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

The Wisconsin Natural Resources Board proposes an order to repeal ss. NR 10.01(2)(a)3., 10.25(1)(f)2.a. to c., 10.34 and 15.02(5); renumber and amend ss. NR 10.25(1)(f)2.b.; amend ss. NR 10.001(25k), 10.01(2)(a)1. and 2., (f)2., (3)(e)1.b., 2.(intro.) and 2.a., 10.06(7), 10.102(4), 10.12(1)(e), 10.13(1)(b)6., 8.a. and b., 11. and 12.(intro.), 10.25(1)(d), (e), (f)1.(title), 2.(title) and (intro.), and (g)1. and 3., 16.01(18), and 19.025(2)(d); repeal and recreate NR 10.25(4)(b), 10.28(1), and 10.33; and creating NR 10.01(2)(f)4.(intro.), a. and b., 10.13(1)(b)8.c., and 10.102(4m) relating to deer and turkey hunting, hunting and trapping techniques, permit and license issuance, dog training, and learn to hunt programs.

WM-01-06

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted and Explanation of Agency Authority: The department has interpreted the following statutes as providing the authority to promulgate rules regarding hunting and trapping, use of state owned lands and license issuance: ss. 23.09(2)(b), 29.014, 29.089(3), 29.091, 29.164(4)(b), 29.184(6), and 29.197(2), Stats.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of these rules include, ss. 23.09(2)(b), 29.014, 29.089(3), 29.091, 29.164(4)(b), 29.184(6), and 29.197(2), Stats. These statutes specifically provide the department with the authority to manage refuge areas for wildlife, promulgate rules regarding management of wildlife through the establishment of hunting seasons, management zones and regulations regarding the techniques by which game animals and game birds may be harvested. These statutes also provide authority to regulate the issuance of permits and licenses, as well as establishing conditions regarding the use of state lands such as state parks, public recreation areas and hunting grounds. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Related Statute or Rule: As part of the 2005 state budget (2005 Wisconsin Act 25), the department was granted the authority to promulgate emergency rules regarding the issuance of turkey permits which remained after the initial permit drawing. Act 25 allowed the department to operate under emergency rule authority until permanent rules were promulgated. This rule package includes permanent rules that would replace emergency rule currently in effect. Outside of the emergency rules on the issuance of turkey permits, there are no rules or statutes currently under promulgation that relate to the provisions that are proposed in the administrative rule order.

Plain Language Analysis: The department has recommended modification to chapters NR 10, 15, and 19, Wis. Adm. Code, relating to hunting, trapping, permit and license issuance, agricultural damage, dog training and use of public lands. These rule changes are proposed for inclusion on the 2005 Spring Hearing questionnaire. Specifically, these proposals:

- Extend the closing date of the ruffed grouse season in Zone A from December 31 to January 31, thereby consolidating ruffed grouse hunting zones from 3 to 2.
- Expand the fall wild turkey hunting season from October 1- November 10 to the Saturday nearest September 15th and continuing through the Thursday immediately prior to the opening of the deer gun season.
- Create a 2-day youth turkey hunt on the weekend before the regular spring turkey season begins.
- Extend the ending of the spring wild turkey hunting hours from 5 p.m. to sunset.
- Prohibit possession of electronic turkey calling equipment while turkey hunting, and prohibit possession of electronic waterfowl calling equipment while waterfowl hunting.

- Create consistent standards for body-gripping type traps, where traps 75 square inches or larger would be illegal as dry land sets, traps between 60 and 75 square inches would be legal only when half of the trap is below water at all times, or when at least 5 feet off the ground, or when properly enclosed, and creating a maximum allowable height dimension of 7 ½ inches for body-gripping traps.
- Issue turkey permits/carcass tags remaining after the initial special permit drawing over-the-counter at a rate of one permit/tag per customer per day.
- Change the minimum age of the Youth Learn to Hunt Program from age 11 to age 10 to be consistent with current department policy.
- Allow Class A bear licenses to be purchased up to the day prior to the bear season, and allow the purchase of a Class A bear license during the bear season, provided the license is not effective until three days after the date of purchase.
- Allow the use of rifles in Kewaunee County during the gun deer season.
- Create a limited entry nine-day muzzleloader deer gun season at High Cliff State Park.
- Eliminate the Greenwood "No Entry Wildlife Refuge" in Waushara County.
- Require a pheasant stamp statewide for anyone who wishes to hunt pheasants.

