

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.25(1)(a)3., and 16.01(3); to renumber NR 15.02(6) and (7) and 15.022(9) and (10); to amend 10.01(3)(ev), 10.102(2)(b) and (4), 10.104(7)(b), 10.12(10), 10.125 (2)(c)2., 10.13(3)(a) and (b), 10.24(3)(c)1. and 2. and (6)(a)1., 10.25 (1)(c)3., and 17.001(9) and (10); and to create NR 10.001(9k), 10.01(3)(ez)3. and 10.28(2)(f) relating to hunting, trapping and captive wildlife.

WM-02-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014(1) and 227.11(2), Stats.

Statutory interpreted: ss. 23.09(2), 29.014(1), 29.024(6), and 29.173(3) Stats.

In this order:

Section 1 Defines “explosive tips” used for archery as prohibited equipment.

Section 2 Corrects the date of the one-day youth deer hunt to coincide with the special herd control hunts.

Section 3 Codifies the procedure for public notice prior to a deer season modification.

Section 4, 6, 8, and 13 Eliminates the requirement that group applicants submit all applications in a single envelope.

Section 5 Extends the deadline for submitting a Class A bear license fee to April 15.

Sections 7 and 12 Eliminates the requirement that state waterfowl and turkey stamps must be attached to one’s hunting license when hunting.

Section 9 Clarifies legal and illegal trapping hours.

Section 10 Shortens the number of days needed before the daily number of pheasant hunting permits may exceed 300 from 14 to 2, and changes the time of day at which time the number of permits may be exceeded in the Bong State Recreation Area Hunting Zone.

Section 11 Increases the number of days that a hunter may harvest 2 birds either sex in the Bong State Recreation Area Hunting Zone.

Section 14 Adds a map of the most recently created metropolitan Deer Management Unit (1M) to the list of metro deer management units.

Section 15 Allows the hunting of deer during the gun and muzzleloader seasons in portions of wildlife refuges in Marathon and Wood counties.

Section 16 Repeals language regarding commercial deer farms that was made obsolete due to statutory changes.

Section 17 Corrects inaccurate citations pertaining to “protected and unprotected wild animals.”

Section 1. NR 10.001(9k) is created to read:

NR 10.001(9k) “Explosive tips” means any arrow that expels compressed gases upon contact with an object or otherwise utilizes an explosive reaction. Compressed gasses can be caused by, but not limited to, the chemical reaction of explosive material or through compressed gas contained within or on the arrow shaft or tip.

Section 2. NR 10.01(3)(ev) is amended to read:

NR 10.01(3)(ev) *Special youth antlerless deer hunt event.* Persons 12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt antlerless deer with a gun on the Saturday nearest ~~October 24~~ of a herd control hunt defined under s. NR 10.01(3) (ez)1.a. in deer management units, except state park units, not included in a deer herd control hunt under s. NR 10.01(3)(ez). Allowable types of guns are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). The bag limit is one antlerless deer per hunter’s choice or antlerless deer permit issued under s. NR 10.104. Youth who are first time graduates of the hunter education program may use their certificates of accomplishment in place of a hunter’s choice permit issued under s. 29.177, Stats., to take an antlerless deer. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters and all other hunting regulations apply. Blaze orange requirements under s. 29.301(2), Stats., apply to all hunters on this day except waterfowl hunters.

Section 3. NR 10.01(3)(ez)3. is created to read:

NR 10.01(3)(ez)3. Modification by the department under subd. 1. shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.

Section 4. NR 10.102(2)(b) is amended to read:

NR 10.102(2)(b) *Group applications.* Group applications for a maximum of 4 hunters may be submitted for Class A bear hunting licenses provided each applicant completes the application form ~~and all forms are submitted in one envelope marked “group application” on the outside.~~ The group’s preference standing shall be that of the member with the lowest number of preference points. If the group is selected, the group shall accept or reject Class A bear licenses for all members of their group.

Section 5. NR 10.102(4) is amended to read:

NR 10.102(4) FEES. A successful applicant shall submit the appropriate license fee established by s. 29.563 (2) (a) 6. or 7. or (b) 4. or 5., Stats., to the department before receiving a Class A bear license. The fees shall be ~~mailed and postmarked~~ submitted to a license vendor or department service center no later than the Friday nearest March 1 or received by the department customer service and licensing bureau, 101 S. Webster, P.O. Box 7924, Madison, WI 53707 no later than 4:30 p.m. on that Friday April 15 each year.

