

Clearinghouse Rule 17-061

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

The statement of scope for this rule, SS 145-15, was approved by the Governor on December 22, 2015, published in Register No. 721A1 on January 4, 2016 and approved by the Natural Resources Board on January 27, 2016. This permanent rule was approved by the Governor on _____.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR 8.01 (2), (5), and (6), 8.03 (2) (b) and (3) (b), 8.05, 10.103 (Note), 10.104 (7) (a) 2m., (7) (b) 2m., and (7) (c) 2m., 10.105 (2), 10.106 (2) (a) to (c) and (3), 10.11 (3), (4), (5), and (6), 10.12 (7), 10.125 (1) d., (3) (a) to (c), 10.145 (5) and (6), 10.25 (3), 20.03 (4) and (7), 20.105 (4) and (5), and 23.02 (1); to renumber NR 10.104 (9m) (c), 10.106 (1), 10.145 (7) and (8), and 10.25 (4) and (5); to renumber and amend NR 10.106 (1), (2) (Intro.); to amend NR Subch. I - NR 8 (title), 8.02, 8.03 (2) (c) (Intro.), 8.04 (1) (a) and (b), 8.07, 8.52 (1) (b) 2., (c) 2. and (d) 2., 8.54 (1) (a) 2. and (b), 10.08 (Intro.) and (6), 10.103 (1), 10.104 (7) (a) 2., (7) (b) 2., (7) (c) 2., (9), (9m) (Intro.) and (a), 10.125 (3) (Intro.), 10.25 (2) (a) 1., 12.06 (10), 12.15 (5) (a), and 20.33 (5) (c) and (d); to repeal and recreate NR 8.01 (1), 10.101 (3), 10.103 (2), 10.105 (1) and (2), 10.11 (2), 10.145 (4), 10.25 (2), 10.26 (2), 12.16 (5), 20.07, 20.10, and 23.12; and to create NR 8.01 (3m), 8.045, 10.08 (7) and (Note), 10.085, 10.104 (9m) (c) 2., and 12.10 (12); related to Customer and Outreach Services rules related to the automated system for delivering recreational license products.

CS-03-16

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency 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.

Statutes Interpreted and Explanation: 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. 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.

Related Statute or Rule: The department has also promulgated emergency rules, Board Orders CS-04-16(E) and CS-05-17(E), which are companions to this permanent order. The statement of scope for the emergency rule is the same document through which this permanent rule was approved, SS 145-15 approved by the Governor on December 22, 2015, published in Register No. 721A1 on January 4, 2016 and approved by the Natural Resources Board on January 27, 2016. Non-statutory provisions of 2015 Act 89 established that the department may enact the emergency rule using the process for emergency rules without finding that promulgating a rule is necessary for the preservation of public peace, health, safety, or welfare. The emergency rule may remain in effect until July 1, 2018 or until this permanent rule is promulgated.

Plain Language Rule Analysis: These rules will modernize Wisconsin’s automated system for delivering recreational license products. This will result in better access to products, faster delivery of special permits and registrations, and improved customer service and satisfaction.

SECTIONS 1, 6, 13, 14, and 15 of these rules replaces the outdated term “automated license issuance system” with the more generic “statewide automated system” to align with the terminology used in s. 23.47, Stats.

SECTION 2 repeals an unnecessary definition of “approval” and creates a definition of “authenticated” that identifies the conditions under which a Wisconsin operator’s license is valid as a form of proof of holding an approval.

SECTION 3 repeals the definition of “automated license issuance system”, a term that is no longer used in NR 8. While “automated license issuance system” is being replaced through NR 8 with “statewide automated system”, it is not necessary to define “statewide automated system”.

SECTION 4 creates a definition of “digital file” that specifies the file format type as a PDF or Hyper Text Markup Language (HTML) file issued by the department for purposes of displaying on an electronic device as proof of holding an approval.

SECTION 5 repeals unnecessary definitions of “retail agent” and “service provider”.

SECTION 7 repeals an outdated deadline to submit license agent applications.

SECTION 8 makes housekeeping changes to correct reference to a sub. and removes superfluous language.

SECTION 9 repeals a requirement that has been eliminated. Previously, all license agents were required to enter into an agreement with the service provider covering the maintenance and support of the electronic license equipment.

SECTION 10 clarifies an applicant shall sign the purchase receipt attesting that their privileges for all approvals issued have not been suspended in addition to being revoked, eliminates the unnecessary phrase “in a court of law”, and eliminates the requirement to carry the signed approval while exercising privileges authorized by the department, consistent with the change made in 2015 Act 89.

SECTION 11 establishes the alternative forms of acceptable proof of items that are issued by the department’s statewide automated system and the locations at and times during which those forms of

proof are valid. For hunting licenses, hunting stamps, trapping licenses, guide licenses, goose permits, wild rice harvest licenses, disabled trolling and hunting permits, and fishing approvals and stamps used on inland waters that are not boundary waters or outlying waters, acceptable alternative forms of proof include a reprint of the original approval, a Wisconsin driver's license, a conservation card, or a digital file displayed on an electronic device. For fishing licenses and fishing stamps used while fishing on inland waters that are boundary waters or while fishing on outlying waters, acceptable forms of proof include a reprint of the original approval. For hunter education, bow hunter education, elk hunter education, and trapper education certificates of accomplishment, acceptable alternative forms of proof include a reprint of the original approval, a Wisconsin driver's license, a conservation card, or a digital file displayed on an electronic device. For atv/utv, boating, and snowmobile safety certificates, acceptable alternative forms of proof include a reprint of the original or a digital file displayed on an electronic device. For temporary operating receipts issued for atv/utv, boat, or snowmobile registration or temporary trail use receipts issued for atv/utv and snowmobile trail passes, acceptable alternative forms of proof include a reprint of the original approval and a digital file displayed on an electronic device. For a unique carcass tag for bear, deer, goose, grouse, sturgeon or turkey that has not been validated, the only alternative form of proof allowed is a reprint of the original approval. For wild ginseng dealer and harvester licenses, acceptable alternative forms of proof include a reprint of the original approval or a digital file displayed on an electronic device. This section stipulates that once a person harvests a bear, deer, goose, grouse, sturgeon or turkey under the authority of an unfilled carcass tag, that tag is considered filled and may no longer be reprinted. Lastly, this section establishes a person may obtain a reprint by printing a high-quality hard-copy themselves, requesting the department reprint the approval at a Service Center, or requesting that a license agent reprint the approval.

SECTION 12 repeals a rule provision regarding telephone issuance of approvals deemed unnecessary, as this rule provision recreates department authority already provided in statute.

