

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

CR 87-166

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

File Ref:

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES)

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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-43-87 was duly approved and adopted by this Department on December 17, 1987 and May 26, 1988. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 15th
day of June, 1988.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

part 7-1-88
part 8-1-88

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

.....
IN THE MATTER of repealing ss. NR 10.01(3)(e)7. .
and 9., 16.02(4)(a) to (f) and 16.10 (9)(b), and .
19.07(10); renumbering ss. NR 11.04(5), 11.08(1) .
and 17.01(2) to (5); amending ss. NR .
10.01(1)(u)1., 10.102(1), 10.106(2)(e), .
10.25(1)(a) and (2)(a) (intro.) and (b), .
16.02(4)(intro.), and 19.09(3); repealing and . WM-43-87
recreating ss. NR 10.01(2)(b)2., 10.05(1), .
17.01(1) and 17.02(5)(a)3.; and creating .
ss. NR 10.001(3m), (7m) and (31), .
10.01(2)(f)(title), 10.104(7), .
11.08(1), 15.023(1)(b)(title) and 17.01(7)(a)5. .
pertaining to housekeeping modifications to .
hunting, trapping and miscellaneous regulations. .
.....

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.174(3), 29.544(2)(a), 227.11(2), and 227.16(2)(e), Stats.

Statutes interpreted: ss. 29.174(2)(a), 29.57(1), 29.574 and 167.31(2)(d) and (4)(a) and (e), Stats.

1. Bear, deer and turkey management zones/units are defined for clarification purposes.
2. Falconry duck seasons are established by formula to avoid annual modification.
3. Roadway hunting is modified to reflect new law.
4. 1988 black bear harvest levels are established to maintain fall population objectives. Application procedure deadlines are adjusted.
5. Deer quota formulas are recodified for readability.
6. Sharp-tailed grouse hunting is closed in a select area of Bayfield County to protect low populations.
7. Florence, Langlade and Marinette County sharp-tailed grouse closure is eliminated (1987 sunset provision).
8. Vernon Wildlife Area closed area is changed to a no entry refuge.
9. Townline refuge is titled for clarity.
10. Game farm fees are formulized to avoid frequent updating needs. Confusing fence restrictions are eliminated.
11. Dog trial text is recodified for clarity.
12. George W. Mead Wildlife Area is designated a Class 1 dog trial and training area. Greenwood Wildlife Area dog training designation is changed from Class 1 to 2 consistent with master plan objectives.

13. The August 15 wild ricing start time is eliminated because of rice ripening variability.

14. Cross references are changed to reflect new regulations.

SECTION 1. NR 10.001(3m), (7m) and (31) are created to read:

NR 10.001(3m) "Black bear hunting zone" means a zone established in s. NR 10.30.

(7m) "Deer management unit" means a zone established in s. NR 10.28.

(31) "Wild turkey hunting zone" means a zone established in s. NR 10.29.

SECTION 2. NR 10.01(1)(u)1. is amended to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
All species of wild duck <u>except as provided in par. (a), mergansers and coots</u>	Entire state	Oct.-1-at 12:00-noon- through-Jan.-15 <u>Beginning on the first season day established in s. NR 10.01(1)(b) at 12:00 noon and continuing for 107 consecutive days</u>	3	6

SECTION 3. NR 10.01(2)(b)2. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(b)2. Closed areas established in s. NR 11.08.	None	None

SECTION 4. NR 10.01(2)(f)(title) is created to read:

NR 10.01(2)(f) Wild turkey (zone hunting).

SECTION 5. NR 10.01(3)(e)7. and 9. are repealed.

SECTION 6. NR 10.05(1) is repealed and recreated to read:

NR 10.05(1) GENERAL HUNTING. No person may hunt within 50 feet of a roadway's center except as provided in s. 167.31, Stats.

Note: The exceptions provided by s. 167.31, Stats., allows any person to legally hunting small game with a muzzle-loading firearm or shotgun loaded with shotshells containing shot size BB or smaller if the roadway is surfaced with anything other than concrete or blacktop.

SECTION 7. NR 10.102(1) is amended to read:

NR 10.102(1) HARVEST LEVEL AND PERMIT STANDARDS. (a) Permit quota. The department shall issue no more than ~~1,730~~ 2,090 bear harvest permits for the ~~1987~~ 1988 season. The number of permits per black bear hunting zone is as follows:

<u>Hunting Zones</u>	<u>Permits</u>
A	1,380 <u>1,580</u>
B	260 <u>330</u>
C	90 <u>180</u>

(b) Application procedure. Application for harvest permits shall be on forms provided by the department. Applicants shall indicate their black bear hunting zone preference. Applications shall be postmarked no later than the Friday nearest ~~June-10~~ January 15 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 Friday each year.

(c) Permit issuance. The department shall select successful applicants and issue permit approval notices no later than ~~July-10~~ February 15 of each year. The department may reissue a permit if the permit is returned undelivered by the postal authorities or if 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 appropriate permit fee established by s. 29.092(2)(kg) or (kr), Stats., to the department before receiving a harvest permit. The fees shall be mailed and postmarked no later than the Friday nearest ~~July-25~~ March 1 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 Friday each year.

