

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.101 (2)(d), 10.105(1), 10.29(1) 17.02(4)(d)2.; renumber NR 10.105(2); to amend NR 1.16(2), 10.01(1)(g)1.h., (2)(f)3., (3)(e)1.d., 2., 3.c. and (es), 10.101(1)(c), 10.104(4)(b), 10.13(1)(b)4. and 5., 10.27(3) and (7), 11.011(intro.), 16.02(1), 17.02(4)(b)2.(intro.), 45.09(5)(intro.); to repeal and recreate NR 10.29(2); and to create NR 10.001(1L) and (9b), 16.02(7), 17.02(3)(e) and (f) relating to hunting, trapping and captive wildlife.

WM-02-01

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014, 29.089 and 227.11, Stats.

Statutory interpreted: ss. 23.09(2), 29.089, 29.192 and 29.867, Stats.

In this order:

Section 1 Updates our Natural Resources Board policy on furbearers by incorporating trap standard improvements into our overall furbearer management program.

Sections 2 and 10 Defines an adult bear and prohibits the shooting of a bear that is accompanied by a bear that is not an adult bear.

Section 4 Restructures the Collins Zone by splitting the season into 3 time periods rather than the current 4 time periods.

Sections 5, 8 and 18 Establishes spring turkey, firearm, muzzleloader and late bow deer seasons at Mill Bluff state park.

Sections 6 and 7 Removes the prohibition of using rifles during the first 2 days of the regular nine day gun deer season in all units where rifles are allowed during the last 7 days of the season.

Section 9 Removes expired language.

Sections 11 and 27 Allows bear hunters to replace dogs in the pack should they drop out of a hunt.

Section 12 Increases the overwinter goal in deer management unit 75A from 15 to 20 deer per square mile of deer range.

Section 13 and 14 Eliminates the requirement of having to transport deer and bear in an open an exposed manner prior to registration.

Sections 15, 16 and 3 Allows the use of commercially manufactured, enclosed trigger traps within 15 feet of beaver dams and during closed seasons for muskrat, beaver, mink or otter.

Section 17 Extends the archery deer season in Buckhorn state park one month (through December).

Sections 18 and 20 Creates two turkey management zones and a spring turkey hunting season in those zones.

Section 21 Closes Mecan Springs to hunting and trapping during all open waterfowl seasons.

Sections 22 and 23 Prohibits game farms licensed for killing turkeys in the wild turkey management zones. Pinned turkeys within the wild turkey management zones would remain legal.

Sections 24 and 25 Requires captive wild birds used for dog training to be marked with department leg bands prior to release.

Sections 26 and 28 Adds La Crosse, Outagamie and Winnebago counties to the list of counties where target shooting on state owned lands is illegal unless at designated target ranges.

Section 1. NR 1.16(2) is amended to read:

NR 1.16(2) HARVEST. Furbearers are significant from ~~a~~ an ecological, biological, recreational, cultural and economic standpoint. ~~Regulations~~ Management efforts will assure their future in suitable natural ecosystems and harvest regulations will be designed to make optimum use of these species for these purposes.

(a) Every effort shall be made to design regulations on as uniform a basis as possible that will still maintain desirable population levels from year to year. ~~High pelt prices on these species can result in temporarily depressed, local populations. Both recreational-~~ Best management practices that include cultural, ecological and biological objectives shall be accorded primary consideration in the management of furbearer populations and the establishment of harvest regulations.

(b) Because of the ~~recreational and~~ cultural, economic, recreational and public service value of the furbearer harvest, present trapping methods and techniques must continue. However, efforts to develop ~~new trapping methods and techniques~~ best management practices for trapping that would improve humaneness, selectivity, efficiency, effectiveness and safety will be encouraged.

Section 2. NR 10.001(1L) is created to read:

NR 10.001(1L) “Adult bear”, means a bear measuring 42 inches or greater measured in a straight line from the tip of the nose to the base of the tail.

Section 3. NR 10.001(9b) is created to read:

NR 10.001(9b) “Enclosed trigger trap” means any trap with a 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 4. NR 10.01(1)(g)1.h. is amended to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
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NR 10.01(3)(e) 2. Zone "B"
Mississippi River Units
Deer management units 59D,
61, 61B, 74A and 74B.

a. The Buffalo, Trempealeau
and Pepin county portions of
deer management unit 61.

~~Shotgun~~ Firearm season
beginning on the Saturday
immediately preceding the
Thanksgiving holiday and
continuing for ~~2~~ 9 consecutive
days.

