

CR 94-5



George E. Meyer
Secretary

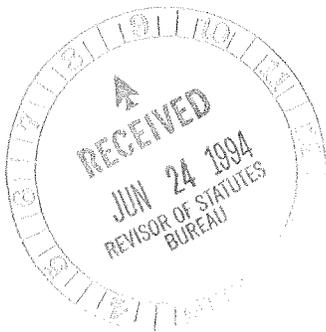
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-14-94 was duly approved and adopted by this Department on February 24, 1994. 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 the Natural Resources Building in the City of Madison, this 16TH day of June, 1994.

George E Meyer
George E. Meyer, Secretary

(SEAL)

9-7-94



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

.....
IN THE MATTER of repealing s. NR 10.01(1) (d);
amending ss. NR 10.0001(9m), 10.01(2) (b) 3.,
10.01(3) (e) 4., 10.01(3) (em), 10.05(2), 10.06(8) (b),
10.09(2) (c), 10.103(2), 10.104 (Note), 10.12(4) (a),
10.25(1) (c) 3., 10.25(3) (a), 15.02, 15.022, 15.024 /
and 19.13, repealing and recreating ss. NR 10.06(6),
10.31(2), 15.02(3) and 15.03(5); and creating
ss. NR 10.01(2) (c) 8. and 10.31(3) (b) of the
Wisconsin Administrative Code relating to the 1994
hunting seasons.
.....

WM-14-94

Analysis Prepared by Department of Natural Resources

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

Statutes interpreted: ss. 29.085, 29.102, 29.174(1) and (2), Stats.

The proposed rules establish the regulations for the 1994 hunting and trapping seasons.
The significant regulations are:

- . Section 1 deletes references to the Pine Island and Theresa goose management zones which were eliminated in 1992.
- . Section 2 repeals a duplicate reference to seasons for coot and gallinules.
- . Section 3 establishes a requirement that the pheasant stamp be signed across its face, when affixed to a valid hunting license.
- . Section 4 adds Badger Army Ammunition Plant in Sauk County to the list of military reservations under Zone D for the deer firearm season. The change will allow for more flexibility to increase annual harvests within the limitations posed by security risks at the Plant.
- . Section 5 establishes authority, subject to department approval, to conduct special annual deer archery seasons similar to the special provisions for the deer firearm season at Badger Army Ammunition Plant, Fort McCoy and Volk Field to manage the deer harvest while addressing the unique safety and security concerns on these federal properties.
- . Section 6 corrects a reference to the Horicon Zone pertaining to a prohibition of waterfowl and coot hunting from public roads and railroad rights-of-way within the Horicon Zone.
- . Section 7 establishes a requirement that persons hunting sharp-tailed grouse to not only obtain a hunt reporting card, but have the card in their possession while hunting sharp-tailed grouse.
- . Section 8 repeals language that establishes differences in shooting hours between waterfowl and other migratory game birds making starting shooting hours the same FOR BOTH. This specific section of the code was developed when waterfowl shooting hours began at sunrise and other migratory game bird shooting hours began one-half hour before sunrise. When the waterfowl shooting hour rule was changed to one half hour before sunrise in 1992, this provision was inadvertently overlooked.
- . Section 9 establishes a set date at which time the 2:00 p.m. closing on selected DNR properties will end rather than basing it on 13 consecutive days after the season starts and deletes Collins Marsh Wildlife Area and Witwen Public Hunting Grounds from the list of 2:00 p.m. closing properties.

Section 10 corrects the code to require the hunting of all species during the regular deer gun season to comply with the shooting hours established for deer hunting during the regular deer gun season.

Section 11 corrects the code to allow waterfowl hunting only on the day before the deer gun season. Currently, the code allows all migratory game bird hunting on this day and that was not the original intent.

Section 12 modifies the code so that when group hunting rules apply, it is also the responsibility of the person who provides the carcass tag to make sure the tag is validated.

Section 13 corrects the mailing address for the license section.

Section 14 rewords the section dealing with decoy use for clarification purposes.

Section 15 deletes the reference to the Theresa Zone which was eliminated in 1992 for hunting out of blinds.

Section 16 increases the maximum number of persons who can apply as a turkey hunting group from 2 to 4.

Section 17 increases the daily time allowed for spring turkey registration.