SECTIONS 16 and 17 of these rules consolidate requirements for the possession and transportation of certain game species in one location and makes the requirements more consistent among all of the species affected. Most of the provisions of this section are in place under current rules. These SECTIONS and SECTION 38m would require that birds possessed while afield must retain a fully feathered head or wing so that they are identifiable. This was previously only required for pheasants and waterfowl. This would prevent dismemberment of a bird such as a turkey or sharp-tailed grouse after it is registered, but still possessed in the field in a hunting situation.

SECTION 18 establishes new regulations for the tagging and registration of game, consolidates existing regulatory information in one location, 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 separating a designated portion of the tag as indicated on the tag is the primary method of validation. 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.

SECTION 19 repeals detailed descriptions of the requirements for validating, attaching, and removal and retention of bear carcass tags and establishes a cross reference to the new location for that information.

SECTIONS 20 to 22 repeal a prohibition of possessing a validated deer carcass tag while hunting and not also in possession of a deer carcass. This prohibition is re-established in SECTIONS 16 and 17 of these rules, and would apply for other permit species in addition to deer.

SECTIONS 23 to 28 repeal 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 sections 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.

SECTIONS 29 to 29R would allow the department to sell antlerless tags directly to people who will hunt on public and private lands that are enrolled in the deer management assistance program. Under current rules, private land program enrollees need to purchase the antlerless tags and the enrollee needs to distribute the tags to other hunters. Additionally, SECTION 29 corrects a drafting error from previous rulemaking.

SECTIONS 30 and 31 repeal detailed descriptions of the requirements for possessing and transporting deer and bear and establish a cross reference to the new location for that information. In addition, Sections 30 and 31 maintain language that allows dividing a deer or bear into as many as five parts while in the field in order to facilitate transportation.

SECTION 32 moves language that establishes regulations for quartering deer and bear carcasses in the field to a more appropriate subsection.

SECTIONS 33 and 34 repeal detailed descriptions of the requirements for registering and for tagging registered deer and bear and establishes a cross reference to the new location for that information.

SECTIONS 35 to 38 repeal requirements and prohibitions related to transportation of elk, elk carcass tags, and the registration of harvested elk. This language is reestablished in SECTIONS 16 and 17 of these rules and is more consistent with comparable requirements for other species. Finally, SECTION 38 also repeals a cross reference to the hunting hours for elk which may be superfluous language considering that similar cross references to the section establishing all hunting hours are not found where the regulations for other species are established.

SECTION 39 eliminates the requirement to record harvest of Canada geese by marking a goose hunting permit. Registration of harvest by phone or internet is still required.

SECTIONS 40 to 41 amend detailed descriptions of the requirements for tagging, possessing and transporting Canada geese and establish a cross reference to the new location for that information. The department's ability to require that Canada geese harvested in the Horicon be tagged is not currently being utilized but this language is being updated in case that harvest control measure is needed in the future.

SECTIONS 42 to 44 repeal requirements for tagging, recording of harvest, possessing, and transferring harvested bobcat, otter, fisher, and wolf. A cross reference to the new location for that information is established. 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.

SECTIONS 45 to 48 repeal detailed descriptions of the requirements for tagging and registering wild turkeys and establish a cross reference to the new location for that information.

SECTION 49 repeals a detailed description of the requirements for tagging sharp-tailed grouse and establishes a cross reference to the new location for that information.

SECTIONS 50 to 53 repeal detailed descriptions of the requirements for tagging and registering deer harvested under the authority of nuisance and damage permits in Ch. NR 12 and establish a cross reference to the new location for that information in Ch. NR 10.

SECTIONS 54 to 60 update rules for the tagging and registration of lake sturgeon harvested during the existing hook-and-line and spearing seasons. The 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. These sections 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. 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. Finally, SECTION 56 requires that sturgeon harvested during the hook-and-line season be registered by 5:00 p.m. on the day after harvest instead of 6:00 p.m. for consistency with the requirements for registering most other species.

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 rules in 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.

Summary of Factual Data and Analytical Methodologies: The policies in this rule are consistent with past policies of issuing recreational licenses through an electronic based system using a network of local vendors and department offices.

Participants in outdoor recreational activities are a primary entity who will be affected by the proposed rule. Activities licensed by the department include hunting, fishing and trapping, as well as permits/passes/registrations for state parks, boats, snowmobiles, all-terrain vehicles. Private vendors who contract with the department to issue licenses will also be affected by the proposed rules. Those include a range of retail outlets such as convenience stores, department stores, small sporting goods shops, as well as large retailers of outdoors-related merchandise. In nearly all situations, the effects are likely to be minimal but would result in improved delivery and access to services.

Various methods to manage the public harvest of wild animals or sturgeon are available to the department. The department requires the use of carcass tags for certain species when that will assure

equitable distribution of harvest, regulations compliance, or to limit harvest to a very specific level. Hunters purchase tags or, when demand exceeds supply, apply to be included in drawings for tags.

For wildlife species, carcass tags are required to hunt or trap 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. A carcass tag is also required when an angler intends to harvest, or keep, a lake sturgeon during an open fishing season.

Immediately upon harvesting an animal for which a carcass tag is required, the carcass tag must be validated. Under current rules, this is done by cutting the corresponding tag with marks for information such as the date and time of harvest. Under these proposed rules, the department will be able to allow carcass tags to be validated by other methods as indicated on the tag. This will allow hunters and anglers to validate by separating a portion of the tag or potentially other methods.

In the past, carcass tags have been made of a durable material that resisted damage from environmental elements and tags were required to be attached to the animal. Under the department's current contract for a statewide automated system, tags will be printed on plain paper. Through these rules the requirement to attach carcass tags will be relaxed, but not eliminated, so that paper tags are not damaged or lost while in the field or on the water. These rules will allow a person to keep a validated carcass tag safely in a pocket or wallet while, for instance, dragging a deer out of the field. To assure compliance with the requirement to validate tags, under current and these proposed rules, hunters and anglers will be required to display the tag to the department upon request. The requirement to attach tags will still apply when an animal is left by the person who validated the tag for the animal. These rules require that information on the carcass tags remain legible and suggest that tags can be protected by enclosing them in a watertight, clear plastic bag such as a sandwich or snack bag.

These rules will still require that carcass tags be attached to bobcat, otter and fisher and the department will continue to issue durable carcass tags which will be produced outside of the statewide automated system. Under this rule the department could utilize paper tags through the statewide automated system if it determined that would be practical at a later time.

Electronic harvest registration is required of deer, bear and turkey hunters. These rules would expand that requirement so that elk harvest could be registered electronically. However, the option to require in-person registration is also retained. When the first elk seasons are held, the department anticipates that it may want to inspect carcasses for research purposes.

Successful sharp-tailed grouse hunters are asked to mail a registration stub, which is currently issued along with the carcass tag, to the department. However, registration is not mandatory under administrative rules and there are no citations to issue for failing to register sharp-tailed grouse. For consistency, these rules establish a requirement to register harvest with the department consistent with the requirements for deer and bear.

