

Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item

**SUBJECT:**

Request that the Board authorize public hearings for Board Order WM-04-13, proposed rules affecting Ch's. NR 10, 11 and 16 related to the Wildlife Management housekeeping rules package.

**FOR: October 2015 Board meeting**

**PRESENTER'S NAME AND TITLE:** Scott Loomans, Wildlife Regulations Policy Specialist

**SUMMARY:**

We are requesting that the Natural Resources Board authorize the department to hold a public hearing on WM-04-13, a housekeeping rules package modifying Ch.'s NR 10, 11 and 16, Wis. Adm. Code.

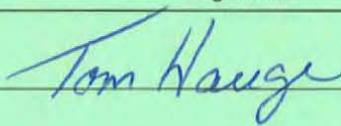
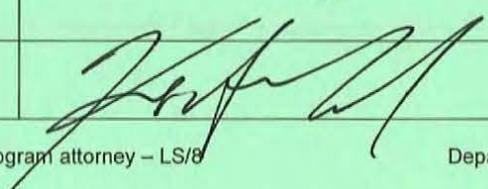
These technical rule changes are minor and non-controversial in nature and can most effectively be handled through wildlife management's annual housekeeping rule package. The intent of these rule changes is to correct drafting errors, provide clarification to existing rules, simplify regulations and update administrative code language and references. Most policy issues affected by this rule are ones which have already been addressed by previous rulemaking.

The department plans to hold one hearing in Madison in early December.

**RECOMMENDATION:** That the Board authorize public hearings for Board Order WM-04-13.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- background memo
- Fiscal estimate and economic impact analysis (EIA) form
- Response summary
- Attachments to background memo
- Environmental assessment or impact statement
- Board order/rule

Approved by	Signature	Date
Tom Hauge, Bureau Director		9/3/15
Sanjay Olson, Division Administrator		9/20/15
Cathy Stepp, Secretary		

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: September 1, 2015

TO: Natural Resources Board Members

FROM: Cathy Stepp

SUBJECT: Authorization for a public hearing of Board Order WM-04-13, modifications to chs. NR 10, 11 and 16, the 2013 Wildlife Management housekeeping rules package

I am requesting that the Natural Resources Board authorize the department to hold a public hearing on WM-04-13, a housekeeping rules package modifying Ch.'s NR 10, 11 and 16, Wis. Adm. Code. The department recommends holding one hearing in Madison in early December.

These technical rule changes are minor and non-controversial in nature and can most effectively be handled through wildlife management's annual housekeeping rule package. The intent of these rule changes is to correct drafting errors, provide clarification to existing rules, simplify regulations and update administrative code language and references. Most policy issues affected by this rule are ones which have already been addressed by previous rulemaking.

**Rule Summary:**

The department is proposing the following changes relating to hunting, trapping, deer carcass transportation, closed areas, and captive wildlife found in Ch. NR 10, 11, and 16.

1. These rules will establish that materials may not be placed around colony traps to focus animal movement but that it is ok to place colony traps in conjunction with naturally occurring or deposited material. The legal width and height of colony traps would be increased by one-half inch so that trappers and trap manufacturers can utilize readily accessible dimensional hardware cloth to construct these types of traps.
2. These rules will exempt private sector waste haulers from the requirement to obtain the department's permission to move the waste to a landfill outside of the CWD management zone. Hauling may still only be to landfills which are licensed by the department.
3. A provision of this proposal would simplify the application process for special gun deer hunts for hunters with disabilities.
4. This proposal would implement a language correction recommended by the Legislative Reference Bureau and remove a trademarked brand name from the same provision.
5. This proposal would modify fence standards for captive wolf, wolf-dog hybrids, and coyotes that are held in open top pens under the authority of Ch. NR 16 related to captive wildlife. The current requirement is 10 feet with an additional 4 feet at the top slanted inward. The new standard would be the same as current rules for captive bear - 8 feet tall with an additional 3 feet at the top slanted inward at a 30-45° angle. Canines are unlikely to climb fences, so this rule would reflect their likely behavior. Standards for these animals in other types of pens or facilities licensed under Ch. NR 17 related to dog

trials and training are not proposed to be changed at this time. This rule exempts wolf-dog hybrids from the perimeter fence requirement that applies to some harmful wild animals and makes the pen standard for wolf-dog hybrids consistent with true wolves, a species for which there is no perimeter fence requirement. These sections repeal a “sunrise” provision which is no longer needed.

