

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

The Wisconsin Natural Resources Board proposes an order to repeal ss. NR 10.01(1)(g)1.d. and i., 10.01(1)(g)2.c. and h., 10.01(1)(g)3.c. and h., 10.01(1)(g)4.c. and h., 10.01(3)(bm), 10.06(6)(r), 10.31(b) and (e), and 11.01(2); to amend ss. NR 10.001(9w), 10.01(2)(f)3., 10.01(3)(b), 10.01(3)(e)2., 10.01(3)(es)3., 10.09(1)(c)1.a., 10.104(7)(b), 10.105(4), (5) and (6), 10.11 (4) and (5), 10.13(1)(b)5. and 6., 12.35(4), 12.36(3)(b)7., 12.37(4)(a)6. and 19.025(2)(d); to repeal and recreate ss. NR 10.01(3)(f), 10.106(1), 10.13(1)(b)16 and 10.29; and to create ss. 10.001(5v), 10.01(3)(e)2.i., 10.01(3)(et)1.cv., 10.105(7), 10.13(1)(b)17. and 19.025(3)(title)(dm) relating to hunting and trapping regulations, wildlife damage and nuisance control, closed areas and game refuges.

WM-01-10

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted and Explanation of Agency Authority: The department has interpreted the following statutes as providing the authority to promulgate rules regarding hunting, trapping, closed areas and game refuges: ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193 Stats.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of these rules include: ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193 Stats. These statutes specifically provide the department with authority to establish game refuges, maintain open and closed seasons and other regulations to conserve fish and game and ensure opportunities for hunting and trapping, provide additional hunting opportunities for persons who are physically disabled, report the number and kind of animal taken by hunters and trappers and authorize and regulate hunting on land in state parks. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Related Rule or Statute: There are no state rules or statutes that directly relate to the provisions that are proposed in this administrative order.

Plain Language Analysis: The department has recommended modifications to chapters NR 10, 11, 12 and 19, Wis. Adm. Code, relating to hunting, trapping, closed areas and game refuges. These rule changes are proposed for inclusion in the 2010 Spring Hearing Questionnaire. Specifically, these proposals do the following:

Sections 1, 22, 23 and 24 allow the use of colony traps for muskrats and establish size standards and regulations.

Sections 2 through 6, 26 and 27 eliminate the Burnett County and Rock Prairie Canada Goose Management Subzones.

Sections 7 and 25 establish turkey hunting seasons at Hartman Creek, Straight Lake, and the Glacial Heritage Area State Parks.

Sections 8 and 9 establish a single, consistent raccoon season opener for residents and non-residents.

Section 10 allows firearm deer hunting at Nelson Dewey state park during the traditional season in November.

Section 11 allows deer hunting on newly acquired lands at Buckhorn state park during all normal firearm deer hunting seasons.

Section 12 allows muzzleloader deer hunting at Big Bay state park during the normal statewide muzzleloader season that follows the traditional November firearm season.

Section 13 Establishes firearm and archery deer hunting seasons at proposed Glacial Heritage Area state parks that are consistent with other CWD Management Zone state park hunting seasons.

Section 14 establishes a single, consistent statewide opening date for fox hunting and trapping and coyote trapping.

Section 15 eliminates the 2:00 p.m. pheasant hunting closure at Scuppernong River Habitat Management Area in Waukesha County and allows pheasant hunting all day.

Section 16 allows the use of scopes on muzzleloading firearms during the muzzleloader-only deer hunting season.

Section 17 provides that all gun deer hunting licenses which are issued to 10 year-olds to 17 year-olds will include a carcass tag that is valid for an antlerless deer in any unit statewide.

Sections 18 and 19 allow the transportation of deer carcasses that include the head and spinal column from the CWD zone or other states where CWD has been detected to any area in the state if the whole carcass is taken to a licensed meat processor or taxidermist within 72 hours.

Section 20 and 21 allow dividing a deer into five parts prior to registration in order to facilitate removal from the field. These sections also repeal, recreate and amend provisions which allow quartering bear and elk so that they may be divided into five parts in order to more easily facilitate removal from the field.

Sections 28 through 30 increase the penalty for violation of animal damage abatement program requirements by clarifying that program participation can be denied for the following program year in addition to the current year.