A policy alternative to contract with a vendor whose system would allow the issuance of carcass tags made of a material that is more durable and more difficult to duplicate illegally was evaluated. The benefits of paper tags are significant and include immediate purchase fulfillment of internet purchases, simpler equipment for vendors, and less expensive tag and license material. The requirement to electronically register most species by 5:00 on the day after harvest will reduce fraud related to the illegal duplication of permits. For the first time with this statewide automated system, conservation wardens will quickly be able to query a database to find out if an animal has been registered. In the past, registration stubs filled out by hand were not recorded into a database for weeks. There are additional benefits that

result from the new statewide automated system which will result in new opportunities to verify compliance and which may counterbalance perceived opportunities to illegally duplicate permits.

Currently, the DMAP enrollees can purchase antlerless tags which are valid only on an enrolled property and distribute them to hunters for use on the property. The enrollee can charge hunters only the face value cost for the tags. This proposal would allow the department to sell tags directly to hunters who the DMAP enrollee has indicated have permission to hunt on the property. The department had envisioned being able to sell tags directly to hunters, instead of only to the DMAP landowners/representatives, during development of the DMAP program and initial rule package. However, implementation of the Go Wild statewide automated licensing system was delayed by one year and we were not able to implement the program as planned through the automated licensing system in place at that time. Issuing carcass tags directly to the hunter who will be using them, as proposed in this rule, is consistent with how licenses are normally issued. Issuing carcass tags to enrollees who can transfer them, under current rules, is an exception to past policy.

Another provision 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 by establishing that they are valid statewide except in units without an antlerless quota. 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 sections 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 in effect in 2014 and in 2015. Based on experience gained by the department during the previous two seasons, it is assumed that regulations in place for those years were accepted by the public and there is no need to implement the more complicated regulations that were scheduled to be in effect for 2016.

Anticipated Private Sector Costs and Economic Impact of Implementing the Rule: No economic impacts are anticipated as a result of these rules. The department currently contracts with a vendor and provides automated licensing to the public at private retail outlets, department service centers, and online. Following these rules, the same basic framework of license delivery would still be in place.

The department anticipates improved delivery of services and continued high levels of customer satisfaction because more services will be available at all locations and through the internet. These proposals will generally contribute to providing access to opportunities for hunting, fishing, trapping and other outdoor activities and maintenance of the economic activity generated by people who participate in those activities. The long range implications of this rule proposal will be the same as the short term impacts in that access to outdoor recreational activities will continue or improve and that activity will continue to generate economic activity.

These rules are primarily applicable to individuals and impose no new compliance or reporting requirements for small business. Vendors who choose to serve as department license outlets would continue to have compliance and reporting requirements and follow operational standards, however, we do not anticipate that those will be significantly different than what is currently required of vendors.

These rules will not modify the actual fees for any licenses, permits, registrations, or trail use stickers.

Pursuant to the Governor's Executive Order 50, Section II, this will be a level 3 economic impact analysis. For this permanent rule, a notice for Solicitation of comments on the analysis will be posted on the department's website in the summer season of 2017 and various interest groups may be contacted by email.

Effects on Small Business: The department currently contracts with a vendor and provides automated licensing to the public at private retail outlets, department service centers, and online. Following these rules, the same basic framework of license delivery would still be in place.

These rules are primarily applicable to individuals and impose no new compliance or reporting requirements for small business. Vendors who choose to serve as department license outlets would continue to have compliance and reporting requirements and follow operational standards, however, we do not anticipate that those will be significantly different than what is currently required of vendors.

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SECTION 1. Subch. I - NR 8 (title) is amended to read:

Subch. I - NR 8. Standards and Procedures for the Statewide Automated License Issuance System.

SECTION 2. NR 8.01 (1) is repealed and recreated to read:

NR 8.01 (1) “Authenticated”, for purposes of s. NR 8.045, means properly linked to a customer’s statewide automated system account, as verified using department of transportation records.

SECTION 3. NR 8.01 (2) is repealed.

SECTION 4. NR 8.01 (3m) is created to read:

NR 8.01 (3m) “Digital file”, for purposes of s. NR 8.045, means a portable document format (PDF) file or Hyper Text Markup Language (HTML) file.

SECTION 5. NR 8.01 (5) and (6) are repealed.

SECTION 6. NR 8.02 is amended to read:

NR 8.02 Authorization to issue approvals. All license agents shall issue all department approvals or federal approvals designated by the department to be issued through the statewide automated licensing system, except for approvals designated by the department to be issued only by the department or by specified license agents.

SECTION 7. NR 8.03 (2) (b) is repealed.

SECTION 8. NR 8.03 (2) (c) (Intro.) is amended to read:

NR 8.03 (2) (c) All license agent applicants not included in par. (a) ~~or (b)~~ shall be considered for approval by the department. Factors which may be considered for approval of an application include, ~~but are not limited to the following:~~

SECTION 9. NR 8.03 (3) (b) is repealed.

SECTION 10. NR 8.04 (1) (a) and (b) are amended to read:

NR 8.04 (1) (a) An applicant shall provide appropriate identification and update all personal information as indicated by the department's license issuance manual when applying for an approval. In addition, an applicant shall sign the purchase receipt attesting to his or her residency and that his or her privileges for all approvals issued have not been suspended or revoked by a court of law.

(b) An applicant shall sign the issued approval, if required by the department on the approval form, before exercising any privileges authorized by the approval ~~and carry the signed approval on their person when exercising privileges authorized by the approval.~~

SECTION 11. NR 8.045 is created to read:

NR 8.045 (Title) Forms of proof; reprints.

NR 8.045 (1) Pursuant to s. 23.47 (1) Stats., this sub. establishes that only the following, issued or authenticated through the statewide automated system, may be used to provide proof of authorization to engage in the activities in par.'s (a) to (d).

(a) For any of the following: hunting licenses, hunting stamps, goose permits, and trapping licenses, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, except licenses and stamps authorized by s. 29.2297, Stats.; fishing licenses and fishing stamps, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, only while fishing in inland waters that are not boundary waters; disabled trolling, hunting and fishing permits issued under s. 29.193, Stats.; guide licenses authorized under s. 29.512, Stats.; certificates of accomplishment authorized under ss. 29.591, 29.595, and 29.597, Stats.; and wild rice harvest licenses authorized under 29.607 (3):

1. A reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.
2. A conservation card issued under s. 23.47(2), Stats.
3. An authenticated, current, non-expired Wisconsin operator's license issued by the department of transportation, of the type required under s. 343.18(1), Stats.
4. A discernible and easily viewable image produced by a digital file issued by the department, displayed on any electronic device, including a cellular telephone, in a manner that permits a law enforcement officer to complete a meaningful inspection of such image for purposes of establishing compliance with s. 29.024(1), Stats.

