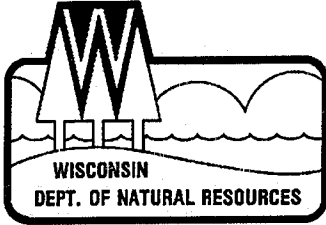


Clearinghouse Rule 96-085



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

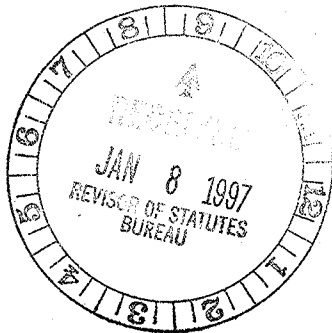
Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-15-96 was duly approved and adopted by this Department on September 25, 1996. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 12th day of December, 1996

George E. Meyer
George E. Meyer, Secretary

(SEAL)

96-085



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 19.27(3); to amend NR 19.27(title) and (intro.), 21.02(10), NR 21 subch. IV (title), 22.02(9) and NR 22 subch. IV (title); to repeal and recreate NR 21.13 and 22.13; and to create NR 19.001(5m), (7m), (12m) and (16m), 19.275, 21.02(4m), (6m) and (15m), 22.02(4m), (6m) and (13m) relating to turtle harvest
.....

LE-15-96

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.175 and 227.11(2)(a), Stats.

Statute interpreted: s. 29.175 (2)(a), Stats.

In this order:

SECTIONS 1, 5, 6, 9 and 10 create definitions of "daily bag limit", "hooking", and "possession limit" and "turtle" for purposes of the turtle rules, or provide that the turtle possession limit shall be the same as the daily bag limit.

SECTION 2 removes the reference to turtles from the crawfish and frog seasons, limits and other restrictions.

SECTION 3 repeals the current language regulating the harvest of turtles except from Wisconsin-Minnesota and Wisconsin-Iowa boundary waters.

SECTIONS 4, 8 and 12 create new language defining open seasons, harvest restrictions, bag, possession and size limits for turtles throughout the state, including Wisconsin-Minnesota and Wisconsin-Iowa boundary waters.

SECTIONS 7 and 11 remove the term "tortoises" from subchapter titles. (Tortoises are nonexistent in Wisconsin.)

SECTION 1. NR 19.001(5m), (7m), (12m) and (16m) are created to read:

NR 19.001(5m) "Daily bag limit" as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

(7m) "Hooking", as used in s. NR 19.275, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(12m) "Possession limit" as used in s. NR 19.275, means the maximum number of a turtle species or group of turtle species which may be possessed by a person at any time.

(16m) "Turtle", as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

SECTION 2. NR 19.27(title) and (intro.) are amended to read:

NR 19.27 (title) SEASONS, LIMITS, RESTRICTIONS ON TAKING CRAYFISH AND FROGS. (intro.) There is a closed season established for taking crayfish, and frogs and turtles except when taken during the open seasons season by the following methods:

SECTION 3. NR 19.27 (3) is repealed.

SECTION 4. NR 19.275 is created to read:

NR 19.275 TURTLES. (1) APPLICABILITY. This section applies to the taking and

possession of turtles in Wisconsin, except for the Wisconsin-Minnesota boundary waters and the Wisconsin-Iowa boundary waters, where the taking and possession of turtles is governed by s. NR 21.13 and s. NR 22.13, respectively.

(2) SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take turtles except during the open seasons established in sub. (4). For the purpose of turtle harvest, the possession limits are the same as the daily bag limits.

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval issued under s. 29.095, 29.10, 29.11, 29.112, 29.147 or 29.1475, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.095, 29.14, 29.145, 29.146, 29.147, 29.1475, 29.36 or 29.37, Stats., which authorizes fishing.

(b) Take turtles by methods other than hoop net turtle traps that comply with par.

(c), hand, hook and line or hooking.

(c) Use a hoop net turtle trap to take turtles unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02(28).

2. The net is nylon or other stretchable fabric. Wire may not be used.

3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.

4. It is designed and set so the closed sides sit horizontal in the water.

Note: There is no restriction on the size of the trap itself or the number of hoops used

in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water's surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 3 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(4) SEASONS AND LIMITS:

Turtle species	Open season (both dates inclusive)	Daily bag and possession limit	Size limit
(a) Snapping turtle	July 15 to Nov. 30	3	12 inch minimum 16 inch maximum top shell measured from front to back
(b) Softshell turtle	July 15 to Nov. 30	3	None
(c) All other turtles not listed as threatened or endangered in ch. NR 27	July 15 to Nov. 30	5 in total	None

SECTION 5. NR 21.02(4m), (6m) and (15m) are created to read:

NR 21.02(4m) "Daily bag limit" as used in s. NR 21.13, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

(6m) "Hooking" means, as used in s. NR 21.13, any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(15m) "Turtle", as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

SECTION 6. NR 21.02(10) is amended to read:

NR 21.02(10) ~~Possession limit is~~ "Possession limit" means double the daily bag limit- (29.085), except in s. NR 21.13 where "possession limit" means the maximum number of a turtle species or group of turtle species set in s. NR 21.13 which may be possessed by a person at any time.

