

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Request adoption of Board Order WM-01-15, proposed rules modifying Ch.'s NR 10 and 11 related to hunting, trapping, and closed areas that were proposed at the 2015 Fish and Wildlife Spring Hearings.

FOR: May 2015 Board meeting

TO BE PRESENTED BY: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

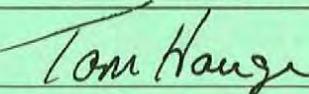
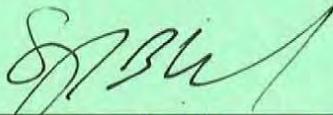
The department is requesting Natural Resources Board adoption of wildlife management's 2015 Fish and Wildlife Spring Hearing proposals, a rule package amending NR 10 and 11, Wis. Admin. Code, relating to hunting, trapping, and closed areas on department lands. All of the wildlife management proposals were supported by the popular vote:

1. Expand the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be "concealed" if they are within 3 feet of the shoreline. This proposal originates from a Conservation Congress resolution.
2. Increase the limit on the number of small game animals a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two, consistent with federal regulations for migratory game birds.
3. Establish a 9:00 a.m. opening time on the first day of the pheasant, quail, Hungarian partridge, and southern rabbit seasons instead of noon. This proposal originates from a Conservation Congress resolution.
4. Modify the spring wild turkey hunting season opening date so that it is always the third Wednesday in April.
5. & 6. Simplify the fall turkey hunting season framework so that hunting is always allowed on the day before the firearm deer season and so that the season is continuous with no closed period in Zones 1 to 5 in the southern part of the state.
7. Eliminate the trapping hours restriction. This proposal originates from a Conservation Congress resolution.
8. Allow the use of foot activated cable restraints for trapping.
9. Modify the standards for construction of cable restraint devices to improve their efficiency for catching coyotes.
10. Modify the location and size of a waterfowl hunting closed area at the Wolf River Bottomlands Natural Resources Area on DNR managed lands in Outagamie County.

RECOMMENDATION: Adoption of Board Order WM-01-15, proposed rules modifying Ch.'s NR 10 and 11 related to hunting, trapping, and closed areas that were proposed at the 2015 Fish and Wildlife Spring Hearings.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Background memo | <input checked="" type="checkbox"/> Spring hearing questions |
| <input checked="" type="checkbox"/> Fiscal and economic impact analysis | <input type="checkbox"/> |

| Approved by | Signature | Date |
|--|--|---------|
| Tom Hauge Bureau Director |  | 4/23/15 |
| Sanjay Olson, Land Division Administrator |  | 4/29/15 |
| Cathy Stepp, Secretary |  | 5/1/15 |

DATE: April 14, 2015

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: Adoption of Board Order WM-01-15, proposed rules modifying Ch.'s NR 10 and 11 related to hunting, trapping, and closed areas that were proposed at the 2015 Fish and Wildlife Spring Hearings

I am requesting Natural Resources Board adoption of wildlife management's 2015 Fish and Wildlife Spring Hearing questions, Board Order WM-01-15, a rule package to amend NR 10 and 11, Wis. Admin. Code, relating to hunting, trapping, and closed areas on department managed lands.

Background:

Annually, the department submits rule change proposals relating to hunting, trapping and wildlife management. The statewide April Spring Fish and Wildlife hearings are the traditional vehicle for citizen input. The origins of these rule change proposals are primarily from department staff specialists in the relevant bureaus and Conservation Congress advisory questions from prior years. Initiating the process to promulgate rules recommended by the Conservation Congress fulfills a role of the board and the congress established in s 15.348 Stats. All of these proposals were reviewed by department staff prior to inclusion as proposals in this rule order. For details on each of the proposed rule changes, please refer to the attached spring hearing questions proposal (Appendix 2).

Summary of the Rule:

The department is recommending modifications to chapters NR 10 and 11, Wis. Adm. Code, relating to hunting, trapping, and closed areas on department managed lands. These rule changes are proposed for inclusion in the 2015 Spring Hearing questionnaire. Specifically, individual sections of this rule proposal will:

1. Expand the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be "concealed" if they are within 3 feet of the shoreline. This proposal originates from a Conservation Congress resolution.
2. Increase the limit on the number of small game animals a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two, consistent with federal regulations for migratory game birds.
3. Establish a 9:00 a.m. opening time on the first day of the pheasant, quail, Hungarian partridge, and southern rabbit seasons instead of noon. This proposal originates from a Conservation Congress resolution.
4. Modify the spring wild turkey hunting season opening date so that it is always the third Wednesday in April.

5. and 6. Simplify the fall turkey hunting season framework so that hunting is always allowed on the day before the firearm deer hunting season and so that the season is continuous with no closed period in Zones 1 to 5 in the southern part of the state.
7. Eliminate the trapping hours restriction so that traps may be placed or tended at any time. This proposal originates from a Conservation Congress resolution.
8. Allow the use of foot activated cable restraints, a device used to trap furbearing animals and for which best management practices have been approved by the Association of Fish and Wildlife Agencies.
9. Modify the standards for construction of cable restraint devices used to trap furbearers to improve their efficiency for catching coyotes.
10. Modify the location and size of a waterfowl hunting closed area at the *Wolf River Bottomlands Natural Resources Area* on DNR managed lands in Outagamie County.

Public Input:

All of the department’s proposals were supported by the popular vote. The complete text of each question that was the subject of voting on April 13 is attached as Appendix A. The results of voting on each proposal and the department’s recommendation are summarized in Appendix B.

Additionally, the board asked two advisory questions to gauge public opinion and the results of voting on those are also summarized in Appendix A and the questions are attached in Appendix B.

Written Comments

In addition to voting on April 13, the department received a handful of written comments and phone calls during the official comment period. Most were simple statements of support or opposition and are summarized in Table 1 below.

Table 1.

| Statewide Department Questions | | | |
|--------------------------------|--|------|------|
| | | Ayes | Noes |
| 1 | Expand areas where waterfowl hunting is allowed from boats and blinds | 2 | 1 |
| 2 | Increase possession limit for small game - three times the daily bag limit | | 3 |
| 3 | 9:00 a.m. opening time on first day of pheasant and certain other seasons | 2 | |
| 4 | Spring turkey season opening day of third Wednesday in April | 2 | 1 |
| 5 | Fall turkey season open statewide on the day before gun deer season | 2 | |
| 6 | Fall turkey season open during firearm deer season in zones 1 to 5 | 2 | 1 |
| 7 | Eliminate the trapping hours restriction | | 3 |
| 8 | Allow the use of spring activated foot cable restraints by trappers | 1 | 2 |
| 9 | Cable restraint device construction standards | | 3 |

| Department Question Primarily of Local Interest | | | |
|---|--|------|------|
| | | Ayes | Noes |
| 10 | Eliminate Outagamie Wildlife Area and establish new closed area at the Wolf River Bottoms Wildlife Area, Herb Behnke Unit | 1 | 1 |
| Natural Resources Board Advisory Questions | | | |
| 70 | Unattended placement of portable stands on department lands north of State Hwy. 64 during gun and muzzleloader seasons, three year trial | 1 | 2 |
| 71 | Subdivide bear management zone C in order to provide management flexibility | 2 | |

Modifications after Hearings and Legislative Council Rules and Clearinghouse Report:

Comments the department received from the Legislative Council Clearinghouse have been incorporated. The report is included with this green sheet package. Most changes are organizational or remedial in nature. One recommendation of the council is to codify the department’s historical interpretation that jump shooting waterfowl from a boat is a legal activity, which we have included in the sections modifying the open water hunting prohibition and exceptions. This change will not result in a change to what has normally been considered a legal activity of pursuing waterfowl by skirting the edges of waterbodies in a boat that is not anchored and not powered by a motor.

