extend the Fall Turkey Season

Prior to 2007, the fall turkey season extended from October 1 – November 10. In 2007, the fall turkey season was expanded earlier and later, and currently the season begins on the Saturday nearest September 15 and extends to the Thursday prior to the beginning of the 9-day November Deer Gun Season (In 2008, September 13 – November 20). This change created more hunting opportunities for fall turkey hunters and did not negatively impact the turkey population. With a healthy and well established turkey population across the state, more hunting opportunity could be provided to fall turkey hunters by extending the season into December, after the completion of the 9-day deer gun season.

Biologists have indicated that they do not anticipate negative impacts to the turkey population with a further extension of the season. However, at the northern extent of the turkey’s range, cold and deep snow may provide hunter’s with an unfair advantage. Therefore, providing a season extension in southern Wisconsin, during a two year trial, may provide the state with enough data to determine if a season extension is a workable and biologically sound option.

- Do you support extending the turkey season to include the Monday following the 9-day gun deer season through December 31 in turkey management zones 1 – 5 for two years (Zones 6 and 7 would be excluded)?

11. Yes _____ No _____



Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number Bill Number	Amendment Number if Applicable Administrative Rule Number WM-01-08
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Subject
 2008 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)(ea) and (9)(hu)

Assumptions Used in Arriving at Fiscal Estimate

This rule proposal would make the following changes to hunting, trapping, dog training and public land use regulations:

- Extend the raccoon trapping and hunting seasons by 15 days to coincide with the closing of the coyote and fox trapping season.
- Establish definitions for cage and box type (live) trap and body gripping type trap.
- Establish a new population goal for bobcat of 2,500 animals, plus-or-minus 20%.
- Add an additional year to the experimental fall season for hunting wild turkeys with the aid of dogs in nine Southwest counties.
- Eliminate one fisher trapping closed area in Vilas, Forest and Oneida counties (Forest County), another in Bayfield, Sawyer and Ashland counties (Clam Lake), and establish unique trapping regulations to protect pine marten in those areas.
- Allow dog training with captive wild animals by permit during the period when dog training is prohibited in the northern restricted zone.
- Prohibit paintball activity on department managed lands except when approved by the department.
- Establish a fee of \$2.75 for a duplicate copy of the trapper education course certificate of accomplishment and make them available from any DNR license vendor.

This rule proposal will have a negligible fiscal impact. The department already enforces trapping regulations during the period in February when raccoon hunting and trapping will be allowed. Trap type definitions and increased bobcat population goals will update furbearer management programs but do not significantly alter department activities. The department already enforces turkey hunting regulations and regulations related to firearms and airgun discharge on public lands. New signs will be needed to indicate that dryland trapping is allowed in the Marten Closed Area. Dependable department partners, the Wisconsin Trappers Association, have volunteered to assist the department by placing new signs. It is anticipated that new signs and posts will cost approximately \$800.

The department anticipates issuing fewer than 20 duplicate trapper education certificates resulting in no fiscal impact.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated. These rule proposals modify and modernize management and enforcement activities but do not require significant new efforts.

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-14-07

Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Estimate Worksheet — 2007 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-01-08

Subject
 2008 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):
 The department anticipates expenses of approximately \$800 for replacing existing signs in the new marten closed area. The department already maintains signs in this area so no new annualized costs are anticipated.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category		Increased Costs	Decreased Costs
State Operations — Salaries and Fringes		\$	\$ -
(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		\$	\$ -
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		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
Total State Revenues		\$ 0	\$ - 0

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

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



Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

March 24, 2008

To whom it may concern:

I am writing to share information about a rule change proposal that may be of interest to you as a paintball enthusiast, retailer, or field operator. Hearings on this and other fish and wildlife related proposals will be held in each county of the state beginning at 7:00 p.m. on Monday, April 14.

The following question, which would affect DNR managed lands only, will be posed to hearing attendees:

6. Prohibit paintball activity on department managed lands except when approved by the department. (Effective in 2009)

This proposal would prohibit the use of paintball guns on department-managed properties unless prior authorization is obtained from the department. Department staff and members of the public have expressed concern with littering, user conflict, and firearm identification challenges for law enforcement that can lead to unsafe situations. While paintball activities would generally not be allowed on department property, they could be allowed if it were determined that it is a legitimate outdoor activity that does not conflict with the intended use of a particular property. Requiring prior department authorization to use paintball guns will better assure that the public is aware the activity is occurring and that law enforcement staff have advance notice that people possess paintball guns, not real firearms.

