

CR 85-7

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

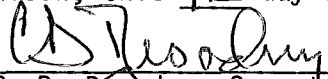
BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, C. D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. G-64-84 was duly approved and adopted by this Department on April 24, 1985. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 9<sup>th</sup> day of July, 1985.

  
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C. D. Besadny, Secretary

(SEAL)

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

.....  
IN THE MATTER of repealing s. 11.06(2);  
renumbering ss. NR 10.001(1) to (27), 11.031(6)  
and 11.04(1), amending ss. NR 10.01(3)(e)2.  
(intro.) and 2.d., 10.09(1)(a)2., 10.10(2),  
10.12(1)(b), (f), (h), (5)(d)2.c. and d. and  
10.145(5); repealing and recreating ss. NR 10.001  
(7) and (22), 10.01(intro.), (1)(n) and (2)(b),  
10.01(3)(e)2.c., 10.08, 10.102, 10.12(5)(a) and  
(d)2.c. and d., 10.145(3) and 11.04(5); and  
creating ss. NR 10.001(21), (23) and (26), 10.02  
(intro.), 10.04(intro.), 10.12(6) through (9),  
15.02(2), 15.022(7)(b) and 45.13(19) pertaining  
to housekeeping modifications to hunting,  
trapping, closed areas and refuge regulations.  
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G-64-84

Analysis Prepared by Department of Natural Resources

1. Definitions - Grammatical corrections and simplified language is applied to existing definitions of "daily bag" and "possession limit". Clarifying definitions are also created to complement new federal rules. The definitions are renumbered to alphabetize them for ease in finding definitions.
2. Season Framework - Archaic language and a lengthy paragraph of text is clarified for open and closed season restrictions. Bag limit constraints are placed more properly in s. NR 10.08 (Possession of Game).
3. Brown County Zone - The ship channel is used as a Green Bay boundary reference to clarify the zone line.
4. Sharp-tailed Grouse Closure - The season on sharp-tails is closed in the vicinity of the Kimberly Clark Wildlife Area to optimize population recovery following application of a series of habitat management prescriptions.
5. Deer Season Boundary - A minor highway boundary addition is needed to correct a previous description. Further, a description addition is necessary for Crawford and Vernon Counties to correct an inadvertent deletion from a previous Administrative Order (G-31-84).

6. Protected/Unprotected Animals - Introductory sentences are added to clarify the effect of protected and unprotected animal status.
7. Shot Size - Shot size T is legalized for migratory bird hunting to enable nontoxic shot users the chance to use shotshell loads roughly equivalent to size BB in lead.
8. Illegal Game - Bow-killed bear showing evidence of being shot with a firearm is no longer an illegal animal because the bow and firearm seasons overlap.
9. Carcass Tags - The deer tag attachment instructions are eliminated because they are now included in the statutes. The remaining rules are recodified.
10. Green Bay Non-toxic Shot Zone - The ship channel is used to clarify the Brown County portion of Green Bay.
11. Federal Rules - In cooperation with the Fish and Wildlife Service and to comply with federal rules, clarifying language or new rules are added in the following categories: field possession limit, boat hunting, live decoys, baiting, methods of taking, tagging, dressing, shipping and importation.
11. Bobcat Carcasses - Bobcat rules are modified to require carcasses to be turned over to the Department upon registration, identical to fisher regulations. This will enable the agency to greatly improve its biological information base.
13. Closed Areas/Refuges - Existing coverage is modified to increase hunter opportunities and protect the waterfowl resource. A refuge is also created in ch. NR 45 because of a property deed restriction.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.085, 29.174(1), 227.014(2)(a) and 227.02(1)(e), Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, amends, repeals and recreates, and creates rules interpreting ss. 29.085 and 29.174(1), Stats. as follows:

SECTION 1. NR 10.001(1) to (27) are renumbered NR 10.001(8), (2), (20), (30), (15), (14), (12), (4), (6), (16), (10), (24), (17), (18), (7), (22), (29), (28), (19), (11), (9), (27), (3), (25), (13), (5) and (1) respectively.

