

The statement of scope for this rule, SS 107-24, was approved by the Governor on October 31, 2024, published in Register No. 827A1 on November 4, 2024, and approved by the Natural Resources Board on December 11, 2024. This rule was approved by the Governor on insert date.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01 (2) (f) 3.; to amend NR 10.01 (2) (f) 2., (3) (ev) and 10.105 (2) (c); to repeal and recreate NR 10.13 (3); and to create NR 10.001 (23em), 10.105 (2) (c) and (note) relating to the 2025 wildlife management spring hearing rule.

WM-17-24

Analysis Prepared by the Department of Natural Resources

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

Under s. 23.09(2)(d), Stats., related to conservation, the department is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary. These rules are necessary to preserve public opportunities to hunt with firearms on lands that have been acquired as areas where any citizen may hunt or trap.

2. Statutory Authority: Statutes that authorize the promulgation of this rule order include ss. 23.09 (2) and 29.014, Stats.

3. Explanation of Agency Authority: Sections 20.09 (2), 29.014, and 227.11, Stats., grant rule-making authority to the department to establish seasons and bag limits for hunting that ensure continued hunting and trapping opportunities for citizens of the state. All rules promulgated under this authority are subject to review under ch. 227, Stats.

4. Related Statutes or Rules: There are no active rules related to this rulemaking.

5. Plain Language Analysis:

This rule removes the requirement that all parts of a deer, bear or elk be removed from the field. Instead, only the part of the deer that appears suitable for human consumption would need to be removed.

This rule also offers trappers the ability to use technology to meet trap checking requirements. This rule also changes the terminology used from “trap tending” to “trap checking.” The term “trap checking” better reflects the fact that technology can be used to check a trap.

The rule also allows hunters who qualify for certain disabled hunting permits to hunt deer with a firearm statewide during the two-day youth October deer hunt.

Finally, the rule creates a uniform fall turkey season in the state, with the season beginning on the Saturday nearest September 15 and continuing through the Sunday nearest January 6th.

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. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope: No preliminary public hearing was required for the statement of scope for this rule.

8. 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.

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

The fall turkey season opens statewide each year on the Saturday nearest September 15th. In turkey zones 1-5, the season closes on the Sunday nearest January 6th. In zones 6 and 7, the department has closed the season on the Friday before the Thanksgiving holiday. This early closure was done out of concerns that harsh winters in the northern part of the state could potentially impact turkey populations. However, the turkey populations in zones 6 and 7 have grown to the point that the department believes the season can be extended to provide additional fall hunting opportunities without negatively impacting the population.

Wisconsin's current deer, bear and elk quartering rule requires all parts of the animal (minus the entrails) to be removed from the field after harvest. This requirement puts unnecessary strain on hunters—especially those who are part of the youth or aging hunter demographic—and may act as a deterrent to public land hunters who often have limited access to groomed trails or motor vehicle assistance and therefore must manually remove the deer from point of harvest to wherever their vehicle is located. Many western states have successfully adopted regulations allowing hunters to quarter or completely debone harvested game and leave “non-edible” carcass material at the site of harvest. Adopting similar language would encourage Wisconsin hunters to hunt farther from roadways/parking lots potentially reducing hunting pressure. Adopting this language could also potentially reduce disease spread and the number of deer carcasses that end up in public parking lots, access trails and along roadside ditches.

The disabled deer hunt begins on the first Saturday in October and runs for nine consecutive days. In order to hunt, disabled hunters must participate in a sponsored event on an enrolled property. This means disabled hunters generally cannot hunt on their own property or other lands they have access to. Sponsored properties have minimum acreage requirements and must be open to other disabled hunters during this special hunt.

The youth firearm deer season overlaps with the disabled deer hunt. It begins on the Saturday closest to October 8 and runs for two consecutive days. In contrast to the disabled deer hunt, youth hunters may harvest deer statewide.

Many disabled hunters have expressed the desire to hunt on their own property during the disabled deer hunt. This proposal would allow disabled hunting to occur statewide while the youth gun deer season is open. The requirement to participate in a sponsored event would still apply during the portion of the disabled deer hunt that does not overlap with the youth firearm season.

Trappers are required to tend traps at various intervals, depending on where the trap is placed. The department has historically required in-person trap tending. Some states have begun allowing trappers to use technology such as cellular trail cameras to fulfill trap tending requirements. These states have developed new regulations to ensure that the technology is used responsibly.

Adopting the use of technology-assisted trap tending has potential benefits to animal welfare. This includes being able to respond to a trapped animal sooner than if a trapper were doing an in-person trap check based on the type of trap set. It could also potentially allow for more trapper participation, including individuals who are older, have injuries or are disabled, which may cause them to be hesitant to participate in trapping.

Trappers utilizing this technology would be required to ensure that the trap-tending technology is active and functioning. They would also be required to reduce the animal to their possession or release the animal within a specific timeframe from when they were notified of a triggered trap. Trappers would also be required to maintain records of the appropriate tending intervals of the trap type being used.

