

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

treatment facility described in sub. (2) and a municipal waste treatment facility described in sub. (3), the repair parts and replacements for those types of facilities and chemicals, supplies and utilities used or consumed in operating those types of facilities are exempt from the sales and use tax.

(5) CONTRACTORS AND SUBCONTRACTORS. (a) *Exempt purchases.* The sales and use tax exemption extends to and includes the purchases of tangible personal property by a contractor-installer who incorporates the property into an approved industrial waste treatment facility or who incorporates the property into a municipal waste treatment facility. The contractor-installer shall certify the intended exempt use of the item to each supplier in order to relieve the supplier of the duty of collecting and reporting the tax on the sale. Certification of exempt use shall be made on a certificate of exemption, form S-211.

Note: Form S-211 may be obtained by writing or calling Wisconsin Department of Revenue, P.O. Box 8902, Madison, WI 53708-8902, telephone (608) 266-2776.

(b) *Taxable purchases.* A contractor's purchases of items used or consumed in the performance of the construction contract, and which do not become a component part of the waste treatment facility, are subject to the tax. This includes industrial gases, form lumber, tunnel shields and supplies used by a contractor during construction. Payments by a contractor for equipment purchased or leased to perform a construction job are also taxable.

(c) *Determining exemptions.* Contractors shall ascertain whether the industrial waste treatment facility they are constructing has been properly approved by the department for a property tax exemption under s. 70.11 (21), Stats. If there has been no "approval," the contractor or subcontractor may be liable for the sales or use tax on its purchases. Approvals are not required for municipal waste treatment facilities and, therefore, contractors may purchase without tax construction materials which become a component part of the exempt facility.

Note: Contractors and others may determine whether an industrial waste treatment facility has been approved by the department as follows:

a. Public utility facilities, including railroads, airlines and pipelines: Write or call Wisconsin Department of Revenue, Bureau of Utility and Special Taxes, P.O. Box 8933, Madison, WI 53708-8933; telephone (608) 266-8162.

b. Other commercial and industrial facilities: Write or call Wisconsin Department of Revenue, Bureau of Manufacturing and Telco Assessment, P.O. Box 8933, Madison, WI 53708-8933; telephone (608) 266-1147.

Note: Refer to ss. Tax 6.40 and 12.40 for information on how to request approvals for property tax exemption.

Note: Section Tax 11.11 interprets s. 77.54 (26), Stats.

Note: The interpretations in s. Tax 11.11 are effective July 31, 1975, when ss. 70.11 (21) and 77.54 (26), Stats., were revised, except that the exemption for chemicals and supplies used or consumed in operating a waste treatment facility became effective September 1, 1979, pursuant to Chapter 39, Laws of 1979.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79; am. (2), (4) (b) and (5) (d), r. and recr. (3), Register, September, 1982, No. 321, eff. 10-1-82; am. (2) (b), (3) (a) and (b) and (5) (b), Register, September, 1984, No. 345, eff. 10-1-84; cr. (2) (c), r. (1) (b) and (3), renum. (1) (a) to be (1) and am., renum. (2) (a), (b) and (c) to be (4) (a), (c) and (b) and am., renum. (4) to be (2) and am. (2) (a) and (b), renum. (5) (a), (b), (c) and (d) to be (3) (b), (a), (c) and (d), Register, June, 1991, No. 426, eff. 7-1-91; correction in (2) (a) made under 13.93 (2m) (b) 7., Stats., Register, August, 1999, No. 524; am. (2) (b), r. (2) (c), cr. (3) (intro.), (b), (c) and (d), renum. (3) (a) to (d) and (4) to be (3) (a) 1., 2. and 3, (4) and (5) and am. (4) and (5) (c), Register, October, 1999, No. 526, eff. 11-1-99.

Tax 11.12 Farming, agriculture, horticulture and floriculture. (1) STATUTES. Section 77.54 (3) and (3m), Stats., provides exemptions for certain sales to persons who are engaged in farming, agriculture, horticulture or floriculture as a business enterprise.

(2) DEFINITIONS. In this section and s. 77.54 (3), (3m) and (30), Stats.:

(a) "Animal bedding" used in farming means disposable loose materials, including straw, shavings, sawdust, leaves, sand and shredded paper, used where an animal may lie, to promote cleanliness and absorb urine or liquid manure. It does not include nonabsorbent items, including rubber floor mats.

(b) "Custom farming services" means the performance of an activity, defined as farming in this section, for a farmer for a fee. The fee may include a cash payment, a share of the harvest or other valuable consideration.

(c) "Dairy farming" means the business of feeding and raising cattle and other milk producing animals, but does not include operations such as pasteurizing, homogenizing or making butter, cheese or ice cream.

(d) "Farm livestock medicine" means any substance or preparation intended for use by external or internal application to farm livestock in the cure or treatment of disease and which is commonly recognized by veterinarians as a substance or preparation intended for that use. This includes antibiotics, drugs, mastitis treatments and vaccines in the form of boluses, capsules, feed additives, fluids, pills, powders, ointments and salves. "Farm livestock medicine" does not include medicines for work stock, riding horses or small domestic animals, including dogs and cats. It also does not include vitamins, dewormers, teat dip, udder wash, disinfectants, shampoos, pet foods, flea powder and flea sprays, laboratory equipment used by a veterinarian, bandages, or plaster of paris that is used to set an animal's broken bone.

(e) "Farm work stock" means animals, such as draft horses and mules, which are used exclusively in farming. The phrase includes horses used exclusively in farming to check on or herd livestock. The phrase does not include dogs, horses used for racing, pleasure riding or show or laboratory animals. The food for animals which are not farm work stock is taxable unless the animals are livestock as defined in par. (j).

Example: Dog and cat food is taxable.

(f) "Farming" means the business of producing food products or other useful crops by tilling and cultivating the soil or by raising cattle, sheep, llamas, poultry, domesticated rabbits or other animals which produce a food product or which are themselves a food product. In addition, consistent with chs. 29 and 94, Stats., "farming" includes raising earthworms, pheasants, foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit, caracul and bees; producing honey products by a beekeeper of 50 or more hives; commercial raising of fish for food; commercial breeding and raising of horses and llamas for sale; and raising ginseng, mushrooms and sod. "Farming" does not include home gardening and other similar noncommercial activities; breeding or raising dogs, cats, other pets or animals intended for use in laboratories; operating sporting or recreational facilities, such as riding stables or shooting preserves; operating stockyards, slaughterhouses or feed lots as described in par. (g); lumbering and logging, and pulpwood and sawmill operations; milling and grinding grain; and preparing sausage, canned goods, jellies, juices or syrup.

Example: Dog and cat food is taxable.

(g) "Feed lot" means a restricted area containing pens or lots where livestock are held and fed. A person who holds livestock in a feed lot for less than 30 days is not engaged in farming. Feed purchased for livestock held in a feed lot for less than 30 days is taxable. However, a person who holds livestock in a feed lot for 30 days or more is engaged in farming and the feed purchased for the livestock is exempt. If a person holds some livestock for less than 30 days and some livestock for 30 days or more and purchases feed for both types at the same time, an allocation of the feed costs may be made so that tax is paid on the feed consumed by livestock held for less than 30 days and is not paid on feed consumed by livestock held for 30 days or more.

(h) "Floriculture" means the business of producing flowers, Christmas trees or other decorative trees, plants or shrubs, including such operations as greenhouses.

(i) "Horticulture" means the business of producing vegetables, vegetable plants, fruits and nursery stock, including the operation of commercial nurseries and orchards but not businesses which hold stock for purposes other than propagation or growth. "Horticulture" does not include the business of servicing plants owned by others; the raising of trees as timber; or lumber or sawmill operations.

(j) "Livestock" and "poultry" include animals, the products of which are normally used as food for human consumption, and domestically raised fur bearing animals or animals which are a

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

source of wool, such as llamas, including those purchased for breeding.

(k) "Milk house supplies" means items used exclusively in producing and handling milk on dairy farms, including milk filters, soaps, detergents, udder washes and balms, pipeline cleaners, manual cleaners, acid cleaners, disinfectants and sanitizers such as iodine and chlorine, teat dips, teat dilators, paper towels, insect strips, cloth udder towels, udder sponges, brushes and brooms, window cleaners and water softener salt. The exemption for milk house supplies does not include equipment such as dispensers, jug and barrel pumps, sinks, faucets, washup hoses and nozzles, buckets and pails, milk cans, strainers for milk cans or coolers, and electricity.