SECTION 2. NR 10.001(7) as renumbered is repealed and recreated to read:

NR 10.001(7) "Daily bag limit" means the maximum number of a game species which may be reduced to a person's possession in one day.

SECTION 3. NR 10.001(21) is created to read:

NR 10.001(21) "Permanent abode" means a person's principal or ordinary home or dwelling place as distinguished from a temporary abode.

SECTION 4. NR 10.001(22) as renumbered is repealed and recreated to read:

NR 10.001(22) "Possession limit" means the maximum number of a game species which may be reduced to a person's possession in 2 days or more.

SECTION 5. NR 10.001(23) and (26) are created to read:

NR 10.001(23) "Preservation facility" means any permanent abode, cold storage facility, locker plant, taxidermy establishment, hunting club or place of business which receives or possesses any game belonging to another person for the purposes of picking, cleaning, freezing, processing, storage or shipment.

NR 10.001(26) "Temporary abode" means a transient place of abode or dwelling such as a hunting club, or any clubhouse, cabin, tent, or trailer used as a hunting club, or any hotel, motel or roominghouse used during a hunting trip.

SECTION 6. NR 10.01(intro.) is repealed and recreated to read:

NR 10.01(intro.) A closed season is established year-round for each species of wild animal named in this section, except during the specified open season. Seasons open to legal hunting and trapping apply to the entire locality described, except as otherwise provided in chs. NR 11 and 15. Whenever open and closed season areas are defined by highways, the boundary shall be the highway center line.

SECTION 7. NR 10.01(1)(n) and 10.01(2)(b) are repealed and recreated to read:

NR 10.01(1)(n) The following described area is established as the Brown county zone: The Brown county portion of Green Bay waters lying east of the ship channel and all that part of Brown county lying south and east of a line formed by state highway 29 in western Brown county and the center line of the Fox river.

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Kind of animal and locality	Open season (all dates inclusive)	Limit
<u>(2)(b) Sharp-tailed grouse</u>		
1. All that part of Wisconsin lying north of a line beginning at the junction of state highway 64 and the west boundary of the state, then east along highway 64 to its	Beginning on the Saturday nearest October 17 and continuing for 23 consecutive days	Daily bag 3; possession 6

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Kind of animal and locality	Open season (all dates inclusive)	Limit
junction with state highway 13, then south along highway 13 to its junction with state highway 29, then east along highway 29 ending in the city of Green Bay, except in the areas described in subds. 2. and 3.		
2. Florence, Langlade and Marinette counties through 1987	None	None
3. All that part of Price county enclosed by a line beginning at the intersection of state highway 70 and county highway F, then south on county highway F to its junction with Fleming's Rapids Road, then south on Fleming's Rapids Road to its junction with county highway W, then west on county highway W to its junction with Price Lakes Road, then north on Price Lakes Road to its junction with state highway 70, then east on state highway 70 to the point of beginning	None	None
4. Remainder of the state	None	None

SECTION 8. NR 10.01(3)(e)2.(intro.) is amended to read:

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Kind of animal and locality	Open season (all dates inclusive)	Limit
2. ZONE "B"  The counties or parts of counties of Buffalo (south of U.S. highway 10), Crawford, Jackson (south of state highway 71 and the Black river), La Crosse, Monroe (south		

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Kind of animal and locality	Open season (all dates inclusive)	Limit
of state highway 71 and west of state highway 27), Pepin (south of U.S. highway 10), Pierce (south of U.S. highway 10), Trempealeau (west and south of state highways 93 and 121, and U.S. highways 10 and 53) and Vernon (west of U.S. highway 61 and state highway 27).		

