

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
WM-20-09

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014, 29.063, 29.177 and 227.11, Stats., interpreting ss. 29.014, 29.063, 29.177 and 227.11, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 10, Wis. Adm. Code relating to the seasons for hunting deer.

NOTICE IS HEREBY FURTHER GIVEN that the public hearings will begin at 6:30 p.m. with an informational presentation and overview of the proposed rule. Public comments and statements will be accepted beginning at 7:00 p.m.:

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| <u>October 14, 2009</u> | Crivitz Village Hall, 800 Henriette Ave, PO 727, Crivitz |
| <u>October 15, 2009</u>
Onalaska, WI 54650 | Onalaska High School Field house, 700 Hilltopper Place |
| <u>October 21, 2009</u> | Lussier Family Heritage Center - Main Level, 3101 Lake Farm Road, Madison |
| <u>October 21, 2009</u> | James Williams Middle School, 915 Acacia Lane, Rhinelander |
| <u>October 21, 2009</u> | Ashland AmericInn Conference Center, 3009 Lakeshore Drive E., Ashland |
| <u>October 26, 2009</u>
Bluemound Drive, Appleton | Fox Valley Technical College, Appleton Campus, Room C190, 1825 North |
| <u>October 26, 2009</u>
Ave., Eau Claire | Chippewa Valley Technical College auditorium, Room M103, 620 W. Clairemont |
| <u>October 28, 2009</u>
Pewaukee | Waukesha County Technical College, Room C051/C057, 800 Main Street, |
| <u>October 28, 2009</u> | Spooner High School Auditorium, Spooner High School, 801 County A, Spooner |
| <u>November 3, 2009</u>
Stevens Point | Portage County Courthouse Annex, Conference Room 1, 1462 Strongs Ave., |

NOTICE IS HEREBY FURTHER GIVEN that the proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet sites: <http://adminrules.wisconsin.gov> or at <http://dnr.wi.gov/>. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Keith Warnke, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until November 3, 2009. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Warnke.

Plain Language Analysis: These proposed rules establish the deer season framework for hunting with archery gear, firearms and muzzleloaders.

November firearm season	Statewide 16-day season beginning two Saturdays prior to the Thanksgiving holiday. CWD zone would use the same dates. Season would be the normal bucks plus variable quota system
Archery seasons	Opens statewide on the Saturday closest to September 15 and continues through the Thursday immediately prior to November firearm season. Statewide season reopens on 1 st day of the November gun season and continuing through the 2 nd Sunday in January. In herd-control units, the archery season would continue through January 31. Bonus buck incentive for all hunters beginning December 26 through January 31 in herd control units. CWD zone would use the same dates.
Youth season	Statewide 5-day, either-sex season beginning the 2 nd Saturday in October. Saturday through Wednesday.
Early muzzleloader season	Statewide 5-day, antlerless-only by permit beginning the 2 nd Saturday in October. Saturday through Wednesday.
October herd control firearm seasons	Herd control units only. 5-day, antlerless-only season beginning the 2 nd Saturday in October. CWD October season would use same dates. Saturday through Wednesday. When October herd control seasons are held on lands that are part of the Kettle Moraine State Forest, the five-day season will begin on the Thursday nearest October 27.
Late muzzleloader season	Statewide 7-day season beginning the Monday immediately following the November firearm season (Bucks plus quota). CWD zone would use the same dates.
December firearm season	Central Forest & Farmland zones. 4-day, antlerless-only season beginning the Thursday immediately following the late muzzleloader season. Appropriate antlerless permit required. CWD zone would use the same dates.
Holiday herd control firearm season	Central Forest & Farmland zones. Herd control units only, 10-day antlerless-only season beginning December 26 th . CWD zone would use same dates
Bonus buck incentive	Hunters harvesting an antlerless deer in herd control units beginning on December 26 with this incentive are eligible for a bonus buck tag valid through the end of all deer seasons.
Public/private land tags	Herd control units only and only outside of the CWD Management Zone. Herd control tags will be specific to public or private lands. Public land tags will be issued based on the percentage of public land within herd control units.

Related Rule or Statute: One administrative rule that is currently under promulgation, CR 09-024, the annual wildlife management housekeeping rule, would amend language in section 2. of this board order. This board order reflects that proposed change.

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 in most of the state runs from October 1 - January 17 except that it is closed during the firearm deer season. Illinois has two periods for firearm deer hunting. The first firearm season in 2009 is November 20, 21, 22 and the second season is December 3, 4, 5, 6. The Illinois muzzleloader only season will be December 11, 12, 13 in 2009.

Iowa - There are two archery hunting periods, the first is October 1 - Dec. 4 and the second is December 21 - January 10, 2010. Iowa also has two periods for firearm hunting, December 5 – 9 and December 12 – 20. Iowa's two muzzleloader only hunting periods are October 17 – 25 and December 21 - January 10.

Michigan - Michigan has two archery hunting periods, the first beginning on October 1 and continuing through November 14 and the second running December 1 – January 1. The Michigan firearm season begins on November 15 and continues through November 30. Michigan's muzzleloader-only seasons vary in three zones, all occurring in December and vary from 10 to 17 days in length.

Minnesota - Minnesota's archery season runs from September 19 to December 31. Minnesota's firearm season begins on November 7 and continues to November 15 or 22 depending on the zone. The muzzleloader-only season runs from November 28 to December 13.

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.

Summary of Factual Data and Analytical Methodologies: **Summary of Factual Data and Analytical Methodologies:** Deer affect nearly every Wisconsin citizen's life in some way. Many of these effects are significant from a recreational, economic, and/or social perspective. There are over 650,000 gun deer hunters and 250,000 bow hunters in Wisconsin. Regulations which require the harvest of an antlerless deer before a buck, called earn-a-buck, have been implemented where necessary to reduce deer populations since 2004. In May of 2009 the department, general public, and members of a committee created by the Natural Resources Board were charged with working together to recommend a deer hunting season structure that could be an effective alternative to earn-a-buck regulations. Acceptable alternatives must be shown to be effective for deer population management and supported by hunters and landowners and able to be evaluated through established benchmarks. The committee's recommended season structures are the basis for construction of this rule proposal.

The committee arrived at its recommendations after evaluating the expected effectiveness of each season component using conservation warden and biologist/wildlife manager input on enforceability and effectiveness, while also taking into consideration the acceptable level of hunter and landowner support needed to ensure participation in herd control seasons. Effectiveness was defined as the ability of a season or incentive to maintain herd populations at or near goal. This includes requiring the ability to allow targeted herd control to reduce over population while also allowing the flexibility to protect from over harvest in units that are at or below goal.

The guidelines for deer management in Wisconsin are established by administrative rule and require consideration of the following criteria; 1) carrying capacity relative to habitat and winter severity, 2) hunter success and public deer viewing opportunities, 3) ecological and economic impacts of deer browsing, 4) disease transmission. 5) concern for deer-vehicle collisions 6) Chippewa treaty harvest, 7) hunter access, 8) ability to keep the herd in a unit at goal, 9) tolerable levels of crop damage.

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.

Agency Contact Person: Keith Warnke, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 264-6023, keithwarnke@wisconsin.gov

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

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

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

Dated at Madison, Wisconsin _____
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary