

Clearinghouse Rule 09-015

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

The Wisconsin Natural Resources Board proposes and order to repeal ss. NR 11.032(b), 15.022(4); to amend ss. NR 10.01(2)(c)2., 10.01(2)(f)2., 10.01(3)(d), 10.01(3)(e)1.b., 10.01(3)(e)2., 10.01(3)(e)2.d., 10.01(3)(em)4.c., 10.01(3)(em)4.d., 10.01(3)(et)c., 10.09(1)(c)(intro.), 10.13(1)15, 10.25(1)(f)2., 10.25(3), 10.25(4)(b) and (c), 10.26(2)(title), 10.40(4), 10.40(5)(a)2. and b; to repeal and recreate ss. NR 10.001(20), 15.022(8)(b), 15.022(8)(e), 15.024(4) and to create ss. NR 10.01(3)(e)2.h., 10.06(9)(a) and (b), 10.145(3)(f), 10.145(8), 10.26(2)(c), 11.042(2) and 11.044(title)(1) relating to hunting and trapping regulations, closed areas and game refuges.

WM-01-09

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, authorize and regulate hunting on land in state parks, limit the number of persons taking species such as bobcat, and to establish approvals for disabled persons. 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 currently under promulgation that directly relate to the provisions that are proposed in this administrative order.

Plain Language Analysis: The department has recommended modifications to chapter NR 10, 11 and 15, Wis. Adm. Code, relating to hunting, trapping, closed areas and game refuges. These rule changes are proposed for inclusion in the 2009 Spring Hearing Questionnaire. Specifically, these proposals:

Section 1 clarifies the definition of "open water hunting" for waterfowl.

Section 2 allows the harvest stocked hen pheasants at Sand Creek Fishery Area, Monroe County.,

Section 3 extends the fall turkey season to Dec. 31 in zones 1 - 5, except for the nine-day deer season.

Sections 4, 14, 15 and 16 modify bobcat hunting, trapping, cable restraint seasons and reporting.

Section 5 allows the use of rifles for firearm deer hunting in Dunn and Shawano Counties.

Section 6 allows firearm deer hunting at Potawatomi and Whitefish Dunes state parks, Door County and

allow the use of rifles for deer hunting at all of Hartman Creek state park, Waupaca and Portage counties.

Sections 7 through 10 establish that the 19-day muzzleloader-only season and late archery season is antlerless only but buck hunting can be allowed in certain years at Wildcat Mountain state park, Vernon County.

Section 10 also eliminates the late archery deer hunt at Brunet Island state park.

Section 11 eliminates the special state park hunting season and allows hunting during all normal deer seasons at Cadiz Springs Recreation Area.

Sections 12, 27, 29 and 30 establish a special migratory bird hunt with a 1:00 p.m. closure, regulations, and modify refuges at Mead wildlife area, Wood, Portage and Marathon counties and Lake Mills wildlife area, Jefferson County.

Section 13 clarifies the definition of legal firearm types for hunting.

Section 17 creates flexibility in the methods for issuing left-over turkey hunting permits.

Section 18 creates flexibility to register wild turkeys by methods other than in person at registration stations.
Section 19 allows the use of electronic calls for turkey hunting by certain holders of disabled hunting permits.
Section 20 allows the use of dogs for turkey hunting during the fall season statewide.
Sections 21 and 22 require the registration of sharp-tailed grouse harvest.
Section 23 and 24 allow hunting during special turkey hunts by holders Class B disabled hunting permits that are valid for hunting from a vehicle and issued for more than one year.
Section 25 eliminates the Nelson-Travino Mississippi River closed area in Buffalo county.
Sections 26 and 28 reduce the size of Dike 17 waterfowl refuge and allow trapping and firearm deer hunting (Jackson County)
Section 31 reduces the size of Vernon Marsh waterfowl refuge because certain areas are no longer needed as goose refuge (Waukesha County).

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.

None of Wisconsin's surrounding states issue bobcat permits by lottery. Bobcat are not harvested in Illinois and Iowa but are present and increasing in number in both states. Michigan hunters and trappers can generally harvest two bobcat per season. Minnesota hunters and trappers have a season limit of five bobcat.

Surrounding states all have fall turkey hunting seasons and the use of dogs is allowed in Iowa and Michigan.

All of Wisconsin's neighboring states use waterfowl refuges to improve hunting opportunities by keeping birds in an area for a longer period of time as well as to provide the birds safe staging areas during the fall migration.