Do you favor prohibiting paintball gun activity on department managed lands except when approved by the department?

6. YES _____ NO _____

The intent of this proposal is to address concerns that have arisen from the experiences of conservation officers as well as to address perceived user conflict concerns. The use of air guns outside of normal hunting and dog training activity is already prohibited on DNR lands in 17 counties primarily in the Southern part of the state. Those counties are; Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, Waukesha and Winnebago counties and state forest lands in the Kettle Moraine and Point Beach state forests, state recreation areas, state natural areas and state trails which are established on abandoned railroad grades.

The Wisconsin Conservation Congress, a statutorily created organization which is advisory to the Natural Resources Board, held hearings on a similar proposal in 2007 and it passed by a vote of ayes, 2,435; noes, 829. Last year's vote was advisory to the department and our board. This year's vote is being held on an actual rule proposal. If it passes this year, is recommended by our board, and is reviewed successfully by the legislature, then it will be enacted as an administrative rule.

I have attached a list of hearing locations on the back of this letter. You are invited to discuss this issue with other interested people and attend a hearing on the evening of April 14. Public comments may also be submitted by mail or by email to scott.loomans@wisconsin.gov through April 15.

Sincerely,

Scott Loomans
Wildlife Regulation Policy Specialist

Spring Hearings will be held on Monday, April 14, 2008 at 7:00 p.m. at the following locations:

