

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend s. NR 10.01(3)(e)2. and (ez)1.a. and d., 10.09(1)(a)3.b., (c)1.d. and 3., (2)(intro.) and (3)(b), 10.145(2)(a), (b) and (c), 10.27(7) and (8), 15.022(intro.) and 15.024(intro.) relating to hunting and trapping regulations.

WM-02-03

Analysis Prepared by the Department of Natural Resources

Statutory authority: § 23.09(2), 29.014 and 227.11, Stats.

Statutory interpreted: § 29.164(2) and 29.171, Stats.

In this order:

Section 1. Eliminates a reference to a non-existent deer management unit.

Section 2. Clarifies the date of the October Zone T season and assures that the hunt will always coincide with the southern Wisconsin teachers conference. In addition, this section clarifies that units with Earn-a-Buck seasons will also participate in the Zone T hunts.

Section 3. Clarifies the shot size restrictions are for hunting turkey with a muzzleloader.

Section 4. Updates the rule that provides exceptions for the use of a crossbow by disabled permit holders and residents over age 65.

Section 5. Clarifies that the prohibition on rifles in shotgun zones applies to all deer seasons.

Section 6. Clarifies which deer season(s) the 24-hour firearm restriction specifically applies to and exempts special hunts from this requirement.

Section 7. Updates the rule prohibiting the use of crossbows to note the section with exceptions for disabled persons and resident senior citizens.

Section 8. Replaces “overwinter” with “pre-harvest” as it relates to population goals for fisher, bobcat and otter.

Section 9. Places Rock Island State Park under the section that correctly identifies this part as a shotgun only park, rather than a park where the use of rifles is authorized for gun deer hunting.

Sections 10 and 11. Eliminates a reference to previously deleted citation for selected wildlife properties.

Section 1. NR 10.01(3)(e)2. (title) is amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
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(e)2. Zone "B" Mississippi River Units		
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Deer management units 59D, 61, ~~61B~~, 74A and 74B.

Section 2. NR 10.01(3)(ez)1.a. and d. are amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>(ez)1.a. A 4-day antlerless only deer season allowing the use of bows and guns in October <u>beginning on the Thursday nearest October 27 and continuing for 4 consecutive days.</u> Allowable types of guns are those authorized on the first day of the regular gun deer season under s. NR 10.01 (3)(e). Antlerless deer may be tagged with the back tag issued with each deer license, a special permit under this subd. 1. b., or bonus permits issued under s. 29.181, Stats. This subdivision paragraph does not apply to state parks and state park deer management units.</p>		
<p>d. If after 2 consecutive seasons, as described in this subd. 1. a., the department determines a third season, as described under this subd. 1. a., is unlikely to reduce the deer population to within 20% of the overwinter population goal established in s. NR 10.104 for the same deer management unit or units in the subsequent year, hunters shall harvest or tag an antlerless deer in that unit or units with either a bow or a gun during any deer season or with an agricultural shooting permit, before they may harvest a buck with either weapon in that unit or units. One antlerless deer is required to authorize harvest of one buck in that unit or units, or in state parks with gun deer seasons that are within or adjoining these units, for each archery and gun deer license. Deer harvested as described in this paragraph shall be transported in accordance with s. NR 10.105 (3). <u>The gun deer season shall continue to include the time periods specified in subdivision paragraphs a. and am.</u></p>		

Section 3. NR 10.09(1)(a)3.b. is amended to read.

NR 10.09(1)(a)3.b. Use or possess shot or shells containing shot larger than no. 2 steel or no. 4 for lead or other no. 4 non-steel shot while hunting wild turkeys.

Section 4. NR 10.09(1)(c)1.d. is amended to read.

NR 10.09(1)(c)1.d. Crossbows may be used by disabled individuals issued a permit under ~~s. ss.~~ ss. 29.171 (4) and 29.193(2), Stats., which authorize the use of a crossbow.

Note: In addition, pursuant to ss. 29.164 and 29.171, Stats., crossbows may be used by resident senior citizens for hunting turkey under a license issued under s. 29.164, Stats., and for small game and deer under the authority of an archery license issued under s. 29.171, Stats.

Section 5. NR 10.09(1)(c)3. is amended to read.

NR 10.09(1)(c)3. 'Possession.' Possess any rifle larger than .22 rim-fire during the deer gun seasons or hunts established in s. NR 10.01(3) in areas wherein there is an open season for hunting deer with shotgun only unless such rifle is unloaded and enclosed within a carrying case.

Section 6. NR 10.09(2)(intro.) is amended to read.

NR 10.09(2) SPECIAL ONE-DAY RESTRICTION. During the 24-hour period prior to the opening date for ~~hunting deer with guns~~ the regular gun deer season established in s. NR 10.01(3)(e), no person shall may possess a gun wherein there is an open season for deer with guns unless the gun is unloaded and enclosed within a carrying case. Exceptions:

Section 7. NR 10.09(3)(b) is amended to read.

NR 10.09(3)(b) *Special restrictions.* Use, possess or have under control while hunting, any poisoned or drugged arrow, arrow with explosive tips or any crossbow unless the crossbow is authorized under s. NR 10.09(1)(c)1.d.

Section 8. NR 10.145(2)(a), (b) and (c) are amended to read.

NR 10.145(2) POPULATION GOALS. (a) *Fisher.* The ~~overwinter~~ preharvest population goal for fisher management zones A, B, C, and D described under s. NR 10.01 (4) (dm) is one fisher per 2 square miles of fisher range. (b) *Bobcat.* The ~~overwinter~~ preharvest population goal north of the state highway 64 is one bobcat per 10 square miles of bobcat range.

(c) *Otter*. The statewide ~~overwinter~~ preharvest population goal is 13,000 otter.

Section 9. NR 10.27(7) and (8) are amended to read.

NR 10.27(7) FIREARM, MUZZLELOADER AND LATE BOW SEASON. Deer hunting by firearm, muzzleloader and bow and arrow is established by s. NR 10.01 (3) (e) 3., (es) and for the December portion of s. NR 10.01 (3) (em) for Newport, ~~Rock Island~~ and Mill Bluff state parks. Additionally, deer hunting by bow and arrow shall begin on October 15 and continue for the remainder of the season established in s. NR 10.01 (3) (em) for ~~Rock Island and~~ Mill Bluff state ~~parks~~ park.

(8) SHOTGUN, MUZZLELOADER AND LATE BOW SEASON. (a) A shotgun season and a muzzleloader season for deer hunting is established by s. NR 10.01 (3) (e) 3. and deer hunting by bow and arrow is established for the December portion of s. NR 10.01 (3) (em) for Council Grounds state park. Hunting and the bag limit is authorized by unfilled hunter's choice and antlerless deer permits issued under s. NR 10.104.

(b) Deer hunting by shotgun, muzzleloader and bow and arrow is established by s. NR 10.01 (3) (e) 3. and (es) for Rock Island state park. Additionally, deer hunting by bow and arrow shall begin on October 15 and continue for the remainder of the season established in s. NR 10.01 (3) (em) for Rock Island state park.

Section 10. NR 15.022 (intro.) is amended to read.

NR 15.022 No entry wildlife refuge except gun deer and muzzleloader deer (Sept. 1-Dec. 31). A wildlife refuge is established in the following areas when posted with department signs and no person may hunt waterfowl at any time within such areas. No person may enter such areas for any reason from September 1 through December 31 unless such areas are posted as open with department signs except to hunt deer during the open gun and muzzleloader seasons for hunting deer established in ~~ss. s.~~ NR 10.01 (3)(e) and (es) ~~and 10.117~~, trapping by permit in the area described in sub. (5), and except for the retrieval of legally killed or crippled game in posted retrieval zones.

Section 11. NR 15.024 (intro.) is amended to read.

NR 15.024 No entry wildlife refuge (Sept. 1-Dec. 31); gun deer and muzzleloader deer hunting permitted. A wildlife refuge is established in the following areas when posted with department signs and no person may hunt waterfowl at any time within such areas. No person may enter such areas for any reason from September 1 through December 31, except to hunt deer during the open gun and muzzleloader seasons for hunting deer established in ~~ss. s.~~ NR 10.01 (3) (e) and (es) ~~and 10.117~~.

Section 12. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Section 13. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on March 26, 2003.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)