

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 15; and to **repeal and recreate** NR 11 relating to closed areas and refuges.

**WM-24-18**

**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted:** Section 29.014 (1), Stats., directs the department to establish and maintain any bag limits and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing and hunting.

**2. Statutory Authority:** Statutes that authorize the promulgation of this rule order include sections 29.014, 23.11 and 29.053 (2), 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.

The department is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats. In addition, s. 29.053 (2) grants the department the ability to exercise its authority under s. 29.014 to establish open and closed seasons to the state as a whole, or for any specified county or part of a county.

**4. Related Statutes or Rules:** This rule is related to currently active department rule WM-10-18.

**5. Plain Language Analysis:**

SECTION 1 updates the closed area designations in Chapter NR 11 and refuge designations in Chapter NR 15. It also moves the wildlife refuge designations from Chapter NR 15 into Chapter NR 11. This section reduces the number of available refuge and closed area designations, updates all refuge and closed area maps, removes Department properties that no longer ecologically justify remaining a refuge and removes land that is not owned or managed by the Department as refuges.

SECTION 2 repeals chapter NR 15 which has been incorporated into NR 11.

**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. 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:** 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.

**8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:** Current rules establish properties as closed areas and wildlife refuges. These designations restrict the public's ability to access these properties for activities during specific dates. Many of the current closed area and refuge definitions are decades old. During that time wildlife use of the property has changed. This proposal will update the closed area and refuges designations of all currently designated properties so that the designations reflect the current property use.

**9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:** These rules, and the legislation which grants the department rule-making authority, do not have fiscal effects on the private sector or small businesses. No costs to the private sector or small businesses are associated with compliance to these rules.

**10. Effect on Small Business (initial regulatory flexibility analysis):**

**11. Agency Contact Person:** Scott Karel, 101 South Webster Str., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, [scottr.karel@wisconsin.gov](mailto:scottr.karel@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

[Insert address]

[Insert telephone, fax, and e-mail]

Written comments may also be submitted to the Department at [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov).

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

**SECTION 1. NR 11 repealed and recreated to read:**

Subchapter I- General Regulations

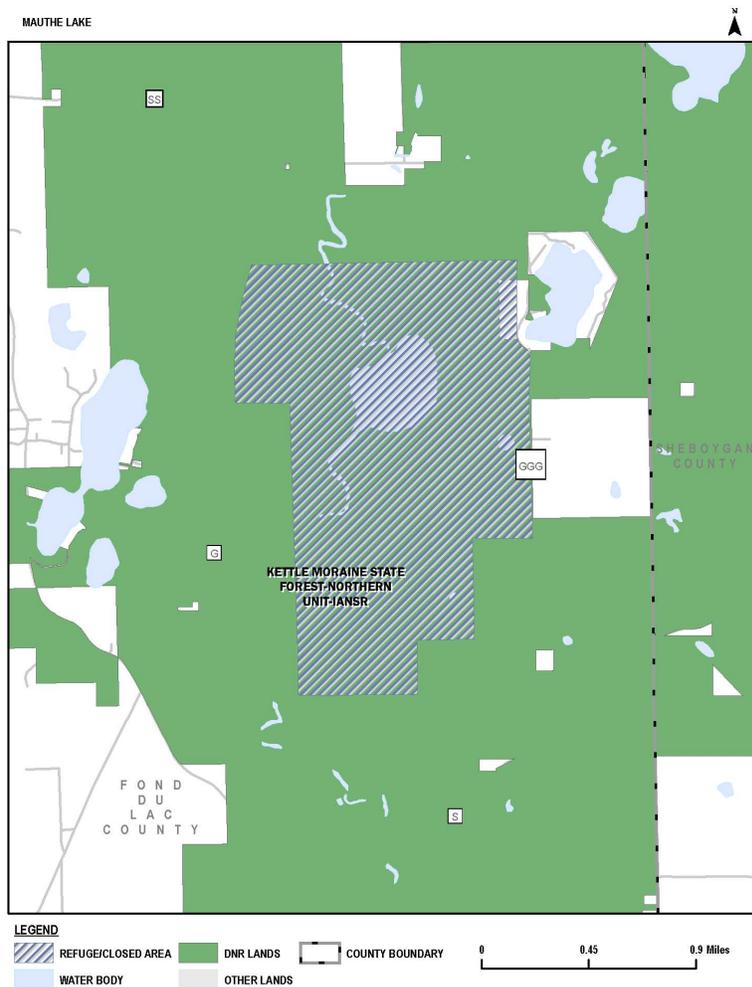
**NR 11.01 Exceptions to Closed Areas and Refuges.** Nothing in this chapter shall prohibit the department or its fully authorized agents, the armed forces of the national guard or of the United States, or any peace officers or any person summoned by a peace officer to assist him in making an arrest or in preserving the peace from entering and being on any of the below described refuges or closed areas in the performance of official duties.

Subchapter II- Game Refuges

**NR 11.02 Year-round game refuge.** A year-round game refuge is created in the following areas. No person may hunt or trap upon such areas or have in possession or under control any gun or rifle unless the same are unloaded and enclosed within a carrying case, crossbow unless it is unloaded and enclosed within a carrying case, or any bow unless it is unstrung or enclosed within a carrying case. The loaded uncased firearm restriction of this section does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

