

June 4, 2025

The statement of scope for this rule, SS 018-25, was approved by the Governor on April 3, 2025, published in Register No. 832A1 on April 7, 2025, and approved by the Natural Resources Board on May 28, 2025. 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 10.26 (1) (b) 2. (note) and 3.; to **amend** NR 10.01 (2) (c), 10.26 (1) (b) 2., and 10.285 (note); to **repeal and recreate** NR 10.26 (3); and to **create** NR 10.335 relating to revising sharp-tailed grouse management zones.

WM-03-25

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.

In addition, s. 29.192 (2), Stats., states that the department may establish by rule areas where sharp-tailed grouse hunting is permitted and zones where sharp-tailed grouse hunting is prohibited.

2. Statutory Authority: Statutes that authorize the promulgation of this rule order include ss. 29.014 and 29.192 (2), Stats.

3. Explanation of Agency Authority:

Sections 29.014, 29.192 (2) 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 related active administrative rules.

5. Plain Language Analysis:

This rule creates new harvest zones for sharp-tailed grouse. It also updates rule language to acknowledge that sharp-tailed grouse applications are submitted electronically and not through the mail. Finally, this rule updates the metrics used to establish sharp-tailed grouse quotas. These metrics are consistent with existing department policy because they are similar to those found in the new sharp-tailed grouse management plan which was approved by the Natural Resource Board in the spring of 2024.

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: A preliminary hearing was not required for this rule.

8. Comparison with Similar Rules in Adjacent States:

Michigan has a single unit open to hunting sharp-tailed grouse. This unit is found in the Upper Peninsula. Their season runs from October 10-31. Minnesota has two sharp-tailed grouse hunting zones that are open to hunting. These zones are very large in size. The northwest zone has an abundance of birds and there is a daily bag limit with the season running from September 13 – November 30. The east-central zone borders Wisconsin. This zone has fewer birds, and the season is currently closed. Illinois and Iowa do not have a sharp-tailed grouse season.

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

The current sharp-tailed grouse management zones are the game management units that were also the deer units prior to 2015. Today, sharp-tailed grouse populations are more fragmented and tied to habitat in specific places than when these zones were initially established. In 2024, the Natural Resources Board approved a new sharp-tailed grouse management plan. This plan recognizes that sharp-tailed grouse mainly exist in areas where we currently have managed habitat. This is because land use changes have made it so that sharp-tailed grouse are only found on those managed habitats. The current management zones no longer accurately depict where sharp-tailed grouse are located. The proposed zones will be more specific to the habitats that the sharp-tailed grouse occupy. Changing the management zone boundaries will allow the department to adapt sharp-tailed grouse harvest quotas to the population levels within those localized areas. These changes will primarily impact sharp-tailed grouse hunters and will offer a better-quality hunt for individuals who are issued a sharp-tailed grouse permit.

Current rules establish that the annual harvest quotas are set based on three factors: estimated size and distributions of the population, trends in harvest and hunter success rates, and a cap of no more than 25% of the projection population. The sharp-tailed grouse management plan identifies additional criteria that should be considered when the setting harvest quota. This includes population indices, metrics, and other information to best assess population status by zone. These new factors will not be a substantial departure from how the previous quota was set but will instead take in additional considerations. These metrics indicate that the harvest will not approach 25% of the sharp-tailed grouse population.

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 that 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
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

Scotttr.karel@wisconsin.gov

608-267-2452

608-267-7857 (fax)

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@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) (c) is amended to read:

Kind of Animal and Locality	Open season (all dates inclusive)	Limit
NR 10.01 (2) (c) <i>Sharp-tailed grouse</i> 1. All game management units <u>hunting zones</u> as described in s. NR 10.285 s. NR 10.335 for which a sharp-tailed grouse harvest quota has been established under s. NR 10.26.	Beginning on the Saturday nearest October 17 and continuing for 23 consecutive days.	One sharp-tailed grouse per carcass tag issued. The possession limit corresponds to the number of carcass tags issued.

SECTION 2. NR 10.26 (1) (b) 2. is amended to read:

2. All applications shall be ~~postmarked~~ received no later than the deadline dates indicated on the application form ~~or received by a department service center location on those dates~~ to be considered for selection.

SECTION 3. NR 10.26 (1) (b) 2. (note) and 3. are repealed.

SECTION 4. NR 10.26 (3) is repealed and recreated to read:

(3) ANNUAL HARVEST QUOTAS. The department shall establish a statewide sharp-tailed grouse harvest quota and allocate such quota among the sharp-tailed grouse management zones, based on the status of sharp-tailed grouse populations in relation to management objectives as outlined in a species

management plan. The species management plan will identify metrics, objectives, and guidelines that the department will use to establish a quota. These metrics may include:

- (a) Evaluation of metrics, objectives, and guidelines outlined in a species management plan.
- (b) Population estimates and trends.
- (c) Projected impacts of sharp-tailed grouse quotas on the sharp-tailed grouse population.
- (d) Outcomes of previous harvest seasons.

Note: The department acknowledges and considers the off-reservation treaty rights established under *Lac Courte Oreilles Indians v. State of Wis.*, 775 F. Supp. 321, 323 (W.D. Wis. 1991) and on-reservation jurisdiction of Native American tribes when establishing sharp-tailed grouse harvest quotas

SECTION 5. NR 10.285 (note) is amended to read:

Note: Prior to 2015 the game management zones in this section were also used by the department as deer management units. These game management zones continue to serve as the basis for fisher, ~~sharp-tailed grouse~~, and bear management zones.

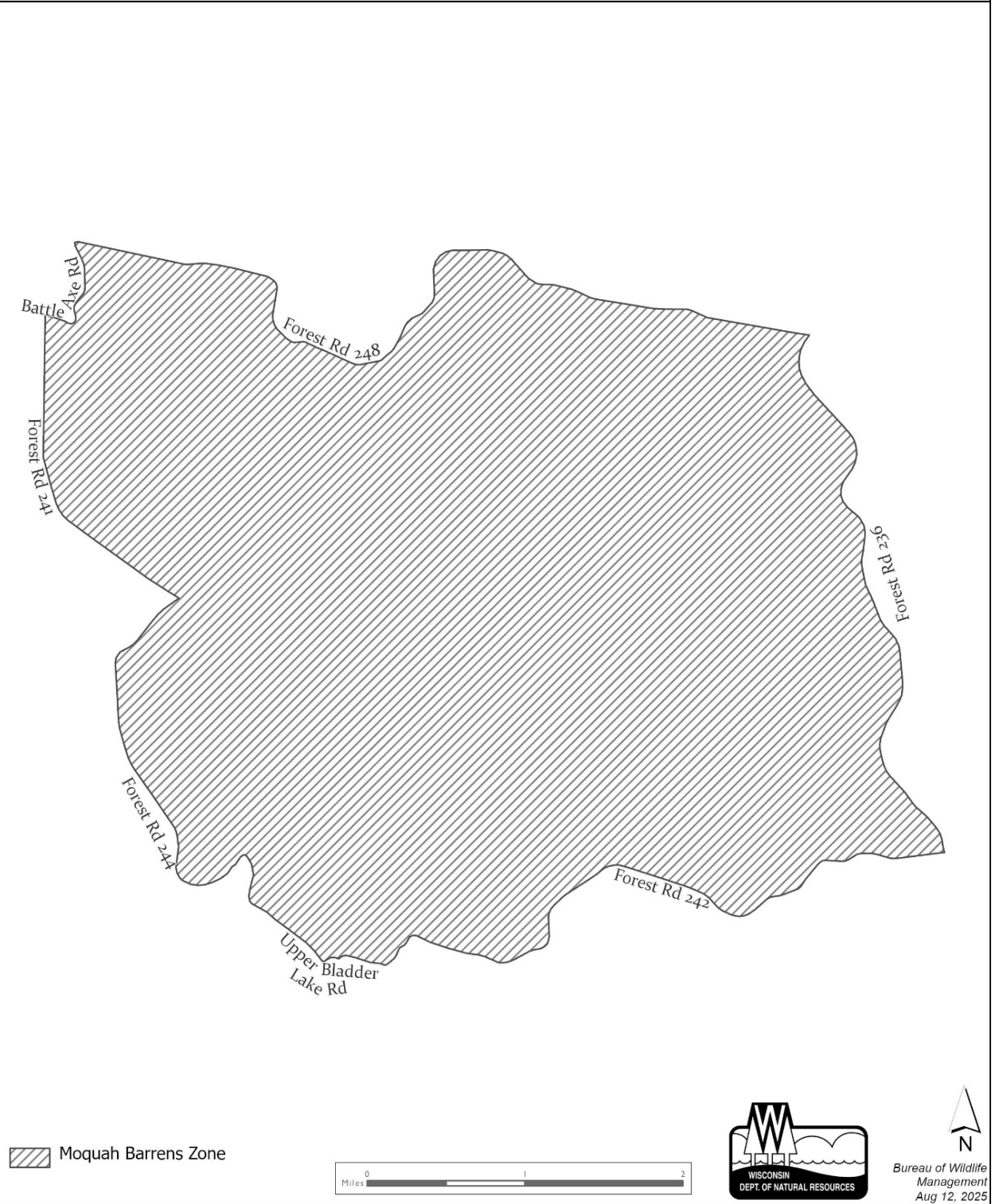
SECTION 6. NR 10.335 is created to read:

NR 10.335 Sharp-tailed grouse hunting zones

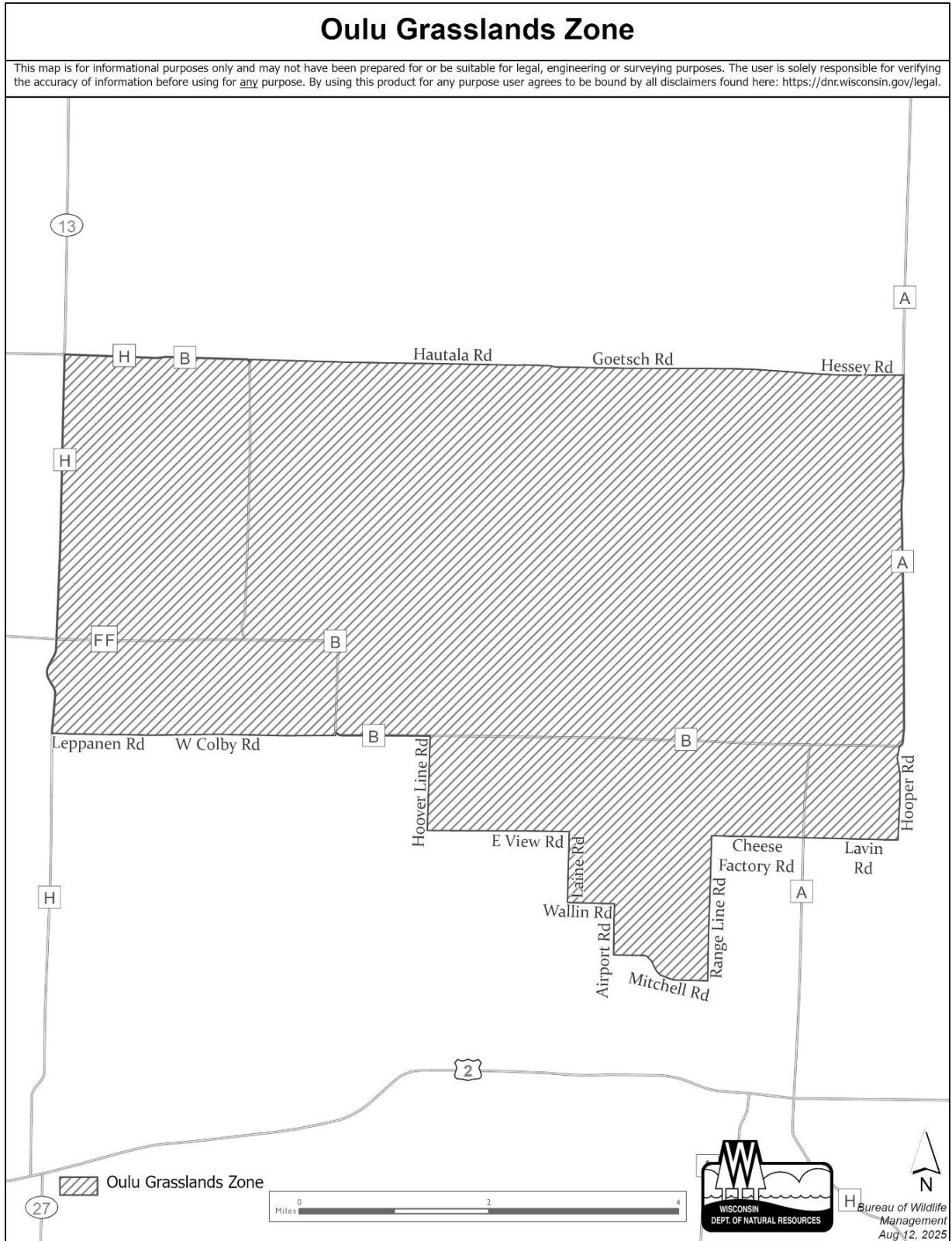
- (1) BAYFIELD COUNTY, MOQUAH BARRENS ZONE.

Moquah Barrens Zone

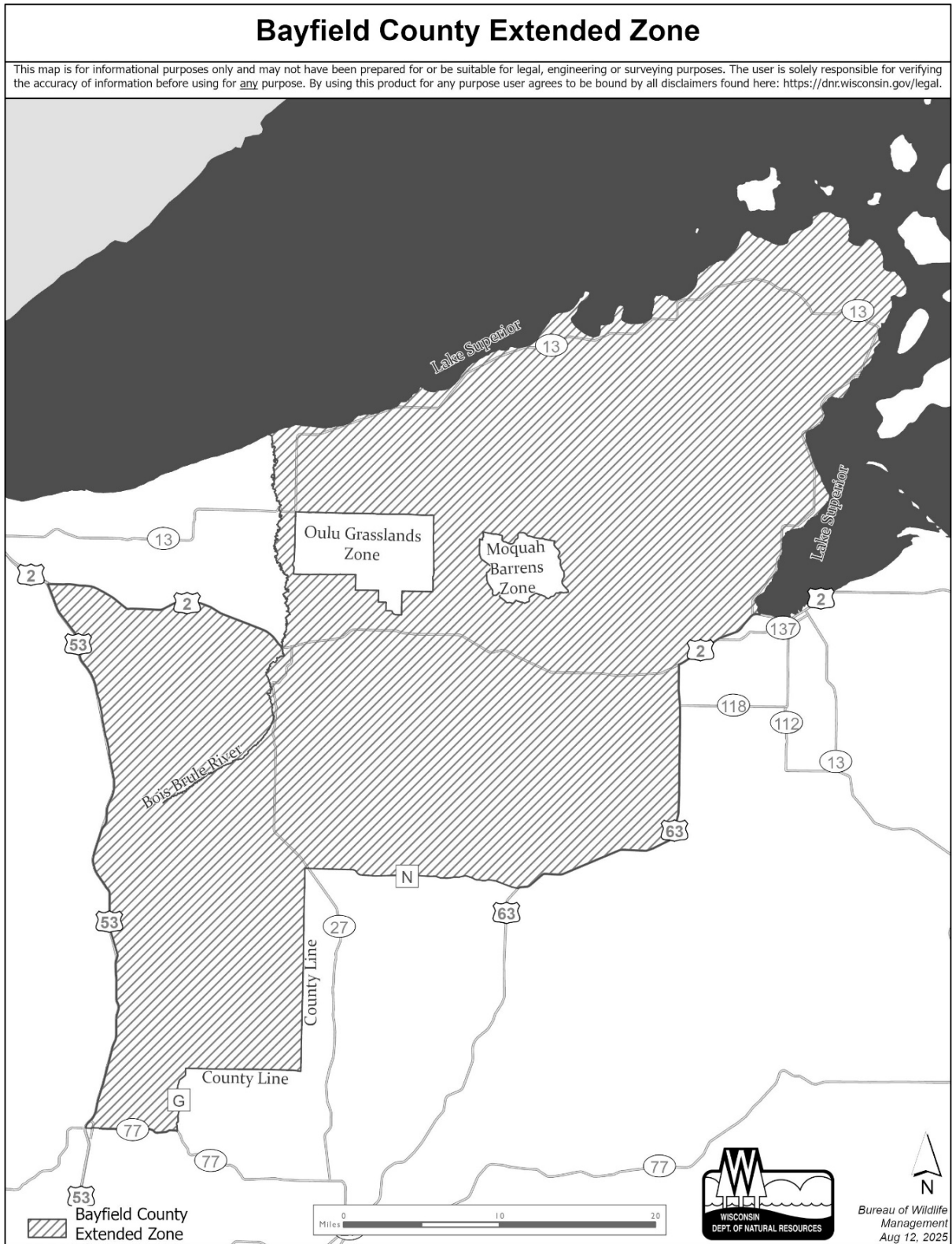
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(2) BAYFIELD AND DOUGLAS COUNTIES, OULU GRASSLANDS ZONE.

