

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

**SUBJECT:**

Request that the Board authorize public hearings for Board Order WM-11-13, proposed rules affecting Ch.'s NR 1, 10, 11, 12, 13, 15, 19 and 45 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report

**FOR: December 2014 Board meeting**

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

**SUMMARY:**

We are requesting authorization to hold hearings on Board Order WM-11-13 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report. The department anticipates holding nine hearings in locations spaced geographically around the state. Similar emergency rules implementing the 2012 report are in effect for the 2014 deer hunting seasons but are statutorily set to expire at the end of June 2015. January hearings on the permanent rule provide an opportunity for public input immediately after completion of the first year with the new season framework in effect. The department plans to request adoption of the permanent rule in February and legislative review can occur during spring, 2015.

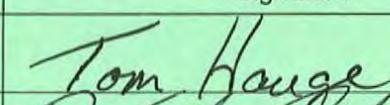
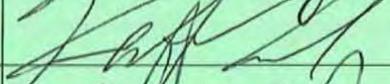
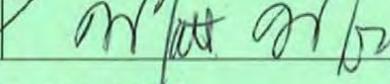
Noteworthy ways in which the permanent rule varies from emergency rules currently in effect are:

- Bonus buck as a base regulation is repealed in the permanent rule. Instead, bonus buck could be implemented in an entire farmland zone if two thirds of county deer advisory councils in a zone make such a recommendation and the department approves. Additionally, buck harvest could be authorized during a farmland zone holiday hunt if two thirds of county deer advisory councils in a zone make such a recommendation.
- An option in the southern farmland zone to select a 4-day antlerless only firearm season in December is available to county deer advisory councils and the season could be held zone-wide if two thirds of county councils recommend it.
- The permanent rule expands the types of land which are considered to be publicly accessible for the purposes of issuance and use of bonus antlerless deer permits. The rule includes lands such as ones which are required to be open under stewardship program requirements and utility company lands.
- This rule updates administrative code related to deer hunting with crossbows so that it is consistent with 2013 ACT 61.

**RECOMMENDATION:** That the Board authorize public hearings for Board Order WM-11-13.

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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> background memo   | <input type="checkbox"/> Attachments to background memo                          |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input checked="" 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		11/25/14
Kurt Thiede, Division Administrator		11/25/14
Cathy Stepp, Secretary		12/1/14

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

**CORRESPONDENCE/MEMORANDUM**

DATE: November 25, 2014  
TO: Natural Resources Board members  
FROM: Cathy Stepp, Secretary

**SUBJECT: Request that the board authorize hearings for Board Order WM-11-13 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report**

We are requesting authorization to hold hearings on Board Order WM-11-13 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report. The department recommends holding nine hearings in locations spaced geographically around the state.

Similar emergency rules implementing the 2012 report are in effect for the 2014 deer hunting seasons but are statutorily set to expire at the end of June 2015. January hearings on the permanent rule provide an opportunity for public input immediately after completion of the first year with the new season framework in effect. The department plans to request adoption of the permanent rule in February and legislative review can occur during spring, 2015.

**Ways in which this permanent rule is different from the companion emergency rule which has been in effect for the 2014 seasons:**

Bonus Buck

Bonus buck as a base regulation is repealed in the permanent rule. Instead, bonus buck could be implemented in an entire farmland zone if two-thirds of county deer advisory councils in a zone make such a recommendation and the department approves.

The approach requiring that two-thirds of a zone's county deer management advisory councils recommend deer hunting season framework modifications, and zone-wide implementation of modified seasons will prevent a patchwork of regulations that are different in each county.

Farmland zone holiday hunts

These proposed rules would allow the department to authorize the harvest of bucks during the holiday season in the southern farmland zone provided two-thirds of county deer advisory councils recommend doing so. Similarly, if two-thirds of central farmland zone advisory councils recommend a holiday hunt the department could authorize such a hunt. Upon two-thirds of county's recommendation, buck harvest could be allowed in the central farmland zone as well. Buck harvest under the authority of an archery or crossbow license, or combination, would be allowed on those dates if a firearm buck season is also open.

December four day firearm seasons for antlerless deer only

An option in the southern farmland zone to select a 4-day antlerless only firearm season in December is available to county deer advisory councils and the season could be held zone-wide if two-thirds of county councils recommend it.

Use of antlerless deer permits on public access lands

The permanent rule refines the definition of public land for the purposes of issuance and use of antlerless deer permits valid only that type of land. The new term will be "public-access lands" which better reflects that some privately owned lands are included. The permanent rule expands the types of lands where public access lands antlerless deer permits are needed to include more lands that hunters commonly consider to be publicly accessible. Additional land types would include property open to public hunting

and owned by local municipalities, power company lands, or stewardship program lands which are open to hunting by members of the public.

#### Deer Management Assistance Program

These rules will allow sales of antlerless deer hunting permits to a landowner or primary contact for landowners who are enrolled in the Deer Management Assistance Program or their authorized representative. The permits could then be transferred, for no more than their actual cost, to hunters who would be able to use the tags on the enrolled property. During program development, the department identified this need for more flexibility in the way that permits are issued and used in order to implement the program efficiently and to best serve customers. These rules would not change existing requirements that the tags can only be used during the normal deer hunting seasons and consistent with all other deer hunting regulations. This is a provision of follow-up emergency rules adopted after the initial emergency rules package.

#### County Deer Management Advisory Councils

The emergency rule currently in place establishes county deer management advisory councils for the purpose of seeking comment from members of the public on the status of the deer herd at the county level. These rules will establish that council membership may include a participant in the Deer Management Assistance Program. The permanent rule uses the word "council" instead of "committee" in all references to this body. This is a provision of follow-up emergency rules adopted after the initial emergency rules package.

#### Crossbow-only season for 2015 and 2016 and crossbow related housekeeping

A significant portion of this board order is dedicated to updating administrative code so that it is consistent with 2013 ACT 61 which establishes deer hunting seasons in 2014 and 2015 where the use of crossbows is allowed. Additional rulemaking will be required to establish the crossbow season beginning in 2016. These provisions are similar or identical to emergency rules which are currently in effect related to crossbows. Under the Act, the crossbow season must be identical to the archery season. Other substantive provisions of this rule related to the use of crossbows, such as the allowable uses of carcass tags, are also written as directed by the ACT. The department has limited discretion in rulemaking related to crossbows for the 2014 and 2015 seasons. Beginning in 2016, the department will have much greater statutory authority and more decision making ability. This board order also makes numerous remedial revisions to reflect the new status of crossbows as generally allowed for hunting. Throughout the rule, references to "archery" and "crossbow" are intended to reflect statutory language which creates an "archer hunting" license and a "crossbow hunting" license. Additional remedial revisions reflect that statutes now allow the possession of loaded, uncased handguns by people who are licensed to possess a concealed handgun, including in department closed areas and game refuges where possession of other weapons is restricted.

#### Muzzleloader only versus firearm seasons at the Leow Lake Unit of the Kettle Moraine State Forest

Under the emergency rule, the youth and holiday seasons at the Leow Lake Unit of the Kettle Moraine State Forest allowed the use of any firearm type but during the regular firearm season hunters were restricted to muzzleloaders only. For consistency, this rule establishes that all firearm hunting for deer will be muzzleloader only.

#### Deer transportation

The permanent rule clarifies that, in addition to the unit of kill, a deer may be transported to a unit that adjoins the unit of kill prior to registration of the deer.

### Madeline Island and the islands of the Apostle Islands National Lakeshore

The permanent rule establishes that Madeline Island and the islands of the Apostle Islands National Lakeshore are subunits of Bayfield County and the department can establish a separate deer population goals and antlerless permit quotas for those subunits.

### Housekeeping

The permanent rule clarifies two map boundaries and other remedial revisions.

### **Reasons for the rule proposal and history of public involvement:**

The Wisconsin Department of Natural Resources (WDNR) was tasked with implementing the recommendations contained in the June 2012 Deer Trustee Report (DTR). These recommendations were submitted to the Wisconsin Department of Administration by a three person Deer Trustee Committee led by Dr. James C. Kroll. The overarching goal of the DTR was to enhance white-tailed deer hunting, improve the management and research of Wisconsin's deer herd through increased communication, and address areas of concern expressed by the hunting public and to further involve them in decision-making processes.

As a first step in the DTR implementation process, the WDNR grouped the 62 DTR recommendations in the DTR Executive Summary into five consistently-themed categories:

1. Deer Management Assistance Program (DMAP) DTR Recommendations
2. Herd Health/Chronic Wasting Disease (CWD) DTR Recommendations
3. Regulations & Season Structure DTR Recommendations
4. Science & Research DTR Recommendations
5. Administrative DTR Recommendations

The first four categories of DTR recommendations were assigned to publicly-driven Action Teams consisting of volunteers from around the state. Participation on the Action Teams was open to any member of the public representing themselves or as a representative of an organization, or any tribal member or representative. Public Action Teams were formed following an initial March 9, 2013 public meeting held at the University of Wisconsin - Stevens Point in the Dreyfus University Center.

The purpose of each public Action Team was to review and discuss the background information related to the DTR recommendations and develop implementation proposals for the WDNR to consider when implementing the DTR recommendations.

The fifth category of DTR recommendations relates to departmental administrative processes that do not require further public refinement or involve issues that required independent public involvement process.

As with many natural resource related topics, some of the DTR recommendations had ramifications in more than one category of deer management. In these cases, recommendations were assigned to two of the Action Teams for consideration. Although some effort was made to have these teams consolidate their proposals into a single document, if agreement was not reached on a common implementation approach, both of the Action Team proposals were submitted in this report for WDNR consideration. The WDNR's formation of the Public Action Teams was part department commitment to implement the DTR recommendations.

The companion emergency rule package was the subject of 35 public hearings spread geographically around the state during the fall of 2013. Nearly 500 people attended that series of hearings. Additionally,

the emergency rule was the subject of informational videos, surveys, and comment periods. As a result of those efforts, 3,182 individuals completed the Deer Trustee Report Public Survey.

**Summary of the rule:**

The objective of the process that resulted in these proposed rules is to work with sportsmen and sportswomen and other stakeholders in order to implement ideas and solutions from the 2012 White-tailed Deer Trustee Report.

Deer seasons

The standard deer hunting season framework established by these rules is:

Bow & Arrow/Archery	Saturday nearest September 15 and continuing through the Sunday nearest January 6. Hunting is for antlerless deer only at times when a firearm season for antlerless deer only is also open.
Youth	Two consecutive days beginning on the Saturday nearest October 8.
October antlerless-only firearm ( <i>occurs only in those units or subunits where CWD or other disease has been found, and only after promulgation of emergency rules pursuant to s. 29.016 (2), Stats.</i> )	Four consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 <sup>th</sup> .
Traditional 9-day November firearm deer season	Saturday before Thanksgiving Day Holiday and continuing for 9 days.
Muzzleloader only	Beginning on the day after the traditional November firearm deer season and continuing for 10 days.
December 4-day antlerless season in central forest and central farmland zone counties only. This is season that the department may also implement in the southern farmland zone upon recommendation of two-thirds of county deer advisory councils in that zone.	Beginning on the second Thursday following the Thanksgiving Day holiday.
Holiday antlerless firearm deer season in southern farmland zone counties. This is an optional season that the department may also implement in the central farmland zone upon recommendation of two-thirds of county deer advisory councils in that zone. County deer advisory councils may also recommend that buck harvest be allowed during this season and the department can implement if two-thirds of councils support.	Beginning on December 24 and continuing through January 1.

Additional noteworthy changes to current rule are:

1. There is no longer a 4-day December antlerless-only, any-firearm-type deer season in the northern forest zone and it is no longer a standard season in the southern farmland zone.
2. These rules establish that a season commonly referred to as the December holiday hunt will now begin on December 24 and continue through January 1 instead of through the Sunday nearest January 6. The holiday hunt will be held in all areas of the former CWD management zone and the entire portion of counties which had previously been partially located in the CWD management zone. The department could extend the holiday season to the central farmland zone

and this could happen after a recommendation by two-thirds of the zone's county deer management advisory councils.

#### Bag limits and antlerless permits

Just like current rules, there will normally be a bag limit of one buck during firearm deer seasons and one buck during bow & arrow seasons.

Each gun license and each archery license buyer can receive one free antlerless deer permit which is valid in any farmland unit. Hunters will need to declare if this permit should be for private or public access lands in the farmland zone.

Under these rules there will be a \$12.00 fee for bonus permits which are issued for a CWD-affected area and a \$6.00 fee for bonus permits issued under the Deer Management Assistance Program.

#### Deer tagging and registration

These rules modify deer registration procedures to allow telephone or electronic recording of harvest. The proposal modifies deer tagging procedures so that a deer possessed in the field must be accompanied by the person who tagged it, even if the deer has already been registered. The result of this regulation change will be very similar to current rules which require that a deer to be accompanied by the person who tagged it until the deer is registered. A person cannot register their deer in the field under current rules because it normally needs to be transported to a registration station. Deer which have been registered may be transported on roadways or possessed at home by someone other than the person who tagged it, consistent with current rules. Also for purposes of accountability with a new electronic deer registration process, the rule establishes that a harvest registration number must be printed on the carcass tag to show proof that a deer has been registered with the department.

Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer or bear is taken into possession. Registration requirements will be the same statewide for both firearm and archer harvested deer.

The ability to require in person registration in a CWD area or for purposes of collecting biological samples or information is retained if the department determines that is necessary at times.

#### Deer management units and population objectives

These rules would revise existing deer management unit boundaries. The new boundaries are based primarily on county lines except that metropolitan deer management subunits are preserved and tribal units are created.

These rules would revise population goals so that they are expressed as management objectives to increase, maintain, or decrease the deer population density in a management unit.

#### Deer Management Assistance Program

This rulemaking establishes a Deer Management Assistance Program (DMAP) that will allow landowners and hunters to work together with the department to manage deer on a site-specific basis. DMAP is a central recommendation of the deer trustee report which recommended that the department establish: a) applicability to private and public lands, b) initial areas eligible to participate, c) administration of DMAP, d) funding, e) personnel and training, f) minimum property size to participate, g) fees, h) participation requirements, i) data collection requirements, j) registration of deer harvested on DMAP properties, k) data analysis and reporting, and l) assessment of DMAP effectiveness. The program will actively involve members of the public in the collection, analysis, and reporting of deer harvest information and improve management of the deer herd at the local level. The rule establishes enrollment fees for participation in the program and statute has established that revenue will be credited back to implementation of the program. This proposal establishes a separate half-price fee of \$6.00 for antlerless

deer hunting permits obtained through participation in the program. The lower fee is intended to be an incentive for participation.

#### State park deer seasons

These rules eliminate references to state park hunting seasons which are no longer needed because state statute has established that deer hunting is generally allowed in state parks. This section retains language which establishes the seasons for certain state parks when it is still needed because the existing muzzleloader-only seasons are different than the general statewide seasons. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

#### White deer

The proposal would restore the protected status of white deer in CWD affected areas.

#### **Changes to existing policy:**

Implementation of the Deer Trustee's report does not eliminate or fundamentally change Wisconsin's core deer management policies. Wisconsin and our surrounding states currently use hunting seasons to provide hunting opportunities and to manage white-tailed deer herds. We have utilized a range of hunting seasons and allowed the use of archery equipment, firearms and muzzleloading firearms at certain times. In these respects, the proposals in these rule orders do not vary significantly from existing policy.

The primary alternatives evaluated in the development of these rules are ones recommended in the Deer Trustee report. Throughout this rulemaking process, the department and its partners did evaluate additional (not included in the Deer Trustee report) alternatives as they were identified.

#### **Previous Board action:**

The board authorized the statement of scope for the permanent rule at its April 24, 2013 meeting. The first round of hearings on the companion emergency rule and the permanent rule was authorized at the board's September 2013 meeting. The companion emergency rule was adopted at the board's January 2014 meeting.

#### **Groups and individuals impacted by the proposed rule:**

White-tailed deer affect nearly every Wisconsin resident in some way from a recreational, economic, safety, and/or a social perspective. A wide variety of groups and individuals will be interested in this proposed rule. Some groups include: Wisconsin Conservation Congress, Great Lakes Indian Fish and Wildlife Commission, Wisconsin Farm Bureau Federation, Wisconsin Deer Hunters Association, The Nature Conservancy, Whitetails Unlimited, Wisconsin Bowhunters Association, Wisconsin County Forest Association, Wisconsin Woodland Owners Association, Quality Deer Management Association, Rocky Mountain Elk Foundation, Wisconsin Wildlife Federation, the Sierra Club, Association of Wisconsin Snowmobile Clubs, and more.

#### **Rule Development:**

These rules were developed with assistance from the bureaus of law enforcement, legal services, forestry, facilities and lands, endangered resources, and parks & recreation.

#### **Small Business and Regulatory Flexibility Analysis:**

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. 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 and supporting documents used to determine effect on small business or in preparation of an economic impact analysis:** The department estimates that the economic impact of these rules will be none or minimal and, pursuant to 2011 Executive Order 50, facilitated a 14 day period for comment on a draft economic impact analysis. The comment period began on October 7 and ended on October 21, 2013. A copy of the final analysis is included as a part of the Natural Resources Board agenda item.

Since finalization of the economic impact analysis, this rule proposal has been amended, most notably, to include rule provisions related to the use of crossbows for deer hunting during a season for hunting deer with crossbows-only. The department anticipates that there will be no economic impacts as a result of proposed rule amendments. Governor's Executive Order # 50 relating to guidelines for promulgating administrative rules establishes, in IV. 9. a., that a revised economic impact analysis is only required if there would be a "significant change". Therefore, the department has not revised economic impact analysis documents.

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

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

The department anticipates there may be none or a minimal effect on the financial health of industries, governments, and groups. The department anticipates there will be no economic effects of these regulations for individual hunters and landowners.

Affected entities are likely to base their evaluations of economic impact on their opinions of whether or not the rules will result in deer population changes. For instance, agriculture and forest-products interests may benefit from low deer populations and resulting low levels of crop and tree damage. The tourism and retail industries may benefit from high deer populations that result in greater enthusiasm and participation in deer hunting. This rule package will be designed to balance competing interests with a different approach than current rules.

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

The department anticipates that there will be no or very few implementation and compliance costs for the affected entities. These rules will not establish reporting or compliance requirements or other regulations

for small business. A possible outcome of these rules is the elimination of deer registration stations at local businesses throughout the state. The department has summarized the value of registration fees paid by the department to businesses, and related impacts of this voluntary program, in the economic impact analysis.

The final economic analysis for these rules includes a description of the specific impacts of deer and deer hunting in this state based on surveys and research done by the department and other state and federal agencies. However, even though significant research exists, the impact of wild deer on the environment and to people under various conditions cannot be anticipated with exact precision. The final analysis includes significant narrative descriptions of anticipated economic impacts.

**Environmental Analysis:**

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

Ch. NR 1 Natural Resources Board Policies, NR 8 License and Permit Procedures, NR 10 Game and Hunting, NR 11 Closed Areas, NR 15 Game Refuges, NR 12 Wildlife Damage and Nuisance Control, NR 13 Chippewa Treaty Rights Participants, NR 19 Miscellaneous Fur, Fish, Game and Outdoor Recreation, and NR 45 Use of Department Properties.

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3. Subject

Deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report, Board Orders WM-11-13 and WM-24-13 (E).

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.370 (Lv), (Hs), (Hx) and (Fq).

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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

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

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)

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

Yes    No

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9. Policy Problem Addressed by the Rule

There was dissatisfaction with various aspects of white-tailed deer management and hunting in Wisconsin following the 2009 season. Gubernatorial candidate Scott Walker made a promise to appoint a "Deer Trustee" to review programs. In October of 2011 Dr. James C. Kroll entered into a contract with the State of Wisconsin to conduct an independent, objective and scientifically-based review of Wisconsin's deer management practices. The White-tailed Deer Trustee's report was released to the public in July, 2012.

The objective of the process that resulted in these rules is to integrate the work of the Deer Trustees and the publicly driven action teams into the policies and procedures to enhance deer research, management and hunting in Wisconsin.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The department solicited comments on the fiscal and economic impacts of these rules during a specific comment period from October 7 through October 21, 2013, at 35 administrative rules hearings held between October 22 and October 31, through written comments on the rule and a survey which was available to the public on the department's website from October 14 through November 8.

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

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Affected entities are likely to base their evaluations of economic impact on their opinions of whether-or-not the rules will result in deer population increases, stabilization, or decreases. For instance, agriculture and forest-products interests may benefit from low deer populations and resulting low levels of crop and tree damage. The tourism and retail industries may benefit from high deer populations that result in greater enthusiasm and participation in deer hunting. This rule package is designed to balance competing interests with a different approach than current rules.

