

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT:

Request that the Board adopt emergency Board Order WM-05-14(E), proposed rules affecting Ch's. NR 10, 11, 12, 15 and 45 related to establishing deer hunting seasons during which the use of crossbows is allowed.

FOR: August 2014 Board meeting

PRESENTER'S NAME AND TITLE: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

The department is directed, in the non-statutory provisions of 2013 ACT 61, to promulgate emergency rules that are needed to establish deer hunting seasons in 2014 and 2015 for the use of crossbows only. These provisions also exempt the department from the requirement to make a finding of emergency.

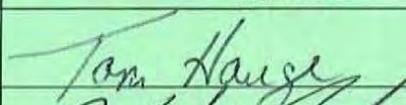
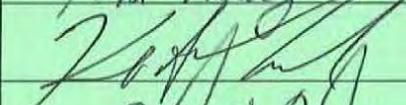
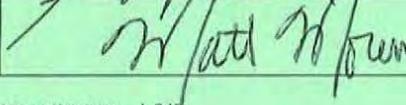
The season dates established in this rule are the same as the dates for hunting with a bow and arrow, as required by the ACT. The department does not have significant decision making flexibility related to season dates. This rule proposal will make numerous updates which are needed to maintain consistency with the ACT and other statutory changes, but those changes are remedial in nature.

The department is not requesting any action on the comparable permanent rules at this time. We will continue with preparation of permanent rules which will establish seasons for hunting deer with crossbows under the authority of a crossbow hunting license beginning in 2016. There is no statutory requirement for the two seasons (crossbow and bow) to be identical in 2016. It is possible that a crossbow only deer season could have different features such as season dates, bag limits, or other regulations.

RECOMMENDATION: That the Board adopt emergency Board Order WM-05-14(E).

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|---|---|
| <input checked="" type="checkbox"/> background memo | <input checked="" type="checkbox"/> Attachments to background memo |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input type="checkbox"/> Response summary | <input checked="" type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Tom Hauge, Bureau Director		7/22/14
Kurt Thiede, Division Administrator		7/29/14
Cathy Stepp, Secretary		7/30/14

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: June 26, 2014

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: NRB Adoption of Board Order WM-05-14 (E) related to establishing deer hunting seasons during which the use of crossbows is allowed.

I am requesting that the Natural Resources Board adopt Board Order WM-05-14 (E), a rule package to amend NR Ch.'s 10, 11, 12 15, and 45, Wis. Admin. Code, related to establishing a season for hunting deer with crossbows-only.

Background:

The department is directed, in the non-statutory provisions of 2013 ACT 61, to promulgate emergency rules that are needed to establish deer hunting seasons in 2014 and 2015 for the use of crossbows only. These provisions also exempt the department from the requirement to make a finding of emergency.

The season dates established in this rule are the same as the season dates for hunting with a bow and arrow, as required by the ACT. The department does not have significant decision making flexibility related to season dates. This rule proposal will make numerous updates which are needed to maintain consistency with the ACT and other statutory changes, but those changes are remedial in nature.

The department is not requesting any action on the comparable permanent rules at this time. We will continue with preparation of permanent rules which will establish seasons for hunting deer with crossbows under the authority of a crossbow hunting license beginning in 2016. There is no statutory requirement for the two seasons (crossbow and bow) to be identical in 2016. It is possible that a crossbow only deer season could have different features such as season dates, bag limits, or other regulations.

Summary of the Rule:

These rules are necessary to implement 2013 ACT 61 which directs the department to establish deer hunting seasons where the use of crossbows is allowed and other crossbow related regulations. Specifically, these rules would:

Describe the allowable uses of deer carcass tags by archery hunters in a location where deer hunting bag limits are established so that a person reading administrative code will be aware of them. The actual requirements are established by the ACT.

Establish the season for hunting deer with a crossbow-only as required by the ACT. This section also describes the allowable uses of deer carcass tags by crossbow hunters in a location where deer hunting bag limits are established so that a person reading administrative code will be aware of them. The actual requirements are established by the ACT.

Establish that hunting hours for firearm and archery hunters also apply to hunters using crossbows.

Make numerous remedial updates to 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. These rules will also note in many locations that possession of loaded, uncased handguns is allowed by people who are licensed to possess a concealed handgun, including in refuges where crossbow, bow, or firearm possession is otherwise not allowed.

Repeal the prohibition of the use of crossbows for most hunting purposes.

Update language to include crossbows and bolts in a section where bows and arrows are currently listed. This section also explains the minimum poundage requirement for crossbows so that information is located in one place. However, the minimum poundage requirement is also established in statute.

Explain that a person who has already been issued a crossbow license will not receive archery deer carcass tags when they purchase an archer license and that the converse is also true. However, a person may use archery and crossbow deer carcass tags interchangeably if they possess both license types.

Establish a season for hunting deer with crossbows that is consistent with the current archer season at the Horicon and Necedah national wildlife refuges.

For the Bong recreation area, a remedial revision is made to reflect previous rule making which established that rifles are now allowed statewide, particularly for deer hunting.

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.

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

Previous Board Action:

The board approved the statement of scope for this rule at its May 28, 2014 meeting.

Public Involvement:

A public hearing process is not required under Ch. 227 Stats. for the promulgation of emergency rules. The department often does hold hearings on emergency rules but, in this situation, we decided not to because of the department’s limited discretionary ability.

Rule Development:

These rules were developed with assistance from the bureaus of law enforcement, legal services, and customer service & licensing.

Small Business and Regulatory Flexibility Analysis:

These rules, and the legislation which grants the department rule making authority, do not have a fiscal effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Economic Impact of Proposed Rules

The department is directed by 2013 ACT 61 to promulgate emergency rules establishing 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, such as the allowable uses of carcass tags, are also written as directed by the ACT. For this emergency rule, the department has limited discretion in drafting and any potential economic or fiscal impacts would be a result of the ACT and not these rules.

A copy of the economic and fiscal impact analysis is attached as part of this agenda item.

