

**Report to
Legislative Council Rules Clearinghouse
NR Ch.'s NR 8, 10, 12, 20, and 23 Wis. Adm. Code
Natural Resources Board Order Number CS-03-16 related to modernizing the statewide automated
system for issuing recreational license products.**

Wisconsin Statutory Authority

The chapter on conservation, in s. 23.47 created in 2015 Act 89, establishes the department may promulgate rules relating to forms of acceptable proof of an approval, electronic retrieval of information, and reprints of approvals and safety certificates.

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall establish and maintain conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to the licensing, use of harvest permits, and other regulations necessary to conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting, and trapping.

Wisconsin’s boundary waters with other states are popular hunting, fishing, and trapping locations. Specific authority to regulate hunting and fishing in and on all interstate boundary waters and outlying waters is established in s. 29.041.

Sections 23.11 and 29.014, Stats., allow for the protection of natural resources, establish general department powers on lands it manages including migratory bird refuges, and authority to establish hunting and trapping regulations on department managed lands. This authority could apply if property-specific permits currently issued by the department are converted to electronic permit delivery.

Federal Regulatory Analysis

States may manage the fish and 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.

Migratory game bird hunting is regulated by the United States Fish & Wildlife Service (USFWS), in 50 CFR part 20. Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually through the USFWS regulations process. Wisconsin annually adjusts migratory bird seasons and regulations in order to stay within the federal framework.

Comparison with Adjacent States

Wisconsin’s surrounding states have comparable systems for the delivery of licensing products. Minnesota, Iowa, and Indiana all utilize print-on-demand systems with plain paper. Michigan still uses a durable paper system with equipment supported by their agency. Minnesota, Iowa, Illinois and Indiana all utilize electronic harvest reporting or registration systems.

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

This rule establishes the forms of acceptable proof of products issued by the department’s statewide automated system. For hunting licenses, hunting stamps, goose permits, trapping licenses, disabled trolling or hunting permits, guide licenses, and wild rice harvest licenses, and fishing licenses and stamps used on inland waters that are not boundary waters or outlying waters, acceptable forms of proof of an original approval include a reprint of the original approval, a Wisconsin driver’s license, a conservation

card, or an image displayed on an electronic device of a digital file produced by the department. For fishing licenses and fishing stamps used while fishing on inland waters that are boundary waters or while fishing on outlying waters, the only alternative form of proof of the original approval allowed is a reprint. For hunter education, bow hunter education, elk hunter education, and trapper education certificates of accomplishment, acceptable alternative forms of proof of the original certificate include a reprint, a Wisconsin driver's license, a conservation card, or a digital file displayed on an electronic device. For an atv/utv, boating, and snowmobile safety certificates, temporary operating receipts issued for atv/utv, boat, snowmobile registration, temporary trail use receipts issued for atv/utv and snowmobile trail passes, and wild ginseng licenses, acceptable forms of proof of the original include a reprint or an image displayed on an electronic device of a digital file produced by the department. For a unique carcass tag for bear, deer, goose, grouse, sturgeon, or turkey that has not been validated, the only alternative form of proof of the original tag allowed is a reprint. These rules specify that for those products for which a reprint is authorized as a form of proof, a person may obtain a reprint by producing a high-quality printed hard-copy themselves, requesting the department reprint the approval at a Service Center, or requesting a license agent reprint the approval.

This rule establishes new regulations for the tagging and registration of game and makes regulations consistent among the species affected. The new rule provisions eliminate requirements that carcass tags be validated by marking the tag with a knife so that writing on the tag or separating a designated portion of the tag as indicated on the tag can be another way to validate them. These rules also eliminate the requirement that carcass tags be immediately attached after harvesting an animal, which will prevent loss or damage to carcass tags which are paper instead of a more durable material. It would still be required to display the carcass tag upon the department's request or to attach the tag any time the carcass is left unattended by the person who tagged the animal. The species affected are the ones for which the department requires carcass tags and includes: deer, bear, elk, wild turkey, sharp-tailed grouse, Canada goose when extra harvest control measures are being implemented, bobcat, fisher, otter, and wolves when they are not listed as a threatened or endangered species.

This rule expands the prohibition of possessing a validated deer carcass tag while hunting and not also in possession of a deer carcass so that this prohibition also applies for other permit species in addition to deer. Further, these rule provisions specify that once a person harvests a bear, deer, goose, grouse, sturgeon, or turkey under the authority of an unfilled tag, that tag is considered filled and may no longer be reprinted.

This rule repeals rules that were to be effective for the first time in 2016 and would have modified the allowable uses of antlerless tags issued with an archer or crossbow license. This rule will maintain that antlerless tags are valid in a farmland zone unit of the buyer's choice and will result in no change compared with rules in effect in 2014 and in 2015. These rule provisions will maintain that antlerless permits issued with the purchase of a firearm, archer, or crossbow license are not weapon or season specific, but the holder must possess the correct license for the method of harvest and season, which will also result in no change compared with rules previously in effect.

This rule modifies requirements for tagging, recording of harvest, possessing, and transferring harvested bobcat, otter, fisher, and wolves. It will still be necessary to physically attach a pelt tag to these species immediately upon harvest and registration of the pelts at a department location will still be required. However, if the department determines that not attaching carcass tags would be feasible in the future, the department would have the flexibility to allow that practice.

Lastly, this rule establishes new regulations for the tagging of lake sturgeon harvested during the existing hook-and-line and spearing seasons. These rule provisions eliminate requirements that a carcass tag be validated by marking it with a knife. Instead, people who harvest sturgeon must follow the validation

directions written on the carcass tags: writing the date of harvest or separating a designated portion of the tag. This rule also eliminates the requirement that carcass tags be immediately attached after harvesting an animal, which will prevent loss or damage to carcass tags which are paper instead of a more durable material. Anglers will be required to display the carcass tag upon the department's request or to attach the tag any time the carcass is left unattended by the person who tagged the animal. The rule also clarifies that the person who harvested the sturgeon must be the person who registers a sturgeon at a department registration station.

Agency Procedures for Promulgation

The agency will hold hearings in summer of 2017 and request adoption by the Natural Resources Board early in the fall season. The agency will then obtain the governor's signature and submit the rules to the legislature for review beginning in November 2017.

Description of any Forms

None.

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