

SUBJECT: Request authorization for public hearing for Board Order WM-01-09, wildlife management's portion of the annual Spring Hearing Questionnaire, revisions to NR 10, 11 and 15.

FOR: JANUARY, 2009 **BOARD MEETING**

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

SUMMARY:

The following rule changes are proposed for inclusion in the wildlife portion of the 2008 Spring Hearing questionnaire:

- Clarify the definition of "open water hunting" for waterfowl.
- Extend the fall turkey season and changes in registration, permits, disabled hunter regulations, hunting with dogs in fall.
- Modify the bobcat hunting, trapping, and cable restraint seasons.
- Clarify the definition of legal firearm types for hunting.
- Require the registration of harvested sharp-tailed grouse.
- Establish a special migratory bird hunt, regulations, and refuges at Mead WMA (Wood, Portage, Marathon counties).
- Allow the harvest of stocked hen pheasants at Sand Creek Fishery Area (Monroe County).
- Allow the use of rifles for firearm deer hunting in Dunn and Shawano Counties.
- Allow firearm deer hunting at Potawatomi and Whitefish Dunes state parks (Door County).
- Allow rifles for deer in all of Hartman Creek state park, is currently split rifle/shotgun (Waupaca and Portage Co.'s).
- Clarify that Wildcat Mtn. deer seasons are antlerless only but buck hunting can be allowed in certain years(Vernon Co.).
- Eliminate the late archery deer hunt at Brunet Island State Park (Chippewa County).
- Eliminate state park hunting seasons, allow hunting during all normal deer seasons at Cadiz Springs Rec. Area. (Green).
- Eliminate the Nelson/Travino waterfowl closed area (Buffalo County).
- Reduce the size of Dike 17 (Jackson County) and Vernon Marsh waterfowl refuge (Waukesha County).
- Establish 1:00 p.m. close of migratory bird hunting hours at Jefferson/Zoleski Marsh (Jefferson County).

RECOMMENDATION: Authorize public hearings for Board Order WM-01-09, revisions to NR 10, 11 and 15 relating to hunting, trapping, closed areas and game refuges.

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 /
Bureau Director, Tom Hauge

/ s /
Administrator, Laurie Osterndorf

/ s /
Secretary, Matt Frank

Date
12/22/08

Date
12/22/08

Date
12/30/08

Date

- | | | |
|--|--------------------------|--|
| cc: Laurie J. Ross - AD/8 | Randy Stark - LE/8 | VanderZouwen, Farnsworth, Delanis - WM/6 |
| Cons. Cong. Executive Comm. - 4 - LS/8 | Tom Van Haren - LE/8 | Reg. WM Sups. - 5 - WM/6 |
| GLIFWC & Tribes - 14 - WM/6 | Diane Brookbank - CS&L/1 | Reg. LE Sups. - 5 - WM/6 |
| Kurt Thiede - 6 - LS/8 | Kevin Huggins - CS&L/1 | Bob Manwell - CE/8 |
| Tom Hauge - WM/6 | Tim Andryk - LS/8 | Peter Biermeier - PR/6 |

DATE: December 26, 2008

TO: Natural Resources Board

FROM: Matthew Frank

SUBJECT: NRB Authorization for Public Hearings on Wildlife Management Rule Order WM-01-09

I am requesting Natural Resources Board authorization to hold public hearings on WM-01-09, a rule package pertaining to NR 10, 11 and 15, Wis. Admin. Code, relating to hunting, trapping, closed areas and game refuges.

Background:

Annually, the department submits rule change proposals relating to hunting, trapping and game management. The statewide Spring Fish and Wildlife hearings are the vehicle for citizen input. The origins of these rule change proposals are: 1) data and observations about problems or opportunities by department staff specialists from the bureaus of Law Enforcement, Wildlife Management, 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 prior to inclusion as proposals in this rule order. For details on each of the proposed rule changes, please refer to the attached spring hearing questions proposal (Appendix 1.).

Summary of the Rule:

The department has recommended modifications to chapters NR 10, 11, and 15, Wis. Adm. Code, relating to hunting, trapping, closed areas and game refuges. These rule changes are proposed for inclusion in the 2009 Spring Hearing questionnaire. Specifically, these rule change proposals:

Section 1 clarifies the definition of "open water hunting" for waterfowl.

Section 2 allows the harvest stocked hen pheasants at Sand Creek Fishery Area, Monroe County.,

Section 3 extends the fall turkey season to Dec. 31 in zones 1 - 5, except for the nine-day deer season.

Sections 4, 14, 15 and 16 modify the bobcat hunting, trapping, and cable restraint seasons.

Section 5 allows the use of rifles for firearm deer hunting in Dunn and Shawano counties.

Section 6 allows firearm deer hunting at Potawatomi and Whitefish Dunes state parks, Door County and allow the use of rifles for deer hunting at all of Hartman Creek state park, Waupaca and Portage counties. Sections 7 through 10 establish that the 19-day muzzleloader-only season and late archery season is antlerless only but buck hunting can be allowed in certain years at Wildcat Mountain state park, Vernon County.

Section 10 also eliminates the late archery deer hunt at Brunet Island state park.

Section 11 eliminates the state park hunting season framework and allows hunting during all normal deer seasons at Cadiz Springs Recreation Area.

Sections 12, 27, 29 and 30 establish a special migratory bird hunt, regulations, and modify refuges at Mead wildlife area, Wood, Portage and Marathon counties.

Section 12 also establishes a 1:00 p.m. close of migratory bird hunting hours at Jefferson/Zoleski Marsh in Jefferson County.

Section 13 clarifies the definition of legal firearm types for hunting.

Section 17 creates flexibility in the methods for issuing left-over turkey hunting permits.
Section 18 creates flexibility to register wild turkeys by methods other than in person at registration stations.
Section 19 allows the use of electronic calls for turkey hunting by certain holders of disabled hunting permits.
Section 20 allows the use of dogs for turkey hunting during the fall season statewide.
Sections 21 and 22 require the registration of harvested sharp-tailed grouse.
Section 23 and 24 allow hunting during special turkey hunts by holders of Class B disabled hunting permits that allow hunting from a vehicle and that are issued for more than one year.
Section 25 eliminates the Nelson-Trevino Mississippi River closed area in Buffalo County.
Sections 26 and 28 reduce the size of Dike 17 waterfowl refuge and allow trapping and firearm deer hunting (Jackson County).
Section 31 reduces the size of Vernon Marsh waterfowl refuge because certain areas are no longer needed as goose refuge (Waukesha County).

Rule Development:

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

Small Business and Regulatory Flexibility Analysis:

The revisions to Ch. NR 10, 11 and 15, Wis. Admin. Code, relating to hunting, trapping, closed areas and game refuges are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

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 1. Proposed 2009 Spring Hearing Questions.

2009 Spring Hearing Questions

(Parenthesis indicate the year the proposal would become effective)

Statewide Questions

1. Clarify the definition of “open water hunting” for waterfowl (2009)

While hunting on the water, waterfowl hunting boats and blinds must be partially concealed by emergent vegetation which does not include dead trees or stumps. Conservation wardens have interpreted “partial concealment” to mean 50% concealment.

In recent years some hunters have challenged the 50% standard, hunting beyond a growth of emergent vegetation that offers reasonable concealment. This activity reduces opportunities for hunters who remain near shore and reduces open water resting areas that hold birds in an area during the hunting season. Conservation wardens would like to level the playing field and clarify what is required by defining partial concealment as meaning that:

- the minimum amount of concealment that must be provided by natural vegetation must be 50 % when viewed from at least one direction at a height of 3 feet,
- the vegetation must extend above the water’s surface to a height at or above the sides of the boat or blind, and
- the boat or blind must be within 3 feet of the vegetation providing the concealment.

Do you favor requiring at least 50% concealment of the boat and hunter, when viewed from at least one direction from a height of 3 feet, and allowing a hunter’s boat or blind to be up to 3 feet away from or beyond the vegetation, as the standard for Wisconsin’s open-water hunting rule?

1. YES_____NO_____

2. Extend the fall turkey season. (2009)

The fall turkey season currently begins on the Saturday nearest September 15 and continues through the Thursday prior to the beginning of the 9-day November Deer Gun Season (In 2008, September 13 – November 20). 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 hunters 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)?

2. Yes _____ No _____

3 and 4. Modify the bobcat hunting and trapping seasons. (2010)

The bobcat season currently runs from the third Saturday in October to December 31 for hunters and trappers. Ideal conditions for hunting with hounds occur when there is snow cover but these conditions do not occur before the end of season every year. In order to provide the type of hunting opportunity that hunters have asked for, but still maintain opportunities that other bobcat harvesters have enjoyed, this proposal would add an additional month, create two time periods, and harvest reporting requirements.

Under this proposal harvest tags would be split between an early time period which runs from the Saturday nearest October 17 to December 25 and a late time period which would run from December 26 to January 31. Hunting and trapping would be legal during both periods but permits would be season specific.

Because harvest success may increase with more days of good hunting conditions, an emergency closure provision would help prevent overharvest. Hunters and trappers would be required to report their harvest within 24 hours by telephone or other approved methods, such as online. When it is apparent based on reported harvest that the quota will be reached for a time period, the DNR would publish a Secretary's Order and issue news releases closing that time period after a 48 hour grace period.

Initially the department will issue harvest permits based upon the current permit allotment system. Permit levels will be adjusted in the future as more is learned about harvest under the new season structure or as the bobcat population changes.