<u>County</u>	<u>Location</u>
Adams	Adams County Courthouse, Board Room, 402 Main Street, Friendship
Ashland	Ashland Senior High School, Auditorium, 1900 Beaser Avenue, Ashland
Barron	Old Courthouse Building Lower Level, 330 E. LaSalle Ave., Barron
Bayfield	Bayfield County Old Courthouse, Second Floor, 117 E. 5th, Washburn
Brown	Franklin Middle School, Auditorium, 1234 W. Mason, Green Bay
Buffalo	Alma High School, Gymnasium, S1618 STH 35, Alma
Burnett	Siren Government Center, Room 165, 7410 County Road K, Siren
Calumet	Calumet County Courthouse, B025, 206 Court Street, Chilton
Chippewa	Chippewa Falls Middle School, 750 Tropicana Blvd., Chippewa Falls
Clark	Greenwood High School, West Gymnasium, 306 W. Central Ave., Greenwood
Columbia	Columbia County Courthouse, Community Room, 400 DeWitt St., Portage
Crawford	Crawford County Courthouse, Court Room, 220 N. Beaumont Road, Prairie du Chien
Dane	Dane County Alliant Energy Center, Exhibition Hall, 1919 Alliant Energy Way, Madison
Dodge	Horicon City Hall, 404 E. Lake Street, Horicon
Door	Sturgeon Bay High School, Auditorium, 1230 Michigan Ave., Sturgeon Bay
Douglas	Springs High School, 8993 E. Baldwin Avenue, Solon Springs
Dunn	Dunn County Fish And Game Club, 1900 Pioneer Ave., Menomonie
Eau Claire	South Middle School, Auditorium, 2115 Mitscher Ave., Eau Claire
Florence	Florence Natural Resources Center, Highway 70/101, Florence
Fond du Lac	Theisen Middle School, 525 E Pioneer Road, Fond du Lac
Forest	Crandon High School, Auditorium, 9750 USH 8 W, Crandon
Grant	Grant Co. Youth & Ag Building, 916 E. Elm Street, Lancaster
Green	Monroe Middle School, 1510 13th Street, Monroe
Green Lake	Green Lake High School, Small Gym, 612 Mill St., Green Lake
Iowa	Dodgeville High School, Gymnasium, 912 West Chapel Street, Dodgeville
Iron	Mercer Community Center, 2648 W. Margaret Street, Mercer
Jackson	Black River Falls Middle School, LGI, 1202 Pierce Street, Black River Falls
Jefferson	Jefferson County Fairgrounds, Activity Center, 503 N. Jackson Ave., Jefferson
Juneau	Olson Middle School, Auditorium, 508 Grayside Avenue, Mauston
Kenosha	Bristol Grade School, Gymnasium, 20121 83rd Street, Bristol
Kewaunee	Kewaunee High School, Auditorium, 911 2nd Street, Kewaunee
La Crosse	Onalaska High School, Field House, 700 Hilltop Place, Onalaska
Lafayette	Darlington High School, 11838 Center Hill Road, Darlington
Langlade	Antigo High School, Volm Theater, 1900 10th Avenue, Antigo
Lincoln	Tomahawk Elementary School, 1048 East Kings Road, Tomahawk
Manitowoc	UW Manitowoc, Theater, 705 Viebahn Street, Manitowoc
Marathon	D.C. Everest Middle School, 9302 Schofield Avenue, Schofield
Marinette	Crivitz High School, Auditorium, 400 South Ave, Crivitz
Marquette	Montello High School, Community Room, 222 Forest Lane, Montello
Menominee	Menominee County Courthouse, Basement, Courthouse Lane, Keshena
Milwaukee	Greenfield High School, 4800 South 60th Street, Greenfield
Monroe	Sparta High School, Auditorium, 506 N. Black River Street, Sparta
Oconto	Suring High School, Cafeteria, 411 E. Algoma St., Suring
Oneida	James Williams Middle School, 915 Acacia, Rhinelander
Outagamie	Riverview Middle School, Auditorium, 101 Oak Street, Kaukauna
Ozaukee	Webster Middle School, Commons, W75 N624 Wauwatosa Road, Cedarburg
Pepin	Pepin County Government Center, County Board Room, 740 7th Avenue W., Durand
Pierce	Ellsworth Senior High School, Auditorium, 323 Hillcrest, Ellsworth
Polk	Unity High School, Gymnasium, 1908 150th Street/Hwy 46, Balsam Lake
Portage	Ben Franklin Middle School, Auditorium, 2000 Polk Street, Stevens Point
Price	Price County Courthouse, County Board Room, 126 Cherry Street, Phillips
Racine	Union Grove High School, Gymnasium, 3433 S. Colony Ave., Union Grove
Richland	Richland County Courthouse, 181 West Seminary, Richland Center
Rock	Janesville Moose Lodge, 2701 Rockport Ave., Janesville
Rusk	Ladysmith High School, Auditorium, 1700 E. Edgewood Ave., Ladysmith
Sauk	UW Baraboo, R.G. Brown Theater, 1006 Connie Road, Baraboo
Sawyer	Winter High School, Auditorium, 6585 West Grove Street, Winter
Shawano	Shawano Middle School, LGI Room, 1050 S. Union Street, Shawano
Sheboygan	Sheboygan Falls High School, 220 Amherst Avenue, Sheboygan Falls
St. Croix	WI Indianhead Technical College, Cashman Conf. Room, 1019 S. Knowles Ave., New Richmond
Taylor	Taylor Co. Fairgrounds, Multipurpose Building, State Hwy 13 and Hwy 64 Intersection, Medford
Trempealeau	Whitehall City Center, Gymnasium, 36245 Park Street, Whitehall
Vernon	Viroqua High School, 100 Blackhawk Drive, Viroqua
Vilas	Plum Lake Community Center, Golf Course Road, Sayner
Walworth	Delavan/Darien High School, Auditorium, 150 Cummings, Delavan
Washburn	WI Ag Research Station, W6646 Hwy 70, Spooner
Washington	Washington County Fair Park, Exhibit Hall, 3000 Hwy PV, West Bend
Waukesha	Waukesha Co. Tech. College (WCTC), Richard T. Anderson Bldg., 800 Main St., Pewaukee
Waupaca	Waupaca High School, Auditorium, E2325 King Road, Waupaca
Waushara	Waushara County Court House, 2nd Floor Old Courtroom, 209 S. St. Marie, Wautoma
Winnebago	Webster Stanley Auditorium, 915 Hazel Street, Oshkosh
Wood	Pittsville High School, Auditorium, 5459 Elementary Ave., Pittsville

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

The Wisconsin Natural Resources Board proposes and order to renumber s. NR 10.001(3t); to amend ss. NR 10.01(3)(b) and (bm), 10.13(1)(b)6., 10.145(2)(b), 10.25(4)(c), 11.10(title) and intro., 17.04(2)(b), 17.08(2)(b), 45.09(5); and to create ss. NR 10.001(3u) and(5j) and 45.04(3)(u) relating to hunting and trapping regulations and the use of department managed lands.