Special migratory bird hunting regulations for individual properties are commonly used in other states to provide high quality hunting experiences where high hunting pressure makes that difficult. Missouri has used a 1:00 p.m. hunting hours closure or rest period for several years. Missouri reports that these regulations provide increased harvest per hunter, better hunter satisfaction, a greater number of birds on property over given time period, and the use of entire wildlife area after closure which increases the refuge aspect of the entire property.

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.

Current rules require that most waterfowl hunters be partially or entirely concealed in emergent vegetation while hunting on bodies of water. This requirement preserves open water areas as safe resting areas for migrating waterfowl. This rule proposal adds specificity to the term partial concealment by establishing a standard of 50 percent concealment from view. The rule language also establishes that, when determining the amount of concealment, the hunter and boat are viewed from at least one side from a level of three feet above the water's surface.

Wisconsin's current bobcat season provides more than two months of opportunity for hunters and trappers. Harvest registration is mandatory, and must occur within 5 days of the close of the season, but

48 hour reporting of harvest is not required. The department currently has authority to close the bobcat season early if needed to prevent exceeding the harvest quota. This rule proposal would split the existing permit allotment between two time periods. The later time period, when snow cover is very likely, will provide hunting conditions that hound hunters have said they prefer.

This proposal would allow the use of cable restraints during all of the proposed new bobcat season and eliminate the sunset of this experimental season. A cable restraint is a device used for restraining furbearers without injuring them which consists of a non-spring activated galvanized aircraft cable which includes a relaxing mechanical lock, stops, and swivel. Cable restraints have been legal for use by the public for the January and February portions of the fox and coyote season for four years and in December for one season. Current rules sunset the use of cable restraints for bobcat in December after the 2009 season. Extensive testing of this device has proven that is effective, humane, and very species specific.

This proposal adds Sand Creek Fishery Area to the list of properties where surplus hen pheasants from the state game farm can be stocked and harvested. These properties typically do not have wild pheasants.

This proposal would extend the fall turkey hunting season to include the month of December in management zones 1 through 5 during the 2009 and 2010 seasons. The additional month of fall hunting is not expected to lead to significantly increased harvest as pressure has typically been low compared to the more popular spring season and harvest is still controlled by permit.

Following a successful trial season with two years completed and one remaining, hunting turkeys with the aid of dogs will be allowed statewide during the fall season. Where hunting with dogs is currently allowed in nine counties, no conflicts with other hunters or other problems have been identified but it has provided a unique hunting opportunity. Hunting wild turkeys with dogs in autumn is a traditional activity in other states where the dogs are used to scatter flocks of turkeys so that individual birds can then be called back to the hunter.

Harvested wild turkeys must currently be transported to a department registration station to be recorded. This proposal would create flexibility so that a call-in system, similar to the one used for Canada geese, or other system can be used if that proves to be more convenient for hunters and efficient for the department.

This proposal would allow long term Class B disabled hunting permit holders with permits that authorize hunting from a vehicle to hunt turkeys during the special disabled turkey hunts the same as Class A and C disabled permit holders. Class A and Long term Class B disabled permit holders would also be able to use electronic calls for turkey hunting in order to resolve the difficulty that some people have operating calls by hand. Finally, this proposal removes the requirement that wild turkey hunting permits which are not issued during the drawing may only be issued on a first-come-first-served basis. It is the department's desire to continue first-come-first-served issuance of leftover permits but, should technological or other difficulties interfere, additional flexibility will allow other methods of permit issuance.

This proposal would allow rifles for use during firearm deer seasons in Dunn and Shawano Counties. Currently shotguns with slugs, handguns, and muzzleloaders are the only legal firearms. Wisconsin hunting accident statistics do not show a safety advantage of shotgun slugs over rifle bullets. Hunters in those counties have requested this rule change.

Hunting is statutorily prohibited in state parks except where allowed by administrative rule. This rule proposal would create new hunting opportunities at Potawatomi and Whitefish Dunes state parks during the traditional nine day firearm deer season. These seasons will provide hunting opportunity and provide needed deer herd control on both properties. The Cadiz Springs property includes state park and recreation area property. This proposal would eliminate the existing state-park season framework and expand hunting to include all normal deer seasons at the recreation area. This proposal would eliminate the late archery hunting opportunity at Brunet Island state park. The current archery hunt is underutilized and this change would make seasons at all of the work units in West Central Region consistent. This rule proposal would make the existing 19-day muzzleloader-only season at Wildcat Mountain an antlerless-

only hunt in most years in order to maximize deer herd control efforts. The park could allow the harvest of bucks in certain years. Antlerless deer harvest is desired at Wildcat Mountain and the park reports that antlerless deer harvest has been significantly higher during previous antlerless only seasons.

