

DATE: October 28, 2006

FILE REF: 4100

TO: Secretary Scott Hassett

FROM: Randy Stark – Chief Warden

SUBJECT: Law Enforcement Report on October CWD Seasons

First off, I'd like to thank all the law enforcement, wildlife and customer service staff who worked together to implement the new CWD season framework. As we all know, change means confusion and is often accompanied by unforeseen consequences – and that means more work for everyone. In the future, it will be important that we achieve stability in our season framework and continue to simplify regulations.

Hunting trends and issues:

Saturday was raining and Sunday was cold. Overall, hunting pressure was light during the weekend.

Most hunters involved in this special deer season hunted on their own property or friend's property. Most were looking for that big buck. Public hunting grounds saw some pressure, but in the Crawford and Vernon County area it was light.

Few hunters were observed hunting the CWD unit in Juneau County. Access to private land is still an issue and there were several hunters hunting the small tracts of public lands. Warden Grudzinski did not encounter very many hunters in the field.

Most wardens in the South Central Region (SCR) reported low hunting pressure during the 2006 October CWD season. Wardens indicated this could be for a variety of reasons including: hunters disagree with the early gun season, the season doesn't coincide with the teachers' convention/school holiday, poor weather for the weekend, field conditions were not ideal (a lot of standing crops and leaf cover remain) and conflicts with other major openers. The final day of the season was windy, but many areas got a light cover of snow which is a bonus in October hunting. Despite that, there were still relatively few people out for a deer season.

Almost all of the wardens in the SCR indicated the heaviest pressure was on state land. This could be due to hunters saving their private property for the 9 day season, or access to land is difficult. Many of the wardens in the area reported responding to complaints regarding the other seasons. Especially in areas where pheasant hunting is more popular, wardens were busy following up on pheasant and waterfowl complaints and did not get a chance to work the deer season.

Warden Mike Green (Wisconsin Dells) observed that the majority of landowners and people hunting on private property were buck hunting.

Wardens report that QDM appears to continue to grow in popularity. However, there some who may not understand the underlying principles of QDM because they don't shoot enough (or any) antlerless deer.

Urban sprawl continues unabated in the Southeast Region (SER) with significant impacts on hunters and

their ability to find areas to hunt. Warden Dale Hochhausen contacted two younger gun deer hunters that had finished up hunting some State property. Hochhausen saw a plat book sitting on the front seat of their vehicle. One of the hunters asked several questions about some of the state properties around the area. The hunter mentioned he had asked about 60 landowners for permission to hunt, but he only got permission to hunt one property while four other landowners said “maybe.” The hunter stated he spent the entire last two weekends asking landowners for permission and even had his girlfriend along one day to help. The hunter said it was disappointing that he couldn’t find a spot to hunt near where he lived.

Warden Supervisor Joe Jerich has observed first-hand and continues to receive reports from field wardens indicating the State-owned properties are being utilized more and more by hunters competing for a place to hunt. The result is crowding on State lands by hunters interested in participating in CWD seasons simultaneously with pheasant, small game and waterfowl hunters.

In Waukesha County the urban sprawl has spread to all but the far edges of the County. In Warden Doug Zeihen’s area (southwest Waukesha County), the sprawl abuts the Kettle Moraine State Forest which leaves a couple of miles of farm land between the forest boundary and the county line. The vast majority of the hunters use the state property, with the private lands going virtually untouched. Many of the townships in this area have a 3 acre minimum for any house to be placed upon. This is the perfect habitat for deer in that typically 2 of the 3 acres are wooded, and those parcels are platted subdivisions which by county law are hunting prohibited. The final result is a large deer herd that is not accessible by hunters, which is controlled only by car/deer accidents. This is not a recipe for success in managing deer populations or effective CWD control.

The availability of huntable land is the single biggest factor affecting the future of hunting in the SER.

Hunting related shooting incidents:

Warden Mike Nice reports that the Richland County Sheriff’s Department investigated an incident where a bullet traveled through a garage and shattered the back window of a Chevy Tahoe sitting nearby. A deputy located four hunters who were in the area at the time of the shot. One hunter admitted shooting around the time of the incident but was located on another ridge when he shot. The investigation is pending.

