

CR 88-108

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

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NOV 10 1988  
9:40 am  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

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-24-88 was duly approved and adopted by this Department on August 25, 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 24th  
day of November, 1988.

  
Bruce B. Braun, Deputy Secretary

(SEAL)

5-1-89

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

.....  
IN THE MATTER of amending s. NR 10.125(1)(c);  
repealing and recreating ss. NR 10.01(1)(b),  
(c) and (g), 10.06(2)(d) and 19.84; and  
creating ss. NR 10.01(1)(a), 10.32 and  
19.01(2)(n) of the Wisconsin Administrative  
Code pertaining to the 1988 migratory game  
bird season.  
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WM-24-88

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Analysis Prepared by Department of Natural Resources

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

Statutes interpreted: ss. 29.085, 29.174(1) and (2) and 29.596, Stats.

The proposed rules establish the regulations for the 1988 migratory game bird season. The significant regulations are:

Duck Season. The federal framework allows a split duck season for Wisconsin. Two zones (north and south) are delineated by an east-west line crossing the state near U.S. Highway 10. The 30-day season in the south begins at noon October 8 and continues through October 11 and, following a 7-day closed period, reopens October 19 and continues through November 13. The 30-day season in the north begins at noon October 8 and continues through November 6.

The daily bag is 3 ducks to include not more than 2 mallards of which only one may be a hen, 1 redhead, 1 black duck, and 2 wood ducks. The daily bag may include 1 pintail of either sex during the first four days of the season and 1 male pintail (female pintails closed) during the last seven days of the season. During the other portion of the season, the pintail season is closed. The daily bag of 5 mergansers includes not more than one hooded merganser. The season on canvasback ducks is closed.

Canada Geese. The state is apportioned into 5 major goose hunting zones: Horicon, Collins, Pine Island, Theresa and Exterior. Other special goose management subzones within the Exterior Zone are Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River.

The season length for Horicon is 70 days, Collins and Pine Island are 40 days and the Exterior Zone 35 days. The Theresa Zone runs for 50 days or closes when the registered Canada goose harvest reaches 3,000, whichever occurs first.

A special Canada goose season allows 70 days of hunting on the Mississippi River. Late Canada goose seasons will extend for 23 days in Rock Prairie and 31 days in the Brown County Zones. The Burnett County and New Auburn Zones are closed to Canada goose hunting.

Previously established rules require a permit for hunting Canada geese statewide. Carcass tags are required in addition to the permit in Horicon, Collins, Pine Island and Theresa Zones.

Agricultural Damage Quota. The U.S. Fish and Wildlife Service has provided Wisconsin a separate Canada goose harvest allocation of 4,500 to be used in abating goose damage to crops. The quota is subject to the following conditions:

1. The allocation may be used only in the Horicon zone.
2. Landowners receiving permits for these geese must comply with the requirements of Wisconsin's wildlife damage law (s. 29.598, Stats.).
3. Wisconsin should make every effort to utilize its regular authorization of Canada geese in a manner that reduces damage before utilizing this special allocation.

The rules establish an application process for landowners or lessees to request a permit to hunt Canada geese causing damage. The department is allowed 2 working days to decide on an application and to determine that the applicant meets certain criteria, including control of entry for hunting, \$1,000 damage threshold, and the use of alternative abatement.

Landowners or lessees receiving a permit would be allowed to authorize other Horicon Zone licensed hunters to assist them. Each landowner or lessee permit would be limited to no more than 7 days and

The department could grant permit extensions if damage is continuing. Landowners, lessees and all participating hunters would be allowed to take and retain no more than 2 geese under the permit in addition to any geese obtained under their regular goose hunting permit.

SECTION 1. NR 10.01(1)(a) is created to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
NR 10.01(1)(a) <u>Canvasback duck</u>	Entire state	Closed	None	None

SECTION 2. NR 10.0(1)(b), (c), (g), and 10.06(2)(d) are repealed and recreated to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
NR 10.01(1)(b) <u>All species of wild duck and mergansers except as established in pars. (a) and (c)</u>	Entire state	As established by zone	3 ducks to include not more than 2 mallards of which only one may be a hen mallard, one redhead, one black duck, 2 wood ducks and one pintail established in par. (c); 5 mergansers to include no more than one hooded merganser.	Double the daily bag limit through the entire open season, except opening day when it is the same as the daily bag limit.
	South zone as established in s. NR 10.32	Oct. 8 at 12:00 noon-Oct. 11; Oct 19-Nov. 13		
	North zone as established in s. NR 10.32	Oct. 8 at 12:00 noon-Nov. 6		
(c) <u>Pintail duck</u>	Entire state	Oct. 8 at 12:00 noon-Oct. 11	One pintail of either sex as part of the daily bag limit established in par. (b).	Double the daily bag limit through the entire open season, except opening day when it is the same as the daily bag limit.
	South zone as established in s. NR 10.32	Nov. 7-13	One drake pintail as part of the daily bag limit established in par. (b).	Double the daily bag limit through the entire open season, except opening day when it is the same as the daily bag limit.
	North zone as established in s. NR 10.32	Oct. 31-Nov. 6	One drake pintail as part of the daily bag limit established in par. (b).	Double the daily bag limit through the entire open season, except opening day when it is the same as the daily bag limit.