It is important to note that the department is statutorily prohibited from utilizing management tools or regulations that had previously been implemented at times when deer populations were 20% or more above established overwinter population goals and not likely to be reduced to goal under standard season frameworks and regulations. Notably, this includes regulations that require a hunter to first harvest an antlerless deer before harvesting a buck. The department also lacks rulemaking authority for certain deer hunting early season frameworks except when a finding of emergency is made under s. 227.24 Stats. These changes to the department's regulatory authority are a result of 2011 ACT 50 and they are not considered as part of an economic analysis prepared for these rules. While deer may have significant positive or negative impacts to different entities, removal of these harvest regulations likely changes the department's ability to manage deer populations in farmland regions. A result is that any economic impact of rule changes the department currently has statutory authority to establish is minimized, especially in farmland regions.

Prior to drafting rule language the department anticipated, in its scope statements for permanent and emergency rules, that the proposal could have a moderate level of economic impact, as described in 2011 Executive Order 50. Upon completion of the public involvement and rule drafting process, the department has revised its estimate and anticipates that these rules will have no or a minimal economic impact locally or statewide.

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11. Identify the local governmental units that participated in the development of this EIA.

During a comment period beginning in September the department solicited comments from local governments using an email distribution list and through posting on a website.

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12. 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)

- Economic Impacts -

The department anticipates that there will be no implementation and compliance costs for the affected entities. These rules will not establish reporting or compliance requirements or other regulations for small business.

The state's economy as a whole will continue to benefit from the presence of a well managed deer herd. The management tools established in these rules will ensure that continued opportunities for good hunting and wildlife-based recreation are available well into the future. Like previous rules, a significant purpose for establishing deer population management objectives, managing antlerless deer harvest levels, and focusing hunting activities through programs such as the Deer Management Assistance Program, landowner permits in CWD zones, and the Agricultural Damage Abatement and Assistance program is to maintain a deer herd that is in balance with the needs of industries such as agriculture, forestry, and others as well as with the desires of hunters. In certain urban and agricultural regions the department estimates that deer herds are already increasing under current rules. While increasing deer herds may have negative impacts on industries such as agriculture, the impacts are currently occurring and are in part a result of a lack of hunting access in certain areas and less authority under statutes to implement certain harvest regulations. Increasing deer

## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

herds in certain areas following implementation of these rules cannot necessarily be attributed to these rules and is a primary reason for a finding of no or a minimal economic impact.

Health concerns for Wisconsin deer include diseases such as bovine tuberculosis, hemorrhagic disease, and chronic wasting disease (CWD). Of particular interest in Wisconsin is that CWD was first detected in the state on February 28, 2002. The department's goal has been to minimize the negative impact of CWD on deer and elk populations and the state's economy, hunters, landowners and others. The available evidence indicates that CWD has the potential for significant, negative impacts on the future of deer hunting and the related economic benefits of white-tailed deer in Wisconsin. The proposals contained in these rules are not likely to result in a reduction in the rate of infection in deer or geographic location of infected animals. However, the department continues to have the ability to implement strategies recommended in its CWD management plan which could result in reduced deer numbers in affected areas and could help control disease spread. Those include an additional firearm hunting opportunity following the traditional 9-day firearm season, the option to issue landowner permits allowing deer harvest by landowners and their agents following the end of regular seasons, and the option to adopt population objectives and antlerless permit levels that could decrease the density of the deer herd. Under the proposal, the department will continue to provide a free antlerless deer permit which can be used in a CWD-affected county designated by the department. While additional harvest permits will need to be purchased for a fee, part of that fee is earmarked for CWD testing of hunter harvested deer. Continuing to provide low cost CWD testing for hunters may be an important feature to keep hunters interested in harvesting and utilizing their deer. Considering these factors, the department estimates that these rules are unlikely to have a significant impact on the management of CWD. Deer herd monitoring indicates that the prevalence and distribution of the disease has been increasing under current rules - the proposed rules are not likely to have an impact on this trend.

Conflict has occurred between farmers (traditional crop farmers, Christmas tree farmers, orchard growers, cranberry growers, and many other agriculturalists) who are trying to protect their crops and a public who wants abundant deer for viewing and hunting. With the population above state management objectives in certain areas under current rules, deer will likely continue to create agricultural problems. Deer damage complaints outnumber the other three program eligible species combined. Corn, soybeans, sweet corn and hay account for the majority of acreage damaged by deer. The creation of a Deer Management Assistance Program provides another opportunity for management of deer in specific areas which may assist in reducing agricultural damage. Overall, however, the department does not anticipate significant impacts to agriculture specifically from these rule proposals. Additional analysis of the Agricultural Damage and Nuisance Abatement program is found below under the section on fiscal impacts to the department.

White-tailed deer range throughout the state, adapting to every habitat type in Wisconsin. Their ability to live in close proximity to people has allowed deer to flourish in environments with significant human development, thus the agriculture damage they cause is no longer restricted to traditional rural areas. Additionally, damage is not restricted to agricultural products. Again, the department does not anticipate significant impacts from these proposals. Where hunting access is available in proximity to urban areas, the Deer Management Assistance Program may provide additional opportunities for hunters to act as deer managers.

Forest landowners may be economically impacted by white-tailed deer, depending upon their goals and objectives for the land. Economic impacts of deer on forest vegetation focus primarily on the foraging of plants, although antler rubbing on high value forest crops such as Christmas trees can have significant economic impacts as well. There is evidence found in research documenting site specific examples of deer impacts on forest vegetation. The effects of deer on desirable forest vegetation for a specific site can be detrimental and can create economic losses. However, a cumulative approach to assessing the impact of deer on forest landowners and desirable vegetation has not been done. Research to increase our understanding of forest habitat and white-tailed deer, in response to a recommendation of the Deer Trustee's

## **ADMINISTRATIVE RULES**

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report, is ongoing. The department's estimate that these rules will have no or a minimal effect on the forest products industry is based on estimates that these rules will not result in significant increases of deer population density. These rules maintain existing methods of controlling deer populations including a flexible system for the issuance of antlerless deer harvest permits and a Wildlife Damage Abatement and Claims Program for which certain forest products producers are eligible. Additionally, owners of industrial forest may benefit from the services that will be available through the Deer Management Assistance Program.

Vehicle deer collisions are a factor in determining how many deer the public will accept and are a cause of millions of dollars of property damage and personal injury in this state. The total number of deer salvaged after traffic accidents or removed from roadways by contractors was 26,114 in 2011. The actual number of collisions is estimated to be greater. Significant increases in deer numbers may be expected to result in higher numbers of vehicle deer collisions, particularly considering that traffic volume is not likely to decline. A goal of these rule proposals, however, is to continue managing deer herds to be in balance with ecological and social tolerances. The department's estimate that these rules will have none or a minimal effect on the economy as a result of vehicle deer collisions is based on estimates that these rules will not result in a significant increase or decrease in deer population density.

Deer impacts on the ecological composition and function of Wisconsin's ecosystems may be occurring and may have resulting impacts on tourism, gathering wild plants, species other than deer which have economic significance, and other effects. Land use by agriculture, development, silviculture, cessation of fire, and invasive species may be having more wide-sweeping impacts compared to deer.

An outcome of these rules would be the elimination of 626 deer registration stations, most at local businesses such as convenience and sporting goods stores throughout the state. It was noted during the public review periods that taverns also commonly volunteer as registration stations. These rules will relieve businesses of implementation costs they may have voluntarily incurred as registration stations. While these rules will not have any implementation or compliance costs for former registration stations, there may be an economic impact to the businesses whose customers may not come to stores to register deer and spend money on other transactions which are incidental to registering deer. Representatives of tavern owners indicated that this is a concern that they had.

Department payments and distribution of materials to registration stations totalled approximately \$182,000 in 2012, a value of approximately \$290 on average to an individual registration station. Many stations employ extra help to register deer meaning that direct payments for services may cover costs to register deer but may not have a direct financial benefit. The value of incidental purchases made by deer hunters are likely the primary reason stations volunteer to register deer. Even without registration stations, the economic benefits of deer hunting for convenience stores and other businesses will continue to be significant. This can be seen by the heavy traffic at convenience stores as early as 4:30 a.m., before the season has opened, and the need some stores have to employ extra staff. A likely benefit to convenience stores in general is that spending activity may be distributed more equally between stores, as certain ones will not have the unique selling point of being a registration station. It may be true of taverns as well that customer visits will be distributed more evenly among area businesses. However, the department agrees that individual taverns which had previously been department registration cooperators will see a reduction in business resulting from sales incidental to deer registration. The department is considering ways to help registration stations take advantage of traditions hunters have adopted by stopping at particular businesses to register deer. The department suggests that businesses could continue to assist hunters by advertising that they can register deer electronically using a computer at their location. The department anticipates a continuing need for some in-person registration to collect biological data. Finally, the department plans to phase-in electronic registration which will provide some time for many businesses to plan for the transition. Department staff have heard both positive and negative comments from registration stations about an

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

electronic registration system. At this time, we anticipate the impacts will be minimal under the criteria established in 2011 Executive Order 50.

### - Fiscal Impacts on the Department -

Mandatory, in-person registration for deer began in Wisconsin in 1953. A subset of the 626 stations (~110) collect age- and sex-structure data from 20-30,000 deer annually during the traditional 9-day gun season. In-person registration provides accurate counts of annual harvest, recruitment, adult buck mortality rates and sex ratios, deer health assessments, buck antler characteristics, and allows for the collection of biological samples that are used to determine the age structure of the population and for CWD monitoring.

Eliminating or reducing in-person registration of deer will result in savings of approximately \$180,000 in supplies and services for maintaining registration stations each year for the department. The department's expenditure authority will not change, allowing a shift of financial resources and staff time to other purposes such as implementation of the Deer Trustee Report recommendation to establish a Deer Management Assistance Program. Based upon a budget analysis for FY13 (through 6/11/13) on all expenditures department wide for the activity codes WMAP (Registration of Deer, Bear, and Turkey) and WMUB (Deer Registration/CWD Sampling), in-person registration costs totaled \$674,042.30. Electronic registration costs may be half the amount of in-person during the initial year, and less than \$50,000 in future years. This total includes the following expenditures (estimates of potential savings do not include CWD zone expenditures because the department will continue to place an emphasis on contacting hunters and collecting samples in CWD areas):

- Permanent labor & fringe - (\$125,158)
- Permanent labor allocables - (\$21,353)
- LTE labor & fringe - (\$22,767)
- LTE labor allocables - (\$327)
- Total supplies & services - mileage, station materials, station payments, aging materials, and stipends (\$182,056)
  
- CWD registration and sampling expense - (\$322,381)
- CWD permanent labor & fringe\*
- CWD LTE labor & fringe\*
- Total supplies & services\* - CWD carcass tags, bonus buck tags, rent, mileage, electric bills, cell phone bills, CWD samples, and stipends

The department evaluated the following benefits and drawbacks to eliminating in person registration of deer. The benefit of increased convenience to deer hunters was seen as a significant improvement.

#### Pros:

- Significant reduction in staff time and costs
- Increase in customer convenience
- Immediate collection and tabulation of harvest data

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Cons:

- Alternative methods (potentially less accurate) of collecting age data would have to be considered
- CWD samples would become difficult to collect
- Economic impact to registration stations (loss of revenue from payments and business)
- The face-to-face interaction between DNR staff and hunters and the social aspect of hunting would be lost
- Potential enforcement issues
- Potential loss in public trust of population estimates

The department currently administers an Wildlife Damage Abatement and Claims Program which reimburses participating farmers for damage caused by certain wildlife species, including deer. These rules do not impact the organization of the program or rules for participation. The program is currently funded in part from the sales of bonus antlerless deer permits. It is likely that bonus antlerless deer permit sales will increase under this proposal, resulting in an increase in available funding to reimburse farmers for damage and for the costs of abatement measures. Under the proposal, the department will charge a fee of \$12.00 for antlerless permits issued in a CWD management zone which are free under current rule. While \$5.00 of the cost of those permits is now statutorily earmarked for CWD management, the remaining \$7.00 is earmarked for the damage program. Another possible opportunity for increased funding exists in units which are designated herd control under current rules, antlerless deer permits are free except for a \$2.00 issuance fee. Under the proposal, one free antlerless deer permit for farmland units would still be included with the purchase of a deer hunting license, but additional permits would cost \$12.00 and the revenue is earmarked for the damage and abatement program. Charging a fee for additional antlerless permits may result in hunters obtaining fewer antlerless permits and harvesting fewer deer overall, potentially offsetting economic benefits to farmers of increased damage program funding. However, decreased antlerless harvest is not an assured outcome. Hunters may be more motivated to utilize permits they have spent money on versus free permits. When statutes were changed to allow the sales of additional turkey hunting permits for \$10.00 each to residents, versus issuing them for free, demand for extra turkey hunting permits remained very high. Under these proposed rules, the department anticipates continuing to generate enough revenue to reimburse farmers for the full amount of damage allowed under the program. The department anticipates that it will not need to prorate the amount paid for claims at current or a slightly increased level of agricultural damage claims.

In the past, changes in the issuance of hunting licenses and permits have resulted in fiscal impacts from the expenses of revising automated license system programming. However, the department's current contract already contains many options for the issuance of \$12.00 bonus permits and free permits with the issuance of archery and firearm deer licenses. Implementation of these rules will require name changes and updates to descriptions of the allowable use of tags, but may not require extensive or expensive programming to create new license types. Additionally, these rule revisions may occur concurrently or will be phased in with a new contract for administration of an automated licensing system and can be included in the initial construction of a new system without additional expense.

These proposed rules will establish that bonus deer hunting permits are valid either on lands which are open to public hunting or on private lands not open to public hunting, but not both. This will be more restrictive than current rules on where bonus permits may be used. A result of this restriction is that many hunters will need to purchase more permits in order to be able to hunt antlerless deer where in locations they have previously hunted than under current rules. While this could result in an increase in the number of bonus permits sold, it is also likely that hunters will limit the locations of their hunting activity to one type of land only. The impact of this proposal on bonus permit sales is undetermined at this time but is not likely to be significant or significantly impact the wildlife damage abatement and claims program or funding for CWD testing which are partially funded with this revenue.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The fiscal impact to the department of these proposed rules is expected to be an effect that can be absorbed under the department's current budget. These rules will result in savings of staff time with reduced duties to set up registration stations, keep them supplied through the season, collect registration stubs, and enter data. These savings in staff time will be offset by new emphasis on consulting with owners of private and public land through the newly established Deer Management Assistance Program. The level of offset will be a result of the level of landowner and manager interest and will vary as the program becomes established and cannot be anticipated at this time. The department's Bureau of Law Enforcement has established a flexible system of conservation and environmental law enforcement and already places a significant emphasis on the most popular activities like deer hunting. Deer hunting and deer herd management has historically been a significant source of segregated funds for department management, licensing, and enforcement activities and will continue to be a significant expenditure under these proposed rules.

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### 13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

These proposed rules establish an additional method of managing deer harvest, particularly at the local level, through the deer management assistance program. This management authority may be important considering that the department is prevented from using previously successful, but less popular, deer management regulations under s. 29.016 Stats. The department is proposing season frameworks in these rules that are more likely to be accepted by hunters but which will still result in deer hunting opportunities and provide deer herd management opportunities.

Not implementing these rules will result in maintaining the current deer season frameworks. Maintaining the current deer season framework will not address dissatisfaction that some members of the public have expressed to the department, legislators, and governor. The establishment of a Deer Management Assistance Program is statutorily required.

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### 14. Long Range Implications of Implementing the Rule

White-tailed deer will still be a prominent feature of Wisconsin's landscape whose presence generates economic activity from the related expenditures of hunters and other wildlife enthusiasts. Deer have historically impacted small and large businesses, and will continue to do so. However, the negative economic impacts of deer abundance on agriculture, forestry, and other industries is not expected to increase as a result of these rules.

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### 15. 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 and the federal government is not involved in any large scale way with deer herd management in Wisconsin.

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### 16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

All of Wisconsin's surrounding states use hunting seasons to provide hunting opportunities and allow or encourage antlerless deer harvest and other strategies to manage white-tailed deer herds. All of the surrounding states utilize a range of hunting seasons and allow the use of archery equipment, firearms and muzzleloading firearms at certain times. The seasons proposed in this rule order do not vary in any significant way from the hunting opportunities that are available in other states.

## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

#### **Illinois**

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

#### **Iowa**

In Iowa, there are two archery seasons, two muzzleloader season, and two shotgun seasons. There is also an antlerless-only season, a youth hunt for residents, and a holiday season for non-residents. The archery season runs from October 1 - December 6 and December 23 - January 10, 2014. The muzzleloader seasons run from October 12 - 20 (residents only) and December 23 - January 10, 2014. The shotgun seasons run from December 7 - 11 and December 14 - 22. The antlerless-only season runs from January 11 - 19, 2014, the youth hunt runs from September 21 - October 6, and the holiday season runs from December 24 - January 2, 2014. When a hunter purchases an 'Any Deer License', they are entitled to harvesting either a buck or an antlerless deer statewide. Hunters also have the option to purchase an 'Antlerless-only License' which is valid for a specific zone in the state. The number of antlerless licenses available in any particular zone is determined by a quota system, and hunters are able to purchase these licenses on a first-come first-served basis until the quota is reached.

#### **Michigan**

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

#### **Minnesota**

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

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17. Contact Name

Scott Loomans

18. Contact Phone Number

(608) 267-2452

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This document can be made available in alternate formats to individuals with disabilities upon request.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

Wisconsin's deer hunting opportunities are enthusiastically enjoyed by more than 600,000 participants each year, resulting in significant economic and fiscal benefits for small business. Additionally, high deer populations impact the agriculture, forestry, and other industries in ways that may not be positive. The department anticipates that this will continue to be true after implementation of these rules. The department will continue to manage the deer herd with a goal to obtain a balance between the positive and negative impacts of white-tailed deer. Some management strategies which may have been viewed as aggressive are no longer available to the department. New management strategies proposed in this rule will be viewed by some as a more cooperative effort to manage deer herds. Improved cooperation between hunters, landowners, other stakeholders, and the department will have a beneficial impact for everyone who is affected by white-tailed deer, although the specific economic impact cannot be measured. Over all, the department anticipates none or a minimal impact on small businesses.

A minimal impact to certain small businesses could be a loss of incidental sales at taverns, convenience stores, or sporting good shops who currently volunteer to register deer for the department. A corresponding increase in sales for other area stores as that type of shopping effort is dispersed among stores that do not register deer, will negate overall impact to small businesses.

However, the department agrees that individual taverns which had previously been department registration cooperators will see a reduction in business resulting from sales incidental to deer registration. The department is considering ways to help registration stations take advantage of traditions hunters have adopted by stopping at particular businesses to register deer. The department suggests that businesses could continue to assist hunters by advertising that they can register deer electronically using a computer at their location. The department anticipates a continuing need for some in-person registration to collect biological data. Finally, the department plans to phase-in electronic registration which will provide some time for many businesses to plan for the transition. Department staff heard both positive and negative comments from registration stations about an electronic registration system. We anticipate the impacts will be minimal under the criteria established in 2011 Executive Order 50.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Deer Population Goals and Harvest Management Environmental Assessment, 1995.

Information related to registration of deer at private businesses such as convenience and sporting goods stores is from an analysis of department's own budget information for FY 2013.

Wisconsin's Chronic Wasting Disease Management Plan: 2010 - 2025

The 2011 Wisconsin Deer Hunting Summary records that firearm deer hunter numbers exceeded 600,000 for the first time in 1977 and have remained above that number since then. This information provides a basis for the estimate that deer hunting and related economic and fiscal benefits for small business will continue to exist after implementation of these rules.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

USDA-APHIS-Wildlife Services Wisconsin Wildlife Damage Abatement and Claims Program - 2012 Summary Report.

Project Summary - Evaluating the interdependency between white-tailed deer and northern hardwood habitat; increasing our understanding of forest management and white-tailed deer health.

Reported Vehicle Killed Deer Removed from Wisconsin Roadways - FY 2011

DNR Spring Turkey Harvest Report - 2011. This document contains information on sales of leftover turkey permits.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

These rules are applicable to individual deer hunters and impose no compliance or reporting requirements for small businesses.

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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 a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g). Note that the cooperation of small businesses with the department as deer and bear registration stations has been completely voluntary.

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5. Describe the Rule's Enforcement Provisions

These rules do not establish any new enforcement provisions. The department has determined that existing enforcement efforts and penalties will continue to be effective at assuring a level of compliance with hunting regulations which results in a fair distribution of resources among hunters and other deer enthusiasts, safe hunting seasons, and effective deer herd management.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-

# 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.

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fund, the amounts in the schedule for making grants under s. 36.25 (47).