(3) OBTAINING EXEMPTION CERTIFICATES. A retailer shall have a signed exemption certificate for every exempt sale made to a farmer. The certificate shall be used only for categories of items listed on it. Every invoice to which the certificate refers must contain the seller's name, the farmer's name and address, the date of sale and a brief description of the product sold.

(4) STATUTORY EXEMPTIONS. (a) Section 77.54 (3) (a), Stats., exempts: *"The gross receipts from the sales of and the storage, use or other consumption of tractors and machines, including accessories, attachments and parts therefor, used exclusively and directly in the business of farming, including dairy farming, agriculture, horticulture, floriculture and custom farming services, but excluding automobiles, trucks, and other motor vehicles for highway use; excluding personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement of real property and excluding tangible personal property used or consumed in the erection of buildings or in the alteration, repair or improvement of real property, regardless of any contribution that that personal property makes to the production process in that building or real property and regardless of the extent to which that personal property functions as a machine."* For purposes of this section:

1. 'Directly.' Items used "directly" in farming include a plow and a combine. Items of "indirect" or non-qualifying use include typewriters, electric drills or other repair tools, dog and cat food, and lawn and garden tractors.

2. 'Exclusively.' "Used exclusively" means used to the exclusion of all other uses except for other uses not exceeding 5% of total use.

3. 'Accessories, attachments and parts.' Included within the exemption are accessories, attachments and parts for tractors and machines used directly in agriculture. "Accessories" and "attachments" include devices designed to be mounted on a machine or to be pushed or pulled by a machine such as farm wagons and pipes attached to irrigation pumps. A machine "part" means a durable unit of definite, fixed dimensions and includes tractor cabs, oil filters and slow-moving-vehicle signs. Canvas covers and paint for exempt machines are exempt. "Parts" does not include fluids such as antifreeze or lubricants. These are "supplies" rather than "parts" and are not exempt.

4. 'Machines.' a. "Machine" means an assemblage of parts that transmit force, motion and energy from one part to another in a predetermined manner.

b. "Machines which qualify for exemption" include, if not realty improvements, all-terrain vehicles or trucks not licensed for highway use, balers, chain saws for orchard use but not for use in lumbering, pulping or cutting firewood, choppers, corn pickers, crop conditioners, crop thinners, cultivators, discs, drags, end loaders, electric clippers and hoof trimmers, electric dehorners, electric fence chargers not fencing or insulators, electric foggers, fork lifts, harrows, harvesting combines, hay wagons, manure spreaders, mowers, planters, plows, powered posthole diggers, pumps and associated piping for irrigation, rock pickers, rotary hoes, space heaters not for residential use, sprayers, stalk shredders and windowers.

c. "Machines which do not qualify for exemption" include personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement of real property. Also, tangible personal property used or consumed in the erection of buildings or in the alteration, repair or improvement of real property, regardless of any contribution that the personal property makes to the production process in that building or real property and regardless of the extent to which that personal property functions as a machine does not qualify for exemption. However, there is an exception for those items specifically mentioned in subd. 4. d.

d. The following items are deemed by statute to retain their character as tangible personal property and qualify for exemption, regardless of the extent to which they are fastened to, connected to or built into real property: auxiliary power generators, bale loaders, barn cleaners and elevators, conveyors, feed elevators and augers, grain dryers and grinders, irrigation implements, milk coolers, milking machines, including piping, pipeline washers and compressors, top and bottom silo unloaders and powered feeders, excluding platforms and troughs constructed from ordinary building materials.

5. 'Real property improvements.' a. "Building" means any structure that is intended to be a permanent accession to real property; that is designed or used for sheltering people, animals or plants, for storing property or for working, office, parking, sales or display space, regardless of any contribution that the structure makes to the production process in it; that in physical appearance is annexed to the real property; that is covered by a roof or encloses space; that is not readily moved or disassembled; and that is commonly known to be a building because of its appearance and because of the materials of which it is constructed.

b. Certain machines in addition to those in subd. 4. qualify for the exemption if purchased by farmers directly from retailers, even though they are used to make realty improvements. Machines included are automated livestock feeder bunks, but not ordinary building materials; automatic stock waterers powered by electricity or water pressure and built into a permanent plumbing system; automatic water softeners, such as for milkhouses; barn fans and blowers and other ventilating units; unit heaters and other heating units; water heaters serving production areas; and water pumps serving production areas.

6. 'Motor vehicles.' Specifically excluded from the statutory exemption are "motor vehicles for highway use," including motor trucks, automobiles, station wagons, buses and motorcycles. "For highway use" means licensed for that use. Sales of parts, supplies and repairs for vehicles for highway use, including nurse tanks and trailers, are also taxable.

7. 'Other non-exempt sales.' The exemption does not apply to:

a. Tools used in construction or for making repairs to real estate or farm machinery, such as block and tackle sets, chain hoists, cutters, electric drills, hammers, hand tools, planers, sharpeners, sanders, saws and wheelbarrows.

b. Building materials used to repair or improve real estate such as cement, drain tile, fencing, light fixtures, lumber, nails and stanchions.

c. Non-powered applicators for insecticides, cattle chutes, farrowing crates, fire extinguishers, flood gates, saddles and bridles, incinerators, lawn and garden tractors, portable calf stalls, rope and cable, scales, self-treating stations, or "oilers," snowmobiles and stationary salt and mineral feeders.

8. 'Sales and use tax.' A person who buys without tax by claiming the farming exemption owes the sales tax at the time the person uses the item purchased 5% or more of total use for a non-exempt purpose.

(b) Section 77.54 (3m), Stats., exempts: *"The gross receipts from the sale of and the storage, use or other consumption of the following items if they are used exclusively by the purchaser or*

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

user in the business of farming; including dairy farming, agriculture, horticulture, floriculture and custom farming services:

- (a) Seeds for planting.
- (b) Plants.
- (c) Feed.
- (d) Fertilizer.
- (e) Soil conditioners.
- (f) Animal bedding.
- (g) Sprays, pesticides and fungicides.
- (h) Breeding and other livestock.
- (i) Poultry.
- (j) Farm work stock.
- (k) Baling twine and baling wire.
- (L) Containers for fruits, vegetables, grain, hay, silage and animal wastes.
- (m) Plastic bags, plastic sleeves and plastic sheeting used to store or cover hay or silage." "Exclusively" as used in s. 77.54 (3m), Stats., and in this section means that the items mentioned in s. 77.54 (3m), Stats., are used solely in farming to the exclusion of all other uses, except that the sales and use tax exemption for those items will not be invalidated by an infrequent and sporadic use other than in farming. For purposes of this section:

1. 'Seeds for planting.' "Seeds for planting" includes seeds for alfalfa, blue grass, canning peas, clover, field corn, field peas, rye grass, sweet corn, timothy and vegetables; plant parts capable of propagation; and bulbs. "Seeds for planting" does not include sod.

2. 'Plants.' "Plants" include herbs, shrubs or young trees, slips or saplings planted or ready to plant.

3. 'Feed.' a. "Feed" includes processed vegetable and animal products and essential minerals required for the normal nutritional needs of livestock, poultry and domestic fur-bearing animals and other materials which are required for the normal nutritional needs of animals in some domestic environments, such as vitamins A, B-complex, D and E. Essential minerals include phosphorous, calcium, sodium, chlorine, iodine, iron, copper, sulfur, potassium, magnesium and zinc. Common feed additives containing these substances include cod liver oil, salt in granular or block form, ground limestone, fish oil, fish meal, oyster shells and bone meal.

b. "Feed" includes medicated feed or drug carriers purchased for use as an ingredient of medicated feed, the primary purpose of which is the prevention of diseases in livestock or poultry. "Feed" does not include a mixture labeled and sold for specific treatment or cure of a disease. Feed for farm livestock, poultry and work stock is exempt but feed for pets, such as dogs and cats, is taxable.

4. 'Fertilizers and soil conditioners.' a. "Fertilizer" means any substance containing nitrogen, phosphoric acid, potash or any recognized plant food element or compound which is used primarily for its plant food content to improve the soil's agricultural qualities. "Fertilizer" and "soil conditioners" include fertilizer and insecticide combinations, agricultural minerals, carbon dioxide for application to land, urea, sewage sludge, liquid spray mixtures of minerals and plant nutrients, lime, compost, manure, peat moss and soy bean straw.

b. "Fertilizer" and "soil conditioners" do not include fill dirt, top soil, wood chips, wood shavings, litter and hormone growth stimulants.

