

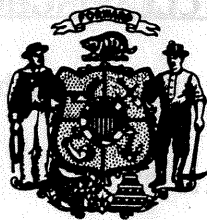
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946

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**CLEARINGHOUSE REPORT TO AGENCY**

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

**CLEARINGHOUSE RULE 95-196**

AN ORDER to repeal and recreate NR 10.01 (1) (g) 1. L., 10.31 (11) and 10.32; and to create NR 10.01 (1) (g) 1. m., relating to migratory game bird hunting.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

11-02-95 RECEIVED BY LEGISLATIVE COUNCIL.

11-30-95 REPORT SENT TO AGENCY.

RNS:LR:jt;kja

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

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

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

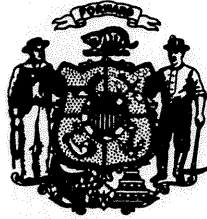
Comment Attached YES  NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 95-196

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

In SECTIONS 3 and 4 of the rule, it appears that the titles to ss. NR 10.31 (11) and 10.32 are being repealed and recreated. Therefore, because the titles are also being revised, the treatment clauses of those SECTIONS should state that the entire subsection and section, respectively, are being repealed and recreated, not just the maps.

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

The analysis in the report to the Legislative Council Rules Clearinghouse was very descriptive. The department might consider adding all or part of it to the analysis to the rule itself to provide readers with more information about the nature of the rule.

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

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.01(1)(g)l.L. and 10.31(11) and create NR 10.01(1)(g)l.m. relating to migratory game bird hunting.

WM-19-96

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(3) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.174(2) and 29.085, Stats.

In this order:

- Section 1. Early goose hunt subzone - retitles subzone for season date and bag purposes.
- Section 2. Early goose hunt subzone - creates season dates and bag limits for new subzone.
- Section 3. Early goose hunt subzone - creates a second early September Canada goose subzone and identifies each subzone.

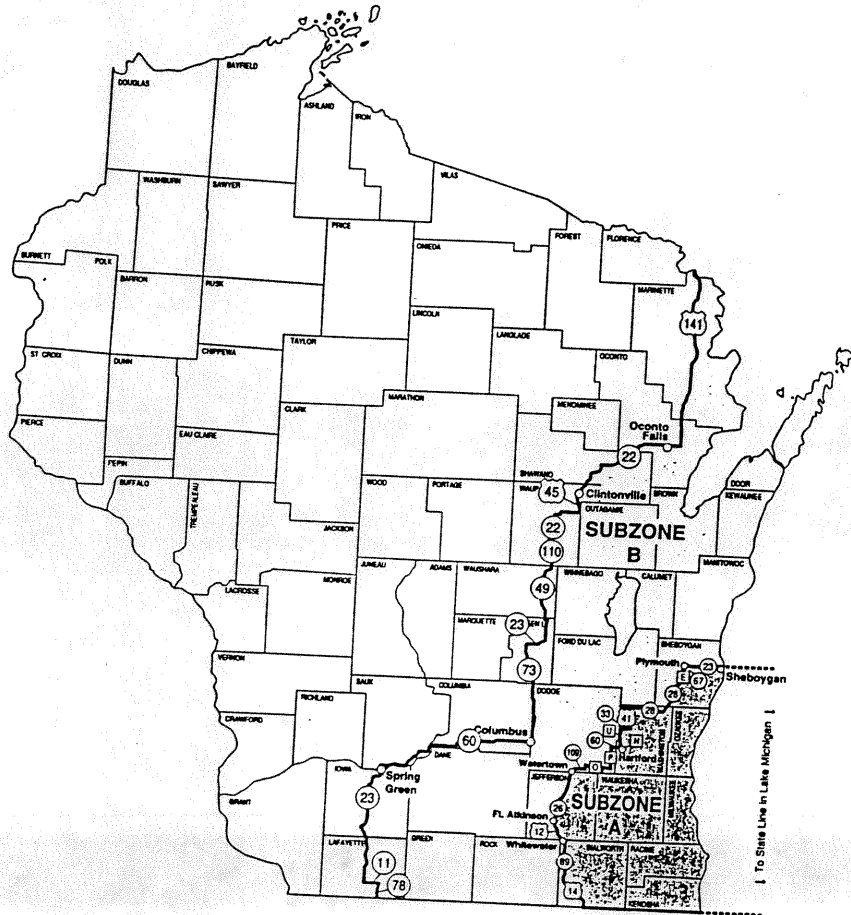
SECTION 1. NR 10.01(1)(g)l.L. is repealed and recreated to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
Geese. 1. Canada geese and all its subspecies	L. Early goose hunt subzone A as established in s. NR 10.31(11)	Sept 1 - Sept. 15 excluding the Saturday, Sunday and Monday of Labor Day weekend	5	10

