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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### 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 02-089

AN ORDER to renumber NR 10.01 (3) (h) 1. b.; to amend NR 10.01 (1) (b), (c), (d) and (f) 1., (2) (c) 1. a. and (d) 1. and 45.06 (2); to repeal and recreate NR 10.01 (1) f. 2., (2) (e) and (g) and (3) (a) and (c) 1. and 3.; and to create NR 10.01 (1) (g) 1. p., 2. p. and 3. p., (2) (a) 4., (c) 1. b., (d) 3. and (f) 4. and (3) (bt), (c) 1. a. and b. and 2. d., (f) 3. and (h) 1. b., 10.275 and 45.06 (2m), relating to small game and expanded spring turkey hunting in state parks.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

06-14-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-02-2002 REPORT SENT TO AGENCY.

RS:REL

**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 02-089

#### 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.]

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

In s. NR 10.01 (1) (c), the phrase “Entire state except for the following state parks” should end in a colon. This problem also occurs in s. NR 10.01 (1) (d), (e), and (f) 1.

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

The Wisconsin Natural Resources Board proposes an order relating to renumber NR 10.01(3)(h)1.b., to amend NR 10.01(1)(b), (c), (d) and (f)1., (2)(c)1.a., (2)(d)1. and 45.06(2), to repeal and recreate NR 10.01(1)f.2., (2)(e) and (g), (3)(a), (3)(c)1. and (3)(c)3., and to create NR 10.01(1)(g)1.p., 2.p. and 3.p., (2)(a)4., (2)(c)1.b., (2)(d)3., (2)(f)4., (3)(bt), (3)(c)1.a. and b., (3)(c)2.d., (3)(f)3., (3)(h)1.b., 10.275 and 45.06(2m) relating to small game and expanded spring turkey hunting in state parks.

WM-33-02

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 27.01(2), 29.014, 29.089(3), 29.041 and 227.11, Stats.

Statutory interpreted: § 29.014, 29.089(3) and 29.041, Stats.

**Sections 1, 2, 3, 4 and 5** authorize the hunting of migratory game birds including the open season, daily bag, and possession limits in the selected state parks for 3 years starting in 2003.

**Sections 6, 7, 8, 9, 10, 11 and 13** authorize the hunting of upland game birds including the open season, daily bag, and possession limits in the selected state parks for 3 years starting in 2003.

**Section 12** authorizes the hunting of wild turkeys including the open seasons, daily bag and possession limits in selected state parks for 3 years starting in 2003.

**Sections 14, 15, 16, 17, 18, 19, 20 and 21** authorize the hunting of small game animals including the open seasons, daily bag and possession limits in selected state parks for 3 years starting in 2003.

**Section 22** defines the specific hunting regulations for implementing limited small game and migratory game bird hunting in selected state park properties.

**Sections 23 and 24** authorize the use of dogs for hunting and retrieving game birds in selected state park properties opened to small game hunting.

**Section 1. NR 10.01(1)(b), (c), (d), (e), (f)1. and (g) are amended to read.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(b) <i>All species of wild duck</i>	Entire state	As established by zone	As established by season and zone	Double the daily bag limit through the entire season, except opening day when it is the same as the daily bag limit.

	South zone as established in s. NR 10.32	Sept. 29 at 12:00 noon - Nov. 27	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one canvasback taken according to par. (d), one pintail, one black duck, 2 redheads, 2 wood ducks, and 3 scaup. In addition 5 mergansers to include not more than one hooded merganser.		
	North zone as established in s. NR 10.32	Sept. 29 at 12:00 noon - Nov. 27	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one canvasback taken according to par. (d), one pintail, one black duck, 2 redheads, 2 wood ducks, and 3 scaup. In addition 5 mergansers to include not more than one hooded merganser.		
	<u>Governor Dodge, Mill Bluff, Mirror Lake, and Newport state parks</u>	<u>Nov. 1 – Nov. 27 in 2003, 2004 and 2005</u>	<u>6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one canvasback taken according to par. (d), one pintail, one black duck, 2 redheads, 2 wood ducks, and 3 scaup. In addition 5 mergansers to include not more than one hooded merganser.</u>		
(c) <i>Coots and gallinules</i>	Entire state except for the following state parks	Concurrent with the open season for ducks as established in par. (b)		10	20
	<u>Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks</u>	<u>Beginning Nov. 1 to the close of the open season for ducks as established in par. (b) in 2003, 2004 and 2005</u>			
(d) <i>Canvasback</i>	Entire state except for the following state parks	Oct. 20 – Nov. 8		1	2
	<u>Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks</u>	<u>Nov. 1 – Nov. 8 in 2003, 2004 and 2005</u>			
(e) <i>Sora and Virginia rails</i>	Entire state except for the following state parks	Concurrent with the open season for ducks as established in par. (b)		25	25

