

SUBJECT: Request adoption of WM-05-08 relating to management of chronic wasting disease.

FOR: APRIL, 2008 **BOARD MEETING**

TO BE PRESENTED BY: Alan Crossley, CWD Coordinator

SUMMARY:

This rule order advances recommendations that should be enacted to serve as the 2008 hunting season framework in the CWD management zone as well as carcass movement restrictions beginning in 2009. This proposal is in part the recommendation of a group of 18 citizens who met to advise the department on the management of CWD. The department makes further recommendations which are intended to do more to manage the disease.

This proposed rule would:

- Combine two CWD management zones into one with one season framework and consistent regulations.
- Establish deer population goals that are 20% below the goals established in 2001.
- Establish season structures that are similar to the rest of the state with the addition of a late firearm deer season.
- Prohibit the importation of whole cervid carcasses from areas in WI and other states where CWD is found (2009).
- Expand the ability to hunt with rifles to the entire CWD Management Zone except for metro units.

In 2008 the CWD Management Zone season includes unlimited earn-a-buck regulations and these dates:

- Archery season: September 13 to January 4
- Early firearm season: October 16-19 (antlerless-only)
- Traditional 9-day firearm season: November 22-30
- 10-day muzzleloader-only season: December 1-10
- Late firearm season: December 11-14 (antlerless-only)
- Holiday firearm season: December 24-January 4

RECOMMENDATION: Adoption of WM-05-08 relating to management of chronic wasting disease.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

/s/	4/08/08
_____ Bureau Director, Tom Hauge	_____ Date
/s/	4/08/08
_____ Administrator, Laurie Osterndorf	_____ Date
/s/	4/11/08
_____ Secretary, Matt Frank	_____ Date

- | | | |
|---------------------------|---------------------------------------|-----------------------------|
| cc: Laurie J. Ross - AD/5 | Cons. Congress Exec. Cmte. - 4 - LS/5 | GLIFWC & Tribes - 14 - WM/6 |
| Barbara Zellmer - WM/6 | Diane Brookbank - CS/GEF 3 | Carol Turner - LS/5 |
| Alan Crossley - WM/6 | Randy Stark - LE/5 | Reg. WM Sups. - 5 - WM/6 |
| JoAnne Farnsworth - WM/6 | Tim Andryk - LS/5 | Reg. LE Sups. - 5 - WM/6 |
| Bill Vander Zouwen - WM/6 | Bob Manwell - CE/8 | Peter Biermeier - PR/6 |

DATE: April 7, 2008
TO: Natural Resources Board
FROM: Matthew J. Frank
SUBJECT: 2008 CWD Rule

I am requesting adoption of Board Order WM-05-08, modifications to chapters NR 10, 12 and 19, Wis. Adm. Code, relating to the management of chronic wasting disease.

Proposed Amendments to Rule:

In response to comments received at public hearings and written comments received on the rule proposal, the department proposes withdrawing the rule change to allow the shooting of deer from a farm tractor or implement of husbandry in the CWD Management Zone.

Background:

CWD represents a threat to the state's white-tailed deer population and the culture of deer hunting in the state. Wisconsin has more than 700,000 deer hunters who have harvested an average of 460,000 deer annually during the past decade. Deer hunting contributes more than 7 million days of hunting recreation each year and generates nearly \$1 billion in total impact to the state's economy annually.

In 2002 when CWD was first identified in Wisconsin's deer herd, initial efforts to respond to the presence of the disease were swift and were based on the knowledge available at that time. Since that time the body of knowledge and experience regarding CWD has grown considerably and continues to do so.

The Department of Natural Resources appointed 18 citizens of diverse interests in the state's wild deer herd, to an advisory group to offer recommendations to the Department and the Natural Resources Board regarding future Chronic Wasting Disease management. The group met one Saturday per month from July, 2007 through December, 2007 and two Saturdays in January, 2008.

Members of the group affirmed their purpose was to consider the following question:

How should Wisconsin manage CWD to minimize the impact of the disease on Wisconsin's free-ranging deer population, the habitats and biological systems that include deer, the economy, hunters, landowners and others that benefit from a healthy deer herd?

The rule we are proposing at this time addresses a number of the recommendations in the Stakeholder Advisory Group final report that advance the goal of containing CWD. The Department has evaluated those recommendations that require a rule change in this proposed rule order.

Rule hearings were held in Green Bay, Rhinelander, Eau Claire, Dodgeville, Baraboo, Fitchburg, Janesville, and Big Bend. Written comments were also accepted through March 25, 2008.

Number of people attending the hearings	170
Number providing oral testimony at the hearings	35
Written comments received separate from hearings	53
Total number of participants in process	223
Number attending Rhinelander hearing	3
Number attending Green Bay hearing	6
Number attending Eau Claire hearing	9
Number attending Big Bend hearing	17
Number attending Janesville hearing	19
Number attending Fitchburg hearing	24
Number attending Dodgeville hearing	41
Number attending Baraboo hearing	51

The majority of comments made were in favor of the original rule proposal, with the exceptions being opposition to authorizing the continued shooting of deer from an implement of husbandry, and opposition to any of the three holiday season options proposed.

A petition with 282 signatures was submitted by Steve Gehrke, a stakeholder advisory group member, supporting the December 26 to January 4 antlerless only holiday hunt.

Rule Summary:

This rule order includes the following proposed changes in the CWD hunting rules:

1. Combine the Disease Eradication Zone (DEZ) and Herd Reduction Zone (HRZ) into one zone, called the CWD Management Zone (CWD-MZ) whose outer boundary is defined by the current HRZ boundary.
2. Establish interim deer population goals for each DMU contained within the CWD-MZ that are 20% below the goals for those DMUs in 2001, with the exception that DMUs that had goals less than 20 in 2001, remain unchanged.
3. Authorize the use of rifles within the CWD Management Zone with the exception of metro units.
4. Restrict the import of whole cervid carcasses (deer, elk & moose) into Wisconsin from areas within states or provinces that have CWD and restrict whole deer carcass movement from the CWD-MZ to elsewhere in the state. The Department recommends that the effective date of the carcass movement restrictions be delayed until September 1, 2009 to allow hunters time to find local processing or taxidermy options for complying with the movement restriction if they live outside of the CWD-MZ.
5. Allow the harvest of white and albino deer in the entire CWD-MZ (formerly restricted to the DEZ)
6. Establish a deer season framework in the CWD-MZ that is more consistent with the season framework that has been used for DMUs that are over goal in the rest of the state. Under this proposal, hunters in the CWD Zone could expect the following season framework in 2008:
 - Archery season: September 13 to January 4
 - Youth hunt: October 11-12
 - Early firearm season: antlerless only October 16-19
 - 9-day firearm deer season: November 22-30
 - 10-day muzzleloader season: December 1-10
 - Late firearm season: antlerless only December 11-14
 - Holiday firearm season: earn-a-buck December 24-January 4
 - Unlimited Earn-a-buck regulations in effect with pre-qualification

Discussion

1. **Management Zones** –*Combine the DEZ and HRZ into a single zone called the CWD Management Zone (CWD-MZ) whose outer boundary is defined by the current HRZ boundary.* A single zone will help reduce confusion over hunting season dates and simplify communication with the public.
 - The HRZ boundary was originally established to serve as a buffer zone to limit the spread of CWD. The existing knowledge of CWD positive deer is highly dependent on the intensity of sampling conducted in recent years especially on the outer perimeter of the HRZ. The HRZ boundary provides some additional buffer around positives and is more likely to encompass the current distribution of CWD-infected deer within Wisconsin.
 - The current HRZ boundary has been in place for several years and is a boundary with which hunters and landowners are familiar.

