

03-017
NR
01/13

CLEARINGHOUSE RULE
03-017

JCRAR – AUGUST 19, 2003
9:00 a.m. – 412 East

Clearinghouse Rule 03-017

Rule Sent to Clearinghouse

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.07(1)(g); amend NR 10.001(2) and (14); and to create NR 10.001 (7e), (23e), 10.07(2), 19.001(4) and (15m), and 19.60 relating to the regulation of baiting and feeding to control and manage chronic wasting disease.

WM-09-03

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014 , 29.033, 29.335 and 227.11, Stats.
Statutes Interpreted: § 29.033 and 29.335, Stats.

Sections 1 Amends the definition of bait.

Section 2. Defines decoy.

Section 3. Amends the definition of liquid scent.

Section 4. Defines scent.

Sections 5 and 6. Prohibits the use of bait statewide for hunting and provides exceptions for landowners in the eradication zone and for bear hunting by imposing bait site, permit and date restrictions, and also allows the use of liquid scents for deer hunting.

Section 7. Defines bird feeding devices and structures.

Section 8. Defines small mammals.

Section 9. Prohibits feeding of wildlife and outlines exceptions for birds and small mammals.

Section 1. NR 10.001(2) is amended to read.

NR 10.001(2) For the purposes of this chapter, "bait" means ~~honey and any solid or nonliquid~~ any material attractive used to attract wildlife including liquid scent.

Section 2. NR 10.001(7e) is created to read.

NR 10.001(7e) "Decoy" means the replica of an animal used to attract wild animals for the purpose of hunting, but may not include any food materials that can be consumed by any wild animal.

Section 3. NR 10.001(14) is amended to read.

NR 10.001(14) "Liquid scent" means any ~~nonsolid liquid~~ liquid material except honey, used to attract wild animals solely by its odor.

Section 4. NR 10.001(23e) is created to read.

NR 10.001(23e) "Scent" means any material, except honey, used to attract wild animals solely by its odor.

Section 5. NR 10.07(1)(g) is repealed.

Section 6. NR 10.07(2) is created to read.

NR 10.07(2) BAITING. (a) *General prohibition.* Except as provided in par. (b) or as authorized by a permit issued under s. NR 12.06(11), no person may hunt with the aid of bait, place or use bait for the purpose of hunting wild animals or training dogs.

(b) *Exceptions.* 1. Bait may be placed in compliance with par. (c) between April 15 and the close of the bear season, for hunting bear or training bear dogs during the open season's for these activities, provided when the bait is placed and when the bait site is checked or re-baited, that the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material.

2. Liquid scent used for hunting of bear or training bear dogs from April 15 to the end of bear season does not need to be enclosed in a hollow log, a hole in the ground or stump.

3. This subsection does not prohibit hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices.

4. Baiting for purposes of trapping is regulated by ss. NR 10.13(1)(b), 19.27, 19.275 and this section.

5. Baiting for waterfowl is regulated by s. NR 10.12(1)(h) and not this section.

6. This subsection does not prohibit hunting over crops planted and left standing as wildlife food plots.

7. Scent may be used for hunting deer or elk provided the scent is not placed or deposited in a manner that it is accessible for consumption by deer or elk and non-liquid scents shall be removed daily at the end of hunting hours for deer established in s. NR 10.06(5). Two ounces or less of liquid scent may be placed or deposited in any manner for hunting game animals.

8. This subsection does not prohibit hunting in accordance with s. 29.337, Stats., with the aid of feed material placed in compliance with s. NR 19.60.

9. This subsection does not prohibit hunting with the use of decoys except as already prohibited under ss. NR 10.12(1)(f) and (g) and 10.25(4)(d).

(c) *Additional prohibitions for bear hunting and bear dog training.* No person may:

1. Place, use or hunt with the aid of bait material, in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.

2. Except as allowed by par. (b) 1. and 6., place, use or hunt with the aid of bait material, other than scent, which is contained within or containing metal, paper, plastic, glass, wood or other similar processed materials.

3. Place, use or hunt with the aid of bait material, within 50 yards of any trail, road or a campsite used by the public.

4. Hunt with the aid of bait material, other than scent, without possessing a valid unused bear harvest permit.

5. Hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions of s. NR 19.60, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

Note: Removal of unlawfully placed bait or other feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

Section 7. NR 19.001(4) is created to read.

NR 19.001(4) "Bird feeding devices and structures" means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

Section 8. NR 19.001(15m) is created to read.

NR 19.001(15m) "Small mammals" mean all mammals other than bear, deer and elk.

Section 9. NR 19.60 is created to read.

NR 19.60 Feeding of wild animals. (1) PROHIBITIONS. (a) Except as provided in this section or by permit issued under s. NR 12.06(11), no person may place, deposit or allow the placement of any material to feed or attract wild animals.

(b) Any person placing material or feed to attract wild animals in violation of this section shall remove all food or other material illegally placed or deposited when ordered by the department to do so.

(c) Landowners, lessees or occupants of any property where feeding in violation of this section occurs shall remove all food or other material illegally placed or deposited upon notification by the department of the illegal activity.

Note: Elevated feeders that are designed to deposit food on the ground are prohibited.

(2) EXCEPTIONS. This paragraph does not prohibit:

(a) Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If the department determines that wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.

(b) Feeding of wild animals, other than deer, elk or bear, by hand is allowed if:

1. Feed is placed not more than 30 feet away from the person feeding.
2. The person feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.

(c) Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.

(d) Standing crops planted and left standing as wildlife food plots that may be used by wild animals.

(e) Food material placed for bear hunting or bear dog training as specified in s. NR 10.07(2).

(f) Food material placed for trapping as specified in s. NR 10.13.

(g) The use of decoys for non-hunting purposes.

(h) The placement of plain water for drinking or for bird baths.

(i) The use of scents provided the material is not accessible for consumption by deer or elk.

(j) Food or bait material placed or used for fish, reptiles, amphibians or arthropods provided the material is not accessible to bear, deer or elk.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

Section 10. INITIAL APPLICABILITY. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses.

Section 11. EFFECTIVE DATE. The rules 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 12. BOARD ADOPTION. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)



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MADISON, WI 53707-7882
(608) 266-2056

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MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Motion Form

Moved by Grothman, Seconded by Seratti

THAT, JCRAR pursuant 227.26(2)(a)* 227.15(4)(a)(5+6)

Suspend NR 302.04 (5)(a)(b)

COMMITTEE MEMBER	Aye	No	Absent
1. Senator LEIBHAM	✓		
2. Senator WELCH	✓		
3. Senator LAZICH	✓		
4. Senator ROBSON		✓	
5. Senator CARPENTER LASSA		✓	
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative BLACK		✓	
10. Representative HEBL		✓	
Totals	6	4	

☒ Motion Carried

☐ Motion Failed



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Motion Form

Moved by Leibham, Seconded by Robson

THAT, Non-Concurrence to Standing Comm.
objection.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator LEIBHAM	✓		
2. Senator WELCH		✓	
3. Senator LAZICH		✓	
4. Senator ROBSON	✓		
5. Senator LASSA		✓	
6. Representative GROTHMAN		✓	
7. Representative SERATTI		✓	
8. Representative GUNDERSON		✓	
9. Representative BLACK	✓		
10. Representative HEBL	✓		
Totals	4	6	

☐ Motion Carried

☒ Motion Failed



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Motion Form

Moved by Gunderson, Seconded by Welch

THAT,

Compromise Motion Modify Rule
2 sites per 40 acres - Baiting: Statewide outside CWD Man Zones,
- 2 gallons/day/site/scattering
Feeding: North of Hwy 54 outside of Zones
- 2 gallons/day/ 50 yds of own property scattering
Intensive Harvest Zone, Eradication Zone.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator LEIBHAM		✓	
2. Senator WELCH	✓		
3. Senator LAZICH	✓		
4. Senator ROBSON		✓	
5. Senator LASSA	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative BLACK		✓	
10. Representative HEBL		✓	
Totals	6	4	

☒ Motion Carried

☐ Motion Failed



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Motion Form

Moved by Welch, Seconded by LEIBHAM

THAT, Joe's motion Modify Rule
End Ban June 30, 2004

COMMITTEE MEMBER	Aye	No	Absent
1. Senator LEIBHAM	✓		
2. Senator WELCH	✓		
3. Senator LAZICH	✓		
4. Senator ROBSON	✓		
5. Senator LASSA		✓	
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative BLACK	✓		
10. Representative HEBL	✓		
Totals	9	1	

☒ Motion Carried

☐ Motion Failed



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Motion Form

Moved by Welch, Seconded by Gundersen

THAT, Previous motions-
no comply from Aug. 29 from NR Board
rule is concurred into DNR
w/ standing committees

COMMITTEE MEMBER	Aye	No	Absent
1. Senator LEIBHAM		✓	
2. Senator WELCH	✓		
3. Senator LAZICH	✓		
4. Senator ROBSON		✓	
5. Senator LASSA	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative BLACK		✓	
10. Representative HEBL		✓	
Totals	6	4	

☒ Motion Carried

☐ Motion Failed

Good Morning:

My name is Thomas Halverson, co-founder of Concerned Hunters of Wisconsin. Many of you may remember me from last fall when Greg Heyrman, my associate, and I gave a presentation before you on this very same issue – feeding and baiting of deer.

