

SUBJECT: Adoption of Board Order WM-01-11, the 2011 Wildlife Management Spring Hearing Rules Package

FOR: MAY, 2011 BOARD MEETING

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

SUMMARY:

Annually, the department submits rule change proposals relating to hunting, trapping and wildlife management and involves the public through the April Spring Fish & Wildlife hearings in each county. The following proposals were the subject of the 2011 meetings and are recommended for adoption:

- Repeal the sunset of a trial period for the extended fall turkey hunting season.
- Extend each of the six consecutive spring turkey hunting seasons by two days.
- Eliminate the archery deer season closure during the traditional November firearm season.
- Repeal the requirement that elk hunters must wear blaze orange.
- Establish a September elk season that would run concurrently with the first 30 days of the archery deer season.
- Allow a landowner, their employee, family member, lessee or occupant of private land to kill a cougar that is attacking a domestic animal.
- Allow normal hunting hours for pheasants on weekends at stocked 2:00 p.m. closure properties.
- Require that bear hunters provide carcass tissue samples, if requested, to the department at registration.
- Allows rifles for deer hunting in Waupaca County.
- Establish firearm and muzzleloader deer seasons at Copper Falls State Park.
- Include Manitowoc in the list of counties where the discharge of firearms is prohibited on department lands, except while hunting.

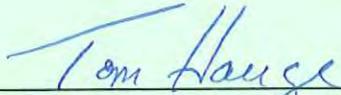
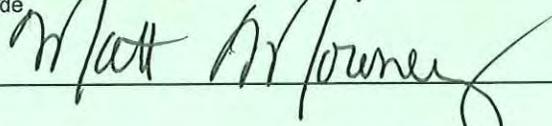
The results of voting on department and Natural Resources Board advisory questions are provided for information.

RECOMMENDATION: Adoption of Board Order WM-01-11, the 2011 Wildlife Management spring hearing rules package

LIST OF ATTACHED MATERIALS:

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

APPROVED:

 _____ Bureau Director, Tom Hauge	_____ Date <u>5/5/11</u>
 _____ Administrator, Kurt Thiede	_____ Date <u>5/5/11</u>
 _____ Secretary, Cathy Stepp	_____ Date <u>5/6/11</u>

cc: NRB Liaison
DNR Rules Coordinator

Scott Loomans WM/6
Tim Andryk AD/8

Tom Hauge WM/6

CORRESPONDENCE/MEMORANDUM

DATE: April 18, 2011

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: Request adoption of wildlife management's spring hearing rule proposals,
Board Order WM-01-11

I am requesting Natural Resources Board adoption of WM-01-11, a rule package to amend Ch's. NR 10 and 45, Wis. Admin. Code, relating to hunting, trapping and the management of department lands.

Background:

Annually, the department submits rule change proposals relating to hunting, trapping and wildlife management. The statewide April Spring Fish and Wildlife hearings are the traditional vehicle for citizen input. The origins of these rule change proposals are: 1) department staff specialists from the bureaus of law enforcement, wildlife management, endangered resources and customer service and licensing, or; 2) publicly supported Conservation Congress advisory questions from prior years 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 beginning on page 5 (Appendix A).

The department also asked advisory questions to gauge support for new duck hunting zone configurations and for lowering the age at which anyone can use a crossbow from 65 to 55. The natural resources board asked advisory questions about eliminating the use of toxic shot on department managed lands and to prohibit deer baiting ten days prior to and during the November firearm deer season. Results of voting on these items are also summarized in this memo. Because these are not actual rule proposals, the department is not recommending further action at this time.

Summary of the Rule:

The department is recommending the modifications to chapters NR 10 and 45, Wis. Adm. Code, relating to game and hunting and the management of department lands, listed under the bullet points below. Although they were a subject of hearings authorized by the board, the department is not recommending proposals to prohibit firearms discharge, other than hunting, on department lands in St. Croix and Pierce Counties.

- Repeal the sunset of a two year trial period for the extended fall turkey hunting season so that this December hunt will become permanent.
- Extend each of the six consecutive five day spring turkey hunting seasons by two days. New seasons would run from Wednesday through the following Tuesday.
- Eliminate the archery deer hunting season closure during the traditional November nine day gun deer season.

- Repeal the requirement that elk hunters must wear blaze orange except when a firearm deer season is open.
- Establish a September firearm and archery hunting season for elk. The season would run concurrently with the first 30 days of the archery deer hunting season.
- Allow a landowner, lessees or occupants of private land or any other person with permission of the landowner, lessee or occupant to shoot a cougar that is in the act of killing, wounding or biting a domestic animal and require that the carcass of the cougar be turned over to the department. Department rules already allow landowners, lessees or occupants to shoot a wolf in the same situation, although the authority is currently pre-empted by federal rule for wolves. These sections clarify that, in addition to the landowner, lessee or occupant, the authority to shoot a wolf also applies to any other person with permission of the landowner, lessee or occupant of private lands should wolves be delisted at the federal level.
- Allow normal hunting hours for pheasants on weekends at stocked properties that otherwise close at 2:00 p.m.
- Require that, if asked, bear hunters must provide carcass samples to the department at the time of harvest registration for purposes of research.
- Allow the use of rifles, in addition to shotguns, for firearm deer hunting in all of Waupaca County.
- Allow firearm deer hunting at Copper Falls State Park during the traditional nine day and muzzleloader only seasons.
- Include Manitowoc in the list of counties where the possession of loaded or uncased firearms on department lands is prohibited except while hunting, dog training, dog trials, or at established ranges.

Public Hearings, Written Comments, and Discussion:

Appendix B summarizes the voting results. Statewide, attendees favored all of the Wildlife Management Bureau proposals except for eliminating the blaze orange requirement during an elk hunting season. Proposals that would have eliminated firearm discharge on department managed lands in Pierce and St. Croix counties, other than for legal hunting and dog training/trialing, were not supported in those counties.

The department recommends repealing the blaze orange requirement during elk hunting seasons
 Voting on this proposal was essentially tied – it lost by just 22 votes out of 4,576 votes cast. The proposal was supported in 38 counties, lost in 28 and tied in 6. In deciding to recommend this proposal, the department considered that there will be no more than five state licensed elk hunters for the foreseeable future. Each of those hunters will have recently taken an elk hunter class where they will be reminded about safe hunting techniques and identifying their target. This likely represents a very low safety risk considering that there are many more bear, small game, and archery deer hunters currently in the woods at the same time in September – with no blaze orange and a good safety record. Under the proposal, blaze orange would still be required whenever a firearm deer season is open.

The department does not recommend prohibiting firearms discharge on DNR lands in Pierce and St. Croix
Based on the results of voting, the department is not recommending adoption of proposals that would have prohibited the discharge of firearms on department managed lands, except for legal hunting, in Pierce and St. Croix counties. Statewide voting was supportive but the proposal lost in those two counties. Because target shooting in those two counties is not a resource or opportunity of statewide significance, we looked more closely at the results of local voting in making this recommendation.

Written Comments

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

Two letters of opposition to allowing deer hunting at Copper Falls state park were received. The authors believe there are safety concerns and will be user conflicts. The department is still recommending hunting at Copper Falls because of significant experience with deer hunting at many other state parks and very few problems during the 9 day firearm season. Several letters also expressed support for crossbow use by people who have attained the age of 55.