The Department recommends that if new CWD positive deer are found near the perimeter of the CWD-MZ that the Secretary be authorized to modify the boundary to incorporate the adjoining deer management unit (DMU) nearest to the new positive. The Department needs to have the ability to respond to new positives more quickly than in the normal rule making process.

2. **Deer Population Goals.** *Change the over-winter goals from 5 deer/square mile of deer habitat in the DEZ and 10 deer/square mile of deer habitat in the HRZ, to interim population goals for each DMU in the CWD Management Zone.* The SAG recommended that the interim population goals be set 20% below the population goals that were in place for these DMUs during 2001. The only modification the Department recommends is that 2001 goals for management units that were below 20 deer/square mile not be further reduced. The table below lists what the goals would be in each DMU. With contagious diseases like CWD, substantially reducing deer density and/or reducing the number of positive deer is critical to affecting disease transmission and the progress of the disease. Getting deer populations to these goals would be a significant accomplishment.

	2001 Goal	New Interim Goal
54BCWD	25	20
70CWD	25	20
70ACWD	25	20
70BCWD	30	24
70ECWD	30	24
70GCWD	30	24
71CWD	25	20
73BCWD	20	16
73ECWD	22	18

	2001 Goal	New Interim Goal
75ACWD	20	16
75CCWD	20	16
75DCWD	20	16
76CWD	20	16
76ACWD	25	20
76MCWD	10	10
77ACWD	20	16
77BCWD	15	15
77CCWD	15	15

3. **Firearm usage.** *Authorize the use of rifles within the entire CWD-MZ except in metro units.* Rifles are allowed to make hunters as effective as possible at deer removal in the CWD-MZ. There are no data that suggest areas with rifle use have more accidents than areas where only shotguns, muzzleloaders, and handguns are allowed for deer hunting. During 2002-2007, rifles have been authorized within former shotgun-only portions of the Disease Eradication Zones without any major problems. Hunting accident data from 1998-2007 collected by Tim Lawhern, Hunting Safety Administrator, show that shotguns are involved in more accidents relative to their use:

Shotguns	Rifles
33% of all Gun Deer Zones	67% of all Gun Deer Zones
Contribute to 40.4% of all Gun deer Incidents	Contribute to 59.6% of all Gun deer Incidents

In addition, a March 2007 study commissioned by the Legislative Budget and Finance Committee of the Pennsylvania General Assembly concluded that shotguns are not less risky than rifles in hunting deer. The department will need to do a widespread and effective job of communicating the data from Tim Lawhern and the Pennsylvania study in advance of the fall hunting season to address the commonly held perception that shotgun only seasons are safer seasons. This is particularly true in Wisconsin where rifle calibers are routinely used in handguns for hunting deer (and are legal firearms in a shotgun-only season).

4. **Carcass movement & disposal.** *Restrict the import of whole cervid carcasses (deer, elk & moose) into Wisconsin from areas within states or provinces that have CWD and restrict whole deer carcass movement from the CWD-MZ to elsewhere in the state.* However, the Department recommends that the effective date of this rule be delayed until September 1, 2009 to allow hunters time to find local processing or taxidermy options for complying with this rule if they live outside of the CWD-MZ.

Whole carcasses from the CWD Management Zone could not be transported beyond the boundary of a DMU immediately adjacent to the periphery of the CWD management zone. Transportation of whole carcasses into an immediately adjacent DMU is allowed to accommodate hunters and landowners who live on one side of the CWD-MZ boundary and hunt on the other side.

Parts that could be moved into Wisconsin from areas in another state or province with CWD or that could be moved outside of the CWD-MZ are:

- Meat that is cut and wrapped, either commercially or privately.
- Quarters or other portions of meat to which no part of the spinal column is attached.
- Meat that has been deboned.
- Hides with no head attached.
- Finished taxidermy heads.
- Antlers with no meat or tissue attached.
- Skulls with antlers attached and with no meat or tissue attached.
- Upper canine teeth.

5. **White and Albino Deer.** *Allow the harvest of white and albino deer in the entire CWD-MZ (an expansion – currently allowed only in the DEZs).* The original idea for not protecting white and albino deer in the DEZ was that they were just as likely to get or transmit CWD as any other deer and therefore should not be afforded additional protection.

6. **Deer Season Framework.** *In the interest of doing more to try to contain CWD, get deer populations to interim goals, and increase consistency in the CWD-MZ with deer seasons in the rest of the state, the department recommends:*

- An archery season from mid-September to early January
- A 2-day youth hunting season in early October
- A 4-day antlerless-only season in mid-October
- A Traditional 9-day gun season
- A 10-day muzzleloader season
- A 4-day December antlerless-only gun season
- A firearm season allowing the harvesting of bucks under earn-a-buck rules from the day before Christmas to the close of the archery season
- Unlimited earn-a-buck regulations with the ability to pre-qualify

Four day antlerless-only deer gun hunts in October and December have been effective approaches for reducing deer herds outside of the CWD Zone. In a separate rule package, the Department is recommending a return to October 4-day antlerless only hunts in Earn-a-buck units and Herd Control Units outside of the Central Forest beginning in 2008. The Department cannot justify eliminating those seasons in the CWD Management Zone where the goal is to reduce the deer herd and manage chronic wasting disease. In 2007, the October season in the CWD Zones accounted for 14% of the total kill.

In the interest of statewide deer season consistency, the Department supports a 10-day muzzleloader season and a 4-day antlerless only December season.

The Department is recommending a “Holiday” firearm deer season that will run from the day before Christmas to the close of the archery season (this fall that would be December 24 – January 4). During that season, hunters may harvest a buck provided they are following earn-a-buck rules. None of the 3 holiday hunt options received majority support during the public hearing and comment period (for more information see the **Public Hearings and Comments** section of the memo).

The Stakeholder Advisory Group recommended an antlerless only season running from the day after Christmas to the close of archery season. That recommendation was based in part on the recognition that additional harvest opportunity was important for trying to reduce deer populations in the CWD Management Zone. The Department also believes that a holiday hunt would add additional herd control and hunting opportunity and feels compelled to recommend a holiday season despite the opposing sentiment expressed in the hearings. The department is advancing the December 24 – January 4 season because it more closely aligns with the season length proposed by the Stakeholder Advisory Group. There is precedent for a hunt during this time period in that CWD-zone firearm seasons ran continuously from the Saturday before Thanksgiving through early January in 2002, 2003, 2004, and 2005.

The Department is going further than the Stakeholder Advisory Group in its final recommendation with the belief that hunting interest and effort would be increased during the holiday period if hunters had the option to shoot bucks. Implementing the option to shoot bucks during the holiday season keeps harvest pressure on yearling bucks (those most likely to disperse), maintains harvest opportunity for older age bucks (those having the greatest prevalence of the disease), and should result in higher harvest than would be predicted during an antlerless only season.

Unlimited earn-a-buck with prequalification is an important component of moving deer populations to goal in the CWD Zone. Earn-a-buck is being used elsewhere in the state where deer populations are significantly over goal and is recommended for use in the CWD Management Zone.

The requirement that a hunter first harvest an antlerless deer before harvesting a buck would be in place during seasons when the deer population is above goal.

Public Hearings and Comment:

Hearings were held in eight cities during the third and fourth weeks in March. Hearing locations were; Fitchburg, Baraboo, Green Bay, Janesville, Rhinelander, Dodgeville, Eau Claire, and Big Bend (in Waukesha County). Attendance ranged from 25 to 50 people at hearings in Southern Wisconsin and from three to ten people at Rhinelander, Eau Claire and Green Bay.

