

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES**

**NOTICE OF PUBLIC HEARINGS
BOARD ORDER WM-11-13**

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014, 29.041 and 227.11(2)(a), Stats., interpreting ss. 29.014, 29.041 and 29.192, Stats., the Department of Natural Resources will hold public meetings on revisions to ch's. NR 1, 10, 11, 12, 13, 15 and 45 Wis. Adm. Code, related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report.

NOTICE IS HEREBY FURTHER GIVEN that the January 2015 hearings will begin at 6:00 p.m. and continue until 8:00 p.m. at each of the following locations and on the following dates:

January 20 La Crosse DNR Service Center, Room B19, 3550 Mormon Coulee Road, La Crosse

January 20 Fitchburg DNR Service Center, Gathering Waters Conference Room, 3911 Fish Hatchery Rd., Fitchburg (Fitchburg snow date is January 22)

January 21 Dodgeville DNR Service Center, Conference Room, 1500 N. Johns St., Dodgeville. (Dodgeville snow date is January 28)

January 22 Chippewa Valley Technical College Business Education Center, Room 103A, 620 West Clairemont Avenue, Eau Claire

January 22 DC Everest Middle School, Auditorium, 9302 Schofield Avenue, Schofield (Schofield snow date is January 29)

January 22 Northeast Wisconsin Technical College, Lecture Hall Room SC132, 2740 W. Mason St., PO Box 19042, Green Bay

January 26 Waukesha DNR Service Center, Room 151 (West entrance), 141 NW Barstow St., Waukesha. (Waukesha snow date is January 27)

January 26 Spooner DNR Service Center, Community Room, 810 West maple Street, Spooner. (Spooner snow date is January 29)

January 27 James Williams Middle School, auditorium, 915 Acacia Lane, Rhinelander

Plain Language Rule Analysis: Gubernatorial candidate Scott Walker made a promise to appoint a "Deer Trustee" to review white-tailed deer management programs and hunting in Wisconsin. In October of 2011 Dr. James C. Kroll, officially known as Wisconsin's white-tailed deer trustee, entered into a contract with the State of Wisconsin to conduct an independent, objective and scientifically-based review of Wisconsin's deer management practices. The White-tailed Deer Trustee's report was released to the public in July, 2012.

The objective of these proposed rules is to implement ideas and solutions from the Deer Trustee's report to forge a new age for deer management.

SECTIONS 1 to 6 update Natural Resources Board policy so that the term "population objective" and "goal" are used consistently and for concise wording.

SECTION 7 creates introductory material that organizes the current contents of Ch. NR 10 as Subchapter 1 and prepares for the creation of another subchapter related to the deer management assistance program.

SECTION 8 creates a definition of “afield” for the purpose of establishing that a deer cannot be possessed by someone other than the person who tagged it if the person who tagged the deer is not also present with the deer while afield, similar to current rules.

SECTION 9 eliminates the definition of an “archery hunt” because it is no longer consistent with current law or a necessary provision in this chapter.

SECTIONS 10, 11, 29, 42, 57, 60, 65 and 72 establish that CWD management zones will be identified as CWD-affected areas and are based on counties, consistent with proposed deer management unit boundaries.

SECTIONS 12 AND 13 establish definitions of “private” and “public-access lands” so that bonus deer hunting permits can be issued as valid only for use on land not open to public hunting or as valid only for use on lands which are open to hunting by members of the public, but not valid on both types of land. Lands which are privately owned but open to public hunting under the managed forest law program and other government agreements are considered public access lands for purposes of this provision.

SECTIONS 14, 24 and 37 update cross references related to sharp-tailed grouse, fisher, and bear management zones or subzones so that the deer management unit map in effect in 2013 continues to be the one cross referenced.

