

SUBJECT: Adoption of Board Order WM-01-10, the 2010 Wildlife Management spring hearing rules package

FOR: MAY, 2010 BOARD MEETING

TO BE PRESENTED BY: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

We recommend adoption of the following proposals which were subjects of the 2010 spring fish & wildlife hearings:

- Allow colony traps for muskrats, establish size standards and regulations.
- Establish a single, consistent raccoon season opener for residents and non-residents.
- Establish a consistent statewide opening date for fox hunting and trapping and coyote trapping.
- Allow the use of scopes on muzzleloading firearms during the muzzleloader-only season.
- Include a tag valid for an antlerless deer in any unit with licenses issued to 10 to 17 year-olds.
- Allow transportation of whole deer out of the CWD zone if directly to a licensed meat processor or taxidermist.
- Allows dividing deer, bear and elk into five parts to facilitate removal from the field.
- Clarify that penalty is program revocation for violating animal damage abatement program requirements.
- Clarify the definition of "novice participant" for learn to hunt programs.
- Eliminate the Burnett County and Rock Prairie Canada Goose Management Subzones.
- Allow turkey hunting at Hartman Creek, Straight Lake, and the proposed Glacial Heritage Area state park.
- Allow deer hunting at Nelson Dewey state park during the November gun season.
- Allows deer hunting on newly acquired lands at Buckhorn state park during all firearm seasons.
- Allow deer hunting at Big Bay state park during the normal muzzleloader season.
- Establish archery and firearm deer seasons at the Glacial Heritage Area state parks during CWD park hunting seasons.
- Eliminate the 2:00 p.m. pheasant hunting closure at Scuppernong in Waukesha County.

RECOMMENDATION: Adoption of Board Order WM-01-10, the 2010 Wildlife Management spring hearing rules package

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Tom Hauge
Bureau Director, Tom Hauge

Laurie Osterndorf
Administrator, Laurie Osterndorf

Matt Frank
Secretary, Matt Frank

5/10/10
Date

5/11/10
Date

5-12-10
Date

cc: Laurie J. Ross - AD/8

Scott Loomans WM/6

Tom Hauge WM/6

DATE: April 19, 2009

TO: Natural Resources Board

FROM: Matthew Frank 

SUBJECT: Adoption of Wildlife Management Rule Order WM-01-10, the 2010 Wildlife Management Spring Hearing Rules Package

I am requesting Natural Resources Board adoption of WM-01-10, a rule package to amend NR 10, 11, 12 and 19, Wis. Admin. Code, relating to hunting, trapping, closed areas and game refuges.

Background:

Annually, the department submits rule change proposals relating to hunting, trapping and game management. The statewide Spring Fish and Wildlife hearings which were held on April 12 are the vehicle for citizen input. The origins of these rule change proposals are: 1) department staff specialists from the bureaus of law enforcement, wildlife management, endangered resources and customer service and licensing, or; 2) Conservation Congress advisory questions from previous years that were forwarded by the congress' executive council. All of these proposals were reviewed by department staff prior to inclusion as proposals in this rule order. For details on each of the proposed rule changes, please refer to the attached spring hearing questions proposal (Appendix A).

Summary of the Rule:

The department is recommending modifications to chapters NR 10, 11, 12, and 19, Wis. Adm. Code, relating to hunting, trapping, closed areas and game refuges. These rule changes were the subject of voting during on the 2010 Spring Hearing Questionnaire. Specifically, individual sections of this rule proposal will:

Sections 1 and 22 through 24 allow the use of colony traps for muskrats and establish size standards and regulations.

Sections 2 through 6, 26 and 27 eliminate the Burnett County and Rock Prairie Canada Goose Management Subzones.

Sections 7 and 25 establish turkey hunting seasons at Hartman Creek, Straight Lake, and the Glacial Heritage Area State Parks.

Sections 8 and 9 establish a single, consistent raccoon season opener for residents and non-residents.

Section 10 allows firearm deer hunting at Nelson Dewey state park during the traditional season in November.

Section 11 allows deer hunting on newly acquired lands at Buckhorn state park during all normal firearm deer hunting seasons.

Section 12 allows muzzleloader deer hunting at Big Bay state park during the normal statewide muzzleloader season that follows the traditional November firearm season.

Section 13 establishes firearm and archery deer hunting seasons at proposed Glacial Heritage Area state parks that are consistent with other CWD Management Zone state park hunting seasons.

Section 14 establishes a single, consistent statewide opening date for fox hunting and trapping and coyote trapping.

Section 15 eliminates the 2:00 p.m. pheasant hunting closure at Scuppernong River Habitat Management Area in Waukesha County and allows pheasant hunting all day.

Section 16 allows the use of magnifying scopes on muzzleloading firearms during the muzzleloader-only deer hunting season.

Section 17 provides that all deer hunting licenses which are issued to 10 year-olds to 17 year-olds will include a carcass tag that is valid for an antlerless deer in any unit statewide.

Sections 18 and 19 allow the transportation of whole deer carcasses from the CWD zone to other areas if they are taken to a licensed meat processor or taxidermist.

Sections 20 and 21 allow dividing a deer into five parts prior to registration in order to facilitate removal from the field. These sections also repeal provisions which allow quartering bear and elk and allow dividing them into five parts in order to more easily facilitate removal from the field.

Sections 28 through 30 increase the penalty for violation of animal damage abatement program requirements by clarifying that program participation can be denied for the following program year in addition to the current year.

Sections 31 and 32 clarify the definition of "novice participant" for learn to hunt programs.

Public Comments, Voting and Department Responses

Statewide, attendees favored all of the Wildlife Management Bureau proposals except for the one that would allow participation in the youth deer hunting season by 16 and 17 year olds. Appendix B summarizes all of the voting results.

Written Comments

In addition to vote tallies from the Spring Hearing, the department received a handful of written comments (Table 1). Most were simply "yes" or "no" comments and not elaborate position statements.

Table 1. 2010 Spring Hearing Written Comments

	Question	Support	Oppose
1	Atlatls for small game hunting		2
2	Violating animal damage abatement program	2	
3	Colony traps for muskrats	1	1
4	Raccoon season opener; residents and non-residents	1	
5	Participation youth deer season; 16, 17 year olds		2
6	Participation youth turkey season; 16, 17 year olds		2
7	Definition of "novice participant"	2	
8	Scopes on muzzleloaders, muzzleloader season	3	
9	Definition of normal ag. or gardening practice		
10	Transport deer carcasses from CWD MZ to tax./meat processors	1	1
11	Deer licenses to 10-17 year olds include antlerless carcass tags	2	
12	Dividing deer, bear, and elk in five parts	1	1
13	Consistent opener for fox, coyote hunting and trapping	2	
14	Deer season at Nelson Dewey State Park	1	1
15	Turkey season at Hartman Creek State Park	1	1
16	Muzzleloader season at Big Bay State Park	1	1
17	Deer season at Buckhorn State Park	1	1
18	Eliminate 2 pm pheasant hunting close, Scuppernong	1	1
19	Turkey hunting season at Straight Lake State Park	1	1
20	Eliminate Rock Prairie Canada Goose Mgmt Subzone	1	1
21	Eliminate Burnett County Canada Goose Mgmt Subzone	1	1
22	Turkey seasons at proposed GHRA parks	1	1
23	Deer seasons at proposed GHRA parks	1	1

Proposals Not Recommended for Adoption

Allow participation in youth deer and turkey seasons by 16 and 17 year olds

Voting on these proposals was essentially tied; the youth deer season proposal lost by 101 in statewide voting and the youth turkey season proposal won by 63 votes. The proposals do have a history of support as Conservation Congress advisory proposals in 2009 (proposals won the popular vote by 291, both seasons addressed in one question). However, given the closeness of the popular vote and voting against both proposals by the full Conservation Congress at its statewide convention on May 7, the department recommends not adopting them.

The department recommends against both proposals in order to avoid having different ages for participation in the seasons. Federal regulations establish a maximum age of 15 for youth waterfowl hunts so the age for participation in all three youth seasons will stay consistent.

Allow the use of atlatls for small game hunting (Appendix 1, Question 1)

Recently passed legislation (2009 Wis. ACT 119, effective 2-26-10) has the effect of taking away DNR's ability to allow atlatls or methods of hunting other than firearms, airguns, bows and crossbows by rule. In the future, adding additional new methods of harvesting game will need to be established legislatively by statute. The intent of ACT 119 was to allow hunting with a crossbow under all the different hunting licenses, except the gun deer license, by both residents and nonresidents who have attained the age of 65 years. The bill also restated current DNR rules, that firearms, bows, and airguns may be used for hunting certain game under appropriate licenses.

Define exceptions to the prohibition on hunting over bait - normal agricultural and gardening practices (Appendix 1, Question 9)

The department has decided to disregard this proposal and redraft it at a later time. Votes on question 9 were not tabulated. Prior to the April 12 hearings, it became clear that this proposal did not provide clear enough guidance on the difference between baiting and a normal agricultural practice. As a result we informed hearing attendees that the question would not be tabulated.

The proposal intended to address the fact that normal agriculture and baiting practices are not defined in administrative code. Under current regulations these practices are not considered baiting. For the purposes of enforcing current prohibitions of baiting and feeding wild animals this proposal more specifically defined a normal agricultural or gardening practice by clarifying that, once a crop is harvested, it is considered to be bait if it is placed back on the landscape. This definition also clarified that harvested crops placed in a confined area, such as fenced pasture for the purpose of feeding livestock, are not considered to be bait.