Hearing attendees were given a public hearing attendance slip and asked to register in support or opposition of individual provisions in the rule (Appendix 1). Table 1 summarizes the positions of the 170 hearing attendees that completed an appearance slip as well as the positions of 25 people who filled out a hearing slip and submitted it by mail. A complete summary by hearing location is available in Appendix 2.

Table 1 Summary of positions as registered on 195 appearance slips.

	In Support	In Opposition	Information Only
One CWD Management Zone (CWD MZ)	119	43	21
Revised Deer Population Goals in CWD MZ	120	37	21
Use of Rifles in the CWD MZ	125	48	8
Carcass Import Restrictions from other states with CWD	139	30	13
Carcass Movement Restrictions from CWD MZ	123	41	16
Harvest of White/Albino Deer in CWD MZ	93	73	14
Shooting from Farm Implements in CWD MZ	74	104	10
CWD MZ Deer Season Regulations	94	64	19
Holiday Antlerless Only Season - Dec 26 - Jan 4	74	86	10
Holiday Earn-a-buck Season - Dec 15 - Jan 4 (EAB)	65	109	7
Holiday Earn-a-buck Season - Dec 24 - Jan 4 (EAB)	44	112	12

Three or fewer people added the following to their appearance slips as an “other” consideration; earn-a-buck season beginning on the traditional opener and continuing through the Sunday nearest January 4, no early four day hunt, consistent season days from year to year, allow the use of crossbows, nine day season only, ban baiting and feeding statewide. (Appendix 2)

Three or fewer people used the “other” category on the appearance slip to state their opposition to; the use of landowner/agr. damage permits in general and before the regular gun deer seasons, limited early firearm deer hunting opportunities, the CWD program in general, early youth hunt, buck tags for landowners and agency sharpshooting. (Appendix 2).

Hearing attendees had the opportunity to provide written comments on the appearance slip. The Department also received 53 additional written comments above and beyond those that were provided by

hearing attendees. Appendix 3 is a summary of the written comments. Some of the most frequent comments received are summarized in the following section.

One CWD Management Zone (CWD MZ)

Positions recorded on appearance slips favored the consolidation to one zone by a 3:1 margin (Table 1). Additional written comments were split; 7 opposed to combining the DEZ and HRZ; 5 supporting the combining of the DEZ and HRZ into one zone.

Revised Deer Population Goals in CWD MZ

Positions recorded on appearance slips favored the revised deer population goals by a 3:1 margin (Table 1). In addition, there were 3 written comments favoring the new goals, and one comment indicating that reducing deer populations to 20 deer/square mile was going too low.

Use of Rifles in the CWD MZ

The margin of support for expanding the use of rifles across the entire CWD MZ was nearly 3:1 based on appearance slips (Table 1). The majority of written comments received opposed the expansion of rifle use into shotgun only areas by a margin of 17 – 3. In addition there was one comment specifically opposed to using rifles in Unit 76A and one supporting the use of rifles in Unit 76A.

Carcass Movement Restrictions

The margin of support for implementing carcass movement restrictions from other states with CWD into Wisconsin and from the CWD Zone to elsewhere in the state was approximately 3:1 (Table 1). There were 5 written comments supporting the carcass movement restrictions, and 5 written comments opposing the movement restrictions. In addition, one person commented that movement restrictions should only apply to counties where CWD has been discovered.

Harvest of White/Albino Deer in CWD MZ

There was slight support for allowing the harvest of white/albino deer in the CWD MZ (Table 1). Four written comments were submitted opposing the shooting of white and albino deer, and one favoring the proposal.

Shooting from Farm Implements in CWD MZ

This proposal was opposed by a majority of people taking a position on the appearance slip (Table 1). In addition 11 written comments were received in opposition, and 3 in support of shooting from farm implements. The Department has proposed removing this provision from the rule as a result of these comments. Although this provision was statutorily initiated, with a sunset in 2010, the Department is supportive of ending this authority with the belief that such a loss of hunting opportunity won't appreciably affect the deer kill or disease control.

CWD MZ Deer Season Regulations

The hunting season proposal was supported by a majority of people filling out appearance slips (Table 1). Because the hunting season dates were rolled into one question on the appearance slip, one can get more insight into the concerns with parts of the proposal by reviewing the written comments (Appendix 3).

- 13 people prefer a return to just a 9-day gun season
- 8 felt believe that a longer November gun season is needed to achieve disease management
- 10 oppose any kind of an October hunt
- 6 felt the October hunt should be later in the month
- 3 felt the October hunt should be Earn-a-buck, not antlerless
- 2 support the antlerless only season in October
- 2 felt the archery season should be either-sex
- 3 believe the condensed seasons will result in a higher deer kill
- 13 are in favor of the use of Earn-a-buck
- 10 are opposed to the use of Earn-a-buck

Holiday Hunt Options

All three of the holiday hunt options were opposed, with the original Stakeholder Advisory Group antlerless-only proposal receiving the least opposition (Table 1). Eighteen written comments were received in opposition to the holiday hunt with the most frequent comment being concerns about conflicts with snowmobiles and concerns about family safety during the holidays. There were 2 written comments in favor of some sort of a holiday hunt and a couple of comments that longer seasons would be better. (Appendix 3)

Additional Comments

A variety of people offered additional comments on CWD-related issues outside the realm of the proposed rule. Those comments can be found in Appendix 3. A few of the most frequently raised comments include:

- 9 people recommended that landowner permits should expire on January 4
- 4 are opposed to any kind of landowner permit season
- 7 voiced concern that CWD seasons are too complicated
- 6 said that the DNR is doing great work
- 6 felt the department should do nothing to manage the disease
- 5 requested that the pantry program be a priority in the CWD zone
- 4 indicated that hunting is no longer fun
- 4 are concerned that kids will lose interest when they don't see deer

Expected Controversy:

- A single CWD Management Zone, bringing the season structure into closer alignment with the season structure elsewhere in the state, and adjusting interim population goals upward should *reduce* controversy associated with CWD hunting rules.
- Carcass movement restrictions may be a hardship for some hunters that live far outside the zone, but allowing movement of whole carcasses into the immediately adjacent unit, and not enacting the rule for one year to allow hunters to plan for this change, should reduce that controversy.

- Expanding the use of rifles across additional areas that had been shotgun only will be controversial, yet the controversy will revolve around perceived safety, as opposed to the experience of the Department with the use of rifles in shotgun only areas over the last 6 years.
- October seasons and the use of Earn-a-buck have been controversial since first introduced in 1996 – but data clearly show that these measures are important tools for herd reduction and containment.
- The late season holiday hunt was opposed by a majority of people that provided comment on the rule proposal. People voicing their opposition to any kind of holiday hunt cited conflicts with snowmobiling, concerns about trespass by late season hunters, and conflicts with use of the property for non-hunting purposes as reasons for their opposition. Therefore instituting the proposed hunt will be controversial.

Rule Development:

These rules were developed with the assistance of the CWD Stakeholder Advisory Group, and the Bureaus of Law Enforcement, Parks and Recreation, Wildlife Management, Customer Service and Licensing, and Legal Services.

Small Business and Initial Regulatory Flexibility Analysis:

The proposed revisions to NR 10, 12 and 19, Wis. Adm. Code, pertaining to CWD herd control activities and zone boundaries, impose no compliance or reporting requirements for small businesses, nor are there any design or operational standards contained within the proposed rule.

Environmental Analysis:

An Environmental Impact Statement was completed in 2003 that identified adaptive management as the preferred management alternative to managing CWD in the state.

