

Clearinghouse Rule 19-146

The statement of scope for this rule, SS 044-19 was approved by the Governor on April 29, 2019, published in Register No. 761A1 on May 6, 2019, and approved by the Natural Resources Board on June 26, 2019. This rule was approved by the Governor on _____.

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 10.001 (4), (6), (10n) and note, (17), (18), (23c) and (23s), NR 10.001 (28), NR 10.01(2) (a) 4., NR 10.01 (2) (c) 1. b., NR 10.01 (2) (e) 2., NR 10.01 (2) (g), (3) (bt) and (c) 1., NR 10.01 (3) (c). 2. b., NR 10.01 (3) (f), 2., NR 10.085 (1) (d), NR 10.125 (3), NR 10.23, NR 10.25 (1) (g) 3. and note, NR 10.25 (3) (a), NR 12.34 (1) and (2) and NR 17.01 (2) (b) & (c); to **amend** NR 8.045 (1) (a), (d), (3) (intro), (4), NR 8.52 (2) (b) 2., NR 10.001 (5t), (9c) and (25L), NR 10.01 (2) (c) a., NR 10.01 (2) (e) 1., NR 10.01 (2) (g) 1., NR 10.01 (3) (c) 1. b., NR 10.01 (3) (c) 1. b., NR 10.06 (5), NR 10.105 (4) (intro) and (j), NR 10.13 (1) (b) 2., NR 10.40 (3) (c) and (5) (c), NR 12.15 (2), (11) (b), NR 12.31 (3m), NR 12.41 (5) (a) 2., NR 17.04 (3) (c) (intro) and 3., and NR 19.73 (1) (e) 1., (2) (b) 1. And (3) (b) 2.; to **repeal and recreate** NR 10.01 (2) (f), NR 10.01(3) (h) 1., NR 10.09, NR 10.11 (1), NR 10.12 (5) and NR 16.18 (8); and to **create** NR 10.06 (10) and NR 12.15 (11) (e) relating to the 2019 Bureau of Wildlife Management housekeeping rule.

WM-05-19

Analysis Prepared by the Department of Natural Resources

1. Statutory Authority, Statutes Interpreted and Explanation of Agency Authority:

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to make changes related to trapping and hunting regulations.

A number of provisions in 2017 Wisconsin Act 59 provide initiative for this rulemaking project. In the s. 29.164 (2) (a), Stats., the department is prohibited from requiring the possession of validation of a turkey carcass tag. In s. 29.164 (2) (c) 2. and in numerous other locations the term “authorization” is established as an alternative to “carcass tag” related to turkey hunting. In the s. 29.347 (2) Stats., provisions establishing that the department shall require the possession or validation of a deer carcass tag are eliminated. This change in policy is most clearly seen by reviewing Section 578u. of 2017 Act 59.

Additionally, s. 29.885 (2) grants the department the authority to remove or authorize the removal of a wild animal that is causing damage or that is causing a nuisance.

Opening the coyote hunting season at times when a firearm deer season is also open is specifically authorized under 29.185(5)(d) which was created by 2011 ACT 169.

3. Related Statutes or Rules: This rule is related to current active rule CR 19-017.

4. Plain Language Analysis:

SECTION 1 replaces the term “carcass tags” with “harvest authorizations”, the more appropriate term for

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describing the hunting privilege that is required to hunt deer.

SECTIONS 2 AND 26 remove references to goose tags which are no longer issued.

SECTION 3 adds the term “harvest authorization” to the list of products that may be reprinted in the manner provided when authorized.

SECTION 4 adds the term “harvest authorization” so that the restrictions on reprinted tags also applies to harvest authorizations. This section specifies a harvest authorization that is identified by a unique number is a unique harvest authorization that remains as a singular harvest approval regardless of the number of reprints generated. This section also specifies that once an animal has been harvested under the authority of the harvest approval, all of the reprints are considered filled and the harvest authorization is no longer valid.

SECTION 5 of these rules replaces the outdated term “automated license issuance system” with the more generic “statewide automated system” to align with the terminology used in s. 23.47, Stats.