(1) Fond du Lac County

(a) Mauthe Lake



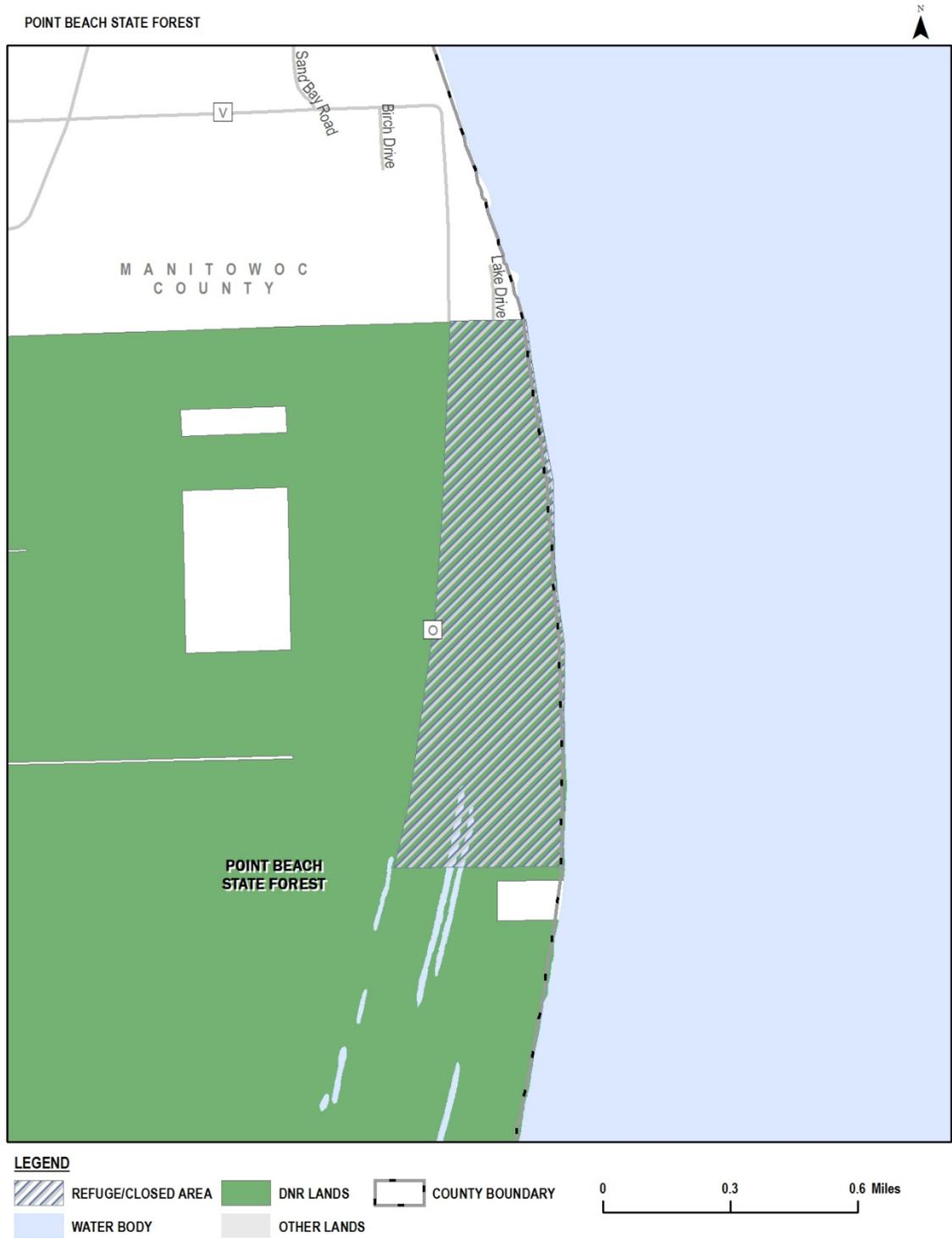
(2) Green Lake County

(a) Rogers Memorial



(3) Manitowoc County

(a) Point Beach



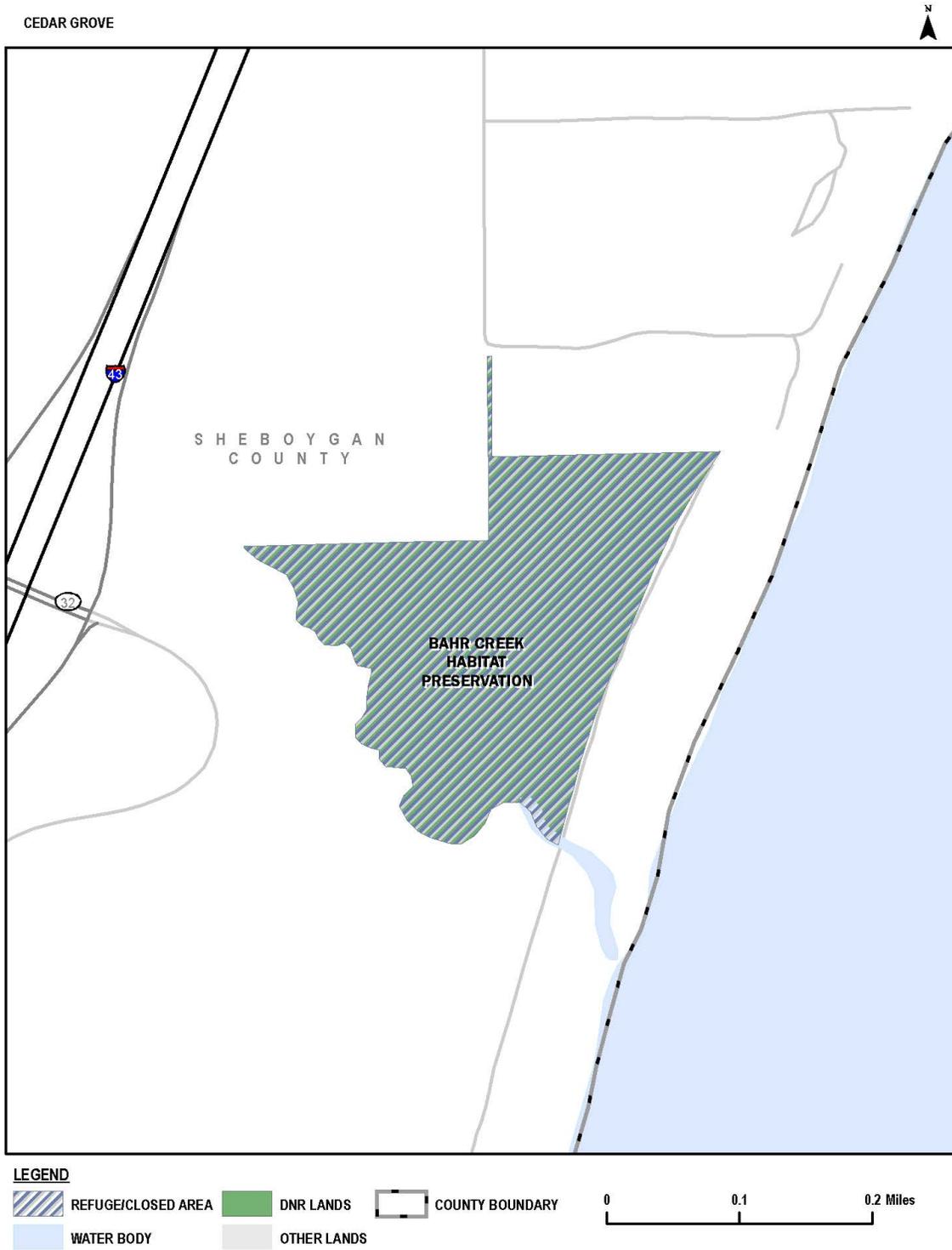
(4) Oconto County

(a) Oconto Marsh

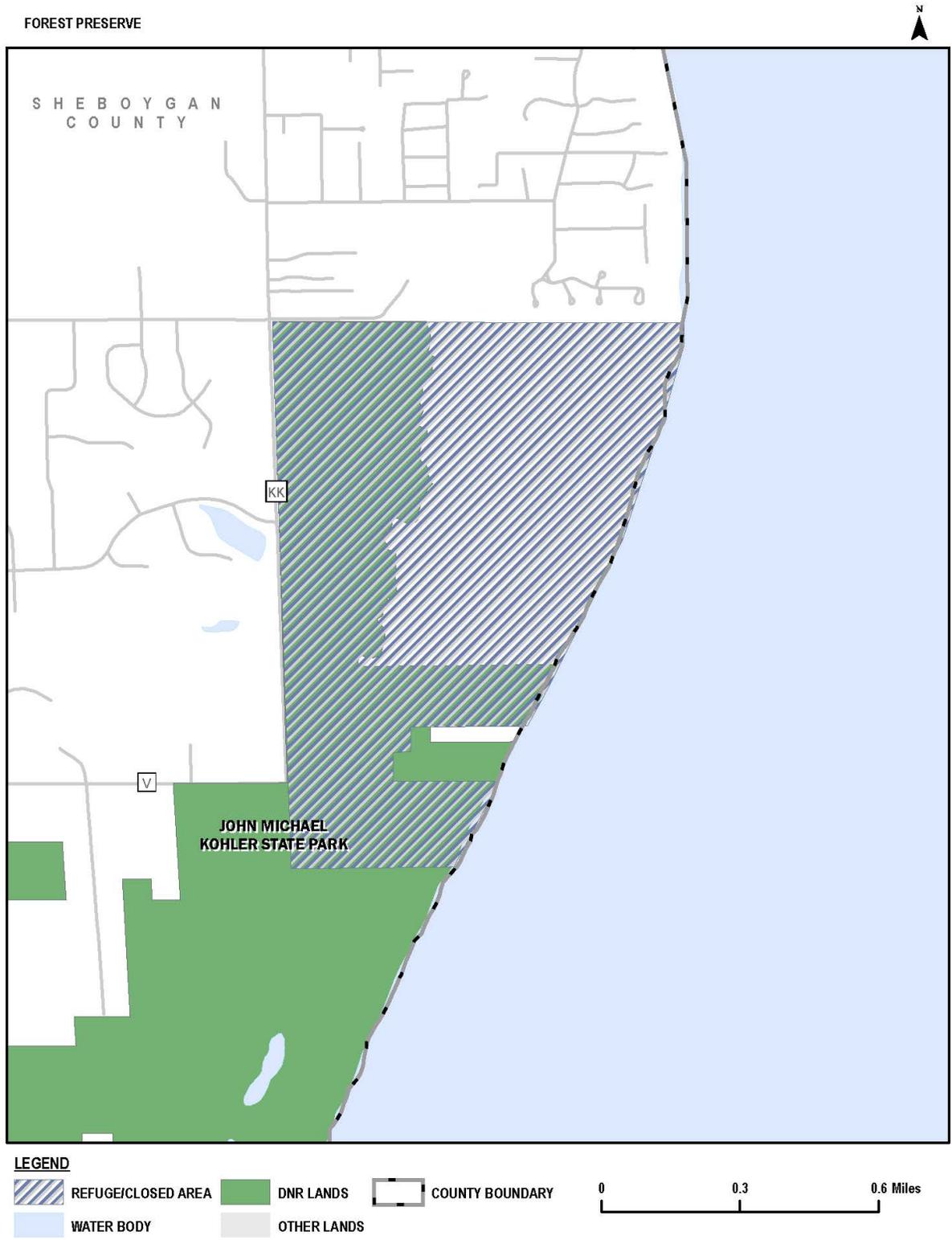


(5) Sheboygan County

(a) Cedar Grove

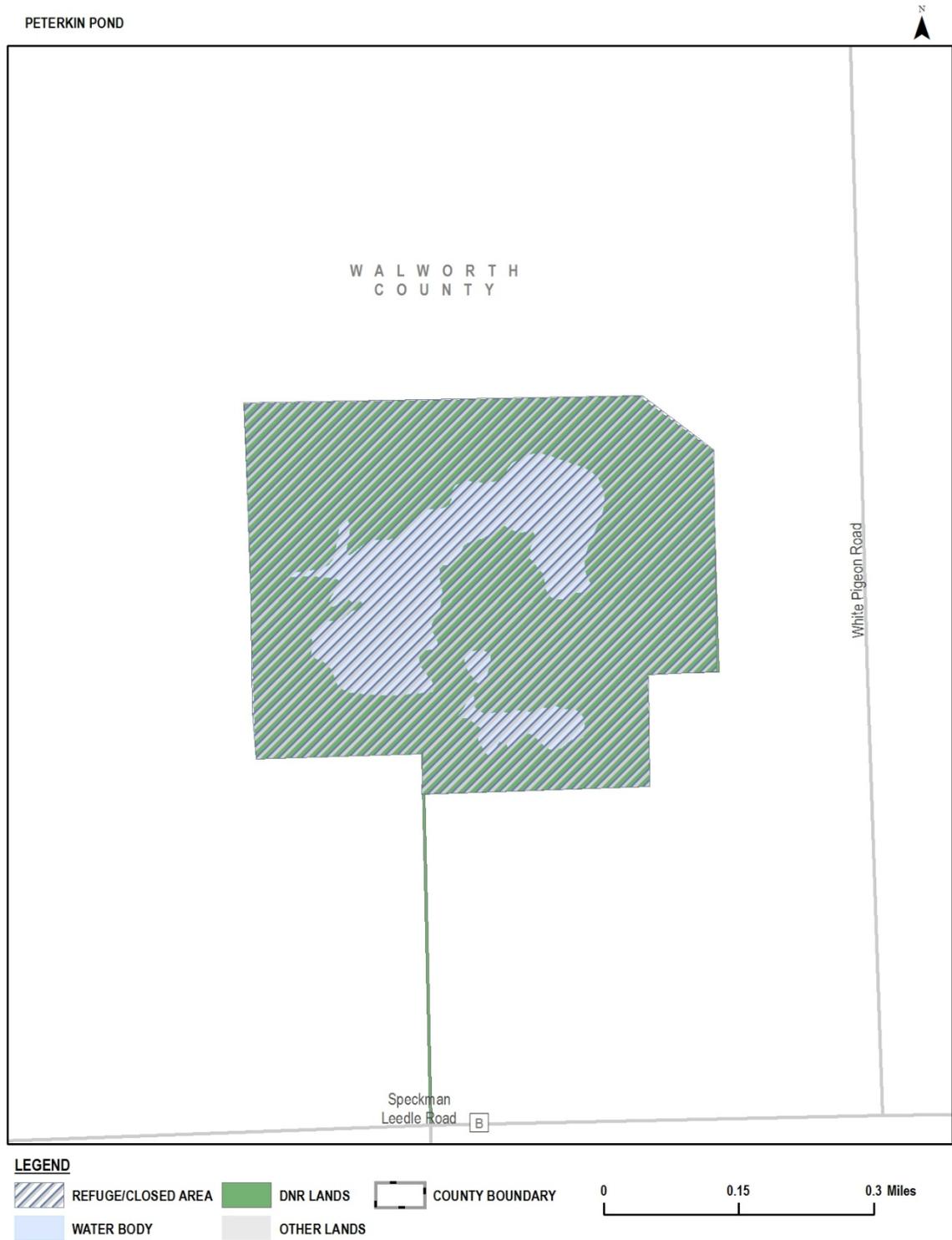


(b) Kohler-Andre Forest Preserve



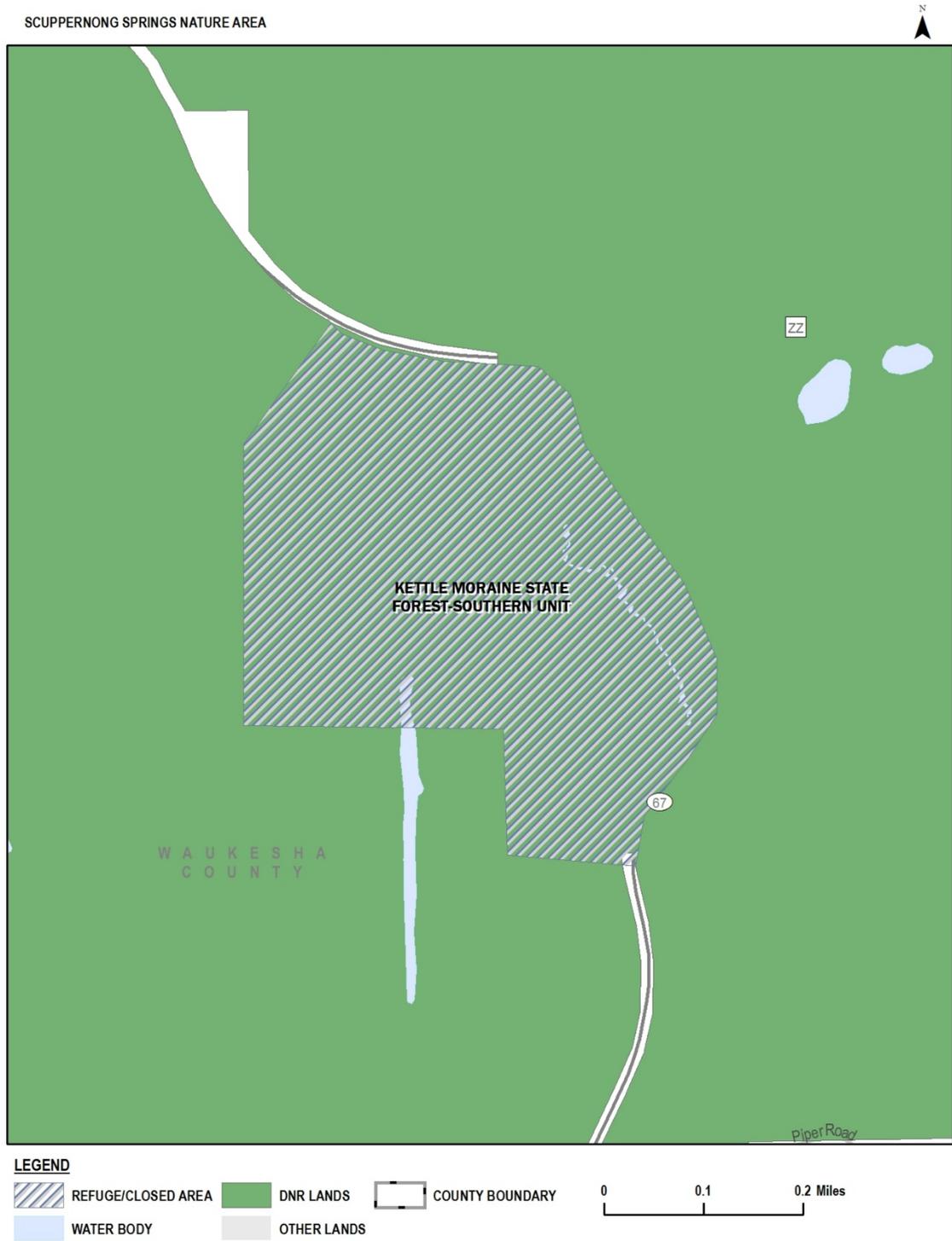
(6) Walworth County

(a) Peterkin Pond



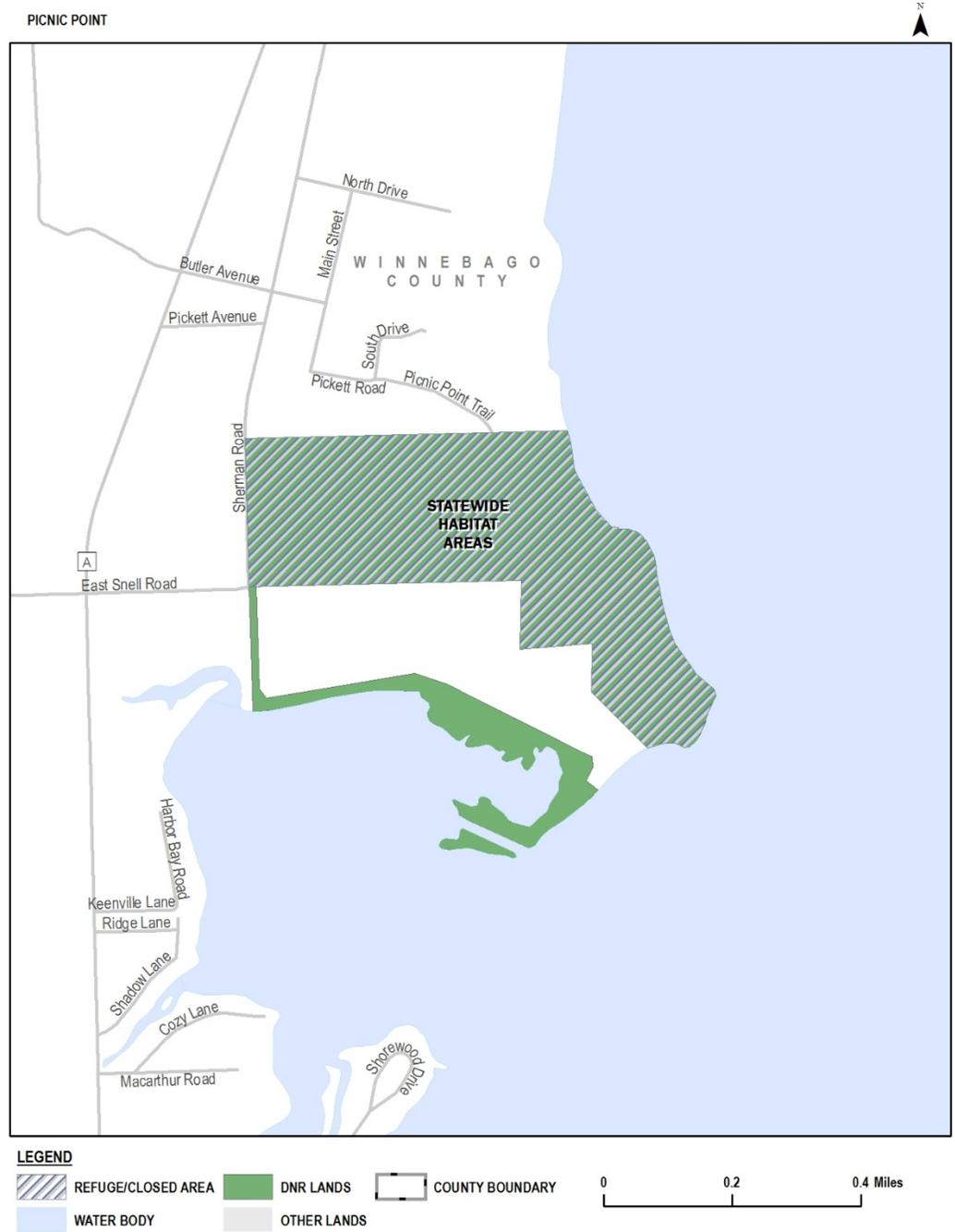
(7) Waukesha County

(a) Scuppernong Springs Nature Area



(8) Winnebago County

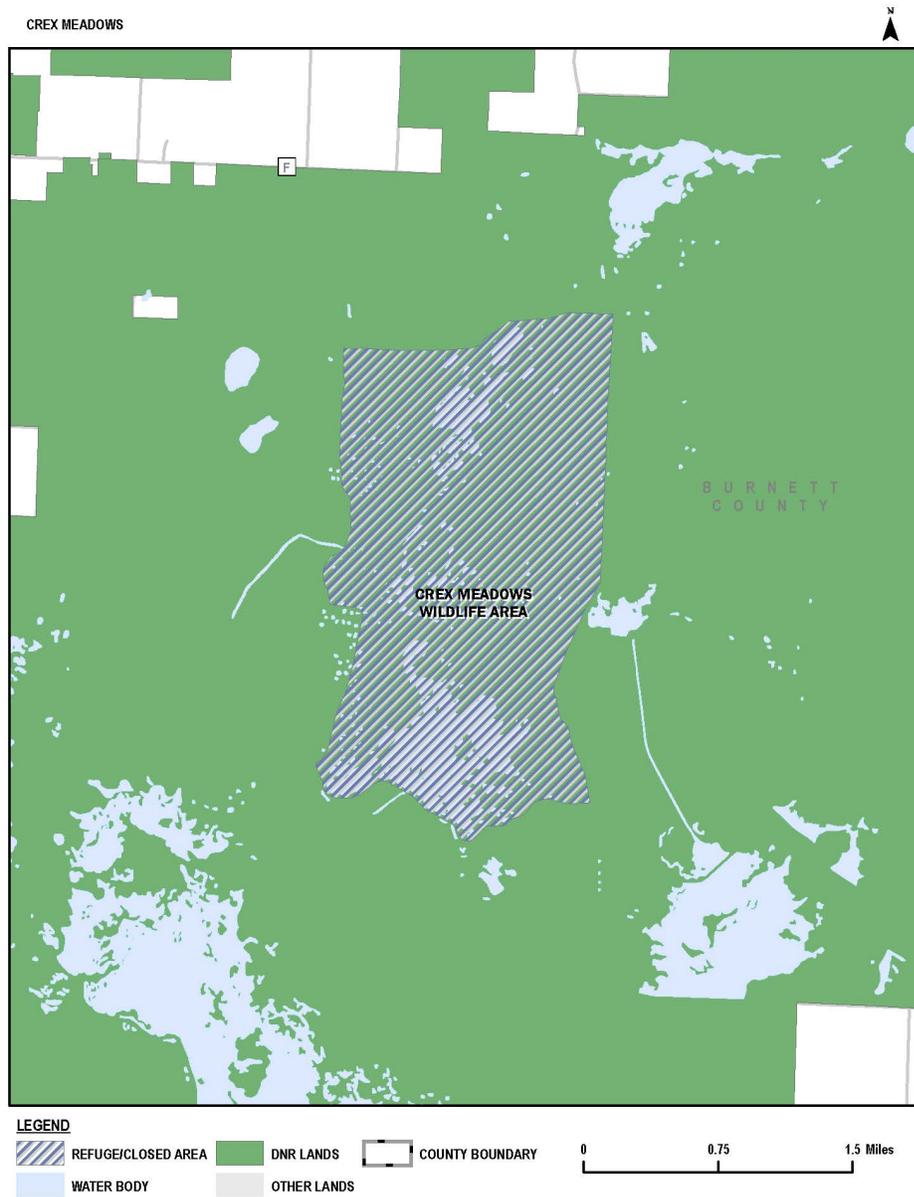
a. Picnic Point



**NR 11.03 Year-round no entry wildlife refuge.** A year-round wildlife refuge is established in the following areas. No person may enter such areas for any reason except for the retrieval of legally killed or crippled game in posted retrieval zones or unless such areas are posted as open with department signs.

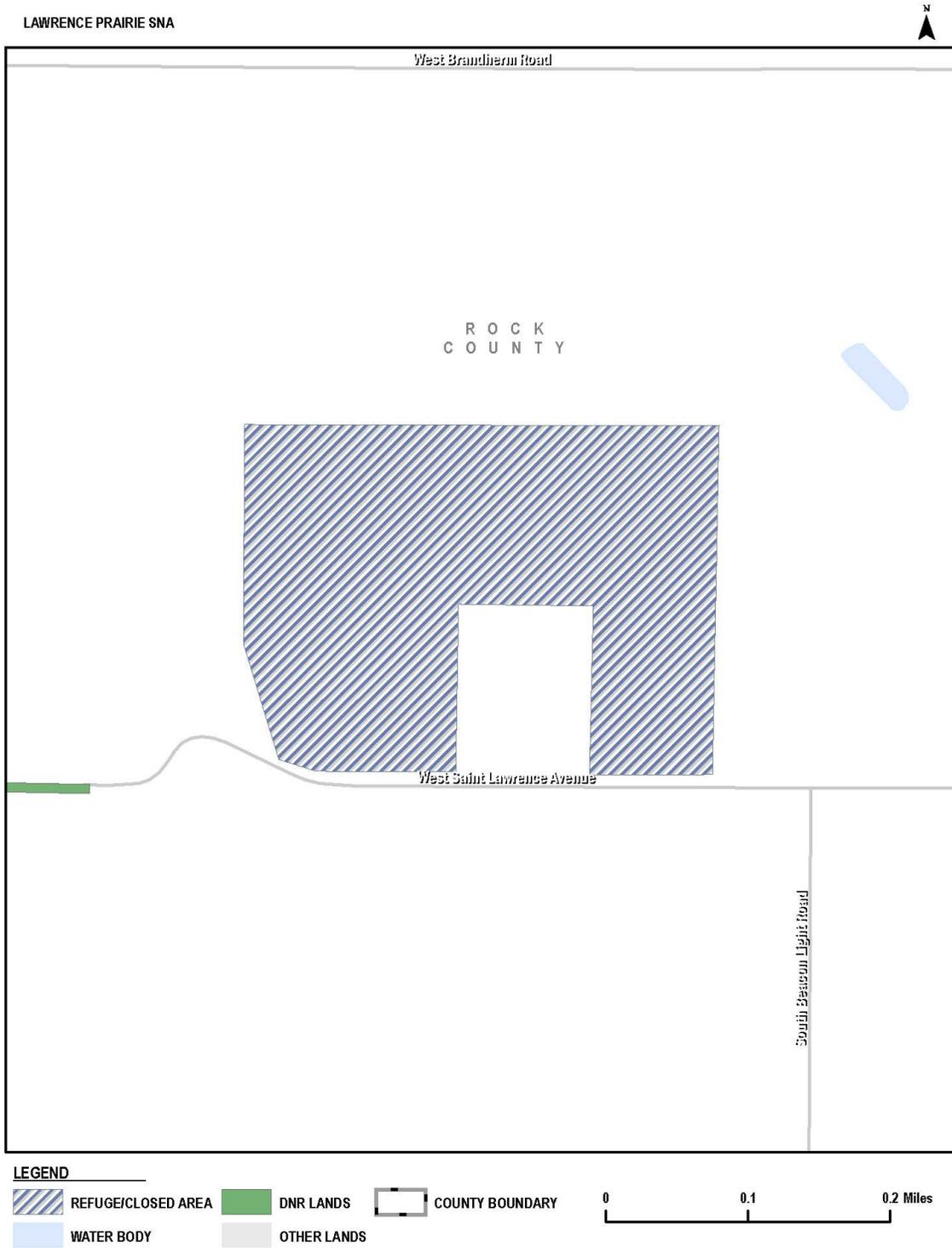
(1) Burnett County

(a) Crex Meadows



(2) Rock County

(a) Lawrence Prairie



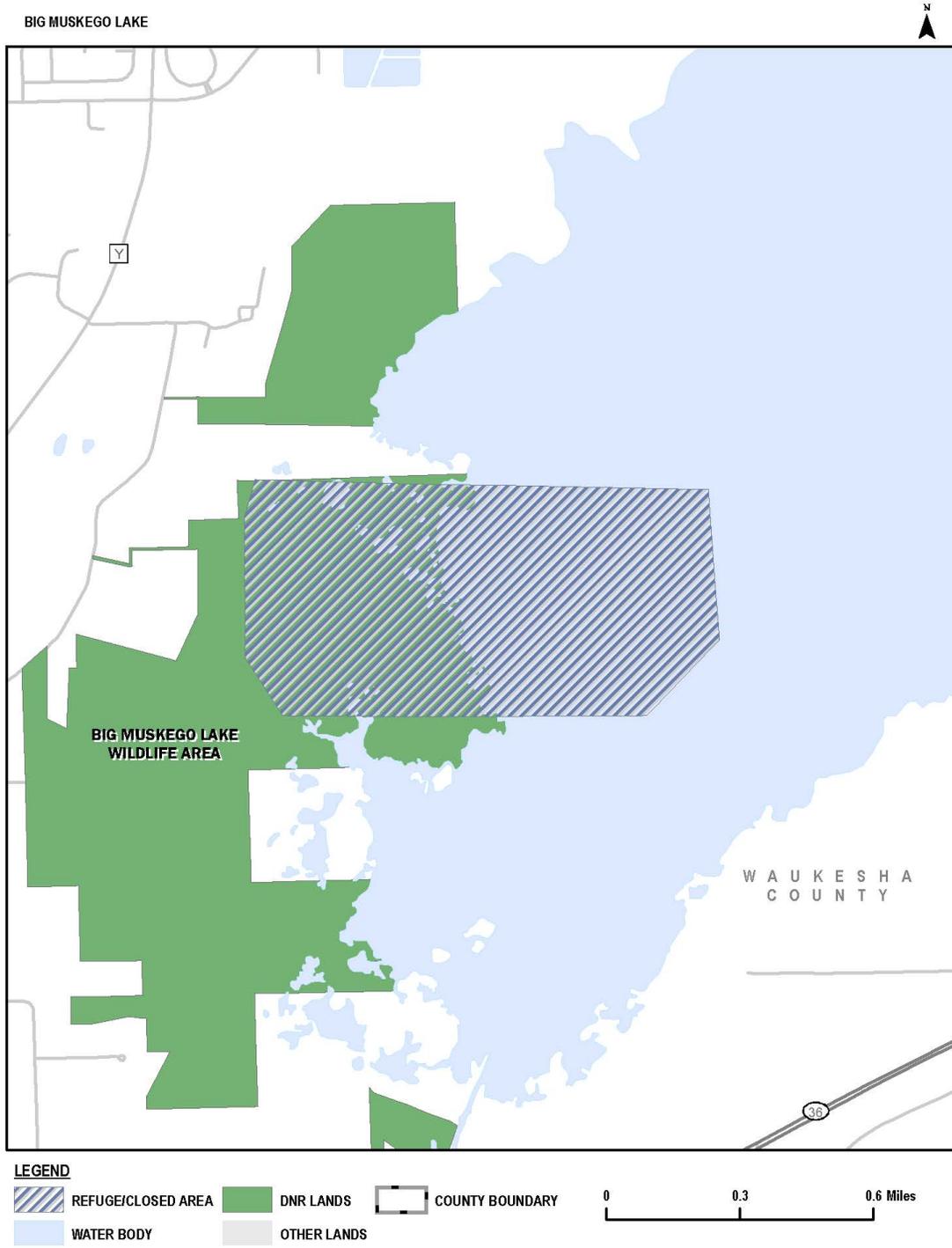
(3) Walworth County

(a) Turtle Valley



(4) Waukesha County

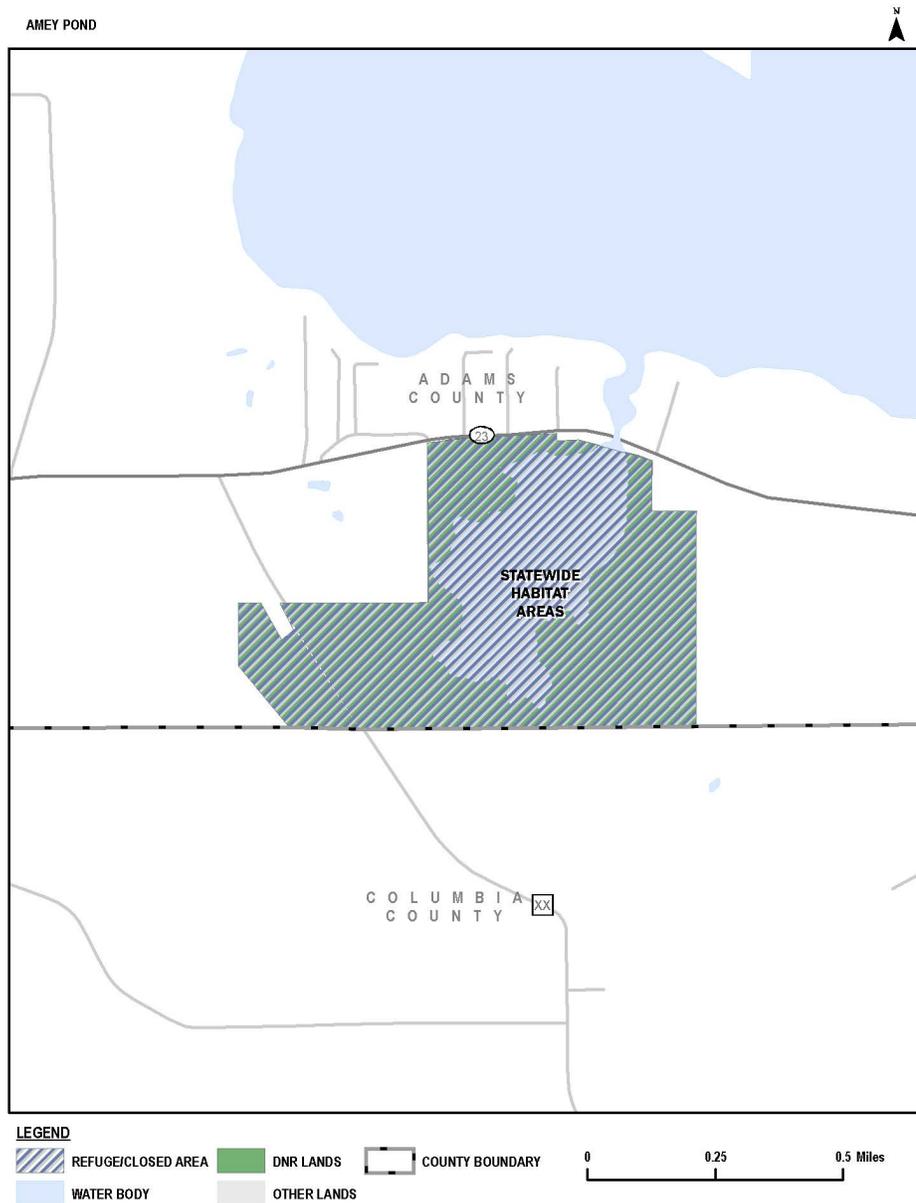
(a) Big Muskego Lake



**NR 11.04 No entry wildlife refuge (September 1-December 31).** A wildlife refuge is established from September 1 to December 31 annually in the following areas. No person may enter such areas for any reason except for the retrieval of legally killed or crippled game in posted retrieval zones or unless such areas are posted as open with department signs.

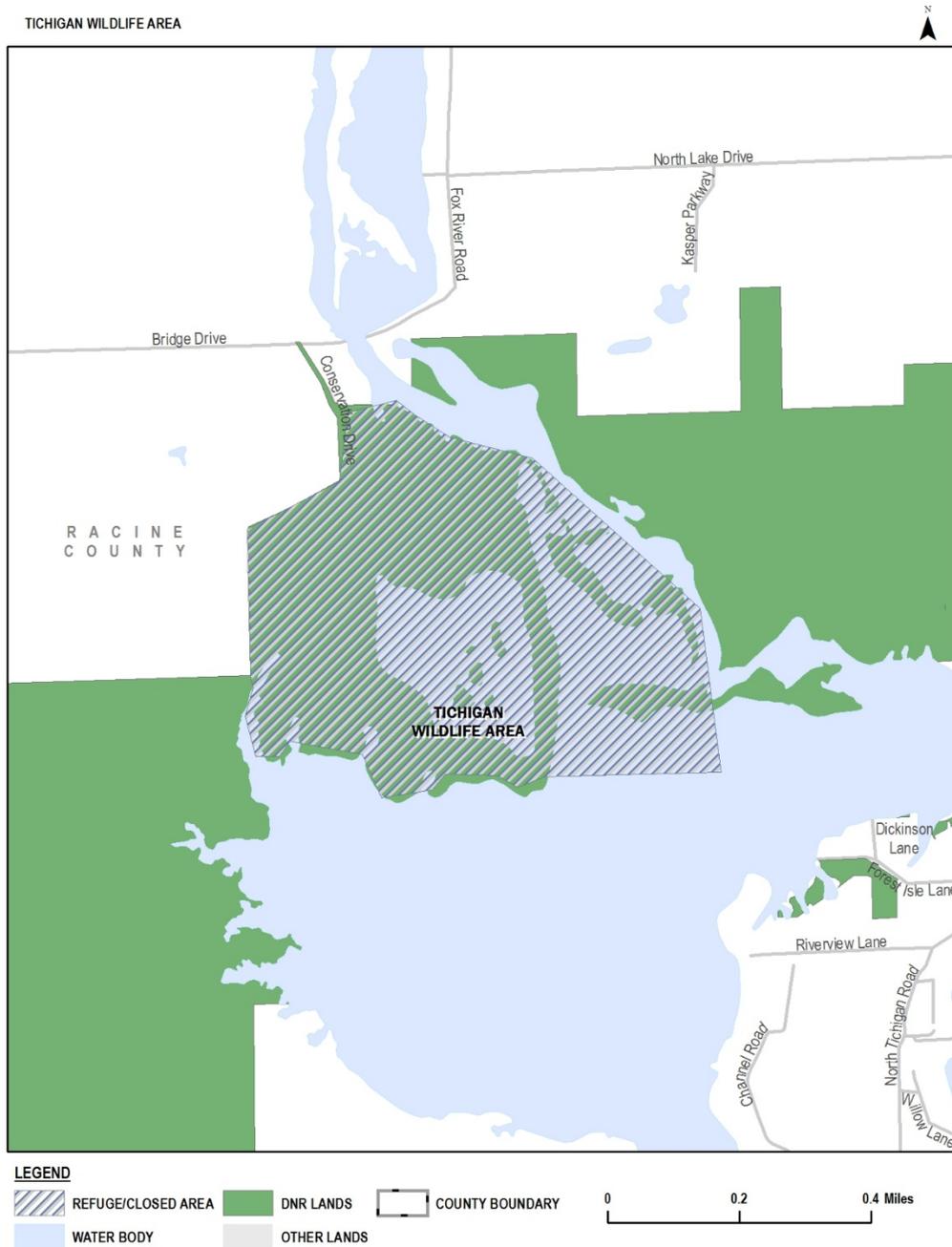
(1) Adams County

(a) Amey Pond



(2) Racine County

(a) Tichigan

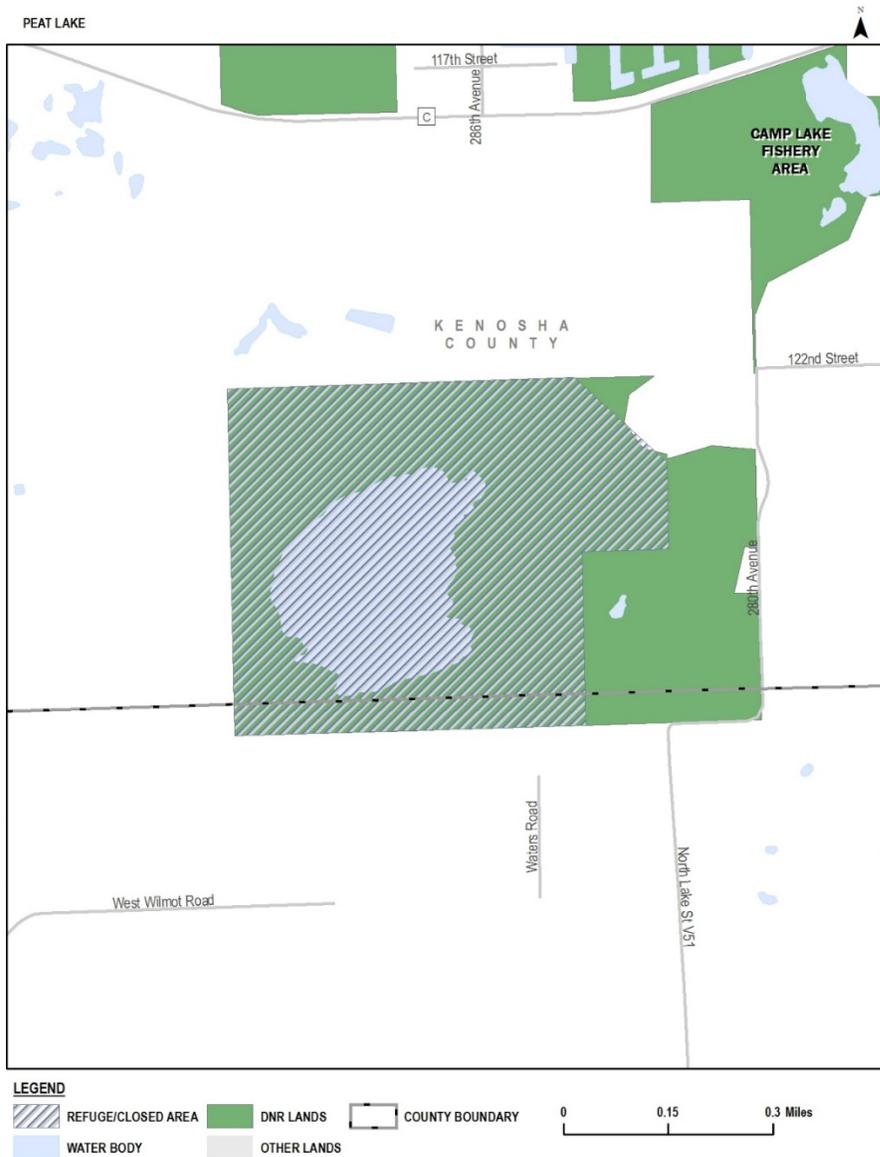


**NR 11.05 No entry wildlife refuge except gun deer and muzzleloader deer (September 1-December 31).** A wildlife refuge is established in the following areas. No person

may enter such areas for any reason from September 1 through December 31 unless such areas are posted as open with department signs except to hunt deer during the open gun and muzzleloader seasons established in s. NR 10.01 (3) (e) and (es) and except for the retrieval of legally killed or crippled game in posted retrieval zones.