Two people have successfully argued in local courts that, for instance, removing pumpkins from the garden and placing them in the woods or in a hayfield and hunting over them is not baiting. In one situation, they argued that it is important to remove waste material from the garden so it doesn't become diseased and affect next year's crop and so it falls under our exemption for a "normal gardening practice." These were not precedent setting cases and we would not expect this outcome in most situations, but courts and DA's offices have recommended that the term Normal Agricultural or Gardening Practice be more clearly defined.

We plan to work with the Conservation Congress to come up with a better definition and proposal for next year.

Rule Development:

These rules were developed with assistance from the bureaus of Law Enforcement, Legal Services, Facilities and Lands, Endangered Resources and Parks & Recreation.

Small Business and Regulatory Flexibility Analysis:

The revisions to Ch. NR 10, 11, 12 and 19, Wis. Admin. Code, relating to hunting, trapping, closed areas and game refuges 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, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

The department has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

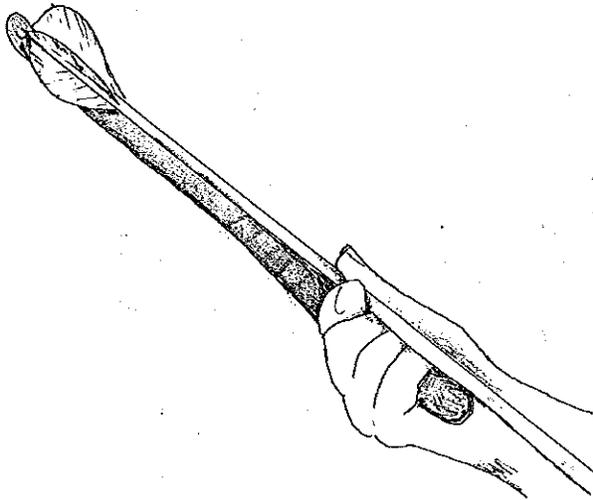
Legislative Council Rules and Clearinghouse Report

All comments the department received from Legislative Council Clearinghouse have been incorporated (see attached report).

PROPOSED STATEWIDE WILDLIFE MANAGEMENT RULE CHANGES

QUESTION 1 – Allow the use of atlatis for small game hunting (2011)

This rule proposal would allow small game hunting with an implement called an atlai. An atlai is a primitive device that achieves the velocity needed to strike a target with a dart by the use of a throwing motion of the person's arm and a lever. A dart is similar to an arrow but is longer and heavier. It is currently legal to hunt small game animals with firearms, air guns, bows and arrows, crossbows by senior citizens or special permit, or falconry. In this proposal, small game does not include wild turkeys but does include unprotected species. This department rule proposal originates from a Conservation Congress advisory proposal that won popular support in 2009.



Atlai dart and thrower held by hand, ready to throw.

Do you favor allowing the use of atlais for small game hunting?

1. YES _____ NO _____

QUESTION 2 – Increase the penalty for violating animal damage abatement program requirements by prohibiting program eligibility for the following crop year in addition to the current year (2010)

In order for an enrollee to be eligible for crop damage compensation through the Wildlife Damage Abatement and Claims Program, enrollees must allow public hunting access during the state hunting season for the species causing damage. If a program enrollee wrongfully denies access when a member of the public should be allowed to hunt, the current penalty is removal from the damage abatement program for the remainder of the calendar year in which the violation occurred. Many times the department is not aware of program violations until late in the season. If a violation is reported late in the season, a participant who is kicked out can re-enroll beginning the next year. Enrollees proven to be uncooperative or wrongfully denying hunter access may only miss a month of eligibility and this penalty is not a significant deterrent.

Under this proposal the penalty would be increased by establishing that an enrollee found to be in violation is not eligible for program assistance or claims for an additional calendar year.

Do you favor increasing the penalty for Wildlife Damage Abatement Claims Program enrollees who are uncooperative or wrongfully denying hunter access by denying program participation for the following program year, in addition to the year that the violation occurred?

2. YES _____ NO _____

QUESTION 3 – Allow the use of colony traps for muskrats and establish size standards and regulations (2011)

This proposal would allow the use of traps capable of capturing multiple muskrats in one setting, commonly called colony traps. This trap type completely encloses the trapped animal in a cage minimizing fur damage by predators. Colony traps do not have moving parts other than a one-way gravity drop entrance. Colony traps are legal in Iowa, Minnesota and Michigan. We are not aware of conflicts with other wetland dependant activities such as duck hunting. Maximum trap dimensions and placement restrictions are established and the use of bait is prohibited in order to limit the number of animals captured in one setting to three or four and minimize the chance of catching non-target species. This rule specifies that colony traps may only be used for muskrat but mink that are incidentally captured could be retained and utilized by the trapper.

Overall trap dimensions could not exceed 6 inches in width, 6 inches in height and 36 inches in length. The trap must be set entirely under water and could not be placed within 3 feet of a culvert. The trap and set may not utilize bait or be used in conjunction with fencing, netting or similar material that creates an underwater obstruction designed to force or channel an animal into the trap. This department rule proposal originates from a Conservation Congress advisory proposal that won popular support in 2008.

Do you favor the use of colony traps for muskrat trapping and allowing the retention of mink which are incidentally captured during the mink season?

3. YES _____ NO _____

QUESTION 4 – Establish a single, consistent raccoon season opener for residents and non-residents (2011)

The resident raccoon hunting and trapping season opens on the Saturday nearest October 17 which is two to three weeks earlier than the non-resident season opener of the Saturday nearest November 1. The maximum number of trapping licenses sold to non-residents in a license year was six and sales of non-resident furbearer hunting licenses have averaged 35 to 40 annually. Because there is very little competition with non-residents for this resource, the department proposes simplifying regulations by establishing one raccoon hunting and trapping season opener for residents and non-residents. This is the only Wisconsin season that has different opening days for residents and non-residents.

Do you support opening the hunting and trapping season on the Saturday nearest October 17 for everyone to simplify regulations and so that residents and non-residents can begin hunting and trapping on the same day?

4. YES _____ NO _____

QUESTION 5 – Allow participation in the youth deer hunting season by 16 and 17 year olds (2011)

Wisconsin holds a two day youth deer hunting season beginning on the Saturday nearest October 8. This popular season is designed to allow 10-15 year olds, who are accompanied by an adult, an opportunity to hunt before the regular deer season opens. This allows youth to have the full attention of a mentor and opening day conditions with limited competition from other hunters. This proposal would allow two additional years of participation in this special hunt. During the 2008 license year 19,788 licenses that authorize firearm deer hunting were sold to 16 and 17 year old hunters. This department rule proposal originates from a Conservation Congress advisory proposal that won popular support in 2009.

Do you support allowing 16 and 17 year olds, who are accompanied by an adult, to participate in the youth deer hunting season?

5. YES ____ NO ____

QUESTION 6 – Allow participation in the youth turkey hunting season by 16 and 17 year olds (2011)

Wisconsin holds a two day youth turkey hunting season that begins on the Saturday before the normal statewide opener. This popular season is designed to allow 10-15 year olds, who are accompanied by an adult, an opportunity to hunt before the regular turkey season opens. This allows youth to have the full attention of a mentor and opening day conditions with limited competition from other hunters. This proposal would allow two additional years of participation in this special hunt. During the 2008 license year 2,649 turkey hunting stamps were sold to 16 and 17 year old hunters. This department rule proposal originates from a Conservation Congress advisory proposal that won popular support in 2009.

Do you support allowing 16 and 17 year olds who are accompanied by an adult to participate in the youth turkey hunting season?

6. YES ____ NO ____

QUESTION 7 – Clarify the definition of "novice participant" for learn to hunt programs (2011)

The Learn to Hunt Program is established by state law and provides novice hunters a chance to have classroom instruction and then to participate in a supervised hunt with volunteer mentors. The department may waive licensing requirements and hunts may occur outside of the normal season framework.

A concern with the current program is that some "novice" participants have had significant other opportunities to hunt with family, friends, and others but are simply using learn to hunt events as a chance to do more hunting or obtain a permit. When this happens, people who do not otherwise have good access to mentored hunting situations may be denied access to this unique and limited opportunity.

This proposal focuses learn to hunt events on truly novice hunters by re-defining what is considered to be a "novice participant." Currently participants are allowed to have up to two years of hunting experience but this proposal would limit participation to those who have not previously purchased a license for the species featured in the event. If there are more applicants than a program can accommodate, participants may be further evaluated for selection of students based on who may be the least likely to have other opportunities available.

Do you favor limiting who may participate in Learn to Hunt events to people who have not previously purchased a license to hunt the species featured in the program? If there are more students than available resources, participation could also be limited to students who are least likely to have other access to the type of experience offered.

7. YES _____ NO _____

QUESTION 8 – Allow the use of scopes on muzzleloading firearms during the muzzleloader-only deer hunting season (2010)

This proposal would allow the use of scopes with magnifying power during the ten-day muzzleloader-only deer season that follows the traditional nine day firearm season. When the muzzleloader season was established in 1991, supporters sought a more traditional type of hunt. Today, many new design types and styles of muzzleloaders are available and people are interested in more than the traditional nature of these firearms. Scopes can readily be mounted on most new muzzleloader designs and many hunters have expressed an interest in their use. This department rule proposal originates from a Conservation Congress advisory proposal that won popular support in 2009.