SECTIONS 6, 9, 27, 29 and 35 simplifies weapon and ammunition regulations for hunting by deleting minimum requirements and replaces it with a simplified and adaptable framework for future weapon innovations.

SECTIONS 7, 36, 37 AND 42 replaces outdated language in compliance with Executive Order #15.

SECTION 8 amends the definition of “Enclosed Trigger Trap” to allow a push and/or pull trigger.

SECTION 9 clarifies when a body grappling trap is considered a submersion set.

SECTIONS 11-22 removes language creating separate hunting seasons in state parks which have been made obsolete by 2011 Act 168.

SECTION 23 permanently codifies an active emergency rule that repeals the coyote hunting season closure in Wolf Management Zone 1 and create a statewide open season.

SECTION 24 simplifies language regarding the opening shooting hours of the first day of the pheasant season.

SECTION 25 clarifies that shooting hours restrictions don’t apply to the dispatch of legally trapped game.

SECTION 28 corrects a typo and updates code to reflect the fact that deer carcass removal can be contracted with state agencies other than the Department of Natural Resources.

SECTION 31 removes a reference to the Horicon Canada Goose Zone which is no longer utilized.

SECTION 32 clarifies that landowners and agents of a landowner are allowed to use bait/lures outside of a trapping season for nuisance wildlife control.

SECTION 33 removes language establishing the Grand River experimental hunting area, which hasn’t been utilized in decades, from administrative code.

SECTION 34 remove a restriction that prevents successful spring turkey applicants from receiving a Ft. McCoy military reservation turkey hunting license.

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SECTION 36 deletes references in code to Class B bear licenses which are no longer issued by the department.

SECTION 39 deletes the state and federal migratory bird stamp requirements for spring agriculture damage goose shooting permit and instead only requires the individual to possess a small game license.

SECTION 40 clarifies that individuals must be a legal adult, 18 years of age or older to be eligible for enrollment in the Wildlife Damage Abatement and Claims Program.

SECTION 41 eliminates sections of code which allow counties to request fund advancements for the wildlife damage program.

SECTION 43 removes tagging requirements for otters harvested at a wild fur farm and replaces it with a bag limit which would be consistent with the harvest of wild otter.

SECTION 44 deletes conditions of a bird dog training license which require applications to identify specific properties where the training will take place. These are no longer required by the department in a license application.

SECTION 45 deletes references in code to Class B bear licenses which are no longer issued by the department and deletes a reference to a statute which has been repealed

SECTION 46 synchronizes the experience needed to add migratory bird species to a rehab license authority with the federal requirements.

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

States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

6. Comparison with Similar 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. Also, all of Wisconsin's neighboring states have established management units for the purpose of managing deer populations.

7. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Previously, statutes required the department to issue carcass tags that authorized the harvest of a deer or turkey and required validation of the carcass tag upon taking possession of the animal. The department has also required hunters to report the harvest of Canada geese within 48 hours of harvest and used that reporting information to make harvest management decisions. 2017 Wisconsin ACT 59 prohibited the department from requiring the possession or validation of a physical carcass tag for turkeys and eliminated the requirement that deer hunters possess or validate a physical deer carcass tag. Additional legislation prohibited the department from requiring reporting or registration of Canada goose harvest.

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Currently individuals assisting a permittee in the removal of Canada Geese causing agriculture damage in the spring (May 15 – August 31) are required to possess a valid state small game hunting license, state migratory bird stamp, and a valid federal migratory bird stamp. Federal rules do not require any licenses or stamps.

On March 15, 2019, Governor Evers issued Executive Order #15. This order directed state agencies to review administrative rules and replace and derogatory or offensive terminology and replace it with more inclusive terminology.

The current definition of the term “submersion set” requires the trap to be half submerged when set. This inadvertently prohibited suspended body-grip traps which are set in a way that the animal and trap fall into the waterbody and are submerged after the trap is fired. The definition is amended to allow traps which become submerged after the trap has been triggered.

2017 Act 59 transferred authority for the car killed deer program to the Department of Transportation, therefore individuals would be under contract with the department of transportation to transport car killed deer, not the DNR.