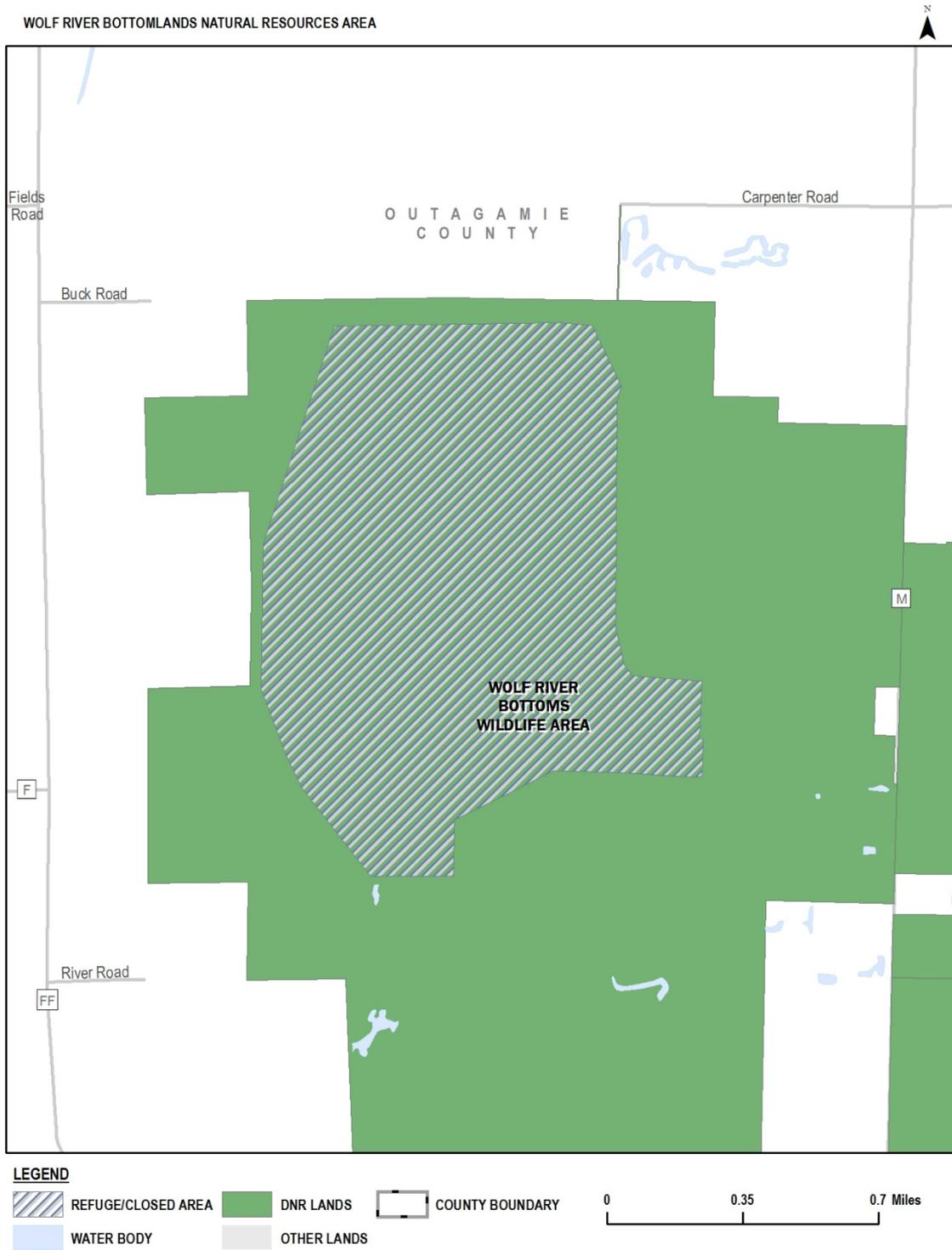
(1) Kenosha

(a) Peat Lake



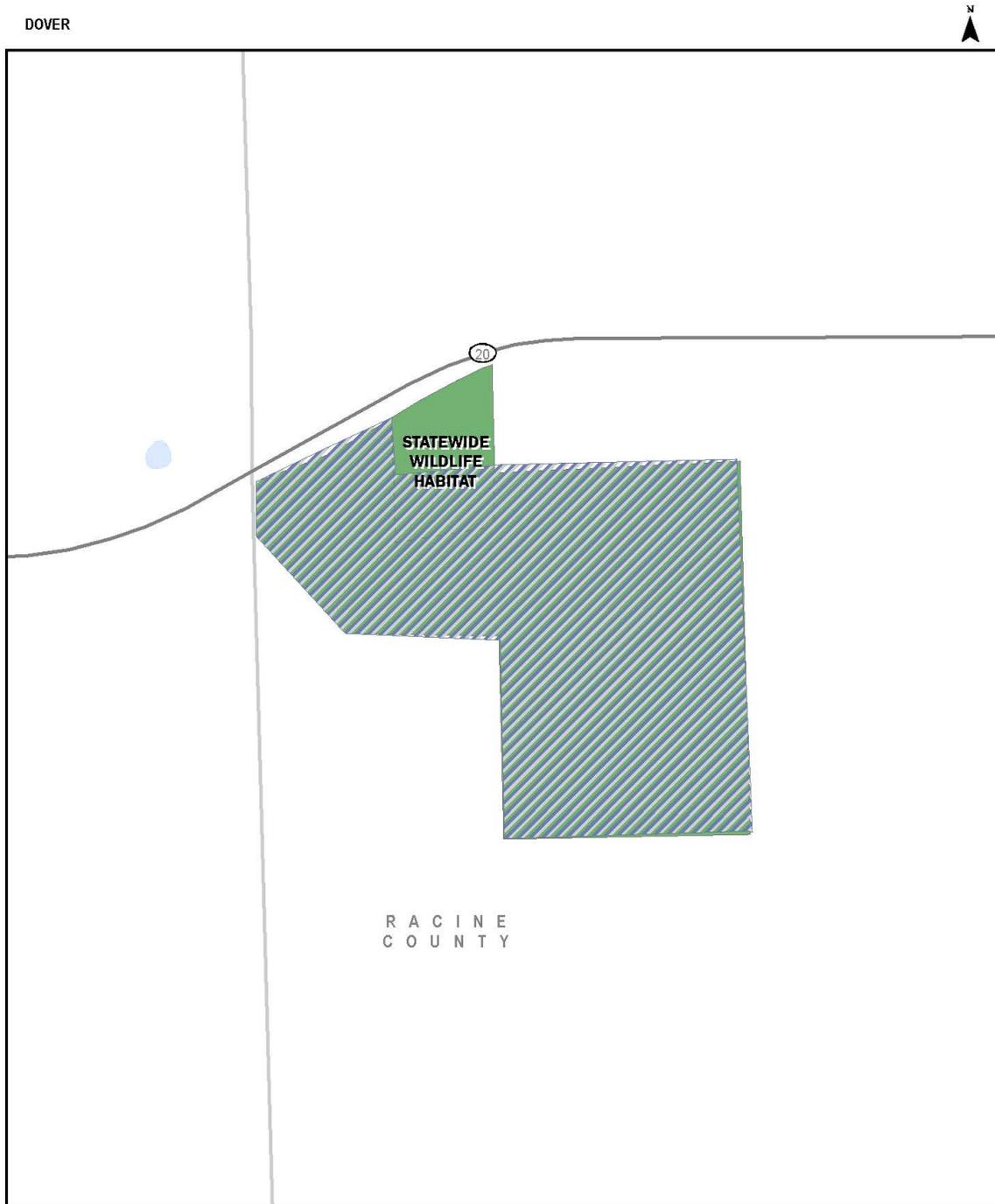
(2) Outagamie County

(a) Wolf River Bottomlands



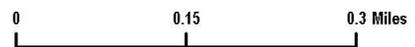
(3) Racine County

(a) Dover



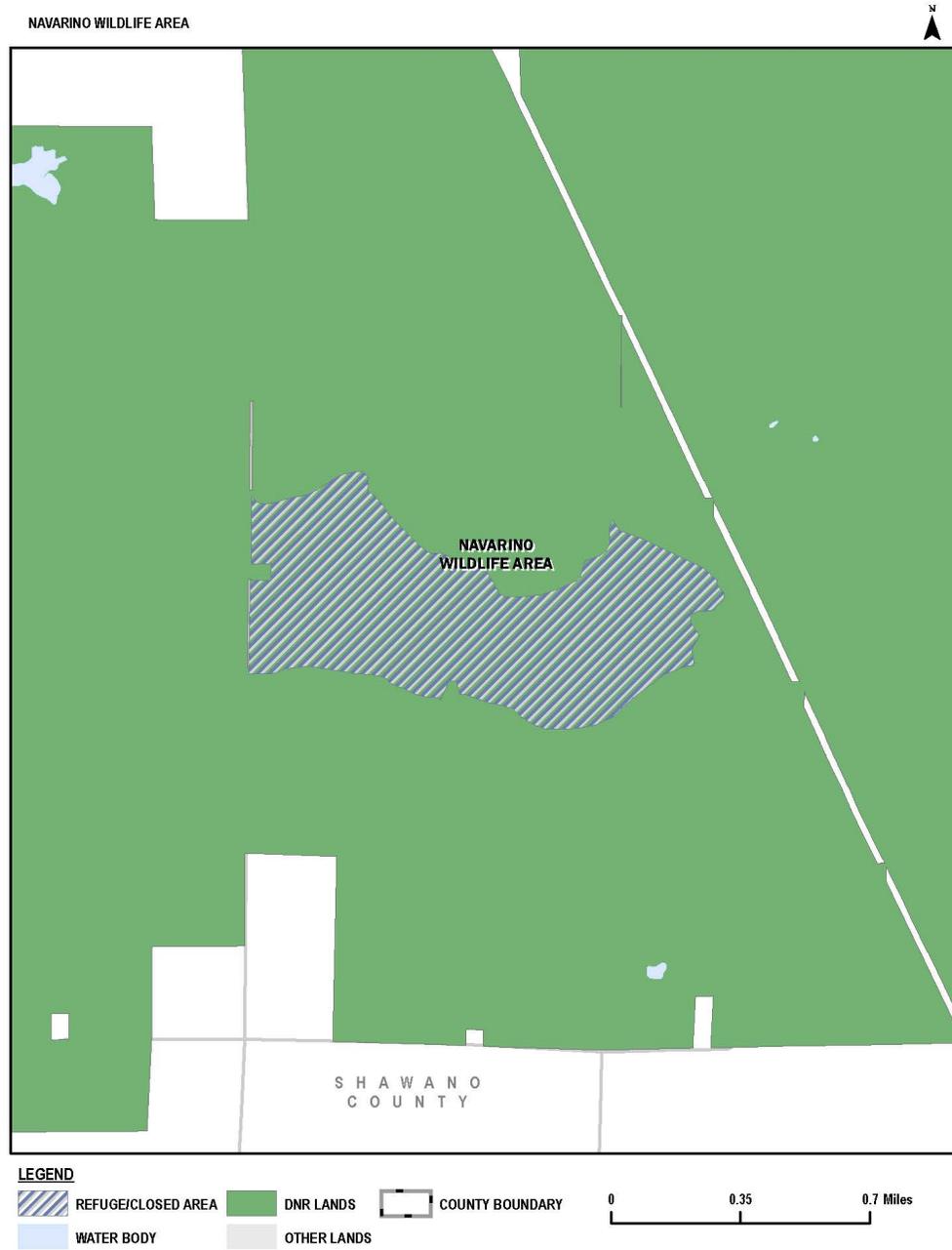
**LEGEND**

- |  |   |   |
|--|---|---|
|  REFUGE/CLOSED AREA |  DNR LANDS   |  COUNTY BOUNDARY |
|  WATER BODY         |  OTHER LANDS |   |



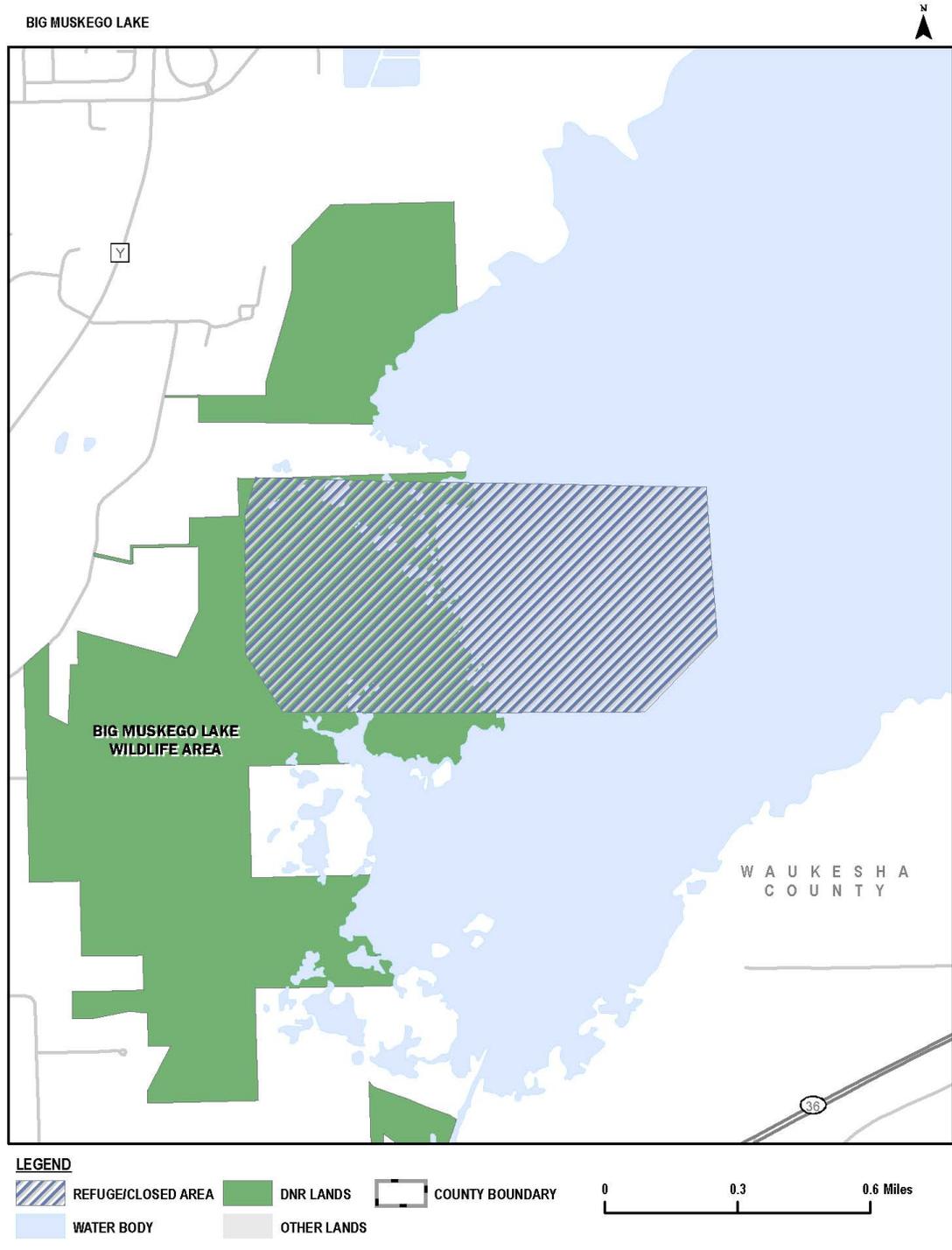
(4) Shawano County

(a) Navarino



(5) Waukesha

(a) Big Muskego Lake

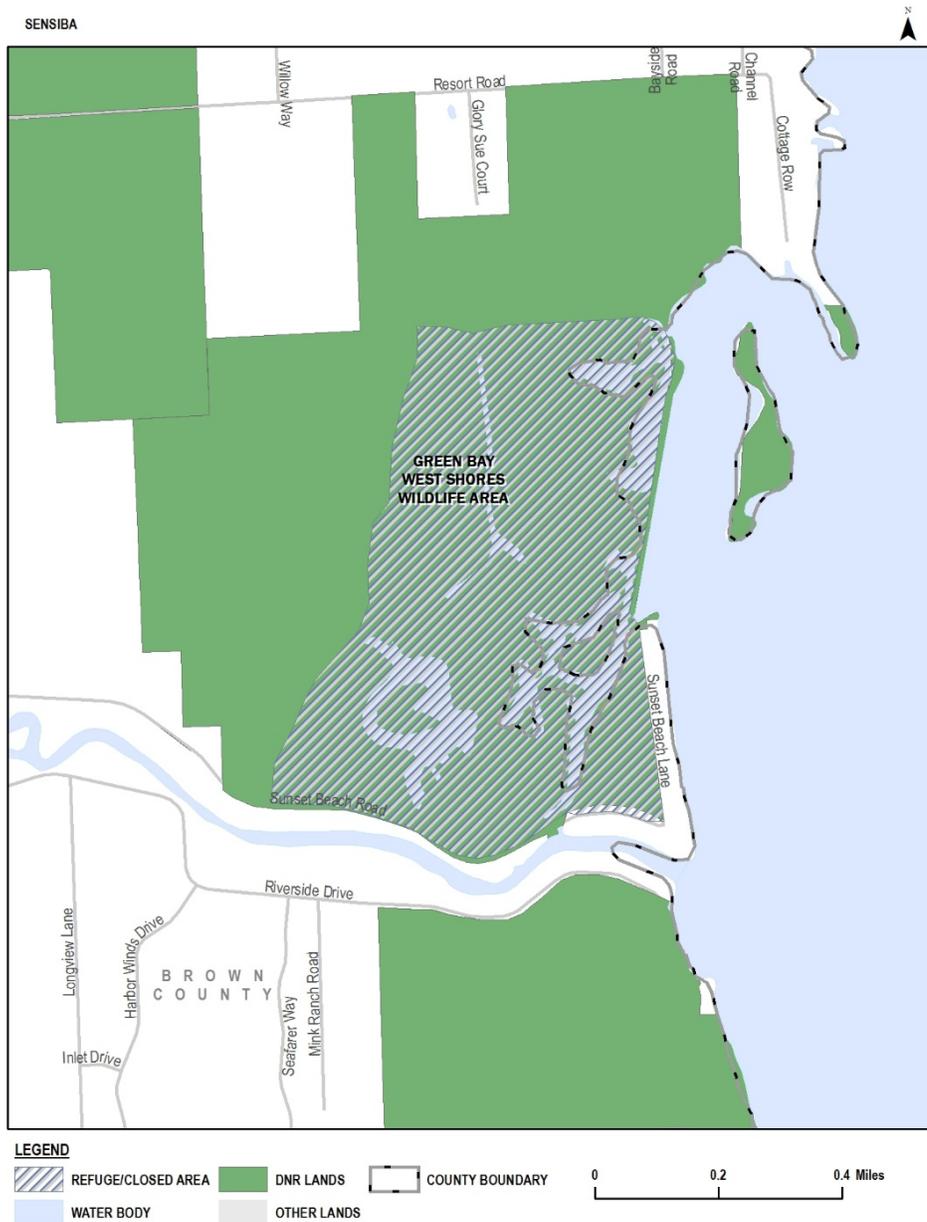


**NR 11.06 No entry wildlife refuge except trapping, gun deer and muzzleloader deer (September 1-December 31).** A wildlife refuge is established in the following areas. No person may enter such areas for any reason from September 1 through December 31 unless such areas

are posted as open with department signs or except to trap, hunt deer during the open gun and muzzleloader seasons established in s. NR 10.01 (3) (e) and (es), or except for the retrieval of legally killed or crippled game in posted retrieval zones.

