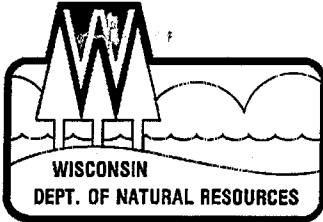


Clearinghouse Rule 96-020

96-020



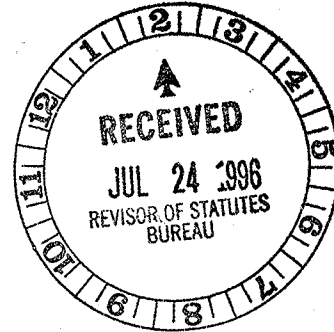
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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. WM-5-96 was duly approved and adopted by this Department on May 22, 1996. 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 14th day of July, 1996.

George E. Meyer
George E. Meyer, Secretary

(SEAL)



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

The Wisconsin Natural Resources Board proposes an order to renumber NR 11.04(5) and 15.024(3); to amend NR 10.01(4)(c)3., (d)1., (dm) and 10.09(1)(c)1.b.; and repeal and recreate NR 10.117 relating to hunting and trapping.

WM-5-96

Analysis Prepared by the Department of Natural Resources

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

Statutes interpreted: s. 29.174(2), Stats.

In this order:

Section 1. Beaver trapping - lengthens the beaver season in Zone C.

Section 2. Otter trapping - allows the trapping and possession of otter during the latter portions of the current beaver trapping season in the North Zone.

Section 3. Fisher trapping - expands the fisher management zones and creates new fisher management zones that include the remainder of the state.

Section 4. Hunting with handguns - allows the hunting of listed species with .22 caliber or larger handguns and requires a minimum barrel length of 4 inches.

Section 5. Deer season modification - allows the department to modify deer seasons, deer registration and permit issuance in farmland deer management units to bring the herd into compliance with goal levels prescribed by rule. The length of seasons and bag limits could be modified when the herd will likely be more than 20% higher than overwinter goals and will cause increased damage to agriculture and forest lands.

Sections 6. and 7. Pershing closed area - creates a no entry refuge on Pershing Wildlife Area.

SECTION 1. NR 10.01(4)(c)3. is amended to read:

NR 10.01(4)(c) Beaver trapping.

Kind of animal and Locality	Open season (all dates inclusive)	Limit
3. Zone C as described in s. NR 10.35	Dec. 1 — Mar. 15 <u>Beginning on the Saturday nearest November 4 and continuing through April 30.</u>	None

SECTION 2. NR 10.01 (4)(d)1. is amended to read:

NR 10.01(4)(d) Otter trapping.

Kind of animal and Locality	Open season (all dates inclusive)	Limit
1. North Zone as described in s. NR 10.36	Beginning on the first Saturday in December and continuing through the first Sunday in March <u>April 30.</u>	3 per season by permit

SECTION 3. NR 10.01(4)(dm) is amended to read:

NR 10.01 (4) (dm) Fisher trapping.

Kind of animal and Locality	Open season (all dates inclusive)	Limit
1. Management zone A - Deer management units 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 and 15, 16, 17, 22, 78 and 79 as described in s. NR 10.28	Nov. 1-Dec. 31	One per permit issued under s. NR 10.145.
2. Management zone B - Deer management units 6, 7, 13, 14, 18, 19, 20, <u>23, 24, 25, 26, 28, 29A and 30</u> as described in s. NR 10.28	Nov. 1-Dec. 31	One per permit issued under s. NR 10.145.
3. Management zone C - Deer management units 29B, 31, 32, <u>33, 34, 35, 36, 37, and 52</u> as described in s. NR 10.28	Nov. 1-Dec. 31	One per permit issued under s. NR 10.145.
4. Management zone D - Deer management units 38, 39, 40, <u>41, 42, 43, 44, 45 and 46, 47, 48, 49A, 49B, 50, 51A and 51B</u> as described in s. NR 10.28	Nov. 1-Dec. 31	One per permit issued under s. NR 10.145.
5. Remainder of the state <u>Management zone E - Deer management units 27, 53, 55, 56, 57, 57A, 57B, 57C, 58 and 59A</u> as described in s. NR 10.28	None <u>Nov. 1-Dec. 31</u>	None <u>One per permit issued under s. NR 10.145.</u>
6. <u>Management zone F - Remainder of the state</u>	<u>Nov. 1-Dec. 31</u>	<u>One per permit issued under s. NR 10.145.</u>