Do you support allowing the use of telescopic sights during the muzzleloader-only deer season that follows the traditional firearm deer season?

8. YES _____ NO _____

QUESTION 9 – Establish a definition of “normal agricultural or gardening practice” and “manipulation” for the purposes of enforcing current prohibitions of baiting wild animals (2010)

This proposal would clarify what is a “normal agricultural or gardening practice” for the purposes of Wisconsin’s baiting and wildlife feeding rules. For instance, clarification is needed because some hunters have claimed that disposing of waste pumpkins in the woods near tree stands or placing hay bales and corn out on agricultural fields is a “normal agricultural or normal gardening practice” when the intended use of the pumpkins, hay or corn was to bait or feed deer. Some courts and district attorneys have expressed to the department that there is a need to more clearly define what is and is not considered to be a normal agricultural or gardening practice for the purposes of these rules.

The proposal clarifies that, fruit, nuts, grain, hay, corn or vegetable materials that have been harvested or collected and then later re-deposited where the materials are accessible to deer, bear, elk or turkeys may not be hunted over except where it is legal to place bait or feed for such animals. Placement or storage of these materials where they are being used as feed for livestock which are present within enclosed lands would not be considered baiting or feeding wildlife.

This definition would not change any rules related to baiting migratory birds as Wisconsin has adopted the federal definition and cannot be less restrictive.

To reduce confusion over what constitutes a “normal agricultural or gardening practice” do you favor establishing that feed material which has been collected or harvested is considered to be bait when it is re-deposited on the land in a manner that it is accessible to deer, bear, elk or turkeys? Under this proposal, placing feed for livestock which are present on enclosed lands would not be considered bait.

9. YES _____ NO _____

QUESTION 10 – Allow the transportation of deer carcasses from the CWD zone and deer and elk from other states where CWD has been identified to areas in Wisconsin where the disease has not been found if the animal is taken to a licensed meat processor or taxidermist (2010)

In 2009 Wisconsin began restricting the movement of both whole deer carcasses and certain parts of carcasses from the Chronic Wasting Disease Management Zone to other areas in the state. This regulation is designed to prevent a possible means of transportation of CWD infected material to areas where the disease is not present. Importing carcasses and certain parts of deer, elk, and moose from areas in other states or provinces where CWD has been identified is also prohibited.

As a convenience to hunters, this proposal would allow the transport of whole carcasses and parts harvested in the CWD Management Zone to licensed meat processors and licensed taxidermists that are not in the zone. The animal would need to be transported within three days (72 hours) of entering an area where carcass transportation is restricted. The risk of improper disposal of potentially infected carcasses is minimal because meat processors and taxidermist are subject to carcass and waste disposal regulations.

This proposal would also make deer and elk harvested in an entire state or province where CWD has been identified, instead of just the portion of the state or province where CWD has been identified, subject to carcass importation restrictions. This expands the area in other states where restrictions on importation to Wisconsin would apply. This simplifies enforcement but also helps many hunters because you could transport animals from these states/provinces directly to a licensed meat processor or taxidermist within 72 hours instead of having to have the meat processed or taxidermy work done out of state.

Do you favor allowing the transport of deer carcasses out of the CWD Management Zone, or from other states or provinces where CWD has been found, if they are taken to licensed taxidermists or licensed meat processors within 72 hours?

10. YES _____ NO _____

QUESTION 11 – Provide that all junior firearm deer hunting licenses which are issued to 10 year-olds to 17 year-olds will include a carcass tag that is valid for an antlerless deer in any unit statewide (2011)

The junior gun deer license is issued to 10 – 17 year olds and includes one gun buck deer carcass tag which is valid in any unit statewide and one antlerless deer carcass tag which is valid only in earn-a-buck and herd control units. In an effort to provide youth hunters with added opportunities to harvest a deer, this proposal would make the antlerless tag issued to 10 – 17 year olds valid in any unit statewide including units where antlerless tags are not otherwise available. This department rule proposal originates from a Conservation Congress advisory proposal that won popular support in 2009. As a point of reference for the number of hunters in these age groups, in 2008 the department issued 161,280 licenses that authorized firearm deer hunting to 12 – 17 year olds and they registered 28,007 antlerless deer statewide. People who were 10 and 11 could not hunt in 2008.

Do you support making the antlerless deer carcass tag that comes with a youth firearm deer license valid in all DMUs statewide instead of just herd control and earn-a-buck units?

11. YES _____ NO _____

QUESTION 12 – Allow dividing deer, bear, and elk into five parts prior to registration in order to facilitate removal from the field (2010)

The practice of quartering deer prior to registration, in order to facilitate removal from the field, is currently prohibited unless you possess a disabled hunting permit. This proposal would allow a hunter to divide a deer into as many as five parts for the purpose of removing the animal from the field. Currently bear and elk may be quartered but this proposal would allow dividing bear and elk up to five times which will be more practical to facilitate removal from the field. In order to make identification easier for registration station staff and to assure that parts of different animals are not confused, this proposal requires that the head remain attached to one part of a deer or bear and that no more than one deer or bear which is not intact may be stored or transported together prior to registration. This department rule proposal originates from a Conservation Congress advisory proposal related to deer that won popular support in 2008.

Do you favor allowing hunters to divide deer, bear and elk into as many as five parts for the purpose of removing the animal from the field? The head must remain attached to one of the other parts of a deer or bear and only one divided deer or bear could be stored or transported. The head would not need to be attached to another section of an elk.

12. YES _____ NO _____

QUESTION 13 – Establish a single, consistent statewide opening date for fox hunting and trapping and coyote trapping (2011)

Currently the fox hunting and trapping seasons and the coyote trapping season open on the Saturday nearest October 17 north of HWY 64. South of HWY 64, those seasons open two weeks later. There is no biological reason to delay the southern seasons by fourteen days and split the state into two zones. This proposal would simplify regulations by making the south zone fox hunting and trapping seasons and the coyote trapping season concurrent with the north zone seasons.

Do you favor establishing one statewide opening day for fox hunting and trapping and coyote trapping, beginning on the Saturday nearest October 17 statewide?

13. YES _____ NO _____

PROPOSED LOCAL WILDLIFE MANAGEMENT RULE CHANGES

QUESTION 14 – Allow firearm deer hunting at Nelson Dewey state park during the traditional November firearm season, Grant County (2011)

Hunting is prohibited by state statute at state parks unless the department has written administrative rules that specifically allow it. This proposal would allow hunting during the nine-day firearm season that begins on the Saturday before the Thanksgiving holiday at Nelson Dewey State Park. The firearm type and bag limits would be consistent with the surrounding management unit.

State park seasons provide hunting opportunities in ways that are designed to minimize conflicts with non-hunting state park users and, for deer, to control herd impacts on natural vegetation and neighboring farmland.

Do you favor establishing a nine-day firearm deer season at Nelson Dewey State Park?

14. YES _____ NO _____

QUESTION 15 – Establish turkey hunting seasons and zones at Hartman Creek State Park, Waupaca County (2011)

Hunting is prohibited by state statute at state parks unless the department has written administrative rules that specifically allow it. This proposal would allow spring turkey hunting at Hartman Creek State Park. Hunting would be limited to the first three time periods, which is consistent with the season framework at all state parks that allow turkey hunting. Hunter numbers would be limited through the normal turkey permit drawing system to provide a quality hunt and to minimize conflicts with non-hunting state park users.

Do you favor allowing spring turkey hunting during the first three hunting periods at Hartman Creek State Park?

15. YES _____ NO _____

QUESTION 16 – Allow muzzleloader deer hunting at Big Bay state park during the normal statewide muzzleloader season that follows the traditional November firearm season, Bayfield County (2011)

Hunting in state parks is prohibited by state law unless the department has written administrative rules that specifically allow it. Big Bay State Park does not have a muzzleloader season but is open for archery hunting beginning on October 15 and for firearm deer hunting during the traditional nine day season.

This proposal would expand hunting opportunities in the park by allowing hunting during the ten day muzzleloader only season that follows the traditional nine day firearm season. State park seasons provide hunting opportunities in ways that are designed to minimize conflicts with non-hunting state park users and, for deer, to control herd impacts on natural vegetation.

Do you favor establishing a ten day muzzleloader only hunt beginning on the day after the nine day firearm deer season at Big Bay State Park?

16. YES _____ NO _____

QUESTION 17 – Allow deer hunting on newly acquired lands at Buckhorn state park during all normal deer hunting seasons, Juneau County (2010)

Hunting is prohibited by state statute at state parks unless the department has written administrative rules that specifically allow it. In 2008 Buckhorn State Park was expanded with the acquisition of approximately 1,200 acres of additional land located east of 19th avenue, north of county HWY G, and north of 31st Street. This proposal would allow hunting during all normal, state established deer hunting seasons on the newly acquired lands only. The firearm type and bag limits would be consistent with the surrounding management unit.

Portions of this state park acquired prior to 2008 are currently open only for archery hunting during the early and late seasons and a portion of the park is also open for a special youth learn to hunt workshop. These special opportunities are popular with hunters and hunting regulations on older portions of the property would not be changed.

State park seasons provide hunting opportunities in ways that are designed to minimize conflicts with non-hunting state park users and, for deer, to control herd impacts on natural vegetation.