Table 1. 2011 Spring Hearing Written Comments

	Question	Support	Oppose
28	Eliminate the archery deer season closure during the traditional November firearm season	3	4
29	Allow normal hunting hours for pheasants on weekends at stocked 2:00 p.m. closure properties	3	1
30	Repeal the requirement that elk hunters must wear blaze orange	2	3
31	Establish a September elk season that would run concurrently with the first 30 days of the archery deer season	6	
32	Allow a landowner, their employee, family member, lessee or occupant of private land to kill a cougar that is attacking a domestic animal	5	2
33	Require that bear hunters provide carcass tissue samples, if requested, to the department at registration	4	1
34	Extend each of the six consecutive spring turkey hunting seasons by two days	2	3
35	Repeal the sunset of a trial period for the extended fall turkey hunting season	6	1
36	Allows rifles for deer hunting in Waupaca County	4	
37	Establish firearm and muzzleloader deer seasons at Copper Falls State Park	5	2
38	Prohibit firearms discharge except while hunting, Manitowoc	3	
39	Prohibit firearms discharge except while hunting, Pierce	3	
40	Prohibit firearms discharge except while hunting, St. Croix	3	
<i>The following questions are advisory only</i>			
41	Reduce crossbow age from 65 to 55	9	1
42	Duck hunting zone configuration, no change	1	1
43	Duck hunting zone configuration, 3 zones and Hwy 10 boundary	2	2
44	Duck hunting zone configuration, 3 zones and Hwy 64 boundary	1	1
45	Use of non-toxic shot on department lands	1	2
46	Restrict deer baiting/feeding 10 days before & during deer season	4	2

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 and 45, Wis. Admin. Code, relating to hunting, trapping and the management of department lands 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.

Legislative Council Rules and Clearinghouse Report

All comments the department received from Legislative Council Clearinghouse have been incorporated (see attached report).

Appendix A. 2011 Spring Hearing Questionnaire.

2011 Spring Hearing Questions

PROPOSED STATEWIDE WILDLIFE MANAGEMENT RULE CHANGES

(Parenthesis indicate the year the proposal would become effective)

Question 28 – Eliminate the archery deer hunting season closure during the traditional November firearm season (2012)

The archery deer hunting season currently closes on the Thursday before the traditional November firearm season and reopens on the day after the firearm season closes. The archery season closure is a long standing tradition, the purpose of which may have been to prevent people from filling archery season carcass tags with deer that were shot with firearms.

Today, firearm and archery deer seasons run concurrently in metro units, the CWD Management Zone, and statewide during the ten day muzzleloader-only, four day December antlerless-only, and four day October herd control seasons. Few, if any, problems have been identified. Extending the archery deer season by the nine days that are concurrent with the traditional November firearm deer season would increase archery hunting opportunity for people who prefer to hunt with a bow, have filled their firearm carcass tags, or who hunt in areas where firearms discharge is prohibited. Archers would still be required to wear blaze orange statewide during firearm deer seasons.

- Do you favor extending the archery deer hunting season to include the nine days that are concurrent with the traditional November firearm season?

28. YES _____ NO _____

Question 29 – Allow normal hunting hours for pheasants on weekends at stocked properties that otherwise close at 2:00 p.m. (2012)

Pheasant hunting hours close at 2:00 p.m. daily at ten DNR managed properties beginning on the third day of the season and continuing through November 3. The closure allows better distribution of pheasants and provides the birds with time to adjust to surroundings while not subject to hunting pressure. Stocking does not occur on weekends. This proposal would allow hunting on the two weekends between opening day and November 3 until 20 minutes after sunset. These afternoons will provide additional hunting opportunity early in the season when birds are still being stocked and when interest in pheasant hunting is high.

The 2:00 p.m. closure applies to the following properties; Allenton (Washington county), Brooklyn (Dane and Green counties), C.D. "Buzz" Besadny (Kewaunee county), Dunnville (Dunn county), Eldorado

Marsh (Fond du Lac county), Goose Lake (Dane county), Grand River (Green Lake and Marquette counties), Holland (Brown county), Horicon (Dodge county), Jackson Marsh (Washington county), Killsnake (Calumet and Manitowoc counties), Mazomanie (Dane county), Mud Lake (Columbia county), Mud Lake (Dodge county), New Munster (Kenosha county), Nichols Creek (Sheboygan county), Pine Island (Columbia and Sauk counties), Scuppernong (Waukesha county), Theresa (Dodge and Washington counties), Tichigan (Racine county), Vernon (Waukesha county), and White River (Green Lake and Marquette counties)

- Do you support allowing pheasant hunting until twenty minutes after sunset on weekends, when pheasant stocking does not occur, at stocked properties where pheasant hunting hours currently close at 2:00 p.m.?

29. YES _____ NO _____

Question 30 – Repeal the requirement that all hunters must wear blaze orange during the elk season in an elk zone except when a firearm deer season is open (2012)

Currently all hunters, except waterfowl hunters, are required to wear blaze orange in an elk management zone when the elk season is open. When the elk population reaches 200 animals, a season will be held beginning on the second Thursday in December and continuing for 9 consecutive days. The department estimates that the herd will reach that level in 2012 or 2013. Five tags will be available for state hunters through a random drawing. Each hunter must take an elk hunter education course.

This proposal would eliminate the blaze orange requirement for elk and other hunters during an elk season. Blaze orange would still be required of all hunters, except waterfowl hunters, if a firearm deer season is also open. Because there will be very few elk hunters and all of them will have taken an elk hunter education course that would cover safe hunting techniques, the blaze orange requirement for all hunters is not believed to be needed. Blaze orange is not required of any other hunters (bear, coyote, fox or small game) except when a firearm deer season is open.

- Do you support eliminating the blaze orange clothing requirement for all hunters who are hunting in an elk zone at times when the elk hunting season is open and there is not an open deer firearm season?

30. YES _____ NO _____

Question 31 – Establish a September firearm and archery hunting season for elk. The season would run concurrently with the first 30 days of the archery deer hunting season (2012)

Under current rules, when the elk population reaches 200 animals a season would be held that begins on the second Thursday in December and continues for 9 consecutive days. Five tags will be available for state hunters through a random drawing. When the elk population reaches 600 animals, there would also be 7 days of September hunting in addition to the December season. Tribal hunting seasons (50% of the available quota) will likely begin in September.

This proposal would establish a season that begins on the Saturday nearest September 15 and runs for 30 days when the elk population reaches 200 animals. The December season would also be available to

someone who does not fill their tag during the early season. Elk hunters will be allowed to use firearms or archery gear. By law, the elk hunt will be a once-in-a-lifetime opportunity that will be available to very few people. The department is proposing allowing hunting closer to the elk rut and for more days so that those who are fortunate enough to draw a tag are able to more fully enjoy a very high quality hunt. Initially, all tags will be for bull elk. During the rut, male elk frequently bugle which makes locating them in Wisconsin's thick woods possible. A season during the rut will provide hunters with the opportunity to witness elk and enhance their chances of locating and harvesting a bull.

- Do you support establishing an early, September elk season that begins on the Saturday nearest the 15th day of the month and continues for 30 days, in addition to the current 9 day December season?