Response to Legislative Council Rules and Clearinghouse Report

Comments the department received from Legislative Council Clearinghouse have been incorporated with one exception. The Legislative Council recommended eliminating the cross reference in the description of the muzzleloader hunt in NR 10.01(3)(et)1. The department prefers to maintain that cross reference in order to preserve firearms requirements that are in place in other areas of the state during the muzzleloader only season. Those requirements are that any muzzleloader used during this season 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.

Appendix 1 (Appearance Slip used at each CWD Public Hearing)

THIS FORM IS TO BE COMPLETED AND SUBMITTED BEFORE THE START OF THE HEARING.

Personally identifiable information on this form is not intended to be used for any other purpose.

PLEASE PRINT

Date (Month / Day / Year):	Do you wish to make an oral statement? (Check One) Yes <input type="checkbox"/> No <input type="checkbox"/>
Name (First, Last):	Telephone Number (including area code): ()
Street or Route (Mailing Address):	
City, State, Zip Code:	

1. Representing (If you are the authorized representative of some other person or organization, identify who you are representing and your title.)

2. Regarding rule proposals only. Small business representation: Are you representing the interests of a small business as defined by s. 227.114, Wis. Stats., as “a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than 25 full-time employees or which has gross annual sales of less than \$2,500,000”?

Yes No

3. Positions on Rule Components (check all that apply):

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<input type="checkbox"/> Revised Deer Population Goals in CWD MZ
<input type="checkbox"/> Use of Rifles in the CWD MZ
<input type="checkbox"/> Carcass Import Restrictions from other states with CWD
<input type="checkbox"/> Carcass Movement Restrictions from CWD MZ
<input type="checkbox"/> Harvest of White/Albino Deer in CWD MZ
<input type="checkbox"/> Shooting from Farm Implements in CWD MZ
<input type="checkbox"/> CWD MZ Deer Season Regulations
<input type="checkbox"/> Holiday Antlerless Only Season – Dec 26 – Jan 4
<input type="checkbox"/> Holiday Earn-a-buck Season – Dec 15 – Jan 4 (EAB)
<input type="checkbox"/> Holiday Earn-a-buck Season – Dec 24 – Jan 4 (EAB)
<input type="checkbox"/> Other _____ | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"><input type="checkbox"/> In Support</td> <td style="width: 25%;"><input type="checkbox"/> In Opposition</td> <td style="width: 25%;"><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> <tr> <td><input type="checkbox"/> In Support</td> <td><input type="checkbox"/> In Opposition</td> <td><input type="checkbox"/> Information Only</td> </tr> </table> | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only |
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| <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> In Support | <input type="checkbox"/> In Opposition | <input type="checkbox"/> Information Only | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

4. Comments (Please use other side if necessary)

Appendix 2 (Appearance slip positions summarized by Hearing location)

	Fitchburg			Baraboo		
	In Support	In Opposition	Information Only	In Support	In Opposition	Information Only
One CWD Management Zone (CWD MZ)	15	5	3	32	15	2
Revised Deer Population Goals in CWD MZ	16	4	4	27	15	4
Use of Rifles in the CWD MZ	17	5	1	33	10	2
Carcass Import Restrictions from other states with CWD	20	1	2	37	8	3
Carcass Movement Restrictions from CWD MZ	16	3	3	29	16	4
Harvest of White/Albino Deer in CWD MZ	16	4	2	19	25	3
Shooting from Farm Implements in CWD MZ	9	12	1	15	33	1
CWD MZ Deer Season Regulations	9	10	2	22	20	2
Holiday Antlerless Only Season - Dec 26 - Jan 4	9	10	1	16	30	2
Holiday Earn-a-buck Season - Dec 15 - Jan 4 (EAB)	9	13	1	14	33	1
Holiday Earn-a-buck Seson - Dec 24 - Jan 4 (EAB)	4	15	1	9	31	2
Other:						
EAB rifle hunt 11/22 - Jan	1					
Pre-gun farm permits		1				
Land Owner Season		2				
Lack of Early Gun Hunt		1				
CWD Program					1	
Do not change season dates every year				1		
Early youth hunt					1	

Appendix 2 (Appearance slip positions summarized by Hearing location - continued)

	Green Bay			Janesville		
	In Support	In Opposition	Information Only	In Support	In Opposition	Information Only
One CWD Management Zone (CWD MZ)	6			8	3	5
Revised Deer Population Goals in CWD MZ	4	2		9	2	6
Use of Rifles in the CWD MZ	6			13	4	1
Carcass Import Restrictions from other states with CWD	6			12	3	3
Carcass Movement Restrictions from CWD MZ	6			11	3	4
Harvest of White/Albino Deer in CWD MZ	6			7	8	3
Shooting from Farm Implements in CWD MZ	6			8	9	2
CWD MZ Deer Season Regulations	4	2	2	9	5	4
Holiday Antlerless Only Season - Dec 26 - Jan 4		3	1	3	13	2
Holiday Earn-a-buck Season - Dec 15 - Jan 4 (EAB)	6			3	11	2
Holiday Earn-a-buck Seson - Dec 24 - Jan 4 (EAB)		2	2	4	12	2

	Big Bend			Rhineland		
	In Support	In Opposition	Information Only	In Support	In Opposition	Information Only
One CWD Management Zone (CWD MZ)	9	4	3	2		
Revised Deer Population Goals in CWD MZ	11	5	1	2		
Use of Rifles in the CWD MZ	10	6	1	2	1	
Carcass Import Restrictions from other states with CWD	12	4	1	2		
Carcass Movement Restrictions from CWD MZ	9	4	2	2		
Harvest of White/Albino Deer in CWD MZ	11	4	1	1		1
Shooting from Farm Implements in CWD MZ	10	5	1	1	2	
CWD MZ Deer Season Regulations	9	3	3	3		
Holiday Antlerless Only Season - Dec 26 - Jan 4	6	7	1	3		
Holiday Earn-a-buck Season - Dec 15 - Jan 4 (EAB)	8	9		1	1	
Holiday Earn-a-buck Seson - Dec 24 - Jan 4 (EAB)	8	7			1	1
Other:						
Crossbow use in CWD-MZ				1		

Appendix 2 (Appearance slip positions summarized by Hearing location - continued)

	Dodgeville			Eau Claire		
	In Support	In Opposition	Information Only	In Support	In Opposition	Information Only
One CWD Management Zone (CWD MZ)	27	7	7	8		1
Revised Deer Population Goals in CWD MZ	31	4	4	6		2
Use of Rifles in the CWD MZ	25	12	2	7		1
Carcass Import Restrictions from other states with CWD	28	8	3	7		1
Carcass Movement Restrictions from CWD MZ	28	10	2	7		1
Harvest of White/Albino Deer in CWD MZ	18	19	3	7		1
Shooting from Farm Implements in CWD MZ	10	27	4	4	3	1
CWD MZ Deer Season Regulations	23	14	3	6		2
Holiday Antlerless Only Season - Dec 26 - Jan 4	25	12	1	3	2	2
Holiday Earn-a-buck Season - Dec 15 - Jan 4 (EAB)	12	26	1	5	1	2
Holiday Earn-a-buck Seson - Dec 24 - Jan 4 (EAB)	8	27	2	5	1	2
Other:						
Land Owner Season		1				
Bring back 9 day guns season	1					
Extended LO Season and Buck tags, sharpshooters		1				
Statewide baiting and feeding ban				1		

Appendix 2 (Appearance slip positions summarized by Hearing location - continued)

	Mailed		
	In Support	In Opposition	Information Only
One CWD Management Zone (CWD MZ)	12	9	
Revised Deer Population Goals in CWD MZ	14	5	
Use of Rifles in the CWD MZ	12	10	
Carcass Import Restrictions from other states with CWD	15	6	
Carcass Movement Restrictions from CWD MZ	15	5	
Harvest of White/Albino Deer in CWD MZ	8	13	
Shooting from Farm Implements in CWD MZ	11	13	
CWD MZ Deer Season Regulations	9	10	1
Holiday Antlerless Only Season - Dec 26 - Jan 4	9	9	
Holiday Earn-a-buck Season - Dec 15 - Jan 4 (EAB)	7	15	
Holiday Earn-a-buck Seson - Dec 24 - Jan 4 (EAB)	6	16	
Other:			
No early 4 day	1		
Crossbow use in CWD-MZ	1		
Bring back 9 day guns season	2		

Appendix 3 (Summary of comments on the CWD rule)

This is a summary of all written, e-mail, phone, and oral comments made on the rule. It includes written comments provided on the 170 appearance slips, as well as the written comments provided on 52 additional sets of comments that were provided separate from the appearance slips.