	<u>Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks</u>	<u>Beginning Nov. 1 to the close of the open season for ducks as established in par. (b) in 2003, 2004 and 2005</u>		
(f) 1. Snipe	Entire state <u>except for the following state parks</u>	Concurrent with the open season for ducks as established in par. (b)	8	16
	<u>Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks</u>	<u>Beginning Nov. 1 to the close of the open season for ducks as established in par. (b) in 2003, 2004 and 2005</u>		

**ection 2. NR 10.01(2)(f)2. is repealed and recreated to read.**

2. Woodcock	a. Entire state except for the state parks listed in subd. 2.b.	Beginning on the Saturday nearest Sept. 22 and continuing for 45 consecutive days	3	6
	b. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Beginning Nov. 1 to the close of the season listed in subd. 2.a.	3	6

**ection 3. NR 10.01(1)(g)1.p. is created to read.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
1. Canada geese and its subspecies	p. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 to the close of the season listed in subd. 1.a. in 2003, 2004 and 2005	1	2

**ection 4. NR 10.01(1)(g)2.p. is created to read.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
2. Snow or blue and Ross' geese	p. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 to the close of the season listed in subd. 2.a. in 2003, 2004 and 2005	1	2

**ection 5. NR 10.01(1)(g)3.p. is created to read.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
3. All other geese and brant	p. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 to the close of the season listed in subd. 3.b. in 2003, 2004 and 2005	1	2

**ection 6. NR 10.01(2)(a)4. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(a) <i>Ruffed grouse</i>		
4. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 5; possession 10

**ection 7. NR 10.01(2)(c)1.a. is amended to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(c) <i>Pheasants</i>		
. Cocks only	Early season-- Beginning on the Saturday nearest October 17 at 12:00 noon and continuing for 2 consecutive days.	Daily bag 1; possession 2
. In all counties of the state except the properties specified in subd. <del>b.</del> subd. 2., <del>subpar. b</del> and s. NR 0.24 <i>and</i>	Late season-- Beginning on the day immediately after the season described above and continuing through December 31	Daily bag 2; possession 4

**ection 8. NR 10.01(2)(c)1.b. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(c) <i>Pheasants</i>		
. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 2; possession 4

**ection 9. NR 10.01(2)(d)1. is amended to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
d) <i>Gray (Hungarian) partridge</i>		
. In all counties of the state except the areas listed in <del>subd.</del> subds. 2 and 3.	Beginning on the Saturday nearest October 17 at 12:00 noon and continuing through December 31.	Daily bag 3; possession 6

**ection 10. NR 10.01(2)(d)3. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>d) Gray (Hungarian) partridge</b>		
. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 3; possession 6

**ection 11. NR 10.01(2)(e) is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>) Bobwhite quail</b>		
. In all counties of the state except the parks listed in subd. 2.	Beginning on Saturday nearest October 17 at 12:00 noon and continuing for 54 consecutive days	Daily bag 5; possession 10
. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.	Beginning on November 1 to the close of the season listed in subd. 1. in 2003, 2004 and 2005	Daily bag 5; possession 10

**ection 12. NR 10.01(2)(f)4. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>(f) Wild turkey.</b>		
4. Newport, Willow River and Interstate state parks.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods in 2003, 2004 and 2005.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.

**ection 13. NR 10.01(2)(g) is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>) Crow</b>		
. Statewide except in the parks listed in subd. 2.	Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the gun deer season for Zone A. in s. NR 10.01 (3) (e) and reopening in January and continuing through March 20. The date of reopening in January shall be established each year by the department to allow for a 124-day crow season.	Daily bag 15; possession 30
. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.	Beginning on Nov. 1 and continuing through the Thursday immediately preceding the gun deer season for Zone A. in sub. (3)(e) in 2003, 2004 and 2005	Daily bag 15; possession 30



**ection 14. NR 10.01(3)(a) is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(a) Gray and fox squirrels</i>		
1. In all counties of the state except in the parks listed in subd. 2.	Beginning on the Saturday nearest September 15 and continuing through January 31.	Daily bag (total of both species) 5; possession 10
2. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag (total of both species) 5; possession 10