Note: The difference between fertilizers and hormone growth stimulants is that fertilizers nourish plants whereas hormone growth stimulants act upon the cellular structure.

5. 'Sprays, pesticides and fungicides.' "Sprays," "pesticides" and "fungicides" include disinfectant sprays, fly sprays and preparations used to destroy insects, mites, nematodes, slugs or other invertebrate animals injurious to plants and animals; chemicals used for crop disease, pest and weed control, including insecticides, rodenticides and pesticides used to sanitize and clean dairy

equipment. Products used to sanitize dairy equipment are exempt, if they are registered with the U.S. environmental protection agency, or "EPA," as pesticides, advertised and sold as pesticides, and each bottle, can or other container containing the pesticide has an EPA pesticide registration number on it.

6. 'Containers for fruits, vegetables, grain, hay, silage and animal wastes and plastic bags, plastic sleeves and plastic sheeting used to store or cover hay or silage.' a. "Containers for fruits, vegetables, grain, hay, silage and animal wastes and plastic bags, plastic sleeves and plastic sheeting used to store or cover hay or silage" includes any kind of personal property which is purchased exclusively for holding or storing fruit, vegetables, grains, hay, silage or animal wastes. The phrase includes feeders and feed carts if used to hold hay, silage or feed which contains grain.

b. A complete corn crib or grain bin may be purchased "knocked-down" in kit form and still qualify for this exemption. However, a person who contracts with a farmer to provide and install the bin permanently into real estate is a consumer of the bin, not its seller. The contractor, dealer or installer, not being a farmer, may not furnish an exemption certificate claiming a farming exemption on the bin's purchase. Being the consumer, not a seller, the contractor shall pay the sales tax to the supplier or report the use tax or sales tax pursuant to s. Tax 11.14 (2) (c) on the purchase price directly to the department. A farmer who utilizes the exemption certificate on the purchase of a grain bin or corn crib normally built on a slab or otherwise affixed to real estate may purchase the crib or bin separately and do any necessary installation work.

c. Farmers may purchase animal waste containers or the component parts of animal waste containers without tax, by issuing their supplier a properly completed "single purchase" exemption certificate.

d. Silos are not included in the exemption. The purchaser of materials used in building a silo shall pay the sales tax to the purchaser's supplier. A silo unloader may be purchased by a farmer as an exempt machine.

e. Milk cans are not covered by the farming exemption, but may be purchased without tax under the general exemption for shipping materials if they are used to transfer milk to the purchaser's customers.

7. 'Semen.' Semen used for artificial insemination of livestock is exempt.

Note: Section 77.54 (30) (a) 3., Stats., exempts electricity sold for use in farming, including agriculture, dairy farming, floriculture and horticulture during the months of November through April. Section 77.54 (30) (a) 5., Stats., exempts fuel sold for use in farming, including agriculture, dairy farming, floriculture and horticulture.

(5) SERVICES FURNISHED TO FARMERS. (a) The repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection or maintenance of tangible personal property which farmers may purchase without tax under s. 77.54 (3) and (3m), Stats., are also exempt from the sales and use tax under s. 77.52 (2) (a) 10., Stats. Thus, farmers may claim an exemption on the repair services for their tractors and other farm machines, but not on their furnaces, office machines or electric drills. Similarly, they may claim an exemption when having draft horses or horses used exclusively in farming for breeding or to check on or herd livestock shod, but not when having horses ridden for pleasure shod.

(b) Fees for breeding farm livestock or farm work stock and charges for artificial insemination of farm livestock or farm work stock and medical and hospitalization services furnished by veterinarians are not taxable.

(c) The exemptions under s. 77.54 (3), Stats., do not apply to farmers' purchases of other services which are taxable under s. 77.52 (2) (a), Stats., including telephone, laundry, dry cleaning, photographic services and breeding or artificial insemination of animals other than farm livestock or farm work stock.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

(6) SERVICES PROVIDED BY FARMERS. (a) *Nontaxable services.* The following services performed by farmers are not subject to the sales tax:

1. 'Custom work.' The performance of custom farm services by one farmer for another farmer, such as harvesting hay or grain.
2. 'Training animals.' The training of horses, dogs or other animals.

(b) *Taxable services.* The following services performed by farmers are taxable:

1. 'Boarding animals.' The boarding of dogs, cats, horses used for racing, pleasure riding or show or other recreational animals. The entire boarding charge is taxable, but the retailer may purchase the feed for the animals without tax by supplying a properly completed exemption certificate claiming an exemption for resale.
2. 'Grooming animals.' The grooming of recreational animals.

(7) TAXABLE SALES. Sales of tangible personal property by farmers which are taxable include:

(a) Gamebirds sold to persons, regardless of whether the birds are used as food for human consumption, if the primary reason for the purchase of the gamebirds is for hunting.

(b) Horses for use in racing, pleasure riding or show.

(c) Llamas for use as pack animals, pets or to herd sheep.

(d) Flowers, Christmas trees and other decorative trees, plants or shrubs.

(e) Timber or gravel when the purchaser acquires this property for removal.

Note: Section Tax 11.12 interprets ss. 77.52 (2) (a) 10. and 77.54 (3), (3m), (27), (30), (33) and (34), Stats.

Note: The interpretations in s. Tax 11.12 are effective under the general sales and use tax law on and after September 1, 1969, except: (a) Semen became exempt effective July 22, 1971, pursuant to Chapter 64, Laws of 1971; (b) Baling wire and twine became exempt effective December 24, 1975, pursuant to Chapter 146, Laws of 1975; (c) The exemption for electricity for residential use and use in farming and for fuel oil, propane, coal, steam or wood for residential use became effective July 1, 1979, pursuant to Chapter 1, Laws of 1979; (d) The definition of "feed lot" became effective December 1, 1981; (e) Farm livestock medicine, milk house supplies and animal bedding became exempt effective July 1, 1986, pursuant to 1985 Wis. Act 29; (f) The definition of "exclusively used" became effective October 1, 1989, pursuant to 1989 Wis. Act 31; (g) The farm machinery exemption was revised effective October 1, 1989, pursuant to 1989 Wis. Act 31; and (h) The exemption for farm fuel for items other than machines became effective October 1, 1991, pursuant to 1991 Wis. Act 39.

History: Cr. Register, March, 1978, No. 267, eff. 4-1-78; am. (2) (intro.), (4) (a) 1., (4) (b) (intro.) and (5) (c), renum. (2) (a) to be (2) (a) 1. and am., cr. (2) (a) 2., Register, November, 1981, No. 311, eff. 12-1-81; am. (2) (a) 1., (4) (b) 5., 6. c. and 9., Register, June, 1983, No. 330, eff. 7-1-83; am. (4) (a) 1., 3. and 5., and (5) (c), cr. (5) (d), Register, September, 1984, No. 345, eff. 10-1-84; am. (4) (a) (intro.) and 7., (4) (b) 6. b., Register, July, 1987, No. 379, eff. 8-1-87; am. (2) (a) 1. and (4) (b) 7., cr. (7), Register, November, 1988, No. 395, eff. 12-1-88; renum. (2) (a) to (d) and (4) (b) 7. and 8. to be (2) (c), (g), (f), (b), (h) and (e), cr. (2) (a), and (d) and (i), am. (4) (b) (intro.) and 3. b., Register, June, 1990, No. 414, eff. 7-1-90; cr. (2) (b), (4) (a) 2., 4. c. and d. and 5. a., am. (1), (4) (a) (intro.), (4) (b) 3. a., 4. b. and 6. b. and d., renum. (2) (b) to be (2) (c), renum. (2) (c) 1. and 2. to be (2) (d) and (g) and am. (g), renum. (2) (d) to (g) to be (2) (e), (f), (h) and (i) and am. (f), renum. (2) (h) and (i) to be (2) (j) and (k), renum. (4) (a) 2. to be 3., and am., renum. (4) (a) 3. and 4. a. and b. to be (4) (a) 4. and 5. b. and c., and am. 4. a. and b. and 5. b. and c., renum. (4) (a) 5., 6., and 7. to be (4) (a) 6., 7. and 8. and am. 7. b. and 8., Register, June, 1991, No. 426, eff. 7-1-91; am. (2) (d), (e), (i) and (3), (4) (a) (intro.), 3., 5. c., 6., 7. c., (b) (intro.), 4. a., 5. and 6. c., renum. (4) (b) 9. to be (4) (b) 7., r. (5) (d), Register, April, 1993, No. 448, eff. 5-1-93; am. (1), (3), (4) (a) (intro.), 7. c. and (b) (intro.), 1. and 6. a., b. c., and e., (5), (6) (b) 1. and (7) (b), r. (4) (a) 5. c., renum. (2) (d), (e) and (f) to be (2) (f), (d) and (e) and am. (e) and (f), Register, May, 1999, No. 521, eff. 6-1-99.

