

SUBJECT: Requesting approval of deer season modifications in herd control and CWD units, quotas and permit levels for all "regular" units, and adoption of emergency order WM-15-11(E) relating to deer seasons and tags.

FOR: APRIL, 2011 BOARD MEETING

TO BE PRESENTED BY / TITLE: Tom Hauge, Bureau Director

SUMMARY:

The department is recommending approval of two secretary's orders that modify the deer hunting season framework in herd control and CWD units, approval of antlerless quotas and permit levels for "regular" season units, and adoption of rules that allow season modifications in herd control and CWD units. Where populations are below goals, we again propose limiting or eliminating antlerless harvest. Where they are substantially above goals, herd control seasons are recommended. In herd control units, an October firearm season is not recommended. Earn-a-buck is recommended in CWD units only for bucks that are in addition to ones harvested under the authority of an archery or gun buck deer carcass tag.

Herd control seasons (95 units including state parks)

1M, 4, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 22A, 23, 23A, 25, 27, 33, 46, 47, 51A, 51B, 54A, 54B, 54C, 57, 57A, 57B, 57C, 57D, 58, 59B, 59C, 59D, 59M, 60A, 60B, 60M, 61, 61A, 62A, 62B, 63A, 63B, 64, 64A, 64M, 65A, 65B, 66, 67A, 67B, 68A, 68B, 69, 69C, 72, 72A, 73A, 73B, 73D, 74A, 74B, 77C, 77D, 77E, 77M, 80A, 80B, 80C and 81.

CWD Management Zone, limited earn-a-buck season (22 units comprising the entire zone)

54B, 70, 70A, 70B, 70C, 70D, 70E, 70F, 70G, 71, 73B, 73E, 75A, 75B, 75C, 75D, 76, 76A, 76M, 77A, 77B, 77C

Emergency rule revisions would 1) allow the issuance of free antlerless deer tags in herd control units but not require a 4-day October antlerless firearm season and, 2) in the CWD management zone, allow the harvest of a buck with archery and firearm buck deer carcass tags but require that additional bucks can only be harvested under earn-a-buck regulations.

RECOMMENDATION: Approval of deer season modifications in herd control and CWD units, quotas and permit levels in regular units, and adoption of WM-15-11(E) relating to deer hunting seasons and carcass tags.

LIST OF ATTACHED MATERIALS:

- No Fiscal Estimate Required
- No Environmental Assessment or Impact Statement Required
- No Background Memo

- Yes Attached
- Yes Attached
- Yes Attached

APPROVED:

Thomas M. Hauge
Bureau Director, Tom Hauge

4/13/11
Date

[Signature]
Administrator, Kurt Thiede

4/13/11
Date

[Signature]
Secretary, Cathy Stepp

4/13/11
Date

cc: NRB Liaison
DNR Rules Coordinator

Tim Andryk - LS/5
Jeff Pritzl - NER

Tom Hauge - WM/6
Scott Loomans - WM/6

DATE: April 13, 2011
TO: Natural Resource Board Members
FROM: Cathy Stepp, Secretary
SUBJECT: 2011 Deer Season Recommendations

FILE REF: 2300

In April of each year, we bring our annual deer season and antlerless quota recommendations to the Natural Resources Board for consideration and approval. As in past years, we have completed our analysis of the 2010 biological and harvest data to calculate updated population estimates, held public forums to share information on herd status and gather citizen perspectives, and made projections on likely scenarios for deer growth and harvests in 2011. I want to publicly thank our wildlife and research staff for their hard work, with special thanks to Jeff Pritzl and Robert Rolley, for leading and coordinating the analysis and public outreach over the past few months.

I want to also mention a few extra steps we undertook this year. As you know, I've placed a priority on meeting directly with department field staff and external conservation organizations on the work we do. Deer management is a major responsibility for our department, so I asked that Executive Secretary Scott Gunderson and Land Division Administrator Kurt Thiede meet with our regional wildlife field staff and our major deer hunting interest groups this winter to make sure we had a good understanding of the deer management issues before us.

Our 2011 deer season proposal attempts to strike a balance between the social and biological interests expressed by hunters, landowners, businesses, homeowners, motorists and wildlife watchers in all corners of the state. Hunters are the backbone of our deer management system. Without their buy-in and participation, any population or management goal is unachievable. We need the cooperation of our partners, the landowners and the hunters to help manage this deer herd. That is why we've decided to implement less aggressive herd control tools in 2011.

Recommendations: I'm offering the following 2011 deer season recommendations for Natural Resources Board (NRB) consideration and approval:

1. Approval of the antlerless quota and permit levels for deer management units (DMUs) recommended for regular gun deer seasons (Table 1 & Figure 1).
2. Approval of a Secretary's Order designating the 2011 Herd Control Units (Table 2, Figure 1)
3. Approval of a Secretary's Order establishing the 2011 earn-a-buck requirements for the CWD Management Zone; and
4. Approval of an emergency rule order (WM-15-11(E)) modifying the currently established herd control provisions for 2011 seasons that:
 - a. Suspend the 4-day October antlerless season in herd control units; and
 - b. Authorize 1 buck (without earn-a-buck) in the CWD zone with an archery buck carcass tag and under a gun deer carcass tag. The earn-a-buck requirement will apply for subsequent bucks in the CWD zone.