**SECTION 252.** 20.285 (2) (j) of the statutes is amended to read:

20.285 (2) (j) Notwithstanding s. 20.001 (2) (c), annually, there shall lapse from the appropriation accounts under ss. 20.285 (1) (a), (gb), and (ge) an amount equal to the amount spent during that fiscal year from the appropriation account under s. ~~20.455 (1) (b)~~ 20.505 (1) (d) for legal advice regarding public broadcasting by the University of Wisconsin System, as determined by the secretary of administration.

**SECTION 253.** 20.292 (1) (b) of the statutes is repealed.

**SECTION 254.** 20.292 (1) (c) of the statutes is repealed.

**SECTION 255.** 20.292 (1) (ce) of the statutes is repealed.

**SECTION 256.** 20.292 (1) (ch) of the statutes is repealed.

**SECTION 257.** 20.292 (1) (d) of the statutes is amended to read:

20.292 (1) (d) *State aid for technical colleges; statewide guide.* The amounts in the schedule for state aids for technical college districts and technical colleges, including area schools and programs established and maintained under the supervision of the board, under s. 38.28 (2) (b), ~~(be), and (bm)~~, and for production and distribution of the statewide guide under s. 38.04 (18). Of the amount in the schedule for each fiscal year not exceeding \$50,000 may be spent by the board to match federal funds made available for technical education by any act of congress for the purposes set forth in such act and no more than \$125,000 may be spent by the board to produce and distribute the statewide guide under s. 38.04 (18). If, in any fiscal year, actual program fees raised under s. 38.24 (1m) exceed board estimates, the increase shall be used to offset actual district aidable cost.

**SECTION 258.** 20.292 (1) (dc) of the statutes is repealed.

**SECTION 259.** 20.292 (1) (dd) of the statutes is repealed.

**SECTION 260.** 20.292 (1) (de) of the statutes is repealed.

**SECTION 261.** 20.292 (1) (dm) of the statutes is repealed.

**SECTION 262.** 20.292 (1) (e) of the statutes is repealed.

**SECTION 263.** 20.292 (1) (ef) of the statutes is repealed.

**SECTION 264.** 20.292 (1) (eg) of the statutes is repealed.

**SECTION 265.** 20.292 (1) (eh) of the statutes is repealed.

**SECTION 266.** 20.292 (1) (em) of the statutes is repealed.

**SECTION 267.** 20.292 (1) (f) of the statutes is created to read:

20.292 (1) (f) *Grants to district boards.* As a continuing appropriation, the amounts in the schedule for aids and grants to technical college districts under ss. 38.04 (13) (a), (20), (28), and (32) (a), 38.26, 38.27, 38.272, 38.28 (4), 38.29, 38.32, 38.33, 38.38, 38.40 (4m), and 38.41.

**SECTION 268.** 20.292 (1) (fc) of the statutes is repealed.

**SECTION 269.** 20.292 (1) (fg) of the statutes is repealed.

**SECTION 270.** 20.292 (1) (fm) of the statutes is repealed.

**SECTION 271.** 20.292 (1) (fp) of the statutes is repealed.

**SECTION 276.** 20.370 (1) (title) of the statutes is amended to read:

20.370 (1) (title) **LAND AND FORESTRY**

**SECTION 277.** 20.370 (1) (es) of the statutes is amended to read:

20.370 (1) (es) *Parks — interpretive programs.* All moneys received from fees authorized under s. 27.01 (9) (d) ~~(a) 4~~, for educational and interpretive programs in state parks to be used for costs associated with those programs.

**SECTION 278.** 20.370 (1) (hs) of the statutes is amended to read:

20.370 (1) (hs) *Chronic wasting disease management.* From the moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13), except the moneys credited to the appropriation account under par. (hx), the amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

**SECTION 279.** 20.370 (1) (hx) of the statutes is created to read:

20.370 (1) (hx) *Bonus deer permit fees; chronic wasting disease.* All moneys received to be credited to this appropriation account under s. 29.181 (3) for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

**SECTION 279m.** 20.370 (1) (iw) of the statutes is repealed.

**SECTION 280.** 20.370 (1) (Lv) of the statutes is created to read:

20.370 (1) (Lv) *Deer management assistance program.* All moneys received from fees collected by the department from participants in the deer management assistance program under s. 29.020 to be used for administering the deer management assistance program.

**SECTION 280b.** 20.370 (1) (ma) of the statutes is amended to read:

20.370 (1) (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for general program operations under ch. 23 and ss. 30.40 to 30.49 ~~and~~, for the trapper education program

wagon, motor bus, motorcycle or other similar motor vehicle.

**SECTION 537.** 27.01 (7) (a) 3. of the statutes is amended to read:

27.01 (7) (a) 3. ~~In this subsection “vehicle”~~ “Vehicle admission area” means the Bong area lands acquired under s. 23.09 (13), the Wisconsin Dells natural area, the Point Beach state forest, recreational areas in other state forests designated as such by the department, designated use zones within recreation areas established under s. 23.091 (3), and any state park or roadside park except those specified in par. (c) 5.

**SECTION 538.** 27.01 (7) (c) 1. of the statutes is amended to read:

27.01 (7) (c) 1. Any vehicle in ~~an~~ a vehicle admission area between November 1 and March 31, except as the department provides by rule.

**SECTION 539.** 27.01 (7) (c) 1m. of the statutes is created to read:

27.01 (7) (c) 1m. Any vehicle, except a motor bus, that is in a vehicle admission area on Veterans Day or during the 3-day weekend that includes Memorial Day and that is occupied by a person who produces evidence that shows that he or she is a state resident and a service member.

**SECTION 540.** 27.01 (8) (bn) 3. of the statutes is created to read:

27.01 (8) (bn) 3. Any person who on Veterans Day or during the 3-day weekend that includes Memorial Day produces evidence that shows that he or she is a state resident and a service member, as defined in sub. (7) (a) 1m.

**SECTION 541.** 27.01 (9) of the statutes is renumbered 27.01 (9) (a).

**SECTION 542.** 27.01 (9) (a) (title) of the statutes is created to read:

27.01 (9) (a) (title) *Generally.*

**SECTION 543.** 27.01 (9) (bn) of the statutes is created to read:

27.01 (9) (bn) *Annual vehicle admission receipt fee waiver.* The department shall waive the fee, including the issuing fee, imposed under sub. (7) for an annual vehicle admission receipt for any vehicle, except a motor bus, that has Wisconsin registration plates and that is owned by a person who produces evidence that he or she is the owner, is a state resident, and is a service member, as defined in sub. (7) (a) 1m. Each person who qualifies for this waiver may receive the waiver only once. For purposes of administering this paragraph, the department shall establish and maintain a list of service members, as defined in sub. (7) (a) 1m., who have received the one-time exemption.

**SECTION 544.** 27.01 (9) (c) of the statutes is created to read:

27.01 (9) (c) *Annual trail fee waiver.* The department shall waive any annual fee for admission to state trails that is established under sub. (8) (c) for any person who

produces evidence that he or she is a state resident and a service member, as defined in sub. (7) (a) 1m. Each person who qualifies for this waiver may receive the waiver only once. For purposes of administering this paragraph, the department shall establish and maintain a list of service members, as defined in sub. (7) (a) 1m., who have received the one-time exemption.

**SECTION 550m.** 29.001 (58) of the statutes is created to read:

29.001 (58) “Municipal fish hatchery” means a fish hatchery that is owned or operated by a city, village, town, county, or a federally recognized Indian tribe or band located in this state.

**SECTION 551.** 29.020 of the statutes is created to read:

**29.020 Deer management assistance program. (1)** The department shall establish a deer management assistance program. Under this program, the department shall provide deer management assistance to participating landowners. The department shall also provide a method for collecting information from participating landowners about deer health and the deer population in this state and for receiving suggestions from participating landowners about managing the deer population. The department shall analyze the information received and use it to improve deer health and manage the deer population in this state. The department shall promulgate rules to implement this program.

(2) The department may establish fees for participation in the deer management assistance program. The department shall credit all fees to the appropriation under s. 20.370 (1) (Lv).

**SECTION 552.** 29.040 of the statutes is created to read:

**29.040 Deer management report rules.** The department may promulgate rules to implement the recommendations contained in the 2012 final report of the assessment of this state’s deer management plans and policies that was conducted under the terms of a contract between the department of administration and a recognized deer management expert.

**SECTION 552m.** 29.053 (2m) of the statutes is created to read:

29.053 (2m) The department shall establish a catch-and-release only season for bass fishing for the areas of the state where there is not a continuous open season for bass fishing. The season shall begin on the first Saturday in March and end on the Sunday preceding the first Saturday in May.

**SECTION 553.** 29.181 (2) of the statutes is renumbered 29.181 (2) (a) (intro.) and amended to read:

29.181 (2) (a) (intro.) A bonus deer hunting permit shall authorize the holder of the bonus deer hunting permit to take an additional deer of the sex or type specified by the department on the permit. do any of the following:

(c) Except as authorized by rule or as provided under par. (d), a person may not apply for or be issued more than one bonus deer hunting permit in a single season.

Vetoed  
In Part

**SECTION 554.** 29.181 (2) (a) 1. of the statutes is created to read:

29.181 (2) (a) 1. Take an additional deer of the sex or type specified by the department on the permit.

**SECTION 555.** 29.181 (2) (a) 2. of the statutes is created to read:

29.181 (2) (a) 2. Take an additional deer in a county or deer management area in which the department has confirmed that a deer has tested positive for chronic wasting disease.

**SECTION 556.** 29.181 (2) (d) of the statutes is created to read:

29.181 (2) (d) A person may be issued more than one bonus deer hunting permit in a single season if each bonus deer hunting permit authorizes the person to take deer only in a county or deer management area in which a deer has tested positive for chronic wasting disease.

**SECTION 557.** 29.181 (2m) (b) of the statutes is amended to read:

29.181 (2m) (b) The resident has been issued one bonus deer hunting permit for that season and for that deer management area for which the resident has paid the fee specified under s. 29.563 (2) (c) 1. or 1m.

**SECTION 558.** 29.181 (3) of the statutes is created to read:

29.181 (3) **USE OF MONEY FROM FEES.** From the moneys received from the sale of bonus deer hunting permits issued that authorize the taking of deer as provided under sub. (2) (a) 2., the department shall credit an amount equal to \$5 times the number of those bonus deer hunting permits issued to the appropriation under s. 20.370 (1) (hx).

**SECTION 559.** 29.181 (4) of the statutes is created to read:

29.181 (4) **RULES.** The department may promulgate a rule that establishes a fee for a bonus deer hunting permit issued under sub. (2) (a) 2. that is higher than the fee specified in s. 29.563 (2) (c) 1m. or (d) 2.

**SECTION 560.** 29.182 (1m) of the statutes is created to read:

29.182 (1m) **OPEN SEASON REQUIREMENT.** The department may not establish an open season for hunting elk that begins earlier than the Saturday nearest October 15.

**SECTION 560r.** 29.184 (4) of the statutes is renumbered 29.184 (4) (b).

**SECTION 560t.** 29.184 (4) (a) of the statutes is created to read:

29.184 (4) (a) Except at facilities and specified property locations where prohibited by s. NR 45.06, Wis. Adm. Code, a person may engage in the training of a dog as authorized under sub. (3) (bg) or (br) without keeping it on a leash during the period from July 1st through August 31st if all of the following apply:

1. The dog is uniquely tattooed or wears a collar with the owner's name and address attached.

2. The person holds a Class A or Class B bear license issued under this section or is exempt from holding such a license under sub. (5).

3. The dog is being trained in a single pack of dogs that complies with the size requirement under par. (c).

**SECTION 560v.** 29.184 (4) (c) of the statutes is created to read:

29.184 (4) (c) No more than 6 dogs may be in a single pack regardless of the number of individuals involved in the training and regardless of whether there is more than one owner of the dogs.

**SECTION 561.** 29.185 (6) (d) of the statutes is repealed.

**SECTION 562.** 29.1945 of the statutes is created to read:

**29.1945 Approvals for veterans and military members.** (1) In this section, "war period" means any of the following:

(a) A period between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department of veterans affairs by rule.

(b) A period between March 19, 2003, and the ending date of Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom, as established by the department of veterans affairs by rule.

(2) The department of veterans affairs shall issue a voucher for a hunting or fishing license to each person who applies for the voucher and who is a qualified veteran. The voucher entitles a qualified veteran receiving the voucher to the waiver of the fee, including the issuing fee, and any applicable surcharge imposed under s. 29.563 (13) (a) for a single hunting or fishing license. The license may be a resident small game hunting license, a resident deer hunting license, a resident archer hunting license, or a resident annual fishing license. To qualify for the fee waiver, the qualified veteran must submit the voucher to the department of natural resources within 365 days after the date on which the qualified veteran is discharged or released. A voucher may not be presented to a person who is subject to an appointment or a contract as authorized under s. 29.024 (6) (a) 2. to 4. but must be submitted directly to the department of natural resources. Upon receiving the voucher, the department of natural resources shall waive the fees and any applicable surcharge and issue the license. On an annual basis, the department of veterans affairs shall pay to the department of natural resources an amount that equals the total of fees and surcharges that have been waived by the department of natural resources under this subsection.

(3) (a) For purposes of this section, a qualified veteran is a resident who is one of the following:

1. A veteran, as defined in s. 45.01 (12) (a) to (f), who served in a war period.

2. A member of a reserve component of the U.S. armed forces or of the national guard, as defined in 32 USC 101 (3), who has served in a war period and who has served under honorable conditions for at least one year beginning on the member's date of enlistment in a reserve component of the U.S. armed forces or in the national guard.

3. A person who served in a war period who was discharged from a reserve component of the U.S. armed forces or from the national guard, as defined in 32 USC 101 (3), if that discharge was an honorable discharge or a general discharge under honorable conditions.

(b) For purposes of this section, the department of veterans affairs shall establish a procedure for determining who qualifies as a veteran. Before issuing a license, the department of natural resources shall request the department of veterans affairs to verify whether the applicant is a qualified veteran. If the department of veterans affairs verifies that the applicant for a license is a qualified veteran, the department of natural resources shall issue the license without charging a fee.

**SECTION 562g.** 29.219 (1) (d) of the statutes is created to read:

29.219 (1) (d) *Exception; fishing in private ponds.* No fishing license is required for a resident to fish in a pond that is a self-contained body of water and that is located entirely on private property owned by a person who gives permission to the resident to fish in the pond.

**SECTION 562m.** 29.228 (1) (d) of the statutes is created to read:

29.228 (1) (d) *Exception; fishing in private ponds.* No fishing license is required for a nonresident to fish in a pond that is a self-contained body of water and that is located entirely on private property owned by a person who gives permission to the nonresident to fish in the pond.

**SECTION 562r.** 29.2285 (3) (d) of the statutes is amended to read:

29.2285 (3) (d) *License requirement.* Any person fishing for lake sturgeon shall hold a license authorizing the fishing or shall be exempt from holding such a license under s. 29.219 (1) (b) 1. or 2. or (d) or 29.228 (1) (b) or (d).

**SECTION 562t.** 29.354 (5) of the statutes is amended to read:

29.354 (5) **CAPTIVE WILD ANIMALS.** This section does not apply to farm-raised deer, farm-raised fish, fish produced in a municipal fish hatchery, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

**SECTION 562v.** 29.357 (5) (b) of the statutes is amended to read:

29.357 (5) (b) Subsections (1) to (4m) do not apply to the possession, transportation, delivery, or receipt of farm-raised deer, farm-raised fish, fish produced in a

municipal fish hatchery, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

**SECTION 562y.** 29.407 (5) (b) of the statutes is amended to read:

29.407 (5) (b) This section does not apply to the transportation, delivery, receipt or shipping of farm-raised fish or fish produced in a municipal fish hatchery.

**SECTION 563m.** 29.539 (1m) (d) of the statutes is amended to read:

29.539 (1m) (d) A farm-raised deer, a farm-raised fish, fish produced in a municipal fish hatchery, a farm-raised game bird, or a wild animal that is subject to regulation under ch. 169 or the carcass of such a wild animal.

**SECTION 564.** 29.563 (2) (c) 1. of the statutes is amended to read:

29.563 (2) (c) 1. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: \$11.25.

**SECTION 565.** 29.563 (2) (c) 1m. of the statutes is created to read:

29.563 (2) (c) 1m. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: \$5.75 or, if a fee is established by rule under s. 29.181 (4), the fee established by rule.

**SECTION 566.** 29.563 (2) (d) of the statutes is renumbered 29.563 (2) (d) 1. and amended to read:

29.563 (2) (d) 1. *Nonresident permit.* Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 1.: \$19.25.

**SECTION 567.** 29.563 (2) (d) 2. of the statutes is created to read:

29.563 (2) (d) 2. Bonus deer issued for the purpose specified in s. 29.181 (2) (a) 2.: \$5.75 or, if a fee is established by rule under s. 29.181 (4), the fee established by rule.

**SECTION 568.** 29.563 (4) (a) 3. of the statutes is amended to read:

29.563 (4) (a) 3. Wolf harvesting: ~~\$99.25~~ \$48.25.

**SECTION 569.** 29.563 (4) (b) 3. of the statutes is amended to read:

29.563 (4) (b) 3. Wolf harvesting: ~~\$499.25~~ \$250.25.

**SECTION 570.** 29.563 (12) (c) 3g. of the statutes is amended to read:

29.563 (12) (c) 3g. Wolf harvesting issued to a resident: ~~\$50~~ \$13.

**SECTION 571.** 29.563 (12) (c) 3r. of the statutes is repealed.

**SECTION 572.** 29.563 (14) (c) 4. of the statutes is amended to read:

29.563 (14) (c) 4. Each bonus deer hunting permit issued for which a fee is charged under s. 29.563 (2) (c) 1. or 1m. or (d): 75 cents.

**SECTION 572f.** 29.605 of the statutes is created to read:

**29.605 Sporting heritage grants.** (1) (a) The department shall provide one grant during each fiscal

affected by this act, by \$18,400 in each of fiscal years 2013-14 and 2014-15.

(c) Notwithstanding the amounts specified under section 165.987 (3) of the statutes, as affected by this act, the department of justice shall reduce the amount of money allocated for each of the 4 contracts that are funded with moneys from the appropriation accounts under section 20.455 (2) (cr) and (kj) of the statutes, as affected by this act, by \$25,650 in each of fiscal years 2013-14 and 2014-15 and shall reduce the amount of money allocated for the contract that is funded only with moneys from the appropriation account under section 20.455 (2) (kj) of the statutes, as affected by this act, by \$18,100 in each of fiscal years 2013-14 and 2014-15.

**SECTION 9127. Nonstatutory provisions; Legislature.**

(1i) **RURAL SCHOOLS TASK FORCE.** The joint legislative council is requested to establish a rural schools task force by August 1, 2013, to identify funding challenges faced by rural school districts, particularly with respect to transportation and technology issues. If established, the task force shall develop a long-term plan to address these issues, especially in the context of declining enrollments, and an aging population, and submit a report to the joint legislative council by April 1, 2014.

(1q) **STATEMENTS OF SCOPE OF PROPOSED RULES PUBLISHED PRIOR TO EFFECTIVE DATE OF 2011 WISCONSIN ACT 21.**

(a) Notwithstanding section 227.14 (4m) of the statutes, as affected by this act, if an agency's statement of the scope of a proposed rule under section 227.135 of the statutes was published in the Wisconsin Administrative Register prior to June 8, 2011, the notice required under section 227.14 (4m) of the statutes, as affected by this act, need not include an identifying number for the statement of scope for the proposed rule or the date of approval of the statement of scope for the proposed rule by the individual or body with policy-making powers over the subject matter of the proposed rule under section 227.135 (2) of the statutes.

(b) Notwithstanding section 227.19 (2) of the statutes, as affected by this act, if an agency's statement of the scope of a proposed rule under section 227.135 of the statutes was published in the Wisconsin Administrative Register prior to June 8, 2011, the agency shall include in its notice under section 227.19 (2) of the statutes, as affected by this act, a statement of the date and issue number of the the register in which the statement of scope for the proposed rule was published, in lieu of a statement of the governor's date of approval of the proposed rule.

(1r) **REFUNDS FOR ADVANCE PAYMENTS FOR PRINTED WISCONSIN ADMINISTRATIVE CODE AND REGISTER.** Notwithstanding section 35.93 (7), 2011 stats., upon request, the department of administration shall refund to any person the pro rata share of any advance payment made by that person for printed copies of the Wisconsin adminis-

trative code or Wisconsin administrative register that were to be delivered to the person on or after the effective date of this subsection.