NR 10.01(1)(g)  
Geese 1. Canada  
 geese and its  
 subspecies

a. All that part of the exterior zone lying north of the highway boundaries established in s. NR 10.32 except for the zones described in subpars. b.-e.	Oct. 8 at 12:00 noon-Nov. 11	1	2	
b. Mississippi river zone north of a line extending from the Chippewa river's center line	Oct. 8 at 12:00 noon-Nov. 11 and Nov. 19; Nov. 20-Dec. 23	1 2	2 4	
c. Burnett county zone	None	None	None	
d. New Auburn zone	None	None	None	
e. Brown county zone	Oct. 8 at 12:00 noon-Nov. 11; Dec. 1-31	1 2	2 4	
f. All that part of the exterior zone lying south of the highway boundary established in s. NR 10.32 except for the zones described in subpars. g.-k.	Oct. 8 at 12:00 noon-Oct. 11; Oct. 19-Nov. 18	1 1	2 2	
g. Horicon zone	Four permit periods: Oct. 1-Oct. 7 and Oct 8 at noon-Oct. 21; Oct. 8 at noon-Oct. 30; Oct. 22-Nov. 18  Nov. 28-Dec. 18	1 1 1  2		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.  The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
h. Collins and Pine Island zones	Three permit periods: October 1-Oct 7 and Oct. 8 at 12:00 noon-Oct. 9; Oct. 10-23; Oct. 24-Nov. 9	1 1 1		The possession limit is restricted by a season limit of 4.

i. Theresa zone	Oct. 1-Oct. 7 and Oct. 8 at 12:00 noon-Nov. 19 or until registered harvest reaches 3,000, whichever occurs first	Limited to one goose per 5-day period	The possession and season limits are 4.
j. Rock Prairie zone	Oct. 8-at 12:00 noon-Oct 11; Oct. 19-Dec. 11	1 1	2 2
k. Mississippi river zone south of a line extending from the Chippewa river's center line	Oct. 8 at 12:00 noon-Oct. 11; Oct. 19-Nov. 19 Nov. 20-Dec. 23	1 1 2	2 2 4
2. All other species	Entire state	Concurrent with the wild duck seasons established in par. (b) and Canada goose seasons established in par. (g)	A total of 5 including 2 white-fronted geese and not more than the established daily limit for Canada geese or its subspecies during the open season on Canada geese
			A total of 10 including 4 white-fronted geese and not more than the established possession or season limit on Canada geese or its subspecies during the open season on Canada geese

NR 10.06(2)(d) Migratory game bird hunting. The hunting zones for pursuing migratory game birds is established in par. (a) and hunting hours are established in the following table with the following exceptions:

1. All waterfowl hunting starts at noon on the first day of the duck hunting season established in s. NR 10.01(1)(b).

2. The hunting hours in the Theresa goose management zone close at 1:00 p.m. daily except on the first day of the duck hunting season established in s. NR 10.01(1)(b) when the hunting hours close as shown in the table.

MIGRATORY GAME BIRD HUNTING HOURS C.S.T.