31. YES _____ NO _____

Question 32 – Allow landowners, lessees or occupants of private land, or any other person with permission of the landowner, lessee or occupant to shoot a cougar that is in the act of killing, wounding or biting a domestic animal and require that the carcass of the cougar be turned over to the department (2011)

Currently, cougars are listed as a protected species and it is illegal to shoot or trap one that is attacking a domestic animal unless permission is first obtained from the department. Cougars were native to Wisconsin but were eliminated from the state in the early 1900s. Cougars are not known to have breeding populations here. Recently, however, we have confirmed the presence of four different cougars during the last three years. All four were young males which are known to travel hundreds of miles in search of territory and a mate. The closest known, established population of cougars is in western South Dakota.

This proposal gives landowners greater ability to protect livestock and pets in the event of an attack. If a cougar is in the act of killing, wounding or biting a domestic animal on private land, then the landowner, lessee or occupant of that land, or any other person with permission of the landowner, lessee or occupant could shoot the cougar. Advance permission from the department would not be needed. If a cougar is shot, the shooter must notify the department and the entire carcass would have to be turned over to the department.

Department rules already allow a landowner, lessee or occupant to shoot a wolf in the same situation, although that authority is currently pre-empted by federal rule. This proposal clarifies that, in addition to the landowner, lessee or occupant, the authority to shoot a wolf would also extend to any other person with permission of the landowner, lessee or occupant, should wolves be delisted at the federal level.

- Do you favor allowing landowners, lessees or occupants, or any other person with permission of the landowner, lessee or occupant of private land to shoot a cougar that is in the act of killing, wounding or biting a domestic animal and requiring that the carcass of the cougar be turned over to the department?

32. YES _____ NO _____

Question 33 – Require that, when requested by the department, hunters must provide bear carcass samples for research purposes at the time of harvest registration (2011)

The department currently collects teeth from hunter harvested bears at registration stations. Pieces of bear rib have been collected in the past and will be collected in certain years in the future. Teeth provide age information and rib sections show the proportion of bears harvested that have been marked in population studies. This information has been critical to population modeling that is used to establish harvest levels and manage bear populations. Submission of these samples is currently voluntary.

This proposal would require that, when requested, bear hunters must provide tissue samples to the department. Making submission of samples a requirement will make it easier for registration stations and the department to obtain tissue samples. These samples are important because they improve the quality and consistency of data collected and increase the return on investments made in tetracycline mark-recapture research. This research has allowed us to improve population estimates and increase the number of bear permits and bear hunting opportunity.

- Do you favor requiring that, when requested by the department, hunters must allow bear carcass parts to be taken for research purposes as part of the registration process?

33. YES _____ NO _____

Question 34 – Extend each of the spring turkey hunting periods by two days (2012)

Currently, the spring turkey hunting seasons begin on the Wednesday nearest April 13 and continue for six consecutive five day hunting periods. Hunting is not allowed on Monday and Tuesday. The two days that separate each season were originally intended to allow time for scouting when hunters are not in the woods, to rest birds between seasons, or to give landowners a break from hunters.

Turkey hunting is now a familiar and accepted spring activity and many people believe that extending each spring hunting period by two days will provide additional hunting opportunity without causing conflicts. Under this proposal, spring turkey hunting periods would continue to open on Wednesdays but would continue through the Tuesday of the following week for seven days.

- Do you favor extending each of the spring turkey hunting periods by two days so that there will be six consecutive, seven day hunting periods that begin on Wednesday and continue through Tuesday of the following week?

34. YES _____ NO _____

Question 35 – Renew the fall turkey hunting season extension in management zones 1 through 5 (2011)

Historically, the fall turkey season has opened on the Saturday nearest September 15 and continues through the Thursday prior to the beginning of the 9-day November deer gun season (in 2010, September 18 – November 19). In turkey management zones 1 through 5, on a two year trial basis, the fall turkey season has reopened on the day after the firearm deer season and continued through December (In 2010, November 29 – December 31). This two year trial period was established to assess what, if any, impact the longer season would have on turkey harvest and turkey hunting.

The primary result of this change is that harvest has been spread out over the duration of the longer season but has not increased. The turkey population continues to be healthy and well established across the state and more hunting opportunity has been provided in the fall season. This proposal would eliminate the sunset of this extended season and make it permanent.

- Do you support permanently extending the fall turkey hunting season to include the Monday following the 9-day gun deer season through December 31 in turkey management zones 1 – 5?

35. YES _____ NO _____

PROPOSED LOCAL WILDLIFE MANAGEMENT RULE CHANGES
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Question 36 – Allow the use of rifles for firearm deer hunting in Waupaca County (2011)

Currently, rifles are not allowed for deer hunting in Waupaca County (except that they are allowed at Hartman Creek State Park) and firearm season deer hunters are restricted to shotguns, handguns, and muzzleloaders. The department does not view the current prohibition as necessary for biological or safety reasons. As a Conservation Congress advisory question at 2010 spring hearings, this proposal was supported in Waupaca County and statewide by a vote of Ayes, 2,397; Noes, 660.

This proposal would allow the use of rifles in all of Waupaca County during the gun deer season.

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

36. YES _____ NO _____

Question 37 – Establish firearm and muzzleloader-only deer hunting seasons at Copper Falls State Park, Ashland County (2011)

Hunting in state parks is prohibited by state law unless the department establishes a hunting season by rule. Allowing hunting during the traditional 9-day firearm and muzzleloader-only deer seasons will provide hunting opportunity and keep deer populations at a level similar to the surrounding unit. Allowing hunting in parks also limits the problem of the park providing refuge to deer from neighboring properties and helps to keep deer moving during the season.

Copper Falls State Park will not become its own deer management unit and access permits will not be required.

- Do you favor allowing deer hunting during the traditional 9-day firearm and muzzleloader-only deer seasons at Copper Falls State Park?

37. YES _____ NO _____

Questions 38, 39, and 40 – Include Manitowoc, Pierce and St. Croix in the list of counties where the discharge of firearms on department lands is prohibited except while hunting, dog training/trialing by permit, or at established ranges (2012)

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

This proposal would extend the prohibition of target shooting and other firearms discharge on DNR lands, except for legal hunting, authorized dog training/trialing activities or at designated ranges, to Manitowoc, Pierce and St. Croix counties.

- Do you favor prohibiting the discharge of firearms and air guns on department lands in Manitowoc County, except while engaged in a legal hunting, authorized dog training/trialing activity, or at a designated shooting range?

38. YES _____ NO _____

- Do you favor prohibiting the discharge of firearms and air guns on department lands in Pierce County, except while engaged in a legal hunting, authorized dog training/trialing activity, or at a designated shooting range?

39. YES _____ NO _____

- Do you favor prohibiting the discharge of firearms and air guns on department lands in St. Croix County, except while engaged in a legal hunting, authorized dog training/trialing activity, or at a designated shooting range?

40. YES _____ NO _____

DEPARTMENT ADVISORY QUESTIONS-WILDLIFE

Question 41 – Lower the age at which anyone can use a crossbow from 65 to 55

Under current law, residents and non-residents who have reached the age of 65 can hunt with a crossbow in any situation where hunting with archery gear is legal. In addition, any person who is old enough to buy a hunting license and has certain upper extremity or mobility related disabilities, and who has obtained a permit to hunt with a crossbow can also hunt with a crossbow.