Summary of, and Comparison with, Existing or Proposed Federal Regulations: Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with Rules in Adjacent States: 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. Regarding ruffed grouse seasons, in Minnesota their season runs from Sept. 18 – Dec. 31 statewide, in Michigan the ruffed grouse season extends from Sept. 15 – Nov. 14 and Dec. 1 – January 1.

Illinois, Michigan, Minnesota and Iowa all offer turkey hunting seasons. Hunting hours for spring turkey hunting in Illinois end at 1 pm, Iowa closes at sunset, Michigan closes ½ hour before sunset, and Minnesota closes at 5 pm. The fall turkey hunting season in Michigan is October 3 - November 14. In Minnesota the fall season is split into two seasons. The first extends from October 11 through October 15 and a second season October 18 – 22. In Iowa, firearms are allowed for fall turkey hunting from Oct. 10 to Dec. 2 and an archery season Oct. 1 - Dec. 2 and Dec. 19 - Jan. 10. Illinois also has weapon specific season dates, shotguns are allowed October 22 – 30, and archery is offered October 1 - January 12. All four states also prohibit the use of electronic calling devices for turkey hunting, and Michigan also prohibit possession while hunting turkeys.

In regard to youth turkey hunting opportunities, neither Michigan nor Minnesota offer special youth turkey hunting opportunities. However, Iowa offered its first youth turkey hunt in 2005, a 3-day hunt held April 8-10 (immediately preceding the regular season) for 12-15 year olds. They sell a youth license for $23 that is valid statewide. Hunter education is required and the youth must be under direct supervision of an accompanying adult. Illinois offers regional youth turkey hunting opportunities. In the Northern zone the season is offered April 2 – 3 and the Southern zone it is offered March 26 – 27. These seasons are 8 days prior to the opening of the regular season. These hunts are for resident youths ages 12 – 15 year old.

In regard to trap requirements, Illinois requires that only conibear traps equal to or less than 7 inches on a side if square or 8 inches if round are allowed on dryland, with no efforts to further reduce incidental take of domestics. In Michigan it's illegal to use conibear traps with a greater than 6 inch spread on public lands or commercial forest lands for dryland sets unless the trap is 4 feet or more above the ground or placed in a box or other container that would make it inaccessible to dogs. Minnesota requires that any conibear trap with a jaw spread greater than 7 ½ inches must be as a waterset (their definition of waterset is at least 50% or more underwater. They further regulate any conibear trap greater than 6 ½ inch jaw spread cannot be set within 3 feet of a culvert unless it's totally submersed.

Other states regulations regarding the issuance of turkey permits, Illinois conducts a variety of lotteries for available turkey permits. Iowa allows over the counter sales of turkey permits for residents, but requires non-residents to enter a drawing for allocated non-resident turkey hunting permits. Minnesota utilizes a preference point drawing for permits similar to Wisconsin's current permit issuance system. Michigan's permit issuance procedures are similar to Wisconsin's where initial permits are issued via a preference point drawing with remaining permits made available at a first-come, first-served basis. However, no hunter may obtain more than one turkey permit per season.

Summary of Factual Data and Analytical Methodologies: A majority of the rule changes included in this order do not deviate from current Department policy on the management of wildlife, hunting and trapping. The deer season proposed for High Cliff State Park is consistent with the seasons established at other parks where hunting is feasible and practical. Deer hunting has and continues to be an effective tool for managing deer populations in our state parks. It also allows for increased use and recreational opportunities for hunters in these parks.

Currently, the ruffed grouse season in Zone A begins on the Saturday nearest September 15th and continues through December 31st. This rule change would lengthen the ruffed grouse season in Zone A so that it would end on January 31st, which would create a season identical to Zone B. Essentially, Zones A & B would be combined, creating two ruffed grouse zones for the state.

Zone A has a relatively higher grouse population than Zone B. The hunting pressure at this time of year is typically not intense and this extension would offer additional hunting opportunities to grouse hunters and simplify the rules by reducing the number of different zones and seasons. These additional hunting opportunities will not negatively impact the ruffed grouse population in the current Zone A.

Currently, the Fall Turkey Hunting Season begins on October 1st and continues for 40 consecutive days. This proposal would change the season to run concurrently with the early archery season, which begins on the Saturday nearest September 15th and continues through the Thursday immediately prior to the opening of the deer gun season. This change will create more hunting opportunities for fall turkey hunters and is not expected to negatively impact the turkey population.

