

98-024 NR 10 - HUNTING/TRAPPING

NR 10

98-024

State of Wisconsin  
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. WM-1-98

Legislative Council Rules Clearinghouse Number 98-024

Subject of Rules Hunting and Trapping

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Date of Transmittal to Presiding Officers June 9, 1998

**Send a copy of any correspondence or notices pertaining to this rule to:**

**Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LC/5, 101 South Webster**

266-1959

## REPORT TO LEGISLATURE

NR 10, 11 and 15, Wis. Adm. Code  
Hunting and trapping

Board Order No. WM-1-98  
Clearinghouse Rule No. 98-024

### Statement of Need

The proposed rule will:

1. Establish a pelt tag issuance system identical to the bobcat and fisher program. Annual harvest goals would be determined based on population size for each zone. The number of tag issued would depend upon the annual harvest goal.
2. Allow turkey hunting later in the day which will not negatively impact the turkey population. The extra hunting time will give hunters more flexibility in hunting.
3. Allow disabled people who have difficulty handling a long gun to use handguns chambered for shotshells for upland bird and small game hunting.
4. Create additional use and placement restrictions to prevent and/or reduce non-target catches while allowing the continued use of 220-sized conibear-type traps for the trapping of furbearing animals.
5. Allow the muskrat and mink trapping season to open either on the second Monday in November when waterfowl seasons extend into late November and early December or, when the waterfowl seasons are short, on the day after the duck season closes, whichever comes the earliest.
6. Expand the bow deer season in Deer Management Unit 77M to run from the third Saturday in September through January 31, with the exception of the Friday immediately before opening day of gun deer season.
7. Provide additional muzzleloader hunting opportunities in 15 areas closed to waterfowl hunting but which are currently only open to deer hunting during the regular deer gun season.
8. Allow deer gun hunting in the "refuge" portion of the Pine Island Wildlife Area to help control number of deer in the area, reduce hunter crowding and open additional public land to deer hunting.

### Modifications as a Result of Public Hearing

The proposal to expand the loaded or uncased firearm restrictions for state-owned land to include Columbia county was deleted from the proposed rule.

### Appearances at the Public Hearings and Their Position

Public hearings were held in all 72 counties on April 13, 1998. The results of those hearings, by question, is as follows:

Question	Yes	No
Bobcat and Fisher Pelt Tag Issuance	2,125	749
Extend Spring Turkey Hours	2,341	1,283
Handguns Firing Shotshells	2,473	557
Use and Placement of 220 Conibear Traps	2,087	900
Nov. Muskrat/Mink Trapping on Mississippi	1,671	118
Expand Archery Season in Unit 77M	889	28
Muzzleloader - Brown - Barkhausen	526	17
Muzzleloader - Burnett - Fish Lake	337	9
Muzzleloader - Columbia - Pine Island	444	29
Muzzleloader - Dodge - Burnett Ditch	496	16
Muzzleloader - Douglas - Hospital Fields	272	2
Muzzleloader - Fond du Lac - Eldorado Marsh	504	17
Muzzleloader - Green Lake & Marquette - Grand River	500	22
Muzzleloader - Jefferson - Prince's Point	324	11
Muzzleloader - Oneida - Rice Lake	353	10
Muzzleloader - Outagamie - Wildlife Area	368	12
Muzzleloader - Shawano - Navarino	480	26
Muzzleloader - St. Croix - Oakridge	322	2
Muzzleloader - Taylor - Pershing	653	27
Gun Hunting in Pine Island Wildlife Area	793	175
Expand Firearm Restriction in Columbia County	388	260

#### Response to Legislative Council Rules Clearinghouse Report

In s. NR 10.13(1)(b)8.b., the Department is referring specifically to the 7" x 7" trap; therefore, neither the words "larger" or "smaller" need to be used.

#### Final Regulatory Flexibility Analysis

The proposed rules regulate individual hunters and trappers; therefore, a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board proposes an order to renumber NR 10.13(1)(b)8. and 15.02(3); amend NR 10.01(4)(d), 10.06(7), 10.25 (3)(a), 11.02 (intro.), 11.04 (intro.), 11.041 (intro.), 11.042 (intro.), and 11.043 (intro.); repeal and recreate NR 10.01(4)(a)4, 10.01(4)(e)4; and create NR 10.01(3)(em)3, 10.09(1)(e) and 10.13(1)(b)8.a. relating to hunting and trapping.

WM-1-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(3) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.174(2), 29.107, 29.1075 and 29.103, Stats.

In this order:

Section 1 expands the archery season in DMU 77M.

Section 2 allows trapping in the Mississippi zone during the later part of long duck seasons.

Section 3 regulates otter harvest through a continuous preference system

Sections 4 and 8 extend turkey hunting hours.

Section 5 allows the use of handguns firing shotshells by disabled hunters.

Sections 6 and 7 regulate the use of 220 conibear type traps.

Section 7 opens 14 waterfowl closed areas to muzzleloader deer hunting.

Section 10 permits gun deer hunting in the Pine Island refuge.