### **Background:**

All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

Colony Traps are a legal trap type for muskrat which are capable of catching multiple animals in one setting. This proposal would clarify the original intent of current rules by establishing that materials may not be placed around the traps to focus animal movement but that it is ok to place traps in conjunction with naturally occurring or deposited material. The legal width and height of colony traps would be increased by one-half inch so that trappers and trap manufacturers can utilize readily accessible dimensional hardware cloth to construct these types of traps.

Under current rules, deer waste from the CWD management zone may only be disposed at a landfill within the CWD management zone unless permission to move the waste to a landfill outside of the CWD management zone is granted by the department. This change would allow private sector waste haulers to negotiate disposal contracts with landfills outside of the CWD management zone, which could allow private sector business more cost effective methods for disposing of deer waste.

The current application process for sponsoring a Gun Deer Hunt for People with Disabilities on private land is cumbersome. Simplifying the process will help to reduce costs associated with the application procedure for private sponsors as well as reduce the department’s costs of administering the hunt.

The holder of the Conibear® trademark contacted the WI Department of Justice requesting that the DNR remove the term ‘Conibear’ from administrative code, and replace it with a more generic term, such as ‘body-gripping trap’, to protect their trademark name.

Fence standards for captive wolf, wolf-dog hybrids, and coyote are currently the same as for cougar, bobcat, and lynx (i.e., 10 feet tall with an additional 4 feet at the top slanted in at a 30-45° angle). Canines are unlikely to climb fences, so this rule seeks to reduce fence standards for captive canines to reflect their likely behavior. The new fence standards that would be in place under this rule would be the same as current rules for captive bear (i.e., 8 feet tall with an additional 3 feet at the top slanted inward at a 30-45° angle). These rules also exempt wolf-dog hybrids from the perimeter fence requirement that applies to some harmful wild animals and makes the pen standard for wolf-dog hybrids consistent with true wolves, a species for which there is no perimeter fence requirement.

### **Recommended Public Participation**

The department proposes holding one hearing in Madison in December.

### **Changes to Existing Policy**

All of the policies in this rule are consistent with past board policies of regulating fish and game harvest for conservation purposes and regulating the possession of captive wildlife to assure adequate care and treatment, the safety of people and other animals, and to prevent introduction/escape to the wild.

### **Previous Board Action**

The statement of scope for this rule, SS 025-13, was approved by the Governor on March 6, 2013, published in Register No. 687 on March 31, 2013 and approved by the Natural Resources Board on April 24, 2013.

### **Rule Development:**

These rules were developed with assistance from the bureaus of Law Enforcement, Legal Services, and Customer Service & Licensing.

### **Small Business and Initial Regulatory Flexibility Analysis:**

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design standards are contained in the rule.

This scope statement includes a proposal that would simplify the process by which private sector waste haulers are able to dispose of deer waste from the CWD Management Zone. This proposal is expected to reduce costs for private business because they will be able to find local, cost effective methods for disposal rather than transporting waste to one of the two landfills within the CWD management zone which accept deer waste. The department currently has authority to make exceptions on a case-by-case basis and has granted exemptions, so actual economic benefits will be minor.

Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24 (3m).

### **Environmental Analysis:**

The rulemaking process for Board Order WM-11-13 constitutes an equivalent analysis action, under the current s. NR 150.20 (2) (b), Wis. Adm. Code and additional environmental analysis is not required.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original    Updated    Corrected

2. Administrative Rule Chapter, Title and Number

Ch.'s NR 10 Game and Hunting, NR 11 Closed Areas, and NR 16 related to Captive Wildlife.

3. Subject

Wildlife management rules relating to hunting, trapping, closed areas, and captive wildlife.

4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

9. Policy Problem Addressed by the Rule

These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate. This rule package will amend regulations for hunting, trapping, deer carcass transportation, and captive wildlife found in Ch. NR 10, 11, and 16.

These rules will establish that materials may not be placed around colony traps to focus animal movement but that placing colony traps in conjunction with naturally occurring or deposited material is allowed. The legal width and height of colony traps would be increased by one-half inch so that trappers and trap manufacturers can utilize readily accessible dimensional hardware cloth to construct these types of traps.

These rules will exempt private sector waste haulers from the requirement to obtain the department's permission to move the waste to a landfill outside of the CWD management zone. Hauling may still only be to landfills which are licensed by the department.

A provision of this proposal would simplify the application process for special gun deer hunts for hunters with disabilities.

This proposal would implement a language correction recommended by the Legislative Reference Bureau and remove a trademarked brand name from the same provision.