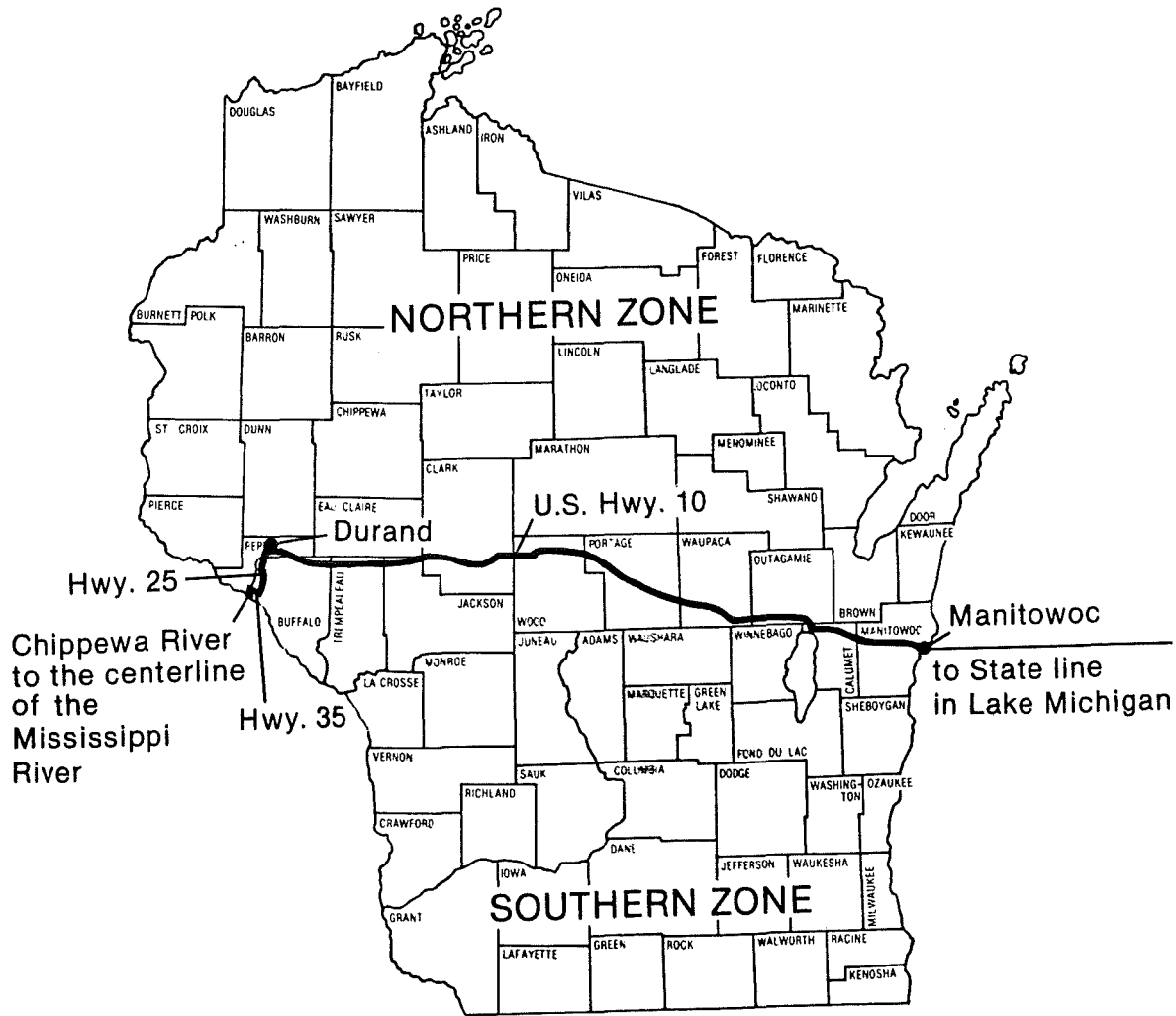
DAY	SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
1	5:12	6:27	5:48	5:31	6:27	4:40	7:05	4:12
2	5:13	6:26	5:49	5:30	6:29	4:38	7:07	4:11
3	5:15	6:24	5:50	5:28	6:30	4:37	7:09	4:11
4	5:16	6:22	5:51	5:26	6:31	4:36	7:10	4:11
5	5:17	6:20	5:52	5:24	6:33	4:34	7:11	4:11
6	5:18	6:18	5:54	5:22	6:34	4:33	7:12	4:10
7	5:19	6:16	5:55	5:21	6:35	4:32	7:13	4:10
8	5:20	6:15	5:56	5:19	6:37	4:31	7:14	4:10
9	5:22	6:13	5:57	5:17	6:38	4:29	7:15	4:10
10	5:23	6:11	5:59	5:15	6:40	4:28	7:16	4:10
11	5:24	6:09	6:00	5:13	6:41	4:27	7:17	4:10
12	5:25	6:07	6:01	5:12	6:42	4:26	7:17	4:10
13	5:26	6:05	6:02	5:10	6:44	4:25	7:18	4:10
14	5:27	6:03	6:04	5:08	6:45	4:24	7:19	4:11
15	5:29	6:01	6:05	5:06	6:46	4:23	7:20	4:11
16	5:30	6:00	6:06	5:05	6:48	4:22	7:20	4:11
17	5:31	5:58	6:08	5:03	6:49	4:21	7:21	4:11
18	5:32	5:56	6:09	5:01	6:50	4:20	7:22	4:12
19	5:33	5:54	6:10	5:00	6:52	4:19	7:22	4:12
20	5:34	5:52	6:11	4:58	6:53	4:18	7:23	4:13
21	5:36	5:50	6:13	4:56	6:54	4:18	7:24	4:13
22	5:37	5:48	6:14	4:55	6:55	4:17	7:24	4:13
23	5:38	5:46	6:15	4:53	6:57	4:16	7:25	4:14
24	5:39	5:45	6:17	4:52	6:58	4:15	7:25	4:15
25	5:40	5:43	6:18	4:50	6:59	4:15	7:25	4:15
26	5:42	5:41	6:19	4:49	7:00	4:14	7:26	4:16
27	5:43	5:39	6:21	4:47	7:02	4:14	7:26	4:17
28	5:44	5:37	6:22	4:46	7:03	4:13	7:26	4:17
29	5:45	5:35	6:23	4:44	7:04	4:13	7:27	4:18
30	5:46	5:33	6:25	4:43	7:05	4:12	7:27	4:19
31			6:26	4:41			7:27	4:20