This rule would add clarity to the definition of legal gun types for hunting by clarifying that they must use compressed air or gunpowder. New devices using electromagnetic or other technology might be legal currently if they use a legal type of projectile but these devices have not been evaluated for their effectiveness or desirability for hunting. Allowing one of these new devices in the future would require evaluation and rulemaking.

Registration of harvested sharp-tailed grouse is not a legal requirement. Harvest reporting is requested but compliance is low. This rule would require harvest reporting of sharp-tailed grouse. Methods such as mail or online registration may be utilized. In-person registration would not be required under this proposal.

Waterfowl closed areas are commonly used to provide safe resting areas for migrating waterfowl as well as to allow them to stay in an area during the waterfowl hunting season. Two closed areas are being reduced in size because of their limited effectiveness and to allow other activities in those areas. Those are a portion of the Vernon Marsh Wildlife Area in Waukesha County and the Dike 17 Wildlife Area in Jackson County. At Mead Wildlife Management Area in Wood, Portage, and Marathon Counties two successful refuge areas are proposed to be expanded in order to increase their effectiveness.

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 is April 13, 2009. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

Section 1. NR 10.001(20) is repealed and recreated to read:

NR 10.001 (20) "Open water" means any portion of a navigable water body which does not contain a naturally occurring growth of emergent vegetation rooted to the bottom that provides all of the following, except that naturally occurring dead stumps or trees, or vegetation placed in the bottom by a person, do not constitute a natural growth of vegetation

(a) The vegetation is of sufficient height and density to conceal at least 50% of the hunter and the boat, blind or similar device within or behind the natural growth of vegetation when viewed from at least one direction horizontally and parallel to the water surface from a height of 3 feet above the water level.

(b) The vegetation which provides the 50% concealment extends above the water surface to a height at or above the gunwales or sides of the boat, blind or similar device and must be within 3 feet of the exterior of the boat, blind or similar device.

Note: Vegetation that is naturally rooted to the bottom other than dead trees or stumps may be dead or alive, but must still provide the required minimum 50% concealment when hunting is occurring.

Section 2. NR 10.01(2)(c)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(c)2. Cocks and	Same as in subd. 1. a.	Same as in subd.

hens-- Within the following named properties as posted with department signs:

- a. Avoca (Iowa county)
- b. Scuppernong (Waukesha county)
- c. C.D. "Buzz" Besadny fish and wildlife area (Kewaunee county)
- d. Pine River (Richland county)
- e. Vernon (Waukesha county)
- f. Boscobel unit of the Lower Wisconsin Riverway (Grant county)
- g. Kickapoo valley reserve (Vernon county)
- h. Kettle Moraine state forest (Waukesha county)
- i. Tom Lawin wildlife area (Chippewa county)
- j. Sand Creek fishery area (Monroe County)

1. a.

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

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(f)2. All wild turkey hunting zones as described in s. NR 10.29 and <u>the Mill Bluff state park portions of zones 9 and 13 of zone 1</u> , excluding all other state parks, for which a quota has been established under s. NR 10.25(5).	Fall season beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the Thanksgiving holiday.	Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.
<u>Wild turkey hunting zones 1 – 5, as described in s. NR 10.29 and the Mill Bluff state park portion of zone 1, excluding all other state parks, for which a quota has been established under s. NR 10.25(5).</u>	<u>Fall season reopening on the Monday immediately following the Thanksgiving holiday and continuing through December 31 during the 2009 and 2010 seasons.</u>	<u>Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.</u>

Section 4. NR 10.01(3)(d) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(d) Bobcat (wildcat; hunting and trapping) 1. All that part of Wisconsin north of state highway 64	Beginning on the Saturday nearest October 17 and continuing through December 31 Two permit periods: The Saturday nearest Oct. 17 – Dec. 25 Dec. 26 – Jan 31	One per season by permit
2. Remainder of the state	None	None