Section 18 makes a road name correction on the map showing the Collins Zone, to correspond with the actual road signs forming the boundary of the Collins Zone.

Section 19 reestablishes the Horicon Intensive Management Subzone map which was inadvertently eliminated from the code in the past.

Sections 20 - 22 modify the wording of three different refuge classifications to clarify the fact that waterfowl hunting is prohibited year around.

Section 23 redefines the boundary of the Pine Island refuge to make the map consistent with the current posting of the refuge, as directed by the Natural Resources Board in 1992.

Section 24 redefines the boundary of the Fourmile Island refuge to include Baby Fourmile Island and Cotton Island because the great egret, cormorant and heron rookeries have expanded to Baby Fourmile Island and Cotton Island.

Section 25 modifies the current rule to allow the department to use materials such as TYVEC instead of metal seals for tagging car killed deer.

SECTION 1. NR 10.001(9m) is amended to read:

NR 10.001(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, and 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 subzones which shall be treated as separate management subzones for other purposes.

SECTION 2. NR 10.01(1)(d) is repealed.

SECTION 3. NR 10.01(2)(b)3. is amended to read:

NR 10.01(2)(b)3. 'Report card.' The department may require that any person hunting sharp-tailed grouse ~~to~~ obtain a hunting reporting card. The reporting card shall be obtained prior to hunting sharp-tailed grouse and it shall be in the hunter's possession while hunting sharp-tailed grouse. Any person requesting a reporting card shall present proof of their identity to the department.

SECTION 4. NR 10.01(2)(c)8. is created to read:

NR 10.01(2)(c)8. 'Pheasant stamp.' No person may hunt pheasants in the pheasant management zones established by s. NR 10.34 without a valid state pheasant stamp required under s. 29.1025, Stats., with the signature of the licensee written in ink across its face and firmly affixed by its own adhesive to the back of a valid small game or sports license unless the person is carrying a valid conservation patron license, senior citizen recreation card, free military small game license or first year hunter education certificate.

SECTION 5. NR 10.01(3)(e)4. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)4. Zone "D" <u>Badger army ammunition plant in Sauk county, Fort McCoy military reservation in Monroe county and Volk field military facility in Juneau county.</u>	Firearm season type as established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military permit.

Note: The department does not issue deer hunting permits for Badger army ammunition plant, Fort McCoy and Volk field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.

SECTION 6. NR 10.01(3) (em) is amended to read:

Kind of animal Locality	Open season (all dates inclusive)	Limit
NR 10.01(3) (em) 1. Statewide <u>except as established under s. NR 10.01(3) (em) 2.</u>	Beginning on the third Saturday in September and continuing through the Sunday immediately prior to the opening of the deer gun season. Reopening on the second Saturday following the Thanksgiving holiday and continuing through December 31.	One deer of either sex or as authorized under s. NR 10.11.
NR 10.01(3) (em) 2. <u>Badger army ammunition plant in Sauk county, Fort McCoy military reservation in Monroe county and Volk field military facility in Juneau county.</u>	<u>Bow season as established by military permit and approved by the department by August 1 annually.</u>	<u>Sex and type of deer is as specified on permit issued by military permit.</u>

Note: The department does not issue deer hunting permits for Badger army ammunition plant, Fort McCoy and Volk field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.

SECTION 7. NR 10.05(2) is amended to read:

NR 10.05(2) WATERFOWL AND COOT HUNTING. ~~It shall be unlawful to~~ No person may hunt waterfowl or coot from any public roads or railroads including the respective rights-of-way along or within the area described as the Horicon zone in s. NR 10.31~~(4)~~ (3).

SECTION 8. NR 10.06(4) is repealed and recreated to read:

NR 10.06(4) MIGRATORY GAME BIRD HUNTING. The hunting hours for pursuing migratory game birds in Zone A are listed in the following table. The hunting hours for other zones are obtained by using the same procedure described for big and small game hunting in sub. (3) (a). All waterfowl hunting starts at 12:00 noon on the first day of the duck hunting season established in s. NR 10.01 (1) (b).

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

Note: Times listed are one half hour before sunrise and sunset.

SECTION 9. NR 10.06(6) is repealed and recreated to read:

NR 10.06(6) PHEASANT HUNTING. Pheasant hunting hours shall close at 2:00 p.m. daily within the posted boundaries of the following properties beginning the second day of the pheasant hunting season established in s. NR 10.01 (2) (c) and continuing through November 3.