Under current law, there are a number of nuanced weapon and ammunition regulations that are very old and increase regulation complexity despite having little to no present evidence, other than anecdotal, that they are necessary and appropriate. In general, the current regulations seem to be a mix of “hunting ethics” and safety; the new proposal balances those interests while creating and adaptable framework for future weapon innovations in an overall simplified framework.

Currently, counties may request an advancement from the department for the costs incurred while administrating the wildlife damage program. Counties have not requested an advancement from the department in many years so this provision is likely not necessary.

The ability for the Department to issue Class B bear licenses was removed by 2015 Act 55.

EmR1215 repealed the coyote hunting season closure in Wolf Management Zone 1 and created a statewide open season. This rule went into effect on October 1, 2012 and remains effective until the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21. This will permanently codify that section of code.

Currently, there is no age limit written into State Statute or WI Administrative for enrollment in the Wildlife Damage Abatement and Claims Program and the department has relied on case law to determine that minors are not eligible for program participation because contracts with minors cannot be enforced.

Currently, individuals assisting a permittee in the removal of Canada Geese causing agriculture damage in the spring (May 15 – August 31) are required to possess a valid WI state small game hunting license, state migratory bird stamp, and a valid federal migratory bird stamp. Federal rules do not require any licenses or stamps.

Active permanent rule CR 19-017 changed the river otter framework from the quota/permit system to a bag limit/quota system. As a result of this rule, trappers would no longer be required to purchase/apply for an otter permit and would no longer be required to carry a physical tag. This rule extends the same regulations to otters harvested in a wild animal fur farm.

Current rules require an individual seeking to rehabilitate migratory birds under their rehab license authority to have 100 hours of hands-on experience in the previous two years with while allowing 25 of

those hours allowed to be fulfilled by participation in seminars or courses. The federal requirements are for 100 hours of experience in the previous year and only 20 of those hours can be from participation in seminars or courses. This rule matches statute requirements with those of the USFWS.

8. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report: These rules, and the legislation which grants the department rule-making authority, do not have fiscal effects on the private sector or small businesses. No costs to the private sector or small businesses are associated with compliance to these rules.

9. Effect on Small Business (initial regulatory flexibility analysis): These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design standards are contained in the rule.

10. Agency Contact Person: Scott Karel, 101 South Webster Str., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scottr.karel@wisconsin.gov.

11. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Scott Karel
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707
Scottr.karel@wisconsin.gov
608-267-2452
608-267-7857 (fax)

Written comments may also be submitted to the Department at
DNRAdministrativeRulesComments@wisconsin.gov.

Hearing dates and the comment submission deadline are to be determined.

SECTION 1. NR 8.045 (1) (a) is amended to read:

NR 8.045 (1) (a) For any of the following: hunting licenses, hunting stamps, goose permits, wild turkey harvest authorizations, deer ~~carcass tags~~ harvest authorizations, and trapping licenses, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, except licenses and stamps authorized by s. 29.2297, Stats.; fishing licenses and fishing stamps, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, only while fishing on inland waters that are not boundary waters; disabled trolling, hunting and fishing permits issued under s. 29.193, Stats.; guide licenses authorized under s. 29.512, Stats.; certificates of

accomplishment authorized under ss. 29.591, 29.595, and 29. 597, Stats.; and wild rice harvest licenses authorized under s. 29.607 (3):

SECTION 2. NR 8.045 (1) (d) and note is amended to read:

NR 8.045 (1) (d) For an approval issued as a unique carcass tag for bear, ~~goose~~, grouse, or sturgeon that has not been validated or used to harvest an animal, a reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

Note: Once an individual has harvested a bear, ~~goose~~, grouse, or sturgeon under the authority of a unique carcass tag, the tag is no longer eligible to be reprinted.

