

CR 89-120



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
Box 7921  
Madison, Wisconsin 53707  
TELEFAX NO. 608-267-3579  
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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

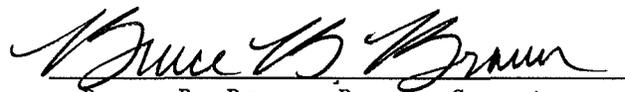
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JAN 25 1990  
9:45 am  
Revisor of Statutes  
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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-42-89 was duly approved and adopted by this Department on August 24, 1989. 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 19<sup>th</sup>  
day of January, 1990.

  
Bruce B. Braun, Deputy Secretary

(SEAL.)

4-1-90



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

RECEIVED

JAN 25 1990

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IN THE MATTER of repealing ss. NR 10.125(1)(d)	.	Revisor of Statutes
5.a. and 10.125(5)(a)1.; renumbering	.	Bureau
ss. NR 10.01(1)(e) to 10.01(1)(d), 10.01(1)(f)	.	
to 10.01(1)(e), 10.125(1)(c) to 10.125(1)(c)1.	.	
and 10.31(1) to (10); amending ss. NR 10.001(5m)	.	
and (9m), 10.12(1)(c) and (4)(a), 10.125(1)(e),	.	WM-42-89
(5)(a) and (5)(b) and 18.10(3)(c); repealing and	.	
recreating ss. NR 10.01(1)(b), (c) and (g),	.	
10.06(4), 10.12(1)(h) and 10.125(1)(d)5.(intro.);	.	
and creating ss. NR 10.125(1)(c)1.(title),	.	
10.125(1)(c)2, 10.125(1)(c)3, 10.12(5)(a)(note),	.	
10.31(1), 10.31(1)(a) to (e) (titles), 10.31(3)	.	
(title), 10.31(3)(1)(title), 10.31(3)(b)(title)	.	
and 18.12(12) of the Wisconsin Administrative	.	
Code pertaining to the 1989 migratory game bird	.	
season.	.	

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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 1989 migratory 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 7 and continues through October 10 and, following a 7-day closed period, reopens October 18 and continues through November 12. The 30-day season in the north begins at noon October 7 and continues through November 5.
- . Canada Geese. The state is apportioned into 5 major goose hunting zones: Horicon, Collins, Pine Island, Theresa and Exterior. Other special goose management subzones are created within the Exterior Zone and include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River.

The season length for Horicon is 76 days, Collins 60 days, Pine Island 69 days and 70 days for the Exterior Zone. The Theresa Zone continues for 60 days or closes when the registered Canada goose harvest reaches 4,500, whichever occurs first.

A special Canada goose season allows 70 days of hunting on the Mississippi River. Late Canada goose seasons will extend for 2 days in the Rock Prairie and 31 days in the Brown County subzones. The Burnett County and New Auburn subzones 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. Exterior Zone permits must be validated when a Canada goose is killed and a report card must be filed with the DNR within 48 hours.

- . Baiting. Federal rules pertaining to migratory bird baiting are adopted verbatim to eliminate conflicts with current state rules.
- . Disabled persons. Class A permit holders (permanently disabled persons) are extended the following privileges:
  1. Hunting from piers, dams, docks, and similar structures.
  2. Hunting within 20 feet of blinds where blinds are required for goose hunting.
  3. Hunting migratory game birds with crossbows is clarified.
- . Falconry. Raptors hatched and raised in captivity are legalized for falconry provided the birds are banded with seamless bands obtained from the U.S. Fish and Wildlife Service.

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SECTION 1. NR 10.001(5m) and (9m) are amended to read:

NR 10.001(5m) "Canada goose management zones and subzones" ~~means~~ mean those established in s. NR 10.31.

(9m) For the purpose of administering the Canada goose hunting permit system, "Exterior goose management zone" or the "Exterior zone" means all that part of the state outside of the Collins, Horicon, Pine Island and Theresa goose management zones

described in s. NR 10.31, and includes the Mississippi River, Brown County, Burnett County, New Auburn and Rock Prairie zones subzones which shall be treated as separate management zones subzones for other purposes.

SECTION 2. NR 10.01(1)(b) is repealed and recreated to read:

<u>Kind of animal</u>	<u>Locality</u>	<u>Open season (all dates inclusive)</u>	<u>Daily bag limit</u>	<u>Possession limit</u>
NR 10.01(1)(b) <u>All species of wild duck and mergansers except as established in par. (a)</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 pintail, one redhead, one black duck, and 2 wood ducks; 5 mergansers to include not 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. 7 at 12:00 noon-Oct. 10 and Oct. 18-Nov. 12		
	North zone as established in s. NR 10.21	Oct. 7 at 12:00 noon-Nov. 5		

SECTION 3. NR 10.01(1)(c) is repealed and recreated to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
(c) Coots and gallinules	Entire state	Concurrent with the open season for ducks as established in par. (b)	5	10

SECTION 4. NR 10.01(1)(e) and (f) are renumbered NR 10.01(1)(d) and (e).

