

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

**CORRECTED on September 20, 2013
(APPENDIX 1 - HEARING SCHEDULE)**

SUBJECT:

Request that the Board approve the statement of scope for emergency Board Order WM-24-13(E) and authorize hearings on Board Order WM-11-13, proposed rules affecting Ch's. NR 1, 10, 13, and 45 related to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report.

FOR: September 2013 Board meeting

PRESENTER'S NAME AND TITLE: Eric Lobner, Southern Region Wildlife Management Supervisor

SUMMARY:

The objective of this rule process has been to work with sportsmen and sportswomen and other stakeholders in order to implement ideas and solutions from the 2012 White-tailed Deer Trustee's report. The emergency rule (WM-24-13E) results from new authority established by the state budget this summer and allows implementation of new regulations for the 2014 deer hunting seasons. The emergency rule will remain in effect until the permanent rule (WM-11-13) is completed and in place.

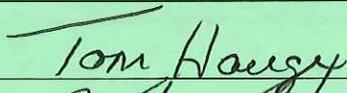
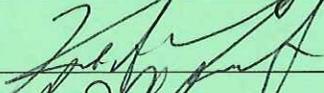
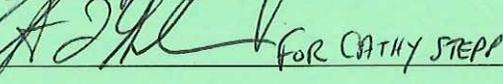
Both rule orders establish deer hunting season frameworks, antlerless deer hunting permits, update deer management populations goals, establish county deer management advisory committees, simplify state park deer hunting regulations, and establish a Deer Management Assistance Program for owners and managers of public and private lands.

**CORRECTION: Appendix 1 - Hearing
Schedule has changed.
Fitchburg and Superior hearings are scheduled
to be held on Wednesday, October 23, 2013.**

RECOMMENDATION: That the Board approve the statement of scope for emergency Board Order WM-24-13(E) and authorize hearings on Board Order WM-11-13.

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

- (choose one)
- Statement of scope
- Fiscal estimate and economic impact analysis (EIA) form
- Response summary
- Attachments to background memo
- Governor approval of statement of scope
- Environmental assessment or impact statement
- Board order/rule

Approved by	Signature	Date
Tom Hauge, Bureau Director		9/13/13
Kurt Thiede, Administrator		9/16/13
Cathy Stepp, Secretary	 FOR CATHY STEPP	9/14/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: September 13, 2013

TO: Natural Resources Board members

FROM: Cathy Stepp, Secretary

SUBJECT: Request authorization for hearings and approval of a scope statement for rules to implement the 2012 White-tailed Deer Trustee Report.

We are requesting authorization to hold hearings on Board Orders WM-11-13 and an emergency version of the same rule, WM-24-13(E). Both rules relate to deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report. The department anticipates holding 31 hearings between October 22 and 31 in the locations identified in Appendix 1.

The department also requests approval of the statement of scope for the emergency rule, which results from authorizing legislation in the recently enacted 2013 ACT 20. The emergency rule will be the vehicle for implementing a new deer program and regulations for the 2014 deer hunting seasons. We anticipate requesting adoption of this rule in December.

Why is the rule being proposed?

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, 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.

Table A (attached) lists all of the DTR recommendations, the public Action Team(s) responsible for addressing, and the abbreviated content of the action teams implementation proposal. The number shown for each recommendation in Table B corresponds to the numbering used in the DTR Executive Summary document.

For example, the first recommendation listed as “A.1 Limit use of SAK accounting style models” was the first recommendation of the DTR under the section “Population Management”.

Important Note: The wording of the recommendations is highly abbreviated to conserve space in Table A. For complete wording of the DTR recommendation, please reference the individual proposals of the Action Teams in this report or the original Deer Trustee Report available online at <http://dnr.wi.gov> keywords: Deer Trustee Report.

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.
Youth	Two consecutive days beginning on the Saturday nearest October 8
October antlerless-only firearm (<i>occurs only in those units 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 Saturday nearest, but not later than October 15 th .
Traditional 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 14 days.
Holiday firearm deer season (South of State HWY 64)	Beginning on December 24 and continuing through the Sunday nearest January 6.

Other noteworthy changes to the current season framework include:

1. Elimination of the 4-day December antlerless-only, any-firearm-type deer season. These 4 days are instead added to the muzzleloader only season, extending that season from 10 to 14 days;

2. The proposal geographically extends the December holiday hunt (December 24 and continuing through the Sunday nearest January 6) from southern Wisconsin to all farmland deer management units south of State Highway 64;
3. Shortens the firearm deer season in Metro deer units to align with the statewide firearm framework. Metropolitan units would continue to have a longer archery season which continues through the end of January.

Bag limits and antlerless permits

Just like current rules, there will 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 antlerless deer permit which is valid in any farmland unit. Bonus permits will allow the harvest of additional antlerless deer where permits are available. The rule does establish that one bonus buck may be harvested if two antlerless deer are harvested first in units with a population objective to decrease deer numbers. There is a limit of one bonus buck per year.

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 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. Under Voigt, tribal input will be sought regarding these proposals. Through the hearing process, the department is evaluating two alternatives:

- 1) An aggregation of the current deer management units.
- 2) Establishing that each county is a deer management unit.

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 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 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. 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 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.

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 Assn., The Nature Conservancy, Whitetails Unlimited, Wisconsin Bowhunters Assn., Wisconsin County Forest Association, Wisconsin Woodland Owners Assn., Quality Deer Management Association, Rocky Mountain Elk Foundation, and the Sierra Club.

Groups registered to lobby the Wisconsin legislature within the last year, many registered specifically on these rules, include: Wisconsin Bear Hunter's Assoc., White-tails of Wisconsin, Safari Club International – Wisconsin Chapters, WI-Force, Wisconsin Wildlife Federation, National Rifle Assoc. of America, and the Assoc. of Wisconsin Snowmobile Clubs.

Rule Development:

These rules were developed with assistance from the bureaus of law enforcement, legal services, 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

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 and may improve management success over current rules. 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 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 any overall impact to small businesses.

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

A notice for Solicitation of comments on this analysis will be posted on the department's website in September. During that period the department will distribute the proposed rule and analysis to parties it determines will be interested and representatives of local units of government.

Environmental Analysis:

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

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
A. Population Management				
1	Limit use of SAK accounting style models	Pg 23	Science & Research	
Use SAK at the level that is appropriate for management (DMU level) and scientific inference. Target efforts towards DMU's with less certainty/more controversy in population estimates. Find a way to rigorously examine and incorporate local knowledge into deer estimation. Keep collecting registration and harvest age-data during the firearm deer season.			Submitted	05/18/2013 REVISED 6/8/2013
2	Do away w/pop goals & estimates @ DMU level	Pg 24	Science & Research	
The team supports retaining population goals and estimates but encourages developing additional metrics for monitoring deer populations and impacts, evaluating unit goals at the time of 3-year unit reviews.			Submitted	05/18/2013
3	Replace current DMU population goal definition	Pg 24	Science & Research	
The team supports retaining population goals and estimates but encourages developing additional metrics for monitoring deer populations and impacts, evaluating unit goals at the time of 3-year unit reviews. Include valid local input as an additional factor to consider in goal setting.			Submitted	06/29/2013
4	Develop metrics for DMU pop goal monitoring	Pg 24	Science & Research	
Retain and expand in-person registration for all deer hunting seasons, which currently provides a large number of metrics. We recommend retaining in-person deer registration in the strongest possible terms. Additional metric categories may include: <ul style="list-style-type: none"> o Deer population trends and influences o Deer Health Metrics o Metrics Related to Deer Impacts on Natural Resources o Metrics Related to Deer Impacts on Society o Metrics Related to Deer Hunters 			Submitted	06/29/2013
5	Reduce # of DMUs, combine Farmland regions	Pg 25	Regulations & Season Structure and Science & Research	
Leave the DMU boundaries as they currently exist and manage the farmland regions into three consistently managed hunting zones.			Submitted by Regs/Season Structure	04/27/2013 REVISED 6/8/2013

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
<p>The team endorses these aspects of the recommendation:</p> <ul style="list-style-type: none"> • Reduce the number of DMUs, and incorporating public input and similar deer habitat and populations • Maintain recognizable DMU boundaries. • Reduce DMUs by aggregating current DMU's to maintain continuity with historical data. • Enter negotiated management experiments in DMUs with particularly contentious population estimates. 			Submitted by Science & Research	05/18/2013
B. Hunting Regulations, Seasons and Bag Limits				
1	Simplify regulatory process, 3-5 year cycle	Pg. 29	Regulations & Season Structure	
In the northern and central regions of the state, continue to have annual quota (objective) setting meetings however in the remainder of the state, quotas (objectives) should be set on a 3-year cycle.			Submitted	04/27/2013
2	Use DMU highest demand as base for permit quotas	Pg. 29	Regulations & Season Structure	
Accept DTR recommendation B-2 as is, "Base antlerless permit quotas on DMU historical demand."			Submitted	04/27/2013
3	Increase cost of all antlerless tags to \$12	Pg. 29	Regulations & Season Structure	
With the purchase of gun and/or archery deer license you will be issued a buck tag valid statewide and an antlerless deer carcass tag for farmland zones only. Any additional antlerless tags will need to be purchased for \$7.00, See combined Implementation Proposal for B.1,3,4,6,9,13.			Submitted	04/27/2013 REVISED 7/16/2013
4	Charge a fee for antlerless tags in CWD Zone	Pg. 30	Herd Health/CWD and Regulations & Season Structure	
With the purchase of gun and/or archery deer license you will be issued a buck tag valid statewide and an antlerless deer carcass tag for farmland zones only. Any additional antlerless tags will need to be purchased for \$7.00, See combined Implementation Proposal for B.1,3,4,6,9,13.			Submitted by Regs/Season Structure	04/27/2013 REVISED 7/16/2013
We support this core recommendation. For DMAP participants, we support the recommendation that comes from the DMAP Team regarding antlerless tag fees.			Submitted by Herd Health/CWD	06/08/2013
5	Establish public lands antlerless permit system	Pg. 30	Regulations & Season Structure	
Restrict the days of hunting with allowable harvest on public lands – public land is defined as any property with public access. Let the DNR decide the days. Bow hunting and muzzleloader season will remain unchanged. Youth will be exempt from this.			Submitted	05/18/2013
6	Limit antlerless deer harvest in Reg & Herd Control Zones	Pg. 30	Regulations & Season Structure	

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team
Implementation Action Item Proposal			Status
			Date
Limit the purchase of antlerless tags in the farmland zones to two per day until the zone is sold out or the season is closed. In regular units the group recommended the purchase antlerless tags be limited to one per day until the unit is sold out or season is closed.			Submitted 04/27/2013 REVISED 7/16/2013
7	Establish DMAP antlerless permit system	Pg. 30	Deer Management Assistance Program
The action team supports the recommendation of establishing a DMAP antlerless permit system. Half price antlerless tags would be issued based on a property-specific assessment following biologist recommendations made with landowner input. This will not replace existing antlerless permit system. A DMAP antlerless permit system will only supplement what already exists. See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5.			Submitted 05/18/2013 REVISED 6/8/2013
8	Re-evaluate Oct antlerless season in CWD Zone	Pg. 30	Herd Health/CWD and Regulations & Season Structure
Should not have an annual October antlerless hunt in the CWD zone. The DNR shall retain the emergency rule process to have an October (early season) hunt if needed. Reasons to constitute an emergency rule shall be due to areas with overpopulation, CWD presence and other disease presence such as Tuberculosis or high crop damage, high car killed deer numbers, and the DNR shall utilize the science group metrics prior to an emergency rule.			Submitted by Regs/Season Structure 05/18/2013 REVISED 7/16/2013
This Team supports having an October antlerless season available statewide which would be used when and where needed for population management, including response to disease. Though it should be possible to qualify for bonus buck tags (where Bonus Buck has been applied) through antlerless deer harvested in an October season, there should be a limit (e.g.3) to the number of bucks harvested annually by one individual, total (all weapons). The WDNR deer management structure should be able to cancel the October season as needed in response to deer population changes.			Submitted by Herd Health/CWD 06/29/2013
9	Maintain current buck limit for gun & archery	Pg. 31	Regulations & Season Structure
With the purchase of gun and/or archery deer license you will be issued a buck tag valid statewide and an antlerless deer carcass tag for farmland zones only. Any additional antlerless tags will need to be purchased for \$7.00, See combined Implementation Proposal for B.1,3,4,6,9,13.			Submitted 04/27/2013 REVISED 7/16/2013
10	Maintain Bonus Buck Regulation in CWD Zone	Pg. 31	Herd Health/CWD and Regulations & Season Structure

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
The Team supports having a Bonus Buck Regulation available statewide which would be used when and where needed for population management, including response to disease. There should be a limit (e.g.3) to the number of bucks harvested annually by one individual, total (all weapons). A minimum of 2 antlerless deer should be required to qualify for a Bonus Buck tag. The WDNR deer management structure should be able to cancel the Bonus Buck Program as needed in response to deer population changes.			Submitted by Herd Health/CWD	06/29/2013
It was supported unanimously to accept DTR recommendation B-10 as is, "Maintain Bonus Buck Regulation in CWD zone." As well as increase the requirement of harvest to two or more antlerless deer prior to the issuance of a bonus buck sticker.			Submitted by Regs/Season Structure	04/27/2013 REVISED 7/20/2013
11	Resolve cross-bow season issue	Pg. 31	Regulations & Season Structure	
Cross-bows shall have a separate license for archery and crossbow. The crossbow season will be monitored to adjust season structure if data showed any disproportion added to harvest based on historical data. Disabled cross-bow opportunity will be maintained.			Submitted	05/18/2013
12	Resolve baiting/feeding issue outside CWD affected area	Pg. 31	Regulations & Season Structure	
Ban baiting and feeding statewide			Submitted	05/18/2013
13	Put the fun back into hunting by simplifying seasons, bag limits and youth qualifications!	Pg. 31	Regulations & Season Structure	
With the purchase of gun and/or archery deer license you will be issued a buck tag valid statewide and an antlerless deer carcass tag for farmland zones only. Any additional antlerless tags will need to be purchased for \$7.00, See combined Implementation Proposal for B.1,3,4,6,9,13.			Submitted	04/27/2013 REVISED 7/16/2013
C. Predator Studies and Management				
1	Continue research on impacts of predators	Pg 41	Science & Research	
Endorse the recommendation. Continue to support high-quality research on predators, including geospatial studies in order to monitor trends in population growth and depredation, and communicate research methods and findings with neighboring states.			Submitted	05/18/2013
2	Involve public w/field-based research projects	Pg 41	Science & Research	
Endorsed the recommendation. Continue with public field-based research projects on predators, including wolves, and include the involvement with all segments of the public, including non-hunters.			Submitted	05/18/2013
5	Geospatial studies of predators, esp. wolves	Pg 41	Science & Research	