SECTION 2. NR 10.01(1)(g).m. is created to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
Geese. 1. Canada geese and all its subspecies	m. Early goose hunt subzone B as established in s. NR 10.31(11)	Sept 1 - Sept. 15 excluding the Saturday, Sunday and Monday of Labor Day weekend	3	6

SECTION 3. NR 10.31(11) is repealed and recreated to read:



The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 24, 1996.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

REPORT TO LEGISLATURE

NR 10.01 AND 10.31(11), Wis. Adm. Code  
Early goose hunt subzone

Board Order No. WM-19-96  
Clearinghouse Rule No. 95-196

Statement of Need

U.S. Fish and Wildlife Service (FWS) rules allow states to establish early (September 1 - 15) Canada goose seasons to help control populations of locally nesting Canada geese. This past year the Department expanded the Southeast subzone to include more of southeast Wisconsin. Because the range and number of locally breeding Canada geese continue to increase, the hunting opportunities again need to be expanded. Focusing harvest on the growing population of locally nesting Canada geese and providing additional Canada goose hunting opportunities early in September are the two objectives of the expansion. The proposed rule creates a second subzone with season dates concurrent with the existing subzone. The daily bag limit in the original subzone would remain at 5 and a daily bag limit of 3 would be created in the new subzone. The new subzone would contain a larger percentage of rural lands. Hunting access is more readily available in this area and the resident local birds are more vulnerable to hunting; thus the lower limit.

The new subzone consists of much of eastern and southern Wisconsin including areas from Niagara on the Wisconsin/Michigan state line, east of highways 141, 22, 49, 73 and 151; south of highway 60; and east of highways 23, 11 and 78 to the Wisconsin/Illinois state line.

Modifications as a Result of Public Hearing

There were no modifications as a result of public hearing.

Appearances at the Public Hearings and Their Position

December 11, 1995 - Horicon

In support:

Richard Christian, 205 Washington St., Horicon, WI 53032  
Steve Knutson, USDA Animal Damage Control, W7231 Hwy. 49, Waupun, WI 53963  
Dale Buske, 1301 Debra Lane, Madison, WI 53704  
William Bermer, N4664 Lakeside Road, Juneau, WI 53039  
Gerald T. Herling, 708 Karen Lane, Horicon, WI 53032  
Dan Keiler, W5003 Cty. S, Horicon, WI 53032  
Lloyd A. Wagener, 211 N. Vine, Horicon, WI 53032  
Dwight Plautz, 332 S. Hubbard St., Horicon, WI 53032

In opposition:

John O. Donovan, W6019 Milligan Road, Waupun, WI 53963

As interest may appear:

Ray Berndt, N6212 Main Street Road, Horicon, WI 53032  
David Miescke, 628 N. Hubbard St., Horicon, WI 53032  
Robert Miescke, 709 N. Hubbard St., Horicon, WI 53032  
Paul Zubke, W3910 Hwy. 60, Neosho, WI 53059  
Ronald M. Tobianski, 1777 Cedar Sauk Road, Saukville, WI 53080  
Eugene Hintz, 2060 LaVala Circle, Brookfield, WI 53005  
Don Gamble, 1158 Decorah Road, West Bend, WI  
Robert Harris, 2181 Point Comfort Road, Oshkosh, WI 54901  
Thomas P. Hansen, 233 Mound St., Berlin, WI 54923  
Clarence Kunde, 104 Wenban Avenue, Neenah, WI 54956  
Mark Peters, 353 Pagelow Lane, Brooklyn, WI 53521  
Walter Walker, 207 S. Vine St., Kingston, WI 53939

December 12, 1995 - Green Bay

In support:

Fred Gossfeld, 8742 Red Bank Road, Suring, WI 54174

In opposition - none

As interest may appear:

Hank M. Zuidmulder, 903 S. Quincy, Green Bay, WI  
William Kreuser, 1695 Biemeret Street, Green Bay, WI 54304  
Janet Smith, 3358 Nautical Avenue, Green Bay, WI 54311  
Milton Geyer, 1135 Thrush Street, Green Bay, WI  
Mitch Bent, 935 S. Union, Shawano, WI 54166  
Dick Koerner, 540 Sunrise Bay Road, Neenah, WI  
Maynard Kuehl, N4137 County E, Kewaunee, WI  
Richard B. Knudson, E3821 Townline Road, Kewaunee, WI 54216  
Vern Larson, Route 1, Shiocton, WI 54170  
Tony R. Allman, 2154 Nellie Lane, Green Bay, WI 59311  
Matt Johnson, 918 Catherine, Green Bay, WI 54301  
Joe Lochlein, 3955 Valley Stream Circle, Oneida, WI 54155  
Jerome N. Van Laanen, 2610 Longtail Beach Lane, Suamico, WI 54173  
Jerry Rowland, 12930 Velp Avenue, Green Bay, WI 54313

December 13, 1995 - Ashland

In support:

Dick Mackey, 1122 2nd Avenue West, Ashland, WI

In opposition - none

As interest may appear:

Bill Kurtz, Route Box 107, Washburn, WI 54891  
Kenneth R. Somppi, 901 14th Avenue West, Ashland, WI 54806  
Jeff Hepner, Route 1, Box 4A, Bayfield, WI  
Bryan Paulsen, P.O. Box 184, Washburn, WI 54891



As interest may appear:

Ray Berndt, N6212 Main Street Road, Horicon, WI 53032  
David Miescke, 628 N. Hubbard St., Horicon, WI 53032  
Robert Miescke, 709 N. Hubbard St., Horicon, WI 53032  
Paul Zubke, W3910 Hwy. 60, Neosho, WI 53059  
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Clarence Kunde, 104 Wenban Avenue, Neenah, WI 54956  
Mark Peters, 353 Pagelow Lane, Brooklyn, WI 53521  
Walter Walker, 207 S. Vine St., Kingston, WI 53939

December 12, 1995 - Green Bay

In support:

Fred Gossfeld, 8742 Red Bank Road, Suring, WI 54174

In opposition - none

As interest may appear:

Hank M. Zuidmulder, 903 S. Quincy, Green Bay, WI  
William Kreuser, 1695 Biemeret Street, Green Bay, WI 54304  
Janet Smith, 3358 Nautical Avenue, Green Bay, WI 54311  
Milton Geyer, 1135 Thrush Street, Green Bay, WI  
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Dick Koerner, 540 Sunrise Bay Road, Neenah, WI  
Maynard Kuehl, N4137 County E, Kewaunee, WI  
Richard B. Knudson, E3821 Townline Road, Kewaunee, WI 54216  
Vern Larson, Route 1, Shiocton, WI 54170  
Tony R. Allman, 2154 Nellie Lane, Green Bay, WI 59311  
Matt Johnson, 918 Catherine, Green Bay, WI 54301  
Joe Lochlein, 3955 Valley Stream Circle, Oneida, WI 54155  
Jerome N. Van Laanen, 2610 Longtail Beach Lane, Suamico, WI 54173  
Jerry Rowland, 12930 Velp Avenue, Green Bay, WI 54313