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

NR 10.01(3)(em)3 Deer bow season.

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. M-3 Deer management unit 77M	Beginning on the third Saturday in September and continuing through the Thursday immediately prior to the opening of the deer gun season and reopening on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 31.	One deer of either sex and one antlerless deer per hunter's choice and bonus permit issued under s. NR 10.104.

SECTION 2. NR 10.01(4)(a)4 and 10.01(4)(e)4 are repealed and recreated to read:

NR 10.01(4)(a)4 .

Kind of animal and Locality	Open season (all dates inclusive)	Limit
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 the last day of February	None

NR 10.01(4)(e)4 .

Kind of animal and Locality	Open season (all dates inclusive)	Limit
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.	None

SECTION 3. NR 10.01(4)(d) is amended to read:

NR 10.01(4)(d) .

Kind of animal and Locality	Open season (all dates inclusive)	Limit
(d) Otter trapping		
1. North zone as described in s. NR 10.36	Beginning on the first Saturday in December and continuing through April 30.	<del>3 per season by permit</del> <u>One per permit issued under s. NR 10.145</u>
2. Central zone as described in s. NR 10.36	Beginning on the first Saturday in December and continuing through the first Sunday in March.	<del>2 per season by permit</del> <u>One per permit issued under s. NR 10.145</u>
3. South zone as described in s. NR 10.36	Beginning on the first Saturday in December and continuing through the first Sunday in March	<del>1 per season by permit</del> <u>One per permit issued under s. NR 10.145</u>

SECTION 4. 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. (3) except that spring hunting hours shall close at ~~12:00 noon~~ 5:00 p.m. daily.

SECTION 5. NR 10.09(1)(e) is created to read:

NR 10.09(1)(e) Persons possessing a class A or C disabled permit may use handguns chambered for .410 or larger shot shells for hunting all species except deer, bear, turkey and migratory game birds.

SECTION 6. NR 10.13(1)(b)8. is renumbered to NR 10.13(1)(b)8.a.

SECTION 7. NR 10.13(1)(b)8.b. is created to read:

NR 10.13(1)(b)8.b. Set, place or operate any 7"x 7" killer, 220 conibear type, trap; 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 set in or on the ground unless the trap trigger is within an enclosure that provides openings no greater than 50 square inches each and is recessed a minimum of 7 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 8. NR 10.25 (3)(a) is amended to read:

NR 10.25(3)(a) Spring season. A wild turkey taken during the spring seasons established in s. NR 10.01(2)(f) shall be registered no later than ~~2 hours after the closing time on the day of harvest~~ 5:00 p.m. on the day after it was killed.

SECTION 9. NR 11.02, 11.04, 11.041, 11.042 and 11.043 are amended to read:

NR 11.02 WATERFOWL CLOSED AREA EXCEPT GUN DEER AND SPECIAL GOOSE HUNTING. (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 thereon, except Canada geese on areas and during periods established in s. NR 10.23 and deer during periods established in s. NR 10.01(3)(e) and (es), during the open seasons on waterfowl established in s. NR 10.01(1). Legally killed or crippled game may be retrieved from such areas by dog or hand.

NR 11.04 WATERFOWL CLOSED AREA; GUN DEER HUNTING PERMITTED. (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 thereon, except deer during periods established in s. NR 10.01(3)(e) and (es), during the open season on waterfowl established in s. NR 10.01(1)(b) and (g). Legally killed or crippled game may be retrieved from such areas by dog or hand.

NR 11.041 WATERFOWL CLOSED AREA; TRAPPING AND GUN DEER HUNTING PERMITTED. (intro.) A closed season is established in the following areas posted with department signs. No person may hunt any species of wild animal thereon, except deer during periods established in s. NR 10.01(3)(e) and (es), during the open season on waterfowl established in s. NR 10.01(1)(b) and (g). Legally killed or crippled game may be retrieved from such areas by dog or hand.

NR 11.042 WATERFOWL CLOSED AREA; TRAPPING AND DEER HUNTING PERMITTED. (intro.) A closed season is established in the following areas posted with department signs. Trapping of furbearing mammals is permitted during established seasons. No

person may hunt any species of wild animal, except deer during periods established in s. NR 10.01(3)(e) ~~and~~, (em) and (es), during the open season on waterfowl established in s. NR 10.01(1)(b) and (g). Legally killed or crippled game may be retrieved from such areas by dog or hand.

NR 11.043 WATERFOWL CLOSED AREA; DEER HUNTING PERMITTED. (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, except deer during periods established under s. NR 10.01(3)(e), ~~and~~ (em) and (es), during the open seasons on waterfowl established in s. NR 10.01(1)(b) and (g). Legally killed or crippled game may be retrieved from such areas by dog or hand.

SECTION 10. NR 15.02(3) is renumbered to NR 15.022(11)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 27, 1998.

The rule shall take effect the first day of the month following publication as provided in s. 227.22(2)(intro.), Stats., except Section 1,2, and 5 which shall take effect March 1, 1999.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)