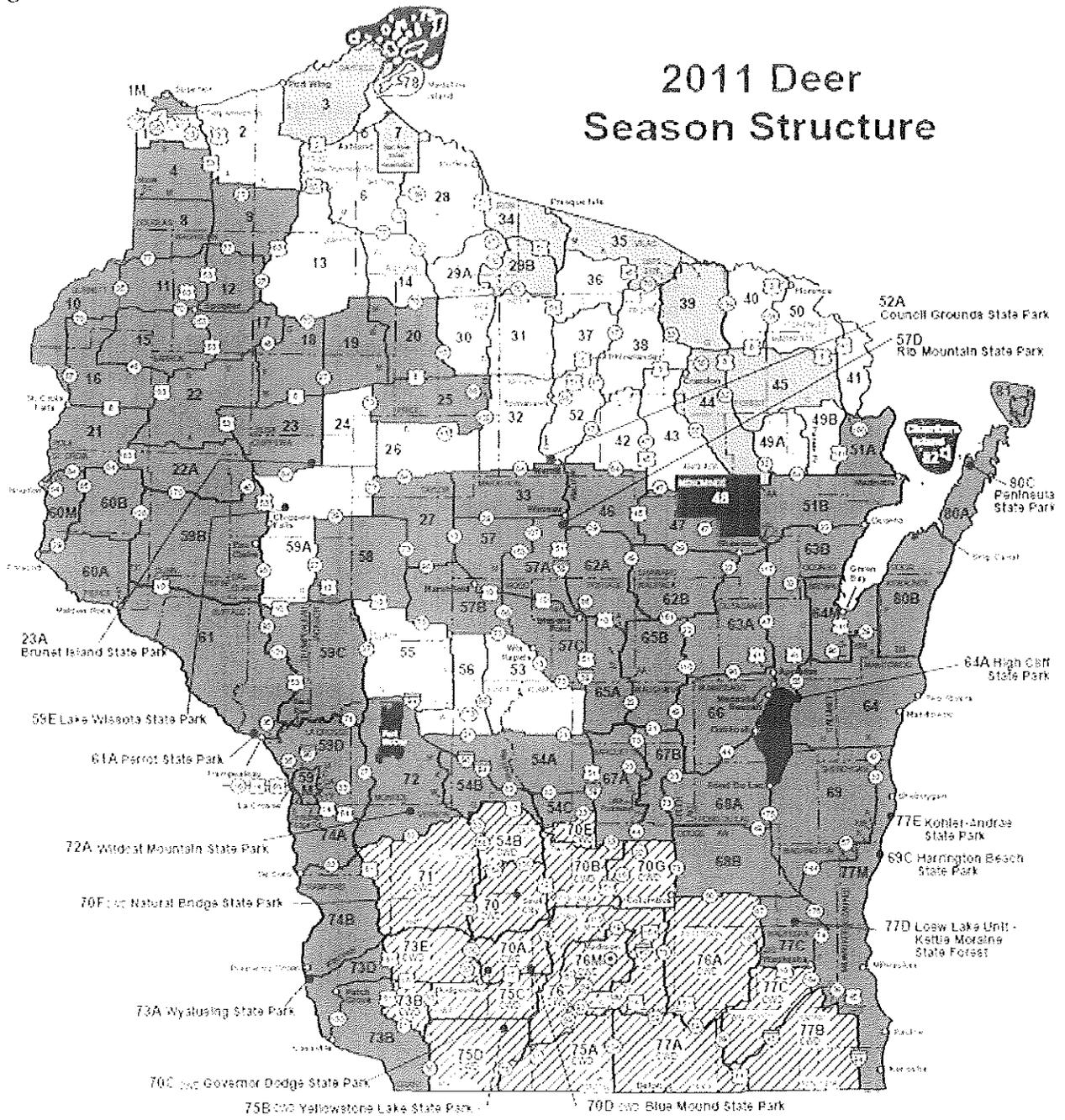
In addition, I want to inform the Natural Resources Board that I've directed staff to undertake a review of our deer management policies and procedures this year. We're just beginning a 5-year study of buck mortality and fawn survival in hopes of improving our population estimating procedures. This is the largest deer research project our department has ever undertaken. I believe for our deer program to be successful; we need to ensure our management system (DMUs, population goals, public involvement, disease control, etc.) is as sound as the science we use. This review is an opportunity to step back and look at the overall system and identify opportunities for improvement that we should undertake.

Table 1. Recommended antlerless deer harvest quotas and bonus permit levels in Deer Management Units recommended for a regular gun season in 2011.

Unit	Recommended Antlerless Gun Quota	Recommended Number of permits
1	900	1,725
2	3,100	9,325
3	0	-
6	2,700	4,675
7	0	-
13	1,500	5,650
14	1,500	5,775
24	1,000	2,375
26	1,500	375
28	800	3,200
29A	400	1,675
29B	0	-
30	500	1,950
31	1,600	6,450
32	1,000	2,150
34	0	-
35	0	-
36	2,000	7,975
37	1,200	3,775
38	1,100	4,000
39	0	-
40	900	2,925
41	900	2,775
42	1,100	2,975
43	700	1,875
44	0	-
45	0	-
49A	400	975
49B	1,400	4,425
50	1,800	5,850
52	1,000	2,825
53	1,200	1,775
55	2,000	3,625
56	100	200
59A	3,400	11,775
78	100	300
Total	35,800	103,375

Figure 1

2011 Deer Season Structure



- Regular Unit
- Regular Unit - Buck Only
- Herd Control Unit - Unlimited Antlerless Permits
- CWD Unit - 1st deer either-sex, EAB for all subsequent deer
- Non - Quota Area

- Oct. 13-16 - Antlerless only gun hunt* in CWD units only
- Dec. 8-11 Antlerless only gun hunt* in all units statewide, except non-quota areas
- * Antlerless only restrictions apply to both gun and archery hunters

Table 2. Deer Management Units recommended for Herd Control designation in 2011. The expected regular gun season harvest of antlerless deer alone would not lower deer populations in these units to within 20% of established goals.