Hunters in a “Positive” light:

Warden Dave Youngquist stopped and spoke to a Hmong father and son who were sleeping in their truck on the Saturday of the opening weekend of the October gun deer hunt on land near Spring Green. The father said they had been granted permission from the farmer earlier in the year to small game hunt on his land and once the farmer had gotten to know them they received permission to gun deer hunt on the land, too. He went on to say that this is the way it is explained in Hunter Safety classes to get permission to hunt, and it really does work. The father said that he got a lot of rejection when he was asking for permission to hunt this year. When Youngquist asked the father if he felt it was because of his nationality, the father said he didn’t think so and that it was more because the people do not know him.

Warden Dave Youngquist spoke to a local farmer who has sponsored a disabled hunt on his land every year. He told Youngquist of a father and son who were back for this hunt and staying on his land in their camper. The 16 year old, who has cancer, was using an electric golf cart to follow his Dad out hunting. The farmer told Youngquist how they had loaded two deer and all of their hunting gear on the golf cart during the disabled hunt, and the cart could hardly get up the driveway to the house.

Warden John Buss reports that one group of about 10 hunters in Sauk County made a deer drive and shot 7 deer on one drive. There was a 12 year old boy that was a stander and so far this fall he shot his first bow deer and first gun deer.

Warden Joe Frost reports contacting a father and son from Eagan, Minnesota, who hunted near Blanchardville in Iowa County on the opening weekend of the DEZ season. The son killed his first deer ever, a doe, with one shot. The deer was left in the woods, field dressed but untagged. Frost and Deputy Warden Al Erickson went back to the deer with them and showed them how to tag the deer and explained the tagging law. A photo was taken of the two with the deer and emailed to the father.

Warden Mike Green (Sauk County) met a 12-year old boy at the registration station in Baraboo that shot his first deer during the CWD 4-day hunt in Sauk County. The boy shot a large buck that he was very proud of and rightfully so.

Highlighted cases:

Wardens Boyd Richter and Mike Dieckhoff (Rock County) were patrolling on the opening day of the 4-day CWD HRZ season when they received a complaint of subjects operating an ATV on state land near Evansville. Richter and Dieckhoff responded and located two subjects walking from the public hunting grounds back to their car. Richter contacted the subjects and asked what kind of hunting they were doing. One of the subjects said he had been deer hunting earlier and lost his cell phone in the cornfield, so he came back to look for it. The subject said his friend was not deer hunting. After Richter and Dieckhoff further interviewed the subjects, they discovered that one of the subjects had been deer hunting without a license and the other was hunting with a rifle in a shotgun area. One citation was issued and a criminal referral is pending.

On Saturday afternoon of the 4-day CWD HRZ season, Wardens David Walz and Amanda Schramm received a phone call from a landowner in reference to finding a white 8 point buck that had been shot and hidden under some brush on his property. (White deer are protected.) The wardens met with the caller and they subsequently located the deer and a tree stand on the neighbor's property. There was a rifle casing lying under the tree stand and the entrance hole in the deer matched the size of the 30-06 round. The bullet path through the deer indicated it had been shot at a slight downward angle coming from the direction of the stand. The wardens attempted contact with the possible shooter, but he was not immediately found. The case is still under investigation.

Warden Dave Wood (Dane County) assisted Marshall Police Department after one of their officers stopped a vehicle shining in a rural park at about 2:00 AM one night during the CWD HRZ season. The officer located a loaded .308 rifle, an uncased .22 rifle, drug paraphernalia, a compound bow, and numerous empty and live cartridges and casings in the vehicle. All of the hunting equipment involved was seized as were the archery tags the two suspects were wearing on their backs. Criminal charges for shining deer while in possession of weapons were filed as well as civil citations for shining after hours and for possession of loaded and uncased firearms in the vehicle. Both suspects were taken to jail.

Warden Jeff King was asked to assist Lafayette County deputies with a suspicious car versus deer crash around 8:00 PM Sunday night, the last night of the early hunt. King determined that the deer hunters, who *just happened* to be on the scene when the crash occurred, had actually just shot the deer with the aid of a spot light, which caused it to take off and run onto State Highway 81 and directly in front of a passing motorist.