Tax 11.13 Direct pay. (1) DEFINITIONS. In this section:

(a) "Continuous" use of a direct pay permit means that the purchase without tax applies to the purchase being made from the retailer and subsequent purchases from that retailer and is considered a part of each order given to the retailer. The continuous use of the direct pay permit remains in force until the continuous use is voided by the direct pay permit holder.

(b) "Single purchase" use of a direct pay permit means that the purchase without tax applies only to the purchase being made from a retailer for which the direct pay permit is given.

(2) GENERAL. (a) The holder of a direct pay permit may purchase tangible personal property and taxable services, except those in sub. (6) (a) and (b), from a retailer without paying Wisconsin sales or use tax to the retailer.

(b) The direct pay permit holder shall report Wisconsin use tax on the sales price of tangible personal property or taxable services purchased from a retailer without tax using a direct pay permit if the property or service is subject to Wisconsin sales or use tax. The tax shall be reported on the direct pay permit holder's Wisconsin sales tax return for the period in which the taxable storage, use or consumption first occurs in Wisconsin.

Note: Sales price, for purposes of this paragraph, has the meaning specified in s. 77.51 (15), Stats.

(3) ISSUANCE. (a) The department shall issue a direct pay permit to those applicants who meet the qualifications set forth in s. 77.52 (17m) (b), Stats.

Note: The issuance of direct pay permits is effective for taxable years beginning on or after January 1, 1995.

(b) Persons who wish to obtain a direct pay permit shall apply to the department using the form prescribed by the department. A \$5 fee is required upon application.

Note: Application for direct pay is made using form S-101, application for direct pay permit. Form S-101 is available by writing or calling Wisconsin Department of Revenue, P.O. Box 8902, Madison, WI 53708-8902, telephone (608) 266-2776.

(c) A direct pay permit shall be effective for purchases made beginning on the first day of the applicant's taxable year, for Wisconsin franchise or income tax purposes, after the permit is issued.

Example: A person's taxable year begins July 1 for Wisconsin franchise or income tax purposes. The person files an application for a direct pay permit with the department on January 1, 1995. The person is issued a direct pay permit which is effective for purchases made on or after July 1, 1995.

(4) REVOCATION OR CANCELLATION. (a) A direct pay permit issued by the department may be used indefinitely until it is revoked by the department or cancelled by the holder.

(b) A permit may be cancelled by the holder by mailing the permit to the department for cancellation. A letter shall be enclosed with the permit, indicating the holder's intention to cancel the permit.

Note: The permit to be cancelled and letter should be mailed to Wisconsin Department of Revenue, P.O. Box 8902, Madison, WI 53708-8902.

(c) The cancellation of a direct pay permit shall become effective immediately following the last day of the holder's taxable year in which the permit is received by the department.

(5) USING DIRECT PAY. (a) *Documentation.* A direct pay permit holder shall provide one of the following to a retailer when purchasing without paying tax to the retailer using a direct pay permit:

1. A copy of its direct pay permit. The direct pay permit holder shall also provide to the retailer a written statement as to whether the direct pay permit is for a single purchase or is continuous.

2. A written document containing all of the following:

- a. The name and address of the direct pay permit holder.
- b. A statement that the direct pay permit holder is purchasing without Wisconsin sales or use tax using a direct pay permit.
- c. The direct pay permit holder's direct pay permit number.
- d. The effective date of the direct pay permit.
- e. A statement as to whether the use of the direct pay permit is for a single purchase or is continuous.
- f. The signature of the direct pay permit holder.

(b) *Continuous use.* 1. If a direct pay permit holder indicates in writing to a retailer that the use of the direct pay permit is continuous, that purchase and all subsequent purchases from the retailer, except those in sub. (6) (a) and (b), shall be made without paying Wisconsin sales or use tax to the retailer using the direct pay permit, unless the continuous use is voided by the direct pay permit holder. The direct pay permit holder may void the continuous use of its direct pay permit by furnishing the retailer a letter indicating that continuous use no longer applies.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

2. If the use of a direct pay permit is continuous, it is necessary for the direct pay permit holder to provide the documentation in par. (a) to a retailer only at the time the direct pay permit holder begins making purchases without paying tax to that retailer using the direct pay permit, rather than at the time of each purchase.

3. While the use of a direct pay permit is continuous, all purchases from a retailer, except those in sub. (6) (a) and (b), shall be made using the direct pay permit even though a resale certificate, manufacturer's exemption certificate, certificate of exemption or other exemption requiring different documentation may apply.

Example: On July 1, 1995, Company A begins using its direct pay permit when purchasing tangible personal property from Company B. Company A provides a written statement to Company B that the use of its direct pay permit will be continuous. All purchases of tangible personal property or taxable services, except those described in sub. (6) (a) and (b), by Company A from Company B on or after July 1, 1995, while continuous use is in effect, must be made without paying sales or use tax to the retailer using the direct pay permit. While continuous use of a direct pay permit is in effect, a resale certificate, manufacturer's exemption certificate, or certificate of exemption should not be used when purchasing without paying tax to a retailer.

(c) *Single purchase.* If a direct pay permit holder uses its direct pay permit for a single purchase, any subsequent purchase by the direct pay permit holder from that retailer is subject to Wisconsin sales or use tax unless the direct pay permit holder provides the information in par. (a) for that purchase or that purchase is otherwise exempt from tax.

(d) *Retailer records.* The retailer shall keep the information provided by the direct pay permit holder under par. (a) on file as authorization for the direct pay permit holder to make purchases without paying tax to the retailer.

(6) SERVICES AND PROPERTY NOT ELIGIBLE FOR DIRECT PAY. (a) *Services.* A direct pay permit holder shall pay Wisconsin sales or use tax to a retailer on the retailer's sales of services to the direct pay permit holder under the following Wisconsin statutes:

1. Section 77.52 (2) (a) 1., Stats., relating to furnishing rooms or lodging.
2. Section 77.52 (2) (a) 2., Stats., relating to admissions to amusement, athletic, entertainment or recreational events, devices or facilities.
3. Section 77.52 (2) (a) 5., Stats., relating to telecommunications services.
4. Section 77.52 (2) (a) 9., Stats., relating to parking.
5. Section 77.52 (2) (a) 12., Stats., relating to cable television system services.
6. Section 77.52 (2) (a) 20., Stats., relating to landscaping services.

(b) *Property.* A direct pay permit holder shall pay Wisconsin sales or use tax to a retailer on the retailer's sale, lease or rental to the direct pay permit holder of the following tangible personal property:

1. Tangible personal property transferred to a purchaser in connection with the sale of landscaping services subject to tax under s. 77.52 (2) (a) 20., Stats.
2. Motor vehicles, boats, snowmobiles, mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft.
3. Food, food products and beverages described in s. 77.54 (20) (b), Stats.
4. Meals, food, food products and beverages subject to tax under s. 77.54 (20) (c), Stats.

(c) *Exemptions.* Although not eligible to be purchased without paying Wisconsin sales or use tax to a retailer using a direct pay permit, the taxable services and tangible personal property described in pars. (a) and (b) may be purchased without Wisconsin sales or use tax if a resale, farming, manufacturing or other exemption applies. Documentation is required to purchase without tax, as provided in s. Tax 11.14.

(7) RETAILER'S LIABILITY - PERMIT REVOKED OR CANCELLED. A retailer is not liable for sales or use tax on gross receipts from the sale of tangible personal property or taxable services, except those

described in sub. (6) (a) and (b), to a person who has provided the retailer with the appropriate information under sub. (5) (a), until the earlier of the following:

(a) The date the retailer is notified by the direct pay permit holder or the department that the holder's direct pay permit has been revoked by the department. A direct pay permit is considered revoked on the date the holder receives the department's notice of revocation.

(b) The last day of the direct pay permit holder's taxable year in which the retailer is notified by the holder or the department that the holder's direct pay permit is being cancelled by the holder as provided in sub. (4) (b).

Note: Section Tax 11.13 interprets s. 77.52 (17m), Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

Tax 11.14 Exemption certificates. (1) STATUTES. The sales tax status of exemption certificates is contained in s. 77.52 (13) to (17), Stats., and the use tax status of exemption certificates is contained in s. 77.53 (10) to (13), Stats.