Do you favor allowing deer hunting on newly acquired lands at Buckhorn State Park during all normal, state established seasons including archery, firearm and muzzleloader?

17. YES _____ NO _____

QUESTION 18 – Eliminate the 2:00 p.m. pheasant hunting closure at Scuppernong River Habitat Management Area in Waukesha County and allow pheasant hunting all day (2011)

Pheasant hunting hours at Scuppernong River Habitat Area in the Kettle Moraine State Forest currently close at 2:00 p.m. for the first two weeks of the season. Pheasant stocking occurs after 2:00 p.m., allowing department staff to better distribute birds and preventing hunting immediately after stocking. Pheasant hunting on nearby stocked properties in the area is allowed during normal hunting hours and results in some confusion for hunters in the Kettle Moraine State Forest. Scuppernong also has some of the best and the largest pheasant habitat in the area and the early closure results in some lost hunting opportunity.

Eliminating the early closure at Scuppernong would increase the hours available to hunters during the first two weeks of the season. In order to allow adequate carry over of birds until the next day, the area would be stocked in the late afternoon. This would establish consistent pheasant hunting hours throughout the Kettle Moraine State Forest.

Do you favor removing the 2:00 p.m. closure time at Scuppernong River Habitat Area?

18. YES _____ NO _____

QUESTION 19 – Establish turkey hunting seasons and a zone at Straight Lake State Park, Polk County (2011)

Hunting is prohibited by state statute at state parks unless the department has written administrative rules that specifically allow it. This proposal would allow spring turkey hunting at Straight Lake State Park. Hunting would be limited to the first three time periods, which is consistent with the season framework at all state parks that allow turkey hunting.

This proposal is consistent with a master plan for management of the park that was adopted in 2009. Hunter numbers would be limited through the normal turkey permit drawing system to provide a quality hunt and to minimize conflicts with non-hunting state park users. Adjacent publicly owned land is managed as a state wildlife area. The adjacent land would continue to be open to turkey hunting as part of Turkey Management Zone 4 and is not affected by this rule proposal.

Do you favor allowing spring turkey hunting during the first three hunting periods at Straight Lake State Park?

19. YES _____ NO _____

QUESTION 20 – Eliminate the Rock Prairie Canada Goose Management Subzone, Rock County (2011)

The Rock Prairie Canada goose management subzone is a closed area consisting of privately owned farmland in Rock County. The refuge is approximately 1,400 acres in size and was established in 1945 to protect an apparent subpopulation of Canada geese. Researchers later determined that these were giant Canada geese, a subspecies once thought extinct.

Giant Canada geese now make up about half of the goose harvest in Wisconsin and are considered to be abundant, existing at nuisance levels in some areas. There is no longer a biological justification for maintaining this goose management subzone. It has been more than ten years since a food plot was maintained and the refuge is not providing a significant hunting opportunity in the area. Eliminating this closed area would simplify and make hunting regulations more consistent.

Do you favor eliminating the Rock Prairie goose management subzone so that it would become part of the Exterior Canada Goose Management Zone?

20. YES _____ NO _____

QUESTION 21 – Eliminate the Burnett County Canada Goose Management Subzone, Burnett County (2011)

The original Burnett County Canada Goose Subzone was created in 1957 to enhance the effort of restoring a nesting population of giant Canada geese to northwest Wisconsin. The refuge consists mainly of the Crex Meadows Wildlife Area. Giant Canada geese now make up about half of the goose harvest in

Wisconsin and are considered to be abundant, existing at nuisance levels in some areas. There is no longer a management purpose for maintaining this goose management subzone.

This proposal would expand public hunting opportunities by eliminating this subzone and opening the Crex Meadows Wildlife Area for goose hunting. Significant waterfowl refuge areas still exist on the property and would continue to be closed to waterfowl hunting and could be used by geese for safe resting areas. Eliminating this closed area would simplify and make hunting regulations more consistent.

Do you favor eliminating the Burnett County goose management subzone?

21. YES _____ NO _____

QUESTIONS 22 and 23 – Establish deer hunting seasons and spring turkey hunting at proposed new Glacial Heritage Area state parks. Seasons would be consistent with other state park turkey hunts and deer seasons in the CWD Management Zone and hunter numbers could be limited by permit, Jefferson County (2011 or as property is acquired)

Hunting is prohibited by state statute on state park lands unless the department has written administrative rules that specifically allow it. This proposal would establish firearm, muzzleloader and archery deer hunting seasons and turkey hunting seasons at seven proposed Jefferson County Glacial Heritage Area Conservation Parks. The deer seasons would be consistent with those at other state parks in the CWD Management Zone. Turkey hunting would be provided during the first three time periods, which is also consistent with all state parks that allow turkey hunting. Similar to all other state park turkey hunts and many state park deer hunts, hunter numbers would be managed using a permit system to maintain a high quality hunt. State park seasons provide hunting opportunities in ways that are designed to minimize conflicts with non-hunting state park users and, for deer, to reduce herd size and control impacts on natural vegetation and minimize agricultural crop damage on adjacent properties.

The deer seasons would be consistent with other state parks in the CWD Management Zone including; four days of antlerless only firearm and archery hunting beginning on the Thursday nearest October 15, archery hunting re-opening on the Saturday before Thanksgiving and continuing through the Sunday nearest January 6, nine days of firearm hunting beginning on the Saturday preceding Thanksgiving, followed by ten days of muzzleloader hunting only, and four days of antlerless only firearm hunting beginning on the second Thursday following Thanksgiving.

The Glacial Heritage Area is a network of recreation and conservation lands centered primarily in western Jefferson County between the Milwaukee and Madison urban regions. This project seeks to meet the growing demand for outdoor, nature-based land and water recreation activities and protect critical prairie, savanna, and wetland habitats. The project will establish 7 new parks, which are the subject of this proposal, that could range in size from 100 to 800 acres and could total 2,900 acres. The plan also will expand 11 State Wildlife Areas by up to 20,800 acres, establish 100 miles of trails linking the parks and cities and villages, protect pockets of land along rivers and streams for boat access, and to protect important habitat areas.

Conservation parks and other new lands identified in the plan would be purchased from willing sellers over a period of decades and could be opened to hunting upon purchase under this proposal. The Glacial Habitat Area plan is a joint effort with many conservation groups and its success depends on close cooperation with local government. Under the plan, a legal agreement between Jefferson County and the department will be drafted that guides county management of the parks and issuance of park access permits.

Do you favor allowing turkey hunting during the first three spring hunting periods at state park lands that will be acquired in the future and will be managed jointly with Jefferson County as Glacial Habitat Area Conservation Parks?

22. YES _____ NO _____

Do you favor establishing deer hunting seasons at new state park lands that will be acquired in the future and will be managed jointly with Jefferson County as Glacial Habitat Area Conservation Parks?

23. YES _____ NO _____

Appendix B – Summary of April 12, 2010 Spring Hearing Voting

2010 Attendance: 4,360

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
Statewide Department Questions							
1	Atlatls for small game hunting	2,376	1,496	Yes	57/14/1		Table, no leg. authority
2	Violating animal damage abatement program	3,294	549	Yes	72/0		Advance
3	Colony traps for muskrats	2,413	1,128	Yes	63/8/1		Advance
4	Consistent raccoon season opener; for residents and non-residents	2,709	991	Yes	68/4		Advance
5	Participation in the youth deer hunting season by 16 and 17 year olds	1,928	2,029	No	31/39/2		Not advance
6	Participation in the youth turkey season by 16 and 17 year olds	2,000	1,937	Yes	36/35/1		Not advance
7	Definition of "novice participant" for learn to hunt programs	2,750	951	Yes	70/2		Advance
8	Scopes on muzzleloaders for the muzzleloader only season	2,140	1,801	Yes	48/22/2		Advance
9	Definition normal ag./gardening practice	No voting on this proposal					Table for future work
10	Transportation of deer carcasses from CWD Zone to licensed taxidermists	2,213	1,595	Yes	48/22/2		Advance
11	Deer licenses to 10-17 year olds include carcass tag valid for antlerless deer in any unit statewide	2,212	1,646	Yes	55/14/3		Advance
12	Allowing the division of deer, bear, and elk in five parts prior to registration	2,721	1,175	Yes	70/2		Advance

-MORE-

Appendix B - Continued

Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
13	Consistent opener for fox, coyote hunting and trapping	3,374	389	Yes	71/0/1		Advance
Local Department Questions							
14	Deer season at Nelson Dewey State Park	2,315	585	Yes	70/1/1	Grant - 40/5	Advance
15	Turkey season at Hartman Creek State Park	2,424	483	Yes	71/1	Waupaca - 88/15	Advance
16	Muzzleloader season at Big Bay State Park	2,349	560	Yes	71/0/1	Ashland - Bayfield 50/16 - 33/5	Advance
17	Deer season at Buckhorn State Park	2,414	488	Yes	71/0/1	Juneau - 29/2	Advance
18	Eliminate 2 pm pheasant hunting closure at Scuppernong River Habitat Mgmt Area	1,875	818	Yes	70/1/1	Waukesha - 97/29	Advance
19	Turkey hunting season at Straight Lake State Park	2,299	429	Yes	72/0	Polk - 48/2	Advance
20	Eliminate Rock Prairie Canada Goose Mgmt Subzone	2,117	452	Yes	70/0/2	Rock - 30/11	Advance
21	Eliminate Burnett County Canada Goose Mgmt Subzone	2,111	507	Yes	71/0/1	Burnett - 14/1	Advance
22	Turkey seasons at proposed GHRA parks	2,374	419	Yes	72/0	Jefferson - 48/9	Advance
23	Deer seasons at proposed GHRA parks	2,351	455	Yes	72/0	Jefferson - 50/9	Advance



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 10-020

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

- a. In the treatment clause to SECTION 15, “3.” should be inserted after the rule citation.
- b. In s. NR 10.106 (1) (c) 2., “Shall not” should be changed to “May not.” Also, the “(1)” preceding the section title to s. NR 10.106 should be deleted.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. NR 10.01 (3) (f) 1., “below” should be changed to “as provided under subd. 2.”.

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

- a. In s. NR 10.001 (2p), a period should be added at the end of the last sentence.
- b. In s. NR 10.001 (5v), is it necessary to describe a “colony trap” as an “enclosure type device”? It appears that referring to an “enclosure device” would be clearer.
- c. In s. NR 10.001 (19b), in the second sentence, “The term manipulation” should be changed to ““Manipulation””.
- d. In s. NR 10.105 (7) (intro.), “Notwithstanding” should be one word. In par. (c), “Ch.” should be changed to “ch.”.
- e. In s. NR 10.11 (4) (b), “as” should replace “a”.
- f. In the effective date clause, “This rule” should replace “All rules.”

Fiscal Estimate — 2009 Session

<input type="checkbox"/> Original	<input checked="" type="checkbox"/> Updated	LRB Number	Amendment Number if Applicable
<input type="checkbox"/> Corrected	<input type="checkbox"/> Supplemental	Bill Number	Administrative Rule Number WM-01-10

Subject
 DNR Wildlife Management 2010 Spring Hearings rule package related to hunting and trapping regulations, wildlife damage and nuisance control, closed areas and game refuges.

Fiscal Effect
 State: No State Fiscal Effect
 Indeterminate

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

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs — May be possible to absorb within agency's budget. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation		

Local: No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

Provisions of the 2010 DNR Wildlife Management Spring Hearing rules proposal would:

- Allow colony traps for muskrats, establish size standards and regulations.
- Establish a single, consistent raccoon season opener for residents and non-residents.
- Establish a consistent statewide opening date for fox hunting and trapping and coyote trapping.
- Allow the use of scopes on muzzleloading firearms during the muzzleloader-only season.
- Include a tag valid for an antlerless deer in any unit with licenses issued to 12 to 17 year-olds.
- Allow transportation of whole deer out of the CWD zone if directly to a licensed meat processor or taxidermist.
- Allows dividing a deer/bear into five parts to facilitate removal from the field.
- Clarify that penalty is program revocation for violating animal damage abatement program requirements.
- Clarify the definition of "novice participant" for learn to hunt programs.
- Eliminate the Burnett County and Rock Prairie Canada Goose Management Subzones.
- Allow turkey hunting at Hartman Creek, Straight Lake, and the Glacial Heritage Area state parks.
- Allow deer hunting at Nelson Dewey state park during the November gun season.
- Allows deer hunting on newly acquired lands at Buckhorn state park during all firearm seasons.
- Allow deer hunting at Big Bay state park during the normal muzzleloader season.
- Establish archery and firearm deer seasons at the Glacial Heritage Area state parks during CWD park hunting seasons.
- Eliminate the 2:00 p.m. pheasant hunting closure at Scuppernon in Waukesha County.

Long-Range Fiscal Implications

None.

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 05-11-10

Fiscal Estimate — 2009 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-01-10

Assumptions Used in Arriving at Fiscal Estimate – Continued

Signs will need to be created and posted at state park properties where new hunting opportunities are being created. Maps of the areas where hunting is allowed at these properties will also be created but would be available to the public electronically which will eliminate any significant printing costs. It is anticipated that preparation for the first hunting season at these parks will cost less than \$7,500 for all properties combined. The cost of preparing for future seasons will involve only sign maintenance and the cost of copying maps in-house. These costs will be spread across several properties and can be absorbed in the Department's budget.

The Department already administers seasons and enforces regulations related to all of the other hunting and trapping opportunities that are modified by this rules package. No new expenses or revenue are anticipated as a result of these proposals.

Fiscal Estimate Worksheet — 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-01-10

Subject

DNR Wildlife Management 2010 Spring Hearings rule package related to hunting and trapping regulations, wildlife damage and nuisance control, closed areas and game refuges.

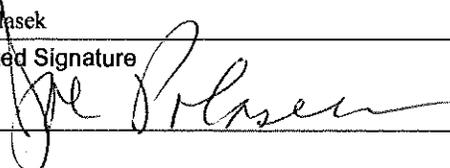
One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

One time costs of approximately \$7,500 would be incurred because of the need to print and post new signs at state parks where new hunting seasons are established under this rule proposal.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$ 0	\$ - 0
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S		0	- 0
State Revenues		Increased Revenue	Decreased Revenue
GPR Taxes	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
Total State Revenues		\$ 0	\$ - 0

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 05-11-10

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

The Wisconsin Natural Resources Board proposes an order to repeal ss. NR 10.01(1)(g)1.d. and i., 10.01(1)(g)2.c. and h., 10.01(1)(g)3.c. and h., 10.01(1)(g)4.c. and h., 10.01(3)(bm), 10.06(6)(r), 10.31(b) and (e), and 11.01(2); to amend ss. NR 10.001(9w), 10.01(2)(f)3., 10.01(3)(b), 10.01(3)(e)2., 10.01(3)(es)3., 10.09(1)(c)1.a., 10.104(7)(b), 10.105(4), (5) and (6), 10.11 (4) and (5), 10.13(1)(b)5. and 6., 12.35(4), 12.36(3)(b)7., 12.37(4)(a)6. and 19.025(2)(d); to repeal and recreate ss. NR 10.01(3)(f), 10.106(1), 10.13(1)(b)16 and 10.29; and to create ss. 10.001(5v), 10.01(3)(e)2.i., 10.01(3)(et)1.cv., 10.105(7), 10.13(1)(b)17. and 19.025(3)(title)(dm) relating to hunting and trapping regulations, wildlife damage and nuisance control, closed areas and game refuges.

WM-01-10

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted and Explanation of Agency Authority: The department has interpreted the following statutes as providing the authority to promulgate rules regarding hunting, trapping, closed areas and game refuges: ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193 Stats.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of these rules include: ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193 Stats. These statutes specifically provide the department with authority to establish game refuges, maintain open and closed seasons and other regulations to conserve fish and game and ensure opportunities for hunting and trapping, provide additional hunting opportunities for persons who are physically disabled, report the number and kind of animal taken by hunters and trappers and authorize and regulate hunting on land in state parks. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Related Rule or Statute: There are no state rules or statutes that directly relate to the provisions that are proposed in this administrative order.

Plain Language Analysis: The department has recommended modifications to chapters NR 10, 11, 12 and 19, Wis. Adm. Code, relating to hunting, trapping, closed areas and game refuges. These rule changes are proposed for inclusion in the 2010 Spring Hearing Questionnaire. Specifically, these proposals do the following:

Sections 1, 22, 23 and 24 allow the use of colony traps for muskrats and establish size standards and regulations.

Sections 2 through 6, 26 and 27 eliminate the Burnett County and Rock Prairie Canada Goose Management Subzones.

Sections 7 and 25 establish turkey hunting seasons at Hartman Creek, Straight Lake, and the Glacial Heritage Area State Parks.

Sections 8 and 9 establish a single, consistent raccoon season opener for residents and non-residents.

Section 10 allows firearm deer hunting at Nelson Dewey state park during the traditional season in November.

Section 11 allows deer hunting on newly acquired lands at Buckhorn state park during all normal firearm deer hunting seasons.

Section 12 allows muzzleloader deer hunting at Big Bay state park during the normal statewide muzzleloader season that follows the traditional November firearm season.

Section 13 Establishes firearm and archery deer hunting seasons at proposed Glacial Heritage Area state parks that are consistent with other CWD Management Zone state park hunting seasons.

Section 14 establishes a single, consistent statewide opening date for fox hunting and trapping and coyote trapping.

Section 15 eliminates the 2:00 p.m. pheasant hunting closure at Scuppernong River Habitat Management Area in Waukesha County and allows pheasant hunting all day.

Section 16 allows the use of scopes on muzzleloading firearms during the muzzleloader-only deer hunting season.

Section 17 provides that all deer hunting licenses which are issued to 10 year-olds to 17 year-olds will include a carcass tag that is valid for an antlerless deer in any unit statewide.

Sections 18 and 19 allow the transportation of whole deer carcasses from the CWD zone to other areas if the whole carcass is taken directly to a licensed meat processor or taxidermist.

Section 20 and 21 allow dividing a deer into five parts prior to registration in order to facilitate removal from the field. These sections also repeal, recreate and amend provisions which allow quartering bear and elk so that they may be divided into five parts in order to more easily facilitate removal from the field.

Sections 28 through 30 increase the penalty for violation of animal damage abatement program requirements by clarifying that program participation can be denied for the following program year in addition to the current year.

Sections 31 and 32 clarify the definition of "novice participant" for learn to hunt programs.

Summary of, and Comparison with, Existing or Proposed Federal Regulations: 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.

All of Wisconsin's surrounding states allow deer or turkey hunting in certain situations on properties which are comparable to state parks in Wisconsin and have a wide variety of season types and firearm or archery options.