Sections 31 and 32 clarify the definition of “novice participant” for learn to hunt programs.

Summary of, and Comparison with, Existing or Proposed Federal Regulations: 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.

All of Wisconsin’s surrounding states allow deer or turkey hunting in certain situations on properties which are comparable to state parks in Wisconsin and have a wide variety of season types and firearm or archery options.

Minnesota, Iowa and Illinois all have consistent raccoon season opening dates for residents and non-residents. Michigan does not allow non-resident raccoon trapping until a month after the resident season has opened, however, Michigan does not allow trapping or fur harvest by Wisconsin residents.

Minnesota does not allow scopes on muzzleloaders. Illinois, Michigan and Iowa do allow the use of scopes.

All of Wisconsin’s surrounding states have a consistent statewide opening day for fox. The coyote season also opens on the same day statewide in Wisconsin’s surrounding states. While those states do not have zones for the same species, the fox and coyote seasons are different in all surrounding states except Iowa.

Minnesota allows quartering deer in the field and requires that the head of the deer remain attached to one of the quarters. Iowa requires deer to remain intact until the animal is processed for consumption. Wisconsin's other surrounding states do not prohibit quartering deer in the field to facilitate removal.

Colony traps are legal in Minnesota but not allowed in Illinois. In Iowa and Michigan colony traps are legal only for muskrats and must be entirely submerged.

Summary of Factual Data and Analytical Methodologies: The rule changes included in this order do not deviate from current department policy on the management of wildlife and the regulation of hunting and trapping.

This rule would allow the use of traps which are capable of capturing multiple muskrats in one setting, commonly called colony traps. Maximum trap dimensions and placement restrictions are established and the use of bait is prohibited in order to limit the number of animals captured in one setting of a trap to three or four and minimize the chance of catching non-target species. This rule specifies that colony traps may only be used for muskrat but mink that are incidentally captured could be retained and utilized by the trapper. Because this trap type completely encloses the trapped animal in a cage, fur damage by predators is minimized. Colony traps do not have moving parts other than a one-way gravity drop entrance and will not create conflict with other wetland dependant activities such as duck hunting.

Elimination of the Burnett County and Rock Prairie Canada Goose Management Subzones is proposed because they are no longer needed with the recovery of year-round populations of resident geese.

Hunting at state park properties is prohibited by state statute unless the department has promulgated rules that specifically allow hunting for deer, turkeys, or small game at an individual park property. Turkey hunting is currently allowed during the first three of the six spring turkey hunting periods at 14 state parks. These properties are managed primarily for outdoor recreational activities other than hunting but, by allowing hunting prior to times when property use increases, hunting can be accommodated while minimizing user conflict. This rule would expand turkey hunting opportunities at three properties, Straight Lake, Hartman Creek and the newly proposed Glacial Heritage Area state park. Fall turkey hunting is not allowed at any state parks and is not proposed for these three.

This rule would establish a single, consistent raccoon season opener for residents and non-residents. The current season restricts non-residents from the first two weeks of the fall season. There is, however, no measurable level of competition for this resource between residents and non-residents. Since 2006 the department sold 6, 6, and 5 non-resident trapping licenses, respectively. Non-resident furbearer hunting licenses average 35-40 annually with many purchased specifically for bobcat hunting. This would be consistent with all other current Wisconsin non-resident furbearer hunting and trapping seasons, which open with the resident season opener. This proposal is a simplification of current rule and there is no biological reason for the existing delay for non-residents.

Hunting at state park properties is prohibited by state statute unless the department has promulgated rules that specifically allow hunting for deer, turkeys, or small game at an individual park property. Current rule authorizes rifle, shotgun or muzzleloader deer hunting opportunities at 25 state parks. This proposal would expand deer hunting opportunities at Nelson Dewey state park by allowing hunting during the traditional firearm season in November. It would allow deer hunting on newly acquired lands at Buckhorn state park during all normal firearm deer hunting seasons. The proposal allows muzzleloader deer hunting at Big Bay state park during the normal statewide muzzleloader season that follows the traditional November firearm season. Finally, this rule would establish firearm and archery deer hunting seasons at proposed Glacial Heritage Area state parks which are consistent with other CWD Management Zone state park hunting seasons. Deer hunting at state parks provides hunting opportunities in ways that are designed to minimize conflicts with non-hunting state park users and to control deer herd impacts on natural vegetation.