DRAFTER'S NOTE: This cross reference will change to NR 10.06(4) by order WM-1-88 (Clearinghouse Rule No. 88-36).

SECTION 3. NR 10.125(1)(c) is amended to read:

NR 10.125(1)(c) Permit quota. The number of Canada goose permits issued by the department annually under this section and under s. NR 19.84 shall be based upon the assigned federal quota and distributed within established zones based upon the general distribution of geese within the state and the previous year's hunter success rates.

SECTION 4. NR 10.32 is created to read:



MIGRATORY GAME BIRD HUNTING ZONES

SECTION 5. NR 19.01(2)(n) is created to read:

APPROVALS

BUSINESS DAYS

NR 19.01(2)(n) Permits to hunt

2

Canada geese causing agricultural damage

SECTION 6. NR 19.84 is repealed and recreated to read:

NR 19.84 PERMITS TO HUNT CANADA GEESE CAUSING AGRICULTURAL DAMAGE. (1) ISSUANCE AUTHORITY.

Contingent upon the establishment of a federal harvest quota and goose season framework valid for Wisconsin and in accordance with this section, the department may issue Canada goose damage hunting permits to agricultural crop land owners or lessees experiencing crop damage by Canada geese. Permittees may issue Canada goose damage hunter permits to other persons and authorize them to assist by hunting Canada geese causing damage.

(2) DEFINITIONS. For purpose of this section:

(a) "Goose hunting zone" means those established under s. NR 10.31.

(b) "Lands suitable for hunting" means as defined in s. NR 19.76(4).

(3) APPLICATION REQUIREMENT. An applicant shall apply for a landowner or lessee permit to hunt Canada geese causing agricultural damage under this section on forms supplied by the department. A separate application is required for each parcel of noncontiguous crop lands.

Note: The forms may be obtained from department field stations or county wildlife damage program offices.

(4) PERMIT ISSUANCE CRITERIA. After determining that issuance or extension of permits under this section will not result in the harvest of Canada geese which exceeds the federally assigned quota, the department may issue goose damage hunting permits only to landowners or lessees meeting the following criteria:

(a) Ownership of crops being damaged. The applicant shall be an individual who owns or leases the crop lands being damaged or be one officer of the corporation that owns or leases the crop lands being damaged. No more than one landowner or lessee permit may be issued for a parcel of land at the same time.

(b) Hunting access control. Applicants shall possess the authority to control entry for goose hunting on the damaged crop lands and any contiguous lands under the same ownership which are suitable for hunting;

(c) \$1,000 damage extent. Damage to the applicant's crops shall be ongoing and either exceed or be likely to exceed \$1,000 in the current calendar year as determined by the county wildlife damage administrator.

(d) Alternative abatement attempted. The applicant shall comply with all alternative damage abatement techniques recommended by either:

1. The authorized county administrator for lands located in a county participating in a wildlife damage program under s. 29.598, Stats., or

2. The department for lands located in all other counties.

(e) Normal crop management. The applicant shall be managing the crop lands sustaining damage in accordance with methods normally used by no less than 50% of the other growers in the county. A permit may



not be issued for crop lands when 90% or more of any row crop described in the application have been harvested in the county of application.

(f) Permit and license compliance. The applicant shall have complied with the conditions of any permit to hunt Canada geese causing damage issued to him or her within the 12 months immediately preceding application and may not currently have their hunting license privileges revoked.

(5) PERMIT CONDITIONS. Any landowner or lessee permit issued under this section is subject to the following conditions:

(a) Public goose hunting. 1. The permittee shall keep the damaged crop lands and any contiguous lands under the same ownership which are suitable for hunting open to public goose hunting subject to subd. 2. during the current calendar year's goose hunting season.