This proposal also would allow the use of cable restraints during both of the proposed new bobcat time periods. A cable restraint is a device used for restraining furbearers without injuring them which consists of a non-spring activated galvanized aircraft cable which includes a relaxing mechanical lock, stops, and swivel. Cable restraints have been legal for use by the public for the January and February portions of the fox and coyote season for four years and in December for bobcat, coyote and fox for one year. Under current rules the use of cable restraints for bobcat in December will sunset after the 2009 season. Extensive testing of this device has proven that it is effective, humane, and very species specific.

Do you favor creating two bobcat permit periods (third Sat. in Oct – Dec. 25 and Dec. 26 – Jan. 31), limiting hunters and trappers to one period, and requiring 24 hour harvest reporting to monitor progress toward the bobcat harvest quota?

3. YES _____ NO _____

Do you favor allowing the use of cable restraints as part of the proposed new bobcat season structure (third Sat. in Oct – Dec. 25 and Dec. 26 – Jan. 31)?

4. YES _____ NO _____

5. Clarify the definition of legal firearm types for hunting. (2010)

Currently, legal firearms for hunting include airguns, handguns and guns that are, “discharged from the shoulder”. It is possible that technology such as an electromagnetic device or other unanticipated type of technology could be legal for hunting without evaluation of safety or other impacts by the department, Conservation Congress, or through any public process.

Adding the requirement that legal firearm types use compressed air or gunpowder would allow analysis of safety and similar impacts and provide for public involvement before new technologies could be used in the place of firearms by hunters.

Do you favor requiring that legal firearm types include compressed air or gunpowder as part of their design and function?

5. YES _____ NO _____

6. Issuance of left-over turkey hunting permits. (2009)

Rules currently require the department to issue leftover turkey permits that were not awarded in the drawing on a first-come, first-served basis. The department currently issues these permits over-the-counter at license vendors statewide and intends to continue doing so.

If license system equipment failure or other unforeseen problems prevent over-the-counter issuance, current rules do not provide the flexibility to issue permits by another method. This proposal would eliminate the first-come-first-served requirement so that, in an emergency, permits could still be issued by another means such as through a second drawing.

Do you favor removing the first-come, first-served requirement so that in an emergency the department has the flexibility to issue permits by another method?

6. YES _____ NO _____

7. Registration of wild turkeys. (2011)

Harvested wild turkeys must currently be registered in person at a department registration station. The department is researching whether less expensive registration methods that would be more convenient for hunters can be utilized. Telephone registration, similar to that which is in place for Canada geese, is one option. On-line technology may also be possible. New registration methods would be implemented no earlier than spring 2011.

Do you favor allowing that wild turkeys may be registered by other department approved methods?

7. YES _____ NO _____

8 and 9. Turkey hunting by disabled permit holders. (2009)

Electronic calls are currently prohibited in all turkey hunting situations. Hunters who have physical limitations that make it difficult to operate a turkey call and gun or even use a call are especially challenged while turkey hunting. Allowing the use of electronic calls may increase the ability of some people to participate in the turkey hunt with less assistance than is currently required. Under this proposal a disabled hunter or their assistant could use an electronic call but only the disabled permit holder would be able to kill a turkey.

Class A and C disabled hunting permit holders are able to hunt turkeys during gun deer and turkey hunts for people with disabilities on state lands and private properties. People who possess long-term Class B disabled hunting permits that authorize hunting from a vehicle are also allowed to participate in the gun deer hunts but not the special turkey hunts for people with disabilities. This proposal would make the rules for these special deer and turkey hunts consistent.

Do you favor allowing the use of electronic calls for turkey hunting by Class A disabled permit holders and Class B permit holder with permits that authorize hunting from a vehicle and are issued for more than one year?

8. YES _____ NO _____

Do you favor allowing Class B disabled permit holders with permits that authorize hunting from a vehicle and which are issued for more then one year to participate in turkey hunts for people with disabilities?

9. YES _____ NO _____

10. Allow the use of dogs for turkey hunting statewide during the fall season (2010).

The use of dogs is currently allowed for turkey hunting in nine counties on a trial basis. Using dogs to scatter or “break up” flocks of turkeys in the fall so that the hunter can call them back is a traditional practice in some states. Other states have not experienced biological, safety, or law enforcement problems.

Following two years of the trial season with dogs for fall turkey hunting in Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Sauk, Vernon and Wood, counties, no problems have been identified with user conflicts or harvest. Biologists are confident that this opportunity can be expanded statewide during the fall season.

Do you favor allowing the use of dogs for turkey hunting statewide during the fall season?

10. YES _____ NO _____

11. Require the registration of harvested sharp-tailed grouse. (2010)

Currently, sharp-tailed grouse hunters voluntarily report their harvest by mailing a harvest registration stub to the department. This proposal would require the registration of harvested sharp-tailed grouse. Registration is likely to be done by mail with an option to register on-line if desired.

Sharp-tailed grouse hunter surveys in 2006 and 2007 have shown that harvest reporting is incomplete under the voluntary system. Sharp-tailed grouse annual harvest quotas are, in part, based on total harvest in the previous year. Accurate harvest data is critical for developing an annual harvest framework for this species. In 2008, 376 hunters drew harvest permits and 40 birds were harvested.

Do you favor making the registration of sharp-tailed grouse harvest mandatory?

11. YES ___ NO ___

12, 13, 14 & 15. Special waterfowl hunting regulations at Mead Wildlife Management Area, Wood, Marathon, and Portage Counties. (2010)

The 30,000 acre Mead Wildlife Area, located in central Wisconsin, is a premier waterfowl hunting destination of statewide significance. The property is located just north of the border between the north and south duck zones and receives significant hunting pressure on the opening of the north zone season. Hunting pressure has become so heavy that many hunters believe it has sharply reduced the quality of the hunt early in the season and the ability of the area to hold migrating waterfowl.

Working with local waterfowl hunters, a number of proposals have been developed which are designed to improve the quality of the hunt by holding more ducks in the area for a longer period of time. One method of prolonging the period of time that ducks are available is to close waterfowl hunting hours at 1:00 p.m. daily for the first 16 days of the season following the opening weekend. Similar regulations in Missouri have been shown to provide good hunting across an entire property rather than just near refuges, hold ducks in an area for a longer period of time, and provide excellent shooting opportunities at the opening of shooting hours and again before the 1:00 closure. This regulation would be in place during the early part of the season when hunting pressure is heaviest. This provision would automatically sunset after three years. If hunters decide that this regulation has worked then new rulemaking and additional hearings would be needed for reauthorization.

Another strategy designed to increase the number of ducks present early in the season is to prohibit waterfowl hunting, primarily goose hunting, that occurs before the opening of the duck season. Doing so may limit the amount of disturbance prior to the opening of the duck season and allow for the maximum build up of waterfowl prior to opening day. Hunting would still be allowed for ducks on the weekend of the youth hunt.

A traditional method of keeping waterfowl in an area during hunting season and for providing safe resting areas for migrating waterfowl is to establish refuges. Increasing the size of the Townline Reservoir/Berkhahn Flowage refuge and the Rice Lake/Pool 10 refuge at Mead will compliment other techniques which are designed to improve waterfowl hunting.

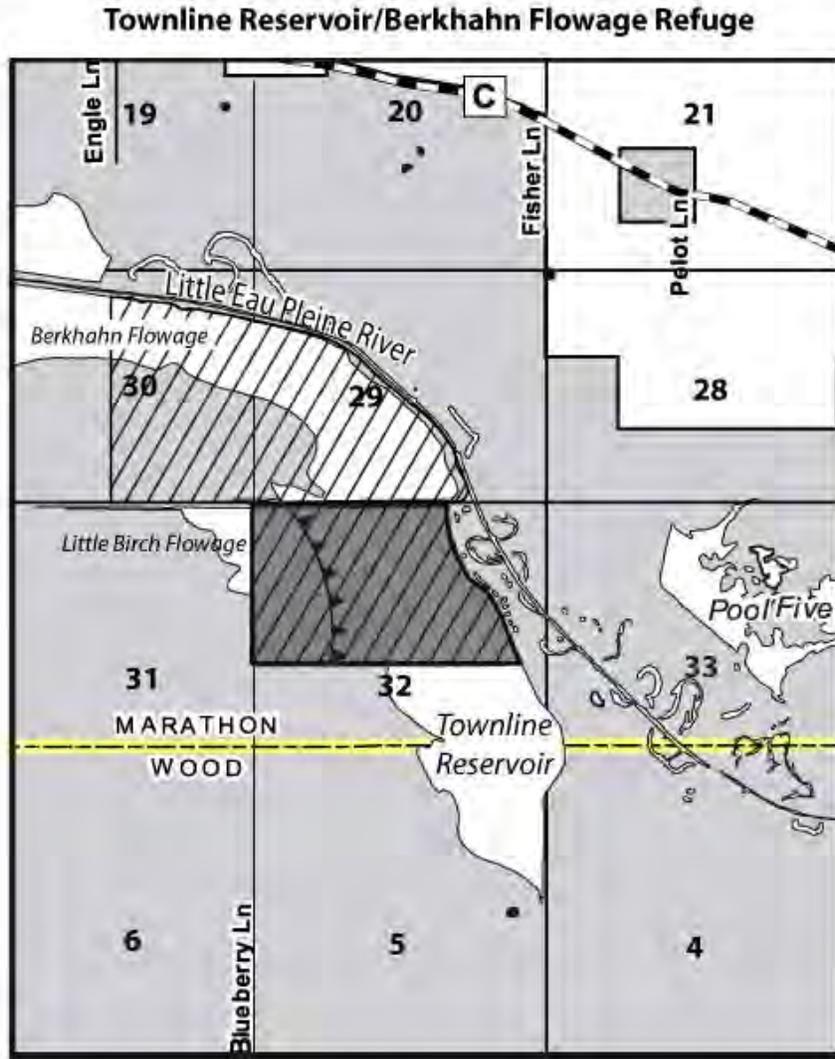
Do you favor closing hunting hours at 1:00 p.m. during the first 16 days of the duck season after opening weekend at Mead Wildlife Management Area (this provision would sunset after three years)?