Season dates and lengths

9 day is all we need – 13
Nov gun hunt should be extended to achieve disease management – 8
Seasons run too late in the year - 3
Late holiday hunts pose trespass issues/ hard on landowners – 3
Condensed seasons will result in more dead deer - 3
Youth, regular archery, 9-day gun, Muzzleloader and a 4 day Dec antlerless is all we need – 3
Support extended and extra seasons – 2
All we need is one long either sex season – 1
Either sex gun hunt during rut would help - 1
End of 9 day should be end of gun hunts – 1
Muzzleloader should run through Dec. - 1
16 day gun season is all we need - 1
Youth, regular archery, 9-day gun and a 4 day Dec antlerless is all we need – 1
Return to traditional opener - 1
Need mid Dec. Antlerless Hunt -1

Prefer season outline option 1 - 3
Prefer season outline option 3 – 2

Archery season

Should be either sex - 2

Youth hunt

Oppose in general - 2
Should be in Sept. - 1

Oct Hunt

Oppose any Oct. gun hunt - 10
Should be later in the month when crops are in and leaves are down - 4
Should be EAB – 3
Should be moved to coincide with teacher's conf. - 2
Support antlerless only - 2
Should start on a Saturday - 1
Negatively affects archers - 1
Support the October Hunt – 1

Muzzleloader

Oppose Muzzleloader – 1

4-day Dec. Antlerless

Oppose - 1

Holiday hunt

Oppose all options completely – 18 (two main reasons: snowmobiling and family time)
Support holiday hunt of some sort - 2
Holiday hunt should run until 1/15 - 1
Longer is better – 1
Should be EAB - 1

Rifle Use

Oppose in general – 17
Support – 3
Support rifle use in 76A – 1
Oppose rifle use in 76A - 1

Shooting from farm implements

Oppose – 11
Support - 3

One CWD Management Zone

Oppose combination of DEZ and HRZ – 7
Support combination of DEZ and HRZ – 5
Boundary should be 10 miles out from positives only - 2
Units that are CWD free for several consecutive years should be removed - 1

Carcass Restrictions

Support completely - 5
Oppose completely – 5
Should only apply to counties where CWD has been discovered - 1

Earn-A-Buck (EAB) and antlerless comments

Support EAB – 13
Oppose EAB - 11
Support antlerless only - 4
Dec. hunt should be antlerless only – 3
Oppose antlerless only - 2
Oppose pre-qualification – 1
All seasons should be EAB or Antlerless, not some of each - 1

Population Goals, size and estimation

Support new goals - 3
20/mile too low - 1
Killing deer before winter gets them is depriving predators/scavengers of needed nutrition - 1
Too many deer - 1
Pop estimates flawed because of counting yarded up deer - 1

Albino deer

Oppose shooting albinos - 4
Pro shooting albinos - 1

Landowner Permits (LOP)

Should end Jan 4 - 9
Oppose any LOP season - 4
Should be able to use all year - 2
Free buck tags should be given to landowners through March - 1
Increase parcel size for LOPs to 20 acres - 1

Hunting access

Open all state properties to hunting - 2
Need more Private land access - 1
High harvest on public land does nothing for private refuges - 1

Bag Limits and tags

Bag limit should be set in CWDMZ - 1
Season should be 3 deer/day all season long - 1
No Ag tags for bucks - 1
All hunter education grads should be given a buck tag - 1
One buck/weapon - 1

CWD management in general

Seasons too complicated - 7
DNR doing great work - 6
Do nothing - 6
Pantry should be a priority - 5
Stop listening to archers - 3
Spending too much on CWD management - 3
Ban baiting and salt/mineral licks statewide - 3
This season proposal is a good step forward - 2
Too inconsistent from year to year - 2
The more opportunity to hunt, the better - 2
No more testing for CWD in fringe areas - 2
Do more research - 1
Continue to manage based on science - 1
DATCP should not be allowed to regulate deer farms - 1
DNR making a mountain of a molehill - 1
Stop listening to snowmobilers - 1
Maintain high levels of testing in and out of the zones - 1
Meeting notice was confusing - 1
Need more registration stations - 1
Provide a waste disposal plan - 1

Other:

Hunting is no longer fun - 4
Kids lose interest when they don't see deer - 4
Found winterkills this year - 3
Deer have become nocturnal - 3
Too few deer causing people to give up - 2
Hard to tell quickly if a deer has little 3" antlers which results in does being passed up - 2
Proposed seasons will achieve nothing - 2
Liberal seasons are hard on landowners - 1
Public and private lands should have different regs than one another - 1
Important SAG recommendations not represented - 1
After this winter's effects, now is the time to really hammer the herd - 1
Should be a separate regs book for CWD zone(s) - 1
Bring back violators; they kill a lot of deer - 1
I don't see deer anymore - 1
Promote Epizootic Hemorrhagic Disease - 1



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
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CLEARINGHOUSE RULE 08-013

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. The department should reconsider the repeal of the introductory material in s. NR 10.07 (1) (a) 2. This repeal leaves four subdivision paragraphs that lack an introduction.

b. The current title to s. NR 10.41 (3) is “CWD Eradication Zone.” This title should be amended together with the amendments to the remainder of that subsection.

c. The proposed rule does not clearly indicate that the chart following s. NR 10.41 (3) (b) is being created as part of the rule. It would be a more appropriate drafting style to treat s. NR 10.41 (3) as follows:

- Amend s. NR 10.41 (3) (a) and (b) including the title to s. NR 10.41 (3).
- Create s. NR 10.41 (3) (b) (chart).
- Amend s. NR 10.41 (3) (c) to (e).
- Create s. NR 10.41 (3) (f).

d. The cross-reference to s. NR 10.001 (6p) as found in s. NR 12.06 (1), should not be changed to a cross-reference to s. NR 10.001 (6h).

e. The definition in s. NR 10.001 (6p) should refer to the “chronic wasting disease control zone” in s. 29.063 (5), Stats., and to the “chronic wasting disease eradication zone” in s. 167.31 (4) (bg), Stats. Also, the statutory cross-reference, because two statutes are referenced, should read “ss. 29.063 and 167.31 (4) (bg), Stats.”

5. Clarity, Grammar, Punctuation, and Use of Plain Language

a. In the rule preface description of statutory authority and explanation, the word “authorizes” should be replaced by the word “authorize.”

b. The plain language analysis states that the rule prohibits the importation of carcasses from a CWD zone in Wisconsin to areas that are not CWD zones. However, in the summary of factual data and analytical methodologies, the rule preface states that the rule also allows the transportation of whole carcasses into units which are adjacent to the CWD management zone as a convenience to hunters who live near the zone. While the rule text makes clear that the convenience is an exception to the general rule, the statements in the rule preface should be reconciled.

c. In the fifth paragraph of the summary of factual data and analytical methodologies, the word “regulations” should be replaced by the word “regulatory.”

d. In s. NR 10.01 (3) (et) 1., the description of the muzzleloader hunt should begin with the phrase “A muzzleloader hunt beginning.”