The council also recommended that the department consider creating definitions of the words “navigability” and “un-manipulated” as they relate to the prohibition of open water hunting and exceptions. The department has decided not to establish definitions for those terms. The department annually modifies migratory bird hunting regulations and can create definitions if a need is identified following experience implementing the new rule.

The proposal to allow use of foot-activated cable restraints has been modified. When the initial proposal was drafted, wolves were a species that were legal to trap. Wolves were federally relisted as an endangered species on December 19, 2014 and regulated trapping is no longer allowed. The department is recommending adoption of foot-activated cable restraint specifications tailored specifically to capture the smaller fox, coyote and bobcat. Instead of a maximum cable length of ten feet, cables could be no longer than seven feet. The maximum length of the cable which makes of the foot loop would be 22 inches when open instead of 25, resulting in a maximum foot loop that is essentially 7 inches in diameter with a breakaway not to exceed 350 pounds, unlikely to capture and hold an average sized wolf late in the year. If wolves are delisted in the future, any need for modifications can be addressed through a permanent rule process related to wolf harvest and management which was initiated well before relisting in 2014.

The results of spring hearing voting were supportive of the department’s proposals and we are not recommending other changes.

Rule Development:

These rules were developed with assistance from the bureaus of law enforcement, legal services, facilities and lands, endangered resources, and parks & recreation.

Small Business and Regulatory Flexibility Analysis:

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Economic Impact of Proposed Rules:

The department has determined that these rules will have no economic impact locally or statewide. The department posted a notice soliciting comments on this analysis on its website on March 9 through March 22. No comments were received.

A copy of the economic and fiscal impact analysis is attached as part of this agenda item.

Effect on Existing Policy:

All of the policies in this proposed rule are consistent with past board policies of regulating fish and game harvest for conservation purposes.

Previous Board Action:

The statement of scope for this rule, SS 113-14, was approved by the Governor on October 31, 2014, published in Register No. 707, on November 11, 2014, and approved by the Natural Resources Board on December 10, 2014. The board authorized hearings on the proposed rules at its January 28, 2015 meeting.

Groups Impacted by the Rule:

Hunters and trappers are the principal groups that will be affected by this rulemaking.

Environmental Analysis:

The rulemaking process for Board Order WM-01-15 constitutes an equivalent analysis action under s. NR 150.20 (2) (b), Wis. Adm. Code and additional environmental analysis is not required.

Appendix 1. 2015 Spring Hearing Questions.

PROPOSED STATEWIDE WILDLIFE MANAGEMENT RULE CHANGES

QUESTION 1. Expand the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be “concealed” if they are within 3 feet of the shoreline (2016)

Hunting waterfowl from open water areas is prohibited in most of the state. Hunters who are on the water must remain concealed by emergent vegetation at all times while hunting, unless they are standing in the water without the aid of a boat or blind. Blinds in the water must also be concealed by naturally occurring emergent vegetation. Wisconsin’s open water hunting rule dates back to early conservation statutes designed to keep hunters out of the middle of waters that are used as staging areas by migrating ducks or geese. Providing these areas where there is no hunting pressure encourages birds to remain in an area longer and provide more chance for birds to spend time feeding and resting during migration.

This proposal would expand the areas where waterfowl hunting is allowed by no longer requiring concealment by emergent vegetation as long as a hunter is within 3 feet of the shoreline. Hunters who are not within three feet of the shoreline would still need to be 50% concealed by emergent vegetation in order to maintain a prohibition of hunting in open water.

-
1. Do you favor expanding the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be “concealed” if they are within 3 feet of the shoreline? YES ___ NO ___
-

QUESTION 2. Increasing the possession limit for small game (2016)

The possession limit for most small game species, other than migratory birds, is twice the daily bag limit. This restriction on the number of animals that a hunter may possess at any time at home or a hunting camp may be designed to distribute harvest fairly among hunters, to prevent what might be perceived as “hoarding” of game animals, and as an enforcement tool in cases where large amounts of game may have been taken illegally.

Two years ago, the USFWS increased the possession limit for migratory game birds from twice to three times the daily bag limit and Wisconsin adopted a consistent rule for migratory game birds only.

This proposal would establish a possession limit of three times the daily bag limit for the following small game species: pheasants, ruffed grouse, bobwhite quail, Hungarian partridge, squirrels, and rabbits. This possession limit would simplify regulations by making them consistent with rules currently in place for migratory birds. This increase is small enough that it likely would not impact the distribution of harvest among hunters.

-
2. Do you favor increasing the possession limit for pheasants, ruffed grouse, bobwhite quail, Hungarian partridge, squirrels, and rabbits from two times the daily bag limit to three times the daily bag limit? YES ___ NO ___
-

QUESTION 3. Establishing a 9:00 a.m. opening time on the first day of pheasant season (2016)

Hunting hours begin at 12:00 p.m. on the first day of the pheasant hunting season. Hunting also begins at noon for other seasons that open on the same day: bobwhite quail, Hungarian partridge, rabbits in the south, and ruffed grouse in southeast Wisconsin. Hunting hours begin 30 minutes before sunrise for the remainder of the seasons. The delayed opening time may have been established primarily so that pheasant hunters have time to spread out before beginning to hunt and so that people on heavily used public hunting grounds have excellent visibility immediately at the start of shooting hours.

An opening time of 9:00 a.m. may serve the same purpose of helping to ensure good visibility and awareness of where other hunting parties are during very busy hunting conditions on the first day of the season. This opening time would also be consistent with the beginning of shooting hours on the first day of duck hunting seasons. For consistency, this proposal would also establish a 9:00 a.m. shooting time for other seasons that open on the same day as pheasant hunting.

-
3. Do you favor establishing a 9:00 a.m. opening time on the first day of pheasant season as well as for Hungarian partridge, bobwhite quail, rabbits in the area south of Hwy. 10 to Waupaca and south of Hwy. 54 from Waupaca to Algoma, and ruffed grouse in Zone B which includes southeast Wisconsin? YES _____ NO _____
-

QUESTION 4. Establish a more consistent opening date for the spring turkey hunting season (2017)

The first spring turkey hunting season opens on the Wednesday nearest April 13 and continues for seven days. The five additional hunting periods all begin on subsequent Wednesdays and also continue for seven days. The current opening day can fall during the second or third week in April, sometimes resulting in a full week of variation from year-to-year. The youth turkey hunting season is always on the Saturday and Sunday before the regular season and the timing of that opener can also vary by a full week in some years.

This proposal would establish that the first spring turkey hunting season always begins on the third Wednesday in April. Some people have expressed an interest in having a more consistent opener for a variety of reasons including it may be easier to plan hunts, some think the later opener would provide more consistently better weather, and an opportunity to hunt over the Memorial Day weekend would always be available during the last hunting period. This variation in timing of the opening day is not important for any purpose related to the management of wild turkeys and is simply a matter of hunter preference.