12. YES ___ NO ___

Do you favor closing the Mead Wildlife Management Area to all waterfowl hunting prior to the opening of the duck season, except that duck hunting would be allowed on the youth hunt weekend?

13. YES _____ NO _____

Do you favor increasing the size of the Townline Reservoir/Berkhahn Flowage refuge at Mead Wildlife Management Area?

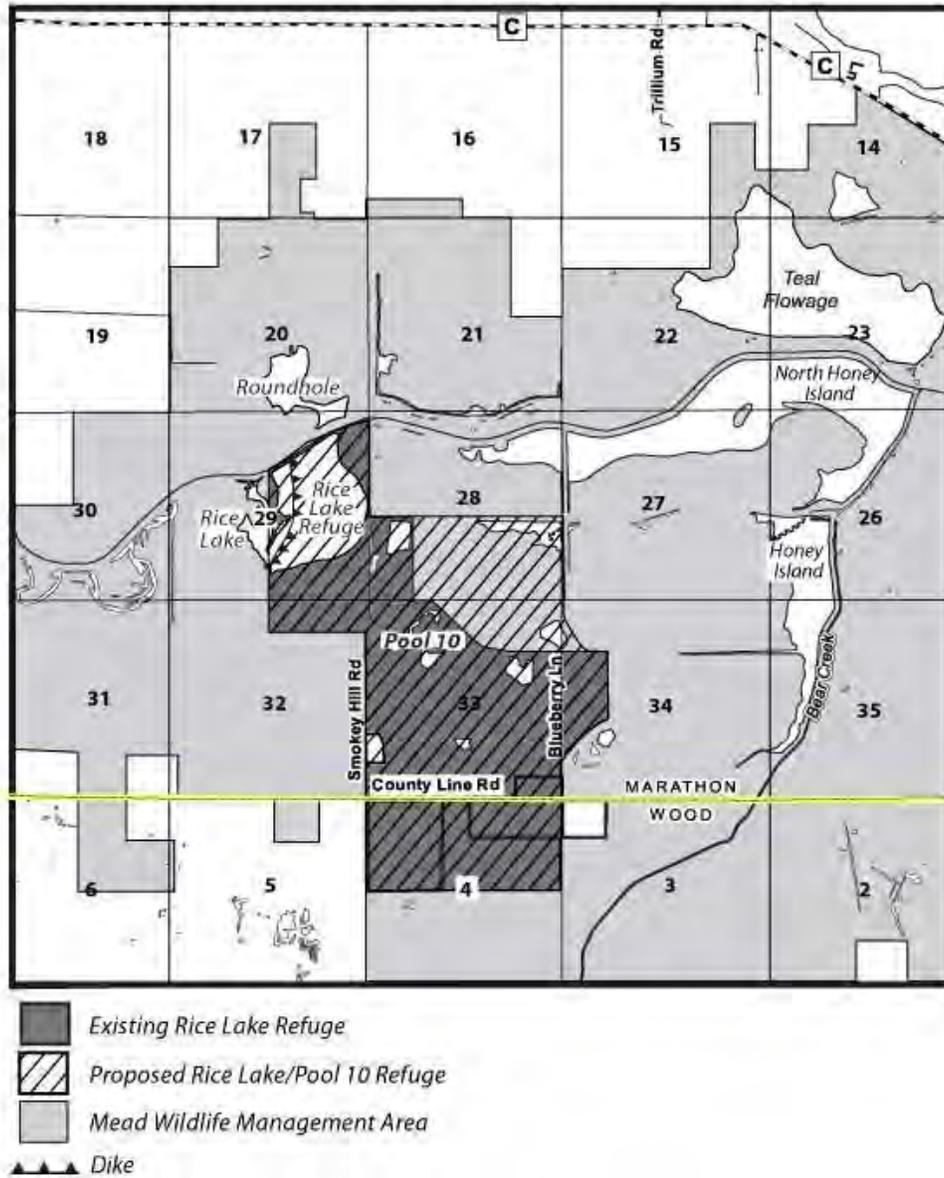


-  Existing Townline Reservoir Refuge
-  Proposed Towline Reservoir/Berkhahn Flowage Refuge
-  Mead Wildlife Management Area
-  Dike

14. YES _____ NO _____

Do you favor increasing the size of the Rice Lake/Pool 10 Flowage refuge at Mead Wildlife Management Area?

Proposed Rice Lake/Pool 10 Refuge



15. YES _____ NO _____

Local Questions

1. Allow the harvest of stocked hen pheasants at Sand Creek Fishery Area, Monroe County. (2010)

Surplus hen pheasants produced at the state game farm in Poynette are currently stocked for hunters at several properties that do not have natural reproduction of pheasants. The 680 acre Sand Creek Fishery Area has farm fields that have recently been converted to warm season grasses and prairie species that will be excellent habitat for pheasant hunting. Free permits and tags, already required of hunters at other hen/rooster areas, will be required so that hen pheasants can legally be possessed.

Do you favor allowing the harvest of stocked hen pheasants at Sand Creek Fishery Area, Monroe County?

1. YES_____NO_____

2. Allow the use of rifles for firearm deer hunting in Dunn County. (2010)

State law prohibits the use of rifles south of Hwy 170 in Dunn County; therefore deer hunters in this area are restricted to the use of shotguns, handguns, and muzzleloaders to harvest deer during the gun deer seasons. However, areas of Dunn County north of Hwy 170 are open to rifle hunting. There are no biological or safety reasons for the current restriction. Eau Claire County, which is adjacent to Dunn County, allows the use of rifles for their deer gun seasons.

This proposal would allow the use of rifles during the gun deer season for all of Dunn County

Do you support allowing the use of rifles in all of Dunn County during the gun deer season?

2. YES_____NO_____

3. Allow the use of rifles for firearm deer hunting in Shawano County. (2010)

The use of rifles for deer hunting in the southern portion of Shawano County (Deer Management Unit (DMU) 62B) is prohibited and deer hunters in this DMU are restricted to the use of shotguns, handguns, and muzzleloaders to harvest deer during the gun deer seasons. There are no biological or safety reasons for the current restriction. Rifles are currently allowed for use in the portion of Shawano County north of Hwy 29.

This proposal would allow the use of rifles in the southwest corner of Shawano County during the gun deer season.

Do you support allowing the use of rifles in the southwest corner of Shawano County during the gun deer season?

3. YES_____ NO_____

Question 4. Allow firearm deer hunting at Potawatomi state park, Door County. (2010)

Deer hunting has never been allowed at Potawatomi state park. Deer are causing extensive browsing damage to vegetation and severely limiting forest regeneration. Allowing hunting during the traditional 9-day firearm deer season will provide a short, but intense, hunting effort that should keep deer populations at a level similar to the surrounding unit. Additionally, allowing hunting in the park will limit the problem of the park providing refuge to deer from neighboring properties and keep deer moving during the season.

Potawatomi state park will not become its own deer management unit and access permits will not be required.

Do you favor creating deer hunting opportunities and controlling deer numbers by allowing hunting during the traditional 9-day firearm deer season at Potawatomi state park?

4. YES _____ NO _____

Question 5. Allow firearm deer hunting at Whitefish Dunes state park, Door County. (2010)

Deer hunting has never been allowed at Whitefish Dunes state park. Deer are causing extensive browsing damage to vegetation and severely limiting forest regeneration. Allowing hunting during the traditional 9-day firearm deer season will provide a short, but intense, hunting effort that should keep deer populations at a level similar to the surrounding unit. Additionally, allowing hunting in the park will limit the problem of the park providing refuge to deer from neighboring properties and keep deer moving during the season.

Whitefish Dunes state park will not become its own deer management unit and access permits will not be required.

Do you favor creating deer hunting opportunities and controlling deer numbers by allowing hunting during the traditional 9-day firearm deer season at Whitefish Dunes state park?

5. YES _____ NO _____

Question 6. Allow rifles for deer hunting on all of Hartman Creek State Park, Waupaca/Portage Counties. (2010)

Hartman Creek State Park currently allows firearm deer hunting during the traditional 9-day season. Waupaca is a shotgun deer season county and rifles are allowed in Portage County. The park straddles the county line so that a hunter who is using a rifle can only hunt a portion of the property. This proposal would allow the use of rifles in all of Hartman Creek State Park so that this regulation is consistent over the entire property.

Do you favor allowing the use of rifles for deer hunting on all of Hartman Creek State Park?