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 10.001(11); to amend 10.001(6p), 10.001(19e), 10.02(3), 10.07(1)(a)2., 10.07(2m)(b)1., 10.104(11)(intro), 10.104(11)(b)3.(intro) and b., 10.105(title), 10.106(2)(f), 10.41(1)(b), 10.41(3)(a) and (b), 10.41(3)(c) to (e), 12.06 (title), (1) and (2), 12.06(4)(b) and 19.60(2)(b)1.; to repeal and recreate s. NR 10.01(3)(et) and 10.28(3); and to create NR 10.001(5q), 10.105(4) to (6), 10.28(3d), 10.41(3)(b)(chart) and 10.41(3)(f) relating to deer hunting as it relates to the management of chronic wasting disease.

WM-05-08

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize the promulgation of this rule order include ss. 29.014 , 29.063, 29.177 and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provides that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, these sections authorize establishment of Chronic Wasting Disease (CWD) zones to control the spread of the disease.

Statutes Interpreted and Explanation: In promulgating this rule ss. 29.063, and 29.177 Stats., have been interpreted as allowing the department the authority to establish additional CWD zones and regulations for the control and management of the disease.

Related Rule or Statute: There are no state rules or statutes currently under promulgation 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, 12 and 19, Wis. Adm. Code, relating to the control of chronic wasting disease. This proposal is intended to serve as the deer hunting season framework in the CWD zone beginning in 2008. Specifically, these proposals:

1. Combine two CWD management areas into one zone with one season and consistent regulations. The zone may be expanded when deer which are CWD positive are found outside the boundary.
2. Establish that population goals in deer management units which make up the CWD zone are 20 percent lower than the goals established in 2001; except that the population goal for units with a pre-2001 goal of less than 20 deer per square mile will continue to be the goal that existed in 2001.
3. Establish a deer season structure that is more consistent with the season structure in units that are not part of the CWD management zone. In 2008 the following season structure would be in place:
 - Archery season: September 13 to January 4
 - Early firearm season: Antlerless-only, October 16-19
 - Traditional 9-day firearm season: November 22-30
 - 10-day muzzleloader-only season: December 1-10
 - Late firearm season: Antlerless-only, December 11-14
 - Holiday firearm season: December 24-January 4
 - Unlimited earn-a-buck regulations with the ability to pre-qualify
4. Prohibit the importation of cervid carcasses (deer, elk & moose) from areas outside of Wisconsin where CWD has been identified. Boned-out meat, hides, clean skulls, antlers would be allowed to be transported.

5. Prohibit the transport of cervid carcasses from a CWD zone in Wisconsin to areas which are not CWD zones. Boned-out meat, hides, clean skulls, and antlers could be transported. The transportation of whole carcasses into units which adjacent to the CWD management zone would be allowed as a convenience to hunters.
6. In addition to shotgun, hunting with rifles would be allowed in the entire CWD management zone except that metro unit 76M would be "shotgun only". Rifles were previously allowed in the CWD eradication zone but not the herd reduction zone.
7. Allow the harvest of white or albino deer in the entire CWD management zone. This was previously allowed in the CWD eradication zone but not the herd reduction zone.
8. Repeal language for which statutory authority has sunset, maintain cross-references with other chapters of administrative code, and update terminology.

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:

All of Wisconsin's surrounding states use hunting seasons to manage white-tailed deer herds for a variety of reasons. All of the surrounding states utilize a range of hunting seasons and allow the use of archery equipment and firearms at certain times. The seasons proposed in this rule order do not vary significantly from the hunting opportunities that are available in other states.

Illinois

The importation of hunter-harvested deer and elk carcasses is prohibited with the exception of deboned meat, antlers, antlers which are attached to skull caps, upper canine teeth, and finished taxidermy mounts. Hunters may import cervid animal carcasses if they are transported to a licensed meat processor or licensed taxidermists within 72 hours of entering the state. Illinois first discovered CWD in November of 2002. The Illinois Department of Natural Resources has established special hunting seasons to stem the spread of wildlife diseases. The law provides flexibility in efforts to contain transmissible diseases such as CWD and Bovine Tuberculosis. The ability to harvest deer in specific, targeted locations is an important component of their efforts to reduce transmission rates and to prevent the further spread of such diseases. Illinois has also increased deer permit availability and allowed the use of firearms that were previously restricted in areas of known infection.

Iowa

The importation of whole carcasses from any cervid taken in a CWD endemic area within any state or province is prohibited. Only boned-out meat, capes, and antlers attached to clean skull plates from which the brain tissue has been removed are allowed. Iowa is not known to have any wild deer or elk test CWD-positive. The Iowa Department of Natural Resources has tested thousands of deer for CWD in recent hunting seasons. Monitoring efforts have been primarily focused upon game management units adjacent to the Wisconsin and Illinois border. Because CWD has yet to be discovered there, many of the actions taken and rules instituted have been proactive and preventative, aimed at limiting the risk of CWD transmission to animals within the state.

Michigan

The importation of carcasses or parts of free-ranging deer or elk into Michigan is prohibited if the carcasses or parts originated from a state or province having CWD in their free-ranging deer or elk population. Exceptions are made for deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides cleaned of excess tissue or blood, upper canine teeth, finished taxidermy mounts, and tissue imported for use by a diagnostic or research laboratory. Michigan is not known to have any wild deer or elk test CWD-positive. Michigan has taken preventative management efforts to limit the risk of CWD. In 2003 their Governor created a CWD Task Force which recommended a statewide surveillance program and prompt action to kill infected or exposed animals if CWD is discovered. The task force supported intensive surveillance efforts within 5 miles of the immediate area

of an infection. Within this 5-mile radius, approximately 300 deer older than 18 months of age would be harvested and tested. If other positives were discovered, full-scale control efforts would be initiated including the development of 5-mile radius zones with the objective of deer de-population and the establishment of larger zones to continue surveillance. The group recommended cooperative efforts with landowners to harvest deer in areas of infection to both prevent transmission and to gauge prevalence levels.

Minnesota

The importation of whole cervid carcasses into the state from CWD endemic areas as determined by the MN Board of Animal Health is prohibited. Only cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, or teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue may be imported. Minnesota is currently one of nine states to have identified CWD in a captive facility. Intensive surveillance efforts have failed to detect any positive cases in the wild cervid population. The Minnesota Department of Natural Resources has made CWD sample collection mandatory in specially designated areas where more information is deemed necessary.

Summary of Factual Data and Analytical Methodologies: The current population goals in areas where CWD management is occurring are either 5 or 10 deer per square mile of habitat. These rules would increase the population goal for each unit to a number of deer that is twenty percent lower than the goals which were in place in 2001. In units where the goal in 2001 was less than 20, that number would be the goal. The proposed goals generally range from 15 to 24 deer per square mile of habitat. Deer populations are above these goals in all units meaning that there is still significant opportunity for herd reduction to take place.

The firearm deer hunting seasons proposed in this rule are shorter than CWD zone seasons held from 2002 to 2007. These season proposals are consistent with hunting season options that currently may be utilized in areas of the state where CWD management is not the primary concern with one exception; a holiday firearm season with earn-a-buck regulations when the deer population is above goal beginning on December 24 and continuing through the Sunday nearest January 6. Additionally, hunters are not limited in the number of deer they may harvest.

The requirement that a hunter first harvest an antlerless deer before harvesting a buck would be in place during seasons when the deer population is above goal.