SECTION 7. Ch. NR 21 subch. IV (title) is amended to read:

Subchapter IV--- ~~Turtles and Tortoises~~

SECTION 8. NR 21.13 is repealed and recreated to read:

NR 21.13 TURTLES. (1) APPLICABILITY. This section applies to the taking and possession of turtles in the Wisconsin-Minnesota boundary waters.

(2) SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take

turtles on the Wisconsin-Minnesota boundary waters except during the open season established in sub. (4). For the purpose of Wisconsin-Minnesota boundary water turtle harvest, the possession limits are the same as the daily bag limits.

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval issued under s. 29.095, 29.10, 29.11, 29.112, 29.147 or 29.1475, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.095, 29.14, 29.145, 29.146, 29.147, 29.1475, 29.34, 29.343, or 29.344, Stats., which authorizes fishing.

(b) Take turtles by methods other than hoop net turtle traps complying with par. (c), hand, hook and line, hooking or incidental to commercial fishing authorized under this chapter by a fisher possessing a valid license issued under s. 29.34, 29.343 or 29.344, Stats.

(c) Use a hoop net turtle trap to trap turtles, except when taken by a licensed commercial fisher under s. 29.34, Stats., incidental to fishing authorized under those licenses, unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02(28).
2. The net is nylon or other stretchable fabric. Wire may not be used.
3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.
4. It is designed and set so the closed sides sit horizontal in the water.

Note: There is no restriction on the size of the trap itself or the number of hoops used in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water's surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 10 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(4) SEASONS AND LIMITS:

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(a) Snapping turtle	July 15 to Nov. 30	10	12 inch minimum 16 inch maximum top shell measured from front to back
(b) Softshell turtle	July 15 to Nov. 30	5	None
(c) All other turtles not listed as threatened or endangered in ch. NR 27	July 15 to Nov. 30	5 in total	None
(d) Turtles incidentally taken in licensed commercial fishing operations	Continuous	None	None

SECTION 9. NR 22.02(4m), (6m) and (13m) are created to read:

NR 22.02(4m) "Daily bag limit" as used in s. NR 22.13, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

(6m) "Hooking", as used in s. NR 22.13, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(13m) "Turtle", as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

SECTION 10. NR 22.02(9) is amended to read:

NR 22.02(9) "Possession limit" means double the daily bag limit- , except in s. NR 22.13 where possession limit means the maximum number of a turtle species or group of turtle species set in s. NR 22.13 which may be possessed by a person at any time.

SECTION 11. Ch. NR 22 subch. IV (title) is amended to read:

Subchapter IV--- Turtles ~~and Tortoises~~

SECTION 12. NR 22.13 is repealed and recreated to read:

NR 22.13 TURTLES. (1) APPLICABILITY. This section applies to the taking and possession of turtles in the Wisconsin-Iowa boundary waters.

(2) SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take

turtles on the Wisconsin-Iowa boundary waters except during the open season established in sub. (4). For the purpose of Wisconsin-Iowa boundary water turtle harvest, the possession limits are the same as the daily bag limits.

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval issued under s. 29.095, 29.10, 29.11, 29.112, 29.147 or 29.1475, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.095, 29.14, 29.145, 29.146, 29.147, 29.1475, 29.34, 29.343 or 29.344, Stats., which authorizes fishing.

(b) Take turtles by methods other than hoop net turtle traps that comply with par. (c), hand, hook and line, hooking or incidental to commercial fishing authorized under this chapter by a fisher possessing a valid license issued under s. 29.34, 29.343 or 29.344, Stats.

(c) Use a hoop net turtle trap to trap turtles, except when taken by a licensed commercial fisher under s. 29.34, Stats., incidental to fishing authorized under those licenses, unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02(28).
2. The net is nylon or other stretchable fabric. Wire may not be used.
3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.
4. It is designed and set so the closed sides sit horizontal in the water.

Note: There is no restriction on the size of the trap itself or the number of hoops used in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 10 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(4) SEASONS AND LIMITS:

Turtle species	Open season (both dates inclusive)	Daily bag and possession limit	Size limit
(a) Snapping turtle	July 15 to Nov. 30	10	12 inch minimum 16 inch maximum top shell measured from front to back
(b) Softshell turtle	July 15 to Nov. 30	5	None
(c) All other turtles not listed as threatened or endangered in ch. NR 27	July 15 to Nov. 30	5 in total	None
(d) Turtles incidentally taken in licensed commercial fishing operations	Continuously	None	None

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 25, 1996.

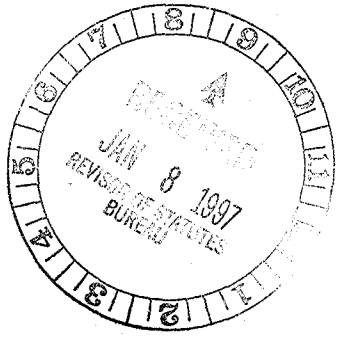
The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin December 12, 1996

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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December 11, 1996

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Gary
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No.LE-15-96. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources and Urban Affairs pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George
George E. Meyer
Secretary

Enc.