YES _____ NO _____

Question 7. Establish an antlerless-only deer season with occasional buck seasons at Wildcat Mountain State Park, Vernon County (2010)

Wildcat Mountain currently has a 19 day muzzleloader-only season and late archery hunting. Approximately 300 access permits are issued for the muzzleloader hunt annually. The muzzleloader season has been antlerless-only during most seasons but buck harvest is allowed during the archery seasons.

To help control deer populations, this proposal would make the base archery and muzzleloader season antlerless-only during most years. Under this proposal, buck harvest could be allowed during certain years. Local park staff have proposed allowing buck harvest every fifth year.

Do you favor making the archery and muzzleloader hunting seasons antlerless only except that buck harvest could be allowed periodically, such as every fifth year, at Wildcat Mountain State Park, Vernon County?

7. YES_____NO_____

Question 8. Eliminate the late season archery deer hunt at Brunet Island State Park, Chippewa County. (2010)

Brunet Island State Park has a 9-day shotgun only season for antlerless deer and is open during the late archery season. Participation in the late hunt is minimal, typically one to two hunters per season, and offers no assistance with herd control. Neighboring Lake Wissota State Park does not have an archery season and park managers would like both parks in this work unit to have consistent seasons.

Do you favor eliminating the late archery hunt at Brunet Island State Park for consistency with other parks in the area?

8. YES_____NO_____

Question 9. Eliminate the state park deer hunting season framework at Cadiz Spring State Park and Recreation Area, allow hunting during all normal deer seasons on this recreation Area, Green County. (2010)

Cadiz Springs State Park is an 18 acre park where hunting has not been allowed. The surrounding public lands have been open to deer hunting with the same seasons as other state parks that are open to hunting in the CWD Management Zone. Under this proposal, the special deer season for this property would be eliminated, opening the non-park lands to all normal deer hunting in that unit. The result is an increase in deer hunting opportunities including all-day hunting during the October firearm season and early archery hunting which have not been allowed in the past.

Hunting would continue to not be allowed on the 18 acres of state park which are improved for day use and contain structures and facilities.

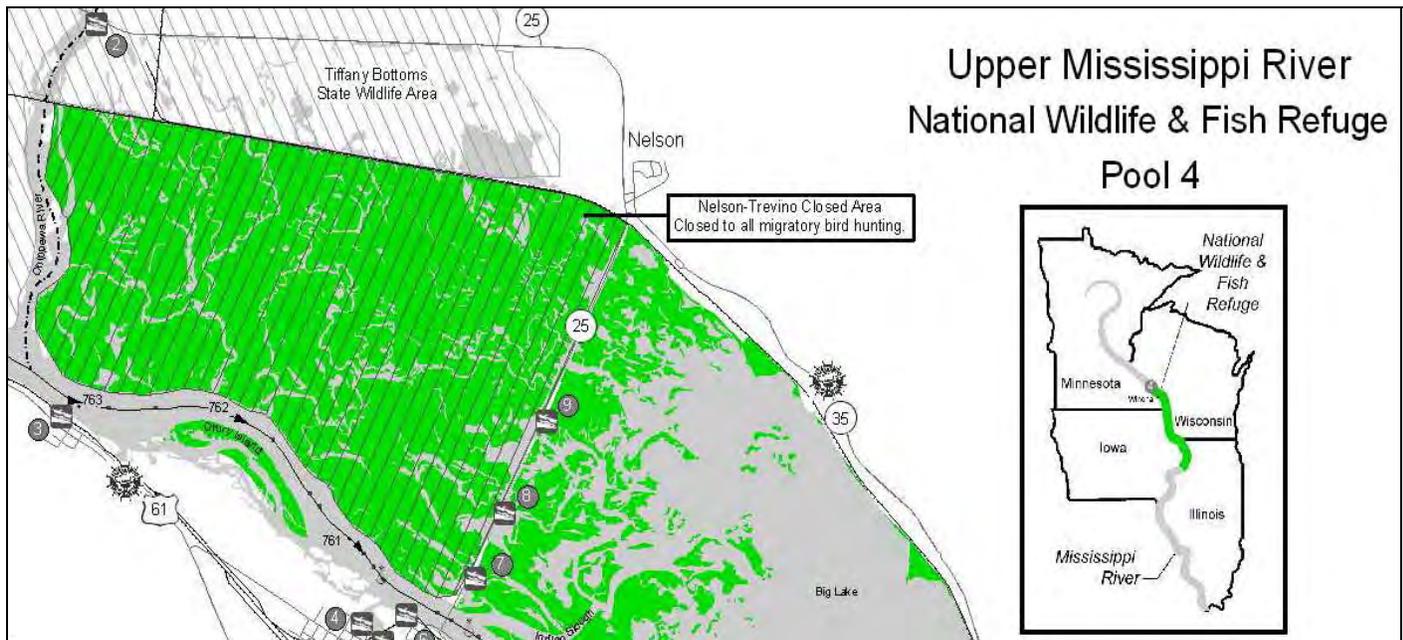
Do you favor eliminating the special deer seasons and allowing all normal deer hunting at Cadiz Springs Recreation Area?

9. YES_____NO_____

Question 10. Eliminate the Nelson-Trevino Mississippi River closed area in Buffalo County. (2009)

The United States Fish & Wildlife Service has proposed eliminating the 3,773 acre Nelson Trevino closed area on the federal Upper Mississippi River Fish & Wildlife Refuge after evaluation through the agency's Comprehensive Conservation Plan. This closed area has been in place since the 1930's and was modified in 1957.

This rule change proposal would make Wisconsin and federal regulations consistent by eliminating the same closed area in our state regulations. The federal Comprehensive Conservation Plan identified this area as not meeting the needs of migrating waterfowl and no longer needed as a waterfowl refuge. Hunting would be allowed in this area under both state and federal regulations.

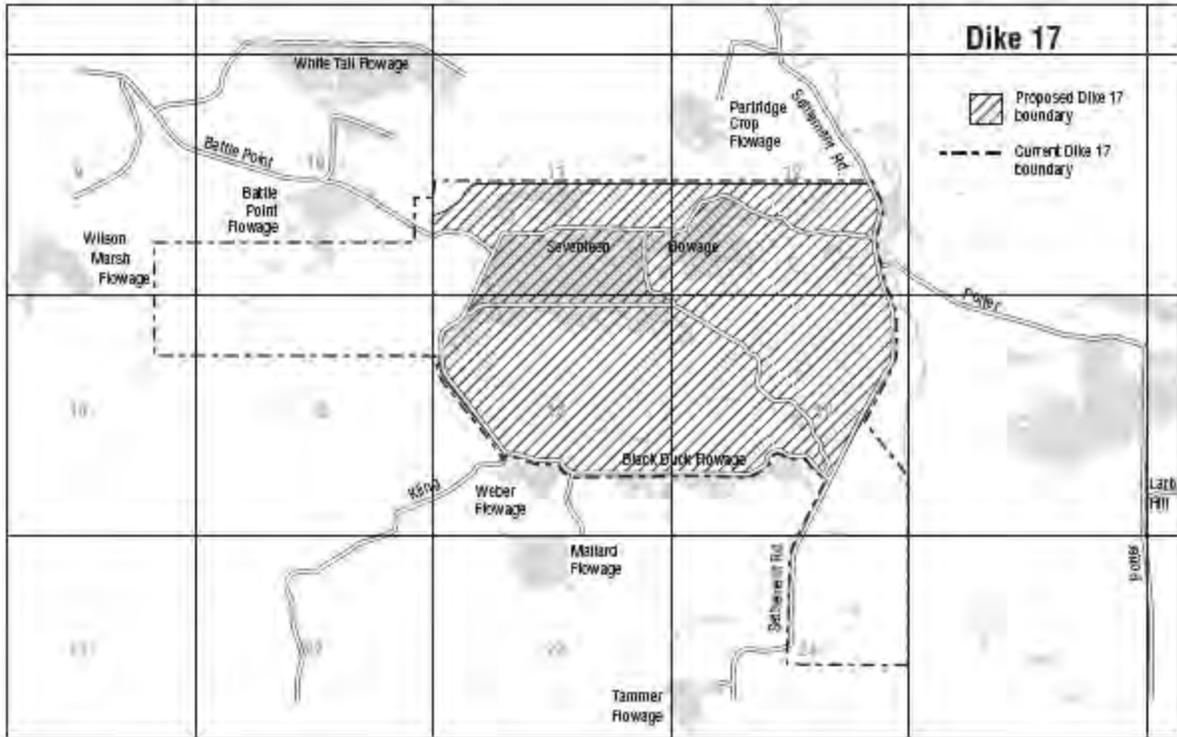


Do you favor eliminating the Nelson-Trevino Mississippi River closed area in Buffalo County?

10. YES _____ NO _____

Question 11. Reduce the size of Dike 17 waterfowl refuge and allow trapping and firearm deer hunting, Jackson County. (2010)

Dike 17 Wildlife Area is a 3,100 acre property located within the Black River State Forest. The property has a 2,170 acre waterfowl refuge that receives limited use by waterfowl and is larger than needed. Firearm and muzzleloader deer hunting are allowed and trapping requires a permit issued by the department. This proposal would reduce the size of the refuge by 800 acres and allow all trapping and hunting in the non-refuge area. In the remaining refuge area, deer hunting would be expanded to include the archery as well as the firearm and muzzleloader deer seasons and trapping would be allowed with no permits required.



Do you favor reducing the size of the Dike 17 waterfowl refuge in Jackson County by 800 acres and allowing deer hunting during all seasons and trapping without permits in the remaining refuge area?