Under this advisory proposal the department is asking, in order to gauge public opinion, if the age at which any archery hunter could use a crossbow should be lowered to 55. This proposal would have to be enacted by statute and could not be done by the department by rule. As a Conservation Congress advisory question at 2010 spring hearings, this proposal was supported by a vote of Ayes, 2,014; Noes, 1,767.

- Do you favor lowering the age at which anyone can use a crossbow from 65 to 55?

41. YES _____ NO _____

Questions 42, 43, and 44 – Alternatives for duck hunting zones and possible season dates

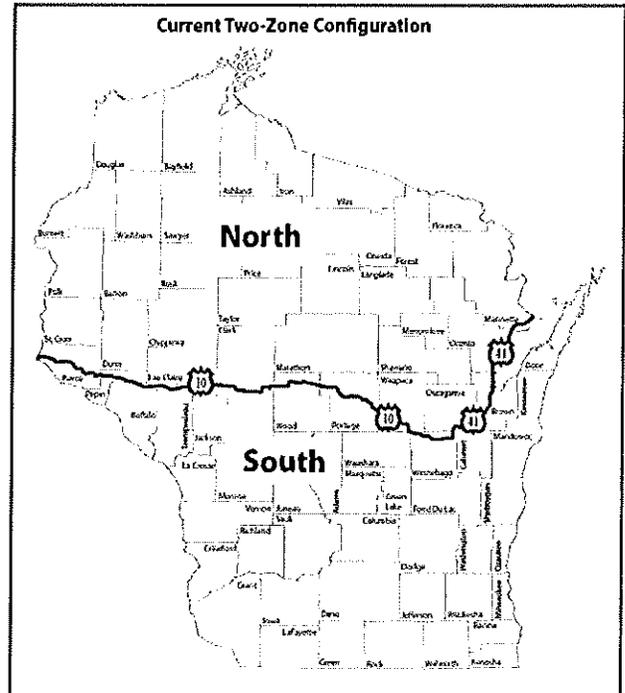
The U.S. Fish & Wildlife Service is considering expanding the options for duck hunting zones in Wisconsin for 2011. A committee of duck hunters and waterfowl managers from around the state developed options for a new duck zone configuration. The goal of the new zones is to provide additional late season duck hunting days in areas of later freeze-up while minimizing the loss of mid-fall hunting opportunities elsewhere.

The committee has recommended a north, a central, and a U-shaped southern “big water” duck zone. This south/big water zone is intended to target those areas that would have ducks later in the season. The south/big water zone would include: the Mississippi River west of the Burlington Northern & Santa Fe Railway and south of Hwy 10 (identical to the current Mississippi goose subzone); the area of the state south of Hwy 11; and the waters of Lake Michigan more than 500 feet from shore not including Green Bay. The USFWS requires that zones be contiguous which is why the Mississippi River and Lake Michigan are connected by the area south of Hwy 11.

We are seeking your feedback on three options. They are:

- 42. No change; or
- 43. Three zone option using the current mid-state dividing line of Hwy's 10 and 41; or
- 44. Three zone option using Hwy 64 as the mid-state dividing line.

Exact duck hunting season dates and options for split seasons (closures) will be decided annually but the zone lines must remain for five years (2011 – 2015). We expect that, under a 60-day season, the north zone would open first and the central and south zones would open a week later. To meet the goal stated above, the north zone would likely not have a split, the central zone could have a short split (~ 5 days), and the south, “big water zone” could have a longer split (7 – 12 days) so that season would run into mid December.

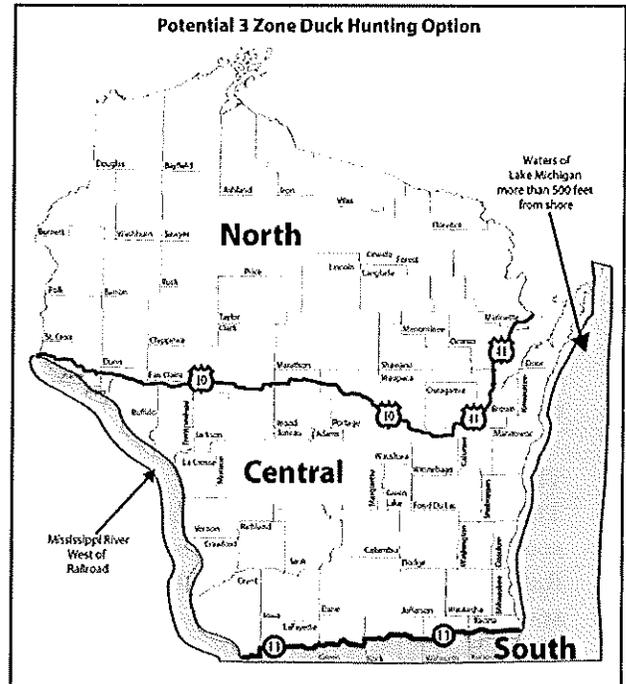


- No change option: Do you favor maintaining the current north and south, two-zone configuration and not creating a third duck hunting zone?

42. YES _____ NO _____

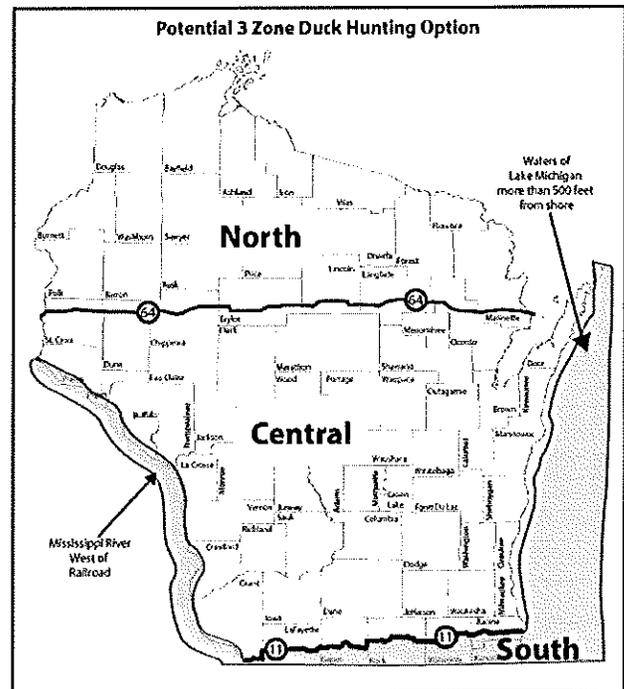
- Three zone option with current mid-state boundary: Do you favor creating a south, “big water zone” that would include: the Mississippi River west of the Burlington Northern & Santa Fe Railway and south of Hwy 10 (identical to the current Mississippi goose subzone); the area of the state south of Hwy 11; and the waters of Lake Michigan more than 500 feet from shore not including Green Bay? If you prefer three hunting zones, would you prefer the north and the central zones be separated along Hwy 10/41?