(2) GENERAL. (a) Exemption certificates are signed by purchasers or lessees and are given to sellers or lessors to verify that a transaction is exempt. Sellers and lessors shall exclude from taxable gross receipts transactions for which they have accepted a valid exemption certificate in good faith from a purchaser. The department has provided retailers with the following 2 sales and use tax exemption certificates:

1. Wisconsin sales and use tax exemption certificate, form S-211. This is a multipurpose form which may be used for any sales and use tax exemption provided by law, except as provided in sub. (14). For direct pay, form S-211 may be used as the document described in s. Tax 11.13 (5) (a) 2. if all of the required information is included on the form S-211.

2. Construction contract entered into before the effective date of county/stadium tax, form S-207CT-1. This is a certificate which may be used by a contractor to purchase building materials without a county or stadium tax under the circumstances described in sub. (13).

(b) Use of an exemption certificate designed by the department is not required by law. A person may use a substitute exemption certificate if it contains all the essential information relating to the transaction and if it is in a form approved by the department. The law requires that the certificate be signed by and bear the name and address of the purchaser and that it indicate the general character of the property or service being purchased and the basis of the claimed exemption.

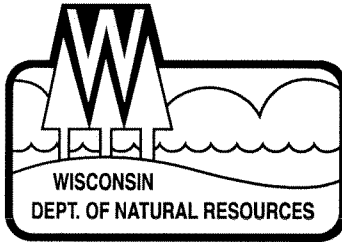
(c) If a purchaser certifies in writing by using an exemption certificate that the property purchased will be used for activities or under circumstances which make the purchase of the property exempt from the sales tax or for resale, and the property is subsequently used in a manner that makes the property ineligible for exemption from tax, the purchaser shall pay the sales tax.

(3) EFFECT OF OBTAINING CERTIFICATE. (a) A seller is relieved of liability for the tax if the seller takes from the purchaser a valid, written exemption certificate which certifies that the purchaser will use the property or service in a manner or for a purpose entitling the seller to accept the certificate in good faith.

(b) To be valid, an exemption certificate shall upon its face disclose a proper basis for exemption. The use of phrases such as "nontaxable," "exempt" or similar terminology do not provide a proper basis for an exemption. A certificate shall be properly executed and dated and shall contain all the necessary information. A certificate claiming an exemption not provided by law is not valid.

Note: All retailers should be familiar with the instructions contained in an exemption certificate.

(c) If a certificate is valid, a seller or lessor who accepts the certificate in good faith is relieved of any liability for collection or payment of tax upon transactions covered by the certificate. For good faith to be shown, the certificate may contain no statement



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

November 25, 2002

Senator Judy Robson, Co-Chair
Joint Committee for the Review of Administrative Rules
Room 15 South
State Capitol
Madison, WI 53707

Representative Glenn Grothman, Co-Chair
Joint Committee for the Review of Administrative Rules
Room 15 North
State Capitol
Madison, WI 53708

Dear Senator *Judy* Robson and Representative *Glenn* Grothman:

Thank you for your November 8, 2002 letter detailing the work by the JCRAR at its November 7, 2002 meeting. I am writing to respond to Motion #2 relating to the control and management of Chronic Wasting Disease. The Committee asked the Department to modify its emergency rule to prohibit the removal of a deer carcass from a CWD eradication zone.

I have consulted with DNR staff attorneys on this motion and it is our belief that the Department would require additional statutory authority in order to regulate the movement of deer carcass out of the CWD eradication zone. The Department will be seeking a Legislative Sponsor for this legislation during the 2003-2005 Legislative Session. Please be assured, however, that the Department is doing all that it can to encourage hunters to voluntarily manage the movement of deer carcass during this fall's hunting season.

I appreciate your hard work on the issue of Chronic Wasting Disease. Please contact Elizabeth Kluesner, DNR Legislative Liaison, if you have additional questions about DNR's legislative proposals relating to deer carcass movement.

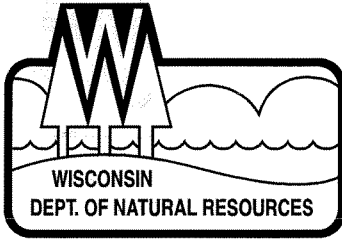
Sincerely,

Darrell
Darrell Bazzell
Secretary

cc. Carol Turner - LS/5
Tim Andryk - LS/5

Emergency Rule NR 10 and 45

Relating to the control and management of chronic wasting disease. The Department of Natural Resources has requested an extension to this rule. This rule expires November 30th



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

October 24, 2002

Honorable Judy Robson, Chair
Joint Committee for Review of Administrative Rules
15 South
State Capitol

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

Re: Emergency Rule Extension for WM-32-02(E)

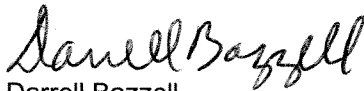
Dear Chairs:

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 Order No. WM-32-02(E). This emergency order pertaining to chronic wasting disease took effect on July 3, 2002 and is to expire on November 30, 2002.

The extension of the emergency rule is needed so that the hunting regulations will remain the same throughout the hunting season. The Department will propose a permanent rule following the close of this hunting season.

A copy of the emergency order is attached. If you have any questions, please contact Kurt Thiede of the Bureau of Wildlife Management at 267-2452.

Sincerely,


Darrell Bazzell
Secretary

Attach.

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

**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 the 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. Zone "M"		
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) Deer bow season		
1. Statewide except as established under s. NR 10.01(3)(em)2., and 3. , and <u>(et)3.</u>	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>		
1.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.	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.
	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 .	
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.	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.
	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 .	

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.	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.
	Firearm hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	
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.	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.
	Firearm hunt beginning on the day immediately following the hunt described above and continuing through December 15.	
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
-----------------------------	-----------------------------------	-------

(ev) *Special youth antlerless deer hunt event.*

Persons 12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt antlerless deer with a gun on the Saturday nearest October 24 in deer management units, except state park units 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
-----------------------------	-----------------------------------	-------

(ez) *Special deer herd control hunt.*

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. NR10.01(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.

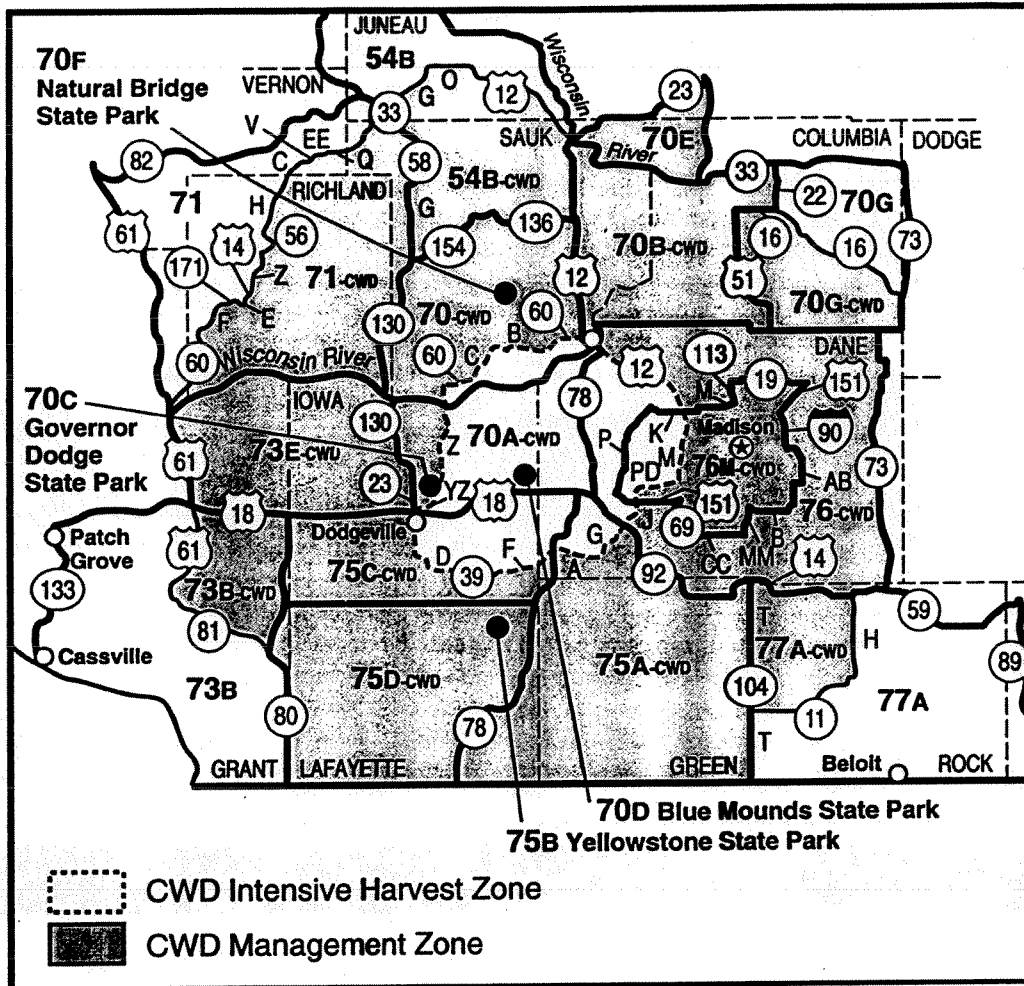
Section 28. NR 10.27(9) and (10) are created to read.