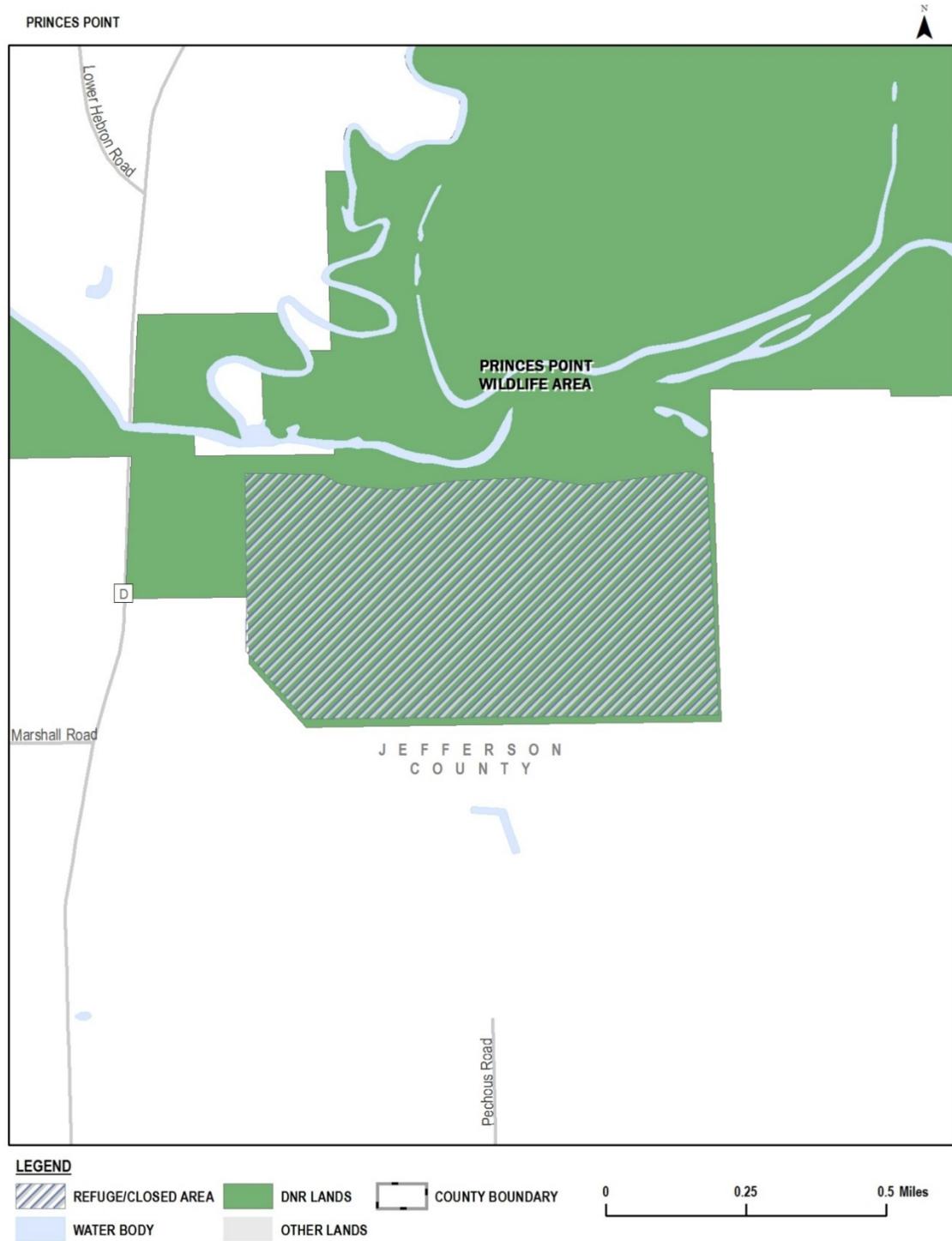
(1) Brown County

(a) Sensiba



(2) Jefferson County

(a) Prince's Point



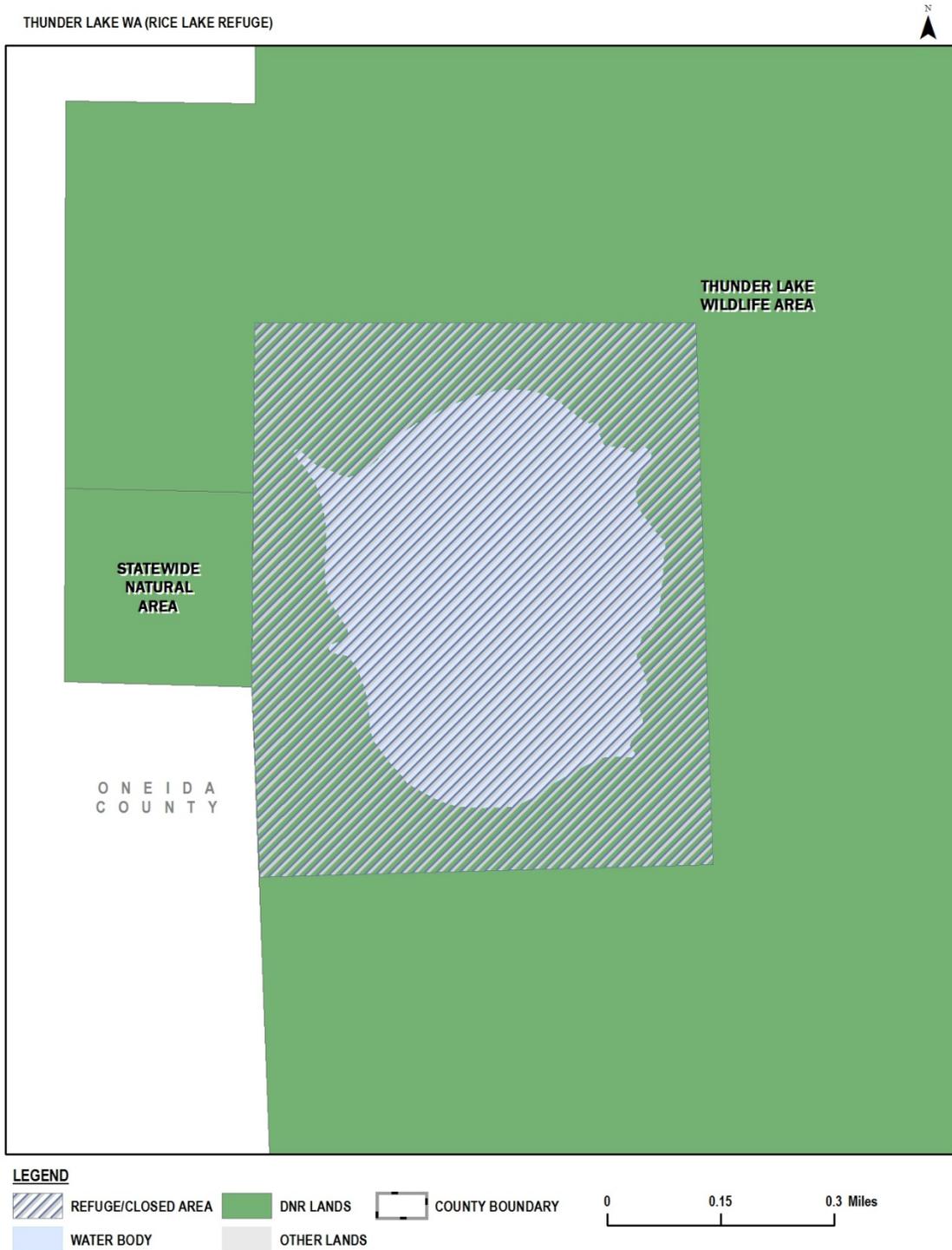
(3) Marinette County

(a) Peshtigo Harbor



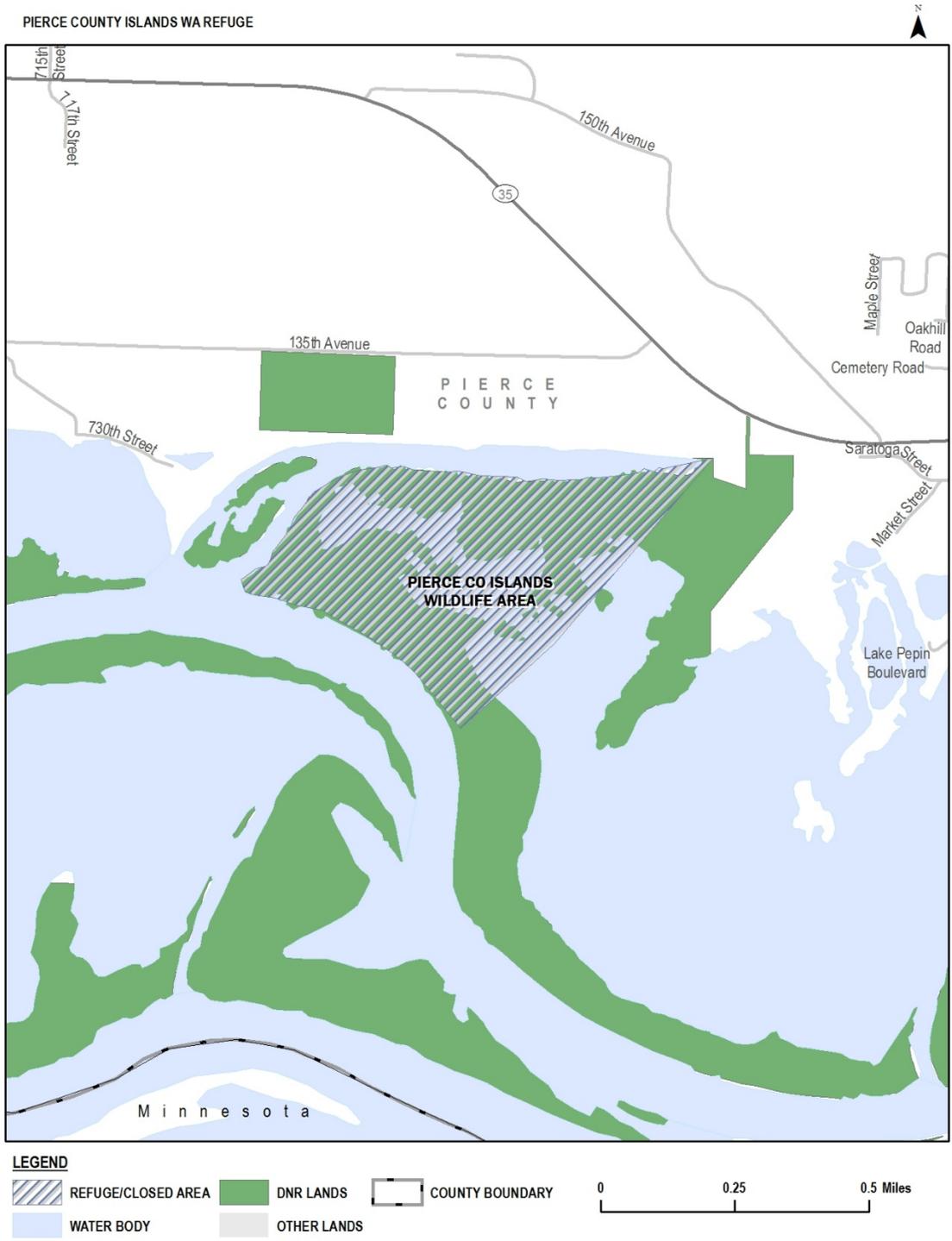
(4) Oneida County

(a) Thunder Wildlife Area



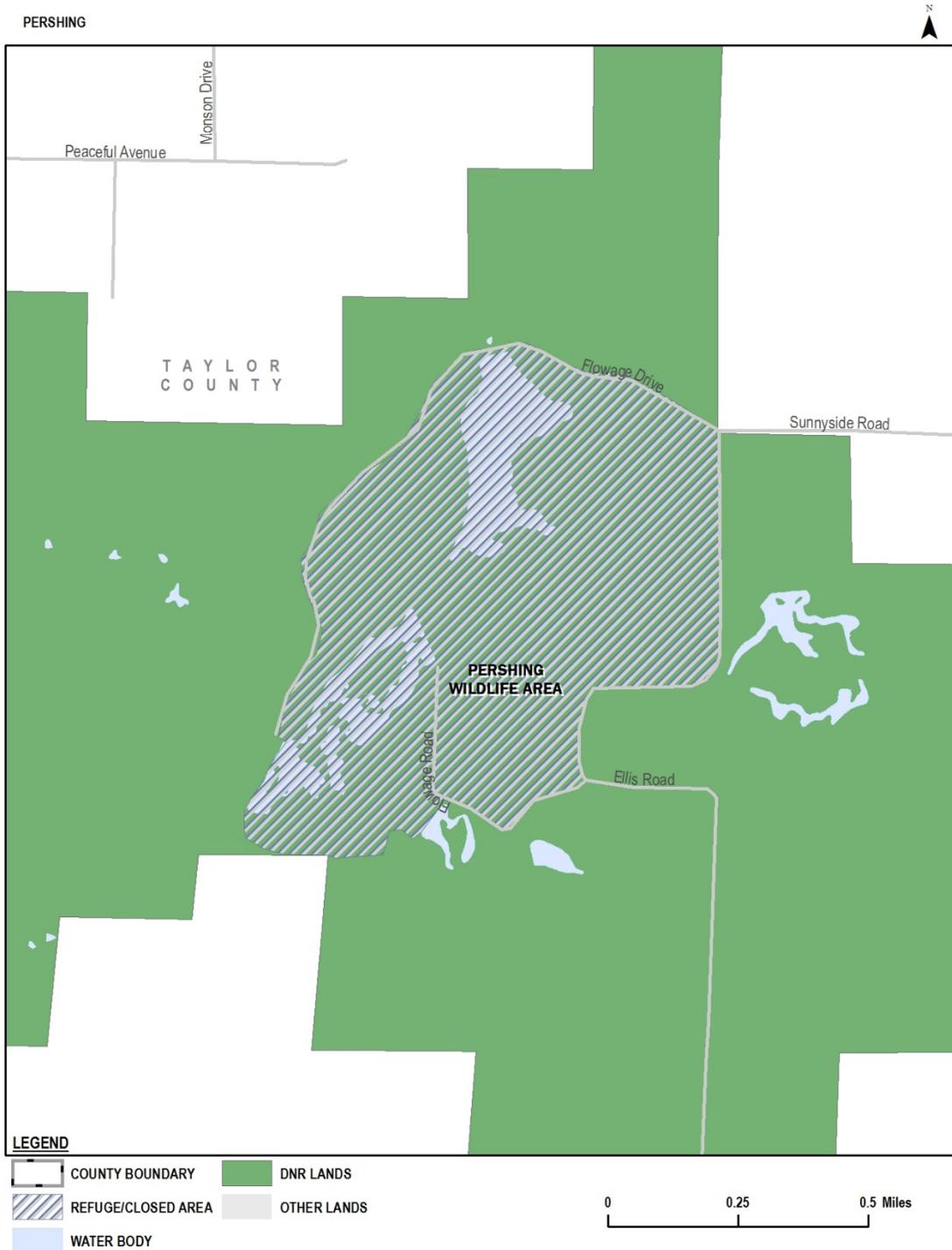
(5) Pierce County

(a) Pierce County Islands



(6) Taylor County

(a) Pershing



(7) Vilas County

(a) Powell Marsh

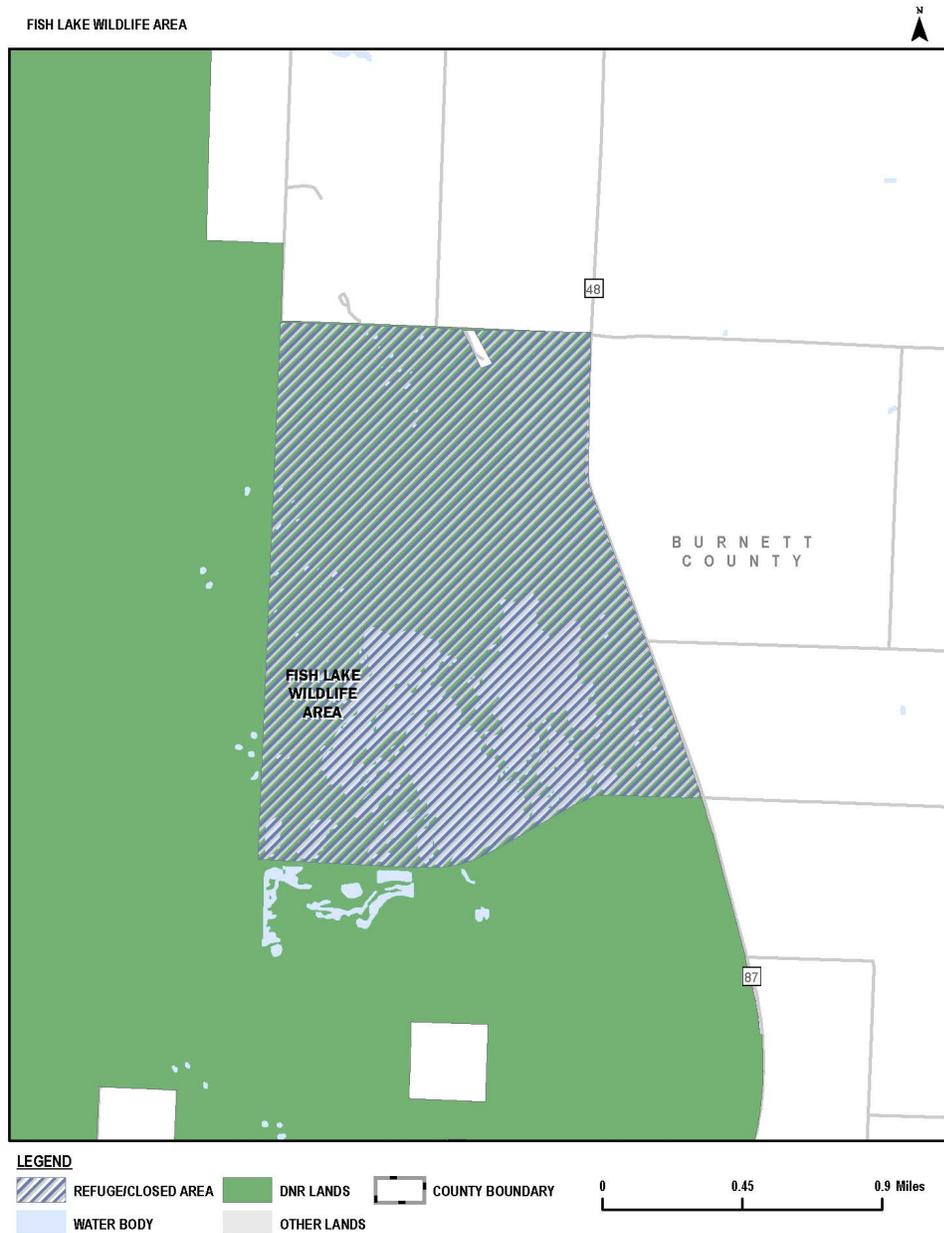


**NR 11.07 No entry wildlife refuge except gun deer and muzzleloader deer (September 1-November 30).** A wildlife refuge is established in the following areas. No person may enter such areas for any reason from September 1 through November 30 unless such areas

are posted as open with department signs except to hunt deer during the open gun and muzzleloader seasons established in s. NR 10.01 (3) (e) and (es), and except for the retrieval of legally killed or crippled game in posted retrieval zones.