SECTION 3. NR 8.045 (3) (intro) is amended to read:

NR 8.045 (3) Pursuant to s. 23.47 (3), Stats., for a license, stamp, certificate, harvest authorization or tag for which a reprint is authorized as proof of authorization under sub. (1), an approval holder may cause their original approval document to be reprinted by doing any of the following:

SECTION 4. NR 8.045 (4) is amended to read:

NR 8.045 (4) Any tag or harvest authorization that is identified by a unique number is a unique carcass tag or harvest authorization that remains as a singular harvest approval regardless of the number of reprints generated. Every reprint that bears an identical unique number collectively represent one authorization to harvest an animal; once an animal has been harvested under the authority of the harvest approval, all of the reprints are considered filled and the tag or harvest authorization is no longer valid.

SECTION 5. NR 8.52 (2) (b) 2. is amended to read:

NR 8.52 (2) (b) 2. Enter the person's identifying information and beginning date of the revocation of all the violator's hunting, fishing and trapping privileges and approvals into the department's ~~Automated License Issuance System~~ statewide automated system.

SECTION 6. NR 10.001 (4), (6), (10n) and note, (17), (18), (23c) and (23s) are repealed.

SECTION 7. NR 10.001 (5t) is amended to read:

NR 10.001 (5t) "Class C permit" means a permit issued to the visually ~~handicapped as defined in s. 29.193 (2) (a) 5., State~~ disabled. "Visually disabled" has the same meaning as the definition provided in 29.193(2)(a)5.

SECTION 8. NR 10.001 (9c) is amended to read:

NR 10.001 (9c) "Enclosed trigger trap" means any trap with a push or pull-activated trigger, inside an enclosure, and recessed 1 1/4 inches or more, from an opening that is no greater than 1 3/4 inches in diameter.

SECTION 9. NR 10.001 (25L) is amended to read:

NR 10.001 (25L) "Submersion set" means any trap set capable of capturing an animal and capable of submersing the captured animal. Slide wires or poles, locking devices, slip chains, weighted traps and traps staked in deep water are commonly used in submersion sets. A body gripping trap is not a submersion set when more than one-half of the ~~set~~-trap is located above water after the trap has been triggered.

SECTION 10. NR 10.001 (28) is repealed.

SECTION 11. NR 10.01(2) (a) 4. Is repealed.

SECTION 12. NR 10.01 (2) (c) a. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>a. In all counties of the state except the properties specified in subs 1, b, and 2 and s. NR 10.24.</p>	<p>Early season— Beginning on the Saturday nearest October 17 at 9:00 a.m. and continuing for 2 consecutive days Daily bag 1; possession 2</p> <p>Late season— Beginning on the day immediately after the season described above and continuing through the Sunday nearest January 6.</p>	<p>Daily bag 1; possession 2</p>

SECTION 13. NR 10.01 (2) (c) 1. b. is repealed.

SECTION 14. NR 10.01 (2) (e) 1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. In all counties of the state except in the parks listed in subd. 2.	Beginning on Saturday nearest October 17 at 9:00 a.m. and continuing for 54 consecutive days.	Daily bag 5; possession 15

SECTION 15. NR 10.01 (2) (e) 2 is repealed.

SECTION 16. NR 10.01 (2) (f) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. All wild turkey hunting zones as described in s. NR 10.29.	Spring seasons beginning on the third Wednesday in April and continuing Wednesday through Tuesday of the following week for 6 consecutive 7-day time periods, except on Ft. McCoy military reservation where the season continues for 40 consecutive days.	The bag limit is one male or bearded turkey for each wild turkey harvest authorization issued under NR 10.25..
2. Wild turkey hunting zones 1-5, as described in s. NR 10.29.	Fall season beginning on the Saturday nearest September 15 and continuing through the Sunday nearest January 6.	The bag limit is one male or one female turkey for each wild turkey harvest authorization issued under NR 10.25.
3. Wild turkey hunting zones 6 and 7, as described in s. NR 10.29.	Fall season beginning on the Saturday nearest September 15 and	The bag limit is one male or one female turkey for each wild

	continuing through the Friday immediately preceding the Thanksgiving holiday.	turkey harvest authorization issued under NR 10.25.
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SECTION 17. NR 10.01 (2) (g) 1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Statewide except in the parks listed in subd. 2.	Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the gun deer season for Zone A. in sub. (3) (e) and reopening in January and continuing through March 20. The date of reopening in January shall be established each year by the department to allow for a 124-day crow season.	Daily bag 15; possession 45

SECTION 18. NR 10.01 (2) (g), (3) (bt) and (c) 1. a. are repealed.

