

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code

Deer hunting as it relates to the control and eradication of chronic wasting disease

Board Order No. WM-11-06
Clearinghouse Rule No. 06-103

Basis and Purpose of the Proposed Rule

In 2002, the first chronic wasting disease (CWD) hunting rule was approved. At that time, we anticipated only needing to change the CWD zones map each year based on sampling results. However, we have annually reviewed all of the CWD hunting rules to see if changes are prudent. This review has involved analyses of both biological and social information. The proposed rules present some major compromises with hunters and landowners that are hoped to make this rule both adequate for herd reduction and sustainable from a social perspective. The proposed rule includes the following changes:

1. Provides an either-sex tagging regulation for the entire archery and gun deer season (no earn-a-buck).
2. Creates criteria where earn-a-buck regulations could be used again, if needed.
3. Shortens the early gun season in the Disease Eradication Zones from 18 days beginning in late October to 9 days beginning the Saturday preceding the Thursday closest to October 27.
4. Shortens the late gun season in both the Herd Reduction Zones and the Disease Eradication Zones by ending the season 3 Sundays after Thanksgiving, rather than January 3.
5. Creates criteria where the early gun season could be extended by 7 days, if needed.
6. Modifies the administrative code so that the archery season ends the same day as in non-CWD units, should that date change in future rules.
7. Modifies the dates of the Disease Eradication Zone state park gun hunting seasons to be consistent with CWD Zone hunts, with the exception that the early gun season hunting hours would close at noon.
8. Does not include boundary changes to CWD zones, specifically in unit 73B as requested by petitioners.

Therefore, under this proposal, hunters in the CWD Zones could expect the following season framework in 2006:

Archery season: September 16 to January 3
Early gun season: October 21-29 (DEZ); October 26-29 (HRZ)
Late gun season: November 18 to December 10
Tagging regulation: Unlimited either-sex, same tag for any deer
No change in boundaries

Summary of Public Comments

Approximately 160 people attended the public hearings. The most common comment was opposition to the 9-day October gun hunt. The next most common comment was a desire to return the gun season to the traditional 9-day hunt or a 16-day hunt. Comments were also received expressing a willingness to participate in earn-a-buck rules. Other comments were primarily targeted at CWD management rather than the rule and included: annual changes in season structure are confusing; DNR is spending a lot of money on CWD with no evidence it can be eradicated; opposition to government shooting; disappointment with the lack of public notice for the hearings; and concern that CWD management is causing the loss of landowner and hunter support and reducing the hunting experience and tradition.

A petition was delivered to the Dodgeville hearing requesting that Deer Management Unit 73BCWD be removed from the Herd Reduction Zone.

Modifications Made

The proposed 9-day October early gun season was modified to retain the 4-day early gun season.

Appearances at the Public Hearing

March 13, 2006 – Waukesha

In support:

Joseph M. Flood, 2203 Oakdale Drive, Waukesha, WI 53189

In opposition:

Greg Kazmierski, 154 W. Roberta, Waukesha, WI 53186
Mike Calton, 426 Oak Crest, #24, Wales, WI 53183
Eric Coggon, 212 N. Main Street, North Prairie, WI 53153
James Crivello, 36802 Genesee Lake Road, Oconomowoc, WI 53066
Robert Brent, 215 West McDivitt, Mukwonago, WI 53132

As interest may appear:

Steve Williams, S36 W29657 Wern Way, Waukesha, WI 53189
Dick Mejchar, W255 S5765 Oakdale Road, Waukesha, WI 53189
Cleve Crossman, 146 Douglass Avenue, Waukesha, WI 53186
Hubert J. Anderson, 2311 Emslie Drive, Waukesha, WI 53188
Doug Kennedy, S40 W28188 Highway 59, Waukesha, WI 53189
Allen P. Haase, S47 W30011 State Road 59, Waukesha, WI 53189

March 14, 2006 – Prairie du Sac

In support:

Loraine Ott, S11280 Badger Road, Spring Green, WI 53588
Mark Campbell, 1015 20th Street, Prairie du Sac, WI 53580
Roger Ott, S11280 Badger Road, Spring Green, WI 53588
Ronald D. Ruhland, 50 Hemlock Street, Sauk City, WI 53583

In opposition:

John Pogue, 5101 Pebblebrook, Madison, WI 53716
Ken Vertein, S4495 Johnson Road, Baraboo, WI 53913
Michael J. Rogers, S8955 Matoushek Road, Prairie du Sac, WI 53578
Ken Mecham, 6301 Roselawn Avenue, Monona, WI 53716
Jim Riphon, N2705 Smith Road, Lodi, WI 53555
Jim Turner, E12603 Clingman Road, Baraboo, WI 53913
Paul R. Ott, S11280 Badger Road, Spring Green, WI 53588
Reid Patterson, S11219 Fox Road, Sauk City, WI 53583
Gary Moseman, 7314 Cedar Crest Drive, Sauk City, WI 53583
Rick Patterson, S10378A Roeser Road, Sauk City, WI 53583
Bradley Hasheider, E9014 Cassell Road, Sauk City, WI 53583
Chris Stangl, 642 County Highway Z, Hazel Green, WI 53811