Unit	Goal over-winter density	Estimated over-winter density	Gun antlerless harvest needed to get to within 20% of goal	Maximum historic antlerless gun kill without Herd Control season structure
1M	10	35	660	5
4	15	22	1630	1019
8	20	34	6,189	4,707*
9	20	26	2,934	4464
10	25	38	5,445	2774
11	20	33	5,768	3,180*
12	20	39	5,959	1,633
15	25	37	7,441	6,423*
16	25	36	5,638	3,471
17	17	28	3,694	1922
18	22	31	2,099	3195
19	22	27	746	2574
20	20	26	1,365	1573
21	25	31	2,263	2,373
22	25	31	3,015	2669
22A	25	35	4,328	3215
23	25	32	3,619	3679
25	23	29	1,767	2191
27	25	38	3,061	1883
33	25	31	2,306	2255
46	25	34	2,324	2859
47	25	50	7,266	2,329
51A	25	40	4,476	2,942
51B	25	50	12,299	3,977
54A	25	40	5,549	4788
54B	25	47	4,747	4,778
54C	25	55	2,690	1,243
57	25	36	2,230	1,344
57A	30	41	3,581	2030
57B	25	40	4,019	2962
57C	30	42	4,900	3037
58	25	37	9,638	5873
59B	25	31	4,527	5759
59C	25	46	12,254	8,199
59D	25	32	2,367	4,031*
59M	15	37	820	320
60A	25	31	1,698	1632

60B	25	36	1,179	797
60M	15	18	24	727*
61	25	44	18,586	9,185
62A	30	39	3,060	6019
62B	25	79	18,039	5,361
63A	30	56	8,511	4,293*
63B	25	52	5,244	2,569
64	25	47	6,105	3,869
64M	15	37	1,622	916
65A	30	37	2,012	2206
65B	30	44	4,138	5,067*
66	30	66	6,107	2,702
67A	25	45	6,847	5,917*
67B	25	53	5,038	3,426*
68A	30	70	4,733	2,133
68B	25	58	3,449	1,504
69	25	33	5280	3236
72	20	36	7,956	5,963*
73B	20	40	5,334	2,110
73D	20	38	3,665	1,192
74A	25	30	878	1652
74B	20	30	6,540	3,146
77C	20	49	4,516	2,219
77M	15	20	2,270	611
80A	15	24	1,920	915
80B	25	45	3,774	2,593
81	15	64	1,125	354

*This antlerless harvest occurred more than 10 years ago.

2010 Herd Monitoring Data: Annually, department staff undertakes a mid-winter review of the biological and harvest data from the previous year and calculates updated population estimates for the DMUs. Annual herd monitoring data includes information on fawn production, age structure, body condition, and harvest data. In 2010, we also had the opportunity to compare hunter deer sightings to those of 2009. Within the CWD management zone, population assessments are also guided by aerial fixed-wing and helicopter surveys conducted during the winter.

The winter of 2009-10 was relatively mild across the state, and green up arrived almost a month early. This contributed to improved fawn production in much of the state in 2010. The winter of 2010-11 has also been mild in much of the state; however, the late season deep snow in parts of the north have caused us to adjust expected fawn production and, thus, antlerless quotas downward in 11 DMUs.

We aged 26,063 deer during the 2010 season. This information is used to estimate what the pre-hunt population was in September, primarily by measuring the percent of the harvest that are 1.5 year old deer. Our aging efforts have also documented the increasing proportion of older bucks in the farmland regions over the past two decades.

Tables 3 and 4 provide a summary of antlered and antlerless harvests in recent years, as well as, a comparison in the 2009 and 2010 harvests by Wisconsin five deer management regions (Figure 2).

Table 3. Deer Harvest by Season Compared to Prior Years

	2004	2005	2006	2007	2008	2009	2010
Archery Season Harvest	103,569	78,028	113,884	116,042	99,284	87,241	83,833
Total Gun Harvest	413,559	385,907	393,063	402,531	352,601	241,862	253,038
Total Antlerless Harvest	350,153	274,364	326,065	345,143	310,366	191,715	185,211
Total Buck Harvest	166,796	183,135	177,293	171,142	139,022	134,156	148,378
Total Deer Harvest	517,128	463,935	506,947	518,573	453,480	329,103	336,871

Table 4. 2010 Deer Harvest by Region and Difference from 2009.

Deer management region	2010 total harvest	Change from 2009	Change in bucks	Change in gun buck	Change in archery buck	Change in antlerless
Northern Forest	63,419	0	16%	20%	5%	-16%
Central Forest	17,764	-24%	4%	5%	1%	-39%
Eastern Farmland	77,472	12%	17%	23%	6%	8%
Western Farmland	75,217	4%	9%	12%	1%	0
Southern Farmland	101,272	2%	3%	6%	-5%	2%