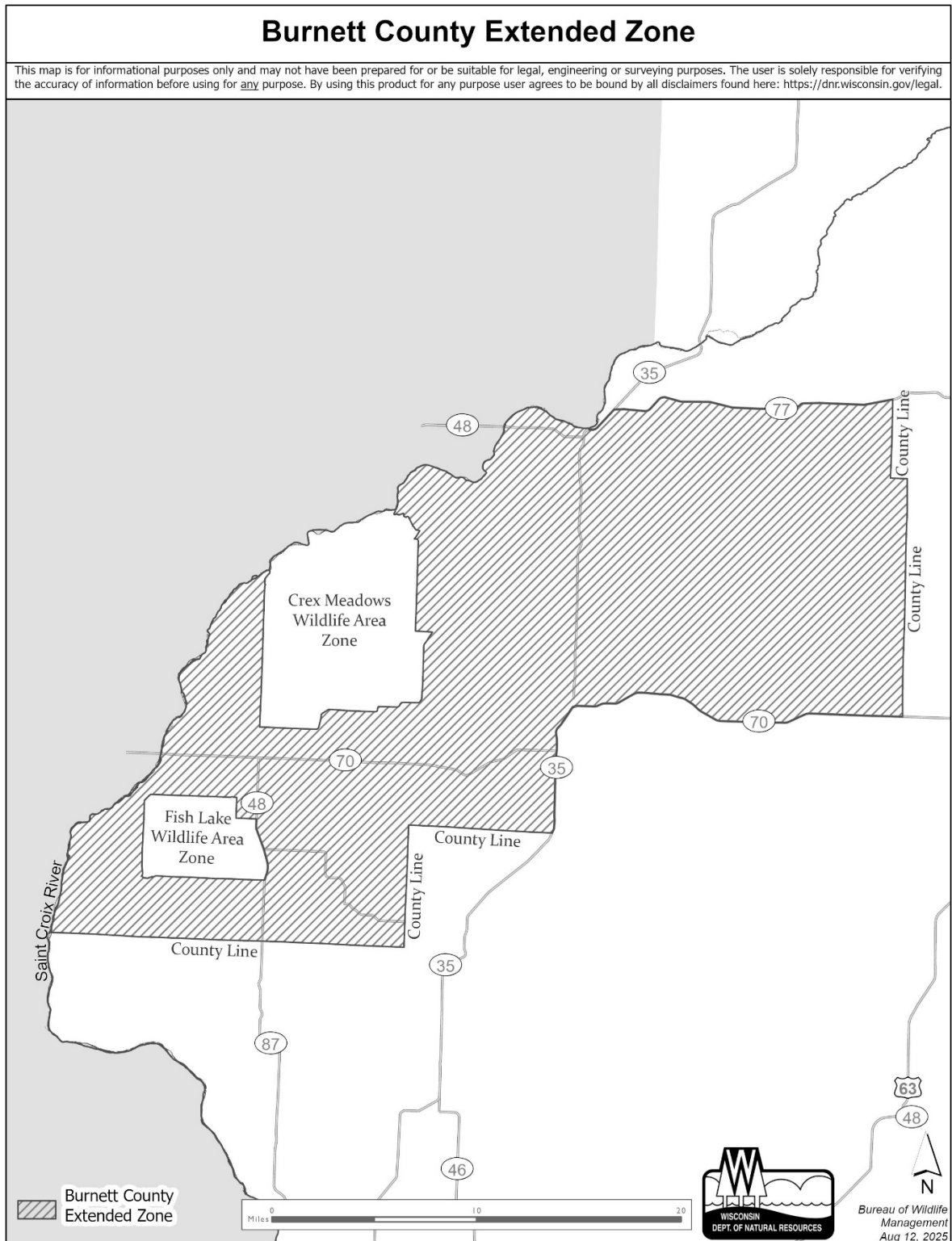


(3) BAYFIELD, DOUGLAS, AND WASHBURN COUNTIES, BAYFIELD COUNTY EXTENDED ZONE.