During the early 9 day DEZ hunt in Green County, Warden Jill Schartner responded to a complaint relayed by wildlife managers. Hunters who had come in to register deer told the wildlife staff that they saw deer hunters dressed in camouflage clothing with only blaze orange stocking caps. Schartner located the hunters behind a farm about a mile from the complaint area. Though two of the hunters had already left the area, the one Schartner did locate commented to her that he forgot his blaze orange clothing and did not figure it would be a problem. The subject was cited for a blaze orange clothing violation.

Warden Jill Schartner (Green County) cited two persons for hunting over salt, with corn added to a few baits, on Sunday morning, the last day of the 4-day deer season. The property owner stated he did not realize salt was considered bait, though he did admit to hunting turkeys this past spring over bait. He was cited for hunting deer over bait and warned on the turkey baiting/hunting incident along with illegal feeding at his home, located on the same property. The property owner's brother was also cited for hunting over bait, again the bait was salt. This was a property Schartner had also been keeping under surveillance during the early archery season for baiting violations.

Warden David Horzewski of Reedsburg assisted the Sauk County Sheriff's Department when they checked into suspicious activity by a vehicle in the woods. Horzewski located the vehicle in a large mud hole in the woods, and an individual inside the vehicle. The individual stated that he was attempting to locate his brother's tree stand to take photos of deer and deer rubs. Horzewski received identification from the individual and learned he had a suspended driver's license. Through the course of the investigation, it was learned the individual came out to the complainant's property without permission the previous evening. He got the vehicle stuck in the woods while attempting to turn around. The individual slept in his vehicle from 11:30 PM until approximately 9:30 AM. The individual admitted he used the headlights on his SUV to shine deer at 11:30 PM while attempting to take pictures of them with his camera.

Warden John Buss (Sauk City) checked a group of 5 hunters coming out of a public hunting area. An older member of the group that could not speak English had shot a doe and left it in the woods. The doe was shot at 4:00 PM and Buss checked the group 2 hours later. The deer was still not tagged. The younger hunters stated they had told their grandfather that the deer had to be tagged right away. Since they had numerous CWD tags, Buss had the hunters tag the deer and left them with a warning.

Warden Paul Nadolski and Warden Casey Krueger (both Columbia County) worked on a complaint from the Blackhawk Park area near Portage. Wardens found the suspect vehicle and observed the group as they conducted a deer drive on one of the islands in the Wisconsin River. After running a boat registration that appeared to be expired, they found that the boat owner had an outstanding warrant. Wardens waited for deputies to arrive and then made contact with a group of 9 hunters. One subject was cited for insufficient PFD's, warned for expired boat registration and capacity plate violations. Another in the group was cited for having a loaded rifle in the motorboat. A third member in the group was wanted on warrants from Dane and Rock Counties. That subject was taken into custody.

In the afternoon of October 21, Warden Mike Dieckhoff (Rock County) checked a duck blind, and noticed decoys were placed approximately 60 yards out from the blind. The hunter was not wearing waders so how the decoys got there was suspect. The individual had all required licenses and many empty beer bottles in his blind. Dieckhoff located one lead shot shell in a box, and slugs for a 12 gauge shotgun, which he was using. Dieckhoff also found more decoys and a shotgun with extended magazine tube and red dot scope on it in a boat covered with camo tarp. The hunter explained that the second shotgun was his also and that he brought it along so he would not have to walk back to his truck to get it

before going to his deer stand for the night hunt. Upon interviewing the hunter it was determined the individual was hunting over decoys that were in the pond prior to him arriving on the property. The individual was given field sobriety tests and he blew a .012 on a PBT, indicating he had been drinking but had a low level of intoxication. Dieckhoff also noted the man did not have blaze orange with him and assumed the man would have hunted deer in camouflage instead of blaze orange. One citation for hunting over unattended decoys was issued. The individual also had lead shot and slugs while hunting ducks.

Warden Mike Dieckhoff (Rock County) reports a hunter that shot his deer in the DEZ, took it to an HRZ registration station to get it registered. Upon arriving and explaining the distance he drove and the location where he killed the deer, the individual was told by the registration station workers that he must register his deer in the DEZ in Clinton. The man was okay with that, however, the registration station worker thought he would save the man the trip across the county by registering the deer as being killed just down the road on some DNR land. After speaking with both individuals working the registration station, the person who filled out the paperwork admitted that he suggested and completed the form with the false information on location of kill. Dieckhoff informed the man of the extreme importance of documenting this information accurately and the man said it was a stupid thing to do and did not want to lose the ability for that location to register deer. One citation was issued for providing false information to the Department.