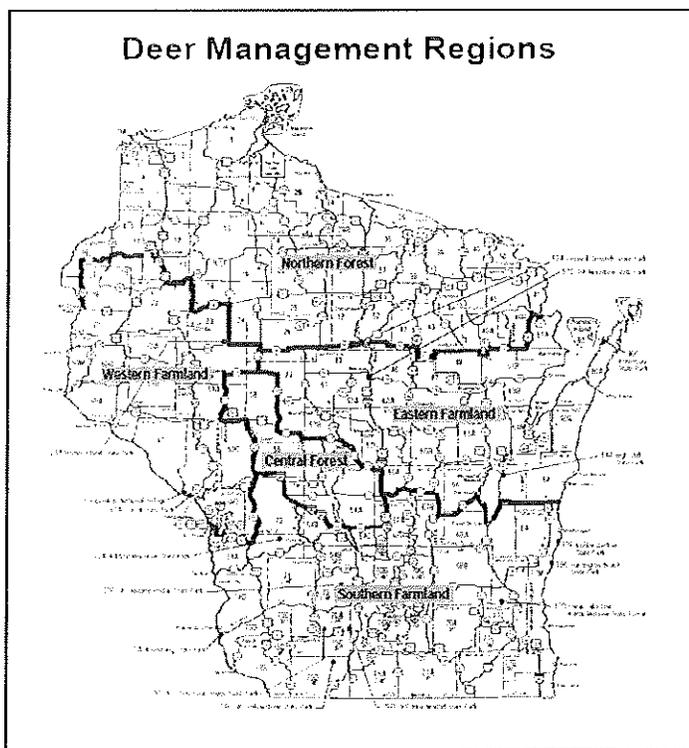


Figure 2

The increased buck harvest observed in 2010 was a result of planned herd growth (2009 antlerless quotas were reduced by 45%) and better opening weekend hunting conditions. Buck harvests are our strongest indicator of herd trends and a key variable in population models. Furthermore, the planned antlerless harvest for 2010 was designed to build upon the 2009 growth in below-goal units. As expected, our final 2011 population estimates indicate that herd growth has occurred in nearly all of the areas that experienced declines in 2008.

Regular Season & Zero Quota Units: For 2010, we have recommended 36 units for regular gun deer seasons and reduced the number of units recommended for a zero antlerless quota from 18 to 8 units. For these 8 units, we want to maximize herd growth to get these units back to established populations goals. In the 12 former zero-quota units, we've recommended quotas that will promote herd growth but do not grow the very high quotas or herd control seasons in 2012.

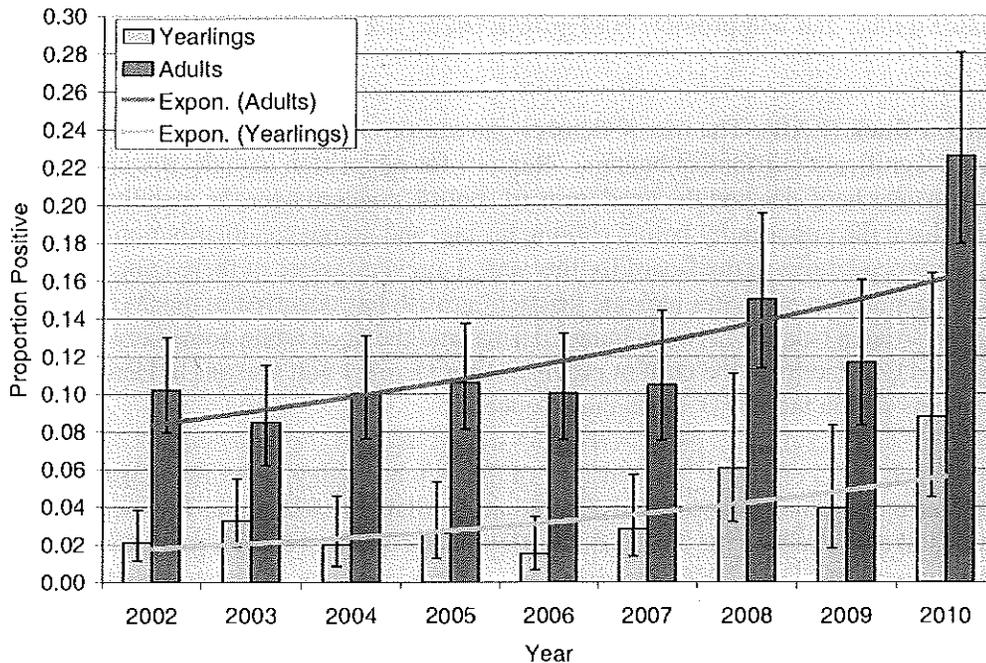
October Gun Seasons & Earn-a-Buck (EAB): The use of October gun seasons and earn-a-buck requirements remain intensely unpopular with significant portions of hunters. Reasons for opposition include: disruption of archery seasons, disagreement on deer herd size and the need for herd control, concern over the inability to shoot a trophy buck should the hunter have the opportunity before earning his tag, and an uneven distribution of deer within units. In making my recommendations to the Board for this year, I am very aware of these concerns. I am also aware that our updated deer population estimates indicate that herd growth has occurred in much of the state. My recommendations attempt to strike a balance between hunter desires and the need retain some herd control for this year. Rule order WM-15-11(E) modifies the current provisions for October gun seasons in Herd Control Units, as well as EAB requirements within the CWD management zone.

Herd Control Units: I'm recommending a one-year "suspension" of the October 4-day antlerless season for Herd Control units. These units will have unlimited antlerless harvest permits available at \$2/permit. I'm aware that suspending the October season is likely to reduce the anticipated antlerless harvest based upon past experience with the October season moratorium in 2007 and 2008. However, my recommendation is a gesture to those concerned about October hunts. But it comes with a word of caution and a challenge to our hunting partners. The hunting community needs to agree upon an acceptable & effective alternative herd control approach by this fall if we wish to avoid reinstating more aggressive herd control tools in 2012. Should the deer herd grow this year as anticipated, we will need to implement tools to address this herd growth in 2012.

CWD Management Zone: Similar to my approach in Herd Control units, I am recommending a one-year departure from our standard EAB regulation within the CWD management zone. Hunters within this zone have had EAB since 2007 and, simply put, are growing weary of EAB. Many hunters report that it can be very difficult to harvest an antlerless deer within some areas of this zone. In addition, many hunters within the CWD management zone are not up-to-date on current CWD information and question the rationale for continued EAB seasons. As a department, it's clear that we must work harder at our outreach efforts to hunters and landowners on this disease.