Wisconsin has two special youth hunt programs, a youth waterfowl hunt and a youth deer hunt. In order to participate in these programs, a youth must be between the ages of 12 and 16, have successfully completed hunter's education, and be accompanied by an adult. These programs help Wisconsin's youth learn about ethical hunting practices and help young people become a part of Wisconsin's great hunting tradition.

This proposal would create a youth turkey hunt. The turkey population in Wisconsin has expanded throughout its range and is robust enough to accommodate a youth hunt without being negatively impacted. The 2-day hunt would occur on the weekend prior to the opening of the regular spring turkey season and would be open for all youths between the ages of 12 and 16, who have successfully completed hunter's education and are accompanied by an adult. All other turkey hunter regulations apply, including possessing the appropriate license and permit. Youth participants will be required to possess a turkey license, stamp, and carcass tag for the zone in which they hunt. Also, youth hunters would be limited to harvesting one male or bearded turkey during the two day youth hunt. If they are unsuccessful during the 2-day youth hunt they may still hunt in that zone during the period for which the permit was issued.

In 1999, spring turkey hunting hours were extended from noon to 5 p.m. The addition of five hours of hunting has not resulted in an increase in hunter success rate over the past five years. Similarly, it is not anticipated that evening hunting would have a dramatic impact on harvest rates, but would allow some hunters time to hunt after work or school. Currently, department experts feel that the biological necessity for an earlier close is no longer needed.

Currently it is illegal to **use** electronic calling equipment for hunting turkey and waterfowl; however simply possessing one of these devices does not constitute a violation. With the development of small hand held digitally recorded game callers; these devices are now readily available and easily concealed. If this rule is to be meaningful, there should be no reason for a person to have an electronic calling device in their possession allowing it to be used when they are unobserved. This rule would expand the current ban the **use** of electronic calling devices to also ban the **possession** of such devices while waterfowl and turkey hunting. This rule would not prohibit these devices in non-hunting situations, such as photography.

This rule would clearly define the size of body-gripping type traps that are allowed on dryland. It will require special considerations focused at reducing incidental take of domestic animals (e.g. dogs). Although the current rule almost eliminated incidental take for nearly four years, recent innovative modifications by a trap manufacturer and numerous individual trappers have resulted in an increase in incidental take of domestics. Additionally, non-target animals, such as dogs, can be put in jeopardy by those who abide by the legal square inch requirement but then create tall narrow body-gripper traps that stray from the intent of regulations. This situation can be avoided by creating a maximum allowable height of 7 ½ inches for body-gripper type traps.

A common problem associated with regulating body-gripping type traps has been how to effectively describe differences among traps without using manufacturer names. With the recent advent of personal modifications to manufactured traps, previous methods of description no longer work. This rule would describe body-gripping type traps by using square inches, would limit the size of these traps when used on dry land, and would limit maximum allowable vertical height dimension of a trap.

Every year, a drawing is done to determine who can be issued a spring or fall turkey license and carcass tag. In the past, a second drawing was conducted to determine who received any left over carcass tags. Due to changes brought about by the Governor's state budget package, we will now be selling all carcass tags left over after the drawing process over the counter. This proposal will make these left over carcass tags available on a first come, first served basis through over-the-counter sales at a rate of one per person per day. By offering to sell additional turkey carcass tags at this rate, we will offer hunting opportunities to more people, while still ensuring that the left over carcass tags are fully utilized.

Current Department of Natural Resources (DNR) policy is to allow children ages 10 and over to participate in special learn to hunt programs. This authority comes from s. 29.197, Wis. Stats. However, current DNR policy is not consistent with ch. NR 19 Wis. Adm. Code rule language. This proposal would make the Administrative code language consistent with department policy by changing the minimum age for youth learn to hunt programs from 11 to 10.

In 2004, the deadline for successful bear applicants to purchase their permit/license was extended from April 1 to August 1. In 2004, approximately 200 successful applicants failed to purchase their permit/license by the August 1st date. Because this was a newly established deadline, the department chose to allow sales to continue after that date. In 2005, over 500 successful applicants failed to pay the fee for their Class A bear licenses by August 1st (about 10% of the allotted tag quota). Again the department chose to allow sales to continue, but only at DNR Service Centers and only through the day before the season opened. When the season opened in 2005, approximately 235 successful applicants had still not purchased their Class A bear license.