SECTION 5. NR 10.01(1)(g) is repealed and recreated to read:

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
NR 10.01(1)(g) <u>Geese</u> . 1. Canada geese and its subspecies	a. All that part of the ex-terior zone lying north of the high-way boundaries established in s. NR 10.32 except for the subzones described in sub-pars. b.-e.	Sept. 23-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 31 and Nov. 1-Dec. 1	1	2
		Oct. 7 at 12:00 noon-Oct. 31 and Nov. 1-Nov. 12 and Nov. 20-Dec. 22	1	2
			2	4
	b. Missis-sippi river subzone north of a line extending from the Chippewa river's center line	Oct. 7 at 12:00 noon-Oct. 31 and Nov. 1-Nov. 12 and Nov. 20-Dec. 22	1	2
			2	4
			2	4

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
	c. Burnett county subzone	None	None	None
	d. New Auburn subzone	None	None	None
	e. Brown county subzone	Sept. 23-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 31 and Nov. 1-Nov. 30 and Dec. 1-Dec. 31	1 1 2 3	2 2 4 6
	f. All that part of the exterior zone lying south of the highway boundary established in s. NR 10.32 except for the zones and subzones described in subpars. g.-l.	Sept. 30-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 31 and Nov. 1-Dec. 8	1 1 2	2 2 4
	g. Horicon zone	Four permit periods: Sept. 23-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 22; Oct. 7 at 12:00 noon-Nov. 5; Oct. 21-Nov. 17;	2 2 2	The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.

<u>Kind of animal</u>	<u>Locality</u>	<u>Open season (all dates inclusive)</u>	<u>Daily bag limit</u>	<u>Possession limit</u>
		Nov. 27-Dec. 16	2	The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
	h. Collins zone	Four permit periods: Sept. 23-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 8; Oct. 9-Oct. 22; Oct. 23-Nov. 5; Nov. 6-Nov. 17 and Nov. 27-Nov. 30	2 2 2 2	The possession limit is restricted by a season limit of 4.
	i. Pine Island zone	Four permit periods: Sept. 23-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 8; Oct. 9-Oct. 22; Oct. 23-Nov. 5; Nov. 6-Nov. 30	2 2 2 2	The possession limit is restricted by a season limit of 4.
	j. Theresa zone	Sept. 23-Oct. 6 and Oct. 7 at 12:00 noon-Nov. 17 and Nov. 27-Nov. 30; or until registered harvest reaches 4,500, whichever occurs first	Limited to one goose per 7-day period. The first goose at anytime; each succeeding goose may not be taken sooner than 7 days thereafter.	The possession limit is restricted by a season limit of 4.
	k. Rock Prairie subzone	Sept. 30-Oct. 6 and Oct. 7 at 12:00 noon-Oct. 31 and Nov. 1-Nov. 4 and Nov. 5-Dec. 10	1 1 2 1	2 2 4 2

Kind of animal	Locality	Open season (all dates inclusive)	Daily bag limit	Possession limit
	1. Missis- sippi river subzone south of a line extending from the Chippewa river's center line	Oct. 7 at 12:00 noon-Oct. 10 and Oct. 18-Oct. 31 and Nov. 1-Nov. 19 and Nov. 20-Dec. 22	1 1 2 2	2 2 4 4
2. Snow and blue geese	Entire state	Concurrent with the wild duck seasons established in par. (b) or Canada goose sea- sons established in subd. 1 ex- cept for the Brown County sub- zone where the season ends Dec. 1;	A total of 7 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 14 including 4 white- fronted geese and not more than the established possession or season limit on Canada geese or its sub- species during the open season on Canada geese
3. All other geese and brant	Entire state	Concurrent with the wild duck seasons establish- ed in par. (b) or Canada goose seasons in subd. 1 except for the Brown County sub- zone where the season ends Dec 1; except for the Rock Prairie sub- zone where the season ends Dec. 8; and except for the Horicon Zone where the season ends Dec. 10	A total of 7 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 14 including 4 white- fronted geese and not more than the established possession or season limit on Canada geese or its sub- species during the open season on Canada geese

SECTION 6. NR 10.06(4) is repealed and recreated:

NR 10.06(4) Migratory game bird hunting. The hunting zones for pursuing migratory game birds are established in par. (2)(a) and hunting hours are established in the following table with the following exceptions:

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

(b) 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.