In an effort to minimize the risk of disease spread, a number of states have adopted regulations affecting the transportation of hunter-harvested deer and elk. The department now has similar regulatory authority with the passage of 2005 ACT 286. Since the infective agent (prion) is concentrated in the brain, spinal cord and lymph nodes, this rule would prohibit the movement of whole carcasses harvested in the CWD management zone in Wisconsin and importation from management units in other states where CWD has been identified. Material that could be transported includes meat that is cut and wrapped, hides and antlers. This rule also allows the transportation of whole carcasses into units which are adjacent to the CWD management zone as a convenience to hunters who live near the zone.

In order to reduce regulatory complexity resulting from existence of two zones, this proposal would create one new area called the CWD management zone. The management zone would consist of the areas which are currently referred to as CWD eradication and herd reduction zones. In the existing CWD eradication zones hunters may currently use rifles in areas where, prior to the discovery of CWD, shotguns, muzzleloaders, and handguns had been the only legal firearms. Under this proposal the use of rifles would be extended to the entire CWD management zone affecting all or portions of Dane, Dodge, Green, Jefferson, Kenosha, Lafayette, Racine, Rock, Walworth, Washington, and Waukesha counties where they were not previously allowed. Another activity that was allowed in the CWD eradication zone and will be expanded to the entire CWD management zone is allowing the harvest of white or albino deer. These provisions are designed to increase the efficiency of hunters, simplify regulations, and eliminate protection of white deer which are also susceptible to CWD.

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. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Businesses: The proposed revisions to NR 10, 12, and 19 Wis. Adm. Code, pertaining to CWD herd control activities and zone boundaries, impose no compliance or reporting requirements for small businesses, nor are there any design or operational standards contained within the proposed rule.

Agency Contact Person: Alan Crossley, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608) 266-5463. alan.crossley@wisconsin.gov

Deadline for Written Comments: The deadline for written comments is March 25, 2008. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

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

NR 10.001(5q) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou and reindeer.

Section 2. NR 10.001(6p) is amended to read:

NR 10.001(6p) "~~CWD eradication management zone~~" means a zone established in s. NR 10.28(3) for the control, management and eradication of chronic wasting disease and is considered the chronic wasting disease eradication zone and chronic wasting disease control zone only for purposes of ss. 29.063(5) and 167.31(4)(bg)1., Stats.

Section 3. NR 10.001(11) is repealed.

Section 4. NR 10.001(19e) is amended to read:

NR 10.001(19e) "Notice and information to the public that is adequate" under s. 29.063 (2), Stats., means a department press release to the local news media and the official state newspaper and may also include the following: public meetings, telephone contacts, internet postings, brochure distribution, first class mailings and meetings with landowners in the ~~eradication zone~~ CWD management zone.

Section 5. NR 10.01(3)(et) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(et) <i>Special disease control hunts.</i>		
1. Disease management zone.	1. <i>Archery season.</i> An archery deer hunt beginning on the Saturday nearest September 15 and continuing through the Wednesday immediately prior to the opening of the early firearm season in this section.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
a. In the portions of deer management units included in the CWD management zone established in s. NR 10.28(3), except as established in subdivision paragraphs b. through d.	Beginning on the Thursday nearest October 15 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 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).
	2. <i>Early firearm season.</i> A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	3. <i>Gun deer season.</i> A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
	4. <i>Muzzleloader season.</i> A muzzleloader hunt as established in NR 10.01(3)(es) beginning on the Monday immediately following the	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Thanksgiving holiday and continuing for 10 consecutive days.

5. 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).

6. Holiday firearm season. A firearm deer hunt beginning on December 24 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).

b. Unit 76M.

1. Archery season. An archery deer hunt beginning on the Saturday nearest September 15 and continuing through the Wednesday immediately prior to the opening of the early 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 on the Thursday nearest October 15 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 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).

2. Early shotgun season. A shotgun hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days.

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

	<p>3. <i>Shotgun deer season.</i> A shotgun hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
	<p>4. <i>Muzzleloader season.</i> A muzzleloader hunt as established in NR 10.01(3)(es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
	<p>5. <i>Late shotgun season.</i> A shotgun hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.</p>	<p>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
	<p>6. <i>Holiday shotgun season.</i> A shotgun hunt beginning on December 24 and continuing through the Sunday nearest January 6.</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
<p>c. Belmont Mound, Cadiz Springs, Devil's Lake, Mirror Lake, Natural Bridge, New Glarus Woods, Rocky Arbor, and Yellowstone state parks.</p>	<p>1. <i>Early firearm season.</i> A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Allowable types of firearms are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours shall close at 12:00 p.m. daily.</p>	<p>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
	<p>2. <i>Gun deer season.</i> A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>

3. *Muzzleloader season.* A muzzleloader hunt as established in 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. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).

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).

d. Blue Mound, Governor Dodge and Tower Hill state parks.

1. *Early firearm season.* A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Allowable types of firearms are those authorized on the first day of the gun deer season under s. NR 10.01(3)(e). 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 days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e). One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

3. *Muzzleloader season.* A muzzleloader hunt as established in 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. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e). 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 Thursday nearest October 15 and continuing for 4 consecutive days. Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours will close at 12:00 p.m. daily. 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 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).

2. Earn-a-buck control measures. If the department estimates that the deer population in a deer management unit or units located in a CWD management zone is at or above the overwinter population goal in s. NR 10.41(3), the department may require that hunters shall first tag an antlerless deer in that deer management unit or units during the archery or firearm hunts, with either a bow or a gun during any deer season or with an agricultural shooting permit, before they may tag a buck with either weapon in that deer management unit or units during the either sex hunts listed in s. NR 10.01(3)(et). One antlerless deer is required to authorize harvest of one buck in that deer management unit or units, or in state parks with gun deer seasons that are within or adjoining these units, for each archery and gun deer license. Deer harvested as described in this paragraph shall be transported in accordance with s. NR 10.105(2).

Section 6. NR 10.02(3) is amended to read:

NR 10.02(3) Albino or white deer which are white except for the hooves, tarsal glands, head or parts of the head. Albino or white deer are not protected in the CWD management zone established in s. NR 10.28(3).

Section 7. NR 10.07(1)(a)2. is repealed.

Section 8. NR 10.07(2m)(b)1. is amended to read:

NR 10.07(2m)(b)1. ~~CWD eradication zones or herd reduction zones have~~ A CWD management zone has been established in the county or a portion of the county, or

Section 9. NR 10.104(11) (intro.) is amended to read:

NR 10.104(11) CHRONIC WASTING DISEASE SPECIAL PERMITS. (intro.) The following carcass tags are valid for the taking and tagging of deer in the CWD ~~herd reduction and CWD eradication zones~~ management zone as described in s. NR 10.28(3):

Section 10. NR 10.104(11)(b) (intro) is amended to read:

NR 10.104(11)(b) *Special CWD deer permits.* (intro.) This special permit issued under s. 29.177, Stats., is valid for the taking of an antlerless deer in the units or portions of deer management units included in the CWD ~~herd reduction and CWD eradication zones~~ management zone as described in s. NR 10.28 (3). These special permits:

Section 11. NR 10.104(11)(b)3.b. is amended to read:

NR 10.104(11)(b)3.b. Archery or firearm hunts in units where earn-a-buck regulations established in s. NR 10.01 (3) (et) 3. are in effect if the hunter possesses an antlerless deer registration verification earned in a unit designated under s. NR 10.01(3)(ez)1.d. or in a CWD ~~eradication or herd reduction~~ management zone identified in s. NR 10.28(3), or

Section 12. NR 10.105 (title) is amended to read:

NR 10.105 (title) Transportation of ~~deer and bear.~~ bear, deer and other members of the cervid family.