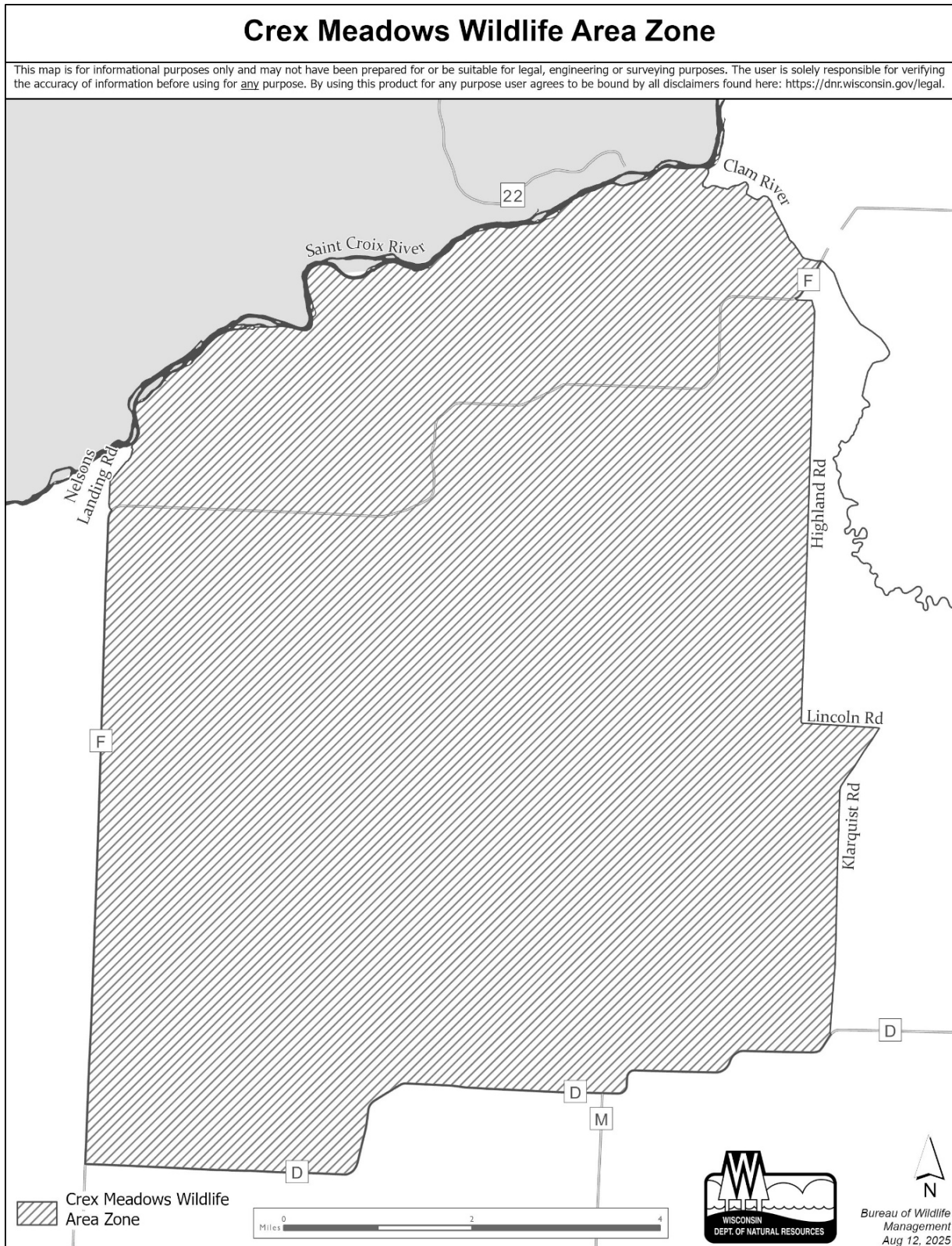


(4) BURNETT COUNTY.

