



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

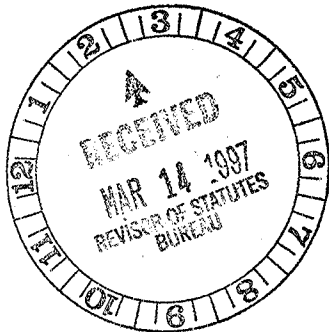
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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

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-41-96 was duly approved and adopted by this Department on January 22, 1997. 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 7th day of March, 1997.



George E. Meyer
George E. Meyer, Secretary

(SEAL)



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

The Wisconsin Natural Resources Board proposes an order to repeal NR 11.08(2), to renumber NR 11.08(3), to repeal and recreate NR 10.01(2)(b) and to create NR 10.26 relating to sharp-tailed grouse hunting.

WM-41-96

Analysis Prepared by Department of Natural Resources

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

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

The proposed rule establishes a sharp-tailed grouse hunting season through a limited permit system. Permits would be available only in sharp-tailed grouse hunting zones where populations could sustain hunting. Permit levels would be based on population size and hunter success rates.

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 NR 10.01(2)(b) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(2)(b) Sharp-tailed grouse 1. All deer management units as described in s. NR 10.28 for which a sharp-tailed grouse harvest quota has been established under s. NR 10.26.	Beginning on the Saturday nearest October 17 and continuing for 23 consecutive days.	One sharp-tailed grouse per carcass tag issued. The possession limit corresponds to the number of carcass tags issued.

SECTION 2. NR 10.26 is created to read:

NR 10.26 SHARP-TAILED GROUSE HUNTING. (1) PERMITS AND CARCASS TAGS. (a) Authorization to hunt. No person may hunt sharp-tailed grouse unless he or she possesses a valid sharp-tailed grouse hunting permit and carcass tag issued by the department, in addition to an approval authorizing small game hunting.

(b) Permit application procedures. Persons applying to hunt sharp-tailed grouse shall

apply for a sharp-tailed grouse hunting permit as follows:

1. Application for a sharp-tailed grouse hunting permit shall be made on an application form provided by the department.

2. All applications shall be postmarked no later than the deadline dates indicated on the application form or received by the department license section no later than 4:30 p.m. on those dates to be considered for selection. The annual deadlines may not be prior to July 1.

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, hunting license outlet handouts, and pertinent hunting regulation pamphlets. The department license section address is 101 South Webster St., P.O. Box 7924, Madison, WI 53707.

3. If a maximum of 4 persons wish to hunt together, each shall complete an application form for individual permits and submit them together in a single envelope clearly marked "group application" on the outside. The group application shall be treated as one application for purpose of random selection or consideration for a permit. If a group contains persons who unsuccessfully applied for sharp-tailed grouse hunting permits in the previous year, and persons who successfully applied or did not apply for sharp-tailed grouse permits the previous year, the group will be placed in the preference category of those who successfully applied in the previous year.

(c) Permittee selection procedures for oversubscribed units. If the number of applications for permits for a management unit exceeds the number of available permits in that unit, successful applicants shall be randomly selected according to the preference system established in s. 29.174(2), Stats.

(d) Carcass tag issuance. 1. 'Oversubscribed units'. Each successful applicant for a sharp-tailed grouse hunting permit shall be issued a carcass tag by the department.

2. 'Undersubscribed units'. If the number of applications is less than the available permits for a management unit, the department may:

a. Randomly issue successful applicants additional carcass tags; or

b. Make available to any person the remaining permits for the unit on a first-come, first-serve basis; or

c. Use both procedures described in subd. 2. a. and b.

(e) Permit and carcass tag restrictions. 1. Permits and carcass tags issued under this section are only valid for the unit indicated on the permit during the open season established for sharp-tailed grouse.

2. Permits or carcass tags issued under this section may not be transferred to or used by

any person other than the permittee.

(2) TAGGING PROCEDURE. (a) Carcass tag use. When a sharp-tailed grouse is killed and before it is carried by hand or transported in any manner, the hunter shall:

1. Immediately validate the carcass tag in the manner indicated by the department on the carcass tag. Failure to follow the validation procedure in this manner invalidates the tag.

2. Completely attach and seal the carcass tag around the leg of the sharp-tailed grouse in the manner indicated by the department on the carcass tag.

(b) Transportation and possession. No person may possess or transport a sharp-tailed grouse unless the person has lawfully killed and tagged it.

(3) HARVEST QUOTA. The number of sharp-tailed grouse hunting permits or carcass tags issued annually for units described in s. NR 10.28 shall be based on the annual sharp-tailed grouse harvest quotas established for these units. The department shall base its determination of the annual harvest quota for each unit upon:

(a) The estimated size and distribution of sharp-tailed grouse populations.

(b) Trends in sharp-tailed grouse hunter numbers and hunter success rates.

(c) A maximum allowable harvest of no more than 25% of the projected fall population.

SECTION 3. NR 11.08(2) is repealed.

SECTION 4. NR 11.08(3) is renumbered NR 11.08(2).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on January 22, 1997.

The rule 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

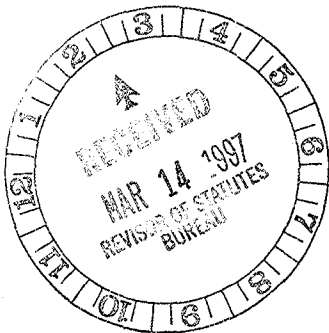
March 7, 1997

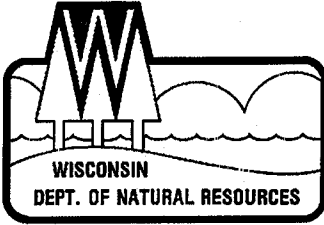
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary

(SEAL)





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March 7, 1997

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson,

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WM-41-96. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture and Environmental Resources 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,

George
George E. Meyer
Secretary

Enc.