Section 13. NR 10.105(4) to (6) are created to read:

NR 10.105(4) TRANSPORTION OF DEER FROM A CHRONIC WASTING DISEASE MANAGEMENT ZONE. The carcasses of deer harvested in the chronic wasting disease management zone in s. NR 10.28(3) may not be transported outside of that zone except for the following:

(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.

(h) Skulls with antlers attached and with no meat or 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 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. The carcasses of cervid species harvested in a management unit or similarly identifiable area where CWD has been verified by a government agency in another state or country may not be transported into this state except for the following:

(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.

(g) Skulls with antlers attached and with no meat or tissue attached.

(h) Upper canine teeth.

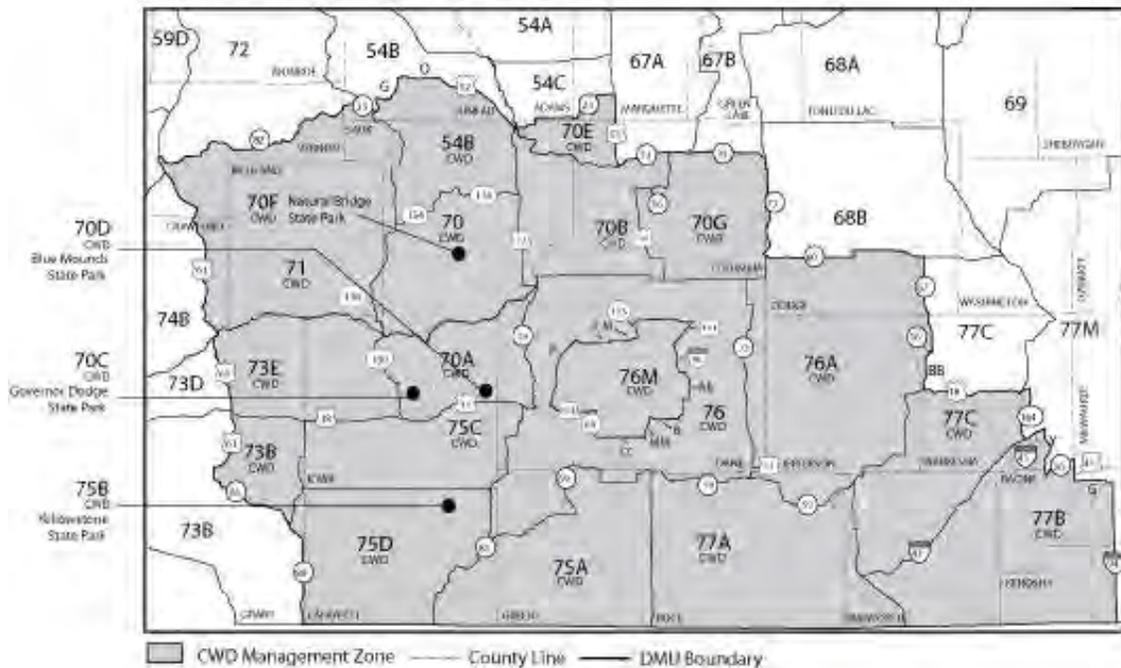
Section 14. NR 10.106(2)(f) is amended to read:

NR 10.106(2)(f)(title) ~~CWD eradication and herd reduction zones~~ management zone. Any deer harvested in the CWD ~~eradication zone or herd reduction~~ management zone shall be registered at registration stations designated by the department no later than 5:00 p.m. on the day after it was killed, unless otherwise authorized by the department.

Section 15. NR 10.28(3) is repealed and recreated to read:

NR 10.28(3) CWD MANAGEMENT ZONE.

2008 Chronic Wasting Disease Management Zone



Section 16. NR 10.41(1)(b) is amended to read:

NR 10.41(1)(b) Provisions established for deer population management under s. NR 10.104 (4) to (10) do not apply to units incorporated in a CWD ~~eradication zone or herd reduction management zone~~ under s. NR 10.28 (3). Units ~~listed as herd reduction zones or CWD eradication in~~ CWD management zones shall be managed in accordance with the provisions outlined in this section on disease management.

Section 17. NR 10.41(3) a. and b. is amended to read:

NR 10.41(3) CWD ~~ERADICATION MANAGEMENT ZONE~~ (a) *Establishment*. The department may establish CWD ~~eradication management zones~~ around the location of known positive cases of CWD.
~~(b) Overwinter goal.~~ Units or portions of units located within the boundaries of the CWD ~~eradication management zone~~ established in s. NR 10.28 (3) will be managed at ~~a goal of less than 5 deer per square mile of deer range~~ the following overwinter population goals which may be adjusted based on epidemiological research.

Section 18. NR 10.41(3)(b)(chart) is created to read:

Management Unit	Deer Goal
54 CWD	20
70 CWD	20
70A CWD	20
70B CWD	24
70E CWD	24
70G CWD	24
71 CWD	20
73B CWD	16
73E CWD	18
75A CWD	16
75C CWD	16

75D CWD	16
76 CWD	16
76A CWD	20
76M CWD	10
77A CWD	16
77B CWD	15
77C CWD	15

Section 19. NR 10.41(3)(c) to (e) are amended to read:

(c) *Zone boundaries.* CWD ~~eradication~~ management zones shall be identified by readily identifiable features of the landscape such as roads and rivers. When road boundaries are used, the department shall give priority to use of numbered and lettered highways.

(d) *Population estimation.* The department shall annually calculate an estimate of the overwinter deer population for the CWD ~~eradication~~ management zones with information obtained by surveys which may include registration data and aerial surveys.

(e) *Permits.* Pursuant to s. NR 12.06, Stats., the department may issue free deer hunting permits or tags to hunters or landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD ~~eradication~~ management zone, which authorizes the individual to hunt deer in the CWD ~~eradication~~ management zone or a portion of the CWD ~~eradication~~ management zone.

Section 20. NR 10.41(3)(f) is created to read:

(f) Management zone expansion. 1. The department may include additional deer management units in the CWD management zone where and when additional CWD positive deer are found.

2. Management zone expansion under this subsection shall become effective upon issuance of an order by the secretary of the department and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.

Section 21. NR 10.41(4) is repealed.

Section 22. NR 12.06 (title), (1) and (2) are amended to read:

NR 12.06 (title) CWD ~~eradication~~ management zone deer removal permits. (1) FINDINGS. Pursuant to s. 29.885 (4), Stats., the natural resources board finds that deer within any CWD ~~eradication~~ management zone cause a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD ~~eradication~~ management zone defined in s. NR 10.001 (6p) in order to reduce the spread of disease within the CWD ~~eradication~~ management zone and to reduce the risk of disease spreading outside any CWD ~~eradication~~ management zone.

(2) PERMITS. Unless otherwise authorized by the department, landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD ~~eradication~~ management zone may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section. Both antlerless and buck deer may be harvested unless otherwise restricted as a condition of the permit.

Section 23. NR 12.06(4)(b) is amended to read:

NR 12.06(4)(b) Antlerless deer harvested under the authority of this section may be used ~~to earn a CWD buck permit issued under s. NR 10.104 (11) for the~~ as authority to harvest a buck deer during the seasons listed in s. NR 10.01 (3) (et) within the ~~herd reduction and CWD eradication zones~~ CWD management zone when designated earn-a-buck under s. NR 10.01(3)(et)2.

Section 24. NR 19.60(2)(b)1. is amended to read:

NR 19.60(2)(b)1. ~~CWD eradication zones or herd reduction zones have~~ A CWD management zone has been established in the county or a portion of the county, or

Section 25. Effective dates. These rules shall take effect on September 1, 2008 except section 13 which shall take effect on September 1, 2009.

Section 26. 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)