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

SECTION 8. NR 10.104(7) is created to read:

NR 10.104(7) DEER HARVEST QUOTAS. Deer harvest quotas are based on deer management unit populations in relation to established population goals as determined by inventories, the past effect of varying antlerless harvest levels on deer management unit populations, and the estimated impact of the previous winter's severity on deer survival and subsequent fawn production.

(a) Purpose. The department shall issue party permits, antlerless permits or hunter's choice permits in sufficient numbers to assure maintenance of overwintering deer populations for each deer management unit indicated in par. (d).

(b) Permit formula. In each deer management unit, the number of permits to be issued to harvest the desired number of deer shall be based on the hunter success rate average from the most recent 3 previous seasons or by an average of fewer seasons where a 3-year average is not available. In establishing a harvest quota for a deer management unit without an adequate history of permits, the average success rates of similar deer management unit shall be applied or the department shall estimate an anticipated success rate. The permit number formula is:

$$\text{Permit number} = \frac{\text{Antlerless deer to be harvested}}{\text{Hunter success rate}}$$

(c) Success rate formula. Permit success rates used to compute the number of permits to be issued for each deer management unit shall be those calculated by the department from annual deer season harvest statistics except where no previous history of success rates exist. The success rate formula is:

$$\text{Success rate} = \frac{\text{Number of antlerless deer harvested}}{\text{Number permits issued}}$$

(d) Overwinter goals. Overwinter population goals expressed in terms of deer per square mile of deer range by deer management unit are as follows:

Management Unit	Deer Goal	Management Unit	Deer Goal
1	15	52	20
2	20	53	30
3	10	54A	30
4	15	54B	25
5	20	54C	25
6	10	55	25
7	10	56	30
8	20	57	15
9	20	57A	30
10	30	57B	25
11	20	57C	30
12	20	58	25
13	15	59A	15
14	15	59B	15
15	25	59C	25
16	25	59D	15
17	15	60	20
18	20	60A	20
19	20	61	20
20	20	62A	30
21	25	62B	30
22	20	63A	30
22A	20	63B	25
23	20	64	20
24	20	65A	30
25	25	65B	30
26	20	66	30
27	15	67	30
28	10	67A	35
29A	15	67B	35
29B	10	68	30
30	15	69	20
31	20	70	25
32	20	70A	25
33	20	70B	30
34	10	70E	30
35	15	71	20
36	25	72	20
37	25	73	20
38	15	73B	15
39	15	73C	20
40	15	74A	15
41	20	74B	15
42	20	75	15
43	15	75A	15
44	15	76	20
45	20	76A	20
46	20	77A	20
47	20	77B	10
48	20	77C	15
49	25	78	25
50	15	80	15
51	20	81	15

SECTION 9. NR 10.106(2)(e) is amended to read:

NR 10.106(2)(e) Bear license (bow and gun). Bear shall be registered within the county in which the bear was killed or adjoining county and within the black bear management zone in which it was killed no later than 5:00 p.m. of the day after it was killed.

SECTION 10. NR 10.25(1)(a) and (2)(a)(intro.), (b) and (3) are amended to read:

NR 10.25(1)(a) Permit requirement. ~~No~~ Except for turkey hunting outside of established zones during the open season for hunting wild turkeys, no person may hunt wild turkey unless they have first applied for and received a valid wild turkey hunting permit and tag from the department.

(2)(a)(intro.) Carcass tag use. ~~When~~ In wild turkey hunting zones, when a wild turkey is killed and before it is carried by hand or transported in any manner, the hunter shall:

(2)(b) Transportation and possession. No person may possess or transport a wild turkey taken in any wild turkey hunting zone established in s. NR 10.29 unless the person has lawfully killed and tagged it.

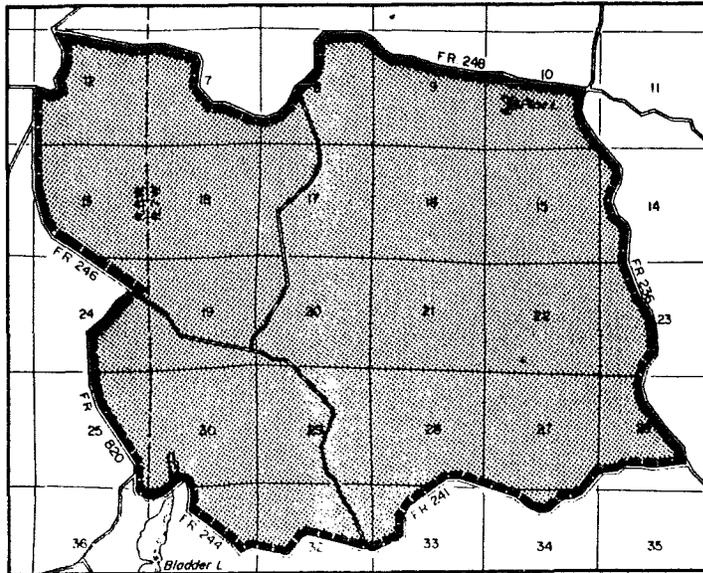
(3) REGISTRATION. A person who possesses a wild turkey killed in a wild turkey hunting zone shall exhibit and register the bird at a department registration station no later than 1:30 p.m. on the day killed. The department shall affix a registration tag to lawfully taken wild turkeys and the tag shall be kept until the turkey meat is consumed.

