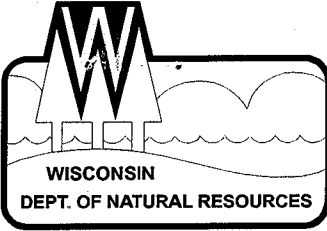


Clearinghouse Rule 97-140

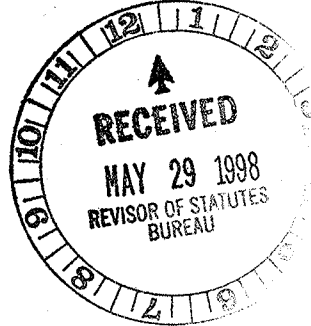
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



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

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)



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-28-97 was duly approved and adopted by this Department on February 25, 1998. 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 26th day of May, 1998.

George E. Meyer
George E. Meyer, Secretary

(SEAL)

97-140



Quality Natural Resources Management
Through Excellent Customer Service

8-1-98



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

.....
The Wisconsin Natural Resources Board proposes an order to renumber NR 10.001(3) and (9); to renumber and amend NR 10.102(2); to amend NR 10.102(title), (1)(a), (b), (c), (e)2. and 3., (f), (3) and (4); to repeal and recreate NR 10.102(5) and (6); to create NR 10.001(1k), (3) and (9) and 10.102(2)(b); relating to bear hunting.
.....

LE-28-97

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(2)(a), 29.1085(2)(br) 1. and 3 and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.174(2)(a) and 29.1085, Stats.

In this order:

SECTIONS 1, 3 and 5 creates definitions for "activities" relating to locating bear, "bear eco-tourism" and "educational purposes".

SECTIONS 2 and 4 rennumbers the definition of "Bearded turkey" from (3) to (3h) and "enclosed within a carrying case" from (9) to (9c).

SECTIONS 6 and 7 replaces bear harvest permits with Class A bear licenses, the term "permit" with "license" and replaces "license section" with "customer service and licensing bureau" to reflect new department organization.

SECTION 8 creates the procedure for the department to provide group applications for bear hunters.

SECTION 9 replaces the term "permit" with "Class A bear license" and replaces "license section" with "customer service and licensing bureau" to reflect new department organization and clarifies how a Class A bear license may be returned, if the applicant chooses to not use it, so the department may reissue it.

SECTION 10 modifies bear pursuit to require a bear hunting license to handle dogs for tracking or trailing bear.

SECTION 11 establishes criteria for the department to issue educational permits for shining bear while in possession of a weapon.

SECTION 1. NR 10.001(1k) is created to read:

NR 10.001(1k) For the purpose of s. 29.1085(2)(a), (bg) and (br), Stats., "activity" includes but is not limited to the use of electronic communications, telemetry devices, checking bear baits, supplying or handling dogs to track or trail bear, possession of dog handling equipment, possession of baiting equipment, dragging roads, checking for bear tracks, transporting hounds, equipment and other persons engaged in locating bear.

SECTION 2. NR 10.001(3) is remembered to NR 10.001(3h).

SECTION 3. NR 10.001(3) is created to read:

(3) "Bear eco-tourism" means the business of observing bear for compensation, but does not involve hunting.

SECTION 4. NR 10.001(9) is renumbered to NR 10.001(9c).

SECTION 5. NR 10.001(9) is created to read:

(9) For the purposes of s. 29.245(3)(b)3 and (5)(b)1. Stats., "educational purposes" means observing or studying bear in conjunction with a college or university or in conjunction with bear eco-tourism.

SECTION 6. NR 10.102 (title), (1)(a), (b), (c), (e)2. and 3. and (f) are amended to read:

NR 10.102 (title) BEAR HUNTING QUOTA AND LICENSE ISSUANCE.

(1)(a) *Purpose.* The department shall issue ~~bear harvest permits~~ Class A bear licenses in sufficient numbers to assure maintenance of bear populations for each zone indicated in par. (d).

(b)(title) *Quota formula.* In each black bear management zone, the number of ~~permits~~ Class A bear licenses to be issued to harvest the desired numbers of bear shall be based on hunter success rates from previous seasons. In establishing ~~permits licenses~~ for a zone without an adequate history of ~~permits licenses~~, the average success rates of similar zones shall be applied or the department shall estimate an anticipated success rate. The ~~permit license~~ license number formula is:

$$\text{Permit number License number} = \frac{\text{Bear to be harvested}}{\text{Hunter success rate}}$$

(c) *Success rate formula.* ~~Permit Hunter~~ success rates used to compute the number of ~~permits~~ Class A bear licenses to be issued for each zone shall be those calculated by the department from annual bear season harvest reports except where no previous history of success rates exist. The success rate formula is:

$$\text{Hunter success rate} = \frac{\text{Number of bear harvested}}{\text{Number of ~~permits~~ licenses issued}}$$

(e)2. The department may require that a portion of the ~~permits~~ Class A bear licenses available within a bear management zone be specific to a temporary bear harvest subzone to assure maintenance of bear populations at a density level equivalent to that of the bear management zone.

3. ~~Permits~~ Class A bear licenses for the temporary subzones shall be used only within the subzone.

(f) *Permanent bear harvest subzones.* ~~Permits~~ Class A bear licenses for subzones shall be used only in the subzone.

SECTION 7. NR 10.102(2) is renumbered (2)(a) and amended to read:

NR 10.102(2) APPLICATION PROCEDURE. (a) *(title)Application submittal.* Application for ~~harvest permits~~ Class A bear licenses shall be on forms provided by the department. Applicants shall indicate their black bear hunting zone preference. Applications shall be postmarked no later than the Friday nearest January 15 or received by the department ~~license section~~ customer service and licensing bureau, 101 South Webster, P.O. Box 7924, Madison, WI 53707 no later than 4:30 p.m. on that Friday each year.

SECTION 8. NR 10.102(2)(b) is created to read:

NR 10.102(2)(b) *Group applications.* Group applications for a maximum of 4 hunters may be submitted for Class A bear hunting licenses provided each applicant completes the application form and all forms are submitted in one envelope marked "group application" on the outside. The group's preference standing shall be that of the member with the lowest number of preference points. If the group is selected, the group shall accept or reject Class A bear licenses for all members of their group.

SECTION 9. NR 10.102(3) and (4) are amended to read:

NR 10.102(3)(title) LICENSE ISSUANCE. The department shall select successful applicants and issue ~~permit~~ Class A bear license approval notices no later than February 15 of each year. The department may reissue a ~~permit~~ Class A bear license if the ~~permit~~ license is returned ~~undelivered by the postal authorities~~ or if the applicant fails to or cannot comply with s. 29.1085, Stats. Selection shall be by random drawing.

(4) FEES. A successful applicant shall submit the appropriate ~~permit~~ license fee established by s. 29.092 (2)(~~kg~~)(d) or (4)(~~kr~~)(i), Stats., to the department before receiving a ~~harvest permit~~ Class A bear license. The fees shall be mailed and postmarked no later than the Friday nearest March 1 or received by the department ~~license section~~ customer service and licensing bureau, 101 South Webster, P.O. Box 7924, Madison, WI 53707 no later than 4:30 p.m. on that Friday each year.

SECTION 10. NR 10.102(5) is repealed and recreated to read:

NR 10.102(5) BEAR PURSUIT. No person may handle a dog or dogs used for tracking or trailing bear unless he or she possesses a Class A or Class B bear license.

SECTION 11. NR 10.102(6) is repealed and recreated to read:

NR 10.102(6) EDUCATIONAL PERMIT ISSUANCE. (intro.) Upon receipt of proper application, the department shall issue an educational permit for bear observation. The applicant shall include the location to the quarter section, times and dates of the activity, name of person and bear eco-tourism business or educational institution they are representing. The educational permit authorizes the permittee to observe or shine bear for educational purposes only pursuant to s. 29.245(3)(b)3 and (5)(b)1, Stats.

(a) No person may be engaged in shining bear for educational purposes without being in possession of an educational permit.

(b) Only the named person on the permit may possess a firearm when participating in the actions authorized by the permit.

(c) The permit is restricted to use in a ground blind or elevated stand.

(d) The permit is not valid during the seasons established in s. NR 10.01(3)(e) and (g) and the 7 consecutive days prior to those seasons.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on February 25, 1998

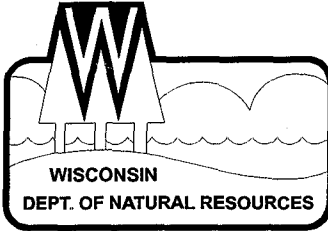
The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin May 26, 1998

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

By George E. Meyer
George E. Meyer, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
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May 26, 1998

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

Gary
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-28-97. These rules were reviewed by the Assembly Committee on Natural Resources and the previous Senate Committee on Agriculture and Environmental Resources and the current Senate Committee on Environment and Energy 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
George E. Meyer
Secretary

Enc.



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