(1z) **JOINT LEGISLATIVE COUNCIL STUDY ON THE USE OF GLOBAL POSITIONING SYSTEMS AND ELECTRONIC MONITORING.** The joint legislative council is requested to conduct a study on the effective and efficient use of global positioning systems and electronic monitoring technology for correctional purposes and for monitoring persons subject to a temporary restraining order or injunction under s. 813.12 or 813.125. If the joint legislative council conducts the study, it shall report its findings, conclusions, and recommendations to the legislature in the manner provided under section 13.172 (2) of the statutes by June 30, 2015.

(2q) **LEGISLATIVE AUDIT BUREAU ANALYSIS RELATED TO DEPARTMENT OF TRANSPORTATION ENGINEERING CONSULTANTS.** The joint legislative audit committee is requested to direct the legislative audit bureau to conduct an analysis of the processes used by the department of transportation for the selection of consultants for transportation engineering services, the oversight of consultant work, and the payment of consultants for services.

(3e) **REQUIRED GENERAL FUND STRUCTURAL BALANCE.** Section 20.003 (4m) of the statutes shall not apply to the action of the legislature in enacting this act.

**SECTION 9129. Nonstatutory provisions; Local Government.**

(1e) **CRIME PREVENTION FUNDING BOARD.** Upon the creation of a crime prevention funding board, the initial members of the board specified under section 59.54 (28) (c) of the statutes, as created by this act, shall declare that they are serving on the board, or appoint their designees, not later than the first day of the 4th month beginning after a board is created.

**SECTION 9132. Nonstatutory provisions; Natural Resources.**

(1c) **ENVIRONMENTAL REPAIR FEE.** Notwithstanding section 25.46 (7) of the statutes, of the fees imposed under section 289.67 of the statutes that are allocated under section 25.46 (7) of the statutes for environmental management, \$650,000 in fiscal year 2013-14 and \$1,300,000 in fiscal year 2014-15 are instead allocated for nonpoint source water pollution abatement.

(1L) **REPORT CONCERNING NATURAL MINOR SOURCES.** No later than March 1, 2015, the department of natural resources shall submit a report to the joint committee on finance and to the standing committees of the assembly and senate with jurisdiction over environmental matters on the progress that the department has made in implementing section 285.60 (6) (c) 1. of the statutes, as created by this act.

(2) **BONUS DEER HUNTING PERMIT FEE RULES.** The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under section 29.040 of the statutes, as created by this act.

**Vetoed  
In Part**

Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until June 30, 2015, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), 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.

(2i) PAYMENTS TO CERTAIN TOWNS. In fiscal year 2013-14, the secretary of natural resources shall distribute \$2,500,000 from the appropriation account under section 20.370 (1) (mv) of the statutes, as affected by this act, to towns that were eligible to receive national forest income payments under section 59.25 (3) (rm), 2011 stats., during the 2012-13 fiscal year. The secretary shall distribute the moneys to the towns according to the criteria required for the distribution of national forest income payments under section 59.25 (3) (rm), 2011 stats.

(3) DEER MANAGEMENT ASSISTANCE PROGRAM. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under section 29.020 of the statutes, as created 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, 2015, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this subsection.

(3e) WALLEYE PRODUCTION GRANTS AND CONTRACTS. The department of natural resources may promulgate emergency rules under section 227.24 of the statutes implementing sections 29.739 and 29.740 of the statutes, as created 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.

(3i) MACKENZIE ENVIRONMENTAL EDUCATION CENTER. The department of natural resources shall expend \$239,000 in fiscal year 2013-14 from the appropriation account under section 20.370 (9) (mu) of the statutes for the continuation of school-based environmental educa-

tion services at the MacKenzie Environmental Education Center from August 15, 2013, to August 15, 2014.

(4c) FISH HATCHERY INFRASTRUCTURE PROJECT. Not later than June 30, 2014, the department of natural resources shall submit a report to the joint committee on finance that describes the need for renovation of the Kettle Moraine Springs fish hatchery. The report shall include all of the following:

(a) A statement about whether private aquaculture facilities or other entities are able to meet the department's fish stocking needs in an economically feasible manner.

(b) A description of all proposed expenditures for the renovation of the Kettle Moraine Springs fish hatchery and how those expenditures minimize the requirement to contract state debt.

(4d) SPORTING HERITAGE GRANTS.

(a) In addition to the requirements under section 29.605 (3) of the statutes, as created by this act, a non-profit organization is eligible to receive a grant under section 29.605 (1) of the statutes, as created by this act, during fiscal biennium 2013-15 only if the nonprofit organization submits an application to the department of natural resources within 30 days after the effective date of this paragraph.

(b) 1. There is created a committee to review grant applications submitted to the department of natural resources under section 29.605 of the statutes, as created by this act, in fiscal year 2013-14 and to submit a recommendation to the secretary of natural resources on which applicant should receive the grant. The committee shall consist of the following members:

a. Three members appointed by the chairperson of the sporting heritage council.

b. The chairperson of the standing committee of the assembly with jurisdiction over natural resources matters.

c. The chairperson of the standing committee of the senate with jurisdiction over natural resources matters.

2. The committee shall submit its recommendation to the secretary of natural resources as required under subdivision 1. not later than 50 days after the effective date of this subdivision. The committee terminates upon submission of that recommendation.

3. The department of natural resources shall award the grant under section 29.605 of the statutes, as created by this act, for fiscal biennium 2013-15 not later than 60 days after the effective date of this subdivision.

(4e) MILWAUKEE SHORELINE.

(a) The state declares all of the following:

1. That if any part of the shoreline established under section 30.2038 of the statutes, as created by this act, is located on any part of the lake bed of Lake Michigan, the ceding of that lake bed by the city of Milwaukee to a private party under the agreement described in section 30.2038 (1) (a) of the statutes, as created by this act, was

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

The statement of scope for this permanent rule, SS 024-13, was approved by the Governor on March 13, 2013, published in Register No. 687, on March 31, 2013, and approved by the Natural Resources Board on April 24, 2013. This permanent rule was approved by the Governor on \_\_\_\_\_.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR, 10.001 (2e), 10.01 (3) (ed), (es) 3., and (et), 10.01 (3) (es) 3., and (et), 10.07 (3), 10.09 (1) (c) 1. e. and (note) and 10.09 (2), 10.28 (3), 45.09 (9), to amend NR 1.15 (1) (a), (b), and (c) 1., 1.15 (2) (a) (intro.) and (at), 1.15 (3), 10.001 (6p), 10.001 (19e), 10.01 (3) (es) 1. and 2., 10.01 (3) (ev), 10.02 (3), 10.06 (5), (8) (a), (b) and (note), 10.07 (1) (b) 3., 10.07 (2m) (b) 1. and (g) 2., 10.09 (1) (c), 10.09 (3), 10.10 (2), 10.102 (1) (e) 4., 10.103 (1), 10.105 (1), (2), (4) and (7), 10.106 (Intro) and (1), 10.11 (5) (a), 10.15 (1) (a), 10.15 (6), 10.16 (Intro.) and (2), 10.22 (1), 10.23 (2) (a), 10.24 (2), 10.25 (4) (a), 10.40 (3) (f) and (Note), 11.042 (Intro.), 11.043 (Intro.), 11.11 (Intro.), 12.06 (1), (2) and (4), 12.16 (4), 13.38 (2) (b) and (Note) 15.01 (Intro.), 15.015 (Intro.), 15.10 (1) (Intro.) and 15.12 (Intro.), 19.60 (2) (b) 1., 45.09 (1), 45.13 (18), 45.13 (21), and 45.13 (24), to repeal and recreate NR 1.15 (2) (a) 8., 10.01 (3) (e) and (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.28 (4), 10.41, and to create NR 10 (Title.), 10.001(1k), 10.001 (23a) and (b), 10.01 (2) (b) (Note), 10.01 (3) (ep), 10.01 (4) (dm) (Note), 10.15 (3m), 10.16 (2m), and NR 10 Subchapter II relating deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report.

WM-11-13

Analysis Prepared by the Department of Natural Resources

**Statutory Authority and Explanation of Agency Authority:** Department authority to conduct a variety of habitat and wildlife management activities is established in ss. 23.09(2)(b), (d), (h), (k), (km), and (p), Stats. These sections authorize rulemaking related to deer and deer habitat management and: plans and priorities for conservation, game refuges, cooperative forest protection, research, resources inventory, and disease control. These sections authorize many existing provisions of Ch. NR's 1 (Natural Resources Board Policy), 11 (closed areas), 15 (game refuges), and 45 (use of department properties), Wis. Adm. Code.

The primary authority to establish hunting regulations for deer and other species is established in s. 29.014, Stats. This section directs the department to establish and maintain open and closed seasons, bag limits, size limits, rest days, and other conditions for the taking of game that conserves the game supply and provides citizens with good hunting opportunities. This section authorizes many of the existing provisions of Ch. NR's 8 (license and permit procedures), 10 (game and hunting) and 19 (Miscellaneous Fur, Fish, Game and Outdoor Recreation), Wis. Adm. Code.

The wildlife damage and nuisance program and rulemaking authority are established in s. 29.889 (2) (b), Stats., which directs the department to establish rules for program eligibility and funding, methods of abating damage, forms and procedures, prorating claims, and record keeping, audits and inspections. This is the authorizing legislation for much of Ch. NR 12, Wis. Adm. Code, related to wildlife damage. Rules

related to Chippewa treaty rights (Ch. NR 13) are promulgated under general authority to establish hunting regulations in s. 29.014, Stats., and these rules are the department's interpretation of how laws must be interpreted or limited in order to comply with the general limitations on state regulatory authority expressed in *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 1233 (W.D. Wis. 1987) and the specific limitations expressed in the regulatory phase of the Voigt litigation. (See e.g., *Lac Courte Oreilles v. State of Wisconsin*, 707 F. Supp. 1034 (W.D. Wis. 1989)).

Additional specific rule making authority was established by 2013 ACT 20, the biennial state budget. The deer management assistance program is created in s. 29.020, Stats., and the department is directed to promulgate rules and establish fees. In s. 29.040, Stats., the department is authorized to promulgate rules that implement recommendations of the 2012 deer trustee's report. Under s. 29.181 (4), Stats., the department is authorized to establish by rule the fee for a bonus deer hunting permit that is issued for use in a county or deer management area where CWD has been identified.

Authority related specifically to the issuance of hunting permits is found in s. 29.024 (2) (d) Stats. This statute establishes that it is illegal to transfer an approval or permit or allow its use by any other person. The law establishes limited exceptions and that the department can, by rule, allow the transfer of permits or approvals. These rules will allow certain transfers of bonus permits issued under the deer management assistance program.

**Statutes Interpreted and Explanation:** Statutes interpreted or explained in this rule order include ss. 23.09 (2), 29.014, 29.020, 29.040, 29.181 (4), 29.889 (2) (b), and 227.11, Stats. In particular, s. 29.014, Stats., grants rule making authority to the department to establish open and closed seasons for hunting and trapping and to establish other regulations. All rules promulgated under this authority are subject to review under Ch. 227, Stats.

**Related Statute or Rule:** Board Order WM-24-13(E) [SS 098-13] relating deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report and Board Order WM-08-14(E) [SS 056-14] related to implementation of the Deer Management Assistance Program and County Deer Management Advisory Councils are the emergency rule companions to this permanent rule. The emergency rules remain in effect until June 30, 2015, or the date on which this permanent rule takes effect, whichever is sooner.

Emergency rules related to establishing a season for hunting deer with crossbows, Board Order WM-05-14(E) [SS 018-14] are currently in effect. The scope statement for a companion permanent rule, which will establish the crossbow season for hunting deer beginning in 2016, will also be promulgated as Board Order WM-06-14 [SS 017-14]. This rule order modifies numerous sections current permanent rule which have already been modified by the emergency rule and those modification are incorporated in this order. The season for hunting deer with a crossbow is established in this rule only for 2014 and 2015.

Board Order WM-04-13, related to remedial and housekeeping updates, is currently being promulgated and may affect some of the same sections as this board order. Where possible, the department has chosen only one board order to make needed updates.

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

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

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

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

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

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

SECTIONS 10, 11, 28, 41, 55, 58, 63 and 70 establish that CWD management zones will be identified as CWD-affected areas and are based on counties, consistent with proposed deer management unit boundaries.

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

SECTIONS 14, 23 and 36 update cross references related to sharp-tailed grouse, fisher, and bear management zones or subzones so that the deer management unit map in effect in 2013 continues to be the one cross referenced.

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

Bow & Arrow/Archery	Saturday nearest September 15 and continuing through the Sunday nearest January 6. Hunting is for antlerless deer only at times when a firearm season for antlerless deer only is also open.
Youth	Two consecutive days beginning on the Saturday nearest October 8.
October antlerless-only firearm ( <i>occurs only in those units or subunits where CWD or other disease has been found, and only after promulgation of emergency rules pursuant to s. 29.016 (2), Stats.</i> )	Four consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 <sup>th</sup> .
Traditional 9-day November firearm deer season	Saturday before Thanksgiving Day Holiday and continuing for 9 days.
Muzzleloader only	Beginning on the day after the traditional November firearm deer season and continuing for 10 days.

December 4-day antlerless season in central forest and central farmland zone counties only. This is season that the department may also implement in the southern farmland zone upon recommendation of two-thirds of county deer advisory councils in that zone.	Beginning on the second Thursday following the Thanksgiving Day holiday.
Holiday antlerless firearm deer season in southern farmland zone counties. This is an optional season that the department may also implement in the central farmland zone upon recommendation of two-thirds of county deer advisory councils in that zone. County deer advisory councils may also recommend that buck harvest be allowed during this season and the department can implement if two-thirds of councils support.	Beginning on December 24 and continuing through January 1.

Noteworthy changes to current rule are that there is no longer a 4-day December antlerless-only, any-firearm-type deer season in the northern forest and the season is not part of the standard framework in the southern farmland zone. These sections establish that a season commonly referred to as the December holiday hunt will now begin on December 24 and continue through January 1 and the standard bag limit is antlerless deer only unless two-thirds of the county deer advisory councils recommend also allowing the harvest of bucks. The holiday hunt will be held in all areas of the former CWD management zone and the entire portion of counties which had previously been partially located in the CWD management zone. The department could extend the holiday season to the central farmland zone and this could happen after a recommendation by two-thirds of the county deer management advisory councils in the zone. This section eliminates references to state park hunting seasons which are no longer needed because state statute has established that deer hunting is generally allowed in state parks. This section retains language which establishes the seasons for certain state parks when it is still needed because the existing seasons are different than the general statewide seasons. Muzzleloader only seasons are an example of the type season variations that have existed at some state parks. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

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

SECTION 24 restores the protected status of white deer in a CWD affected area so that they will again be protected statewide.

SECTIONS 25 and 26 update provisions related to hunting hours to include references to crossbows and maintain cross-references related to hunting hours for species that have no hunting hour restrictions except at times when a firearm deer season is open.

SECTIONS 27, 29, 31, 32, 34, 35, 37 and 44 to 53 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 30 repeals a cross-reference related to blaze orange requirements during deer seasons in CWD zones which is not necessary because blaze orange requirements are already established in statute.

SECTION 33 repeals a historic prohibition of the possession of firearms in the field on the day before the traditional 9-day firearm deer season.

SECTION 38 revises population goals so that they will be expressed as management objectives to increase, maintain, or decrease the deer population density in a management unit. Deer management units will generally be the same as counties with exceptions for metropolitan subunits and areas within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations. This section establishes county deer management councils which will be advisory to the department. This section also establishes antlerless permits and their allowable uses and methods of distribution. This section establishes a \$12.00 fee for bonus permits which are issued for a CWD-affected area and a \$6.00 fee for bonus permits issued under the deer management assistance program. Finally, this section eliminates additional buck harvest opportunities commonly referred to as “earn-a-buck” and “bonus buck” would no longer be part of the standard season framework. “Bonus buck” regulations could be implemented in a farmland zone upon a recommendation by at least two-thirds of the county deer management advisory councils in a zone and would normally remain in effect for three years. When antlerless deer which authorize harvest of a bonus buck are registered, registration must take place in-person so that harvest can be verified by the department.

SECTION 39 modifies the tagging procedures so that a deer possessed in the field must be accompanied by the person who tagged it, even if the deer has already been registered. Deer which have been registered may be possessed and transported on roadways or possessed at a home or established businesses (taxidermist, butcher shop, etc.) by someone other than the person who tagged it, consistent with current rules.

SECTION 40 updates language to reflect elimination of “earn-a-buck” regulations and newer “bonus buck” “bonus buck” opportunities which will be available.

SECTION 42 establishes that a harvest registration confirmation number must be legibly printed on the carcass tag to show proof that a deer has been registered with the department under an electronic or telephone registration system. This section also maintains the current prohibition of processing a deer while in the field, except that it may be divided into as many as 5 parts to help with removing it from the field.

SECTION 43 modifies deer registration procedures to allow telephone or electronic recording of harvest. The ability to require in-person registration in areas is retained if the department determines that is necessary for research, collecting tissue samples, or during transition periods. Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer or bear is taken into possession. Registration requirements will be the same statewide for both firearm and bow-and-arrow harvested deer. This section also clarifies that an antlerless deer may not be possessed in the field outside of the unit of harvest except on a public highway or at a dwelling or established business such as a butcher shop or taxidermist’s place of business, and then only after first being registered. This is similar to current restrictions which prohibit transportation of a deer outside the unit of harvest prior to registration but is amended so the rule remains effective to enforce restrictions on illegal use of tags when electronic harvest registration is allowed.

SECTION 54 establishes deer management units which will generally be based on counties and establishes metropolitan deer management subunits and identifies tribal units. This section preserves the current metropolitan deer management units as subunits within county units. The note in this section also maintains the deer management unit map that was in effect in 2013 because those boundaries continue to be used for other purposes such as the basis for the fisher management zone map.

SECTION 56 repeals the existing deer management regions map and replaces it with a comparable but simplified zone map that is more aligned along county boundaries. This map also identifies where certain antlerless tags can be used and to describe deer season frameworks.

SECTION 57 establishes that buck tags may only be used to tag bucks and southern farmland zone antlerless deer tags, which are available to all firearm and archery license buyers, may be used statewide by participants in firearm deer hunts for hunters with disabilities. In the past, buck tags could be used for deer of either sex during these hunts. This provision is intended to reduce confusion about how tags can be used by disabled permit holders during the variety of deer seasons. This section also modifies the note for consistency with new rules allowing the use of rifles statewide during firearm deer seasons.

SECTION 59 establishes the deer management assistance program to assist with specialized management of deer in localized areas and for specific purposes. This section establishes fees and other conditions for participation in the program.

SECTIONS 60 and 61 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 62 establishes that crossbow deer hunting is not allowed at times when archery deer hunting is not allowed under current rules at the Buckhorn wildlife area.

SECTION 64 eliminates the prohibition on shooting deer under an agricultural deer damage shooting permit on the day before the traditional 9-day November firearm deer season.

SECTION 65 updates a cross-reference related to establishing the harvest quota for tribal members in the ceded territories.

SECTIONS 66 to 69 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 71 and 73 to 75 update language to include crossbows in various provisions where it is currently only required that bows and arrows be unstrung or enclosed in a carrying case on certain department managed lands.

SECTION 72 repeals the requirement to obtain a special permit before hunting deer in a state park in the CWD management zone.

**Federal Regulatory Analysis:** These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species falls within the purview of state fish and wildlife agencies.

**Comparison with rules in Adjacent States:** All of Wisconsin’s surrounding states use hunting seasons to provide hunting opportunities and to manage white-tailed deer herds. All of the surrounding states utilize a range of hunting seasons and allow the use of archery equipment, firearms and muzzleloading firearms at certain times. The seasons proposed in this rule order do not vary significantly from the hunting opportunities that are available in other states.

### Illinois

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

### Iowa

In Iowa, there are two archery seasons, two muzzleloader seasons, and two shotgun seasons. There is also an antlerless-only season, a youth hunt for residents, and a holiday season for nonresidents. The archery season runs from October 1 – December 6 and December 23 – January 10, 2014. The muzzleloader seasons run from October 12 – 20 (residents only) and December 23 – January 10, 2014. The shotgun seasons run from December 7 – 11 and December 14 – 22. The antlerless-only season runs from January 11 – 19, 2014, the youth hunt runs from September 21 – October 6, and the holiday season runs from December 24 – January 2, 2014. When a hunter purchases an 'Any Deer License', they are entitled to harvest either a buck or an antlerless deer statewide. Hunters also have the option to purchase an 'Antlerless-only License' which is valid for a specific zone in the state. The number of antlerless licenses available in any particular zone is determined by a quota system, and hunters are able to purchase these licenses on a first-come first-served basis until the quota is reached.