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 or 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)

Understanding Chronic Wasting Disease in Wisconsin



The first step to disease control



Rocky Mountain Elk Foundation
2291 West Broadway
Missoula, MT 59808
1-800-CALL ELK



Est. 1982

Whitetails Unlimited
National Headquarters
PO Box 720
Sturgeon Bay, WI 54235
1-800-274-5471
www.whitetailsunlimited.com

Natural Resources Board

Trygve A. Solberg
James E. Tiefenthaler, Jr.
Gerald M. O'Brien
Herbert F. Behnke
Howard D. Poulson
Catherine L. Stepp
Stephen D. Willett

Wisconsin Department of Natural Resources

Darrell Bazzell, Secretary
Francis Fennessy, Deputy Secretary
Barbara Zellmer, Executive Assistant

Acknowledgments

Wisconsin Department of Health and Family Services
Wisconsin Department of Agriculture, Trade and Consumer Protection
Wisconsin Department of Natural Resources Staff
University of Wisconsin, Department of Wildlife Ecology
University of Wisconsin-Extension
Part of the Printing cost was generously paid for by Whitetails Unlimited

This publication was produced by the Department of Natural Resources with assistance from Interagency CWD Taskforce to assist hunters and landowners in Wisconsin's Chronic Wasting Disease Management Zone better understand chronic wasting disease and its management.

Author: Jennifer Pelej
Designer: Jeanne Gomoll

This publication is available in braille, audio cassette, large print or computer format upon request. To order, call 608-266-8204.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to: Equal Opportunity Office, U.S. Department of the Interior, Washington, D.C. 20240

Table of Contents

Background information..... 2

Health concerns..... 4

 Human Health..... 4

 Livestock Health 5

Hunting, the need to continue a tradition 6

 Field dressing/processing guidelines 8

The Management Plan for Chronic Wasting Disease 10

 The Action Plan 10

 Special Measures..... 11

Contacts..... 13



Chronic Wasting Disease: Background information



Chronic wasting disease (CWD) is a nervous system disease of deer and elk. It belongs to the family of diseases known as transmissible spongiform encephalopathies (TSE's) or prion diseases. Though it shares certain features with other TSE's like bovine spongiform encephalopathy (BSE) or scrapie in sheep, it is a distinct disease apparently only affecting members of the cervid or deer family.

In 1967, the symptoms of a clinical "wasting" syndrome in deer were discovered in a northern Colorado wildlife research facility. Mule deer were the first to display the chronic weight loss and behavior changes characteristic of the disease. It wasn't until 1978 that researchers classified this strange disease as a transmissible spongiform encephalopathy and named it chronic wasting disease.

Chronic wasting disease was detected in free-ranging deer and elk in northern Colorado and adjacent sections of southeast Wyoming in the mid-1980s. By May 2001, more cases of CWD were found in southwestern Nebraska, adjacent to Colorado and Wyoming.

As a precautionary action, Wisconsin wildlife biologists began testing wild deer for CWD in 1999. In the third year of testing, Wisconsin discovered its first confirmed cases of CWD. On February 28, 2002, officials received the news from the National Veterinary Services Lab in Ames, Iowa, that samples from the 2001 deer harvest were positive for the disease. The three deer testing positive for CWD were harvested in deer management unit 70A, in eastern Iowa and western Dane counties.

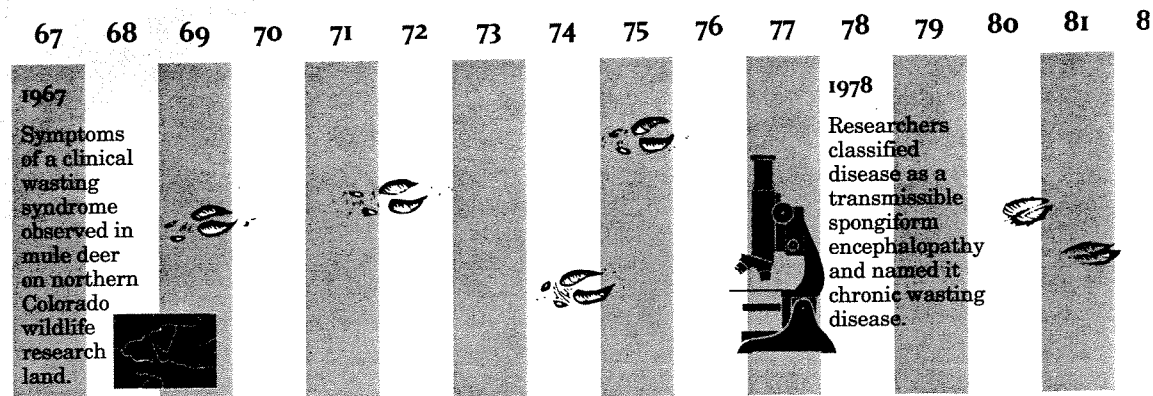
The Department of Natural Resources, working with landowners and the Departments of Agriculture, Trade and Consumer Protection and Health and Family Services, initiated intensive sampling in the area to define the extent and severity of CWD. A 450-square mile surveillance zone was established, roughly centered where the original three CWD positive deer were harvested. Over 500 deer were sampled from the surveillance zone. Fifteen additional cases of CWD were confirmed. As of May 30, 2002, a total of 18 Wisconsin deer have tested positive for CWD. The DNR will continue to collect samples from this area throughout its disease eradication process.

Deer & Elk Farms

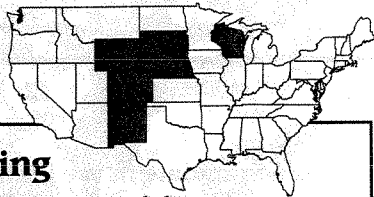
Wisconsin has 275 registered elk farms and 572 white-tailed deer farms. There have been no confirmed cases of CWD from Wisconsin farmed herds.

Chronic wasting disease has been found on game farms in other states. The first case of CWD in a farmed herd of elk was confirmed in South Dakota during 1997. Since then, farms in Nebraska, Colorado, Oklahoma, Montana and the Canadian provinces, Saskatchewan and Alberta, have been added to the list. Infected herds are slaughtered or quarantined, and tested. If no further evidence of CWD is detected over five years, the quarantine is lifted.

Chronic Wasting Disease Timeline



States with confirmed CWD in wild herds



Learning from our Neighbors

The health of Wisconsin wildlife has been monitored since the 1970s, according to Department of Natural Resources wildlife veterinarian Julie Langenberg. The DNR's Wildlife Health Team performs hundreds of necropsies (the animal version of an autopsy) each year on a wide variety of species to determine causes of death and to watch for outbreaks of significant diseases.

