

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 1

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE 96-022

AN ORDER to repeal NR 10.01 (2) (c) 2. k.; to amend NR 10.01 (1) (b) 13. b. and (3) (e) 3. a. and (h) 1. a., 10.106 (2) (b), 10.145 (intro.), (3) (e) (intro.), 1. and 2. a. and (4) (a) and (c), 10.27 (1) and 10.40 (3) (d); and to repeal and recreate NR 10.02 (3) and 10.29, relating to hunting and trapping.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-08-96 RECEIVED BY LEGISLATIVE COUNCIL.

03-07-96 REPORT SENT TO AGENCY.

RNS:RJC:kjf;lah

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

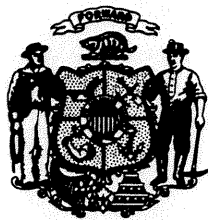
YES NO

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CLEARINGHOUSE RULE 96-022

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

a. Generally, rule sections are arranged in the numerical order of the decimal-numbered provisions as they appear in the rules at the time of drafting. [See s. 1.04 (1), Manual.] Accordingly, the treatment of s. NR 10.02 (3) [SECTION 5] should precede the treatment of s. NR 10.106 (2) (b) [SECTION 4].

b. In s. NR 10.02 (3), the word "thereof" should be replaced by the phrase "of the head." [See s. 1.01 (9) (c), Manual.]

c. The phrase "taken with the authority of" appears in s. NR 10.106 (2) (b). However, under the same current rule provision, the phrase reads "taken under the authority of." If the word "under" is being replaced by the word "with," the appropriate strike-throughs and underscores should be shown. If not, the phrase should be reproduced exactly as it appears in the current rule.

d. SECTION 7 of the rule purports to amend s. NR 10.145 (intro.), (1) (e) and (4) (a). However, it really amends s. NR 10.145 (intro.), (3) (e) (intro.), 1. and 2. a. and (4) (a) and (c). Therefore, the treatment clause of SECTION 7 should be modified.

e. It is unnecessary to strike a word in the current rule and then recreate it by underscoring the same word. See "tags" in s. NR 10.145 (3) (e) and "tag" in s. NR 10.145 (4) (c).

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, AMENDING, AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01(2)(c)2.k.; to amend NR 10.01(1)(b)13.b, (3)(e)3.a, (h)1.a, 10.106(2)(b), 10.145(intro.), (3)(e)(intro.), 1. and 2.a., (4)(a) and (c), 10.27(1) and 10.40(3)(d); and to repeal and recreate NR 10.02(3) and 10.29 relating to hunting and trapping.

WM-1-96

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), 29.107, 29.1075 and 29.103, Stats.

In this order:

Section 1. Pheasant hunting areas - removes Clifton Coulee leased public hunting grounds from the list of properties with special pheasant hunting regulations.

Section 2. Muzzleloader deer hunting - adds Harrington Beach state park to the list of parks with muzzleloader deer hunts.

Section 3. Coyote hunting - clarifies that coyote season is closed during the muzzleloader deer hunting season.

Section 4. White deer - clarifies the definition of white deer.

Section 5. Bonus permits - clarifies that deer harvested with a bonus permit must be registered in the unit of kill.

Section 6. Traps - eliminates the requirement for stop devices on snares.

Section 7. Trapping - replaces the term "carcass tag" with "pelt tag" and initiates a new tagging system for bobcat, otter and fisher.

Section 8. Muzzleloader deer hunting - removes Brunet Island state park to the list of parks with muzzleloader deer hunts.

Section 9. Turkey hunting zones - combines current turkey hunting zones 1 and 1A into a zone to be designated Zone 1.

Section 10. Special hunt opening dates - change the opening date of the deer hunt for disabled hunters.

SECTION 1. NR 10.01(2)(c)2.k. is repealed.

SECTION 2. NR 10.01(3)(e)3.a is amended to read:

Kind of animal and Locality	Open season (all dates inclusive)	Limit
a. Governor Dodge (unit 70C), Blue Mound (unit 70 D), <u>Harrington Beach (unit 69C)</u> , Perrot (unit 61A) and Peninsula (unit 80C) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 9 consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under NR 10.104.

SECTION 3. NR 10.01(3)(h)1.a. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
a. All that part of Wisconsin north of state highway 29	All year except closed during the gun deer seasons as established under ss. NR 10.01(3)(e) and 10.117.	None

SECTION 4. NR 10.02(3) is repealed and recreated to read:

NR 10.02(3) Albino or white deer which are white except for the hooves, tarsal glands, head and parts of the head.