I am recommending that for 2011, we allow CWD management zone archery and gun hunters to harvest a deer of either sex as their first deer. If hunters wish to pursue additional deer under their archery or gun deer license they would then need to follow the traditional earn-a-buck rules. We have tried unlimited either-sex seasons in the past, and we have tired EAB. We've not yet given this option an opportunity. I fully recognize that there are trade-offs with this recommendation. History tells us that most hunters will not harvest more than 1 or 2 deer; not wanting to take more than they will consume. As a result, we will likely see a reduction in our total antlerless harvest as more of the "successful" hunters will fill their tags with bucks instead of antlerless deer this year. I do hope we will see a significant increase in buck harvest within the zone with the 1st-deer either sex option. From a disease perspective, we know that adult males have the highest prevalence of the disease (Figure 3) and an increased harvest can help remove more infected deer from the herd.

CWD Prevalence - SW Core Area - Males
(Includes fall hunter harvested deer only)



The CWD Response Plan the Board approved recognizes that disease management is a long-term responsibility. It's not easy work, nor is there a proven recipe we can follow. Our goal of minimizing the area of Wisconsin with the disease, as well as, the prevalence of the disease, is wholly dependent upon the continued cooperation of hunters and landowners. Accordingly, we need to be patient and persistent in our response while seeking a balance between maximizing herd control and maintaining hunter and landowner support.

This fall we will make a major effort to increase our education and outreach on CWD. Our efforts will utilize internet, TV, print and radio media to guide CWD zone hunters and landowners to information on the status of CWD within Wisconsin. Our hope is to raise awareness about the important role they can have in the long-term direction of this disease. I believe this message will have a better chance of success at the same time we are also relaxing our EAB regulations.

Rule Summary: The department recommends promulgating emergency rules for units designated as Herd Control Units that would: 1) allow the issuance of free antlerless deer tags (\$2 issuance fee) in herd control units but not require a 4-day October antlerless firearm season and, 2) in the CWD management zone, allow the harvest of a buck with archery and firearm buck deer carcass tags but require that additional bucks can only be harvested under earn-a-buck regulations.

Rule Background: The rule is necessary in order to foster participation by hunters and landowners so they will continue to hunt and cooperate in CWD control and deer herd management. This rule proposal balances pressing social concerns about the quality of the deer hunt with the need for effective herd control measures such as additional antlerless deer harvest in management units that are more than 20% over population goals or simply over population goals in units that are part of the CWD Management Zone. This rule will increase harvest on bucks which have a higher prevalence of CWD and, because of their greater dispersal distances, have a higher likelihood of spreading CWD. However, the rule retains a herd control tool which requires that antlerless deer be harvested before additional bucks (beyond the initial one) may be taken. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control and regulate hunting wild

animals. The State of Wisconsin must provide publications describing the regulations for deer hunting to more than 630,000 deer hunters prior to the start of the season. These regulations must be legally in effect prior to printing nearly 1 million copies of the regulations publication. Under the timeline for a permanent rule, these regulations could not be in effect in time for these deadlines.

Rule Development:

These rules were developed with assistance from the bureaus of Law Enforcement, Legal Services and Customer Service & Licensing.

Small Business and Initial Regulatory Flexibility Analysis:

These revisions to ch. NR 10, Wis. Adm. Code, pertain to game and hunting. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. This proposal does not establish design or operational standards. Under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

Bureau of Integrated Science Services has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the matter of a Secretary's Order pertaining to modification of 2011 deer hunting regulations in select deer management units that are not CWD units.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

1. It is unlikely the deer population in deer management units 1M, 4, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 22A, 23, 25, 27, 33, 46, 47, 51A, 51B, 54A, 54B, 54C, 57, 57A, 57B, 57C, 58, 59B, 59C, 59D, 59M, 60A, 60B, 60M, 61, 62A, 62B, 63A, 63B, 64, 64M, 65A, 65B, 66, 67A, 67B, 68A, 68B, 69, 72, 73B, 73D, 74A, 74B, 77C, 77M, 80A, 80B and 81 will be reduced to within 20% of the overwinter population goals established in s. NR 10.104, Wis. Adm. Code, under the current deer hunting rules. In making this determination, the department compared the harvest required to reduce the deer population to goal to the harvest likely to occur under the existing season structure based on deer harvest data from past seasons, including the sex and age of the registered kill.

CONCLUSION OF LAW

1. According to s. 10.01(3)(ed), Wis. Adm. Code, the department may, upon making the above findings, modify the deer permit issuance procedures.

ORDER

1. *Free Antlerless Permits.* Notwithstanding all other provisions of Ch. NR 10, Wis. Adm. Code, which remain in effect, special deer hunting permits for antlerless deer issued under s. NR 10.104, Wis. Adm. Code and s. 29.177, Stats., shall be issued free of charge for use in deer management units 1M, 4, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 22A, 23, 23A, 25, 27, 33, 46, 47, 51A, 51B, 54A, 54B, 54C, 57, 57A, 57B, 57C, 57D, 58, 59B, 59C, 59D, 59M, 60A, 60B, 60M, 61, 61A, 62A, 62B, 63A, 63B, 64, 64A, 64M, 65A, 65B, 66, 67A, 67B, 68A, 68B, 69, 69C, 72, 72A, 73A, 73B, 73D, 74A, 74B, 77C, 77D, 77E, 77M, 80A, 80B, 80C and 81. Hunters may receive one special permit with their archery license and one special permit with their gun license, or two special permits with their conservation patron license. Additional antlerless deer carcass tags may be obtained at no charge, except for a \$2.00 handling fee authorized under s. 29.556, Stats. and s. NR 19.02, Wis. Adm. Code, for the above units except 23A, 57D, 61A, 64A, 69C, 72A, 73A, 77D, 77E and 80C where additional antlerless deer carcass tags may be purchased only by those who have obtained a state park access permit for these units.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL
RESOURCES

By Cathy Stepp, Secretary

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the matter of a Secretary's Order pertaining to modification of 2011 deer hunting regulations in deer management units that comprise the CWD Management Zone.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

1. The deer population in deer management units or portions of deer management units 54B, 70, 70A, 70B, 70E, 70G, 71, 73B, 73E, 75A, 75C, 75D, 76, 76A, 76M, 77A, 77B, 77C, which are located in the CWD Management Zone, are estimated to be above the goals established in NR 10.41(3)(b).