At that time, we presented you with a petition with more than 1600 signatures from adult Wisconsin voters who called upon you, their elected officials, to restore feeding and baiting of deer. That was the same day that Tom Hauge from the DNR spoke before you and said that they, the DNR, just needed time to determine how widespread CWD was and that they were planning to test deer harvested during the 2002 hunting season. Once the DNR had those test results back, they would know with 99% certainty where CWD could be found in Wisconsin. They just needed a temporary ban on feeding and baiting, so the disease would not spread in the interim. You agreed with some reluctance to grant the DNR a temporary ban, allowing them time to get the test results.

Then, just a few weeks after getting the statewide ban on feeding and baiting, the DNR asked for an exception for the DNR to bait deer in the CWD hot zone because they couldn't harvest enough deer with the use of bait. I just don't understand why it's okay for the DNR to use bait where deer are infected with CWD, but the rest of us can't bait deer where the herd is proven to be healthy and there is no CWD present.

And that is precisely the situation we have today. The DNR has completed their statewide testing of deer harvested last year and found beyond a 99% certainty that CWD is not present elsewhere in the state. Yet, here they are today asking for a permanent ban, contrary to their stated position last year.

We agree that feeding of deer should be banned in those parts of the state where CWD has been located, but we do not agree that the ban should extend beyond those intensive management areas.

Keep in mind that if the DNR were to find CWD or some other disease that was a threat to the deer herd in other parts of the state, they can implement an emergency rule, at that time, banning the feeding and baiting of deer. And we would support them, at that time.

Today we ask that you not grant the DNR's request for a permanent ban on feeding and baiting of deer. Rather, we have come to propose a return of feeding and baiting. Under our proposal, we suggest modifications to quantities, methodology and placement of baiting and feeding materials that we feel address the concerns of many opponents of baiting.

Under this proposal, the quantity of baiting and feeding materials can be reduced to two gallons, and baiting hunting sites be separated by a distance of 200 yards per property. In addition, the types of food that may be used as bait have been defined. A copy of this proposal was e-mailed to all of your offices last week and I have a copy for each of you today.

We ask that you deny the DNR's request for a permanent ban on feeding and baiting of deer statewide.

Thank you for your time today.

**DNR Testimony to JCRAR
Baiting & Feeding Rule
Presented by Secretary Scott Hassett &
Land Division Leader Laurie Osterndorf
August 19, 2003**

Good morning! I've asked Laurie Osterndorf, our Land Division leader, and Tom Hauge, our Wildlife Director to join me this morning to help me address any questions you may have.

To begin, I would like to offer the committee members our empathy. Baiting and feeding is a controversial subject and choosing the best public policy for Wisconsin is difficult. Thank you for all the time you have put in on this matter.

We are here today to request your support to reinstate a ban on baiting and feeding in Wisconsin as proposed in the rule. The disease situation we face in Wisconsin is very serious and the health of our deer herd is at risk. The decisions we make also have large implications to Wisconsin's agricultural community.

The baiting and feeding ban is tough medicine and as the committee knows well, it's viewed as too tough by a lot of good folks. We understand and regret their loss and inconvenience. It's our job to weigh these impacts and all the available science and bring you our best professional recommendations on how to protect Wisconsin's deer herd and control CWD in Wisconsin. It's been a tough decision for us, but the ban on baiting and feeding is the right thing to do.

One week ago we learned with the new Walworth county CWD-positive deer that another part of Wisconsin has been exposed to CWD. It's a reminder that CWD can be present in

an area at low levels and go undetected in spite of our best efforts to find it. We tested over 100 deer from Walworth County last fall. So, this is a lesson that we should not rush to use the statewide test results from last fall as an "all clear" signal.

Baiting and feeding deer do not cause CWD or other diseases. However, wildlife health and veterinary experts strongly believe that congregating deer over bait and feed will help the disease establish itself and spread if it is present. As Dr. John Fischer, Director of the Southeastern Cooperative Wildlife Disease Study in Athens, Georgia recently wrote: "Baiting and feeding increase opportunities for infectious disease transmission among wildlife and there is no substitute for disease prevention as a strategy for managing disease in wildlife populations."

Other parts of Wisconsin are not currently protected from disease risk. We've previously made you aware that continuing escapes from captive deer and elk farms is one way that disease can enter our landscape. To update you, we have had 27 different escapes since April of this year. One of these involved a farm quarantined because of CWD concerns; where a tree blew onto the fence in a storm. This kind of unpredictable situation is occurring across Wisconsin.

As legislators, you are dealing with a Bill addressing another potential risk for disease introduction. Assembly Bill 292 is legislation to regulate the disposal of deer and elk carcasses. I hope you pass this bill. You have recognized that disease could possibly be introduced to an area through improper disposal of infected deer parts. There is no area of Wisconsin that is immune to this risk.

The point here is that these risks and probably risks that we aren't yet aware of require that we err on the side of caution to protect the long-term health of our deer herd. We also need to listen to the growing chorus of voices in our agricultural community about their concern that diseases that affect deer can also pose a threat to livestock. Even though Agriculture would lose a market for the grains they produce, they believe the disease issues are serious enough that a ban is the right thing to do.

We need to look at the big picture when we consider what to do on this issue. I'd like to ask Laurie to remind us what we are trying to protect.

Thanks Scott and Good Morning to the committee. Our great state has vast and valuable wildlife resources. Deer are woven into the very fabric of life in Wisconsin. No matter where you look, you can see visible signs of the importance of deer to our citizens. It's our state wildlife animal. We see it in the lawn ornaments found in urban and rural yards, the names of cities, subdivisions, restaurants and motels, and it's even shown in our professional basketball team, the Milwaukee Bucks. Simply put, deer are a part our quality of life in Wisconsin.

Deer are also integral to the vitality of Wisconsin's economy. Many people don't realize the economic importance of our deer herd. Deer hunters alone generate nearly 1 billion dollars of economic impacts annually. You can add another half-billion impact if you include deer watching to hunting. Tourism is essential to our state's economy and a healthy, abundant deer herd is important to tourism.

As the leader of the land division, I'm very aware of how important deer are to conservation in our state. Thirty percent of all the dollars raised for fish and wildlife conservation from

license sales come from deer hunters. Habitat protection, monitoring, law enforcement, research and education for fish and wildlife resources depend very heavily on this source of funds.

We need a healthy deer herd. CWD has the potential to do dramatic damage to this valuable economic resource. The stakes are high and baiting and feeding poses a risk that we can't afford to take.

That's why we believe this discussion is so important.

Thanks Laurie. The bow season opens up in less than a month and all over our state folks are getting ready to head to the woods. They are calling us daily to ask what the regulations will be. We owe it to them to reach a conclusion as soon as possible.

Everywhere I go, I'm encouraging folks to get out and hunt this year. We've answered a lot of the questions that people had last year. It's going to be another great fall in Wisconsin and hunting deer is a perfect way to enjoy it. I believe most will enjoy their time in our woods a little more knowing that they are part of an effort that is doing all we can to protect the deer herd they care so deeply about.

Dear Representative Lorraine Seratti:

I received the email from Andrew Potts regarding our experience with the Wild Rivers Program and yes; the snowmobile club has had many problems in trying to build a bridge over the Pike River. The purpose of the bridge is to eliminate a hazardous crossing and riding on County Trunk V.

The Ranger City Riders Snowmobile Club maintains trails in the Amberg-Wausaukee area of Marinette County. This county has seen a 124 percent increase in tourism since 1993. That relates to traveler spending that supported 3,718 full-time jobs. With more and more people visiting every year and the development of the new Governor Thompson State Park, tourism in the county will rise even more. In, 2001 visitors spent nearly \$97 million in the county. Winter recreation and snowmobiling accounted for a large percentage of that spending. Snowmobile clubs work to develop and maintain well-groomed and safe trails for the public to use. One of the club's main objectives is to get trails off of roads and to provide safe crossings of highways and bridges.

State Corridor #3 through Amberg crosses the Pike River at a hazardous spot on County V. At this time, it is necessary for snowmobiles and the groomer and drag to cross the Pike River by using the county highway bridge. The crossing is on a blind curve and cars traveling on County V have no warning machines might be crossing the road just around the curve. The bridge is kept clear for vehicle traffic, but the bare pavement makes it extremely difficult to steer a snowmobile. Cars and snowmobile traffic should not have to share the bridge at this hazardous crossing.