-
4. Do you favor a consistent spring turkey season opening day which would be the third Wednesday in April each year? YES _____ NO _____
-

QUESTIONS 5-6. Simplify the fall turkey hunting season framework (2016)

Currently, the fall turkey hunting season closes statewide on the Thursday before the traditional nine-day firearm deer season. In recent years all other hunting seasons, with the single exception of the crow hunting season, have been updated so that hunting is allowed on the day before the firearm deer hunting season. In turkey management zones 1 to 5, the turkey season remains closed throughout the traditional 9-day firearm deer season and reopens on the day after. All other small game seasons remain open during the firearm deer season.

This proposal would simplify the turkey hunting season framework by allowing turkey hunting statewide on the day before the traditional nine-day firearm deer season and eliminating the closed period in zones 1 to 5. In addition to eliminating a season closure that may be unnecessary and establishing hunting dates that are consistent with seasons for other species, this change may provide additional hunting opportunity for a person who arrives at their deer hunting location before the season and has an opportunity to hunt turkeys.

5. Do you favor simplifying the fall turkey hunting season framework by allowing turkey hunting statewide on the day before the traditional nine-day firearm deer season? YES ___ NO ___

6. Do you favor simplifying the fall turkey hunting season framework by eliminating the turkey hunting closed period which occurs during the traditional 9-day firearm deer season in turkey management zones 1 to 5? YES ___ NO ___

QUESTION 7. Eliminate the trapping hours restriction (2016)

Trapping is currently allowed only during the hours beginning at 4:00 a.m. and continuing through 8:00 p.m. daily. No person may set or reset any trap or traps or attend any trap line from 8:00 p.m. to 4:00 a.m. The current restriction may have been established at a time when competition for a more limited furbearer population was more significant. Some people speculate that the trapping hours restriction may have been intended to reduce trap or fur theft by focusing activity towards daylight hours.

This proposal would simplify rules by eliminating the trapping hours restriction. Some people desire the additional flexibility so they can tend a trap line and maintain work, school, or other schedules. Most trapping seasons begin late in October when days are short – some trappers are already accustomed to tending sets outside of daylight hours and may not see a benefit from the current restriction.

7. Do you favor eliminating the restriction that prohibits trapping between 8:00 p.m. and 4:00 a.m.? YES ___ NO ___

QUESTION 8. Allow the use of spring activated foot cable restraints by trappers (2015)

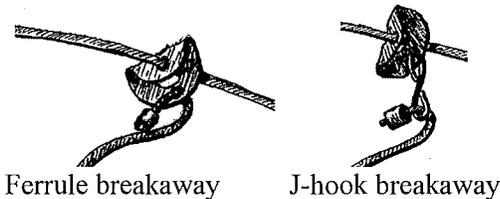
A cable restraint is a device used for the live capture of furbearers. The device consists of a non-spring activated cable which includes a relaxing mechanical lock, stops, and swivel. International research on humane trap systems has documented the safe use of cable restraints on dry land, with much of the field research conducted here in Wisconsin from 2000 to 2002. Beginning in 2004 state law has allowed the statewide use of passive neck cable restraints for bobcat, coyote, fox and more recently, wolf. Use of this tool is during the latter portion of the trapping seasons beginning on December 1st, as a respectful, precautionary measure to minimize incidental contact with other wildlife and domestic dogs. This device has proven to be safe, humane and selective.

Additional trap research conducted following the same protocols has shown the spring activated foot cable restraint to pass all injury score systems for canines tested. Use of this tool could be allowed with the same start date as currently approved for passive neck cable restraints, December 1st. Use of this tool during the latter portion of harvest seasons will minimize contact with black bear, allow careful review, and provide an additional, versatile tool for early winter trappers.

-
8. Do you favor allowing the use of foot activated cable restraints by trappers during the latter portion of the furbearer harvest seasons, beginning on December 1st? YES ___ NO ___
-

QUESTION 9. Modify the standards for construction of cable restraint devices (2015)

A cable restraint is a device used for the live capture of furbearers. Beginning in 2004 state law has allowed the statewide use of passive neck cable restraints for bobcat, coyote and fox. The use of foot activated cable restraints has also been proposed (Question 7 above). A feature of the passive cable restraint device is a breakaway mechanism rated to break at 285 pounds or less. This allows larger non-target animals to be able to pull free of the device (self-release) if caught. The breakaway device is either a ferrule or a J-hook breakaway.



The current breakaway for passive cable restraints of 285 pounds or less allows some larger coyotes to self-release. In other states that allow cable restraints, a 350 pound rating is the standard. This proposal would establish a breakaway rating of 350 pounds less.

-
9. Do you favor modifying the standards for construction of passive cable restraint devices used by trappers to require a break-away strength of 350 pounds or less instead of 285 pounds or less? YES ___ NO ___
-

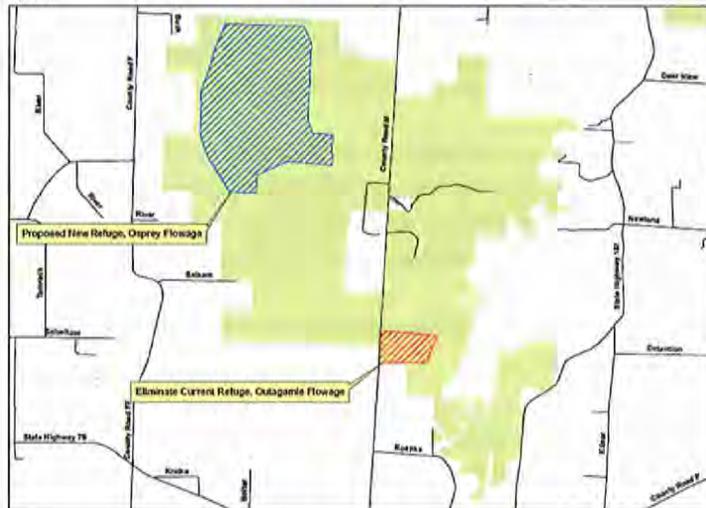
PROPOSED LOCAL WILDLIFE MANAGEMENT RULE CHANGES

OUTAGAMIE COUNTY

QUESTION 10. Eliminate the waterfowl hunting closed area at the Outagamie Wildlife Area in the town of Bovina and establish a new waterfowl hunting closed area at the Wolf River Bottoms Wildlife Area, Herb Behnke Unit, Town of Deer Creek and Maine (2016)

An existing 50 acre closed area at the Outagamie Wildlife Area may be of limited use for the purpose of providing refuge to waterfowl that will remain in the area and provide hunting opportunities throughout the hunting season. This proposal would eliminate the current closed area. A larger refuge would be created at the adjacent Wolf River Bottoms Wildlife Area, Herb Behnke Unit, Town of Deer Creek and Maine. The larger refuge of 740 acres should be a more functional area for waterfowl to rest, creating more opportunity for waterfowl hunters after the opening weekend and throughout the season.

This proposal is consistent with the recommendations of a master planning process for the Lower Wolf River Bottomlands Natural Resource Area, which involved members of the public and has been adopted by the department in 2012. Legally killed waterfowl would be retrieved from the refuge by dog or by hand. Deer hunting would be allowed during the traditional nine-day firearm season and the muzzleloader-only season.