SECTION 19. NR 10.01 (3) (c) 1. b. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. In all other parts of the state. <u>Statewide.</u>	All year	None

SECTION 20. NR 10.01 (3) (c). 2. b. is repealed.

SECTION 21. NR 10.01 (3) (c) 1. b. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Statewide except as provided in subd. 2.	Beginning on the Saturday nearest October 17 and continuing through February 15.	None

SECTION 22. NR 10.01 (3) (f), 2. is repealed.

SECTION 23. NR 10.01(3)(h)1. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(h) <i>Coyote</i> 1. Hunting	All year	None

SECTION 24. NR 10.06 (5) is amended to read:

NR 10.06 (5) SHOOTING HOURS. Shooting hours for bear, bow deer, deer with firearms, elk and small game are 30 minutes before sunrise through 20 minutes after sunset. Shooting hours for migratory game birds are 30 minutes before sunrise to sunset except for teal during a season for hunting teal species only. The hours for shooting teal during a teal-only season shall be sunrise through 7:00 p.m. except on the first day when shooting hours begin at 9:00 a.m. ~~All pheasant shooting starts at 9:00 a.m. on the first day of the pheasant hunting season established in s. NR 10.01 (2) (e).~~ Shooting hours for the first day of the pheasant hunting season established in s. NR 10.01 (2) (c) begins at 9:00 a.m. The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The shooting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

Zone Adjustment

B- - - - Add 4 minutes

C - - - - Add 8 minutes

D - - - - Add 12 minutes

E - - - - Add 16 minutes

F - - - - Add 20 minutes

SECTION 25. NR 10.06 (10) is created to read:

(10) TRAPPING EXEMPTION. The shooting hour restrictions established in this section do not apply to the dispatch of animals lawfully trapped animals.

SECTION 26. NR 10.085 (1) (d) is repealed.

SECTION 27. NR 10.09 is repealed and recreated to read:

NR 10.09 Weapons and ammunition.

(1) WEAPONS. No person may:

- (a) Hunt with any means other than a rifle, shotgun, handgun, bow and arrow, crossbow, or falconry.
- (b) Hunt with a machine gun or other fully automatic weapon.
- (c) Hunt a game bird with or while in possession of a shotgun larger than 10 gauge.
- (d) Hunt a deer during a muzzleloader-only hunt, such as described in s. NR 10.01 (3)(es), with any gun other than a rifle, shotgun, or handgun that is a firearm with a solid breech plug attached with threads and capable of being loaded only from the muzzle.
- (e) Hunt a migratory bird with any shotgun capable of holding more than 3 shells unless the magazine has been cut off or plugged with a one-piece filler that cannot be removed without disassembling the gun and which reduces the capacity of the gun to not more than 3 shells at one time in the magazine and chamber combined.

(2) AMMUNITION. No person may:

- (a) Use, possess, or have under control while hunting
 1. shot shells containing shot larger than T.
 2. any tracer or incendiary ammunition that is not a distress flare.
 3. any bullet, arrow, or bolt that is designed or modified to explode or deliver poisons or drugs.
- (b) Hunt a game bird with any ammunition other than an arrow, bolt, or shot shell that consists of more than one projectile.
- (c) Hunt a deer, bear, or elk with any ammunition other than an arrow, bolt, or bullet that is a single projectile of an expanding design.