43. YES _____ NO _____



- Three zone option using Hwy 64 as the mid-state boundary: Do you favor creating a south, “big water zone” that would include: the Mississippi River west of the Burlington Northern & Santa Fe Railway and south of Hwy 10 (identical to the current Mississippi goose subzone); the area of the state south of Hwy 11; and the waters of Lake Michigan more than 500 feet from shore not including Green Bay? Would you prefer the north and the central zones be separated along Hwy 64?

44. YES _____
NO _____



NATURAL RESOURCES BOARD ADVISORY QUESTIONS

Question 45 – Use of non-toxic shot on department lands

Wisconsin was an early leader in adopting non-toxic shot regulations for waterfowl, and has implemented non-toxic shot regulation for dove hunting on Wisconsin Department of Natural Resources (DNR) properties. Lead continues to be used, however, for hunting other upland game species on DNR properties. Being popular hunting destinations, these areas enjoy heavy use by out sporting public. But a consequence of their popularity is the heavy burden of lead shot being deposited on DNR-managed lands, resulting in continued contamination of these sites and the predictable negative consequences for our waterfowl, game birds, and other wildlife.

Toxic effects of lead shot on waterfowl are well documented. Additionally, over a hundred species of birds, including many coming game birds, have been shown to be mistaking it for grit, or **incidentally** when feeding. Relatively small amounts of lead can poison birds; two or three pellets are fatal in some species. And in cases where lead poisoning itself is not fatal, behavioral changes can influence susceptibility to predation and infectious disease, increasing the probability of death. Because wildlife affected by lead toxicity tend to seek isolation and protective cover, they may not be readily apparent. The true “picture” of lead in wildlife is an insidious disease of attrition rather than of large-scale mortality events. Chronic losses with carcasses removed by scavengers (who may be secondarily poisoned themselves) make lead poisoning somewhat of an “invisible disease.”

Championed by members of the Conservation Congress, Wisconsin adopted non-toxic shot regulations for waterfowl hunting in 1986 – well ahead of the 1991 nationwide ban. The state again demonstrated leadership by implementing non-toxic shot regulations for dove hunting on DNR properties in 2008. Non-toxic shot is required for all upland bird hunting on Federal Wildlife Refuges and Waterfowl Protection Areas. Twenty-six states, including all of Wisconsin’s neighboring states, have non-toxic requirements more restrictive than the federal rules. Lead shot is still allowed, however, for upland bird hunting on DNR-managed properties. Significant amounts of lead shot are deposited each year in wetland and uplands alike; lead continues to pose a risk to numerous species of Wisconsin wildlife.

- Because of concerns about the continuing effects of lead shot on wild game and non-game birds in Wisconsin, do you favor requiring the use of non-toxic shotgun ammunition for all hunting/shooting activities, with the exception of department approved shooting ranges, on department-managed lands? This proposal would not apply to any form of hunting with rifles or slugs and would not be implemented until 2015 to allow a transition period for retailers and hunters.

45. YES _____ NO _____

Question 46 – Restrict deer baiting and feeding ten days before and during the traditional 9-day firearm season

We have heard hunters talk at many meetings and hearings in recent years and they say that feeding and baiting affects deer distribution and natural daytime movement. When deer need to move less to find food, and are concentrated in areas where access and/or hunting are restricted, the quality of the hunt is reduced. For the department, this makes managing the herd difficult and it contributes to the debate about the accuracy of deer numbers.

In 2006 and 2008, Conservation Congress spring meeting attendees voted in favor of banning baiting for deer hunting by 56% and 54%. Another question in 2006, which proposed banning both baiting and feeding just 10 days prior to and during the traditional 9-day firearm season, had a greater level of support with 62% voting in favor. These votes have not led to any changes. The Natural Resources Board feels baiting and feeding in counties where it is currently allowed will encourage deer movement during shooting hours and result in a more even distribution of deer available to hunters on both public and private lands.

Baiting and feeding would still be allowed at other times of the year. This compromise would still allow those who believe they need to hunt with bait to do so during most of the archery and some firearm seasons. This compromise is not ideal for reducing disease transmission risks associated with baiting and feeding, however, it would result in less deer feed being placed on the landscape at a time of the year when much food is currently placed.

The DNR is not able to modify baiting and feeding regulations by administrative rule. Changes to baiting and feeding regulations must be made in state statute by the legislature.

- Would you support legislation to authorize banning deer baiting and feeding statewide 10 days before and during the 9-day gun deer season?

46. YES _____ NO _____

Appendix B – Summary of April 11, 2011 Spring Hearing Voting

2011 Attendance: 5,575

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
28	Eliminate the archery deer season closure during the traditional November firearm season	2,630	2,356	Yes	40 / 31 / 1		Advance
29	Allow normal hunting hours for pheasants on weekends at stocked 2:00 p.m. closure properties	3,004	1,333	Yes	71 / 1		Advance
30	Repeal the requirement that elk hunters must wear blaze orange	2,277	2,299	No	38 / 28 / 6		Advance
31	Establish a September elk season that would run concurrently with the first 30 days of the archery deer season	3,132	1,400	Yes	71 / 1		Advance
32	Allow a landowner, their employee, family member, lessee or occupant of private land to kill a cougar that is attacking a domestic animal	4,247	712	Yes	72 / 0		Advance
33	Require that bear hunters provide carcass tissue samples, if requested, to the department at registration	3,372	1,352	Yes	71 / 1		Advance
34	Extend each of the six consecutive spring turkey hunting seasons by two days	3,024	1,974	Yes	58 / 14		Advance
35	Repeal the sunset of a trial period for the extended fall turkey hunting season	3,469	1,201	Yes	70 / 2		Advance

-MORE-

Appendix B - Continued

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Proposals of primarily local interest							
36	Allow rifles for deer hunting in Waupaca County	2,742	869	Yes	70 / 1 / 1	117 / 37	Advance
37	Establish firearm and muzzleloader deer seasons at Copper Falls State Park	2,677	712	Yes	69 / 3	Ashland 38 / 15 Bayfield 37 / 7	Advance
38	Prohibit firearms discharge except while hunting, Manitowoc	1,780	1,305	Yes	47 / 19 / 6	64 / 41	Advance
39	Prohibit firearms discharge except while hunting, Pierce	1,706	1,336	Yes	44 / 23 / 5	17 / 27	Not advance
40	Prohibit firearms discharge except while hunting, St. Croix	1,699	1,354	Yes	41 / 25 / 6	20 / 29	Not advance
The following questions are advisory only							
41	Reduce crossbow age from 65 to 55	2,806	2,198	Yes	55 / 16 / 1		
42	Duck hunting zone configuration, no change	2,130	1,393	Yes	57 / 14 / 1		
43	Duck hunting zone configuration, 3 zones and Hwy 10 boundary	1,299	1,989	No	18 / 50 / 4		
44	Duck hunting zone configuration, 3 zones and Hwy 64 boundary	1,444	1,865	No	22 / 46 / 4		
45	Use of non-toxic shot on department lands	1,979	2,726	No	12 / 59 / 1		
46	Restrict deer baiting/feeding 10 days before and during firearm deer season	3,066	1,928	Yes	59 / 12 / 1		



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Richard Sweet
Clearinghouse Director

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Legislative Council Deputy Director

CLEARINGHOUSE RULE 11-007

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. Throughout the rule (and in the analysis), the word “section” should read “SECTION” when referencing the sequentially numbered SECTIONS into which the rule text is divided. Also, in SECTION 12, the word “sections” in the rule text should read “SECTIONS”.

b. The treatment clause to SECTION 1 should be rewritten to read: “NR 10.01 (2) (f) 1. to 3. are amended to read:”.

c. In SECTION 8, since only the (intro.) to s. NR 10.06 (6) is being amended, an “(intro.)” should be inserted after the citation in the treatment clause. Also, because this is introductory language which flows into the material that follows, the (intro.) should end in a colon, rather than a period. Because the period is in the current rule, it should be stricken through and followed by an underscored colon.

d. In SECTION 11, since only the (intro.) to s. NR 45.09 (5) is being amended, an “(intro.)” should be inserted after the citation in the treatment clause, and pars. (a) to (e) should be deleted, as they are not being amended.

