

CR 86-68

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

ss

**RECEIVED**

MAY 20 1986  
3:00 pm  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. WM-15-86 was duly approved and adopted by this Department on March 27, 1986. 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 16<sup>th</sup> day of May, 1986.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

8049K

9-1-86

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

.....  
IN THE MATTER of repealing ss. NR 10.001(12) .  
and 10.104; renumbering ss. 10.102 and 10.115; .  
renumbering and amending s. NR 10.103; amending .  
ss. NR 10.10(1)(b) and 10.101 (intro); repealing .  
and recreating ss. NR 10.01(3)(g) and 10.101(3)(c).  
and creating ss. NR 10.001(1m), 10.101(1)(c) .  
10.101(3)(e), 10.10(4), 10.102 and 10.106 of .  
the Wisconsin Administrative Code pertaining .  
to black bear hunting .  
.....

WM-15-86

Analysis Prepared by Department of Natural Resources

New legislation (1985 Wisconsin Act 270) provides DNR authority to control the black bear harvest and related bear hunting participation. Those statutory provisions require all bear hunters to be licensed, but traditional hunting privileges are modified as follows:

1. A hunter may not shoot, shoot at, kill, take, catch or possess a bear unless the person also holds a bear harvest permit.

2. A hunter may not pursue a bear unless the person also holds a bear harvest permit or is assisting a person who has a bear harvest permit.

The Wisconsin Administrative rules establish a bear hunting season framework which allows 21 days of hunting for persons using dogs or bait to assist in their hunting of bear and 28 days of hunting for hunters using other methods.

Bear hunters using bait only may hunt beginning the second Saturday in September in even numbered years and the third Saturday in September in odd numbered years. Bear hunters hunting with dogs begin the second Saturday in September in odd numbered years and the third Saturday in September in even numbered years. Hunters using dogs may use bait at the same time. Bear hunting with the use of dogs may only take place in certain northern counties, a rule unchanged from previous open seasons.

Only 6 dogs in a single pack may be used to pursue a bear, regardless of the dog ownership or number of bear hunters assisting the bear harvest permit holder.

All bear killed must be identified with a carcass tag indicating the month, day, time of kill and bear sex. The bear must be registered in the county where killed or adjoining county at a Department Station no later than 5:00 p.m. of the day after it was killed.

The Department will issue 860 bear harvest permits for the 1986 season. Permit applications must be postmarked or received by the DNR license section by July 10. DNR selects successful applicants and issues notices to those applicants by August 10. Permit fees must then be mailed to DNR by the successful applicants by August 25. DNR may reissue permits returned undelivered by the post office or otherwise rejected in the process.

Pursuant to Section 21, 1985 Wisconsin Act 270, these rules are to be adopted for the 1986 bear hunting season without public hearing.

This rule interprets ss. 29.085, 29.09, 29.1085, 29.114 and 29.174(1), Stats.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.1085, 29.174(3), 227.014(2)(a) and 227.02(1)(e), Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers and amends, amends, repeals and recreates, and creates rules interpreting ss. 29.085, 29.09, 29.1085, 29.114, and 29.174(1), Stats., as follows:

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

NR 10.001(1m) "Assisting", for the purpose of bear hunting, means helping a bear harvest permittee hunt a bear by handling dogs, tracking, trailing or locating the bear, or otherwise aiding while with the permittee or baiting.

SECTION 2. NR 10.001(12) is repealed.

SECTION 3. NR 10.01(3)(g) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<u>(g) Bear (gun and bow seasons)</u>		
1. With aid of bait only, subject to s. NR 10.07(1)(g) - In all counties of the state	Beginning on the second Saturday in September and continuing for 21 days in even numbered years and the third Saturday in September for 21 days in odd numbered years.	

2. With aid of dogs only, in accordance with ss. NR 10.10(1)(b) and 10.101

Beginning on the second Saturday in September and continuing for 21 days in odd numbered years and the third Saturday in September for 21 days in even numbered years.