(b) For fishing licenses and fishing stamps, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, while fishing on the waters that are boundary waters or while fishing on the waters that are outlying waters, a reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

(c) For any of the following: safety certificates required under ss. 23.33 (5) (b), 30.678, and 350.05, Stats.; a temporary trail use receipt authorized under ss. 23.33 (2j) or s. 350.12 (3j) and a temporary operating receipt authorized under s. 23.33 (2) (ig) 1. b., ss. 30.52 (1m) (ag) 1. a. and 350.12 (3h) (ag) 1. b., Stats.; and wild ginseng licenses authorized under s. 29.611, Stats.:

1. A reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.
2. A discernible and easily viewable image produced by a digital file issued by the department, displayed on any electronic device, including a cellular telephone, in a manner that permits a law

enforcement officer to complete a meaningful inspection of such image for purposes of establishing compliance with the requirement to exhibit proof of the certificate.

(d) For an approval issued as a unique carcass tag for bear, deer, goose, grouse, sturgeon, or turkey that has not been validated or used to harvest an animal, a reprint, as designated under sub. (3), of the original approval document issued by the department or agent appointed under s. 29.024 (6) (a), Stats.

NOTE: Once an individual has harvested a bear, deer, goose, grouse, sturgeon, or turkey under the authority of a unique carcass tag, the tag is no longer eligible to be reprinted.

NR 8.045 (2) For any approval not specifically enumerated in sub. (1), no alternative forms of proof are permitted.

NR 8.045 (3) Pursuant to s. 23.47 (3), Stats., for a license, stamp, certificate, or tag for which a reprint is established under sub (1)., an approval holder may cause their original approval document to be reprinted by doing any of the following:

(a) Utilizing a digital file issued by the department to produce a high-quality printed hard-copy that facilitates meaningful inspection by a law enforcement officer.

(b) Requesting the department to produce a printed hard-copy at a service center.

(c) Requesting an agent appointed under ss. 29.024 (6) (a) 2. or 3.Stats. to produce a printed hard-copy, if the approval is of the type the agent is authorized to issue.

NR 8.045 (4) Any tag that is identified by a unique number is a unique carcass tag that remains as a singular harvest approval regardless of the number of reprints generated. Every reprint that bears an identical unique number collectively represent one authorization to harvest an animal; once an animal has been harvested under the authority of the harvest approval, all of the reprints are considered filled and the tag is no longer valid.

SECTION 12. NR 8.05 is repealed.

SECTION 13. NR 8.07 is amended to read:

NR 8.07 Variances. The department may approve a variance from nonstatutory requirements of this chapter upon request when the department determines that the variance is essential to accomplish the objectives of the statewide automated license issuance system and where special circumstances make the variances in the best interest of the program. Before granting a variance, the department shall take into account factors such as good cause and circumstances beyond the control of the requester.

SECTION 14. NR 8.52 (1) (b) 2., (c) 2. and (d) 2. are amended to read:

NR 8.52 (1) (b) 2. Update the department's ~~Automated License Issuance System~~ statewide automated system with a violator's revocation status, including the starting date and the ending date when known.

(c) 2. Update the department's ~~Automated License Issuance System~~ statewide automated system with a violator's revocation status, including the starting date and the ending date when known.

(d) 2. Update the department's ~~Automated License Issuance System~~ statewide automated system with any change in the violator's hunting, fishing and trapping revocation status.

SECTION 15. NR 8.54 (1) (a) 2. and (b) are amended to read:

NR 8.54 (1) (a) 2. Enter the violator's identifying information and revocation status into the department's ~~Automated License Issuance System~~ statewide automated system if not already entered into the system.

(b) In addition to the requirements under par. (a), the department, through the ~~Automated License Issuance System~~ statewide automated system, shall deny applications for any hunting, fishing and trapping privileges, approvals and preference points subject to the revocation for the term of the revocation.

SECTION 16. NR 10.08 (Intro.) and 6 are amended to read:

NR 10.08 Possession and transportation of game.

(6) FIELD DRESSING. No person may completely dress any game bird ~~pheasant~~ while in the field or during transportation from the field. The head, or one fully feathered wing, ~~or entire leg~~ shall remain attached to ~~the all game birds dressed carcass~~ while in the field or during transportation from the field to the person's permanent abode or a preservation facility.

SECTION 17. NR 10.08(7) and (Note) are created to read:

NR 10.08 (7) CARCASS TAGS. No person may:

(a) Hunt or trap any of the species in s. NR 10.085 unless in possession of a valid, unique carcass tag that has not already been used to harvest an animal. A tag is not valid when hunting or trapping in a zone, management unit, or land type that is not authorized by the tag, or if the tag is expired. A tag is not valid when hunting with a weapon that is not authorized for use with the tag.

(b) Upon harvesting any of the species in s. NR 10.085, fail to immediately validate the carcass tag that authorized the harvest.

(c) Possess or transport the carcass of any of the species in s. NR 10.085 unless also in possession of the validated carcass tag that authorized the harvest.

(d) Fail to keep a validated carcass tag in good, legible condition so as to permit meaningful inspection by the department. Carcass tags shall remain intact except that part of a tag may be separated as designated by the department on the tag as a means of validation.

(e) Transport or possess an unskinned bobcat, fisher, otter, or wolf carcass, or a raw pelt of these species unless it has been tagged in accordance with s. NR 10.085.

(f) While afield, possess or transport the carcass of any of the species in s. NR 10.085 which is tagged with or possessed under the authority of a validated carcass tag of another person unless accompanied by the person issued the carcass tag. After the animal is registered it may be transported by vehicle on a public roadway or possessed at a dwelling or business establishment by a person who is not hunting without the need to be accompanied by the person who tagged and registered it. A dwelling for the purposes of this subsection includes permanent residences as well as temporary residences, such as an established hunting cabin or camp site.

(g) While afield, hunting, or trapping, possess a validated carcass tag, or any copy of a unique carcass tag already used to harvest an animal, for any of the species in s. NR 10.085 unless the person is also in possession of the legally killed animal corresponding to that carcass tag.

(h) Except where s. 29.324 Stats. applies, validate or attach a carcass tag to an animal trapped, killed, or harvested by another, or an animal killed by unlawful or unknown means.

(i) Possess more than one copy of a unique carcass tag while afield or hunting or trapping.

(j) Possess raw bobcat, fisher, otter or wolf pelts after the 5th day of the month following closure of the open season for each species and the respective opening date of the next trapping or hunting season without a registration tag attached and locked to the head of the animal.

(k) Transfer, give, trade, sell or purchase a raw pelt or unskinned carcass of any bobcat, fisher, otter or wolf without a registration tag being attached and locked to the head portion of the pelt by the department in accordance with s. NR 10.085 (6) (d) 3.