10. Do you favor eliminating the waterfowl hunting closed area at the Outagamie Wildlife Area in the town of Bovina and establishing a new waterfowl hunting closed area at the Wolf River Bottoms Wildlife Area, Herb Behnke Unit, Town of Deer Creek and Maine? YES ___ NO ___

NATURAL RESOURCES BOARD ADVISORY QUESTIONS

QUESTION 70. Establish a three year trial period during which the unattended, overnight placement of portable stands and blinds would be allowed on department owned and managed lands north of State Hwy. 64 during the traditional firearm and the muzzleloader seasons

Currently the overnight, unattended placement of tree stands and ground blinds for hunting is not allowed on department managed lands. This regulation is designed to prevent the “staking out” or making advance claims to hunting locations in favor of a first-come-first served practice. However the overnight placement of stands is allowed on many other public lands which are not managed by DNR and may also be practical on department lands.

This proposal suggests a trial period of three years when the overnight placement of tree stands on DNR managed lands north of State Hwy. 64 would be allowed during the traditional 9-day firearm and the muzzleloader-only season. This would provide experience to hunters who would be able to balance and compare the convenience of not having to carry and place a tree stand or blind for each hunt, especially for an aging demographic of hunters, with a philosophy of trying to reduce competition on public lands. Some hunters have observed that competition for hunting locations in areas north of Hwy. 64 is already reduced compared to times when people felt that deer were more abundant.

Under this proposal, tree stands could only be placed beginning 48 hours before the first day of the traditional 9-day firearm season and must be removed on the day after the muzzleloader-only season. The proposal requires that all unattended tree stands be marked with the owner’s department customer identification number or name and address. It would be illegal to cause damage to a tree, but careful pruning of limbs less than 1 inch in diameter would not be considered causing damage to the tree the stand is placed in. This would not permit cutting trees, brush and other vegetation for shooting lanes.

This proposal would clarify that any person may use a stand that is not occupied and being used by the owner and that stand placement does not reserve a location for exclusive use by any individual. However, the owner of the blind or stand would retain the authority to remove and relocate their stand at any time. It would be illegal to relocate a blind or stand that was lawfully placed by another.

The department would survey hunter’s opinions and evaluate concerns that are identified during the trial period before authorizing new rules.

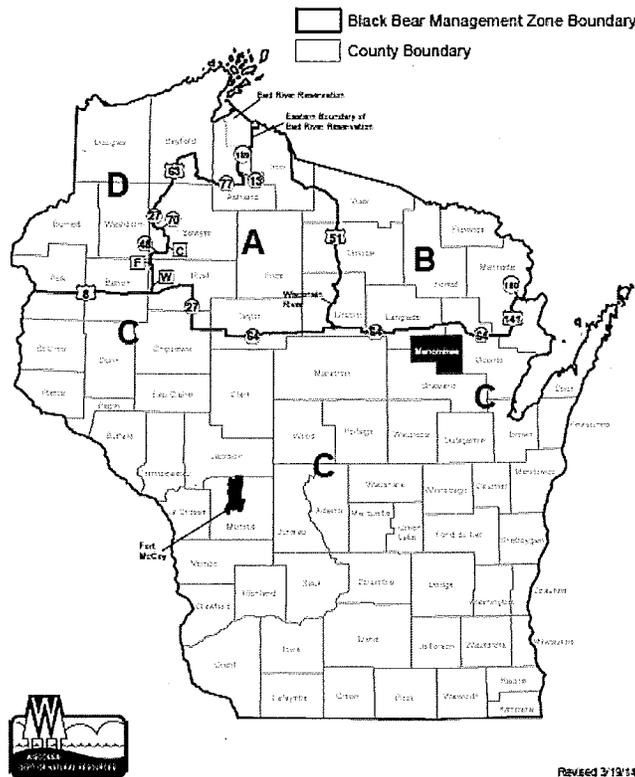
11. Do you favor a three year trial period during which the unattended, overnight placement of portable stands and blinds would be allowed on department owned and managed lands located north of State Hwy. 64? Stand placement would be limited to the traditional firearm and the muzzleloader only seasons and an evaluation would be conducted before new rules are authorized.

YES _____ NO _____

QUESTION 71. Bear management zone C

Bear management zone C was created at a time when there were very few bears in the zone. Today, the bear population continues to grow and expand in zone C. Zone C encompasses most of the southern two-thirds of the state and the management interests for bear may vary throughout that single zone. In some areas, there may be tolerance for a relatively abundant bear population. In other areas, a lower number of bears may be desirable.

Subdividing the current bear zone C may allow for different management objectives for bears in different areas of southern Wisconsin.



12. Should the department subdivide bear management zone C in order to provide management flexibility? YES _____ NO _____

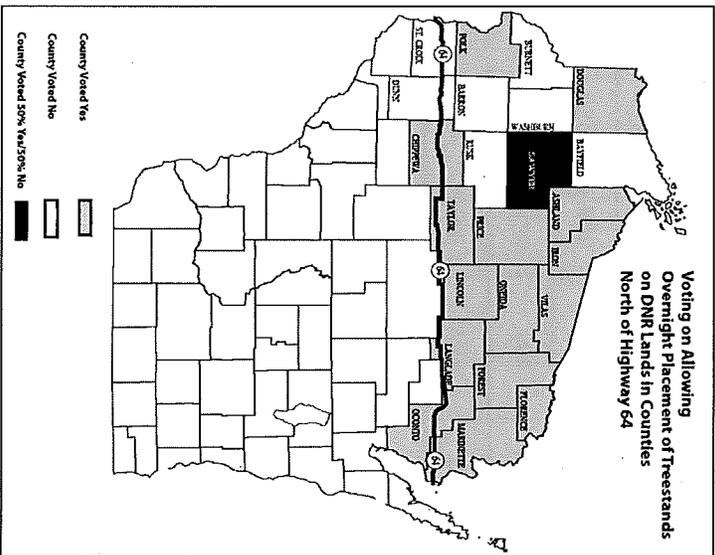
Appendix B – Summary of April 13, 2015 Spring Hearing Voting

2015 Attendance: 4,610

| Question Number | Question Description | Yes Votes | No Votes | Statewide Vote | County Vote (Yes/No/Tie) | Local Vote (Yes / No) | Department Recommendation |
|---|---|-----------|----------|----------------|--------------------------|---|---------------------------|
| Statewide Department Questions | | | | | | | |
| 1 | Expand areas where waterfowl hunting is allowed from boats and blinds | 2,429 | 1,347 | Yes | 65 / 6 / 1 | | Advance |
| 2 | Increase possession limit for small game - three times the daily bag limit | 2,350 | 1,605 | Yes | 59 / 12 / 1 | | Advance |
| 3 | 9:00 a.m. opening time on first day of pheasant and certain other seasons | 2,789 | 948 | Yes | 72 / 0 / 0 | | Advance |
| 4 | Spring turkey season opening day of third Wednesday in April | 3,074 | 756 | Yes | 72 / 0 / 0 | | Advance |
| 5 | Fall turkey season open statewide on the day before gun deer season | 2,055 | 1,726 | Yes | 48 / 20 / 4. | | Advance |
| 6 | Fall turkey season open during firearm deer season in zones 1 to 5 | 1,932 | 1,825 | Yes | 46 / 25 / 1 | | Advance |
| 7 | Eliminate the trapping hours restriction | 2,105 | 1,616 | Yes | 55 / 17 / 0 | | Advance |
| 8 | Allow the use of spring activated foot cable restraints by trappers | 2,387 | 1,075 | Yes | 66 / 4 / 2 | | Advance |
| 9 | Cable restraint construction standards | 2,016 | 1,391 | Yes | 60 / 10 / 2 | | Advance |
| Proposal of primarily local interest | | | | | | | |
| 10 | Eliminate Outagamie Wildlife Area and establish new closed area at the Wolf River Bottoms Wildlife Area, Herb Behnke Unit | 1,600 | 829 | Yes | 66 / 5 / 1 | Brown: Yes, 53; No, 18 Calumet: Yes, 20; No, 12 Outagamie Yes, 57; No, 20 Shawano: Yes, 37; No, 19 Waupaca: Yes, 33; No, 8 Winnebago Yes, 47; No, 22 | Advance |