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
Endorsed the recommendation and chose to include language for the recommendation with C. 1. (Continue to conduct research on the impacts of predators on the deer herd.)			Submitted	05/18/2013
D. Chronic Wasting Disease				
1	Consider a more passive approach to CWD in DMZ	Pg 56	Herd Health/CWD	
We do agree that the approach should be "more passive" than deer population eradication, but we feel that some level of deer population reduction is currently a strategy to attempt to slow down growth and spread. We believe there is need to minimize further impacts of CWD on the state and that slowing down the growth and spread of CWD from the current Management Zone is a necessary piece of minimizing CWD impact. Herd management should be based upon habitat, public acceptance and tolerance of herd population levels and disease.			Submitted	05/18/2013
2	Develop a new sampling protocol for CWD	Pg 56	Herd Health/CWD and Science & Research	
We support the intent of this proposal, acknowledging that over the last decade there have already been changes made to the state's CWD surveillance program to maximize the chance of detecting changes in disease distribution. We recognize that there will need to be more testing to achieve all the critical surveillance goals – detection of spread, tracking of the progress of the disease. An increased level of testing (potentially a minimum of 20,000 tests annually) may be required to accomplish statewide surveillance goals (including detection, monitoring, and hunter service). Surveillance information should be made available to the general public on the agency's website. There will need to be new, larger and stable sources of funding to achieve this. This Team supports a renewed effort to expand funding sources to support testing.			Submitted by HH/CWD	05/18/2013 REVISED 7/20/2013
The Science and Research Action Team adopted the Herd Health/CWD Action Team's Implementation Proposal.			Submitted by Science & Research	06/29/2013
3	Response plan focused on early detection	Pg 56	Herd Health/CWD	

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
<p>The response to newly detected cases of CWD in wild deer should start immediately but should consider a phase of thoughtful planning considering the local situation before moving to implementation. It should include:</p> <ul style="list-style-type: none"> • Public Involvement - establish a citizen advisory committee • allow harvest of sick-appearing deer • Enhanced surveillance to determine the scope and magnitude of the problem • Significant and sustained herd reduction in a targeted area. • Immediate implementation of the current law/policy that prohibits baiting/feeding of deer. 			Submitted	06/08/2013
4	Implement statewide DMAP program	Pg 56-57	Herd Health/CWD and DMAP	
The HH/CWD Action Team endorses this recommendation.			Submitted by HH/CWD	05/18/2013
See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5.			Submitted by DMAP	06/29/2013
5	Provide more info on humans contracting a CWD variant	Pg 57	Herd Health/CWD	
<p>We support this recommendation. DNR and Division of Public Health should enhance and make more accessible, information about CWD and human health risks. The basic message should include acknowledgement that though there is no evidence that humans can acquire CWD from eating meat from a CWD-infected deer, that there is much research to be done on that possibility. The basic message should be available in a prominent position in the annual deer regulations and updated more extensive information should be easily accessible through DNR and Division of Public Health websites.</p>			Submitted	04/27/2013
6	Decrease time required for CWD test results	Pg 57	Herd Health/CWD	
<p>We agree with the majority of the surveyed public, the time required for CWD test results is currently acceptable. However, cost effective improvement in the time required should be a long term objective.</p> <p>Alternate testing opportunities need to be communicated broadly.</p>			Submitted	04/27/2013
7	Annual meeting of DMAP Cooperators	Pg 57	Herd Health/CWD and DMAP	

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
<p>Look at other organizations that have similar meetings, workshops, and public outreach. Workshops could be conducted at the DMU or County (or another) level. DMAP success will require strong public acceptance. Success can be demonstrated at annual workshops and used to build the program and gain new interest. CWD management, research, and updates should be incorporated into workshops/reports. Local biologist/forester will contribute to workshops, meetings, DMAP implementation, and site visits. Diversity of inputs will be important. See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5.</p>			Submitted by DMAP	05/18/2013 REVISED 6/29/2013
<p>We support this recommendation that CWD consistently be included in any annual DMAP meetings but we do not support or reject the DMAP concept. We support that additional to the DMAP annual meeting, there should be other forums in which stakeholders have an opportunity to get updated CWD information and provide input on CWD management.</p>			Submitted by HH/CWD	04/27/2013
8	WDNR work closely with WCC at county level	Pg 57	Herd Health/CWD and Science & Research	
<p>We support regular meetings between WDNR and WCC for mutual education and issues discussion on CWD/herd health management on a county level or other appropriate geographic scale.</p>			Submitted by HH/CWD	06/29/2013
<p>Team endorses this recommendation; however, as deer management is at DMU-level that should be how the congress gathers input.</p> <ul style="list-style-type: none"> • Special effort is needed to ensure all members of the public are adequately represented. • Reliable study design is needed to properly gather input. 			Submitted by Science & Research	06/29/2013
9	Be proactive-use human dimensions reasearch	Pg 57	Herd Health/CWD and Science & Research	
<p>We support the use of human dimensions research as part of optimal CWD management. However, this needs to be rigorous research (with well thought out targeted study subjects and approaches). We recommend consideration of studies closely tied to chosen CWD management actions, incorporating pre-action assessment of stakeholder attitudes and actions and monitoring of how the management action changes attitudes and actions.</p>			Submitted by HH/CWD	06/29/2013

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
<p>Team endorses this proposal, subject to implementation recommendations and rationale outline in D.8. and H.2. • Agree that this recommendation is important and endorse the need for the development of human dimensions research.</p> <ul style="list-style-type: none"> • Develop metrics for human-dimensions using long-term monitoring, potentially including such topics: <ul style="list-style-type: none"> o Deer hunter retention and recruitment o Evaluation of preferences regarding trade-offs between seeing more deer, harvesting more deer and trophy deer opportunities. o How much public land and MFL land would we need to increase hunter satisfaction? o Baiting and feeding. o Use of public lands and MFL land to reduces hunter conflict and increase hunter satisfaction. o Perceptions of citizens regarding the deer population, deer impacts, predator populations, and the relationships to their expected future resource use. 			Submitted by Science & Research	06/29/2013
10	Make Charlotte the Deer - Mascot of CWD	Pg 57-58	Herd Health/CWD	
We do not believe that the specific DTR recommendation should be implemented, though we support the need for more CWD public education efforts. "Charlotte the Deer" is not a good choice for a centerpiece, because this is a complex issue more about illegally taken wildlife than about CWD.			Submitted	04/27/2013
E. Harvest Data, Herd Health and Productivity				
1	Involve public in volunteer based data collection	Pg 59	Science & Research	
Involving the public in data collection produces many benefits, including buy-in on management and harvest strategies and cost-efficiencies of data collection.			Submitted	06/08/2013
2	Conduct annual late winter field necropsy study	Pg 59	Science & Research	
The spirit of this recommendation is met by conducting assessments of condition and reproduction of a car-killed deer. We propose that this recommendation become a metric to monitor deer herd health, and thus rolled into A.4.			Submitted	06/29/2013
4	Annual DMAP workshop, annual report	Pg 59	Deer Management Assistance Program	

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
<p>Look at other organizations that have similar meetings, workshops, and public outreach. Workshops could be conducted at the DMU or County (or another) level. DMAP success will require strong public acceptance. Success can be demonstrated at annual workshops and used to build the program and gain new interest. CWD management, research, and updates should be incorporated into workshops/reports. Local biologist/forester will contribute to workshops, meetings, DMAP implementation, and site visits. Diversity of inputs will be important. See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5.</p>			Submitted	05/18/2013 REVISED 6/29/2013
F. Habitat				
1	<i>Biologists and technicians should be required to conduct annual range evaluations to assess habitat health and condition</i>	Pg 70	Deer Management Assistance Program	
<p>The action team supports the recommendation of conducting annual range evaluations to assess habitat health and condition on DMAP properties. See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5, H.8.</p>			Submitted	05/18/2013
G. People				
1	Implement a DMAP	Pg 69	Deer Management Assistance Program	
<p>See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5, H.8.</p>			Submitted	06/29/2013
2	DMAP cooperators receive annual report	Pg 73	Deer Management Assistance Program	
<p>Look at other organizations that have similar meetings, workshops, and public outreach. Workshops could be conducted at the DMU or County (or another) level. DMAP success will require strong public acceptance. Success can be demonstrated at annual workshops and used to build the program and gain new interest. CWD management, research, and updates should be incorporated into workshops/reports. Local biologist/forester will contribute to workshops, meetings, DMAP implementation, and site visits. Diversity of inputs will be important. See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5,H.8.</p>			Submitted	05/18/2013 REVISED 6/29/2013
3	Develop public lands antlerless permit system	Pg 73	Regulations & Season Structure	
<p>See Implementation Proposal B.5.</p>			Submitted	05/18/2013

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
4	Agreements with GLIFWC, also many other factors	Pg 30 & Pg 67 paragraph 1 & Pg 79 par 2	Science & Research	
The Team recommends the DNR continue to consult with GLIFWC staff on deer management			Submitted	06/08/2013
5	Expand public education / outreach efforts	Pg 73-74	Deer Management Assistance Program	
Look at other organizations that have similar meetings, workshops, and public outreach. Workshops could be conducted at the DMU or County (or another) level. DMAP success will require strong public acceptance. Success can be demonstrated at annual workshops and used to build the program and gain new interest. CWD management, research, and updates should be incorporated into workshops/reports. Local biologist/forester will contribute to workshops, meetings, DMAP implementation, and site visits. Diversity of inputs will be important. See combined Implementation Proposal B.7., D.4,7, E.4., F.1., G.1,2,5,H.8.			Submitted	05/18/2013
H. DNR Research and Technical Publications				
1	Establish research steering committee	Pg 76	Science & Research	
Support the creation of a subcommittee within the deer committee to address research, and include representatives from the universities, agricultural and forestry stakeholders, federal agencies, with geographic representation from across the state.			Submitted	04/27/2013
2	Human Dimensions research development	Pg 76	Science & Research	
Agree that this recommendation is important and endorse the need for the development of human dimensions research.			Submitted	04/27/2013
5	Develop long-term research plan	Pg 76	Science & Research	
Recommend a 10-year goal/plan commitment with a major review after 5 years, and annual assessments. Switch depredation funding from license and application fees to general purpose revenues and use license fees for wildlife research.			Submitted	04/27/2013
6	Cooperative efforts with other agencies	Pg 76	Science & Research	

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team
Implementation Action Item Proposal			Status
Endorse this recommendation and support collaboration across agencies to help leverage funding and strengthen projects.			Submitted
			04/27/2013
7	Research projects of an applied nature	Pg 76	Science & Research
The team endorsed the language and the members are in agreement on the recommendation.			Submitted
			04/27/2013
8	Project results should be extended to public	Pg 77	Science & Research and DMAP
Look at other organizations that have similar meetings, workshops, and public outreach. Workshops could be conducted at the DMU or County (or another) level. DMAP success will require strong public acceptance. Success can be demonstrated at annual workshops and used to build the program and gain new interest. CWD management, research, and updates should be incorporated into workshops/reports. Local biologist/forester will contribute to workshops, meetings, DMAP implementation, and site visits. Diversity of inputs will be important.			Submitted by DMAP
			05/18/2013
The team endorsed the recommendation. The Action Team also recommended: Work with the Bureau of Communications to develop a robust outreach/education/marketing plan to push the information to all stakeholders, including pre- and post-study communication.			Submitted by Science & Research
			04/27/2013
9	Develop a Wildlife Disease Unit	Pg 77	Herd Health/CWD
A DNR Wildlife Health Unit has existed for over 30 years. It is supported by technical staff in other states and federal agencies. It works well with the existing organization and a large cadre of field staff.			Submitted
			04/27/2013
I. Conservation Congress			
1	WCC more active role in deer mgmt decision-making	Pg 79	Regulations & Season Structure
Conservation Congress should have a more active role in deer management decision making at the local level. WCC shall take a leadership role – solicit and summarize input at a regional level to then be provided to the DNR. WCC should have a stronger outreach and education effort. At spring hearings each county should vote on the levels of deer.			Submitted
			05/18/2013
J. Personnel			
1	Addition of Deer Mgmt Assistance Coordinator	Pg 79-80	Deer Management Assistance Program

Table A - DTR Action Team Implementation Proposals

	DTR Recommendation	DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
	Hire a DMAP coordinator and their primary focus should be DMAP and at a level of responsibility consistent with the DTR recommendation. Priorities should be managerial, coordination, communication, and leadership skills rather than the science. The group acknowledges that coordinator should be on the ground, in the field during the pilot program, not in the office.		Submitted	05/18/2013
Parking Lot Items				
1	What does the CWD Management Zone mean? How should we define CWD Zones going forward?		Herd Health/CWD	
	Some sort of defined CWD zone is appropriate for items including, but not limited to cervid farms and carcass movement restrictions, but may not be necessary for harvest rules. In general, we believe that CWD Zone designations should be defined using the current baiting/feeding format, i.e. using county boundaries, create a zone incorporating all areas within 10 miles of where a CWD test positive is identified. However, there are many complex implications of declaring a CWD zone, so designating new zones/modifying existent zones should be done very carefully on a case-by-case basis and in consultation with local stakeholders. The team recommends naming such zones "CWD-affected areas." We suggest provisions for removing the CWD-affected designation when it can be confirmed that CWD is no longer a concern in this area.		Submitted	07/20/2013
2	Establish an antlerless only season (long and late)		Regulations & Season Structure	
	Establish a pilot antlerless only season - units, weapons, and length of season up to negotiate was not supported (4 yes 8 no).		Submitted	07/20/2013
3	Revert to allowing harvest of white (albino, lutino) deer in the CWD-Management Zone.		Herd Health/CWD	
	Restore in any CWD Management Zones, the state-wide rule protecting white deer from harvest.		Submitted	07/20/2013
4	How do we address over-population with EAB removed by legislation?		Regulations & Season Structure	
	Earn-A-Buck currently is no longer an option being that it was removed by legislation. However, the Regulations and Season Structure Action team felt that Earn-A-Buck has shown to be the best tool to address over population. It was recommended that the WDNR establish a pilot earn-a-buck program in farmland zones to address areas with high deer populations. In areas where the deer herd was overpopulated it was also recommended that the WDNR shall retain the December antlerless hunt and to establish a longer continuous gun season.		Submitted	07/20/2013