WM-01-08

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, trapping, game refuges, dog training, and the use of department managed lands: ss. 23.09(2)(b), 23.11, 27.01(2)(j), 29.014, 29.563(12)(c)3., 169.20 and 169.21, Stats.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of these rules include, ss. 23.09(2)(b), 23.11, 27.01(2)(j), 29.014, 29.041, 29.563(12)(c)3. and 169.20 and 169.21, Stats. These statutes specifically provide the department with authority to establish conditions regarding the use of state land such as state parks, public recreation areas and hunting grounds, to establish game refuges, and direct the department to manage, supervise, and police lands under its protection. These statutes authorize the department to establish hunting and trapping seasons, management zones, regulations regarding the techniques by which game animals and game birds may be harvested and other measures to ensure the citizens continued opportunities for good hunting and trapping. Finally, these statutes authorize the department to establish regulations on the possession and use of captive wild animals for purposes which include dog training and field trials. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Related Rule or Statute: 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 Analysis: The department has recommended modifications to chapter NR 10, 11, 17 and 45, Wis. Adm. Code, relating to hunting, trapping, closed areas, dog training and the use of public lands. These rule changes are proposed for inclusion in the 2008 Spring Hearing Questionnaire. Specifically, these proposals:

- Extend the raccoon trapping and hunting seasons by 15 days to coincide with the closing of the coyote trapping and fox trapping and hunting seasons.
- Establish definitions for live trap and body gripping type trap.
- Establish a new population goal for bobcat of 2,500 animals, plus-or-minus 20%.
- Add an additional year to the experimental fall season for hunting wild turkeys with the aid of dogs in nine counties in Southwest Wisconsin.
- Eliminate one fisher trapping closed area in Vilas, Forest and Oneida counties, another in Bayfield, Sawyer and Ashland counties, and establish unique trapping regulations to protect pine marten in those areas.
- Allow dog training with captive wild animals by license during the period when dog training is otherwise prohibited in the northern restricted zone.
- Prohibit paintball activity on department managed lands except when approved by the department.
- Establish a fee of \$2.75 for a duplicate copy of the trapper education course certificate of accomplishment and make them available from any DNR license vendor.

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 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.

All surrounding states have long raccoon hunting and trapping seasons and that species is common throughout the Upper Midwest. Trappers pursue raccoon and other species with a variety of trap types that are similar or identical to those used in Wisconsin. Michigan and Minnesota harvest bobcat during hunting and trapping seasons and have management plans in place to ensure sustainable use of that species.

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

All of Wisconsin's surrounding states allow dog training with the use of captive wild animals but regulate the practice, limiting where it may occur and the times of year.

Paintball games are expressly prohibited in state parks in Michigan and some other public properties in Michigan. Iowa prohibits the use of paintball guns on state parks, recreation areas and state preserves. Minnesota does not have specific regulations on paintball guns or games on state property. The Illinois DNR does not have specific paintball regulations however the possession and discharge of paintball guns are strictly regulated by many local units of government.

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 and the regulation of hunting and trapping. By making those seasons run concurrently, the proposal to lengthen the raccoon trapping and hunting season will eliminate problems with the incidental catch of raccoons by fox and coyote trappers. Raccoon are an abundant wildlife species and the added 15 days of trapping and hunting will have no effect on their overall population.

There are currently no definitions of "cage or box type (live trap)" or "body gripping" trap in administrative code. Establishing definitions will make current administrative rules easier to explain and enforce. Creating a definition of cage or box trap makes practical another proposal in this rule order to eliminate the fisher trapping closed area. This area will still be closed to marten trapping and only live traps and certain other types will be allowed in order to prevent the incidental catch or killing of marten.

This rule order would increase the population goal for bobcat in the area north of State Highway 64. The current goal is approximately 1,800 animals but department staff people believe that the population has exceeded that goal. The public has been supportive of the increased population of approximately 3,000 animals and there have been few complaints or problems. There appears to be no reason to reduce the bobcat population to the current goal other than that Administrative Code requires it. Additionally, this proposal would create a range of plus-or-minus 20%. Establishing a target range is more practical for a species which has small over-all numbers and for which harvest success can vary greatly based on weather conditions.