**ection 15. NR 10.01(3)(bt) is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(bt) Raccoon (state park resident and non-resident hunting)</i>		
Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None

**ection 16. NR 10.01(3)(c)1. is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Snowshoe hare		
a. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None
b. In all other parts of the state	All year	None

**ection 17. NR 10.01(3)(c)2.d. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
2. Cottontail		
d. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 3; possession 6

**ection 18. NR 10.01(3)(c)3. is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>3. Jackrabbit</b>		
a. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 3; possession 6
b. In all other parts of the state	Beginning on the Saturday nearest October 17 at 12:00 noon and continuing through November 15	Daily bag 3; possession 6

**ection 19. NR 10.01(3)(f)3. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>(f) Fox, all species</b>		
3. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None

**ection 20. NR 10.01(3)(h)1.b. is renumbered NR 10.01(3)(h)1.c.**

**ection 21. NR 10.01(3)(h)1.b. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<b>(h) Coyote</b>		
b. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None

**Section 22. NR 10.275 is created to read.**

**NR 10.275 State park small game and migratory game bird hunting.** No person may hunt game species listed in s. NR 10.01(1), (2)(a), (b), (c), (d), (e) or (g) or (3)(a), (b), (bm), (c) or (d) on the state owned portions of state parks and recreation areas except as provided in this section. Portions of the properties listed may be posted closed to small game and migratory bird hunting.

(1) **SMALL GAME AND MIGRATORY GAME BIRD HUNTING SEASONS.** Small game and migratory game bird hunting is allowed in Governor Dodge, Interstate, Mill Bluff, Mirror Lake and Newport state parks during the season specified in s. NR 10.01(1), (2)(a), (b), (c), (d), (e) or (g) or (3)(a), (b), (bm), (c), or (d).

(2) **RESTRICTIONS.** (a) *Firearms.* Rifles and pistols are prohibited for small game and migratory game bird hunting.

(b) *Hunting hours.* The hunting hours for pursuing small game and migratory game birds shall be the same as the hours established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily.

(c) *Other hunting methods.* Dogs shall be kept on a leash not more than 8 feet long and under control at all times in all areas within the state parks listed in sub. (1) except when pursuing, hunting or retrieving game birds in designated areas open to hunting.

(3) **PERMITS AND REGISTRATION GENERAL PROHIBITIONS.** (a) No person may hunt within the hunting zone without first obtaining a permit issued by the department.

(b) No person may hunt without first providing information in writing required by the department at a designated location at the state park property.

**Section 23. NR 45.06(2) is amended to read.**

NR 45.06(2) ~~Nothing~~ Except as listed in sub. (2m), nothing in this section shall prohibit or restrict the use of dogs for hunting purposes in any area which is open to hunting. The use of dogs for dog trials and dog training shall be restricted to areas designated by the property superintendent under permit procedures established in ch. NR 17.

**Section 24. NR 45.06(2m) is created to read.**

NR 45.06(2m) Dogs shall be kept on a leash not more than 8 feet long and under control at all times in all areas within the state parks listed in s. NR 10.275(1) except when pursuing, hunting or retrieving game birds in designated areas open to hunting.

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

\_\_\_\_\_

The rules 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.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Darrell Bazzell, Secretary

(SEAL)

**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-33-02

Legislative Council Rules Clearinghouse Number 02-089

Subject of Rules Small game and expanded  
spring turkey hunting in state parks

Date of Transmittal to Presiding Officers August 28, 2002.

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

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

Telephone: 266-1959  
e-mail: [turnec@dnr.state.wi.us](mailto:turnec@dnr.state.wi.us)

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code  
Small game and expanded spring turkey hunting in state parks

Board Order No. WM-33-02  
Clearinghouse Rule No. 02-089

Statement of Need

In 1997 the Legislature authorized small game hunting in state parks and directed the Department to develop rules to implement the authorization. In 2001, the Governor vetoed legislation that opened up certain state parks to all forms of hunting recreation and gave the Department the opportunity to expand hunting in state parks through the administrative rule process in a manner that minimizes conflicts with traditional park users.

Hunting is not new to state parks. Spring turkey hunting has been offered in state parks since 1992, and currently 12 state parks participate in either handicap-only spring turkey hunts or are open for hunters without disabilities. Deer hunting has been offered in state parks consisting of various season formats and permitting options since the mid-1970's. Currently there are 26 state parks that offer deer hunting opportunities in the fall.