(c) Hunting hours for rails, snipe and woodcock, begin daily 30 minutes prior to the time listed for a.m. and end with the hours listed for p.m. in the table through November 12 after which the hunting hours are as listed 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	5:16	6:27	5:48	5:33	6:26	4:44	6:33	4:18
2	5:17	6:25	5:50	5:32	6:27	4:43	6:34	4:18
3	5:18	6:23	5:51	5:30	6:28	4:42	6:35	4:18
4	5:19	6:22	5:52	5:28	6:29	4:40	6:36	4:18
5	5:20	6:20	5:53	5:26	6:31	4:39	6:37	4:17
6	5:21	6:18	5:54	5:25	6:32	4:38	6:38	4:17
7	5:22	6:16	5:55	5:23	6:33	4:37	6:39	4:17
8	5:23	6:15	5:56	5:21	6:35	4:36	6:40	4:17
9	5:24	6:13	5:58	5:20	6:36	4:35	6:41	4:17
10	5:25	6:11	5:59	5:18	6:37	4:33	6:42	4:17
11	5:26	6:09	6:00	5:16	6:38	4:32	6:42	4:17
12	5:28	6:08	6:01	5:15	6:40	4:31	6:43	4:17
13	5:29	6:06	6:02	5:13	6:11	4:30	6:44	4:17
14	5:30	6:04	6:03	5:11	6:12	4:29	6:45	4:18
15	5:31	6:02	6:05	5:10	6:14	4:28	6:46	4:18
16	5:32	6:00	6:06	5:08	6:15	4:28	6:46	4:18
17	5:33	5:59	6:07	5:06	6:16	4:27	6:47	4:18
18	5:34	5:57	6:08	5:05	6:17	4:26	6:48	4:19
19	5:35	5:55	6:09	5:03	6:19	4:25	6:48	4:19
20	5:36	5:53	6:11	5:02	6:20	4:24	6:49	4:19
21	5:37	5:51	6:12	5:00	6:21	4:24	6:49	4:20
22	5:38	5:50	6:13	4:58	6:22	4:23	6:50	4:20
23	5:40	5:48	6:14	4:57	6:23	4:22	6:50	4:21
24	5:41	5:46	6:16	4:55	6:25	4:22	6:51	4:22
25	5:42	5:44	6:17	4:54	6:26	4:21	6:51	4:22
26	5:43	5:42	6:18	4:53	6:27	4:20	6:52	4:23
27	5:44	5:41	6:19	4:51	6:28	4:20	6:52	4:24
28	5:45	5:39	6:21	4:50	6:29	4:19	6:52	4:24
29	5:46	5:37	6:22	4:48	6:30	4:19	6:52	4:25
30	5:47	5:35	6:23	4:47	6:32	4:19	6:53	4:26
31			6:24	4:46			6:53	4:27

Note: Times listed for Sept. 1 through Nov. 12 are sunrise and sunset and beginning on Nov. 13 and through Dec. 31, times listed are one half hour before sunrise and sunset.

SECTION 7. NR 10.12(1)(c) and (4)(a) are amended to read:

NR 10.12(1)(c) Structures. From any pier, dam, dock or similar structure, except disabled persons under the authority of a class A permit issued by the department.

(4)(a) Zone restrictions. On any land within the Horicon intensive management ~~zone~~ subzone established in s. NR 10.31(5) and on private land, unless leased by the department for public hunting, within the Collins and Theresa zones established in s. NR 10.31(3) and (10), no person may hunt geese except from a blind unless they are a disabled person located no more than 20 feet from the blind and in possession of a class A permit issued by the department.

SECTION 8. NR 10.12(1)(h) is repealed and recreated to read:

NR 10.12(1)(h) Baiting. By the aid of baiting, or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them: and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

1. The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown or grains found scattered solely as the result of normal agricultural planting or harvesting; and

2. The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: provided that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

Note: Baiting rules are taken verbatim from 50 C.F.R. s. 20.21(i) as a result of a Court of Appeals decision nos. 88-0815 to 88-0818 dated March 1, 1989.

SECTION 9. NR 10.12(5)(a)(note) is created to read:

Note: The s. 29.104, Stats., reference authorizes disabled persons under department permit to hunt any migratory bird on which an open season is established in s. NR 10.01(1) with crossbows meeting s. 29.104, Stats., standards.

SECTION 10. NR 10.125(1)(c) is renumbered 10.125(1)(c)1.