CONCLUSION OF LAW

1. According to s. NR 10.01(3)(et)2., Wis. Adm. Code, the department may, upon making the above findings, modify the deer season to require that hunters shall first tag an antlerless deer during the archery or firearm hunts 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). This requirement shall also apply in state parks that are within or adjoining these units. This requirement does not apply to hunters who are using their archery or gun buck deer carcass tags established in ss. NR 10.104(7)(a)1. and (b).

ORDER

1. *Earn-a-Buck*. Notwithstanding all other provisions of Ch. NR 10, Wis. Adm. Code, which remain in effect, hunters shall harvest or tag an antlerless deer in deer management units or portions of deer management units 54B, 70, 70A, 70B, 70C, 70D, 70E, 70F, 70G, 71, 73B, 73E, 75A, 75B, 75C, 75D, 76, 76A, 76M, 77A, 77B, 77C, which are located in the CWD Management Zone, with either a bow or a gun during any deer season where earn-a-buck regulations are in place, or with an agricultural shooting permit in an area where earn-a-buck regulations are in place, before they may harvest a buck with either weapon. The requirement to harvest or tag a legally harvested antlerless deer before harvesting or tagging a buck includes state parks and federal properties that are within or adjoining these units including; Belmont Mound, Blue Mound, Devil's Lake, Governor Dodge, Mirror Lake, Natural Bridge, New Glarus Woods, Rocky Arbor, Tower Hill and Yellowstone state parks. One antlerless deer is required to authorize the harvest of one buck in these units or in state parks with gun deer seasons that are within or adjoining these units. Multiple bucks may be harvested with each weapon if each buck taken is pre-qualified by a legally harvested or tagged antlerless deer. Deer harvested as described in this paragraph shall be transported in accordance with s. NR 10.105 (2).

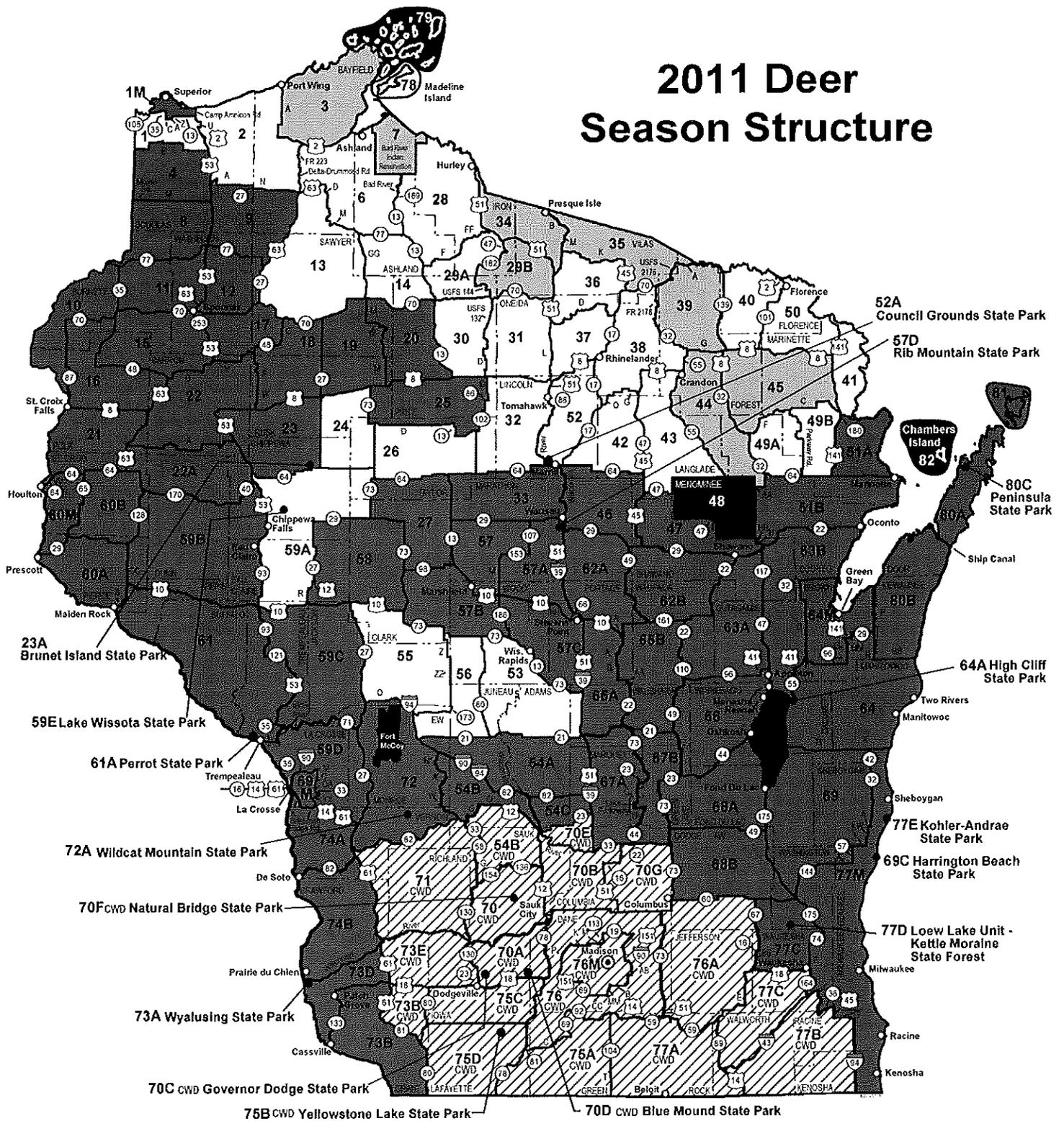
This requirement does not apply to hunters who are using their archery or gun buck deer carcass tags established in ss. NR 10.104(7)(a)1. and (b).