Six state parks, Governor Dodge, Interstate, Mill Bluff, Mirror Lake, Newport and Willow River, were selected to participate in a 3-year pilot project for expanded hunting. The reason a 3-year pilot effort was selected is due to the anticipated controversy about expanded hunting opportunities in the parks, especially small game. The 3-year pilot will allow the Department to implement and evaluate the hunts before they are made permanent. The hunting season proposed for each park is:

Governor Dodge	Small game (already offers spring turkey hunting)
Interstate	Spring turkey
Mill Bluff	Small game (already offers spring turkey hunting)
Mirror Lake	Small game (already offers spring turkey hunting)
Newport	Spring turkey and small game
Willow River	Spring turkey

The general regulations for the hunting seasons are:

1. All approved hunting areas will be designated, will be included on property maps, and will not include other designated use areas such as campgrounds, picnic areas, day-use areas, state trails, areas within 100 yards of a designated trail in accordance with s. NR 45.09(1), buildings, paved roads or parking areas.
2. All hunts will be limited to shotgun, muzzleloading shotgun and bow.
3. The discharging of firearms will not be allowed outside of the designated hunting area, or on any portions of or across a state trail outside the boundaries of a state park.
4. All state parks conducting hunting will be clearly posted to notify the general public where and when hunting is allowed.
5. All hunters must register at the entrance station at the state park prior to hunting, or some other method shall be established for keeping track of how many hunters are in the park.

Small game hunting in state parks will follow established Department rules for small game, except as follows:

1. The proposed parks will be open to all small game species except those specifically exempted by the regional land leader, in consultation with regional wildlife biologist and the local property superintendent.

2. Small game hunting will be permitted only between November 1 and December 15 (except as indicated below or where statewide or regional season ends earlier for a particular species). Bag limits applicable to the land surrounding the park would apply to the park as well.

3. Waterfowl hunting in Mirror Lake state park will be permitted for the full, regular migratory waterfowl season.

4. Small game hunting will be permitted from one half-hour before sunrise until 12 noon.

5. Small game hunting will be by permit only.

Additional spring turkey hunting regulations include:

1. Turkey hunting will be permitted only during the first 3 designated spring turkey seasons.

2. Turkey hunting will be by permit only.

#### Modifications as a Result of Public Hearing

No changes were made as a result of public hearing. The Natural Resources Board modified the rule to permit the use of dogs for all small game hunting.

#### Appearances at the Public Hearing and Their Position

##### ***July 15, 2002 – Dodgeville***

In support:

Douglas L. Timmens, Sr., 320 W. North Street, Dodgeville, WI 53533  
Drew Walter, 323 W. North Street, Dodgeville, WI 53533

In opposition:

Stuart Rudolph, Friends of Governor Dodge State Park, 619 W. Chapel St., Dodgeville, WI 53533

As interest may appear:

R. Garvey, P.O. Box 234, Dodgeville, WI 53533

##### ***July 16, 2002 – Hudson***

In support:

Robert M. Myrvold, Hudson Rod, Gun & Archery Club, 916 10<sup>th</sup> Street, Hudson, WI 54016  
Norman Rehder, 410 Sommers Street North, Hudson, WI 54016

In opposition:

Tom Clarke, Friends of St. Croix, 317 South Avenue, #6, Osceola, WI 54020  
Earl Roger Fairbanks, 1004 South Front Street, Hudson, WI 54016

As interest may appear:

Butch Knauff, 604 Grange Road, Hudson, WI 54016  
Dwight Claggett, Wis. Muzzleloading Association, Route 1, Box 219C, Highbridge, WI 54846

***July 17, 2002 – Wis. Dells***

In support:

Bill Christianson, S4307 Highway A, Baraboo, WI 53913  
Terry Mhlbauer, Sauk Co. Sportsmans Alliance, E3360 Jessop Road, La Valle, WI 53941  
Michael Koch, Delton Sportsmans Club, S608 Oak Hill Road, Wis. Dells, WI 53965  
Vicki Koch, S608 Oak Hill Road, Wis. Dells, WI 53965

In opposition:

Linda C. Parrish, 24530 County N, Kendall, WI 54638  
Henry Klapproth, 704 Washington Street, Grafton, WI

As interest may appear:

Waldo Peterson, 20 Hidden Hollow Tr., Madison, WI 53717  
Larry Volz, E9849A N. Reedsburg Road, Reedsburg, WI 53959

***July 18, 2002 – Sturgeon Bay***

In support:

Joan Baudhuin, 4217 Haberli Road, Sturgeon Bay, WI 54235  
Dick Baudhuin, 4217 Haberli Road, Sturgeon Bay, WI 54235