2. Permittees may refuse access to goose hunters for reasonable cause. Reasonable cause may not be based on age, race, religion, color, handicap, sex, physical condition, development disability, creed, sexual orientation or national origin. However, the presence of at least 2 hunters per each 40 acres of land suitable for hunting shall constitute reasonable cause for refusal.

3. All lands required to be open to public goose hunting under subd. 1. may not be posted against hunting except to indicate that hunting is by permission only.

4. The landowner or lessee permittee may not charge any form of fee to a person hunting geese pursuant to a Canada goose damage permit issued under this section.

(b) Hunter authorization. Upon request by a person who meets the conditions in sub. (6), the permittee shall provide the person with a Canada goose damage hunting permit and no more than 2 carcass tags which will authorize the person to hunt geese causing damage within the authorized area subject to the conditions stated in the permit and this section unless all permits and carcass tags have been issued by the landowner or lessee permittee.

Note: The department will provide the permittee with Canada goose damage hunting permit forms.

(c) Authorized area. A permit issued under this section applies only to the lands described on the permit.

(d) Kill limit. The department may authorize the harvest of up to 20 Canada geese per landowner or lessee permit under the initial authorization depending on the acreage of damaged crop lands and numbers of Canada geese using the site.

(e) Carcass tags. The department shall issue to the landowner or lessee permittee one carcass tag for each goose authorized for harvest under the landowner or lessee permit. The landowner or lessee permittee may retain 2 carcass tags for his or her use and shall issue the remaining carcass tags free of charge to other hunters authorized to participate by the landowner or lessee.

(f) Reporting. The landowner or lessee permittee shall maintain a record of all hunters, including themselves, who participated and were issued carcass tags. Within 3 days following permit expiration, the

landowner or lessee permittee shall return their permit, all hunter permit records, all unused carcass tags, and report the number of Canada geese harvested under permit to the department office indicated on the permit.

(g) Permit length. Permits shall remain in effect until all carcass tags issued under this section have been used, but no longer than 7 days, unless the department grants an extension under par. (h).

(h) Permit extensions. If, upon permit expiration, Canada geese continue to cause damage to the landowner or lessee's crops and the permittee has complied with the conditions of the permit, the department may:

1. Authorize the harvest of additional geese if all previously issued carcass tags have been used; and
2. Extend the effective dates of the permit to allow use of any subsequent or previously issued carcass tags.

(6) CONDITIONS OF HUNTING. No person may hunt or possess Canada geese under a permit issued under this section unless they have complied with the following conditions:

(a) Licensing. 1. The landowner or lessee permittee shall only be required to comply with the federal migratory bird stamp purchase and possession requirements.

2. All persons other than the landowner or lessee permittee who are authorized to participate under this section shall possess all state and federal licenses, permits and stamps required to hunt Canada geese within the goose hunting zone which contains the lands described on the permit.

(b) Use of other permits. All persons authorized to participate under this section shall have used any other goose hunting permit and carcass tags issued to them which are valid for the locations and effective dates specified in the landowner or lessee permit prior to using the carcass tags issued under this section.

(c) Reporting. All persons issued a permit under this section shall report the harvest of a Canada goose to the landowner or lessee permittee and mail a completed goose harvest report card to the department within 48 hours of the time of harvest.

(d) Carcass tags. All persons issued carcass tags under this section shall immediately peel off and affix the carcass tag identification number to the appropriate location on the forms provided by the department. Carcass tags are nontransferable.

(e) Goose disposition. No person may take or possess more than 2 Canada geese under each permit issued under this section.

(f) Regulation compliance. Except as otherwise authorized in this section, all participants shall comply with all state and federal waterfowl hunting regulations including tagging and the daily bag limit. Any geese taken by a person who has not complied fully with this section shall be considered illegally obtained.

(g) Permit possession. All persons hunting Canada geese under a permit issued under this section shall carry on his or her person the permit authorizing their participation.

The foregoing rules are approved and adopted by the Natural Resources Board on August 25, 1988. The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 277.22(2)(intro), Stats.

Dated at Madison, Wisconsin November 7, 1988

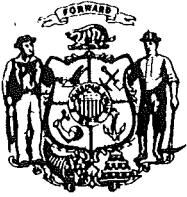
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

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9/13/88



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

*Carroll D. Besadny*  
*Secretary*

November 9, 1988

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**RECEIVED**

NOV 10 1988

Revisor of Statutes  
Bureau

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-24-88. 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,

A handwritten signature in cursive script that reads "C. D. Besadny".

C. D. Besadny  
Secretary

Enc.