Under this proposal, the north and south zones for fox hunting and trapping seasons would be eliminated so that the seasons for fox hunting and trapping would open concurrently statewide. The coyote trapping

season, which is the same as the fox season, is revised in the same way under this proposal. This will provide hunters in the old south zone with an additional two weeks of harvest opportunity. There appears no biological reason to delay southern seasons by 8 days. This proposal simplifies an unneeded complication. A person in southern Wisconsin, if concerned that pelts will not be prime under the early season framework, can simply choose to delay harvest.

This proposal would eliminate the 2:00 p.m. pheasant hunting closure at Scuppernong River Habitat Management Area in Waukesha County and allow pheasant hunting all day. Scuppernong was once a Wildlife Area and was incorporated into the Kettle Moraine State Forest Southern Unit in 2001 and renamed the Scuppernong River Habitat Area. The early closure was designated to reduce pressure immediately following stocking, giving the birds time to disperse. This area does receive heavy hunting pressure but also has some of the best and most pheasant habitat in the County. The area is usually stocked with pheasants from the state game farm in the late afternoon and hunters only have a few hours to pursue birds. Adequate carry over of birds to the next day is expected with this rule change. The remainder of the forest is open after 2:00 p.m. for pheasant hunting and removing the early closure will make for consistent regulations in the area and avoid hunter confusion during the pheasant season.

This proposal would allow the use of scopes with magnifying power on muzzleloaders during the muzzleloader-only season that follows the traditional firearm season. Scopes are not currently allowed during the muzzleloader only season because, when the season was initially developed, public support was for a hunt that focused on the use of traditional, primitive firearms. Public opinion has evolved and appears now to favor allowing the use of scopes. Department staff people do not anticipate that this proposal will have any effect on deer herd management.

Currently, the Junior Gun Deer License includes one Gun Buck Deer Carcass Tag valid in any unit statewide and one Antlerless Deer Carcass Tag valid in Earn-A-Buck and Herd Control Units. In an effort to provide youth hunters with added opportunities to harvest a deer, this proposal would make the antlerless tag valid in any unit statewide.

Currently, only boned out meat, quarters that do not contain any part of the spine or head, hides, antlers, and finished taxidermy mounts may be transported from a CWD area in Wisconsin or another state or province. Allowing the transportation of deer carcasses from a CWD management areas to other areas will provide hunters with greater flexibility while still preventing environmental contamination through discarded animal parts by requiring that carcasses that contain any part of the spinal column and heads be delivered only to a licensed meat processor (not an unlicensed individual who cuts up deer only) or to a registered taxidermist within 72 hours. Licensed meat processors are required to properly dispose of carcass waste materials under DATCP rules and provisions are established in this proposal to require that taxidermists properly dispose of the parts of the carcasses of highest risk for spreading CWD.

The practice of quartering deer prior to registration, in order to facilitate removal from the field, is currently prohibited for most hunters. This proposal would allow a hunter to divide a deer into as many as five parts only for the purpose of removing the animal from the field. Currently bear and elk may be quartered but this proposal will allow dividing them up to five times which will be consistent with deer and more practical to facilitate removal from the field. In order to make identification easier for registration station staff and to assure that parts of different animals are not confused, this proposal requires that the head remain attached to one part of deer and bear and that no more than one deer or bear which is not intact may be possessed or transported prior to registration.

This proposal would increase the penalty for Wildlife Damage Abatement and Claims Program enrollees being uncooperative or wrongfully denying public hunting access. Under the proposal, enrollees found in violation would not be eligible for WDACP assistance or claims for an additional calendar year instead of the remainder of the current year. In many situations, the department is unaware of hunter access complaints until after the deer hunting season meaning enrollees proven to be uncooperative or wrongfully denying hunter access are not eligible for WDACP assistance for only a month or two. Under this proposal, program violations may be deterred by the increasing this penalty.

Finally, this proposal would clarify the definition of “novice participant” for learn to hunt programs in order to focus participation on hunters who are not likely to be exposed to hunting experiences unless they participate in the program. A concern with the current program is that participation is currently allowed by any novice, including those who do have access to mentors and who will be exposed to hunting regardless of participation in a learn to hunt program. A more precise definition will allow limited resources to be focused on novice hunters who will benefit the most from a mentored hunting experience.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: 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.