Table A - DTR Action Team Implementation Proposals

DTR Recommendation		DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
5	Do not change current DNR policy prohibiting deer rehabilitation in CWD areas.		Herd Health/CWD	
	<p>The DNR received a letter from a licensed wildlife rehabilitator from Washington County requesting that the DNR policy restricting the rehabilitation of deer due to detection of CWD be changed. This is due to the fact that CWD was detected in a wild deer in Waukesha County which resulted in the implementation of a ban of baiting & feeding and deer rehabilitation in Washington County. Currently, rehabilitation and release is not allowed for wild deer from counties whose borders fall within 10 miles of where a CWD affected deer has been found. The HH/CWD Team feels that rehabilitation and release of deer is counterproductive to controlling the spread of CWD and that continuing this restriction is prudent.</p>		Submitted	07/20/2013
6	Allow group bagging for the archery season.		Regulations & Season Structure	
	<p>The item of allowing group bagging for the archery season was addressed and was unanimously not supported. Therefore the team moved on to additional parking lot items.</p>		Submitted	07/20/2013
7	Reducing risk of new CWD introductions in WI needs to include control of human-facilitated spread of CWD prion.		Herd Health/CWD	
	<p>Reducing the risk of spread of CWD from farmed cervids to wild cervids by continuing mandatory CWD surveillance on all WI deer farms (implemented by accredited veterinarians), mandatory depopulation and premise management of CWD-affected farms, and rigorous prevention and management of farmed cervid escapes (including financial responsibility by producers for the government costs of escape management). Regulation of the movement and disposal of carcasses and carcass parts from deer harvested in CWD-affected areas (the intent is to reduce the potential for infectious material to be left on the landscape). Appropriate limitations on licensing so that taxidermy, deer rehabilitation, and deer farming activities cannot happen at the same facility.</p>		Submitted	07/20/2013
8	Expand bonus buck outside of the CWD zone where ever needed to increase antlerless harvest exists (and also have the requirement to harvest 2 or more antlerless deer for 1 bonus buck which is valid for both gun & archery)		Regulations & Season Structure	
	<p>The Regulations and Season Structure Action Team proposal of expanding bonus buck outside of the CWD zone where ever needed to increase antlerless harvest exists which includes a requirement to harvest 2 or more antlerless deer for 1 bonus buck, valid for both gun & archery seasons was supported.</p>		Submitted	07/20/2013

Table A - DTR Action Team Implementation Proposals

	DTR Recommendation	DTR Page #	Action Team	
Implementation Action Item Proposal			Status	Date
9	Wisconsin needs to continue to support CWD research that will improve WI CWD management.		Herd Health/CWD	
	<p>The State of Wisconsin and the federal government need to continue to identify, facilitate, and financially support CWD research that is carefully selected to provide information for state CWD and deer management decisions. Research conducted on public or private landholdings must be approved by the appropriate landowner/property manager. Current high priority research areas include the role of environmental contamination in CWD spread, enhancing surveillance approaches to detect spread and prevalence trends, the efficacy of control strategies, and whether CWD will pose a risk for livestock and human health. WDNR, WI Universities and other proven CWD research partners must collaborate to achieve this in a timely and cost effective way. WDNR routine surveillance data must be readily available (through a WDNR website), both to further some of the research goals, but also for citizen and stakeholder use in making choices about hunting and other activities.</p>		Submitted	07/20/2013
10	Maintain the Holiday Hunt.		Regulations & Season Structure	
	<p>The Regulations and Season Structure Action Team proposal of maintaining the holiday hunt was supported. Additionally it was proposed and supported to implement a holiday hunt in all farmland zones (or where needed for disease control) (11 yes, 5 no)</p>		Submitted	07/20/2013
11	Ban group bagging during the firearm season.		Regulations & Season Structure	
	<p>The Regulations and Season Structure Action Team proposal of banning group bagging statewide during the firearm season was not supported (3 yes, 14 no)</p>		Submitted	07/20/2013

2013 Deer Trustee Report Rule Hearing Locations

<u>Date</u>	<u>City</u>	<u>Location</u>	<u>Time</u>
Tuesday, October 22, 2013	Eagle River	Northland Pines HS Auditorium 1800 Pleasure Island Rd.	6-8pm
	Eau Claire	DNR Service Center conference room 1300 W. Clairemont Ave.	7-9pm
	Park Falls	Park Falls High School Auditorium 400 9th Street North	6-8pm
	Prairie Du Chien	Prairie Du Chien City Hall 214 East Blackhawk Ave.	7-9pm
	Richland Center	Richland County Courthouse Board Room 181 W. Seminary St.	6-8pm
	Schofield	D.C. Everest Middle School Auditorium 9302 Schofield Avenue	7-9pm
	Superior	Superior Public Library 1530 Tower Ave	6-8pm
Wednesday, October 23, 2013	Black River Falls	Lunda Auditorium/BRF Middle School 1202 Pierce St.	7-9pm
	Burlington	Veterans Terrace - Stars and Stripes Room 589 Milwaukee Avenue	6-8pm
	Fitchburg	DNR Service Center - Gathering Waters Conf. 3911 Fish Hatchery Road	6-8pm
	Horicon	Horicon Marsh Education and Visitor Center N7725 Hwy 28	6-8pm
	Plymouth	Plymouth High School - Auditorium 125 Highland Ave	7-9pm
	Rhineland	James Williams Middle School Auditorium 915 Acacia Lane	6-8pm
	Superior	Superior Public Library 1530 Tower Ave	6-8pm
Thursday, October 24, 2013	Green Bay	NWTC Rm SC132 2740 W. Mason St.	7-9pm
	Hayward	Hayward High School, Auditorium 10320 Greenwood Ln.	6-8pm
	LaCrosse	DNR Service Center RM B-19 3550 Mormon Coulee Rd	7-9pm
	Mauston	Mauston H.S. Auditorium 800 Grayside Avenue	7-9pm

Appendix 1 - Hearing Schedule

2013 Deer Trustee Report Rule Hearing Locations

	Portage	Law Enforcement Center 711 East Cook St	6-8pm
Thursday, October 24, 2013	Wautoma	Wautoma High School Cafeteria 514 S. Cambridge St.	7-9pm
Tuesday, October 29, 2013	Ashland	Northern Great Lakes Visitor Center 29270 County Hwy G	6-8pm
	Baldwin	DNR Service Center conference room 890 Spruce St.	7-9pm
	Clintonville	Clintonville High School 64 West Green Tree Rd	7-9pm
	Fitchburg	DNR Service Center - Gathering Waters Conf. 3911 Fish Hatchery Road	6-8pm
	Florence	Nat Res Center Conf Room 55631 Forestry Dr.	7-9pm
	Grantsburg	Crex Meadows Wildlife Education & Visitors Center 102 E. Crex Avenue	7-9pm
	Janesville	DNR Service Center - Janesville 2514 Morse Street	6-8pm
	Medford	Medford High School Red - White Theater 1015 W. Broadway Ave.	6-8pm
	Pewaukee	Wildwood Lodge - Hudson Bay Room N14 W24121 Tower Place	6-8pm
Wednesday, October 30, 2013	Antigo	Antigo H S Auditorium 1900 10th Ave	7-9pm
	Barron	Barron County Government Center, Room 110 355 East Monroe Avenue	7-9pm
	Crivitz	Crivitz High School 400 South Ave	7-9pm
	Dodgeville	Dodgeville DNR Service Center 1500 N. Johns St.	6-8pm
	Fountain City	Cochrane/Fountain City HS Auditorium S2770 STH 35	7-9pm
	Oshkosh	Webster Stanley Middle School 915 Hazel Street	7-9pm
Thursday, October 31, 2013	Darlington	Darlington Elementary School Auditorium 11630 Center Hill Rd.	6-8pm
	Ladysmith	Ladysmith High School Auditorium 1700 E. Edgewood Ave	6-8pm

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

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.

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).

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

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

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

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

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

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

Yes No

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.

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.

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. During a comment period beginning in September, the department will contact representatives of all of these groups.

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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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 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 none or a minimal economic impact locally or statewide.

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

During a comment period beginning in September the department will solicit comments from local governments using an email distribution list, posting on a website, and by contacting groups who represent associations of local governments.

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 focus 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. 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 herds in certain areas following implementation of these rules should not be attributed to these rules.

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

CWD was first detected in Wisconsin 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 additional firearm hunting opportunities following the traditional 9-day firearm season, landowner permits allowing deer harvest by landowners and their agents following the end of regular seasons, and population objectives to 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 area. 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. With the implementation of 2011 ACT 51 some people would say that Wisconsin has taken a more passive approach to managing CWD - a recommendation of the Deer Trustee's Report - but that approach is not a result of these rules. Considering these factors, the department estimates that these rules are unlikely to have a significant impact on the management of CWD. These rules are also unlikely to have an economic impact that would result from CWD management efforts.

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 report, is ongoing. The department's estimate that these rules will have none 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 an Agricultural Damage Claims and Abatement Program for which certain forest products

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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 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. 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.

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. Department staff have heard both positive and negative comments from registration stations about an 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.

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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

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 Agricultural Damage and Nuisance Abatement 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

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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 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.

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.

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

These proposed rules establish additional methods of managing deer harvest at the statewide and local level. Under s. 29.016 Stats., the department is prohibited from requiring hunters to harvest an antlerless deer before harvesting their first buck and the ability to establish firearm seasons early in the fall season is reduced. The department is proposing more consistent seasons frameworks in these rules that are more likely to be accepted by hunters but which will still result in increases 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 activities 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.

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.

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.

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-

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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.

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

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 and may improve management success over current rules. 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 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 any overall impact to small businesses.

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.

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.

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).

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.

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

- Yes No
-

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

The statement of scope for this rule, SS 098-13, was approved by the Governor on July 23, 2013, published in Register No. 692, on August 14, 2013, and approved by the Natural Resources Board on _____. This emergency rule was approved by the Governor on _____.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR, 10.01 (3) (ed), 10.01 (3) (es) 3., 10.01 (3) (et), 10.07 (3), and 10.28 (3), 45.09 (9), to amend NR 1.15 (1) (a) and (b), 1.15 (1) (c) 1., 1.15 (2) (a) (intro.), 1.15 (2) (at), 1.15 (3), 10.001 (2e), 10.001 (6p), 10.01 (3) (es) 1. and 2., 10.01 (3) (ev), 10.02 (3), 10.102 (e) 4., 10.105 (1) and (2), 10.106 (1) (Intro.), 13.38 (2) (b) and (Note), to repeal and recreate NR 1.15 (2) (a) 8., 10.01 (3) (e), 10.01 (3) (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.41, and to create NR 10 (Intro.), 10.001(1k), 10.01 (2) (b) (Note), 10.01 (4) (dm) (Note), and Subchapter II relating deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report.

WM-24-13(E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The grant of statutory authority to promulgate an order implementing the 2012 final deer management report as an emergency rule is found in a non-statutory provision, Section 9132, of 2013 ACT 20 which is the biennial state budget. The emergency rules process is established in s. 227.24 Stats.

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.

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 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-11-13 is the identical permanent rule companion to this emergency rule. This emergency rule shall remain in effect until June 30, 2015, or the date on which the permanent rule takes effect, whichever is sooner.

Board Order WM-01-13, the wildlife management spring hearing rule, WM-04-13, related to remedial and housekeeping updates, and WM-21-13 related to hunting and trapping in state parks are currently being promulgated and may affect some of the same sections as this board order. Where possible, the department will choose only one board order to make needed updates. When it is necessary to modify a section that is also being modified by another board order, that will be indicated in the treatment clause.

Plain Language Rule Analysis: There has been dissatisfaction with various issues related to white-tailed deer management and hunting in Wisconsin. Gubernatorial candidate Scott Walker made a promise to appoint a "Deer Trustee" to review programs. 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 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 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 Ch. NR 10 as Subchapter 1 and prepares for the creation of another subchapter.

SECTIONS 8, 28 and 29 establish that CWD management zones will be identified as CWD-affected areas and are based on counties and not the previous configuration of deer management units and portions of units. These sections also establish that the population density objective in CWD-affected areas or portions of counties in CWD-affected areas is to decrease the deer herd.

SECTION 9 creates a definition of “afield” for the purpose of establishing that a deer cannot be accompanied by someone other than the person who tagged it if the person who tagged the deer is not also present while afield, similar to current rules.

SECTION 10 updates cross references and makes a cross-reference to the law which establishes the archer license more general so that it will continue to be accurate if new statutes related to hunting with crossbows are enacted.

SECTIONS 11 to 17 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.
Youth	Two consecutive days beginning on the Saturday nearest October 8
October antlerless-only firearm (<i>occurs only in those units 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 Saturday nearest, but not later than October 15 th .
Traditional 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 14 days.
Holiday firearm deer season (South of State HWY 64)	Beginning on December 24 and continuing through the Sunday nearest January 6.

Noteworthy changes to current rule are that there is no longer a 4-day December antlerless-only, any-firearm-type deer season. These 4 days are instead added to the muzzleloader only season, extending that season from 10 to 14 days. This section establishes that a season commonly referred to as the December holiday hunt, beginning on December 24 and continuing through the Sunday nearest January 6, is an either sex season south of State Highway 64 rather than open only in the CWD management zone. For consistency with statewide firearm hunting regulations, these sections repeal the extended firearm deer season that had been established for Metropolitan deer hunting units. Metropolitan units would continue to have a longer archer season which continues through the end of January. 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. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

These sections establish a bag limit of one buck during firearm deer seasons and one buck during bow & arrow seasons, plus additional antlerless deer where permits are available.

Finally, these sections make a number of remedial changes for consistency with state statute related to the elimination of earn-a-buck regulations for the first buck harvested.

SECTIONS 18, 19 and 22 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.

SECTION 20 restores the protected status of white deer in a CWD management area.

SECTION 21 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 23 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. 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 establishes that one bonus buck may be harvested in units with an objective to decrease the deer population instead of just in a CWD management zone. The harvest of two antlerless deer is required first and there is a limit of one bonus buck per year.

SECTION 24 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 transported on roadways or possessed at home by someone other than the person who tagged it, consistent with current rules.

SECTION 25 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.

SECTION 26 modifies deer registration procedures to allow telephone or electronic recording of harvest. The ability to require in person registration in a CWD area is retained if the department determines that is necessary at times. Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer is taken into possession. Registration requirements will be the same statewide for both firearm and archer harvested deer.

SECTION 27 establishes deer management units, including metropolitan 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. [For purposes of rules hearings in October 2013, the department will be evaluating a map based on the consolidation of existing deer management units and an alternative proposal to use counties as deer management units]

SECTION 30 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.

SECTION 31 updates a cross-reference related to establishing the harvest quota for tribal members in the ceded territories.

SECTION 32 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 has been delegated to 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.

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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 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 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 run November 15 – 30. The archery seasons runs 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 others there is an application process and drawing.

Minnesota

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

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

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

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

Chapter NR 10 establishes most of the deer population management policy and 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 that specific population model from the chapter. However, these rules do not prohibit the department from continuing to analyze deer populations using the Sex-Age-Kill model or others as methods of developing 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. 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 recommend that the department consult with groups or representatives for certain deer related interests in establishing quotas each year. Historical demand for antlerless permits has not been a factor that the department was required to consider in quota setting in the past but would be a mandatory consideration under these rules. 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 any farmland unit. 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 all 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 these permits will be credited to an account for management and testing of chronic wasting disease. Finally, through the Deer Management

Assistance Program, these rules allow establishing unique antlerless deer permits that are specific for use on properties enrolled in the Deer Management Assistance Program. A recommendation resulting from the public involvement process that preceded development of these rules was that the fee for bonus permits should be \$10.00. That is not proposed in these rules because the bonus permit fee is already established by statute and the department does not have rulemaking authority to change it. Other permits, the fee for which the department does have rulemaking authority, are generally also \$12.00 for consistency with bonus permits.