- (d) While hunting waterfowl, snipe, rails, moorhens and coot within any areas of the state, or mourning doves on lands which are under the management, supervision and control of the department,
1. take, catch, kill or pursue waterfowl, mourning doves, snipe, rails, moorhens, and coot with any shot, either in shot shells or as loose shot for muzzle-loading, other than non-toxic shot.
 2. possess any shot shell or muzzle-loading firearm loaded with any material other than non-toxic shot.
- (3) REASONABLE EQUIPMENT. No person may hunt with any weapon or ammunition that is of inherent design, or used in such a manner, as to not be reasonably capable of reducing a target wild animal to possession. The following are prima facie reasonable equipment:
- a. a firearm with a caliber of at least .22.
 - b. a bow with a minimum draw weight of 30 pounds.
 - c. a crossbow with a minimum draw weight of 100 pounds.
 - d. a raptor, as defined in s. NR 18.01(10).
 - e. commercially manufactured or similar hand-loaded or re-loaded ammunition
 - f. an arrow or bolt with a sharpened broad-head blade

SECTION 28. NR 10.105 (4) (intro) and (j) is amended to read:

NR 10.105 (4) TRANSPORTATION OF CERVID ANIMALS FROM A CHRONIC WASTING DISEASE AFFECTED AREA. Unless otherwise authorized by the department, the carcasses of deer harvested in a chronic wasting disease affected area identified by the department may not be transported outside of that area except for any of the following, or as provided under sub. (7):

(j) Deer carcasses transported by a licensed solid waste transporter regulated under s. NR 502.06 or by a person who is under contract with the ~~department~~ State of Wisconsin to transport deer killed by vehicles for disposal in a landfill.

SECTION 29. NR 10.11 (1) is repealed and recreated to read:

NR 10.11(1) No person may hunt elk with the aid of dogs.

SECTION 30. NR 10.12 (5) is repealed and recreated to read:

NR 10.12 (5) No person may hunt any migratory bird with a trap, snare, cable restraint, net, swivel gun, punt gun, battery gun, fishhook, poison, drug, explosive, or stupefying substance.

SECTION 31. NR 10.125 (3) is repealed.

SECTION 32. NR 10.13 (1) (b) 2. is amended to read:

NR 10.13 (1) (b) 2. 'Bait or scent.' Set out or place any bait or scent for attracting furbearing animals during the closed season, except for individuals conducting nuisance wildlife control work. During the open season, no person may use sight exposed bait consisting of feathers, animal flesh, fur, hide or entrails within 25 feet of any trap, snare or cable restraint, except for enclosed trigger traps or cage traps as defined in NR 10.001.

SECTION 33. NR 10.23 is repealed.

SECTION 34. NR 10.25 (1) (g) 3. and note are repealed.

SECTION 35. NR 10.25 (3) (a) is repealed.

SECTION 36. NR 10.40 (3) (c) and (5) (c) are amended to read:

NR 10.40 (3) (c) Participant selection. No person may be refused participation based on their age, race, religion, color, ~~handicap~~ disability, sex, physical condition, development disability, creed, sexual orientation or national origin.

NR 10.40 (5) (c) Participation selection. No person may be refused participation based on their age, race, religion, color, ~~handicap~~ disability, sex, physical condition, developmental disability, creed, sexual orientation or national origin.

SECTION 37. NR 12.15 (2) is amended to read:

NR 12.15 (2) USE REFUSAL. Permittees may refuse access to hunters or trappers for reasonable cause. Reasonable cause may not be based on age, race, religion, color, ~~handicap~~ disability, sex, physical condition, development disability, creed, sexual orientation, or national origin. The presence of at least 2 hunters or active trapping of at least one trapper per each 40 acres suitable for hunting or trapping, respectively, shall constitute a reasonable cause for refusal.

SECTION 38. NR 12.15 (11) (b) is amended to read:

NR 12.15 (11) (b) *Bear damage shooting permits.* Participants shall possess a current Class A ~~or B-bear~~ hunting license when engaged in bear damage shooting permit activities, such as hunting or baiting.

SECTION 39. NR 12.15 (11) (e) is created to read:

NR 12.15 (11) (e) *Spring Goose Shooting Permits*. Others participating under a goose damage shooting permit shall possess a license authorizing small game when engaged in goose damage shooting permit activities. No state or federal migratory bird stamps are required.