Effects on 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.

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Deadline for Written Comments: The deadline for written comments was April 12, 2010.

Section 1. NR 10.001(5v) is created to read:

NR 10.001(5v) “Colony trap” means an enclosure device designed to allow the capture of one or more fur-bearing animals in a single setting as a drowning set. Entrance to the device is gained by one or more one-way entrances with overall dimensions of the trap not to exceed 6 inches in width, 6 inches in height and 36 inches in length.

Section 2. NR 10.001(9w) is amended to read:

NR 10.001(9w) 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 goose management zones described in s. NR 10.31, and includes the Mississippi River, Brown County, ~~Burnett County,~~ and New Auburn ~~and Rock Prairie~~ subzones which shall be treated as separate management subzones for other purposes.

Section 3. NR 10.01(1)(g)1. d. and i. are repealed.

Section 4. NR 10.01(1)(g)2. c. and h. are repealed.

Section 5. NR 10.01(1)(g)3.c. and h. are repealed.

Section 6. NR 10.01(1)(g)4.c. and h. are repealed.

Section 7. NR 10.01(2)(f)3. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|---|--|
| NR 10.01(2)(f) 3. | | |
| Zones 1A, 1B, 1C, 1D, 1E, 1F, 2A, <u>3A</u> , 4A, 4B, <u>4C</u> , and the Mill Bluff state park portions of zone 1 and the <u>Glacial Heritage Area state park portions of zone 2</u> as described in s. NR 10.29. | Spring season beginning on the Wednesday nearest April 13 and continuing Wednesday through Sunday for 3 consecutive 5-day time periods. | Only male or bearded turkeys may be killed. The possession limit corresponds to the number of carcass tags issued. |
| Note: <u>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.</u> | | |

Section 8. NR 10.01(3)(b) is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|-------|
| NR 10.01(3)(b) | | |
| <i>Raccoon (resident hunting and trapping) hunting and trapping</i> In all counties of the state | Beginning on the Saturday nearest October 17 and continuing through February 15. | None |

Section 9. NR 10.01(3)(bm) is repealed.

Section 10. NR 10.01(3)(e)2. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|--|
| NR 10.01(3)(e)2. | | |
| b. The following state parks and trails: the portion of Big Bay state park located on Madeline Island west of a north-south line beginning at the park entrance on Haines road, Governor Thompson, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Mill Bluff, <u>Nelson Dewey</u> , Newport, Rock Island, Straight Lake, Wyalusing (73A) and Tuscobia-Park Falls. | Firearm season beginning on the Saturday preceding the Thanksgiving holiday and continuing for 9 consecutive days. | One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104. |

Section 11. NR 10.01(3)(e)2.i. is created to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|---|
| NR 10.01(3)(e)2. | | |
| i. Buckhorn state park in the area east of 19 th avenue, north of county HWY G, and north of 31 st street, | During firearm and muzzleloader seasons established in ss. NR 10.01(3)(e)1.a., c. and e, 10.01(3)(es)1., and 10.01(3)(ev). | The same as established for the surrounding deer management unit. |

Section 12. NR 10.01(3)(es)3. is amended to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|--|
| NR 10.01(3)(es) Muzzleloader deer season. | | |
| 3. <u>Big Bay</u> , Mill Bluff, Newport, Rock Island, and Straight Lake state parks. | Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. | One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104. |

Section 13. NR 10.01(3)(et)1.cv. is created to read:

| | | |
|---|--|---|
| NR 10.01(3)(et) Special disease control hunts. | | |
| 1. Disease management zone. | | |
| cv. Glacial Heritage Area state park. No person may hunt deer in the Glacial Heritage Area state park without first obtaining a permit which authorizes access to the park. | 1. Early firearm season. A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Legal hunting hours are those established in s. NR 10.06 (5) except that hunting hours shall close at 12:00 p.m. daily. | One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11). |
| | 2. Gun deer season. A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive | One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11). |

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|--|--|---|---|
| | | days. | |
| | | 3. Muzzleloader season. A muzzleloader hunt as established in s. NR 10.01 (3) (es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. | One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11). |
| | | 4. Late firearm season. A firearm deer hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. | One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11). |
| | | 5. Archery season. An archery hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section. | One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11). |
| | | Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. | One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104 (11). |
| | | Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Sunday nearest January 6. | One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104 (11). |