The club originally proposed rerouting the trail to cross the river at another location. The proposed location was at the site of an old earthen dam. A hearing was held at the Marinette County courthouse regarding the bridge proposal. Representative Seratti, you attended that hearing along with representatives from the club, the AWSC and the DNR. The plan was rejected by the DNR because a recreational bridge would "spoil the beauty" of the area. After this was turned down, the club worked to find a way to make the existing crossing on County V safer and to get the trail off of the road and eliminate crossing the county highway. Plans were submitted for a snowmobile bridge next to the highway bridge. The DNR objected to the project because of the disturbance to the wild river and the shoreline, saying that the present area is not that dangerous, there hasn't been an accident there yet. Why wait until there is an accident? Obviously, wild river status is more important to the DNR than the safety of thousands of snowmobilers. The club researched all the possibilities and found the bridge could go on the highway department right of way. They had no objection to a bridge being put in. In fact, they approved of getting the snowmobile and groomer traffic off of the roadway and the highway bridge. The grade to the bridge could have been a nice gradual slope, but that meant using about 20' of DNR land. The DNR refused to allow a 20' strip of land for the incline. As a result, the grade will be a steep slope, almost a straight drop off on the side. Again, this is not a safe sensible way to do it, but the DNR refuses to budge on any wild river rules. The stringent law governing the wild rivers leaves no provision for recreational crossings.

While we all agree that these rivers should be preserved for future generations, we do not agree with the absolute lock out of recreational vehicles. There must be some flexibility to deal with situations as they arise. Safety must be of a greater concern. Consideration should be given to existing trails and the need to relocate those trails as necessary. The tourism industry has become the backbone of the local economy, especially evident in the winter months. As new visitors come to the area, safe trails are more vital than ever before.

Thank you for contacting me regarding the problems with the wild rivers. I hope I have been some help to you. Please advise me on the progress of the hearing. I support you 100% in your efforts. If you need more information, please call me at 715-324-6020 or send an email.

Thank you.

Pat Mullarky



State Senator

Neal J. Kedzie

11th Senate District

May 28, 2003

Scott Hassett, Secretary
Wisconsin Department of Natural Resources
101 S. Webster Street, Fifth Floor
Madison, WI 53702

Dear Secretary Hassett,

This letter is to inform you that on May 28, 2003, the Senate Environment and Natural Resources Committee voted (Ayes, 3; Noes, 2) pursuant to s. 227.19 (4) (b) 2., Stats., to request the Department of Natural Resources to modify Clearinghouse Rule 03-017, relating to the regulation of baiting and feeding to control and manage chronic wasting disease.

Specifically, the Committee recommends the following:

- A. Create an additional exception to the prohibition on baiting wild animals in proposed s. NR 10.07 (2). Pursuant to the additional exception, baiting deer would be permitted during any open season for deer hunting, in the area to which the open deer season applies. The total amount of bait placed at any time may not exceed 2 gallons per hunter. Bait consumed by wild animals may be replenished at any time up to the 2-gallon limit. The exception would not apply in an area established by the Department of Natural Resources as a CWD eradication zone, intensive harvest zone, or herd reduction zone unless the department authorizes, by rule, the use of baiting for deer hunting in one or more of these zones.
- B. Create an additional exception to the prohibition on feeding wild animals in proposed s. NR 19.60 (1). Pursuant to the additional exception, feeding of wild animals would be allowed if the feeding meets the following conditions:
 - Feed may only be placed north of State Highway 29.
 - The authorization to place feed does not apply in areas north of State Highway 29 established by the Department of Natural Resources as a CWD eradication zone after the effective date of CHR 03-017. The department may, by rule, ban feeding in an intensive harvest zone or herd reduction zone north of state highway 29 that is established after the effective date of CHR 03-017. A ban on feeding under this paragraph

does not apply until at least 72 hours have elapsed following notice by the department of the ban in a newspaper likely to give notice in the area.

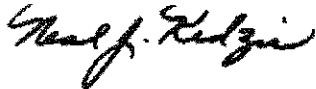
- Feed must be placed by, or on behalf of, an individual within 100 yards from the individual's primary residence or by the owner or employee of a business that is open to the public within 100 yards from a building containing the business.
- Notwithstanding the previous paragraph, feed may not be placed within 100 yards from any highway that is posted with a speed limit of at least 45 miles per hour.
- The total amount of feed placed at any time may not exceed 2 gallons per residence or building. Feed consumed by wild animals may be replenished at any time up to the 2-gallon limit.

C. Prohibit hunting with the aid of bait, the placement or use of bait for hunting wild animals or training dogs, or placement of feed if the bait or feed contains any part of an animal. This provision would not apply to trapping.

Pursuant to this request, the Committee may request additional modifications upon further review if additional issues arise. Please inform me, in writing by May 30, 2003, as to whether or not the Department agrees to consider this request.

Thank you for consideration of this recommendation.

Sincerely,



Neal Kedzie
State Senator
Chair, Senate Environment and Natural Resources Committee
11th Senate District

NJK: dj

Wisconsin Deerhunters, Inc.
P.O. Box 48
Neshkoro, WI 54960
(920) 293-4098

August 17, 2003

Joint Committee for Review of Administrative Rules
Senator Joseph Leibham, Senate Co-Chair
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Leibham and Distinguished Members of the Joint Committee:

As President of the Wisconsin Deerhunters, Inc., a group with more than 1,800 members, I am writing to ask that your Joint Committee vote to return feeding and baiting of deer to Wisconsin sportsmen and residents at your next meeting scheduled for Tuesday, August 19, 2003

Our organization has members from all across the state in every one of your districts and we are calling upon you, our elected officials to represent our interests. We, as an organization, favor the feeding and baiting of deer and believe that a statewide ban would be detrimental to our sport and have an adverse impact on our state's economy.

Last year, we surveyed 3,997 sportsmen from across the State and found that 2,439 support the baiting of deer. When asked if they would support a deer-baiting ban, 2,494 said that they would not. Of those that responded, 2,461 said that they agreed with the 10-gallon limit of bait. Furthermore, 2,440 respondents believe that a deer baiting ban would be unenforceable. Of those respondents, 920 live in Northern Wisconsin, 556 in Southern Wisconsin, 636 in Eastern Wisconsin, 1,655 in Central Wisconsin, and 225 in Western Wisconsin. As you can see, this was a good cross section of sportsmen from all parts of the State. Not just the members of our organization wish to see baiting of deer returned, but a majority of Wisconsin sportsmen wish to see it returned as well.

We urge you to return feeding and baiting of deer to the residents of Wisconsin.

Sincerely,

Dennis Hoffman
State President
Wisconsin Deerhunters, Inc.

MADISON AREA CHAIRMAN CARLEN BAY 3997
WISCONSIN DEERHUNTERS, INC. CARDS
DEER-BAITING SURVEY

1. Do you support baiting deer?
 1. Yes 2439 No 1578
 2. Would you support a deer-baiting ban?
 2. Yes 1498 No 2494
 3. Do you support the current 10 gallon limit on baiting?
 3. Yes 2461 No 1532
 4. Would banning deer-baiting be an enforceable law?
 4. Yes 1533 No 1344
 5. What part of WI do you live in
 East 636 North 920 South 556
 Central 1653 West 2835
- Please write any other comments on the back of this card.
 Wisconsin Deerhunters, Inc., P. O. Box 538, Manitowish, WI 54221-0538

count of 867
WISCONSIN DEERHUNTERS, INC.
DEER-BAITING SURVEY

1. Do you support baiting deer?
 1. Yes 420 No 337
2. Would you support a deer-baiting ban?
 2. Yes 310 No 497
3. Do you support the current 10 gallon limit on baiting?
 3. Yes 474 No 338
4. Would banning deer-baiting be an enforceable law?
 4. Yes 287 No 570
5. What part of WI do you live in
 North 215 South 12
 East 9 Central 391 West 280

Please write any other comments on the back of this card.
 Wisconsin Deerhunters, Inc., P. O. Box 538, Manitowish, WI 54221-0538

MADISON 1202
WISCONSIN DEERHUNTERS, INC.
DEER-BAITING SURVEY

1. Do you support baiting deer?
 1. Yes 267 No 2
 2. Would you support a deer-baiting ban?
 2. Yes 106 No 17
 3. Do you support the current 10 gallon limit on baiting?
 3. Yes 261 No 2
 4. Would banning deer-baiting be an enforceable law?
 4. Yes 209 No 15
 5. What part of WI do you live in
 East 918 North 1654 South 277
 Central 244 West 214
- Please write any other comments on the back of this card.
 Wisconsin Deerhunters, Inc., P. O. Box 538, Manitowish, WI 54221-0538

Greenbush 198 people
WISCONSIN DEERHUNTERS, INC.
DEER-BAITING SURVEY

1. Do you support baiting deer?
 1. Yes 2802 No 2
2. Would you support a deer-baiting ban?
 2. Yes 282 No 23
3. Do you support the current 10 gallon limit on baiting?
 3. Yes 2426 No 26
4. Would banning deer-baiting be an enforceable law?
 4. Yes 2521 No 22
5. What part of WI do you live in
 North 557 South 67
 East 53 Central 876 West 18

Please write any other comments on the back of this card.
 Wisconsin Deerhunters, Inc., P. O. Box 538, Manitowish, WI 54221-0538

8/18/03

To the committee Meeting on the D.N.R. pro posed ban on my rights:

I am a retired Police Officer from the Racine Police Department, with 30 years as a my back ground. Never in the years as a Marine in Korea or as an officer did I think that I would be a crime wave in this state. My wife and I was threatened with a fine of 200.00 per bird feeder, of which there was six, and another fine for feeding deer. The warden also threatened me with a fine for dragging dead deer up on my hill to feed the Eagles and the wolf pack that I have to live with because they are an endangered species. Only in the state of Wisconsin are we led to believe that we will save the wolf from extinction, when the voting public knows better. Northern Min. Canada, and Alaska all have a healthy population.