Jennifer Magnuson, 425 W. Daley, Spring Green, WI 53588
Tony Grabski, 5180 Ridge View Road, Blue Mounds, WI 53517
Mike Schanke, 232 3rd Street, Baraboo, WI 53913
Richard H. Mielke, S5570 Pikes Peak Road, North Freedom, WI 53951
Todd Zeuske, 3490 Sahaka Tr., Verona, WI
Bob Dobson, 425 W. Daley Street, Spring Green, WI 53588

As interest may appear:

F. W. Thistle, N2111 Smith Park Road, Lodi, WI 53555
Dan Pogue, 2726 Northwynde Passage, Sun Prairie, WI 53590
Douglas Jesse, P.O. Box 116, 302 Oak Street, Rock Springs, WI 53961
Roger Winans, 364 Park Avenue, Prairie du Sac, WI 53578
Bruce Kleinert, E10812 Prairie Road, Prairie du Sac, WI 53578
Steve Sprecher, E8495 Witwen Road, Sauk City, WI 53583
Alan Blumer, 10457 Laws Drive, Mazomanie, WI 53560
Scott Onesti, S9385 Von Wald Road, Prairie du Sac, WI 53578
John Aeschlimann, 10393 Curtiss Road, Mazomanie, WI 53560
Marv Ruhland, 2159 Hillebrand Drive, Cross Plains, WI 53528
John Frame, 4419 Highway F, Blue Mounds, WI 53517
Jon Steinhaus, P.O. Box 116, Briggsville, WI 53920
Dan Filip, S6011 County Road W, Rock Springs, WI 53961
John H. Traxler, 1177 College Avenue, Baraboo, WI 53913
Douglas Williams, N6901 Tritz Road, Portage, WI 53901
Tom Jackson representing Senator Dale Schultz, P.O. Box 7882, Madison, WI 53707
Bob Dischler, 230 Holly Court, Prairie du Sac, WI 53578
Jason Tollaksen, E10048A CTH H, Wisconsin Dells, WI 53965
Vilas R. Richards, S10338A Roeser, Sauk City, WI 53583
Mark Steinhorst, 2008 Tumbleweed Drive, Prairie du Sac, WI 53578
Tom Steinhaus, P.O. Box 200, Briggsville, WI 53920
Kevin Hasheider, E11890 Longwood Drive, Prairie du Sac, WI 53578

March 15, 2006 – Kenosha

In support:

Marvin Grzechowiak, 2116 W. Grange Avenue, Milwaukee, WI 53221

In opposition – none

As interest may appear:

Thomas Fogel, 25212 W. Wayside Place, Lake Villa, IL 60046
J. Musso, P.O. Box 322, Grayslake, IL 60036
Jerry Dexter, 6644 Hospital Road, Burlington, WI 53105
Dale Horton, 23522 75th Street, Salem, WI 53168

March 15, 2006 – Jefferson

In support:

Warren Stuelke, W4798 Vogel Road, Jefferson, WI 53549

In opposition:

Ohne Raasch, N7566 Rock Lake Road, Lake Mills, WI 53551

Tony Strobel, N2644 Sleepy Hollow Road, Neosho, WI 53059
Gary Clark, N4131 W. Water Street, Sullivan, WI 53178
Russell Lee Houk, W4030 Highway E, Sullivan, WI 53178
Jon Dukert, W9650 Center Street, Cambridge, WI 53523
Jeff Murley, N2890 Mode Lane, Fort Atkinson, WI 53538
Larry Braatz, N5948 Highway Q, Jefferson, WI 53549
Lee Gatzke, N6458 Shorewood Hills Road, Lake Mills, WI 53551
Matt Katzfuss, 331 E. Capitol Drive, Hartland, WI 53029

As interest may appear:

Robert Mercer, 216 S. Whitewater Avenue, Jefferson, WI 53549
Paul Hausz, 69 Hoopen Road, Cambridge, WI 53523
Clarence R. Grunewald, W7038 Masche Court, Lake Mills, WI 53551
Woody Refowitz, 1136 Hubbell Street, Marshall, WI 53559
Brad Behm, 3338 Highway 73, Deerfield, WI 53523
William Lean, W561 Pine Drive, Palmyra, WI 53156
Lester Pfeifer, W4076 Highway 18, Helenville, WI 53137
Bruce Rummler, 425 N. Midway Avenue, Jefferson, WI 53549
Charles Clark, W167 S. 7265 Briargate Lane, Muskego, WI 53150
Mike Clark, N4131 W. Water, Sullivan, WI 53178
Ben Garrett, N4388 Highway D, Helenville, WI 53137
Ross Dietzman, N4647 N. Schopen Road, Jefferson, WI 53549
Dennis Jones, W5815 Wendorf Lane, Jefferson, WI 53549
Mark Judd, N9219 Highway G, Watertown, WI 53094
Kevin Moreland, 5428 Box Elder Road, Marshall, WI 53559
Don Liebmann, W7974 Oakwood Lane, Fort Atkinson, WI 53538