Environmental Analysis:

The department has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

State of Wisconsin



2013 Assembly Bill 194

Date of enactment: December 10, 2013
Date of publication*: December 11, 2013

2013 WISCONSIN ACT 61

AN ACT to repeal 29.171 (2m), 29.171 (4) (a), 29.171 (4) (c) and 29.216 (2m); to renumber and amend 29.171 (3), 29.193 (1m) (a), 29.193 (2) (cr) 2. and 29.216 (3); to amend 29.014 (1m) (b), 29.171 (2), 29.177 (3m), 29.185 (2) (b), 29.216 (2), 29.563 (6m), 29.563 (12) (a) 2., 29.563 (12m), 29.592 (3), 29.593 (1) (b) and 29.593 (2m); and to create 29.171 (3) (b), 29.172, 29.193 (1m) (a) 1., 29.193 (1m) (a) 2., 29.216 (3) (b), 29.217, 29.235 (2) (dm), 29.235 (2m) (dm), 29.346, 29.563 (2) (a) 8r., 29.563 (2) (a) 8t., 29.563 (2) (b) 6m. and 29.563 (2g) of the statutes; relating to: the authority to hunt certain animals with a crossbow, establishing open seasons for hunting with a crossbow, information required to be recorded at the time of carcass registration, deer management rule requirements, and providing an exemption from emergency rule procedures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.014 (1m) (b) of the statutes is amended to read:

29.014 (1m) (b) If the department establishes an open season for hunting deer, elk, small game, wild turkey, or bear with a bow and arrow but not with a firearm, the department may not shall also establish an open that season for hunting the respective game with a crossbow except by a person who has attained the age of 65 or by a person who is authorized to hunt with a crossbow by a permit issued under s. 29.171 (4) (a) or 29.193 (2).

SECTION 2. 29.171 (2) of the statutes is amended to read:

29.171 (2) A resident archer hunting license authorizes the hunting of all game, except bear, elk, and wild turkey, during the open seasons established by the department for hunting that game with bow and arrow established by the department. ~~This license authorizes hunting with a bow and arrow only, unless hunting with a crossbow is authorized by a Class A, Class B, or Class C per-~~

mit issued under s. 29.193 (2) or a permit issued under sub. (4).

SECTION 3. 29.171 (2m) of the statutes is repealed.

SECTION 4. 29.171 (3) of the statutes is renumbered 29.171 (3) (a) and amended to read:

29.171 (3) (a) ~~The~~ Except as provided under par. (b), the department shall issue to each person who is issued a resident archer hunting license a deer tag and a back tag.

SECTION 5. 29.171 (3) (b) of the statutes is created to read:

29.171 (3) (b) The department may not issue a deer tag or back tag to a person who is issued a resident archer hunting license at the reduced fee under s. 29.563 (2g).

SECTION 6. 29.171 (4) (a) of the statutes is repealed.

SECTION 7. 29.171 (4) (c) of the statutes is repealed.

SECTION 8. 29.172 of the statutes is created to read:

29.172 Resident crossbow hunting license. (1) A resident crossbow hunting license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident applying for this license.

(2) A resident crossbow hunting license authorizes the hunting of all game, except bear, elk, and wild turkey,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

during the open seasons for hunting that game with a crossbow established by the department. This license authorizes hunting with a crossbow only.

(3) (a) Except as provided under par. (b), the department shall issue to each person who is issued a resident crossbow hunting license a deer tag and a back tag.

(b) The department may not issue a deer tag or back tag to a person who is issued a resident crossbow hunting license at the reduced fee under s. 29.563 (2g).

SECTION 9. 29.177 (3m) of the statutes is amended to read:

29.177 (3m) DEER MANAGEMENT RULES. For the purposes of permits issued under this section and s. 29.181, the department shall specify by rule the type and number of deer which may be taken, the deer management areas where these permits are valid, the number of permits to be issued, the open seasons during which the permits are valid, the types of weapons authorized to be used under the permits, and other restrictions and conditions concerning these permits.

SECTION 10. 29.185 (2) (b) of the statutes is amended to read:

29.185 (2) (b) ~~Resident archer Archer licenses, crossbow licenses, and trapping licenses.~~ Notwithstanding ss. 29.171 (2), ~~29.172 (2),~~ 29.216 (2), ~~29.217 (2),~~ and 29.241 (3), a resident archer hunting license, a nonresident archer hunting license, a resident crossbow hunting license, a nonresident crossbow hunting license, or a trapping license does not authorize the hunting or trapping of wolves.

SECTION 11. 29.193 (1m) (a) of the statutes is renumbered 29.193 (1m) (a) (intro.) and amended to read:

29.193 (1m) (a) The department shall, after an investigation and without charging a fee, issue a trolling permit to any person who meets the any of the following requirements under s. 29.171 (4) (a) 2. or 4.:

SECTION 12. 29.193 (1m) (a) 1. of the statutes is created to read:

29.193 (1m) (a) 1. Has an amputation or other loss of one or more arms above the wrist.

SECTION 13. 29.193 (1m) (a) 2. of the statutes is created to read:

29.193 (1m) (a) 2. Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician or a licensed chiropractor:

- a. Upper extremity pinch.
- b. Grip.
- c. Nine-hole peg.

SECTION 14. 29.193 (2) (cr) 2. of the statutes is renumbered 29.193 (2) (cr) 2. (intro.) and amended to read:

29.193 (2) (cr) 2. (intro.) A Class A permit authorizes the holder to shoot do all of the following:

- a. Shoot or hunt from a stationary vehicle, ~~to fish,~~

b. Fish or troll as authorized under sub. (1m) (b) and ~~to hunt certain game with a crossbow as authorized under ss. 29.171 (2) and 29.216 (2).~~

SECTION 15. 29.216 (2) of the statutes is amended to read:

29.216 (2) The nonresident archer hunting license authorizes the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals, during the open season for the hunting of that game with a bow and arrow. ~~This license authorizes hunting with a bow and arrow only unless hunting with a crossbow is authorized by a Class A, Class B, or Class C permit issued under s. 29.193 (2).~~

SECTION 16. 29.216 (2m) of the statutes is repealed.

SECTION 17. 29.216 (3) of the statutes is renumbered 29.216 (3) (a) and amended to read:

29.216 (3) (a) DEER TAG AND BACK TAG. ~~The Except as provided under par. (b),~~ the department shall issue to each person who is issued a nonresident archer hunting license a deer tag and a back tag.

SECTION 18. 29.216 (3) (b) of the statutes is created to read:

29.216 (3) (b) The department may not issue a deer tag or back tag to a person who is issued a nonresident archer hunting license if the department issues the nonresident archer hunting license at the reduced fee under s. 29.563 (2g).

SECTION 19. 29.217 of the statutes is created to read:

29.217 Nonresident crossbow hunting license. (1) ISSUANCE. A nonresident crossbow hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license.

(2) AUTHORIZATION. The nonresident crossbow hunting license authorizes the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals, during the open season for the hunting of that game with a crossbow.

(3) DEER TAG AND BACK TAG. (a) The department shall issue to each person who is issued a nonresident crossbow hunting license a deer tag and a back tag.

(b) The department may not issue a deer tag or back tag to a person who is issued a nonresident crossbow hunting license at the reduced fee under s. 29.563 (2g).

SECTION 20. 29.235 (2) (dm) of the statutes is created to read:

29.235 (2) (dm) A resident crossbow hunting license.