SECTION 11. NR 10.125(1)(c)1.(title) is created to read:

NR 10.125(1)(c)1.(title) Horicon zone.

SECTION 12. NR 10.125(1)(c)2. and 3. are created to read:

NR 10.125(1)(c)2. Collins zone. Permit numbers for each time period for the Collins zone may not exceed 325.

3. Pine Island zone. Permit numbers for each time period for the Pine Island zone may not exceed 200.

SECTION 13. NR 10.125(1)(d)5.(intro.) is repealed and recreated to read:

NR 10.125(1)(d)5.(intro.) Persons not applying by the permit deadline for Collins, Horicon, Theresa or Pine Island zones may apply for an Exterior zone permit.

SECTION 14. NR 10.125(1)(d)5.a. is repealed.

SECTION 15. NR 10.125(1)(e) and (5)(a) are amended to read:

NR 10.125(1)(e) Permit validation procedures. ~~Except in the Theresa zone,~~ In the Exterior zones, when a Canada goose is taken and before it is transported in any manner, the hunter shall validate the permit by slitting or punching the mark indicating the month and day the goose was killed and following the carcass tag marking procedures established in sub. (2)(b). Failure to follow the validation procedure invalidates the permit and renders any goose in possession illegal.

(5) REPORTS. (a) Report card issuance. Canada goose harvest reports shall be issued to each successful applicant for the ~~Collins, Horicon, Pine Island and Exterior zones~~ zone.

SECTION 16. NR 10.125(5)(a)1. is repealed.

SECTION 17. NR 10.125(5)(b) is amended to read:

NR 10.125(5)(b) Harvest reports. ~~Except for Theresa zone permittees, each~~ Each successful Canada goose hunting Exterior zone permit holder shall complete and submit a harvest report on forms supplied by the department. The report shall be submitted to the department within 48 hours of harvesting a goose.

SECTION 18. NR 10.31(1) is renumbered 10.31(1)(a) and 10.31(1)(a)(title) is created to read:

NR 10.31(1)(a)(title) Brown county subzone.

SECTION 19. NR 10.31(1)(intro.) is created to read:

NR 10.31(1)(intro.) EXTERIOR ZONE. The exterior goose management zone is defined in s. NR 10.001(9m) and includes the following subzones:

SECTION 20. NR 10.31(2) is renumbered 10.31(1)(b) and 10.31(1)(b)(title) is created to read:

NR 10.31(1)(b)(title) Burnett county subzone.

SECTION 21. NR 10.31(3) and (4) are renumbered 10.31(2) and (3) and 10.31(3)(title) and (3)(a)(title) are created to read:

NR 10.31(3) HORICON ZONE. The Horicon goose management zone is defined in s. NR 10.001(9m) and includes one subzone.

(a) Horicon zone boundaries.

SECTION 22. NR 10.31(5) is renumbered 10.31(3)(b) and 10.31(3)(b)(title) is created to read:

NR 10.31(3)(b) Horicon intensive management subzone.

SECTION 23. NR 10.31(6) and (7) are renumbered 10.31(1)(c) and (d) and 10.31(1)(c) and (d)(titles) are created to read:

NR 10.31(1)(c) Mississippi river subzone.

(d) New Auburn subzone.

SECTION 24. NR 10.31(8) is renumbered 10.31(4).

SECTION 25. NR 10.31(9) is renumbered 10.31(1)(e).

SECTION 26. NR 10.31(10) is renumbered 10.31(5).

SECTION 27. NR 18.10(3)(c) is amended to read:

NR 18.10(3)(c) A permittee may not take, transport or possess any endangered or threatened species listed in s. 27.03, except captive reared species banded with seamless bands provided by the U.S. fish and wildlife service.

SECTION 28. NR 18.12(12) is created to read:

NR 18.12(12) CAPTIVE REARED RAPTORS. Raptors hatched and reared in captivity may be used for falconry purposes provided each raptor is banded with a seamless band provided by the U.S. fish and wildlife service.

The foregoing rules are approved and adopted by the Natural Resources Board on August 24, 1989. The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.11(2)(intro.), Stats.

Dated at Madison, Wisconsin January 19, 1990

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)





State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
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January 19, 1990

IN REPLY REFER TO: 1020

Mr. Gary Poulson  
Assistant Revisor of Statutes  
Suite 702  
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Madison, WI

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JAN 25 1990

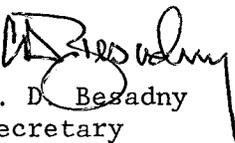
Revisor of Statutes  
Bureau

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-42-89. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Government Operations and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are 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.