Finally, this proposal would establish new fence standards for captive wolf, wolf-dog hybrids, and coyote. The standards would be the same as current rules for captive bear. The fences would need to be 8 feet tall with an additional 3 feet at the top slanted inward at a 30-45° angle. Canines are unlikely to climb fences, so this rule seeks to reduce fence standards for captive canines to reflect their likely behavior. This section also repeals a "sunrise" provision which is no longer needed.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for solicitation of comments on this analysis will be posted on the department's website during a 14 day period in November and various interest groups will be contacted.

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11. Identify the local governmental units that participated in the development of this EIA.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for solicitation of comments on this analysis will be posted on the department's website during a 14 day period in November and various interest groups, including local governments, will be contacted.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

These rules, and the legislation which grants the department rule making authority, do not have a fiscal effect on the private sector or 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.

These rules are not expected to significantly affect currently available outdoor opportunities and no impacts to the economic activities of hunters, trappers, or outdoor recreation enthusiasts are expected.

This rule includes a proposal that would simplify the process by which private sector waste haulers are able to dispose of deer waste from the CWD Management Zone because the department's permission would no longer be needed if the disposal is at a licensed landfill. This proposal is expected to reduce costs for private business because they will be able to find local, cost effective methods for disposal rather than transporting waste to one of the two landfills within the CWD management zone which accept deer waste. The department currently has authority to make exceptions on a case-by-case basis and has granted exemptions, so actual economic benefits will be minor.

These rules would relax the current standards for enclosures used to house certain captive wild canines. This will have the effect of reducing the cost for constructing an enclosure to house a species such as a wolf-dog hybrid. This impact will not have an overall effect on any part of the economy or a fiscal impact to the department.

The provisions of this rule proposal will not have a fiscal impact on the department. The department already administers seasons and enforces regulations related to all of the hunting and trapping opportunities that are modified by this rules package. Likewise, the department already enforces standards for the humane care and possession of captive wildlife and this proposal will not significantly change those standards or result in new department efforts. No new expenses or revenues are anticipated as a result of these proposals.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

These proposals will contribute to providing good opportunities for hunting and trapping and maintenance of the economic activity generated by people who participate in those activities. These rules will contribute to the management of captive wild animals by assuring that possession result in care practices which are humane, adequate and

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

sanitary.

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### 14. Long Range Implications of Implementing the Rule

The long range implications of this rule proposal will be the same as the short term impacts. These proposals will contribute to providing good opportunities for hunting and trapping and maintenance of the economic activity generated by people who participate in those activities. These rules will contribute to the management of captive wild animals by assuring that possession result in care practices which are humane, adequate and sanitary.

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### 15. Compare With Approaches Being Used by Federal Government

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

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### 16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

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<b>17. Contact Name</b>	<b>18. Contact Phone Number</b>
Scott Loomans, Wildlife Regulations Policy Specialist	608-267-2452

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING AND CREATING RULES**

The statement of scope for this rule, SS 025-13, was approved by the Governor on March 6, 2013, published in Register No. 687 on March 31, 2013 and approved by the Natural Resources Board on April 24, 2013. This permanent rule was approved by the Governor on \_\_\_\_\_.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR 16.30 (9) (b) 3. and 4.; and to amend NR 10.001 (5v), 10.13 (1) (b) 17. d., 10.40 (3) (a) 1., and (e), 11.10 (intro) and (note), 16.30 (9) (b), and 16.30 (9) (c); and to create NR 10.105 (j), wildlife management rules relating to hunting, trapping, closed areas, nuisance wildlife management and captive wildlife.

WM-04-13

Analysis Prepared by the Department of Natural Resources

**Statutory Authority and Explanation of Agency Authority:** The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to make changes related to taking of unprotected species, movement of deer waste, the administration of deer hunts, legal trap types, and waterfowl hunting hours and season dates.

The establishment of game refuges is authorized in s. 23.09(2)(b) relating to the department’s ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

The department’s authority to authorize the removal of nuisance animals, such as monk parrots, is established in s. 29.885 (2).

The establishment of rules for the housing of captive wildlife is authorized in s. 169.39(3) which directs the department to promulgate rules pertaining to the specifications for enclosures.

**Statutes Interpreted and Explanation:** The chapter on wild animals and plants, in ss. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to make changes related to trapping methods and times and the seasons for taking game and furbearing animals. Other statutes interpreted include ss. 23.09 (2) (b) and 169.39 (3).