-MORE-

| Question Number | Question Description | Yes Votes | No Votes | Statewide Vote | County Vote (Yes/No/Tie) | County Vote N. of Hwy 64 (Yes / No / Tie) | Department Recommendation |
|-----------------|--|-----------|----------|----------------|--------------------------|---|---------------------------|
| 70 | Unattended placement of portable stands on department lands north of State Hwy. 64 during gun and muzzleloader seasons, three year trial | 1,814 | 1,687 | Yes | 45 / 26 / 1 | 15 / 5 / 1 | |
| 71 | Subdivide bear management zone C in order to provide management flexibility | 2,715 | 633 | Yes | 72 / 0 / 0 | | |





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-024

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In s. NR 10.13 (1) (b) of the current rule, in order to form a complete sentence with sub. (1) (intro.), consider revising subs. 7., 9., 10., 16., and 17. to remove the phrases “No person shall” or “No person may”. [s. 1.03 (3), Manual.] A revision would also make the phrasing consistent with the other subdivisions under par. (b).

b. In s. NR 10.001 (20) of the proposed rule, the definition given for “open water” is a substantive requirement that should not be contained in a definition. [s. 1.01 (7) (b), Manual.] Consider eliminating the definition of “open water” and instead revising s. NR 10.12 (3) to provide for shoreline and marsh hunting and to provide for legal “jump shooting”.

For example, a paragraph could be added to the exceptions from the open water restrictions already provided in s. NR 10.12 (3), to prohibit waterfowl hunting in open water except:

(f) *Shoreline and Marshes*. If any of the following apply:

1. A part of the boat, blind, or similar device is located within 3 feet of a shoreline.
2. A part of the boat, blind or similar device is located within 3 feet of a naturally-occurring, un-manipulated growth of vegetation....

Also, if intended, add a paragraph to the exceptions to include: “(g) *Streams*. From a non-motorized boat, canoe, or raft, which is not anchored, on streams where shooting shore to shore is possible.”. Consider creating a definition for the word “un-manipulated”, and consider creating a

definition for the phrase “navigable water” that refers to the declaration of navigability in s. 30.10, Stats., if these terms are retained.

If the department does not make those modifications, the definition of “open water” should be revised as follows: replace “and” with “, or” in the phrase “by a boat, blind and similar device” in the introduction, replace “but does not include” with “except” in the introduction, and end the introduction with “any of the following:”. [s. 1.03 (3) and (4), Manual.] Also, consider creating definitions for the word “un-manipulated” and for the phrase “navigable water”.

c. SECTIONS 2 to 6 of the proposed rule could be combined into one SECTION. When two or more subsections, paragraphs, or subdivisions of the same rule section are affected by the same treatment, in the manner that those SECTIONS each affect s. NR 10.01, they may be included in the same SECTION of the rule-making order even though there are unaffected subunits intervening. [s. 1.04 (2) (a) 4., Manual.]

Also, in the treatment clause for each of the rule sections affected by SECTIONS 2 to 6 of the proposed rule, a reference to “(Table (2))” or “(Table (3))”, as applicable, should be inserted in the citation between the subsection and paragraph designation. For example: “SECTION 2. NR 10.01 (2) (Table (2)) (a) is amended to read:”.

d. In the treatment clause for SECTION 7 of the proposed rule, a reference to “(intro.)” should be inserted in the citation after “NR 10.06 (5)”. Also, in the text of the rule that is shown, the chart should not be included, as it is not affected by the treatment of the section. [s. 1.04 (1) (b) 2., Manual.]

e. The treatment of s. NR 10.13 (3) should be revised to be divided into two separate SECTIONS of the proposed rule as follows:

(1) “NR 10.13 (3) (title), (a), and (b) are repealed.”. [No text shown.]

(2) “NR 10.13 (3) (c) is renumbered (3).” [No text shown.]

This assumes that, although unmarked, the department intends that subs. 3. and 4. of par. (c) should be renumbered along with subs. 1. and 2., as marked in the proposed rule.

f. The introductory clause that enumerates the rule provisions treated by the proposed rule should be updated to reflect any revisions made in accordance with these comments.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

NR Ch. 10, Game and Hunting and Ch. 11, Closed Areas

3. Subject

Wildlife management rules relating to hunting, trapping, and closed areas.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

None

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

The provisions of this rule proposal will not have a fiscal impact on the department. The department already administers seasons and enforces regulations related to all of the hunting and trapping opportunities that are modified by this rules package. No new expenses or revenues are anticipated as a result of these proposals.

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Annually, the department submits rule change proposals relating to hunting, trapping and wildlife management. The statewide April Spring Fish and Wildlife hearings are the traditional vehicle for citizen input. Specifically, individual sections of this rule proposal will:

1. Expand the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be "concealed" if they are within 3 feet of the shoreline. The WI Conservation Congress has recommended modifications to this rule.
2. Increase the limit on the number of small game animals a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two, consistent with federal regulations for migratory game birds.
3. Establish a 9:00 a.m. opening time on the first day of the pheasant, quail, Hungarian partridge, and southern rabbit seasons instead of noon. The WI Conservation Congress has recommended modifications to this rule.
4. Modify the spring wild turkey hunting season opening date so that it is always the third Wednesday in April. This section also simplifies the fall turkey hunting season framework so that hunting is always allowed on the day before the firearm deer hunting season and so that the season is continuous with no closed periods in Zones 1 to 5 in the southern part of the state.
5. Eliminate the trapping hours restriction so that traps may be placed or tended at any time. The WI Conservation Congress has recommended modifications to this rule.
6. Allow the use of foot activated cable restraints, a device used to trap furbearing animals and for which best management practices have been approved by the Association of Fish and Wildlife Agencies.
7. Modify the standards for construction of cable restraint devices used to trap furbearers to improve their efficiency for catching coyotes. Current standards were developed before wolf trapping opportunities were available.
8. Modify the location and size of a waterfowl hunting closed area at the *Wolf River Bottomlands Natural Resources Area* on DNR managed lands in Outagamie County.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

may be affected by the proposed rule that were contacted for comments.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for solicitation of comments on this analysis was posted on the department's website during a 14 day period beginning on March 9. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for solicitation of comments on this analysis was posted on the department's website during a 14 day period beginning on March 9. No comments were received.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

These rules, and the legislation which grants the department rule making authority, do not have a fiscal effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

These rules are not expected to significantly affect currently available outdoor opportunities and no impacts to the economic activities of hunters, trappers, or outdoor recreation enthusiasts are expected.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

These proposals will contribute to providing good opportunities for hunting and trapping and maintenance of the economic activity generated by people who participate in those activities.