SECTION 21. 29.235 (2m) (dm) of the statutes is created to read:

29.235 (2m) (dm) A nonresident crossbow hunting license.

SECTION 22. 29.346 of the statutes is created to read:

29.346 Registration information. If the department requires a person who kills an animal to register that animal with the department, the department shall, at the time of registration, make a record of the type of weapon that was used to kill the animal.

SECTION 23. 29.563 (2) (a) 8r. of the statutes is created to read:

29.563 (2) (a) 8r. Crossbow: \$21.25.

SECTION 24. 29.563 (2) (a) 8t. of the statutes is created to read:

29.563 (2) (a) 8t. Crossbow issued to persons who are under 18 years of age: \$17.25.

SECTION 25. 29.563 (2) (b) 6m. of the statutes is created to read:

29.563 (2) (b) 6m. Crossbow: \$157.25.

SECTION 26. 29.563 (2g) of the statutes is created to read:

29.563 (2g) REDUCED FEES FOR CERTAIN ARCHER AND CROSSBOW LICENSES. Notwithstanding the fees under sub. (2) (a) 8. and 8r. and (b) 6. and 6m., the fee is \$2.25 for any of the following licenses:

(a) A resident archer hunting license issued to a person who holds a resident crossbow hunting license, provided that the resident archer hunting license and the resident crossbow hunting license authorize hunting during the same hunting season.

(b) A nonresident archer hunting license issued to a person who holds a nonresident crossbow hunting license, provided that the nonresident archer hunting license and the nonresident crossbow hunting license authorize hunting during the same hunting seasons.

(c) A resident crossbow hunting license issued to a person who holds a resident archer hunting license, provided that the resident crossbow hunting license and the resident archer hunting license authorize hunting during the same hunting season.

(d) A nonresident crossbow hunting license issued to a person who holds a nonresident archer hunting license, provided that the nonresident crossbow hunting license and the nonresident archer hunting license authorize hunting during the same hunting seasons.

SECTION 27. 29.563 (6m) of the statutes is amended to read:

29.563 (6m) REDUCED FEES FOR CERTAIN FIRST-TIME APPROVALS. (a) The fee for an approval that is listed under sub. (2) (a) 1., 2., 4. to 5g., ~~or 7. to 9., 8m., or 9.,~~ (3) (a) 1., or (6) (a) 1. is \$4.25 if the approval is issued to a person who has not received that type of approval, or has not been conferred the privileges of that type of approval under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the date of application.

(b) The fee for an approval listed under sub. (2) (b) 1., 3., ~~or 5. to 6., 7., 8.,~~ (3) (b) 1., or (6) (am) is one-half of the fee listed for the respective approval, rounded up to the nearest dollar, if the approval is issued to a person who has not received that type of approval by the department, or has not been conferred the privileges of that type of approval under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the date of application.

SECTION 28. 29.563 (12) (a) 2. of the statutes is amended to read:

29.563 (12) (a) 2. Archer, crossbow, sports, or conservation patron: \$14.25 if deer tags are included; \$11.25 after open season and deer tags are not included.

SECTION 29. 29.563 (12m) of the statutes is amended to read:

29.563 (12m) DUPLICATES OF REDUCED FEE APPROVALS. Notwithstanding the fees specified under sub. (12) (a) and (b), a person who was issued an approval and charged the reduced fee specified under sub. (2g) or (6m) may not be charged a fee for a duplicate of that approval that exceeds the fee specified for the approval under sub. (2g) or (6m).

SECTION 30. 29.592 (3) of the statutes is amended to read:

29.592 (3) A person who is authorized to hunt with a mentor under this section and a mentor under this section with whom that person hunts may jointly have only one firearm, only one bow, or ~~if hunting with a~~ only one crossbow is authorized under s. 29.171 (4) or 29.193 (2), only one crossbow in their possession or control while hunting.

SECTION 31. 29.593 (1) (b) of the statutes is amended to read:

29.593 (1) (b) A certificate of accomplishment issued to a person for successfully completing the course under the bow hunter education program only authorizes the person to obtain a resident ~~or archer hunting license,~~ a nonresident archer hunting license, a resident crossbow hunting license, or a nonresident crossbow hunting license.

SECTION 32. 29.593 (2m) of the statutes is amended to read:

29.593 (2m) A person who has a certificate, license, or other evidence that is satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a bow hunter education course recognized by the department may obtain an archer hunting license or crossbow hunting license.

SECTION 33. Nonstatutory provisions.

(1) (a) In this subsection:

1. "Bow and arrow season" means the open season established by the department for hunting with a bow and arrow but not with a firearm.

2. "Crossbow season" means the open season established by the department for hunting with a crossbow.

3. "Department" means the department of natural resources.

(b) A crossbow season established by the department under section 29.014 (1m) (b) of the statutes, as affected by this act, for hunting deer, elk, small game, wild turkey, or bear shall run concurrently with the bow and arrow season for hunting the respective animal. The requirement under this subsection that the crossbow season and

the bow and arrow season run concurrently applies only for the period beginning with the 2014–15 hunting season and ending with the 2015–16 hunting season.

(2) The department may promulgate emergency rules under section 227.24 of the statutes that are necessary for the purpose of establishing crossbow seasons under section 29.014 (1m) (b) of the statutes, as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection

remain in effect until June 30, 2016, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**ADMINISTRATIVE RULES
FISCAL ESTIMATE AND
ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Board Order WM 05-14 (E) modifying Ch.'s NR 10 Game and Hunting, 11 Closed Areas, 12 Wildlife Damage and Nuisance Control, 15 Game Refuges, and 45 Use of Department Properties.

Subject

Establishing a season for hunting deer with crossbows-only and remedial revisions.

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20 , Stats. Appropriations Affected

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

The department is directed, in the non-statutory provisions of 2013 ACT 61, to promulgate emergency rules that establish hunting seasons where the use of crossbows is allowed.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Because these are emergency rules the department is not required to offer a comment period on this economic analysis. The department will hold a comment period pursuant to Governor's Executive Order 50, Section IV, when permanent rules are promulgated. Fiscal impacts on the department are also summarized in this analysis.

Economic Impact

The department is directed by 2013 ACT 61 to promulgate emergency rules establishing 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, such as the allowable uses of carcass tags, are also written as directed by the ACT. For this emergency rule, the department has limited discretion in drafting and any potential economic impacts would be a result of the ACT and not these rules.