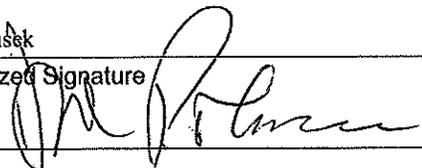
5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In the rule analysis, the following minor problems are noted:
- (1) Under the heading “Statutory authority and explanation of agency authority”, the semicolon on the third line should be deleted.
 - (2) Under the heading “Plain language analysis”, in the description of SECTION 7, the word “to” should be inserted after “applies” on the last line.
 - (3) Under the heading “Summary of and comparison with existing or proposed federal regulations”, on line 3, it appears that “Federal Register” should be changed to “Code of Federal Regulations”. Also, a comma should be inserted after “changes” on the last line.
 - (4) Under the heading “Summary of factual data and analytical methodologies”, in the last paragraph, should “trialing” be changed to “trailing”?
- b. In the rule text, the following minor problems are noted:
- (1) In SECTION 2 of the rule, a period should be inserted after the “b” in the top left box.
 - (2) In SECTION 12, the effective date language should be rewritten as follows:

This rule shall take effect on February 1, 2012, except for SECTIONS 1, 2, 3, 5, 7, and 9, which shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Fiscal Estimate — 2011 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number <hr/> Bill Number	Amendment Number if Applicable <hr/> Administrative Rule Number WM-01-11
Subject DNR Wildlife Management 2011 Spring Hearings rule package related to hunting and trapping regulations and DNR managed lands.		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> 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 checked="" 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: <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> 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 checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations
Assumptions Used in Arriving at Fiscal Estimate Annually, the department submits rule change proposals relating to hunting, trapping and game management. The statewide Spring Fish and Wildlife hearings are the forum for public involvement. In 2011, the department is proposing the following rule changes: <ul style="list-style-type: none"> - Repeal the sunset of trial period with an extended fall turkey hunting season. - Extend each of the six consecutive spring turkey hunting seasons by two days. - Extend the archery deer season by nine days that are concurrent with the traditional November firearm season. - Repeal the requirement that elk hunters must wear blaze orange. - Establish a September elk season that would run concurrently with the first 30 days of the archery deer season. - Allow landowners to kill a cougar that is attacking a domestic animal. - Allow pheasant hunting during normal hunting hours on the weekend at stocked 2:00 p.m. closure properties. - Require that bear hunters provide carcass tissue samples to the department at registration. - Allow rifles for deer hunting in Waupaca County. - Establish firearm and muzzleloader deer seasons at Copper Falls State Park. - Include Manitowoc, Pierce and St. Croix in the list of counties where the discharge of firearms is prohibited on department lands except while hunting. 		
Long-Range Fiscal Implications None.		

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	12-23-10

Fiscal Estimate — 2011 Session

**Page 2 Assumptions Narrative
Continued**

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-01-11

Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Effect-State

Signs need to be created and posted at state park properties when new hunting opportunities are created. Maps of the areas where hunting is allowed at these properties will also be created but would be available to the public electronically which will eliminate any significant printing costs. It is anticipated that preparation for the first hunting season at Copper Falls State Park will cost less than \$5,000. The cost of preparing for future seasons will involve only sign maintenance and the cost of copying maps in-house. These costs can be absorbed in the department's current budget.

Wildlife Areas where pheasant hunting closes at 2:00 p.m. during the early part of the season are heavily posted with signs describing the early closure. Ten individual properties are affected by this proposal. Allowing hunting all day on weekends will require changes to the signs but is not likely to require new signs. It is anticipated that the existing signs could be updated with a sticker to reflect that hunting closes at 2:00 p.m. "on weekdays" or "except on weekends". Additionally, it may be possible to update just the most prominently placed signs at parking lots and along roadway entrances to wildlife areas, and not replace/update all property boundary signs. It is anticipated that preparation for the first pheasant hunting season will cost less than \$5,000 with no new continuing expenses in future years.

The department already administers seasons and enforces regulations related to all of the other hunting and trapping opportunities that are modified by this rules package. No new expenses or revenue are anticipated as a result of these proposals.

Fiscal Estimate Worksheet — 2011 Session

Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-01-11

Subject

DNR Wildlife Management 2011 Spring Hearings rule package related to hunting and trapping regulations and DNR managed lands.

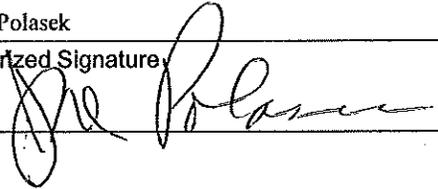
One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

One time costs of approximately \$10,000 to print and post new signs at Copper Falls State Park and update signs at wildlife management areas where pheasant hunting hours close at 2:00 p.m.

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		-	
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		0	- 0
State Revenues	<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	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:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	12-23-10

The Wisconsin Department of Natural Resources proposes an order to repeal ss. NR 10.11(7); to amend ss. NR 10.01(2)(f), 1 through 3, 10.01(3)(e)1.b., 10.01(3)(e)2.b., 10.01(3)(em)1., 10.01(3)(es)3., 10.01(3)(i)1., 10.02(1)(b), 10.06(6)(intro) and 45.09(5)(intro); and to create s. NR 10.106(2)(e)1. relating to game and hunting, wildlife damage and nuisance control, and DNR managed lands.

WM-01-11

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 the management of department lands, hunting, trapping, reports of hunters and the possession of wild animals: ss. 23.09(2)(p), 23.11, 29.011, 29.014, 29.059 and 29.089 Stats.

Statutory authority and explanation of agency authority: Statutes that authorize the promulgation of these rules include: ss. 23.09(2)(p), 23.11, 29.011, 29.014, 29.059 and 29.089 Stats. These statutes establish management authority and police power of department managed lands, provide that the title to wild animals is vested with the state, provide the department with authority to maintain open and closed seasons and other regulations to conserve fish and game and ensure opportunities for hunting and trapping, report the number and kind of animal taken by hunters and trappers and authorize and regulate hunting on land in state parks. 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 being promulgated that directly relate to the provisions that are proposed in this administrative order.

Plain language analysis: The Bureau of Wildlife Management recommends promulgating administrative rules modifying chapters NR 10 and 45 related to game and hunting and DNR managed lands. These rule changes are proposed for inclusion on the 2011 Spring Hearing rules package and questionnaire. Specifically, these rule changes will do the following:

SECTION 1 repeals the sunset of trial period with an extended fall turkey hunting season so that this December hunt will be permanent. This section also extends each of the six consecutive spring turkey hunting seasons by two days.

