

Clearinghouse Rule 13-071

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 of 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 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 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 establish specific requirements to consult with certain individuals 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.

The department does not intend to modify regulations on the method of deer harvest at this time. However if an ACT of the legislature modifies a legal method of harvest while this rule package is being promulgated, and related rule changes are needed, this rule package would implement an ACT of the legislature. Notably, the legislature is currently considering changes to the allowable uses of crossbows.

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 increases, stabilization, or decreases. For instance, agriculture and forest-products interests may benefit from low deer populations and resulting low levels of crop and tree damage. The tourism and retail industries may benefit from high deer populations that result in greater enthusiasm and participation in deer hunting. This rule package 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~~.

(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 density 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 Thanksgiving Day holiday and	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized

	continuing for 19 consecutive days.	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. 29.016 (2) (b), Stats., and	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 s. 227.24 establishing that no

following promulgation of rules under s. 227.24, Stats.		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 <u>with an 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 and deer population objectives 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) 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) The department shall annually seek comment from members of the public on the status of the deer herd at the county level. The department shall invite participation by the chairperson for the county delegation of the Conservation Congress established under s. 15.348. The department shall also encourage participation by representatives with an interest in the following:

1. Wisconsin's Chippewa bands.
2. Agriculture
3. Forestry
4. Tourism

5. Transportation

6. Local government

(6) **ANTLERLESS DEER PERMITS.** 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 deer permits in the previous three seasons.

(b) *Management units with objectives to decrease the deer herd or where CWD has been identified.* The department shall not limit the number of antlerless permits 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 include 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 include 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 PERMIT ISSUANCE.** The department shall issue permits in the following manner:

(a) *Antlerless permits.* The department may issue bonus antlerless deer permits 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 permit or 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 permits 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 permits in a CWD area.* The fee for bonus permits 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) PERMIT 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 PERMITS UNDER THE DEER MANAGEMENT ASSISTANCE PROGRAM. The department may issue antlerless permits 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 permits issued under this sub. shall be \$6.00.

(9r) BONUS BUCKS IN UNITS WITH AN OBJECTIVE TO DECREASE THE SIZE OF THE DEER HERD. 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 free replacement permits 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 permits 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 permit 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. *Bear research.* Any part of a harvested 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) *Deer in a CWD affected area or for research.* The department may require that any deer harvested in a CWD affected area or other 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.