SECTIONS 15 to 22 of this proposal establish the deer hunting season dates for gun, archery, muzzleloader, and deer hunting by youth hunters. The standard deer hunting season framework established in these sections is:

Bow & Arrow/Archery	Saturday nearest September 15 and continuing through the Sunday nearest January 6. Hunting is for antlerless deer only at times when a firearm season for antlerless deer only is also open.
Youth	Two consecutive days beginning on the Saturday nearest October 8.
Traditional 9-day November firearm deer season	Saturday before Thanksgiving Day Holiday and continuing for 9 days.
Muzzleloader only	Beginning on the day after the traditional November firearm deer season and continuing for 10 days.
December 4-day antlerless season in central forest and central farmland zone counties only. This is season that the department may also implement in the southern farmland zone upon recommendation of two-thirds of county deer advisory councils in that zone.	Beginning on the second Thursday following the Thanksgiving Day holiday.
Holiday antlerless firearm deer season in southern farmland zone counties. This is an optional season that the department may also implement in the central farmland zone upon recommendation of two-thirds of county deer advisory councils in that zone. County deer advisory councils may also recommend that buck harvest be allowed during this season and the department can implement if two-thirds of councils support.	Beginning on December 24 and continuing through January 1.
Additional non-standard season framework options are described in SECTION 23 below.	

Noteworthy changes to current rule are that there is no longer a 4-day December antlerless-only, any-firearm-type deer season in the northern forest and the season is not part of the standard framework in

the southern farmland zone. These sections establish that a season commonly referred to as the December holiday hunt will now begin on December 24 and continue through January 1 and the standard bag limit is antlerless deer only unless two-thirds of the county deer advisory councils recommend also allowing the harvest of bucks. The holiday hunt will be held in all areas of the former CWD management zone and the entire portion of counties which had previously been partially located in the CWD management zone. The department could extend the holiday season to the central farmland zone and this could happen after a recommendation by two-thirds of the county deer management advisory councils in the zone. This section eliminates references to state park hunting seasons which are no longer needed because state statute has established that deer hunting is generally allowed in state parks. This section retains language which establishes the seasons for certain state parks when it is still needed because the existing seasons are different than the general statewide seasons. Muzzleloader only seasons are an example of the type season variations that have existed at some state parks. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

These sections establish a general bag limit of one buck during firearm deer seasons and one buck during the archery seasons, plus additional antlerless deer where permits are available.

SECTION 23 establishes three additional season framework options which the department could implement upon the recommendation of two-thirds of the county deer management advisory councils in a management zone. Those options include an antlerless deer only season framework for all archery or firearm seasons. The second option is restrictions on the harvest of bucks during a holiday season to only those with four antler points on a side or an antler spread that is wider than the spread of the deer's ears in an alert position. The third is that the harvest of bucks during the traditional nine-day firearm season, and other deer seasons which are open during that period, could be limited to the first two days of the season.

SECTION 25 restores the protected status of white deer in a CWD affected area so that they will again be protected statewide.

SECTIONS 26 and 27 update provisions related to hunting hours to include references to crossbows and maintain cross-references related to hunting hours for species that have no hunting hour restrictions except at times when a firearm deer season is open.

SECTIONS 28, 30, 32, 33, 35, 36, 38 and 45 to 55 add the word "crossbow" to provisions where appropriate because firearms, bows, or handguns are currently listed. These sections also add a description or cross-reference to a crossbow license or season as appropriate in locations where archer or firearm licenses or seasons are already listed or cross-referenced.

SECTION 31 repeals a cross-reference related to blaze orange requirements during deer seasons in CWD zones which is not necessary because blaze orange requirements are already established in statute.

SECTION 34 repeals a historic prohibition of the possession of firearms in the field on the day before the traditional 9-day firearm deer season.

SECTION 39 revises population goals so that they will be expressed as management objectives to increase, maintain, or decrease the deer population density in a management unit. Deer management units will generally be the same as counties with exceptions for metropolitan subunits and areas within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations. This section establishes county deer management councils which will be advisory to the department. This section also establishes antlerless permits and their allowable uses and methods of distribution. This section establishes a \$12.00 fee for bonus permits which are issued for a CWD-affected area and a \$6.00 fee for bonus permits issued under the deer management assistance program. Finally, this section eliminates additional buck harvest opportunities commonly referred to as "earn-a-buck" and "bonus buck" would no longer be part of the standard season framework. "Bonus buck" regulations could be implemented in a farmland zone upon a recommendation by at least two-thirds of the county deer management advisory councils in a zone and would normally remain in effect for three years. When

antlerless deer which authorize harvest of a bonus buck are registered, registration must take place in-person so that harvest can be verified by the department.