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

Section 14. NR 10.01(3)(f) is repealed and recreated to read:

| Kind of animal and locality | Open season (all dates inclusive) | Limit |
|--|--|-------|
| NR 10.01(3)(f) <i>Fox, all species</i> | | |
| 1. Statewide except as provided in subd. 2. | Beginning on the Saturday nearest October 17 and continuing through February 15. | None |
| 2. Governor Dodge, Mill Bluff and Mirror Lake state parks. | Nov. 1 – Dec. 15. | None |

Section 15. NR 10.06(6)(r) is repealed.

Section 16. NR 10.09(1)(c)1.a. is amended to read:

NR 10.09(1)(c)1.a. Muzzleloaders may be used for hunting, except that any muzzleloader used in the muzzleloading season described in s. NR 10.01 (3) (es) shall have a solid breech plug attached with threads, be capable of being loaded only from the muzzle, use black powder or other black powder substitute, and may not include a mounted telescopic sight.

Section 17. NR 10.104(7)(b) is amended to read:

NR 10.104(7) (b) *Gun deer carcass tag*. Each license which authorizes the hunting of deer with a firearm, shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an ear-a-buck season under s. NR 10.01 (3) (ed) 1. b. or (et) when an antlerless deer must be tagged prior to the harvest of a buck. Each license which authorizes the hunting of deer with a firearm by a person who is under 18 years of age shall also include one carcass tag that is valid for the taking of one antlerless deer in any unit statewide in place of a tag under 10.01(3)(ed)1.a.

Section 18. NR 10.105(4), (5) and (6) are amended to read:

NR 10.105 Transportation of bear, deer and other members of the cervid family.
 (4) TRANSPORTATION OF DEER FROM A CHRONIC WASTING DISEASE MANAGEMENT ZONE. Unless otherwise authorized by the department, the ~~The~~ carcasses of deer harvested in a chronic wasting disease management zone identified in s. NR 10.28 (3) may not be transported outside of that zone except for the following, or as provided under sub. (7).

(a) Carcasses transported into deer management units adjacent to the chronic wasting disease management zone.

(b) Meat that is cut and wrapped, either commercially or privately.

(c) Quarters or other portions of meat to which no part of the spinal column is attached.

(d) Meat that has been deboned.

(e) Hides with no head attached.

(f) Finished taxidermy heads.

(g) Antlers with no ~~meat or~~ tissue attached except for velvet on antlers when possession of the velvet antlers is authorized pursuant to s. 29.347(3)(b), Stats.

(h) Skulls with or without antlers attached ~~and with~~ which have no meat or brain or lymphoid tissue attached.

(i) Upper canine teeth.

(5) TRANSPORTATION OF MEMBERS OF THE FAMILY CERVIDAE FROM AREAS IN OTHER STATES AND COUNTRIES WHERE CWD HAS NOT BEEN IDENTIFIED. Hunters transporting carcasses into Wisconsin from other states or countries shall possess, and exhibit to agents of the department upon request, registration or other materials showing which state, province of Canada or other country ~~whether the carcass was harvested in a CWD area or a non-CWD area.~~

(6) TRANSPORTATION OF MEMBERS OF THE FAMILY CERVIDAE FROM OTHER STATES AND COUNTRIES WHERE CWD HAS BEEN IDENTIFIED. ~~Unless otherwise authorized by the department, the~~ The carcasses of cervid species harvested in a management unit or similarly identifiable area state, province of Canada or other country where CWD has been verified by a government agency in another that state, province or country, may not be transported into this state except for the following, or as provided under sub. (7).

- (a) Meat that is cut and wrapped, either commercially or privately.
- (b) Quarters or other portions of meat to which no part of the spinal column is attached.
- (c) Meat that has been deboned.
- (d) Hides with no head attached.
- (e) Finished taxidermy heads.
- (f) Antlers with ~~no meat or tissue attached~~ except for velvet on antlers when possession of the velvet antlers is authorized pursuant to s. 29.347(3)(b), Stats.
- (g) Skulls with or without antlers attached ~~and with~~ which have no meat or brain or lymphoid tissue attached.
- (h) Upper canine teeth.