The primary reason for having a purchase date prior to the season is for enforcement purposes. The main concern is individuals not purchasing the license until after they have killed a bear. Currently, archery deer hunters may purchase an archery license during the open season, but it is not valid for deer hunting until 3 days after the date of purchase. This rule proposal is to apply the same rules on Class A bear license effective dates as the statutes currently apply to archery deer hunting licenses.

Administrative rules prohibit the use of rifles for deer hunting in Kewaunee County; therefore hunters in Kewaunee County are restricted to the use of shotguns, handguns, and muzzleloaders to harvest deer during the gun deer seasons. There are no biological or safety reasons for the current restriction. Kewaunee County has been over its deer population goal for the past several years and there is potential for a greater harvest by allowing the use of rifles. The Conservation Congress asked this question on their portion of the questionnaire during the 2005 Spring Hearing to gauge public support. As part of the 2005 Hearing process, 2,895 people voted in support and 1,896 people voted against this rule change proposal. This proposal would allow the use of rifles in Kewaunee County during the gun deer season.

This rule creates a muzzleloader deer gun season, from the Saturday immediately preceding Thanksgiving and continuing for 9 consecutive days at High Cliff State Park. This would allow the hunting of deer by those hunters possessing an access permit for the park. The purpose of a hunt is to control a burgeoning deer population in the park. Within the park boundaries, forest regeneration whether naturally or humanly created are being hindered. Local foresters have been frustrated on trying to establish trees on former farm fields and to regenerate trees on a "Forestry Demonstration site" contained within the park. Spring ephemerals have declined over the past twenty years where species like trilliums and hepaticas are decreasing at an alarming rate. These species are being replaced with invasive like garlic mustard. With loss of species, diversity will decrease, especially within the "Natural Area" along and on the escarpment. Complaints of deer eating shrubbery, flowers, fruit trees and at bird feeders has been on the increase over the past five years. A nearby landscape firm (approx several miles away) has requested shooting permits to reduce damage over the past several years. They attribute the high deer numbers from High Cliff causing the problem.

The park acts as a refuge from the early T-zones through the gun season where locals see upwards of a hundred deer migrating through or staying within the park. The proposed hunt is to keep pressure on the deer during the 9-day deer gun season to provide the best opportunity to reduce their numbers.

The Greenwood No Entry Wildlife Refuge was created and the area was farmed to provide forage for geese. Utilization of this area by geese has since declined and what was once farmed for goose forage has now been restored to native prairie. This area is approximately 840 acres. This proposal would open this land up to year round hunting and other recreational opportunities.

The pheasant stamp was created in 1991 to fund pheasant restoration and management. Specifically the department was directed by state statute to use the revenues generated by the sale of the stamp for "developing, managing, preserving, restoring and maintaining the wild pheasant population in the state." To define areas where these funds were primarily utilized, the department created the Pheasant Management Zone (PMZ). The PMZ included counties or portions of counties with a healthy wild pheasant population. Therefore, a pheasant stamp was only required by those hunters who hunted pheasants within the PMZ.

However, as a result of 2005 Wisconsin Act 25 (The 2005 State Budget), a portion of pheasant stamp revenue is now allocated toward pheasant rearing and stocking. This now benefits pheasant hunters even outside the PMZ. As a result, the department recommends that all pheasant hunters in the state be required to purchase the pheasant stamp in addition to their small game license to hunt pheasants in Wisconsin.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses.

Effects on Small Businesses: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

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Section 1. NR 10.001(21m) is created to read:

NR 10.001(21m) "Pheasant management zone" for the purposes of s. 29.191(2), Stats., means all counties in Wisconsin**.**

Section 2. NR 10.001(25k) is amended to read:

NR 10.001 (25k) "Steel jawed trap" means a trap, constructed of metal, designed to catch an animal by the foot, but does not include enclosed trigger traps or body gripping traps ~~of the conibear type~~**.**

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

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(a)1. Zone A as established under s. NR 10.33.	Beginning on the Saturday nearest September 15 and continuing through ~~December~~ January 31.	Daily bag 5; possession 10
2. Zone B as established under s. NR 10.33.	Beginning on the Saturday nearest ~~September 15~~October 17 and continuing through ~~January 31~~ December 8.	Daily bag ~~5~~2; possession ~~10~~4

Section 4. NR 10.01(2)(a)3. is repealed.