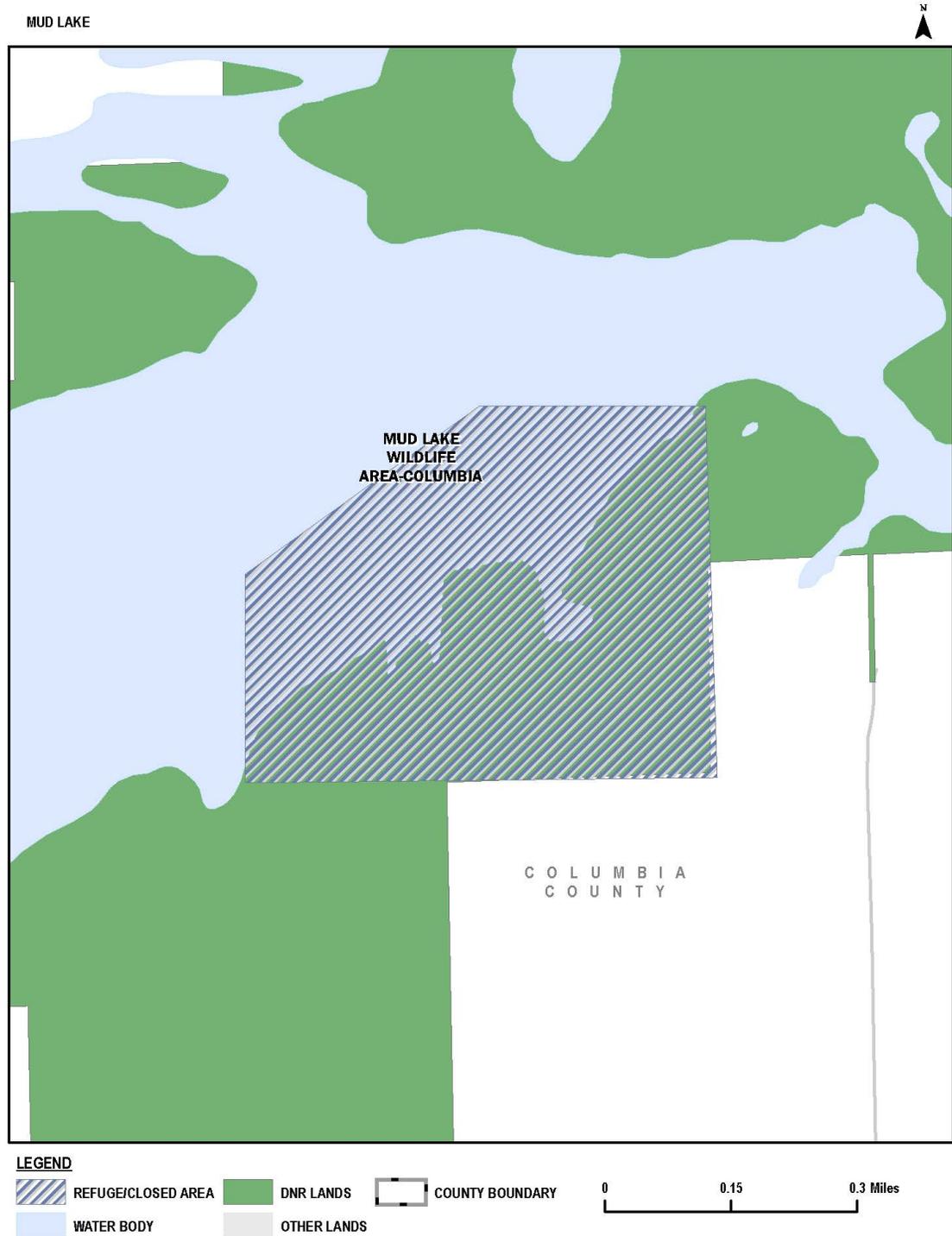
(1) Burnett County

(a) Fish Lake



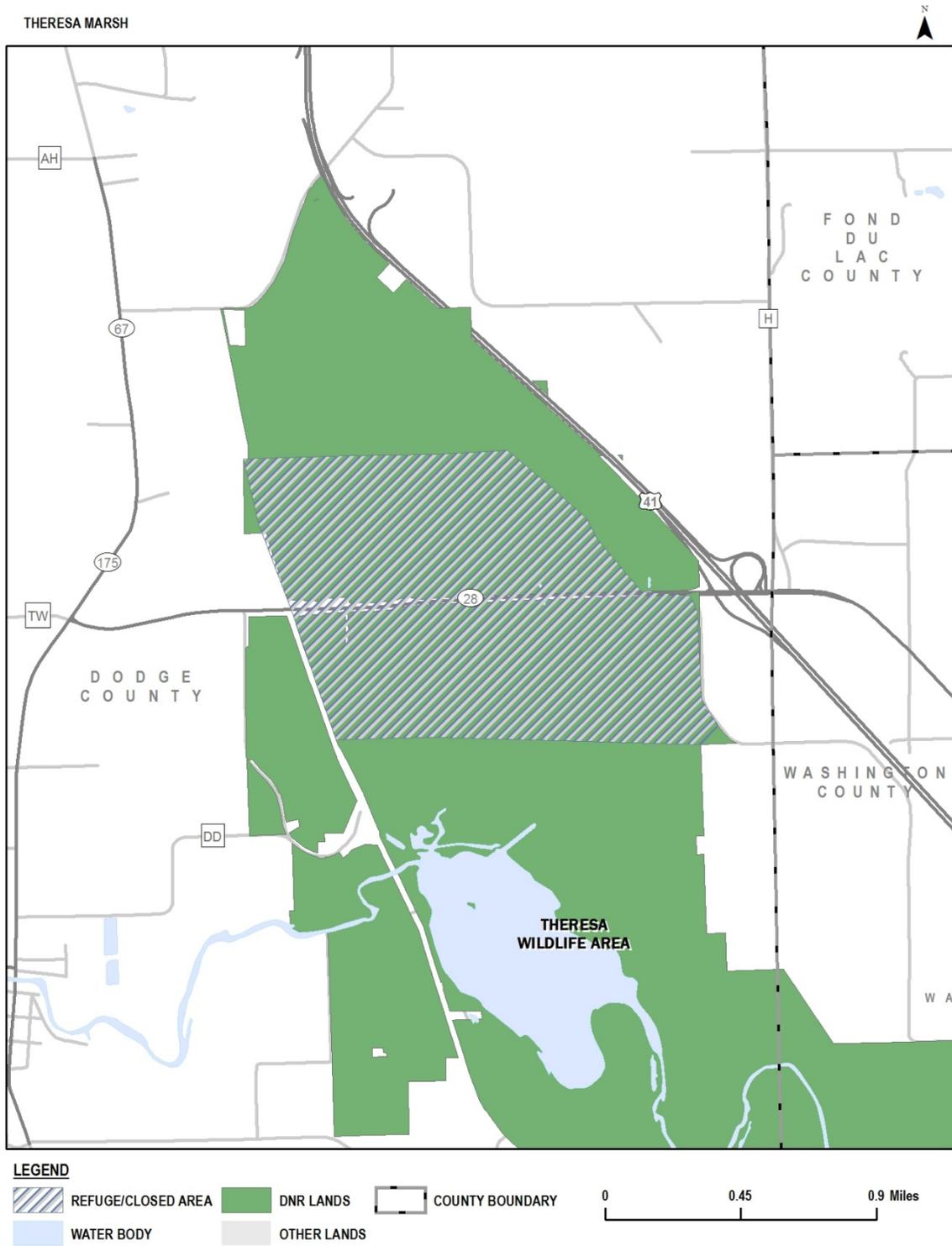
(2) Columbia County

a. Mud Lake



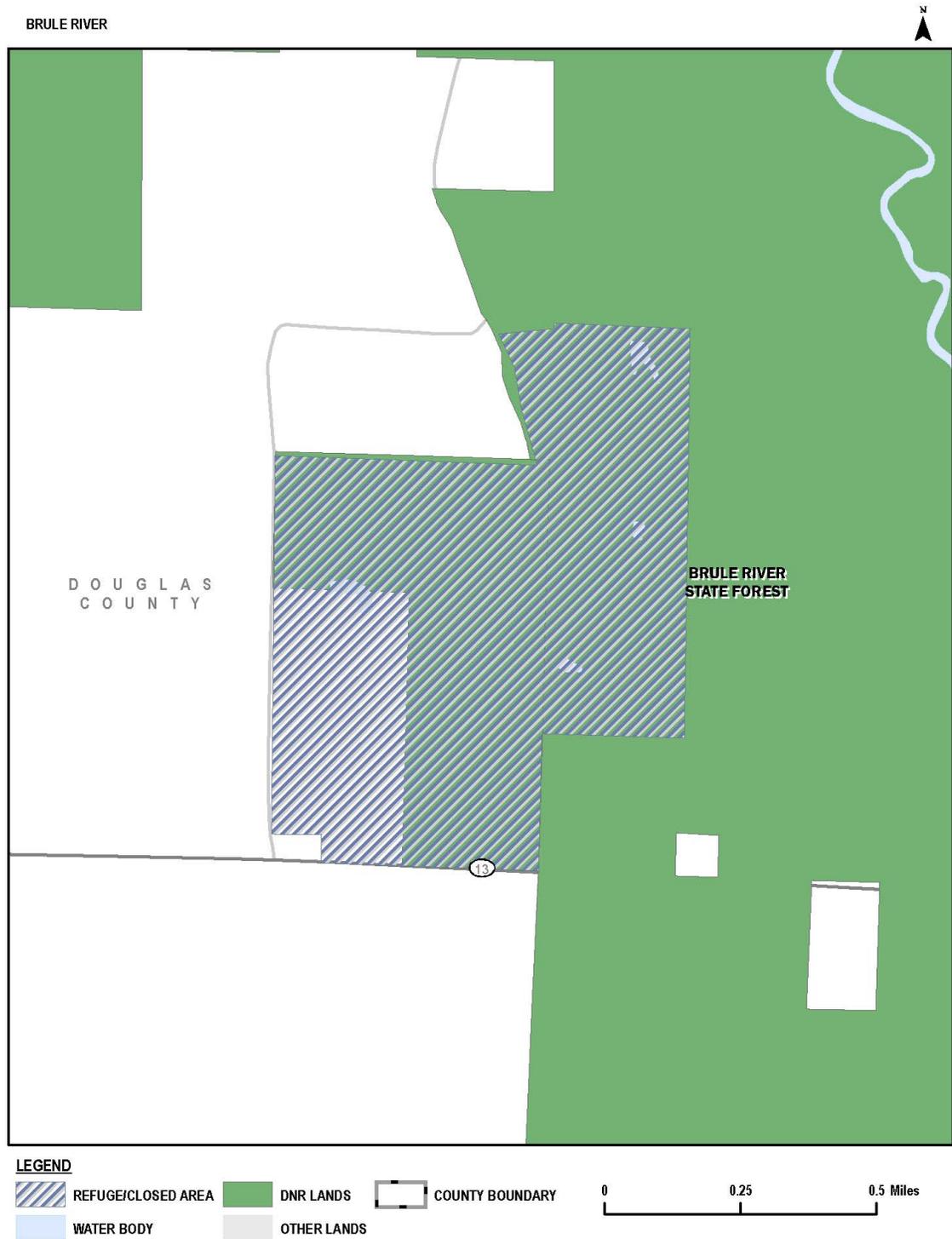
(3) Dodge County

(a) Theresa Marsh



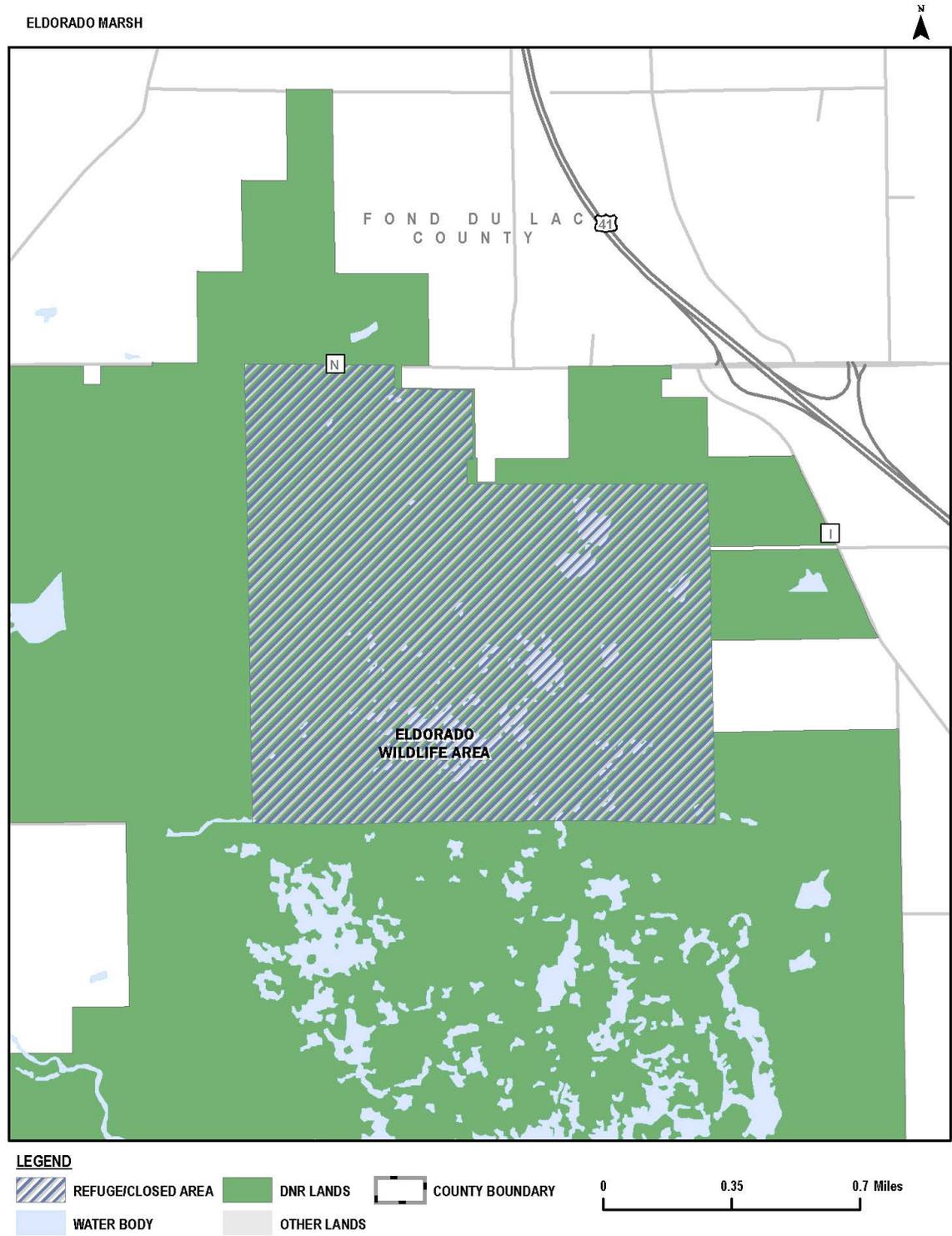
(4) Douglas County

(a) Brule River



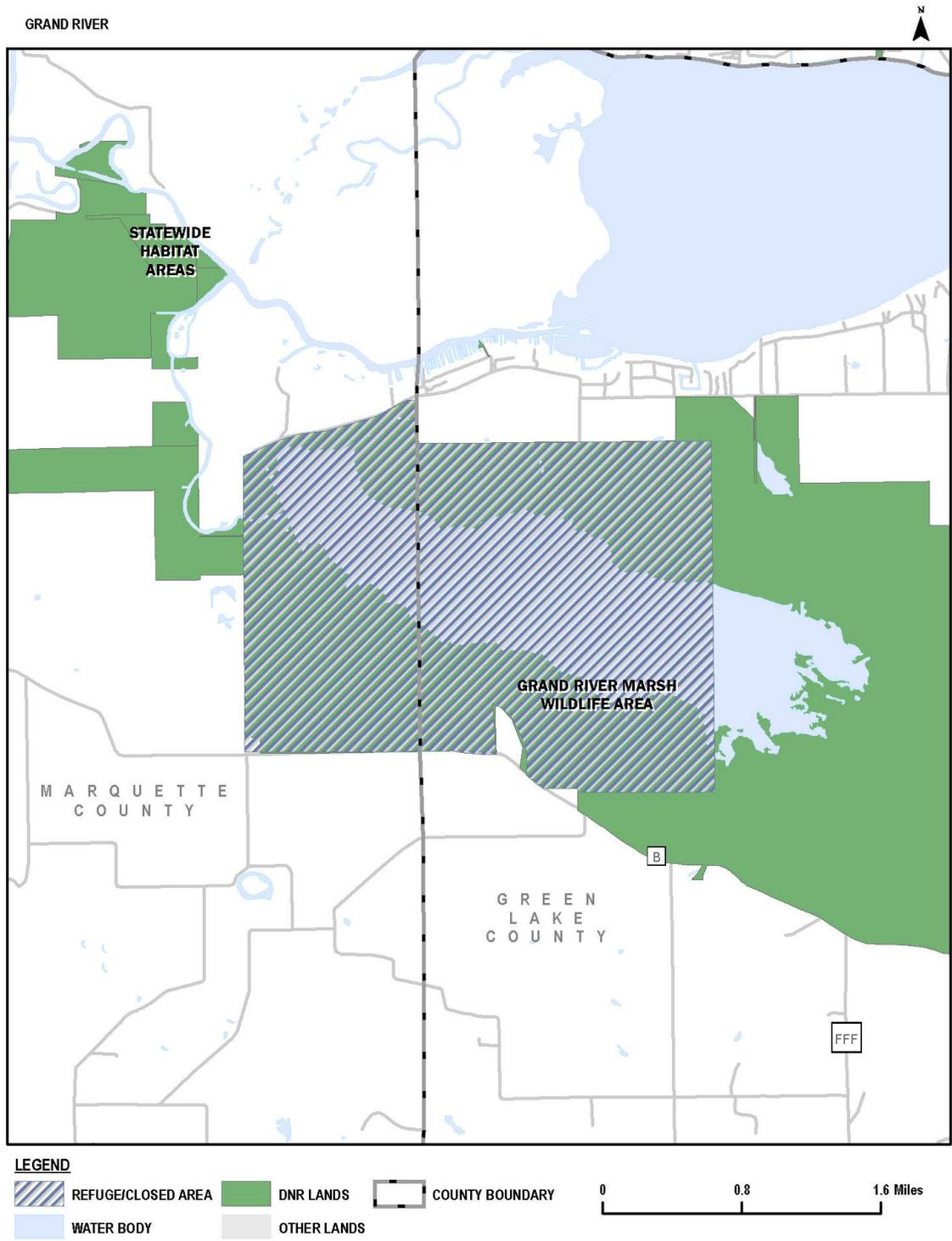
(5) Fond du Lac County

(a) Eldorado



(6) Green Lake and Marquette Counties

(a) Grand River Marsh



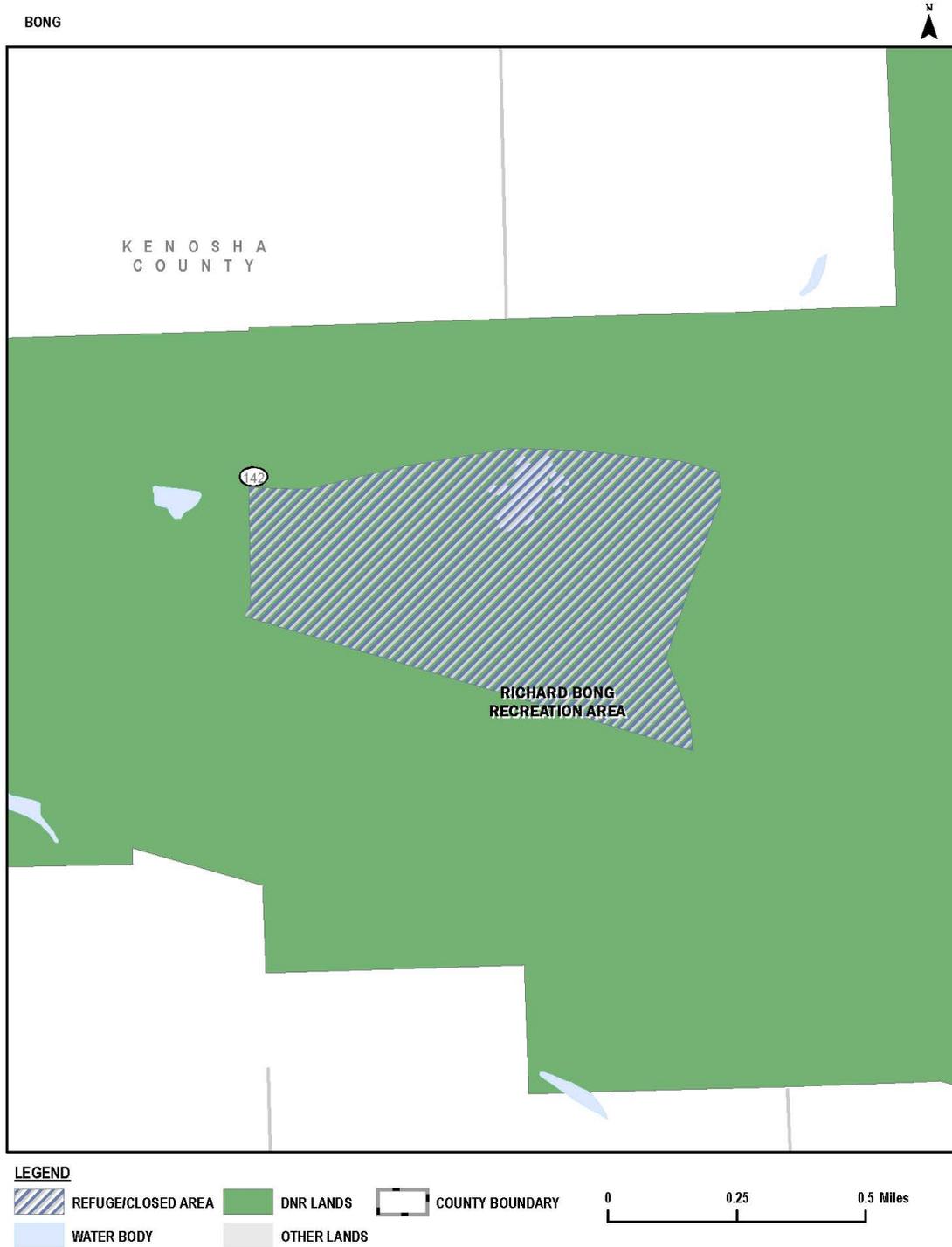
(7) Juneau County

(a) Meadow Valley



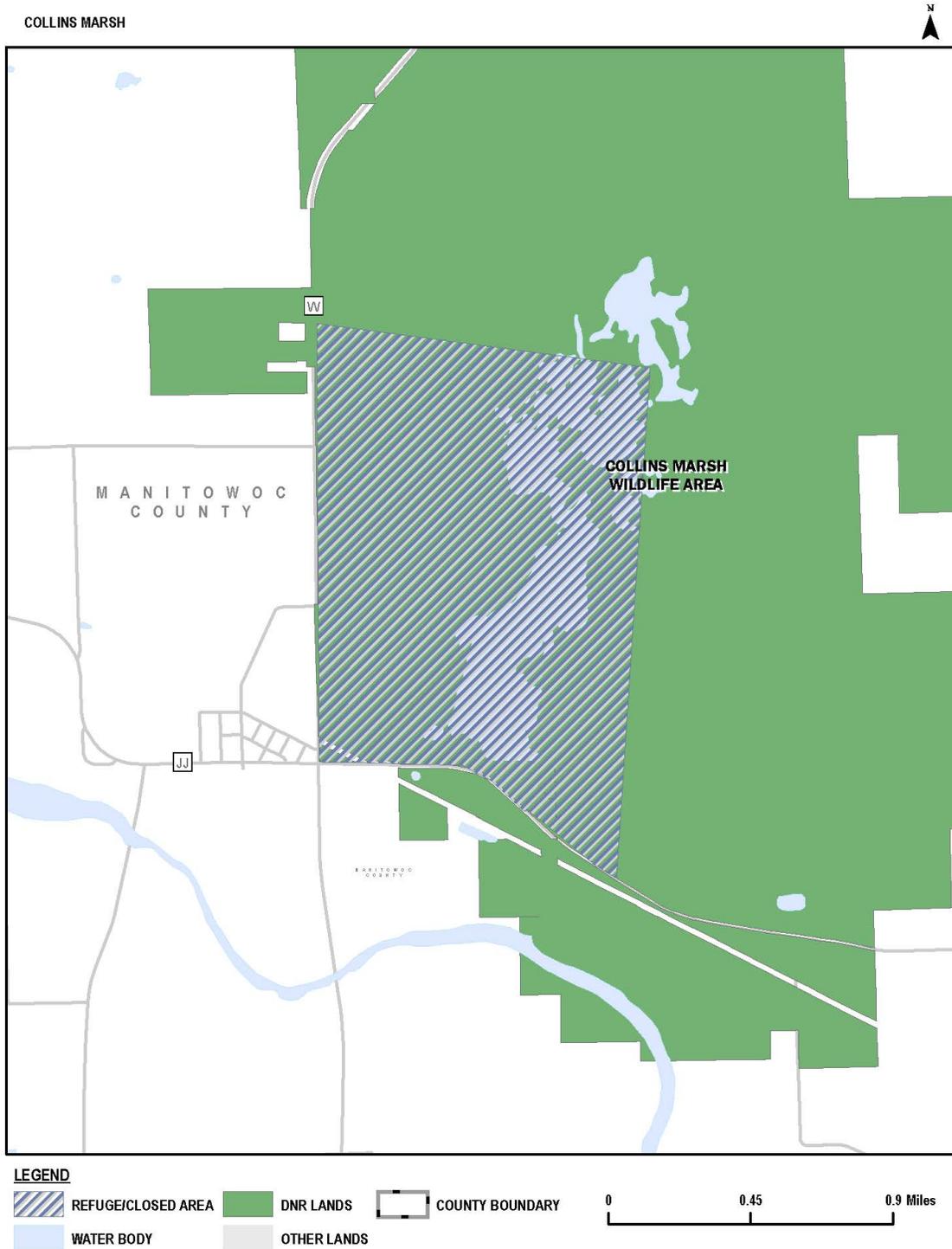
(8) Kenosha County

(a) Richard Bong Wildlife Area



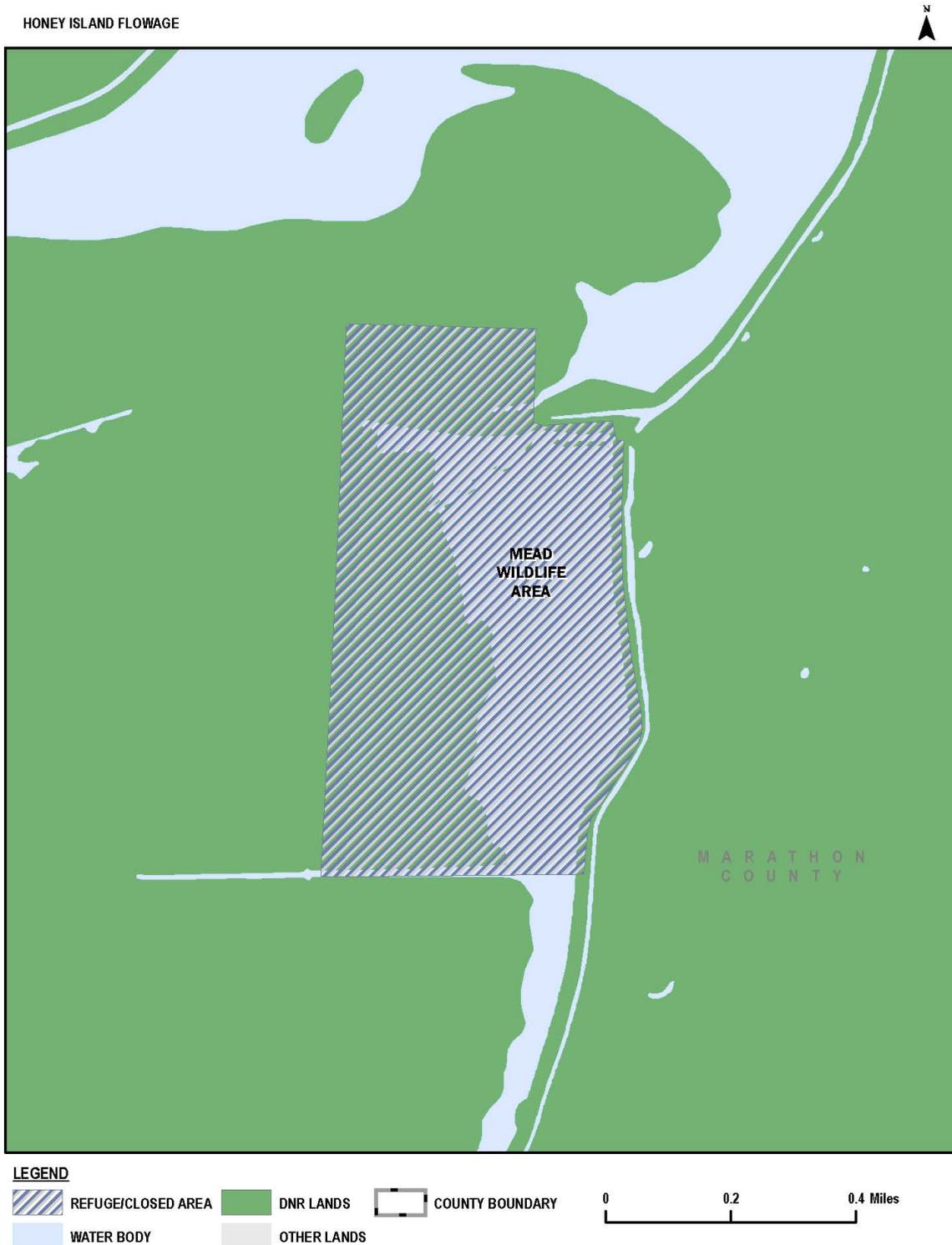
(9) Manitowoc County

(a) Collins Marsh

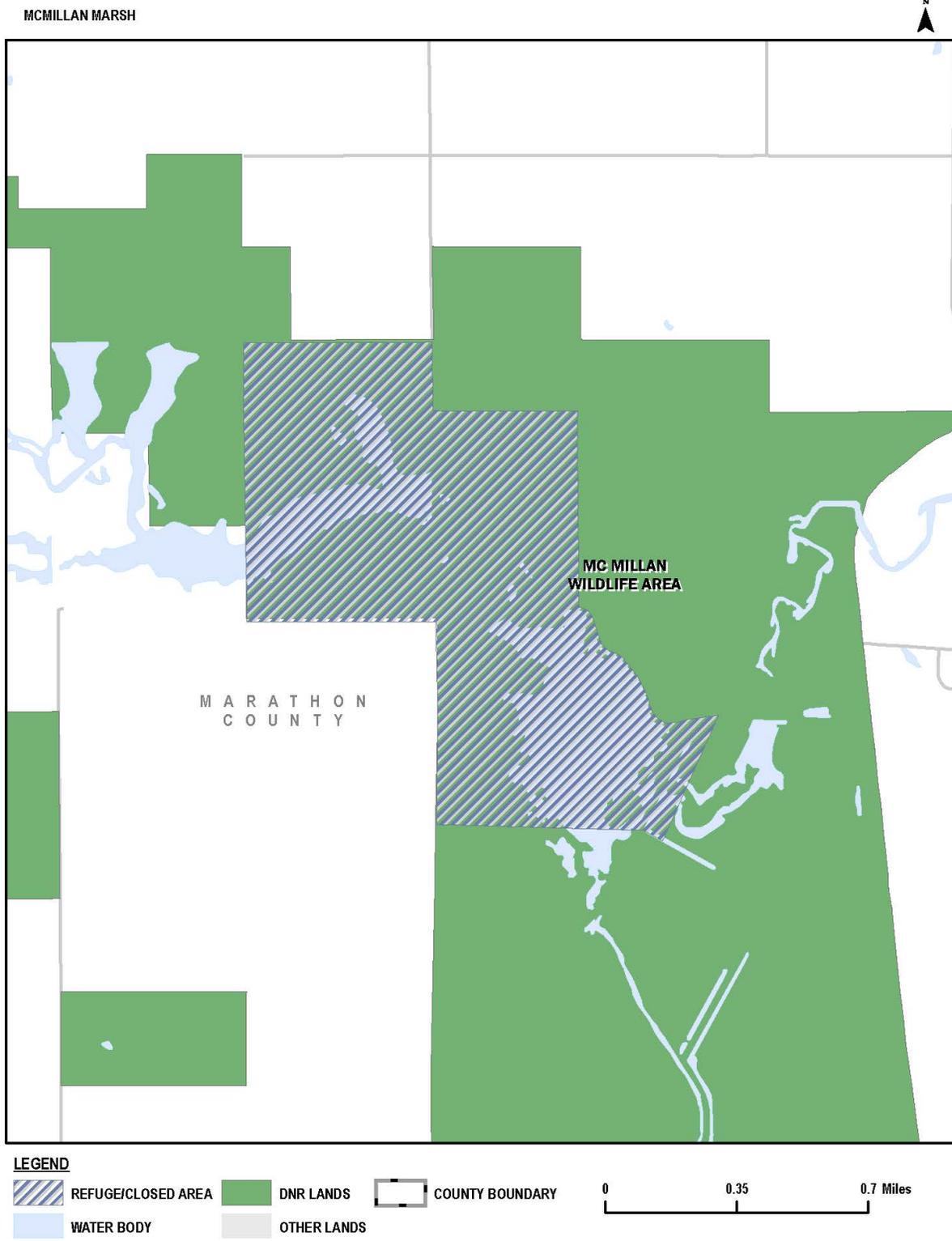


(10) Marathon County

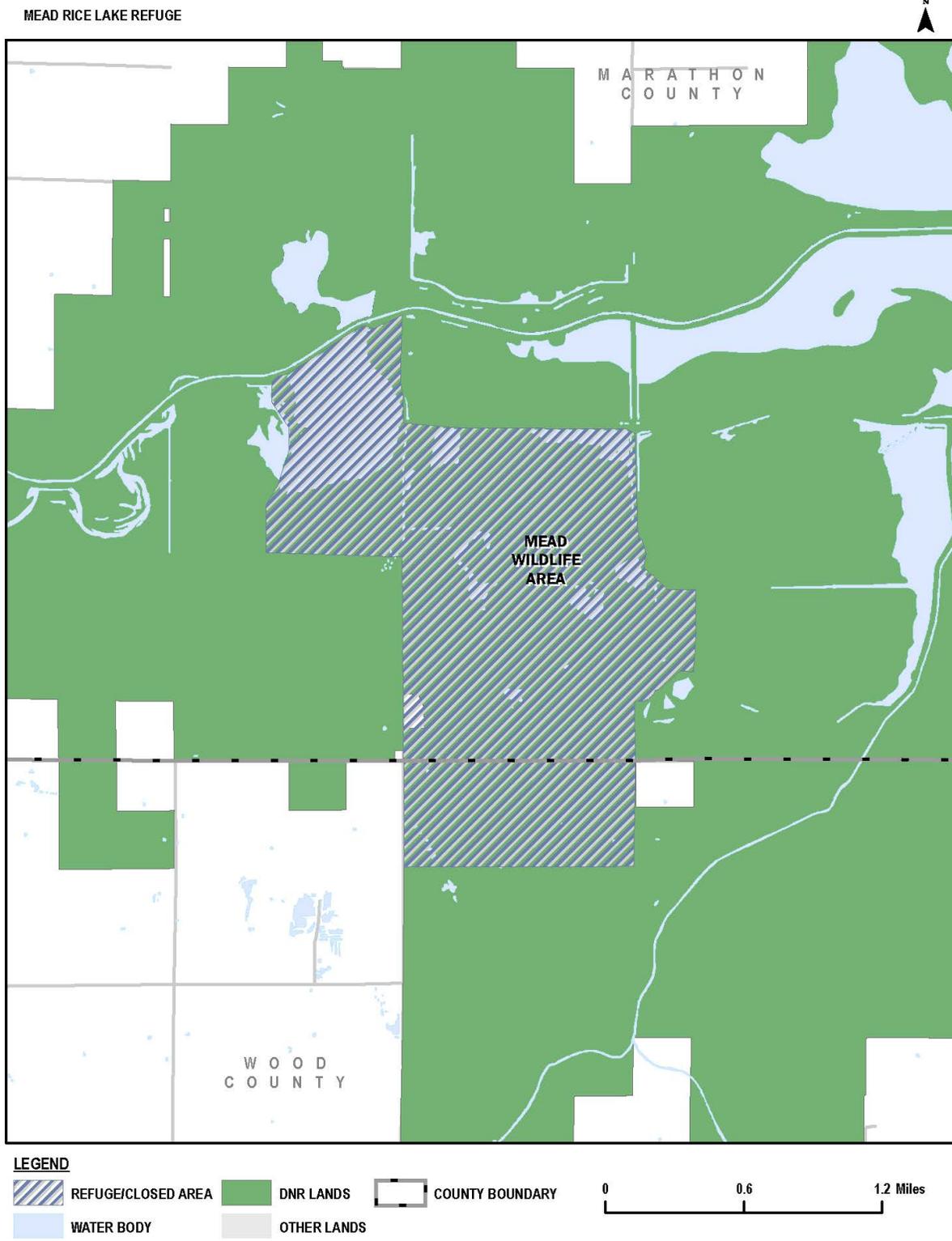
(a) Honey Island Flowage



(b) McMillian Marsh



(c) Mead Wildlife Area

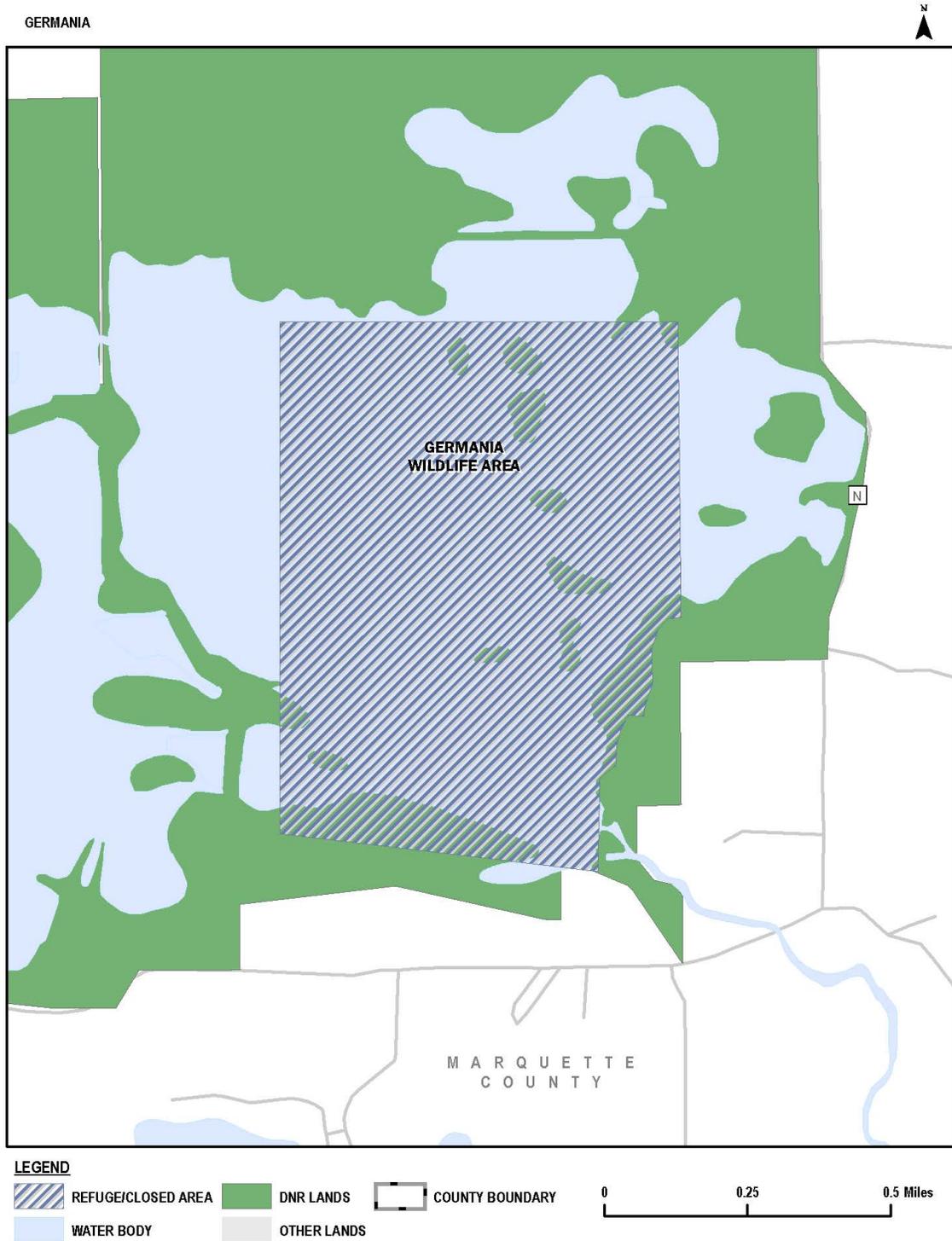


(d) Townline/Berkhahn Flowage



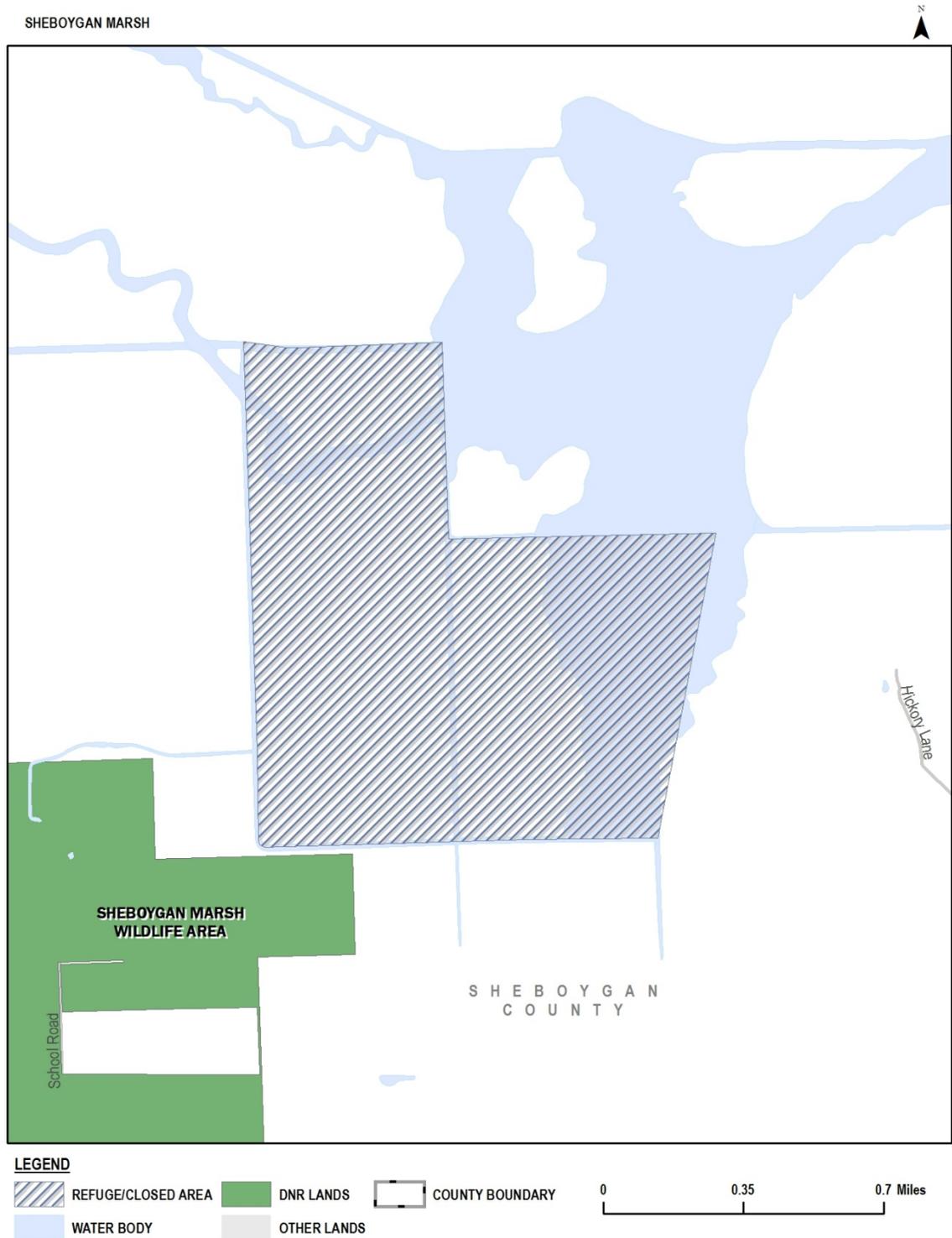
(11) Marquette County

(a) Germania



(12) Sheboygan County

(a) Sheboygan Marsh



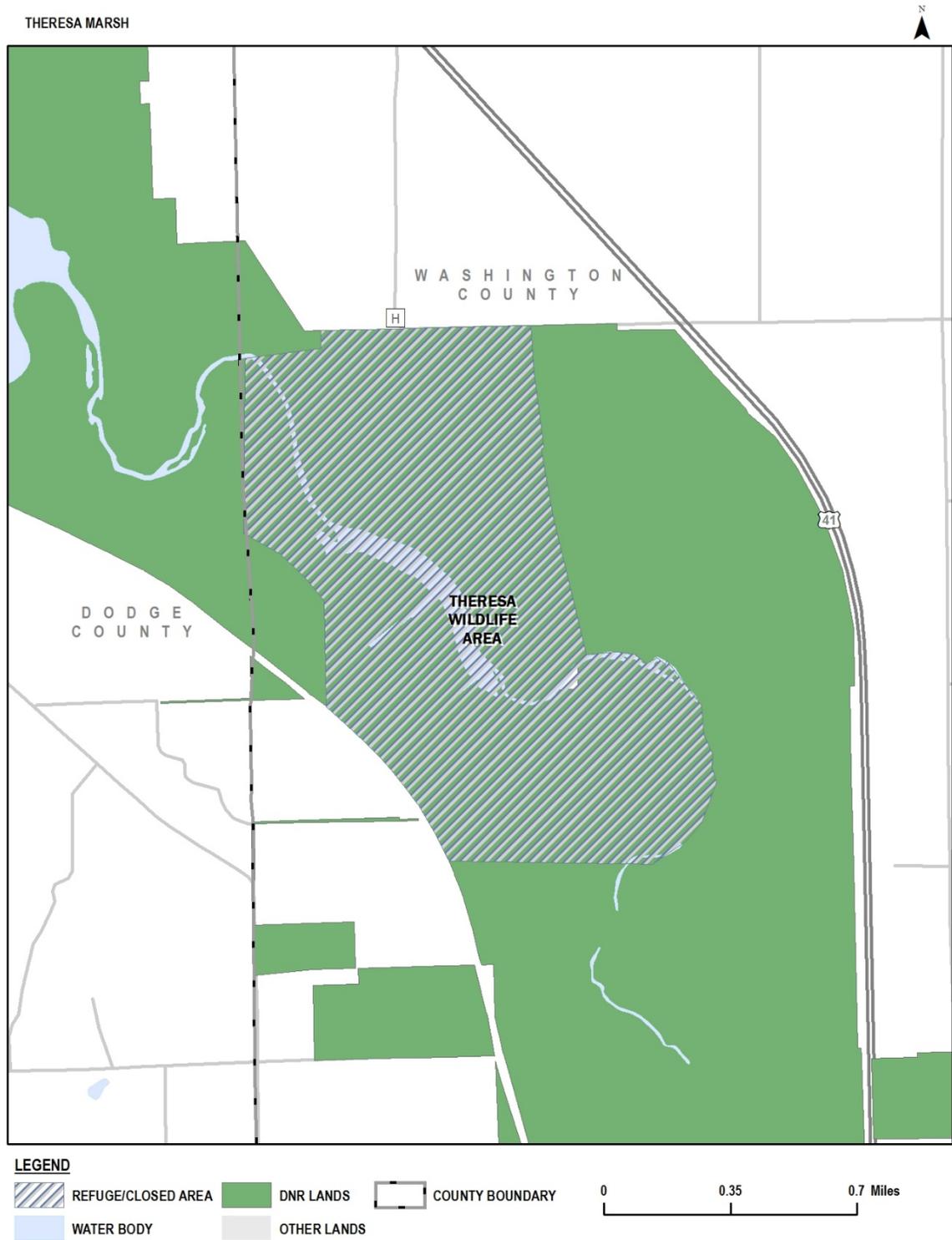
(13) Walworth County

(a) Turtle Valley



(14) Washington County

(a) Theresa Marsh