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL
RESOURCES

By Cathy Stepp, Secretary

2011 Deer Season Structure



- Regular Unit
- Regular Unit - Buck Only
- Herd Control Unit - Unlimited Antlerless Permits
- CWD Unit - 1st deer either-sex, EAB for all subsequent deer
- Non - Quota Area

- Oct. 13-16 - Antlerless only gun hunt* in CWD units only
- Dec. 8-11 Antlerless only gun hunt* in all units statewide, except non-quota areas
- * Antlerless only restrictions apply to both gun and archery hunters

Fiscal Estimate — 2011 Session

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Updated	LRB Number	Amendment Number if Applicable
<input type="checkbox"/> Corrected	<input type="checkbox"/> Supplemental	Bill Number	Administrative Rule Number WM-15-11(E)

Subject
Deer hunting seasons and carcass tag use.

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs
 Indeterminate

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The department recommends promulgating administrative rules that modify ch. NR 10 related to deer hunting seasons and the use and issuance of deer tags.

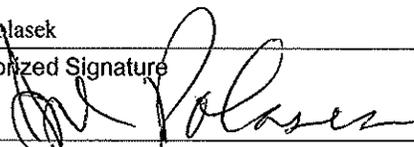
This proposal will, upon an order of the secretary, allow the department to distribute antlerless deer permits for the cost of issuance in designated herd control units without holding a four-day, October antlerless firearm hunt in the same units. Under current rules, if the department issues antlerless permits for only cost of issuance, it must also hold the four day season.

Additionally, the rule establishes that the department may not require that a hunter harvest an antlerless deer before harvesting a buck when using their archery or gun buck deer carcass tag in a CWD management zone. The harvest of additional bucks will continue to first require the harvest of an antlerless deer.

The department already administers the creation and distribution of carcass tags for deer hunting and establishes and publishes hunting season information. No new processes, record keeping, or printing requirements are created as a result of this proposal. Additionally, there are no new requirements of law enforcement as a result of this proposal. The department does not anticipate any fiscal effect from the provisions of this proposal.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated.

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 04-13-11

Fiscal Estimate Worksheet — 2011 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-15-11(E)

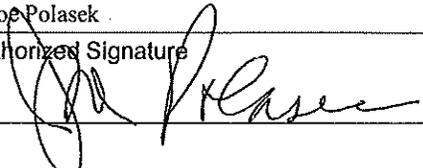
Subject
 Deer hunting seasons and carcass tag use.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$ 0	\$ - 0
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S		0	- 0
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
Total State Revenues		\$ 0	\$ - 0

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 04-13-11

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(3)(ed) 1. a., 10.01(3)(et)2., 10.104(7)(a)1., and 10.104(7)(b) relating to deer hunting seasons and carcass tag use.

WM- 15 -11 (E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The statutes that authorize the promulgation of this rule order are s. 29.014, 29.177, and 227.24, Stats. This section grants rule making authority to the department to establish open and closed seasons for hunting and to establish other regulations for the conservation of game and to provide quality hunting. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule, s. 29.014, 29.063 and 29.177, Stats., have been interpreted as providing the department with the authority to make modifications to deer hunting seasons and deer tag issuance.

Related Statute or Rule: 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 Rule Analysis: The department recommends promulgating administrative rules that modify ch. NR 10 related to the use and issuance of deer tags.

Section 1 allows the department to, upon order of the secretary, distribute antlerless deer permits for the cost of issuance in designated herd control units without holding a four-day, October antlerless firearm hunt in the same units.

Sections 2 through 4 establish that the department's existing earn-a-buck regulations for deer hunters in a CWD Management Zone do not apply to use of the archery and gun buck deer carcass tags that are issued with each archery and firearm deer hunting license.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies.

Comparison with 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 game species that are established based on needs that are unique to that state's resources and public desires.

Illinois

The 2011, the Illinois archery season in most of the state will run from October 1 - January 15 except that it is closed during the firearm deer season in some areas. Illinois has two periods for firearm deer hunting. The first firearm season in 2011 will be November 18 - 20, and the second season is December 1 - 4. The Illinois muzzleloader only season will be December 9 - 11 in 2011. Illinois will hold a youth firearm deer season on October 8 and 9. Hunters may purchase any number of antlerless permits subject to availability in county quotas but are limited to purchasing only one prior to the beginning of random daily drawings in September.

Iowa

In 2010 Iowa had two archery hunting periods, the first October 1 - Dec. 3 and the second December 20 - January 10, 2011. Iowa also has two periods for firearm hunting, December 4 – 8 and December 11 – 19. Iowa's two muzzleloader only hunting periods are October 16 – 24 and December 20 - January 10. Iowa also held a deer season for youth and disabled hunters from September 18 to October 3. Iowa residents may purchase multiple antlerless tags subject only to the availability in a unit, but are limited to purchasing only 1 prior to September 15.