Fiscal Impact

The department anticipates no fiscal impact resulting from these rules. Substantive provisions of this rule are written as directed by the ACT. For this emergency rule, the department has limited discretion in drafting and any potential economic impacts would be a result of the ACT and not these rules. The department has invested significant resources to update automated license systems in preparation of the 2014 crossbow season.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The department is required to implement these rules.
Long Range Implications of Implementing the Rule
These emergency rules will only be in place for the 2014 and 2015 deer hunting seasons and long range implications are not anticipated.
Compare With Approaches Being Used by Federal Government
Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.
Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
<p>In Illinois, Iowa and Minnesota, a doctor must certify that a person is unable to hunt by archery methods because of a physical disability before the use of a crossbow is authorized for deer during the archery deer seasons. An exception in Illinois is that anyone may use a crossbow for deer hunting during the later portion of the archery deer season beginning on the second Monday following the Thanksgiving holiday.</p> <p>In Michigan, anyone who is 10 years old or older may use a crossbow throughout the archery deer season in the Lower Peninsula and during the early archery deer season in the Upper Peninsula.</p>
Name and Phone Number of Contact Person
Scott Loomans, Wildlife Regulation Policy Specialist, 608-267-2452.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, AMENDING AND CREATING RULES**

The statement of scope for this rule, SS 018-14, was approved by the Governor on March 10, 2014, published in Register No. 699, on March 31, 2014, and approved by the Natural Resources Board on May 27, 2014.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR 10.001 (2e), 10.09 (1) (c) 1. e. and (Note); to amend Ch. NR 10.06 (5), 10.06 (8) (a) and (b), 10.07 (1) (b) 3., 10.07 (2m) (g) 2., 10.09 (1) (c), 10.09 (3), 10.10 (2), 10.11 (5) (a), 10.103 (1), 10.104 (7), 10.104 (9r), 10.15 (1) (a), 10.15 (6), 10.16 (Intro.), 10.16 (2), 10.22 (1), 10.23 (2) (a), 10.24 (2), 10.25 (4) (a), 11.042 (Intro.), 11.043 (Intro.), 11.11 (Intro.), 12.16 (4), 15.01 (Intro.), 15.015 (Intro.), 15.10 (1) (Intro.) and 15.12 (Intro.), 45.09 (1), 45.13 (18), 45.13 (21), 45.13 (24); and to create NR 10.01 (3) (em) (Note), 10.01 (3) (ep), 10.104 (7) (c), 10.15 (3m), and 10.16 (2m), related to establishing a season for hunting deer with crossbows-only.

WM-05-14(E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority: The department is directed, in the non-statutory provisions of 2013 ACT 61, to promulgate emergency rules that establish hunting seasons where the use of crossbows is allowed. These provisions also exempt the department from the requirement to make a finding of emergency.

The chapter related to wild animals and plants, in s. 29.014 Stats., “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules that establish regulations for deer hunting.

The emergency rule making process is established in s. 227.24, Stats.

Statutes Interpreted and Explanation of Agency Authority: In promulgating these rules, statutes being interpreted or establishing agency authority include 29.014 Stats., and provisions of 2013 ACT 61.

Rule provisions which establish exceptions to the requirement that weapons be enclosed in a carrying case in certain wildlife refuges or closed areas are necessary for consistency with 2011 ACT 35 related to the concealed carry of firearms.

Related Statute or Rule: Emergency rules related to deer hunting regulations and deer management are currently in place and similar permanent rules are being promulgated. This rule order treats a number of sections which have already been modified by the emergency rule. In sections where this occurs, the treatment clause will explain that modifications are being made to the rule as it is, “affected by SS 098-13 (WM-24-13E).” Board Order WM-24-13 (E) is the rule package which implements the 2012 White-tailed Deer Trustee’s Report.

The department is also directed, in non-statutory provisions of 2013 ACT 61, to promulgate permanent rules that are needed to establish deer hunting seasons where the use of crossbows is allowed. The permanent rule order will establish seasons for hunting deer with crossbows under the authority of a crossbow hunting license beginning in 2016. There is no statutory requirement for the two seasons (crossbow and bow) to be identical in 2016. It is possible that a crossbow only deer season could have different features such as season dates, bag limits, or other regulations. The department will review harvest information and assess public opinion following the 2014 crossbow season before making recommendations.

Plain Language Analysis: These rules are necessary to implement 2013 ACT 61 which directs the department to establish deer hunting seasons where the use of crossbows is allowed and other crossbow related regulations. Specifically, these rules would:

SECTION 1 eliminates the definition of an “archery hunt” because it is no longer consistent with current law or a necessary provision in this chapter.

SECTION 2 describes the allowable uses of deer carcass tags by archery hunters in a location where deer hunting bag limits are established so that a person reading administrative code will be aware of them. The actual requirements are established by the ACT.

SECTION 3 establishes the season for hunting deer with a crossbow-only as required by the ACT. This section also describes the allowable uses of deer carcass tags by crossbow hunters in a location where deer hunting bag limits are established so that a person reading administrative code will be aware of them. The actual requirements are established by the ACT.

SECTIONS 4 and 5 establish that hunting hours for firearm and archery hunters also apply to hunters using crossbows.

SECTIONS 6 to 8, 11 to 13, 16, 19, 26 and 30 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 9 repeals the prohibition of the use of crossbows for most hunting purposes.

SECTION 10 updates language to include crossbows and bolts in a section where bows and arrows are currently listed. This section also explains the minimum poundage requirement for crossbows so that information is located in one place. However, the minimum poundage requirement is also established in statute.

SECTIONS 14 and 15 explain that a person who has already been issued a crossbow license will not receive archery deer carcass tags when they purchase an archer license and that the converse is also true. However, a person may use archery and crossbow deer carcass tags interchangeably if they possess both license types.

SECTIONS 17 adds “crossbow” to provisions which already restrict possession of bows and firearms at the Horicon National Wildlife Refuge and notes that possession of loaded, uncased handguns is allowed by people who are licensed to possess a concealed handgun.

SECTION 18 establishes a season for hunting deer with crossbows that is consistent with the current archer season at Horicon National Wildlife Refuge.

SECTION 20 adds “crossbow” to provisions which already restrict possession of bows and firearms at the Necedah National Wildlife Refuge and notes that possession of loaded, uncased handguns is allowed by people who are licensed to possess a concealed handgun.

SECTIONS 21 and 22 update terminology and cross-references and establish a season for hunting deer with crossbows that is consistent with the current archery season at Necedah National Wildlife Refuge.

SECTION 23 to 25 add “crossbow” to provisions which already restrict possession of bows and firearms at the Sandhill Wildlife Demonstration Area, Grand River Experimental Hunting Area, and Bong State Recreation Area. For all three properties, these SECTIONS also note that possession of loaded, uncased handguns is allowed by people who are licensed to possess a concealed handgun. For the Bong recreation area, a remedial revision is made to reflect previous rule making which established that rifles are now allowed statewide, particularly for deer hunting.

SECTIONS 27 and 28 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 29 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.