I also snow plowed my hay fields so the deer could have a winter browse. But, I had a warden who kept track of me with his binoc's. It is sad when the scientific part of the State of Wisconsin can stop enjoyment for so many people. I own two pc's of property in the state both are worth over 300,000 each. I guess if this scientific endeavor gets though I will sell my properties and follow a Lot of my fellow Officers to another state, where they don't pay taxes, and the pursuit of happiness is still in the constitution.

Robert D. Christenson
Box 71
Grandview WI 54839

8/18/03

ROGER BRESKE

STATE SENATOR

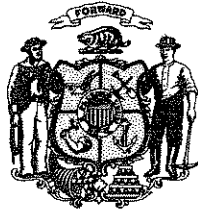
12th District

Capitol Address:
State Capitol, South Wing
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Toll Free:
1 (800) 334-8773

Home Address:
8800 Hwy. 29
Eland, WI 54427
(715) 454-6575

E-Mail Address:
Sen.Breske@legis.state.wi.us



August 19, 2003

Sen. Joe Leibham
Rep. Glenn Grothman
Joint Committee for the Review of Administrative Rules
State Capitol
Madison, Wisconsin 53702

Dear Sen. Leibham and Rep. Grothman,

Today's committee vote on the proposed ban on baiting and feeding could have a negative and long-lasting impact on the economy and the culture of Wisconsin's North Woods if the ban is allowed to stand.


I write to convey my strongest possible support for the compromise that committee members endorsed only a few weeks ago. It was a reasonable decision made after long deliberations on this issue and it showed your willingness to listen to the concerns of the people of the northern part of this state. For that, I am grateful.

I urge committee members today to support the Assembly and Senate committee recommendations to allow limited baiting and feeding in the north.

Another hunting season without baiting and feeding sends the wrong message to northern hunters. In addition, the ban will result in a higher deer herd, which is exactly what we are hoping to avoid in our efforts to contain the spread of Chronic Wasting Disease. We need to encourage people to hunt, and for many citizens who live in the North Woods, that means allowing them to feed and use bait.

I urge you to do all you can to bring about a compromise on this issue today.

Thank you for your consideration.

Sincerely,

ROGER BRESKE
State Senator
12th Senate District

Representative Grothman, Senator Liebham, Committee members:

Thank you for the opportunity to address you today. I am a practicing veterinarian. Most of my professional career was as a large animal vet. Among my clients were several captive whitetail deer and elk breeders. I am an avid deer hunter and have not missed a season in 45 years. And yes, I did practice baiting for several years.

CWD is a transmissible disease. The prion that causes this disease is defined as an infectious protein. Dr Beth Williams from the University of Wyoming has successfully transmitted the disease to uninfected whitetail, mule deer and elk by feeding them less than ½ teaspoon of infected brain tissue. There is now no doubt that animals can become infected with CWD orally. Because the exact method of transmission in nature is as yet undiscovered, some people are saying the science doesn't support a ban on feeding and baiting. Those people are just plain mistaken. That is like a tobacco company executive saying that because we may not know exactly what happens on a cellular level when a person smokes, the science doesn't support a link between tobacco use and cancer.

Ancient Hebrews did not have the science to understand the transmission of trichinosis in undercooked pork. They did know that when they ate pork, they got sick. Consumption of pork became taboo. They may not have understood transmission but they did understand cause and effect. So should we. Bottom line is that deer exposed to other deer with CWD get CWD. It is an infectious disease.

The chance of an animal becoming infected with a given disease is directly related to the level of infectious agent in the environment and to the number of susceptible animals present. One of the first goals in combating an infectious disease is to limit exposure. The SARS outbreak was brought under control only when infected individuals were quarantined to limit their ability to expose other people. Anything that increases concentration of animals also increases the chance of exposure and infection. Baiting and feeding do increase concentration and therefore exposure.

CWD hasn't been detected in northern Wisconsin. Why limit baiting and feeding there? CWD was most likely not present in the southern Wisconsin until it was somehow introduced. Introduction to the North is always possible by the same means that it got to southern Wisconsin. Allowing baiting and feeding could help an isolated infection mushroom out of control before it is discovered. From a disease prevention and control standpoint, a ban on baiting and feeding after a disease is diagnosed is not near as effective as a ban before.

As members of this committee, you have the power to decide whether or not a critical tool in the effort to limit the spread of CWD and other diseases such TB is implemented. How you exercise that power will play a big role in the fight against CWD. I urge you to "do the right thing." Listen to the science and your wildlife professionals.

Chronic Wasting Disease News

For Immediate Release
Tuesday, August 19, 2003

Contact: Brett Hulsey, 608-334-4994

20 Dane County Supervisors Support Extending Deer Feeding and Baiting Ban--

Good Way to Limit CWD Spread

Madison--Dane County Supervisor Brett Hulsey and 19 Supervisors today presented an ordinance to the Legislature to extend the ban on feeding and baiting of deer in Dane County, and urged the state leaders to do the same.

"We know that infected animals and feed can spread Chronic Wasting Disease to other animals," said Hulsey, Vice Chair of the Chronic Wasting Disease Task Force. "Dane County has the most cases of CWD in the state and we must take the lead to prevent its spread."

Chronic Wasting Disease (CWD) was found in Dane and Iowa Counties in winter 2002 and there are now 208 positive cases in the state. A diseased deer was recently found in Walworth County. DNR rules to continue the feeding and baiting ban past September 1st may be blocked by the Legislature.

According to the independent studies and the Department of Natural Resources:

- Sick deer can infect healthy deer by contact;
- Contaminated feed and bedding can infect healthy deer;
- Concentrating animals by feeding or other methods leads to the spread of CWD and other diseases like bovine tuberculosis, that can effect cattle.
- While CWD testing is moving forward, recent studies showed that 182 game farms allowed more than 436 animals to escape and not caught. Some had received animals from CWD infected herds.
- "Although information gaps exist, current information appears sufficient to conclude that the potential for negative ecological effects as a result of providing food to wildlife through artificial feeding or baiting is high." A Comprehensive Review of the Ecological and Human Social Effects of Artificial Feeding and Baiting of Wildlife, February, 2003.

"As a hunter and landowner in the CWD zone, I know we need to keep up the efforts to stop the spread of this disease. Keeping the feeding and baiting ban in place just makes sense," said Terry Frey of Black Earth. "Continuing the feeding ban will only help our efforts to fight against CWD and possibly tuberculosis. Several years ago the state of Michigan discovered a tuberculosis outbreak.

-MORE-

Here in Wisconsin, let us err on the side of caution when it comes to feeding and baiting and protect the health of our deer and elk herds."

Famous Wisconsin conservationists Aldo Leopold predicted disease problems like this in the book "Game Management" in the 1930's, "High density obviously speeds up transmission and thus increases the virulence of bacterial diseases, and also facilitates the spread of gross parasites and protozoan infections." Page 335.

Deer densities in the CWD zone are 90 deer per square mile, almost twice the carrying capacity.

"We should not feed or bait deer to encourage them to congregate and spread more disease," said Hulsey.

The County Board will consider the measure over the coming weeks.

-END-

AMENDING CHAPTER 47 OF THE DANE COUNTY CODE OF
ORDINANCES,
PROHIBITING THE INTENTIONAL FEEDING OF WILD DEER

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 47.42 is created to read as follows:

47.42 FEEDING OF DEER PROHIBITED. (1) No person shall intentionally feed wild deer in Dane County.

(2) This section shall not apply to standing or stored crops not intentionally made available to wild deer. This section shall also not apply to captive deer located on deer farms.

[EXPLANATION: The amendment prohibits the intentional feeding of wild deer.]

ARTICLE 3. Section 47.51(12) is amended to read as follows:

(12) Any person who violates sections 47.42(1) or ~~47.43~~ of this ordinance shall forfeit not less than \$100.00 nor more than \$300.00.