Wisconsin is involved in a two-year experiment that allows hunting wild turkeys with the aid of dogs during the fall season. Extending the experiment to run through 2009 is necessary to ensure that there are actually two complete fall seasons of hunting. In 2007 hunting was not legal during the September portion of the season because the administrative rule process was not completed in time. Additionally, the rule went into effect after regulations pamphlets were printed meaning there was limited notice of this opportunity during the first year of the trial. There have been no complaints related to hunting activity during the October and November portions of the first year of the pilot season. Hunting wild turkeys with

dogs in autumn is a traditional activity in other states where the dogs are used to scatter flocks of turkeys so that individual birds can then be called back to the hunter.

Currently there are two fisher and marten trapping closed areas which were established in order to aid with the reintroduction of those species. Dryland trapping is not allowed in the Clam Lake closed area which includes portions of Bayfield, Sawyer and Ashland counties or in the Forest County closed area which includes portions of Forest, Vilas and Oneida counties. Fisher are now well established in available habitat throughout northern Wisconsin but marten have not expanded beyond the original reintroduction areas after nearly 50 years. The abundant fisher population may be suppressing pine marten. The prohibition on dryland trapping also reduces opportunities for trappers. This proposal will allow the use of trap types on dryland that are not likely to catch or kill pine marten but which will be effective for species like fisher, raccoon, bobcat, coyote and fox. Allowable trap types would include enclosed trigger type traps, live or box type traps, and cable restraints.

Dog training utilizing captive wild animals such as pheasants, gray partridge, quail, raccoon and rabbit is currently allowed by the department by license. A license that allows training year-round on private land may be issued except that no dog training is allowed in the northern restricted zone from May 1 to June 30. The northern restricted zone is an area of Wisconsin that is generally north of highways 8, 64, 29 and 22. The prohibition is intended to protect free roaming ground nesting birds during the time of year when they are most likely to be nesting. The current prohibition is in conflict, however, with new rules that allow the use of captive wild animals year-round in hound dog training enclosures. That conflict would be resolved by this proposal. Additionally, the general prohibition on the use of captive wild animals for dog training may not be necessary because the use of captive wild animals is already controlled by license. All use of captive wild animals under this proposal would continue to be controlled by license and the prohibition on training dogs on free-roaming wild animals during the closed period would remain in effect.

Duplicate trapper education course certificates of completion are currently available by request through the department's Madison office and are delivered by mail. This proposal would make those duplicates available over-the-counter through any license vendor and establishes a fee that would cover the costs of providing this service.

Paintball guns utilize compressed air or springs to fire a ball of paint which breaks upon impact and marks the intended target with water-soluble paint. This proposal would prohibit the use of paintball guns on department properties unless prior authorization is obtained from the department. Department staff have expressed concern with litter, user conflict, and firearm identification challenges for law enforcement and these concerns would be addressed by prohibiting the indiscriminate use of paintball guns. The discharge of firearms and airguns is prohibited on department properties in 17 counties meaning that most paintball guns are illegal in those counties under current rule. To assure that the same rule applies statewide regarding paintball games and legitimate forestry practices for marking trees, this rule would exempt paintball guns from the existing blanket prohibition on the discharge of firearms and airguns in those counties. While paintball activities would generally not be allowed on department property, they could be allowed if it were determined that it is a legitimate outdoor activity that does not conflict with the intended property use. Requiring department permission to use paintball guns will better assure that the public, department staff and law enforcement officers can anticipate encountering people who possess and are using paintball guns.

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 paintball game enthusiasts 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. scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments is April 15, 2008. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

Section 1. NR 10.001(3t) is renumbered to be NR 10.001(3x).

Section 2. NR 10.001(3u) is created to read:

NR 10.001(3u) "Body gripping trap" means a trap that is designed to allow the animal's head, neck or torso to enter the trap opening and be held by compression of the jaws around the head, neck or torso when the trap is sprung and which is not a cage trap, enclosed trigger trap, snare, cable restraint or steel jawed trap.