SECTION 9. NR 10.01(3)(e)2.c. is repealed and recreated to read:

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Kind of animal and locality	Open season (all dates inclusive)	Limit
c. In the counties of Crawford and that part of Vernon south of state highway 82 and U.S. highway 61.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 2 consecutive days	One deer per season, either sex

SECTION 10. NR 10.01(3)(e)2.d. is amended to read:

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Kind of animal and locality	Open season (all dates inclusive)	Limit
d. All other parts of Zone "B" <del>Shotgun-season</del>	<del>Beginning Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 2 consecutive days</del>	<del>One deer per season, either sex</del>
	<del>Beginning Firearm season beginning on the day immediately after the season described above and continuing for 7 consecutive days</del>	<del>One buck deer per season with an-antler-not less-than-3 inches-in-length</del>

SECTION 11. NR 10.02(intro.) and 10.04(intro.) are created to read:

NR 10.02 PROTECTED WILD ANIMALS. The following wild animals are designated protected. No person may take, attempt to take, transport or possess any protected wild animal at any time unless expressly authorized by the department.

NR 10.04 UNPROTECTED WILD ANIMALS. The following wild animals are designated unprotected. No closed season, bag limit, size limit or possession limit applies to these animals.

NOTE: A valid hunting or trapping license must be obtained before taking any unprotected animal by a gun discharged from the shoulder, handgun, pellet gun, bow and arrow, falconry, steel-jawed traps, Conibear traps or live traps. A department approval is required before any unprotected animal may be taken by any means not specified in this paragraph.

SECTION 12. NR 10.08 is repealed and recreated to read:

NR 10.08 POSSESSION OF GAME. (1) OPENING DAY LIMIT. On the first day of the open season, no person may possess or control more than one daily bag limit of any game species for which a bag limit is established.

(2) DAILY BAG. No person may take more than one daily bag limit in any one day.

(3) POSSESSION LIMIT. No person may possess more than 2 daily bag limits unless otherwise authorized by the department.

(4) FIELD POSSESSION LIMIT. No person may possess more than one daily bag limit while at or between the place killed and the place to which the bag limit is taken.

NOTE: This rule does not authorize a person to take more than one daily bag limit. Further, it does not prohibit possession of double the daily bag limit when transporting game between a person's temporary abode and his or her permanent abode.

(5) KILLING REQUIREMENTS. Except as otherwise provided, no person may possess any live game. All game taken during the open season shall be killed immediately and made part of the daily bag.

SECTION 13. NR 10.09(1)(a)2. and 10.10(2) are amended to read:

NR 10.09(1)(a)2. Size. Possess or have in control, while hunting, shells containing shot larger than no. BB ~~during-the-period-beginning from~~ June 1 through December 31, except during the open season established in s. NR 10.01(1) when non-toxic shot no larger than size T may be used for hunting migratory game birds.

NR 10.10(2) ILLEGAL GAME. Any deer or bear killed during the open season for hunting deer or bear with bow and arrow showing evidence that it was shot with a firearm shall be an illegal game animal and ~~it shall be unlawful for any~~ no person may have such animal in possession.

SECTION 14. NR 10.102 is repealed and a note recreated to read:

NR 10.102 DEER HUNTING. (1) TAGS. A one-piece back and carcass tag shall be issued with each hunting license and shall remain intact until the hunter kills a deer.

(2) VALIDATION. Any person who kills a deer shall immediately separate the issued carcass tag from the back tag and validate the carcass tag by slitting the mark designating the month, day, time of kill and type of deer. Failure to completely validate the carcass tag renders possession of the deer illegal and the carcass tag invalid.

Note: The carcass tag attachment procedures are also provided in s. 29.40(2), Stats.

SECTION 15. NR 10.12(1)(b), (f) and (h) are amended to read:

NR 10.12(1)(b) Boats. From any boat or craft other than ~~such as are those~~ propelled by paddle, oar or pole. When motors or sails are attached to the boat, the motor shall be completely shut off and the sail furled, and the boat's progress stopped before a firearm may be loaded.