11. YES _____ NO _____

Question 12. Reduce the size of Vernon Marsh waterfowl refuge because certain areas are no longer needed as goose refuge, Waukesha County. (2010)

Vernon Wildlife Area is a 4,655 acre property (4,154 acres owned, 501 acres leased) in Waukesha County. The property contains 740 acres of refuge. This proposal would eliminate 395 acres of refuge on the north side of the property and open that area to all normal hunting activities. This area was traditionally an upland area that served as a goose refuge. Use is limited and refuge areas for geese are no longer needed in this area.

Vernon Wildlife Area (Waukesha County) - Refuge Boundary Change



- Existing Waterfowl Refuge
- Proposed Refuge Area
- DNR Lands

Do you favor expanding hunting opportunities by opening 395 acres of refuge in the Vernon Wildlife Area to hunting?

12. YES _____ NO _____

Question 13. 1:00 p.m. closure of migratory bird hunting, Lake Mills Wildlife Area, Jefferson County. (2010).

The Lake Mills/Zeloski Marsh Wildlife Area is a newly expanded, very popular, 3,300 acre property where there is an opportunity to initiate special migratory bird hunting regulations designed to improve the quality of the hunt. This proposal would establish a 1:00 p.m. closure of migratory bird hunting, including waterfowl and mourning doves, beginning on Sept. 1 and continuing through the 16th day after the opening weekend of the duck season on the entire property. Hunting would be allowed all day on the opening weekend of the duck season. Similar regulations in other states have been shown to provide good hunting across an entire property rather than just near refuges, hold ducks in an area for a longer period of time, and provide excellent shooting opportunities at the opening of shooting hours and again before the 1:00 p.m. closure. This regulation would sunset after 3 years and, if there continues to be support, would need to be reauthorized.

This property includes a large wetland restoration of nearly 2,000 acres. This unit is comprised of large impoundments providing the opportunity to manage water levels for migrating and nesting waterfowl, shorebirds, and other wetland species of both flora and fauna. The area is filled with access lanes for management purposes which also provide excellent opportunities for walking, wildlife watching, and hunting. The Glacial Drumlin Trail lies adjacent to the eastern unit all along the north boundary and bisects the western unit of the wildlife area. This trail provides bicycle access and doubles as a snowmobile trail in the winter.

Do you favor establishing a 1:00 p.m. closure of migratory bird hunting hours from September 1 and continuing through the 16th day after the opening weekend of the duck season (except that hunting would be allowed all day on the opening weekend of duck season) at Lake Mills/Zeloski Marsh Wildlife Area, Jefferson County?

13. YES_____NO_____

Fiscal Estimate — 2007 Session

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| <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-01-09 |
|---|-------------------------------|--|

Subject
 Wildlife Management 2009 Spring Hearing Rule, modifications to chapter NR 10, 11 and 15 related to hunting and trapping, closed areas and game refuges.

Fiscal Effect
 State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

| | |
|---|---|
| <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation | <input type="checkbox"/> Increase Costs — May be possible to absorb within agency's budget. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs |
|---|---|

Local: No Local Government Costs
 Indeterminate

| | | |
|--|--|--|
| 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

| | |
|---|---|
| Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | Affected Chapter 20 Appropriations |
|---|---|

Assumptions Used in Arriving at Fiscal Estimate

This rule proposal modifies various hunting and trapping regulations and season dates. In most situations, no new work processes or programs are created. Modifications to refuge boundaries will require new signage at two department properties and the elimination of signage at two properties resulting in no significant net change in expenses.

Mandatory registration of sharp-tailed grouse will not require new expenses because a harvest reporting system is already in place, its use is optional under current rules. Similarly, wild turkey harvest is recorded at department registration stations and telephone registration, if pursued, would replace the current system resulting in no new expenses. It is anticipated that costs will be less than under the current system. Startup costs for administering a bobcat harvest registration system by telephone are anticipated to be \$3,000, similar to the cost of the current Canada goose telephone registration system. Annual costs would be less than \$1,000 and can be absorbed within the department's current budget.

Specifically, this proposal makes the following administrative rule changes:

- Clarify the definition of "open water hunting" for waterfowl hunting.
- Allow the harvest stocked hen pheasant at Sand Creek Fishery Area, Monroe County.,
- Extend the fall turkey season to Dec. 31, except for the nine-day firearm deer season, in zones 1 – 5.
- Modify the bobcat hunting and trapping seasons.
- Allow the use of rifles for firearm deer hunting in Dunn and Shawano Counties.
- Allow firearm deer hunting at Potawatomi and Whitefish Dunes state parks, Door County.
- Clarify that the 19-day muzzleloader-only season is antlerless only but buck hunting can be allowed in certain years.
- Eliminate the late archery deer hunt at Brunet Island State Park.
- Eliminate state park hunting season and allow hunting during all normal deer seasons at Cadiz Springs Recreation Area.
- Establish a special migratory bird hunt, regulations, and refuges at Mead Wildlife Management Area, Wood, Portage, Marathon counties.

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 | |

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

| | |
|-------------|--|
| LRB Number | Amendment Number if Applicable |
| Bill Number | Administrative Rule Number WM-01-09 |

Assumptions Used in Arriving at Fiscal Estimate – Continued

- Clarify the definition of legal firearm types for hunting.
- Create flexibility for issuing left-over turkey hunting permits.
- Create flexibility to register wild turkeys by methods other than in person at registration stations.
- Allow the use of electronic calls for turkey hunting by disabled permit holders.
- Allow the use of turkey hunting with dogs during the fall season statewide.
- Require the registration of sharp-tailed grouse harvest.
- Allow hunting from a vehicle during special turkey hunts by holders Class B disabled hunting permits that are valid for more than one year.
- Reduce the size of Dike 17 waterfowl refuge and allow trapping and firearm deer hunting (Jackson County)
- Reduce the size of Vernon Marsh waterfowl refuge because certain areas are no longer needed as goose refuge (Waukesha County).
- Establish a 1:00 close of migratory bird hunting hours, Jefferson/Zoleski Marsh (Jefferson County).

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-01-09 |

Subject

Wildlife Management 2009 Spring Hearing Rule, modifications to chapter NR 10, 11 and 15 related to hunting and trapping, closed areas and game refuges.

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

The department anticipates one-time start up costs of \$3,000 to initiate telephone harvest reporting of bobcat.

| 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 | | 1,000 | - |
| Local Assistance | | | - |
| Aids to Individuals or Organizations | | | - |
| Total State Costs by Category | | \$ 1,000 | \$ - 0 |
| B. State Costs by Source of Funds | | | |
| GPR | | \$ | \$ - |
| FED | | | - |
| PRO/PRS | | | - |
| SEG/SEG-S | | 1,000 | - 0 |
| 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 | \$ 1,000 | \$ 0 |
| Net Change in Revenues | \$ 0 | \$ 0 |

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

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

The Wisconsin Natural Resources Board proposes and order to repeal ss. NR 11.032(b), 15.022(4); to amend ss. NR 10.01(2)(c)2., 10.01(2)(f)2., 10.01(3)(d), 10.01(3)(e)1.b., 10.01(3)(e)2., 10.01(3)(e)2.d., 10.01(3)(em)4.c., 10.01(3)(em)4.d., 10.01(3)(et)c., 10.09(1)(c)(intro.), 10.13(1)15, 10.25(1)(f)2., 10.25(3), 10.25(4)(b) and (c), 10.26(2)(title), 10.40(4), 10.40(5)(a)2. and b; to repeal and recreate ss. NR 10.001(20), 15.022(8)(b), 15.022(8)(e), 15.024(4) and to create ss. NR 10.01(3)(e)2.h., 10.06(9)(a) and (b), 10.145(3)(f), 10.145(8), 10.26(2)(c), 11.042(2) and 11.044(title)(1) relating to hunting and trapping regulations, closed areas and game refuges.

WM-01-09

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, closed areas and game refuges; ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193 Stats.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of these rules include; ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193 Stats. These statutes specifically provide the department with authority to establish game refuges, maintain open and closed seasons and other regulations to conserve fish and game and ensure opportunities for hunting and trapping, provide additional hunting opportunities for persons who are physically disabled, report the number and kind of animal taken by hunters and trappers, authorize and regulate hunting on land in state parks, limit the number of persons taking species such as bobcat, and to establish approvals for disabled persons. 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 and 15, Wis. Adm. Code, relating to hunting, trapping, closed areas and game refuges. These rule changes are proposed for inclusion in the 2009 Spring Hearing Questionnaire. Specifically, these proposals:

Section 1 clarifies the definition of "open water hunting" for waterfowl.

Section 2 allows the harvest stocked hen pheasants at Sand Creek Fishery Area, Monroe County.,

Section 3 extends the fall turkey season to Dec. 31 in zones 1 - 5, except for the nine-day deer season.

Sections 4, 14, 15 and 16 modify bobcat hunting, trapping, cable restraint seasons and reporting.

Section 5 allows the use of rifles for firearm deer hunting in Dunn and Shawano Counties.

Section 6 allows firearm deer hunting at Potawatomi and Whitefish Dunes state parks, Door County and allow the use of rifles for deer hunting at all of Hartman Creek state park, Waupaca and Portage counties.

Sections 7 through 10 establish that the 19-day muzzleloader-only season and late archery season is antlerless only but buck hunting can be allowed in certain years at Wildcat Mountain state park, Vernon County.