(l) Transport or possess a bobcat, fisher, otter or wolf pelt without a registration tag being attached and locked to the head portion of the pelt by the department in accordance with s. NR 10.085 (6) (d) 3. This par. does not apply to the authorized harvester of the animal.

Note: Additional requirements for the transportation of deer species from chronic wasting disease affected areas in this state and from other states and countries where CWD has been identified are established in s. NR 10.105.

Note: The department lacks authority to issue wolf carcass tags while the wolf is listed on the federal endangered list or the state endangered list. See s. 29.185, Stats.

SECTION 18. NR 10.085 is created to read:

NR 10.085 Tagging and registration of game. (1) SPECIES. Requirements for the tagging and registration of game in this section apply to the following species:

- (a) Deer.
- (b) Bear.
- (c) Elk.
- (d) Wild turkey.
- (e) Sharp-tailed grouse.
- (f) Canada goose if the department determines that extra harvest control measures are necessary to restrict harvest under s. NR 10.125 (3).
- (g) Bobcat.
- (h) Fisher.
- (i) Otter.
- (j) Wolf

NOTE: The department lacks authority to issue wolf carcass tags while the wolf is listed on the federal endangered list or the state endangered list. See s. 29.185, Stats.

(2) VALIDATION. Any person who kills any of the species identified in this section, or if s. 29.324 Stats. applies, the person providing the carcass tag, shall immediately validate the carcass tag by separating a designated portion of the tag or by marking it as designated by the department on the tag. Failure to completely validate the carcass tag renders possession of the animal illegal and the carcass tag invalid.

(3) DISPLAY. No person may refuse or fail to display a validated carcass tag or registration verification number to the department or its wardens upon request.

(4) ATTACHMENT. (a) No person who kills any of the species identified in this section, or if s. 29.324 Stats. applies, the person providing the carcass tag, may leave the carcass unless the tag has been attached to the carcass.

Note: Tags may be attached using string, plastic ties, wire or in any manner which results in the tag being secured to the carcass in a visible manner. Carcass tags may be protected from environmental elements in sealed clear plastic bags.

(b) The pelt tag shall be attached to a bobcat, fisher, otter or wolf when it is killed and before it is carried by hand or transported in any manner. Failure to attach the pelt tag invalidates the permit. The

pelt and registration tag shall remain attached to the pelt until removed by a fur dresser or taxidermist at time of preparation.

(5) REMOVAL AND RETENTION. A carcass tag attached as required in this section may be removed from the carcass at the time of butchering or when prepared by a taxidermist, but the person who killed or obtained the animal shall retain all tags until the meat is consumed. The validated carcass tag shall be retained by the person who possesses the carcass until it is consumed. For purposes of compliance with s. 29.347 (2m), Stats., a carcass tag required by this section is also a registration tag upon completion of the registration requirements of sub. 6.

Note: Historically a registration tag or registration validation number was required to be kept with the meat until consumed in order to show proof that the animal had been registered. With the statewide automated license system in place in 2017, a conservation warden only needs the number originally printed on the tag by the department in order to electronically verify if an animal was registered.

(6) REGISTRATION. No person who kills any of the following species, or if s. 29.324 Stats. applies, the person providing the carcass tag, may fail to register the animal as follows:

(a) Deer, bear, elk, wild turkey and sharp-tailed grouse shall be registered no later than 5:00 p.m. of the day after the animal was recovered using a telephone, internet, or other harvest registration system established by the department except when exhibition of elk, deer or bear is required under sub. (7).

(b) Registration of deer, bear, or elk shall occur before the animal is moved from the county of kill or an adjoining county.

(c) Each person who has killed a bobcat, fisher, otter or wolf shall:

1. Exhibit the pelt, separated from the rest of the carcass, to an authorized department representative no later than 5 days after the month of harvest. Persons who intend to have a bobcat, fisher, otter or wolf mounted by a taxidermist may exhibit the bobcat, fisher, otter or wolf to the department for registration in whole carcass condition without separating the pelt, but shall surrender the skinned carcass to the department within 30 days after registration.

2. Allow inspection of the carcass and pelt, and attachment of a registration tag to the head portion of the pelt of all lawfully taken and possessed bobcat, fisher, otter or wolf.

3. Provide the skinned carcass to the department as required by the department.

(7) REGISTRATION OF CERTAIN ELK, DEER AND BEAR. The department may require that elk be exhibited and registered at registration stations designated by the department no later than 5:00 p.m. of the day after it was recovered. The department may require that any deer or bear harvested in an area affected by CWD, tuberculosis, or where there are other serious infectious disease threats, or area where samples are needed for department research purposes, shall be exhibited and registered at registration stations designated by the department no later than 5:00 p.m. on the third day after it was recovered, or by 5:00 p.m. on the day after the close of the season during which it was recovered, as described in s. NR 10.01 (3), whichever is earlier, unless otherwise authorized by the department. No person shall fail to exhibit the carcass of a deer, bear or elk at a registration location specified by the department when required under this paragraph.

(8) RESEARCH. The department may require that any part of animal subject to registration under this section shall be collected, sampled, or submitted to the department for research purposes. No person may fail to comply with any collection, sampling, or submission procedure required by the department.

Note: In addition to registering harvested animals, the department also requires reporting of Canada goose, bobcat, fisher, otter or wolf harvest. Additional information on Canada goose harvest reporting is found in s. NR 10.125 and for bobcat, fisher and otter harvest in s. NR 10.145.

SECTION 19. NR 10.101 (3) is repealed and recreated to read:

NR 10.101 (3) POSSESSION (a) No person may possess bear carcass in violation of the requirements for possession and transportation established under s. NR 10.08 (7) and for tagging and registration established under s. NR 10.085.

SECTION 20. NR 10.103 (1) is amended to read:

NR 10.103 (1) TAGS. A carcass tag shall be issued with each hunting license except when an archer license is issued to a person who has already been issued a crossbow license or when a crossbow license issued to a person who has already been issued an archer license. ~~While hunting, no person may possess a validated carcass tag including bonus and special carcass tags unless it is attached to a legally killed deer.~~

SECTION 21. NR 10.103 (2) is repealed and recreated to read:

NR 10.103 (2) POSSESSION. No person may possess deer carcass in violation of the requirements for possession and transportation established under s. NR 10.08 (7) and for tagging and registration established under s. NR 10.085.

SECTION 22. NR 10.103 (Note) is repealed.