March 17, 2006 – Dodgeville

In support:

Phil Muehrcke, 4417 Somerset Lane, Madison, WI 53711
Chris Radtke, S12584 Donald Road, Spring Green, WI 53588
Shannon Ovadal, N9536 Hay Hollow Road, Blanchardville, WI 53516
Paul F. Brandt, 4496 Highway 133E, Boscobel, WI 53805

In opposition:

James A. Sumwalt, 19849 Bear Paw Lane, Richland Center, WI 53581
Mike O'Gara, 10181 Fox Ridge Road, Hillsboro, WI 54634
Jamey L. Gander, 16277 U.S. Highway 14, Richland Center, WI 53581
Tim Kosharek, 725 CTH I, Highland, WI 53543
Rob Horton, S12435 Garden Path, Spring Green, WI 53588
Bob Dobson, 425 W. Daley Street, Spring Green, WI 53588
Dave Vosberg, 10091 Hake School Road, Livingston, WI 53554
Dave Breunig, 739 Wells Street, Darlington, WI 53530
Pat Werner, 35201 N. Mill Street, Lone Rock, WI 53556
Don Scott, 323 N. 4th Street, Muscoda, WI 53573
Tony Eck, 26365 State Highway 58, Richland Center, WI 53581
Mark Kraemer, 27787 Joe Miller Road, Richland Center, WI 53581
Dick Marshall, 25058 Highway N, Richland Center, WI 53581
Mark Peck, 5667 Highway T, Arena, WI 53503
Brian Laufenberg, 378 Steil Road, Highland, WI 53543
Garrett Peck, 5667 Highway T, Arena, WI 53503
Jennifer Magnuson, 425 W. Daley Street, Spring Green, WI 53588

Dave Beuan, 1744 County A&D, Platteville, WI 53818
Rick Fruit, 26389 County Highway N, Richland Center, WI 53581
Keith Dirks, 9206 Union Road, Platteville, WI 53818
Chris Olson, 7328 Biniker Lane, Platteville, WI 53818
Gary Mosly, 8406 Highway 81, Darlington, WI 53530
James Gander, 4718 Kensington, Janesville, WI 53546
Jerry L. Gander, 16273 U.S. 14, Richland Center, WI 53581
Gregory L. Rohn, 30248 Rohn Hollow Road, Lone Rock, WI 53556
Josh Salisburg, Lone Rock, WI 53556
Meghan Bluedow, 1323 Portage Street, Stevens Point, WI 54481

As interest may appear:

Lee Fahrney, 7860 McKenna Road, Hollandale, WI 53544
James Zahalka, 395 Highway MM, Brooklyn, WI 53521
David Ladd, [address illegible], Dodgeville, WI
Mel Krewl, 5539 Farmers Ridge Road, Highland, WI 53543
Jon Nelson, 20929 Buck Run Lane, Richland Center, WI 53581
Steve Gehrke, 3356 Kroening Lane, Platteville, WI 53818
Nick Meyer, 210 Quail Ridge Drive, Barneveld, WI 53507
Don Winch, 7414 Loy Road, Arena, WI 53503
Mark Bray, 17883 Schauer Lane, Richland Center, WI 53581
Reed Horton, S12274 Liegel Court, Spring Green, WI 53588
Mike Carl, Box 55, Stitzer, WI 53825
Steve Springer, 1012 Augusta, Linden, WI 53553
Leslie Ladd, 6080 County Road PP, Avoca, WI 53506
State Senator Dale W. Schultz, 515 N. Central Avenue, Richland Center, WI 53581
James O. Neider, P.O. Box 243, Plain, WI 53577
Darrell Wilkinson, 3374 Kress Lane, Potosi, WI 53820
Terry Droessler, 118 Slazing Road, Potosi, WI 53820
Brad Baryenbruch, Box 490, Spring Green, WI 53588
Marc Bonin, 21986 Turnbull Road, Platteville, WI 53818
Paul Ovadal, N9536 Hay Hollow Road, Blanchardville, WI 53516

Changes to Rule Analysis and Fiscal Estimate

The analysis and the fiscal estimate was modified to reflect that the early gun deer season would be for 4 days only in the herd reduction zone.

Response to Legislative Council Rules Clearinghouse Report

All but one of the changes recommended by the Legislative Council Rules Clearinghouse were incorporated into the final rule. The one change that was not incorporated related to form (2.a.). The recommendation was to omit the use of "units" and just use the term "unit" as the singular includes the plural and the plural includes the singular. While an appropriate comment, ch. NR 10 includes numerous references to "unit or units" and in each case the singular or plural is important to the meaning of the rule. We do not feel, with all of the existing references already in the code that these changes are critical to the current rule order. When reading deer hunting rules in ch. NR 10, it is clear that unit or units refers to deer management units.

Final Regulatory Flexibility Analysis

The revisions to ch. NR 10 relate to deer hunting and Chronic Wasting Disease management. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.