SECTIONS 31 to 34 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 35 to 38 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.

Summary of, and Comparison with, Existing or Proposed Federal Regulations: Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with Rules in Adjacent States: In Illinois, Iowa and Minnesota, a doctor must certify that a person is unable to hunt by archery methods because of a physical disability before the use of a crossbow is authorized for deer during the archery deer seasons. An exception in Illinois is that anyone may use a crossbow for deer hunting during the later portion of the archery deer season beginning on the second Monday following the Thanksgiving holiday.

In Michigan, anyone who is 10 years old or older may use a crossbow throughout the archery deer season in the Lower Peninsula and during the early archery deer season in the Upper Peninsula.

Summary of Factual Data and Analytical Methodologies: The department is directed by 2013 ACT 61 to promulgate emergency rules establishing 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, such as the allowable uses of carcass tags, are also written as directed by the ACT. For this emergency rule, the department has limited discretion in drafting.

When permanent rules which are also required by the ACT are promulgated, 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. 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.

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.

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: No effects on small business are anticipated. State statutes have already established that crossbow hunting is allowed and the conditions for the use of crossbows, including the required licenses and the season dates for 2014 and 2015. These rules will not establish any additional requirements or exceptions that would have an economic impact. 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. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have an economic impact on a substantial number of small businesses under s. 227.24(3m) Stats.

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Deadline for Written Comments: The department will accept written comments on these rules until the time of adoption which will be August 13, 2014.

SECTION 1. NR 10.001 (2e) is repealed.

SECTION 2. NR 10.01 (3) (em), as affected by SS 098-13 (WM-24-13E), (Note) is created to read:

Note: When purchasing an archer license, a person who has already been issued a license authorizing deer hunting with a crossbow will not receive the archery buck deer carcass tag described in this sub. or an antlerless deer carcass tag valid in farmland zones. A person may use any carcass tag issued with a license authorizing hunting deer with a crossbow during the crossbow deer season established in sub. (ep) under the authority of a valid archer license during the archery season established in this sub.

SECTION 3. NR 10.01 (3) (ep) is created to read:

NR 10.01 (3) (ep) <i>Crossbow deer season</i>		
1. <i>Deer management zones established in s. 10.28 (4).</i>		
a. Portions of the state located within the northern forest zone, except as established under subds. 2. to 4.	Beginning on the Saturday nearest September 15 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled crossbow buck tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
b. Portions of the state located within the central forest and central farmland zones, except as established under subds. 2. to 4.	Beginning on the Saturday nearest September 15 and continuing through the second Wednesday following the Thanksgiving Day holiday.	One buck deer with an unfilled crossbow buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on the second Thursday following the Thanksgiving Day holiday and continuing for 4 consecutive days.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on the Monday following the 4 day season in this subd. par. and continuing through the Sunday nearest January 6.	One buck deer with an unfilled crossbow buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
c. Portions of the state located within the southern farmland zone, except as established under subds. 2. to 4	Beginning on the Saturday nearest September 15 and continuing through December 23.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on January 2 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled crossbow buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
2. Federal properties.		
a. Fort McCoy military reservation in Monroe county and Volk Field military facility in Juneau county.	As established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		

b. Federally owned portions of the Apostle Islands.	Beginning on the Saturday nearest September 15 and continuing through September 30 and November 1 through the Sunday nearest January 6.	One deer per unfilled deer carcass tag as described under s. NR 10.104 (15) (a) and (b). Additional deer may be taken pursuant to s. NR 10.104 (15) (d).
3. Metropolitan deer management subunits		
a. Superior Metropolitan deer management subunit described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through January 31.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
b. Hudson, LaCrosse, and Green Bay area metropolitan deer management subunits as described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through the second Wednesday following the Thanksgiving Day holiday.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on the second Thursday following the Thanksgiving Day holiday and continuing for 4 consecutive days.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on the Monday following the 4 day season in this subd. and continuing through January 31.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
c. Madison and Milwaukee area metropolitan deer management subunits as described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through December 23.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on January 2 and continuing through January 31.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
4. State parks, trails, forests and recreation areas. State parks, trails and forests are open during the seasons and subject to the same bag limit listed in subd. 1. except as established in subd. par. a. to c., and except that no person may hunt deer on the state-owned portions of state parks, trails, forests and recreation areas in locations and at times when the department has determined that prohibiting hunting is necessary pursuant to s. 29.089 (1m) (b) Stats. Portions of properties may also be posted closed to hunting.		
a. Buckhorn state park	During the archery deer season described in subd. 1.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.

b. Big Bay, Blue Mound, Governor Dodge, and Tower Hill state parks.	Beginning on Oct. 15 and continuing for the remainder of the archery deer season described in subd. 1.	One buck deer with an unfilled crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
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Note: When purchasing a crossbow license, a person who has already been issued a license authorizing deer hunting with a bow and arrow will not receive the crossbow buck deer carcass tag described in this sub. or an antlerless deer carcass tag valid in farmland zones. A person may use any carcass tag issued with a license authorizing hunting deer with a bow and arrow during the season established in sub. (em) under the authority of a valid crossbow license during the crossbow season established in this sub.

SECTION 4. NR 10.06 (5), as affected by SS 020-14 (WM-11-14E) is amended to read:

NR 10.06 Hunting hours. **(5) HUNTING HOURS.** Hunting hours for bear, bow deer, crossbow deer, deer with firearms, elk and small game are 30 minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset except during a duck season for hunting teal only when the hunting hours for teal are as established in par. (a) . All waterfowl hunting starts at 9:00 a.m. on the first day of the duck hunting season established in ss. NR 10.01 (1) (a) and (b). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

- | Zone | Adjustment |
|-------------|-------------------|
| B - - - - - | Add 4 minutes |
| C - - - - - | Add 8 minutes |
| D - - - - - | Add 12 minutes |
| E - - - - - | Add 16 minutes |
| F - - - - - | Add 20 minutes |

SECTION 5. NR 10.06 (8) (a) and (b), as affected by SS 020-14 (WM-11-14E), are amended to read:

NR 10.06 (8) (a) *Bow bear, deer and elk seasons.* Hunting hours established in sub. (5) shall apply to archers and crossbow hunters pursuing any species during the ~~bow~~ bear season established in s. NR 10.01 (3) (g), during the ~~bow deer season~~ archery and crossbow deer seasons established in s. NR 10.01 (3) (em) ~~and (ep), the archery hunts~~ established in s. NR 10.01 (3) (et) and during the elk season established in s. NR 10.01 (3) (i).

(b) *Gun deer season.* Hunting hours established in sub. (5) shall apply statewide to ~~bow~~ archer, crossbow and gun hunters pursuing any species, except migratory game birds listed in s. NR 10.01 (1), during the period beginning on the Saturday preceding the thanksgiving day holiday and continuing for 9 consecutive days in the central farmland and forest deer management zones established in s. 10.28 (4).