SECTION 2 allows the use of rifles for firearm deer hunting in all of Waupaca County.

SECTIONS 3 and 5 allow firearm deer hunting at Copper Falls State Park during the traditional nine day and muzzleloader only seasons.

SECTION 4 extends the archery deer hunting season to include and run concurrent with the traditional November nine day gun deer season.

SECTION 6 establishes a September firearm and archery hunting season for elk. The season would run concurrently with the first 30 days of the archery deer hunting season.

SECTION 7 allows landowners lessees or occupants of private land or any other person with permission of the landowner, lessee or occupant to shoot a cougar that is in the act of killing, wounding or biting a domestic animal and requires that the shooting be reported within 24 hours and the carcass of the cougar be turned over to the department. Department rules allow a landowner, lessee or occupant to shoot a wolf in the same situation, although the authority is currently pre-empted by federal rule. These sections clarify that the authority to shoot a wolf also applies to any other person with permission of the landowner, lessee or occupant of private lands.

SECTION 8 allows pheasant hunting during normal hunting hours on the weekend at stocked properties that otherwise close at 2:00 p.m.

SECTION 9 requires that, if asked, bear hunters must provide carcass samples to the department at the time of harvest registration for purposes of research.

SECTION 10 repeals the requirement that elk hunters must wear blaze orange except that it is still required when a firearm deer season is open.

SECTION 11 includes Manitowoc in the list of counties where the possession of loaded or uncased firearms on department lands is prohibited except while hunting, dog training, dog trials or at established ranges.

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 Code of Federal Regulations. None of these rule changes, violate or conflict with the provisions established in the Code of Federal 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 of Wisconsin's surrounding states have fall turkey hunting seasons but most close at the end of October or in November. Iowa's gun/bow season ends on December 3 but archery-only hunting reopens on December 20 and continues through January 10. Spring season dates in all of Wisconsin's surrounding states are variable but similar to Wisconsin. All of our surrounding states have four or more individual spring hunting periods which can be as short as four days or more than 20 days depending on the hunting period selected.

Wisconsin's surrounding states have a variety of firearm restrictions during deer seasons. In Illinois and most of Iowa, rifles are prohibited for deer hunting. In Minnesota, rifles are prohibited in the western and southern portions of the state. Michigan prohibits rifles for deer hunting in the lower half of the lower-peninsula during deer season for, they believe, safety reasons.

Michigan allows the use of archery gear and crossbows during its firearm deer season. Iowa allows the use of archery gear or firearms during certain seasons but not all of their firearm seasons.

All of Wisconsin's surrounding states allow deer hunting to some extent on properties that are comparable to our state park system. Minnesota allows deer hunting at 42 state parks and Michigan hold hunts in at least 26 park properties.

Minnesota has several elk hunting periods; the first beginning as early as mid September. Michigan also has different elk hunting periods, the first beginning August 31 in 2010. The primary MI hunt begins in December. North Dakota opens its rifle season on September 3, Pennsylvania on November 1, South Dakota on September 18, Nebraska on September 25, Arkansas on September 20 and Kentucky on October 2. Michigan and Minnesota require firearm elk hunters to wear blaze orange and archers must wear orange if a firearm deer season is open.

Wisconsin's surrounding states are not known to have established, breeding populations of cougars. Individual cougars have, however, been documented in surrounding states in recent years. In Minnesota, cougars are protected by law and only public safety officials are authorized to kill a cougar that proves to be an imminent threat to humans. Cougars are classified as an endangered species in Michigan and it is unlawful to kill, harass or otherwise harm a cougar except in the immediate defense of human life. Cougars are not protected in Iowa. In Illinois, cougars are not protected under state rules.

Hunting hours on Illinois department operated, controlled pheasant hunting properties open at 9:00 a.m. and close at 4:00 p.m. Other surrounding states do not have comparable put-and-take hunting programs.

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.

The fall turkey hunting season was extended in the five southern-most management units beginning in 2009 for a two-year trial period. This proposal would make the extended season permanent by lifting a sunset. In the five zones, the turkey season has continued to close on the Thursday before the traditional November firearm deer season but, under the extension, has reopened on the Monday after the deer season and continued through December 31. With one year of harvest data to review, the extended season has not resulted in increased harvest but, rather, the harvest has been spread out over a longer period of time. Harvest data from the fall, 2010 season will be available as this rule order is being promulgated.

This proposal would extend each of the six spring turkey hunting seasons by two days. The current five day seasons run from Wednesday to Sunday. Under the proposal, each season would continue to open on Wednesday but would continue through Tuesday of the following week. Because the additional days are weekdays, this proposal is not expected to result in a significant change in harvest or create any conflict between people who are outdoors during the spring season.

This proposal would allow rifles for use during firearm deer seasons in Waupaca County. Currently shotguns with slugs, handguns, and muzzleloaders are the only legal firearms there, except in the Waupaca County portion of Hartman Creek State Park, where rifles are already legal to use for hunting deer. Wisconsin hunting accident statistics do not show a safety advantage of shotgun slugs over rifle bullets. Hunters in Waupaca County have requested this rule change.

Hunting is statutorily prohibited in state parks except where allowed by administrative rule. This rule proposal would establish hunting at Copper Falls State Park in Ashland County during the traditional nine day firearm and muzzleloader only deer hunting seasons. These seasons will provide a hunting opportunity and deer herd control. Special permits would not be required and the park would not receive a deer management unit number.

The archery deer hunting season would be extended by nine days, concurrent with the November firearm season, under this proposal. In the past, archery deer hunting has closed on the Thursday before the November firearm season and reopened on the day after the firearm season ends. Under this proposal, the archery season would continue to be closed on the day before the traditional November firearm deer season. This extension was previously proposed by the department in 2009 Clearinghouse Rule 09-078, a rule that contained many archery deer and firearm season revision. The department is no longer promulgating that rule proposal. Provisions of this order also establish comparable archery season extension for state parks that allow archery hunting. Those state parks and trails include; Elroy-Sparta, Council Grounds (52A), Buckhorn, Hartman Creek, Interstate, Kinnickinnic, Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C), Kohler-Andrae (unit 77E), Willow River, Newport, Tuscobia-Park Falls, Brunet Island (unit 23A), the Loew Lake Unit - Kettle Moraine state forest (unit 77D), the Plum Island portion of Grand Traverse Islands, Big Bay, Mill Bluff and Rock Island state parks.

Under current rules, a nine day elk hunting season will be held in December after the elk population reaches a goal of 200 animals. This proposal would establish an additional early season for elk beginning on the Saturday nearest September 17 and continuing for 30 days. By statute, elk hunters are limited to drawing one tag in their lifetime and allowing more days to hunt will help take full advantage of this very limited opportunity. An earlier opening day will also allow hunting during the rut. During the rut, elk are particularly active and additional hunting methods, such as calling, may enhance the hunting experience. Department staff advise that there is not a biological reason for the current season framework that does not allow hunting during the rut.

