

The statement of scope for this rule, SS 036-20 was approved by the Governor on April 20, 2020, published in Register No. 772B on April 27, 2020, and approved by the Natural Resources Board on May 27, 2020. This rule was approved by the Governor on April 22, 2021

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 10.085 (6) (intro), (a), (b), (c) 3. and (8) note, and 10.145 (6); to **renumber** NR 10.085 (6m) and (7); to **renumber and amend** NR 10.08 (7) (j), (k) and (L) and 10.085 (6) (c); **amend** NR 8.045 (1) (a), 10.01 (4) (dm), NR 10.07 (7) (e), NR 10.08 (2) (a) 2. 10.085 (title) (1), and (4) (b), 10.101 (3), 10.106, 10.145 (intro) and (1), 10.25 (2), 12.06 (10), 12.16 (5), and 16.18 (8) a. ; to and to **create** NR 10.08 (3) (b) 3m., 10.086 and 10.087; relating to furbearer registration and tagging simplification.

WM-01-20

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: The chapter on wild animals and plants, in s. 29.014 (1), “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.

2. Statutory Authority: The promulgation of this rule order is authorized by section 29.014, Stats.

3. 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 hunting regulations.

4. Related Statutes or Rules: There are no currently active related administrative rules.

5. Plain Language Analysis:

SECTION 1 amends the allowable forms of proof in lieu of the original fisher and otter harvest authorization to include a reprint, a conservation card, an authenticated Wisconsin operator’s license or a digital file displayed on an electronic device. This is necessary since a physical fisher and otter tag is no longer required.

SECTION 2 removes the requirement that an individual possess a pelt tag in order to harvest a fisher and replaces it with a harvest authorization.

SECTIONS 3, 16, 17, 18 and 21-24 updates cross references.

SECTION 4 specifies the possession limit for the fisher harvest authorization.

SECTION 5 removes the requirement that a fisher must have a registration tag attached to the pelt.

SECTIONS 6, 7 and 8 separates registration requirements from NR 10.085, leaving only the requirements for tagging harvested game and moving any registration regulations to the newly created NR 10.086. These sections also allow fisher and otter to be registered in a similar fashion to deer, bear, elk, turkey and

sharptailed grouse. It also removes the requirement that the pelts of fisher and otter be tagged once they are separated from the carcass.

SECTIONS 9 AND 15 create a new subsection of code containing all regulations regarding the certification of harvest of certain furbearer species.

SECTIONS 10 AND 12 consolidates requirements that parts of some harvested animals must submitted to the department to a single section of code and also moves it to a more appropriate section.

SECTION 15 creates a new subsection of code containing all regulations regarding the registration of game.

SECTIONS 19 and 20 removes the harvest reporting requirement for fisher and otter and changes the time required to report wolf and bobcat harvest so it is consistent with other species.

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

States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register. In general, hunting and trapping within the Apostle Islands National Lakeshore follows state regulations. However, in some instances, there are specific restrictions set in place by the federal government. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

7. Comparison with Similar Rules in Adjacent States: Michigan, Minnesota and Iowa require in-person registration of bobcat, fisher and otter. Illinois does not require in-person registration for bobcat or otter and does not have a fisher season. Only Michigan still requires a carcass tag be attached to the hide after harvest.

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Current rules require individuals who harvest a bobcat, fisher or otter to report the harvest within twenty-four hours. This reporting is typically done either online or over the phone. This proposal will also change the terminology used for reporting and registering furbearer species. The act previously known as harvest reporting will now be referred to as registration so that it is consistent with how it is treated with other game species. This proposal will also change the timing of registration so that it is now required by 5 p.m. the day after harvest which is consistent with other game species.

Currently, individuals who harvest a bobcat, fisher or otter must register the animal in person. The department often required successful bobcat and fisher harvesters to separate the pelt from the carcass and tag both the pelt and the carcass. The individual must meet with a representative of the department within seven days after month of harvest to register the animal and submit the carcass to the department to use for population modeling. Under this proposal, "in-person registration" is called "harvest certification" since registration is now required by 5 p.m. the day after harvest. In-person harvest certification will no longer be required for fisher and otter but will still be required it for bobcat and wolf. Otter harvest certification will still be required but instead of being in-person with a department representative a CITES tag will be mailed to the individual who will be required to attach it to the pelt upon receipt.

Finally, under this proposal fisher harvesters will no longer be issued a permit or be required to attach a pelt tag. Instead the permit is replaced with a harvest authorization similar to otter.

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

A notice for solicitation of comments on this analysis was posted on the department's website in October 2020 for fourteen days. No comments were received and no fiscal effects on small businesses, their associations, or local governments are anticipated.

10. Effect on Small Business (initial regulatory flexibility analysis): These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design standards are contained in the rule.

11. Agency Contact Person: Shawn Rossler, Furbearer Specialist, 608-267-9428, Shawn.Rossler@wisconsin.gov

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to:
Scott Karel

Department of Natural Resources
P.O. Box 7921
Madison, WI 53707
Scott.karel@wisconsin.gov
608-267-2452
608-267-7857 (fax)

Written comments may also be submitted to the Department at
DNRAAdministrativeRulesComments@wisconsin.gov.

Hearing dates and the comment submission deadline are to be determined.

SECTION 1. NR 8.045 (1) (a) is amended to read:

(a) For any of the following: hunting licenses, hunting stamps, goose permits, wild turkey harvest authorizations, deer harvest authorizations, fisher harvest authorizations, otter harvest authorizations, and trapping licenses, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, except licenses and stamps authorized by s. 29.2297, Stats.; fishing licenses and fishing stamps, authorized under subch. III of ch. 29, Stats., as published on January 5, 2017, only while fishing on inland waters that are not boundary waters; disabled trolling, hunting and fishing permits issued under s. 29.193, Stats.; guide licenses authorized under s. 29.512, Stats.; certificates of accomplishment authorized under ss. 29.591, 29.595, and 29. 597, Stats.; and wild rice harvest licenses authorized under s. 29.607 (3):

SECTION 2. NR 10.01 (4) (dm) is amended to read:

Kind of Animal and Locality	Open season (all dates inclusive)	Limit
<p>NR 10.01 (4) (dm) Fisher trapping</p> <p>1. North zone as described in s. NR 10.38</p> <p>2. South zone as described in s. NR 10.38</p>	<p>Beginning on the Saturday nearest October 17 and continuing through the Sunday nearest January 6.</p> <p>Beginning on the Saturday nearest October 17 and continuing through the Sunday nearest January 6.</p>	<p>The possession limit corresponds to the number of pelt tags issued. One fisher for each harvest authorization issued under s. NR 10.145.</p> <p>The possession limit corresponds to the number of pelt tags issued. One fisher for each harvest authorization issued under s. NR 10.145.</p>

SECTION 3. NR 10.08 (2) (a) 2. is amended to read:

2. If an animal is required to be registered under s. NR ~~10.085-10.086~~, no person may gift game to any person until after it has been registered under s. NR ~~10.085-10.086~~.

SECTION 4. NR 10.08 (3) (b) 3m. is created to read:

3m. Fisher. The possession limit corresponds to the number of harvest authorizations issued.

SECTION 5. NR 10.08 (7) (e) is amended to read:

NR 10.08 (7) (e) Transport or possess an unskinned bobcat, ~~fisher~~, or wolf carcass, or a raw pelt of these species unless it has been tagged in accordance with s. NR 10.085.

SECTION 6. NR 10.08 (7) (j), (k) and (L) are renumbered to NR 10.087 (4) d., e., and f. and amended to read:

(d) Possess a raw bobcat, ~~fisher~~, otter or wolf pelt after the ~~5th~~ 7th day of the month

following closure of the open season for each species and the respective opening date of the next trapping or hunting season without a ~~registration tag~~ certification seal attached and locked to the head of the animal.