A variety of related hunting regulations changes are proposed in these rules. Many 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 as opportunities will arise during development of new automated licensing systems. 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 before midnight of the date of harvest is established. 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 are interested with very timely harvest information. The shorter deadline may also help with enforcing bag limit 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. For practical purposes, this requirement is the same as current rules because in-the-field registration of harvested deer was not possible previously. However, now that deer could be registered while in the field, rules will continue to require that the person who tagged the carcass accompany it during dragging or other field transport. Deer that have been registered could be transported by other people on public roads or possessed at home.

Season date modifications will have the impact of opening a 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. While the report generally recommended that, "keeping seasons and bag limits consistent for longer periods of time would allow better assessment of management progress", it is challenging to discuss management system changes of this scale without considering season dates. 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 extended by four days under this proposal and this extended muzzleloader-only season will replace what had previously been a statewide four day any-firearm season for antlerless deer only. This proposal establishes an additional firearm deer hunting opportunity in the portion of the state South of HWY 64 beginning on December 24 and continuing to the Sunday nearest January 6. 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 consistency with the rest of the state.

Under current rule, numerous state parks are listed in the table that establishes deer seasons because the DNR 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. 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. Finally, 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.

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 the same as in 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, the option to issue landowner permits for sampling or for additional harvest opportunities, and provide advice on when an October firearm season will be held if necessary in a CWD 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 objectives for other units to increase, maintain, or decrease the density of the deer herd.

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. The program is a central recommendation of the 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.

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 updates 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.

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, will facilitate a 14 day period for comment on a draft economic impact analysis. The comment period will begin in September, 2013.

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 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 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 may be 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 will not be 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 could have none 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 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 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 population objective~~ if intolerable levels of damage are likely when the herd is at an increasing or stable objective 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 and if an objective is selected which would result in a herd size goal-reduction which 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, harvest recommendations, population goals and objectives and habitat management needs and guidelines.

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

SUBCHAPTER 1

GENERAL PROVISIONS

SECTION 8. 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, management and eradication of chronic wasting disease and is considered the chronic wasting disease ~~eradication zone and chronic wasting disease control~~ management zone only for purposes of ss. 29.063 (5) and 167.31 (4) (bg) 1., Stats.

SECTION 9. NR 10.001 (1k) is created to read:

NR 10.001 (1k) "Afield" means an area open to hunting such as fields, forests or similar areas.

SECTION 10. NR 10.001 (2e) is amended to read:

NR 10.001 (2e) "~~Archery hunt~~" "Archery deer season" means a hunting ~~period~~ season for hunting deer ~~with bow and arrow or crossbow~~ as authorized by ~~s. 29.171 (2) and (2m); s. 29.171 and 29.216~~ Stats., in the zones described in ~~s. NR 10.28 (3)~~ s. NR 10.28 (1).

SECTION 11. 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 4.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
b. All that part of the state South of State HWY 64 and not otherwise listed in subds. 2 to 4.	Firearm season reopening on December 24 and continuing through the Sunday nearest January 6.	
2. State parks, trails and forests. State parks, trails and forests are open during the seasons listed in subd. 1 except as established below 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 be posted closed to hunting.		
a. Perrot, High Cliff and Peninsula state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
d. Rib Mountain, Harrington Beach and Kohler-Andrae state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the	One buck deer with an unfilled gun buck deer carcass tag and additional

	Thanksgiving Day holiday and continuing for 19 consecutive days.	antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
g. Loew Lake Unit – Kettle Moraine state forest.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
h. Wildcat Mountain state park.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 19 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
i. Buckhorn state park in the area east of 19th avenue, north of county HWY G, and north of 31st street.	Firearm seasons listed in subd. 1, the muzzleloader season established in subd. (es) 1., and the youth hunt in par. (ev).	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. 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.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Federally owned portions of the Apostle Islands	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. All that part of the state not otherwise listed in subds. 2. to 4. when the department has made the findings required under s.	Firearm deer season lasting 4 consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 th .	One antlerless deer for each antlerless permit or tag issued under. NR 10.104. Additionally, the department shall promulgate rules under

29.016 (2) (b), Stats., and following promulgation of rules under s. 227.24, Stats.		s. 227.24 establishing that no person may harvest a buck during other deer seasons which are open at the same time as the season established in this subd.
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SECTION 12. NR 10.01 (3) (ed) is repealed.

SECTION 13. NR 10.01 (3) (em) is repealed and recreated to read:

<i>(em) Archery deer season</i>		
1. Statewide except as established under subds. 2. to 4.	Beginning on the Saturday nearest September 15 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery buck deer carcass tag and one antlerless deer as authorized by the appropriate archery antlerless deer 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.	Bow season As established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Federally owned portions of the Apostle Islands.	Beginning on the Saturday nearest September 15 and continuing through September 30; and November 1 through the Sunday nearest January 6.	One deer per carcass tag as described under s. NR 10.104 (15) (a) and (b). Additional deer may be taken pursuant to s. NR 10.104 (15) (d).
3. Metro deer management units LaCrosse, Hudson, Superior, Green Bay, Milwaukee, and Madison as described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through January 31.	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.
4. State parks, trails, forests and recreation areas. State parks, trails and forests are open during the seasons listed in subd. 1 except as established below 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 be posted closed to hunting.

<p>a. Loew Lake Unit – Kettle Moraine state forest, Buckhorn state park</p>	<p>During the archery deer season described in subd. 1.</p>	<p>One buck deer with an unfilled gun buck deer carcass tag and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.</p>
<p>b. Big Bay state park.</p>	<p>Beginning on Oct. 15 and continuing for the remainder of the archery deer season described in subd. 1.</p>	<p>One buck deer with an unfilled gun buck deer carcass tag and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.</p>

SECTION 14. NR 10.01 (3) (es) 1. and 2. are amended to read:

<p>NR 10.01 (3) (es) <i>Muzzleloader deer season</i></p>		
<p>1. Entire state, except for the areas described in subd. 2., par. (et), deer management units 1M, 59M, 60M, 64M, and 77M, and state parks.</p>	<p>Beginning on the Monday immediately following the Thanksgiving <u>Day</u> holiday and continuing for 10 <u>14</u> consecutive days.</p>	<p>One buck deer <u>with an unfilled Gun Buck Deer carcass tag</u> and additional antlerless deer as authorized by antlerless deer <u>permits or tags</u> issued under s. NR 10.104.</p>
<p>2. Loew Lake Unit – Kettle Moraine state forest</p>	<p>Beginning on the Monday immediately following the Thanksgiving <u>Day</u> holiday and continuing for 10 <u>14</u> consecutive days. Muzzleloader deer hunting is limited to persons holding a permit which authorizes access to hunt deer in unit 77D <u>Loew Lake</u> issued by the department.</p>	

SECTION 15. NR 10.01 (3) (es) 3. is repealed.

SECTION 16. NR 10.01 (3) (et) is repealed.

SECTION 17. NR 10.01 (3) (ev) is amended to read:

NR 10.01 (3) (ev) *Special youth gun deer hunt event.*

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. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et), parks other than Buckhorn State Park. The bag limit is one buck deer per valid unfilled gun deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8). Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not 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. ~~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).~~

SECTION 18. 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 19. NR 10.01 (4) (dm) (Note) is created to read:

10.01 (4) (dm) **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 20. 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 21. NR 10.07 (3) is repealed.

SECTION 22. NR 10.102 (e) 4. is amended to read:

NR 10.102 (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 23. 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:

- (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; and

(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) The deer management unit boundaries are as described in s. NR 10.28 (1).

(b) *Management unit size and configuration.* Deer management unit boundaries shall be established to encompass areas of similar land use and vegetative cover and be of sufficient size to permit accurate monitoring of herds.

(c) *Unit boundaries.* Unit boundaries shall be readily identifiable features of the landscape such as roads and rivers. When road boundaries are used, the department shall give priority to use of numbered and lettered highways.

[Drafter's note - For purposes of rules hearings in October 2013, the department will be evaluating a map based on the consolidation of existing deer management units and an alternative proposal to use counties as deer management units. The language in this sub. is not necessary if a county-based configuration is selected]

(3) THREE YEAR REVIEWS. The department shall review, and seek public comment, regarding the need to modify the boundaries or population objective 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 seek comment from Wisconsin Chippewa bands.

(4) DEER POPULATION OBJECTIVES. (a) Deer population objectives shall be established for each management unit. Deer population objectives will be expressed as a goal statement to do one of the following;

1. Increase the deer population;
2. Maintain the current deer population;
3. 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;

1. Deer population trends as indicated by commonly accepted models for estimating deer populations;
2. Deer Health;
3. Deer Impacts on Natural Resources;
4. Deer Impacts on Society; and
5. Deer hunter success and public perception of population trend.

(b) *County deer management advisory committees.* The department shall establish county deer management advisory committees for the purpose of annually seeking comment from members of the public on the status of the deer herd at the county level. The committee shall be chaired by the chairperson for the county delegation of the Conservation Congress established under s. 15.348 Stats. The advisory committee may also be comprised of a representative of the following entities:

1. Wisconsin's Chippewa bands if the county or a portion of the county is located within the ceded territories described in s. NR 13.02 (1).
2. Agriculture
3. Forestry

4. Tourism
5. Transportation
6. Local government

(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). These carcass tags may also be used to tag one buck after a person is authorized to harvest a bonus buck under sub. (9r). 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). In units with the following populations objectives:

(a) *Management units with objectives to increase the deer herd.* The department shall also evaluate the public demand for antlerless deer tags in the previous three seasons.

(b) *Management units with objectives to decrease the deer herd or where CWD or tuberculosis has been identified.* The department shall not limit the number of antlerless tags available.

(7) **DEER CARCASS TAGS.** (a) *Archery license deer carcass tags.*

1. Each license which authorizes the hunting of deer with a bow and arrow, and not with a firearm, shall include one carcass tag that is valid for taking one buck deer in any unit statewide with a bow and arrow.

2. Each license which authorizes the hunting of deer with a bow and arrow, and not with a firearm shall be eligible for one carcass tag that is valid for the taking of one antlerless deer in any farmland management unit established in s. NR 10.28 (4). This antlerless deer carcass tag is not weapon 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 under s. 29.193 (2) (b), Stats., or a person who is under 18 years of age. This carcass tag may be used to harvest one additional buck by a person as authorized under sub. (9r), with the required bonus buck authorization verification.

(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, or bow and arrow or crossbow during any season open to hunting deer with a firearm.

2. Each license which authorizes the hunting of deer with a firearm shall be eligible for one carcass tag that is valid for taking one antlerless deer in farmland deer management units established in s. NR 10.28 (4). 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 under s. 29.193 (2) (b), Stats. or a person who is under 18 years of age. This carcass tag may be used to allow the harvest of one additional buck by a person as authorized under sub. (9r), with the required bonus buck authorization verification.

(8) **BONUS ANTLERLESS TAG ISSUANCE.** The department shall issue bonus antlerless tags 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 tag under the authority one deer hunting license in the same day.

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 at dnr.state.wi.us or by telephone at 1-877-945-4236.

(b) *Bonus antlerless tags for farm owners.* Eligible resident farm owners under s. 29.181, Stats., will receive one free bonus permit for each one they purchase. Where there are joint owners or vendee names under a land contract, only one of the owners or vendees is eligible. To be an eligible farmer under this section, a majority of the land must be used on a commercial agricultural basis, to produce income.

(c) *Bonus tags in a CWD area.* The fee for bonus tags issued in a CWD management area shall be the same as the fee established in ss. 29.563 (2) c. 1. and d. 1. If the department allows the use of bonus permits both in areas where CWD has been identified and where it has not, 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).

Note: Under 29.181 (3) 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 he or she possesses a current valid antlerless deer carcass tag or bonus antlerless deer permit for the deer management unit in which the person is hunting, or as authorized when group hunting with a firearm as established in s. 29.324, Stats.

(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 2. Permits shall be issued in the number prescribed by the department or its agents following evaluation and harvest recommendations under NR 10.72 (2) (b) 2. Permits 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.

(9r) BONUS BUCK AUTHORIZATION IN UNITS WITH AN OBJECTIVE TO DECREASE THE SIZE OF THE DEER HERD AND CWD AFFECTED UNITS. Hunters who harvest or tag two antlerless deer in a unit or units with either a bow and arrow, crossbow or firearm during any deer season or with an agricultural deer damage shooting permit, may tag a total of one bonus buck with either their archery or regular gun deer license in that unit or units in addition to the bucks they are authorized to harvest under sub. (7). Two antlerless deer must be tagged by the same person in the current year or the previous year before an additional buck may be harvested in that unit or units. No person may kill and tag more than two bucks under the authority of an archery license. No person may tag more than two bucks under the authority of a firearm deer license. No person may tag more than three bucks during any combination of annual hunting seasons using a combination of an archery and firearm deer licenses. Deer harvested and tagged as described in this paragraph shall be transported in accordance with s. NR 10.105 (2).

(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 special 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 deer management unit 79, Apostle Islands:

- (a) Archery buck deer carcass tag.
- (b) Archery antlerless deer carcass tag.
- (c) Gun buck deer carcass tag.
- (d) Special deer management unit 79 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 24. NR 10.105 (1) and (2) are amended to read:

NR 10.105(1) While afield, No no person may possess or transport 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 carcass tag of another person unless accompanied by the person issued the carcass tag.

Note: After a deer or bear is registered it may be transported by vehicle on a public roadway or possessed at a residence or business by a person who is not hunting without the need to be accompanied by the person who tagged and registered the deer or bear.

(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 NR 10.104 (9r) 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 or verifications which authorized the taking of the buck deer. An antlerless deer may be used only by the hunter who tagged it 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.

SECTION 25. NR 10.106 (1) (Intro.) is amended to read:

NR 10.106 (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 the validated carcass tag displays the harvest registration verification number legibly printed on the tag except that:

Section 26. 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., 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 no later than 5:00 p.m. on the day after the animal is recovered and the carcass tag is validated.