Section 5. NR 10.01(3)(e)1.b. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
10.01(3)(e)1.b. In the counties or parts of counties and deer management units of Brown, Calumet, Dane, Dodge, Door (Detroit, Plum, Rock and Washington Islands only), Dunn (unit 59B portion), Fond du Lac, Green, Jefferson, Kenosha, Lafayette, Manitowoc, Outagamie, Ozaukee, Pierce (unit 59B, 60A, 60B and 61 portions), Racine, Rock, St. Croix (unit 59B and 60B portions), Sheboygan, Shawano (south of highway 29), Trempealeau national wildlife refuge, Walworth, Washington, Waukesha, Waupaca and Winnebago.	Shotgun season beginning on the Saturday immediately 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 6. 10.01(3)(e)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.02(3)(e)2. 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, Newport, <u>Potawatomi</u> , Rock Island, Straight Lake, <u>Whitefish Dunes</u> , Wyalusing (73A) and Tuscobia-Park Falls.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. The firearm type is the same as authorized for the surrounding deer management unit <u>except that rifles are allowed in all of Hartman Creek.</u>	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 7. 10.01(3)(e)2.d. is amended:

Kind of animal and locality	Open season (all dates inclusive)	Limit
d. Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C) and Kohler-Andrae (77E) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 8. 10.01(3)(e)2.h. is created:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2.h. Wildcat Mountain (unit 72A) state park.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One antlerless deer or one deer of either sex as authorized by deer permits issued under s. NR 10.104

Section 9. NR 10.01(3)(em)4c. is amended.

Kind of animal and locality	Open season (all dates inclusive)	Limit
The following state parks and trails: Elroy-Sparta, Council Grounds (52A), Hartman Creek, Interstate, Kinnickinnic, Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C), Kohler-Andrae (unit 77E), Willow River, Newport and Tuscobia-Park Falls.	During the late archery seasons described in subd. 1.	One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.

Section 10. NR 10.01(3)(em)4.d. is amended.

Kind of animal and locality	Open season (all dates inclusive)	Limit
Brunet Island (unit 23A) Wildcat Mountain (unit 72A) state park.	During the late archery seasons described in subd. 1.	One antlerless deer as authorized by the appropriate carcass tag or one deer of either sex as authorized by deer permits issued under s. NR 10.104.

Section 11. NR 10.01(3)(et)c. is amended:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(et)c. Belmont Mound, Cadiz Springs , Devil's Lake, Mirror Lake, Natural Bridge, New Glarus Woods, Rocky Arbor and Yellowstone state parks.	<i>1. Early firearm season.</i> A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Allowable types of firearms are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours shall close	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

at 12:00 p.m. daily.

2. *Gun deer season.* A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).

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. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).

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).

Section 12. NR 10.06(9)(a) and (b) are created to read:

NR 10.06(9) *Daily migratory bird rest period.* Migratory bird hunting hours shall close at 1:00 p.m. daily within the posted boundaries of the following state wildlife areas on the following dates. This subsection does not apply after December 31, 2012.

(a) George W. Mead Wildlife Area (Wood, Portage, and Marathon Counties) beginning on the third day of the duck hunting season in subd. NR 10.01 and continuing for 16 days.

(b) Lake Mills Wildlife Area (Jefferson County) beginning on Sept 1 and continuing through the 16th day after the opening weekend of the duck season established in subd. NR 10.01 except that normal statewide hunting hours apply on the opening weekend of the duck season.

Section 13. NR 10.09(1)(c)(intro.)1. is amended to read:

NR 10.09(1)(c)1. `Type.' Hunt with any means other than the use of a gun ~~discharged~~ designed to be fired from the shoulder utilizing the energy of gun powder or compressed air, bow and arrow or by falconry except:

Section 14. NR 10.13(1)(b)15. is amended to read:

NR 10.13(1)(b)15. `Cable restraints specifications.' Set, place or operate any cable restraint except for bobcat from December 1 to ~~December 31~~ January 31 and fox and coyotes from December 1 to February 15, dates inclusive, provided the cable restraint conforms to the following specifications in addition to those under subd. 13. ~~The use of cable restraints for bobcat sunsets following the 2009 season.~~

Section 15. NR 10.145(3)(f) is created to read:

NR 10.145(3)(f) *Validity.* All permits are valid only in the zones and for the time periods specified on the permit during the open season established for bobcat.