(e) Transfer, give, trade, sell, or purchase a raw pelt or unskinned carcass of any bobcat, ~~fisher~~, otter, or wolf without a ~~registration tag~~ certification seal being attached and locked to the head portion of the pelt ~~by the department in accordance with s. NR 10.085 (6) (e).~~

(f) Transport or possess a bobcat, ~~fisher~~, ~~otter~~, or wolf pelt without a ~~registration tag~~ certification seal being attached and locked to the head portion of the pelt by the department ~~in accordance with s. NR 10.085 (6) (e).~~ This paragraph does not apply to the authorized harvester of the animal.

SECTION 7. NR 10.085 (title) (1), and (4) (b) are amended to read:

NR 10.085 Tagging and registration of game

(1) Requirements for the tagging ~~and registration~~ of game in this section apply to all of the following species, ~~except that subs. (6), (6m), (7), and (8) also apply to deer; subs. (6), (6m), and (8) also apply to turkey; and subs. (6), (6m), and (8) also apply to otter:~~

- (a) Bear.
- (b) Elk.
- (c) Sharp-tailed grouse.
- (e) Bobcat.
- ~~(f) Fisher.~~
- (h) Wolf.

(4) (b) The pelt tag shall be attached to a bobcat, ~~fisher~~, or wolf when it is killed and before it is carried by hand or transported in any manner. Failure to attach the pelt tag invalidates the permit. The pelt ~~and registration~~ tag shall remain attached to the pelt until removed by a fur dresser or taxidermist at time of preparation.

SECTION 7. NR 10.085 (6) (intro), (a) and (b) are repealed.

SECTION 9. NR 10.085 (6) (c) is renumbered to NR 10.087 (2) and amended to read:

(2) BOBCAT; WOLF. Each person who has killed a bobcat, ~~fisher, otter,~~ or wolf shall:

(a) ~~1.~~ Exhibit the pelt, separated from the rest of the carcass, to an authorized department representative no later than 7 days after the month of harvest. Persons who intend to have a bobcat, ~~fisher, otter,~~ or wolf mounted by a taxidermist may exhibit the bobcat, ~~fisher, otter,~~ or wolf to the department for ~~registration~~ certification in whole carcass condition without separating the pelt, but shall surrender the skinned carcass to the department within 30 days after ~~registration~~ certification.

(b) ~~2.~~ Allow inspection of the carcass and pelt, and attachment of a ~~registration tag~~ certification seal to the head portion of the pelt of all lawfully taken and possessed bobcat, ~~fisher,~~ ~~otter,~~ or wolf.

SECTION 10. NR 10.085 (6) (c) 3. is repealed.

SECTION 11. NR 10.085 (6m) and (7) are renumbered to NR 10.086 (4) and NR 10.087 (1).

SECTION 12. NR 10.085 (8) is renumbered to NR 10.08 (8) and amended to read;

(8) RESEARCH. The department may require that any part of animal ~~subject to registration under this section~~ shall be collected, sampled, or submitted to the department for research purposes. No person may fail to comply with any collection, sampling, or submission procedure required by the department.

Note: In addition to registering harvested animals, the department also requires reporting of bobcat, ~~fisher, otter,~~ or wolf harvest. Additional information on bobcat, fisher, and otter harvest in s. NR 10.145

SECTION 13. NR 10.085 (8) note is repealed.

SECTION 14. NR 10.086 is created to read:

10.086 Registration of game.

(1) Requirements for registration apply to all of the following species:

- (a) Bear.
- (b) Deer.
- (c) Elk.
- (d) Sharp-tailed grouse.
- (e) Wild turkey.
- (f) Bobcat.
- (g) Fisher.
- (h) Otter.
- (i) Wolf.