SECTION 40 modifies the tagging procedures so that a deer possessed in the field must be accompanied by the person who tagged it, even if the deer has already been registered. Deer which have been registered may be possessed and transported on roadways or possessed at a home or established businesses (taxidermist, butcher shop, etc.) by someone other than the person who tagged it, consistent with current rules.

SECTION 41 updates language to reflect elimination of “earn-a-buck” regulations and newer “bonus buck” “bonus buck” opportunities which will be available.

SECTION 43 establishes that a harvest registration confirmation number must be legibly printed on the carcass tag to show proof that a deer has been registered with the department under an electronic or telephone registration system. This section also maintains the current prohibition of processing a deer while in the field, except that it may be divided into as many as 5 parts to help with removing it from the field.

SECTION 44 modifies deer registration procedures to allow telephone or electronic recording of harvest. The ability to require in-person registration in areas is retained if the department determines that is necessary for research, collecting tissue samples, or during transition periods. Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer or bear is taken into possession. Registration requirements will be the same statewide for both firearm and bow-and-arrow harvested deer. This section also clarifies that an antlerless deer may not be possessed in the field outside of the unit of harvest except on a public highway or at a dwelling or established business such as a butcher shop or taxidermist’s place of business, and then only after first being registered. This is similar to current restrictions which prohibit transportation of a deer outside the unit of harvest prior to registration but is amended so the rule remains effective to enforce restrictions on illegal use of tags when electronic harvest registration is allowed.

SECTION 56 establishes deer management units which will generally be based on counties and establishes metropolitan deer management subunits and identifies tribal units. This section preserves the current metropolitan deer management units as subunits within county units. The note in this section also maintains the deer management unit map that was in effect in 2013 because those boundaries continue to be used for other purposes such as the basis for the fisher management zone map.

SECTION 58 repeals the existing deer management regions map and replaces it with a comparable but simplified zone map that is more aligned along county boundaries. This map also identifies where certain antlerless tags can be used and to describe deer season frameworks.

SECTION 59 establishes that buck tags may only be used to tag bucks and southern farmland zone antlerless deer tags, which are available to all firearm and archery license buyers, may be used statewide by participants in firearm deer hunts for hunters with disabilities. In the past, buck tags could be used for deer of either sex during these hunts. This provision is intended to reduce confusion about how tags can be used by disabled permit holders during the variety of deer seasons. This section also modifies the note for consistency with new rules allowing the use of rifles statewide during firearm deer seasons.

SECTION 61 establishes the deer management assistance program to assist with specialized management of deer in localized areas and for specific purposes. This section establishes fees and other conditions for participation in the program.

SECTIONS 62 and 63 establish crossbow hunting seasons which are consistent with archery deer hunting seasons at a number of waterfowl hunting closed areas where some archery deer hunting is currently allowed.

SECTION 64 establishes that crossbow deer hunting is not allowed at times when archery deer hunting is not allowed under current rules at the Buckhorn wildlife area.

SECTION 66 eliminates the prohibition on shooting deer under an agricultural deer damage shooting permit on the day before the traditional 9-day November firearm deer season.

SECTION 67 updates a cross-reference related to establishing the harvest quota for tribal members in the ceded territories.

SECTIONS 68 to 71 add “crossbow” to provisions which already restrict possession of bows and firearms at 37 game refuges and notes that possession of loaded, uncased handguns is allowed by people who are licensed to possess a concealed handgun.

SECTIONS 73 and 75 to 76 update language to include crossbows in various provisions where it is currently only required that bows and arrows be unstrung or enclosed in a carrying case on certain department managed lands.

SECTION 74 repeals the requirement to obtain a special permit before hunting deer in a state park in the CWD management zone.

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 falls within the purview of state fish and wildlife agencies.