Minnesota, Iowa and Illinois all have consistent raccoon season opening dates for residents and non-residents. Michigan does not allow non-resident raccoon trapping until a month after the resident season has opened, however, Michigan does not allow trapping or fur harvest by Wisconsin residents.

Minnesota does not allow scopes on muzzleloaders. Illinois, Michigan and Iowa do allow the use of scopes.

All of Wisconsin's surrounding states have a consistent statewide opening day for fox. The coyote season also opens on the same day statewide in Wisconsin's surrounding states. While those states do not have zones for the same species, the fox and coyote seasons are different in all surrounding states except Iowa.

Minnesota allows quartering deer in the field and requires that the head of the deer remain attached to one of the quarters. Iowa requires deer to remain intact until the animal is processed for consumption. Wisconsin's other surrounding states do not prohibit quartering deer in the field to facilitate removal.

Colony traps are legal in Minnesota but not allowed in Illinois. In Iowa and Michigan colony traps are legal only for muskrats and must be entirely submerged.

Summary of Factual Data and Analytical Methodologies: The rule changes included in this order do not deviate from current department policy on the management of wildlife and the regulation of hunting and trapping.

This rule would allow the use of traps which are capable of capturing multiple muskrats in one setting, commonly called colony traps. Maximum trap dimensions and placement restrictions are established and the use of bait is prohibited in order to limit the number of animals captured in one setting of a trap to three or four and minimize the chance of catching non-target species. This rule specifies that colony traps may only be used for muskrat but mink that are incidentally captured could be retained and utilized by the trapper. Because this trap type completely encloses the trapped animal in a cage, fur damage by predators is minimized. Colony traps do not have moving parts other than a one-way gravity drop entrance and will not create conflict with other wetland dependant activities such as duck hunting.

Elimination of the Burnett County and Rock Prairie Canada Goose Management Subzones is proposed because they are no longer needed with the recovery of year-round populations of resident geese.

Hunting at state park properties is prohibited by state statute unless the department has promulgated rules that specifically allow hunting for deer, turkeys, or small game at an individual park property. Turkey hunting is currently allowed during the first three of the six spring turkey hunting periods at 14 state parks. These properties are managed primarily for outdoor recreational activities other than hunting but, by allowing hunting prior to times when property use increases, hunting can be accommodated while minimizing user conflict. This rule would expand turkey hunting opportunities at three properties, Straight Lake, Hartman Creek and the newly proposed Glacial Heritage Area state park. Fall turkey hunting is not allowed at any state parks and is not proposed for these three.

This rule would establish a single, consistent raccoon season opener for residents and non-residents. The current season restricts non-residents from the first two weeks of the fall season. There is, however, no measurable level of competition for this resource between residents and non-residents. Since 2006 the department sold 6, 6, and 5 non-resident trapping licenses, respectively. Non-resident furbearer hunting licenses average 35-40 annually with many purchased specifically for bobcat hunting. This would be consistent with all other current Wisconsin non-resident furbearer hunting and trapping seasons, which open with the resident season opener. This proposal is a simplification of current rule and there is no biological reason for the existing delay for non-residents.

Hunting at state park properties is prohibited by state statute unless the department has promulgated rules that specifically allow hunting for deer, turkeys, or small game at an individual park property. Current rule authorizes rifle, shotgun or muzzleloader deer hunting opportunities at 25 state parks. This proposal would expand deer hunting opportunities at Nelson Dewey state park by allowing hunting during the traditional firearm season in November. It would allow deer hunting on newly acquired lands at Buckhorn state park during all normal firearm deer hunting seasons. The proposal allows muzzleloader deer hunting at Big Bay state park during the normal statewide muzzleloader season that follows the traditional November firearm season. Finally, this rule would establish firearm and archery deer hunting seasons at proposed Glacial Heritage Area state parks which are consistent with other CWD Management Zone state park hunting seasons. Deer hunting at state parks provides hunting opportunities in ways that are designed to minimize conflicts with non-hunting state park users and to control deer herd impacts on natural vegetation.

Under this proposal, the north and south zones for fox hunting and trapping seasons would be eliminated so that the seasons for fox hunting and trapping would open concurrently statewide. The coyote trapping

season, which is the same as the fox season, is revised in the same way under this proposal. This will provide hunters in the old south zone with an additional two weeks of harvest opportunity. There appears no biological reason to delay southern seasons by 8 days. This proposal simplifies an unneeded complication. A person in southern Wisconsin, if concerned that pelts will not be prime under the early season framework, can simply choose to delay harvest.

This proposal would eliminate the 2:00 p.m. pheasant hunting closure at Scuppernong River Habitat Management Area in Waukesha County and allow pheasant hunting all day. Scuppernong was once a Wildlife Area and was incorporated into the Kettle Moraine State Forest Southern Unit in 2001 and renamed the Scuppernong River Habitat Area. The early closure was designated to reduce pressure immediately following stocking, giving the birds time to disperse. This area does receive heavy hunting pressure but also has some of the best and most pheasant habitat in the County. The area is usually stocked with pheasants from the state game farm in the late afternoon and hunters only have a few hours to pursue birds. Adequate carry over of birds to the next day is expected with this rule change. The remainder of the forest is open after 2:00 p.m. for pheasant hunting and removing the early closure will make for consistent regulations in the area and avoid hunter confusion during the pheasant season.

This proposal would allow the use of scopes with magnifying power on muzzleloaders during the muzzleloader-only season that follows the traditional firearm season. Scopes are not currently allowed during the muzzleloader only season because, when the season was initially developed, public support was for a hunt that focused on the use of traditional, primitive firearms. Public opinion has evolved and appears now to favor allowing the use of scopes. Department staff people do not anticipate that this proposal will have any effect on deer herd management.

Currently, the Junior Gun Deer License includes one Gun Buck Deer Carcass Tag valid in any unit statewide and one Antlerless Deer Carcass Tag valid in Earn-A-Buck and Herd Control Units. In an effort to provide youth hunters with added opportunities to harvest a deer, this proposal would make the antlerless tag valid in any unit statewide.

Currently, only boned out meat, quarters that do not contain any part of the spine or head, hides, antlers, and finished taxidermy mounts may be transported from a CWD area in Wisconsin or another state or province. Allowing the transportation of deer carcasses from a CWD management areas to other areas will provide hunters with greater flexibility while still preventing environmental contamination through discarded animal parts by requiring that carcasses that contain any part of the spinal column and heads be delivered only to a licensed meat processor (not an unlicensed individual who cuts up deer only) or to a registered taxidermist within 72 hours. Licensed meat processors are required to properly dispose of carcass waste materials under DATCP rules and provisions are established in this proposal to require that taxidermists properly dispose of the parts of the carcasses of highest risk for spreading CWD.

The practice of quartering deer prior to registration, in order to facilitate removal from the field, is currently prohibited for most hunters. This proposal would allow a hunter to divide a deer into as many as five parts only for the purpose of removing the animal from the field. Currently bear and elk may be quartered but this proposal will allow dividing them up to five times which will be consistent with deer and more practical to facilitate removal from the field. In order to make identification easier for registration station staff and to assure that parts of different animals are not confused, this proposal requires that the head remain attached to one part of deer and bear and that no more than one deer or bear which is not intact may be possessed or transported prior to registration.

This proposal would increase the penalty for Wildlife Damage Abatement and Claims Program enrollees being uncooperative or wrongfully denying public hunting access. Under the proposal, enrollees found in violation would not be eligible for WDACP assistance or claims for an additional calendar year instead of the remainder of the current year. In many situations, the department is unaware of hunter access complaints until after the deer hunting season meaning enrollees proven to be uncooperative or wrongfully denying hunter access are not eligible for WDACP assistance for only a month or two. Under this proposal, program violations may be deterred by the increasing this penalty.

Finally, this proposal would clarify the definition of "novice participant" for learn to hunt programs in order to focus participation on hunters who are not likely to be exposed to hunting experiences unless they participate in the program. A concern with the current program is that participation is currently allowed by any novice, including those who do have access to mentors and who will be exposed to hunting regardless of participation in a learn to hunt program. A more precise definition will allow limited resources to be focused on novice hunters who will benefit the most from a mentored hunting experience.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: 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.

Effects on 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.

Agency Contact Person: Scott Loomans, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608) 267-2452. scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments was April 12, 2010.

Section 1. NR 10.001(5v) is created 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 inches in width, 6 inches in height and 36 inches in length.

Section 2. NR 10.001(9w) is amended to read:

NR 10.001(9w) For the purpose of administering the Canada goose hunting permit system, "Exterior goose management zone" or the "Exterior zone" means all that part of the state outside of the Collins and Horicon goose management zones described in s. NR 10.31, and includes the Mississippi River, Brown County, Burnett County, ~~and New Auburn and Rock Prairie subzones~~ which shall be treated as separate management subzones for other purposes.

Section 3. NR 10.01(1)(g)1. d. and i. are repealed.

Section 4. NR 10.01(1)(g)2. c. and h. are repealed.

Section 5. NR 10.01(1)(g)3.c. and h. are repealed.

Section 6. NR 10.01(1)(g)4.c. and h. are repealed.