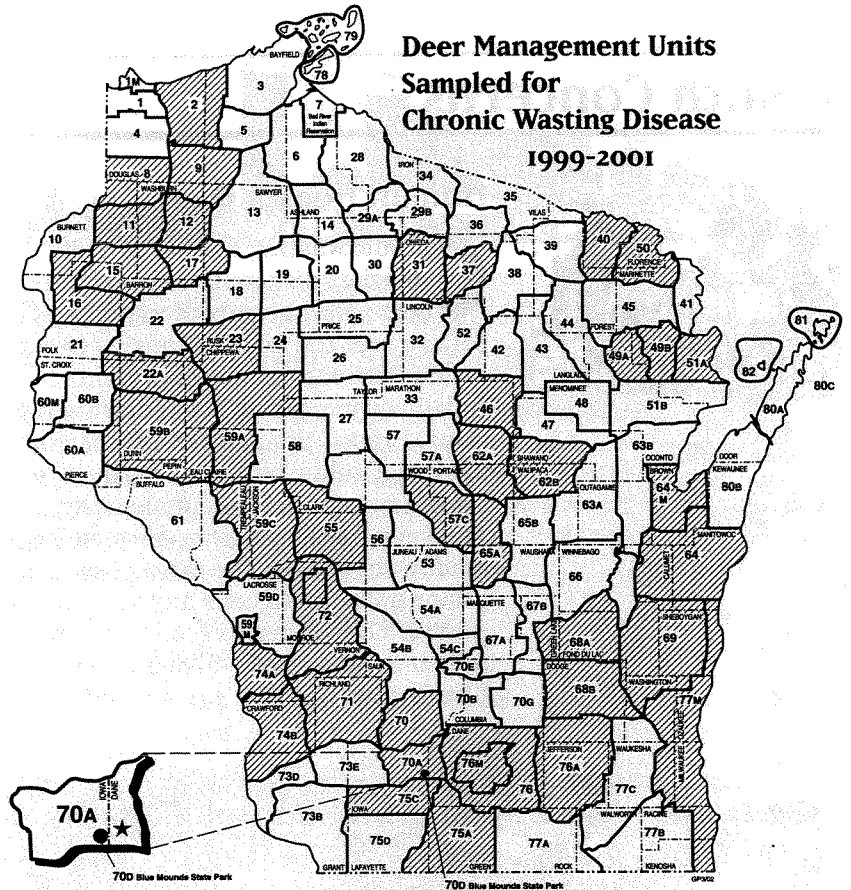
This work is done to safeguard wildlife, livestock and human health.

The presence of CWD in Colorado and other states put Wisconsin on alert for CWD. Since 1999, the Wisconsin Department of Natural Resources has routinely screened the state's deer herd for CWD. Routine testing can lead to early detection of population diseases, as it did in detecting CWD.

In three years, the DNR has tested over 1000 free-ranging white-tailed deer. Sampling during the 2001 season consisted of 345 deer from around the state, harvested by hunters. Out of that total, 82 were tested from the Mt. Horeb area. From the Mt. Horeb area sample, three deer tested positive for CWD. All three deer were bucks, ranging from 2½ to 3 years old. **Results from all other deer throughout the state came back negative for CWD.**

Annual statewide testing will continue and sample collection areas will be added. The DNR will solicit hunter assistance in statewide testing procedures by asking that the heads be donated from harvested deer.

Deer Management Units Sampled for Chronic Wasting Disease 1999-2001



Department of Natural Resources Wildlife Health biologists collected tissue samples for Chronic Wasting Disease from deer in these deer management units over the past three deer hunting seasons. No positive tests were recorded in 1999 and 2000.

★ Three positive tests were recorded in samples collected from deer registered in Unit 70A in 2001.

To Learn More About CWD

The Department of Natural Resources offers a chronic wasting disease Web site, www.dnr.state.wi.us, with recent news releases, maps and links to Wisconsin's Interagency CWD Taskforce Web sites. The Web site also links to additional CWD information from other states and CWD researchers.

83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03

mid-1980s

First discovery of chronic wasting disease in free-ranging deer and elk in northern Colorado and adjacent sections of southern Wyoming.

1997

The first case of CWD in a farmed herd of elk confirmed in South Dakota

1999

WDNR begins routine CWD testing of deer statewide

February 28, 2002

Wisconsin officials received confirmation from the National Veterinary Services Lab in Ames, Iowa, that three deer samples from the 2001 deer harvest proved positive for CWD.

Health Concerns



Human Health

Chronic wasting disease is a neurological disease found in elk and deer (cervids) only. Researchers believe that the disease-causing agent is an infectious abnormal protein, called a prion, which is smaller than a virus. Prions (pronounced PREE-ons) attracted public attention during the bovine spongiform encephalopathy, or “mad cow,” epidemic that affected England in the 1980s. The disease-causing prions enter brain cells and apparently convert normal prions found within the cells into abnormally-folded prions just like themselves. The abnormally-folded






prions accumulate in the brain, causing death of brain cells and the development of microscopic holes. Pathologists describe these holes as “spongy change,” which has led to naming this group of diseases “spongiform” brain diseases. It is believed that CWD is transmitted through deer to deer contact. There is no scientific evidence that CWD is transmissible to other animals through consuming meat from an infected deer. In addition, there is absolutely no evidence that humans can contract the disease by simply being in the area of Wisconsin where the disease has been found.

CWD has not been linked to the human TSE (see sidebar), Creutzfeldt-Jakob Disease, in the way that cattle BSE, also called “mad cow disease”, has been in Europe. The prion that causes CWD accumulates in certain parts of infected animals including: the brain, eyes, spinal cord, lymph nodes, tonsils, and spleen. Health officials recommend that these parts not be eaten and also advise that no human or animal eat any part of a deer known to have CWD or displaying visible signs of CWD infection. Signs of CWD in animals include: weight loss, behavioral changes like isolation, blank facial expression, nervousness, excessive salivation, teeth grinding, increased drinking and frequent urination.


The transmissible spongiform encephalopathy (TSE) family of diseases

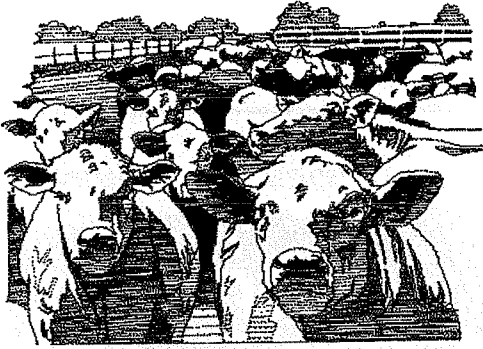
Diseases in this family have long incubation periods that ultimately result in destruction of brain function. It can take up to 15 months for physical symptoms to emerge. Physical symptoms may then last for weeks to months before death occurs. Diagnosis is based on clinical signs and confirmed by lab testing. There are no certified procedures available for testing live animals. Researchers believe the diseases are carried by prions, proteins which are smaller than viruses and alter the formation of brain tissue. Currently, there are no treatments or cures for the diseases.

Found in animals:

Chronic wasting disease	found in deer and elk.	
Scrapie (scray-pee)	identified in sheep for centuries.	
Transmissible mink encephalopathy	a disease found in mink.	
Bovine spongiform encephalopathy	also known as Mad Cow Disease.	
Feline spongiform encephalopathy	rare disease generally found in middle to old age cats, mostly confined to England.	

Found in humans:

Classic Creutzfeldt-Jakob Disease (Croyts-feld Yah-kob)	occurs naturally at a rate of one per one million people. Considered a hereditary disease.	
New variant Creutzfeldt-Jakob Disease	transmission linked to consumption of bovine spongiform encephalopathy-contaminated meat.	
Kuru, fatal familial insomnia and Gerstmann-Sträussler-Scheinker disease	examples of very obscure human TSEs	

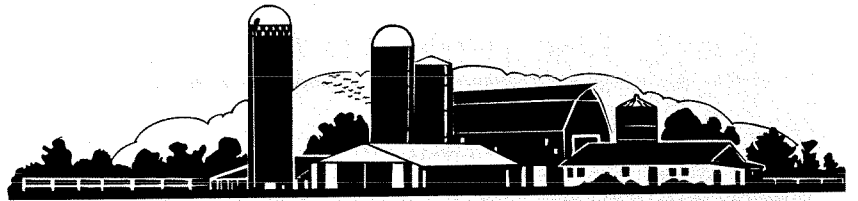


Livestock Health

Many agencies have been involved in researching the risk of chronic wasting disease transmission to livestock. One group of veterinarians from the University of Wyoming, the Colorado Division of Wildlife, and the Wyoming Game and Fish Department are currently studying the issue of chronic wasting disease and livestock.

In three separate experiments, the researchers placed cattle in pens with CWD-infected deer. In the five years this experiment has been underway, no cattle have contracted the disease. The cattle were even fed diseased brain tissue from infected deer. The only cattle that the researchers were able to infect with CWD had CWD-infected tissue injected directly into their brains. Even when injected directly into the brain, only three of 13 cattle came down with the disease. These results suggest that CWD is not naturally transmissible to livestock.

According to the United States Department of Agriculture, similar experiments were conducted by placing sheep and goats in close quarters with CWD-infected deer. To date there is no evidence of CWD transmission to these domestic herds. Scientific evidence also suggests there is no danger of CWD transmission to domestic herds of bison as well.