Comparison with rules in Adjacent States: All of Wisconsin’s surrounding states use hunting seasons to provide hunting opportunities and to manage white-tailed deer herds. All of the surrounding states utilize a range of hunting seasons and allow the use of archery equipment, firearms and muzzleloading 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 Illinois archery season runs from October 1, 2013 - January 19, 2014 except that it is closed during the firearm deer season in those portions of the state that hold a firearm deer season. Illinois has two periods for firearm deer hunting, a muzzleloader season, and special CWD and antlerless-only seasons. The first firearm season in 2013 is November 22 - 24 and the second season is December 5 - 8. The muzzleloader season is Dec. 13 - 15. The special CWD and antlerless-only seasons occur on December 26 - 29 and January 17 - 19, 2014. A youth firearm deer hunt is open on October 12 - 14. All firearm hunting permits are distributed first through a tiered drawing system where residents have a higher chance of being selected for a permit than non-residents, then through a random daily drawing, and finally they are offered over-the-counter on a first-come first-served basis until the unit’s quota is reached. Hunters who are eligible to purchase a hunting permit receive an either-sex permit and one bonus antlerless-only permit. There is no limit on the number of resident archery licenses that will be issued, and each resident archery license includes an antlerless-only and an either sex permit. Non-resident archery licenses also include an either sex permit and an antlerless-only permit, but are allocated through a lottery system.

Iowa

In Iowa, there are two archery seasons, two muzzleloader seasons, and two shotgun seasons. There is also an antlerless-only season, a youth hunt for residents, and a holiday season for nonresidents. The archery season runs from October 1 – December 6 and December 23 – January 10, 2014. The muzzleloader seasons run from October 12 – 20 (residents only) and December 23 – January 10, 2014. The shotgun seasons run from December 7 – 11 and December 14 – 22. The antlerless-only season runs from January 11 – 19, 2014, the youth hunt runs from September 21 – October 6, and the holiday season runs from December 24 – January 2, 2014. When a hunter purchases an ‘Any Deer License’, they are entitled to harvest either a buck or an antlerless deer statewide. Hunters also have the option to purchase an ‘Antlerless-only License’ which is valid for a specific zone in the state. The number of

antlerless licenses available in any particular zone is determined by a quota system, and hunters are able to purchase these licenses on a first-come first-served basis until the quota is reached.

Michigan

Michigan has one firearm season, two archery seasons, and one muzzleloader season, as well as two antlerless-only seasons and a youth hunt. The firearm season runs November 15 – 30. The archery seasons run October 1 – November 14 and December 1 – January 1, 2014. Michigan's muzzleloader-only season is split into three zones with each zone's season occurring in December and lasting for either 10 or 17 days. The antlerless-only seasons run from September 21-22 and December 23 – January 1, 2014 and the youth hunt occurs on Sept 21-22. Hunters interested in harvesting an antlerless deer must purchase an antlerless license that is valid within a specific DMU for use on either public access lands or private land. In some DMUs, these licenses may only be purchased over the counter, whereas in others there is an application process and drawing.

Minnesota

Minnesota has one archery season, one firearm season that is divided into four separate zones, and one muzzleloader season. There is also a special archery season on Camp Ripley (a military base) and a youth season. The archery season runs from September 14 – December 31. The firearm season runs November 9 – 17, November 9 – 24, or November 23 – December 1 depending on the zone. The muzzleloader season runs November 30 – December 15. The special archery hunt on Camp Ripley occurs on October 26 – 27 and November 2-3. The youth hunt runs from October 17 – 20. Antlerless permits are distributed through a license lottery in "lottery" areas of the state. In "Hunter Choice", "Managed", or "Intensive" areas licenses are either-sex. Bonus permits for antlerless deer are available over the counter for use in managed and intensive areas.

Summary of Factual Data and Analytical Methodologies: Implementation of the deer trustee's report will result in establishing a number of new policies for deer management and hunting management compared to current rules. The primary policy alternatives evaluated in development of these rules are ones recommended in the report. Throughout this rulemaking process, the department and its partners did evaluate other policy alternatives as they were identified.

The full report is located on the Wisconsin Department of Administration's website at:

<http://www.doa.state.wi.us/section.asp?linkid=239&locid=0>

Revisions to Ch. NR 1 are minor and consist of an update to Natural Resources Board policy so that the term "population objective" and "goal" are used consistently throughout the board order and for concise wording. This rule order favors the term "objective" to describe the deer population level that management activities are designed to achieve. The terms "objective" and "goal" are very similar and "objective" is favored in this rulemaking because it was a recommendation of the trustee's report.