Section 16. NR 10.145(8) is created to read:

NR 10.145(8) REPORTS. (a) *Harvest reports.* The department may require each successful bobcat permit applicant to submit a harvest report in a manner prescribed by the department within 24 hours of harvesting a bobcat.

Section 17. NR 10.25(1)(f)2. is amended to read:

NR 10.25(1)(f)2. `Undersubscribed zones and time periods.' If the number of applications for licenses for a wild turkey hunting zone is less than the available quota of licenses, the department may make available to any person the remaining carcass tags for the zone and time period for purchase ~~on a first-come, first-served basis~~ at a rate of no more than one carcass tag per day per person.

Section 18. NR 10.25(3) is amended to read:

NR 10.25(3) REGISTRATION. A person who possesses a wild turkey killed in a wild turkey hunting zone shall exhibit and register the bird ~~at a~~ with the department ~~registration station~~ as follows:

Section 19. NR 10.25(4)(b) is amended to read:

NR 10.25(4)(b) By the use or aid of recorded or electrically amplified bird calls or sounds or imitations thereof, or while in possession of any type of device that produces recorded or electronic amplifications of bird calls or sounds. This paragraph does not apply to hunters possessing a Class A or B disabled hunting permit which authorizes hunting from a vehicle and which is issued for more than one year.

Section 20. NR 10.25(4)(c) is amended to read:

NR 10.25(4)(c) With the aid of dogs, except during the fall open season for hunting turkeys described in s. NR 10.01(2)(f)2. in ~~Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Sauk, Vernon and Wood counties in 2007, and 2008 and 2009.~~

Section 21. NR 10.26(2)(title) is amended to read:

NR 10.26(2) TAGGING AND REGISTRATION PROCEDURE.

Section 22. NR 10.26(2)(c) is created to read:

NR 10.26(2)(c) *Registration*. A person who possesses a sharp-tailed grouse killed in a sharp-tailed grouse hunting zone shall register the bird with the department no later than 5:00 p.m. on the day after it was killed.

Section 23. NR 10.40(4) a. and b. are amended to read:

NR 10.40(4)(a) *Authorized state properties*. Turkey hunts for disabled hunters possessing a Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or Class C permit are permitted at the following state owned properties: Belmont Mound (Lafayette county), Natural Bridge (Sauk county), Nelson Dewey (Grant county), New Glarus Woods (Green county), Rocky Arbor (Juneau county) and Loew Lake unit - Kettle Moraine state forest (Washington county).

(b) *Application requirements*.

1. All applications shall be on department forms and shall be postmarked no later than December 10 or received by a department service center location on that day.

2. All applications shall include the applicant's Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or C permit number.

Section 24. NR 10.40(5)(a)2. and (b) are amended to read:

NR 10.40(5)(a)2. An application shall include all of the following:

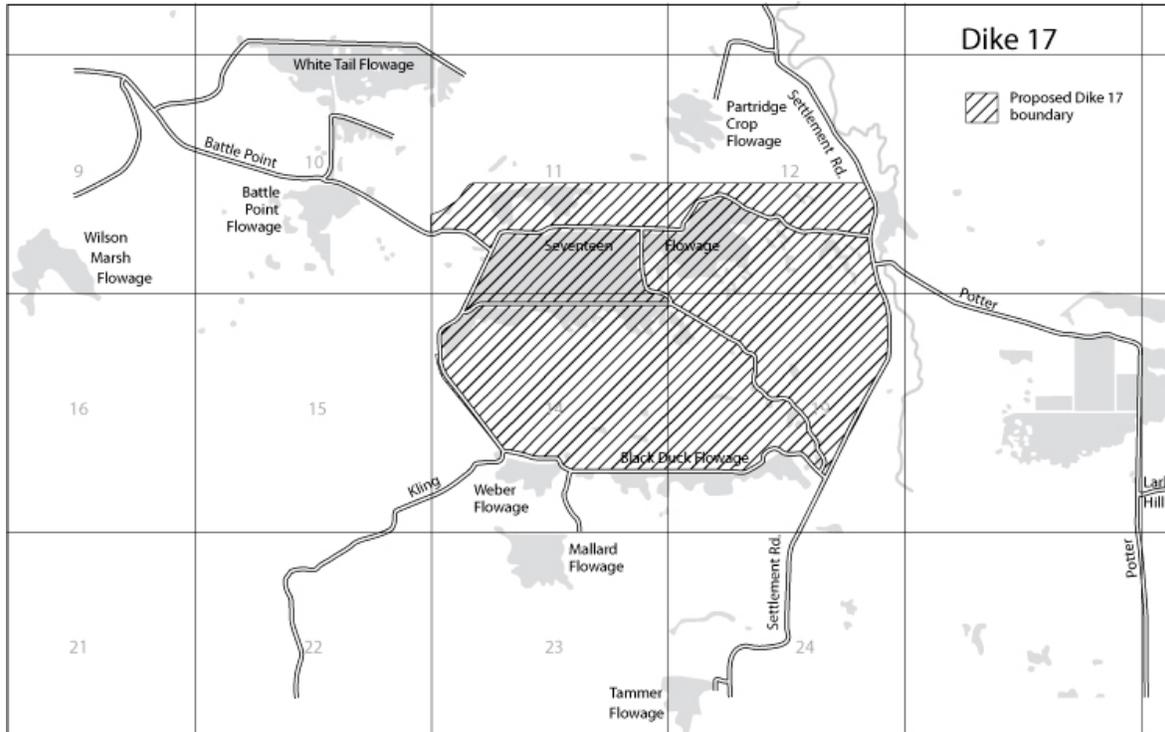
- a. The written authorization of the host landowner to conduct a disabled turkey hunt; and
- b. The turkey management zone and a legal description of the lands on which the hunt is to be conducted, including government lot or quarter-quarter section, section, township, range and county; and
- c. A list of the names, addresses and Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or C permit numbers of all participating hunters and the names of their designated assistants.