Hunter/User Conflicts:

While Wardens Dave Walz and Amanda Schramm were searching the Southern Kettle Moraine State Forest, a hunter was contacted who advised that he saw a jogger running through the woods wearing a white shirt. The hunter felt this was very unsafe for the jogger who should have been wearing brighter clothing at this time of year. The state forest is busy throughout the fall with hikers and bikers.

Wardens Jeremy Plautz and Dave Wood received several complaints from hunters regarding a disabled hunter using an ATV on public hunting grounds with a permit issued from the Wildlife property manager. One hunter was extremely upset that his hunt was being disturbed. Very few of these permits have been issued in the past, but more are likely given the aging population. This will require careful consideration in the future.

Warden Mike Dieckhoff received a complaint that one individual placed his screw-in tree steps and portable tree stand on public property at 12:01 AM on October 19. When this hunter walked into the public hunting grounds several hours later at the beginning of hunting hours, he confronted and cursed at two hunters set up nearby. The man could not believe the other hunters would set up within 50 yards of his "reserved" tree stand location. Dieckhoff received the complaint too late to make a contact with the hunter with the illegal stand, so he will be checked at a later date when he returns.

Warden Joe Frost, Dodgeville, reported an increase in trespassing and road hunting complaints in the CWD units.

One landowner observed a vehicle parked along the road and a nice buck lying on the hill as he drove past. He turned around and the driver was just sneaking to the back of his truck with his gun to shoot the deer. The landowner scared the deer away and they had a heated conversation. The hunter said that is why people have to hunt from the road because landowners won't let people on their property. Unfortunately, the road hunter was teaching his young son how to "hunt."

A complaint was received from a landowner that was formerly in the agricultural damage program. He had three different groups trespassing this season. Even though the property is posted against trespass, the hunters claimed the property was still listed on the web site as an agricultural damage property.

Pheasant hunters on the public hunting grounds complained about all the deer hunters on opening weekend. The number of bird hunters was much lower than normal due in part to the people having to make a choice as to what opening day they wanted to participate in: deer, pheasant, raccoon or waterfowl.

Search and Rescue efforts:

Helicopter rescue: At approximately 1:00 AM on Sunday morning of the HRZ season, Warden Dave Walz received a call from the Jefferson County Sheriff's Department that two adult hunters were lost in the Jefferson Marsh public hunting grounds. It had been raining all evening and then the temperature dropped and it began to snow. The lost hunters, who were very cold and getting hypothermic, used a cell phone to text message to one of their fathers. Deputies shined spotlights off the roadways into the marsh and used their sirens to try and help the hunters find their way out. Fire Department personnel from two departments also assisted in searching the area. Walz brought out a small boat and boated up into the tamarack swamp. Walz and one of the firefighters from Jefferson located the hunter's canoe. At around sunrise, the two hunters were finally found by firefighters who had walked in on the location the hunters were yelling from. They were too hypothermic to walk and due to all the water in the tamarack forest they could not be reached except by walking. Two helicopters owned by local residents were utilized to airlift the two hunters out as well as the firefighters. They were treated at the Fort Atkinson Hospital for hypothermia.

On the afternoon of Saturday, October 21, the Jefferson County Sheriff's Department received a 911 cell phone call from a person who stated he had "been shot." He said he was on the John Muir trail which is in the southern unit of the Kettle Moraine State Forest in northern Walworth/southern Jefferson Counties. Jefferson County dispatchers lost the caller before getting much other information. Wardens David Walz, Jeremy Plautz, and Amanda Schramm headed to the area along with KMSF staff and SER wardens. The Walworth County Sheriff's Department, assisted by fire department personnel, searched the area trails and spoke to deer hunters in an attempt to locate the caller or a witness. Information was recorded on all the vehicles and hunters in the area for follow up. A search of the area continued until well after dark when all the vehicles parked where there is trail access had been accounted for. To date no missing persons have been reported or found. The Walworth County Sheriff's Department is still investigating the validity of the 911 call.