Section 3. NR 10.001(5j) is created to read:

NR 10.001(5j) "Cage or box trap" means a trap that is not used as a water set or in conjunction with a steel jawed trap, an enclosed trigger trap or body gripping trap, and that is designed to allow an animal to enter the trap enclosure, be captured and remain alive inside the cage or box type enclosure until it can be released unharmed or reduced to possession by the operator of the trap.

Section 4. NR 10.01(3)(b) and (bm) are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(b) <i>Raccoon</i> (resident hunting and trapping) In all counties of the state	Beginning on the Saturday nearest October 17 and continuing through January 31 <u>February 15</u> .	None
(bm) <i>Raccoon</i> (non-resident hunting and trapping) In all counties of the state	Beginning on the Saturday nearest November 1 and continuing through January 31 <u>February 15</u> .	None

Section 5. NR 10.13(1)(b)6. is amended to read:

NR 10.13(1)(b)6. 'Trap, snare, and cable restraint use.' Set, place, operate or possess while ~~on or adjacent to waters of this state trapping~~, any trap other than a steel jawed trap, ~~live enclosed trigger trap, cage or box trap, body gripping trap, snare or cable restraint as defined in s. NR 10.001(5g) for the purpose of taking, capturing, or killing furbearing animals. Live~~ Cage or box traps shall be constructed so that not more than one animal can be taken or captured in any single trap setting after an animal has been captured, no additional animals may enter the trap until the captured animal is removed and the trap is reset.

Section 6. NR 10.145(2)(b) is amended to read:

NR 10.145(2)(b) *Bobcat*. The preharvest population goal north of the state highway 64 is ~~one bobcat per 10 square miles of bobcat range~~ 2,500 bobcat plus-or-minus 20%.

Section 7. 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, Richland, Sauk, Vernon and Wood counties in 2007, ~~and 2008~~ and 2009.

Section 8. NR 11.10(title) and (intro.) are amended to read:

NR 11.10 (title) ~~Fisher/marten~~ Marten protection areas. (intro.) A closed season is established in the following ~~area~~ areas posted with department signs. No person may trap any species of wild animal thereon at any time, ~~except beaver, otter, raccoon, muskrat and mink may be trapped~~ unless using cage or box traps or cable restraints in compliance with s. NR 10.13, except that steel jawed traps, enclosed trigger traps, snares, or body-gripping traps of the conibear type as authorized under s. NR 10.13 may be used as with wet water sets during the open seasons established in s. NR 10.01(4).

Section 9. NR 17.04(2)(b) is amended to read:

NR 17.04(2)(b) *Northern restricted zone.* Dog training on any ~~captive or~~ free roaming wild animal is prohibited May 1 to June 30 on all lands within the northern restricted zone except as described in sub. (3) (a).

Section 10. NR 17.08(2)(b) is amended to read:

NR 17.08(2)(b) *Northern restricted zone.* Dog trialing on any ~~captive or~~ free roaming wild animal is prohibited May 1 to June 30 on all lands north of the highway described in s. NR 10.07 (1) (i) except as described in sub. (3) (a).

Section 11. NR 19.51 is amended 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 a duplicate copy of a trapper education course certificate of accomplishment is \$2.75. 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 12. NR 45.04(3)(u) is created to read:

NR 45.04(3)(u) *Paintball.* Except when authorized by the department, no person may engage in an activity involving the use of paintball guns, paint markers or discharge of similar devices on any lands subject to this chapter.

Section 13. NR 45.09(5) is amended to read:

NR 45.09(5) No person may possess any loaded or uncased firearm or air gun while within the exterior boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, Waukesha and Winnebago counties or on state forest lands in the Kettle Moraine or Point Beach state forests, state recreation areas, state natural areas or on state trails established on abandoned railroad grades, except as follows:

- (a) While engaged in hunting in accordance with the open seasons established in s. NR 10.01 on properties where hunting is authorized.
- (b) At target ranges designated by the department.
- (c) While engaged in dog trials under department permit.
- (d) While training dogs in designated areas under department permit.
- (e) When paintball guns are approved pursuant to s. NR 45.04(3)(u).

Section 14. Effective dates. These rules shall take effect on February 1, 2009.

Section 15. 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 _____
Matthew J. Frank, Secretary

(SEAL)