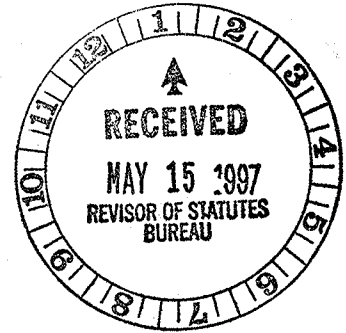


State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-16-96 was duly approved and adopted by this Department on February 26, 1997. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 8th day of May, 1997.

George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 19.025 relating to the waiver of approvals, fees and other requirements of ch. 29, Stats., for an educational, recreational skills activity.

LE-16-96

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.155 (lg) and 227.11 (2) (a), Stats.

Statutes interpreted: s. 29.155 (lj) and (lr), Stats.

The Department is enacting this rule to comply with the requirement of 1993 Wisconsin Act 217 that it define "substantial loss of revenue" and provide the mechanism by which a waiver of hunting and fishing approvals may be obtained for individuals involved in educational outdoor skills activities. It also allows for the waiver of conditions, limitations and restrictions of ch. 29, Stats., for these activities.

SECTION 1. NR 19.025 is created to read:

NR 19.025 WAIVERS FOR AN EDUCATIONAL RECREATIONAL ACTIVITY. (1)

PURPOSE. This section contains rules for the procedures required to apply to the department for a waiver of approvals, applicable fees and other requirements pursuant to s. 29.155 (lg) and (lr), Stats., for an educational, recreational and skills development activity that is sponsored or approved by the department. It further explains the reasonable conditions, limitations and restrictions that will be necessary to allow for approval of the waiver.

(2) DEFINITIONS. As used in this section:

(a) "Accompany" means be in immediate presence of the novice participant.

(b) "Educational outdoor skills activity" means a course to teach novice participants how to hunt or fish.

(c) "Mentor" means a person who is instructing or assisting with teaching of the educational outdoor skills activity.

(d) "Novice participant" means for hunting any person who is 11 years old or older, who has had less than 2 years of hunting experience. For fishing, it means any person who is 5 years of age or older who has less than 2 years of fishing experience.

(e) "Substantial loss of revenue" means a loss of fishing and hunting license fees from persons who are not novice participants.

(3) GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS. (a) An applicant shall submit a request for a waiver at least 30 days prior to the event on forms provided by the department.

(b) A written course outline shall be submitted along with the request for waiver for approval by the department.

(c) There shall be a minimum of 4 hours of classroom and field instruction prior to the hunting or fishing activity.

(d) A novice participant may not obtain more than one waiver of fees for the same hunting or fishing instructional activity.

(e) Where applicable, written authorization from host landowner shall be obtained and submitted with the application. It shall include the legal description of the lands on which the activity will be conducted. If department lands are to be used, the written approval of the property manager shall be obtained.

(f) Unless otherwise approved, the novice participants and mentors participating in the activity shall comply with all natural resource rules and regulations.

(g) Waivers may not be issued that allow for the shooting of wild animals or the catching of fish by a mentor or instructor.

(h) Novice participants may not be charged a fee which exceeds the costs of materials used in the course equipment rental, meals and overnight accommodations.

(i) Upon receipt of information indicating prior illegal activity relevant to a mentor's ability to properly assist or instruct novice participants, the department may make appropriate inquiry into criminal history, character and background of mentoring applicants and determine their suitability for the proposed activity.

(j) One of the mentors shall carry the department approved waiver with list of participants during the educational recreational activity.

(k) Waivers under this section shall only apply to novice participants.

(l) The waiver of the approval and applicable fees will not result in a substantial loss of revenue to the department.

Note: Applications may be obtained from any department office.

(4) SPECIAL HUNTING CONDITIONS, LIMITATIONS AND RESTRICTIONS.

(a) During the field portion of the hunting activity a mentor shall accompany a novice participant.

(b) During hunting skills field activities the area shall be posted with a sign advising of the activity.

(c) At least one mentor shall be a certified hunter education instructor.

(d) Mentors shall have at least 5 years of hunting experience.

(5) SPECIAL FISHING CONDITIONS, LIMITATIONS AND RESTRICTIONS.

(a) During the field portion of the fishing activity there may be no more than 3 novice participants per mentor.

(b) Non-licensed mentors may be involved with assisting but will need approvals if they take part in the actual fishing activity unless they are enrolled as a novice participant.

(6) STATE PARKS. Waivers may be issued that allow the following activities in state parks:

(a) Possession of loaded and uncased firearms.

(b) Possession of strung and uncased bows.

(c) Shooting of deer and turkey on properties opened for the hunting of these species under s. 29.557 (3), Stats.

(d) Use of unleashed dogs.

(7) EXEMPTIONS. This section does not apply to special hunting events established under s. NR 10.01.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on February 26, 1997.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

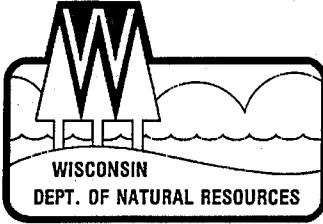
Dated at Madison, Wisconsin

May 8, 1997

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary



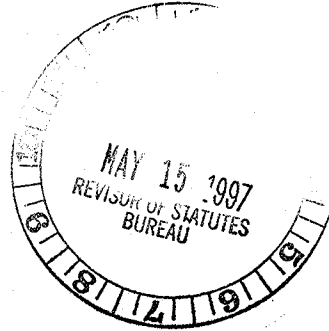
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May 8, 1997

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

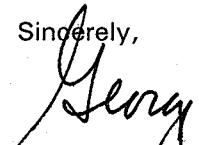


Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-16-96. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

Enc.