[EXPLANATION: The amendment imposes a range of forfeitures for violation of sec. 47.42.]

ARTICLE 4. NON-CODE PROVISION. The amendments made by Articles 2 and 3 shall expire on September 1, 2005, unless extended prior to that date.

[EXPLANATION: This article creates a sunset date for the amendment.]

Submitted By:

Brett Kulsey +
19 others

A Comprehensive Review of the Ecological and Human Social Effects of Artificial Feeding and Baiting of Wildlife



Submitted by:

Canadian Cooperative Wildlife Health Centre
Department of Veterinary Pathology
Western College of Veterinary Medicine
University of Saskatchewan
52 Campus Drive
Saskatoon, Saskatchewan S7N 5B4

Submitted to:

Parks Canada Agency
Prince Albert National Park
Box 100, Waskesiu Lake
Saskatchewan S0J 2Y0

Parks Canada Agency
Riding Mountain National Park
Box 18, Wasagaming
Manitoba R0J 2H0

Saskatchewan Environment
Fish and Wildlife Branch
3211 Albert Street, Regina
Saskatchewan S4S 5W6

February 2003

Executive Summary

The Ecological and Human Social Effects of Artificial Feeding and Baiting of Wildlife

In recent years, events within Canada and the United States have drawn attention to potential negative consequences of feeding and baiting wild animals, especially enhanced transmission of infectious diseases such as bovine tuberculosis and chronic wasting disease. This report was prepared to gather available science-based information on the ecological and human social effects of artificial feeding and baiting of wildlife into one readily accessible document. The contracting agencies, Parks Canada and Saskatchewan Environment, recognize that an objective review of existing literature may help to answer questions and concerns within and outside the agencies, and help to guide subsequent decision-making concerning management and research pertaining to feeding and baiting.

Although the objectives for artificial feeding and baiting with feed often differ, the effects of these practices are considered together. In essence, both provide natural or artificial food for wildlife at specific locations in the environment.

Significant ecological effects of providing feed to wildlife have been documented through observation and experimentation at the individual, population, and community levels. In Saskatchewan and Manitoba, the increased potential for disease transmission and outbreak is perhaps of greatest and immediate concern. Nevertheless, even if spread of disease is prevented, other significant ecological concerns exist. Disruption of animal movement patterns and spatial distribution, alteration of community structure with reduced diversity and abundance, the introduction and invasion of exotic plant species, and general degradation of habitat are all major negative effects that have been documented at different locations throughout North America. Although information gaps exist, current information appears sufficient to conclude that the potential for negative ecological effects as a result of providing food to wildlife through artificial feeding or baiting is high. Nevertheless, our current understanding of the specific mechanisms operating between cause (feeding or baiting) and effect is often too crude to allow accurate prediction of the nature or magnitude of effect.

The human social effects of providing food to wildlife concern numerous issues (economics, human safety, wildlife ownership, etc.), and perceptions regarding specific issues can be quite disparate. The science-based information is limited in part because philosophical differences lie at the root of many of the issues and science is not the appropriate tool for resolution, e.g., science cannot determine whether hunting over bait is ethical or not.

Aldo Leopold's GAME MANAGEMENT

CONTROL OF DISEASE

335

lations offer virulence a chance to "step up" by quick transmission.

Green (Matamek Conference, 1932) has now advanced the significant hypothesis (for tularemia) that the immunes which survive the "crash" of a cycle are individuals which were born during the preceding period of low population, and which recovered due to the low virulence then prevailing. This hypothesis implies that during the period of high virulence few or no cases recover.

There remains the question of why, if tularemia or any similar disease is the causative agent of the cycle, the virulence should vary so synchronously over the major part of the continent. To explain this, it is necessary to postulate some additional determinant of virulence, over and above the speed of transmission already mentioned. It is possible that some condition of light, or weather, or some electro-magnetic phenomenon, is the additional determinant of virulence (Matamek Conference).

Determinants of Disease Mortality. The foregoing sketch of the behavior of game diseases is offered simply as an explanatory basis for what the game manager is interested in, namely, the conditions of game and environment which determine freedom from disease.

A high density of population—the very thing the game manager is so far usually seeking to obtain—must be set down as the most fundamental condition favorable to disease. High density obviously speeds up transmission and thus increases the virulence of bacterial diseases, and also facilitates the spread of gross parasites and protozoan infections.

In its more advanced stages, game management is in effect the art of maintaining a population which is vigorous and healthy in spite of its density. Game farming, in particular, deals with an abnormal and unnatural population density. Domesticated animals are doubtless those species combining useful characters with the ability—original or acquired—to survive great or abnormal density. It is significant that no grouse, for instance, has been domesticated. Nevertheless management is applied to European grouse with great success, but with great care not to exceed a certain critical density (Leopold and Ball, 1931a).

Vigor and resistance in the game population frequently hark back to environmental conditions. Thus over-control of predators may allow the survival of weak or defective individuals and thus



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

August 20, 2003

The Honorable Alan Lasee
Senate President
State Capitol Building, Room 220 South
Madison, WI 53702

The Honorable John Gard
Assembly Speaker
State Capitol Building, Room 211 West
Madison, WI 53702

Dear President Lasee and Speaker Gard:

The Joint Committee for the Review of Administrative Rules met in Executive Session on August 19, 2003 and adopted the following motions:

NR 302 Relating to the Management of Wisconsin's Wild Rivers.
Pursuant to s. 227.24(2)(d) and 227.19(4)(d)(5&6), stats. the Joint Committee for Review of Administrative Rules suspends NR 302(5)(a)(b).

Clearinghouse Rule 03-017 Relating to the regulation of baiting and feeding to control and manage chronic wasting disease. The Joint Committee for Review of Administrative Rules moved:

1. Pursuant to s. 227.19 (5) (b) 2., Stats., the Joint Committee for Review of Administrative Rules recommends that the Department of Natural Resources (DNR) modify Clearinghouse Rule 03-017 by providing that the rule will not apply after June 30, 2004.
2. Pursuant to s. 227.19 (5) (b) 2., Stats., the Joint Committee for Review of Administrative Rules recommends that DNR modify Clearinghouse Rule 03-017 by providing that:
 - a. Baiting for the purpose of hunting deer be allowed only when all of the following conditions have been met:
 - (1) Baiting occurs during an open season for hunting deer.
 - (2) Baiting occurs outside of a chronic wasting disease eradication zone, a chronic wasting disease management zone, or an intensive harvest zone.
 - (3) No more than two gallons of bait are spread daily by a scattering method or a broadcast method at no more than two sites in a 40 acre parcel. The two gallon limit is a daily limit at both sites so that no more than four gallons may be spread in a 40 acre parcel.

b. Feeding for the purpose of viewing deer be allowed only when all of the following conditions have been met:

- (1) Feeding occurs north of state highway 54.
- (2) Feeding occurs outside of a chronic wasting disease eradication zone, a chronic wasting disease management zone, or an intensive harvest zone.
- (3) No more than two gallons of feed are spread daily by a scattering method or a broadcast method within 50 yards of an owner occupied residence.

3. If DNR fails to indicate in writing, by 5:00 on Friday, August 29, 2003, that the it will make the recommended modifications described in Motions 1 and 2, then, pursuant to s. 227.19 (4) (d) 5. and 6. and (5), Stats., the Joint Committee for Review of Administrative Rules objects to Clearinghouse Rule 03-017.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,



Senator Joseph Leibham
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

JKL:GSG:pvs



Big Creek Shooting Preserve & Sportsman's Club

P.O. Box 369 * Mio, Michigan 48647 * (989) 826-3606

**Presented in Madison, Wisconsin
April 23, 2003**

CHRONIC WASTING DISEASE

When Chronic Wasting Disease was identified, the researchers initially stated the disease was strictly a brain disorder caused by a rogue protein called a prion. They also said they didn't know how it was being transmitted, but that it was identified to be caused by the private sector's intensive deer management of large population densities and by the deer hunters. Rowledge was quoted to say "Scientists knew that privatization, domestication and commercialization of wildlife was going to cause horrendous disease problems". We were then told it was highly contagious by saliva and nose-to-nose contact from animal to animal, as well as from urine and feces. For these reasons they said we needed to shut down the private sector cervidae farms and totally eradicate the wild cervidae populations. We have heard since that it's a chemical disease while others have pointed to a viral infection.

I think the prion disease is actually comprised of all three components (which is supported by Dr. McBride's report). The carcinogenic chemicals act as the molecular genetic code breakers. The CU bonds of the prion, which give it its strong antioxidant properties, is replaced by the chemical which transforms the prion into an oxidized free radical replicator. With the immune system compromised, the virus attacks so its proteins will be replicated as well. This gives way to endless mutations and strain types, which not only result in MCD, CWD, CJD and Alzheimer's but, I think, also cancers and AIDS.