(f) Live decoys. By using directly or indirectly any live tame or captive ducks or five geese for decoy purposes regardless of the distance intervening between any such live decoys and the position of the hunter. All live tame or captive ducks and geese shall be removed for a period of 10 consecutive days prior to hunting, and confined within an enclosure which substantially reduces the audibility of their calls and totally conceals these live birds from the sight of migratory waterfowl.

(h) Baiting. 1. By the use or aid of salt or shelled or shucked or unshucked corn, wheat or other grains or other feed or means of feeding similarly used to lure, attract or entice such birds to, on, or over the area where hunters are attempting to take them. A baited area is considered to be baited for 10 days after the removal of the bait.

SECTION 16. NR 10.12(5)(a) is repealed and recreated to read:

NR 10.12(5)(a) With a trap, snare, net, rifle, pistol, crossbow other than in s. 29.104, Stats., swivel gun, punt gun, battery gun, machine gun, fishhook, poison, drug, explosive, stupefying substance or shotgun of a larger bore than no. 10 gauge.



SECTION 17. NR 10.12(5)(d)2.c. and d. are amended to read:

NR 10.12(5)(d)2.c. Green Bay. The west 1,000 feet of Green Bay waters, all Brown county islands in Green Bay, all waters in Brown county ~~northwest~~ west of the Fox river and the Green Bay ship channel and east of U.S. highway 141, all waters of Oconto and Marinette counties east of U.S. highway 41 and all areas within 150 yards of these waters.

d. State and federal lands. Within the zones described in subpars. b. and c., shotshells containing non-toxic shot are required for hunting waterfowl and coot anywhere on state-owned wildlife areas, all federal lands posted with U.S. fish and wildlife service signs and on the following state wildlife areas: Mead in Marathon, Wood and Portage counties; Wood County and Sandhill in Wood county; and Meadow Valley in Juneau and Monroe counties.

SECTION 18. NR 10.12(6) through (9) are created to read:

NR 10.12(6) TAGGING. No person may give, put or leave migratory game birds at any place, other than at that person's permanent abode, or in the custody of another person unless the birds are tagged individually or collectively with tags bearing the following information:

- (a) The hunter's signature,
- (b) The hunter's address,
- (c) The total number of birds tagged, by species, and
- (d) The dates the birds were killed.

Note: Tagging is required if the birds are being transported by another person for the hunter, or if the birds have been left for cleaning, storage (including temporary storage), shipment, or taxidermy services.

(7) DRESSING. No person may completely dress any migratory game bird and then transport the bird from the field. The head or one fully feathered wing shall remain attached to all migratory game birds being transported from the field to the person's permanent abode or a preservation facility.

(8) SHIPMENT. No person may ship migratory game birds unless the package is marked on the outside with:

- (a) The name and address of the person sending the birds,
- (b) The name and address of the person to whom the birds are being sent, and
- (c) The number of birds, by species, contained in the package.

(9) IMPORTATION. (a) One fully-feathered wing shall remain attached to all migratory game birds being transported between the port of entry and the possessor's permanent abode or to a preservation facility.

(b) No person may import migratory game birds belonging to another person.

Note: Violation of state migratory game bird regulations is also a violation of federal regulations. Importation restrictions do not prohibit the importation of legally taken, fully feathered migratory game birds for mounting purposes by a taxidermist holding a valid federal permit and licensed by the U.S. department of agriculture to decontaminate birds.

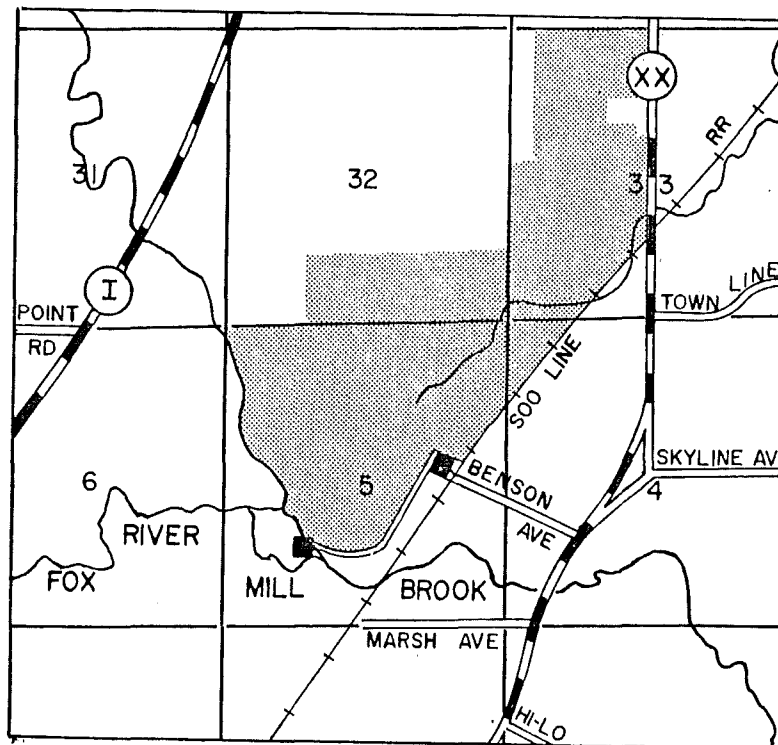
SECTION 19. NR 10.145(3) is repealed and recreated to read:

NR 10.145(3) EXHIBITION REQUIRED. Unless otherwise authorized by the department, each person who has killed a bobcat shall exhibit the pelt separated from the carcass along with the carcass to an authorized department representative for registration within 5 days of taking. The carcass shall be retained by the department.

SECTION 20. NR 11.031(6) is renumbered NR 11.041(1).

SECTION 21. NR 11.04(5) is repealed and recreated to read:

NR 11.04(5) WAUKESHA COUNTY. (a) Vernon wildlife area. Township 5 north, range 19 east, town of Vernon and township 6 north, range 19 east, town of Waukesha.

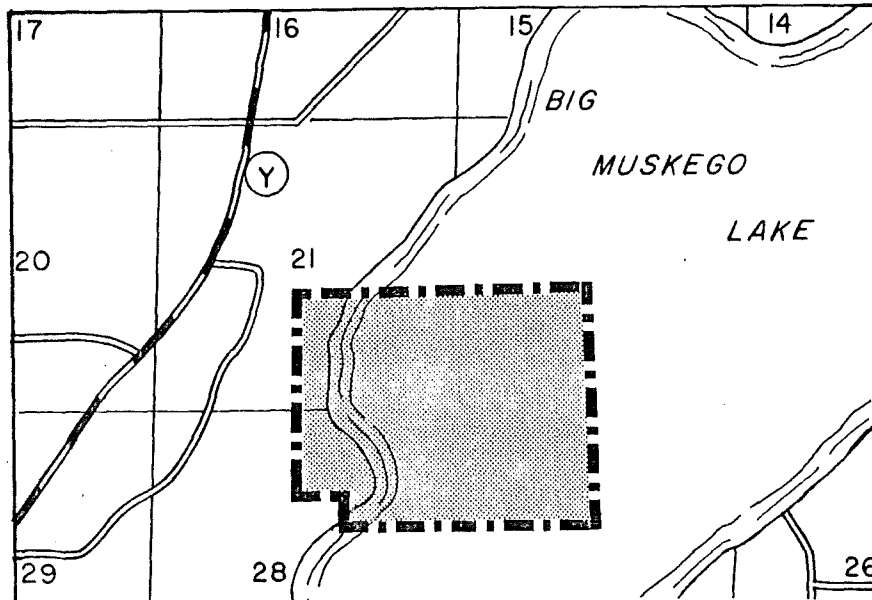


SECTION 22. NR 11.041(1) is renumbered NR 11.041(2).