SECTION 23. NR 10.104 (7) (a) 2. is amended to read:

NR 10.104 (7) (a) 2. ~~During hunting seasons that open in 2015, licenses~~ Licenses that authorize the hunting of deer with a bow and arrow, and not with a firearm or crossbow, may include one or more carcass tags that are valid for the taking of one antlerless deer in a management zone, unit, or portion of a unit specified on the tag that is in a farmland zone or a metropolitan deer management subunit established in ss. NR 10.28 (2) and (4) except that, where the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tags under this subdivision are not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This tag is valid statewide for a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who obtains the tag while under 18 years of age except that, in units where the department has not established a quota allowing the harvest of antlerless deer, the department may establish that tags obtained under this subdivision by people who are under 18 years of age are not valid. These carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public access lands or only for harvesting antlerless deer on private land as defined in ss. NR 10.001 (23a) and (23b). A person who has already been issued a license authorizing deer hunting with a crossbow during a season established under s. 29.014 (1m) (b), Stats., or s. NR 10.01 (3) (ep) will not receive the carcass tag established in this subdivision. A person may use any carcass tags issued with a license authorizing hunting with a crossbow during a crossbow deer season established under s. NR 10.01 (3) (ep) under the authority of an archer hunting license during the archery deer season established in s. NR 10.01 (3) (em).

SECTION 24. NR 10.104 (7) (a) 2m. is repealed.

SECTION 25. NR 10.104 (7) (b) 2. is amended to read:

NR 10.104 (7) (b) 2. ~~During hunting seasons that open in 2015, licenses~~ Licenses that authorize the hunting of deer with a firearm may include one or more carcass tags that are valid for taking one antlerless deer in a management zone, unit, or portion of a unit specified on the tag that is in a farmland

zone or in a metropolitan deer management subunit established in s. NR 10.28 (2) and (4) except that, where the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tag under this subdivision is not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This carcass tag is valid for the taking of one antlerless deer in any unit statewide by a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who obtains the tag while under 18 years of age except that, in units where the department has not established a quota allowing the harvest of antlerless deer, the department may establish that tags obtained under this subdivision by people who are under 18 years of age are not valid. These carcass tags are valid as indicated on the tag only for harvesting antlerless deer on public access lands or only for harvesting antlerless deer on private land as defined in ss. NR 10.001 (23a) and (23b). 2m.

SECTION 26. NR 10.104 (7) (b) 2m. is repealed.

SECTION 27. NR 10.104 (7) (c) 2. is amended to read:

NR 10.104 (7) (c)2. ~~During hunting seasons that open in 2015, licenses~~ Licenses that authorize the hunting of deer with a crossbow, and not with a firearm or bow and arrow, may include one or more carcass tags that are valid for the taking of one antlerless deer in a management zone, unit, or portion of a unit specified on the tag that is in a farmland zones or a metropolitan deer management subunit established in ~~s. ss.~~ NR 10.28 (2) and (4) except that, when the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tags under this subdivision are not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This tag is valid statewide for a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who obtains the tag while under 18 years of age except that, in units where the department has not established a quota allowing the harvest of antlerless deer, the department may establish that tags obtained under this subdivision by people who are under 18 years of age are not valid. These carcass tags are valid as indicated on the tag only for harvesting antlerless deer on public access lands or only for harvesting antlerless deer on private land as defined in ss. NR 10.001 (23a) and (23b). A person who has already been issued a license authorizing deer hunting with a bow and arrow during an archery-only deer season established under s. NR 10.01 (3) (em) will not receive the carcass tag established in this subdivision. A person may use any antlerless deer carcass tag issued with a license authorizing hunting with a bow and arrow during an archery-only deer season established under s. NR 10.01 (3) (em) under the authority of a crossbow hunting license during the crossbow deer season established in s. NR 10.01 (3) (ep).

SECTION 28. NR 10.104 (7) (c) 2m. is repealed.

SECTION 29. NR 10.104 (9), (9m) (Intro.) and (a) are amended to read:

NR 10.104 (9) TAG AUTHORITY. No person may hunt antlerless deer unless the hunter possesses a current valid antlerless deer carcass tag or bonus antlerless deer permit for the deer management unit or subunit or a portion thereof in ~~that~~ which the person is hunting, or as authorized when group hunting with a firearm as established in s. 29.324, Stats. No person may hunt antlerless deer under the authority of an antlerless deer carcass tag or bonus antlerless deer carcass tag or permit on public access lands or on private lands unless the hunter possesses a current valid bonus antlerless deer permit that is valid for the type of land, either public access lands or private land, upon which the person is hunting.

(9m) BONUSTAGS UNDER THE DEER MANAGEMENT ASSISTANCE PROGRAM. The department may issue antlerless tags to level 2 and level 3 participants, and to individuals authorized by level 2 and level 3 participants, in the deer management assistance program established under Subchapter II. All of the following apply to the issuance and use of bonus tags under this section:

(a) *Issuance.* Permits shall be issued in the number prescribed by the department or its agents following evaluation and harvest recommendations under s. NR 10.72 (2) (b) or (4) (b).

SECTION 29G. NR 10.104 (9m) (c) is renumbered NR 10.104 (9m) (c) 1.

SECTION 29R. NR 10.104 (9m) (c) 2. is created to read:

NR 10.104 (9m) (c) 2. The department may issue the carcass tags directly to people who are authorized by the landowner or their authorized representative for an individually enrolled property to purchase them.

SECTION 30. NR 10.105 (1) is repealed and recreated to read:

NR 10.105 (1) POSSESSION AND TRANSPORTATION. No person may possess deer carcass in violation of the requirements for possession and transportation established under NR 10.08 (7).

SECTION 31. NR 10.105 (2) is repealed and recreated to read:

2) CARCASS CONDITION AND TRANSPORTATION. No person may possess a deer, bear, or elk carcass that is not completely intact while in the field or during transportation from the field, except that:

(a) The entrails may be removed and disposed of while afield by field dressing.

(b) Deer, bear, and elk may be skinned, and the lower legs of a deer from the hooves up to the tarsus joint on the hind legs and from the hooves up to the carpus joint on the front legs may be removed. All parts must be removed from the field. If in-person registration is required, the hide and lower legs must accompany the deer, bear, or elk until the time of registration. After in-person or electronic registration has been completed, and the deer, bear, or elk has been removed from the field, all parts not retained shall be disposed of in a manner in compliance with s. 287.81 (2), Stats.

(c) A deer, bear, or elk may be divided into not more than 5 parts, not including the hide and the lower legs, only to facilitate removal from the field. The head and neck shall remain attached to one of the other parts of the animal, not including the hide. A person who divides a deer, bear, or elk while afield:

1. May not allow the deer, bear, or elk to be stored or transported with any other deer or bear that has been divided while afield.

2. May not divide any bear in a manner that does not keep one part of the bear intact to allow it to be measured in a straight line from the tip of the nose to the base of the tail, to determine it was an adult bear of 42 inches or greater.