10. 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 with these rules.

11. 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.

12. Agency Contact Person: Scott Karel, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scottr.karel@wisconsin.gov.

13. Place where comments are to be submitted and deadline for submission:
Written comments may be submitted at the public hearings, by regular mail, or email to:
Scott Karel
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P.O. Box 7921
Madison, WI 53707-7921
Scottr.karel@wisconsin.gov
608-267-2452
608-267-7857 (fax)

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wisconsin.gov/calendar>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

RULE TEXT

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

<p>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).</p>	<p>Fall season beginning on the Saturday nearest September 15 and continuing through the Friday immediately preceding the Thanksgiving holiday <u>Sunday nearest January 6th.</u></p>	<p>The bag limit is one male or one female turkey for each wild turkey harvest authorization issued under s. NR 10.25.</p>
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SECTION 2. NR 10.01 (2) (f) 3. is repealed.

SECTION 3. NR 10.01 (3) (ev) is amended to read:

(ev) *Special youth and disabled hunter gun deer hunt event.* Persons under 16 years of age or individuals who hold a valid Class A permit, a valid Class B permit that authorizes hunting from a stationary vehicle that is issued for more than one year, a valid Class C permit issued pursuant to s. 29.193 (2), Stats., that was issued on or after August 9, 1989, or a valid Class D permit may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state parks other than Buckhorn State Park. No person may hunt deer with any firearm other than a muzzleloading firearm at the Loew Lake Unit of the Kettle Moraine state forest. The bag limit is one buck deer with a gun buck deer harvest authorization and one antlerless deer for each antlerless harvest authorization issued under s. NR 10.104. An antlerless deer harvest authorization that is issued under s. NR 10.104 (7) may be used by a disabled hunter during this hunt event in any unit statewide on public access lands or private land. No ~~person~~ youth hunter may hunt unless accompanied by an adult 18 years of age or older and in compliance with s. 29.592, Stats. No parent or guardian may knowingly permit a person under 16 years of age to hunt unless accompanied by an adult 18 years of age or older. No adult may accompany more than 2 youth 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 hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters.

SECTION 4. NR 10.105 (2) (c) is amended to read:

(c) Must remove from the field all parts of the animal ~~from the field~~ that appear edible except for the ~~entrails~~ organs.

SECTION 5. NR 10.105 (2) (c) (note) is created to read:

Note: There is a general prohibition on any act that wastes natural resources, including game species, found in s. 23.095 (1g), Stats.

SECTION 6. NR 10.13 (3) is repealed and recreated to read:

(3) SET CHECKING REQUIREMENTS.

(a) *Physical trap checking.* Except as provided in pars. (b) and (c), traps must be physically checked according to the following intervals:

1. Non-submersion sets shall be physically checked at least once each day and any animal captured shall be removed from the set by the operator of the trap.

2. Submersion sets shall be physically checked within a 4-day period following the last tending of the set. Any animal captured shall be removed from the set by the operator of the trap. Water levels shall be monitored to ensure effective submersion sets.

3. 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 physically checked within a 4-day period following the last checked of the set. Any animal captured shall be removed from the set by the operator of the trap each time the trap is checked.

(b) *Remote trap checking.* 1. Remote trap checking systems, including drones when flown in a legal manner, may be used in lieu of a physical trap checking when such systems meet all of the following requirements:

a. The system has a control unit or remote camera that reports the trap status to a centralized application at least once every 24 hours.

b. The system provides notifications of trap closures or activity at the trap site and system health issues within one hour of detection via email or text-based messaging systems.

c. The system has on-demand capabilities for determining signal strength and battery condition via a remote system check-in.

d. If the control unit reports a trap closure or the camera sends a photo of an animal in a trap, the operator of the trap shall physically visit the trap within 24 hours of the time the trap was reported closed or the photo was received.

2. If the control unit or camera of the remote trap checking system fails to report its current status within a 24-hour check-in period or reports a system health issue, the operator of the trap shall physically check the trap within 24 hours of the last communication with the device.

3. The operator of the trap shall keep records of notifications from the remote trap checking systems for as long as the camera or the control unit is in use. If requested by the department, the operator of the trap shall provide the records of notifications from the remote trap checking systems.

4. The operator of the trap shall be the person who remotely checks the traps.

(c) *Ice sets.* Under ice sets are exempt from the trap checking intervals in pars. (a) and (b).

(d) *Trap checking authorization.* A person who is not the operator of a trap and does not have a trapping license or authorization may check a trap. If the person physically checking the trap will also be setting, resetting or handling the traps, removing the animals from the traps, or possessing furbearing animals caught by trapping, that person shall possess an appropriate current and valid trapping authorization unless that person is otherwise exempt.

SECTION 7. 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 8. 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

DEPARTMENT OF NATURAL RESOURCES

BY _____

Karen Hyun, Ph.D., Secretary