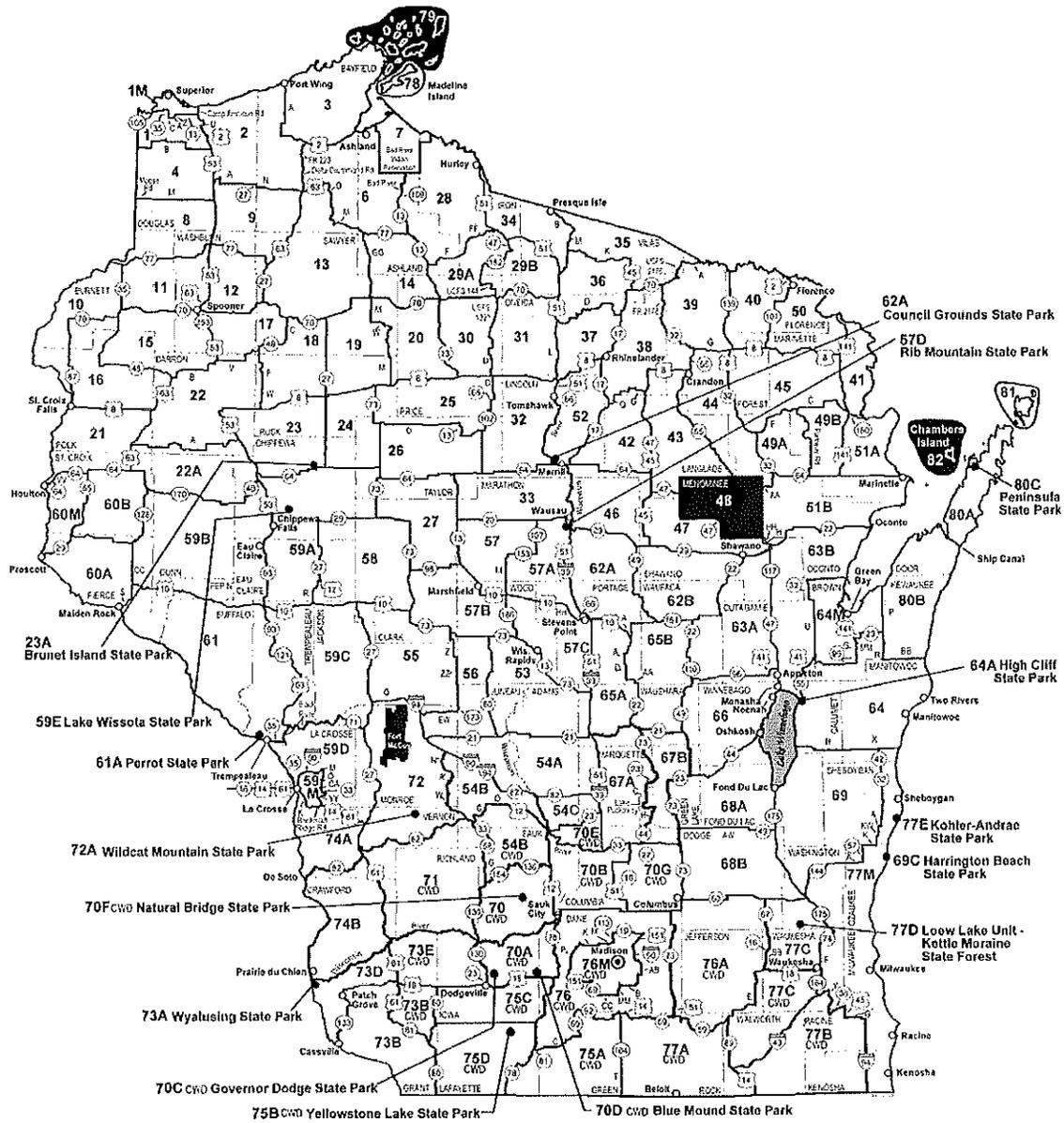
2. *Registration verification.* At the time a deer or bear is registered as required under this section, the person who tagged and registered the deer shall legibly print the registration verification number provided by the department or its agents on the validated carcass tag. The carcass tag shall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

3. *Display.* Any person who possesses or transports the carcass of a deer or bear shall display the validated carcass tag and registration verification number to the department and its wardens upon request.

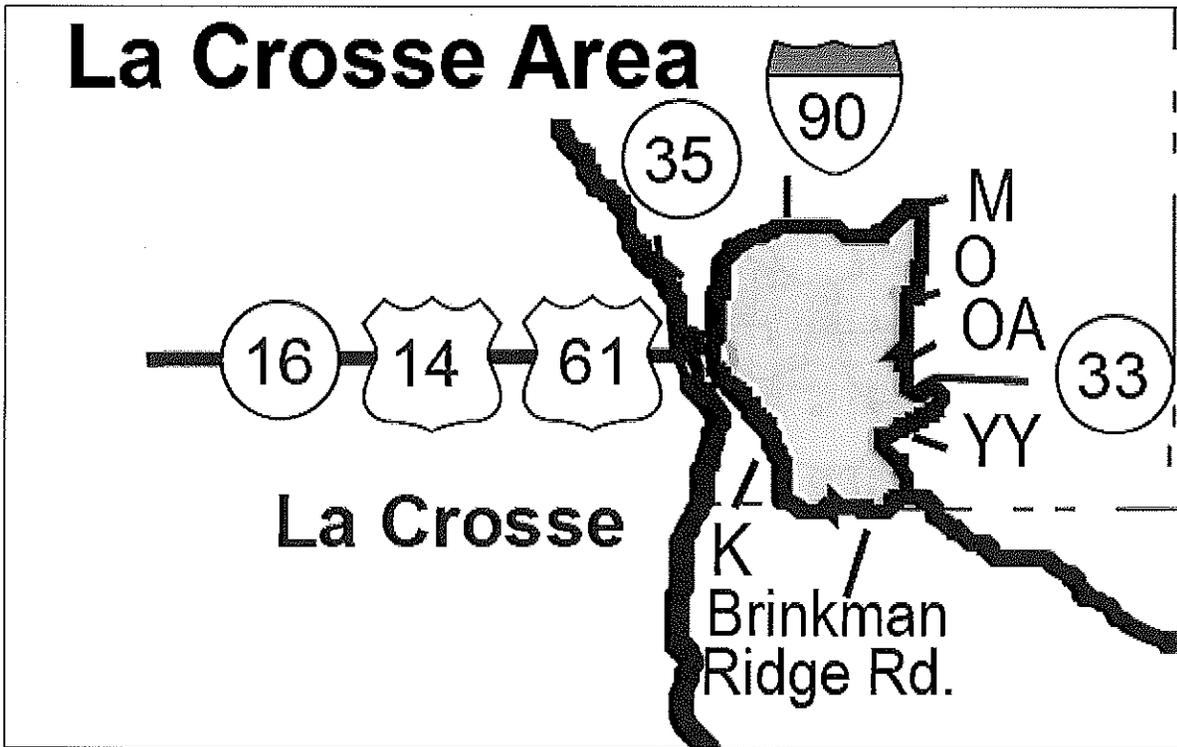
4. *Research.* Any part of a harvested deer or bear may be collected or sampled by the department for research purposes prior to or during registration. No person may refuse to allow a part to be collected or a sample to be taken during registration.

(b) *Disease sampling and research.* The department may require that any deer 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.

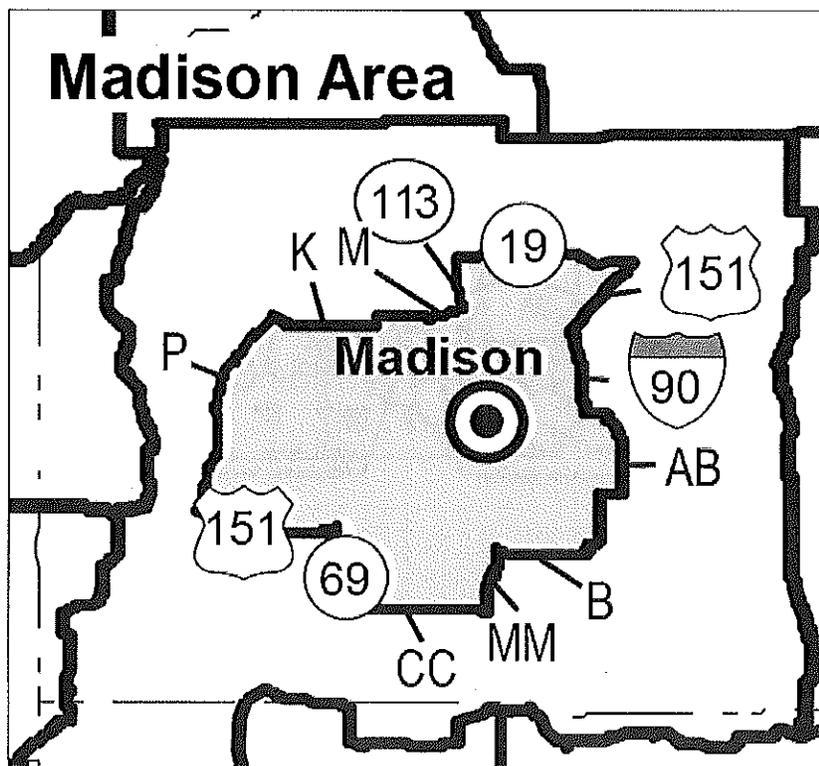
Note: The following map was in effect in 2013 and these boundaries continue to be used for other purposes not related to deer management.



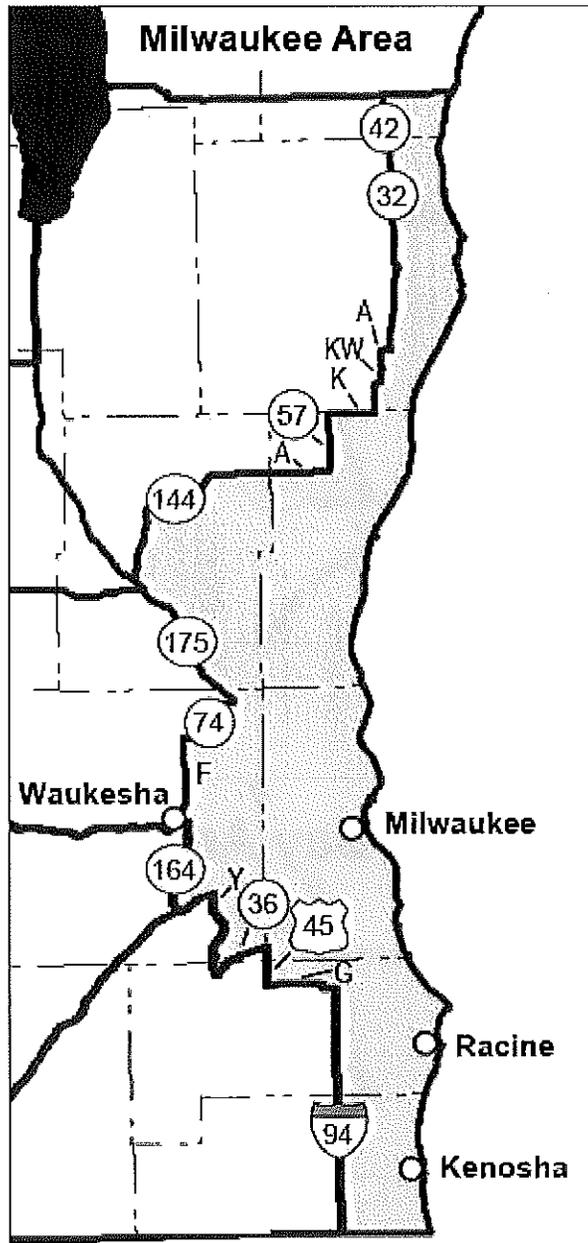
(2) METROPOLITAN DEER MANAGEMENT SUBUNITS. (a) *La Crosse area*. 31M



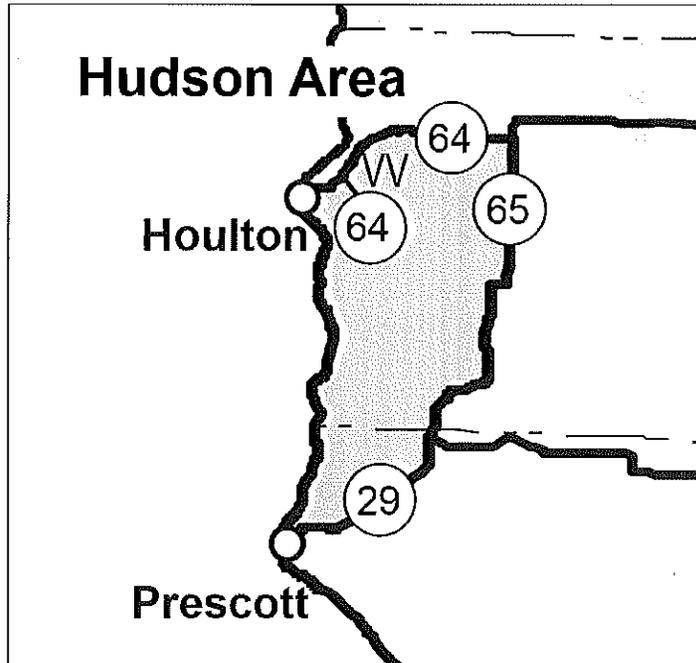
(b) *Madison area*. 48M



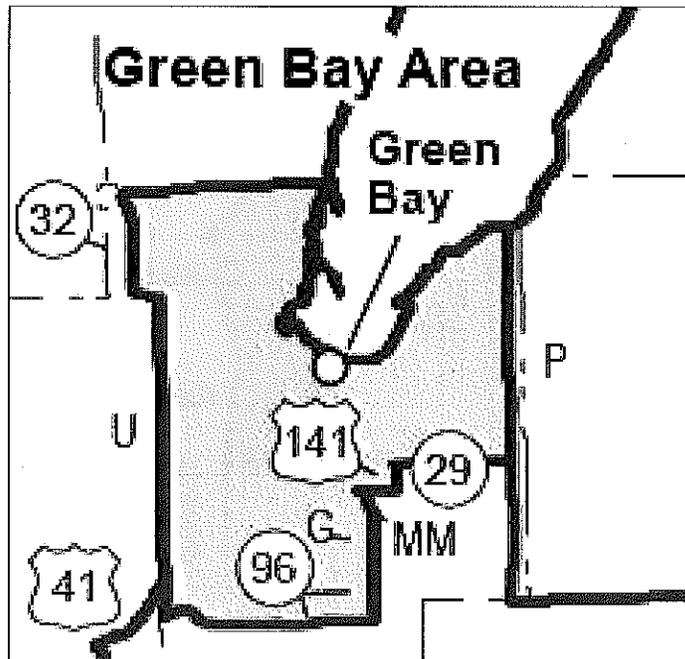
(c) Milwaukee area. 49M



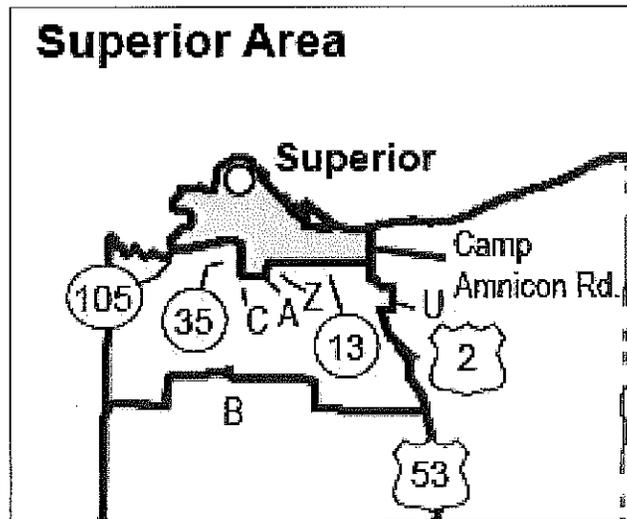
(d) *Hudson area*. 23M



(e) *Green Bay*. 37m



(f) *Superior*. 1m.



