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 Details: Emergency Rule extension request by Department of Natural Resources

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Joint

(Assembly, Senate or Joint)

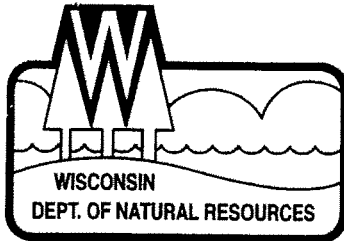
Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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February 24, 2003

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Joint Committee for Review of Administrative Rules
Room 409 South
State Capitol

Honorable Glenn Grothman, Chair
Joint Committee for Review of Administrative Rules
Room 15 North
State Capitol

Re: Extension of Emergency Orders No. WM-32-02(E) and WM-15-03(E)
Chronic wasting disease (CWD) control efforts

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Orders No. WM-32-02(E) and WM-15-03(E). The emergency orders are currently set to expire on April 1, 2003. The Department requests that these emergency orders be extended until September 1, 2003, as authorized by 2001 Wis. Act. 108.

The extension of these emergency orders is needed so the regulations to control the spread of chronic wasting disease can remain in effect until the follow-up rules can be promulgated through the normal rulemaking process. Public hearings are scheduled on the proposed CWD rules and the Environmental Impact Statement on March 17, 18 and 19 in 17 cities around the state. Adoption of the CWD rules by the Natural Resources Board is scheduled for April 23, 2003 with legislative review to begin shortly after that.

A copy of the emergency rules is attached. Also included is additional information to assist the Committee's deliberations. A copy of the Environmental Impact Statement was previously distributed to each legislator.

It is our understanding that a tentative date for a hearing on this matter has been scheduled for March 27, 2003. If you have any questions, please contact either Kurt Thiede of the Bureau of Wildlife Management at 267-2452 or Tim Andryk of the Bureau of Legal Services at 264-9228.

Sincerely,

Scott Hassett
Secretary

Attach.

cc: Presiding Officers
Kurt Thiede - WM/4
Tim Andryk - LS/5
Carol Turner - LS/5

DATE: February 20, 2003

FILE REF: 2300

TO: Joint Committee on Review of Administrative Rules Members

FROM: Tom Hauge, Director Bureau of Wildlife Management, WDNR

SUBJECT: Summary of Chronic Wasting Disease Management Emergency Rules

Rule Proposal**Eradication, Intensive Harvest and Management Zones**

The rule establishes 2 CWD zones for hunting regulations (Figure 1). The smaller Intensive Harvest Zone closely surrounds the positive CWD cases where the most intensive hunting regulations will be employed. The larger Management Zone is the adjacent area out to approximately 40 miles from the center of the positive CWD cases where somewhat less aggressive hunting regulations will be used. Both zones are identified by county and state highway boundaries. The Management Zone includes whole and partial deer management units bounded by highways. Part or all of units 70E and 73B were added to the original CWD Management Zone because they are largely within 40 miles of the Eradication Zone center. Four units originally proposed to be entirely in the CWD Management Zone were split, because substantial portions of these units are beyond 40 miles; these split units include 54B, 70G, 71, 77A.

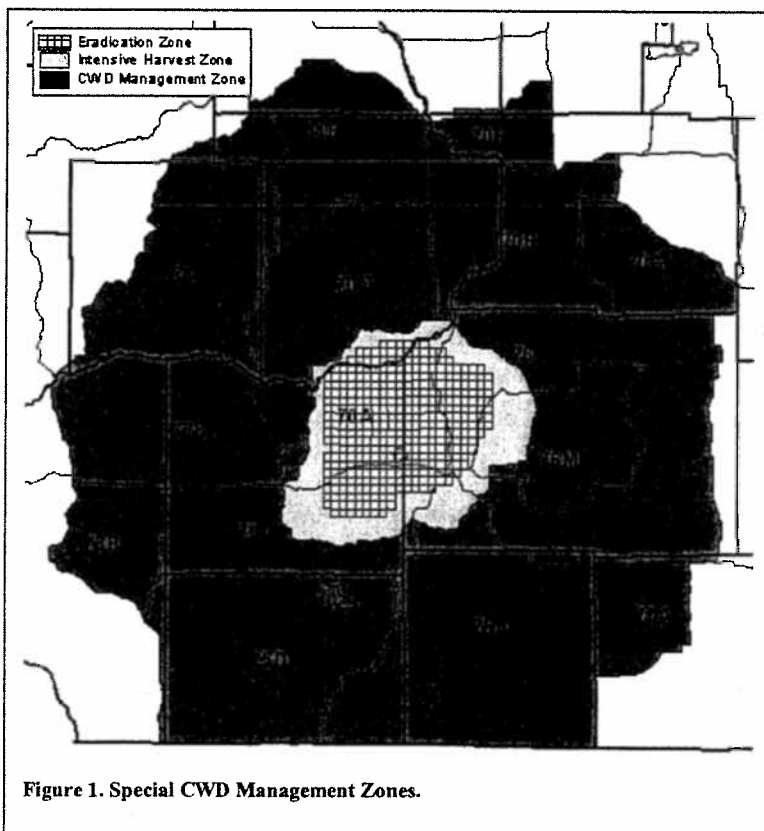


Figure 1. Special CWD Management Zones.

This rule also establishes a CWD eradication zone where additional deer herd control activities will be authorized. In the eradication zone herd management tools available include sharpshooting by department employees, landowner shooting permits, helicopter use for drives and shooting, landowner shooting from tractors, and shooting from vehicles by department employees. This area is called the Eradication Zone where deer populations will be reduced to as close to zero as possible. Landowners are being contacted to let them know they are in this area and to let them know about the above herd management tools. The Eradication Zone is defined as an area within 9 miles of the center of the positive CWD cases and within 4 miles of any CWD positive deer. Currently, the eradication zone lies entirely within the Intensive Harvest Zone, but it could expand outside the Intensive Harvest Zone if new positives are found.

Special Authority in the Eradication Zone

The legislature has granted authorization for shooting from aircraft and vehicles by department employees, driving deer with aircraft, and landowner shooting from tractors. This rule describes the conditions under which aircraft may be used for shooting deer—December 1 – April 15. Aircraft may be used for other purposes any time of the year. This special authorization will expire June 30, 2004.

Population Goals

The emergency rule establishes a deer population goal of zero within the Eradication Zone where infected deer are known to occur. The rule establishes a population goal of 10 deer per square mile of deer range for all units and partial units in the Management Zone.

Hunting Seasons

Intensive Harvest Zone--The Intensive Harvest Zone will have a gun deer hunt from October 24 – January 31. The archery hunt will begin September 14 and run through January 31. There will not be a separate muzzleloader season.

Management Zone—The Management Zone will have gun hunts from October 24-27 (same period as the October Zone T); November 23 – December 15 (same hunting periods as the 9-day + muzzleloader + December Zone T); and December 21 – January 3 (Christmas week through end of regular archery season). The archery hunt will run from September 14 through January 3. There will be no separate muzzleloader season.

Permit System

We recommend an earn-a-buck system be used to achieve the level of herd reduction that is needed in both zones. In 1996 the earn-a-buck system resulted in a registered harvest of over 50 deer per square mile in unit 70A. During the '96 season, hunters could only earn one buck per license. This year hunters will be allowed to earn multiple bucks. For each antlerless deer shot, a hunter will earn the opportunity to harvest a buck. To make it easier for hunters, they could bring in both a buck deer and an antlerless deer without registering the antlerless deer first as long as the antlerless deer was shot first and accompanies the buck deer. Hunters could earn buck deer hunting authority with antlerless deer shot during the landowner hunt, archery hunt, and gun hunt periods; buck deer hunting authority would not be specific to a weapon type. Hunters could obtain up to 4 special CWD permits per day prior to and during the hunts.

Registration and Carcass Transportation

Intensive Harvest Zone--Deer harvested in the Intensive Harvest Zone would have to be registered in that Zone. Registration would be required by 5 p.m. on the day after the day that the deer was killed. The department does not have statutory authority to regulate movement of carcasses of registered deer. However, we will recommend to hunters that all unused part of deer carcasses be land-filled or incinerated.