(b) *Participation limits*. No person may hunt in more than one disabled turkey hunt in the same calendar year and all special hunt permit applicants shall possess a valid turkey hunting license and stamp and either a Class A, valid Class B permit which authorizes hunting from a vehicle that is issued for more than one year, or C permit as defined in s. 29.193, Stats., that was issued on or after August 9, 1989. Participants may hunt only on the land described in the application and only during the time period described in the application. A person who is on the list of participating hunters for a disabled turkey hunt may not apply for a permit through the regular spring turkey hunting drawing in that year.

Section 25. NR 11.032(1)(b) is repealed.

Section 26. NR 11.042(2) is created:

NR 11.042(2) JACKSON COUNTY (a) *Dike 17*. Township 21 north, range 2 west, town of Millston.



Section 27. NR 11.044(title)(1) is created to read:

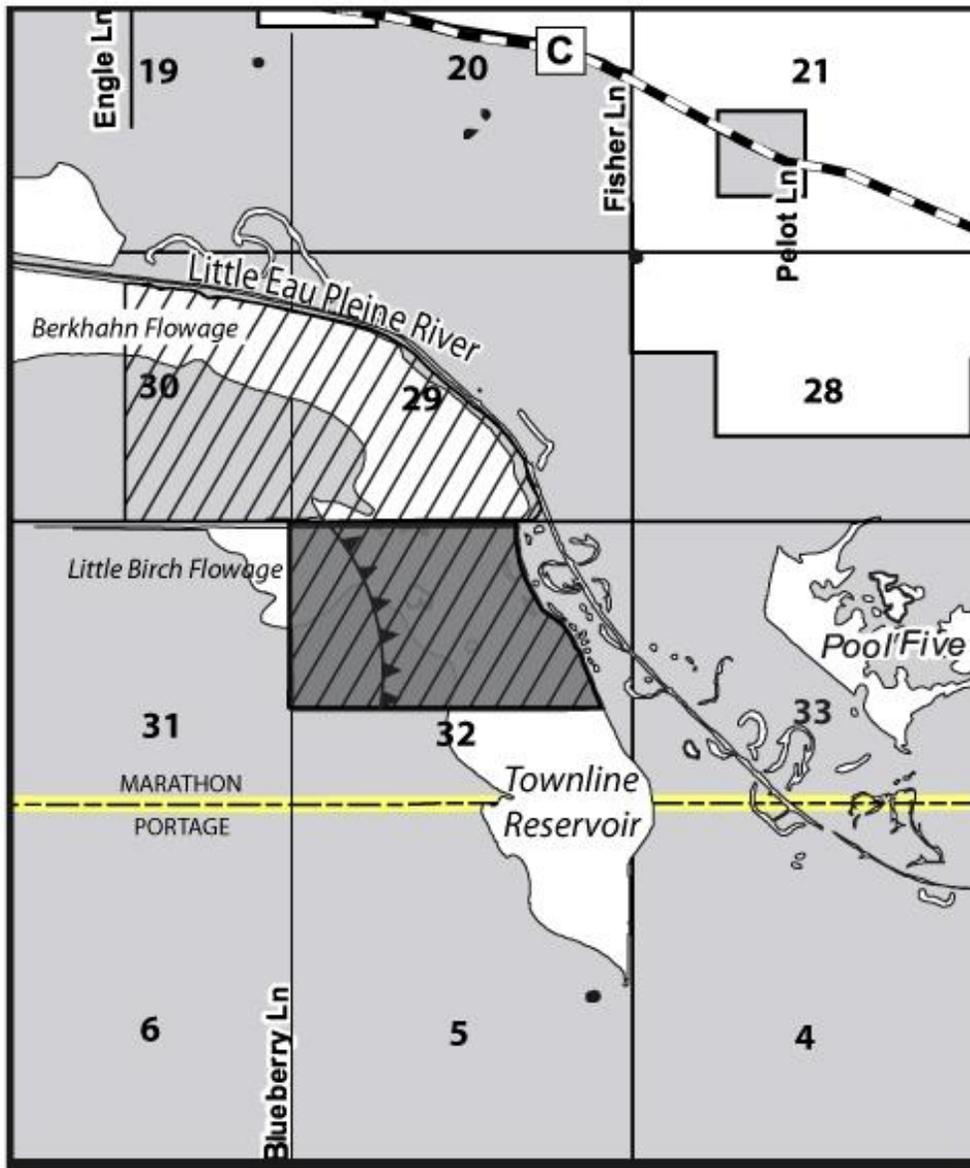
NR 11.044(1) Early waterfowl hunting season closed area. A closed season is established at the Mead wildlife area. No person may hunt waterfowl until the beginning of the duck season established in s. NR 10.01(1), except that hunting is allowed on the dates of the youth duck hunt established in s. NR 10.01(1) by all people who may legally hunt waterfowl on those dates. This subsection does not apply after December 31, 2012.