Section 28. NR 10.28 (3) is repealed.

Section 29. 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 MANAGEMENT ZONE.

(a) *Establishment*. The department may establish CWD affected areas around the location of known positive cases of CWD. Counties or portions of counties located within the boundaries of the CWD affected area will be managed with a population objective to decrease the density of the deer herd.

(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 CWD affected area with information obtained by surveys which may include registration data and aerial surveys. The department shall use the process established in NR 10.104 (5) to monitor the status of the deer herd.

(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) *Management zone expansion*.

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 30. 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 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.

(a) "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 and whose members have agreed to participate in the Deer Management Assistance Program under this subchapter.

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

(c) "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 of 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 individual projects that have scientific value;
- (f) Information on forming program cooperatives.

(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. The department may require that participants provide harvest reports 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 harvest recommendations developed individually for the enrolled property or cooperative;
- 3. Antlerless tags established under NR 10.104 (9ems);
- 4. Property specific harvest reports.

(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. The department may require that participants provide harvest reports and attendance at an annual meeting or workshop sponsored by the department or its partners.

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

1. A property management plan with recommendations for wildlife species in addition to deer;
2. Assistance with deer population monitoring;
3. Habitat evaluations;
4. Assistance with enrollment for participation in other conservation programs;
5. Technical assistance and design for habitat and property management activities;
6. Additional site visits that may be needed and detailed management recommendations.

(4) *Public land*. The department may cooperate with the managers of national, state, county, or municipally owned land for which public access is available through the Deer Management Assistance Program.

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

(b) Local public input sessions shall be used to identify site-specific management concerns and to set antlerless harvest quotas. Property specific antlerless tags established under 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 ANTLERLESS PERMITS. No person may harvest an antlerless deer on public land which is enrolled in the Deer Management Assistance Program established in the subchapter unless they have obtained an antlerless permit established under NR 10.104 (9m)

NR 10.74 FEES. Enrollment in the Deer Management Assistance Program is for a three year period beginning on the date that a valid application is accepted. The fees for participation in the Deer Management Assistance Program are as follows:

- (1) Level 2 \$75.00
- (2) Level 3 \$150.00

Section 31. 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 shall be calculated according to the following formula:

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

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

SECTION 32. NR 45.09 (9) is repealed.

SECTION 33. EFFECTIVE DATE. These rules will be effective upon publication in the Wisconsin state paper pursuant to s. 227.24(1)(c).

SECTION 34. STATEMENT OF EMERGENCY. A non-statutory provision, SECTION 9132 of 2013 ACT 20, establishes that the department may promulgate rules to implement the 2012 final deer management report and that the department is not required to make a finding of emergency.

SECTION 35. 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)

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

The statement of scope for this rule, SS 024-13, was approved by the governor on March 13, 2013. It and was published in Register No. 687 on March 31, 2013 and approved by the 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, 10.01 (3) (ed), 10.01 (3) (es) 3., 10.01 (3) (et), 10.07 (3), and 10.28 (3), 45.09 (9), to amend NR 1.15 (1) (a) and (b), 1.15 (1) (c) 1., 1.15 (2) (a) (intro.), 1.15 (2) (at), 1.15 (3), 10.001 (2e), 10.001 (6p), 10.01 (3) (es) 1. and 2., 10.01 (3) (ev), 10.02 (3), 10.102 (e) 4., 10.105 (1) and (2), 10.106 (1) (Intro.), 13.38 (2) (b) and (Note), to repeal and recreate NR 1.15 (2) (a) 8., 10.01 (3) (e), 10.01 (3) (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.41, and to create NR 10 (Intro.), 10.001(1k), 10.01 (2) (b) (Note), 10.01 (4) (dm) (Note), and 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.

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 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) is the identical emergency rule companion to this permanent rule. That emergency rule shall remain in effect until June 30, 2015, or the date on which this permanent rule takes effect, whichever is sooner.

Board Order WM-01-13, the wildlife management spring hearing rule, WM-04-13, related to remedial and housekeeping updates, and WM-21-13 related to hunting and trapping in state parks are currently being promulgated and may affect some of the same sections as this board order. Where possible, the department will choose only one board order to make needed updates. When it is necessary to modify a section that is also being modified by another board order, that will be indicated in the treatment clause.

Plain Language Rule Analysis: There has been dissatisfaction with various issues related to white-tailed deer management and hunting in Wisconsin. Gubernatorial candidate Scott Walker made a promise to appoint a "Deer Trustee" to review programs. 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 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 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 Ch. NR 10 as Subchapter 1 and prepares for the creation of another subchapter.

SECTIONS 8, 28 and 29 establish that CWD management zones will be identified as CWD-affected areas and are based on counties and not the previous configuration of deer management units and portions of units. These sections also establish that the population density objective in CWD-affected areas or portions of counties in CWD-affected areas is to decrease the deer herd.

SECTION 9 creates a definition of "afield" for the purpose of establishing that a deer cannot be accompanied by someone other than the person who tagged it if the person who tagged the deer is not also present while afield, similar to current rules.

SECTION 10 updates cross references and makes a cross-reference to the law which establishes the archer license more general so that it will continue to be accurate if new statutes related to hunting with crossbows are enacted.

SECTIONS 11 to 17 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.
Youth	Two consecutive days beginning on the Saturday nearest October 8
October antlerless-only firearm (<i>occurs only in those units 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 Saturday nearest, but not later than October 15 th .
Traditional 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 14 days.
Holiday firearm deer season (South of State HWY 64)	Beginning on December 24 and continuing through the Sunday nearest January 6.

Noteworthy changes to current rule are that there is no longer a 4-day December antlerless-only, any-firearm-type deer season. These 4 days are instead added to the muzzleloader only season, extending that season from 10 to 14 days. This section establishes that a season commonly referred to as the December holiday hunt, beginning on December 24 and continuing through the Sunday nearest January 6, is an either sex season south of State Highway 64 rather than open only in the CWD management zone. For consistency with statewide firearm hunting regulations, these sections repeal the extended firearm deer season that had been established for Metropolitan deer hunting units. Metropolitan units would continue to have a longer archer season which continues through the end of January. 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. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

These sections establish a bag limit of one buck during firearm deer seasons and one buck during bow & arrow seasons, plus additional antlerless deer where permits are available.

Finally, these sections make a number of remedial changes for consistency with state statute related to the elimination of earn-a-buck regulations for the first buck harvested.

SECTIONS 18, 19 and 22 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.

SECTION 20 restores the protected status of white deer in a CWD management area.

SECTION 21 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 23 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. 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 establishes that one bonus buck may be harvested in units with an objective to decrease the deer population instead of just in a CWD management zone. The harvest of two antlerless deer is required first and there is a limit of one bonus buck per year.

SECTION 24 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 transported on roadways or possessed at home by someone other than the person who tagged it, consistent with current rules.

SECTION 25 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.

SECTION 26 modifies deer registration procedures to allow telephone or electronic recording of harvest. The ability to require in person registration in a CWD area is retained if the department determines that is necessary at times. Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer is taken into possession. Registration requirements will be the same statewide for both firearm and archer harvested deer.

SECTION 27 establishes deer management units, including metropolitan 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. [For purposes of rules hearings in October 2013, the department will be evaluating a map based on the consolidation of existing deer management units and an alternative proposal to use counties as deer management units]

SECTION 30 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.

SECTION 31 updates a cross-reference related to establishing the harvest quota for tribal members in the ceded territories.

SECTION 32 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 has been delegated to 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 season, 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 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 run November 15 – 30. The archery seasons runs 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 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 and 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 that specific population model from the chapter. However, these rules do not prohibit the department from continuing to analyze deer populations using the Sex-Age-Kill model or others as methods of developing 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. 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 recommend that the department consult with groups or representatives for certain deer related interests in establishing quotas each year. Historical demand for antlerless permits has not been a factor that the department was required to consider in quota setting in the past but would be a mandatory consideration under these rules. 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 any farmland unit. 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 all 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 these permits will be credited to an account for management and testing of chronic wasting disease. Finally, through the Deer Management Assistance Program, these rules allow establishing unique antlerless deer permits that are specific for use on properties enrolled in the Deer Management Assistance Program. A recommendation resulting from the public involvement process that preceded development of these rules was that the fee for bonus permits should be \$10.00. That is not proposed in these rules because the bonus permit fee is already established by statute and the department does not have rulemaking authority to change it. Other permits, the fee for which the department does have rulemaking authority, are generally also \$12.00 for consistency with bonus permits.

A variety of related hunting regulations changes are proposed in these rules. Many 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 as opportunities will arise during development of new automated licensing systems. 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 before midnight of the date of harvest is established. 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 are interested with very timely harvest information. The shorter deadline may also help with enforcing bag limit 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. For practical purposes, this requirement is the same as current rules because in-the-field registration of harvested deer was not possible previously. However, now that deer could be registered while in the field, rules will continue to require that the person who tagged the carcass accompany it during dragging or other field transport. Deer that have been registered could be transported by other people on public roads or possessed at home.

Season date modifications will have the impact of opening a 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. While the report generally recommended that, "keeping seasons and bag limits consistent for longer periods of time would allow better assessment of management progress", it is challenging to discuss management system changes of this scale without considering season dates. 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 extended by four days under this proposal and this extended muzzleloader-only season will replace what had previously been a statewide four day any-firearm season for antlerless deer only. This proposal establishes an additional firearm deer hunting opportunity in the portion of the state South of HWY 64 beginning on December 24 and continuing to the Sunday nearest January 6. 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 consistency with the rest of the state.

Under current rule, numerous state parks are listed in the table that establishes deer seasons because the DNR 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. 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. Finally, 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.

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 the same as in 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, the option to issue landowner permits for sampling or for additional harvest opportunities, and provide advice on when an October firearm season will be held if necessary in a CWD 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 objectives for other units to increase, maintain, or decrease the density of the deer herd.

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. The program is a central recommendation of the 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.

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 updates 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.

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, will facilitate a 14 day period for comment on a draft economic impact analysis. The comment period will begin in September, 2013.

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 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 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 may be 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 will not be 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 could have none 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 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 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~~ population objective if intolerable levels of damage are likely when the herd is at an increasing or stable objective 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 and if an objective is selected which would result in a herd size goal-reduction which 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, harvest recommendations, population goals and objectives and habitat management needs and guidelines.

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

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 8. 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, management and eradication of chronic wasting disease and is considered the chronic wasting disease ~~eradication zone and chronic wasting disease control~~ management zone only for purposes of ss. 29.063 (5) and 167.31 (4) (bg) 1., Stats.

SECTION 9. NR 10.001 (1k) is created to read:

NR 10.001 (1k) "Afield" means an area open to hunting such as fields, forests or similar areas.

SECTION 10. NR 10.001 (2e) is amended to read:

NR 10.001 (2e) "~~Archery hunt~~" "Archery deer season" means a hunting ~~period~~ season for hunting deer ~~with bow and arrow or crossbow~~ as authorized by ~~s. 29.171 (2) and (2m), s. 29.171 and 29.216~~ Stats., in the zones described in ~~s. NR 10.28 (3) s. NR 10.28 (1)~~.

SECTION 11. 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 4.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
b. All that part of the state South of State HWY 64 and not otherwise listed in subds. 2 to 4.	Firearm season reopening on December 24 and continuing through the Sunday nearest January 6.	
2. State parks, trails and forests. State parks, trails and forests are open during the seasons listed in subd. 1 except as established below 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 be posted closed to hunting.		
a. Perrot, High Cliff and Peninsula state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
d. Rib Mountain, Harrington Beach and Kohler-Andrae state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the	One buck deer with an unfilled gun buck deer carcass tag and additional

	Thanksgiving Day holiday and continuing for 19 consecutive days.	antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
g. Loew Lake Unit – Kettle Moraine state forest.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
h. Wildcat Mountain state park.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 19 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
i. Buckhorn state park in the area east of 19th avenue, north of county HWY G, and north of 31st street.	Firearm seasons listed in subd. 1, the muzzleloader season established in subd. (es) 1., and the youth hunt in par. (ev).	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. 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.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Federally owned portions of the Apostle Islands	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. All that part of the state not otherwise listed in subs. 2. to 4. when the department has made the findings required under s.	Firearm deer season lasting 4 consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 th .	One antlerless deer for each antlerless permit or tag issued under. NR 10.104. Additionally, the department shall promulgate rules under

29.016 (2) (b), Stats., and following promulgation of rules under s. 227.24, Stats.		s. 227.24 establishing that no person may harvest a buck during other deer seasons which are open at the same time as the season established in this subd.
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SECTION 12. NR 10.01 (3) (ed) is repealed.

SECTION 13. NR 10.01 (3) (em) is repealed and recreated to read:

<i>(em) Archery deer season</i>		
1. Statewide except as established under subds. 2. to 4.	Beginning on the Saturday nearest September 15 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery buck deer carcass tag and one antlerless deer as authorized by the appropriate archery antlerless deer 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.	Bow season As established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Federally owned portions of the Apostle Islands.	Beginning on the Saturday nearest September 15 and continuing through September 30; and November 1 through the Sunday nearest January 6.	One deer per carcass tag as described under s. NR 10.104 (15) (a) and (b). Additional deer may be taken pursuant to s. NR 10.104 (15) (d).
3. Metro deer management units LaCrosse, Hudson, Superior, Green Bay, Milwaukee, and Madison as described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through January 31.	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.
4. State parks, trails, forests and recreation areas. State parks, trails and forests are open during the seasons listed in subd. 1 except as established below 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 be posted closed to hunting.		
a. Loew Lake Unit – Kettle Moraine state forest, Buckhorn state park	During the archery deer season described in subd. 1.	One buck deer with an unfilled gun buck deer carcass tag and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
b. Big Bay state park.	Beginning on Oct. 15 and continuing for the remainder of the archery deer season described in subd. 1.	One buck deer with an unfilled gun buck deer carcass tag and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.

SECTION 14. 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 the areas described in subd. 2., par. (et), deer management units 1M, 59M, 60M, 64M, and 77M, and state parks.	Beginning on the Monday immediately following the Thanksgiving <u>Day</u> holiday and continuing for 40 <u>14</u> consecutive days.	One buck deer with an <u>unfilled Gun Buck Deer carcass tag</u> and additional antlerless deer as authorized by antlerless deer permits <u>or tags</u> issued under s. NR 10.104.
2. Loew Lake Unit – Kettle Moraine state forest	Beginning on the Monday immediately following the Thanksgiving <u>Day</u> holiday and continuing for 40 <u>14</u> consecutive days. Muzzleloader deer hunting is limited to persons holding a permit which authorizes access to hunt deer in unit 77D <u>Loew Lake</u> issued by the department.	