Season framework, licenses and tag system issues:

Considerably fewer problems with licenses or tags were encountered. We appear to have solved this dimension of the complexity problem.

Many wardens report an increase in calls and questions regarding season dates and tagging of deer. A couple of problems were reported about hunters thinking the season was open in the entire CWD zone (HRZ and DEZ) versus just the DEZ during the first part of the season. Other wardens reported hunters complaining about constant changes in the season dates and tagging.

With the free unlimited tags and either sex season, Warden Mike Green observed there was less confusion this year about the carcass tags.

A large volume of calls were received by Warden Dave Walz the week and a half prior to the 4 day CWD gun hunt about hunters being confused as to when the season was open and if it was antlerless or either sex. With the difference in season dates between the DEZ and HRZ and the fact it opened a week earlier than in the past and having separate regulation books it all created more confusion than there should have been.

Some people expressed disappointment that the season was not during the week of the teachers' convention as it has traditionally been. If we want to provide more opportunity for youth involvement, moving the season back to the following week may help this.

The continual changing of the season structure like it was this year from previous year's leads to more confusion and questioning of the DNR's expertise in deer management as was evident by talking to some hunters. Even though it is necessary for some changes from year to year because of CWD and what we are continually learning, too much change appears to be hurting us as far as credibility.

One hunter also called Warden Walz stating he checked the DNR website for the deer regulations and found it still had the **2005** regulations posted so he was upset that we can't keep the website updated NOTE: Upon checking, the current 2006 regulations are on the website, however, I note the 2005 regulations are also there. I recommend the 2005 regulations be removed to avoid confusion.

Many deer registered in the field by the wardens were tagged with the free CWD tags so these tags are definitely being taken advantage of.

One individual called Warden Walz on Friday night at 10 PM stating he has not hunted in the past 15 years so when he went to buy a deer license he needed to show proof of hunter education certification which he did not have anymore. He wanted to hunt the weekend but all the DNR offices were closed. Walz looked him up on the DNR database and provided him with his hunter education number so he could buy a license.

Problems as well as positives encountered with the CWD seasons:

Almost every warden reporting indicated they responded to at least one complaint or encountered individuals bow hunting or small game hunting without wearing blaze orange clothing. In some cases it appeared as though the hunters were not aware that a gun deer season was taking place because they may only have picked up the small game regulations pamphlet. (The small game and turkey regulations do state that blaze orange is required if you hunt deer during a gun deer season, but those *dates* are not listed.) There were other cases where hunters admitted that they were knew and still chose not to wear orange. Some wardens felt that hunters were ignoring the regulations because they did not agree with the early gun season.

Warden Mike Green, WI Dells, reports poor overall hunter attitude toward the CWD seasons. People said they would like to see a normal bow and gun season. Green observed that the hunting public is getting worn out with the continued rule changes in the CWD areas and the CWD season itself. Green did not hear one hunter say there is "buy in" that CWD will kill off the deer. Green reports the credibility of the Department continues to decline.

Warden John Buss states that people would like to go back to a 9 day season.

Buss reports that people for the most part are tired of all the regulations and seasons. He reports several people commented they are reaching an end to going hunting because of all of the changes and complexity.

The wardens on the Poynette Team noted that participation was very low for this early deer season. Warden Paul Nadolski commented that he doesn't know if it was a problem, but this was the slowest "early season" he has seen. There were more duck and pheasant hunters and fishermen than folks out hunting deer during the early gun hunt. He said that folks archery hunted in blaze orange instead of carrying a gun, because they wanted to shoot a large antlered buck with a bow, instead of with a gun.

Warden Eric Grudzinski reports from Juneau County: Deer registration stations need to be stocked with registration materials prior to deer season. One registration station called Grudzinski on Saturday morning and said they had one stub remaining and had left messages for wildlife staff earlier in the week that they needed stubs. The station did not get stubs before the season. Apparently the deer registration stubs were printed late this year and wildlife staff only had a limited supply when they initially set up the stations. DNR needs to ensure that the stations are set up and have enough registration materials before the season starts. Grudzinski dropped off a few stubs he had and contacted wildlife staff on Saturday. Wildlife staff made a special trip to the stations and gave them additional stubs.