- (a) Allenton (Washington county)
- (b) Brooklyn (Dane and Green counties)
- (c) Dunnville (Dunn county)
- (d) Goose Lake (Dane county)
- (e) Holland (Brown county)
- (f) Horicon (Dodge county)
- (g) Killsnake (Calumet and Manitowoc counties)

- (h) Little Scarboro - Kewaunee (Kewaunee county)
- (i) Mazomanie (Dane county)
- (j) New Munster (Kenosha county)
- (k) Theresa (Dodge and Washington counties)
- (l) Tichigan (Racine county)
- (m) Vernon (Waukesha county)
- (n) White River (Green Lake and Marquette counties)

SECTION 10. NR 10.06(8)(b) is amended to read:

NR 10.06(8)(b) Gun deer season. Hunting hours established in sub. ~~(3)~~ (5) shall apply to bow and gun hunters pursuing any species during the regular gun deer season established in s. NR 10.01(3)(e).

Note: The ~~big game deer hunting with firearms~~ hours do not apply to persons hunting coyote, fox, raccoon or other wild animals for which no closed season has been established during the muzzle-loader season or an extended gun deer season.

SECTION 11. NR 10.09(2)(c) is amended to read:

NR 10.09(2)(c) Hunting ~~migratory game birds~~ waterfowl during the open season.

SECTION 12. NR 10.103(2) is amended to read:

NR 10.103(2) VALIDATION. Any person who kills a deer or if s. 29.405, Stats., applies, the person providing the carcass tag, shall immediately separate the issued carcass tag from the back tag and validate the carcass tag by slitting the marks as designated by the department. Failure to completely validate the carcass tag renders possession of the deer illegal and the carcass tag invalid.

SECTION 13. NR 10.104 (Note) is amended to read:

NR 10.104 Note: The department conducts extensive publicity on the application deadlines beginning several months prior to any deadline. Application deadline dates are published in news releases, license outlets handouts, and pertinent regulation pamphlets. The license section address is 101 South Webster, Box ~~7926~~ 7924, Madison, WI 53707.

SECTION 14. NR 10.12(1)(g) is repealed and recreated to read:

NR 10.12(1)(g) Decoy use. By the use or aid of decoys which are or have been:

- a. Placed beyond 200 feet from the blind or cover in which the hunter is located.
- b. Placed in the water more than one hour before the open hunting time.
- c. Left in the water more than 20 minutes after the close of hunting time.
- d. Left in the water unattended.

SECTION 15. NR 10.12(4)(a) is amended to read:

NR 10.12(4)(a) Zone restrictions. On any land within the Horicon intensive management subzone established in s. NR 10.31 (5) ~~and on private land, unless leased by the department for public hunting within the Theresa zone established in s. NR 10.31 (5),~~ (3) (b) no person may hunt geese except from a blind unless ~~they are~~ the person is 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 16. NR 10.25(1)(c)3. is amended to read:

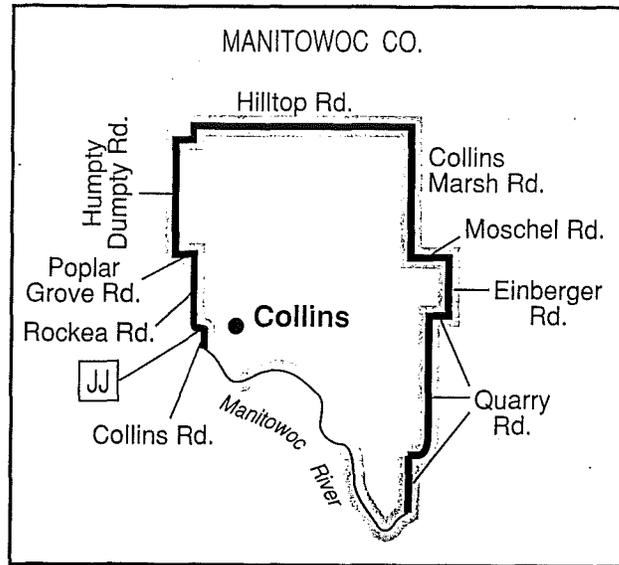
NR 10.25(1)(c)3. If a maximum of ~~2~~ 4 persons wish to hunt together, each shall complete an application form for individual licenses and submit them together in a single envelope clearly marked "group application". The group application shall be treated as one application for purposes of random selection or consideration for a license. Landowner preference may be requested by group applicants provided ~~both~~ all individuals are eligible under par. (b).