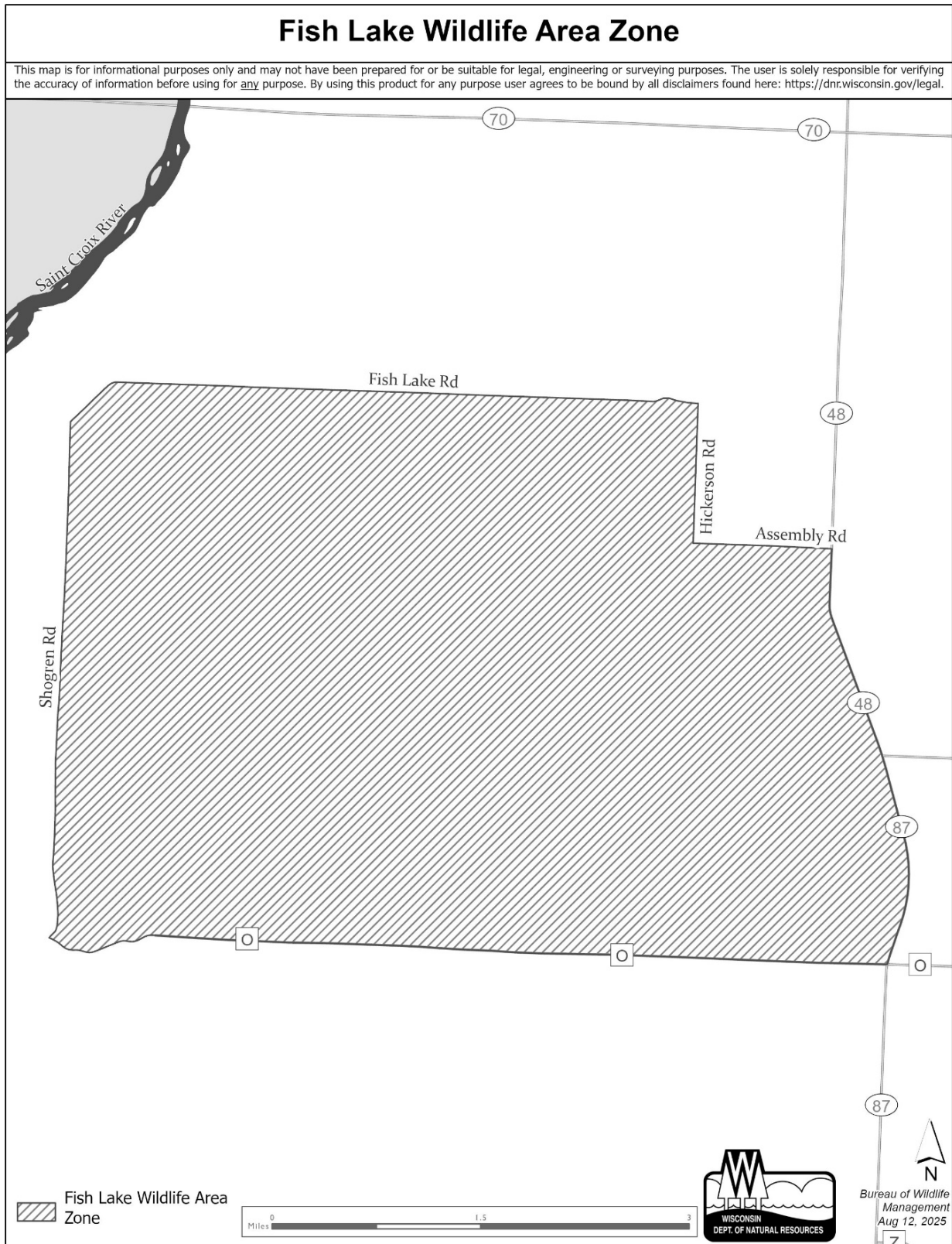
(a) *Burnett County Extended Zone.*



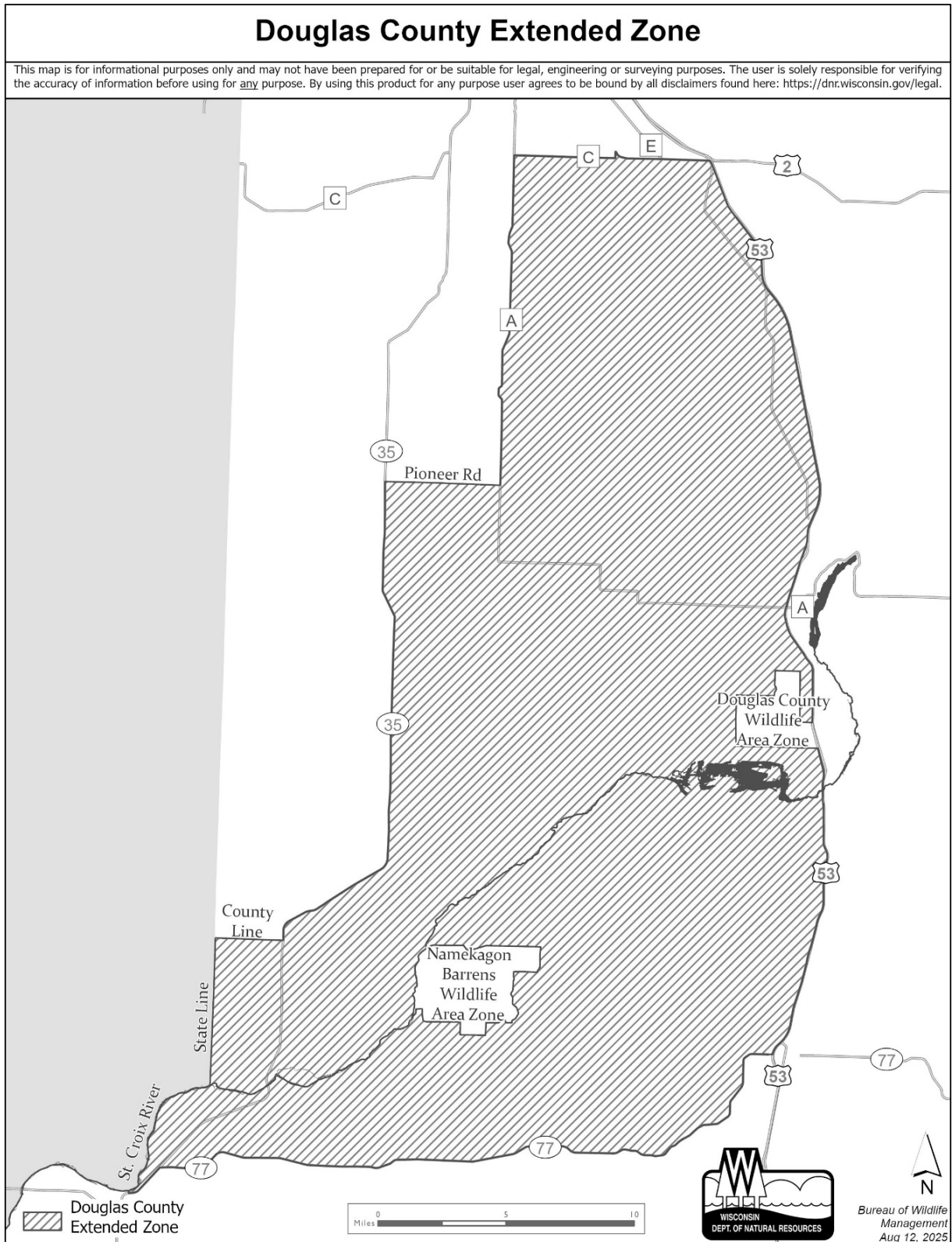
(b) *Crex Meadows Wildlife Area Zone.*