Management Zone—Deer harvested in the Management Zone would have to be registered in the unit of kill or adjacent unit, but could not be removed from the Management Zone prior to registration. There would be no carcass transportation restrictions following registration. Registration would be required by 5 p.m. on the day after the day that the deer was killed.

Deer harvested outside the CWD Management Zone could not be registered in the CWD Management Zone or Intensive Harvest Zone. Deer harvested outside the CWD Management Zone could not be transported in or through the CWD Management Zone or Intensive Harvest Zone prior to registration.

Firearm Restrictions

Intensive Harvest Zone: Any legal firearm could be used including rifles. The Intensive Zone includes a portion of Dane County, which normally has a shotgun only restriction. The safety record and greater range of effectiveness of rifles, together with the need to harvest all deer in this zone, lead to this recommendation.

Management Zone: Firearms would be restricted to those normally allowed during the gun season for each county.

Blaze Orange

All hunters except waterfowl hunters would be required to wear clothing that is at least 50% blaze orange above the waist in the CWD gun hunts both in the Intensive Harvest and Management Zones.

State Parks and Waterfowl Refuges

The department is asking all landowners in the affected area to be part of the solution. Non-participating landowners create refuges for both the deer and the disease. The department is proposing that all department-managed lands also be opened to hunting for the same reason.

State Parks in the Intensive Harvest and Management Zones would be opened to deer hunting to reduce the herd and remove potential refuges (Table 2). Blue Mounds State Park is located in the Intensive Harvest Zone. Blue Mounds State Park would be open to gun and archery hunting in the mornings of October 24-27 and all day from October 28-December 15. Three of the larger parks in the Management Zone—Governor Dodge, Mirror Lake, and Devil's Lake--would also be open to gun hunting during the mornings of October 24-27, but would then be open for gun hunting November 23 – December 15. Four parks in the Management Zone--Yellowstone Lake, Natural Bridge, Cadiz Springs, and Rocky Arbor State Parks--would be open for gun hunting from November 23 to December 15. Archery hunts in all of these Management Zone parks would begin on November 23 and end on December 15, except those that currently end at the end of the regular archery season (January 3); these late archery hunts would occur on Mirror Lake, Yellowstone Lake, Devil's Lake, and Rocky Arbor State Parks. Park hunters would be required to have a state park sticker on their vehicle. Park deer hunters numbers would not be limited. Hunters will be required to obtain a map to know what parts of the park are closed to hunting. Park hunters would be under the same firearm restrictions as for the county that the park is located in.

Lake Kegonsa and Governor Nelson parks are in urban areas and would have their deer populations reduced by sharpshooting either through contract or by department employees. New Glarus Woods park is almost entirely in designated use areas, so deer would similarly be removed by sharpshooters only.

Waterfowl refuges within the Intensive Harvest Zone and the Management Zone would be opened to deer hunting during the gun deer hunt.

Landowner Permits

Deer removal permits will continue to be issued to landowners in the eradication zone under the newly codified permitting process. Permits would be issued to landowners or to lessees and occupants with the permission of the landowner. Anyone could participate in these hunts if they have written permission from the landowner and meet the normal age and hunter safety requirements for hunting. Licenses would not be required for participants except during gun and archery seasons. There would be no limit on the number of deer killed. Harvested deer would have to be registered at a designated registration station.

Baiting Prohibition

Many people at each CWD public meeting asked the department to ban baiting and feeding statewide. The recently increased interest in banning baiting and feeding stems from concern for the spreading of disease from infected deer to healthy deer before we can detect the disease with standard monitoring procedures.

Baiting for any hunting purpose would be banned statewide to reduce the chance that a disease would become established and spread in local deer herds. An exemption is granted for baiting for bear if the bait is placed in a manner that the bait is not available to deer (i.e. in hole or hollow stump with log or rock cap). Foods produced as a result of normal agricultural practices, standing crop foods plots, and natural vegetation are not considered bait in this regulation.

This rule exempts landowners and their agents from the statewide baiting prohibition if they are authorized under a nuisance wildlife permit (NR 12) issued by the department. Landowners and their agents would be required to follow conditions listed on the permit. Conditions would include the requirement of shooting deer over the bait. If sufficient numbers of deer were not shot, the permit would be terminated or department staff would shoot over the bait site. This requirement would prevent the concentration of deer without their removal.

Feeding Prohibition

The department has the legislative authority to regulate the feeding of wildlife through June 30, 2004, during this time period wildlife feeding would be prohibited where the feed is accessible to deer statewide to reduce the chance that a disease would become established and spread in local deer herds. This rule would not prohibit bird and small mammal feeding where the feed is inaccessible to deer. The rule would also continue to allow feeding of wildlife by people attending the feed as long as they removed the feed when they left the site. Devices that are designed to cast feed to the ground would be prohibited. Many people at each public meeting asked the department to ban deer feeding statewide.

Sampling for Disease

The rule clarifies that the department may sample a hunter-harvested deer for disease testing purposes.

Diseased Deer Replacement Permits

The rule allows the department to issue replacement permits to hunters who surrender to the department a deer believed to be diseased. This provision would encourage hunters to shoot and have potentially sick deer tested. The rule would apply to the area of the state outside the CWD Management and Intensive Harvest Zones (unlimited permits would be available in these 2 zones).

- Hwy 8 North
 - No agriculture
 - Suggest a split in the state?
- Sales Tax Revenue
 - Affected by the feeding/baiting ban
 - Divide state

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01(3)(e)3.cm. and 10.07(1)(g); renumber NR 10.001(1m); amend NR 10.01(3)(e)1. (intro.), 3.a., c. and d., 6. and 6.a., (em)1. and 3., (es)1., (ev), 10.07(1)(a), 10.104(4)(b), 10.27 (1), (2), (5) and (6), 11.02 (intro.), 11.031(title) and (intro.) and 12.10(3)(c); and to create NR 10.001 (1n), (6n), (6p), (6t), (6w), (19e), (23g) and (24m), 10.01(3)(et) and (ez)3., 10.07(2) and (3), 10.104(11) and (12), 10.105(3) and (4), 10.106(2)(e), 10.27(9) and (10), 10.28(3), 10.41, 12.06, 19.001(4) and (15m), 19.60 and NR 45.09(9) relating to the control and management of chronic wasting disease.

WM-32-02 (E)

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014, 29.033, 29.307, 29.335, 29.885, 227.11 and 227.24, Stats.

Statutory interpreted: § 29.033, 29.177, 29.307, 29.335 and 29.361, Stats.

Sections 1 and 2. Defines an archery hunt as it relates to the special chronic wasting disease (CWD) control and management hunts.

Section 3. Defines CWD.

Section 4. Defines the CWD eradication zone.

Section 5. Defines the CWD intensive harvest zone.

Section 6. Defines the CWD management zone.

Section 7. Defines adequate public notice and information as it relates to defining a new CWD eradication zone.

Section 8. Defines a section of land.

Section 9. Defines a shotgun hunt as it relates to the special CWD control and management hunts.

Section 10. Modifies those deer management units participating in the regular deer gun season framework.

Sections 11 and 12. Modifies those state park properties that have a more restrictive deer season harvest limit and season framework.

Section 13. Defines all of the metro deer management units as Zone "M" and eliminates deer management unit 76M from the list of metro units which have a standard deer season framework and harvest limits.

Section 14. Updates exceptions to the regular deer archery season.

Section 15. Updates exceptions to the muzzleloader season.

Section 16. Creates the Special CWD management control hunt earn-a-buck seasons and framework for the gun and archery hunts in the deer management units, portions of deer management units and state parks that are included in the CWD management and intensive harvest zones.

Sections 17 and 18. Exempts units that are participating in the special CWD herd reduction hunts from the one-day youth antlerless deer hunt and the special herd control hunts.