We now know the research center in Colorado was responsible for the local outbreak there, not the private sector management.

We know that diseased prions can be recycled through the food chain as well as through heredity. But it can also spontaneously start through the exposure of chemicals such as manganese and cadmium which have been identified as triggers.

We now know prions are also found in other parts of the body, such as the kidneys and central nervous system. We currently have more deer in many states than we had in the whole country 200 years ago. As the population increased, areas short in essential minerals like CU, created deficiencies putting stress on the immune system, thus making it easier for a chemical trigger to spontaneously initiate the prion transformation. Various strains of the prion have been found in yeast and fungi already. If prions can easily replicate yeast protein and cause the breakdown of the yeast metabolism, and if this were to happen to the ecosystem in the rumen it would be destroyed. The first thing the animal would do is stop eating, then, in an attempt to flush the system, the animal would consume large amounts of water which would lead to salivation as the organs start shutting down.

If this disease were spread from nose-to-nose contact and from saliva as well as from urine and feces, wouldn't the outbreaks act more like the spread of SARS?

The wholesale eradication of the deer population doesn't seem to be very prudent and the act of baiting is irrelevant to the spread of the disease given the supplement doesn't contain any of the components, especially the chemical triggers.

- A. Through baiting and feeding supplements we can actually enhance the deer's immune system by becoming wiser on the ingredients used, such as a form of Chlorophyll known as Chlorophyllin, which is a very potent antioxidant. By adding antioxidants and CU supplements, we can help the animals rid their bodies of the chemical triggers and other free radicals. For the present this would be the action which could help the quickest (until we have a better understanding of the disease itself) and put all the concerned parties on the same team.
- B. Baiting and Feeding: Some people say we should stop feeding the birds because it's bad for them. I say compared to the habitat destruction due to development, deaths by automobiles, planes and cats, it's the least we can do! Supplement feeding is saving many species of birds from becoming endangered.
- C. Cow meat has protein and prions. Meat eaters get their antioxidants from the meat "prions". But, if the prion mutates, rather than enhancing our immune

system, it becomes another, but dangerous free radical; as with the carcinogenic chemicals. In the last 75 years the human body has added 79 new chemicals it didn't have then and 61 are man-made carcinogens.

Both animals and people need to drastically increase their intake of antioxidants to meet the increased exposure to free radicals. By doing this we will have addressed two components of the prion diseases.



Big Creek Shooting Preserve & Sportsman's Club

P.O. Box 369 * Mio, Michigan 48647 * (989) 826-3606

Steve Basl's Hypothesis

Three components to the prion diseases:

1. Chemical overload exposure
 2. Normal prion with CU bond
 3. Viruses
- A. When the chemical bond replaces the CU bond the prion replicates our protein to form a benign tumor.
- B. Virus exposure creates a cancerous tumor.
- C. When the diseased prion attacks our mitochondria (as it does with yeast) and all mitochondria DNA being the same, two things happen:
1. The attack from individual to individual is much more rapid because of the homogenous nature of the mitochondria DNA.
 2. The destruction to the mitochondria populations within the cell leads to its death. Over time, this results in holes and a spongeform appearance of the infected tissue.

CONSUMPTION

I consume diseased prions and over time accumulate these free radicals in my body which are constantly trying to replicate my proteins (the cow's diseased prion has wrong keys to attack). Once I'm exposed to a copper replacing carcinogen the replication explodes into action and attacks. (My prions have the right keys to attack.) If I am already exposed to the CU replacing carcinogen then the disease will start sooner, but progress slower at first.

It's not the diseased prion that stays in the soil. The prion is a protein in which the cell membrane and amino acids break down. But the chemical trigger is left as a free radical to be picked up again through plant intake, etc. When rendered to high temperatures the virus dies and the protein breaks down but the trigger remains.

CANCERS

Depending on which overloaded organ or gland is responsible for trying to filter a specific carcinogen helps determine the type of cancer (wasting disease). With the disease AIDS, it is the blood, with TSE diseases, it's the mitochondria. In each situation there is a copper deficiency and replacement.

When the animal puts on fat storage, it also will accumulate the carcinogen, if it was exposed. As it goes through winter and uses its fat reserve, the animal releases the triggers at a time when its immune system is decreasing through the stress of winter. This occurs each year and at a time when antioxidants are greatly restricted.

**PROPOSED REVISIONS TO
CHAPTERS NR 10, NR 19 AND NR 45
OF WISCONSIN ADMINISTRATIVE CODE
BAITING AND FEEDING RULES**

REPEAL AND REVISE NR 10, 19 and 45 TO PROVIDE:

Baiting and recreational feeding of deer in the State of Wisconsin shall be subject to the following restrictions.

I. BAITING

A. Definition

Deer hunting within 50 yards of a site where deer food has been placed to attract deer to that site for the purpose of harvest. Deer food that is part of normal agricultural practice is not considered to be baiting.

B. Season

Baiting is permitted at any time during the archery season for a particular deer management area.

C. Amounts

Bait must be limited to a maximum of two gallons of baiting material, at any one time, per deer hunting stand. No two stands shall be baited within a distance of less than 200 yards on any one property.

Baited hunting stands on State owned lands must be at least 200 yards apart.

II. FEEDING

A. Definition

Recreational feeding of deer for the purpose of wildlife viewing within 100 yards of a habitable dwelling, on any one property.

B. Season

Recreational feeding of deer is permitted year round.

C. Amounts

Recreational deer feeding shall be limited to a maximum of two gallons of feed, at any one time, per feeding site.

III. TYPES OF FOOD

- A. Agricultural foods such as, fruits and vegetables.
- B. Mineral and salt blocks.
- C. Commercial deer supplements that are certified on their label to be free from all animal parts, including bone meal and blood.
- D. Liquid attractants such as molasses.

Citizens 1st Amendment Rights Under Attack by the WDNR!

I have written several times to the WDNR to complain about their lack of enforcement of environmental laws. Not receiving anything resembling an intelligent response, I most recently wrote to a member of the Natural Resources Board. The day after I received a letter from him telling me to take it up with the local WDNR staff, my wife and I got a taste of fascist WDNR justice.

On April 30th 2003 at 4:35pm a helicopter flew within a few feet of the ground right up our driveway which is flanked by many tall pine trees. At times the main rotor was within a few feet of the trees. As a Marine Corp combat veteran of Vietnam, I have personally witnessed Marines being killed, both aboard the aircraft and on the ground, when a rotor ever so briefly touched a tree. The helicopter hovered over both our house and barn for a few minutes, damaging the barn and terrifying my family and pets. I got the registration number and after a call to the FAA learned the helicopter was owned and operated by "Ideal Helicopter Services" under contract to the WDNR. Their claim was that they were photo mapping the Sioux River here in Bayfield County. Nice try but the Sioux River is 300' from my house and from their vantage point it was impossible, due to the large trees, to even see the river. Further, both my wife and I saw the gun-turret mounted camera alternately aimed at her standing on the patio in back of the house and me standing on the deck in front of the house. Once they had their fun, they turned around and went back the way they came.

Clearly the WDNR thinks nothing of endangering the lives of my family to get their point across. Like many of you, I had no idea they would resort to terrorist tactics in an attempt to silence their critics.

Dean Dardwin
26335 Engoe Road
Washburn, WI 54891
715/373-0451

Subject: Herbert F. Behnke

From: Dean Dardwin <dd@dxd.com>

Date: Thu, 27 Mar 2003 14:32:26 -0600

To: Linda.Jahns@dnr.state.wi.us

Linda,

Please forward this to Herb... I could not find an email address for him on the website.

Thank you!

Herb,

Just got done reading the paper and thought you might be interested.

Two years ago, I found a neighbor storing old truck tires on the banks of the Sioux River here in Bayfield County. They were half-full of water and loaded with mosquito larvae. I called the local warden, Dave Oginski, who came out, counted 14 tires, and said he'd look into it. He called back a couple of days later after checking with his "supervisor" and told me "the DNR has decided not to enforce the abandoned tire law any longer". After I regained my composure, I asked him "since when does the DNR get to decide which laws they enforce?". His response was "we have not enforced the abandoned tire law for more than 5 years now". When I insisted that he enforce it now, he said "the State has no interest in prosecuting the matter".

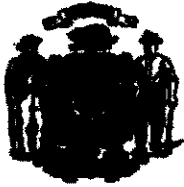
Given that the vector for WNV is the mosquito this clearly puts the DNR in the position of contributing to/causing the WNV problem through their own ignorance/stupidty. Had they been enforcing the law that we citizens/taxpayers/voters got our representatives in the legislature to pass, it's obvious that the problem would be less severe and possibly not exist at all. While we don't yet know the vector for CWD the possibility exists that the mosquito may play a role in its transmission as well.