Section 6. NR 10.104(7)(b) is amended to read:

NR 10.104(7)(b) *Group applications*. Group applications up to and including 4 hunters will be honored for deer hunting established in s. NR 10.01 (3) (e) 3. provided each applicant completes the application form and all forms are submitted in one envelope marked “group application” on the outside.

Section 7. NR 10.12(10) is amended to read:

NR 10.12(10) WATERFOWL STAMP. No person 16 years of age and older may hunt for waterfowl without a valid state waterfowl stamp 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 approval 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 8. NR 10.125(2)(c)2. is amended to read:

NR 10.125(2)(c)2. *Group applications*. If 2 or more persons wish to hunt together in the Collins or Horicon zones, each applicant shall fill out complete and submit an application form and submit them together in one envelope clearly marked “group application” on the outside. A group application shall be considered one application.

Section 9. NR 10.13(3)(a) and (b) are amended to read:

NR 10.13(3)(a) *Legal time period*. The trapping hours shall be from 4:00 a.m. to 8:00 p.m. ~~(CST)~~.

(b) *Illegal time period*. No person may set or reset any trap or traps or attend any trapline from ~~7:00~~ 8:00 p.m. to ~~6:00~~ 4:00 a.m. ~~(CST)~~.

Section 10. NR 10.24(3)(c)1. and 2. are amended to read:

NR 10.24(3)(c)1. During the first ~~44~~ 2 days of the pheasant hunting season, the number of daily hunting permits issued to individuals may not exceed 300.

2. Beginning with the ~~15th~~ 3rd day of the pheasant season, the number of daily hunting permits issued to individuals may not exceed 300 until ~~10:00~~ 11:30 a.m. After ~~10:00~~ 11:30 a.m., additional hunting permits may be issued on a first-come, first-served basis.

Section 11. NR 10.24(6)(a)1. is amended to read:

NR 10.24(6)(a)1. Daily bag – one, either sex for the first ~~44~~ 2 days; 2, either sex, thereafter.

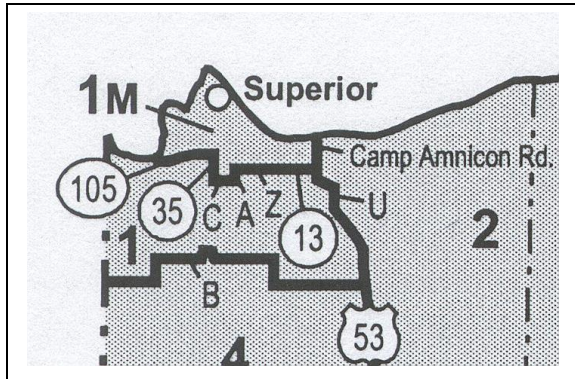
Section 12. NR 10.25(1)(a)3. is repealed.

Section 13. NR 10.25(1)(c)3. is amended to read:

NR 10.25(1)(c)3. If a maximum of 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 all individuals are eligible under par. (b).

Section 14. NR 10.28(2)(f) is created to read:

NR 10.28(2)(f) Unit 1M



Section 15. NR 15.02(6)(a), (b), (c), (d) and (e) are renumbered to NR 15.022(8)(a), (b), (c), (d) and (e); NR 15.022(9) and (10) are renumbered NR 15.022(10) and (11); and NR 15.02(7) is renumbered NR 15.022(9).

Section 16. NR 16.01(3) is repealed.

Section 17. NR 17.001(9) and (10) are amended to read:

NR 17.001 (9) “Protected wild animals” means animals described in ~~s. NR 19.001 (5m)~~ s. NR 19.001 (14).

(10) “Unprotected wild animals” means animals described in ~~s. NR 19.001 (7)~~ s. NR 19.001 (17).

Note: For user clarification, the definitions established by ~~s. NR 19.001 (5m) and (7)~~ s. NR 19.001 (14) and (17) are presented as follows:

~~(5m)~~ **(14) “Protected wild animals” means those animals for which a closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule, and includes:**

- (a) Nongame species unless specifically designated as unprotected by the department;**
- (b) Game fish, game animals, game birds and fur bearing animals during closed seasons;**
- (c) Endangered and threatened species listed in ch. NR 27.**

~~(7)~~ **(17) “Unprotected wild animals” means those animals for which no closed season, bag limit, size limit or possession limit has been provided by statute or administrative rule.**

Examples of unprotected wild animals include feral pigeons, chukar partridge and coturnix quail.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 22, 2002.

All sections within this rule 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 _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)