Chapter NR 10 establishes most of the deer population management policy, practices and hunting regulations that are in place today. Currently, Ch. NR 10 establishes the Sex-Age-Kill model for estimating deer populations, deer population goals, and deer management units. These rules repeal a requirement to use that specific population model. However, these rules do not prohibit the department from continuing to analyze deer populations using population models. The department will continue to use population models, such as the Sex-Age-Kill model, to develop population information. These rules will replace the current population goals by eliminating numeric goals and replacing them with a simplified statement of objectives to "increase, stabilize, or decrease the deer population." These rules establish a set of metrics to monitor progress towards the objective. These rules significantly reduce the number of deer management units and establish that they are generally the same as the county boundaries with exceptions for metropolitan subunits and tribal lands. These rules do not change the department's current requirement to evaluate deer management unit boundaries and population goals or objectives on a recurring three year basis.

Under these rules the department will be able to modify antlerless harvest quotas and permit levels on an annual basis. These rules establish that the department will seek input from groups or representatives for

certain deer related interests in establishing quotas by creating *county deer management advisory councils*. Through these councils, the department will seek comment from members of the public on the status of the deer herd. The councils will usually be chaired by the chairperson for the county delegation of the Conservation Congress. Other members of the council can also include a representative of Wisconsin's Chippewa bands if in ceded territories and a representative for; agriculture, forestry, tourism, transportation, a local organization representing hunting interests, and local government. Membership on a county deer management advisory council may also include a participant in the deer management assistance program. The department will establish guidance for the operation of county deer management advisory councils and that background checks of volunteer council members may be conducted.

The county deer management advisory councils will have the ability to recommend a number of deer hunting season framework modifications which may be implemented by the department by an order of the secretary. In order to assure season frameworks which are consistent throughout the units in an entire zone, many modifications would require a recommendation by two-thirds of the councils in a zone and would be implemented throughout the entire zone. Those modifications include bonus buck opportunities, a four day December firearm season for antlerless deer only in the southern farmland zone, a holiday antlerless deer hunt in the central farmland zone, and buck harvest during the holiday firearm season in either farmland zone. Season frameworks recommended by the councils and implemented by the department would normally remain in place for three years in order to assure a level of season consistency. Additionally, councils could make recommendations on the number of farmland zone antlerless deer permits which are included with the purchase of a license. Permit level recommendations could be implemented at the county/unit level and would not need to be consistent throughout the entire zone.

Under this proposal, hunters in most of the state will continue to receive an antlerless deer tag with the purchase of a firearm or archery license. This tag will be comparable to the current "herd control unit" tag which is issued in units that are 20% or more over the established population goal. Under the proposal, these tags will be valid in many but potentially not all farmland units. There is flexibility to establish that antlerless tags issued automatically with deer hunting licenses are not valid in farmland units that have a population objective to increase or stabilize the deer population. The department would establish this after natural resources board approval of a secretary's order, and following evaluation and a recommendation from county deer management advisory councils and the department. The department currently issues additional herd control tags for the cost of a \$2.00 issuance fee but those tags will be discontinued by this rule. Under this proposal, the standard fee of \$12.00, also the current fee for a bonus permit, will apply for most antlerless permits which are in addition to the one that was issued with hunting licenses. These rules also establish a \$12.00 fee for additional antlerless tags which allow harvest of deer in the CWD-affected area. Under statute, \$5.00 of the fee for bonus permits issued for use in a CWD-affected area will be credited to an account for management and testing of chronic wasting disease. Through the deer management assistance program, these rules allow establishing separate fees and unique antlerless deer permits that are specific for use on properties enrolled in the deer management assistance program and those are explained where that program is described.

An important change in the allowable use of most antlerless deer permits is that, under this proposal, they will be valid for harvesting antlerless deer only on private land or only on lands open to public access for hunting. Historically, bonus permits had been valid for hunting on any type of land in the correct management unit. This rule change is intended to address hunter concerns about harvest and hunting pressure on publicly accessible lands. This regulation may reduce the level of antlerless deer harvest on lands open to public hunting. Under the proposal, public access lands are defined as land owned, under easement to, or lease by federal, state or county government if that land is open to public access for hunting which includes private lands enrolled in the managed forest or forest crop program, or which is otherwise open to hunting by members of the general public.