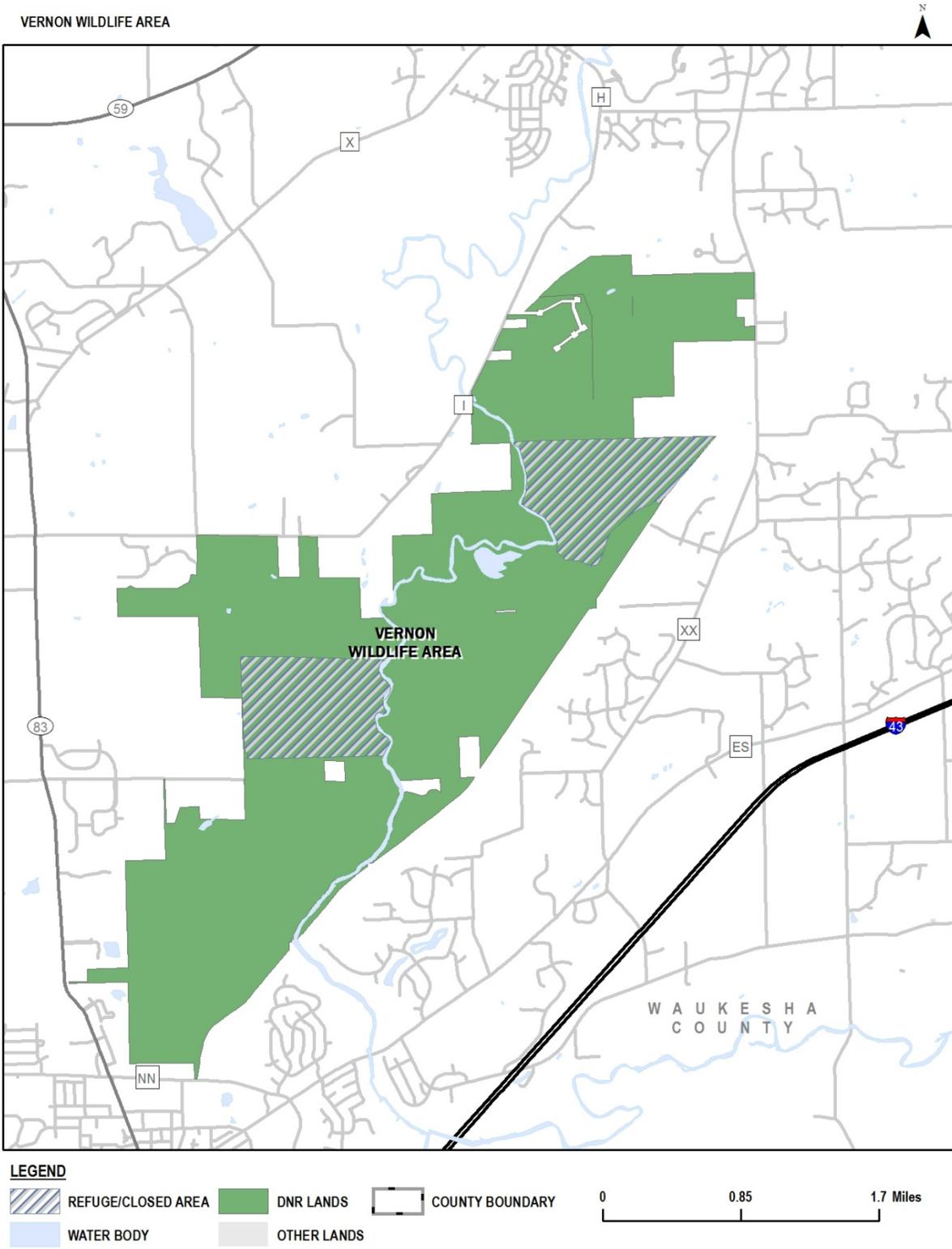


(15) Waukesha County

(a) Old World Wisconsin

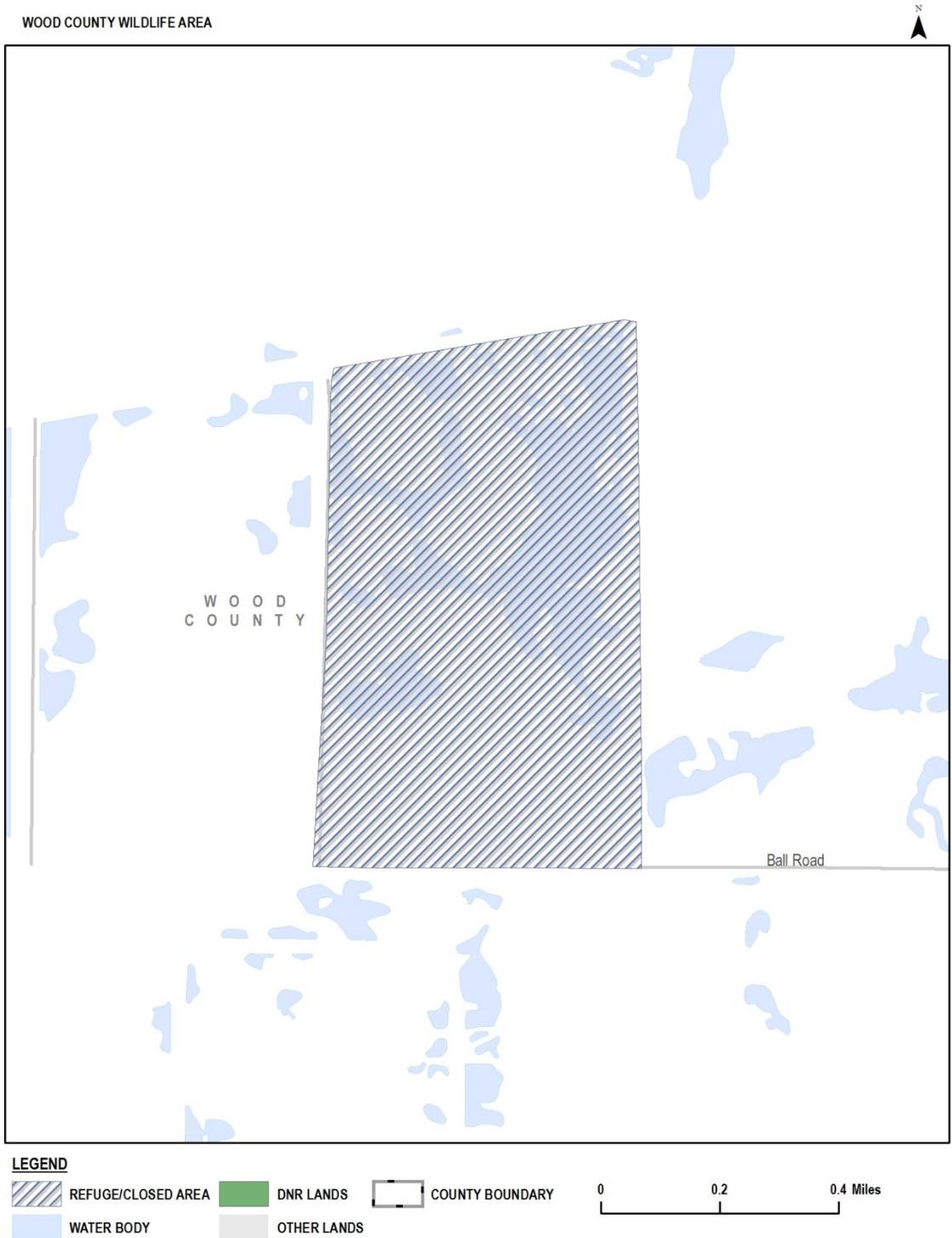


(b) Vernon Wildlife Area



(16) Wood County

(a) Wood County



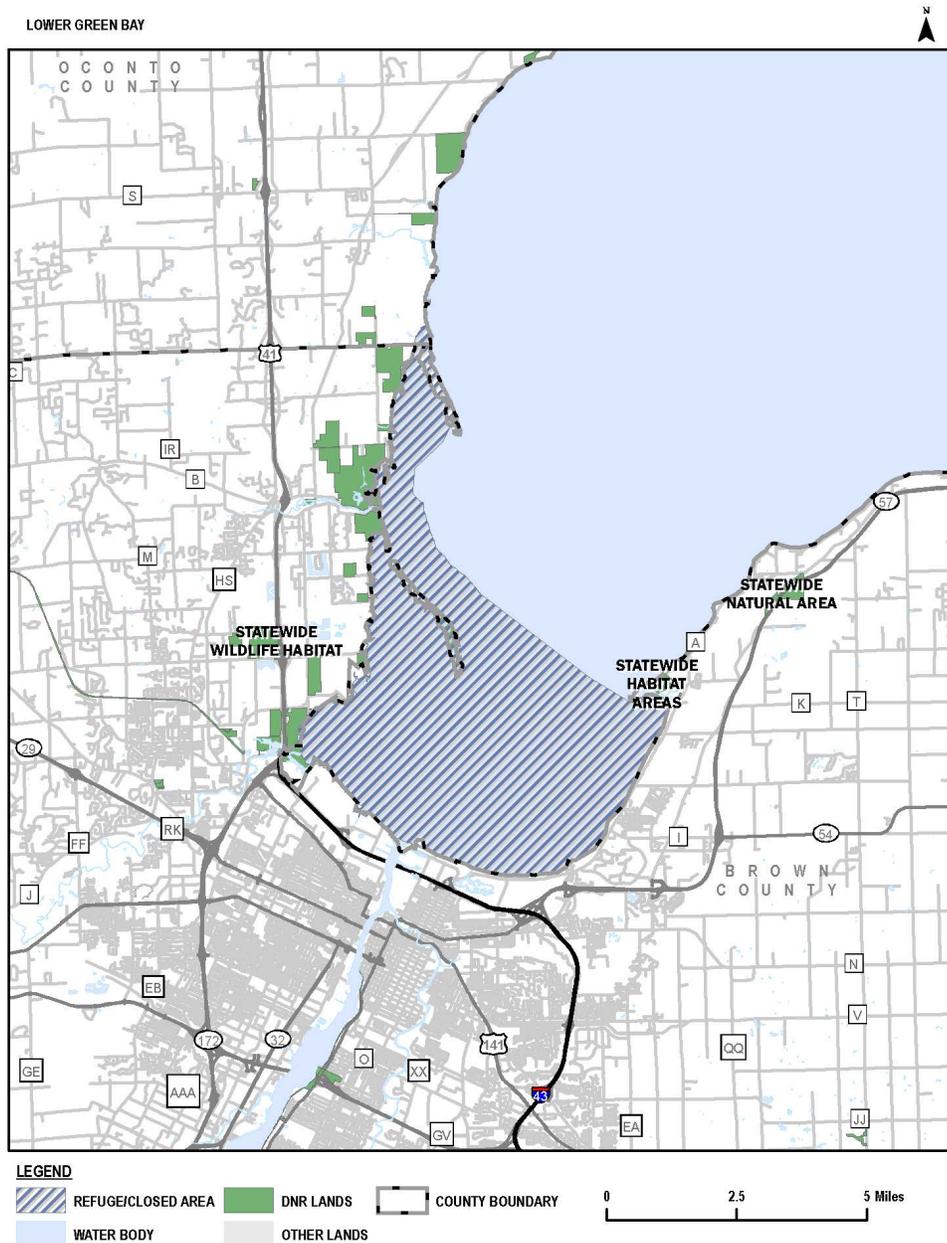
**NR 11.08 No entry wildlife refuge, rookeries and special areas (April 1- August 24).**

A wildlife refuge is established from April 1 through August 24 in the following areas.

No person may enter upon such area for any reason.

**(1) Brown County**

**(a) Lower Green Bay.**



(2) Dodge County

(a) Horicon Marsh



(3) Douglas County

(a) Wisconsin Point Wildlife Area



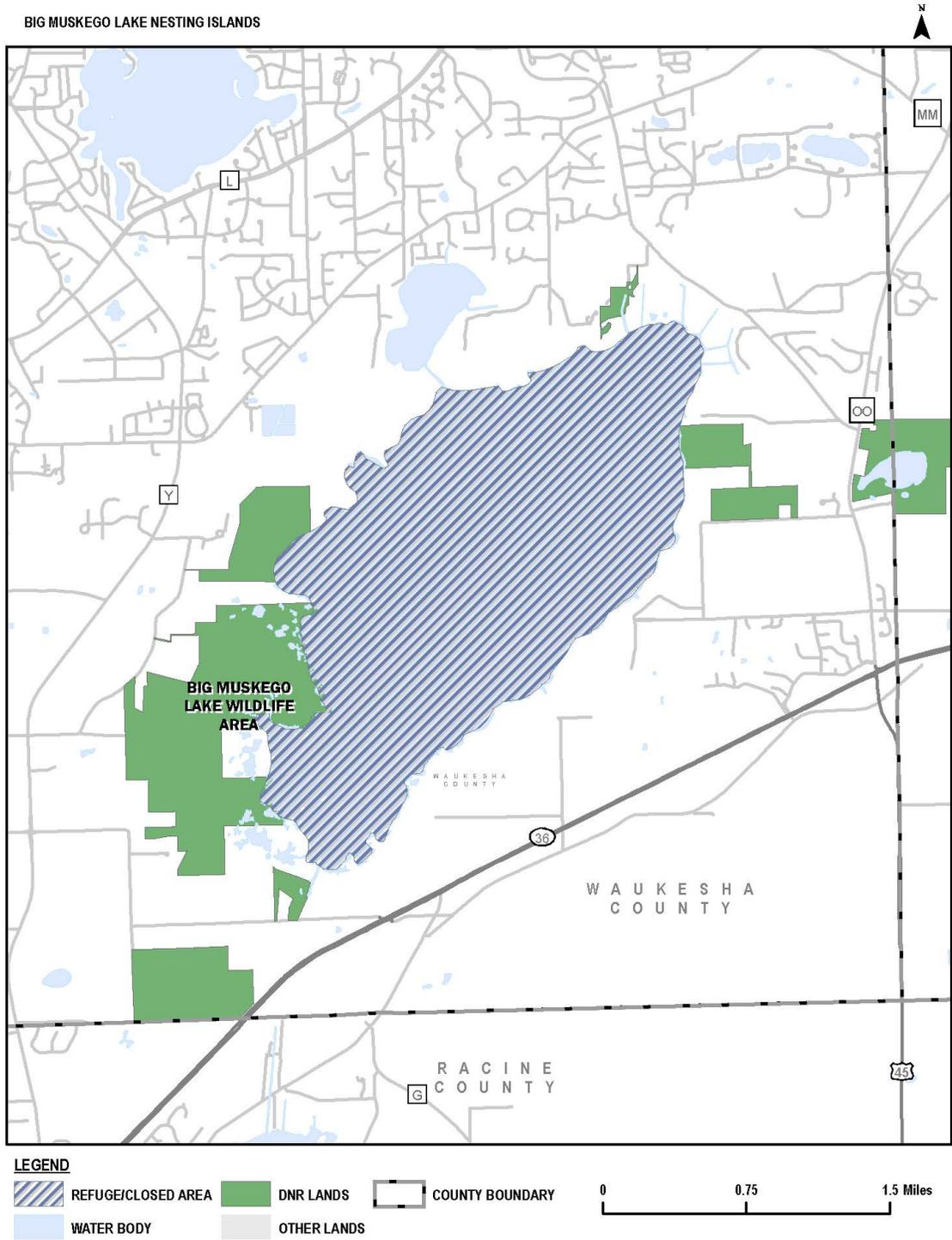
(4) Kenosha County

(a) Richard Bong Wildlife Area

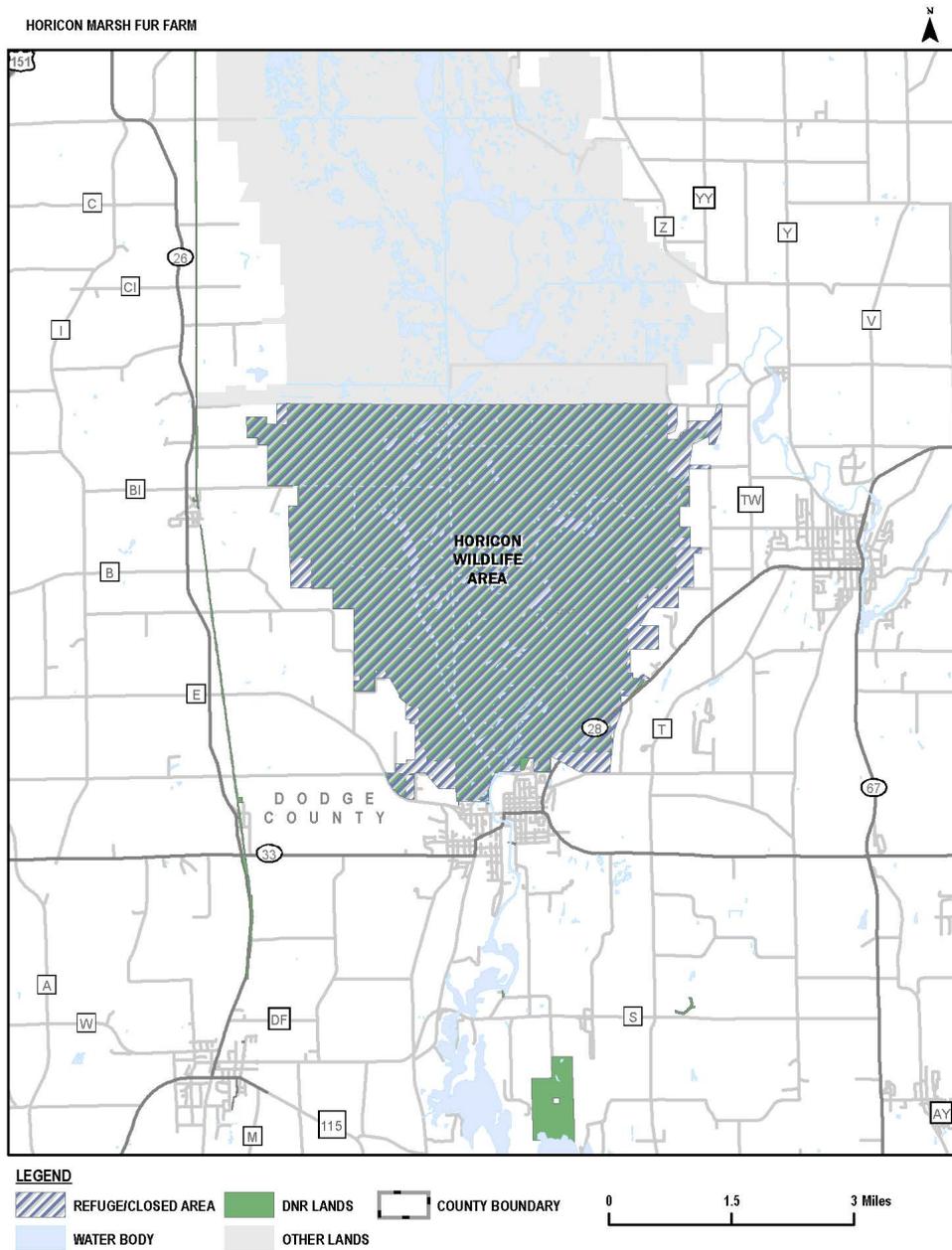


(5) Waukesha County

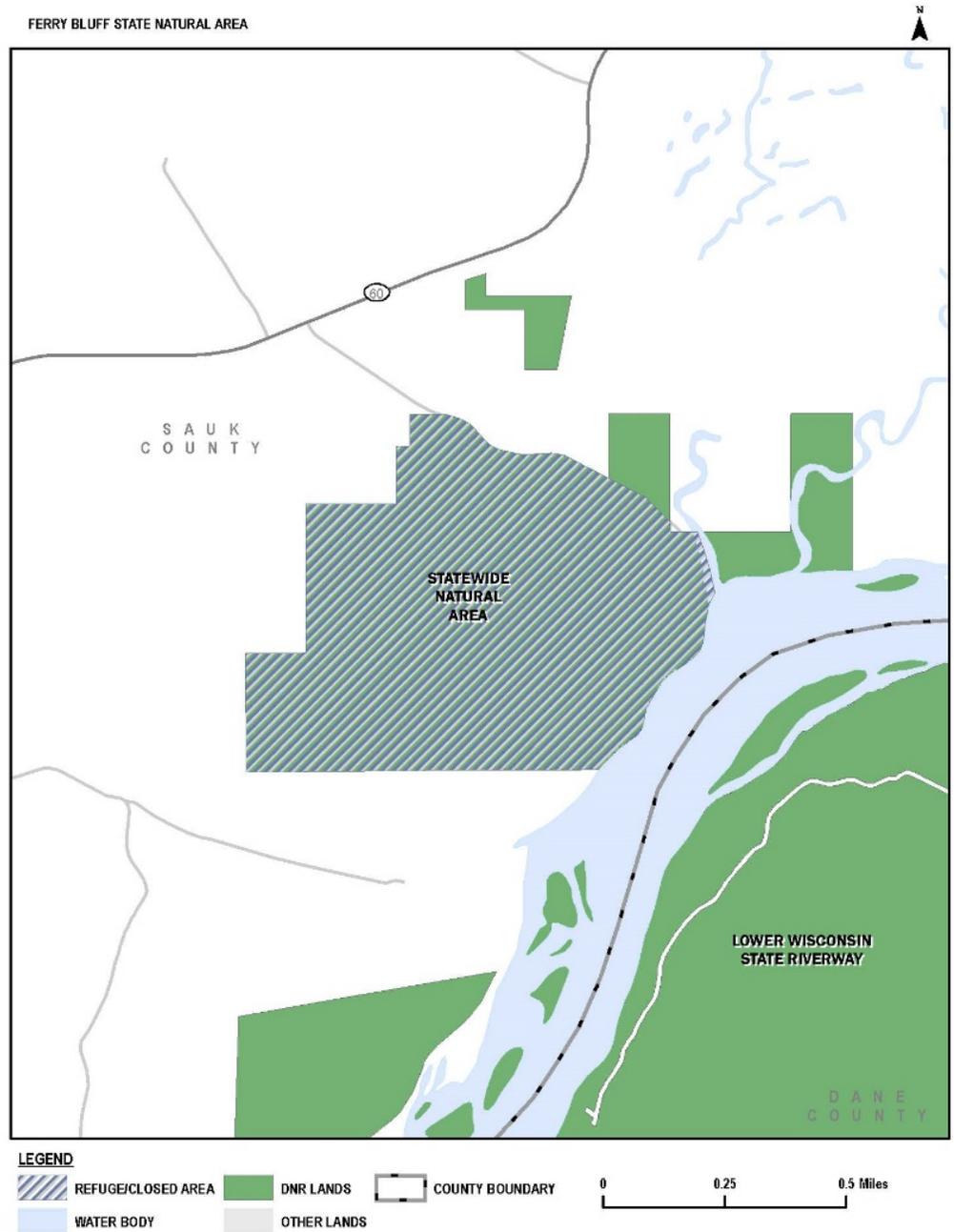
(a) Big Muskego Lake



**NR 11.09 Horicon Marsh Fur Farm** A state fur farm to be known as the Horicon marsh fur farm is established on all of the state-owned land on the Horicon marsh wildlife area in Dodge County. No person may hunt or trap any furbearing animals on such area unless authorized by a valid department permit. Any violation of the permit shall be deemed to be a violation of this section.