And then there is this lunatic who wants to kill all the deer in an "eradication zone" to prevent the spread of CWD when we don't yet know its route of transmission? There are no words I can think of to express how truly stupid an idea that is. Hurray for you for pointing that out to him!

I really hope you can instill some common sense into this process and get the DNR to minimize the mosquito population by enforcing the existing laws, continue to study CWD, and leave the innocent deer and the equally innocent deer hunters and feed store owners alone!

Thank you!

Dean Dardwin
26335 Engoe Road
Washburn, WI 54891
715/373-0451



State of Wisconsin \ NATURAL RESOURCES BOARD

April 10, 2003

Dean Dardwin
RR1 Box 58B
Washburn, WI 54891

Dear Dean,

Thank you for your e-mail and concern regarding tires placed on property along the Sioux River. I contacted Regional Warden Mike Bartz and Warden Supervisor Mike Vogelsang to provide more information on the issue.

It appears that this is related to a complaint you had in 2001. That complaint involved grading and burying building debris on private property. That complaint was addressed in a letter to you dated November 12, 2001.

Warden Oginski recalls that there were tires at the site but they were not of concern as a landowner can have tires on his property if they were generated by the property owner. Warden Oginski has photographs of the tires and other issues that were addressed and the tires are not in the stream or on the bank. It is unfortunate that the property owner is leaving the tires at that location but there is nothing in the law prohibiting him from placing the tires on his property.

The Waste Tire Removal and Recovery Code NR555 was created to deal with huge tire dumps and garages that had large numbers of tires. Initial funding required 500 or more tires and later went to 1500 tires needed to qualify for removal. Funding for these efforts ended some time ago and the program was never intended for a landowner with a few tires. Some communities still have clean up days and will take used tires for a small fee. But it would be up the landowner to remove the tires or take them to a collection facility.

If you would like to discuss this issue farther or have additional information please feel free to contact Warden Supervisor Michael Vogelsang at the Ashland Service Center. Phone 715-685-2929.

Sincerely yours,

Herb Behnke
Chairman - Land Management, Recreation and Fisheries/Wildlife Committee
(715)524-4423

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Low-flying Helicopter Incident Report

Date: April 30, 2003

Time: 4:35 pm CDT

Location: 26335 Engoe Road, Washburn, WI 54891 (Bayfield County)

Offending aircraft: Bell helicopter N407MT

Victims: Dean Dardwin & Michelle Dardwin, owners of the property at 26335 Engoe Road

Other witnesses: Andrea Hokanson, 28345 Paulson Road, Washburn, WI 54891, phone: 715/373-0404 and her neighbor Jennifer (last name unknown, Andrea can put you in touch with her).

The helicopter approached us from the north. I am a Marine Corp combat veteran of Vietnam and am intimately familiar with the sound of a heavy helicopter being maneuvered close to the ground. My immediate thought was that one was about to crash. I told my wife to leave the house via the rear door; I went out the front door. As soon as we got outside we saw the helicopter. It was no more than 50' above the ground, skimming the tops of the trees on the property north of us. It hovered as it slowly crossed the road in front of our house, made slight right and then left turns to line up directly with our driveway, and gained some altitude. We have many 75' tall Norway pine trees on our property. They line both sides of the driveway, and surround the house and the barn. Skimming the tops of the pines, the pilot maneuvered down the driveway, at no time being more than a few feet from the pines vertically and at some points the rotor tip was no more than 15' from them horizontally. He attempted to get as close to the house as possible but was unable to proceed past the barn which is 60' northeast of the house. He hovered there, between the barn and house, for about a minute and a half, and then slowly made a left turn over the barn leaving our property to the northeast. At this time the sun was at an angle that allowed both my wife and I to clearly read the registration number; N407MT. The helicopter was otherwise unmarked.

We immediately got on the 'Net and ran the registration number against the FAA database. A printed copy of the web page showing the owner is attached. I then ran his company name against the Calin's database and learned that MCDERMOTT ENTERPRISES INC does business as IDEAL HELIOPTER SERVICE, copy attached. I fired off an email to them; a copy of it is also attached.

My wife called Andrea Hokanson who also lives just a couple of miles north of us. She stated that she and Jennifer were walking and witnessed something similar at their homes several minutes earlier and were terrified that the helicopter was going to crash on their property.

Later I went out to the barn and found both weather stripping and bird control barrier (a kind of very open weave foam) had been ripped out from the barn's ridge vent by the rotor wash and was lying on the ground. I still have the pieces if you want them

This was a willful act and clearly an attempt to endanger, intimidate and harass us. The pilot's actions are clearly in violation of FAR 91.119(a) (c) (d) and FAR 91.13(a). We want him/her prosecuted to the fullest extent of the law.

If you need anything else from us, please contact us. Please advise us as to the results of your investigation. It is extremely important that you provide us with the pilot's name, a copy of the pilot's log book entry, and if the aircraft was leased or otherwise under contract to another party, that party's name and a copy of the lease and/or contract.

Thank you very much!

Sincerely,

Dean & Michelle Dardwin
26335 Engoe Road
Washburn, WI 54891
Phone/FAX: 715/373-0451
Email: dd@dxd.com

Cc: FAA N-Number report
Calin's Aviation Index report
Email to IDEAL HELICOPTRE SERVICE (idealcopter@jefnet.com)

Addenda:

Had two interesting discussions with Mike Mecha, FAA , Milwaukee FSDO, 414/486-2920 on 5/8/03 and faxed him the info above to 414/486-2921. He stated his supervisor Richard Hanusa would take over the investigation on 5/12/03. He also told me it was a contract flight to photomap the Sioux River, paid for by WDNR. He said they admitted a planned flight 100' over the ground to take photos. He refused to provide the pilot's name and stated flatly that without me providing "proof" in the form of photos or video showing hills/buildings, etc. they would take no action in the matter. When I asked him "what kind of idiot would be taking photos of a helicopter crashing into his house" he had no answer. When I told him that he already had the "proof" in the form of the photos taken from the helicopter he terminated the conversation. Its common sense that if McDermott fails to provide the photos they are covering up the obvious. If they provide the photos, they will clearly show the helicopter in the position that we saw it in, directly over the driveway and then barn, 60' from the house, at 75' altitude, skimming the tops of the trees, and parked there for a minute and a half. It's also important to note that the photos will clearly show that the helicopter was 300' west of the Sioux River, over the driveway/barn, and from that vantage point could not possibly be taking photos of the river. The photos would clearly show pictures of me and my wife. Another avenue of proof might be a GPS waypoints log which though I have no idea if one was aboard the aircraft.



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Insight Magazine

Feature: 'Mad cow' research misguided?

By Steve Mitchell
UPI Medical Correspondent

WASHINGTON, July 2 (UPI) -- Millions of federal dollars being spent to find treatments and diagnostics for mad cow disease and similar brain disorders in humans might be misguided and actually delaying the development of effective medications that could cure or prevent these deadly disorders, experts told United Press International.

Although prions, as the suspicious proteins are called, generally have been accepted as the pathogens that cause mad cow disease and its human equivalent, Creutzfeldt-Jakob disease, studies attempting to show the agents are infectious have been unsuccessful. This leaves open the possibility, as a growing body of research suggests, that these diseases are caused by some other pathogen -- possibly a virus or bacteria.

The National Institutes of Health openly acknowledges prions have not been established fully as a cause of any disease. Yet nearly all of the \$27 million the agency doled out last year for studies on transmissible spongiform encephalopathies, or TSEs -- a group of diseases that includes mad cow, chronic wasting in deer and elk, scrapie in sheep and CJD in humans -- went toward studies focusing on the prion hypothesis. Little of the money has been slated for research examining alternative causes of the disorders. In addition, the NIH has handed out \$9 million to private companies for five-year contracts to develop blood-based tests for prions.

TSEs, so named because they "eat" holes in the brain, yielding a sponge-like appearance, have no treatment and are always fatal. Infected patients develop mental deterioration and physical incoordination that progresses to dementia and they often die within months.

Prions are proteins normally found in the body. Their function remains uncertain but in some cases they can malfunction. Proteins fold into 3-D shapes, but prions sometimes can misfold and assume incorrect shapes. The current hypothesis holds abnormal prions are infectious

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and cause the brain destruction seen in TSEs. ~~Some~~ experts insist, however, there is scant scientific evidence to back this up.

"The best kept secret in this field is that (prions) in any form have never shown infectivity," said Laura Manuelidis, head of the neuropathology section at Yale University's Surgery Department in New Haven, Conn.

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Most researchers working in this field "know the data just aren't there" to support the hypothesis prions are the cause, Manuelidis told UPI. She has pointed out the lack of evidence supporting the role prions play in causing TSEs since the idea first was proposed in the 1980s.

A minority of researchers in this field think the mutant prions are the result -- not the cause -- of these disorders. The operating theory asserted by these dissenting scientists is some other, as-yet-unidentified pathogen, such as bacteria or a virus, causes prions to misfold, which is what damages the brain. However, it is nearly impossible to obtain funding for studies proposing to look into alternative causes of TSEs, these same scientists said.