14. Long Range Implications of Implementing the Rule

The long range implications of this rule proposal will be the same as the short term impacts. These proposals will contribute to providing good opportunities for hunting and trapping and maintenance of the economic activity generated by people who participate in those activities.

15. Compare With Approaches Being Used by Federal Government

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

17. Contact Name

Scott Loomans, Wildlife Regulations Policy Specialist

18. Contact Phone Number

608-267-2452

This document can be made available in alternate formats to individuals with disabilities upon request.

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

The statement of scope for this rule, SS 113-14, was approved by the Governor on October 31, 2014, published in Register No. 707, on November 11, 2014, and approved by the Natural Resources Board on December 10, 2014. This permanent rule was approved by the Governor on _____.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR 10.001 (20), 10.13 (3) (title), (a) and (b), 11.02 (8); to renumber NR 10.13 (3) (c), to amend NR 10.01 (Table (2)) (a), (c) 1., (d) to (g), 10.01 (Table (3)) (a) and (c) 2., 10.06 (5), 10.12 (3) (Intro.), and 10.13 (1) (b) 7., 9., 10., 13., 15. (Intro.) and d., 16., and 17. (intro.) ; and to create NR 10.01 (2) (f) (Note), 10.12 (3) (f) and (g), 10.13 (1) (b) 18. and 11.04 (3m), wildlife management rules relating to hunting, trapping, and closed areas.

WM-01-15

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to make changes related to trapping methods and times and the seasons for taking game and furbearing animals.

The department’s authority to authorize the removal of wild animals that are causing damage is established under s. 29.885. Additionally authority to establish conditions for taking game, such as bears, is established in s. 29.014 as noted above.

The establishment of game refuges is authorized in s. 23.09 (2) (b) relating to the department’s ability to designate locations reasonably necessary for the purpose of providing safe retreats in which birds may rest and replenish adjacent hunting grounds.

Statutes Interpreted and Explanation: The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to make changes related to trapping methods and times and the seasons for taking game and furbearing animals. Other statutes interpreted include s. 29.885 and 23.09 (2) (b).

Related Statute or Rule: There are not directly related statutes or rules.

Plain Language Rule Analysis: These rule changes are proposed for inclusion on the 2015 Spring Hearing rules package and questionnaire. This rule package will create and amend regulations for hunting, trapping and closed areas found in Ch’s. NR 10 and 11 Wis. Adm. Code.

SECTIONS 1, 8 and 9 expand the areas where waterfowl hunting is allowed by eliminating the requirement that hunters and blinds be “concealed” if they are within 3 feet of the shoreline. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 2 and 6 increase the limit on the number of small game animals a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two, consistent with federal regulations for migratory game birds. These SECTIONS and SECTION 7 also establish a 9:00 a.m. opening time on the first day of the pheasant, quail, Hungarian partridge, and southern rabbit seasons instead of noon. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 3 and 4 modify the spring wild turkey hunting season opening date so that it is always the third Wednesday in April.

SECTION 5 simplifies the fall turkey hunting season framework so that hunting is always allowed on the day before the firearm deer hunting season and so that the season is continuous with no closed periods in Zones 1 to 5 in the southern part of the state. This section also increases the limit on the number of crows a person is allowed to possess at home or in transport so that it is three times the daily bag limit instead of two

SECTIONS 10 and 11 allow the use of foot activated cable restraints, a device used to trap furbearing animals and for which best management practices have been approved by the Association of Fish and Wildlife Agencies. These SECTIONS also modifies the standards for construction of cable restraint devices used to trap furbearers to improve their efficiency for catching coyotes. Finally, this SECTION 10 modifies phrasing for consistency with the other subdivisions in this paragraph, as suggested by the Legislative Council Rules Clearinghouse.

SECTIONS 12 and 13 eliminate the trapping hours restriction so that traps may be placed or tended at any time. The WI Conservation Congress has recommended modifications to this rule.

SECTIONS 14 and 15 modify the location and size of a waterfowl hunting closed area at the *Wolf River Bottomlands Natural Resources Area* on DNR managed lands in Outagamie County.

Federal Regulatory Analysis: Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with rules in Adjacent States: These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

Summary of Factual Data and Analytical Methodologies: All of the policies in this rule are generally consistent with past board policies of regulating fish and game harvest for conservation purposes.

A number of these proposals are recommendations of the Wisconsin Conservation Congress to the Natural Resources Board and initiating a process to promulgate those rules fulfills a role of the board and the congress established in s 15.348 Stats.

This rule proposal would have the effect of expanding the areas where a waterfowl hunter can park a boat (or blind) and hunt. A boat or blind would no longer need to be concealed by emergent vegetation such as rice or cattails if it is located within three feet of the shoreline. Additionally, dead trees or stumps could be considered concealing vegetation. While it expands areas where waterfowl hunting may occur, this rule would still maintain Wisconsin's requirement that people hunt from the edges of bodies of water and that they not hunt from open-water, offshore areas. Wisconsin's open water hunting rule dates back

to early conservation statutes and may have been designed to keep hunters from setting up in front of each other and to keep them out of the middle of waters that are used as staging areas by migrating ducks or geese. Providing these areas where there is no hunting pressure may encourage birds to remain in an area longer and provide more chance for birds to spend time feeding and resting during migration. Hunters have supported the rule because it increases hunting opportunity by encouraging birds to remain in an area for longer periods of time.

Currently, the spring turkey hunting season opens on the Wednesday nearest April 13. Under this structure, the spring turkey season overlaps the Memorial Day holiday weekend in approximately one out of every three years (when it falls on the third Wednesday of the month). This proposal would stabilize the season opener so that it falls on the 3rd Wednesday of the month every year, making it more predictable and easier for hunters to schedule their hunts, resulting in the 6th time period always overlapping the Memorial Day holiday weekend, and reducing the likelihood of cold and snow during the Youth Hunt, Learn to Hunt Turkey events, and early time periods.

The fall turkey hunting season is currently closed from the Friday immediately preceding the 9-day gun deer hunt through the Sunday immediately following the 9-day gun deer hunt. This proposal would allow fall turkey hunting on the Friday immediately preceding the 9-day gun deer hunt statewide and, in zones 1 through 5 where the turkey season re-opens after deer season, would eliminate that closed period. This proposal would make the fall turkey hunt consistent with other fall seasons, simplify hunting regulations, and provide some additional hunter opportunity.

Trapping hours currently in place may be designed to deter trap theft or simplify enforcement of a requirement to tend or check traps daily. These rules would eliminate trapping hours. Eliminating trapping hours would simplify regulations and would provide a particular benefit to people whose work schedule conflicts with trapping hours. There is not a furbearer population management purpose for trap checking hours. These rules would maintain the requirement that traps be checked daily.

For simplicity and consistency with new federal regulations for migratory birds, this proposal would increase the limit on the number of small game animals a person is allowed to possess at home or in transport. Instead of the current possession limit which is twice the daily bag limit, it would be three times the daily bag limit, consistent with federal regulations for migratory game birds.