SECTION 6. NR 10.07 (1) (b) 3. is amended to read:

NR 10.07(1) (b) 3. While hunting with a firearm, ~~or bow, or crossbow,~~ possess or accompany a person possessing, any turkey decoy or device which may be used to call or attract wild turkeys during the spring hunting season for wild turkeys described in s. NR 10.01 (2) (f) unless that person possesses a valid, unused turkey hunting permit and carcass tag.

SECTION 7. NR 10.07 (2m) (g) 2. is amended to read:

NR 10.07 (2m) (g) 2. Deer without possessing an appropriate valid unused ~~archery archer,~~ crossbow or gun deer license and carcass tag.

SECTION 8. NR 10.09 (1) (c) is amended to read:

NR 10.09(1) (c) 1. 'Type.' Hunt with any means other than the use of a gun designed to be fired from the shoulder utilizing the energy of gun powder or compressed air, bow and arrow, crossbow, or by falconry except:

SECTION 9. NR 10.09 (1) (c) 1. e. and (note) are repealed.

SECTION 10. NR 10.09 (3) is amended to read:

NR 10.09(3) BOWS, CROSSBOWS, BOLTS AND ARROWS. No person may:

(b) *Special restrictions.* Use, possess or have under control while hunting, ~~poisoned or drugged arrow, or an arrow with explosive tips or any crossbow unless the crossbow is authorized under sub. (1) (e) 1. e. any arrow or bolt which is treated to deliver poisons or drugs or which has an explosive tip.~~

(c) *Arrow standards.* Use, possess or have under control while deer or bear hunting, any arrow or ~~bolt~~ with a metal broad-head blade less than ~~seven eighths~~ seven-eighths of an inch in width. Such broad-head blades must be well-sharpened.

(d) *Bow and crossbow size.* Hunt deer or bear with a bow having a pull of less than 30 pounds ~~or a crossbow having a pull of less than 100 pounds. A compound bow equipped with a device that holds the bow at full draw and meets the definition of crossbow and not constructed with a stock designed to be shot from the shoulder shall have a pull of not less than 30 pounds.~~

SECTION 11. NR 10.10 (2) is amended to read:

~~NR 10.10 (2) ILLEGAL GAME. Any deer killed during the open season for hunting deer with bow and arrow or crossbow only or which is killed under the authority of an archer or crossbow license and showing evidence that it was shot with a firearm shall be an illegal game animal and no person may have such animal in possession.~~

SECTION 12. NR 10.103 (1) is amended to read:

NR 10.103 (1) TAGS. A back and carcass tag shall be issued with each hunting license except when an archer license is issued to a person who has already been issued a crossbow license or when a crossbow license issued to a person who has already been issued an archer license. While hunting, no person may possess a validated carcass tag including bonus and special carcass tags unless it is attached to a legally killed deer.

SECTION 13. NR 10.11 (5) (a) is amended to read:

NR 10.11(5)(a) Exhibition. Each person who has killed an elk during the open seasons for hunting elk with a gun, ~~or bow,~~ or crossbow shall exhibit and register the elk with the elk carcass tag attached as required by s. 29.347 (2), Stats., at an authorized registration station. If the elk is skinned and the carcass divided into 5 or fewer parts, all parts, other than the entrails removed by field dressing, shall be exhibited when registering the elk.

SECTION 14. NR 10.104 (7), as affected by SS 098-13 (WM-24-13E), is amended to read:

NR 10.104 (7) DEER CARCASS TAGS. (a) ~~Archery~~ Archer license deer carcass tags.

1. Each license which authorizes the hunting of deer with a bow and arrow, and not with a firearm or crossbow, shall include one deer carcass tag that is valid for taking one buck deer in any unit or subunit statewide with a bow and arrow. When purchasing an archer license, a person who has already been issued a license authorizing deer hunting with a crossbow during a crossbow-only season established under s. 29.014 (1m) (b), Wis. Stats., s. 10.01 (3) (ep) will not receive the carcass tag established in this subd. A person may use a carcass tag issued with a license authorizing hunting with a crossbow during a crossbow-only season established under s. 10.01(3)(ep) under the authority of an archer license during and archery deer season established under s. 10.01(3)(em).

2. Licenses which ~~authorizes~~ authorize the hunting of deer with a bow and arrow, and not with a firearm or crossbow, may include one or more carcass tags that are valid for the taking of one antlerless deer in a management unit or portion of a unit specified on the tag which are in the farmland zones or a metropolitan deer management subunit established in s. NR 10.28 (2) and (4) except that, where the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tags under this subd. are not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This tag is valid statewide for a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who is under 18 years of age. Beginning in 2015, these carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public land or only for harvesting antlerless deer on private land as defined in s. NR 10.001 (23a) and (23b). A person who has already been issued a license authorizing deer hunting with a crossbow during a season established under s. 29.014 (1m) (b), Wis. Stats., s. 10.01 (3) (ep) will not receive the carcass tag established in this subd. A person may use any carcass tag issued with a license authorizing hunting with a crossbow during a crossbow deer season established under s. 10.01 (3) (ep) under the authority of an archer license during the archery deer season established in s. 10.01 (3) (em).

SECTION 15. NR 10.104 (7) (c) is created to read:

NR 10.104 (7) (c) Crossbow license deer carcass tags.

1. Each license which authorizes the hunting of deer with a crossbow, and not with a firearm or bow and arrow, shall include one deer carcass tag that is valid for taking one buck deer in any unit or subunit statewide with a crossbow. When purchasing a crossbow license, a person who has already been issued a license authorizing deer hunting with a bow and arrow during an archery-only deer season established under s. 10.01 (3) (em) will not receive the carcass tag established in this subd. A person may use a carcass tag issued with a license authorizing hunting with a bow and arrow during an archery-only deer season established under s. 10.01 (3) (em) under the authority of a crossbow license during a deer season established under s. 10.01 (3) (ep).

2. Licenses which authorize the hunting of deer with a crossbow, and not with a firearm or bow and arrow, may include one or more carcass tags that are valid for the taking of one antlerless deer in a management unit or portion of a unit specified on the tag which are in the farmland zones or a metropolitan deer management subunit established in s. NR 10.28 (2) and (4) except that, where the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tags under this subd. are not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This tag is valid statewide for a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who is under 18 years of age. Beginning in 2015, these carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public land or only for harvesting antlerless deer on private land as defined in s. NR 10.001 (23a) and (23b). A person who has already been issued a license authorizing deer hunting with a bow and arrow during an archery-only deer season established under s. 10.01 (3) (em) will not receive the carcass tag established in this subd. A person may use any deer carcass tag issued with a license authorizing hunting with a bow and arrow during an archery-only deer season established under s. 10.01 (3) (em) under the authority of a crossbow license during the crossbow-only deer season established in 10.01 (3) (ep).