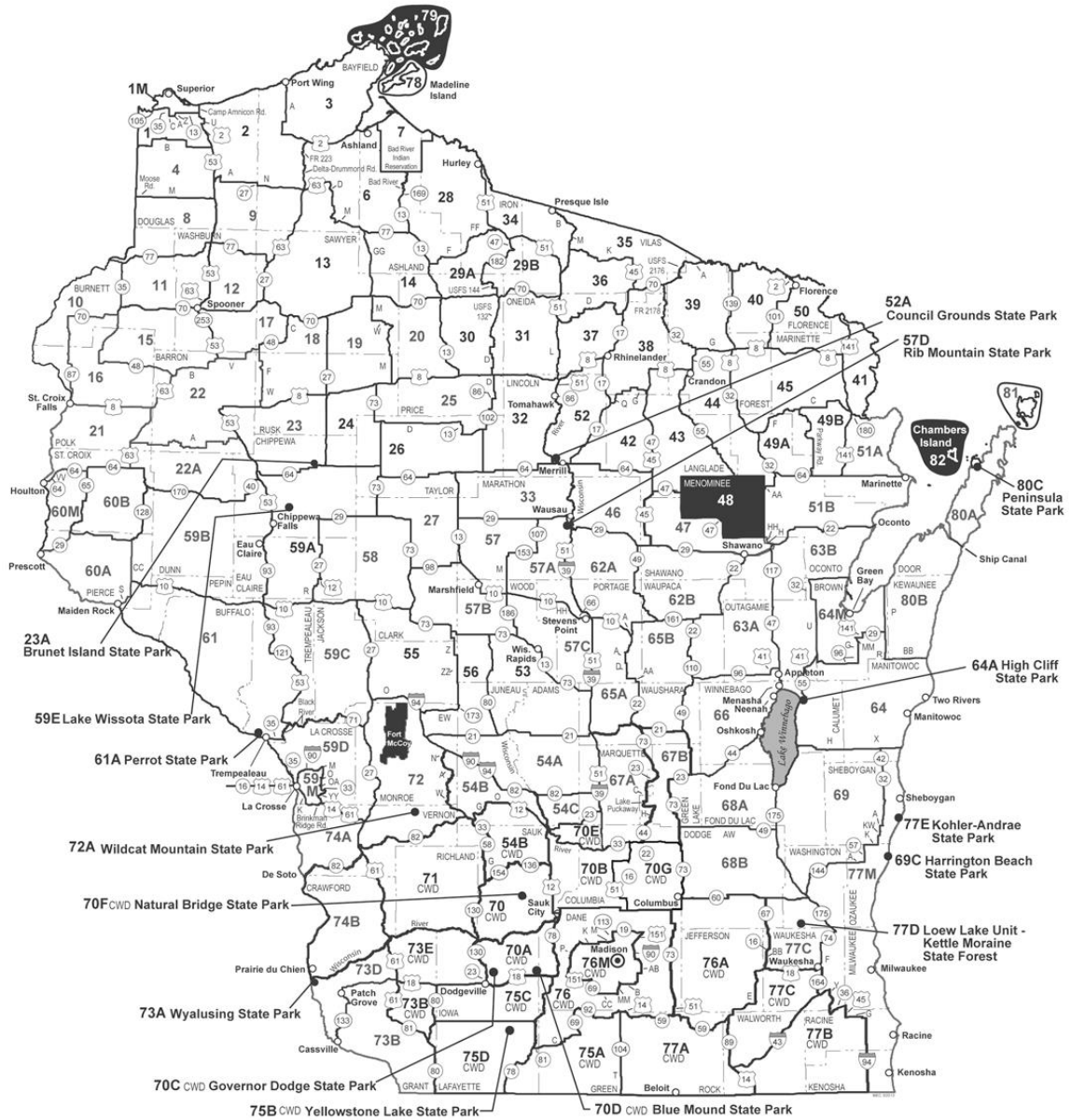
SECTION 27. NR 10.28 (1) and (2) are repealed and recreated to read:

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

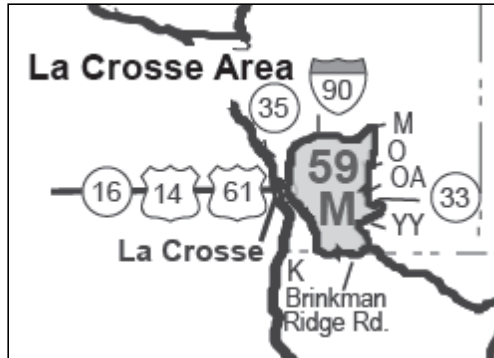
[**Drafter's Note:** For purposes of rules hearings in October 2013, the department will be evaluating a map based on the consolidation of existing deer management units shown here and an alternative proposal to use counties as deer management units. SECTION 27 of this rule is not needed if a county based alternative is selected]

MAP = DMU based consolidation

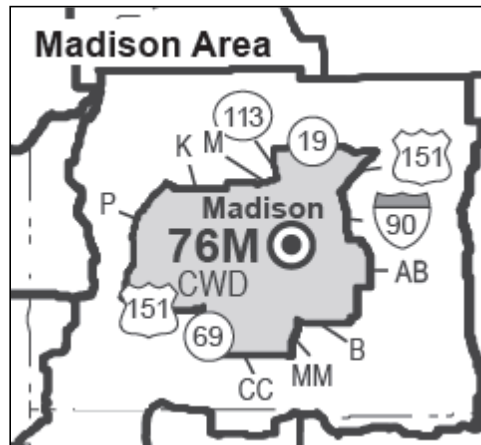
Note: The following map was in effect in 2013 and these boundaries continue to be used for other purposes not related to deer management.



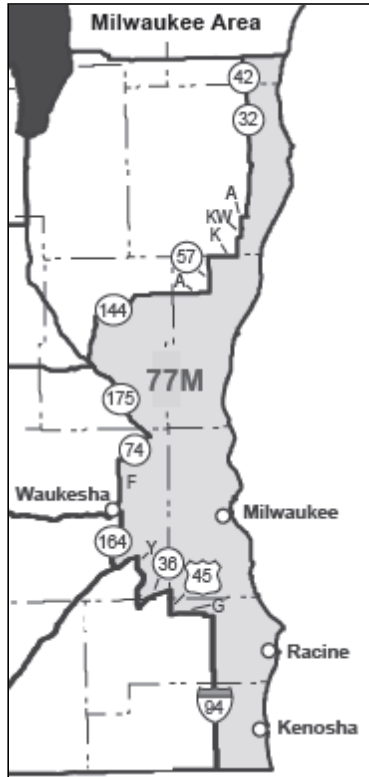
(2) METROPOLITAN DEER MANAGEMENT UNITS. (a) *La Crosse*.



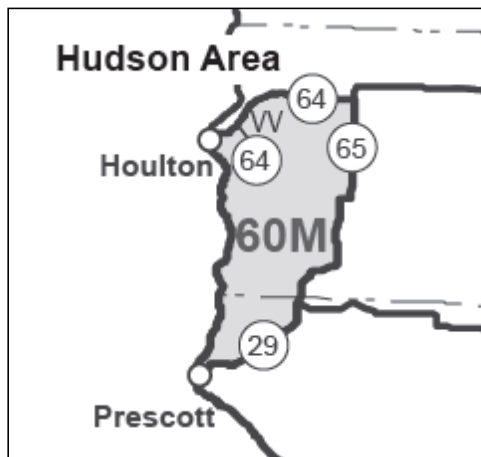
(b) *Madison*.



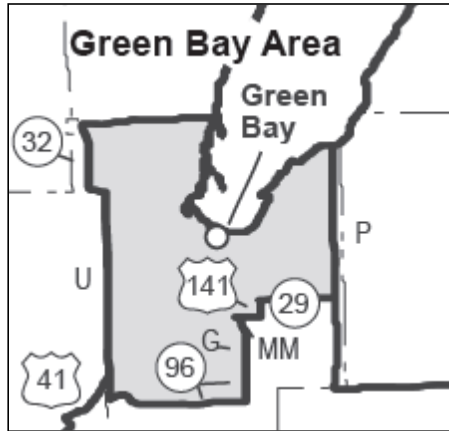
(c) *Milwaukee*.



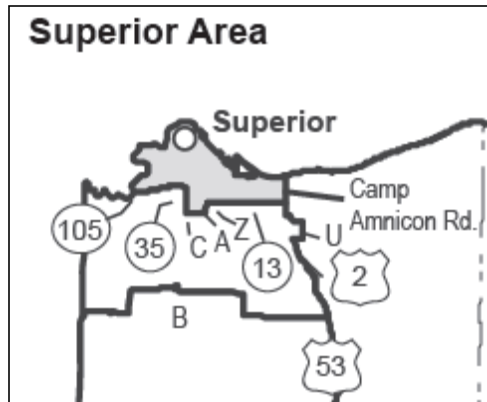
(d) *Hudson.*



(e) *Green Bay.*



(f) *Superior.*



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 following counties: Adams, Barron, Burnett, Crawford, Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Kenosha, Lafayette, Marathon, Marquette, Milwaukee, Polk, Portage, Racine, Richland, Rock, Sauk, Vernon, Walworth, Washburn, Washington, Waukesha, Waushara and Wood.

(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) *Permits.* 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 allow landowners to achieve deer management objectives at a localized level, 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)