A cable restraint is a device used for the live capture of furbearers. The device consists of a non-spring activated cable which includes a relaxing mechanical lock, stops, and swivel. International research on humane trap systems has documented the safe use of cable restraints on dry land, with much of the field research conducted here in Wisconsin from 2000 to 2002. A "breakaway" is a component of the cable restraint device that allows larger non-target animals to be able to pull free of the device and self-release if caught. This also allows some larger coyotes to self-release. In most states, a 350 pound rating is the standard. These rules would increase the maximum allowable pound rating.

These rules would allow the use of foot activated cable restraints, a relatively new device used to trap furbearing animals. This device has been the subject of research and it is recommended as a humane method of trapping and for which best management practices have been approved by the Association of Fish and Wildlife Agencies. This would allow the use of a humane device in the restraint of fox, coyote, and bobcats during latter portions of harvest seasons.

These rules would eliminate one waterfowl hunting closed areas on department managed lands that are part of the Lower Wolf River Bottomlands Natural Resources Area and recreate the refuge in an area where it is more likely to maintain waterfowl numbers in the area throughout the course of the hunting season. These modifications were recommended following a planning process that involved members of

the public. The closed areas would provide a more functional area for waterfowl to rest, creating more opportunity for waterfowl hunters in the area because birds would remain in the area for a longer period of time.

Anticipated Private Sector Costs and Economic Impact of Implementing the Rule: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

The proposed rule changes are not expected to significantly influence the spending activities or hunting and trapping activity of hunters, trappers, dog trainers, or other outdoor enthusiasts. Correspondingly, no related economic impacts are anticipated.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24 (3m).

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

Comment Period: The comment period closed on April 13, 2015

SECTION 1. NR 10.001 (20) is repealed.

SECTION 2. NR 10.01 (Table (2)) (a), (c) 1., (d) and (e) are amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|---|--|
| <i>NR 10.01 (2) (a) Ruffed grouse.</i> | | |
| 1. Zone A as established under s. NR 10.33. | Beginning on the Saturday nearest September 15 and continuing through January 31. | Daily bag 5; possession 4 <u>15</u> |
| 2. Zone B as established under s. NR 10.33. | Beginning on the Saturday nearest October 17 and continuing through December 8. | Daily bag 2; possession 4 <u>6</u> |
| 4. Governor Dodge, Mill Bluff and Mirror Lake state parks. | Nov. 1 – Dec. 15. | Daily bag 2; possession 4 <u>6</u> |

| | | |
|---|---|------------------------------------|
| <i>(c) Pheasants. 1. Cocks only</i> | | |
| a. In all counties of the state except the properties specified in subds. 1. b. and 2. and s. NR 10.24. | Early season—Beginning on the Saturday nearest October 17 at 12:00 noon <u>9:00 a.m.</u> and continuing for 2 consecutive days | Daily bag 1; possession 2 |
| | Late season—Beginning on the day immediately after the season described above and continuing through December 31 | Daily bag 2; possession 4 <u>6</u> |
| b. Governor Dodge, Mill Bluff and Mirror Lake state parks | Nov. 1 – Dec. 15. | Daily bag 2; possession 4 <u>6</u> |

| | | |
|--|--|--|
| <i>(d) Gray (Hungarian) partridge.</i> | | |
| 1. In all counties of the state except in the areas listed in subd. 2. | Beginning on the Saturday nearest October 17 at 12:00 noon <u>9:00 a.m.</u> and continuing through December 31. | Daily bag 3; possession 6 <u>9</u> |
| 2. Clark, Marathon and Taylor counties. | None | None |
| <i>(e) Bobwhite quail</i> | | |
| 1. In all counties of the state except in the parks listed in subd. 2. | Beginning on Saturday nearest October 17 at 12:00 noon <u>9:00 a.m.</u> and continuing for 54 consecutive days | Daily bag 5; possession 4 <u>15</u> |

| | | |
|---|---|---|
| 2. Governor Dodge, Mirror Lake, and Mill Bluff state parks. | Beginning on November 1 to the close of the season listed in subd. 1. | Daily bag 5; possession 40 <u>15</u> |
|---|---|---|

SECTION 3. NR 10.01 (Table (2)) (f) 1. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|---|--|--|
| <i>NR 10.01 (2) (f) Wild turkey.</i> | | |
| 1. All wild turkey hunting zones as described in s. NR 10.29, excluding state parks for which a quota has been established under s. NR 10.25 (5). | Spring seasons beginning on <u>the third</u> Wednesday nearest in April 13 and continuing Wednesday through Tuesday of the following week for 6 consecutive 7-day time periods, except on Ft. McCoy military reservation where the season continues for 40 consecutive days. | Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued. |

SECTION 4. NR 10.01 (2) (f) (Note) is created to read:

NR 10.01 (2) (f) Note: Clearinghouse Rule 15-025 established a June 1, 2016 delayed effective date for s. NR 10.01 (2) (f) 1. In 2016, the spring wild turkey hunting season begins on the Wednesday nearest April 13 and continues Wednesday through Tuesday of the following week for 6 consecutive 7-day time periods, except on Ft. McCoy military reservation where the season continues for 40 consecutive days.

SECTION 5. NR 10.01 (Table (2)) (f) 2., 4. and (g) are amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|---|--|
| <i>NR 10.01 (2) (f)</i> | | |
| 2. All wild turkey hunting zones as described in s. NR 10.29 and the Mill Bluff state park portion of zone 1, excluding all other state parks, for which a quota has been established under s. NR 10.25 (5). | Fall season beginning on the Saturday nearest September 15 and continuing through the Thursday <u>Friday</u> immediately preceding the Thanksgiving holiday. | Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued. |
| Wild turkey hunting zones 1-5, as described in s. NR 10.29 and the Mill Bluff state park portion of zone 1, excluding all other state parks, for which a quota has been established under s. NR 10.25 (5). | Fall season reopening on the Monday <u>Saturday</u> immediately preceding the Thanksgiving holiday and continuing through December 31. | Either sex of turkey may be killed. The possession limit corresponds to the number of carcass tags issued. |

Note: Glacial Heritage Area state park lands may be leased to another unit of government for management purposes and access permits to hunt turkeys on those lands would be obtained from that unit of government.

4. Youth turkey hunt. a. Persons under the age of 16 years of age who possess a valid carcass tag issued for the current license year, and all necessary ch. 29, Stats., approvals may hunt turkeys for 2 consecutive days starting on the Saturday immediately preceding the beginning of the spring turkey hunting season established in subd. 1. in the turkey management zone for which the carcass tag was issued. Only one male or bearded turkey may be killed and shall be tagged immediately with a valid carcass tag for that zone pursuant to s. NR 10.25 (2). Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province. All other spring turkey hunting regulations apply.

b. A youth who does not successfully harvest a turkey during the 2-day youth hunt established in subd. 4. a. may use their unfilled carcass tag during the time period and in the zone for which the carcass tag was issued. A carcass tag that was used to tag a turkey during the 2-day youth hunt may not be reused pursuant to s. NR 10.25 (2)

(b) 2. to harvest an additional turkey during the time period for which the carcass tag is valid.

(g) *Crow*

1. Statewide except in the parks listed in subd. 2.

Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately preceding the gun deer season for Zone A. in sub. (3) (e) and reopening in January and continuing through March 20.
The date of reopening in January shall be established each year by the department to allow for a 124-day crow season.

