

Clearinghouse Rule 20-087

The statement of scope for this rule, SS 036-20 was approved by the Governor on April 20, 2020, published in Register No. 772B on April 27, 2020, and approved by the Natural Resources Board on May 27, 2020. This rule was approved by the Governor on insert date.

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 10.085 (6) (intro), (a), (b), (c) 3. and (8) note, and NR 10.145 (6); to **renumber** NR 10.085 (6m) and (7) ; to **renumber and amend** NR 10.08 (7) (j), (k) and (L) and NR 10.085 (6) (c) ; **amend** NR 8.045 (1) (a) NR 10.01 (4) (dm), NR **10.07** (7) (e), NR 10.085 (title) (1), and (4) (b) and NR 10.145 (intro) and (1); to and to **create** NR 10.08 (3) (b) 3m., NR 10.086 and NR 10.087; relating to furbearer registration and tagging simplification.

WM-01-20

Analysis Prepared by the Department of Natural Resources

- 1. Statute Interpreted:** The chapter on wild animals and plants, in s. 29.014 (1), “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.
- 2. Statutory Authority:** The promulgation of this rule order is authorized by section 29.014, Stats.
- 3. 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 hunting regulations.
- 4. Related Statutes or Rules:** There are no currently active related administrative rules.
- 5. Plain Language Analysis:**

SECTION 1 the allowable forms of proof in lieu of the original fisher and otter harvest authorization to include a reprint, a conservation card, an authenticated Wisconsin Driver’s License or a digital file displayed on an electronic device.

SECTION 2 removes the requirement that an individual possess a pelt tag in order to harvest a fisher and replaces it with a harvest authorization.

SECTION 3 specifies the bag limit for the fisher harvest authorization.

SECTION 4 removes the requirement that a fisher must have a registration tag attached to the pelt.

SECTIONS 5, 6 and 7 separates registration requirements from NR 10.085, leaving only the requirements for tagging harvested game and moving any registration regulations to the newly created NR 10.086.

These sections also allow fisher and otter to be registered in a similar fashion to deer, bear, elk, turkey and sharptailed grouse. It also removes the requirement that the pelts of fisher and otter be

tagged once they are separated from the carcass.

SECTIONS 8 AND 14 create a new subsection of code containing all regulations regarding the certification of harvest of certain furbearer species.

SECTIONS 9 AND 11 consolidates language moves the requirement that parts of some species of animals must submitted to the department for research purposes to one section of code.

SECTION 13 creates a new subsection of code containing all regulations regarding the registration of game.

SECTIONS 15 and 16 removes the harvest reporting requirement for fisher and otter and changes the time required to report wolf and bobcat harvest so it is consistent with other species.

6. 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. In general, hunting and trapping within the Apostle Islands National Lakeshore follows state regulations. However, in some instances, there are specific restrictions set in place by the federal government. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope: The department did not hold a preliminary public hearing for this scope statement.

8. Comparison with Similar Rules in Adjacent States: Michigan, Minnesota and Iowa require in-person registration of bobcat, fisher and otter. Illinois does not require in-person registration for bobcat or otter and does not have a fisher season. Only Michigan still requires a carcass tag be attached to the hide after harvest.

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

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.

10. 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.

11. 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.

12. Agency Contact Person: Shawn Rossler, Furbearer Specialist, 608-267-9428,

Shawn.Rossler@wisconsin.gov

13. 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

Scott.karel@wisconsin.gov

608-267-2452

608-267-7857 (fax)

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wi.gov/calendar/hearings/>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

RULE TEXT

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

(a) For any of the following: hunting licenses, hunting stamps, goose permits, wild turkey harvest authorizations, deer harvest authorizations, fisher harvest authorizations, otter 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 10.01 (4) (dm) is amended to read:

Kind of Animal and Locality	Open season (all dates inclusive)	Limit
-----------------------------	-----------------------------------	-------

--	--	--

SECTION 3. NR 10.08 (3) (b) 3m. is created to read:

3m. Fisher. The possession limit corresponds to the number of harvest authorizations issued.

SECTION 4. NR 10.08 (7) (e) is amended to read:

NR 10.08 (7) (e) Transport or possess an unskinned bobcat, ~~fisher~~, or wolf carcass, or a raw pelt of these species unless it has been tagged in accordance with s. NR 10.085.

SECTION 5. NR 10.08 (7) (j), (k) and (L) are renumbered to NR 10.087 (4) d., e., and f. and amended to read:

d. Possess a raw bobcat, ~~fisher~~, otter or wolf pelt after the 5th ~~7~~th day of the month following closure of the open season for each species and the respective opening date of the next trapping or hunting season without a ~~registration tag~~ certification seal attached and locked to the head of the animal.

e. Transfer, give, trade, sell, or purchase a raw pelt or unskinned carcass of any bobcat, ~~fisher~~, otter, or wolf without a ~~registration tag~~ certification seal being attached and locked to the head portion of the pelt ~~by the department in accordance with s. NR 10.085 (6) (e).~~

f. Transport or possess a bobcat, ~~fisher~~, otter, or wolf pelt without a ~~registration tag~~ certification seal being attached and locked to the head portion of the pelt by the department, or in the case of otter in accordance with s. NR 10.085 (6) (e). This paragraph does not apply to the authorized harvester of the animal.