**Related Statute or Rule:** Under provisions of 2011 Act 28, a Class B license is no longer required of people under the age of 16 for activities such as training dogs to track or trail bears but a license is still required for people under the age of 16 who are hunting bear under the authority of nuisance permits. This rule proposal would update rules for consistency with Act 28.

**Plain Language Rule Analysis:** These rule changes are proposed to update administrative code language to correct inconsistencies, update outdated language, and provide clarification when appropriate. This rule package will amend regulations for hunting, deer carcass transportation, and captive wildlife found in Ch. NR 10, 11, 12, and 16.

SECTIONS 1 and 3 establish that materials may not be placed around colony traps to focus animal movement but that it is ok to place colony traps in conjunction with naturally occurring or deposited material. The legal width and height of colony traps would be increased by one-half inch so that trappers and trap manufacturers can utilize readily accessible dimensional hardware cloth to construct these types of traps.

SECTION 2 exempts private sector waste haulers from the requirement to obtain the department's permission to move the waste to a landfill outside of the CWD management zone. Hauling may still only be to landfills which are licensed by the department.

SECTION 4 simplifies the application process for special gun deer hunts for hunters with disabilities.

SECTION 5 implements a language correction recommended by the Legislative Reference Bureau and removes a trademarked brand name from the same provision.

SECTIONS 6 and 7 exempt wolf-dog hybrids from the perimeter fence requirement that applies to some harmful wild animals and makes the pen standard for wolf-dog hybrids consistent with true wolves, a species for which there is no perimeter fence requirement. These section also repeal a "sunrise" provision which is no longer needed.

SECTION 8 establishes new fence standards for captive wolf, wolf-dog hybrids, and coyote which would be the same as current rules for captive bear. The fences would need to be 8 feet tall with an additional 3 feet at the top slanted inward at a 30-45° angle. Canines are unlikely to climb fences, so this rule seeks to reduce fence standards for captive canines to reflect their likely behavior. This section also repeals a "sunrise" provision which is no longer needed.

**Federal Regulatory Analysis:** Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of 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.

**Summary of Factual Data and Analytical Methodologies:** All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

Colony Traps are a legal trap type for muskrat. This proposal would clarify the original intent of current rules by establishing that materials may not be placed around the traps to focus animal movement but that it is ok to place traps in conjunction with naturally occurring or deposited material. The legal width and height of colony traps would be increased by one-half inch so that trappers and trap manufacturers can utilize readily accessible dimensional hardware cloth to construct these types of traps.

Under current rules, deer waste from the CWD management zone may only be disposed at a landfill within the CWD management zone unless permission to move the waste to a landfill outside of the CWD management zone is granted by the department. This change would allow private sector waste haulers to negotiate disposal contracts with landfills outside of the CWD management zone, which could allow private sector business more cost effective methods for disposing of deer waste.

The current application process for sponsoring a Gun Deer Hunt for People with Disabilities on private land is cumbersome. Simplifying the process will help to reduce costs associated with the application procedure for private sponsors as well as reduce the department's costs of administering the hunt.

The holder of the Conibear® trademark contacted the WI Department of Justice requesting that the DNR remove the term 'Conibear' from administrative code, and replace it with a more generic term, such as 'body-gripping trap', to protect their trademark name.

Fence standards for captive wolf, wolf-dog hybrids, and coyote are currently the same as for cougar, bobcat, and lynx (i.e., 10 feet tall with an additional 4 feet at the top slanted in at a 30-45° angle). Canines are unlikely to climb fences, so this rule seeks to reduce fence standards for captive canines to reflect their likely behavior. The new fence standards that would be in place under this rule would be the same as current rules for captive bear (i.e., 8 feet tall with an additional 3 feet at the top slanted inward at a 30-45° angle). These rules also exempt wolf-dog hybrids from the perimeter fence requirement that applies to some harmful wild animals and makes the pen standard for wolf-dog hybrids consistent with true wolves, a species for which there is no perimeter fence requirement.

**Anticipated Private Sector Costs and Economic Impact of Implementing the Rule:** 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. 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.

The proposed rule changes are not expected to significantly influence the spending activities or hunting and trapping activity of hunters, trappers, dog trainers, or other outdoor enthusiasts. Correspondingly, no related economic impacts are anticipated.

**Effects on Small Business:** These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design standards are contained in the rule.

This rule includes a proposal that would simplify the process by which private sector waste haulers are able to dispose of deer waste from the CWD Management Zone. This proposal is expected to reduce costs for private business because they will be able to find local, cost effective methods for disposal rather than transporting waste to one of the two landfills within the CWD management zone which accept deer waste. The department currently has authority to make exceptions on a case-by-case basis and has granted exemptions, so actual economic benefits will be minor.

Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24 (3m).

**Agency Contact Person:** Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, [scott.loomans@wisconsin.gov](mailto:scott.loomans@wisconsin.gov)

**Comment Period:** Comments may be sent to the agency contact person through December 31, 2015

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**SECTION 1. NR 10.001 (5v) is amended to read:**

**NR 10.001 (5v)** "Colony trap" means an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap not to exceed 6 6.5 inches in width, 6 6.5 inches in height and ~~36~~ 36.5 inches in length.

**SECTION 2. NR 10.105 (j) is created to read:**

**NR 10.105 (4) (j)** Transportation of deer carcasses by a licensed solid waste transporter regulated under NR 502.06 Wis. Admin. Code or by a person who is under contract with the department to transport deer killed by vehicles for disposal in a landfill.

**Section 3. NR 10.13 (1) (b) 17. d. is amended to read:**

**NR 10.13 (1) (b) 17. d.** The trap is not used in conjunction with another trap or any fencing, netting or other material that ~~creates~~ is placed to create an underwater obstruction designed to force or channel any wild animal into the trap.

**Section 4. NR 10.40 (3) (a) 1., and (e) , are amended to read:**

**NR 10.40 (3) (a) Application requirements.**

1. All applications to conduct a special gun deer hunt shall be on department forms and be submitted to the designated department office for the county within which the hunt will be conducted by ~~June 1~~ by the date established by the department on the form.

2. All applications shall include:

a. The authorization of the host landowner to conduct a special gun deer hunt; and

b. A legal description of the lands on which the hunt is to be conducted.

3. The applicant shall provide a final list of the names, addresses and Class A or C permit numbers of all participating hunters and the names of their designated assistants to the department by September 1.

(e) *Hunter participation limits.* The department may not authorize a special gun deer hunt if the number of participating hunters is less than 3 ~~or if the hunter density will exceed 2 per 40 acres of land described on the application.~~

**SECTION 5. NR 11.10 (intro) and (note) are amended to read:**

**NR 11.10 Marten protection ~~[closed]~~ closed areas.** A closed season is established in the following areas posted with department signs. No person may trap any species of wild animal thereon at any time unless using cage or box traps or cable restraints in compliance with s. NR 10.13, except that steel jawed traps, enclosed trigger traps, snares, or body-gripping traps ~~of the conibear type~~ as authorized under s. NR 10.13 may be used as water sets during the open seasons established in s. NR 10.01 (4).

**Note:** The bracketed language was dropped from CR 08-011 without being shown as stricken. The department intends to reinsert the dropped language in a future rule order.

**SECTION 6. NR 16.30 (9) (b) is amended to read:**

**NR 16.30 (9) (b) *Perimeter fence.*** An outdoor housing facility for harmful wild animals other than mute swans, wolf-dog hybrids and wild or feral swine shall be enclosed by a perimeter fence that is at least 8 feet high. Fences less than 8 feet high may be approved by the department. An outdoor housing facility for wild or feral swine shall be enclosed by a perimeter fence that is at least 4 feet high not including any portion of the fence that is buried. The fence shall be constructed so that it protects the enclosed species by restricting unauthorized humans from having contact with the enclosed species. It shall be of sufficient distance from the outside wall or fence of the primary enclosure to prevent physical contact with captive wild animals inside the enclosure. Fences less than 3 feet in distance from the primary enclosure may be used if approved by the department. A perimeter fence is not required if any of the following apply:

**SECTION 7. NR 16.30 (9) (b) 3. and 4. are repealed.**

**SECTION 8. NR 16.30 (9) (c) is amended to read:**

**NR 16.30 (9) (c) 1.** Bear, wolf, wolf-dog hybrid, and coyote pens with open tops shall be a minimum of 1000 square feet. The walls shall be a minimum of 8 feet in height with an additional 3 feet at the top slanted inward at a 30 to 45 degree angle.

2. Cougar, bobcat, lynx, ~~timber wolf, wolf-dog hybrid, and coyote~~ pens with open tops shall be a minimum of 1000 square feet. The walls shall be a minimum of 10 feet in height with an additional 4 feet at the top slanted in at a 30° to 45° angle. ~~This section applies to owners of wolf-dog hybrids beginning on January 1, 2014.~~

**SECTION 9. EFFECTIVE DATE.** This rule 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 10. 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)