Section 19. Authorizes the use of aircraft by the department to harvest, spot, rally and drive deer to help with the depopulation of deer within the eradication zone after all other control measures have been considered and also authorizes the use of buckshot from or with aid of aircraft.

Sections 20 and 21. Prohibits the use of bait statewide for hunting and provides exceptions to allow baiting for bear hunting by imposing bait site, permit and date restrictions, and also allows the use of liquid scents for deer hunting.

Section 22. Requires participants in the CWD herd reduction hunts to comply with blaze orange clothing requirements.

Section 23. Modifies the overwinter populations for the deer management units that are included in the CWD management zones and identifies 5 new units that are created as the result of splitting the units when defining the boundaries of the CWD zones.

Section 24. Creates special CWD deer permits that authorize the harvesting of deer within the CWD management zones and creates a permit that will be issued to hunters to replace their carcass tag should they shoot a deer that appears to be diseased while hunting and defines the conditions for their use.

Section 25. Develops transportation and sampling guidelines for deer harvested within and outside of the CWD management zones.

Section 26. Develops registration guidelines for deer harvested within the CWD management zones.

Section 27. Updates state park properties that may conduct firearm, muzzleloader and late bow seasons.

Section 28. Establishes deer seasons and weapon restrictions for specific state park properties.

Section 29. Creates a map that identifies the CWD management zone and the CWD intensive harvest zone.

Section 30. Provides the department with the authority to utilize additional measures when necessary, within their legislative authority, to control the spread of CWD in the state.

Section 31 and 32. Authorizes the shooting of deer in waterfowl closed areas that are located within the CWD management zones.

Section 33 and 34. Identifies deer within the CWD eradication zone as causing a nuisances and authorizes the department to issue permits to landowners and their permittees to harvest deer during periods defined by the department throughout the year and defines the parameters of their issuance and guidelines for their use.

Section 35. Defines bird feeding devices and structures.

Section 36. Defines small mammals.

Section 37. Prohibits feeding of wildlife and outlines exceptions for birds and small mammals.

Section 38. Creates a free state park hunting access permit that is required to hunt in the state parks participating in the special CWD control hunts.

Section 1. NR 10.001(1m) is renumbered NR 10.001(1t).

Section 2. NR 10.001(1n) is created to read.

NR 10.001(24m) "Archery hunt" means a hunting period for hunting deer with bow and arrow or crossbow as authorized by s. 29.171(2) and (2m), Stats., in the area described in s. NR 10.28(3).

Section 3. NR 10.001(6n) is created to read.

NR 10.001(5q) "CWD" means chronic wasting disease.

Section 4. NR 10.001(6p) is created to read.

NR 10.001(6p) The "CWD eradication zone" is the area where the eradication of the deer herd is required to control the spread of chronic wasting disease which consists of:

(a) The sections of land contained within or intersected by a 9 ½ mile radius circle drawn from the center of the initial positive chronic wasting disease deer identified in the Dane county town of Vermont, and

(b) All sections of land contained within or intersected by a 4 ½ mile radius circle drawn from the center of the section of land found to have contained an animal that has tested positive for chronic wasting disease.

Section 5. NR 10.001(6t) is created to read.

NR 10.001(6t) The "CWD intensive harvest zone" means a zone established in s. NR 10.28(3).

Section 6. NR 10.001(6w) is created to read.

NR 10.001(6w) The "CWD management zone" means a zone established in s. NR 10.28(3) excluding the CWD intensive harvest zone described in NR 10.28(3).

Section 7. NR 10.001(19e) is created to read.

NR 10.001(19e) "Notice and information to the public that is adequate" under s. 29.063, Stats., means a department press release to the local news media and the official state newspaper and may also include the following: public meetings, telephone contacts, internet postings, brochure distribution, first class mailings and meetings with landowners in the eradication zone.

Section 8. NR 10.001(23g) is created to read.

NR 10.001(23g) "Section of land" means a numbered one square mile section of platted land within a township.

Section 9. NR 10.001(24m) is created to read.

NR 10.001(24m) "Shotgun hunt" means a hunting period for hunting deer with those firearms defined in sub. (24).

Section 10. NR 10.01(3)(e)1. (intro.) is amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Zone "A"		
All that part of the state not otherwise listed in season zones "B" through "F" "M" or in those zones described in s. NR 10.28(3).		

Section 11. NR 10.01(3)(e)3.a., c. and d. are amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. Zone "C" – State Parks		
a. Governor Dodge (unit 70C), Blue Mound (unit 70D), Perrot (unit 61A) and Peninsula (unit 80C) state parks.	Muzzle loading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 9 consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. The following state parks and trails: Big Bay, Devil's Lake, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Kinnickinnic, Mill Bluff, Mirror Lake , Newport, Rock Island, Tuscobia-Park Falls and Willow River.	The firearm type and season length is the same as authorized for the surrounding deer management unit.	The bag limit is the same as authorized for the surrounding deer management unit.
d. Loew Lake Unit - Kettle Moraine state forest (unit 77D), Wildcat Mountain (unit 72A), Yellowstone (unit 75B) , Rib Mountain (unit 57D), Harrington Beach (unit 69C) and Brunet Island (unit 23A) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 16 consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 12. NR 10.01(3)(e)3.cm. is repealed.

Section 13. NR 10.01(3)(e)6. and a. are amended to read.

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

Section 14. NR 10.01(3)(em)1. and 3. are amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(em) <i>Deer bow season</i>		
1. Statewide except as established under s. NR 10.01(3)(em)2., and 3. and (et)3.	Beginning on the Saturday nearest September 15 and continuing through the 2 nd day immediately prior to the opening of the deer gun season described in par. (e).	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
	Reopening on the day immediately after the deer gun season described in par. (e) and continuing through January 3.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. M, M-1, M-2, M-3 Deer management units 1M, 59M, 60M, 64M, 76M and 77M.	Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season and reopening on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 31.	One deer of either sex and one antlerless deer per hunter's choice and bonus permit issued under s. NR 10.104.

Section 15. NR 10.01(3)(es)1. is amended to read.

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

Section 16. NR 10.01(3)(et) is created to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(et) Special CWD management zone herd reduction hunts.</i>		
a. In the portions of deer management units 54B-CWD, 70-CWD, 70B-CWD, 70E-CWD, 70G-CWD, 71-CWD, 73B-CWD, 73E-CWD and the Iowa county portions of 70A-CWD, 75A-CWD and 75C-CWD included in the CWD management zone except state parks.	Firearm hunt October 24 -27. Firearm hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days. Firearm hunt beginning on the Saturday immediately preceding the Christmas holiday and continuing through January 3 rd .	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
b. In the Dane, Green, Lafayette and Rock county portions of deer management units 75A-CWD, 75C-CWD, 75D-CWD, 76-CWD, 76M-CWD and 77A-CWD except for state parks.	Shotgun hunt October 24 -27. Shotgun hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days. Shotgun hunt beginning on the Saturday immediately preceding the Christmas holiday and continuing through January 3 rd .	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. Yellowstone (75B) and Cadiz Springs state parks	Shotgun hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
d. Devil's Lake, Governor Dodge (70C) and Mirror Lake state parks.	Firearm hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Firearm hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
e. Natural Bridge (70F) and Rocky Arbor state parks	Firearm hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
2. a. In the CWD intensive harvest zone as described in s. NR 10.28(3) excluding unit 70D.	Firearm hunt beginning on October 24 and continuing through January 31.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
b. Blue Mounds state park (70D)	Firearm hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Firearm hunt beginning on the day immediately following the hunt described above and continuing through December 15.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
3.a. In the CWD management zone described in s. NR 10.28(3), excluding deer management unit 76M-CWD and state parks.	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3 rd .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.