**NR 11.10 Ferry bluff state natural area (December 1-March 31).** A wildlife refuge is established in the following area. No person may enter upon such area from December 1 through March 31 except for the retrieval of legally killed or crippled game



## Subchapter III- Closed Areas

**NR 11.11 Waterfowl closed area; trapping and deer hunting permitted.** A closed area is established in the following areas posted with department signs. Trapping of furbearing mammals is permitted during established seasons. No person may hunt any species of wild animal during the open season for waterfowl established in s. NR 10.01 (b) and (g), except that deer may be hunted during periods established in s. [NR 10.01 \(3\)](#) (e), (em), (ep), and (es). Legally killed or crippled game may be retrieved.

### (1) St. Croix County

#### (a) Oakridge Lake.



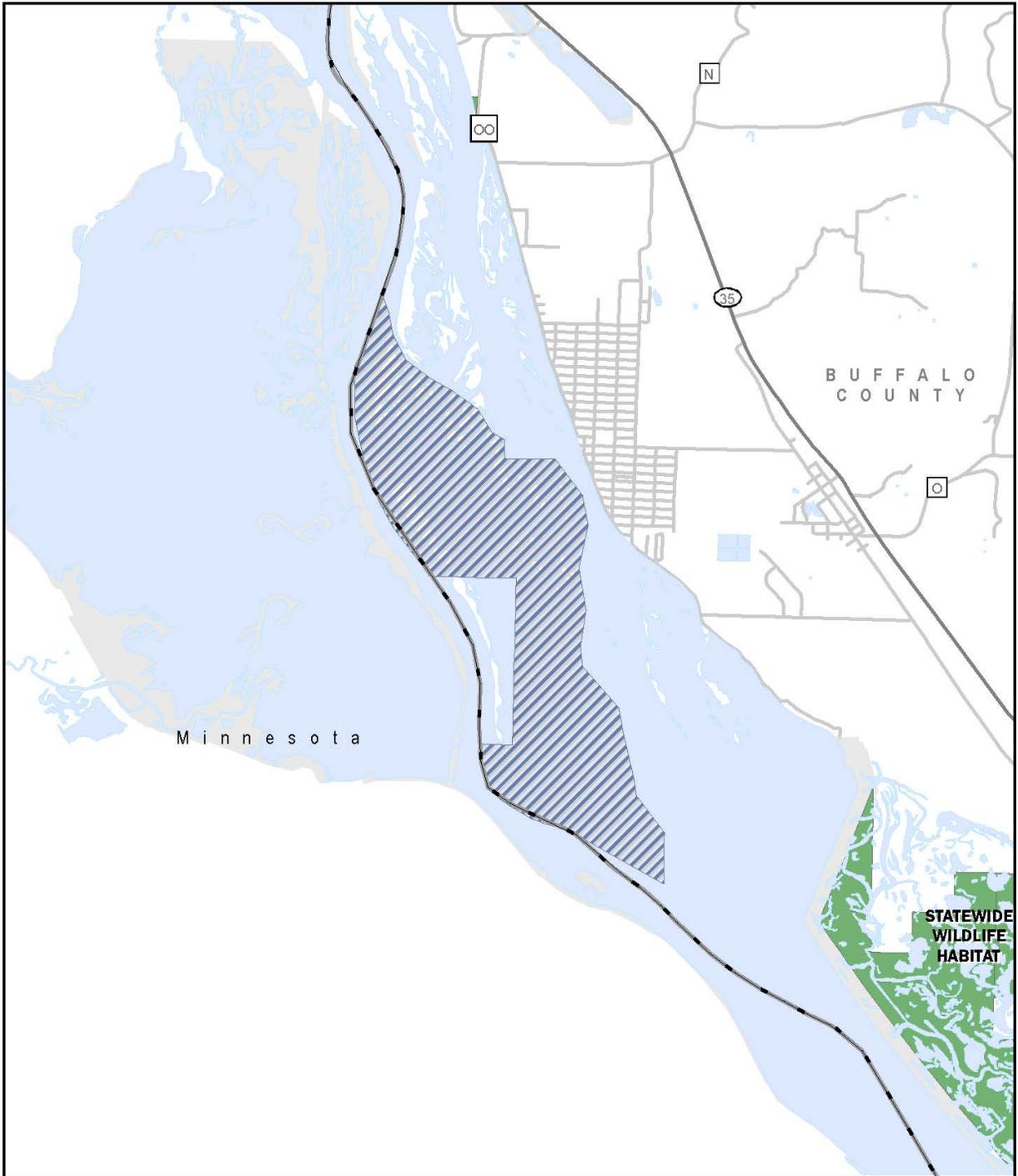
**NR 11.12 Early waterfowl hunting season closed area.** A closed season is established at the Mead wildlife area. No person may hunt waterfowl until the beginning of the duck season established in s. NR 10.01 (1) (b), except that hunting is allowed as established in s. NR 10.01 (1) (v).

**NR 11.13 Mississippi river closed area.** A closed area is established in the following areas which are posted with U.S. fish and wildlife service signs. No person may hunt or trap any species of wild animal at any time beginning June 15 and ending the day after the final closure of any waterfowl season as established in s. NR 10.01 (1). Legally killed or crippled game may be retrieved from these areas.

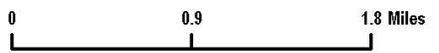
(2) Buffalo County

(a) Lost Island (Pool 5)

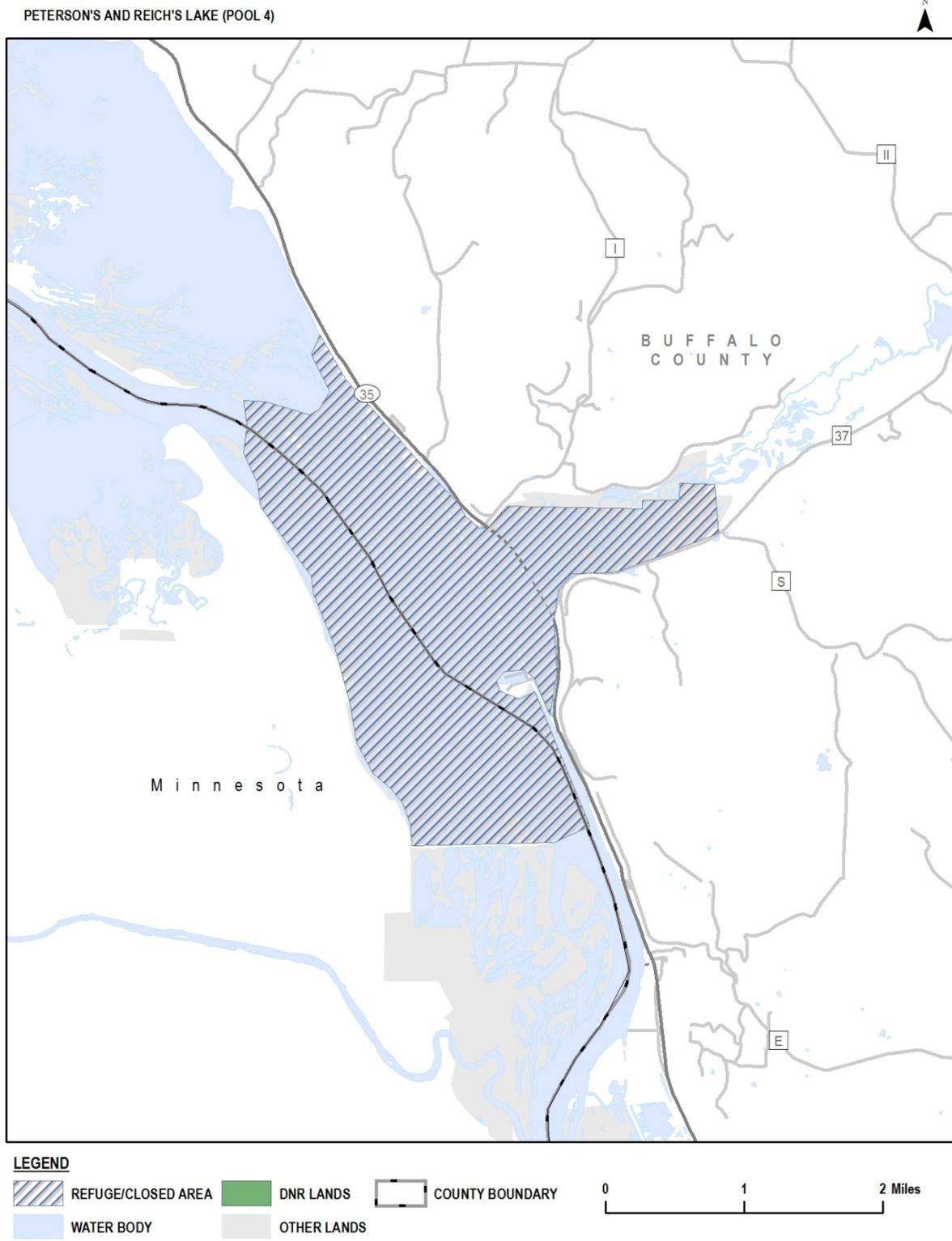
LOST ISLAND (POOL 5)



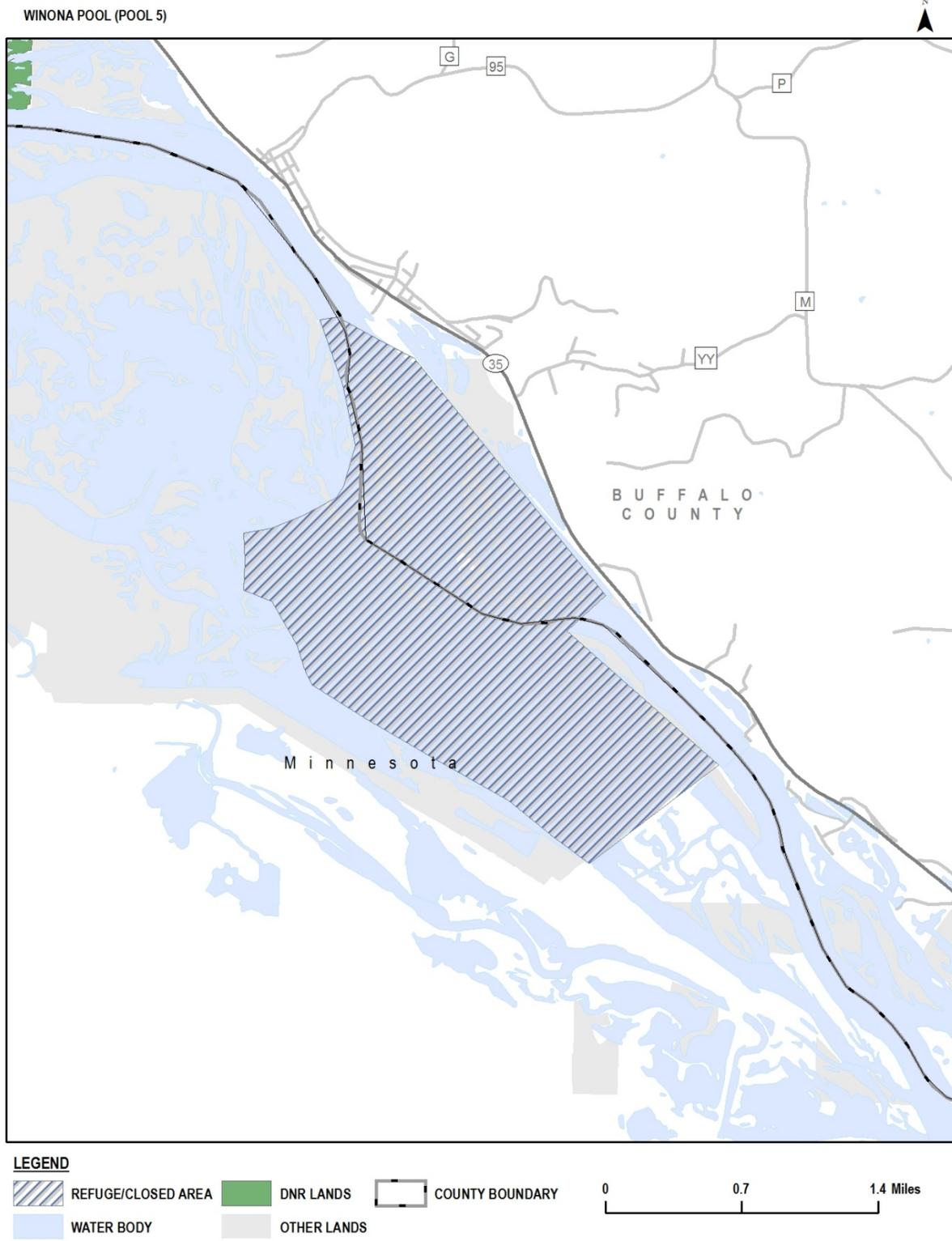
**LEGEND**

- |  |   |   |  |
|--|---|---|--|
|  REFUGE/CLOSED AREA |  DNR LANDS   |  COUNTY BOUNDARY |  |
|  WATER BODY         |  OTHER LANDS |   |  |

(b) Peterson's and Reich's Lake (Pool 4)

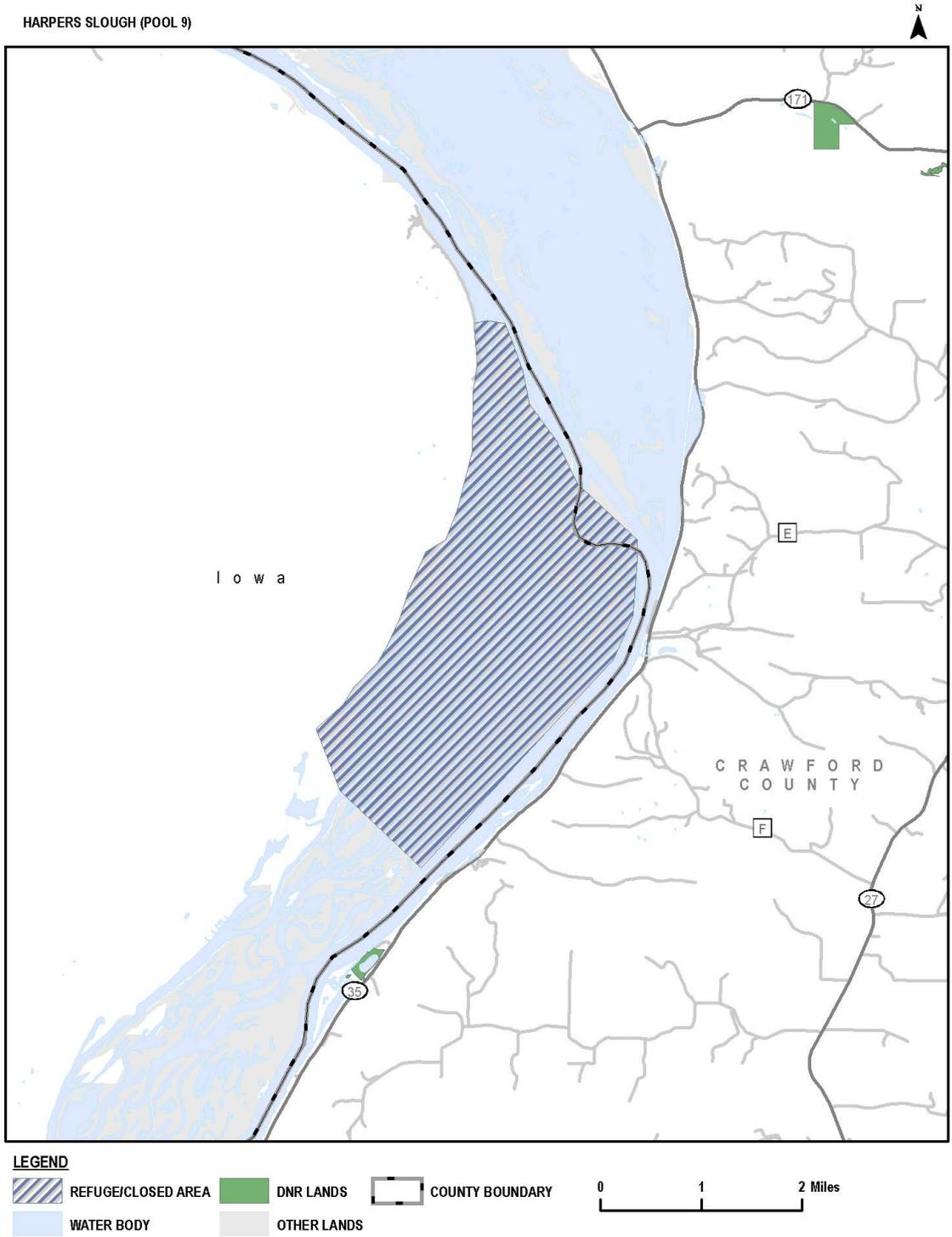


(c) Winona (Pool 5)



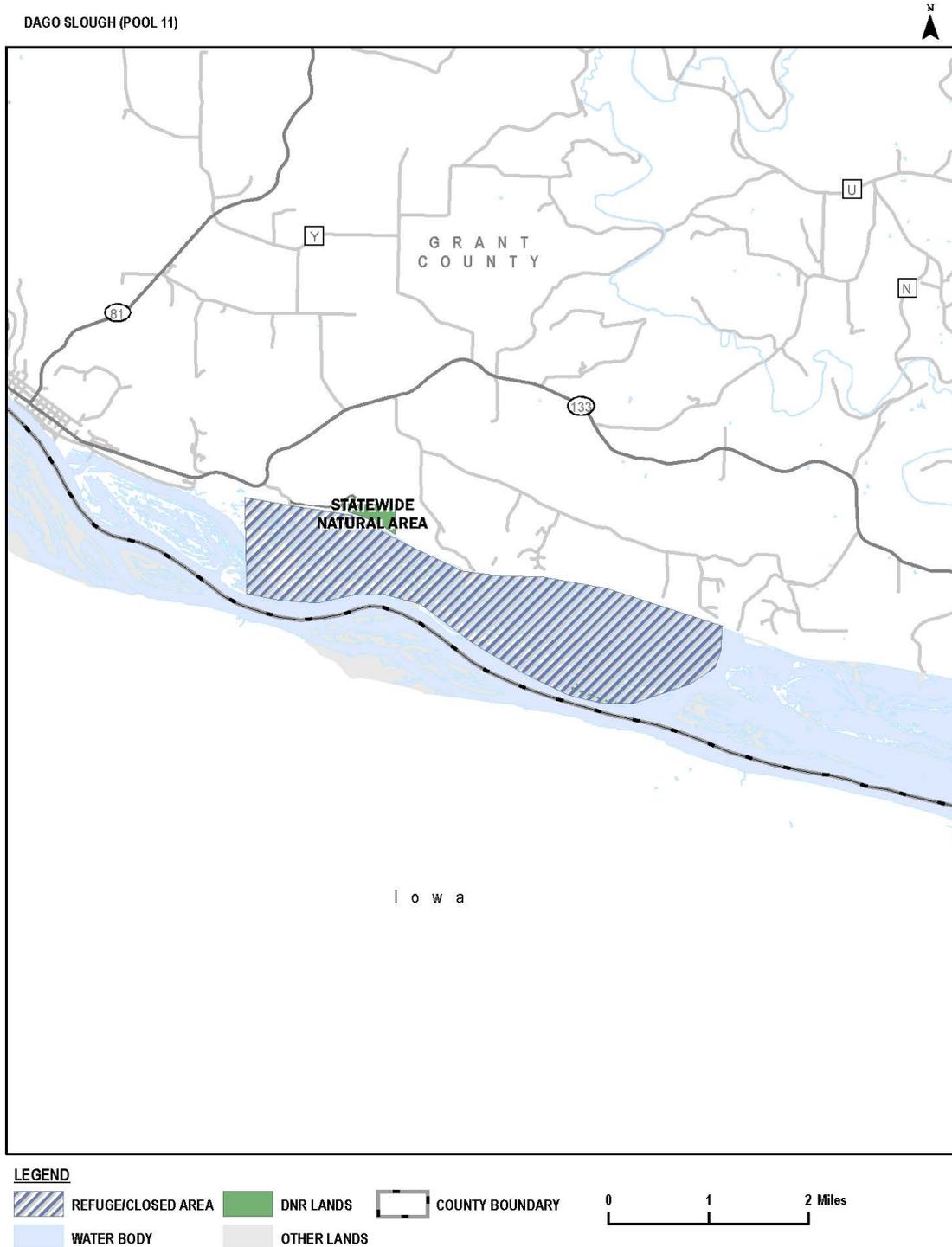
(3) Crawford County

(a) Harpers slough (Pool 9)



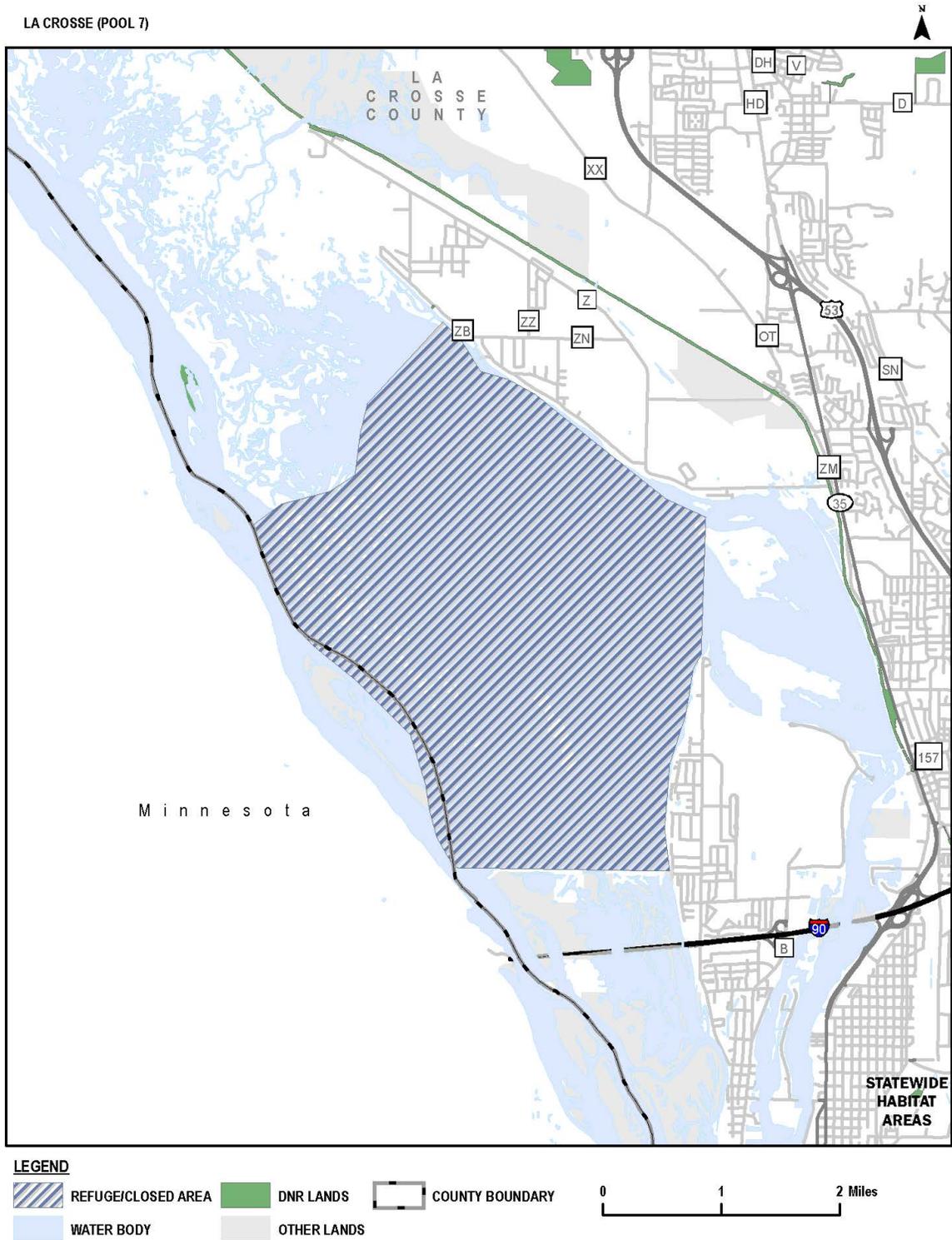
(4) Grant County

(a) Dago slough (Pool 11)