Daily bag 15; possession ~~30~~
45

2. Governor Dodge, Mill Bluff and Mirror Lake state parks.

Beginning on Nov. 1 and continuing through the Thursday immediately preceding the gun deer season for Zone A in sub. (3) (e).

Daily bag 15; possession ~~30~~
45

SECTION 6. NR 10.01 (Table (3)) (a) and (c) 2. are amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|---|
| <i>NR 10.01 (3) (a) Gray and fox squirrels.</i> | | |
| 1. In all counties of the state except in the parks listed in subd. 2. | Beginning on the Saturday nearest September 15 and continuing through January 31. | Daily bag (total of both species) 5; possession 40 <u>15</u> |
| 2. Governor Dodge, Mill Bluff, and Mirror Lake state parks. | Nov. 1 – Dec. 15. | Daily bag (total of both species) 5; possession 40 <u>15</u> |
| <i>(c) 2. Cottontail.</i> | | |
| a. All that part of Wisconsin lying north of U. S. highway 10 from Prescott to Waupaca and state highway 54 from Waupaca to Algoma | Beginning on the Saturday nearest September 15 and continuing through the last day in February. | Daily bag 3; possession 6 <u>9</u> |
| b. Governor Dodge, Mill Bluff, and Mirror Lake state parks. | Nov. 1 – Dec. 15. | Daily bag 3; possession 6 <u>9</u> |
| c. In addition, there shall be an open season for hunting cottontails, except with the use of firearms, in Milwaukee county | All year | None |
| d. In all other parts of the state | Beginning on the Saturday nearest October 17 at 12:00 noon 9:00 a.m. and continuing through the last day in February. | Daily bag 3; possession 6 <u>9</u> |

SECTION 7. NR 10.06 (5) (Intro.) is amended to read:

NR 10.06 (5) HUNTING HOURS. Hunting hours for bear, bow deer, crossbow deer, deer with firearms, elk and small game are 30 minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset. All waterfowl hunting starts at 9:00 a.m. on the first day of the duck hunting season established in s. NR 10.01 (1) (b). All pheasant hunting starts at 9:00 a.m. on the first day of the pheasant hunting season established in s. NR 10.01 (2) (c). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

SECTION 8. NR 10.12 (3) (Intro.) is amended to read:

NR 10.12 (3) OPEN WATER RESTRICTIONS. No person may hunt waterfowl in ~~open water~~ any portion of a navigable water body from or with the aid of any blind which may include any boat, canoe, raft, contrivance or similar device except:

SECTION 9. NR 10.12 (3) (f) and (g) are created to read:

NR 10.12 (3) (f) *Other water bodies.* If any of the following apply:

1. A part of the boat, blind, or similar device is located within 3 feet of any shoreline including islands.
2. A part of the boat, blind, or similar device is located within 3 feet of a naturally occurring, un-manipulated growth of vegetation rooted to the navigable waterway's bed or shoreline and of sufficient height and density to conceal at least 50% of the hunter and the boat, blind or similar device when viewed from at least one direction beyond the vegetation providing the concealment. For determining if the vegetation provides the minimum 50% concealment, the viewing shall occur from a height approximately the same as height of the boat, blind or similar device being used by the hunter.

(g) *Normal jump shooting activities.* From a non-motorized boat, canoe or raft, which is not anchored, on streams where shooting shore to shore is possible.

SECTION 10. NR 10.13 (1) (b) 7., 9., 10., 13., 15. (Intro.) and d., 16., and 17. (intro.) are amended to read:

NR 10.13 (1) (b) 7. 'Artificial structures.' ~~No person shall construct~~ Construct or place on the ice of any of the waters of this state any artificial house or den for the purpose of taking, catching, or killing any fur-bearing animals, or place or set therein any trap or traps of any kind which might take, catch, or kill fur-bearing animals.

9. 'Steel jawed traps.' ~~No person may set,~~ Set, place or operate any steel jaw trap with a spread width of more than 8 inches.

10. 'Toothed traps.' ~~No person may set,~~ Set, place or operate any steel jawed trap with teeth unless it is located completely underwater at all times.

13. 'Snare and cable restraint specifications.' Set, place or operate any snare or cable restraint unless they are non-spring activated, constructed of galvanized aircraft cable and include a swivel, except that a cable restraint which is designed and placed so that it can only be activated by an animal's foot may be spring activated.

15. 'Cable restraints specifications.' Set, place or operate any cable restraint except for bobcat from December 1 to January 31 and fox and coyotes from December 1 to February 15, dates inclusive, provided the cable restraint conforms to the following specifications, or the specifications established in subd. 18 if the device is a foot activated cable restraint, in addition to those under subd. 13.

d. A cable restraint shall include a breakaway device or stop rated at ~~285~~ 350 pounds or less; a reverse-bend washer lock with a minimum outside diameter of 1 1/4 inches; and staked in a manner that does not allow the restraint device to reach any part of a fence, rooted woody vegetation greater than 1/2" in diameter or any other immovable object or stake that could cause entanglement.

16. 'Incidental take of raccoons and mink.' ~~No person may retain~~ Retain any raccoon taken incidentally with a cable restraint during the period when the use of cable restraints is authorized under subd. 15. a. unless it is during the open season for raccoons listed in s. NR 10.01 (3) (b). No person may retain any mink taken incidentally with a colony trap unless it is during the open season for mink listed in s. NR 10.01 (4) (e).

17. 'Colony trap use.' ~~No person may set,~~ Set, place or operate any colony trap except for muskrat and only if all of the following apply:

SECTION 11. NR 10.13 (1) (b) 18. is created to read:

NR 10.13 (1) (b) 18. 'Foot-activated cable restraint specifications.' Set, place or operate any cable restraint which is designed and placed so that it can only be activated by an animal's foot except for bobcat from December to January 31 and fox and coyote from December 1 to February 15, dates inclusive, provided the foot activated cable restraint conforms to the following specifications:

- a. Cable length of 7 feet or less, with a diameter of 3/32 inch or larger, consisting of multiple strands of wire.
- b. Cable stops shall be affixed to the cable to ensure that the portion of the cable which makes up the foot loop may not be longer than 22 inches when fully open.
- c. A cable restraint shall include a breakaway device or stop rated at 350 pounds or less; a roller (or barrel) in-line swivel that acts as the maximum opening cable stop; an in-line shock spring; and staked in a manner that does not allow the restraint device to reach any part of a fence, rooted woody vegetation greater than one-half inch in diameter or any other immovable object or stake that could cause entanglement.

SECTION 12. NR 10.13 (3) (title), (a) and (b) are repealed.

SECTION 13. NR 10.13 (3) (c) is renumbered (3).

NR 10.13 (3) (e) *Set tending interval.*

~~1-~~ (a) Non-drowning sets shall be tended at least once each day and any animal captured shall be removed from the set.

~~2-~~ (b) Drowning sets shall be tended within a 4-day period following the last tending of the set. Any animal captured shall be removed from the set. Water levels shall be monitored to ensure effective drowning sets.

~~3-~~ (c) Under ice sets are exempt from the checking periods.

~~4-~~ (d) Sets placed for weasels consisting of body gripping traps placed entirely in enclosures, with no opening larger than 1 3/8 inch in diameter, and anchored to an immovable object shall be tended within a 4-day period following the last tending of the set. Any animal captured shall be removed from the set each time the trap is tended.

SECTION 14. NR 11.02 (8) is repealed.