Kind of animal and locality	Open season (all dates inclusive)	Limit
b. CWD intensive harvest zone as described in s. NR 10.28(3) and deer management unit 76M-CWD, excluding state parks.	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 31 st .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
c. Blue Mounds state park (70D)	Archery hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Archery hunt beginning on the day immediately following the hunt described above and continuing through December 15.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
d. Devil's Lake and Mirror Lake state parks	Archery hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing through January 3 rd .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
e. Natural Bridge (70F) and Cadiz Springs state parks	Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
f. Yellowstone (75B) and Rocky Arbor state parks	Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing through January 3 rd .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
g. Governor Dodge state park (70C)	Archery hunt October 24 -27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.

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

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(ev) Special youth antlerless deer hunt event.</i>		

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

Section 18. NR 10.01(3)(ez) 3. is created to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(ez) Special deer herd control hunt.</i>		

3. Areas specified under this paragraph exclude areas described in par. (et).

Section 19. NR 10.07(1)(a) is amended to read.

NR 10.07(1)(a) *Aircraft*. Hunt with the aid of an ~~airplane~~ aircraft, including the use of an ~~airplane~~ aircraft to spot, rally or drive wild animals for hunters on the ground, except as authorized by the department within the CWD eradication zone defined in s. NR 10.001(6p) when all other alternatives to shooting and driving animals from aircraft have been considered and the department determines that the use of aircraft is necessary in order to control the spread of disease in animals as follows:

1. Deer may be shot from aircraft only between December 1 and the following April 15.
2. Aircraft may be used to spot, rally or drive deer for harvest or other control purposes as authorized by the department.
3. Deer may be harvested from an aircraft only on properties where the department has received landowner approval.
4. Deer driven with an aircraft may be harvested by ground shooters.
5. All ground shooters participating in control of deer with the aid of an aircraft shall wear blaze orange clothing as described in s. 29.310(2), Stats.
6. Notwithstanding s. NR 10.09(1)(a)2., any person authorized by the department to shoot deer from or with the aid of an aircraft pursuant to this paragraph, may use shotshells loaded with shot larger than no. BB to shoot deer.

Section 20. NR 10.07(1)(g) is repealed.

Section 21. NR 10.07(2) is created to read.

NR 10.07(2) BAITING. (a) *General prohibition.* Except as provided in par. (c), no person may hunt with the aid of bait or place or use bait for the purpose of hunting wild animals or training dogs.

(b) *Exceptions.* 1. Bait may be placed between April 15 and the close of the bear season for hunting bear or training dogs provided 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 bait material.

2. 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.

3. Baiting for purposes of trapping is governed by s. NR 10.13(1)(b).

4. Baiting for waterfowl is governed by s. NR 10.12(1)(h).

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

6. Liquid scent may be used for hunting.

7. 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.

(c) *Additional prohibitions.* No person may:

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

4. Hunt with the aid of bait material other than liquid 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 feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

Section 22. NR 10.07(3) is created to read.

NR 10.07(3) CWD BLAZE ORANGE REQUIREMENTS. The blaze orange requirements described in s. 29.301(2), Stats., apply to CWD deer herd reduction and eradication hunts under s. NR 10.01(3)(et).

Section 23. NR 10.104(4)(b) is amended to read.

NR 10.104(4) DEER POPULATION GOALS. (b) *Unit goals.* The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in ~~January-February~~ and are as follows:

Management Unit	Deer Goal	Management Unit	Deer Goal	Management Unit	Deer Goal
1	20	40	20	65A	30
1M	10	41	25	65B	30
2	18	42	20	66	25
3	12	43	15	67A	25
4	10	44	17	67B	25
5	20	45	20	68A	30
6	12	46	25	68B	30
7	15	47	25	69	25
8	20	48	20	70-CWD	25 10
9	20	49A	25	70A-CWD	25 10
10	25	49B	25	70B-CWD	25 10
11	20	50	20	70E-CWD	25 10
12	17	51A	25	70G	30
13	15	51B	25	70G-CWD	10
14	14	52	20	71	25
15	25	53	25	71-CWD	10
16	25	54A	25	72	20
17	15	54B	25	73B	20
18	20	54B-CWD	10	73B-CWD	10
19	20	54C	25	73D	20
20	18	55	25	73E-CWD	22 10
21	25	56	30	74A	15
22	20	57	22	74B	20
22A	20	57A	25	75A-CWD	20 10
23	20	57B	25	75C-CWD	20 10
24	20	57C	30	75D-CWD	20 10
25	20	58	25	76-CWD	20 10
26	20	59A	20	76A	25
27	20	59B	15	76M-CWD	10
28	11	59C	25	77A	20
29A	12	59D	20	77A-CWD	10
29B	12	59M	10	77B	15
30	15	60A	20	77C	15
31	20	60B	20	77M	10
32	21	60M	10	78	15
33	20	61	15	80A	15
34	17	62A	25	80B	20
35	20	62B	25	81	15
36	25	63A	25		
37	25	63B	25		
38	20	64	20		
39	20	64M	10		

Note: The portion of those units which are located within the CWD eradication zone defined in s. NR 10.001(6p) will have a goal of 0 deer per square mile of deer range. A CWD suffix after a unit number pertains to the units or portion of those units that are in the CWD management zones described in s. NR 10.28(3).

Section 24. NR 10.104(11) and (12) are created to read.

NR 10.104(11) CHRONIC WASTING DISEASE SPECIAL PERMITS. In the CWD management and intensive harvest zones as described in s. NR 10.28(3) a valid gun or archery deer license and carcass tag or a special antlerless permit issued under s. NR 10.01(3)(ez), 12.06, 12.15 or 19.11 are all valid for tagging an antlerless deer or a buck deer pursuant to the procedure described in par. (a)3. In addition, the following carcass tags are valid for the taking and tagging of additional deer:

(a) *Special CWD earn-a-buck permits.* This special permit issued under s. 29.177, Stats., is valid for the taking of an antlerless deer in the deer management units or portions of deer management units included in the CWD management and intensive harvest zones as described in s. NR 10.28(3). These special permits:

1. Will be issued free of charge at a rate of up to 4 permits per day per hunter.
2. Can be used during any of the hunts described in s. NR 10.01(3)(et).
3. Can be used to tag a buck deer if:
 - a. An antlerless deer has been legally harvested and tagged prior to the harvest of the buck deer, and
 - b. The antlerless deer accompanies the buck deer until each is registered.

(b) *Special CWD buck deer permits.* A special CWD buck permit, issued under s. 29.177, Stats., is valid for the taking of a buck deer in management units or portions of deer management units included in the CWD management and intensive harvest zones as described in s. NR 10.28(3). A buck deer permit may only be issued to an individual for each antlerless deer they register in the zone described in s. NR 10.28(3) that are not used for credit on a previous buck deer. Buck deer may be killed and tagged with a buck permit only after harvesting an antlerless deer in accordance with par. (a). These permits are:

1. Valid during any of the hunts described in s. NR 10.01(3)(et).
2. Valid only for the hunter who registered an antlerless deer to secure authorization for that hunter to tag one buck deer in the CWD management or intensive harvest zones for each antlerless deer killed.
3. Issued free of charge upon registering an antlerless deer in accordance with this subdivision.

(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 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 permit or license used to harvest and tag the suspect deer.

Section 25. NR 10.105(3) and (4) are created to read.

NR 10.105(3) CWD ZONE CARCASS TRANSPORTATION. In the CWD management and intensive harvest zones no person may:

(a) Transport a buck deer from the time it is killed to the time it is registered under s. NR 10.106(2)(e) unless tagged with a special CWD buck permit described in s. NR 10.104(11)(b) or accompanied by the antlerless deer that authorized the buck deer and each is tagged in the CWD management or intensive harvest zones and tagged with a special CWD earn-a-buck permit, gun or bow carcass tag, or other antlerless permit authorized in s. NR 10.104(11).

(b) Transport an unregistered deer killed outside the CWD intensive harvest zone into or through the CWD intensive harvest zone.

(c) Transport an unregistered deer killed outside the CWD management zone into or through the CWD management zone.

(4) DISEASE SAMPLING. Notwithstanding s. 29.347, Stats., any part of any animal harvested under s. NR 10.01(3) may be collected or sampled by the department for disease testing purposes prior to registration.

Section 26. NR 10.106(2) (e) is created to read.

NR 10.106(2)(e) *CWD intensive harvest and management zones.* Any deer harvested in the CWD intensive harvest zone and CWD management zone shall be registered at registration stations designated by the department within these zones no later than 5:00 p.m. on the day after it was killed, unless otherwise authorized by the department.

Section 27. NR 10.27(1), (2), (5) and (6) are amended to read.

NR 10.27(1) MUZZLELOADER SEASON. Deer hunting by muzzleloader is allowed in ~~Blue Mound, Governor Dodge,~~ Harrington Beach, Peninsula, Wildcat Mountain and Perrot state parks during the seasons specified in s. NR 10.01 (3) (e) 3.

(2) FIREARM SEASON. Deer hunting by firearm is allowed in ~~Natural Bridge and Wyalusing state parks~~ park during the season specified in s. NR 10.01 (3) (e) 3.

(5) FIREARM AND LATE BOW SEASONS. Deer hunting by firearm and bow and arrow is established by s. NR 10.01 (3) (e) 3. and (et) 1. and 2. and the December portion of s. NR 10.01 (3) (em) and the December and January portion of (et)3. for the following:

- ~~(b) Devil's Lake state park~~
- (c) Elroy-Sparta state trail
- (d) Hartman Creek state park
- (e) Interstate state park
- (f) Kinnickinnic state park
- ~~(g) Mirror Lake state park~~
- (j) Tuscobia-Park Falls state trail
- (L) Willow River state park
- (m) Rocky Arbor state park
- (q) Natural Bridge state park

(6) LATE BOW AND MUZZLELOADER SEASON. Deer hunting by bow and arrow is established for the December portion of s. NR 10.01 (3) (em) and by muzzle loader during the season established in s. NR 10.01 (3) (e) 3. for Wildcat Mountain, ~~Yellowstone,~~ Rib Mountain, Harrington Beach and Brunet Island state parks. Hunting and the bag limit is authorized by unfilled hunter's choice and antlerless deer permits issued under s. NR 10.104.

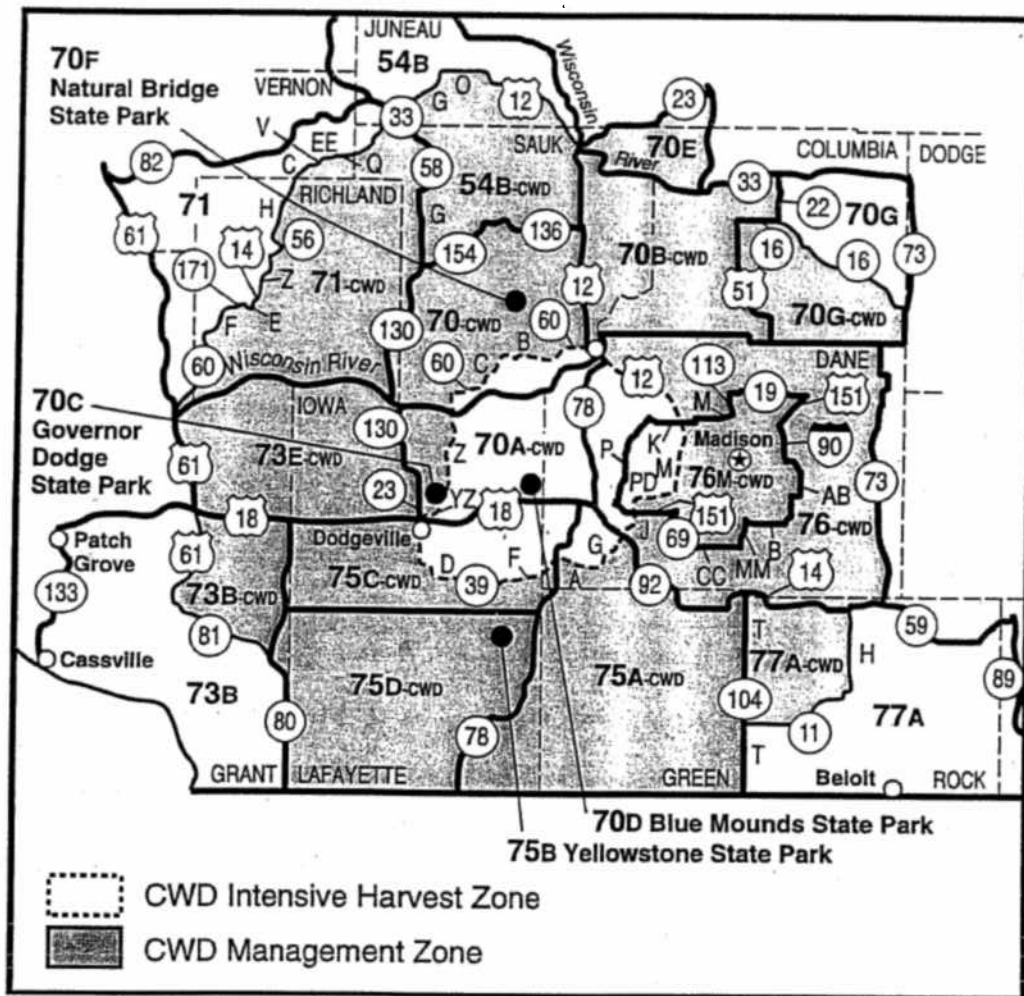
Section 28. NR 10.27(9) and (10) are created to read.

NR 10.27 (9) SHOTGUN AND LATE BOW SEASONS. Deer hunting by shotgun is established in Yellowstone and Cadiz Springs state parks during the season specified in s. NR 10.01 (3) (et)1.c. and by bow and arrow for the December portion of s. NR 10.01 (3)(et)3. in Cadiz Springs state park and during the December and January portion of s. NR 10.01(3)(et)3. for Yellowstone state park.

(10) FIREARM, EARLY AND LATE BOW SEASONS. Deer hunting by firearm is established in Devil's Lake, Blue Mounds, Mirror Lake and Governor Dodge state parks during the seasons specified in s. NR 10.01(3)(et)1. and by bow and arrow for the seasons described in s. NR 10.01(3)(et)3.

Section 29. NR 10.28(3) is created to read.

NR 10.28(3) CWD MANAGEMENT AND INTENSIVE HARVEST ZONES.



Section 30. NR 10.41 is created to read.

NR 10.41 **Official state duties.** Nothing in this chapter shall prohibit or hinder the department and its employees, duly authorized agents, or contractors from performing their official duties.

Section 31. NR 11.02 (intro.) is amended to read.

NR 11.02 **Waterfowl closed area except gun deer and special goose hunting.** (intro.) A closed season is established in the following areas as posted with department signs. No person may hunt or trap any species of wild animal thereon, except Canada geese on areas and during periods established in s. NR 10.23, and deer during periods and in areas established in s. NR 10.01 (3) (e), ~~and (es)~~ and (et), during the open seasons on waterfowl established in s. NR 10.01 (1). Legally killed or crippled game may be retrieved from such areas by dog or hand.

Section 32. NR 11.031 (title) and (intro.) are amended to read.

NR 11.031 (title) **Waterfowl closed area; trapping and deer hunting permitted.** (intro.) A closed season is established in the following areas posted with department signs. No person may hunt any species of wild animal ~~thereon, except deer during the~~ periods and in areas established in s. NR 10.01(3)(et) during the open season on waterfowl established in s. NR 10.01 (1) (b) and (g). Legally killed or crippled game may be retrieved from such areas by dog or hand.

Section 33. NR 12.06 is created to read.

NR 12.06 CWD eradication zone deer removal permits. (1) FINDINGS. Pursuant to s. 29.885(4), Stats., the natural resources board finds that deer within any CWD eradication zone are causing a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD eradication zone defined in s. NR 10.001(6p) in order to reduce the spread of disease within the CWD eradication zone and to reduce the risk of disease spreading outside any CWD eradication zone.