One deer of either sex and as
authorized by antlerless deer
permits issued under s. NR
10.104.

~~Firearm season beginning on
the day immediately following
the shotgun season described
above and continuing for 7
consecutive days.~~

b. The Pierce county portion
of deer management unit 61.

Shotgun season beginning on
the Saturday immediately
preceding the Thanksgiving
holiday and continuing for ~~2~~ 9
consecutive days.

One deer of either sex and as
authorized by antlerless deer
permits issued under s. NR
10.104.

~~Shotgun season beginning on
the day immediately following
the shotgun season described
above and continuing for 7
consecutive days.~~

c. The Jackson, La Crosse and
Monroe county portions of
unit 59D, and the La Crosse
portion of 74A.

~~Shotgun~~ Firearm season
beginning on the Saturday
immediately preceding the
Thanksgiving holiday and
continuing for ~~2~~ 9 consecutive
days.

One deer of either sex and as
authorized by antlerless deer
permits issued under s. NR
10.104.

~~Firearm season beginning on
the day immediately following
the shotgun season described
above and continuing for 7
consecutive days.~~

d. Trempealeau national
wildlife refuge.

Shotgun season beginning on
the Saturday immediately
preceding the Thanksgiving
holiday and continuing for 9
consecutive days.

Sex and type of deer is as
specified on permit issued by
federal refuge ~~permit~~ facility.

e. The Vernon county
portions of deer management
units 59D and 74A, and the

Firearm season beginning on
the Saturday immediately
preceding the Thanksgiving

One deer of either sex and as
authorized by antlerless deer
permits issued under s. NR

Vernon and Crawford county holiday and continuing for ~~2~~ 9 consecutive days. 10.104.
 portion of unit 74B.

~~Firearm season beginning on the day immediately following the season described above and continuing for 7 consecutive days.~~

Section 8. NR 10.01(3)(e) 3. c. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)3.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, <u>Mill Bluff</u> , Mirror Lake, Newport, Rock Island, 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 9. NR 10.01(3)(es) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
(es) Muzzleloader deer season Entire state, except for the areas described in subd. 1m and 2.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.	One buck deer and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
1m. Deer management units 1,2,3,4,5,6,7,8,9,10,11,12,13, 14,17,18,19,20,24, 28, 29A, 29B, 30,31,34,35,36,37,38,44, 49B,50,52,53,55,56,78, and the Tuscobia Park Falls state trail.	Muzzleloader season beginning November 27, 2000 and ending on December 3, 2000.	One deer of either sex and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
2. Zone B as described in par. (3)(e) 2.	Beginning the Monday immediately following the Thanksgiving holiday and continuing for 7 consecutive days.	One deer of either sex and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 10. NR 10.101(1)(c) is amended to read:

NR 10.101(1)(c) ~~Adult bear with cubs.~~ Non-adult bears. Shoot, shoot at or kill ~~an adult~~ a bear that is accompanied by a ~~cub or cubs~~ bear that is not an adult bear.

Section 11. NR 10.101 (2)(d) is repealed.

Section 12. NR 10.104(4)(b) as amended by Clearinghouse rule 00-118 is amended to read:

NR 10.104(4)(b). *Unit goals.* The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in January and are as follows:

Management Unit	Deer Goal	Management Unit	Deer Goal	Management Unit	Deer Goal
1	20	38	20	63B	25
1M	10	39	20	64	20
2	18	40	20	64M	10
3	12	41	25	65A	30
4	10	42	20	65B	30
5	20	43	15	66	25
6	12	44	15	67A	25
7	15	45	20	67B	25
8	20	46	25	68A	30
9	20	47	25	68B	30
10	25	48	20	69	25
11	20	49A	25	70	25
12	17	49B	25	70A	25
13	15	50	20	70B	25
14	14	51A	25	70E	25
15	25	51B	25	70G	30
16	25	52	20	71	25
17	15	53	25	72	20
18	20	54A	25	73B	20
19	20	54B	25	73D	20
20	18	54C	25	73E	22
21	25	55	25	74A	15
22	20	56	30	74B	20
22A	20	57	22	75A	15 20
23	20	57A	25	75C	20
24	20	57B	25	75D	20
25	20	57C	30	76	20
26	20	58	25	76A	25
27	20	59A	20	76M	10
28	11	59B	15	77A	20
29A	10	59C	25	77B	15
29B	10	59D	20	77C	15
30	15	59M	10	77M	10
31	19	60A	20	78	15
32	21	60B	20	80A	15
33	20	60M	10	80B	20
34	17	61	15	81	15
35	20	62A	25		
36	25	62B	25		
37	25	63A	25		

Section 13. NR 10.105 (1) is repealed.