Section 5. NR 10.01(2)(c)8. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit

NR 10.01(2)(c)8. Pheasant stamp. No person may hunt pheasants in the pheasant management zones ~~established by s. NR 10.34~~ defined in s. NR 10.001(21m), without a valid state pheasant stamp approval required under s. 29.191, Stats., unless the person is carrying a valid conservation patron license, senior citizen recreation card, free military small game license or first year hunter education certificate.

Section 6. NR 10.01(2)(f)2. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(f)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 ~~October 1 and continuing for 40 consecutive days~~ the Saturday nearest September 15 and continuing through the Thursday immediately preceding the Thanksgiving holiday.	Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued.

Section 7. NR 10.01(2)(f)4. (intro.), a. and b. is created to read:

[Drafter's note: NR 10.01(2)(f)4. was repealed in Board Order WM-31-05 (CHR 05-102) making room for the creation of this subdivision.]

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(f)4. Youth turkey hunt. a. Persons under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, a valid carcass tag issued for the current license year, and all necessary ch. 29, Stats., approvals may hunt turkeys for 2 consecutive days starting on the Saturday immediately preceding the beginning of the spring turkey hunting season established in subd. 1. in the turkey management zone for which the carcass tag was issued. Only one male or bearded turkey may be killed and shall be tagged immediately with a valid carcass tag for that zone pursuant to s. NR 10.25(2). Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters. All other spring turkey hunting regulations apply. b. A youth who does not successfully harvest a turkey during the 2 day youth hunt established in subd. 4.a. may use their unfilled carcass tag during the time period and in the zone for which the carcass tag was issued. A carcass tag that was used to tag a turkey during the 2 day youth hunt may not be reused pursuant to s. NR 10.25(2)(b)2. to harvest an additional turkey during the time period for which the carcass tag is valid.		

Section 8. NR 10.01(3)(e)1.b as repealed and recreated by CHR 05-086 is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.b. In the counties or parts of counties and deer management units of Brown, Calumet, Dane, Dodge, Door (Detroit, Plum, Rock and Washington Islands only), Dunn (unit 59B portion), Fond du Lac, Green, Jefferson, Kenosha, ~~Kewaunee,~~ Lafayette, Manitowoc, Outagamie, Ozaukee, Pierce (unit 59B, 60A, 60B and 61 portions), Racine, Rock, St. Croix (unit 59B and 60B portions), Sheboygan, Shawano (south of highway 29), Trempealeau national wildlife refuge, Walworth, Washington, Waukesha, Waupaca and Winnebago.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. 4-day shotgun season beginning the second Thursday following the Thanksgiving holiday.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104. One antlerless deer per antlerless deer permit issued under s. NR 10.104.

Section 9. NR 10.01(3)(e)2.(intro.) and a. as repealed and recreated by CHR 05-086 is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2. State parks and forests. No person may hunt deer with a firearm on the state-owned portions of state parks and recreation areas except as provided in this section. Portions of the properties listed may be posted closed to deer hunting. Additionally, no person may hunt deer with a firearm in Perrot, High Cliff, Peninsula, Wyalusing, Wildcat Mountain, Council Grounds, Rib Mountain, Harrington Beach, Kohler-Andrae, Brunet Island state parks or the Loew Lake Unit - Kettle Moraine state forest without first obtaining a permit which authorizes access to the park.		
a. Perrot (unit 61A), High Cliff (unit 64A) and Peninsula (unit 80C) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 10. NR 10.06(7) is amended to read:

NR 10.06(7) WILD TURKEY HUNTING. The hunting hours for pursuing wild turkeys shall be the same as the hours established in sub. (5) except that spring season hunting hours shall close at ~~5:00 p.m.~~ sunset daily.

Section 11. 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 August 1 each year.~~

Section 12. NR 10.102(4m) is created to read:

NR 10.102(4m) EFFECTIVE DATE. (a) *Licenses issued prior to the season*. Any Class A bear license issued prior to the opening date of the bear season established in s. NR 10.01(3)(g)2., shall be effective beginning on the opening date of the season specified in s. NR 10.01(3)(g)2.

(b) *Licenses issued during the season*. Except as provided in par. (c), a Class A bear license issued during the open season for hunting bear established in s. NR 10.01(3)(g)2., does not authorize hunting until the third day after the day the license is purchased.