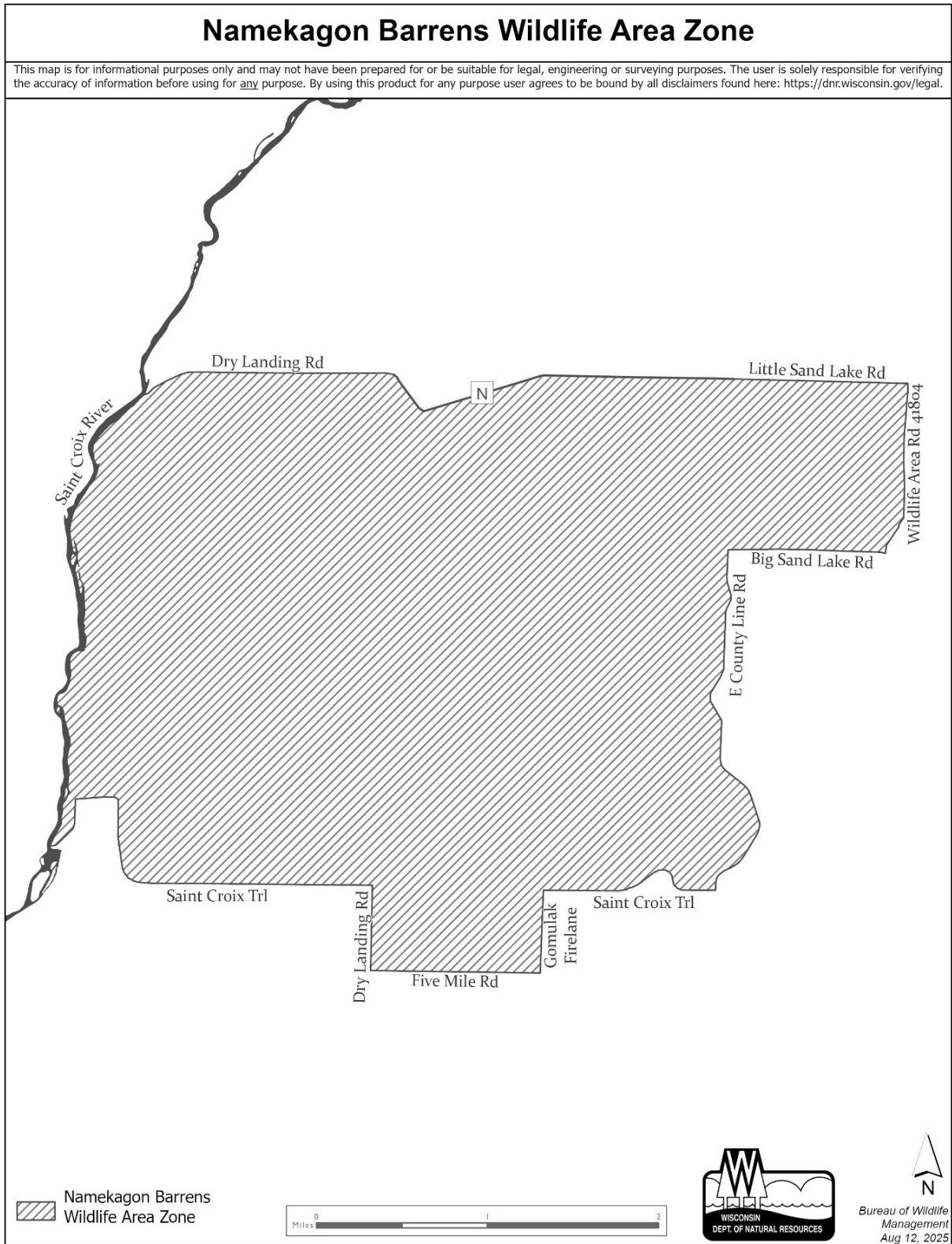
(c) *Fish Lake Wildlife Area Zone.*



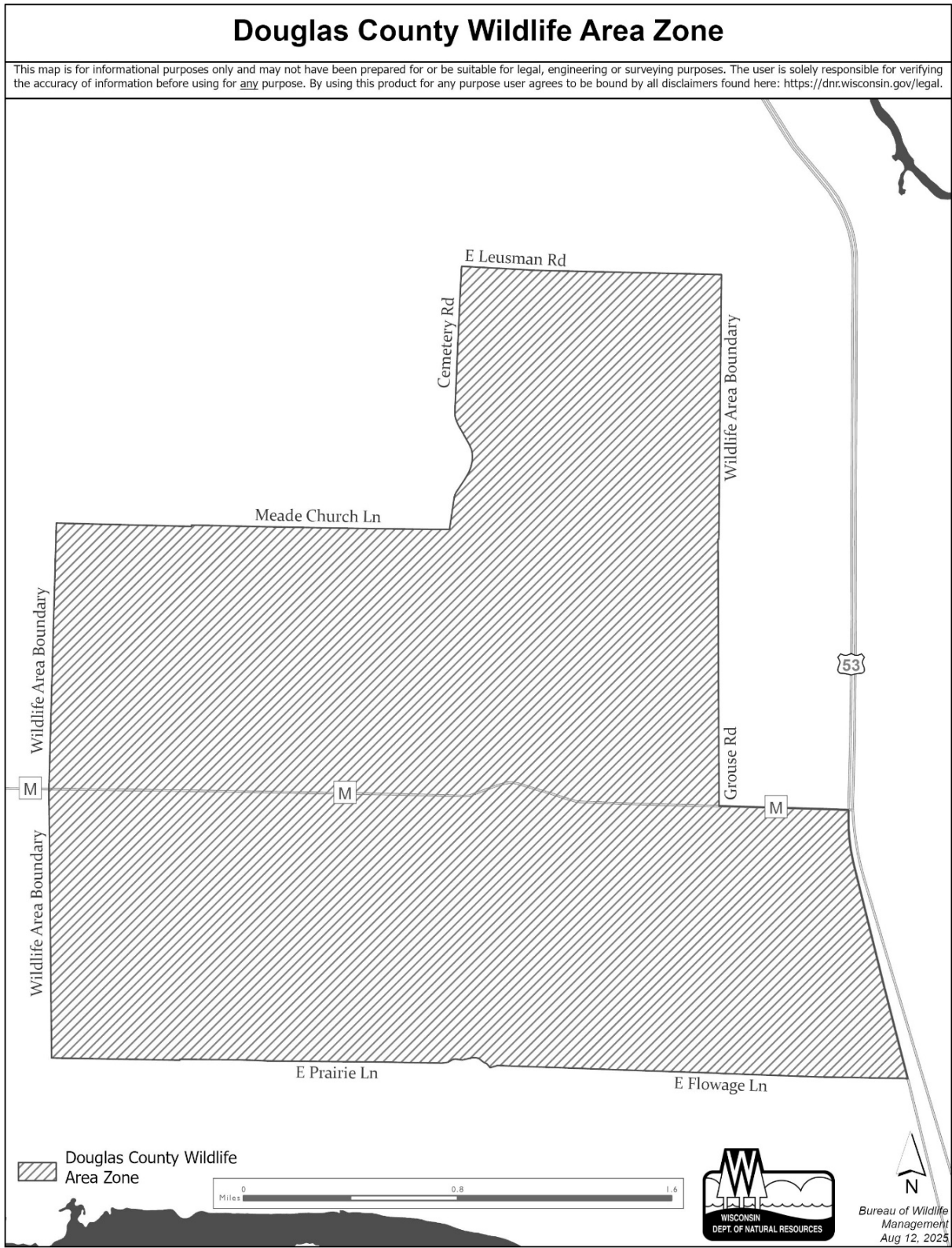
(5) BURNETT, DOUGLAS, AND WASHBURN COUNTIES, DOUGLAS COUNTY EXTENDED ZONE.