SECTION 15. NR 10.01 (3) (es) 3. is repealed.

SECTION 16. NR 10.01 (3) (et) is repealed.

SECTION 17. NR 10.01 (3) (ev) is amended to read:

NR 10.01 (3) (ev) *Special youth gun deer hunt event.*

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. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et). parks other than Buckhorn State Park. The bag limit is one buck deer per valid unfilled gun deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8). Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not 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. ~~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).~~

SECTION 18. 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 19. NR 10.01 (4) (dm) (Note) is created to read:

10.01 (4) (dm) **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 20. 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 21. NR 10.07 (3) is repealed.

SECTION 22. NR 10.102 (e) 4. is amended to read:

NR 10.102 (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 23. 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:

- (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; and

(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) The deer management unit boundaries are as described in s. NR 10.28 (1).

(b) *Management unit size and configuration.* Deer management unit boundaries shall be established to encompass areas of similar land use and vegetative cover and be of sufficient size to permit accurate monitoring of herds.

(c) *Unit boundaries.* Unit boundaries shall be readily identifiable features of the landscape such as roads and rivers. When road boundaries are used, the department shall give priority to use of numbered and lettered highways.

[Drafter's note - For purposes of rules hearings in October 2013, the department will be evaluating a map based on the consolidation of existing deer management units and an alternative proposal to use counties as deer management units. The language in this sub. is not necessary if a county-based configuration is selected]

(3) THREE YEAR REVIEWS. The department shall review, and seek public comment, regarding the need to modify the boundaries or population objective 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 seek comment from Wisconsin Chippewa bands.

(4) DEER POPULATION OBJECTIVES. (a) Deer population objectives shall be established for each management unit. Deer population objectives will be expressed as a goal statement to do one of the following;

1. Increase the deer population;
2. Maintain the current deer population;
3. 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;

1. Deer population trends as indicated by commonly accepted models for estimating deer populations;
2. Deer Health;
3. Deer Impacts on Natural Resources;
4. Deer Impacts on Society; and
5. Deer hunter success and public perception of population trend.

(b) *County deer management advisory committees.* The department shall establish county deer management advisory committees for the purpose of annually seeking comment from members of the public on the status of the deer herd at the county level. The committee shall be chaired by the chairperson for the county delegation of the Conservation Congress established under s. 15.348 Stats. The advisory committee may also be comprised of a representative of the following entities:

1. Wisconsin's Chippewa bands if the county or a portion of the county is located within the ceded territories described in s. NR 13.02 (1).
2. Agriculture
3. Forestry

4. Tourism
5. Transportation
6. Local government

(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). These carcass tags may also be used to tag one buck after a person is authorized to harvest a bonus buck under sub. (9r). 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). In units with the following populations objectives:

(a) *Management units with objectives to increase the deer herd.* The department shall also evaluate the public demand for antlerless deer tags in the previous three seasons.

(b) *Management units with objectives to decrease the deer herd or where CWD or tuberculosis has been identified.* The department shall not limit the number of antlerless tags available.

(7) **DEER CARCASS TAGS.** (a) *Archery license deer carcass tags.*

1. Each license which authorizes the hunting of deer with a bow and arrow, and not with a firearm, shall include one carcass tag that is valid for taking one buck deer in any unit statewide with a bow and arrow.

2. Each license which authorizes the hunting of deer with a bow and arrow, and not with a firearm shall be eligible for one carcass tag that is valid for the taking of one antlerless deer in any farmland management unit established in s. NR 10.28 (4). This antlerless deer carcass tag is not weapon 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 under s. 29.193 (2) (b), Stats., or a person who is under 18 years of age. This carcass tag may be used to harvest one additional buck by a person as authorized under sub. (9r), with the required bonus buck authorization verification.

(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, or bow and arrow or crossbow during any season open to hunting deer with a firearm.

2. Each license which authorizes the hunting of deer with a firearm shall be eligible for one carcass tag that is valid for taking one antlerless deer in farmland deer management units established in s. NR 10.28 (4). 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 under s. 29.193 (2) (b), Stats. or a person who is under 18 years of age. This carcass tag may be used to allow the harvest of one additional buck by a person as authorized under sub. (9r), with the required bonus buck authorization verification.

(8) **BONUS ANTLERLESS TAG ISSUANCE.** The department shall issue bonus antlerless tags 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 tag under the authority one deer hunting license in the same day.

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 at dnr.state.wi.us or by telephone at 1-877-945-4236.

(b) *Bonus antlerless tags for farm owners.* Eligible resident farm owners under s. 29.181, Stats., will receive one free bonus permit for each one they purchase. Where there are joint owners or vendee names under a land contract, only one of the owners or vendedes is eligible. To be an eligible farmer under this section, a majority of the land must be used on a commercial agricultural basis, to produce income.

(c) *Bonus tags in a CWD area.* The fee for bonus tags issued in a CWD management area shall be the same as the fee established in ss. 29.563 (2) c. 1. and d. 1. If the department allows the use of bonus permits both in areas where CWD has been identified and where it has not, 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).

Note: Under 29.181 (3) 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 he or she possesses a current valid antlerless deer carcass tag or bonus antlerless deer permit for the deer management unit in which the person is hunting, or as authorized when group hunting with a firearm as established in s. 29.324, Stats.

(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 2. Permits shall be issued in the number prescribed by the department or its agents following evaluation and harvest recommendations under NR 10.72 (2) (b) 2. Permits 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.

(9r) BONUS BUCK AUTHORIZATION IN UNITS WITH AN OBJECTIVE TO DECREASE THE SIZE OF THE DEER HERD AND CWD AFFECTED UNITS. Hunters who harvest or tag two antlerless deer in a unit or units with either a bow and arrow, crossbow or firearm during any deer season or with an agricultural deer damage shooting permit, may tag a total of one bonus buck with either their archery or regular gun deer license in that unit or units in addition to the bucks they are authorized to harvest under sub. (7). Two antlerless deer must be tagged by the same person in the current year or the previous year before an additional buck may be harvested in that unit or units. No person may kill and tag more than two bucks under the authority of an archery license. No person may tag more than two bucks under the authority of a firearm deer license. No person may tag more than three bucks during any combination of annual hunting seasons using a combination of an archery and firearm deer licenses. Deer harvested and tagged as described in this paragraph shall be transported in accordance with s. NR 10.105 (2).

(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 special 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 deer management unit 79, Apostle Islands:

- (a) Archery buck deer carcass tag.
- (b) Archery antlerless deer carcass tag.
- (c) Gun buck deer carcass tag.
- (d) Special deer management unit 79 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 24. NR 10.105 (1) and (2) are amended to read:

NR 10.105(1) ~~While afield, No no person may possess or transport 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 carcass tag of another person unless accompanied by the person issued the carcass tag.~~

Note: After a deer or bear is registered it may be transported by vehicle on a public roadway or possessed at a residence or business by a person who is not hunting without the need to be accompanied by the person who tagged and registered the deer or bear.

~~(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 NR 10.104 (9r) 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 or verifications which authorized the taking of the buck deer. An antlerless deer may be used only by the hunter who tagged it 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.~~

SECTION 25. NR 10.106 (1) (Intro.) is amended to read:

NR 10.106 (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 the validated carcass tag displays the harvest registration verification number legibly printed on the tag except that:

Section 26. 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., 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 no later than 5:00 p.m. on the day after the animal is recovered and the carcass tag is validated.

2. *Registration verification.* At the time a deer or bear is registered as required under this section, the person who tagged and registered the deer 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 and while being transported, and shall be retained by the person who possesses the carcass until it is consumed.

3. *Display.* Any person who possesses or transports the carcass of a deer or bear shall display the validated carcass tag and registration verification number to the department and its wardens upon request.

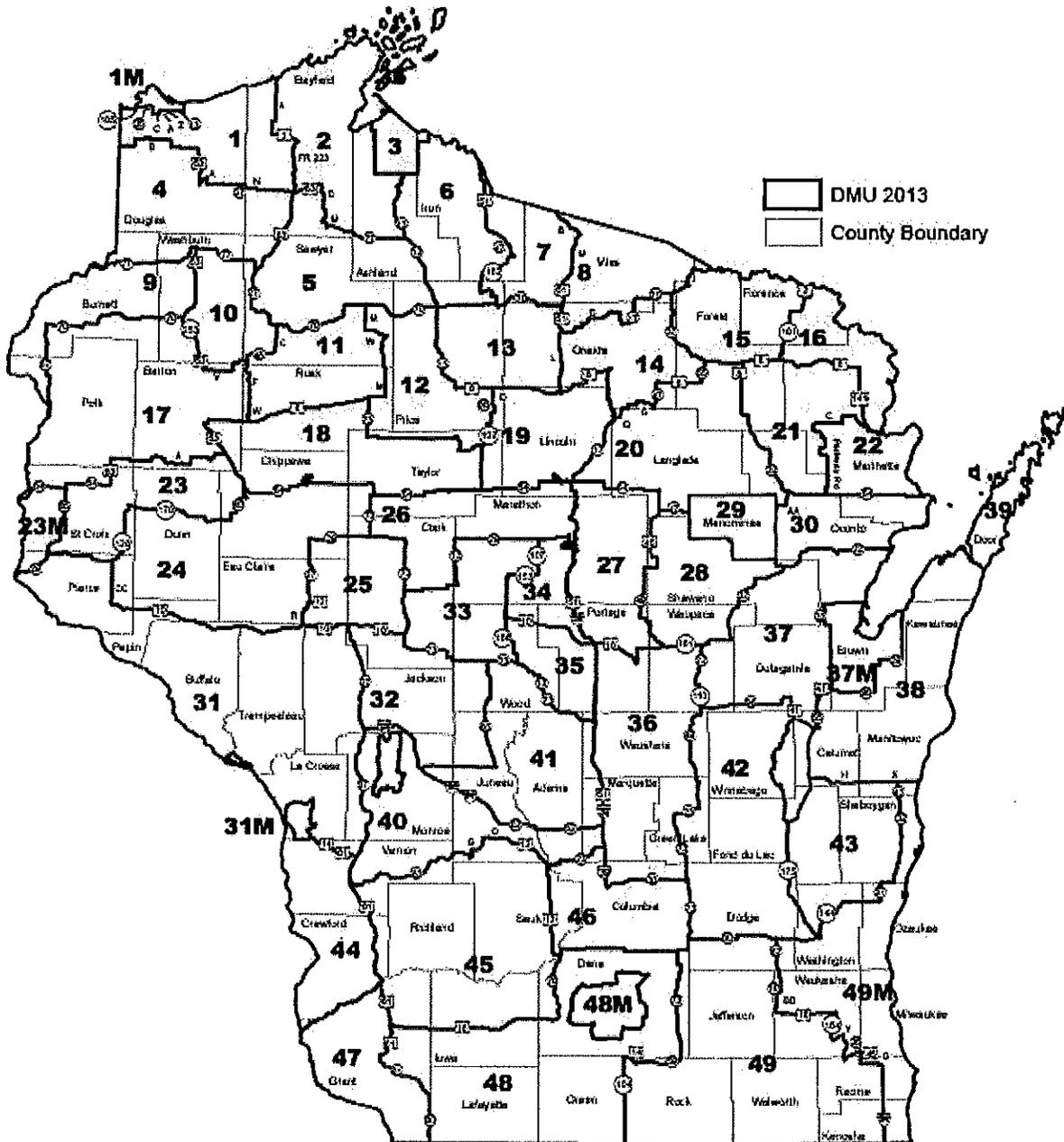
4. *Research.* Any part of a harvested deer or bear may be collected or sampled by the department for research purposes prior to or during registration. No person may refuse to allow a part to be collected or a sample to be taken during registration.

(b) *Disease sampling and research.* The department may require that any deer 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.

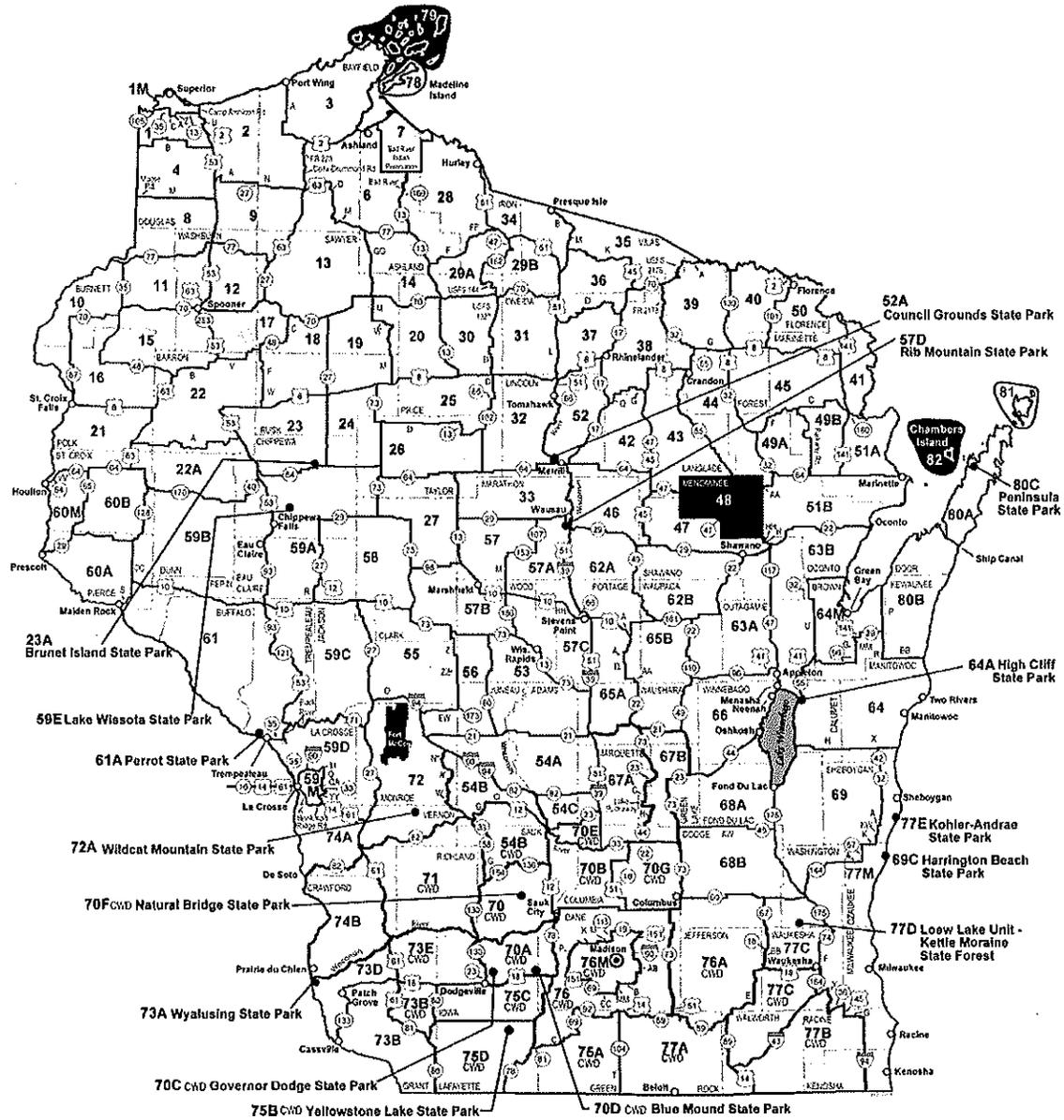
SECTION 27. NR 10.28 (1) and (2) are repealed and recreated to read:

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

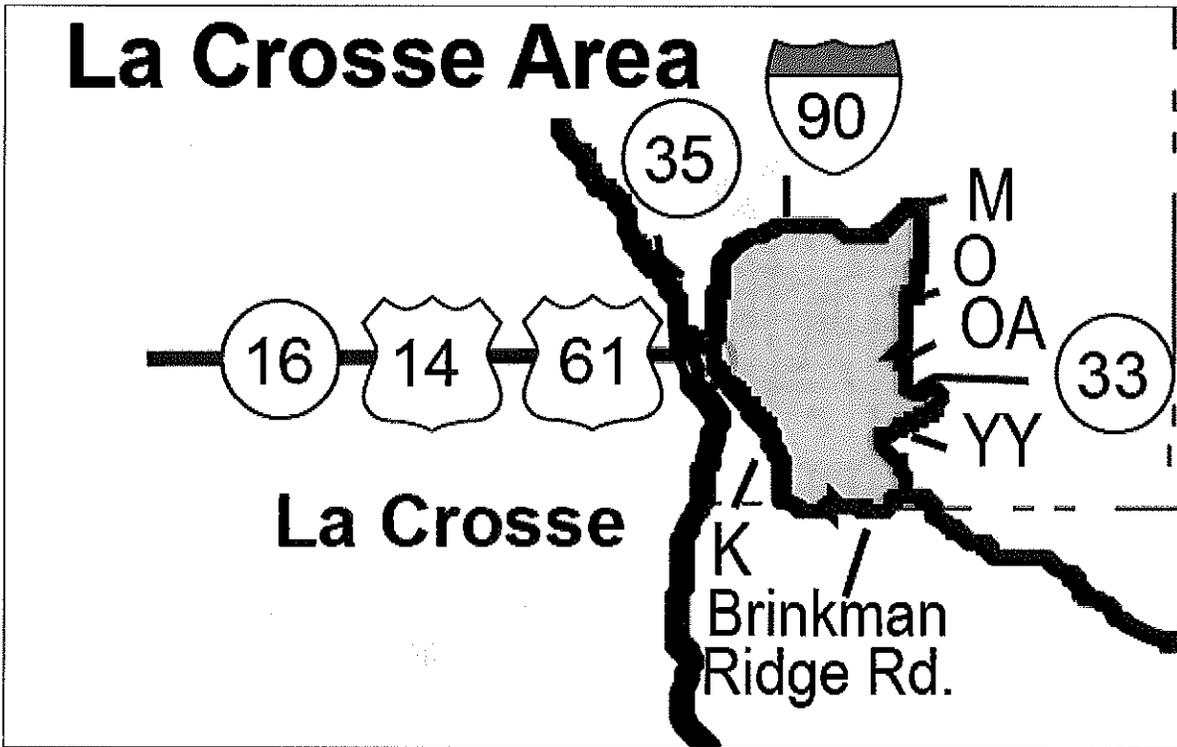
[**Drafter's Note:** For purposes of rules hearings in October 2013, the department will be evaluating a map based on the consolidation of existing deer management units shown here and an alternative proposal to use counties as deer management units. The material in sub. 1 of this section is not needed if a county based alternative is selected]



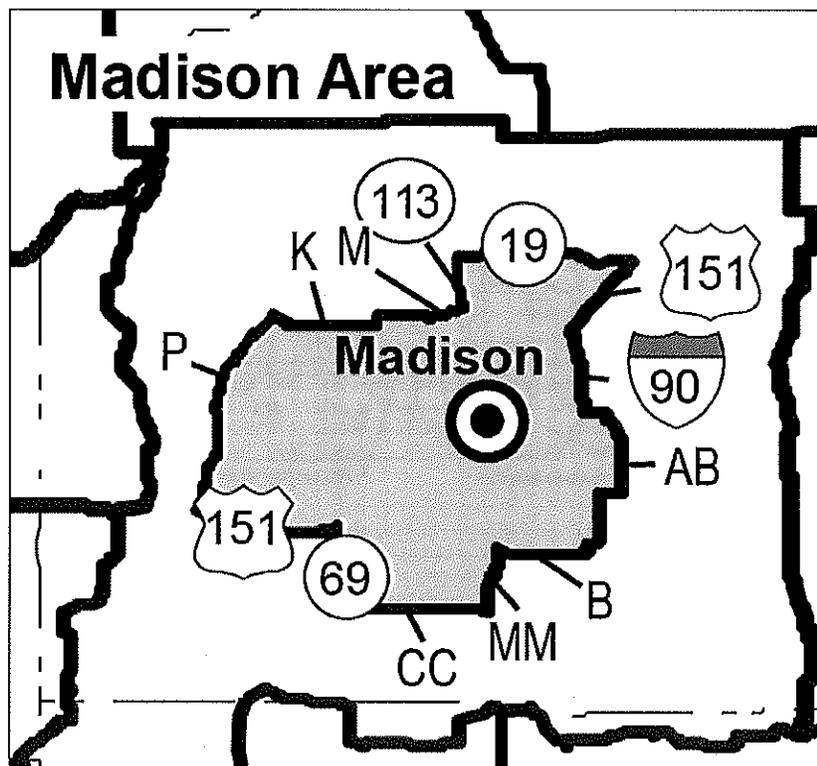
Note: The following map was in effect in 2013 and these boundaries continue to be used for other purposes not related to deer management.



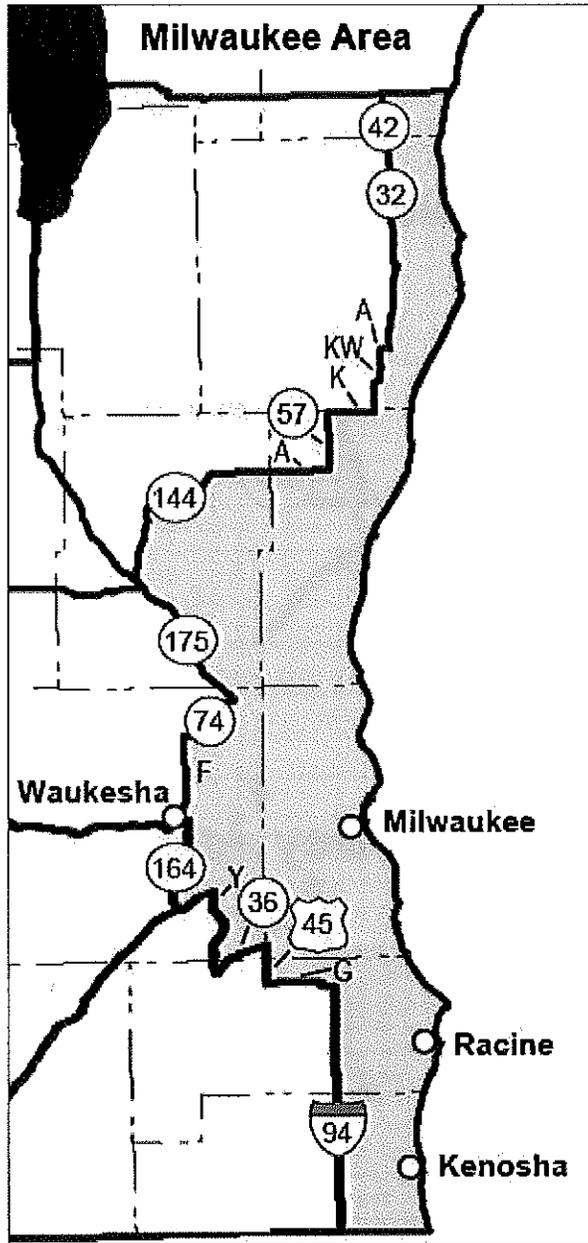
(2) METROPOLITAN DEER MANAGEMENT SUBUNITS. (a) *La Crosse area*. 31M



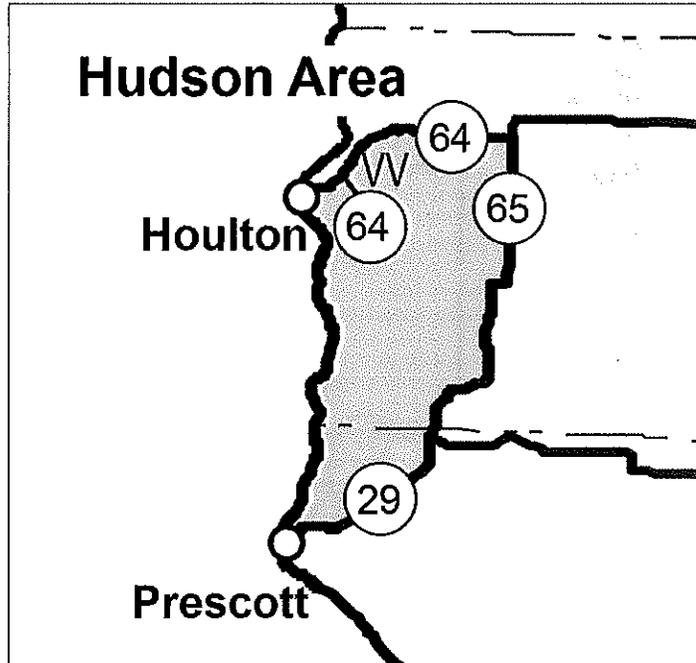
(b) *Madison area*. 48M



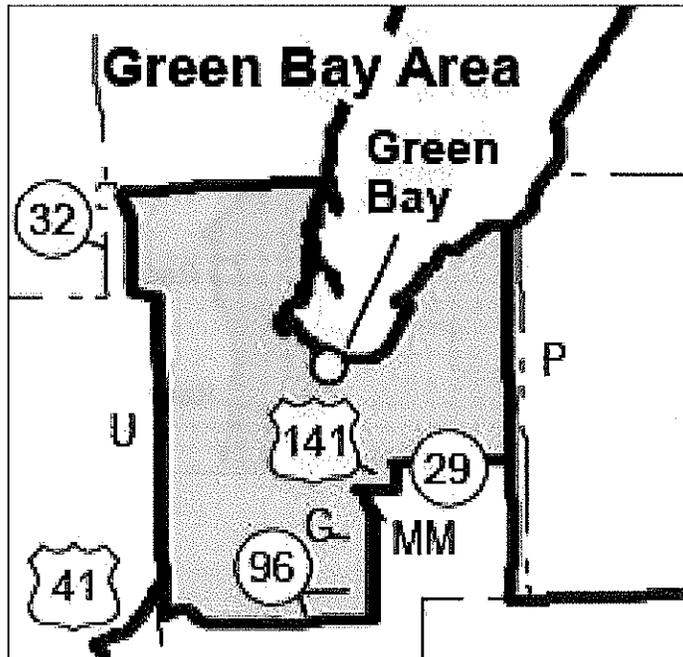
(c) Milwaukee area. 49M



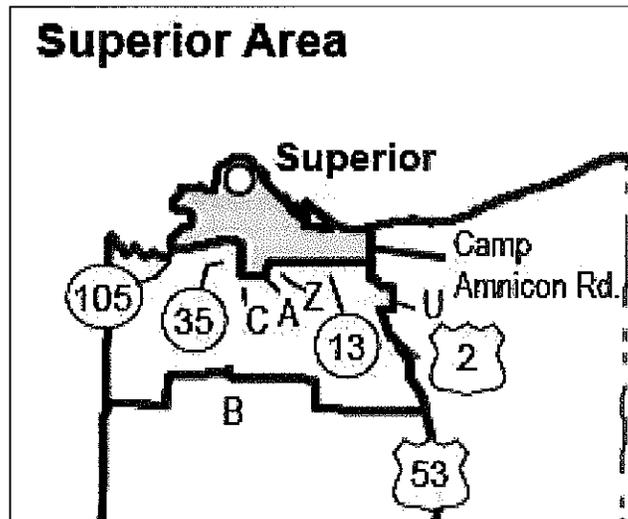
(d) *Hudson area. 23M*



(e) *Green Bay. 37m*



(f) *Superior*. 1m.



Section 28. NR 10.28 (3) is repealed.

Section 29. 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 MANAGEMENT ZONE.

(a) *Establishment*. The department may establish CWD affected areas around the location of known positive cases of CWD. Counties or portions of counties located within the boundaries of the CWD affected area will be managed with a population objective to decrease the density of the deer herd.

(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 CWD affected area with information obtained by surveys which may include registration data and aerial surveys. The department shall use the process established in NR 10.104 (5) to monitor the status of the deer herd.

(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) *Management zone expansion*.

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 30. 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 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.

(a) "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 and whose members have agreed to participate in the Deer Management Assistance Program under this subchapter.

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

(c) "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 of 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 individual projects that have scientific value;

(f) Information on forming program cooperatives.

(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. The department may require that participants provide harvest reports 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 harvest recommendations developed individually for the enrolled property or cooperative;

3. Antlerless tags established under NR 10.104 (9ems);

4. Property specific harvest reports.

(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. The department may require that participants provide harvest reports and attendance at an annual meeting or workshop sponsored by the department or its partners.

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

1. A property management plan with recommendations for wildlife species in addition to deer;
2. Assistance with deer population monitoring;
3. Habitat evaluations;
4. Assistance with enrollment for participation in other conservation programs;
5. Technical assistance and design for habitat and property management activities;
6. Additional site visits that may be needed and detailed management recommendations.

(4) *Public land*. The department may cooperate with the managers of national, state, county, or municipally owned land for which public access is available through the Deer Management Assistance Program.

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

(b) Local public input sessions shall be used to identify site-specific management concerns and to set antlerless harvest quotas. Property specific antlerless tags established under 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 ANTLERLESS PERMITS. No person may harvest an antlerless deer on public land which is enrolled in the Deer Management Assistance Program established in the subchapter unless they have obtained an antlerless permit established under NR 10.104 (9m)

NR 10.74 FEES. Enrollment in the Deer Management Assistance Program is for a three year period beginning on the date that a valid application is accepted. The fees for participation in the Deer Management Assistance Program are as follows:

- | | |
|-----------------------|----------|
| (1) Level 2 | \$75.00 |
| (2) Level 3 | \$150.00 |

Section 31. 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 shall be calculated according to the following formula:

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

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

SECTION 32. NR 45.09 (9) is repealed.

SECTION 33. 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 34. 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)