

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.106(2)(d) 2 and 10.117; renumber NR 10.105; renumber and amend NR 10.106(2)(d) 3; amend NR 1.15(2)(a), 10.001(3t), 10.01(3)(em), (es) and (h)1.a., 10.09(1)(a)2, 10.104(10)(b), 10.106(2)(a) and (b), 12.16(2)(a) and 19.80(4)(a)5; repeal and recreate NR 10.01(3)(e) 6; and to create NR 1.15(2)(am) and (at), 10.01(3)(ev) and (ez), and 10.105(2) relating to deer hunting and the wildlife damage abatement and claims program.

WM-40-00

Analysis Prepared by Department of Natural Resources

Statutory Authority: ss. 29.014, 29.889 and 227.11 Stats.

Statutory interpreted: ss. 29.177, 29.181, 29.361 and 29.889, Stats.

Section 1. Adds hunter success in harvesting and seeing deer and public deer viewing opportunities to the list of criteria for determining deer population goals.

Section 2. Develops standards for tolerable levels of deer damage to crops. Requires the department to lower the overwinter goal in deer management units that exceed the tolerable levels in 2 years out of a 3 year period.

Sections 3, 9 and 10. Updates references to a newly created paragraph.

Section 4. Creates a consistent hunting season framework for all metropolitan deer management units which includes a 3 week gun deer season starting the Saturday prior to the Thanksgiving holiday and a bow season that continues through the gun deer season and the month of January.

Section 5. Extends the late bow season to January 3.

Section 6. Extends the muzzleloader deer season 3 days.

Section 7. Establishes a one-day youth gun deer hunt on the Saturday closest to Oct. 24.

Section 8. Allows the Department to modify the deer hunting season where normal seasons and permits are not expected to bring a deer population to within 20% of a unit's population goal. Establishes the special herd control modifications to the deer season including a 4 day October antlerless deer season, the earn-a-buck season after 2 years of October hunts and a 4 day extension to the early bow season. Establishes a formula for establishing herd control seasons, and eliminates the requirement of public meetings in affected units and natural resources board approval for each zone T unit each year. Expands DNR authority to administer herd control seasons from farmland deer management units to all deer management units.

Section 11. Clarifies that antlerless deer permits have to be used in the unit or units specified on the permit.

Sections 12, 13, 15, and 16. Requires all deer killed with a gun or bow to be registered in the deer management unit of kill or an adjoining unit in units conducting special herd control hunts.

Sections 14 and 17. Allows the transportation of a gun killed deer outside the unit of kill without registering the deer, but requires bow killed deer to be registered in the unit of kill or adjoining unit.

Section 18. Repeals section describing deer season modifications as this has been recreated in section 8.

Sections 19 and 20. Requires farmers enrolled in the Wildlife Damage Abatement Claims Program (WDACP) in a given year who experiences \$1,000 or more damage in that year be automatically issued a shooting permit by February 15 of the following year, with the required harvest objective of 80% of the harvest quota by September 15 in order to qualify for the benefits of the WDACP for the current year.

Section 1. NR 1.15 (2)(a) is amended to read:

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

1. Carrying capacity as determined by unit population responses to habitat quality and historical records of winter severity.
2. ~~The demand for deer hunting~~ Hunter success in harvesting and seeing deer 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 to land in a deer management unit.
8. Ability to keep the deer herd in a deer management unit at goal.
9. Tolerable levels of deer damage as described in par. (am).

Section 2. NR 1.15 (2)(am) and (at) are created to read:

NR 1.15(2)(am) *Tolerable levels of deer damage to crops.* Deer damage to crops in a deer management unit exceeds tolerable levels when the crop damage is greater than 2.5 times the median in 2 of the following 4 indicators:

1. Appraised deer damage losses determined through the wildlife damage program under s. 29.889, Stats., per 100 overwinter deer.
2. Appraised deer damage losses determined through the wildlife damage program under s. 29.889, Stats., per square mile of land in the deer management unit.
3. Appraised deer damage losses determined through the wildlife damage program under s. 29.889, Stats., per square mile of agricultural land in the deer management unit.
4. Number of claims for deer damage submitted through the wildlife damage program under s. 29.889, Stats., per 100 square miles of total land.

Note: The crop damage data used for these evaluations are adjusted to omit damage losses to high valued crops such as cranberry, orchard, Christmas tree, truck farm crops, etc. where low deer numbers can still cause high losses, and where effective abatement is available in the form of 8 foot high deer barrier, high tensile woven wire fences. The focus of the “tolerable levels” criteria is on chronic damage losses caused by high deer populations.

(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 if intolerable levels of damage are likely when the herd is at goal. If damage in a deer management unit exceeds tolerable levels when the herd is at goal in 2 years out of a 3 year period prior to a current unit review under s. NR 10.104(3), the department shall reduce the population goal in that unit, unless a goal reduction is not expected to alleviate intolerable levels of deer damage.

Section 3. NR 10.001 (3t) is amended to read:

NR 10.001(3t) “Bonus deer hunting permit” for purposes of s. 29.181, Stats., means any additional carcass tags issued under s. NR ~~10.117-10.01(3)(ez)~~, any antlerless deer permits issued under s. NR 10.104(6)(a) for gun deer season zone B as described in s. NR 10.01(3)(e), and any antlerless permits issued under s. NR 10.104(8)(c) and (d).

Section 4. NR 10.01(3)(e) 6. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01 (3)(e) 6. a. Deer management units 59M, 60M, 64M, 76M and 77M.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer or as authorized by hunter’s choice and antlerless deer permits issued under s. NR 10.104.
	Shotgun season beginning on the day immediately following the season described above and continuing through the second Sunday in December.	One antlerless deer per hunter’s choice or antlerless deer permit issued under s. NR 10.104.
b. Deer management unit 1M.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer or as authorized by hunter’s choice and antlerless deer permits issued under s. NR 10.104.
	Firearm season beginning on the day immediately following the season described above and continuing through the second Sunday in December.	One antlerless deer per hunter’s choice or antlerless deer permit issued under s. NR 10.104.

Section 5. NR 10.01 (3)(em) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
(em) <i>Deer bow season</i>		
1. Statewide except as established under s. NR 10.01(3)(em)2. <u>and 3.</u>	Beginning on the third Saturday in September <u>nearest September 15</u> and continuing through the Sunday immediately prior to the opening of the deer gun season <u>which includes the Thanksgiving holiday.</u>	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
	Reopening on the second Saturday <u>Monday</u> following the Thanksgiving holiday and continuing through December 31 <u>January 3.</u>	<u>One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.</u>
2. Badger army ammunition plant in Sauk county, 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 permit <u>facility.</u>
3. <u>M, M-1, M-2, M-3 Deer management unit units 1M, 59M, 60M, 64M, 76M and 77M.</u>	Beginning on the third Saturday in September <u>nearest September 15</u> and continuing through the Thursday immediately prior to the opening of the deer gun season and reopening on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 31.	One deer of either sex and one antlerless deer per hunter's choice and bonus permit issued under s. NR 10.104.

Section 6. NR 10.01 (3) (es) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(es) Muzzleloader deer season</i>		
1. Entire state except for the areas described in subd. 2.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 7 <u>10</u> consecutive days.	One buck deer <u>or as authorized by hunter's choice</u> and additional deer as authorized by antlerless deer permits issued under s. NR 10.104.
2. Zone B <u>Mississippi river units</u> as described in sub. (3) par. (e) 2.	Beginning the Monday immediately following the Thanksgiving holiday and continuing for 7 <u>10</u> consecutive days.	One deer of either sex and additional <u>antlerless</u> deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 7. NR 10.01(3)(ev) is created to read:

NR 10.01(3)(ev) *Special youth antlerless deer hunt event.* Persons 12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt antlerless deer with a gun on the Saturday nearest October 24 in deer management units, except state park units, not included in a deer herd control hunt under s. NR 10.01(3)(ez). Allowable types of guns are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). The bag limit is one antlerless deer per hunter's choice or antlerless deer permit issued under s. NR 10.104. Youth who are first time graduates of the hunter education program may use their certificates of accomplishment in place of a hunter's choice permit issued under s. 29.177, Stats., to take an antlerless deer. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters and all other hunting regulations apply. Blaze orange requirements under s. 29.301(2), Stats., apply to all hunters on this day except waterfowl hunters.

Section 8. NR 10.01 (3)(ez) is created to read:

NR 10.01(3)(ez) *Special deer herd control hunt.* 1. The department may, upon making the findings in subd. 2., modify the deer hunting seasons and deer permit issuance procedures as described in this paragraph for any deer management unit to reduce the deer population nearer to the overwinter population goals established in s. NR 10.104. Modifications to the deer season shall consist of:

a. A 4-day antlerless only deer season allowing the use of bows and guns in October. Allowable types of guns are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). Antlerless deer may be tagged with the back tag issued with each deer license, a special permit under this subd. 1.b., or bonus permits issued under s. 29.181, Stats. This subdivision paragraph does not apply to state parks and state park deer management units.

b. Special permits for antlerless deer under s. 29.177, Stats., shall be issued free of charge at the rate of one permit per license authorizing deer hunting or 2 permits per conservation patron license. The permits may be used to hunt and tag deer during any of that year's deer seasons for the units specified under subd. 1.

c. The backtag issued with a regular gun deer license is valid for taking and tagging a deer of either sex during the regular 9 day gun season under s. NR 10.01(3)(e). The backtag issued with the bow deer license is valid for only an antlerless deer during the seasons described in this subd. 1.a. or 1.d.

d. If after 2 consecutive seasons, as described in this subd. 1.a., the department determines a third season, as described under this subd. 1.a., is unlikely to reduce the deer population to within 20% of the overwinter population goal established in s. NR 10.104 for the same deer management unit or units in the subsequent year, hunters shall harvest or tag an antlerless deer in that unit or units with either a bow or a gun during any deer season or with an agricultural shooting permit, before they may harvest a buck with either weapon in that unit or units. One antlerless deer is required to authorize harvest of one buck in that unit or units, or in state parks with gun deer seasons that are within or adjoining these units, for each archery and gun deer license. Deer harvested as described in this paragraph shall be transported in accordance with s. NR 10.105 (3).

e. If after a season as described in this subd. 1.d., the department determines a season as described in this subd. 1.a., is unlikely to reduce the deer population to within 20% of the overwinter population goal, established in s. NR 10.104, for the same deer management unit or units in the subsequent year, hunters may only hunt deer in accordance with this subd. 1.d.

2. Findings. The department shall, prior to making any modification for a deer management unit under subd. 1., find that it is unlikely the deer population for the deer management unit will be reduced to within 20% of the overwinter population goal established in s. NR 10.104 under the established deer hunting rules. In making this determination, the department shall compare the deer harvest required to reduce the deer population to goal to the deer harvest likely to occur under the existing season structure.

Section 9. NR 10.01 (3)(h)1.a. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
a. Wolf management zone 1, as described in s. NR 10.20.	All year except closed during the gun deer seasons as established under ss. s. NR 10.01(3) (e), and (es) and 10.117 (ez).	None

Section 10. NR 10.09(1)(a) 2. is amended to read:

NR 10.09(1)(a) 2. Size. Possess or have in control while hunting, shells containing shot larger the no. BB during the period commencing on June 1 and ending 48 hours following gun deer season ~~closure~~ established in s. NR 10.01(3)(e) or ~~10.117 (ez)~~, whichever season is later, except during the open season established in s. NR 10.01 (1)(b), (c), (d) and (g) when nontoxic shot size BBB and T may be used for hunting migratory game birds.

Section 11. NR 10.104 (10)(b) is amended to read:

NR 10.104(10)(b) *Antlerless deer hunting permit.* Valid for the taking of one antlerless deer only in the unit or units designated on the permit.

Section 12. NR 10.105 is renumbered NR 10.105 (1).

Section 13. NR 10.105 (2) is created to read:

NR 10.105(2) In deer management units with deer seasons modified under s. NR 10.01(3)(ez) 1.d., no person may transport a buck deer from the time it is killed to the time it is registered under s. NR

10.106 unless accompanied by the antlerless deer or antlerless deer registration verification 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 buck deer in the unit or units modified under s. NR 10.01(3)(ez)1.d. Deer may only be transported outside of the unit of kill or adjoining unit after they have been registered.

Section 14. NR 10.106(2)(a) is amended to read:

NR 10.106(2)(a) *Gun license deer.* Gun license deer shall be registered within the ~~open season~~ zone in which the deer was killed no later than 5:00 p.m. of the first day following the season's close. Deer may be transported outside the unit in which it was killed until it is registered.

Section 15. NR 10.106(2)(b) is amended to read:

NR 10.106(2)(b) *Special permit deer.* Party permit deer, bonus permit deer or antlerless deer taken under the authority of the hunter's choice permit, a gun deer license or special deer permit shall be registered with the deer management unit in which the deer was killed or an adjoining unit no later than 5:00 p.m. of the first day following the season's close ~~unless transported on federal or state highways directly to the authorized registration station in an adjoining deer management unit.~~

Section 16. 10.106(2)(d) 2. is repealed.

Section 17. NR 10.106(2)(d) 3. is renumbered NR 10.106(2)(d) 2. and amended to read:

NR 10.106(2)(d) 2. ~~Additional deer restrictions. All bowhunters authorized to kill an additional antlerless deer shall register it~~ Bow killed deer. Bow killed deer shall be registered within the deer management unit ~~designated on the deer carcass tag~~ in which the deer was killed or in an adjoining deer management unit. ~~All such deer shall~~ Deer may not be transported outside the unit in which it was killed or an adjoining unit until it is registered.

Section 18. NR 10.117 is repealed

Section 19. NR 12.16 (2)(a) is amended to read:

NR 12.16 (2) (a) *Harvest objective.* The permittee and participants, unless granted an exemption under par. (b) or issued a shooting permit under s. NR 19.80(4)(a) 5, shall kill at least 80% of the number of deer authorized for harvest on the permit and shall kill at least 50% of the number of deer authorized for harvest during the first 45 days after permit issuance. If issued a shooting permit under s. NR 19.80(4)(a)5, the permittee shall kill at least 80% of the number of deer authorized for harvest on the permit by September 15 of the same year. The permittee is not eligible for a shooting permit the next year if the permittee fails to comply with these harvest objectives unless a shooting permit is prescribed damage abatement under s. 29.889, Stats.

Section 20. NR 19.80(4)(a) 5. is amended to read:

NR 19.80(4)(a) 5. If an enrollee has participated in the WDACP the previous ~~2 years year~~, and ~~each year~~ had in excess of \$1,000 of appraised deer damage losses ~~documented on the claim applications in the previous year~~ on contiguous land or land within the same section, as documented by the enrollee's previous claims appraisal conducted by the respective county, or the county's agent, to be eligible for claims the enrollee shall ~~apply for a deer damage shooting permit under s. 29.885 Stats. and ch. NR 12 and comply with subd. 4.~~ implement a deer damage shooting permit that shall automatically be issued by the department to the enrollee by February 15 and shall comply with subd. 4.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The foregoing rules shall take effect on the first day of the month following publication as provided in s. 227.22, Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)