(c) *Exception.* A Class A bear hunting license issued during the open season for hunting bear as established in s. NR 10.01(3)(g)2., authorizes bear hunting beginning the date of issuance if issued to a person to whom any of the following applies:

1. The person is a member of the U.S. armed forces who exhibits proof that he or she is in active service with the armed forces and that he or she is stationed in this state or is a resident on furlough or leave.

2. The person turns 12 years of age during the open season for hunting bear.

Section 13. NR 10.12(1)(e) is amended to read:

NR 10.12(1)(e) *Bird calls.* By the use or aid of recorded or electrically amplified bird calls or sounds or imitations thereof, or while in possession of any type of device that produces recorded or electronic amplifications of bird calls or sounds.

Section 14. NR 10.13(1)(b)6. is amended to read:

NR 10.13(1)(b)6. `Trap, snare, and cable restraint use.' Set, place, operate or possess while on or adjacent to waters of this state, any trap other than a steel jawed trap, live trap, body gripping trap ~~of the conibear type~~, snare other than that defined in s. NR 10.001 (25e) or cable restraint as defined in s. NR 10.001 (5g) for the purpose of taking, capturing, or killing furbearing animals. Live traps shall be constructed so that not more than one animal can be taken or captured in any single trap setting.

Section 15. NR 10.13(1)(b) 8.a. and b. are amended to read:

8. 'Body-gripping type traps.' a. Set, place, or operate any body-gripping type trap ~~of the conibear type larger than 7" x 7"~~ greater than 75 square inches measured from the maximum outside points on the width and height of the jaws of a trap that has not been set, unless one-half of the set trap is located underwater at all times.

b. Set, place or operate any ~~7" x 7"~~ body-gripping type traps~~, 220 conibear type, trap;~~ greater than 60 square inches or less than 75 square inches measured from the maximum outside points on the width and height of the jaws of a trap that has not been set: as a water set unless one-half of the trap is located underwater at all times; as an elevated set unless the trap is placed at least 5 feet above the surface; as a baited and/or scented set in or on the ground unless the trap trigger is within an enclosure that provides openings no greater than 50 square inches for a 7 inch minimum recess~~;~~ or an 8 inch height x 10 inch width opening with a 10 inch minimum recess from the enclosure openings; as an unbaited and/or unscented trail set in or on the ground unless the trap is within an enclosure that provides openings no greater than 10 inches in height and 10 inches in width and is recessed a minimum of 15 inches from the enclosure openings; or as a bottom entry enclosure set unless the entire opening of the enclosure is no more than 7 inches above the surface. The measurement to the surface is the distance to the first surface beneath the trap or opening, where the surface is ground, ice, crusted or packed snow or any other hard material. For the purposes of this paragraph, an enclosure means any device that creates a barrier to the trap allowing entry only through designated openings.

Section 16. NR 10.13(1)(b)8.c. is created to read:

NR 10.13(1)(b)8.c. Set, place, or operate any body gripping type trap less than or equal to 60 square inches with a vertical measurement of greater than 7 ½ inches when set. The vertical measurement is taken between the widest vertical points on the trap in the set position.

Section 17. NR 10.13(1)(b)11. and 12.(intro.) are amended to read:

NR 10.13(1)(b)11. 'Minimum waterset.' Except when the muskrat or mink season is open, ~~no person may~~ set, place or operate any waterset smaller than 5 1/2" jaw spread for steel jaw traps~~ and 6 3/4" x 6 3/4"~~ or less than or equal to 60 square inches measured from the maximum outside points on the width and height of the jaws of a trap that has not been set, for ~~killer~~body-gripping type traps~~ of the conibear type~~.

12. 'Trap placement.' Set, place or operate any body-gripping type trap ~~of the conibear type~~ greater than ~~6" x 6",~~ 60 square inches or less than 75 square inches measured from the maximum outside points on the width and height of the jaws of a trap that has not been set, or any snare or cable restraint regardless of the size of the noose, in the following locations:

Section 18. NR 10.25(1)(d), (e), (f)1. (title), and 2. (title) and (intro.) are amended to read:

NR 10.25(1) (d) *Licensee selection procedures*. If the number of applications for licenses for a wild turkey hunting zone and time period exceeds the available quota of licenses, successful applicants shall be randomly selected in accordance with any statutorily established landowner preference system.

(e) *License purchase requirement*. ~~No~~ Except for persons who purchase a license in accordance with par. (f)2., no person may purchase a turkey hunting license without presenting the license vendor with the department-issued purchase authorization.

(f) *Carcass tag issuance.* 1.(title) `Oversubscribed zones and time periods.' Each successful applicant for a turkey hunting license shall be issued a license and carcass tag by the department.

2.(title) `Undersubscribed zones and time periods.' If the number of applications for licenses for a wild turkey hunting zone is less than the available quota of licenses, the department may~~:~~ make available to any person the remaining carcass tags for the zone and time period for purchase on a first-come, first-served basis at a rate of one carcass tag per day per person.

Section 19. NR 10.25(1)(f)2.a. to c. are repealed.

Section 20. NR 10.25(1)(g)1. and 3. are amended to read:

NR 10.25(1)(g) *License and carcass tag restrictions.* 1. ~~License~~ Except for youths participating in the youth turkey hunt established in s. NR 10.01(2)(f)4., licenses and carcass tags issued under this section are only valid for the zone and time period indicated on the ~~license~~ carcass tag. Carcass tags used during the youth turkey hunt are valid only for the zone indicated on the carcass tag, but are not limited to the time period indicated on the carcass tag.

3. Persons successful in obtaining a turkey license and tag for any numbered zone and time period under par. (f)1. are not eligible to receive a Ft. McCoy military reservation turkey hunting license.

Section 21. NR 10.25(4)(b) is repealed and recreated to read:

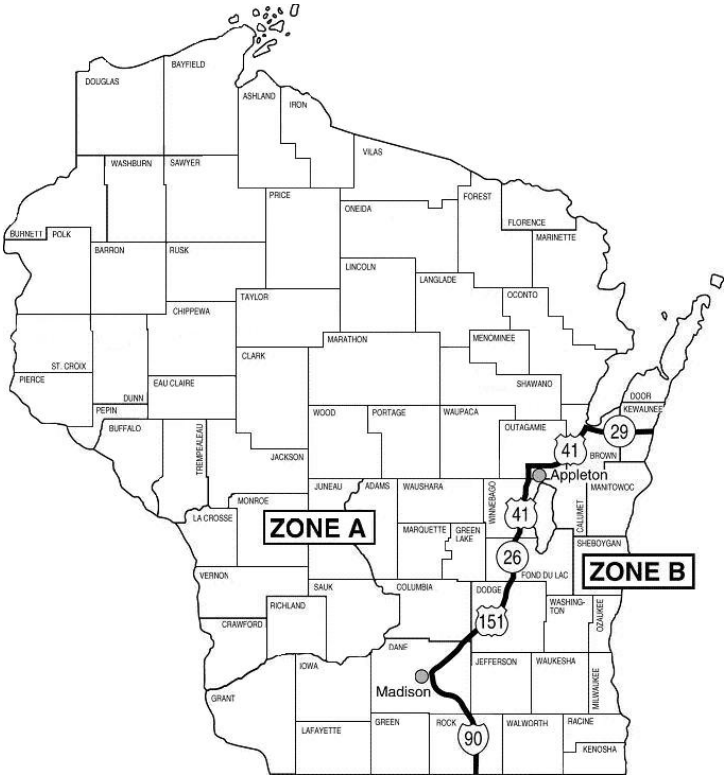
NR 10.25(4)(b) By the use or aid of recorded or electrically amplified bird calls or sounds or imitations thereof, or while in possession of any type of device that produces recorded or electronic amplifications of bird calls or sounds.

Section 22. NR 10.28(1) is repealed and recreated to read:

NR 10.28(1) STATEWIDE DEER MANAGEMENT UNITS.

Section 23. NR 10.33 is repealed and recreated to read:

NR 10.33 (intro.) Ruffed grouse management zones.



Section 24. NR 10.34 is repealed.

Section 25. NR 15.02(5) is repealed.

Section 26. NR 16.01(18) is amended to read:

NR 16.01(18) "Pheasant management zone" means the area described in ~~s. NR10.34~~ s. NR 10.001(21m).

Section 27. NR 19.025(2)(d) is amended to read:

NR 19.025(2)(d) "Novice participant" means for hunting any person who is ~~11~~10 years old or older, who has had less than 2 years of hunting experience. For fishing, it means any person who is 5 years of age or older who has less than 2 years of fishing experience.

Section 28. Effective dates. These rules shall take effect on February 1, 2007, except sections 16, 17 and 18 which shall take effect on April 1, 2007.

Section 29. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 24, 2006.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)