### Michigan

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

### Minnesota

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

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

The full report is located on the Wisconsin Department of Administration's website at:  
<http://www.doa.state.wi.us/section.asp?linkid=239&locid=0>

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

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

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

The county deer management advisory councils will have the ability to recommend a number of deer hunting season framework modifications which may be implemented by the department by an order of the secretary. In order to assure season frameworks which are consistent throughout the units in an entire zone, many modifications would require a recommendation by two-thirds of the councils in a zone and would be implemented throughout the entire zone. Those modifications include bonus buck opportunities, a four day December firearm season for antlerless deer only in the southern farmland zone, a holiday antlerless deer hunt in the central farmland zone, and buck harvest during the holiday firearm season in either farmland zone. Season frameworks recommended by the councils and implemented by the department would normally remain in place for three years in order to assure a level of season consistency. Additionally, councils could make recommendations on the number of farmland zone

antlerless deer permits which are included with the purchase of a license. Permit level recommendations could be implemented at the county/unit level and would not need to be consistent throughout the entire zone.

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

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

A variety of related hunting regulations changes are proposed in these rules. Some of them are simplifications to current rules. Changes include the names for permits and the allowable use of various deer permits. Deer carcass tags, tagging, and transportation requirements are modified where possible in order to simplify regulations or where needed in anticipation of a new automated licensing system. The current requirement to register deer is replaced in these rules with a more customer-friendly harvest reporting procedure using telephone or internet. Black bear are another species for which in-person registration of harvested animals is required. These rules will modify bear harvest recording requirements because deer and bear registration occur at the same locations and through the same process under current rules. These rules will eliminate deadlines to register deer and bear that currently vary by season, harvest method, and location. Instead, a simple statewide requirement to register deer and bear harvest by 5:00 p.m. of the day after is established. The department can make exceptions where in-person registration may still be required for sampling purposes. This allows fewer hours to register an animal than under current law but electronic registration will be significantly more convenient. Faster registration of deer will provide the department, and others who may be interested, with very timely harvest information. The shorter deadline may also help with enforcing bag limit, tagging, transportation, and possession restrictions. The option to require in-person registration of deer carcasses is preserved in areas that are part of a CWD affected area or where necessary for deer population and herd health monitoring purposes. The department could take advantage of this authority in order to collect tissue specimens for sampling for a wide variety of diseases or biometrics associated with deer populations. Finally, in order to assure

hunter accountability and compliance with group bagging restrictions, these rules establish that a deer carcass possessed in the field must be accompanied by the person who tagged it. These rules maintain the restriction that deer and bear can only be “quartered” while in the field, even if they have already been registered. Both of these regulations essentially maintain current requirements because in-the-field registration of harvested deer was not possible previously. Now that deer could be registered while in the field by using a cellular phone or other electronic means, these rules will continue to require that the person who tagged the carcass accompany it during dragging or other field transport or possession by others. Deer that have been registered could be possessed and transported by other people on public highways or possessed at a residence or business, such as a taxidermist or butcher shop. These requirements will also assure sex or size of deer or bear are identifiable in the field.

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

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

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

Under current rule, numerous state parks are listed in the table that establishes deer seasons because the department was required to establish hunting seasons in state parks by administrative rule. Under 2011 ACT 168, hunting is allowed at state parks except where, or at times when, the Natural Resources Board has prohibited the activity in order to protect public safety or a unique plant or animal community. Because the old presumption that state parks are closed unless opened by rule has been replaced by a presumption that state parks are open unless board action has been taken to close them, most state park names have been removed from the table. Those parks will be open to deer hunting under normal statewide regulations at times when hunting has not been prohibited for safety related purposes by natural resources board order. A number of parks, which had deer hunting seasons or regulations which are not the same as the ones that apply statewide are still found in the season table in order to preserve those unique seasons or regulations. All state park deer management unit number designations have been repealed and state parks are simply referred to by their name. Current rules require that deer hunters in

state parks in the CWD management zone obtain a free access permit to a park. The number of access permits is not restricted. This rule repeals that requirement because it is no longer needed considering that access to other parks will not be monitored to this extent. Finally, the deer hunt at the Loew Lake Unit of the Kettle Moraine State Forest, which had been a limited entry/draw hunt, will now be open to participation by any licensed hunter. However, this season will continue to be muzzleloader only. These changes are made for consistency with other changes made at state parks which previously had limited entry hunts.

The trustee's report generally recommends a more passive approach than current department policy to the management of chronic wasting disease. This approach is reflected by the establishment of deer seasons in CWD affected areas that are similar to other areas of the state. Management of CWD in the state's deer herd is still important under these rules. These rules retain the firearm deer season occurring over the Christmas holiday, although it will now end on January 1. There is an option to issue landowner permits for sampling or for additional harvest opportunities, and rule language that provides advice on when an October firearm season will be held if necessary in CWD affected areas. While the promulgation of emergency rules is required under s. 29.016, Stats., before an October firearm season can be held, establishing by permanent rule when that season would occur is intended to simplify development of an emergency rule if that authority is utilized. These rules modify the current CWD zone management system by designating it as the CWD-affected area using county boundaries to describe the zone instead of the previous DMU configuration based on roads and natural features such as rivers. A process for efficiently adding new counties as CWD-affected areas when the disease is discovered in new areas is created. The department currently establishes numeric population goals for deer units that are in a CWD zone. Those goals are modified by these rules so that they are consistent with the manner in which objectives for other units are expressed.

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

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

A significant portion of this board order is dedicated to updating administrative code so that it is consistent with 2013 ACT 61 which establishes deer hunting seasons in 2014 and 2015 where the use of crossbows is allowed. Under the Act, the crossbow season must be identical to the archery season. Other

substantiative provisions of this rule related to the use of crossbows, such as the allowable uses of carcass tags, are also written as directed by the ACT. The department has limited discretion in rulemaking for the 2014 and 2015 seasons. Beginning in 2016, the department will have much greater statutory authority and more decision making ability. This board order does make numerous remedial revisions to reflect the new status of crossbows as generally allowed for hunting. Throughout the rule, references to “archery” and “crossbow” are intended to reflect statutory language which creates an “archer hunting” license and a “crossbow hunting” license.

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

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

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

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

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

Affected entities are likely to base their evaluations of economic impact on their opinions of whether or not the rules will result in deer population changes. For instance, agriculture and forest-products interests may benefit from low deer populations and resulting low levels of crop and tree damage. The tourism and retail industries may benefit from high deer populations that result in greater enthusiasm and participation in deer hunting. This rule package will be designed to balance competing interests with a different approach than current rules.

It is important to note that the department is statutorily prohibited from managing deer populations with regulations that require a hunter to first harvest an antlerless deer before harvesting a buck. The department also lacks rulemaking authority for certain deer hunting season frameworks. These changes to the department’s regulatory authority result from previously enacted statutes and they were not considered as part of an economic analysis prepared for these rules. While deer may have significant

positive or negative impacts to different entities, removal of these harvest regulations likely moderates the economic impact of this rule package.

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

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

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

**Effects on Small Business:** These rules are applicable to individual 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 a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g).

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**SECTION 1. NR 1.15 (1) (a) and (b) are amended to read:**

NR 1.15 (1) (a) *Forest diversity*. A planned program of maintaining forest diversity including shade-intolerant cover types, particularly aspen, oak and forest openings, is required to slow or halt this decline in habitat quality and to maintain deer populations at established ~~goal levels~~ population objectives.

(b) *Summer range*. Habitat conditions are deteriorating most rapidly on summer deer range. Forest maturation, conversion from sun-loving tree species to shade tolerant species and loss of grassy openings are reducing the quality of summer deer range and with it, the deer carrying capacity in northern Wisconsin. The habitat management objective, depending upon the deer population goal, is to provide an adequate mixture of aspen, oak, upland brush, jack pine and sodded openings in connection with regular forest management practices.

**SECTION 2. NR 1.15 (1) (c) 1. is amended to read:**

NR 1.15 (1) (c) 1. The department will seek appropriate deer harvest quotas to ~~maintain~~ move deer populations at ~~established goals~~ in the direction specified by deer population objectives.

**SECTION 3. NR 1.15 (2) (a) (intro.) is amended to read:**

NR 1.15 (2) (a) *Deer population goals objectives*. The department shall seek to maintain a deer herd in balance with its range and ~~at deer population goals~~ with deer population and sustainable harvest objectives that are reasonably compatible with social, economic and ecosystem management objectives for each deer management unit. Deer population objectives are to be based on:

**SECTION 4. NR 1.15 (2) (a) 8. is repealed and recreated to read:**

NR 1.15 (2) (a) 8. Ability to manage the deer herd in a management unit towards an established population objective.

**SECTION 5. NR 1.15 (2) (at) is amended to read:**

NR 1.15 (2) (at) If crop damage in a deer management unit with an objective to maintain or increase the population is above the tolerable limit in 2 years out of a 3 year period prior to a ~~current~~ unit review under s. NR 10.104 (3), the department shall consider ~~reducing the goal~~ establishing an objective to reduce or maintain the deer population, if intolerable levels of damage are likely when the herd is at goal. If damage in a deer management unit exceeds tolerable levels when the herd is at goal in 2 years out of a 3 year period prior to a current unit review under s. NR 10.104 (3), the department shall reduce the population goal in that unit, unless an objective is selected which would result in a herd size goal reduction is not expected to alleviate intolerable levels of deer damage.

**SECTION 6. NR 1.15 (3) is amended to read:**

NR 1.15 (3) RESEARCH AND SURVEYS. Surveys, investigations and research shall be conducted to provide technical information necessary to evaluate population objectives and establish population estimates trends, harvest recommendations, population goals objectives and habitat management needs and guidelines.

**SECTION 7. NR 10 (title) is created to read:**

SUBCHAPTER I  
GENERAL PROVISIONS

**SECTION 8. NR 10.001 (1k) is created to read:**

NR 10.001 (1k) "Afield" means an area where hunting can legally occur, such as fields, forests or similar areas.

**SECTION 9. NR 10.001 (2e) is repealed.**

**SECTION 10. NR 10.001 (6p) is amended to read:**

NR 10.001 (6p) "~~CWD management zone~~ affected area" means a zone established in ~~s. NR 10.28 (3) s. NR 10.41~~ for the control, and management and eradication of chronic wasting disease and is considered the chronic wasting disease ~~eradication zone and chronic wasting disease control zone~~ only for purposes of ss. 29.063 (5) and ~~167.31(4)(bg) 1., Stats. 29.336, Stats.~~

**SECTION 11. NR 10.001 (19e) is amended to read:**

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

**Section 12. NR 10.001 (23a) is created to read:**

NR 10.001 (23a) "Private land" for purposes of s. NR 10.104 (8) and (9) means land that is not public-access land under sub. (23b). Private land includes lands which are enrolled in the wildlife damage abatement and claims program under NR 12 Subchapter II except if they qualify as public access lands under sub. (23b) because of government ownership, leases, easements, or under sub. (23b) par.'s (a) to (c).

**Section 13. NR 10.001(23b) is created to read:**

NR 10.001 (23b) "Public access lands" for purposes of s. NR 10.104 (8) and (9) means land owned, under easement to, or lease by federal, state, county, or municipal government if that land is open to public hunting. Public access land includes certain private lands which are open to the public for deer hunting including lands which are:

(a) enrolled in the managed forest land or forest croplands program under ch.77, Stats., if they are open to public hunting,

(b) acquired in whole or in part with funding from the stewardship program pursuant to s. 23.0916, Stats.,

(c) owned by a public utility or cooperative for the production, transmission, delivery or furnishing of heat, light, water, telecommunications service or power.

**SECTION 14. NR 10.01 (2) (b) (Note) is created to read:**

10.01 (2) (b) **Note:** Deer management units in this par. are ones that were in effect in 2013 and are described in NR 10.28 (1) (Note).

**SECTION 15. NR 10.01 (3) (e) is repealed and recreated to read:**

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>NR 10.01 (3) (e) Gun deer season.</i>		
1. a. All that part of the state not otherwise listed in subds. 2. to 5.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with a gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer tags issued under s. NR 10.104.
<p>b. Portions of the state located within the central forest and central farmland zones established in s. NR 10.28 (4) and not otherwise listed in subds. 2. to 4. All that part of the state located within the southern farmland zone established in s. NR 10.18 (4) only upon the issuance of an order of the secretary.</p> <p>This season may be expanded to the southern farmland zone by an order of the secretary of the department. Modifications by the department shall become effective upon issuance of an order and publication in the official state newspaper.</p>	Firearm season beginning on the second Thursday following the Thanksgiving Day holiday and continuing for 4 consecutive days.	One antlerless deer for each antlerless permit or tag issued under. NR 10.104.
<p><b>Note:</b> The department shall consider expansion of the firearm season beginning on the second Thursday following the Thanksgiving Day holiday to the southern farmland zone upon the recommendation of two-thirds of the county deer management advisory councils in the southern farmland zone.</p>		
c. All that part of the state located within the southern farmland zone established in	Firearm season reopening on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tag issued under. NR 10.104.

<p>s. 10.28 (4) and not otherwise listed in subds. 2. to 4. All that part of the state located within the central farmland zone established in s. NR 10.18 (4) only upon the issuance of an order of the secretary.</p> <p>This season may be expanded to the central farmland zone by an order of the secretary of the department. Modifications by the department shall become effective upon issuance of an order and publication in the official state newspaper.</p>		<p>This bag limit may be modified to include one buck with a gun buck deer tag by an order of the secretary of the department. Modifications by the department shall become effective upon issuance of an order and publication in the official state newspaper.</p>
<p><b>Note:</b> The department shall consider expansion of the firearm season re-opening on December 24 to the central farmland zone, and the harvest of bucks during that season, upon the recommendation of two-thirds of the county deer management advisory councils in the central farmland zone.</p>		
<p>2. State parks, trails and forests. 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 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 state properties may also be posted as closed to hunting. No person may use a firearm, other than a muzzleloading firearm, to hunt deer within the boundaries of Perrot, High Cliff, Peninsula, Rib Mountain, Harrington Beach, Kohler-Andrae, and Wildcat Mountain state parks, and the Loew Lake Unit – Kettle Moraine state forest, during the seasons established in subd. 1.</p>		
<p>a. Perrot, High Cliff and Peninsula state parks and the Loew Lake Unit – Kettle Moraine state forest.</p>	<p>Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.</p>	<p>One buck deer with a gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.</p>
<p>b. Rib Mountain, Harrington Beach, Kohler-Andrae and Wildcat Mountain state parks.</p>	<p>Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 19 consecutive days.</p>	<p>One buck deer with a gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.</p>
<p>c. Buckhorn state park in the area east of 19th avenue, north of county HWY G, and north of 31st street.</p>	<p>Firearm seasons listed in subd. 1, the muzzleloader season established in subd. (es) 1., and the youth hunt in par. (ev).</p>	<p>One buck deer with a gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer</p>

		permits or tags issued under s. NR 10.104.
d. Loew Lake Unit – Kettle Moraine state forest.	Muzzleloading firearm season reopening on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tag issued under. NR 10.104.
3. Federal properties		
a. Fort McCoy military reservation in Monroe county and Volk Field military facility in Juneau county.	Firearm season type 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.
<b>Note:</b> 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	Muzzleloading firearm season October 1–31.	One buck per carcass tag as described under s. NR 10.104 (15) (c). Additional deer may be taken pursuant to s. NR 10.104 (15) (d).
4. Menominee county	Firearm season type as established by the Menominee tribe for tribal members only.	As established by the Menominee tribe.
5. Metropolitan deer management subunits LaCrosse, Hudson, Superior, Green Bay, Milwaukee, and Madison as described under s. NR 10.28(2).	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.
6. All that part of the state not otherwise listed in subds. 2. to 4. when the department has made the findings required under s. 29.016 (2) (b), Stats., and following promulgation of rules under s. 227.24, Stats.	Firearm season lasting 4 consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 <sup>th</sup> .	One antlerless deer for each antlerless permit or tag issued under s. NR 10.104.

**SECTION 16. NR 10.01 (3) (ed) is repealed.**

**SECTION 17. NR 10.01 (3) (em) is repealed and recreated to read:**

10.01 (3) (em) <i>Archery 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 archery 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 archery 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 archery buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104 except that no person may harvest a buck while a holiday antlerless only firearm deer hunting season established under 10.01 (3) (e) (c) is open unless buck harvest is also authorized during the firearm season.
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 archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104 except that no person may harvest a buck while a December antlerless only firearm deer hunting season established under s.10.01 (3) (e) (b) is open.

	Beginning on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.  This bag limit may be modified to include one buck with an archery buck deer tag if buck harvest is also authorized during the holiday firearm season established under s. 10.01 (3) (e) (c).
	Beginning on January 2 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery 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.
<b>Note:</b> 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 deer carcass tag as described under ss. 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 archery 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 archery 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 archery 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 January 31.	One buck deer with an archery 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 archery 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 archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
<b>Note:</b> 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 18. NR 10.01 (3) (ep) is created to read:**

NR 10.01 (3) (ep) <i>Crossbow deer season for the 2015 and 2016 seasons only.</i>		
1. <i>Deer management zones established in s. 10.28 (4).</i>		
a. Portions of the state located within the northern	Beginning on the Saturday nearest September 15 and	One buck deer with a crossbow buck tag and

forest zone, except as established under subds. 2. to 4.	continuing through the Sunday nearest January 6.	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 a 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 a crossbow buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104 except that no person may harvest a buck while a holiday antlerless only firearm deer hunting season established under 10.01 (3) (e) (c) is open unless buck harvest is also authorized during the firearm season.
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 a crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104 except that no person may harvest a buck while a December antlerless only firearm deer hunting season established under 10.01 (3) (e) (b) is open.
	Beginning on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.  This bag limit may be modified to include one buck with a crossbow buck deer carcass tag if buck harvest is also authorized during the

		holiday firearm season established under s. 10.01 (3) (e) (c).
	Beginning on January 2 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery 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.
<b>Note:</b> 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 deer carcass tag as described under ss. 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 a 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 a 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 a 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 January 31.	One buck deer with a 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 as closed to hunting.		
a. Buckhorn state park	During the archery deer season described in subd. 1.	One buck deer with a 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 a crossbow buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
<p><b>Note:</b> 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.</p>		

**SECTION 19. NR 10.01 (3) (es) 1. and 2. are amended to read:**

NR 10.01 (3) (es) <i>Muzzleloader deer season</i>		
1. Entire state, except for <del>the areas described in subd. 2., par. (et), deer management units 1M, 59M, 60M, 64M, and 77M, and state parks metropolitan deer management subunits established in s. NR 10.28 (2).</del>	Beginning on the Monday immediately following the Thanksgiving <u>Day</u> holiday and continuing for 10 consecutive days.	One buck deer <u>with a gun</u> buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.

2. Loew Lake Unit—Kettle Moraine state forest (unit 77D)	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. Muzzleloader deer hunting is limited to persons holding a permit which authorizes access to hunt deer in unit 77D issued by the department.	
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**SECTION 20. NR 10.01 (3) (es) 3. is repealed.**

**SECTION 21. NR 10.01 (3) (et) is repealed.**

**SECTION 22. NR 10.01 (3) (ev) is amended to read:**

NR 10.01 (3) (ev) <i>Special youth gun deer hunt event.</i>
<p>Persons under 16 years of age may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state park units and deer management unit 48: parks other than Buckhorn State Park. <u>No person may hunt deer with any firearm other than a muzzleloading firearm at the Loew Lake Unit of the Kettle Moraine state forest.</u> The bag limit is one buck deer per valid unfilled gun buck deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under <del>par. (ed) or s. NR 10.104 (8)</del> s. NR 10.104. <u>No person may hunt unless accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. No parent or guardian may knowingly permit a person under 16 years of age to hunt unless accompanied by an adult 18 years of age or older. One adult may not</u> <u>No adult may accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province. All other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters. <del>Earn-a-buck requirements do not apply to youth hunters hunting in CWD zones identified in s. NR 10.28 (3) or non-CWD earn-a-buck units when using their regular gun-buck deer carcass tag. Youth hunters may harvest and tag bucks or antlerless deer in CWD zones as authorized by CWD tags under s. NR 10.104 (11) or CWD landowner permit tags issued pursuant to s. NR 10.41 (3).</del></u></p>

**SECTION 23. NR 10.01 (4) (dm) (Note) is created to read:**

10.01 (4) (dm) **Note:** Deer management units in this paragraph are ones that were in effect in 2013 and are described in s. NR 10.28 (1) (Note).