SECTION 17. NR 10.25(3)(a) is amended to read:

NR 10.25(3)(a) Spring season. A wild turkey taken during the spring seasons established in s. NR 10.01 (2)(f) shall be registered no later than ~~1:30 p.m. on the day killed~~ 2 hours after the closing time on the day of harvest.

SECTION 18. NR 10.31(2) is repealed and recreated to read:

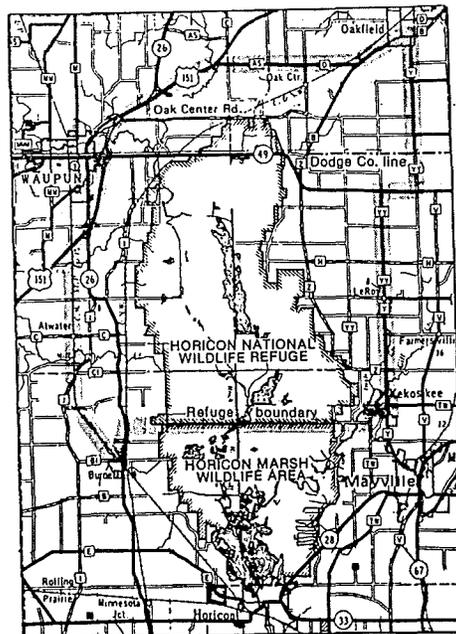
NR 10.31(2) COLLINS ZONE.



Boundary

SECTION 19. NR 10.31(3) (b) is created to read:

NR 10.31(3) (b) Horicon Intensive Management subzone boundaries.



SECTION 20. NR 15.02 is amended to read:

NR 15.02 NO ENTRY WILDLIFE REFUGE (SEPT. 1 - DEC. 31). A wildlife refuge is established in the following areas when posted with department signs and no person may hunt waterfowl at any time, ~~or~~ within such areas. No person may enter such areas except for the retrieval of legally killed or crippled game in posted retrieval zones from September 1 through December 31 unless such areas are posted open with department signs.

SECTION 21. NR 15.022 is amended to read:

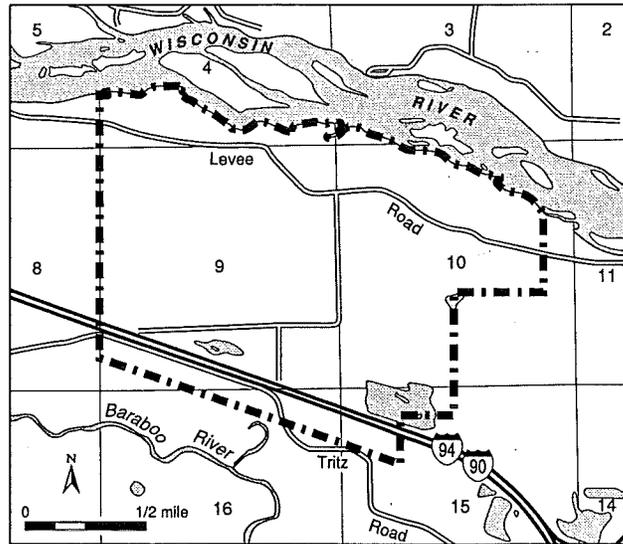
NR 15.022 NO ENTRY WILDLIFE REFUGE EXCEPT GUN DEER (SEPT. 1 - DEC. 31). A wildlife refuge is established in the following areas when posted with department signs and no person may hunt waterfowl at any time, ~~or~~ within such areas. No person may enter such areas for any reason from September 1 through December 31 unless such areas are posted as open with department signs except to hunt deer during the open season for hunting deer established in ss. NR 10.01 (3) (e) and 10.117, trapping by permit in the area described in sub. (5), and except for the retrieval of legally killed or crippled game in posted retrieval zones.

SECTION 22. NR 15.024 is amended to read:

NR 15.024 NO ENTRY WILDLIFE REFUGE (SEPT. 1 - DEC. 31); GUN DEER HUNTING PERMITTED. A wildlife refuge is established in the following areas when posted with department signs and no person may hunt waterfowl at any time, ~~or~~ within such areas. No person may enter such areas for any reason from September 1 through December 31, except to hunt deer during the open season for hunting deer established in ss. NR 10.01 (3) (e) and 10.117.