Section 19. NR 10.105(7) is created to read:

NR 10.105(7) CERVID CARCASSES WITH ANY PORTION OF THE SPINAL COLUMN OR HEAD ATTACHED. Notwithstanding sub. (4) or (6), carcasses which have any part of the spinal column or head attached may be transported from the chronic wasting disease management zone to other parts of this state, or into this state if such carcass is submitted to a meat processor licensed under s. 97.42(2)(a), Stats., or a taxidermist permitted under s. 29.506(2), Stats., for processing and the person who possesses the carcass complies with the following:

- (a) That part of the carcass which includes the head and spinal column shall be submitted to a licensed meat processor or permitted taxidermist within 72 hours of entering this state if the carcass originated from out of state, or within 72 hours from the time of registration if the carcass originated from the chronic wasting disease management zone in this state.
- (b) The person submitting a carcass to a licensed meat processor or permitted taxidermist as required under this subsection shall inform the meat processor or taxidermist that the carcass originated from the chronic wasting disease management zone or from another state, province or country where CWD has been verified to be present.
- (c) Licensed meat processors and permitted taxidermists receiving a cervid carcass under this subsection shall dispose of all inedible parts not exempted under subs. (4) (a) to (i) and (6) (a) to (h), and all parts of the spinal column, brain and lymphoid tissues in a properly permitted landfill or with a renderer licensed under s. ATCP 57.10.

Section 20. NR 10.106(1) and note are repealed and recreated to read:

NR 10.106 Recording deer and bear. (1) CARCASS CONDITION AND TRANSPORTATION. Deer and bear shall be intact and may not be removed from the area specified in this section unless exhibited, registered and tagged except that:

- (a) The entrails may be removed by field dressing.
- (b) Deer and bear may be skinned, and the lower legs of a deer from the hooves up to the tarsus joint on the hind legs and from the hooves up to the carpus joint on the front legs may be removed. The hide and lower legs must be removed from the field along with the deer and exhibited at the time of registration.

(c) A deer or bear may be divided into not more than five parts, not including the hide and the lower legs of a deer, only to facilitate removal from the field. The head and neck shall remain attached to one of the other parts of the animal, not including the hide. A person who divides a deer or bear prior to registration:

1. May not allow the deer or bear to be stored or transported with any other deer or bear that has been divided prior to registration.
2. May not divide any bear in a manner that does not keep one part of the bear intact to allow it to be measured in a straight line from the tip of the nose to the base of the tail, to determine it was an adult bear of 42 inches or greater.
3. Must remove all parts from the field except the entrails and exhibit all parts at the time of registration.

Note: Common terms for the tarsus or second major joint on the rear legs up from the hoof include "hock" and "ankle" and common terms for the carpus or second major joint on the front legs up from the hoof include "knee" and "wrist".

Section 21. NR 10.11 (4) and (5)(a) are amended to read:

NR 10.11 (4) CARCASS CONDITION AND TRANSPORTATION (a) *Transportation.* No person may transport an elk from the time the elk is killed to the time it is registered under sub. (5) that is tagged with the carcass tag of another person unless accompanied by the person issued the carcass tag.

(b) *Carcass condition.* Elk may be skinned and ~~quartered~~ the carcass divided into as many as five parts prior to registration. These animals or animal parts may not be removed from zones A and B as established in s. NR 10.37, unless exhibited, registered and tagged.

(5) EXHIBITION AND REGISTRATION. (a) *Exhibition.* Each person who has killed an elk during the open seasons for hunting elk with a ~~gun or bow~~ gun or bow shall exhibit and register the elk with the elk carcass tag attached as required by s. 29.347 (2), Stats., at an authorized registration station. If the elk is skinned and the carcass divided into 5 or fewer parts, all quartered, ~~all carcass~~ parts, other than ~~those~~ the entrails removed by field dressing, shall be exhibited when registering the elk.

Section 22. NR 10.13(1)(b) 5. and 6. are amended to read:

NR 10.13(1)(b)5. *'Trap, snare, and cable restraint placement.'* Set any traps, snares, colony traps ~~and or~~ cable restraints at any time within 15 feet of any beaver dam, except when trapping under the landowner authority established by s. 29.337, Stats., or with a commercially manufactured, enclosed trigger trap.