Section 28. NR 15.022(4) is repealed.

Section 29. NR 15.022(8)(b) is repealed and recreated:

NR 15.022(8)(b) Townline Reservoir/Berkhahn Flowage. Township 26 north, range 6 east, town of Bergen.

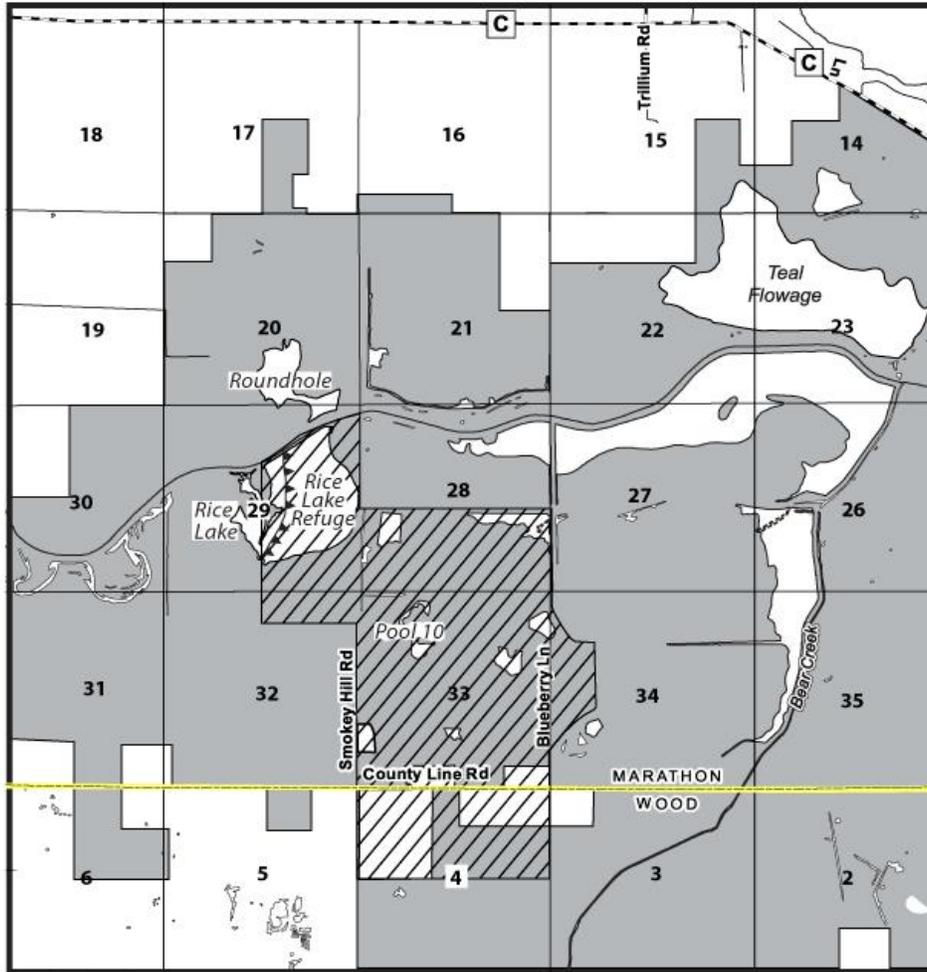
Townline Reservoir/Berkhahn Flowage Refuge