**SECTION 24. NR 10.02 (3) is amended to read:**

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

**SECTION 25. NR 10.06 (5) is amended to read:**

NR 10.06 (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. All waterfowl hunting starts at 9:00 a.m. on the first day of the duck hunting season established in s. NR 10.01 (1) (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:

<b>Zone</b>	<b>Adjustment</b>
B - - - - -	Add 4 minutes
C - - - - -	Add 8 minutes
D - - - - -	Add 12 minutes
E - - - - -	Add 16 minutes
F - - - - -	Add 20 minutes

**SECTION 26. NR 10.06 (8) (a), (b) and (note) 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~~ 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 ~~season established in s. NR 10.01 (3) (e) 1. a. and b.~~ 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. NR 10.28 (4).

**Note:** The deer hunting with firearms hours do not apply to persons hunting coyote, fox, raccoon or other wild animals for which no closed season has been established during the muzzle-loader season, an extended gun deer season or the extended gun season dates following the 9-day deer gun season in a metro deer management unit or in the southern farmland deer management zone.

**SECTION 27. NR 10.07 (1) (b) 3. is amended to read:**

NR 10.07(1) (b) 3. While hunting with a firearm ~~or bow~~, 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 28. NR 10.07 (2m) (b) 1. is amended to read:**

NR 10.07 (2m) (b) 1. A CWD ~~management zone~~ affected area has been established in the county or a portion of the county, or

**SECTION 29. 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 30. NR 10.07 (3) is repealed.**

**SECTION 31. 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 32. NR 10.09 (1) (c) 1. e. and (note) are repealed.**

**SECTION 33. NR 10.09 (2) is repealed.**

**SECTION 34. 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 modified to explode or deliver poisons or drugs.~~

(c) *Arrow standards*. Use, possess or have under control while deer or bear hunting, any arrow or bolt unless tipped with a metal well sharpened broad-head blade no less than seven-eighths seven-eighths of an inch in width. Such broad-head blades must be well sharpened. Expandable tips shall be measured in a deployed state.

(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 but that is not constructed with a stock and designed to be shot from the shoulder with one hand is a crossbow that shall have a pull of not less than 30 pounds.

**SECTION 35. 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 36. NR 10.102 (1) (e) 4. is amended to read:**

NR 10.102 (1) (e) 4. Temporary subzone boundaries shall follow deer management unit boundaries as identified in ~~s. NR 10.28~~ s. NR 10.28 (1) (Note).

**SECTION 37. 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~~ accompanied by a legally killed deer.

**SECTION 38. NR 10.104 is repealed and recreated to read:**

NR 10.104 Deer Population Management. (1) DEER MANAGEMENT SYSTEM. The department shall manage the state deer population by all of the following:

- (a) Establishing deer management unit boundaries within the state.
- (b) Establishing deer population objectives for each deer management unit.
- (c) Monitoring the performance of the deer populations within each deer management unit.
- (d) Establishing deer hunting seasons with the goal to move the deer population in the direction of the established deer population objective for each deer management unit.

(2) DEER MANAGEMENT UNITS. (a) *Where established.* The deer management unit boundaries are the county boundaries as established in Ch. 2 Wis. Stats. and s. NR 10.28 (1) except for areas which are subdivided as:

1. metropolitan deer management subunits,
2. islands of the Apostle Islands National Lakeshore,
3. Madeline Island in Ashland County and,
4. being within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations.

(3) THREE YEAR REVIEWS. The department shall review, and seek public comment, regarding the need to modify the boundaries and population objectives for all deer management units every 3 years. For deer management units in the ceded territory as defined by s. NR 13.02 (1), the department shall also provide the Wisconsin Chippewa bands those opportunities for tribal input described in and required by the parties' stipulations in the case of Lac Courte Oreilles Band of Lake Superior Indians, et al., v. State of Wisconsin, et al., Case No. 74-C-313-C in the United States District Court for the Western District of Wisconsin.

(4) DEER POPULATION OBJECTIVES. A deer population objective shall be established for each management unit except on tribal lands identified in s. NR 10.28 (1). The department may establish a separate deer population objective and issue unique antlerless permits for areas which are subdivided into metropolitan deer management subunits and non-tribal land areas within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations. Deer population objectives will be expressed as a goal statement to do one of the following:

- (a) Increase the deer population.
- (b) Maintain the current deer population.
- (c) Decrease the deer population.

(5) DEER POPULATION MONITORING. (a) *Metrics*. The department shall monitor progress towards each management unit's objective of increasing, maintaining, or decreasing the deer population. The department shall consider all of the following:

1. Deer population trends as indicated by commonly accepted models for estimating deer populations. In 2014 and continuing until the department determines that evaluation of the metrics are providing information that is comparable, the department shall utilize the sex-age-kill method for calculating deer densities. The sex-age-kill method uses the following quantitative data for each deer management unit: proportion of yearling bucks in the harvest, proportion of yearling does in the harvest, proportion of males and females at birth, the number of fawns seen per doe during the summer, the proportion of total buck mortality due to hunting harvest, and the harvest by sex as registered during the hunting seasons. The department is not limited to use of the sex-age-kill method. The department may make a determination that alternative methods of population evaluation are comparable, which shall become effective in lieu of or in addition to the sex-age-kill method after approval by the Natural Resources Board, and upon issuance of an order and publication in the official state newspaper.

2. Deer health.
3. Deer impacts on natural resources.
4. Deer impacts on society.
5. Deer hunter success and public perception of population trend.

**Note:** A determination under this par. does not prevent continued utilization of the sex-age-kill method as the department determines is valuable or necessary.

**Note:** The department annually calculates an estimate of the overwinter deer population for most deer management units using the sex-age-kill method for calculating deer densities. The sex-age-kill method uses the following quantitative data for each deer management unit: proportion of yearling bucks in the harvest, proportion of yearling does in the harvest, proportion of males and females at birth, the number of fawns seen per doe during the summer, the proportion of total buck mortality due to hunting harvest, and the harvest by sex as registered during the hunting seasons. The department also uses other commonly accepted models for estimating deer populations.

(b) *County deer management advisory councils*. The department shall establish county deer management advisory councils for the purpose of seeking comment from members of the public on the status of the deer herd at the county level beginning in 2015. The council shall be chaired by the chairperson for the county delegation of the Conservation Congress established under s. 15.348 Stats., or a designee who shall be approved by the department. At least 3 members shall be individuals who held an annual license authorizing deer hunting in this state or another state, in at least 7 of the 10 years previous to the year in which the individual is nominated, except if the individual served on active duty in the U.S. armed forces or national guard during the 10 years previous to the year in which the individual is nominated. If the individual served on active duty in the U.S. armed forces or National Guard, the number of years in which they are required to have held a deer hunting license equals 7 minus the number of years of active duty served during those 10 years. The advisory council may also be comprised of a representative of the following entities:

1. For deer management units in the ceded territory as defined by s. NR 13.02 (1), the department shall provide the Wisconsin Chippewa bands those opportunities for tribal input into the department's deer management decisions described in and required by the parties' stipulations in the case of *Lac Courte Oreilles Band of Lake Superior Indians, et al., v. State of Wisconsin, et al.*, Case No. 74-C-313-C in the United States District Court for the Western District of Wisconsin

2. Agriculture.
3. Forestry.
4. Tourism.

5. Transportation.
6. Local government.
7. A local organization representing hunting interests.
8. A person who is enrolled as a participant in the Deer Management Assistance Program as established under subch. II

(c) *Operation of county deer management advisory councils.* 1. The department shall establish guidance for the operation of county deer management advisory councils. Guidance may include, but is not limited to, any conditions which are necessary for the operation of meetings, selecting members, and establishing terms of service for members.

2. Whenever application is made to the department by a person interested in becoming a member of a council, the bureau of law enforcement may conduct a criminal history, character and background check on the applicant. Upon becoming aware of information indicating prior illegal activity, the department shall make appropriate inquiry into criminal history and character of applicants for council membership and determine their suitability for the proposed activity.

(d) *Effective term of season framework modifications recommended by deer management advisory councils.* Modifications to the deer hunting season framework in a zone which result from recommendations of two-thirds of the advisory councils in that zone shall be effective for three years of deer hunting seasons unless the department determines that a shorter effective term is necessary to maintain a deer herd in balance with its range and with deer population and sustainable harvest objectives.

(6) **ANTLERLESS DEER TAGS.** The department may issue deer carcass tags that are valid for the harvest of antlerless deer which are in addition to those established in sub. (7). If the department issues antlerless deer carcass tags, the department shall issue antlerless deer hunting permits and tags in sufficient numbers to achieve the population objective established in sub. (4), after evaluating the results of population monitoring required under sub. (5). The department shall also evaluate the public demand for antlerless deer tags in the previous three seasons.

(7) **DEER CARCASS TAGS.** (a) *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. NR 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. NR 10.01(3)(ep) under the authority of an archer license during an archery deer season established under s. NR 10.01(3)(em).

2. Licenses which 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 zone, unit, or portion of a unit specified on the tag which is in a farmland zone or a metropolitan deer management subunit established in ss. 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 obtains the tag while under 18 years of age. These carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public access lands or only for harvesting antlerless deer on private land as defined in ss. 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. NR 10.01 (3) (ep) under the authority of an archer license during the archery deer season established in s. NR 10.01 (3) (em).

3. Notice. Modifications by the department under subd. 2. shall become effective upon issuance of an order of the secretary and publication in the official state newspaper.

*(b) Firearm deer license carcass tags.*

1. Each license which authorizes the hunting of deer with a firearm shall include one carcass tag that is valid for taking one buck deer in any unit statewide with a firearm, bow and arrow, or crossbow during a season open to hunting bucks with a firearm.

2. Licenses which authorize the hunting of deer with a firearm may include one or more carcass tags that are valid for taking one antlerless deer in a management zone, unit, or portion of a unit specified on the tag which is in a farmland zone or in a metropolitan deer management subunit established in ss. 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 tag under this subd. is 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 carcass tag is valid for the taking of one antlerless deer in any unit statewide by a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who obtains the tag while under 18 years of age. These carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public access lands or only for harvesting antlerless deer on private land as defined in ss. NR 10.001 (23a) and (23b).

3. Notice. Modifications by the department under subd. 2. shall become effective upon issuance of an order and publication in the official state newspaper.

*(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. NR 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. NR 10.01 (3) (em) under the authority of a crossbow license during a deer season established under s. NR 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 zone, unit, or portion of a unit specified on the tag which is in a farmland zones or a metropolitan deer management subunit established in ss. 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 obtains the tag while under 18 years of age. These carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public access lands or only for harvesting antlerless deer on private land as defined in ss. 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. NR 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. NR 10.01 (3) (em) under the authority of a crossbow license during the crossbow-only deer season established in NR 10.01 (3) (ep).

(8) **BONUS ANTLERLESS TAG ISSUANCE.** The department may issue bonus antlerless deer carcass tags valid for harvesting antlerless deer only on public access lands and bonus antlerless deer carcass tags valid for harvesting antlerless deer only on private land as defined in s. NR 10.001 (23a) and (23b).

Bonus antlerless tags shall be issued in the following manner:

(a) *General issuance.* The department may issue bonus antlerless deer tags on a first-come, first-served basis to individuals who possess a valid deer hunting license. No person may purchase more than 1 bonus antlerless deer carcass tag per day except as established in sub. (9m).

**Note:** The department conducts extensive publicity on the day when the antlerless permits are first available for sale beginning several months prior to the purchase date. Permit sale dates are published in news releases, license outlet handouts, and pertinent regulation pamphlets. Permits are available from department license agents, on-line through the department's website or by telephone.

(b) *Bonus antlerless tags for farm owners.* Eligible resident farm owners under s. 29.181, Stats., will receive one free bonus antlerless deer carcass tag/permit for each bonus antlerless deer carcass tag/permit they purchase if requested at the time of purchase. Where there are joint owners or vendee names under a land contract, only one of the owners or vendedes is eligible for the free bonus tags. The free tag shall be valid for the same type of land, either public access or private as defined in ss. NR 10.001 (23a) and (23b) as the one which was purchased. To be an eligible farmer under this section, a majority of the land shall be used on a commercial agricultural basis, to produce income.

(c) *Bonus tags in a CWD affected area.* The fee for bonus tags issued in a CWD affected area shall be the same as the fee established in ss. 29.563 (2) (c.) 1. and (d.) 1. Stats. If the department allows the use of bonus permits both in areas where CWD has been identified and in areas where CWD has not been identified, the department shall use deer harvest registration information to establish a number of permits which are issued for CWD areas for purposes of s. 29.181 (3), Stats.

**Note:** Under s. 29.181 (3) Stats., the department is required to credit an amount equal to \$5 times the number of those bonus deer hunting permits issued to an appropriation which is established for management of, and testing for, chronic wasting disease.

(9) **TAG AUTHORITY.** No person may hunt antlerless deer unless the hunter possesses a current valid antlerless deer carcass tag or bonus antlerless deer permit for the deer management unit or subunit in which the person is hunting, or as authorized when group hunting with a firearm as established in s. 29.324, Stats. No person may hunt antlerless deer under the authority of an antlerless deer carcass tag or bonus antlerless deer carcass tag or permit on public access lands or on private lands unless the hunter possesses a current valid bonus antlerless deer permit which is valid for the type of land, either public access lands or private land, upon which the person is hunting.

**Note:** Section 29.324, Stats., Group deer hunting. (1) In this section:

(a) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(b) The person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

(3) A person who kills a deer under sub. (2) shall ensure that a member of their group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. 29.347 (2). The person who kills the deer may not leave the deer unattended until after it is tagged.

(9m) BONUS TAGS UNDER THE DEER MANAGEMENT ASSISTANCE PROGRAM. The department may issue antlerless tags to level 2 and level 3 participants in the deer management assistance program established under Subchapter II. Permits shall be issued in the number prescribed by the department or its agents following evaluation and harvest recommendations under s. NR 10.72 (2) (b) 2. Tags are valid for use only on the property or group of properties authorized by the department during any firearm, bow and arrow or crossbow season. The fee for bonus tags issued under this sub. shall be \$6.00.

(a) CARCASS TAG DISTRIBUTION. A landowner or their authorized representative for an individually enrolled property may distribute the carcass tags to persons who are authorized to hunt on the enrolled property or portion of the property or may retain the carcass tags for their own use. The primary contact or authorized representative for a cooperative or an individually enrolled property with multiple owners may distribute the carcass tags to persons who are authorized to hunt on the enrolled property or portion of the property and may retain a portion of the allotted carcass tags for their own use. No person may charge a fee for bonus tags issued under the deer management assistance program except that a person who is transferring a permit to other hunters on an enrolled property may charge no more than \$6.00 in order to recover actual expenses and when there is no monetary benefit to the transferrer.

(b) CARCASS TAG REPORTING. Every landowner, primary contact, or authorized representative who receives or distributes carcass tags issued under (9m) shall keep a current, correct and complete record of all such carcass tags as required by the department on electronic or paper forms made available by the department. Records of carcass tag distribution shall be provided to the department by required deadlines or upon request. A violation of this paragraph shall be treated as a violation of s. 29.961 (2), Stats.

**Note:** The number of carcass tags distributed will be agreed upon following a site visit by a wildlife biologist and a forester and established by the department. Permits are available only to level 2 and level 3 participants in the Deer Management Assistance Program established in NR 10.72. Deer Management Assistance Program enrollees are exempt from the restriction against purchasing no more than one bonus permit daily on a first-come-first-served basis which is established in NR 10.104 (8) (a).

(9r) BONUS BUCK AUTHORIZATION IN THE SOUTHERN FARMLAND ZONE. Notwithstanding the bag limit for bucks established in NR 10.103, the secretary of the department may authorize the harvest of an additional buck in a farmland zone by a hunter who first harvests an antlerless deer in a farmland zone where bonus buck harvest is authorized. No person may harvest more than two buck deer under the authority of an archer license. No person may harvest more than two buck deer under the authority of a firearm deer license. No person may harvest more than three buck deer during any combination of annual deer hunting seasons using a combination of an archer and firearm deer license 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). Bonus buck regulations shall become effective in a zone only by an order of the secretary of the department upon the recommendation of two-thirds of the county deer management advisory councils in a farmland zone. Modifications by the department shall become effective upon issuance of an order and publication in the official state newspaper.

(10) BAG LIMIT. The bag limit is equal to the number of valid deer carcass tags a person is issued.

(12) SPECIAL DISEASED DEER REPLACEMENT PERMITS. The department may provide a free replacement tag issued under s. 29.177, Stats., to hunters who harvest deer that are suspected of being diseased, provided that the entire deer is surrendered to the department or is disposed of as directed by the department. Each special permit shall be:

- (a) Issued by a department employee or a designated agent.
- (b) Issued to the hunter harvesting and tagging the suspect deer.
- (c) Issued for the type of deer authorized on the approval used to harvest and tag the suspect deer.

(14) DEER CARCASS TAG REPLACEMENT PERMITS. The department may provide free replacement tags issued under s. 29.177, Stats., to hunters who legally harvest deer and validate and place the incorrect tag on the deer in any season or hunt established in s. NR 10.01 (3), provided the hunter is in possession of the correct tag for the type of deer harvested. The incorrectly used tag shall be turned over to the department employee or agent issuing the replacement tag. Each replacement tag shall be:

- (a) Issued by a department employee or a designated agent.
- (b) Issued to the hunter harvesting and tagging the deer with an incorrect tag.
- (c) Issued for the type of deer authorized on the approval used to harvest and tag the incorrect deer.

(15) APOSTLE ISLANDS. The following carcass tags are valid for the taking and tagging of deer in islands of the Apostle Islands National Lakeshore:

- (a) Archery buck deer carcass tag.
- (b) Archery antlerless deer carcass tag.
- (c) Gun buck deer carcass tag.
- (d) Special permits for the islands of the Apostle Island National Lakeshore deer permit. These special permits shall be issued free of charge at a rate of up to 2 permits per day per hunter. Each tag may be used to tag any of the following:
  1. An antlerless deer.
  2. A buck deer if the hunter possesses an antlerless deer registration verification earned in the federally owned portion of the Apostle Islands in the previous year or in the current year.
  3. A buck deer if the hunter possesses an antlerless deer that has been legally harvested in the federally owned portion of the Apostle Islands and is tagged prior to the harvest of the buck deer and the antlerless deer accompanies the buck deer until each is registered.

**Note:** All of the land in this unit is owned and managed by the National Park Service's Apostle Island National Lakeshore. The National Park Service may require an access permit for the purposes of deer hunting which may limit the dates an individual may hunt and the island or islands on which hunting may occur.

**SECTION 39. NR 10.105 (1) is amended to read:**

NR 10.105 (1) ~~While afield, No no~~ person may possess or transport a carcass of a deer or bear from the time the deer or bear is killed to the time it is registered under s. NR 10.106, that is tagged with the or possessed under the authority of a validated carcass tag of another person unless accompanied by the person issued the carcass tag. After a deer or bear is registered it may be transported by vehicle on a public roadway or possessed at a dwelling or business establishment by a person who is not hunting without the need to be accompanied by the person who tagged and registered the deer or bear. A dwelling for the purposes of this subsection includes permanent residences as well as temporary residences, such as an established hunting cabin or camp site.

**SECTION 40. NR 10.105 (2) is amended to read:**

NR 10.105 (2) ~~In deer management units with deer seasons modified under s. NR 10.01 (3) (ed) 1. b. or (et) 2., no~~ No person may transport a buck deer bonus buck deer harvested under the authority of ss. NR 10.104 (9r) or (15)(d) from the time it is killed to the time it is registered under s. NR 10.106, or possess while afield after the buck is registered, unless accompanied by the antlerless deer or antlerless deer registration verification validated bonus buck deer carcass tag, which authorized

the taking of the buck deer. ~~An antlerless deer~~ A bonus buck deer carcass tag may be used only by the ~~hunter who tagged it person to whom it is issued~~ to secure authorization for that hunter to tag one additional buck deer, in the unit or units modified under s. NR 10.01 (3) (ed) 1. b. or (et) 2. Deer may only be transported outside of the unit of kill or adjoining unit after they have been registered in compliance with s. NR 10.106(2).

**SECTION 41. NR 10.105 (4) and (7) are amended to read:**

(4) ~~TRANSPORTATION OF DEER FROM A CHRONIC WASTING DISEASE MANAGEMENT ZONE AFFECTED AREA.~~ Unless otherwise authorized by the department, the carcasses of deer harvested in a chronic wasting disease ~~management zone affected area identified in s. NR 10.28 (3)~~ identified by the department may not be transported outside of that ~~zone area~~ area except for the following, or as provided under sub. (7):

(a) Carcasses transported into deer management units adjacent to the chronic wasting disease ~~management zone affected area.~~

(b) Meat that is cut and wrapped, either commercially or privately.