SECTION 16. NR 10.104 (9r), as affected by SS 098-13 (WM-24-13E), is amended to read:

NR 10.104 (9r) BONUS BUCK AUTHORIZATION IN THE SOUTHERN FARMLAND ZONE. No person may kill and tag more than two buck deer under the authority of an archer license, crossbow license, or combination of the two license types. No person may tag more than two buck deer under the authority of a firearm deer license. No person may tag more than three buck deer during any combination of annual deer hunting seasons using a combination of an archer ~~and firearm deer license,~~ crossbow or firearm deer licenses during one license year. Deer shall be tagged as described in this paragraph using a bonus buck deer carcass tag or sticker which will be supplied by the department following in person registration of the antlerless deer and shall be transported in accordance with s. NR 10.105 (2). In 2014, each buck authorization sticker earned during a 2013 deer hunting season authorizes the harvest of an additional buck deer in a unit or subunit in the southern farmland zone. In 2014, these additional bucks may be tagged with any 2014 deer carcass tag and the buck authorization sticker earned in 2013 must be affixed to the validated 2014 deer carcass tag. Bonus buck carcass tags or stickers earned in the 2014 hunting seasons may or may not be valid in 2015.

SECTION 17. NR 10.15 (1) (a) is amended to read:

NR 10.15 (1) PROHIBITED METHODS. (a) *Firearm, crossbow and bow possession.* Except as provided in this section, it shall be unlawful for any person to hunt or trap any wild animal or have in possession or under control any firearm unless the same is unloaded and enclosed within a carrying case, crossbow unless it is unloaded and enclosed within a case, or any bow and arrow unless the same is unstrung or enclosed in a carrying case, upon the area known as the Horicon national wildlife refuge. The loaded uncased firearm restriction of this par. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 18. NR 10.15 (3m) is created to read:

NR 10.15 (3m) CROSSBOW SEASON. An open season for hunting deer with a crossbow in areas designated by posted notice shall be established pursuant to s. NR 10.01 (3) (ep).

SECTION 19. NR 10.15 (6) is amended to read:

NR 10.15 (6) WATERFOWL SEASON. No person may hunt waterfowl within 75 yards of the Horicon national wildlife refuge boundary during the open season for hunting waterfowl. For purposes of this section, the placement of decoys or shooting at waterfowl which are located within the 75-yard zone immediately outside of the refuge are allowed as long as the hunter does not discharge a firearm, crossbow, or bow and arrow from within that area when shooting at waterfowl.

SECTION 20. NR 10.16 (Intro.) is amended to read:

NR 10.16 **Necedah national wildlife refuge, Juneau county.** Except as provided in subs. (1), (2), (3) and (4), it shall be unlawful for any person to take, catch, kill, hunt, trap or pursue any species of wild animal or bird at any time, or have in possession or under control any firearm unless the same is unloaded and enclosed within a carrying case, crossbow unless it is unloaded and enclosed within a case, or any bow and arrow unless the same is unstrung or enclosed in a carrying case, upon that area known as the Necedah national wildlife refuge, Juneau county, Wisconsin. Nothing in this section shall prohibit, prevent or interfere with the U.S. fish and wildlife service, its deputies, agents or employees in the destruction of unprotected wild animals as listed in s. NR 10.04. The loaded uncased firearm restriction of this par. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 21. NR 10.16 (2) is amended to read:

NR 10.16 (2) ~~BOW~~ ARCHERY SEASON. An open season for hunting deer, and unprotected wild animals as listed in s. NR 10.04, with bow and arrow or with a crossbow shall be established on the Necedah national wildlife refuge and said season shall be concurrent with the state-wide season for bow and arrow established in ~~s. NR 10.01 (3) (e)~~ s. NR 10.01 (3) (em). Such open season shall be effective only in those areas on the Necedah national wildlife refuge designated by posted notices of the U.S. fish and wildlife service. No special permits shall be required, but hunting licenses and deer ~~tag tags~~ tags as required by statutes and this chapter are necessary.

SECTION 22. NR 10.16 (2m) is created to read:

NR 10.16 (2m) CROSSBOW SEASON. An open season for hunting deer, and unprotected wild animals as listed in s. NR 10.04, with a crossbow shall be established on the Necedah national wildlife refuge and said season shall be concurrent with the state-wide crossbow deer season established s. NR 10.01 (3) (ep). Such open season shall be effective only in those areas on the Necedah national wildlife refuge designated by posted notices of the U.S. fish and wildlife service. No special permits shall be required, but hunting licenses and deer tag as required by statutes and this chapter are necessary.

SECTION 23. NR 10.22 (1) is amended to read:

NR 10.22 (1) PROHIBITED METHODS. It shall be unlawful for any person to take, catch, kill, hunt, trap or pursue any species of wild animal or bird at any time, or have in possession or under control any firearm unless the same is unloaded and enclosed within a carrying case, crossbow unless the same is unloaded and enclosed within a carrying case, or any bow and arrow unless the same is unstrung or enclosed in a carrying case upon that area known as the Sandhill wildlife demonstration area in Wood county, Wisconsin, except as provided in this section. The loaded uncased firearm restriction of this par.

does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 24. NR 10.23 (2) (a) is amended to read:

NR 10.23(2)(a) It shall be unlawful for any person to take, catch, kill, hunt, trap or pursue any species of wild animal or bird at any time, or have in possession or under control any firearm unless it is unloaded and enclosed within a carrying case, crossbow unless it is unloaded and enclosed within a carrying case, or any bow unless it is unstrung or enclosed in a carrying case upon that area known as the Grand River experimental hunting area except as provided in this section. The loaded uncased firearm restriction of this par. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 25. NR 10.24 (2) is amended to read:

NR 10.24 Bong state recreation area hunting zone.

(2) RESTRICTIONS. (a) *General prohibition.* No person may take, catch, kill, hunt, trap or pursue any species of wild animal at any time, or have in possession or under control any firearm unless it is unloaded and enclosed within a carrying case, crossbow unless it is unloaded and enclosed within a carrying case, or any bow unless it is unstrung or enclosed within a carrying case in the hunting zone except as provided in this section. The loaded uncased firearm restriction of this par. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

~~(b) *Firearms.* All rifles and pistols, except starter pistols loaded with blanks, are prohibited except when they are transported unloaded and enclosed within a carrying case in a vehicle or automobile.~~

~~(c) *Other hunting methods.* Methods of hunting other than by use of rifles and pistols shall comply with those established in this chapter.~~

SECTION 26. NR 10.25 (4) (a) is amended to read:

NR 10.25(4)(a) By any means other than a shotgun or muzzle-loading shotgun fired from the shoulder, crossbow or a bow and arrow.