-  Existing Townline Reservoir Refuge
-  Proposed Towline Reservoir/Berkhahn Flowage Refuge
-  Mead Wildlife Management Area
-  Dike

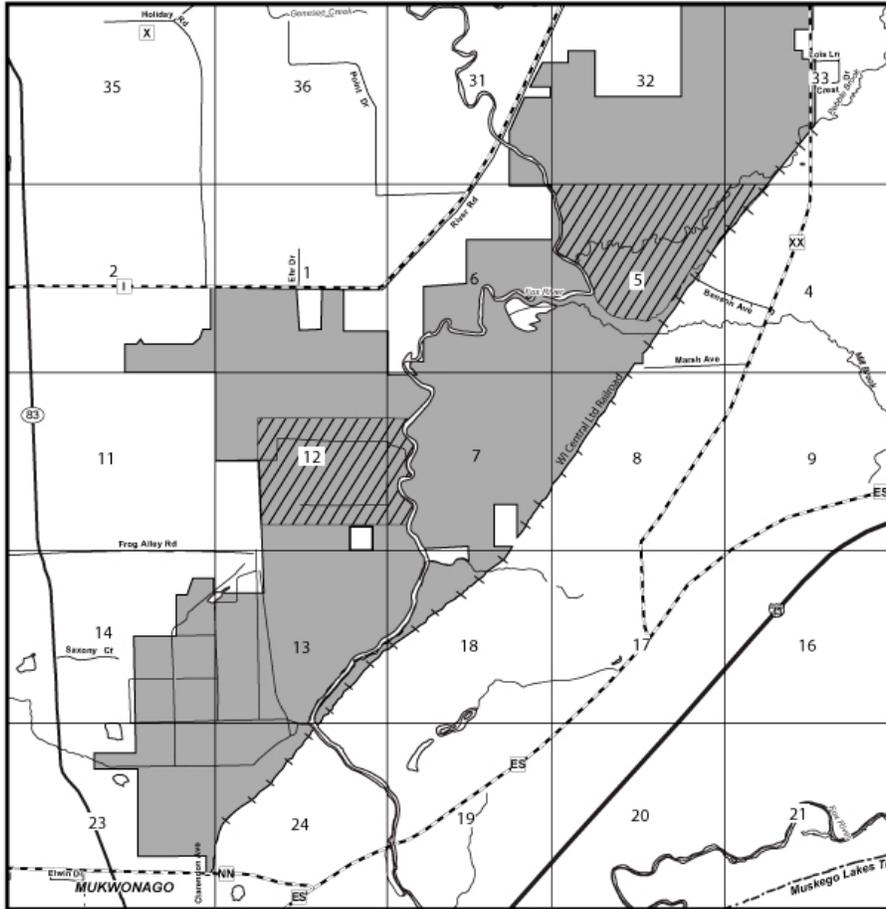
Section 30. NR 15.022(8)(e) is repealed and recreated:

NR 15.022(8)(e) *Mead*. Rice Lake Refuge. Township 26 north, range 5 east, town of Green Valley.



Section 31. NR 15.024(4) is repealed and recreated:

NR 15.024(4) WAUKESHA COUNTY. (a) *Vernon wildlife area*. Township 5 north, range 19 east, town of Vernon and township 6 north, range 19 east, town of Waukesha.



Section 32. Effective dates. Sections 1, 17, 18, 19, 23, 24 and 25 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. All other sections shall take effect on February 1, 2010.

Section 33. 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)