

WISCONSIN LEGISLATIVE COUNCIL STAFF

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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 00-032

AN ORDER to amend NR 10.145 (5) (d) and (6) (b), 10.27 (intro.), 10.40 (3) (f) and 15.13 (title) and (intro.); and to create NR 10.12 (12), relating to hunting, trapping and wildlife research.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-10-00 RECEIVED BY LEGISLATIVE COUNCIL.

02-29-00 REPORT SENT TO AGENCY.

RNS:WF:jal;rv

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 00-032

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 September 1998.]

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

The second occurrence of the word "hunters" in s. NR 10.40 (3) (f) should be replaced with "hunter's" and both occurrences of the word "permits" in this paragraph should be drafted in the singular.

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

The Wisconsin Natural Resources Board proposes an order to amend NR 10.145(5)(d) and (6)(b), 10.27 (intro.), 10.40(3)(f), 15.13 (title) and (intro.) and to create NR 10.12(12) relating to hunting, trapping and wildlife research.

WM-2-00

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.014, 29.089, 29.327, 29.053(3) and 227.11, Stats.

Statutes interpreted: ss. 29.014, 29.089, 29.327 and 29.053(3), Stats.

In this order:

Section 1. Requires the name and address of owner to be attached to all waterfowl blinds constructed on public property, in English letters one-inch square or larger.

Section 2. Allows the registration of otter in the whole carcass condition.

Section 3. Requires bobcat pelts to have attached registration tags in the event the pelt is transferred, given, traded, sold, or purchased.

Section 4. Clarifies state park deer seasons to refer only to the portions of those properties owned by the state.

Section 5. Authorizes zone T deer permits to be filled during disabled hunts.

Section 6. Establishes a no permit policy for wildlife research conducted on university of Wisconsin arboretum and university bay lands and waters. A report listing these research projects shall be submitted to the Department of Natural Resources annually for Department approval.

Section 1. NR 10.12(12) is created to read:

NR 10.12(12) WATERFOWL BLIND IDENTIFICATION. No person may maintain, occupy or use a blind situated on state-owned property for hunting waterfowl unless the owner's name, address and customer identification number, in the English language and in lettering one-inch square or larger, is affixed permanently to the blind. The name and address shall be readily visible on the blind and shall be kept legible at all times.

Section 2. NR 10.145 (5)(d) is amended to read:

NR 10.145 (5)(d). *Mounting.* Persons who intend to have a ~~fisher or bobcat,~~ fisher or otter mounted by a taxidermist may exhibit the fisher or bobcat, fisher or otter to the department for registration in whole carcass condition without separating the pelt and need not shall surrender the skinned carcass to the department until the taxidermist has separated the pelt within 30 days of registration.

Section 3. NR 10.145 (6)(b) is amended to read:

NR 10.145 (6)(b) *Transfer.* Transfer, give, trade, sell or purchase any bobcat, fisher or otter pelt without a registration tag being attached and locked to the head of the pelt.

Section 4. NR 10.27(intro.) is amended to read:

NR 10.27 State park deer hunting. (intro.) No person may hunt deer on the state owned portions of state parks and recreation land areas except as provided in this section. Portions of the properties listed may be posted closed to deer hunting.

Section 5. NR 10.40 (3)(f) is amended to read:

NR 10.40 (3)(f) *Rule compliance.* Unless otherwise provided by the department, all disabled hunters and accompanying persons shall comply with all hunting rules and laws applicable to the regular gun deer season specified under s. NR 10.01 (3)(e). The bag limit is one deer per hunters choice and antlerless deer permits issued under s. NR 10.104, and special permits issued under s. NR 10.117.

Section 6. NR 15.13 (title) and (intro.) are amended to read:

NR 15.13 (title) University bay and the university of Wisconsin arboretum. (intro.) Wildlife research in all phases, ~~including the experimental harvest of wild animals and birds,~~ may be conducted on lands and waters within the boundaries of the arboretum as described in s. NR 15.12 and University bay as described in s. NR 15.01 (5) (e). Research may be conducted by the department and its agents and by the regents of the university of Wisconsin or their agents without restriction. The university shall provide a list of all research projects conducted on the university arboretum and university bay properties annually to the department for department approval.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The rule shall take effect the first day of the month following publication as provided in s. 227.22(2), Stats., except sections 1,2 and 3 which shall take effect March 1, 2001.

Dated at Madison, Wisconsin _____

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

By _____
George E. Meyer, Secretary

(SEAL)

MAY 12 2000

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. WM-2-00

Legislative Council Rules Clearinghouse Number 00-032

Subject of Rules Hunting, trapping and wildlife
research

Date of Transmittal to Presiding Officers May 10, 2000

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 10 and 15, Wis. Adm. Code
Hunting, trapping and wildlife research

Board Order No. WM-2-00
Clearinghouse Rule No. 00-032

Statement of Need

The proposed rule contains housekeeping rule changes that are minor in nature and noncontroversial. The proposed changes involve clarifications, definitions, increasing management efficiency and altering limitations on hunters. The specific changes are:

In order to have control over the placement and subsequent removal of waterfowl hunting blinds, owners are required to put their names on the blind. The requirement of placing only a name on the blind is not adequate to help locate a person violating this section. This proposal requires all blinds on state-owned property to be permanently labeled with the owner's name and address in English letters one-inch square or larger.

Current rules allow for the registration of fisher and bobcat in whole condition, without pelt removal, if plans are to have a taxidermist mount the animal. This proposal adds otters to the existing rule. Current rules also do not specify a return time for department receipt of necessary carcasses. This proposal establishes a 30-day requirement.

Bobcat are added to an existing rule which requires a registration tag to be locked to the head of the pelt prior to transferring, giving, trading, selling or purchasing the pelt.

The current rule regarding state park deer seasons is clarified that it only pertains to those portions of the referenced state parks which are owned by the department.

The current rule regarding disabled hunts and special hunt authorizations does not specifically describe what tags may be used during these hunts. Currently zone T tags cannot be used during a disabled hunt. This proposal authorizes zone T permits to be filled during disabled hunts.

The proposed rule allows for research to be conducted on lands and waters of the university of Wisconsin arboretum and university bay. The university shall provide a list of research projects annually for Department approval.

Modifications as a Result of Public Hearing

No modifications were made.

Appearances at the Public Hearing and Their Position

No appearances were made.

Response to Legislative Council Rules Clearinghouse Report

The recommendation was accepted.

Final Regulatory Flexibility Analysis

The proposed rules are applicable to individual sportspersons or the university of Wisconsin. Therefore, no final regulatory flexibility analysis is required.