SECTION 27. NR 11.042 (Intro.) is amended to read:

NR 11.042 **Waterfowl closed area; trapping and deer hunting permitted.** A closed season is established in the following areas posted with department signs. Trapping of furbearing mammals is permitted during established seasons. No person may hunt any species of wild animal, except deer during periods established in s. NR 10.01 (3) (e), (em), (ep) and (es), during the open season on waterfowl established in s. NR 10.01 (1) (b) and (g). Legally killed or crippled game may be retrieved by dog or hand.

SECTION 28. NR 11.043 (Intro.) is amended to read:

NR 11.043 **Waterfowl closed area; deer hunting permitted.** A closed season is established in the following areas posted with department signs. No person may hunt or trap any species of wild animal, except deer during the periods established in s. NR 10.01 (3) (e), (em), (ep) and (es), during the open season on waterfowl established in s. NR 10.01 (1) (b) and (g). Legally killed or crippled game may be retrieved by dog or hand.

SECTION 29. NR 11.11 (intro.) is amended to read:

NR 11.11 **Deer closed area; trapping permitted.** A closed season is established in the following areas posted with department signs. No person may hunt any species of wild animal thereon, except waterfowl during periods established in s. NR 10.01 (1), during the open gun deer season established in s. NR 10.01 (3) (e). In addition, a closed season is established for archery and crossbow hunting of deer beginning the Saturday immediately following the close of gun deer season and continuing through December 31.

SECTION 30. NR 12.16 (4), as affected by SS 098-13 (WM-24-13E), is amended to read:

NR 12.16 (4) **EFFECTIVE DATES.** Authorization to kill deer commences the date of permit receipt by the permittee and continues through the open season for the appropriate zone described in s. NR 10.01 (3) (e), ~~and (em) and (ep).~~

SECTION 31. NR 15.01 (intro.) is amended to read:

NR 15.01 **Year round game refuge.** A game refuge is created in the following areas as posted with department signs and no person may hunt or trap upon such areas or have in possession or under control any gun or rifle unless the same are unloaded and enclosed within a carrying case, crossbow unless it is unloaded and enclosed within a carrying case, or any bow unless it is unstrung or enclosed within a carrying case. The loaded uncased firearm restriction of this sec. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 32. NR 15.015 (intro.) is amended to read:

NR 15.015 **Waterfowl production areas.** A wildlife refuge is established in the following areas as posted with U.S. fish and wildlife service signs. No person may hunt or trap or have in his or her possession or under control within such area any firearm unless it is unloaded and completely enclosed within a carrying case, crossbow unless it is unloaded and completely enclosed within a carrying case, or any bow unless it is unstrung or completely enclosed within a carrying case, without authorization from the U.S. fish and wildlife service. The loaded uncased firearm restriction of this sec. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 33. NR 15.10 (1) (intro.) is amended to read:

NR 15.10 (1) A wildlife refuge is established in the following area as posted with department signs. No person may hunt or trap or have in possession or under control thereon any firearm unless it is unloaded and completely enclosed within a carrying case, crossbow unless it is unloaded and completely enclosed within a carrying case, or any bow unless it is unstrung or completely enclosed within a carrying case. The loaded uncased firearm restriction of this subs. does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin:

SECTION 34. NR 15.12 (intro.) is amended to read:

NR 15.12 **University arboretum.** A wildlife refuge is established in the following area and no person may hunt or trap upon such area or have in possession or under control thereon any firearm unless it is unloaded and completely enclosed within a carrying case, crossbow unless it is unloaded and completely enclosed within a carrying case, or a bow unless it is unstrung or completely enclosed within a carrying case.

case, but nothing herein shall prohibit, prevent or interfere with the department, its deputies, agents or employees in the destruction or removal of injurious animals. The loaded uncased firearm restriction of this section does not apply to a handgun possessed by a person who is authorized by law to possess a concealed handgun in Wisconsin.

SECTION 35. NR 45.09 (1), as affected by SS 082-13 [Board Order WM-21-13], is amended to read:

NR 45.09 Firearms and hunting. (1) No person may take, catch, kill, hunt, trap or pursue any wild animal or bird, or discharge any firearm, or have in possession or under control any firearm or air gun as defined in s. 939.22, Stats., unless it is unloaded and enclosed in a carrying case, or any bow, crossbow, slingshot or spring-load device designed for shooting a projectile unless the same is unstrung or enclosed in a carrying case while in any state park, fish hatchery, or within 100 yards of any state campground, picnic area or other special use area designated by the department by posted notice. No person may discharge a firearm, bow, crossbow, or airgun from, on, or across any state trail corridor or other state park area, which is not open to hunting.

SECTION 36. NR 45.13 (18) is amended to read:

NR 45.13(18) KETTLE MORAINES STATE FOREST, LAPHAM PEAK. No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm or have in possession or under control any firearm or air gun as defined in s. 939.22, Stats., unless it is unloaded and enclosed within a carrying case, or any bow, crossbow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed within a carrying case while on any department lands designated by posted notice within the Lapham Peak Unit-Kettle Moraine state forest.

SECTION 37. NR 45.13 (21) is amended to read:

NR 45.13(21) KETTLE MORAINES STATE FOREST, NORTHERN UNIT. No person may take, catch, kill, hunt, trap or pursue any wild animal, or discharge any firearm or have in possession or under control any firearm or air gun as defined in s. 939.22 (2), Stats., unless it is unloaded and enclosed within a carrying case, or any bow, crossbow, slingshot or springloaded device designed for shooting a projectile unless the same is unstrung or enclosed within a carrying case while on any department lands designated by posted notice in sections 13 and 24 east of Long Lake, and section 25 north of county highway F, T14N, R19E, town of Osceola, Fond du Lac county.

SECTION 38. NR 45.13 (24) is amended to read:

NR 45.13(24) TUSCOBIA STATE RECREATION TRAIL. Except for deer hunting in accordance with ch. NR 10, no person may hunt any wild animal or discharge any firearm, air gun, bow, crossbow, slingshot or spring-loaded device designed for shooting a projectile within the boundaries of the Tuscobia state recreation trail.

SECTION 39. FINDING OF EMERGENCY. The department is not required to make a finding of emergency before promulgating these rules. The department is directed to promulgate these rules in 2013 ACT 61 and is exempted from making a finding of emergency under non-statutory provisions of the ACT.

SECTION 40. This rule shall take effect upon publication in the Wisconsin state paper pursuant to s. 227.24(1) (c).

SECTION 41. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)