3. Must remove all parts from the field.

4. Shall exhibit all parts at the time of registration when in-person registration is required by the department.

5. Must dispose of all parts not retained in a manner that is in compliance with s. 287.81 (2), Stats, but such disposal may only occur after in-person or electronic registration has been completed, and the deer, bear, or elk has been removed from the field.

Note: Common terms for the tarsus or second major joint on the rear legs up from the hoof include "hock" and "ankle" and common terms for the carpus or second major joint on the front legs up from the hoof include "knee" and "wrist".

Note: This section prevents in-field butchering commonly known as "boning out."

SECTION 32. NR 10.106 (1) is repealed.

SECTION 33. NR 10.106 (2) (Intro.) is renumbered NR 10.106 and amended to read:

NR 10.106 (1) REGISTRATION. Each person who has killed a deer or if s. 29.324, Stats., related to group deer hunting applies, the person who has tagged the deer ~~during the open seasons for hunting deer with a firearm, or who has killed a bear during the open seasons for hunting bear shall register that kill using a telephone, internet, or other harvest registration system established by the department as follows:~~ shall comply with the requirements for tagging and registration established under s. NR 10.085.

SECTION 34. NR 10.106 (2) (a) to (c) and (3) are repealed.

SECTION 35. NR 10.11 (2) is amended to read:

NR 10.11 (2) TAGS. A ~~back and~~ carcass tag shall be issued with each hunting license. ~~While hunting, no person may possess a validated carcass tag unless it is attached to a legally killed elk.~~

SECTION 36. NR 10.11 (3) and (4) are repealed.

SECTION 38. NR 10.11 (5) and (6) are repealed.

SECTION 38m. NR 10.12 (7) is repealed.

SECTION 39. NR 10.125 (1) (d) is repealed:

SECTION 40. NR 10.125 (3) (Intro.) is amended to read:

NR 10.125 (3) SPECIAL REQUIREMENTS. If the department determines that extra harvest control measures are necessary to restrict the harvest of Canada geese, ~~the following requirements for possession and tagging which are established under ss. NR 10.08 (7) and 10.085~~ apply to anyone hunting in the Horicon zone:

SECTION 41. NR 10.125 (3) (a) to (c) are repealed.

SECTION 42. NR 10.145 (4) is repealed and recreated to read:

NR 10.145 (4) TAGGING, RECORDING OF HARVEST AND POSSESSION AND TRANSFER. No person may possess a bobcat, fisher, otter or wolf carcass or pelt in violation of the requirements for possession and transportation established under NR 10.08 (7) and for tagging and registration established under s. NR 10.085.

SECTION 43. NR 10.145 (5) and (6) are repealed.

SECTION 44. NR 10.145 (7) and (8) are renumbered NR 10.145 (5) and (6).

SECTION 45. NR 10.25 (2) (a) 1. is amended to read:

NR 10.25 (2) (a) 1. Validate the license and carcass tag by ~~tearing or cutting the carcass tag~~ separating a designated portion of the tag or by marking it in the manner indicated by the department on the tag. Failure to follow the validation procedure in this manner invalidates the license and carcass tag.

SECTION 46. NR 10.25 (2) is repealed and recreated to read:

NR 10.25 (2) TAGGING AND REGISTRATION. No person may possess a turkey carcass in violation of the requirements for tagging and registration established under s. NR 10.085.

SECTION 47. NR 10.25 (3) is repealed.

SECTION 48. NR 10.25 (4) and (5) are renumbered NR 10.25 (3) and (4).

SECTION 49. NR 10.26 (2) is repealed and recreated to read:

NR 10.26 (2) TAGGING PROCEDURE. No person may possess a sharp-tailed grouse in violation of the requirements for possession and transportation established under NR 10.08 (7) and for tagging established under s. NR 10.085.

SECTION 50. NR 12.06 (10) is amended to read:

NR 12.06 (10) VALIDATION. Any person who kills a deer or if s. 29.324, Stats., applies, the person providing the carcass tag shall immediately validate ~~and attach~~ the carcass tag as designated by the department. The requirements for possession and transportation of deer established under NR 10.08 (7) and for tagging and registration of deer established under s. NR 10.085 apply unless otherwise indicated by the department on the permit.

SECTION 51. NR 12.10 (12) is created to read:

NR 12.10 (12) Refuse or fail to display a validated carcass tag or registration tag to the department or its wardens upon request.

SECTION 52. NR 12.15 (5) (a) is amended to read:

NR 12.15 (5) (a) Tagged with a validated carcass tag provided by the department immediately upon killing as required under s. NR 10.085;

SECTION 53. NR 12.16 (5) is repealed and recreated to read:

NR 12.16 (5) TAGGING, TRANSPORTATION AND REGISTRATION OF CARCASSES. No person may possess a deer carcass in violation of the requirements for possession and transportation established under s. NR 10.08 (7) and for tagging and registration established under s. NR 10.085 unless otherwise indicated by the department on the permit.

SECTION 54. NR 20.03 (4) and (7) are repealed.

SECTION 55. NR 20.105 (4) and (5) are repealed.

SECTION 56. NR 20.07 is repealed and recreated to read:

NR 20.07 Lake sturgeon carcass tags and registration, hook and line fishing and spearing (1) CARCASS TAGS. No person may:

(a) Fish for lake sturgeon unless in possession of a valid, unique carcass tag that has not already been used to harvest a sturgeon. A tag is not valid when fishing on waters not authorized by the tag, or if the tag is expired. A tag is not valid when fishing with gear that is not authorized for use with the tag. Fishing for lake sturgeon where hook and line fishing is allowed and when the hook and line season is open, while not in possession of a valid carcass tag, is not a violation of this par. if in compliance with par. (e).

(b) Upon harvesting a lake sturgeon, fail to immediately validate the carcass tag that authorized the harvest.

(c) Possess or transport the carcass of a lake sturgeon unless also in possession of the validated carcass tag that authorized the harvest.

(d) Fail to keep a validated carcass tag in good, legible condition so as to permit meaningful inspection by the department. Carcass tags shall remain intact except that part of a tag may be separated as designated by the department on the tag as a means of validation.

(e) Fail to immediately release a lake sturgeon caught by hook and line methods unless the person is in compliance with the requirements of this section.

(f) Prior to registration, possess or transport the carcass of a lake sturgeon which is tagged with or possessed under the authority of a validated carcass tag of another person unless accompanied by the person issued the carcass tag.

(g) While on any water, bank or shore, or while fishing, possess a validated carcass tag, or any copy of a unique carcass tag already used to harvest a sturgeon, unless the person is also in possession of the legally killed lake sturgeon corresponding to that carcass tag.

(h) Validate or attach a carcass tag to a lake sturgeon harvested by another, or taken by unlawful or unknown means.

(i) Possess more than one copy of a unique carcass tag while on any water, bank or shore, or while fishing.