SECTION 5. NR 10.106(2)(b) is amended to read:

NR 10.106(2)(b) Special permit deer, Party permit deer, bonus permit deer or antlerless deer taken under the authority of a hunter's choice permit or a gun deer license shall be registered within the deer management unit in which the deer was killed no later than 5:00 p.m. of the first day following the season's close unless transported on federal or state highways directly to the authorized registration station in an adjoining deer management unit.

SECTION 6. NR 10.13(1)(b)13.b is amended to read:

NR 10.13(1)(b)13.b. Noose attachments. All snares shall include a relaxing mechanical lock, ~~anchor swivel and stop device to prevent the mechanical lock from closing the noose loop to a diameter less than 2.5" and anchor swivel~~. In addition, all snares shall be tagged with a metal tag stamped or inscribed with the name and address of the owner.

SECTION 7. NR 10.145(intro.) (3)(e)(intro.), 1. and 2.a. and (4)(a) and (c) are amended to read:

NR 10.145 BOBCAT, FISHER AND OTTER. (intro.) No person may hunt or trap, or attempt to hunt or trap, any bobcat, fisher or otter unless having first applied for and received from the department a permit and any associated carcass pelt tags.

(3)(e) ~~Carcass tag issuance.~~ Pelt tag issuance. The department shall issue carcass pelt tags to successful permit applicants as follows:

(3)(e)1. Oversubscribed zones. If the number of applications for permits is equal to or more than the number of permits available, each successful applicant shall be issued a carcass pelt tag.

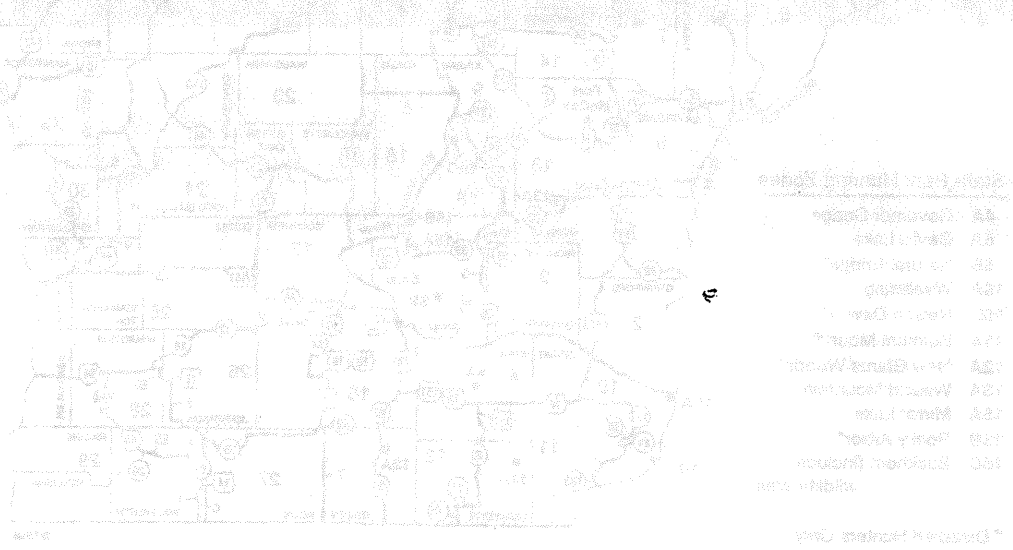
(3)(e)2.a. Randomly issue successful applicants additional carcass pelt tags; or

(4)(a) Field tagging. When a bobcat, fisher or otter is killed and before it is carried by hand or transported in any manner, the permittee shall immediately validate the pelt tag by slitting, tearing or punching the pelt tag in the manner indicated by the department and attach and seal the carcass pelt tag to the animal in the manner indicated by the department. Failure to validate and attach and seal the carcass pelt tag invalidates the permit.

(4)(c) Tag retention. The carcass pelt tag shall remain attached to the pelt until removed by a fur dresser or taxidermist at time of preparation.

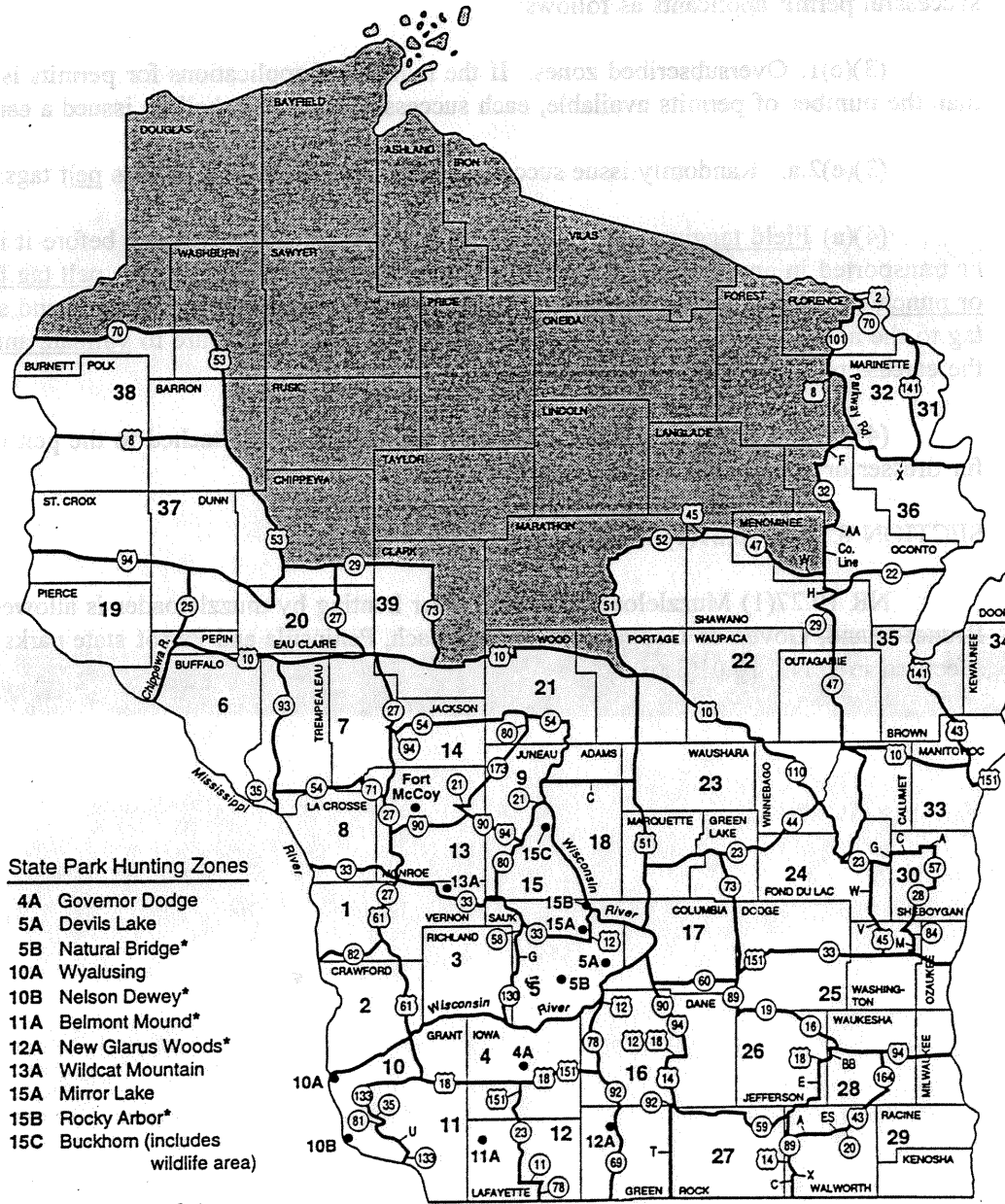
SECTION 8. NR 10.27(1) is amended to read:

NR 10.27(1) Muzzleloader season. Deer hunting by muzzleloader is allowed in Blue Mound, Brunet Island, Governor Dodge, Harrington Beach, Peninsula and Perrot state parks during the season specified in s. NR 10.01(3)(e).



SECTION 9. NR 10.29 is repealed and recreated to read (map):

Wild Turkey Hunting Zones



SECTION 10. NR 10.40(3)(d) is amended to read:

NR 10.40(3)(d) Dates. All special gun deer hunts shall be conducted during the 9 day consecutive period that begins on the first Saturday ~~nearest~~ of October +.

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 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, 11 & 19, Wis. Adm. Code Hunting and trapping

Board Order No. WM-1-96
Clearinghouse Rule No. 96-022

Statement of Need

The proposed rule changes are minor and involve corrections, removal of archaic regulations, improving hunting opportunities and clarification of existing rules.

Section 1 removes Clifton Coulee, a Monroe County leased public hunting ground from the list of properties with special pheasant hunting regulations. This public hunting ground is becoming fragmented and there is high turnover in ownership in the area. Hunters will have alternative areas at Ridgeville and LaFarge to hunt stocked pheasants.

Section 2 adds Harrington Beach state park and removes Brunet Island state park from the list of parks with muzzleloader deer hunts. Harrington Beach state park was added to the list of muzzleloader only hunts for 1995 and listed in s. NR 10.27 as a muzzleloader hunting park. In addition to s. NR 10.27, this change lists Harrington Beach in s. NR 10.01 where other deer hunting seasons are listed. Section 8 corrects the accidental inclusion of Brunet Island as a muzzleloader-only park in 1993. Brunet Island was proposed to be a muzzleloader park but not approved.

Section 3 clarifies that coyote season is closed during the muzzleloader deer hunting season as articulated in the regulations pamphlet.

Section 4 clarifies that deer harvested with a bonus permit must be registered in the unit of kill.

Section 5 clarifies the definition of white deer. The intent of this rule is to protect albino or white deer, primarily because of strong public sentiment. The current rule defines white deer as "mono-colored". Hooves, antlers, tarsal glans and the nose are not white in albino deer. Enforcement of the current regulation has been successfully challenged in court because of this technicality.

Section 6 eliminates the requirement for stop devices on snares. Current rules require stop devices that limit snare closure to a loop with a 2.5" diameter. Foot snaring of beaver is an effective method of capture that is not possible under the current rules because the noose loop is too large.

Section 7 replaced the term "carcass tag" with "pelt tag" and initiates a new tagging system for bobcat, otter and fisher. New pelt tags for bobcat, otter and fisher are made of Tyvec material, similar to that currently used for deer carcass tags. Trappers will validate pelt tags by slitting a mark for the month and date of kill (previously used tags were of the metal, locking variety). Validation is an enforcement tool that has already proven its value with deer, bear, turkey and goose tags. NR 10.145 describes the tagging requirements and procedure for bobcat, otter and fisher. The term "pelt" more accurately describes the use of the issued tag than "carcass", since the tag must remain attached to the pelt even after the animal is skinned and the carcass is discarded or turned in to the department.

Section 9 recombines current turkey hunting zones 1 and 1A into a zone to be designated Zone 1. Zone 1 was split into two zones in 1989 to accommodate a 5-year research project. The project has been completed and it is no longer necessary that the zones be separated. A change in the

wild turkey hunting zones map is required. Editions of Wisconsin wild turkey hunting regulations beginning with the Spring 1997 turkey hunting season will reflect this revision.

Section 10 changes the opening date of the deer hunt for disabled hunters. This proposal is made on behalf of the Disabled Advisory Council. The rule change is intended to delay the opening of the special hunt in hopes of finding better visibility in the woods as leaf drop would be more advanced. Most of the participating hunters must remain in one location due to mobility problems. Better visibility in the woods would offer more opportunities to see and harvest deer.

Modifications as a Result of Public Hearing

There were no modifications.

Appearances at the Public Hearing and Their Position

There were no appearances.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The rules pertain to hunting and trapping. The rules 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, a final regulatory flexibility analysis is not required.

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FISCAL ESTIMATE
DOA-2048 N(R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject 1996 Wildlife Management Housekeeping Rule Order

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

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule contains items that are primarily administrative in nature.

Pheasant hunting areas - deletes Clifton Coulee public hunting grounds from properties that allow hen pheasant hunting.

Trapping - eliminates the requirement for stop devices on snares, replaces the term "carcass tag" with "pelt tag", and initiates a new tagging system for bobcat, otter and fisher.

Turkey hunting zones - combines current turkey hunting Zones 1 and 1A into a zone to be designated Zone 1.

Special hunts - simplifies the starting date for special hunts and eliminated earlier hunting dates.

Muzzleloader deer hunting - adds Harrington Beach state park and removes Brunet Island state part to the list of parks with muzzleloader deer hunts.

Coyote hunting - clarifies that coyote season is closed during the muzzleloader deer hunting season.

Bonus permits - clarifies that deer harvested with a bonus permit must be registered in the unit of kill.

Long-Range Fiscal Implications

None.

4

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

Joe Polasek, 266-2794

Authorized Signature/Telephone No.

Joe Polasek
/MB

Date

266-2794