(c) Quarters or other portions of meat to which no part of the spinal column is attached.

(d) Meat that has been deboned.

(e) Hides with no head attached.

(f) Finished taxidermy heads.

(g) Antlers with no tissue attached except for velvet on antlers when possession of the velvet antlers is authorized pursuant to s. 29.347 (3) (b), Stats.

(h) Skulls with or without antlers attached which have no brain or lymphoid tissue attached.

(i) Upper canine teeth.

(7) CERVID CARCASSES WITH ANY PORTION OF THE SPINAL COLUMN OR HEAD ATTACHED. Notwithstanding sub. (4) or (6), carcasses which have any part of the spinal column or head attached may be transported from the chronic wasting disease ~~management zone affected area~~ to other parts of this state, or into this state if such carcass is submitted to a meat processor licensed under s. 97.42 (2) (a), Stats., or a taxidermist permitted under s. 29.506 (2), Stats., for processing and the person who possesses the carcass complies with the following:

(a) That part of the carcass which includes the head and spinal column shall be submitted to a licensed meat processor or permitted taxidermist within 72 hours of entering this state if the carcass originated from out of state, or within 72 hours from the time of registration if the carcass originated from the chronic wasting disease ~~management zone affected area~~ in this state.

(b) The person submitting a carcass to a licensed meat processor or permitted taxidermist as required under this subsection shall inform the meat processor or taxidermist that the carcass originated from the chronic wasting disease ~~management zone affected area~~ or from another state, province or country where CWD has been verified to be present.

(c) Licensed meat processors and permitted taxidermists receiving a cervid carcass under this subsection shall dispose of all inedible parts not exempted under subs. (4) (a) to (i) and (6) (a) to (h), and all parts of the spinal column, brain and lymphoid tissues in a properly permitted landfill or with a renderer licensed under s. ATCP 57.10.

**SECTION 42. NR 10.106 (Intro) and (1) are amended to read:**

NR 10.106 **Recording deer and bear.** (1) CARCASS CONDITION AND TRANSPORTATION. Deer and bear shall be intact and may not be removed from the area specified in this section unless ~~exhibited, registered and tagged the harvest has been reported in the manner required by the department and a registration tag has been affixed by the department or its agents, or the validated deer~~

carcass tag displays the harvest registration verification number provided by the department and the number is legibly printed on the tag except that:

(a) The entrails may be removed and disposed of while afield by field dressing.

(b) Deer and bear may be skinned, and the lower legs of a deer from the hooves up to the tarsus joint on the hind legs and from the hooves up to the carpus joint on the front legs may be removed. The hide and lower legs must be removed from the field along with the deer and exhibited at the time of registration when in-person registration is required, and disposed of in a manner in compliance with s. 287.81(2), Stats., after the deer or bear is registered.

(c) A deer or bear may be divided into not more than 5 parts, not including the hide and the lower legs of a deer, only to facilitate removal from the field. The head and neck shall remain attached to one of the other parts of the animal, not including the hide. A person who divides a deer or bear while afield prior to or after registration:

1. May not allow the deer or bear to be stored or transported with any other deer or bear that has been divided prior to registration or while afield.

2. May not divide any bear in a manner that does not keep one part of the bear intact to allow it to be measured in a straight line from the tip of the nose to the base of the tail, to determine it was an adult bear of 42 inches or greater.

3. Must remove all parts from the field except the entrails and ~~exhibit all parts at the time of registration~~ dispose of all parts not retained in a manner that is in compliance with s. 287.81(2), Stats.

4. Shall exhibit all parts except the entrails at the time of registration when in-person registration is required by the department.

**Note:** Common terms for the tarsus or second major joint on the rear legs up from the hoof include "hock" and "ankle" and common terms for the carpus or second major joint on the front legs up from the hoof include "knee" and "wrist".

#### **SECTION 43. NR 10.106 (2) is repealed and recreated to read:**

NR 10.106 (2) REGISTRATION. Each person who has killed a deer or if s. 29.324 Stats., related to group deer hunting applies, the person who has tagged the deer during the open seasons for hunting deer with a firearm, or who has killed a bear during the open seasons for hunting bear shall register that kill using a telephone, internet, or other harvest registration system established by the department as follows:

(a) Deer and bear.

1. *Time line.* Each deer or bear killed during the open season for hunting deer or bear shall be registered before being transported from the unit of kill or an adjoining unit no later than 5:00 p.m. on the day after the animal is recovered.

2. *Registration verification.* At the time a deer or bear is registered as required under this section, the person who tagged and registered it shall legibly print the registration verification number provided by the department or its agents on the validated carcass tag. The carcass tag shall then accompany the carcass at all times while the carcass is afield, while being transported, and when left unattended by the person who the validated carcass tag was issued to. The validated carcass tag shall be retained by the person who possesses the carcass until it is consumed.

3. *Tags; display.* No person may possess or transport the carcass of a deer or bear unless in possession of the originally validated carcass tag and registration verification number particular to the carcass. No person may refuse or fail to display a validated carcass tag or registration verification number to the department or its wardens upon request.

4. *Research.* Any part of a harvested deer or bear may be collected or sampled by the department for research purposes. No person may refuse to allow a part to be collected or a sample to be taken prior to or during registration.

5. *Transportation.* No person may possess an antlerless deer while afield outside the deer management unit or subunit of kill or adjoining unit or subunit, except that deer that are lawfully killed,

tagged and registered may be possessed on a public highway for purposes of transportation to and possession at the persons residence or a business establishment located outside the unit or subunit of kill.

(b) *Disease sampling and research.* The department may require that any deer or bear harvested in an area affected by CWD, tuberculosis, or where there are other serious infections disease threats, or area where samples are needed for department research purposes, shall be exhibited and registered at registration stations designated by the department no later than 5:00 p.m. on the third day after it was killed, or by 5:00 P.M. on the day after the close of the season during which it was killed, as described in s. NR 10.01 (3), whichever is earlier, unless otherwise authorized by the department.

(c) *Exhibition.* No person shall fail to exhibit the carcass of a deer or bear at a registration location specified by the department when required under this paragraph.

**Note:** Section 29.324, Stats., Group deer hunting. (1) In this section:

(a) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(b) The person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

(3) A person who kills a deer under sub. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. 29.347 (2). Stats. The person who kills the deer may not leave the deer unattended until after it is tagged.

**SECTION 44. 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 45. 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 46. 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 47. 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 47. 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 48. 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~~ as required by statutes and this chapter are necessary.

**SECTION 49. 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 50. 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 51. NR 10.23 (2) (a) is amended to read:**

NR 10.23(2) RESTRICTIONS. (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 52. 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.~~

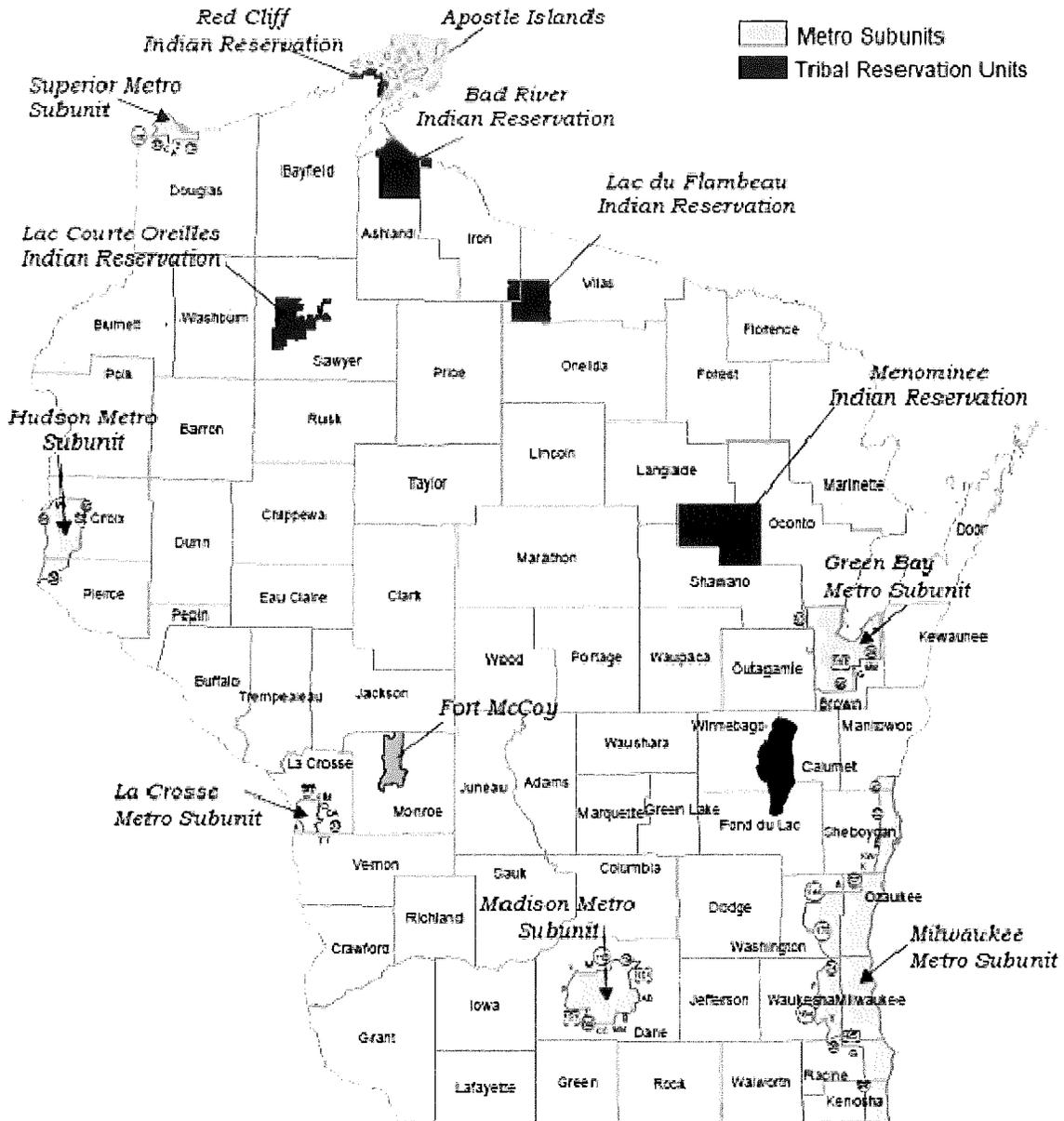
(c) *Other hunting methods.* Methods of hunting other than by use of rifles and pistols shall comply with those established in this chapter.

**SECTION 53. NR 10.25 (4) (a) is amended to read:**

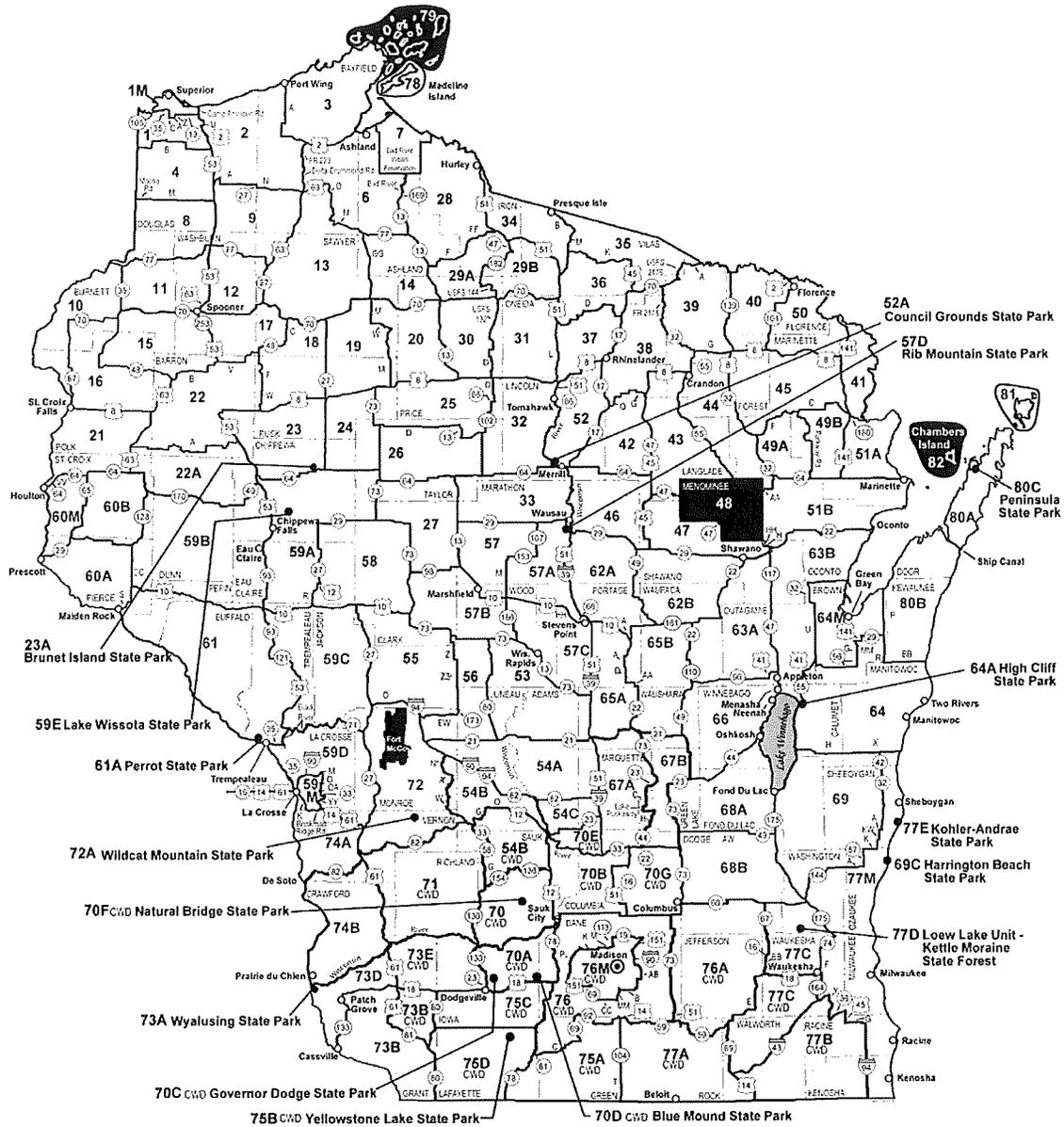
NR 10.25(4)(a) By any means other than a shotgun or muzzle-loading shotgun fired from the shoulder, crossbow or a bow and arrow.

**SECTION 54. NR 10.28 (1) and (2) are repealed and recreated to read:**

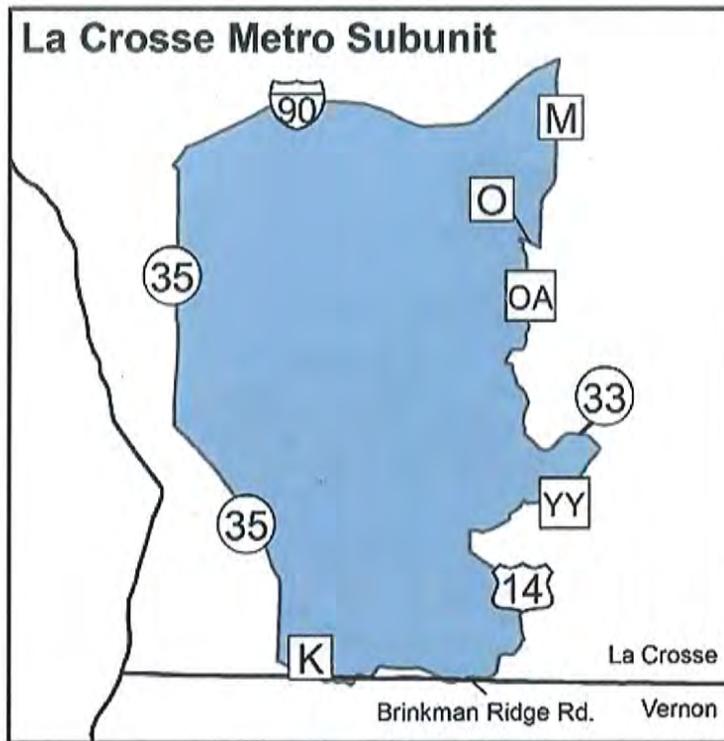
**NR 10.28 Deer population management units.** Deer population management units are established as designated on the following maps: (1) STATEWIDE DEER MANAGEMENT UNITS:



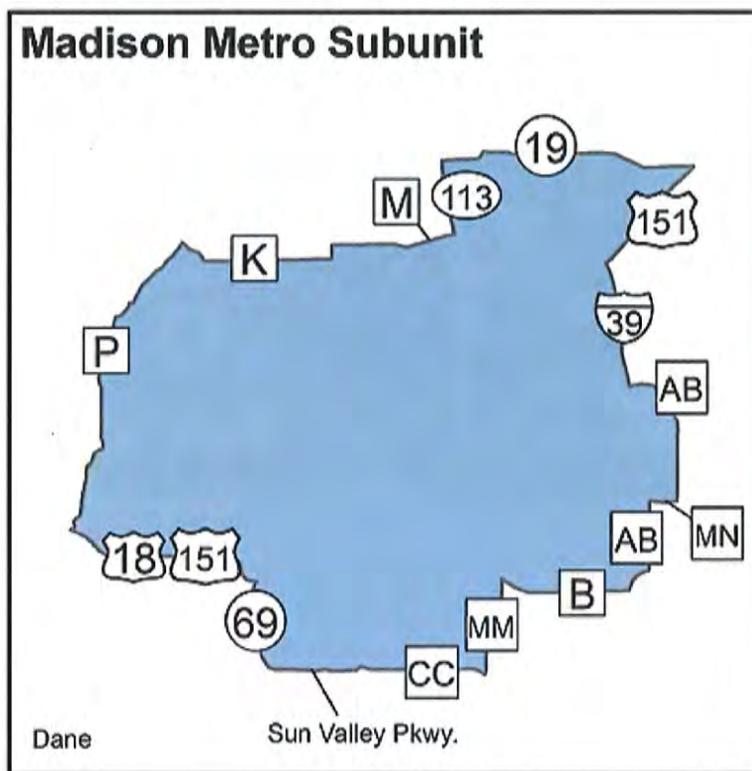
**Note:** The following map was in effect in 2013 and these boundaries continue to be used for other purposes not related to deer management.