(2) No person who harvests any of the species identified in this section may fail to register the animal, using a telephone, internet, or other registration system established by the department, before 5:00 p.m. of the day after the animal was recovered.

NOTE: All department registration interfaces provide a confirmation number when the registration is successfully submitted. Confirmation numbers are also recorded on a customer's account and may be viewed by logging in to gowild.wi.gov.

(3) No person may move any of the species identified in this section from the county of kill or an adjoining county, at any time, unless registration has been completed under sub. (2).

SECTION 15. NR 10.087 (3) and (4) are created to read:

NR 10.087 Certification of game.

(3) OTTER. Each person who has killed an otter shall immediately attach a certification seal to the head portion of the pelt of the otter upon receiving the certification seal from the department.

(4) CERTIFICATION VIOLATIONS. No person may:

- (a) Affix a certification seal to any animal harvested or possessed unlawfully, including an animal for which registration was not submitted in compliance with 10.086.
- (b) Affix a certification seal to any animal harvested by a person other than the individual issued the certification seal.
- (c) Except as necessary to comply with (3), possess a certification seal which has not been lawfully affixed to a pelt, or which has been unlawfully or erroneously obtained. An unaffixed certification seal remains the property of the department and shall be returned immediately.

SECTION 16. NR 10.101 (3) is amended to read:

(4) POSSESSION. No person may possess a bear carcass in violation of the requirements for possession and transportation established under s. NR 10.08 (7), and for tagging and registration established

under s. NR 10.085 and registration under s. NR 10.086.

SECTION 17. NR 10.103 (2) is amended to read:

(2) POSSESSION. No person may possess a deer carcass in violation of the requirements for registration established under s. NR ~~10.085~~ 10.086.

SECTION 18. NR 10.106 is amended to read:

NR 10.106 REGISTRATION. Each person who has killed a deer or if s. 29.324, Stats., applies, the person for whom the deer has been killed shall comply with the requirements for registration established under s. NR ~~10.085~~ 10.086.

SECTION 19. NR 10.145 (intro) and (1) are amended to read:

NR 10.145 Bobcat, fisher, and otter. No person may hunt or trap, or attempt to hunt or trap, any bobcat ~~or fisher~~ unless he or she possesses a current and valid permit from the department and any associated pelt tags for the area or unit in which he or she is hunting or trapping, or for ~~fisher and~~ otter, unless he or she possesses a current and valid harvest authorization issued by the department.

(1) HARVEST QUOTAS. The number of bobcat ~~and fisher~~ permits and fisher and otter harvest authorizations issued annually shall be determined by the department. The department shall base its determination upon:

SECTION 20. NR 10.145 (6) is repealed.

SECTION 21. NR 10.25 (2) is amended to read:

(2) TAGGING AND REGISTRATION. No person may possess a turkey carcass in violation of the requirements for registration established under s. NR ~~10.085~~ 10.086.

SECTION 22. NR 12.06 (10) is amended to read:

(10) VALIDATION. Any person who kills a deer or if s. 29.324, Stats., applies, the person providing the carcass tag shall immediately validate and attach the carcass tag as designated by the department. The requirements for registration of deer established under s. NR ~~10.085~~ 10.086 apply unless otherwise indicated by the department on the permit.

SECTION 23. NR 12.16 (5) is amended to read:

(5) TAGGING, TRANSPORTATION, AND REGISTRATION OF CARCASSES. No person may possess a deer carcass in violation of the requirements for registration established under s. NR ~~10.085~~ 10.086 unless otherwise indicated by the department on the permit.

SECTION 24. NR 16.18 (8) a. is amended to read:

(a) *Field harvest.* Each person who kills an otter under the authority of a wild fur farm license shall comply with the registration requirements for wild otter found in s. NR ~~10.085 (6)~~ 10.086.

SECTION 25. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 26. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on February 24, 2021.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY _____

For Preston D. Cole, Secretary