December 13, 1995 - Ashland

In support:

Dick Mackey, 1122 2nd Avenue West, Ashland, WI

In opposition - none

As interest may appear:

Bill Kurtz, Route Box 107, Washburn, WI 54891  
Kenneth R. Somppi, 901 14th Avenue West, Ashland, WI 54806  
Jeff Hepner, Route 1, Box 4A, Bayfield, WI  
Bryan Paulsen, P.O. Box 184, Washburn, WI 54891

December 14, 1995 - Park Falls

In support - none

In opposition - none

As interest may appear:

Greg Langrehr, 1037 Lawrence Lane, Park Falls, WI 54552

Larry Gregg, 829 Atwood Avenue, Park Falls, WI 54552

Larry Kutschenreuter, 8656 Buckskin Trail, Minocqua, WI 54548

Jake Kutschenreuter, 8656 Buckskin Trail, Minocqua, WI 54548

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rules do not regulate small business; therefore, a final regulatory flexibility analysis is not required.

**FISCAL ESTIMATE**  
DOA-2048 N(R10/94)

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

**Subject**  
Early Canada goose hunting zone boundary change

**Fiscal Effect**

**State:**  No State Fiscal Effect

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

- Increase Existing Appropriation  Increase Existing Revenues
- Decrease Existing Appropriation  Decrease Existing Revenues
- Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Decrease Costs

**Local:**  No local government costs

- |   |   |   |
|---|---|---|
| <p>1. <input type="checkbox"/> Increase Costs</p> <p style="padding-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs</p> <p style="padding-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>3. <input type="checkbox"/> Increase Revenues</p> <p style="padding-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues</p> <p style="padding-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>5. Types of Local Governmental Units Affected:</p> <p><input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities</p> <p><input type="checkbox"/> Counties <input type="checkbox"/> Others _____</p> <p><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts</p> |
|---|---|---|

**Fund Sources Affected**

GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**  
20.370(1)(mu)

**Assumptions Used in Arriving at Fiscal Estimate**

SUMMARY OF BILL - Concurrent with promulgating this rule, the department will initiate charging a \$3.00 application fee to cover increased cost of administering this early goose season. The department anticipates selling 25,000 permits to non-patron license holders generating an estimated \$68,750. In addition, the department projects 15,000 patron license holders to participate who do not have to pay the permit fee. Total costs for the department will be approximately \$37,500.

**Long-Range Fiscal Implications**

None.

Agency/Prepared by: (Name & Phone No.)

Joe Polasek, 266-2794

Authorized Signature/Telephone No.

5 *Joe Polasek* /ms

Date

266-2794

4/10/96

# FISCAL ESTIMATE WORKSHEET

1995 Session

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/94)

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.  
NR WM-19-96

Subject  
Early Canada goose hunting zone boundary change

I. One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
None.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$ 10,000	\$
(FTE Position Changes)	( FTE)	(- FTE)
State Operations - Other Costs	27,500	
Local Assistance		
Aids to Individuals or Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$ 37,500</b>	<b>\$ 0</b>
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$
FED		
PRO/PRS		
SEG/SEG-S	37,500	
III. 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 Rev.	Decreased Rev.
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S	68,750	
<b>TOTAL State Revenues</b>	<b>\$ 68,750</b>	<b>\$ 0</b>

### NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 37,500	\$ 0
NET CHANGE IN REVENUES	\$ 68,750	\$ 0

Agency/Prepared by: (Name & Phone No.)  
Joe Polasek, 266-2794

Authorized Signature/Telephone No.

*Joe Polasek*  
266-2794

Date

4/10/96