(2) PERMITS. Landowners or lessees or occupants as authorized by the landowner within the eradication zone may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section.

(3) PARTICIPATION BY OTHERS. Persons other than the landowner, lessee or occupant may assist as a participant in the removal of deer in accordance with this section on the land for which the permit is valid.

(a) *Number and selection of participants.* All participants shall be selected by the permittee and shall provide their name, address, phone number and date of birth in a logbook provided by the department to the permittee.

(b) *Age and safety training.* All participants, including the permittee shall meet the requirements of ss. 29.304 and 29.593, Stats., pertaining to hunter safety and age.

(c) *Approval.* All participants shall possess written approval obtained from the permittee and the appropriate, valid hunting license unless exempted under sub. (4)(a) when carrying on removal activities. Written approval may include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, signature of the landowner or lessee, or other form of approval authorized by the department.

(d) *No fees.* The permittee may not charge any form of fee to a participant.

(4) LICENSES, STAMPS AND PERMITS. (a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer.

(b) Antlerless deer harvested under the authority of this section may be used to earn a CWD buck permit issued under s. NR 10.104(11) for the authority to harvest a buck deer during the seasons listed in s. NR 10.01(3)(et) within the CWD management and intensive harvest zones identified in s. NR 10.28(3).

(5) CARCASS DISPOSITION. Unless otherwise directed by the department, carcasses shall be deposited in accordance with the procedures outlined on the permit issued by the department. Any part of any deer harvested under this section may be collected by the department for disease testing purposes.

(6) HARVEST PERIODS. Permits issued to landowners under this section are valid only for the periods specified by the department on the permit.

(7) SHOOTING HOURS. Permittees and participants shall comply with shooting hours described in s. NR 10.06 (5), unless exempted by the department. Exemptions may be granted by the department to allow shooting of deer one hour before sunrise to one hour after sunset.

Note: Copies of shooting tables showing these hours shall be provided to all permittees for their reference and for distribution to participants.

(8) WEAPON USE. The following conditions shall apply to the use of firearms, bows or crossbows on deer shooting permits:

(a) Permittees and participants shall comply at all times when hunting with the blaze orange clothing regulations of s. 29.301 (2), Stats., unless exempted by the department. Exemptions may be granted where local ordinances prohibit the discharge of firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

(b) Except as provided under par. (c), and unless otherwise directed by the department, the weapons designated by the department on the permit will be valid to harvest deer under the authority of the permit identified in sub. (2).

(c) In counties with deer shotgun seasons, a permittee and participants that have been authorized by the permittee may use a rifle that is not otherwise prohibited by s. NR 10.09(1)(c)2.

(9) REGISTRATION. Permittees and participants shall register deer taken under this section in accordance with the procedures designated by the department on the permit.

(10) VALIDATION. Any person who kills a deer or if s. 29.234, Stats., applies, the person providing the carcass tag shall immediately validate and attach the carcass tag as designated by the department.

Section 34. NR 12.10(3)(c) is amended to read.

NR 12.10(3)(c) All Except as authorized in s. NR 12.06 (3)(c), all participants and persons assisting participants shall possess written approval from the permittee and the appropriate, valid hunting or trapping license when carrying on removal activities. Written approval shall include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, species of animals authorized for removal, signature of the landowner or lessee, and date.

Section 35. 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 feeding birds or small mammals.

Section 36. NR 19.001(15m) is created to read.

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

Section 37. NR 19.60 is created to read.

NR 19.60 Feeding of wild animals for non-hunting purposes. (1) PROHIBITIONS. (a) Except as provided in this section, no person shall place, deposit or allow the placement of any material to feed or attract wild animals.

(b) Landowners, lessees or occupants of any property where feeding in violation of this section occurs shall remove all food 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, 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 dog training as specified in s. NR 10.07(2).

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

Section 38. NR 45.09(9) is created to read.

NR 45.09(9) CWD STATE PARK DEER HUNTING ACCESS PERMIT. (a) Unless authorized by the department, no person may hunt deer in accordance with the hunts described in s. NR 10.01(3)(et) in the following state parks without first obtaining a free state park deer hunting access permit and a property map identifying those areas closed to deer hunting within the park properties.

1. Devil's Lake state park
2. Mirror Lake state park
3. Rocky Arbor state park
4. Blue Mounds state park
5. Governor Dodge state park
6. Natural Bridge state park
7. Yellowstone state park
8. Cadiz Springs state park

(b) The number of access permits issued will not be limited in number.

Note: Permits will be available at the state park office and other locations designated by the department.

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. 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, it's citizens and businesses.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on
June 25, 2002.

The rules shall take effect upon publication in the official state newspaper.

Dated at Madison, Wisconsin

June 27, 2002

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Darrell Bazzell

Darrell Bazzell, Secretary

(SEAL)

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.07(2), 12.06 and 19.60 relating to the control and management of chronic wasting disease.

WM-15-03 (E)

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014 , 29.033, 29.335, 29.885, 227.11 and 227.24, Stats.

Statutory interpreted: § 29.033, 29.177 and 29.335, Stats.

Sections 1, 2 and 3. Authorizes the Department to allow landowners within the CWD eradication zone to hunt deer over bait by permit.

Section 1. NR 10.07(2) as created by WM-32-02 (E) is repealed and is recreated 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 between April 15 and the close of the bear season for hunting bear or training dogs provided 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 bait material.

2. 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.

3. Baiting for purposes of trapping is governed by s. NR 10.13(1)(b).

4. Baiting for waterfowl is governed by s. NR 10.12(1)(h).

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

6. Liquid scent may be used for hunting.

7. 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.

(c) *Additional prohibitions.* No person may:

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

4. Hunt with the aid of bait material other than liquid 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 feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

Section 2. NR 12.06 as created by WM-32-02 (E) is repealed and is recreated to read:

NR 12.06 CWD eradication zone deer removal permits. (1) **FINDINGS.** Pursuant to s. 29.885(4), Stats., the natural resources board finds that deer within any CWD eradication zone are causing a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD eradication zone defined in s. NR 10.001(6p) in order to reduce the spread of disease within the CWD eradication zone and to reduce the risk of disease spreading outside any CWD eradication zone.

(2) **PERMITS.** Landowners or lessees or occupants as authorized by the landowner within the eradication zone may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section.

(3) **PARTICIPATION BY OTHERS.** Persons other than the landowner, lessee or occupant may assist as a participant in the removal of deer in accordance with this section on the land for which the permit is valid.

(a) *Number and selection of participants.* All participants shall be selected by the permittee and shall provide their name, address, phone number and date of birth in a logbook provided by the department to the permittee.

(b) *Age and safety training.* All participants, including the permittee shall meet the requirements of ss. 29.304 and 29.593, Stats., pertaining to hunter safety and age.

(c) *Approval.* All participants shall possess written approval obtained from the permittee and the appropriate, valid hunting license unless exempted under sub. (4)(a) when carrying on removal activities. Written approval may include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, signature of the landowner or lessee, or other form of approval authorized by the department.

(d) *No fees.* The permittee may not charge any form of fee to a participant.

(4) **LICENSES, STAMPS AND PERMITS.** (a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer.

(b) Antlerless deer harvested under the authority of this section may be used to earn a CWD buck permit issued under s. NR 10.104(11) for the authority to harvest a buck deer during the seasons listed in s. NR 10.01(3)(et) within the CWD management and intensive harvest zones identified in s. NR 10.28(3).

(5) **CARCASS DISPOSITION.** Unless otherwise directed by the department, carcasses shall be deposited in accordance with the procedures outlined on the permit issued by the department. Any part of any deer harvested under this section may be collected by the department for disease testing purposes.

(6) **HARVEST PERIODS.** Permits issued to landowners under this section are valid only for the periods specified by the department on the permit.

(7) **SHOOTING HOURS.** Permittees and participants shall comply with shooting hours described in s. NR 10.06 (5), unless exempted by the department. Exemptions may be granted by the department to allow shooting of deer one hour before sunrise to one hour after sunset.