The divergent theories represent a major medical research problem because if the prion concept turns out to be wrong, current efforts to find diagnostics and treatments for TSEs could be in vain, wasting both time and money.

The potential problem extends far beyond the research community, however. Cattle carrying mad cow disease could be going undetected and making their way into the food supply in the United States, and other countries that claim to be free of the disease, because current screening methods for the disorder are based on detecting abnormal prions.

Current screening methods can detect abnormal prions that show up in advanced stages of the disease but they do not seem to be present in the early stages, and some animals that die might never show any evidence of misfolded proteins, said Frank Bastian of Tulane University, who thinks the disorder is caused by a bacteria. He recently presented evidence backing up his claim at a national scientific meeting.

This means if a virus or bacteria does cause the disorder current tests might never pick up animals that are infected but do not yet have symptoms.

Even if the prion hypothesis is correct, the millions of dollars being spent on that type of research should have led to a treatment by now, Bastian said.

"Why don't we have it solved?" he asked. "I believe we're going in the wrong direction."

The race to find treatments for TSEs has generated urgency in recent years because of a mad cow disease

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humans in the mid-1990s, infecting more than 100 people with a fatal brain disease called variant CJD. Since then, 21 other countries have detected the disease in their cattle and Canada reported its first domestic case this year. Another cow had tested positive for the disease in 1993 but that animal had been imported from England.

The United States has not reported a single case of mad cow disease, but it has experienced a growing outbreak of a similar disorder called chronic wasting disease in deer and elk in the Midwest and West, and there are concerns this could be transmitted to cattle and humans.

Other countries -- even those that have experienced mad cow outbreaks -- also have failed to fund research proposing alternative ideas, according to Helno Diringer, a retired biochemist who was affiliated with the Robert Koch Institute in Berlin. He also doubts the prion hypothesis.

"Who's looking for (alternative causes) in Germany?" Diringer asked. "Nobody. In England? Only (one) group in Edinborough. But if researchers apply for looking for the agent there's no money because the agent has been discovered, according to the Nobel prize committee.

"This is a problem," Diringer said, "(because) it will turn out that the prion concept is wrong."

The NIH -- the agency responsible for dispensing U.S. federal research funds for diseases ranging from TSEs to cancer -- acknowledges prions have not been shown conclusively to be the agent that causes TSEs.

Some researchers believe the prion only hypothesis has not been definitely proven.

"Formally, I agree with them," said Chris Beisel, the National Institute of Allergy and Infectious Diseases program officer who funds prion research.

He added NIAID maintains, however, it is not funding many studies looking at alternative causes because few researchers are proposing this type of inquiry.

"I'm not aware of anyone who desperately wants to address this issue who has been turned away for funding," Beisel told UPI. "The money is there if somebody puts in a good application."

One factor holding up funding is the quality of the research being proposed, Beisel said.

"It's not that the individuals (in charge of funding) are averse to totally dumping existing dogma, but if you're going to challenge something, they don't want to throw a lot of money at something that isn't likely to produce good results. They want to see good solid experiments that are well-controlled (and) that are going to produce a definitive

Several researchers, however, including an NIH scientist, claimed the research community is not applying for grants because there is a perception of bias -- pursuing funding for alternative hypotheses is futile because such applications will be rejected.

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"A lot of people have given up on (doing research to look for alternative causes) because they have been unable to get funding," said the NIH scientist, who requested anonymity and who doubts prions are the primary cause of TSEs.

The idea prions cause mad cow disease, CJD and other similar deadly illnesses got its start in the early 1980s. Although the scientific community initially attacked the idea as invalid, the concept gained steam until it was generally accepted by most working in the field.

Dr. Stanley Prusiner, of the University of California at San Francisco, who first proposed the prion hypothesis, won the Nobel prize for his work in 1997. Since then and even several years before, NIH funding into mad cow and similar diseases has focused primarily on the prion concept, ignoring alternative causes.

A survey done by Science magazine found Prusiner's lab ranked first among all those receiving NIH funding in 2001. That year Prusiner's lab received some \$12.5 million, several million dollars more than the next-highest-funded project.

Prusiner's lab even received more money than any single facility working on AIDS, cancer or heart disease and he continues to be heavily funded by the agency for his projects to develop diagnostic tests for TSEs based on detecting abnormal prions.

Dr. Jiri Safar, an associate professor working in Prusiner's lab, defended the prion concept and said although prions have not been proven to be infectious, several other lines of evidence indicate the misfolded prions are the cause of TSEs. So it becomes illogical to think something else may be the cause, he said.

Safar conceded "theoretically" that dissenting scientists "may actually be correct" and TSEs are caused by some other pathogen. If so, he said, they need to prove their hypotheses. He pointed out long before the prion theory was proposed scientists searched for a virus that might be the cause of TSEs but were unable to identify any.

Other NIH agencies also are not funding many non-prion studies. The National Institute of Neurological Disorders and Stroke doled out more than \$14 million to study TSEs in 2002, but nearly all of the money went to research focused on prions.

NINDS officials maintain they are open to proposals to investigate alternative causes of TSEs, but like Beisel's

such research. Even if the number of proposals picked up, a procedural limitation skews how NINDS could approve research into alternative causes of TSEs. The bulk of the proposals received focus on the prion theory and because it can fund only about 23 percent of those applications, nearly all of the research grants go for prion studies.

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A second researcher who requested anonymity said no scientist would waste the time to apply for grants to study alternative causes of TSEs.

"Nobody is fool enough to put in a grant that they know is going to be turned down," the researcher said. "It's just a waste of time and money ... then it's the end of your career."

He added such researchers would be left without money to fund their labs because they would have "spent all their time writing that grant."

This researcher also said NIH grant review committees, which include 18-20 scientists from various fields, are comprised largely of researchers who support the prion theory and are predisposed to shoot down alternative ideas, a contention NIH officials denied.

The NIH could put out a special call for studies proposing to look at alternative reviews, as it has done in the past, such as when it urgently wanted to initiate research on treatments for bioweapons, malaria and severe acute respiratory syndrome. Beisel said, however, that would be futile.

"No matter how much we get out there (to scientific meetings) and say we want to see the grants ... researchers are still going to take that with a grain of salt because they think people sitting on these review committees are going to be stymying them," he said.

This is a distorted perception, he said, because the committees actually are probably rejecting the proposals because of technical problems rather than their overall concept.

Asked if there were concerns about delaying treatment for TSEs if the prion concept turns out to be misguided, Beisel said: "Could we have additional opportunities? Maybe. But we've known about HIV for years (and there is no cure), so just knowing what the agent is doesn't guarantee you'd be able to advance it."

Safar pointed out much still is not known about prions, so more research should be conducted on the basic mechanism of infection in TSEs.

"We can learn a lot, not only about the prions but also about other diseases caused by malfunctioning proteins," such as Alzheimer's and Parkinson's, he said.

Learning more about the basic biology of prions also could help uncover targets that medications could attack, he added.

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Safar noted studies about the basic biology of the human immunodeficiency virus helped pave the way for more effective medications to fight AIDS and they continue to help researchers design vaccines that one day might be used to prevent infection. Prion research might do the same for TSEs.

One of the biggest mysteries of prions is how an agent that lacks DNA and RNA -- used by all other living organisms to reproduce -- makes copies of itself and amplifies itself in the brains of those it infects. Also, it remains unclear how prions destroy brain tissue.

As Safar put it, "We are essentially shooting in the dark."

Yet NINDS officials said they are not concerned hindering funding into alternative causes of TSEs could delay therapies. Michael Nunn, the agency's program director, said NINDS relies on researchers in the TSEs field to help determine the validity of the prion concept. He said many of these researchers will spend their entire careers in this field and therefore they would not want to waste their time. So they spend a lot of time thinking about the possibility of alternative causes of TSEs.

"Everybody who's working on these ideas have fully considered that possibility ... (and) are keeping their eyes open for other factors," Nunn told UPI.

If there are indications prions are not the cause, the scientists themselves would be the first to make that known, he said.

The second anonymous researcher, however, doubted those buying into the prion concept would be eager to make it known prions are not the cause of TSEs.

"If it turns out not to be true, that's not good for them," the researcher said. "There is a vested interest. At a certain point, they block themselves into something that doesn't allow anything else."

Manuelidis and her colleagues have tried repeatedly to make known their doubts about prions, but so far their comments have fallen on deaf ears. She said she thinks the problem is not the NIH but the general scientific community working in this field. Top journals only are interested in publishing papers about prions, not alternative ideas, she said, and this in turn spills over into the smaller journals, creating an atmosphere that accepts only prions as the possible cause of TSEs.

When negative findings are published about prions, researchers often do not acknowledge the possibility prions might not be infectious -- as is done with other infectious