A variety of related hunting regulations changes are proposed in these rules. Some of them are simplifications to current rules. Changes include the names for permits and the allowable use of various deer permits. Deer carcass tags, tagging, and transportation requirements are modified where possible

in order to simplify regulations or where needed in anticipation of a new automated licensing system. The current requirement to register deer is replaced in these rules with a more customer-friendly harvest reporting procedure using telephone or internet. Black bear are another species for which in-person registration of harvested animals is required. These rules will modify bear harvest recording requirements because deer and bear registration occur at the same locations and through the same process under current rules. These rules will eliminate deadlines to register deer and bear that currently vary by season, harvest method, and location. Instead, a simple statewide requirement to register deer and bear harvest by 5:00 p.m. of the day after is established. The department can make exceptions where in-person registration may still be required for sampling purposes. This allows fewer hours to register an animal than under current law but electronic registration will be significantly more convenient. Faster registration of deer will provide the department, and others who may be interested, with very timely harvest information. The shorter deadline may also help with enforcing bag limit, tagging, transportation, and possession restrictions. The option to require in-person registration of deer carcasses is preserved in areas that are part of a CWD affected area or where necessary for deer population and herd health monitoring purposes. The department could take advantage of this authority in order to collect tissue specimens for sampling for a wide variety of diseases or biometrics associated with deer populations. Finally, in order to assure hunter accountability and compliance with group bagging restrictions, these rules establish that a deer carcass possessed in the field must be accompanied by the person who tagged it. These rules maintain the restriction that deer and bear can only be "quartered" while in the field, even if they have already been registered. Both of these regulations essentially maintain current requirements because in-the-field registration of harvested deer was not possible previously. Now that deer could be registered while in the field by using a cellular phone or other electronic means, these rules will continue to require that the person who tagged the carcass accompany it during dragging or other field transport or possession by others. Deer that have been registered could be possessed and transported by other people on public highways or possessed at a residence or business, such as a taxidermist or butcher shop. These requirements will also assure sex or size of deer or bear are identifiable in the field.

Season date modifications may have the impact of opening a small number of refuges, which are established in NR 11 and 15, to additional deer hunting during the late firearm season that begins on December 24. These refuges are located primarily on department managed lands and most of them were established to provide undisturbed resting areas for migrating waterfowl. This deer hunt will occur very late in fall migration and will normally be after all waterfowl seasons are closed.

The department is recommending deer hunting season date modifications as a result of this rulemaking. The report generally recommended, "keeping seasons and bag limits consistent for longer periods of time to allow better assessment of management progress". The season date modifications in the proposal may lead to more long term stability of seasons. These rules will maintain the current season for hunting deer by archery methods. This proposal maintains the traditional Wisconsin firearm deer season opener on the Saturday before Thanksgiving and 9 day structure. The current 10 day muzzleloader season is maintained under this proposal. This proposal modifies the "holiday hunt" which has been held in the CWD management zone so that it will end on January 1 instead of the Sunday nearest January 6. The holiday hunt will be expanded geographically to include entire counties where previously the hunt was held only in a portion of the county. This holiday deer hunt occurs under current rules in the CWD management zone. It has been a low-pressure event but, for some, a greatly appreciated opportunity for additional deer hunting at a time when families are together and around which some new deer hunting traditions are developing. The late firearm season, or holiday hunt, is similar to seasons offered in other adjacent states and will occur during a time of the year when more residents are traditionally taking vacation or home for the holidays as in the case of veterans. Finally, only in areas that are part of the CWD season under current rules, archery deer hunting has been allowed on the day before the traditional 9-day firearm season opens. Under this proposal, the archery deer season will be open statewide on the day before the traditional 9-day firearm season for statewide consistency.

In metropolitan deer management subunits a 19-day firearm deer hunting season has been in place and is maintained by this rule proposal.