Note: Copies of shooting tables showing these hours shall be provided to all permittees for their reference and for distribution to participants.

(8) **WEAPON USE.** The following conditions shall apply to the use of firearms, bows or crossbows on deer shooting permits:

(a) Permittees and participants shall comply at all times when hunting with the blaze orange clothing regulations of s. 29.301 (2), Stats., unless exempted by the department. Exemptions may be granted where local ordinances prohibit the discharge of firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

(b) Except as provided under par. (c), and unless otherwise directed by the department, the weapons designated by the department on the permit will be valid to harvest deer under the authority of the permit identified in sub. (2).

(c) In counties with deer shotgun seasons, a permittee and participants that have been authorized by the permittee may use a rifle that is not otherwise prohibited by s. NR 10.09(1)(c)2.

(9) REGISTRATION. Permittees and participants shall register deer taken under this section in accordance with the procedures designated by the department on the permit.

(10) VALIDATION. Any person who kills a deer or if s. 29.234, Stats., applies, the person providing the carcass tag shall immediately validate and attach the carcass tag as designated by the department.

(11) BAITING. The use of bait to attract or hunt deer for removal purposes by the permittee and participants is not allowed unless specifically authorized by the department and under the conditions specified in the permit.

Section 3. NR 19.60 as created by WM-32-02 (E) is repealed and is recreated to read:

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

(b) Landowners, lessees or occupants of any property where feeding in violation of this section occurs shall remove all food 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, 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 dog training as specified in s. NR 10.07(2).

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

Section 4. Statement of Emergency. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. 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. This rule is needed to reduce the deer herd in the CWD eradication zone further than accomplished through the hunting seasons to help prevent the spread of CWD.

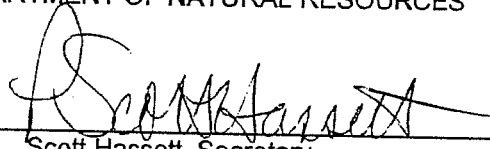
Section 5. Initial Applicability. This emergency rule repeals and recreates portions of the original CWD emergency rule order (WM-32-02 (E)) which was adopted by the Natural Resources Board in June 2002. The effective period of this emergency rule will coincide with the effective period of the original CWD emergency rule order which has been extended by the Legislative Joint Committee for Review of Administrative Rules until April 1, 2003, pursuant to 2001 Wisconsin Act 108.

Section 6. Effective Date. The rules shall take effect upon publication in the official state newspaper.

Section 7. Board Adoption. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 7, 2003.

Dated at Madison, Wisconsin 1/8/03

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By 
Scott Hassett, Secretary

(SEAL)

May 2002 Special Session
Senate Bill 1

Date of enactment: May 18, 2002
Date of publication*: May 20, 2002

2001 WISCONSIN ACT 108

AN ACT to repeal 29.181 (3) and 29.559 (1r) (b); to renumber 29.307 and 29.559 (1r) (a); to amend 20.370 (5) (fq), 29.971 (7), 29.971 (11), 95.32 (1) and 167.31 (2) (d); and to create 20.370 (5) (fs), 20.370 (5) (fv), 29.063, 29.307 (2), 29.307 (3), 29.335, 95.23 (1m), 167.31 (1) (bg), 167.31 (1) (bn), 167.31 (1) (dm) and 167.31 (4) (bg) of the statutes; relating to: chronic wasting disease, hunting or shooting animals from aircraft, vehicles, and boats, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, shooting by certain persons from a tractor or implement of husbandry, requiring a lapse to the general fund, authorizing the extension of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2001-02	2002-03
20.370	Natural resources, department of				
(5)	CONSERVATION AIDS				
(fs)	Chronic wasting disease management	SEG	A	-0-	2,000,100
(fv)	Chronic wasting disease management — supplemental funds	SEG	A	-0-	-0-

SECTION 2. 20.370 (5) (fq) of the statutes is amended to read:

20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received under ss. 29.181 (3), 29.559 (1r) (b), and 29.563 (13) and not appropriated under pars. (fr), (fs), and (fv) and sub. (1) (Ls) to provide state aid for the wildlife damage abatement program under s. 29.889 (5) (c) and the wildlife damage claim program under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and for payments under s. 29.89.

SECTION 3. 20.370 (5) (fs) of the statutes is created to read:

20.370 (5) (fs) *Chronic wasting disease management.* From the moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13), the amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

SECTION 4. 20.370 (5) (fv) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 1999-00: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

2001 Wisconsin Act 108

- 2 -

20.370 (5) (fv) *Chronic wasting disease management — supplemental funds.* The amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063 (1).

SECTION 5. 29.063 of the statutes is created to read:

29.063 Management of chronic wasting disease.

(1) The department may manage, and provide funding to conduct testing for, chronic wasting disease in cervids.

(2) If the department designates an area as a chronic wasting disease eradication zone, the department shall provide notice and information to the public that is adequate to inform the public prior to the commencement of hunting that hunting of cervids to control the spread of the disease will occur in that zone.

SECTION 6. 29.181 (3) of the statutes is repealed.

SECTION 7. 29.307 of the statutes is renumbered 29.307 (1).

SECTION 8. 29.307 (2) of the statutes is created to read:

29.307 (2) (a) Notwithstanding sub. (1), a state employee or agent or a federal employee or agent acting within the scope of his or her employment or agency may hunt an animal in the wild with the aid of an aircraft if all of the following apply:

1. The employee or agent is authorized by the department to take the animal for the purpose of controlling the spread of disease in animals.

2. The employee or agent is hunting in an area designated by the department as a chronic wasting disease eradication zone.

3. The employee or agent is in compliance with all of the rules promulgated under par. (b).

(b) The department shall promulgate rules specifying the conditions under which aircraft may be used for surveillance of animals, for herding animals, and for shooting animals in order to control the spread of disease in animals. The rules may authorize shooting animals only if the department considers all other alternatives to shooting animals from aircraft and determines that the shooting is necessary in order to control the spread of disease in animals.

SECTION 9. 29.307 (3) of the statutes is created to read:

29.307 (3) Subsection (2) and the rules promulgated under sub. (2) do not apply after June 30, 2004.

SECTION 10. 29.335 of the statutes is created to read:

29.335 Feeding wild animals for nonhunting purposes. The department shall promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting. The rules promulgated under this section do not apply after June 30, 2004.

SECTION 11. 29.559 (1r) (a) of the statutes is renumbered 29.559 (1r).

SECTION 12. 29.559 (1r) (b) of the statutes is repealed.

SECTION 13. 29.971 (7) of the statutes is amended to read:

29.971 (7) For the violation of s. 29.307 (1), by a fine of not more than \$1,000 for the first violation and not more than \$2,000 for subsequent violations or imprisonment for not more than 90 days, or both, and by a mandatory 3-year revocation of all hunting, fishing, and trapping approvals. An aircraft used in the violation is a public nuisance.

SECTION 14. 29.971 (11) of the statutes is amended to read:

29.971 (11) For hunting deer without the required approval, during the closed season, with the aid of artificial light or with the aid of an aircraft, except as provided in s. 29.307 (2), for the snaring of or setting snares for deer, or for the possession or control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

SECTION 15. 95.23 (1m) of the statutes is created to read:

95.23 (1m) (a) The department may conduct surveillance testing to determine whether animals have chronic wasting disease, if the department has reason to believe that the animals have been exposed to chronic wasting disease.

(b) The department shall indemnify the owner of an animal that must be killed in order to conduct testing under par. (a), if funds are available from the appropriation under s. 20.115 (2) (m) or (8) (ks) to pay the indemnity, in an amount equal to two-thirds of the difference between the net salvage value and the appraised value of the animal but not more than \$1,500 for one animal.

SECTION 16. 95.32 (1) of the statutes is amended to read:

95.32 (1) The department shall determine the appraised value of an animal that is destroyed under s. 95.21 (4) (b), 95.23 (1m), 95.25, 95.26, 95.27 or 95.31 (3) or (4) if the animal's owner is eligible for an indemnity.