Section 10 also eliminates the late archery deer hunt at Brunet Island state park.

Section 11 eliminates the special state park hunting season and allows hunting during all normal deer seasons at Cadiz Springs Recreation Area.

Sections 12, 27, 29 and 30 establish a special migratory bird hunt with a 1:00 p.m. closure, regulations, and modify refuges at Mead wildlife area, Wood, Portage and Marathon counties and Lake Mills wildlife area, Jefferson County.

Section 13 clarifies the definition of legal firearm types for hunting.

Section 17 creates flexibility in the methods for issuing left-over turkey hunting permits.

Section 18 creates flexibility to register wild turkeys by methods other than in person at registration stations.

Section 19 allows the use of electronic calls for turkey hunting by certain holders of disabled hunting permits.

Section 20 allows the use of dogs for turkey hunting during the fall season statewide.

Sections 21 and 22 require the registration of sharp-tailed grouse harvest.

Section 23 and 24 allow hunting during special turkey hunts by holders Class B disabled hunting permits that are valid for hunting from a vehicle and issued for more than one year.

Section 25 eliminates the Nelson-Travino Mississippi River closed area in Buffalo county.

Sections 26 and 28 reduce the size of Dike 17 waterfowl refuge and allow trapping and firearm deer hunting (Jackson County)

Section 31 reduces the size of Vernon Marsh waterfowl refuge because certain areas are no longer needed as goose refuge (Waukesha County).

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.

None of Wisconsin's surrounding states issue bobcat permits by lottery. Bobcat are not harvested in Illinois and Iowa but are present and increasing in number in both states. Michigan hunters and trappers can generally harvest two bobcat per season. Minnesota hunters and trappers have a season limit of five bobcat.

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

All of Wisconsin's neighboring states use waterfowl refuges to improve hunting opportunities by keeping birds in an area for a longer period of time as well as to provide the birds safe staging areas during the fall migration.

Special migratory bird hunting regulations for individual properties are commonly used in other states to provide high quality hunting experiences where high hunting pressure makes that difficult. Missouri has used a 1:00 p.m. hunting hours closure or rest period for several years. Missouri reports that these regulations provide increased harvest per hunter, better hunter satisfaction, a greater number of birds on property over given time period, and the use of entire wildlife area after closure which increases the refuge aspect of the entire property.

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.

Current rules require that most waterfowl hunters be partially or entirely concealed in emergent vegetation while hunting on bodies of water. This requirement preserves open water areas as safe resting areas for migrating waterfowl. This rule proposal adds specificity to the term partial concealment by establishing a standard of 50 percent concealment from view. The rule language also establishes that, when determining the amount of concealment, the hunter and boat are viewed from at least one side from a level of three feet above the water's surface.

Wisconsin's current bobcat season provides more than two months of opportunity for hunters and trappers. Harvest registration is mandatory, and must occur within 5 days of the close of the season, but 48 hour reporting of harvest is not required. The department currently has authority to close the bobcat season early if needed to prevent exceeding the harvest quota. This rule proposal would split the existing

permit allotment between two time periods. The later time period, when snow cover is very likely, will provide hunting conditions that hound hunters have said they prefer.

This proposal would allow the use of cable restraints during all of the proposed new bobcat season and eliminate the sunset of this experimental season. A cable restraint is a device used for restraining furbearers without injuring them which consists of a non-spring activated galvanized aircraft cable which includes a relaxing mechanical lock, stops, and swivel. Cable restraints have been legal for use by the public for the January and February portions of the fox and coyote season for four years and in December for one season. Current rules sunset the use of cable restraints for bobcat in December after the 2009 season. Extensive testing of this device has proven that is effective, humane, and very species specific.

This proposal adds Sand Creek Fishery Area to the list of properties where surplus hen pheasants from the state game farm can be stocked and harvested. These properties typically do not have wild pheasants.

This proposal would extend the fall turkey hunting season to include the month of December in management zones 1 through 5 during the 2009 and 2010 seasons. The additional month of fall hunting is not expected to lead to significantly increased harvest as pressure has typically been low compared to the more popular spring season and harvest is still controlled by permit.

Following a successful trial season with two years completed and one remaining, hunting turkeys with the aid of dogs will be allowed statewide during the fall season. Where hunting with dogs is currently allowed in nine counties, no conflicts with other hunters or other problems have been identified but it has provided a unique hunting opportunity. 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.

Harvested wild turkeys must currently be transported to a department registration station to be recorded. This proposal would create flexibility so that a call-in system, similar to the one used for Canada geese, or other system can be used if that proves to be more convenient for hunters and efficient for the department.

This proposal would allow long term Class B disabled hunting permit holders with permits that authorize hunting from a vehicle to hunt turkeys during the special disabled turkey hunts the same as Class A and C disabled permit holders. Class A and Long term Class B disabled permit holders would also be able to use electronic calls for turkey hunting in order to resolve the difficulty that some people have operating calls by hand. Finally, this proposal removes the requirement that wild turkey hunting permits which are not issued during the drawing may only be issued on a first-come-first-served basis. It is the department's desire to continue first-come-first-served issuance of leftover permits but, should technological or other difficulties interfere, additional flexibility will allow other methods of permit issuance.

This proposal would allow rifles for use during firearm deer seasons in Dunn and Shawano Counties. Currently shotguns with slugs, handguns, and muzzleloaders are the only legal firearms. Wisconsin hunting accident statistics do not show a safety advantage of shotgun slugs over rifle bullets. Hunters in those counties have requested this rule change.

Hunting is statutorily prohibited in state parks except where allowed by administrative rule. This rule proposal would create new hunting opportunities at Potawatomi and Whitefish Dunes state parks during the traditional nine day firearm deer season. These seasons will provide hunting opportunity and provide needed deer herd control on both properties. The Cadiz Springs property includes state park and recreation area property. This proposal would eliminate the existing state-park season framework and expand hunting to include all normal deer seasons at the recreation area. This proposal would eliminate the late archery hunting opportunity at Brunet Island state park. The current archery hunt is underutilized and this change would make seasons at all of the work units in West Central Region consistent. This rule proposal would make the existing 19-day muzzleloader-only season at Wildcat Mountain an antlerless-only hunt in most years in order to maximize deer herd control efforts. The park could allow the harvest of

bucks in certain years. Antlerless deer harvest is desired at Wildcat Mountain and the park reports that antlerless deer harvest has been significantly higher during previous antlerless only seasons.

This rule would add clarity to the definition of legal gun types for hunting by clarifying that they must use compressed air or gunpowder. New devices using electromagnetic or other technology might be legal currently if they use a legal type of projectile but these devices have not been evaluated for their effectiveness or desirability for hunting. Allowing one of these new devices in the future would require evaluation and rulemaking.

Registration of harvested sharp-tailed grouse is not a legal requirement. Harvest reporting is requested but compliance is low. This rule would require harvest reporting of sharp-tailed grouse. Methods such as mail or online registration may be utilized. In-person registration would not be required under this proposal.

Waterfowl closed areas are commonly used to provide safe resting areas for migrating waterfowl as well as to allow them to stay in an area during the waterfowl hunting season. Two closed areas are being reduced in size because of their limited effectiveness and to allow other activities in those areas. Those are a portion of the Vernon Marsh Wildlife Area in Waukesha County and the Dike 17 Wildlife Area in Jackson County. At Mead Wildlife Management Area in Wood, Portage, and Marathon Counties two successful refuge areas are proposed to be expanded in order to increase their effectiveness.

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. scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments is April 13, 2009. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

Section 1. NR 10.001(20) is repealed and recreated to read:

NR 10.001 (20) "Open water" means any portion of a navigable water body which does not contain a naturally occurring growth of emergent vegetation rooted to the bottom that provides all of the following, except that naturally occurring dead stumps or trees, or vegetation placed in the bottom by a person, do not constitute a natural growth of vegetation

(a) The vegetation is of sufficient height and density to conceal at least 50% of the hunter and the boat, blind or similar device within or behind the natural growth of vegetation when viewed from at least one direction horizontally and parallel to the water surface from a height of 3 feet above the water level.

(b) The vegetation which provides the 50% concealment extends above the water surface to a height at or above the gunwales or sides of the boat, blind or similar device and must be within 3 feet of the exterior of the boat, blind or similar device.

Note: Vegetation that is naturally rooted to the bottom other than dead trees or stumps may be dead or alive, but must still provide the required minimum 50% concealment when hunting is occurring.