Warden Grudzinski in Juneau County recommends that CWD units have a completely different unit designation if part of a unit is within CWD and some of it outside CWD. For example, part of DMU 54B is within the CWD unit and part of it is outside the CWD unit and is EAB this year. Hunters seemed to be confused about the difference in 54B and 54B-CWD. Can we change the CWD unit designation so it is completely different, i.e. 54B (outside CWD unit) and 100 (inside CWD unit)? Other CWD units could be numbered in the 100's or some other way.

Hunters were confused about the DMU line for 54B and 54A. Many people think that I90/94 is the boundary between 54A and 54B. Simply including the "STH 82" symbol on the DMU map in Juneau County would clear up the confusion. In the regulation booklet the STH 82 symbol is only shown in Adams County.

There was lots of confusion whether or not the season was open in 54B outside the CWD unit and also in herd reduction units. Many people called before the season and inquired about an early four day hunt in EAB and herd reduction units and were confused about the four day hunt. Grudzinski received two complaints of hunters hunting outside the CWD unit in blaze orange. One of the suspects in the complaint called Grudzinski and said he had planned to go hunting in a herd reduction unit but didn't realize the season was closed.

A state-wide news release was front page news in the Courier Press newspaper (Crawford County) Monday before the HRZ 4-day season. The news release generated a large volume of calls from Crawford County residents. Many felt that the 74 B portion of Crawford County was going to be open for a special gun deer season. Because of the confusion, Warden Mike Cross contacted the local radio station with a "clarifying" news release. Due to an e-mail problem the news release did not begin running until Wednesday afternoon. On Thursday afternoon an "unidentified" caller left Warden Cross a message thanking him for the news release. The caller had gone hunting in the morning and didn't "get anything", came home for lunch, heard the news release, put his firearm back in the closet and called Warden Cross.

The terms Herd Control and Herd Reduction seem to have caused the confusion. Future news releases should ensure that these two different deer units will be properly identified, i.e., CWD Herd Reduction

Zone and Herd Control Unit. Herd Reduction Zone alone, without the CWD prefix, confuses many people as it sounds very close to Herd Control Unit.

Warden Supervisor Jerich observed that, for the most part, the hunters that participated in the CWD gun seasons were focused on public land and private land saw little to no activity. The vast majority of hunters still do not understand the complexity of regulations. During one day of patrol, Jerich did not find a hunter who was not in violation of the blaze orange requirements. All of these hunters were pursuing game other than deer, but were required to wear blaze orange due to the ongoing CWD gun hunt. Numerous warnings were issued.

Warden Dale Hochhausen checked several pheasant and archery hunters that were not wearing blaze orange clothing during the gun deer season. This was the most common complaint that Hochhausen received from gun deer hunters. Hochhausen issued several warnings to hunters for not wearing the proper blaze orange clothing. Most of the small game hunters were not aware of the gun deer season taking place.

Wardens Hochhausen and Jerich contacted one group of hunters that were going out squirrel hunting because they thought the gun deer season was closed in the area. When Hochhausen explained the gun deer season was open, the hunters said they read the regulations to make sure they were correct this year. Hochhausen had contacted the same hunters last year for gun deer hunting in an area that was closed to deer hunting. The hunters said they were going home to get their slugs and proper blaze orange clothing. These hunters read the regulation book both this year and last year and still couldn't figure out the regulations.

Warden Doug Zeihen reports that the waterfowl refuges in the Vernon Marsh Wildlife Area are posted with signs that state "closed except for gun deer hunting". This would 'seem' to allow for hunting during the early gun seasons, but wildlife has determined that the early season does not count. As a result hunters frequently enter these refuges and are in violation. Zeihen simply explains to these hunters that the refuge is off limits until the November gun deer season and lets them off with a warning. This obviously creates extra work for the wardens and results in more confusion and complexity.

Illegal Baiting or Feeding of Deer issues:

Illegal baiting continues to be a significant and widespread issue in the SER. Although gun deer hunters in the CWD areas were generally not found to be using bait (probably because they were primarily located on state land) a very high percentage of archery hunters on private lands are continuing to be found illegally using bait. This remains one of the top complaints received by the wardens in this region, creates conflict, and takes up a great deal of patrol time. Most hunters baiting illegally are aware of the regulations, but choose to bait anyway.