SECTION 4. NR 10.09(1)(c)1.b is amended to read:

NR 10.09(1)(c)1.b. Hare, rabbit, squirrel, raccoon, fox, coyote, bobcat and unprotected wild animals may be hunted with ~~.22 rim fire~~ handguns and pellet guns of .177 caliber or larger. Handguns

shall have a minimum barrel length of 4 inches measured from the muzzle to the firing pin with the action closed.

SECTION 5. NR 10.117 is repealed and recreated to read:

NR 10.117 DEER SEASON MODIFICATION. (1) POWERS. (a) The department may, upon making the findings in sub. (2), modify the deer hunting seasons and deer permit issuance procedures as established in this chapter for any farmland deer management unit described in sub. (5) or any group of farmland deer management units to reduce the deer population nearer to the overwinter population goals established in s. NR 10.104.

(b) The department may modify the deer seasons, deer registration and permit issuance procedures by doing one or more of the following:

1. Increasing a season's length.
2. Increasing the bag and possession limits.
3. Establishing either-sex or antlerless-only deer seasons.
4. Authorizing and encouraging the harvest and donation of antlerless deer to charitable food distribution programs, including the issuance of special deer permits for this purpose.

(2) FINDINGS. The department shall, prior to exercising powers under sub. (1), find all of the following:

(a) It is unlikely the deer population for the affected deer management units will be reduced to within 20% of the overwinter population goals established in s. NR 10.104 under the established deer hunting rules. In making this determination, the department shall compare the deer harvest required to reduce the deer population to goal to the deer harvest likely to occur under the existing season structure.

(b) Upon review of available deer damage or over-winter loss data, it is likely that a failure to reduce the deer population to the overwinter population goals in the unit will result in increased deer damage to agricultural and forest lands, or a waste of the resource.

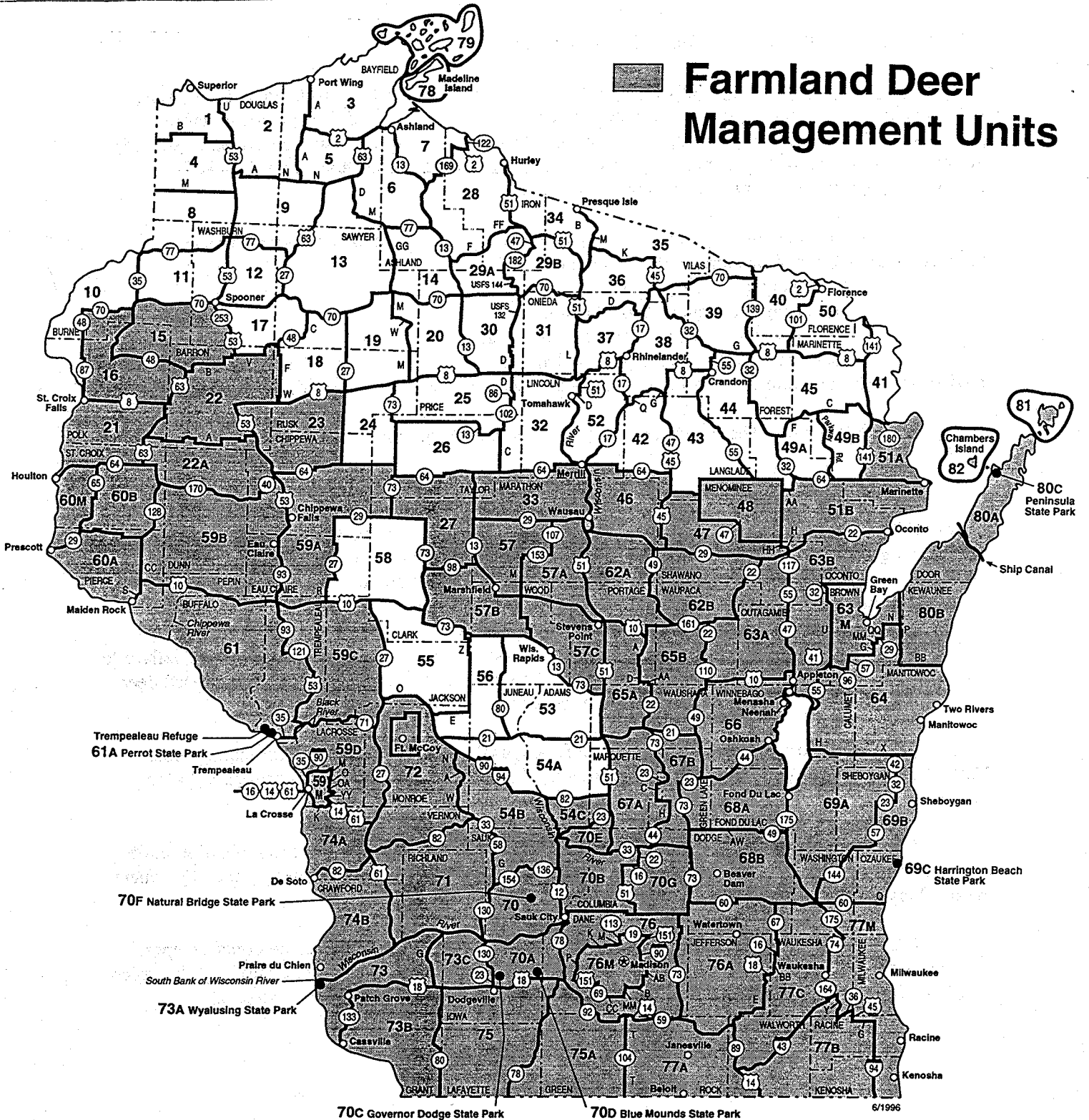
(c) The department has held a public informational meeting in affected deer management units to seek public comment on the need to modify the deer hunting rules and consulted with the conservation congress, according to s. 15.348, Stats.

(3) MODIFICATION DEADLINE. The department may implement the modification under sub. (1) by order, if an order is approved by the natural resources board and issued by the department before May 1 prior to the affected deer season.

(4) NOTICE. Modification by the department under sub. (1) shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.

(5) FARMLAND DEER MANAGEMENT UNITS.

Farmland Deer Management Units



SECTION 6. NR 11.04(5) is renumbered NR 15.024(3).

SECTION 7. NR 15.024(3) is renumbered NR 15.024(4).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 22, 1996.

The rule shall take effect the first day of the month following publication as provided in s. 227.22(2)(intro.), Stats. except for Sections 1 and 2 which are effective May 1, 1997.

Dated at Madison, Wisconsin

July 18, 1996

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary

(SEAL)



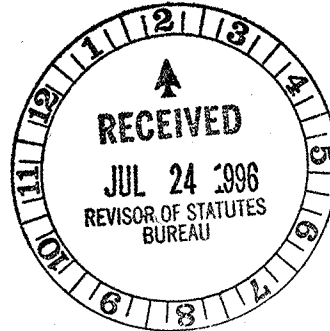
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July 18, 1996

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

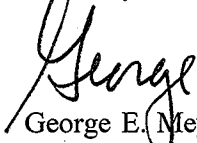


Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-5-96. These rules were reviewed by the Assembly Committee on Natural Resources and the 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 E. Meyer
Secretary

Enc.