SECTION 11. NR 11.04(5) is renumbered NR 15.022(11).

SECTION 12. NR 11.08(1) is renumbered NR 11.08(2).

SECTION 13. NR 11.08(1) is created to read:

NR 11.08(1) BAYFIELD COUNTY. (a) Moguah barrons. Township 48 north, range 7 west, towns of Barksdale and Washburn and township 48 north, range 8 west, town of Tripp.



SECTION 14. NR 15.023(1)(b)(title) is created to read:

NR 15.023(1)(b) Townline reservoir.

SECTION 15. NR 16.02(4)(intro.) is amended to read:

NR 16.02(4) WILDLIFE FEE ASSESSMENT. In addition to an annual license fee, signs and expense payment for the inspection board, each applicant shall pay to the department a specified sum of money for each wild animal found on the lands which are desired for propagation purposes, - the title of which rests in the state. The fee assessed for each animal shall be the amount hereinafter stated in this section: established in s. 29.65(1), Stats.

SECTION 16. NR 16.02(4)(a) to (f) and NR 16.10(9)(b) are repealed.

SECTION 17. NR 17.01(1) is repealed and recreated to read:

NR 17.01 DOG TRIALS. (1) PERMIT REQUIREMENT. Except as established in sub. (2), a permit to conduct dog trials shall be obtained from the department for dog trials when:

(a) Department land. Any protected or unprotected captive animal is used on lands owned or controlled by the department; or

(b) Other land. Any captive protected animal is used on lands not owned or controlled by the department; and

(c) Special area. Any captive or wild, free-roaming animal is used May 1 to June 30 in the area north of the highways described in s. NR 10.07(1)(i).

SECTION 18. NR 17.01(2) to (5) are renumbered 17.01(4) to (7).

SECTION 19. NR 17.01(2) and (3) are created to read:

NR 17.01(2) EXCEPTIONS. Dog trial permits are not required on the licensed premises of game farms, fur farms and shooting preserves or on any private land when license holders use licensed animals for dog trials.

(3) PERMIT CONDITIONS. Dog trial permits are subject to the following conditions. The permit shall:

(a) Cost. Cost \$10 per trial except on the Bong state recreation area where the permit shall be issued without charge. The fee shall be submitted with the application.

Note: Additional admission fees may be required on state forest and recreation area lands.

(b) Authority. Authorize the permittee and persons accompanying the permittee to possess and use the animals specified on the permit for dog trials only. Selling, breeding and propagation of these captive animals are prohibited.

(c) Area restriction. Be valid only on the area identified on the permit.

(d) Revocation. Be revoked by the department if any administrative rules or permit restrictions are violated. No fees collected by the department will be returned if a permit is revoked.

SECTION 20. NR 17.01(7)(a)5. is created to read:

NR 17.01(7)(a)5. George W. Mead wildlife area.

SECTION 21. NR 17.02(5)(a)3. is repealed and recreated to read:

NR 17.02(5)(a)3. George W. Mead wildlife area.

SECTION 22. NR 19.07(10) is repealed.

SECTION 23. NR 19.09(3) is amended to read:

NR 19.09(3) The secretary is authorized and directed, after determining by investigation and study that the wild rice is ripe, to designate the open season for harvesting or gathering wild rice in each of the areas described in sub. (4). The open season in any area may ~~begin no earlier than August 15 and may~~ continue in effect for not more than 60 days. The open season in any area is designated by the secretary pursuant to this subsection shall be put into effect by posting of proper notice of the open season on the shores of, and at places of public access to, the lakes and streams in which the open season is effective at least 24 hours before the beginning of the open season.

SECTION 24. CROSS-REFERENCE CHANGES. In the sections of the code listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C.

A	B	C
10.10(1)(b)	10.01(3)(g)2.	10.01(3)(g)
10.101(3)(e)	10.01(3)(g)2.	10.01(3)(g)
10.104(1)	10.01(3)(e)9.e.	10.104(7)(d)
10.117(1)	10.01(3)(e)9.e.	10.104(7)(d)
10.117(2)(a)	10.01(3)(e)9.e.	10.104(7)(d)
19.84(3)(f)	10.01(3)(e)9.e.	10.104(7)(d)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 17, 1987.

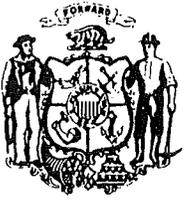
The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

June 15, 1988
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besady
Carroll D. Besady, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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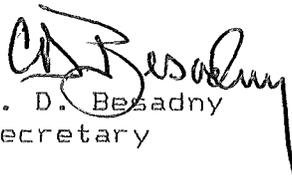
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-43-87. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Transportation, Tourism and Conservation pursuant to s. 227.19, Stats. A summary 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.