Under this proposal, owners and lessees or occupants of private land or any other person with permission of the landowner, lessee or occupant could shoot and kill a cougar that is in the act of killing, wounding or biting a domestic animal. Shootings must be reported within 24 hours to a department conservation warden. The carcass of a cougar must be turned over to the department. Department rules currently allow a landowner, occupant or lessee to shoot a wolf in the same situation, although the authority is currently pre-empted by federal rule. These sections clarify that, in addition, the authority to shoot a wolf also extends any other person with permission of the landowner, lessee or occupant of private lands should wolves be delisted at the federal level.

Blaze orange is currently required of all hunters, except waterfowl hunters, in an elk management zone when the elk season is open. This proposal repeals the blaze orange requirement in order to reduce conflict with other hunters who may not be aware of, or want to wear orange in an elk zone during a September and October elk season. When the department does begin to issue elk hunting permits, only five would be issued. Each of the five elk permit holders is required to take a department established elk hunter education course which will include instruction in safety aspects of the hunt. When the elk hunting season coincides with a firearm deer hunting season, all hunters other than waterfowl hunters would still be required by statute to wear blaze orange.

Pheasant hunting hours at 22 department properties that are stocked with pheasants close at 2:00 p.m. and bird are stocked afterwards. This proposal would allow pheasant hunting all afternoon on Saturdays and Sundays. During the week, when pheasants are stocked, hunting would

continue to close at 2:00 p.m. through November 3. This would result in all day pheasant hunting on two additional weekends. During years when the department only stocks for several weeks, this could be viewed as a significant increase in hunting opportunity. Some pheasant hunters would prefer to hunt waterfowl during the morning hours and this would add to their opportunities. This rule change would not affect Bong Recreation Area in Racine County.

The department has for years collected bear teeth from harvested bears at registration stations. These teeth have been critical to population modeling efforts. In recent years, we have initiated new research projects that require collection of pieces of bear rib from hunters at registration stations. Submitting a sample is voluntary at this time but, under the proposal, submitting samples at registration stations could be required of successful hunters. Establishing this authority by rule will make it easier to gain compliance with tissue sample requests. This will improve the quality and consistency of the data collected and will increase the department's return on investments made in a 2011 tetracycline mark-recapture study of bears. Registration station operators have told wildlife field staff that collecting samples would be easier for them if it was mandatory. The department will be asking registration stations to collect bear teeth and bear ribs as a regular part of registration into the future.

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

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 was April 11, 2011.

SECTION 1. NR 10.01(2)(f)1 to 3 are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit	
NR 10.01(2)(f)			
1.	All wild turkey hunting zones as described in s. NR 10.29, excluding state parks for which a quota has been established under s. NR 10.25 (5).	Spring seasons beginning on Wednesday nearest April 13 and continuing Wednesday through Sunday <u>Tuesday of the following week</u> for 6 consecutive 5-day <u>7-day</u> time periods, except on Ft. McCoy military reservation where the season continues for 40 consecutive days.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.
2.	All wild turkey hunting zones 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). 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).	Fall season beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the Thanksgiving holiday. Fall season reopening on the Monday immediately following the Thanksgiving holiday and continuing through December 31 during the 2009 and 2010 seasons.	Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued. Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.
3.	Zones 1A, 1B, 1C, 1D, 1E, 1F, 2A, 3A, 4A, 4B, 4C, the Mill Bluff state park portions of zone 1 and the Glacial Heritage Area state park portions of zone 2 as described in s. NR 10.29.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday <u>Tuesday of the following week</u> for 3 consecutive 5-day <u>7-day</u> time periods.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.
Note: Glacial Heritage Area state park lands may be leased to another unit of government for management purposes and access permits to hunt turkeys on those lands would be obtained from that unit of government.			

SECTION 2. 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), 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 and east of highway J), 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 3. NR 10.01(3)(e)2.b. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2.		
b. The following state parks and trails: Big Bay state park , <u>Copper Falls</u> , Governor Thompson, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Mill Bluff, Nelson Dewey, Newport, Potawatomi, Rock Island, Straight Lake, Whitefish Dunes, 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 except that rifles are allowed in Hartman Creek state park.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

SECTION 4. NR 10.01(3)(em)1. is amended to read:

	Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(em) Deer bow season			
1.	Statewide except as established under subds. 2. to 5. and pars. (ed) and (et).	<p><i>Early archery season.</i> Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season described in par. (e).</p> <p><i>Late archery season.</i> Reopening on the day immediately after the deer gun season described in par. (e) 1. a. and b. <u>Saturday immediately preceding the Thanksgiving holiday</u> and continuing through the second Wednesday following the Thanksgiving holiday.</p> <p>Beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.</p> <p>Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Sunday nearest January 6.</p>	<p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104. During an October firearm season established in par. (e) 1. e., the bag limit is one antlerless deer per antlerless deer permit issued under s. NR 10.104.</p> <p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.</p> <p>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</p> <p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.</p>

SECTION 5. NR 10.01(3)(es)3. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit	
NR 10.01(3)(es) Muzzleloader deer season.			
3.	Big Bay, <u>Copper Falls</u> , Mill Bluff, Newport, Rock Island, and Straight Lake state parks.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

SECTION 6. NR10.01(3)(i)1. is amended to read:

Kind of animal and locality	Open season	Limit	
NR10.01(3)(i)			
1	Those portions of elk management zones A and B as described in s. NR10.37	<p>Beginning on the second Thursday after Labor Day and continuing for 7 consecutive days <u>Saturday nearest September 15 and continuing for 30 consecutive days</u>, when the department determines that the total elk population estimate for zones A and B is at least 600<u>200</u> elk.</p> <p>Beginning the second Thursday in December and continuing for 9 consecutive days, when the department determines that the total elk population estimate for zones A and B is at least 200 elk.</p>	One bull elk or antlerless elk as authorized by antlerless elk tag in s. NR10.111 (5) (c).

SECTION 7. NR 10.02(1)(b) is amended to read:

NR 10.02(1)(b) On private land, the landowner, lessee or occupant of the land, or any other person with permission of the landowner, lessee or occupant may shoot and kill any gray wolf or cougar in the act of killing, wounding or biting a domestic animal. Shootings shall be reported within 24 hours to a department conservation warden. The carcass of the wolf or cougar shall be turned over to the department.

SECTION 8. NR 10.06(6)(intro.) is amended to read:

NR 10.06(6) PHEASANT HUNTING. Except as provided in this subsection, pheasant hunting hours are those hunting hours established for small game in sub. (5). Pheasant hunting hours shall close at 2:00 p.m. ~~daily on weekdays~~ within the posted boundaries of the following state wildlife areas beginning the third day of the pheasant hunting season established in s. NR 10.01 (2) (c) and continuing through November 3:

SECTION 9. NR 10.106(2)(e)1. is created to read:

NR 10.106(2)(e)1. Any part of a harvested bear may be collected or sampled by the department for research purposes prior to or during registration. No person may refuse to allow a part to be collected or a sample to be taken during registration.

SECTION 10. NR 10.11(7) is repealed.

SECTION 11. NR 45.09(5)(intro.) 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, Manitowoc, 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:

SECTION 12. Effective dates. This rule shall take effect on February 1, 2012 except for SECTIONS 1, 2, 3, 5, 7 and 9, which shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

SECTION 13. 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 _____
Cathy Stepp, Secretary

(SEAL)