Under current rule, numerous state parks are listed in the table that establishes deer seasons because the department was required to establish hunting seasons in state parks by administrative rule. Under 2011 ACT 168, hunting is allowed at state parks except where, or at times when, the Natural Resources Board has prohibited the activity in order to protect public safety or a unique plant or animal community. Because the old presumption that state parks are closed unless opened by rule has been replaced by a presumption that state parks are open unless board action has been taken to close them, most state park names have been removed from the table. Those parks will be open to deer hunting under normal statewide regulations at times when hunting has not been prohibited for safety related purposes by natural resources board order. A number of parks, which had deer hunting seasons or regulations which are not the same as the ones that apply statewide are still found in the season table in order to preserve those unique seasons or regulations. All state park deer management unit number designations have been repealed and state parks are simply referred to by their name. Current rules require that deer hunters in state parks in the CWD management zone obtain a free access permit to a park. The number of access permits is not restricted. This rule repeals that requirement because it is no longer needed considering that access to other parks will not be monitored to this extent. Finally, the deer hunt at the Loew Lake Unit of the Kettle Moraine State Forest, which had been a limited entry/draw hunt, will now be open to participation by any licensed hunter. However, this season will continue to be muzzleloader only. These changes are made for consistency with other changes made at state parks which previously had limited entry hunts.

These rules establish three additional season framework options which the department could implement upon the recommendation of two-thirds of the county deer management advisory councils in a management zone. Those options include an antlerless deer only season framework for all archery or firearm seasons. The second option is restrictions on the harvest of bucks during a holiday season to only those with four antler points on a side or an antler spread that is wider than the spread of the deer's ears in an alert position. The third is that the harvest of bucks during the traditional nine-day firearm season, and other deer seasons which are open during that period, could be limited to the first two days of the season.

The trustee's report generally recommends a more passive approach than current department policy to the management of chronic wasting disease. This approach is reflected by the establishment of deer seasons in CWD affected areas that are similar to other areas of the state. Management of CWD in the state's deer herd is still important under these rules. These rules retain the firearm deer season occurring over the Christmas holiday, although it will now end on January 1. These rules modify the current CWD zone management system by designating it as the CWD-affected area using county boundaries to describe the zone instead of the previous DMU configuration based on roads and natural features such as rivers. A process for efficiently adding new counties as CWD-affected areas when the disease is discovered in new areas is created. The department currently establishes numeric population goals for deer units that are in a CWD zone. Those goals are modified by these rules so that they are consistent with the manner in which objectives for other units are expressed.

This rulemaking establishes a deer management assistance program that will allow landowners and hunters to work together with the department to manage deer on a site-specific basis. The program will actively involve members of the public in the collection, analysis, and reporting of deer harvest information and improve management of the deer herd at the local level. The rule establishes enrollment fees for participation in the program and statute has established that revenue will be credited back to implementation of the program. This proposal establishes a separate half-price fee of \$6.00 for antlerless deer hunting permits obtained through participation in the program. The lower fee is intended to be an incentive for participation. These rules allow the sales of antlerless deer hunting permits to a landowner or primary contact who is enrolled in the deer management assistance program or their authorized representative. The permits could then be transferred, for no more than the actual cost, to hunters who would be able to use the tags on the enrolled property. The program is a central feature of the report which recommended that the department establish: a) applicability to private and publically accessible lands, b) initial areas eligible to participate, c) administration of DMAP, d) funding, e) personnel and training, f) minimum property size to participate, g) fees, h) participation requirements, i) data collection

requirements, j) registration of deer harvested on DMAP properties, k) data analysis and reporting, and l) assessment of DMAP effectiveness.

Chapter NR 13 is intended to regulate off-reservation treaty rights of treaty rights participants recognized by *Lac Courte Oreilles Band v. Voigt*, 700 F. 2d 341 (7th Cir. 1983). Modifications to Ch. NR 13 update a cross reference with Ch. NR 10. Other out-of-date cross-references exist in this chapter but are not revised here as that might be more appropriate as a stand-alone, more thorough review. The report did not recommend changes to this chapter of administrative code.

A significant portion of this board order is dedicated to updating administrative code so that it is consistent with 2013 ACT 61 which establishes deer hunting seasons in 2014 and 2015 where the use of crossbows is allowed. Under the Act, the crossbow season must be identical to the archery season. Other substantive provisions of this rule related to the use of crossbows, such as the allowable uses of carcass tags, are also written as directed by the ACT. The department has limited discretion in rulemaking for the 2014 and 2015 seasons. Beginning in 2016, the department will have much greater statutory authority and more decision making ability. This board order does make numerous remedial revisions to reflect the new status of crossbows as generally allowed for hunting. Throughout the rule, references to “archery” and “crossbow” are intended to reflect statutory language which creates an “archer hunting” license and a “crossbow hunting” license.

Additional remedial revisions reflect that statutes now allow the possession of loaded, uncased handguns by people who are licensed to possess a concealed handgun, including in department closed areas and game refuges where possession of other weapons is restricted.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis: The department estimates that the economic impact of these rules will be none or minimal and, pursuant to 2011 Executive Order 50, facilitated a 14 day period for comment on a draft economic impact analysis. The comment period began on October 7 and ended on October 21, 2013. Although s. Ch. 227.14 Stats., does not require an economic impact analysis for emergency rules, an analysis was prepared for companion emergency rules as well as for this board order.

This proposal modifies rules that establish the department’s habitat and deer harvest management strategies. Examples of the new management efforts include: increased emphasis of habitat management on private land through the deer management assistance program, eliminating the requirement to use a specific method of measuring and estimating deer populations even though that model may still be used and considered, and new ways to describe desired deer population levels. These rules will result in moderate revisions to regulations that apply to individual deer hunters. Examples of the types of changes proposed include adjustments to deer management unit boundaries, simplified harvest registration procedures, different deer hunting regulations on private versus public access lands, and different uses and changes in the availability of antlerless deer harvest permits.

Deer population, harvest, and habitat management affect many entities in this state. A broad description of affected industries includes agriculture, forestry, tourism, and retail. Governments may be impacted by these rules because many do have programs to manage nuisance deer locally. Many non-profit groups are focused on natural resource conservation, wildlife resources, or deer in particular, and may be affected by these rules.

The department anticipates there will be no or a minimal effect on the financial health of industries, governments, and groups. The department anticipates there will be no economic effects of these regulations for individual hunters and landowners.

Affected entities are likely to base their evaluations of economic impact on their opinions of whether or not the rules will result in deer population changes. For instance, agriculture and forest-products interests may benefit from low deer populations and resulting low levels of crop and tree damage. The tourism and retail industries may benefit from high deer populations that result in greater enthusiasm and participation

in deer hunting. This rule package will be designed to balance competing interests with a different approach than current rules.

It is important to note that the department is statutorily prohibited from managing deer populations with regulations that require a hunter to first harvest an antlerless deer before harvesting a buck. The department also lacks rulemaking authority for certain deer hunting season frameworks. These changes to the department's regulatory authority result from previously enacted statutes and they were not considered as part of an economic analysis prepared for these rules. While deer may have significant positive or negative impacts to different entities, removal of these harvest regulations likely moderates the economic impact of this rule package.

The department anticipates that there will be no or very few implementation and compliance costs for the affected entities. These rules will not establish reporting or compliance requirements or other regulations for small business. A possible outcome of these rules is the elimination of deer registration stations at local businesses throughout the state. The department has summarized the value of registration fees paid by the department to businesses, and related impacts of this voluntary program, in the economic impact analysis.

This is not a complete estimate of economic impacts but, rather, a summary which indicates that these rules will have no or minimal economic effects. The final economic analysis for these rules includes a description of the specific impacts of deer and deer hunting in this state based on surveys and research done by the department and other state and federal agencies. However, even though significant research exists, the impact of wild deer on the environment and to people under various conditions cannot be anticipated with exact precision. The final analysis includes significant narrative descriptions of anticipated economic impacts.

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 costs are associated with compliance to these rules.

Effects on Small Business: These rules are applicable to individual sportspeople and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g).

NOTICE IS HEREBY FURTHER GIVEN that the rulemaking process for Board Order WM-11-13 constitutes an equivalent analysis action, under the current s. NR 150.20 (2) (b), Wis. Adm. Code and additional environmental analysis is not required.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Scott Loomans at (608) 267-2452 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov> or by searching the keywords "administrative rules" on the department's website. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Scott Loomans, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 or by

email to scott.loomans@wisconsin.gov. Comments may be submitted through January 31. Written comments, whether submitted electronically or by U.S. mail, will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Loomans.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary