

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

The Wisconsin Natural Resources Board proposes an order to repeal s. NR 10.29(2) and 11.08; to amend s. NR 10.01(1)(g)1.L. and m., (2)(f)2., (3)(e)3.c., d., e., (em)1., (es)1., (4)(a)1., (c)1., 2. and 3., (d), (dm), (e)1., 2., 4., and 5., 10.102(4), 10.106(11), and 10.27(2), (5)(intro.), (6), (7) and (8)(a); to renumber s. NR 10.01(3)(e)3.cm. and 15.024(4); to repeal and recreate s. NR 10.29(2); and to create s. NR 10.01(3)(e)3.cr., f., g. and (es), and 15.024(intro.) and (a) relating to hunting and trapping regulation changes.

WM-01-04

Analysis Prepared by the Department of Natural Resources

Statutory Authority: Statutes that authorize the promulgation of this rule order include sections 29.014, and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, s. 29.089(3), Stats., authorizes the department to promulgate rules that allow hunting on state park properties.

Statutes Interpreted: In promulgating this rule, s. 29.164(2), Stats., relating to the department's authority to regulate turkey hunting, s. 29.184(2), Stats., relating to bear management, and s. 29.192(2), Stats., relating to sharp-tailed grouse management, have been interpreted as allowing the department the authority to create turkey management zones, modify the deadline for purchase of a Class A bear permit, and eliminate closed areas for sharp-tailed grouse.

Plain Language Rule Analysis: This rule package repeals the prohibition on Canada goose hunting on the Saturday, Sunday and Monday of the Labor Day holiday weekend. Extends the Fall turkey season to 40 consecutive days by opening the season on October 1. Clarifies that Willow River and Kinnickinnic state parks have a 9-day deer gun season. Clarifies the muzzleloader and firearm seasons at the Loew Lake unit of the Kettle Moraine state forest. Extends the muzzleloader deer season to 10 days in state parks where the muzzleloader season is offered to be consistent with the statewide muzzleloader deer season. Creates a 9-day deer gun season at Governor Thompson state park. Differentiates between the early and late archery deer seasons. Modifies the muskrat, fisher and mink seasons to provide consistency in season dates and lengthens the seasons for these species. Modifies the beaver and otter trapping seasons to provide consistency in season dates. It also lengthens the otter trapping season for reduced incidental take and shortens the beaver trapping season for population management control. Extends the deadline for purchasing a class A bear hunting license. Allows legally harvested deer to be skinned prior to registration. Extends the late archery season in state parks where late archery deer hunting is allowed to be consistent with the statewide late archery season. Creates three new turkey management zones. Eliminates sharp-tailed grouse closed areas in northwestern Wisconsin.

Federal Regulatory Analysis: Provided state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of Federal statutes and regulations, regulation of hunting and trapping of native species has been delegated to state fish and wildlife agencies. None of the proposed rules exceed the authorities granted the states in 50 CFR 10. Additionally, the proposed modifications to the early September Canada goose hunt are consistent with the parameters established by the Fish and Wildlife Service in 50 CFR 20.105.

State Regulatory Analysis: These rule changes do not represent policy or significant rule changes that may differ from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild big game, upland, migratory and furbearer species that are established based on needs which often are unique to that state's resources or public desires. In most circumstances however, hunting and wild game regulations are fairly consistent in the surrounding states. For instance, Illinois, Iowa, Michigan and Minnesota all offer Canada goose hunting over the Labor Day weekend to some extent. Each of these states have established zones and seasons for managing turkey, furbearer and deer populations.

Section 1. NR 10.01(1)(g)1.L. and m. are amended to read:

Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
L. Early goose hunt subzone A as established in s. NR 10.31 (11).	Sept. 1 — Sept. 15 excluding the Saturday, Sunday and Monday of Labor Day weekend	5	10
m. Early goose hunt subzone B as established in s. NR 10.31 (11), excluding the Burnett county subzone as described under s. NR 10.31 (1) (b).	Sept. 1 — Sept. 15 excluding the Saturday, Sunday and Monday of Labor Day weekend	5	10

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

Locality	Open season (all dates inclusive)	Limit
2. All wild turkey hunting zones as described in s. NR 10.29 and Mill Bluff state park portions of zones 9 and 13, 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 October 10 October 1 and continuing for 30 40 consecutive days.	Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.

Section 3. NR 10.01(3)(e)3.c. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. The following state parks and trails: Big Bay, Devil’s Lake, Elroy–Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Kinnickinnic , Mill Bluff, Mirror Lake, Newport, Rock Island, and Tuscobia–Park Falls and Willow River.	The firearm type and season length is the same as authorized for the surrounding deer management unit.	The bag limit is the same as authorized for the surrounding deer management unit.

Section 4. NR 10.01(3)(e)3.cm. is renumbered to NR 10.01(3)(e)3.cg.

Section 5. NR 10.01(3)(e)3.cr. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
cr. Kinnickinnic and Willow River state parks.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	The bag limit is the same as authorized for the surrounding deer management unit.

Section 6. NR 10.01(3)(e)3.d. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
d. Loew Lake Unit – Kettle Moraine state forest (unit 77D), Wildcat Mountain (unit 72A), Yellowstone (unit 75B), Rib Mountain (unit 57D), Harrington Beach (unit 69C) and Brunet Island (unit 23A) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 16 ¹⁹ consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 7. NR 10.01(3)(e)3.e. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
e. Council Grounds state park (unit 52A)	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days followed by a muzzle loading firearm season beginning on the following Monday and continuing for 7 ¹⁰ consecutive days.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 8. NR 10.01(3)(e)3.f. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
f. Loew Lake Unit – Kettle Moraine state forest (unit 77D).	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Muzzleloader firearm deer hunting is limited to persons holding a permit for unit 77D issued pursuant to s. 29.177, Stats.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 9. NR 10.01(3)(e)3.g. is created to read:

Locality	Open season (all dates inclusive)	Limit
g. Governor Thompson state park	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	The bag limit is the same as authorized for the surrounding deer management unit.

Section 10. NR 10.01(3)(em)1. is amended to read:

Locality	Open season (all dates inclusive)	Limit
1. Statewide except as established under s. NR 10.01(3)(em) 2., 3, subds. 2. and 3. and <u>pars. (et) and (ez).</u>	<i>Early archery season.</i> Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season described in par. (e). <i>Late archery season.</i> Reopening on the day immediately after the deer gun season described in par. (e) and continuing through January 3.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104. One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.

Section 11. NR 10.01(3)(es)1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Entire state, except for the areas described in subd. 2., par. (et), and for deer management units 1M, 59M, 60M, 64M, and 77M, and state parks.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 12. NR 10.01(3)(es)3. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. Loew Lake Unit – Kettle Moraine state forest (unit 77D).	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. Muzzleloader deer hunting is limited to persons holding a permit for unit 77D issued pursuant to s. 29.177, Stats.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 13. NR 10.01(4)(a)1. Is amended to read:

Locality	Open season (all dates inclusive)	Limit
(a) <i>Muskrat trapping.</i> 1. 'North zone' – All that part of Wisconsin north of state highway 64.	Beginning on the Saturday nearest October 24 <u>17</u> and continuing through the last day of February	None

Section 14. NR 10.01(4)(c)1., 2. and 3. are amended to read:

Locality	Open season (all dates inclusive)	Limit
(c) <i>Beaver trapping.</i> 1. Zone A as described in s. NR 10.35.	Beginning on the Saturday nearest October 24 <u>November 4</u> and continuing through April 30.	None
2. Zone B as described in s. NR 10.35.	Beginning on the Saturday nearest October 24 <u>November 4</u> and continuing through April 30.	None
3. Zone C as described in s. NR 10.35.	Beginning on the Saturday nearest November 4 and continuing through April 30 <u>March 31</u> .	None

Section 17. NR 10.01(4)(e)1., 2. and 4. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
(e) <i>Mink trapping.</i>		
1. 'North zone' - All that part of Wisconsin north of state highway 64	Beginning on the Saturday nearest October 24 17 and continuing through December 31 the last day in February.	None
2. 'South zone' – All that part of Wisconsin south of state highway 64 and east of the Burlington Northern railway, except as described in subs. 3. and 4.	Beginning on the Saturday nearest October 28 and continuing through December 31 the last day in February.	None
4. 'Mississippi River zone' - All that part of Buffalo, Crawford, Grant, LaCrosse, Trempealeau, and Vernon counties lying east of the Chippewa river and west of the Burlington Northern railway	Beginning on the second Monday in November or the day following the close of the open season for ducks as established under sub. (1) (b) 1., whichever occurs first, and continuing through January 15 the last day in February.	None

Section 18. NR 10.102(4) is amended to read:

NR 10.102(4) FEES. A successful applicant shall submit the appropriate license fee established by s. 29.563 (2) (a) 6. or 7. or (b) 4. or 5., Stats., to the department before receiving a Class A bear license. The fees shall be submitted to a license vendor or department service center no later than ~~April 15~~August 1 each year.

Section 19. NR 10.106 (1) is amended to read:

NR 10.106 (1) CARCASS CONDITION AND TRANSPORTATION. Deer shall be intact except they may be field dressed, skinned and the following portions of the lower legs removed; from the hooves up to the tarsus joint on the hind legs and from the hooves up to the carpus joint on the front legs. Deer may be skinned and quartered by persons holding a Class A or B disabled hunting permit. Bear may be skinned and quartered. These animals or animal parts may not be removed from the area specified in this section unless exhibited, registered and tagged. If skinned or the lower legs are removed, the entire skin or portions of the lower leg shall accompany the carcass until the deer or bear is registered.

Note: Common terms for the tarsus or second major joint on the rear legs up from the hoof include "hock" and "ankle" and common terms for the carpus or second major joint on the front legs up from the hoof include "wrist" and "knee".

Section 20. NR 10.27(2) is amended to read:

NR 10.27(2) FIREARM SEASON. Deer hunting by firearm is allowed in Natural Bridge, ~~and~~ Wyalusing and Governor Thompson state parks during the season specified in s. NR 10.01 (3) (e) 3.

Note: The deer gun season established in s. NR 10.01(3)(e)3.g. at Governor Thompson State Park is subject to review following the completion of the property master plan.

Section 21. NR 10.27(5) (intro.) is amended to read:

NR 10.27(5) FIREARM AND LATE BOW SEASONS. (intro.) Deer hunting by firearm and bow and arrow is established by s. NR 10.01 (3) (e) 3. and ~~the December portion of~~ for the late archery season established in s. NR 10.01 (3) (em)1. for the following:

Section 22. NR 10.27(6) is amended to read:

NR 10.27(6) LATE BOW AND MUZZLELOADER SEASON. Deer hunting by bow and arrow is established for the ~~December portion of late archery season established in~~ s. NR 10.01 (3) (em)1. and by ~~muzzle loader muzzleloader~~ muzzleloader during the season established in s. NR 10.01 (3) (e) 3. for Wildcat Mountain, Yellowstone, Rib Mountain, Harrington Beach and Brunet Island state parks. Hunting and the bag limit is authorized by unfilled hunter's choice and antlerless deer permits issued under s. NR 10.104.

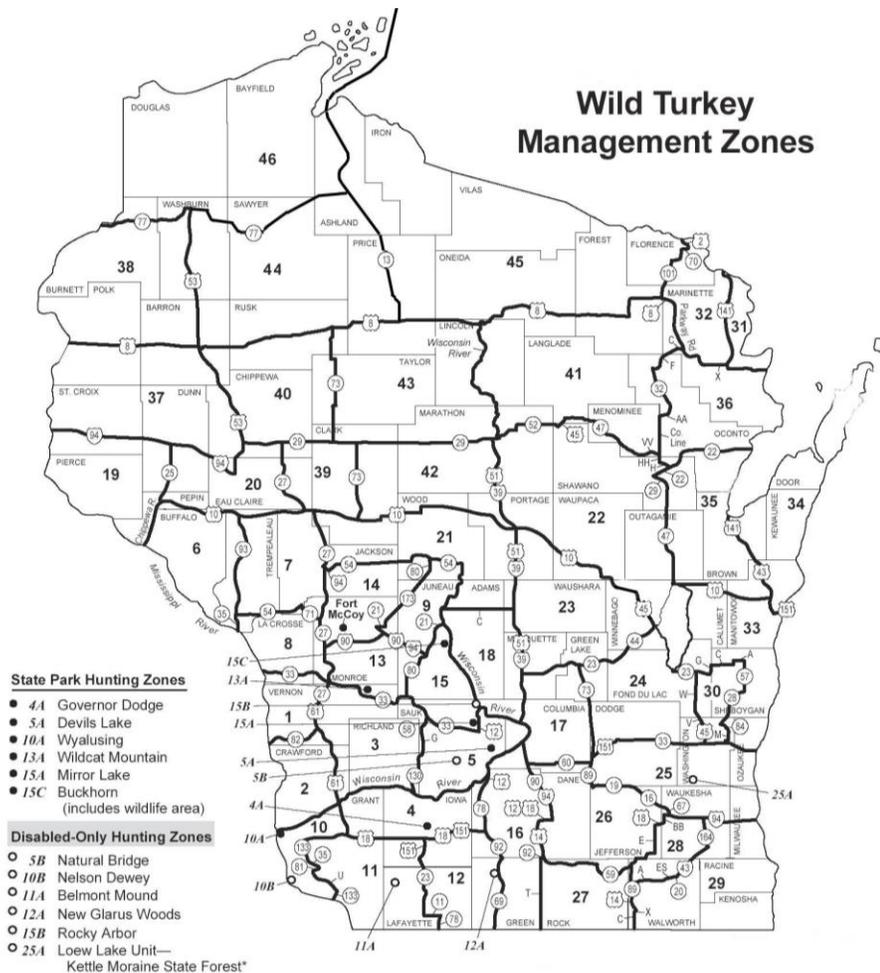
Section 23. NR 10.27(7) is amended to read:

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 late archery season established in~~ s. NR 10.01 (3) (em)1. for Newport 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 Mill Bluff state park.

Section 24. NR 10.27(8)(a) is amended to read:

NR 10.27(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 late archery season established in~~ s. NR 10.01 (3) (em)1. 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.

Section 25. NR 10.29(2) is repealed and recreated to read:



Section 26. NR 11.08 is repealed.

Section 27. Effective date. The rules shall take effect on April 1, 2005, except sections 9 and 20 that shall take effect on November 1, 2004.

Section 28. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 26, 2004.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)