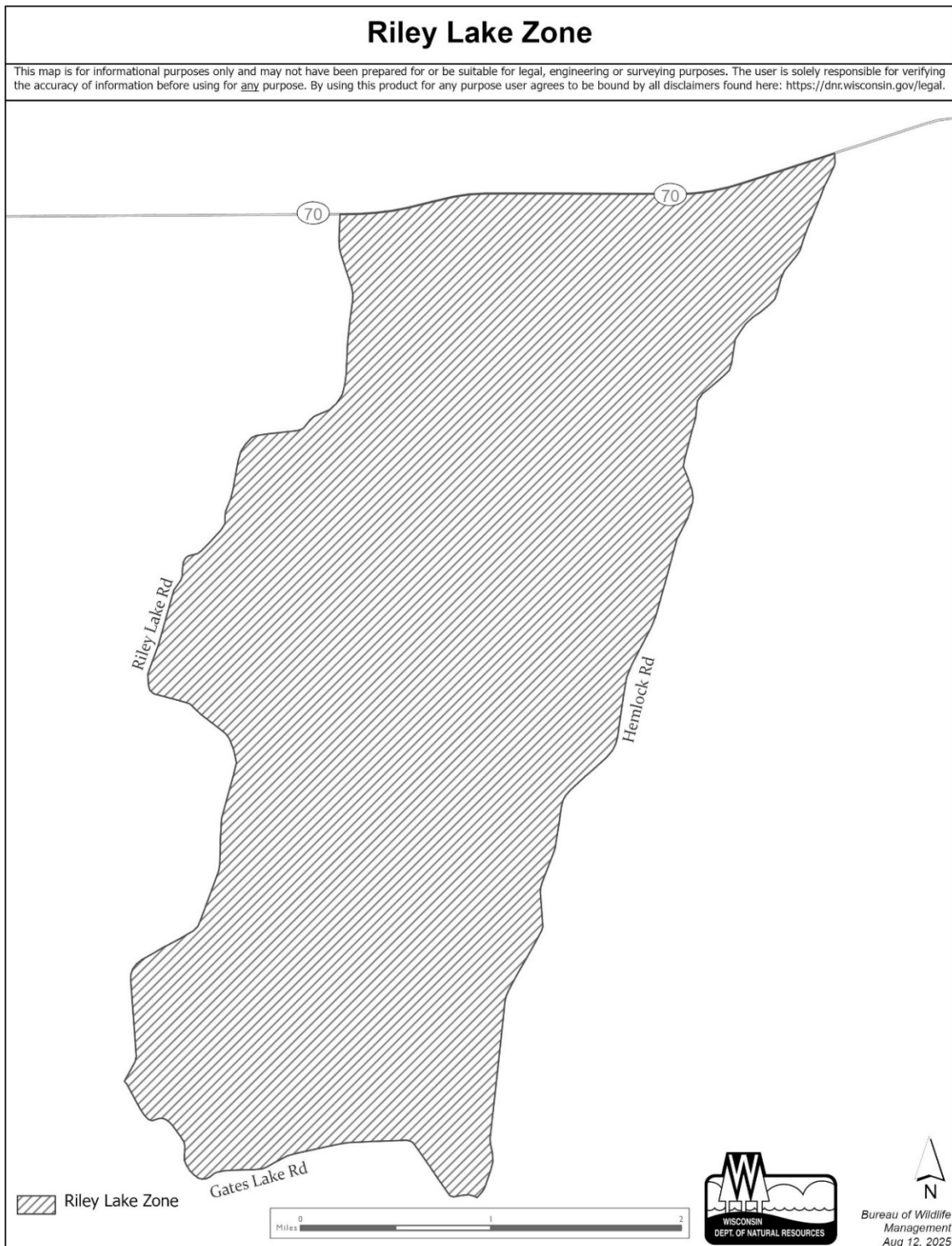
(6) BURNETT AND WASHBURN COUNTIES, NAMEKAGON BARRENS WILDLIFE AREA ZONE.



(7) DOUGLAS COUNTY, DOUGLAS COUNTY WILDLIFE AREA ZONE.



(8) PRICE COUNTY, RILEY LAKE ZONE.



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 DNR

DEPARTMENT OF NATURAL RESOURCES

BY _____

For Karen Hyun, Ph.D., Secretary