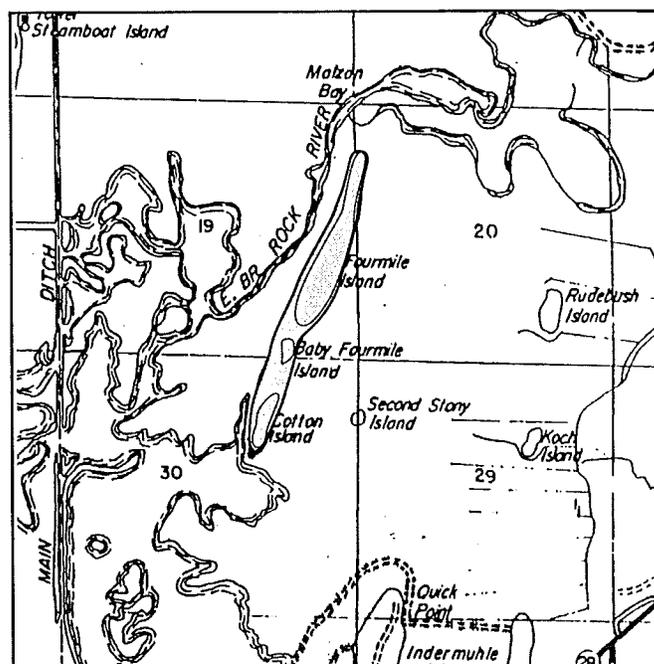
SECTION 23. NR 15.02(3) is repealed and recreated to read:

NR 15.02(3) COLUMBIA COUNTY. (a) Pine Island. Township 12 north, range 8 east, town of Caledonia.



SECTION 24. NR 15.03(5) is repealed and recreated to read:

NR 15.03(5) DODGE COUNTY. (a) Horicon Marsh. Township 12 north, range 16 east, town of Williamstown.



SECTION 25. NR 19.13 is amended to read:

NR 19.13 DISPOSITION OF DEER ACCIDENTALLY KILLED BY A MOTOR VEHICLE. (1) The driver of a motor vehicle involved in a vehicle-deer collision may have first priority to the deer killed. However, if the driver does not want to take possession of the deer it may be given to another party at the scene of the accident by the department or its agents.

(2) If a driver collides with and kills 2 or more deer at one time, the driver is eligible to receive as many of these deer as the driver wishes.

(3) No such deer, or any parts thereof, may be sold, bartered or given by the individual to any other person at any time, except the head or hide, which may be disposed of pursuant to s. 29.40(3), Stats.

(4) Possession of vehicle-killed deer shall be limited to 90 days.

(5) Spotted fawns and white deer may not be released by the department.

(6) No deer ~~shall~~ may be retained until it has been tagged ~~with a metal seal provided by the department and a permit has been issued as required under this section.~~

(7) Permits shall be issued and ~~metal seals~~ attached by the department or its agents for each deer released.

(8) The permit shall contain the following information:

(a) Name and address of permittee.

(b) Vehicle license number if deer given to driver involved in the collision.

(c) Date of accident.

(d) Date of issuance.

~~(e) Name of metal seal used.~~

~~(f)~~ (e) Identification of permittee as driver of vehicle, or other.

~~(g)~~ (f) Sex of deer and approximate weight.

~~(h)~~ (g) Location of kill as to county and deer management unit.

~~(i)~~ (h) Name of officer who issued permit carcass tag and the name and address of the officer's agency.

~~(j)~~ (i) Statement that the permit is valid for a period of 90 days after the date of issuance.

(9) One copy of permit shall be issued to permittee, one copy sent to the department, and one copy retained by issuing agency.

(10) Provisions of permit and restrictions shall be printed on the back of the permit form.

(11) If a deer is not released pursuant to sub. (1), it may be sold by the department at the highest price obtainable or otherwise disposed of.

(12) The entrails or any other parts of deer killed in vehicle-deer collisions ~~shall~~ may not be disposed of on the highway right-of-way.

The foregoing rules are approved and adopted by the Natural Resources Board on February 24, 1994.

The rules shall take effect on 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 6-16-94

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)