In opposition:

Jean DeWalt, 2130 Muffin Lane, Sister Bay, WI 54234  
Jack W. Travis, Newport Wilderness Society, 448 Isle View Road, Ellison Bay, WI 54210  
Warren DeWalt, President, Newport Wilderness Society, 2130 Muffin Lake, Sister Bay, WI 54234

As interest may appear:

David P. Bartz, Friends of Potawatomi State Park, 326 N. Fulton Avenue, Sturgeon Bay, WI 54235  
Don Schartner, 745 N. 4<sup>th</sup> Avenue, Sturgeon Bay, WI 54235  
Donald Petersilka, 4898 Mathey Road, Sturgeon Bay, WI 54235  
George B. Walther, Friends of Potawatomi State Park, 414 S. Hudson Ave., Sturgeon Bay, WI

**Response to Legislative Council Rules Clearinghouse Report**

The recommendations were accepted.

**Final Regulatory Flexibility Analysis**

The rules are applicable to individual hunters and state park users. Therefore, a final regulatory flexibility analysis is not required.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD RENUMBERING,  
AMENDING, REPEALING AN RECREATING AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to relating to renumber NR 10.01(3)(c)2.b. and (h)1.b., to amend NR 10.01(2)(c)1.a., to repeal and recreate NR 10.01(2)(e) and (g), (3)(a) and (c)1., and to create NR 10.01 (2)(a)4., (c)1.b., (f)4., (3)(bt), (c)2.b., (f)3., (h)1.b., and 10.275 relating to small game and expanded spring turkey hunting in state parks.

WM-33-02

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 27.01(2), 29.014, 29.089(3), 29.041 and 227.11, Stats.

Statutory interpreted: § 29.014, 29.089(3), and 29.041, Stats.

**Sections 1, 2, 3, 4 and 6** authorize the hunting of upland game birds including the open season, daily bag, and possession limits in the selected state parks for 3 years starting in 2003.

**Section 5** authorizes the hunting of wild turkeys including the open seasons, daily bag and possession limits in selected state parks for 3 years starting in 2003.

**Sections 7, 8, 9, 10, 11, 12, 13 and 14** authorize the hunting of small game animals including the open seasons, daily bag and possession limits in selected state parks for 3 years starting in 2003.

**Section 15** defines the specific hunting regulations for implementing limited small game and migratory game bird hunting in selected state park properties.

**Section 1. NR 10.01(2)(a)4. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(a) Ruffed grouse</i>		
4. Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 5; possession 10

**Section 2. NR 10.01(2)(c)1.a. is amended to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(c) Pheasants</i>		
1. Cocks only	Early season-- Beginning on the Saturday nearest October 17 at 12:00 noon and continuing for 2 consecutive days.	Daily bag 1; possession 2
a. In all counties of the state except the properties specified in <del>subd. subds. 1.b. and 2.</del> <del>subpar. b and s.</del> NR 10.24	Late season-- Beginning on the day immediately after the season described above and continuing through December 31	Daily bag 2; possession 4



**Section 3. NR 10.01(2)(c)1.b. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(c) <i>Pheasants</i> b. Governor Dodge, Mill Bluff and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 2; possession 4

**Section 4. NR 10.01(2)(e) is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(e) <i>Bobwhite quail</i>		
1. In all counties of the state except in the parks listed in subd. 2.	Beginning on Saturday nearest October 17 at 12:00 noon and continuing for 54 consecutive days	Daily bag 5; possession 10
2. Mirror Lake and Newport state parks.	Beginning on November 1 to the close of the season listed in subd. 1. in 2003, 2004 and 2005	Daily bag 5; possession 10

**Section 5. NR 10.01(2)(f)4. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(f) <i>Wild turkey.</i>		
4. Newport, Willow River and Interstate state parks.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods in 2003, 2004 and 2005	Only male or bearded turkey may be killed. The possession limit corresponds to the number of carcass tags issued.