(j) Purchase more than one hook and line lake sturgeon carcass tag for inland or outlying waters per season except that one additional hook and line lake sturgeon carcass tag may be purchased for Wisconsin-Michigan boundary waters per season.

Note: Each hook and line sturgeon carcass tag displays a unique identifier that corresponds to the license issued.

(2) TAGGING AND POSSESSION. No person may:

(a) Possess a lake sturgeon unless they immediately validate the carcass tag by separating a designated portion of the tag or by marking it as designated by the department on the tag. Failure to completely validate the carcass tag renders possession of the animal illegal and the carcass tag invalid.

(b) Possess a lake sturgeon which is being transported in any manner from the time the sturgeon is taken into possession to the time it is lawfully registered pursuant to sub. (6) unless the sturgeon is carried openly exposed.

(c) Possess a lake sturgeon speared from Lake Butte des Morts, Lake Poygan or Lake Winneconne under s. NR 20.20 (73) (e) 2. b. outside the following area unless the sturgeon has been registered pursuant to sub. (6): from the intersection of highways 45 and 21 in Oshkosh west on highway 21 to highway 116; north on highway 116 to county highway B; west on county highway B to county highway D; west on county highway D to highway 49; north on highway 49 to county highway H; east on county highway H to highway 110; east on highway 110 to county highway II; south on county highway II to county highway M; south on county highway M to highway 116; east on highway 116 to highway 45; south on highway 45 to highway 21.

(d) Possess a lake sturgeon speared from Lake Winnebago under s. NR 20.20 (73) (e) 2. b. outside the following area unless the sturgeon has been registered pursuant to sub. (6): from the intersection of highways 10 and 114 in Menasha, east on highway 114 to highway 55; south on highway 55 to U.S. highway 151; south on U.S. highway 151 to Winnebago drive in Fond du Lac; west on

Winnebago drive to Scott street; west on Scott street to highway 45; north on highway 45 to Main street in Oshkosh; north on Main street to Waugoo avenue; east on Waugoo avenue to Bowen street; north on Bowen street to county highway A; north on county highway A to highway 114 in Neenah; east on highway 114 to the intersection of highways 10 and 114 in Menasha.

(3) DISPLAY. No person may refuse or fail to display a validated carcass tag or registration verification number to the department or its wardens upon request.

(4) ATTACHMENT. (a) No person who kills a lake sturgeon may leave the carcass unless the tag has been attached to the carcass.

Note: Tags may be attached using string, plastic ties, wire or in any manner which results in the tag being secured to the carcass in a visible manner. Carcass tags may be protected from environmental elements in sealed clear plastic bags.

(5) REMOVAL AND RETENTION. A carcass tag attached as required in this section may be removed by the department at the time of registration, except that no person may remove a registration tag attached under sub. (6) prior to butchering or preparation by a taxidermist. The registration tag shall be retained by the person who harvested the sturgeon until the meat is consumed.

(6) REGISTRATION. No person who harvests a lake sturgeon may fail to register the fish as follows:

- (a) In an intact condition;
- (b) At a lake sturgeon registration station established by the department;
- (c) By 5:00 p.m. on the day after it was harvested, if taken by hook and line, and
- (d) By 2:00 p.m. on the same day it was harvested, if taken by spearing.

(7) RESEARCH. The department may require that any part of a sturgeon shall be collected, sampled, or submitted to the department for research purposes. No person may fail to comply with any collection, sampling, or submission procedure required by the department.

SECTION 57. NR 20.10 is repealed and recreated to read:

NR 20.10 Special lake sturgeon spearing restrictions. No person may do any of the following:

(1) Fish for sturgeon on Lake Winnebago system waters by any means other than spearing with a spear thrown by hand from inside a fishing shelter placed on the ice during the open season specified in s. NR 20.20 (73) (e).

(2) Fish with or possess a fishing pole, hook and line or other similar devices that might be used for the purpose of catching fish within any fishing shelter containing an ice hole larger than 12 inches in diameter or square during the open season for spearing lake sturgeon on waters specified in s. NR 20.20 (73) (e).

(3) Cover ice holes cut, used or maintained for sturgeon spearing pursuant to s. NR 20.11 (2) with a fishing shelter except during the period from 48 hours before and continuing through the open season for lake sturgeon spearing.

(4) Use or possess any artificial light in order to illuminate any waters open to sturgeon spearing during the period beginning 48 hours before and continuing through the open season for lake sturgeon spearing.

(5) Cut, use or maintain ice holes larger than 48 square feet for lake sturgeon spearing pursuant to s. NR 20.11 (2).

(6) Fish for sturgeon during the open season by the method of spearing or possess or control a spear or similar device within a fishing shelter on Lake Winnebago system waters from 1:00 p.m. until 7:00 a.m. of the following day.

SECTION 58. NR 20.33 (5) (c) and (d) are amended to read:

NR 20.33 (5) (c) *Announcement and notice of season closure.* The season closure for the lake Winnebago sturgeon spearing season or the upriver lakes sturgeon spearing season or both shall be announced by a department press release to local media and to the official state newspaper on the day that actual harvest meets or exceeds 90% of the total allowable annual harvest of juvenile female sturgeon, adult female sturgeon or male sturgeon for that season, based upon the registration of harvested sturgeon pursuant to ~~s. NR 20.10 (10)~~ s. NR 20.07 (6). The department shall post notice of the closure in the vicinity of Lake Winnebago or the upriver lakes or both and provide other notice deemed reasonable by the department.

(d) *Effective date of season closure.* The season closure shall take effect at 12:30 p.m. on the day following issuance of the department press release announcing the season closure in par. (c) when the actual harvest meets or exceeds 90% but is less than 100% of the total allowable annual harvest of juvenile female sturgeon, adult female sturgeon or male sturgeon for that season, based upon the registration of harvested sturgeon pursuant to ~~s. NR 20.10 (10)~~ s. NR 20.07 (6). The season closure shall take effect at 6:30 a.m. on the day following issuance of the department press release announcing the season closure in par. (c) when the actual harvest meets or exceeds 100% of the total allowable annual harvest of juvenile female sturgeon, adult female sturgeon or male sturgeon for that season, based upon the registration of harvested sturgeon pursuant to ~~s. NR 20.10 (10)~~ s. NR 20.07 (6).

SECTION 59. NR 23.02 (1) is repealed.

SECTION 60. NR 23.12 is repealed and recreated to read:

NR 23.12 *Special lake sturgeon hook and line fishing requirements.* The hook and line fishing requirements for lake sturgeon established in s. NR 20.07 also apply to Wisconsin-Michigan boundary waters.

SECTION 61. EFFECTIVE DATE. This 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.

SECTION 62. BOARD ADOPTION. This rule was adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)