Section 2. NR 10.01(2)(c)2. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|------------------------|
| NR 10.01(2)(c)2. Cocks and hens-- Within the following | Same as in subd. 1. a. | Same as in subd. 1. a. |

named properties as posted with department signs:

- a. Avoca (Iowa county)
- b. Scuppernong (Waukesha county)
- c. C.D. "Buzz" Besadny fish and wildlife area (Kewaunee county)
- d. Pine River (Richland county)
- e. Vernon (Waukesha county)
- f. Boscobel unit of the Lower Wisconsin Riverway (Grant county)
- g. Kickapoo valley reserve (Vernon county)
- h. Kettle Moraine state forest (Waukesha county)
- i. Tom Lawin wildlife area (Chippewa county)
- j. Sand Creek fishery area (Monroe County)

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

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|---|
| NR 10.01(2)(f)2. All wild turkey hunting zones as described in s. NR 10.29 and <u>the Mill Bluff state park portions of zones 9 and 13 of zone 1</u> , excluding all other state parks, for which a quota has been established under s. NR 10.25(5). | Fall season beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the Thanksgiving holiday. | Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued. |
| <u>Wild turkey hunting zones 1 – 5, as described in s. NR 10.29 and the Mill Bluff state park portion of zone 1, excluding all other state parks, for which a quota has been established under s. NR 10.25(5).</u> | <u>Fall season reopening on the Monday immediately following the Thanksgiving holiday and continuing through December 31 during the 2009 and 2010 seasons.</u> | <u>Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.</u> |

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

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|---|--------------------------|
| NR 10.01(3)(d) Bobcat (wildcat; hunting and trapping) 1. All that part of Wisconsin north of state highway 64 | Beginning on the Saturday nearest October 17 and continuing through December 31 Two permit periods: The Saturday nearest Oct. 17 – Dec. 25 Dec. 26 – Jan 31 | One per season by permit |
| 2. Remainder of the state | None | None |

Section 5. NR 10.01(3)(e)1.b. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|--|
| 10.01(3)(e)1.b. In the counties or parts of counties and deer management units of Brown, Calumet, Dane, Dodge, Door (Detroit, Plum, Rock and Washington Islands only), Dunn (unit 59B portion), Fond du Lac, Green, Jefferson, Kenosha, Lafayette, Manitowoc, Outagamie, Ozaukee, Pierce (unit 59B, 60A, 60B and 61 portions), Racine, Rock, St. Croix (unit 59B and 60B portions), Sheboygan, Shawano (south of highway 29), Trempealeau national wildlife refuge, Walworth, Washington, Waukesha, Waupaca and Winnebago. | Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. | One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104. |

Section 6. 10.01(3)(e)2. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|---|--|
| NR 10.02(3)(e)2. The following state parks and trails: the portion of Big Bay state park located on Madeline Island west of a north-south line beginning at the park entrance on Haines road, Governor Thompson, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Mill Bluff, Newport, <u>Potawatomi</u> , Rock Island, Straight Lake, <u>Whitefish Dunes</u> , Wyalusing (73A) and Tuscobia-Park Falls. | Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. The firearm type is the same as authorized for the surrounding deer management unit <u>except that rifles are allowed in all of Hartman Creek.</u> | One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104. |

Section 7. 10.01(3)(e)2.d. is amended:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|---|--|
| d. Wildcat Mountain (unit 72A) , Rib Mountain (unit 57D), Harrington Beach (unit 69C) and Kohler-Andrae (77E) state parks. | Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days. | One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104. |

Section 8. 10.01(3)(e)2.h. is created:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|---|---|
| NR 10.01(3)(e)2.h. Wildcat Mountain (unit 72A) state park. | Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days. | One antlerless deer or one deer of either sex as authorized by deer permits issued under s. NR 10.104 |

Section 9. NR 10.01(3)(em)4c. is amended.

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|---|---|
| The following state parks and trails: Elroy-Sparta, Council Grounds (52A), Hartman Creek, Interstate, Kinnickinnic, Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C), Kohler-Andrae (unit 77E), Willow River, Newport and Tuscobia-Park Falls. | During the late archery seasons described in subd. 1. | One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104. |

Section 10. NR 10.01(3)(em)4.d. is amended.

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|---|---|
| Brunet Island (unit 23A) Wildcat Mountain (unit 72A) state park. | During the late archery seasons described in subd. 1. | One antlerless deer as authorized by the appropriate carcass tag or one deer of either sex as authorized by deer permits issued under s. NR 10.104. |

Section 11. NR 10.01(3)(et)c. is amended:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|--|---|
| NR 10.01(3)(et)c. Belmont Mound, Cadiz Springs , Devil's Lake, Mirror Lake, Natural Bridge, New Glarus Woods, Rocky Arbor and Yellowstone state parks. | <i>1. Early firearm season.</i> A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Allowable types of firearms are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours shall close at 12:00 p.m. daily. | One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). |

2. *Gun deer season.* A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e). One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

3. *Muzzleloader season.* A muzzleloader hunt as established in s. NR 10.01 (3)(es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

4. *Late firearm season.* A firearm deer hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e). One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

5. *Archery season.* An archery hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section. One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Sunday nearest January 6. One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Section 12. NR 10.06(9)(a) and (b) are created to read:

NR 10.06(9) *Daily migratory bird rest period.* Migratory bird hunting hours shall close at 1:00 p.m. daily within the posted boundaries of the following state wildlife areas on the following dates. This subsection does not apply after December 31, 2012.

(a) George W. Mead Wildlife Area (Wood, Portage, and Marathon Counties) beginning on the third day of the duck hunting season in subd. NR 10.01 and continuing for 16 days.

(b) Lake Mills Wildlife Area (Jefferson County) beginning on Sept 1 and continuing through the 16th day after the opening weekend of the duck season established in subd. NR 10.01 except that normal statewide hunting hours apply on the opening weekend of the duck season.

Section 13. NR 10.09(1)(c)(intro.)1. is amended to read:

NR 10.09(1)(c)1. *Type.* Hunt with any means other than the use of a gun ~~discharged~~ designed to be fired from the shoulder utilizing the energy of gun powder or compressed air, bow and arrow or by falconry except:

Section 14. NR 10.13(1)(b)15. is 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~~ January 31 and fox and coyotes from December 1 to February 15, dates inclusive, provided the cable restraint conforms to the following specifications in addition to those under subd. 13. ~~The use of cable restraints for bobcat sunsets following the 2009 season.~~

Section 15. NR 10.145(3)(f) is created to read:

NR 10.145(3)(f) *Validity.* All permits are valid only in the zones and for the time periods specified on the permit during the open season established for bobcat.

Section 16. NR 10.145(8) is created to read:

NR 10.145(8) REPORTS. (a) *Harvest reports.* The department may require each successful bobcat permit applicant to submit a harvest report in a manner prescribed by the department within 24 hours of harvesting a bobcat.

Section 17. NR 10.25(1)(f)2. is amended to read:

NR 10.25(1)(f)2. *Undersubscribed zones and time periods.* If the number of applications for licenses for a wild turkey hunting zone is less than the available quota of licenses, the department may make available to any person the remaining carcass tags for the zone and time period for purchase ~~on a first come, first served basis~~ at a rate of no more than one carcass tag per day per person.

Section 18. NR 10.25(3) is amended to read:

NR 10.25(3) REGISTRATION. A person who possesses a wild turkey killed in a wild turkey hunting zone shall exhibit and register the bird ~~at a~~ with the department ~~registration station~~ as follows:

Section 19. NR 10.25(4)(b) is amended to read:

NR 10.25(4)(b) By the use or aid of recorded or electrically amplified bird calls or sounds or imitations thereof, or while in possession of any type of device that produces recorded or electronic amplifications of bird calls or sounds. This paragraph does not apply to hunters possessing a Class A or B disabled hunting permit which authorizes hunting from a vehicle and which is issued for more than one year.

Section 20. NR 10.25(4)(c) is amended to read:

NR 10.25(4)(c) With the aid of dogs, except during the fall ~~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 21. NR 10.26(2)(title) is amended to read:

NR 10.26(2) TAGGING AND REGISTRATION PROCEDURE.

Section 22. NR 10.26(2)(c) is created to read:

NR 10.26(2)(c) *Registration*. A person who possesses a sharp-tailed grouse killed in a sharp-tailed grouse hunting zone shall register the bird with the department no later than 5:00 p.m. on the day after it was killed.

Section 23. NR 10.40(4) a. and b. are amended to read:

NR 10.40(4)(a) *Authorized state properties*. Turkey hunts for disabled hunters possessing a Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or Class C permit are permitted at the following state owned properties: Belmont Mound (Lafayette county), Natural Bridge (Sauk county), Nelson Dewey (Grant county), New Glarus Woods (Green county), Rocky Arbor (Juneau county) and Loew Lake unit - Kettle Moraine state forest (Washington county).

(b) *Application requirements*.

1. All applications shall be on department forms and shall be postmarked no later than December 10 or received by a department service center location on that day.

2. All applications shall include the applicant's Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or C permit number.