**Section 6. NR 10.01(2)(g) is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
(g) <i>Crow</i>		
1. Statewide except in the parks listed in subd. 2.	Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the gun deer season for Zone A in s. NR 10.01 (3) (e) and reopening in January and continuing through March 20. The date of reopening in January shall be established each year by the department to allow for a 124- day crow season.	Daily bag 15; possession 30
2. Governor Dodge, Mill Bluff and Newport state parks.	Beginning on Nov. 1 and continuing through the Thursday immediately preceding the gun deer season for Zone A in s. NR 10.01(3)(e) in 2003, 2004 and 2005	Daily bag 15; possession 30

**Section 7. NR 10.01(3)(a) is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(a) Gray and fox squirrels</i>		
1. In all counties of the state except in the parks listed in subd. 2.	Beginning on the Saturday nearest September 15 and continuing through January 31.	Daily bag (total of both species) 5; possession 10
2. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag (total of both species) 5; possession 10

**Section 8. NR 10.01(3)(bt) is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(bt) Raccoon (state park resident and non-resident hunting)</i>		
Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None

**Section 9. NR 10.01(3)(e)1. is repealed and recreated to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Snowshoe hare		
a. Mill Bluff and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None
b. In all other parts of the state	All year	None

**Section 10. NR 10.01(3)(c)2.b. is renumbered NR 10.01(3)(c)2.d.**

**Section 11. NR 10.01(3)(c)2.b. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
2. Cottontail		
b. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	Daily bag 3; possession 6

**Section 12. NR 10.01(3)(f)3. is created to read.**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(f) Fox, all species</i>		
3. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None

Section 13. NR 10.01(3)(h)1.b. is renumbered NR 10.01(3)(h)1.c.

Section 14. NR 10.01(3)(h)1.b. is created to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(h) <i>Coyote</i>		
b. Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks	Nov. 1 – Dec. 15 in 2003, 2004 and 2005	None

Section 15. NR 10.275 is created to read.

**NR 10.275 State park small game and migratory game bird hunting.** No person may hunt game species listed in s. NR 10.01(1), (2)(a), (c), (e), (g), (3)(a), (bt), (c), (f) or (h) on the state owned portions of state parks except as provided in this section. Portions of the properties listed may be posted closed to small game and migratory bird hunting.

(1) **SMALL GAME AND MIGRATORY GAME BIRD HUNTING SEASONS.** (a) *Small game.* Hunting is allowed for small game in Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks during the seasons specified in s. NR 10.01(2)(a), (c), (e), (g), (3)(a), (bt), (c), (f) and (h).

(b) *Migratory game birds.* 1. Migratory game bird hunting for the species specified in s. NR 10.01(1) is allowed in Governor Dodge, Mill Bluff and Newport state parks from November 1 through December 15 or until the seasons established in s. NR 10.01(1) conclude, whichever occurs first.

2. Migratory game bird hunting is allowed in Mirror Lake state park during the seasons specified in s. NR 10.01(1).

(2) **RESTRICTIONS.** (a) *Firearms.* Rifles and pistols are prohibited for small game and migratory game bird hunting.

(b) *Hunting hours.* The hunting hours for pursuing small game and migratory game birds shall be the same as the hours established in s. NR 10.06 (5) except that hunting hours will close at 12:00 noon daily.

(c) *Other hunting methods.* Dogs shall be kept on a leash not more than 8 feet long and under control at all times in all areas within the state parks listed in sub. (1) except when pursuing, hunting or retrieving game species authorized for hunting by the department, other than deer and turkey, in designated areas open to hunting in Governor Dodge, Mill Bluff, Mirror Lake and Newport state parks.

(3) **PERMITS AND REGISTRATION GENERAL PROHIBITIONS.** (a) No person may hunt small game or migratory game birds in Governor Dodge, Mill Bluff, Mirror Lake or Newport state parks without first obtaining a permit issued by the department.

(b) No person may hunt without first providing information in writing required by the department at a designated location at the state park property.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 14, 2002.

The rules 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.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Darrell Bazzell, Secretary

(SEAL)



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### 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 02-089

AN ORDER to renumber NR 10.01 (3) (h) 1. b.; to amend NR 10.01 (1) (b), (c), (d) and (f) 1., (2) (c) 1. a. and (d) 1. and 45.06 (2); to repeal and recreate NR 10.01 (1) f. 2., (2) (e) and (g) and (3) (a) and (c) 1. and 3.; and to create NR 10.01 (1) (g) 1. p., 2. p. and 3. p., (2) (a) 4., (c) 1. b., (d) 3. and (f) 4. and (3) (bt), (c) 1. a. and b. and 2. d., (f) 3. and (h) 1. b., 10.275 and 45.06 (2m), relating to small game and expanded spring turkey hunting in state parks.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

06-14-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-02-2002 REPORT SENT TO AGENCY.

RS:REL

**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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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 02-089

#### 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.]**

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

In s. NR 10.01 (1) (c), the phrase “Entire state except for the following state parks” should end in a colon. This problem also occurs in s. NR 10.01 (1) (d), (e), and (f) 1.