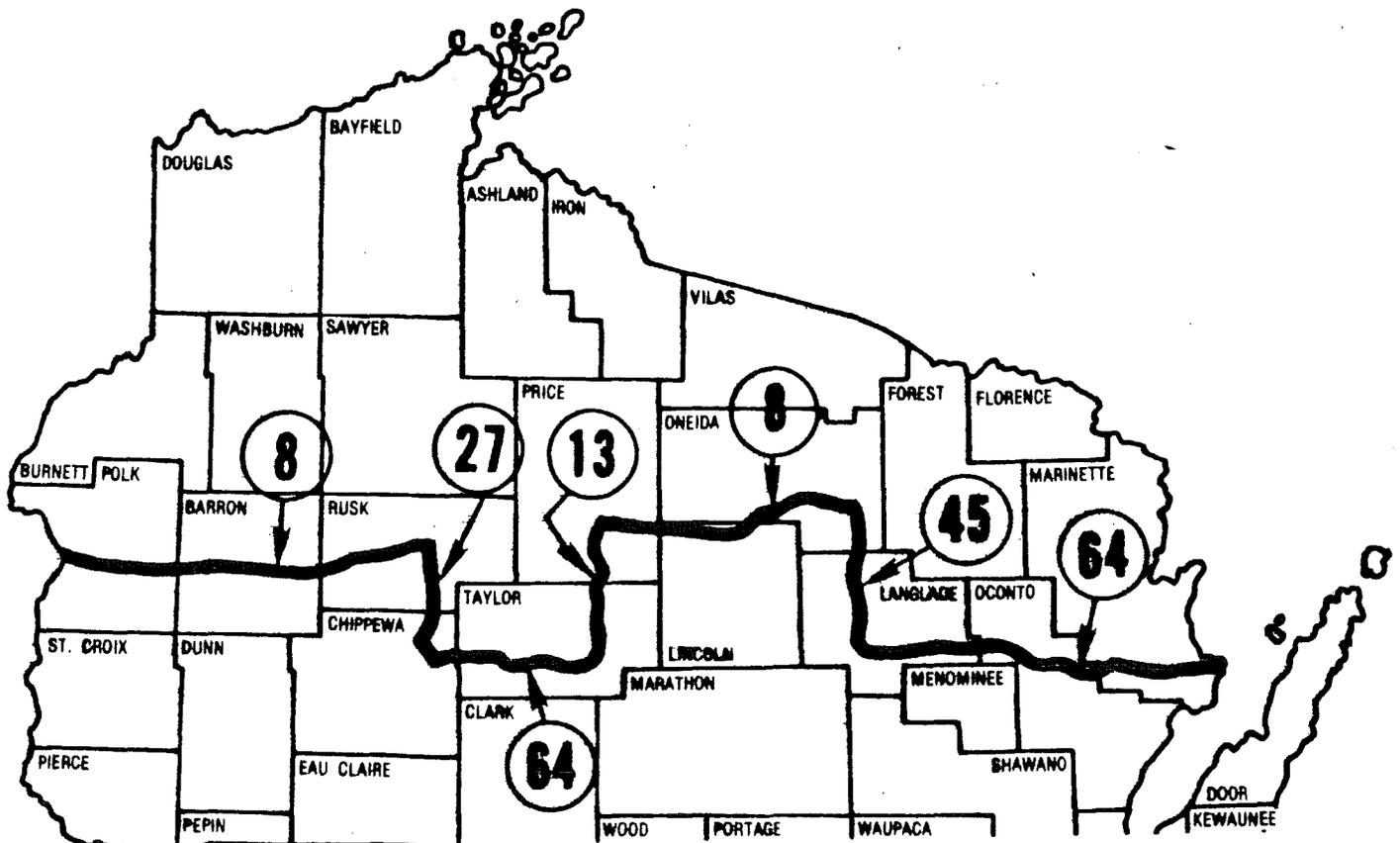
3. With other methods of hunting without the aid of dogs or bait

Beginning on the second Saturday in September and continuing for 28 consecutive days.

One adult bear per permit issued under s. NR 10.102 taken by bow or by firearm.

SECTION 4. NR 10.10(1)(b) is amended to read:

NR 10.10(1)(b) Dogs. With the aid of ~~a dog or~~ dogs, except that dogs may be used for hunting bear during the season established in s. NR 10.01(3)(g) 7 2 in that portion of the state north of the highways shown on the following map:



SECTION 5. NR 10.101(intro) is amended to read:

NR 10.101(intro) No person shall may:

SECTION 6. NR 10.101(1)(c) is created to read:

NR 10.101(1)(c) Adult bear with cubs. Shoot, shoot at or kill an adult bear accompanied by a cub or cubs.

SECTION 7. NR 10.101(3)(e) is created to read:

NR 10.101(3)(e) Bait use. Persons hunting bear with dogs may use bait in accordance with s. NR 10.07(1)(g) during the season established in s. NR 10.01(3)(g)2.

Note: This rule does not permit a person to hunt bear over bait without using dogs as a hunting aid.

SECTION 8. NR 10.101(3)(c) is repealed and recreated to read:

NR 10.101(3)(c) Pack size. No more than 6 dogs in a single pack may be used to pursue bear regardless of the number of bear hunters assisting the bear harvest permittee and regardless of the dog ownership.

Note: Only a bear hunting licensee with a bear harvest permittee may pursue bear during the open season on bear.

SECTION 9. NR 10.101(4) is created to read.

NR 10.104(4) BEAR CARCASS TAGS. (a) Validation. Any person killing a bear shall immediately validate the carcass tag by slitting the mark designating the month, day, time of kill and bear sex.

(b) Attachment. Immediately following validation, the carcass tag shall be attached to the bear at any location on the bear.

(c) Removal and retention. A bear carcass tag attached under par. (b) and department registration tag may be removed from a gutted carcass at the time of butchering or when prepared by a licensed taxidermist, but the person who killed or obtained the bear shall retain all tags until the meat is consumed.