6. *'Trap, snare, and cable restraint use.'* Set, place, operate or possess while trapping, any trap other than a steel jawed trap, enclosed trigger trap, cage or box trap, body gripping trap, colony trap, snare ~~[other than that defined in s. NR 10.001 (25e)]~~ or cable restraint ~~as defined in s. NR 10.001 (5g)~~ for the purpose of taking, capturing, or killing furbearing animals. Cage or box traps shall be constructed so that after an animal has been captured, no additional animals may enter the trap until the captured animal is removed and the trap is reset.

Section 23. NR 10.13(1)(b)16. is repealed and recreated to read:

NR 10.13(1)(b)16. *'Incidental take of raccoons and mink'* (a) No person may 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).

Section 24. NR 10.13(1)(b)17. is created to read:

NR 10.13(1)(b)17. 'Colony trap use' No person may set, place or operate any colony trap except for muskrat and only if all of the following apply:

- (a) The trap is set entirely under water at all times.
- (b) The trap is not placed within 3 feet of any culvert.
- (c) The trap and set does not utilize bait.
- (d) The trap is not used in conjunction with any fencing, netting or other material that creates an underwater obstruction designed to force or channel any wild animal into the trap.

Section 25. NR 10.29 is repealed and recreated to read:

NR 10.29 Wild turkey hunting zones.



Section 26. NR 10.31(1)(b) and (e) are repealed.

Section 27. NR 11.01(2) is repealed.

Section 28. NR 12.35(4) is amended to read:

NR 12.35(4) The county shall, as a condition of providing abatement assistance, require full cooperation and assistance of the enrollee in operating, maintaining and applying all abatement measures. An enrollee who engages in abusive or threatening language shall also be considered uncooperative. Uncooperative enrollees shall be ineligible for program abatement assistance for the remainder of the calendar year in which they were uncooperative and the following calendar year. Upon determining an enrollee is uncooperative and ineligible for further program assistance, the county or its agent shall notify the enrollee in writing that the enrollee's program participation is terminated.

Section 29. NR 12.36(3)(b)7 is amended to read:

NR 12.36(3)(b)7 '*Complaints.*' Upon receiving a written complaint from a hunter denied access, the county, its agent or the department shall review hunting access records required under this chapter to verify compliance. Verification that access requirements have been violated shall require the county or its agent to deny further abatement and claims assistance to the enrollee for calendar year in which the violation occurred and the following calendar year. In addition, an enrollee may be subject to the penalties in s. 29.889 (10), Stats.

Section 30. NR 12.37(4)(a)6. is amended to read:

NR 12.37(4)(a)6. The county shall, as a condition of providing claims assistance, require full cooperation and assistance of the enrollee in operating, maintaining and applying appraisal equipment as deemed needed by the county or its agent. An enrollee who engages in abusive or threatening language shall also be considered uncooperative. Uncooperative enrollees shall be ineligible for program claims assistance for the remainder of the calendar year in which they were uncooperative and the following calendar year. Upon determining an enrollee is uncooperative and ineligible for further program assistance, the county or its agent shall notify the enrollee in writing that the enrollee's program participation is terminated.

Section 31. NR 19.025(2)(d) is amended to read:

NR 19.025(2)(d) "Novice participant" means for hunting any person who is 10 years old or older, who has ~~had less than 2 years of hunting experience~~ not received an approval authorizing hunting in any prior hunting license year, including a class B bear license, for the species that will be pursued in the specific educational outdoor skills activity they desire to attend. For fishing, it means any person who is 5 years of age or older who has less than 2 years of fishing experience.

Section 32. NR 19.025(3)(title)(dm) is created to read:

NR 19.025(3) GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS. (dm) If there are more novice participant applicants for a specific educational outdoor skills activity event or location than the department or applicant sponsoring the event is able to accommodate, the department may select which of the novice participant applicants will be allowed to participate. When making this selection, the department shall give preference to those novice participant applicants who have had the least previous exposure, as determined by the department, to that recreational activity or the least opportunity to accompany others and learn about that recreational activity.

Section 33. Effective dates. This rule shall take effect on February 1, 2011 except sections 2 through 6, 11, 16, 18 through 21 and 26 through 30 which shall take effect on the first day of the first month after publication.

Section 34. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)