Michigan

Michigan has two archery hunting periods, the first beginning on October 1 and continuing through November 14 and the second running December 1 – January 1. The Michigan firearm season begins on November 15 and continues through November 30. Additionally, Michigan has a 5 day early, private land only, antlerless firearm season beginning on September 16 and a 4 day youth season beginning on September 21. Michigan's muzzleloader-only seasons vary in three zones, all occurring in December and vary from 10 to 17 days in length. Hunters may purchase additional antlerless permits up to a maximum of 5 a year in some units, however additional antlerless harvest opportunity is available in some areas.

Minnesota

Minnesota's 2010 archery season ran from September 18 to December 31. Minnesota's firearm season begins on November 6 and continues to November 14 or 21 depending on the zone. Additional firearm "B" seasons run from Nov. 20 – 28, Nov. 6 – 28, Oct 23 and 24, or Oct. 21 – 24 in certain areas. The muzzleloader-only season runs from November 27 to December 12. Minnesota hunters are generally limited to harvesting one buck, regardless of the number of seasons or licenses they purchase. The harvest of up to 7 antlerless deer is possible by hunting in different units and zones.

Summary of Factual Data and Analytical Methodologies: The harvest of antlerless deer is managed by the department in order to achieve overwinter goals established in s. NR 10.104 Wis. Admin. Code. In management units where the deer population is below goal, the department may restrict antlerless deer harvest or establish an antlerless quota of zero. In management units where the population is above goal, the department will issue a number of antlerless permits that are likely to result in harvest that helps reduce the population to its overwinter goal. Earn-a-buck regulations, which require that a hunter first harvest an antlerless deer before they can harvest a buck, are an additional tool that can be used in some units to encourage even greater harvest of antlerless deer.

In management units where the normal deer hunting season framework is not likely to reduce the population to within 20% of its overwinter goal a number of season framework options have already been established by rule. The first season framework option requires both the issuance of free (except for a \$2.00 issuance fee) antlerless deer tags and holding a four day October antlerless only firearm season beginning on the Thursday nearest October 15.

Under this proposal, the department could select either to issue free tags or to hold an October four day firearm season, but is not required to select both.

In the CWD management zone, whenever a management unit's deer population is over its established goal, the department may require that a hunter first harvest an antlerless deer before harvesting a buck. This proposal exempts a hunter from earn-a-buck requirements in filling their archery or gun buck deer carcass tag. This proposal preserves the earn-a-buck regulation as it applies to special, free permits issued in the CWD management zone.

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule.

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

Section 1. NR 10.01(3)(ed)1.a. is amended to read:

NR 10.01(3)(ed)1. a. The department may, upon making the findings in subd. 2. modify the deer permit issuance procedures as described in this paragraph and or implement the October hunt described in subd. 1. e. for any deer management unit to reduce the deer population nearer to the overwinter population goals established in s. NR 10.104. Under this paragraph special permits for antlerless deer under s. 29.177, Stats., may be issued free of charge at the rate of one permit per license authorizing deer hunting or 2 permits per conservation patron license. The permits may be used to hunt and tag deer during any of that year's deer seasons for the units specified under subd. 2. Additional special permits for antlerless deer shall be issued at no charge, except for a handling fee authorized under s. 29.556, Stats., and s. NR 19.02.

Section 2. NR 10.01(3)(et)2. is amended to read:

NR 10.01(3)(et)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 using chronic wasting disease special permits under s. NR 10.104(11) 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 this paragraph. 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. A person holding a Class A or Class C disabled permit under s. 29.193, Stats., is not required to harvest or tag an antlerless deer in that unit or units before the person may tag a buck. Deer harvested as described in this paragraph shall be transported in accordance with s. NR 10.105 (2). Earn-a-buck control measures in this section do not apply to archery buck carcass tags in s. NR 10.104(7)(a)1. or gun buck deer carcass tags under s. NR 10.104(7)(b).

Section 3. NR 10.104(7)(a)1. is amended to read:

NR 10.104(7)(a)1. Each license which authorizes the hunting of deer with a bow shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an earn-a-buck season under s. NR 10.01 (3) (ed) 1. b. ~~or (et)~~ when an antlerless deer must be tagged prior to the harvest of a buck.

Section 4. NR 10.104(7)(b) is amended to read:

NR 10.104(7)(b) *Gun deer carcass tag*. Each license which authorizes the hunting of deer with a firearm, shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an earn-a-buck season under s. NR 10.01 (3) (ed) 1. b. ~~or (e)~~ when an antlerless deer must be tagged prior to the harvest of a buck. Each license which authorizes the hunting of deer with a firearm by a person who is under 18 years of age shall also include one carcass tag that is valid for the taking of one antlerless deer in any unit statewide in place of a tag under 10.01 (3) (ed) 1. a.

Section 5. Effective dates. This rule shall take effect on September 17, 2011 as provided in s. 227.24(1)(c), Stats.

Section 6. The Statement of Emergency. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The rule is necessary in order to foster participation by hunters and landowners so they will continue to hunt and cooperate in CWD control and deer herd management. This rule proposal balances pressing social concerns about the quality of the deer hunt with the need for effective herd control measures such as additional antlerless deer harvest in management units that are more than 20% over population goals or simply over population goals in units that are part of the CWD Management Zone. This rule will increase harvest of bucks in the CWD zone which have a higher prevalence of CWD and, because of their greater dispersal distances, have a higher likelihood of spreading CWD. However, the rule retains a herd control tool which requires that antlerless deer be harvested before additional bucks (beyond the initial one) may be taken. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control and regulate hunting of wild animals. The State of Wisconsin must provide publications describing the regulations for deer hunting to more than 630,000 deer hunters prior to the start of the season. These regulations must be approved prior to printing nearly 1 million copies of the regulations publication.

Section 6. Board adoption. This rule order 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 _____
Cathy Stepp, Secretary

(SEAL)