SECTION 16c. 167.31 (1) (bg) of the statutes is created to read:

167.31 (1) (bg) "Family member of the landowner" means a person who is related to the landowner as a parent, child, spouse, or sibling.

SECTION 16f. 167.31 (1) (bn) of the statutes is created to read:

167.31 (1) (bn) "Farm tractor" has the meaning given in s. 340.01 (16).

SECTION 16j. 167.31 (1) (dm) of the statutes is created to read:

167.31 (1) (dm) "Implement of husbandry" has the meaning given in s. 340.01 (24).

SECTION 17. 167.31 (2) (d) of the statutes, as affected by 2001 Wisconsin Act 8, is amended to read:

167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

SECTION 18. 167.31 (4) (bg) of the statutes is created to read:

167.31 (4) (bg) 1. Subsection (2) (a), (b), (c), and (d) does not apply to a state employee or agent, or to a federal employee or agent, who is acting within the scope of his or her employment or agency, who is authorized by the department of natural resources to take animals in the wild for the purpose of controlling the spread of disease in animals and who is hunting in an area designated by the department of natural resources as a chronic wasting disease eradication zone, except that this subdivision does not authorize the discharge of a firearm or the shooting of a bolt or arrow from a bow or crossbow across a state trunk highway, county trunk highway, or paved town highway.

1g. Subsection (2) (b) and (c) does not apply to a landowner, a family member of the landowner, or an employee of the landowner who is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an implement of husbandry on the landowner's land that is located in an area designated by the department of natural resources as a chronic wasting disease eradication zone.

1m. Subsection (3) (a) and (b) does not apply to a state employee or agent or a federal employee or agent hunting an animal in the wild as authorized under s. 29.307 (2).

2. This paragraph does not apply after June 30, 2004.

SECTION 19. Nonstatutory provisions.

(1) PLAN. If the department of natural resources determines that there are insufficient funds available under section 20.370 (5) (fs) of the statutes, as created by this act, for the management of, and testing for, chronic wasting disease in cervids during fiscal year 2002-03, the department may develop a plan, for submission to the joint committee on finance for review, detailing the means by which the department shall manage, and test for, chronic wasting disease in cervids. If the department develops a plan under this subsection, the department shall recommend funding sources and expenditures for implementing the plan. In making these recommendations, the department may not do any of the following:

(a) Recommend the expenditure of funds from the general fund.

(b) Recommend the expenditure of more than \$2,000,000.

(c) Recommend the expenditure of more than \$1,000,000 from moneys received under sections 29.181, 29.559 (1r), and 29.563 (13) of the statutes.

(2) JOINT COMMITTEE ON FINANCE REVIEW.

(a) If the cochairpersons of the joint committee on finance do not notify the department of natural resources within 14 working days after the date of the submittal of the plan under subsection (1) that the committee has scheduled a meeting for the purpose of reviewing the plan, all of the following shall apply:

1. The department shall implement the plan.

2. If the plan specifies the expenditure of funds from a segregated fund other than the conservation fund, the funds are transferred to the conservation fund.

3. The appropriation under section 20.370 (5) (fv) of the statutes, as created by this act, is supplemented from the appropriation under section 20.865 (4) (u) of the statutes by the amount specified under the plan.

(b) If, within 14 working days after the date of the submittal by the department of natural resources, the cochairpersons of the joint committee on finance notify the department that the committee has scheduled a meeting to review the plan, the department may not implement the plan without approval of the committee. The committee may disapprove or modify the plan. If the committee modifies the plan, the committee may transfer funds to the conservation fund from another segregated fund as is necessary to implement the plan. Notwithstanding section 13.101 (3) (a) of the statutes, no finding is required to be made that an emergency exists before transferring the funds under this paragraph.

(3) DEPARTMENT OF NATURAL RESOURCES POSITIONS. The authorized FTE positions for the department of natural resources are increased by 3.0 SEG project positions, to be funded from the appropriation under section 20.370 (5) (fs) of the statutes, as created by this act, for the purpose of managing and testing for chronic wasting disease.

(4) EMERGENCY RULES RELATING TO CHRONIC WASTING DISEASE IN CERVIDS.

(a) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee for review of administrative rules may extend the effective period of emergency rules promulgated by the department of agriculture, trade and consumer protection relating to chronic wasting disease in cervids that took effect on April 9, 2002, for periods specified by the committee and may grant any number of extensions, except that the committee may not extend the effective period of the rules beyond September 1, 2003.

(b) The department of agriculture, trade and consumer protection may amend the emergency rules described in paragraph (a), while those rules are in effect, using the procedure in section 227.24 of the statutes, and any amendment remains in effect for the period provided under paragraph (a).

(c) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee for review of administrative rules may extend the effective period of any emergency rules promulgated by the department of natural resources that relate to the management of chronic wasting disease

for periods specified by the committee and may grant any number of extensions, except that the committee may not extend the effective period of the rules beyond September 1, 2003.

(d) The department of natural resources may amend the emergency rules described in paragraph (c), while those rules are in effect, using the procedure in section 227.24 of the statutes, and any amendment remains in effect for the period provided under paragraph (c).

(5) VETERINARY DIAGNOSTIC LABORATORY.

(a) The department of natural resources shall expend, in fiscal year 2002-03, a total of \$901,600 from the appropriations under section 20.370 (5) (fs) and (fv) of the statutes, as created by this act, for the purpose of testing cervids for chronic wasting disease by the veterinary diagnostic laboratory.

(b) The authorized FTE positions for the board of regents of the University of Wisconsin System are increased by 6.0 PR positions, to be funded from the appropriation under section 20.285 (1) (kg) of the statutes, for the purpose of testing cervids for chronic wasting disease by the veterinary diagnostic laboratory.

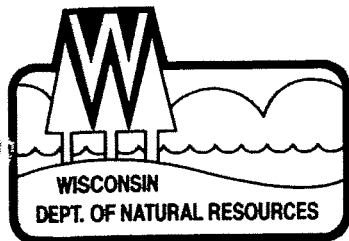
SECTION 20. Appropriation changes.

(1) VETERINARY DIAGNOSTIC LABORATORY LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on June 30, 2002, there is lapsed to the general fund \$800,700 from the appropriation account of the board of regents of the University of Wisconsin System under section 20.285 (1) (je) of the statutes, as affected by the acts of 2001.



WISCONSIN STATE LEGISLATURE





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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Telephone 608-266-2621
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April 1, 2003

Honorable Glenn Grothman, Chair
Joint Committee for Review of Administrative Rules
Room 15 North
State Capitol

Honorable Joe Liebham, Chair
Joint Committee for Review of Administrative Rules
Room 409 South
State Capitol

Re: Natural Resources Board Emergency Orders No. WM-32-02(E) and WM-15-03(E)
Chronic wasting disease (CWD) control efforts


Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Orders No. WM-32-02(E) and WM-15-03(E). The emergency orders were recently extended until April 10, 2003. The Department requests that these emergency orders be extended until April 25, 2003.

The Department is requesting this extension to allow the Natural Resources Board to consider the modifications requested by the Joint Committee with citizen input and involvement. The Natural Resources Board has already scheduled an entire day for testimony on CWD control efforts at their regular meeting on April 23, 2003 when they will act on the follow-up rule to these emergency orders. If the Natural Resources Board has to act before April 10, they will have to do so by conference call which is not conducive to public participation. The Department is concerned that interested citizens would view the conference call to consider this issue as the Board undercutting the previously scheduled citizen participation. Extending the emergency rule until April 25 allows the Joint Committee time to respond to the Board's action on April 23 based on the public testimony.

Your consideration of this request is appreciated. If you have any questions, please contact Tim Andryk of the Bureau of Legal Services at 264-9228.

Sincerely,


Scott Hassett
Secretary

Cc: Presiding Officers
Kurt Thiede - WM/4
Tim Andryk - LS/5
Carol Turner - LS/5