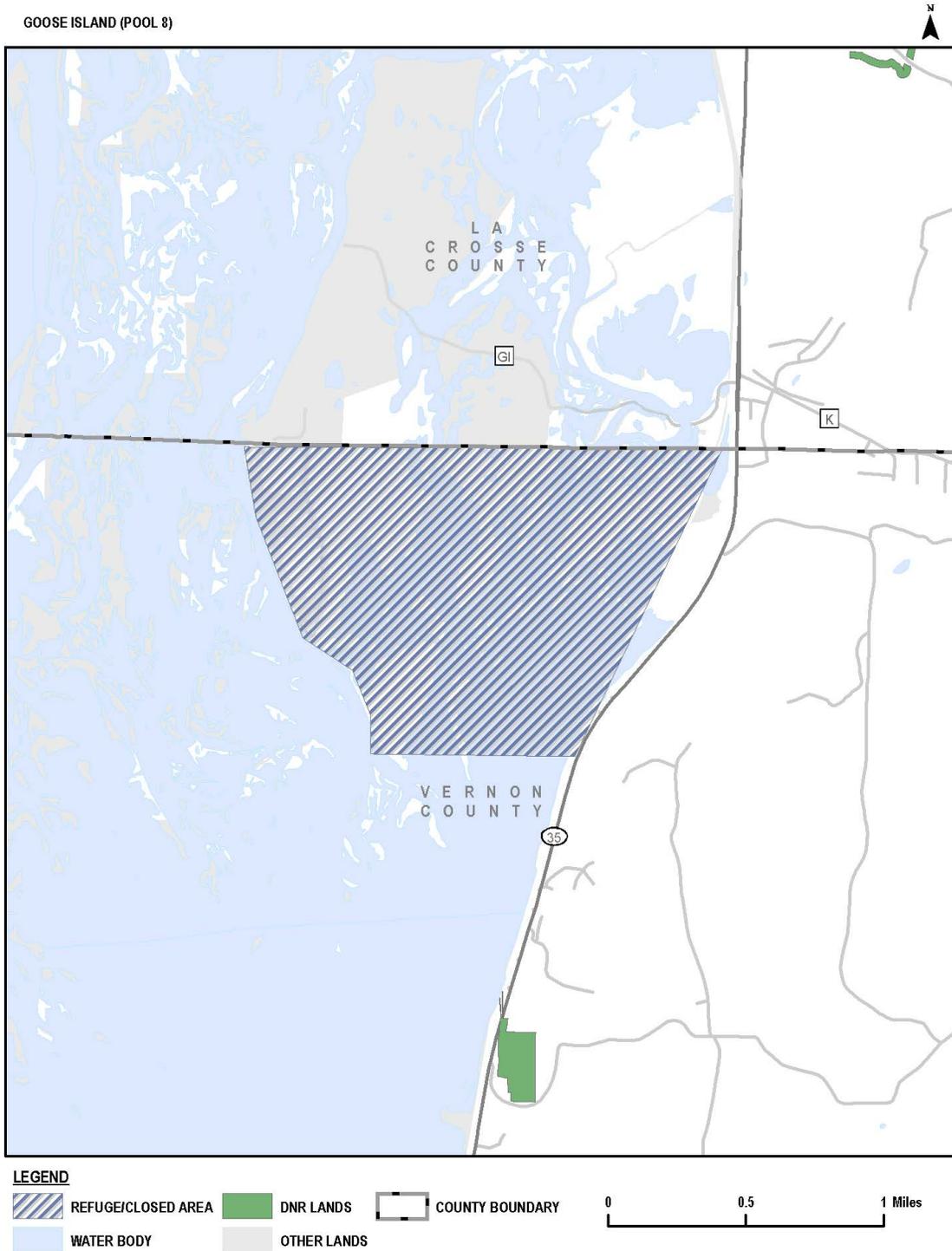
(5) La Crosse County

(a) La Crosse (Pool 7)

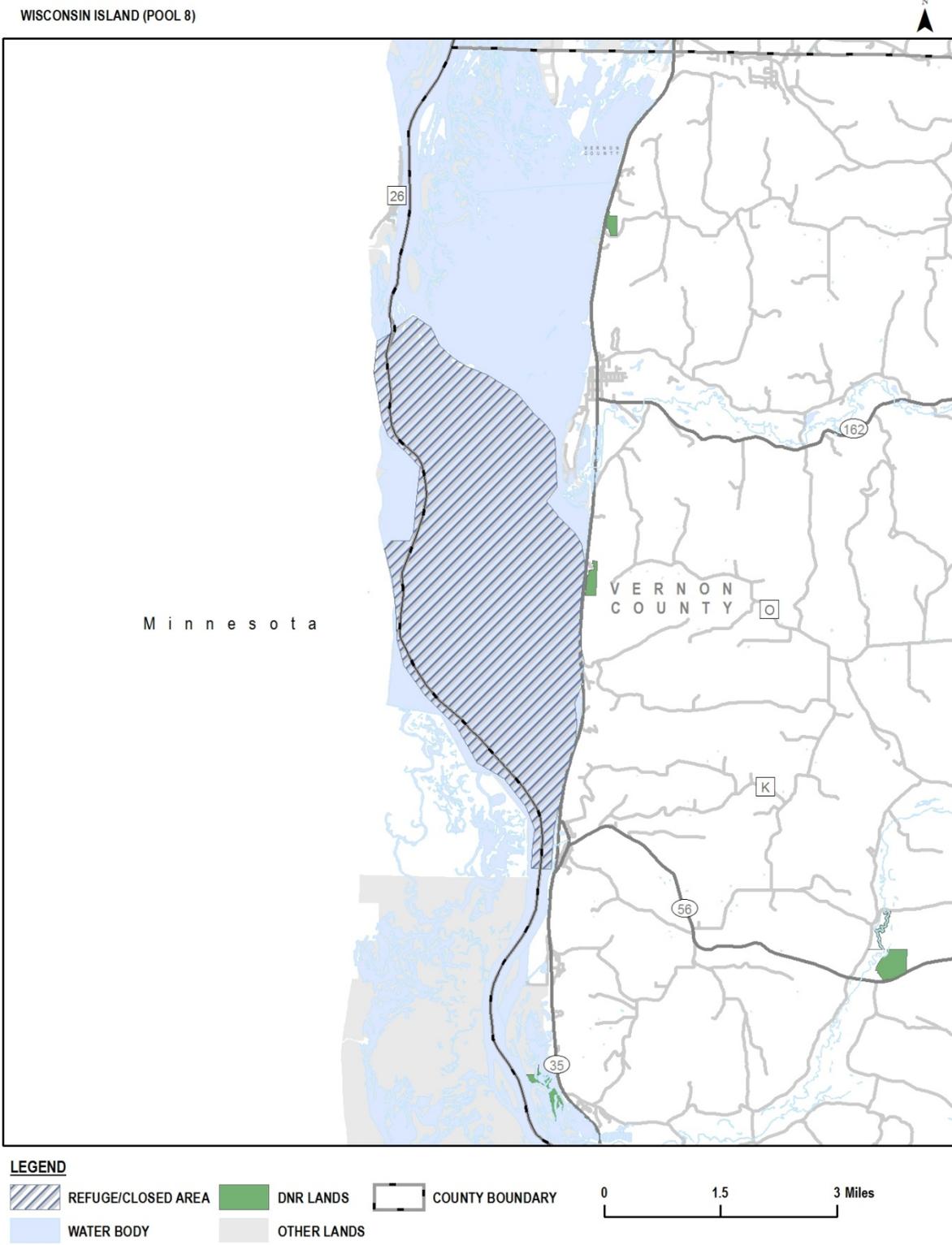


(6) Vernon County

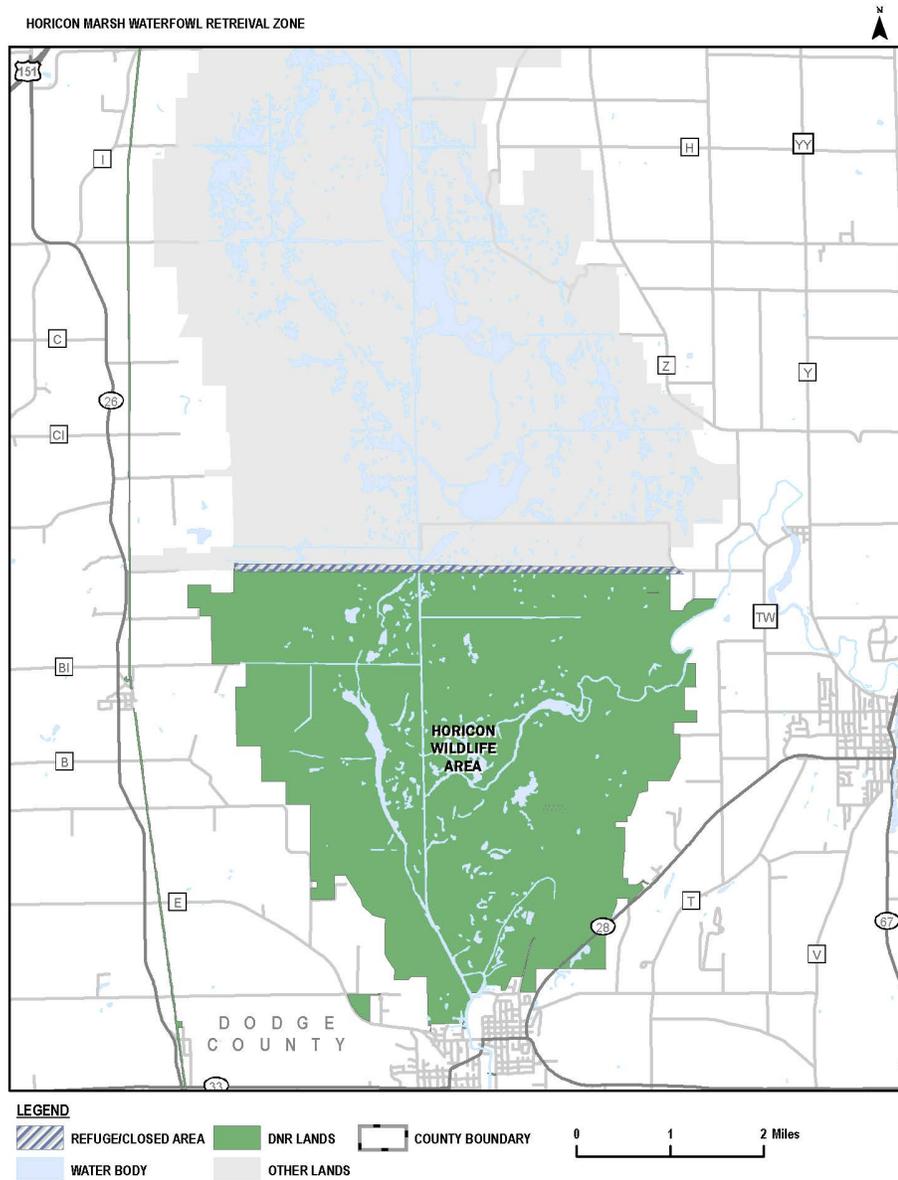
(a) Goose island (Pool 8)



(b) Wisconsin island (Pool 8)



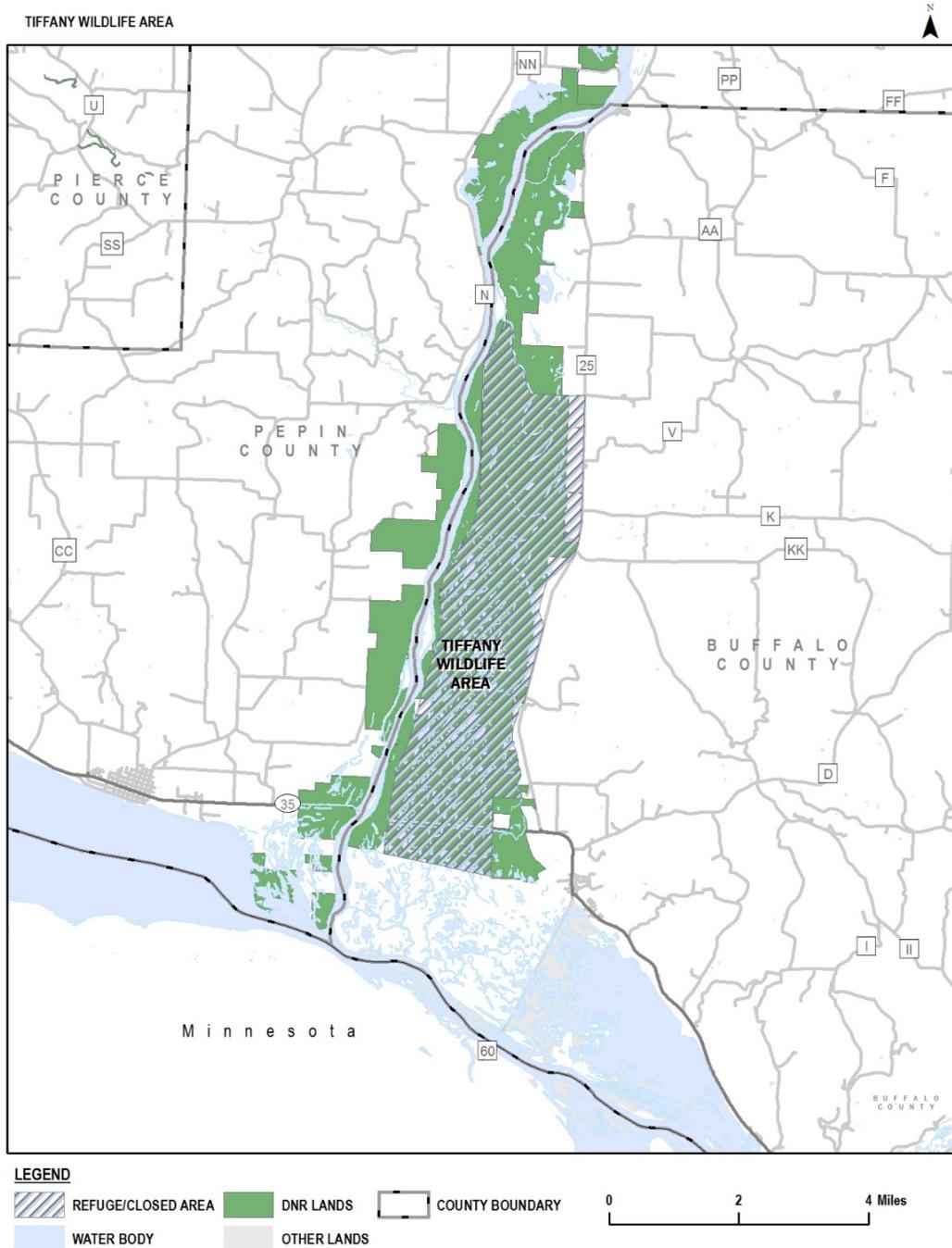
**NR 11.14 Waterfowl closed are; retrieving permitted.** A waterfowl closed area is established in the following areas. No person may hunt or trap any species of wild animal in such areas during the open seasons for waterfowl established in s. NR 10.01 (1), except that deer may be hunted during the periods established in s. NR 10.01 (3) (e). Legally killed or crippled waterfowl may be retrieved by dog or hand.



**NR 11.15 Beaver/ otter closed area (year-round).** A year-round closed season is established in the following areas. No person may trap beaver or otter in any such areas at any time.

(1) Buffalo County

(a) *Tiffany wildlife area.*



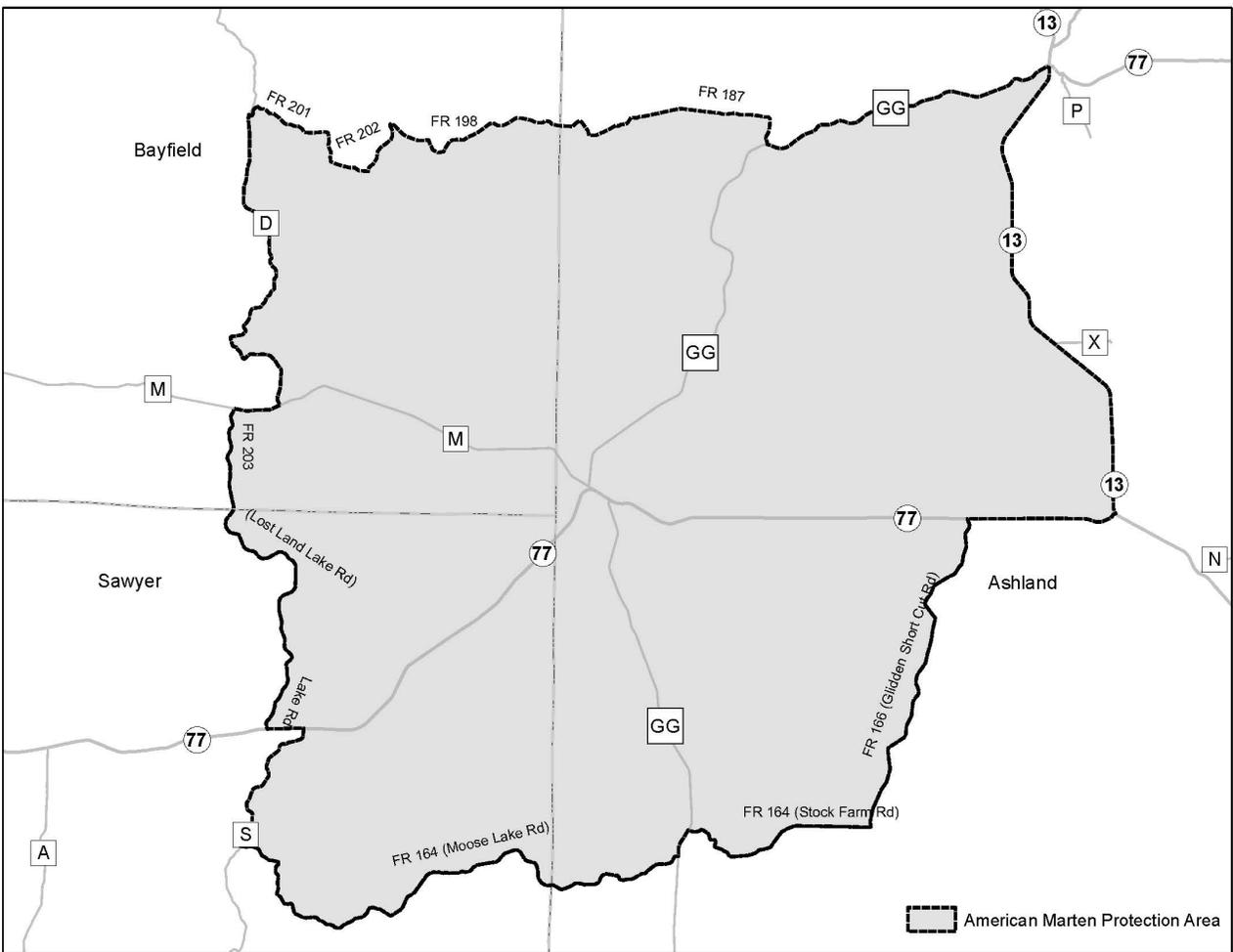
**NR 11.16 Marten protection area.**

(1) Definitions. In this section:

(a) “Pan tension” means the amount of weight that, when applied to the trap pan of a jawed trap, will result in activation of the trap.

(2) Establishment. No person may trap any species of wild animal in the following areas at any time unless trapping with the equipment identified in sub. (3):

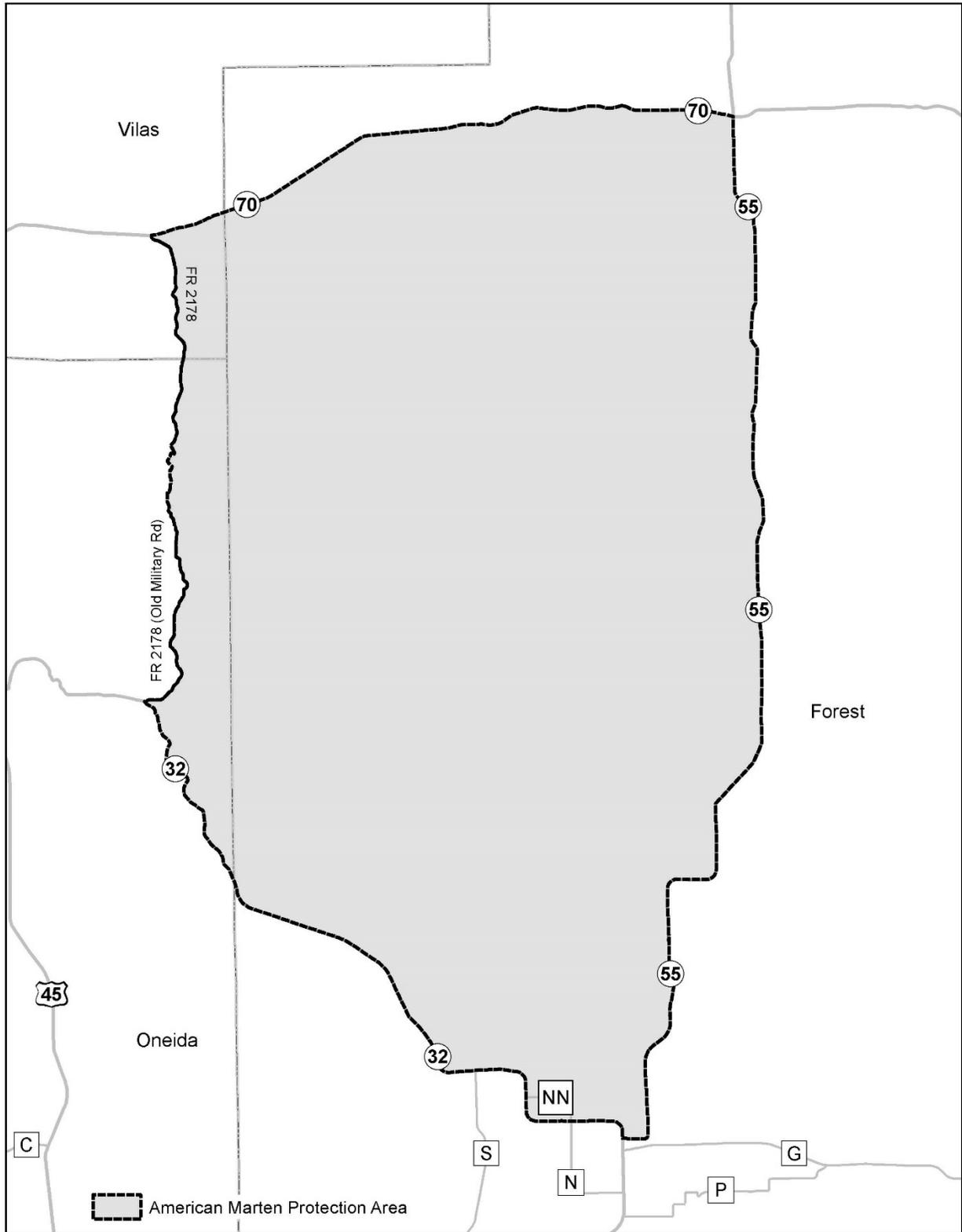
(a) Clam Lake Area (Ashland, Bayfield, and Sawyer Counties)



(b) Apostle Islands Area (Ashland and Bayfield Counties)



(c) Pine River Area (Forest, Oneida, and Vilas Counties)



- (3) Authorized equipment in a Marten Protection Closed area. The following traps may be used for trapping within a Marten Protection Closed Area:
- (a) Cage or box traps or cable restraints in compliance with s. NR 10.13,
  - (b) Weasel boxes in compliance with NR 10.13 (3) (d).
  - (c) Jawed traps as non-submersion sets within the areas identified in NR 11.10 (2) (a) & (c) that include a pan tension of no less than 4 lbs.

Note: Pan tension is frequently modified through the use of commercially adjustable pans, sheer pins, springs, spring steel, or foam

- (d) Jawed traps, enclosed trigger traps, snares, or body-gripping traps as authorized under s. NR 10.13 being used as water sets during the open seasons established in s. NR 10.01 (4).

**NR 11.17 Public lands closed area.** The department may establish closed season areas by posting signs within the exterior limits of public hunting grounds, state wildlife areas and other state-owned or leased lands administered for wildlife management purposes. No person may hunt or trap any species of wild animals except as authorized by posted department signs posted on the lands.

**SECTION 2. NR 15 is repealed:**

**SECTION 3. 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 4. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF Wisconsin DNR

DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

Preston D. Cole, Secretary

(SEAL)