SECTION 6. NR 10.085 (title) (1), and (4) (b) are amended to read:

NR 10.085 Tagging and registration of game

(1) Requirements for the tagging and registration of game in this section apply to all of the following species, except that subs. ~~(6)~~, ~~(6m)~~, ~~(7)~~, and ~~(8)~~ also apply to deer; subs. ~~(6)~~, ~~(6m)~~, and ~~(8)~~ also apply to turkey; and subs. ~~(6)~~, ~~(6m)~~, and ~~(8)~~ also apply to otter:

- (a) Bear.
- (b) Elk.
- (c) Sharp-tailed grouse.
- (e) Bobcat.
- ~~(f) Fisher.~~
- (h) Wolf.

(4) (b) The pelt tag shall be attached to a bobcat, ~~fisher~~, or wolf when it is killed and before it is carried by hand or transported in any manner. Failure to attach the pelt tag invalidates the permit. The pelt and registration tag shall remain attached to the pelt until removed by a fur dresser or taxidermist at time of preparation.

SECTION 7. NR 10.085 (6) (intro), (a) and (b) are repealed

SECTION 8. NR 10.085 (6) (c) is renumbered to NR 10.087 (2) and amended to read:

(2) BOBCAT; WOLF. Each person who has killed a bobcat, ~~fisher~~, ~~otter~~, or wolf shall:

a1. Exhibit the pelt, separated from the rest of the carcass, to an authorized department representative no later than 7 days after the month of harvest. Persons who intend to have a bobcat, ~~fisher~~, ~~otter~~, or wolf mounted by a taxidermist may exhibit the bobcat, ~~fisher~~, ~~otter~~, or wolf to the department for registration certification in whole carcass condition without separating the pelt, but shall surrender the skinned carcass to the department within 30 days after registration certification.

b2. Allow inspection of the carcass and pelt, and attachment of a registration tag certification seal to the head portion of the pelt of all lawfully taken and possessed bobcat, ~~fisher~~, ~~otter~~, or wolf.

SECTION 9. NR 10.085 (6) (c) 3. is repealed.

SECTION 10. NR 10.085 (6m) and (7) are renumbered to NR 10.086 (4) and NR 10.087 (1).

SECTION 11. NR 10.085 (8) is renumbered to NR 10.08 (8) and amended to read

(8) RESEARCH. The department may require that any part of animal ~~subject to registration under this section~~ shall be collected, sampled, or submitted to the department for research purposes. No person may fail to comply with any collection, sampling, or submission procedure required by the department.

Note: In addition to registering harvested animals, the department also requires reporting of bobcat, ~~fisher, otter,~~ or wolf harvest. Additional information on bobcat, fisher, and otter harvest in s. NR 10.145

SECTION 12. NR 10.085 (8) note is repealed.

SECTION 13. NR 10.086 is created to read:

10.086 Registration of game.

(1) Requirements for registration apply to all of the following species:

- a. Bear.
- b. Deer.
- c. Elk.
- d. Sharp-tailed grouse.
- e. Wild turkey.
- f. Bobcat.
- g. Fisher.
- h. Otter.
- i. Wolf.

(2) No person who harvests any of the species identified in this section may fail to register the animal, using a telephone, internet, or other registration system established by the department, before 5:00 p.m. of the day after the animal was recovered.

NOTE: All department registration interfaces provide a confirmation number when the registration is successfully submitted. Confirmation numbers are also recorded on a customer's account and may be viewed by logging in to gowild.wi.gov.

- (3) No person may move any of the species identified in this section from the county of kill or an adjoining county, at any time, unless registration has been completed under sub. (2).

SECTION 14. NR 10.087 (3) and (4) are created to read:

NR 10.087 Certification of game.

- (3) Otter. Each person who has killed an otter shall immediately attach a certification seal to the head portion of the pelt of the otter upon receiving the certification seal from the department.
- (4) Certification violations. No person may:
- a. Affix a certification seal to any animal harvested or possessed unlawfully, including an animal for which registration was not submitted in compliance with 10.087.
 - b. Affix a certification seal to any animal harvested by a person other than the individual issued the certification seal.
 - c. Except as necessary to comply with (3), possess a certification seal which has not been lawfully affixed to a pelt, or which has been unlawfully or erroneously obtained. An unaffixed certification seal remains the property of the department and shall be returned immediately.

SECTION 15. NR 10.145 (intro) and (1) are amended to read:

NR 10.145 Bobcat, fisher, and otter. No person may hunt or trap, or attempt to hunt or trap, any bobcat ~~or fisher~~ unless he or she possesses a current and valid permit from the department and any associated pelt tags for the area or unit in which he or she is hunting or trapping, or for fisher and otter, unless he or she possesses a current and valid harvest authorization issued by the department.

(1) HARVEST QUOTAS. The number of bobcat ~~and fisher~~ permits and fisher and otter harvest authorizations issued annually shall be determined by the department. The department shall base its determination upon:

SECTION 16. NR 10.145 (6) is repealed.

SECTION 15. 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 16. 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)