Section 7. NR 10.01(2)(f)3. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(f) 3.		
Zones 1A, 1B, 1C, 1D, 1E, 1F, 2A, 3A, 4A, 4B, 4C, and the Mill Bluff state park portions of zone 1 <u>and the Glacial Heritage Area state park portions of zone 2</u> as described in s. NR 10.29.	Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods.	Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued.
<u>Note: Glacial Heritage Area state park lands may be leased to another unit of government for management purposes and access permits to hunt turkeys on those lands would be obtained from that unit of government.</u>		

Section 8. NR 10.01(3)(b) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(b)		
<i>Raccoon (resident hunting and trapping) hunting and trapping</i> In all counties of the state	Beginning on the Saturday nearest October 17 and continuing through February 15.	None

Section 9. NR 10.01(3)(bm) is repealed.

Section 10. NR 10.01(3)(e)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2.		
b. The following state parks and trails: the portion of Big Bay state park located on Madeline Island west of a north-south line beginning at the park entrance on Haines road, Governor Thompson, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Mill Bluff, <u>Nelson Dewey</u> , Newport, Rock Island, Straight Lake, Wyalusing (73A) and Tuscobia-Park Falls.	Firearm season beginning on the Saturday preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 11. NR 10.01(3)(e)2.i. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2.		
i. Buckhorn state park in the area east of 19 th avenue, north of county HWY G, and north of 31 st street,	During firearm and muzzleloader seasons established in ss. NR 10.01(3)(e)1.a., c. and e, 10.01(3)(es)1., and 10.01(3)(ev).	The same as established for the surrounding deer management unit.

Section 12. NR 10.01(3)(es)3. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(es) Muzzleloader deer season.		
3. <u>Big Bay</u> , Mill Bluff, Newport, Rock Island, and Straight Lake state parks.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 13. NR 10.01(3)(et)1.cv. is created to read:

NR 10.01(3)(et) Special disease control hunts.		
1. Disease management zone.		
cv. Glacial Heritage Area state park. No person may hunt deer in the Glacial Heritage Area state park without first obtaining a permit which authorizes access to the park.	1. Early firearm season. A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Legal hunting hours are those established in s. NR 10.06 (5) except that hunting hours shall close at 12:00 p.m. daily.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11).
	2. Gun deer season. A firearm deer hunt beginning on the second Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11).

		3. Muzzleloader season. A muzzleloader hunt as established in s. NR 10.01 (3) (es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11).
		4. Late firearm season. A firearm deer hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11).
		5. Archery season. An archery hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11).
		Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11).
		Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Sunday nearest January 6.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11).
<p>Note: Glacial Heritage Area state park lands may be leased to another unit of government for management purposes and access permits to hunt deer on those lands would be obtained from that unit of government.</p>			

Section 14. NR 10.01(3)(f) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(f) <i>Fox, all species</i>		
1. Statewide except as provided in subd. 2.	Beginning on the Saturday nearest October 17 and continuing through February 15.	None
2. Governor Dodge, Mill Bluff and Mirror Lake state parks.	Nov. 1 – Dec. 15.	None

Section 15. NR 10.06(6)(r) is repealed.

Section 16. NR 10.09(1)(c)1.a. is amended to read:

NR 10.09(1)(c)1.a. Muzzleloaders may be used for hunting, except that any muzzleloader used in the muzzleloading season described in s. NR 10.01 (3) (es) shall have a solid breech plug attached with threads, be capable of being loaded only from the muzzle, use black powder or other black powder substitute, and may not include a mounted telescopic sight.

Section 17. NR 10.104(7)(b) is amended to read:

NR 10.104(7) (b) *Gun deer carcass tag*. Each license which authorizes the hunting of deer with a firearm, shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an earn-a-buck season under s. NR 10.01 (3) (ed) 1. b. or (et) when an antlerless deer must be tagged prior to the harvest of a buck. Each license which authorizes the hunting of deer with a firearm by a person who is under 18 years of age shall also include one carcass tag that is valid for the taking of one antlerless deer in any unit statewide in place of a tag under 10.01(3)(ed)1.a.

Section 18. NR 10.105(4), (5) and (6) are amended to read:

NR 10.105 Transportation of bear, deer and other members of the cervid family.
 (4) TRANSPORTATION OF DEER FROM A CHRONIC WASTING DISEASE MANAGEMENT ZONE.
Unless otherwise authorized by the department, the carcasses of deer harvested in a chronic wasting disease management zone identified in s. NR 10.28 (3) may not be transported outside of that zone except for the following, or as provided under sub. (7).

(a) Carcasses transported into deer management units adjacent to the chronic wasting disease management zone.

(b) Meat that is cut and wrapped, either commercially or privately.

(c) Quarters or other portions of meat to which no part of the spinal column is attached.

(d) Meat that has been deboned.

(e) Hides with no head attached.

(f) Finished taxidermy heads.

(g) Antlers with no meat or tissue attached except for velvet on antlers when possession of the velvet antlers is authorized pursuant to s. 29.347(3)(b), Stats.

(h) Skulls with or without antlers attached and with which have no meat or brain or lymphoid tissue attached.

(i) Upper canine teeth.

(5) TRANSPORTATION OF MEMBERS OF THE FAMILY CERVIDAE FROM AREAS IN OTHER STATES AND COUNTRIES WHERE CWD HAS NOT BEEN IDENTIFIED. Hunters transporting carcasses into Wisconsin from other states or countries shall possess, and exhibit to agents of the department upon request, registration or other materials showing which state, province of Canada or other country whether the carcass was harvested in a CWD area or a non-CWD area.

(6) TRANSPORTATION OF MEMBERS OF THE FAMILY CERVIDAE FROM OTHER STATES AND COUNTRIES WHERE CWD HAS BEEN IDENTIFIED. Unless otherwise authorized by the department, the carcasses of cervid species harvested in a management unit or similarly identifiable area state, province of Canada or other country where CWD has been verified by a government agency in another that state, province or country, may not be transported into this state except for the following, or as provided under sub. (7).

- (a) Meat that is cut and wrapped, either commercially or privately.
- (b) Quarters or other portions of meat to which no part of the spinal column is attached.
- (c) Meat that has been deboned.
- (d) Hides with no head attached.
- (e) Finished taxidermy heads.
- (f) Antlers with no meat or tissue attached except for velvet on antlers when possession of the velvet antlers is authorized pursuant to s. 29.347(3)(b), Stats.
- (g) Skulls with or without antlers attached and with which have no meat or brain or lymphoid tissue attached.
- (h) Upper canine teeth.

Section 19. NR 10.105(7) is created to read:

NR 10.105(7) CERVID CARCASSES WITH ANY PORTION OF THE SPINAL COLUMN OR HEAD ATTACHED. Notwithstanding sub. (4) or (6), carcasses which have any part of the spinal column or head attached may be transported from the chronic wasting disease management zone to other parts of this state, or into this state if such carcass is submitted to a meat processor licensed under s. 97.42(2)(a), Stats., or a taxidermist permitted under s. 29.506(2), Stats., for processing and the person who possesses the carcass complies with the following:

- (a) That part of the carcass which includes the head and spinal column shall be submitted to a licensed meat processor or permitted taxidermist within 72 hours of entering this state if the carcass originated from out of state, or within 72 hours from the time of registration if the carcass originated from the chronic wasting disease management zone in this state.
- (b) The person submitting a carcass to a licensed meat processor or permitted taxidermist as required under this subsection shall inform the meat processor or taxidermist that the carcass originated from the chronic wasting disease management zone or from another state, province or country where CWD has been verified to be present.
- (c) Licensed meat processors and permitted taxidermists receiving a cervid carcass under this subsection shall dispose of all inedible parts not exempted under subs. (4) (a) to (i) and (6) (a) to (h), and all parts of the spinal column, brain and lymphoid tissues in a properly permitted landfill or with a renderer licensed under s. ATCP 57.10.

Section 20. NR 10.106(1) and note are repealed and recreated to read:

NR 10.106 Recording deer and bear. (1) CARCASS CONDITION AND TRANSPORTATION. Deer and bear shall be intact and may not be removed from the area specified in this section unless exhibited, registered and tagged except that:

- (a) The entrails may be removed by field dressing.
- (b) Deer and bear may be skinned, and the lower legs of a deer from the hooves up to the tarsus joint on the hind legs and from the hooves up to the carpus joint on the front legs may be removed. The hide and lower legs must be removed from the field along with the deer and exhibited at the time of registration.
- (c) A deer or bear may be divided into not more than five parts, not including the hide and the lower legs of a deer, only to facilitate removal from the field. The head and neck shall remain attached to

one of the other parts of the animal, not including the hide. A person who divides a deer or bear prior to registration:

1. May not allow the deer or bear to be stored or transported with any other deer or bear that has been divided prior to registration.
2. May not divide any bear in a manner that does not keep one part of the bear intact to allow it to be measured in a straight line from the tip of the nose to the base of the tail, to determine it was an adult bear of 42 inches or greater.
3. Must remove all parts from the field except the entrails and exhibit all parts at the time of registration.

Note: Common terms for the tarsus or second major joint on the rear legs up from the hoof include "hock" and "ankle" and common terms for the carpus or second major joint on the front legs up from the hoof include "knee" and "wrist".

Section 21. NR 10.11 (4) and (5)(a) are amended to read:

NR 10.11 (4) CARCASS CONDITION AND TRANSPORTATION (a) *Transportation.* No person may transport an elk from the time the elk is killed to the time it is registered under sub. (5) that is tagged with the carcass tag of another person unless accompanied by the person issued the carcass tag.