Section 14. NR 10.105 (2) is renumbered NR 10.105.

Section 15. NR 10.13(1)(b)4. is amended to read:

NR 10.13(1)(b)4. Watersets. Take, capture or kill, or attempt to take, capture, or kill any furbearing animals at any time by means of watersets except during that period when and in those areas where there is an open season for trapping muskrat, beaver, or otter or when using a commercially manufactured, enclosed trigger trap. In addition, persons removing beaver under s. NR 12.10 may use watersets.

Section 16. NR 10.13(1)(b)5. is amended to read:

NR 10.13(1)(b)5. Trap and snare placement. Set any snares or traps at any time within 15 feet of any beaver dam, except when trapping under the landowner authority established by s. 29.337, Stats., or with a commercially manufactured, enclosed trigger trap.

Section 17. NR 10.27(3) is amended to read:

NR 10.27(3) EARLY AND LATE BOW SEASON SEASONS. Deer hunting by bow and arrow ~~through November~~ is allowed in Buckhorn state park as specified in s. NR 10.01(3)(em).

Section 18. 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 s. NR 10.01(3)(em) for Newport ~~and~~ 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 ~~park~~ parks.

Section 19. NR 10.29(1) is repealed.

Section 20. NR 10.29(2) is repealed and recreated to read:



Section 21. NR 11.011(intro.) is amended to read:

NR 11.011 Waterfowl closed area: disturbance prohibited. (intro.) A closed season is established in the following areas posted with department signs. No person may hunt or trap any species of wild animal or disturb waterfowl thereon ~~from October 1~~ during the open seasons on waterfowl established in s. NR 10.01(1)(b) and (g) and from the day following the close of said waterfowl seasons through December 31. Legally killed or crippled game may be retrieved by dog or hand.

Section 22. NR 16.02(1) is amended to read:

NR 16.02(1) APPLICATION. This section applies to all game farms as provided in s. 29.867, Stats., including commercial operations, shooting game farms and hobbyists. The owner or lessee of any lands within the state suitable for the breeding and propagating of game birds or animals as may be approved by the department shall have the right upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, except as identified under sub. (7). On areas where the hunting or killing of wild animals is to be permitted, the game farm license shall only include species listed in s. 29.001 (30), (36) and (39), Stats.

Section 23. NR 16.02(7) is created to read:

NR 16.02(7) WILD TURKEYS. On game farms licensed for killing birds, captive wild turkeys are considered suitable and authorized only if the turkeys and the game farm are located outside a wild turkey hunting zone established under s. 29.164 (2)(c)2., Stats., and s. NR 10.29.

Section 24. NR 17.02 (3)(e) is created to read:

NR 17.02(3)(e) *Captive wild bird identification*. All captive wild birds released under the authority of a dog training license shall be marked prior to release around the leg with a permanent band supplied by the department.

Section 25. NR 17.02(3)(f) is created to read:

NR 17.02 (3)(f) *Bird bands*. No person in possession of captive wild birds killed under the authority of a dog training permit shall have on their person any department unused dog training bird bands.

Section 26. NR 17.02(4)(b)2.(intro.) is amended to read:

NR 17.02(4)(b)2. (intro.) No person may possess any loaded or uncased firearm or air gun while within the boundary of state-owned lands posted with department signs in Dane, Dodge, Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington ~~and~~ Waukesha and Winnebago counties as established by s. NR 45.09(5) except:

Section 27. NR 17.02(4)(d)2. is repealed.

Section 28. NR 45.09(5)(intro.) is amended to read:

NR 45.09(5)(intro.) No person may possess any loaded or uncased firearm or air gun while within the exterior boundary of state-owned lands posted with department signs in Dane, Dodge , Fond du Lac, Jefferson, Juneau, Kenosha, La Crosse, Milwaukee, Outagamie, Ozaukee, Racine, Sauk, Sheboygan, Walworth, Washington, ~~and~~ Waukesha and Winnebago counties or on state forest lands in the Kettle Moraine or Point Beach state forests, state recreation areas or on state trails established on abandoned railroad grades, except as follows:

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2001.

All sections within this rule shall take effect on April 1, 2002 except section 12 which shall take effect January 1, 2002 and sections 5, 8 and 18 which shall take effect on the first day of the month following publication.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____.

Darrell Bazzell, Secretary

(SEAL)