SECTION 40. NR 12.31 (3m) is amended to read:

NR 12.31 (3m) "Enrollee" means a farmer, grower, livestock raiser, beekeeper, nursery operator, orchardist, Christmas tree grower, or other person or corporation or partnership enrolled in the wildlife damage abatement and claims program for services under this program. Enrollees must be a legal adult, 18 years of age or older at the time of enrollment.

SECTION 41. NR 12.34 (1) and (2) are repealed.

SECTION 42. NR 12.41 (5) (a) 2. is amended to read:

NR 12.41 (5) (a) 2. Permittees may refuse access to goose hunters for reasonable cause. Reasonable cause may not be based on age, race, religion, color, ~~handicap~~ disability, sex, physical condition, development disability, creed, sexual orientation or national origin. However, the presence of at least 2 hunters per each 40 acres of land suitable for hunting shall constitute reasonable cause for refusal.

SECTION 43. NR 16.18 (8) is repealed and recreated to read:

NR 16.18 (8) TAGGING, REGISTRATION AND TRANSFER. Otter taken under the authority of the wild fur farm license shall be comply with the following restrictions:

(a) *Field Harvest.*

1. Each person who kills an otter under the authority of a wild fur farm license shall comply with the registration requirements for wild otter found in s. NR 10.085 (6).

(b) *Live Capture.*

1. When a live otter is captured and kept for a live sale, transfer or shipment and before it is carried by hand or transported in any manner, the licensee shall immediately validate the

otter carcass tag issued by the department by slitting, tearing or punching the tag in the manner indicated by the department. The tag shall be kept in possession of the person transporting the live otter.

2. The tag shall accompany the cage used to contain a live otter until the otter is killed or sold.
3. If a caged live otter is sold or otherwise transferred alive to another person authorized to possess a live captive wild otter, the tag shall accompany the transportation cage used to contain a live otter and shall be retained for a period of 3 years by the person to whom the live otter was sold or otherwise transferred
4. No person may transport or possess an otter harvested on a wild fur farm unless it has been tagged in accordance with this section.

Commented [KS1]: Matt, is this necessary? Seems that sub. 1. Would already cover this.

SECTION 44. NR 17.01 (2) (b) & (c) are repealed.

SECTION 45. NR 17.04 (3) (c) (intro) and 3. are amended to read:

NR 17.04 (3) (c) Except where prohibited by s. NR 45.06, an individual may use dogs to pursue wild bear without a leash from July 1 to August 31 and at times when the season for hunting bears is open in places where it is legal to hunt bear with aid of dogs provided the individual possesses a class ~~A or B~~ bear license issued under s. 29.184, Stats., ~~or is exempt under s. 29.184 (5), Stats.,~~ and:

3. Training during the open season for hunting bears only occurs during the hours when it is also legal to ~~hunt~~ shoot bears while hunting with dogs as established in ch. NR 10.

SECTION 46. NR 19.73 (1) (e) 1., (2) (b) 1. And (3) (b) 2. are amended to read:

NR 19.73 (1) (e) 1. The licensee has submitted to the department a caging report as required under s. NR 19.76 (2m), pictures of pens and enclosures, and documentation indicating the licensee's rehabilitation experience and knowledge with the new species. For migratory birds, experience and knowledge with the new species shall include at least 100 hours of hands-on experience gained within ~~the previous two years~~ at least one whole year and ~~25~~ 20 of those hours may be fulfilled by participation

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in seminars or courses relating to the new species. For species which are not migratory birds, the department may establish that less experience and knowledge is needed. The department may require that licensees demonstrate specific experience and knowledge of species that it determines to be sensitive or difficult to rehabilitate

NR 19.73 (2) (b) 1. Federal migratory birds or federal or state endangered or threatened species unless authorized by appropriate federal ~~and state~~ permit authorization added to the licensee's rehabilitation license.

NR 19.73 (3) (b) 2. Federal migratory birds or federal or state endangered or threatened species unless authorized by the appropriate federal ~~and state~~ permit authorization added to the licensee's rehabilitation license.

SECTION 47. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 48. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY _____

Preston D. Cole, Secretary

(SEAL)