Section 24. NR 10.40(5)(a)2. and (b) are amended to read:

NR 10.40(5)(a)2. An application shall include all of the following:

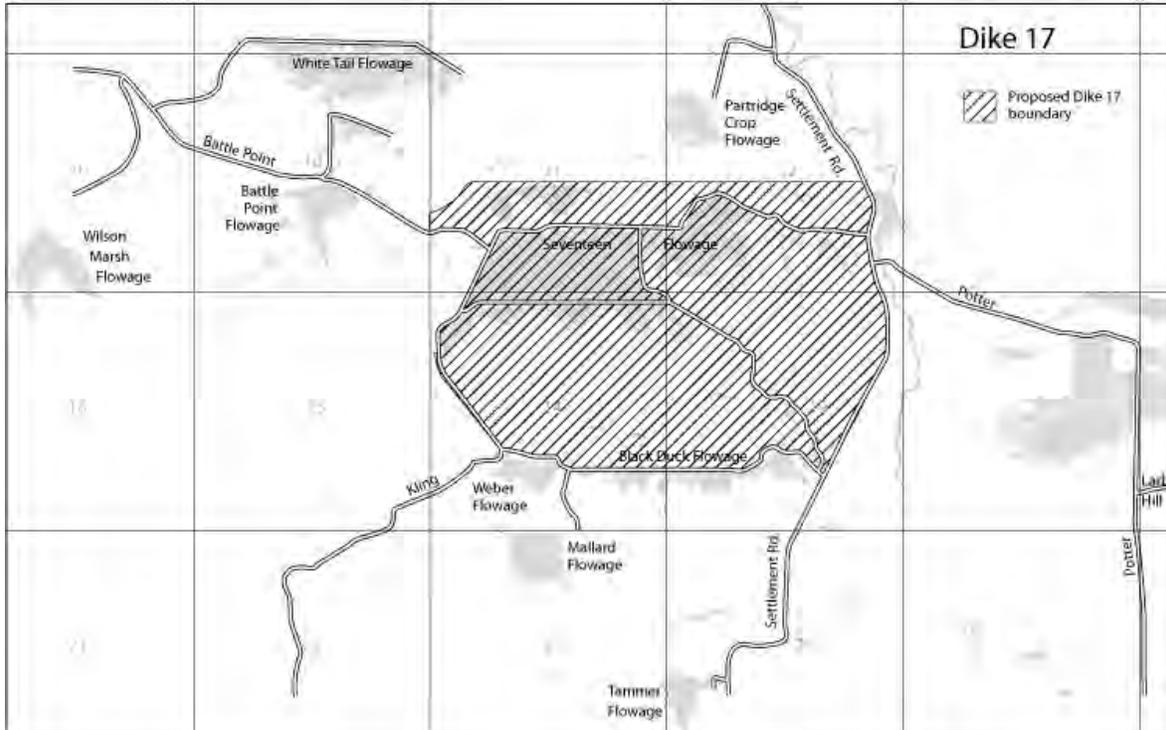
- a. The written authorization of the host landowner to conduct a disabled turkey hunt; and
- b. The turkey management zone and a legal description of the lands on which the hunt is to be conducted, including government lot or quarter-quarter section, section, township, range and county; and
- c. A list of the names, addresses and Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or C permit numbers of all participating hunters and the names of their designated assistants.

(b) *Participation limits*. No person may hunt in more than one disabled turkey hunt in the same calendar year and all special hunt permit applicants shall possess a valid turkey hunting license and stamp and either a Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or C permit as defined in s. 29.193, Stats., that was issued on or after August 9, 1989. Participants may hunt only on the land described in the application and only during the time period described in the application. A person who is on the list of participating hunters for a disabled turkey hunt may not apply for a permit through the regular spring turkey hunting drawing in that year.

Section 25. NR 11.032(1)(b) is repealed.

Section 26. NR 11.042(2) is created:

NR 11.042(2) JACKSON COUNTY (a) *Dike 17*. Township 21 north, range 2 west, town of Millston.



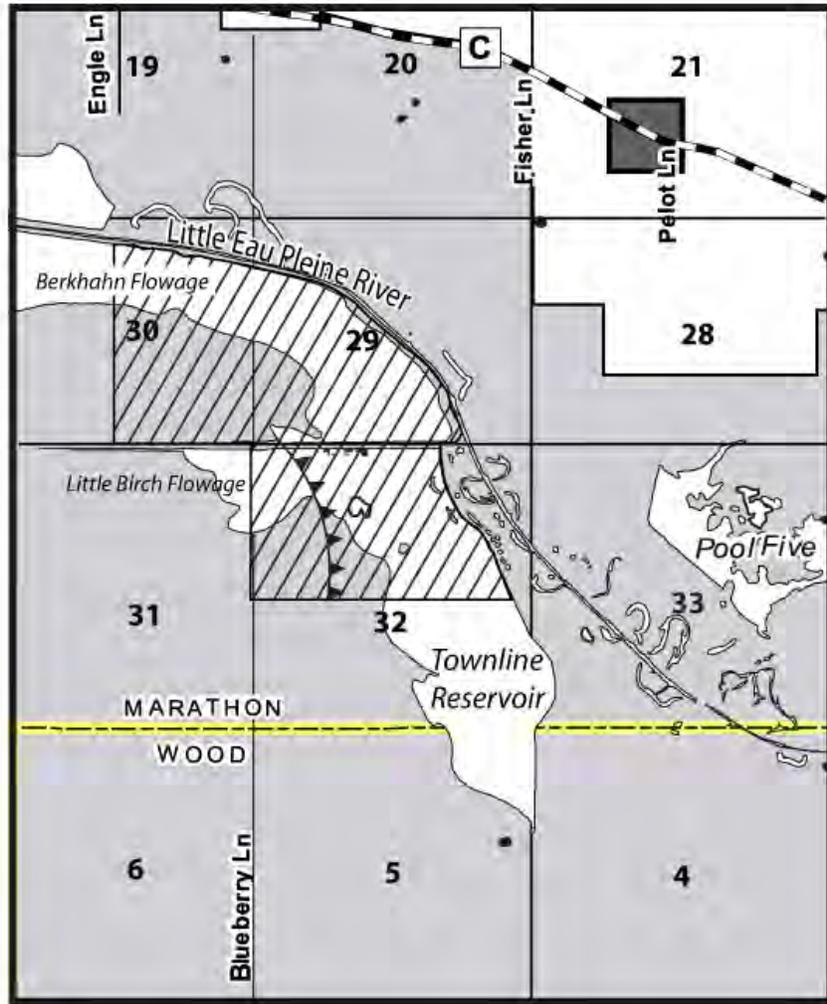
Section 27. NR 11.044(title)(1) is created to read:

NR 11.044(1) Early waterfowl hunting season closed area. A closed season is established at the Mead wildlife area. No person may hunt waterfowl until the beginning of the duck season established in s. NR 10.01(1), except that hunting is allowed on the dates of the youth duck hunt established in s. NR 10.01(1) by all people who may legally hunt waterfowl on those dates.

Section 28. NR 15.022(4) is repealed.

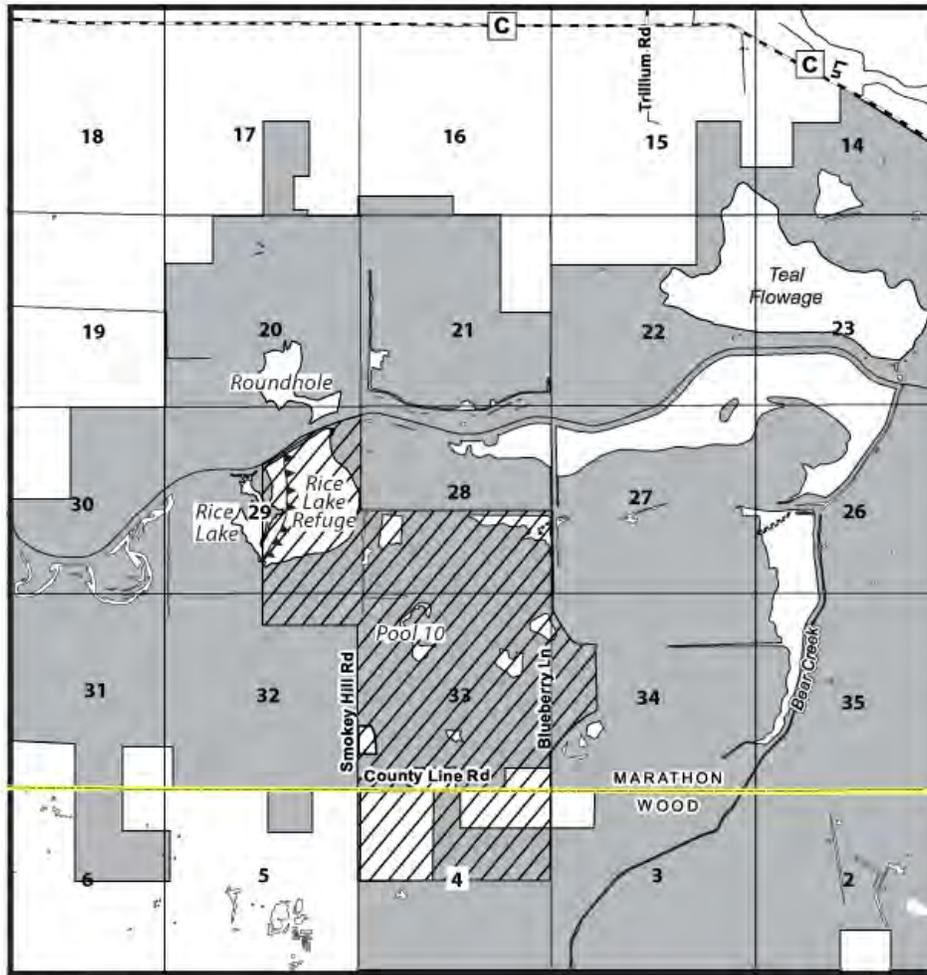
Section 29. NR 15.022(8)(b) is repealed and recreated:

NR 15.022(8)(b) Townline Reservoir/Berkhahn Flowage. Township 26 north, range 6 east, town of Bergen.



Section 30. NR 15.022(8)(e) is repealed and recreated:

NR 15.022(8)(e) *Mead*. Rice Lake Refuge. Township 26 north, range 5 east, town of Green Valley.



Section 31. NR 15.024(4) is repealed and recreated:

NR 15.024(4) WAUKESHA COUNTY. (a) *Vernon wildlife area*. Township 5 north, range 19 east, town of Vernon and township 6 north, range 19 east, town of Waukesha.