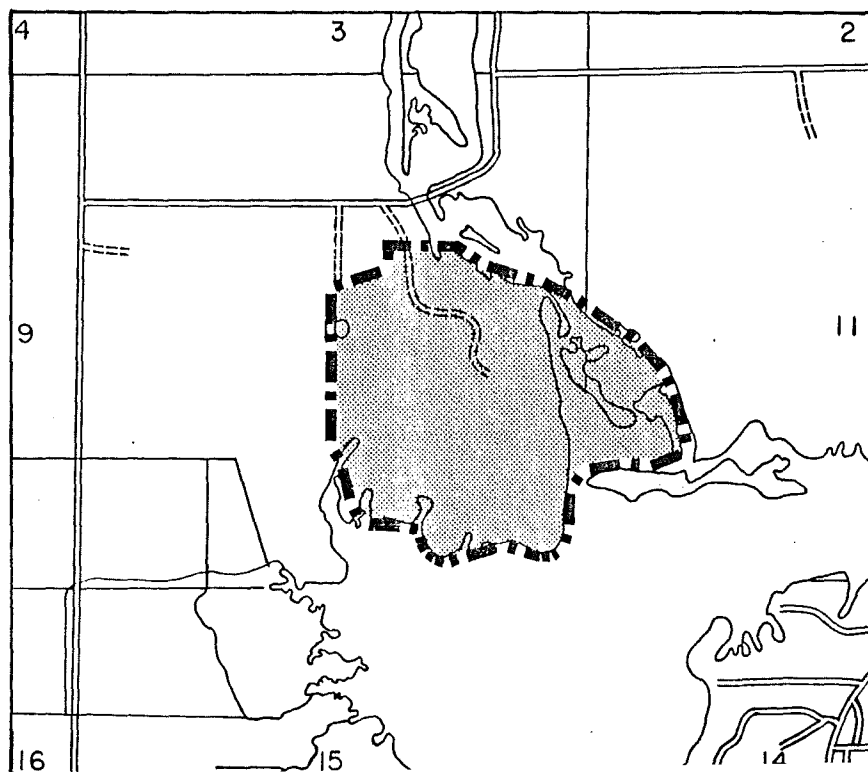
SECTION 23. NR 11.06(2) is repealed.

SECTION 24. NR 15.02(2) and 15.022(7)(b) are created to read:

NR 15.02(2) WAUKESHA COUNTY. (a) Big Muskego Lake. Township 5 north, range 20 east, town of Muskego.



NR 15.022(7)(b) Tichigan wildlife area. Township 4 north, range 19 east, town of Waterford.



SECTION 25. NR 45.13(19) is created to read:

NR 45.13(19) KETTLE MORaine STATE FOREST, LAPHAM PEAK. No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm or have in possession or under control any firearm or air gun as defined in s. 939.22, Stats., unless it is unloaded and enclosed within a carrying case, or any bow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed within a carrying case while on any department lands designated by posted notice in sections 29, 30, and 32, T7N, R18E, town of Delafield, Waukesha county.

SECTION 26. CROSS-REFERENCE CHANGES. In the Code section listed in Column A, the cross-reference shown in Column B is changed to the cross-reference shown in Column C.

Column A	Column B	Column C
10.09(1)(c)1.a.	10.001(13) and (14)	10.001(17) and (18)

The foregoing rules were approved and adopted by the Natural Resources Board on April 24, 1985.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

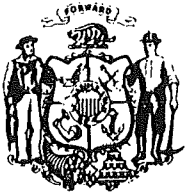
Dated in Madison, Wisconsin July 3, 1985

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besady  
Carroll D. Besady, Secretary

(SEAL)

28440



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

July 9, 1985

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

RECEIVED

JUL 12 1985

Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. G-64-84. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,

C. D. Besadny  
Secretary

Enc.  
4359I