SECTION 10. NR 10.102 and 10.103 are renumbered NR 10.103 and 10.105 respectively, and NR 10.105 as renumbered is amended to read:

NR 10.105 TRANSPORTATION OF DEER AND BEAR. ~~It shall be unlawful for any~~  
No person ~~to~~ may transport any deer or bear in or on any motor-driven vehicle ~~from~~ from the time such deer or bear is killed to the time it is lawfully registered pursuant to s. NR ~~10.104~~ 10.106 unless the deer or bear is carried openly exposed and in such a manner so that the deer or bear tag attached to the deer or bear cannot be handled or manipulated by any occupant of the vehicle.

SECTION 11. NR 10.102 is created to read:

NR 10.102 BEAR HUNTING. (1) PERMITS. (a) Permit quota. The department shall issue 860 bear harvest permits for the 1986 bear season.

(b) Application procedure. Application for harvest permits shall be on forms provided by the department. They shall be postmarked no later than the Friday nearest July 10 or received by the department license section, 101 South Webster, P.O. Box 7924, Madison, WI 53707 no later than 4:30 p.m. on that date of each year.

(c) Permit issuance. The department shall select successful applicants and issue permit approval notices no later than August 10 of each year. The department may reissue permits which are returned undelivered by the postal authorities or the applicant fails to or cannot comply with s. 29.1085, Stats. Selection shall be by random drawing.

(d) Fees. A successful applicant shall submit the permit fee to the department before receiving a harvest permit. The fees shall be mailed and postmarked no later than August 25 or received by the department license section, 101 South Webster, P.O. Box 7924, Madison, WI 53707 no later than 4:30 p.m. on that date of each year.

(e) Permit attachment. The bear harvest permit shall be attached to the bear hunting license by the applicant immediately upon receipt.

(2) BEAR PURSUIT. No licensee may pursue a bear by any method unless that person holds a valid bear harvest permit or is assisting a person who holds a valid bear harvest permit issued under s. 29.1085, Stats.

SECTION 11. NR 10.104 is repealed.

SECTION 12. NR 10.106 is created to read:

NR 10.106 RECORDING DEER AND BEAR. (1) CARCASS CONDITION AND TRANSPORTATION. Deer and bear shall be intact except they may be field dressed. These animals or animal parts may not be removed from the area specified in this section unless exhibited, registered and tagged.

(2) EXHIBITION AND REGISTRATION. Each person who has killed a deer during the open seasons for hunting deer with guns or bear during the open seasons for hunting bear with guns or bows shall exhibit and register the deer with the deer carcass tag attached as required by s. 29.40(1), Stats., and

s. NR 10.103, or the bear with the bear carcass tag attached as required by ss. 29.1085(5), Stats., and s. NR 10.104 at an authorized registration station as follows:

(a) Gun license deer. Gun license deer shall be registered within the open season zone in which the deer was killed no later than 5:00 p.m. of the first day following the season's close.

(b) Special permit deer. Party permit deer or antlerless deer taken under the authority of a hunter's choice permit shall be registered within the deer management unit in which the deer was killed no later than 5:00 p.m. of the first day following the season's close unless transported on federal or state highways directly to the authorized registration station in an adjoining deer management unit.

(c) Lake Superior islands deer. Any gun killed deer taken on any of the islands in the outlying waters of Lake Superior in Ashland and Bayfield counties shall be registered within the deer management unit in which the deer was killed or within the city of Bayfield no later than 5:00 p.m. of the first day following the close of such season.

(d) Archer license deer. Archer license deer shall be registered within the county in which the deer was killed or adjoining county no later than 5:00 p.m. of the day after it was killed.

(e) Bear license (bow and gun). Bear shall be registered within the county in which the bear was killed or adjoining county no later than 5:00 p.m. of the day after it was killed.

(3) REGISTRATION TAGGING. (a) Bear. Upon verification of license information, the station operator shall lock a registration tag to the bear or bear part.

(b) Deer. For deer, the operator shall:

1. Complete and retain the registration portion of the hunter's license;
- and
2. Lock a registration tag to the deer or deer part.
  3. Remove the validation portion of the carcass tag.

Note: The portion of the deer carcass tag remaining attached to the animal contains a number corresponding to the registrant's hunting license and backtag.

SECTION 13. NR 10.115 is renumbered NR 10.104.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board March 27, 1986.

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

Dated at Madison, Wisconsin May 15, 1986

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

7439H



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

*Carroll D. Besadny*  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

May 15, 1986

IN REPLY REFER TO: 1020

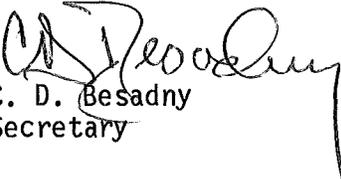
Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 904  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-15-86. 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. 227.19, 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.  
8049K