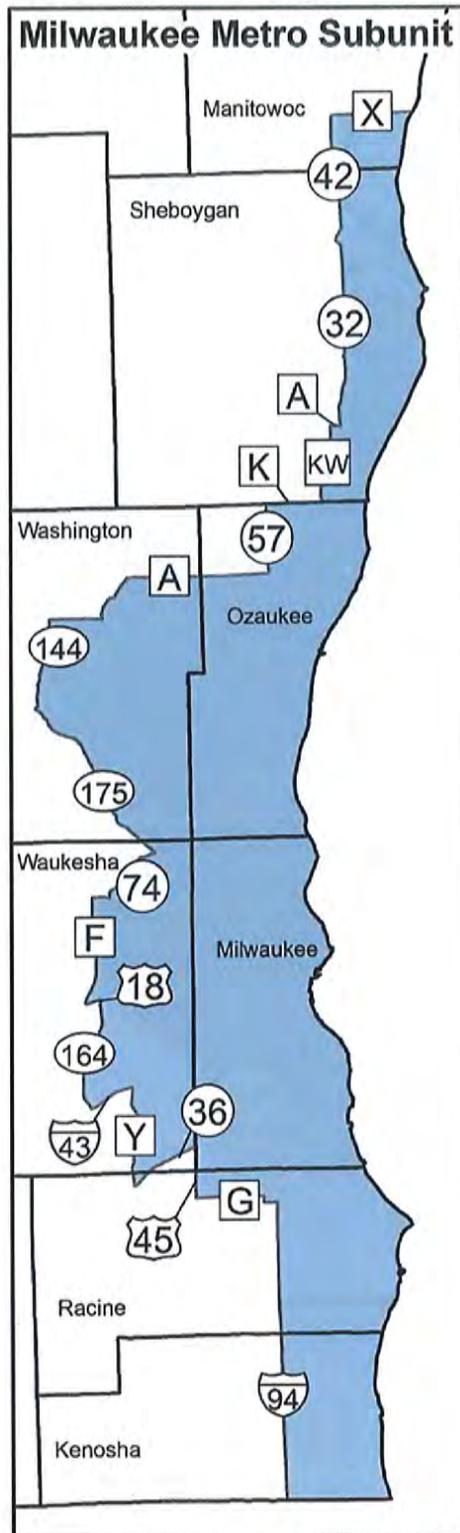
(2) METROPOLITAN DEER MANAGEMENT SUBUNITS. (a) *La Crosse area.*



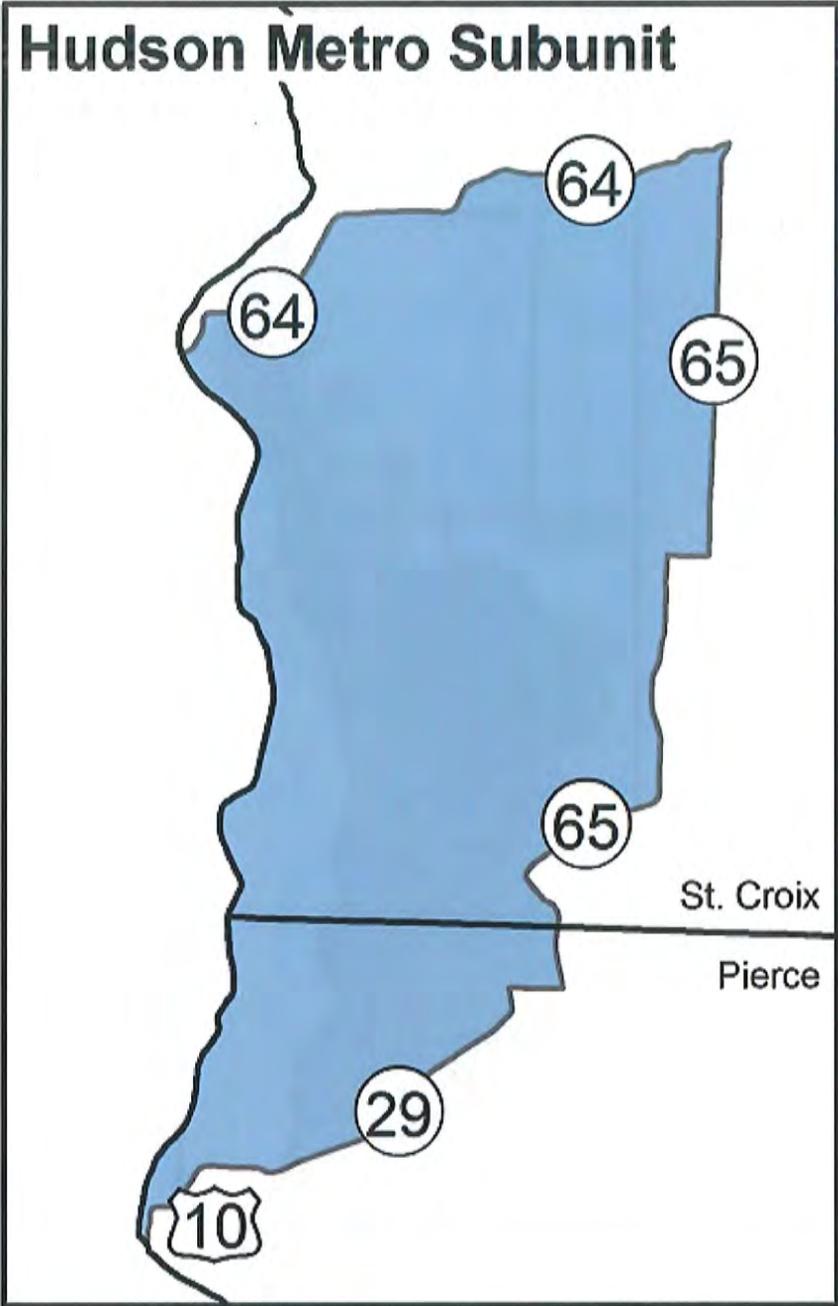
(b) *Madison area.*



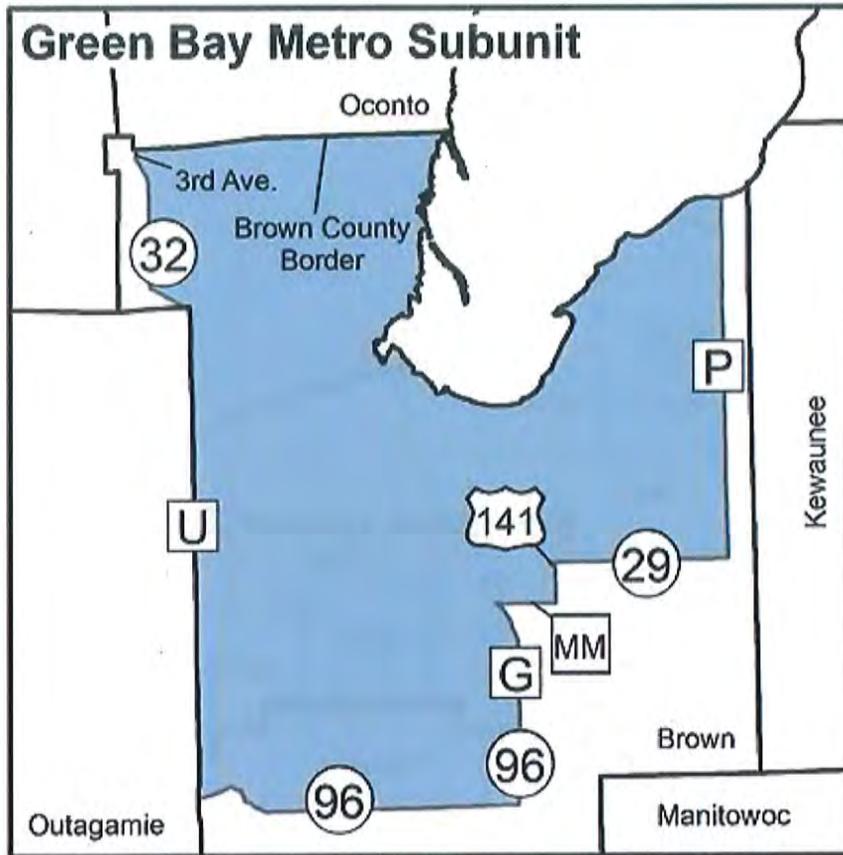
(c) Milwaukee area.



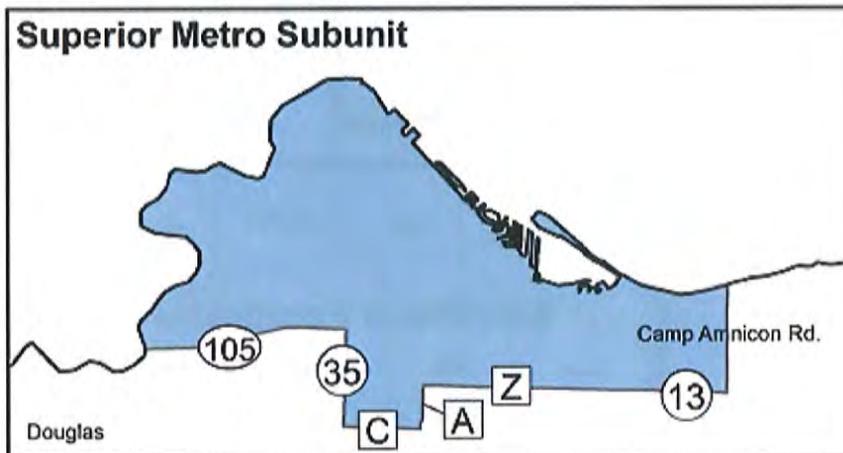
(d) Hudson area.



(e) *Green Bay area.*



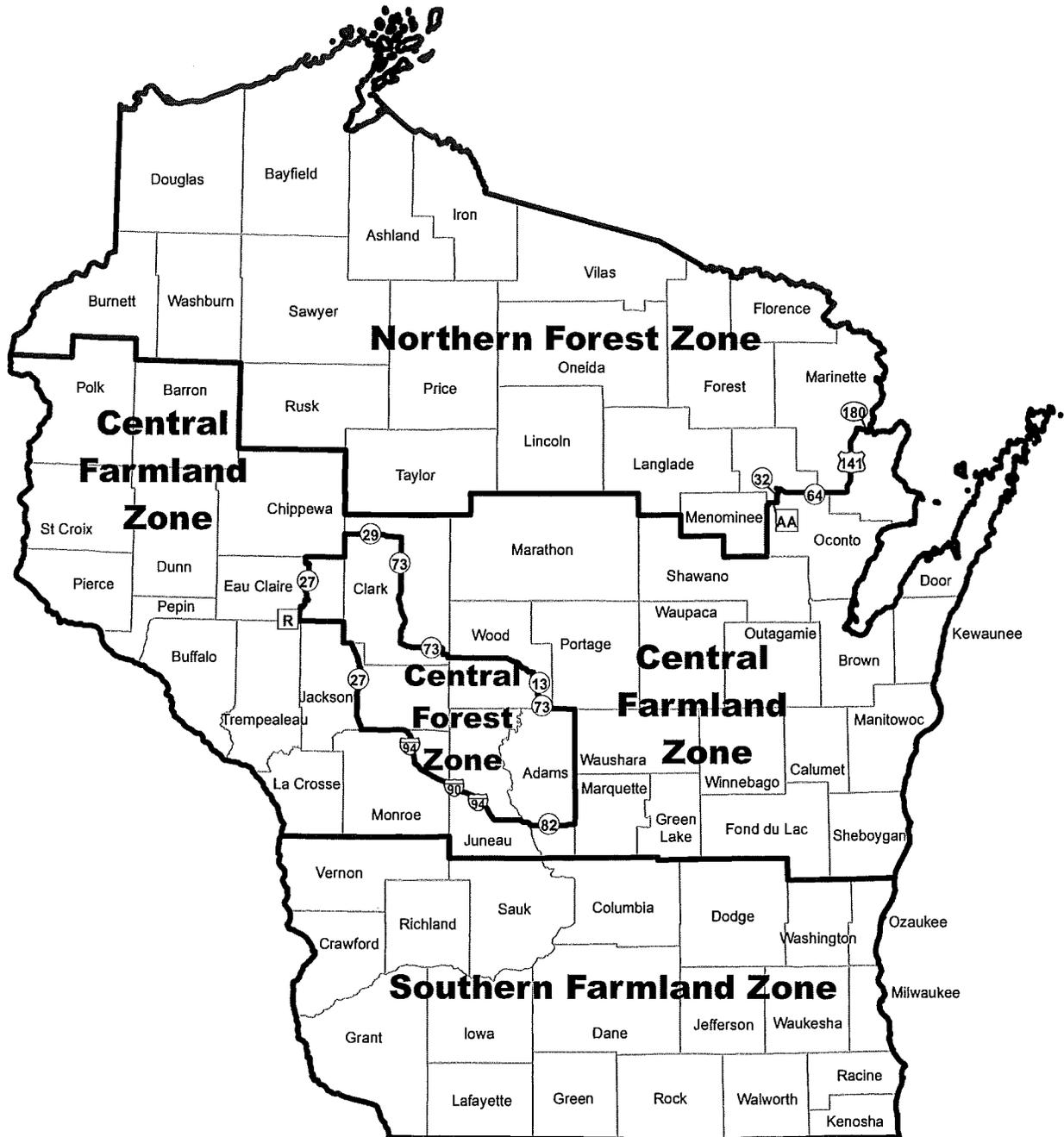
(f) *Superior area.*



SECTION 55. NR 10.28 (3) is repealed.

SECTION 56. NR 10.28 (4) is repealed and recreated to read:

10.28 (4) DEER MANAGEMENT ZONES:



**SECTION 57. NR 10.40 (3) (f) (Note) is amended to read:**

**NR 10.40 (3) (f) Rule compliance.** Unless otherwise provided by the department, all disabled hunters and accompanying persons shall comply with all hunting rules and laws applicable to the regular gun deer season specified under s. NR 10.01 (3) (e). The bag limit is one deer of either sex buck deer per valid gun buck deer carcass tag and additional antlerless deer per current valid antlerless deer permit. An antlerless deer permit which is issued under NR 10.104 (7) for the southern farmland zone may be used by a participant in this special hunt in any unit statewide. Other hunters, hunting on the lands described on the application during the special gun deer hunt, shall comply with the blaze orange clothing requirements in s. 29.301 (2), Stats., except waterfowl hunters.

**Note:** Firearms are limited to those approved for use during the regular gun deer season in that county as specified under s. NR 10.01 (3) (e) and blaze Blaze orange clothing meeting the requirements of s. 29.301 (2), Stats., must be worn by all disabled hunters and accompanying persons. Participants must use their regular gun deer season license, backtag and carcass tag.

**SECTION 58. NR 10.41 is repealed and recreated:**

**NR 10.41 Wildlife disease management:**

(1) PURPOSE.

(a) Pursuant to s. 29.063 (1), Stats., the natural resources board establishes this section to provide guidelines for the department to manage chronic disease in wild cervids in this state.

(2) STATE PARKS AND OTHER CLOSED AREAS. State parks, refuges and closed areas identified in chs. NR 11, 15 and 45 may be opened to deer hunting to assist in the control of CWD.

(3) CWD AFFECTED AREA.

(a) *Establishment.* The department may establish a CWD affected area around the location of known positive cases of CWD.

(b) *Population objectives.* Entire counties, or portions of counties, located within the boundaries of a CWD affected area shall be managed toward a population objective established after seeking comment from county deer management advisory councils under s. NR 10.104 (5).

(c) *CWD affected area.* The CWD affected area consists of the counties identified on the department's website after following the procedures established in par. (f).

(d) *Population monitoring.* The department shall monitor deer populations in a CWD affected area with information obtained by surveys which may include registration data and aerial surveys.

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

(f) *Expansion of the affected area.*

1. The department may include additional counties or portions of counties in the CWD affected area where and when additional CWD positive deer are found. The department may add adjacent counties or portions of counties if they are within a 10-mile radius of the known location of a captive or free-roaming domestic or wild animal that has been tested and confirmed to be positive for chronic wasting disease.

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

**SECTION 59. NR 10, Subchapter II is created to read:**

SUBCHAPTER II  
DEER MANAGEMENT ASSISTANCE PROGRAM

NR 10.70 Purpose. This subchapter is adopted to implement the deer management assistance program under s. 29.020 Stats. The program is established to help landowners to achieve deer and other management objectives at a localized level and collect biological data that supplements statewide data, and to build relationships between landowners, hunters, and the department.

NR 10.71 Definitions.

(1) "Cooperative" means an association of individual property owners or their representatives who are not organized as a business entity but are organized for the purposes of managing deer and other wildlife resources, whose properties are located within one-half mile of another property in the cooperative, and whose members have agreed to participate in the deer management assistance program under this subchapter.

(2) "Deer Management Assistance Program Authorized Representative" The person a landowner has designated to act and make decisions on the landowner's behalf for purposes of the program, including but not limited to, granting access to the landowner's property for department staff to conduct on-site consultation visits.

(3) "Deer Management Assistance Program Primary Contact" means a person who is primarily responsible for submitting program enrollment applications and fees, scheduling meetings with department staff, and sharing information with landowners or their authorized representatives in a group cooperative or when there is more than one owner of an individual property.

(4) "Medium to large" property means a property of 640 acres or larger.

(5) "Small to medium" property means a property of at least 160 but smaller than 640 acres.

NR 10.72 DEER MANAGEMENT ASSISTANCE PROGRAM LEVELS. (1) *Level 1.* The first level for participation in the deer management assistance program is designed to increase communication with landowners and hunters. The department shall provide the following to Level 1 participants:

(a) Deer management assistance program educational resources.  
(b) Opportunities for assistance from department employees including wildlife biologists and foresters.

(c) Annual program reports.

(d) An opportunity to attend annual workshops organized by the department or its partners.

(e) Assistance with projects that have scientific value.

(f) Information on forming program cooperatives.

(g) Assistance with information for participation in other conservation programs.

(2) *Level 2.* The second level for participation in the deer management assistance program is for small to medium properties with basic management goals.

(a). A property owner or cooperative of owners or their representatives shall apply to the department for Level 2 participation in the deer management assistance program. Participants shall provide deer harvest reports and the department may require collection of additional data and attendance at an annual meeting or workshop sponsored by the department or its partners.

(b). The department shall provide the following to Level 2 participants who provide the information required in subd. 1:

1. One on-site consultation visit by a wildlife biologist and a forester.

2. A management plan with habitat and deer harvest recommendations developed individually for the enrolled property or cooperative.

3. Antlerless tags established under s. NR 10.104 (9m) when appropriate based on harvest recommendations developed under subd. 2.

4. Annual reports summarizing data collected by the property owner or cooperative.

(3) *Level 3*. The third level for participation in the deer management assistance program is for medium to large properties with complex management goals.

(a). A property owner or cooperative of owners or their representatives shall apply to the department for Level 3 participation in the deer management assistance program. Participants shall provide deer harvest reports and the department may require collection of additional data and attendance at an annual meeting or workshop sponsored by the department or its partners.

(b). The department shall provide the services established in sub. (2) to Level 3 participants who provide the information required under that par. Additionally, the department shall provide:

1. Assistance with deer population monitoring.
2. Technical assistance and design recommendations for habitat and property management activities.

3. Additional site visits that may be needed to provide detailed management recommendations.

(4) *Public access land*. The department may cooperate with the managers of national, state, county, or municipally owned land which is open to public for deer hunting.

(a) The program coordinator, biologist, and forester shall work together with public access land managers and hunters to enroll properties and recommend harvest quotas.

(b) Local public input sessions conducted by the enrollee shall be used to identify site-specific management concerns and to review antlerless harvest quotas. Property specific antlerless tags established under s. NR 10.104 shall be issued to harvest antlerless deer on enrolled public properties.

(c) The program coordinator, biologist, forester, and local property manager shall work together to promote wildlife habitat improvement projects on properties where quality habitat is limited.

NR 10.73 FEES. Enrollment in the deer management assistance program is for a period of not less than three years beginning on the date that a valid application is accepted and ending on a date specified by the department. The department may waive the fee for participation by governmental organizations or owners of other lands that the department determines are open to the public for hunting. The fees for participation in the deer management assistance program are as follows:

Level 2 . . . . .	\$75.00
Level 3 . . . . .	\$150.00

NR 10.74 INELIGIBILITY AND PENALTIES. Any participant who charges a fee for bonus permits issued under this subchapter in violation of s. NR 10.104 (9m) (a), or who fails to keep records or make reports to the department as required under this subchapter, shall be denied any benefits of enrollment in the program for the calendar year in which the failure was identified and ineligible to participate for up to two years subsequent to that.

**SECTION 60. 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 61. 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 62. 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 63. NR 12.06 (1), (2) and (4) are amended to read:**

NR 12.06 CWD ~~management zone~~ affected area deer removal permits.

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

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

(4) LICENSES, STAMPS AND PERMITS.

(a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer, unless otherwise required as a condition of the permit.

(b) Antlerless deer harvested under the authority of this section may be used as authority to harvest a buck deer during the seasons listed in s. NR 10.01 (3) (et) within the CWD management zone when designated earn-a-buck under s. NR 10.01 (3) (et) 2.

**SECTION 64. NR 12.16 (4) 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), (em) and (ep), ~~except that no deer may be killed during the 24 hour period prior to the November firearm deer season in the area of the state outside of the CWD management zone in s. NR 10.28 (3).~~

**SECTION 65. NR 13.38 (2) (b) and (Note) are amended to read:**

**NR 13.38 (2) (b) *Maximum antlerless deer harvest limit.*** The maximum tribal harvest limit in forest zones established in NR 10.28 (4) shall be calculated according to the following formula:

The management unit deer harvest quota as calculated under ~~s. NR 10.103 (7) x 50%~~ s. NR 10.104 (7) x 50%.

**Note:** There is no s. NR 10.103 (7).

**SECTION 66. 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 67. 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 68. NR 15.10 (1) (intro.) is amended to read:**

**NR 15.10 Horicon marsh wildlife refuge. (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 69. 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, 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 70. NR 19.60 (2) (b) 1. is amended to read:**

NR 19.60 (2) (b) 1. A CWD ~~management zone~~ affected area has been established in the county or a portion of the county, or

**SECTION 71. NR 45.09 (1) 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 72. NR 45.09 (9) is repealed.**

**SECTION 73. NR 45.13 (18) is amended to read:**

NR 45.13(18) KETTLE MORaine 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 74. NR 45.13 (21) is amended to read:**

NR 45.13(21) KETTLE MORaine 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 75. 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 76. EFFECTIVE DATE.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

**SECTION 77. 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)