(b) *Carcass condition.* Elk may be skinned and quartered the carcass divided into as many as five parts prior to registration. These animals or animal parts may not be removed from zones A and B as established in s. NR 10.37, unless exhibited, registered and tagged.

(5) EXHIBITION AND REGISTRATION. (a) *Exhibition.* Each person who has killed an elk during the open seasons for hunting elk with a guns gun or bows bow shall exhibit and register the elk with the elk carcass tag attached as required by s. 29.347 (2), Stats., at an authorized registration station. If the elk is skinned and the carcass divided into 5 or fewer parts, all quartered, all carcass parts, other than those the entrails removed by field dressing, shall be exhibited when registering the elk.

Section 22. NR 10.13(1)(b) 5. and 6. are amended to read:

NR 10.13(1)(b)5. *'Trap, snare, and cable restraint placement.'* Set any traps, snares, colony traps and or cable restraints at any time within 15 feet of any beaver dam, except when trapping under the landowner authority established by s. 29.337, Stats., or with a commercially manufactured, enclosed trigger trap.

6. *'Trap, snare, and cable restraint use.'* Set, place, operate or possess while trapping, any trap other than a steel jawed trap, enclosed trigger trap, cage or box trap, body gripping trap, colony trap, snare [~~other than that defined in s. NR 10.001 (25e)]~~ or cable restraint ~~as defined in s. NR 10.001 (5g)~~ for the purpose of taking, capturing, or killing furbearing animals. Cage or box traps shall be constructed so that after an animal has been captured, no additional animals may enter the trap until the captured animal is removed and the trap is reset.

Section 23. NR 10.13(1)(b)16. is repealed and recreated to read:

NR 10.13(1)(b)16. *'Incidental take of raccoons and mink'* (a) No person may retain any raccoon taken incidentally with a cable restraint during the period when the use of cable restraints is authorized under subd. 15. a. unless it is during the open season for raccoons listed in s. NR 10.01 (3) (b). No person may retain any mink taken incidentally with a colony trap unless it is during the open season for mink listed in s. NR 10.01(4)(e).

Section 24. NR 10.13(1)(b)17. is created to read:

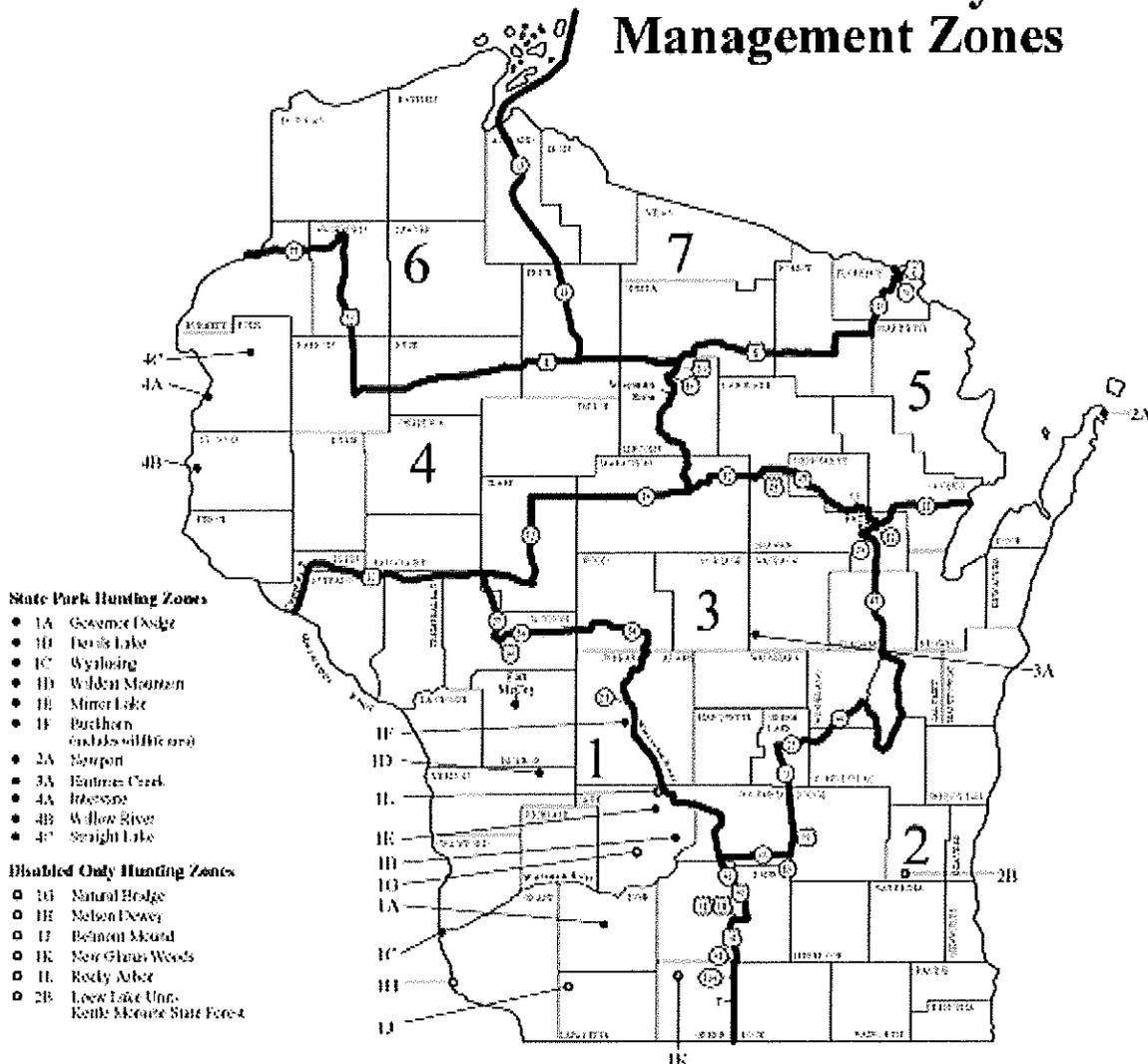
NR 10.13(1)(b)17. 'Colony trap use' No person may set, place or operate any colony trap except for muskrat and only if all of the following apply:

- (a) The trap is set entirely under water at all times.
- (b) The trap is not placed within 3 feet of any culvert.
- (c) The trap and set does not utilize bait.
- (d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

Section 25. NR 10.29 is repealed and recreated to read:

NR 10.29 Wild turkey hunting zones.

Wild Turkey Management Zones



Section 26. NR 10.31(1)(b) and (e) are repealed.

Section 27. NR 11.01(2) is repealed.

Section 28. NR 12.35(4) is amended to read:

NR 12.35(4) The county shall, as a condition of providing abatement assistance, require full cooperation and assistance of the enrollee in operating, maintaining and applying all abatement measures. An enrollee who engages in abusive or threatening language shall also be considered uncooperative. Uncooperative enrollees shall be ineligible for program abatement assistance for the remainder of the calendar year in which they were uncooperative and the following calendar year. Upon determining an enrollee is uncooperative and ineligible for further program assistance, the county or its agent shall notify the enrollee in writing that the enrollee's program participation is terminated.

Section 29. NR 12.36(3)(b)7 is amended to read:

NR 12.36(3)(b)7 *Complaints.* Upon receiving a written complaint from a hunter denied access, the county, its agent or the department shall review hunting access records required under this chapter to verify compliance. Verification that access requirements have been violated shall require the county or its agent to deny further abatement and claims assistance to the enrollee for calendar year in which the violation occurred and the following calendar year. In addition, an enrollee may be subject to the penalties in s. 29.889 (10), Stats.

Section 30. NR 12.37(4)(a)6. is amended to read:

NR 12.37(4)(a)6. The county shall, as a condition of providing claims assistance, require full cooperation and assistance of the enrollee in operating, maintaining and applying appraisal equipment as deemed needed by the county or its agent. An enrollee who engages in abusive or threatening language shall also be considered uncooperative. Uncooperative enrollees shall be ineligible for program claims assistance for the remainder of the calendar year in which they were uncooperative and the following calendar year. Upon determining an enrollee is uncooperative and ineligible for further program assistance, the county or its agent shall notify the enrollee in writing that the enrollee's program participation is terminated.

Section 31. NR 19.025(2)(d) is amended to read:

NR 19.025(2)(d) "Novice participant" means for hunting any person who is 10 years old or older, who has had ~~less than 2 years of hunting experience~~ not received an approval authorizing hunting in any prior hunting license year, including a class B bear license, for the species that will be pursued in the specific educational outdoor skills activity they desire to attend. For fishing, it means any person who is 5 years of age or older who has less than 2 years of fishing experience.

Section 32. NR 19.025(3)(title)(dm) is created to read:

NR 19.025(3) GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS. (dm) If there are more novice participant applicants for a specific educational outdoor skills activity event or location than the department or applicant sponsoring the event is able to accommodate, the department may select which of the novice participant applicants will be allowed to participate. When making this selection, the department shall give preference to those novice participant applicants who have had the least previous exposure, as determined by the department, to that recreational activity or the least opportunity to accompany others and learn about that recreational activity.

Section 33. Effective dates. This rule shall take effect on February 1, 2011 except sections 2 through 6, 11, 16, 18 through 21 and 26 through 30 which shall take effect on the first day of the first month after publication.

Section 34. 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 _____
Matthew J. Frank, Secretary

(SEAL)