How bovine spongiform encephalopathy entered the human food chain

Between 1994 and 1996, 12 people in England came down with new variant Creutzfeldt-Jakob disease (nvCJD). All the victims had eaten beef products from cattle suspected of having bovine spongiform encephalopathy, commonly called "mad cow disease." Scientists in England reported that the prions from ten of the British patients were remarkably like those of the "mad cows" and not like those of people who died of "classic" Creutzfeldt-Jakob disease.



Scientists now speculate that the prions traveled through the food chain. It began in sheep, traveled to cattle, and then infected humans.



Scrapie, a spongiform encephalopathy disease of sheep, has been around over three hundred years. Scrapie, like chronic wasting disease and BSE, is centralized in the spinal column, brain, and other parts of animals that are not typically eaten by people. In the past, sheep meat and bone were ground together into "offal" and added to cattle feed as a protein supplement. Chances are scrapie-infected body parts were added to cattle feed in the areas of "mad cow" outbreak. According to the United States Department of Agriculture, changes in feed rendering operations allowed the TSE to survive the rendering process. The cattle ate this infected meal, and contracted the disease.

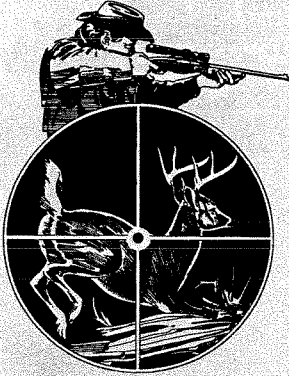


Experts speculate that humans were contracting nvCJD by ingesting contaminated beef products. "Mad cow disease" is known to accumulate in the brain and spinal column of infected cattle. When these parts are cut through in the butchering processes, CWD-infected central nervous system tissues can contaminate the meat. In certain cuts of beef where the meat stays on the bone, like T-bone steak, the likelihood of contamination is greater. Humans are putting themselves at greater risk for nvCJD when they eat contaminated meat. In many European countries, the sale of T-bone steak and other cuts was banned.

Health officials know that CWD accumulates in the brain, eyes, spinal cord, lymph nodes, tonsils, and spleen of infected deer. As a safeguard, humans and other animals are advised against eating these parts. It is also suggested that hunters bone out the meat from deer harvested in CWD infected areas.



Hunting, the need to continue a tradition



"The discovery of chronic wasting disease in the Wisconsin deer herd should not deter hunters from doing what they love, but rather solidify the notion in their minds that they are conservationists, doing what is necessary to sustain the future of the deer population and the welfare of Wisconsin resources."

—Department of Natural Resources Secretary, Darrell Buzzell

Tradition

Hunting has always been a part of Wisconsin's outdoor heritage. Originally an important means of putting food on the table, the modern deer hunt combines elements of food gathering, family tradition, recreation and wildlife management.

Population Control

Hunting is the wildlife manager's most important tool for managing the deer population. The white-tailed deer has adapted very well to our current landscape of agriculture, mixed forest and urban fringe development. As a result, deer populations have swelled. This has created abundant wildlife viewing opportunities and has made Wisconsin a top whitetail hunting state. It has also created problems for motorists, farmers, foresters and homeowners as deer attempt to cross roadways and graze on crops, tree seedlings and plantings.

Tourism

More than an in-state tradition, Wisconsin sees hunters from all 50 states in the fall when up to 700,000 hunters go to the woods and fields for the annual gun deer hunt. According to a DNR and University of Wisconsin survey, approximately 60 percent of hunters would miss hunting more than any other of their interests if they were unable to do it. Many have also said that there is no substitute for the experience of deer hunting.



Revenue

Hunting is also very important to the recreational economy of the state. In 1996, hunters spent \$897 million on supplies, lodging, and other associated costs. These expenditures support thousands of private sector jobs and wildlife programs like land acquisition and management, wildlife education, and research.

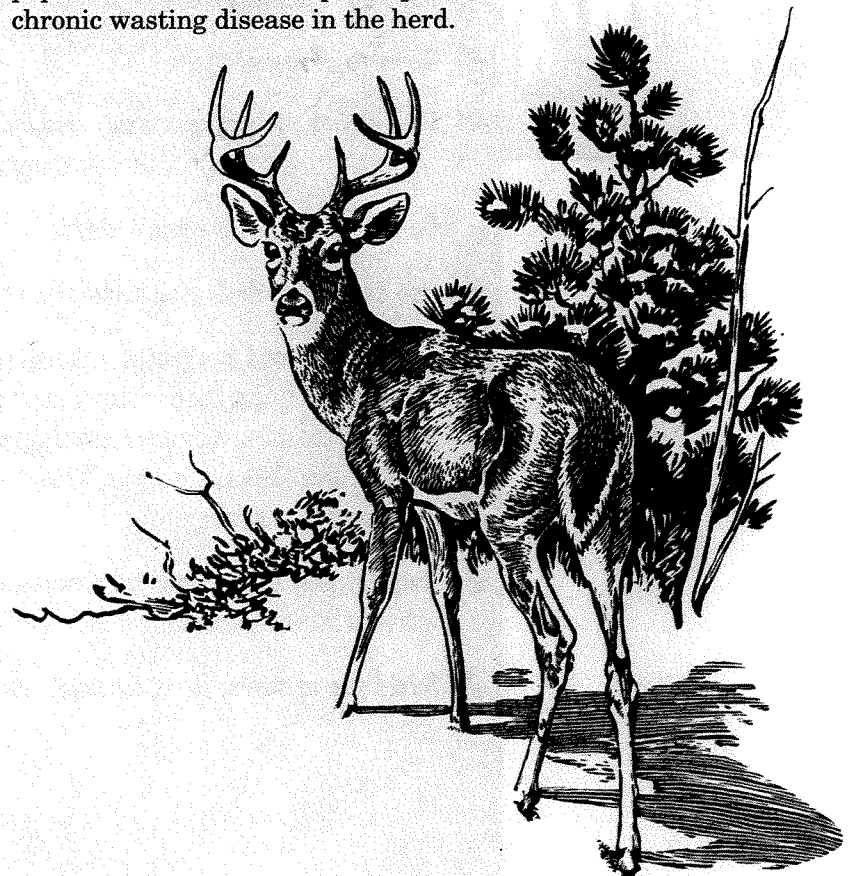
Maintaining balance

Every deer hunter plays a vital role in wildlife management. Hunter harvests help maintain a sustainable ecosystem by keeping deer populations in balance with land carrying capacity and social tolerance. Concerns associated with overpopulation due to decreased hunting include:

- ☞ **Agricultural damage:** According to the DNR's 1998 publication, *Wisconsin's Deer Management Program*, approximately 90 percent of wildlife crop damage in the state is a result of deer overpopulation. In 2001, claimed crop damage caused by wild life cost about \$1.8 million.
- ☞ **Increased deer-vehicle collisions:** In 2001, over 45,000 deer were killed statewide in collisions.
- ☞ **Forest damage:** Overgrazing by deer diminishes tree regeneration.
- ☞ **Damage to ornamental plants and landscaping.**
- ☞ **Airport runway safety issues.**
- ☞ **Decreased food supply and cover for other species:** As deer numbers increase, the plant species they prefer to eat decrease or disappear. This hurts other animals that depend on those plants and may lead to the proliferation of unwanted plant species.

Every three years, deer management unit (DMU) population goals are reviewed and set in a series of public meetings. The population goal for each management unit represents the number of deer that can be supported by the ecosystem and tolerated by residents. Across Wisconsin, over winter population goals range from 10 to 35 deer per square mile of deer range. Many DMUs currently exceed their goal.

This spring's aerial survey of deer management unit 70A, where CWD has been detected, showed 40 to 50 deer per square mile. This number does not include the expected crop of spring fawns. Experts warn that such overpopulation could lead to quick spread of chronic wasting disease in the herd.





Safe Handling

Chronic wasting disease has been known to occur in deer and elk in the USA for decades. In spite of ongoing surveillance for similar disease syndromes in humans, there has never been an instance of people contracting a transmissible spongiform encephalopathy (TSE) disease from butchering or eating venison. CWD has not been linked to the human TSE disease, Creutzfeldt-Jakob disease, in the way that "mad cow disease" has been in Europe. The prion that causes CWD accumulates in specific parts of infected animals—the brain, eyes, spinal cord, lymph nodes, tonsils and spleen. Therefore, these tissues should not be eaten from any deer. Health officials additionally advise that humans and other animals should not consume any part of an animal with visible signs or confirmed infection of CWD.

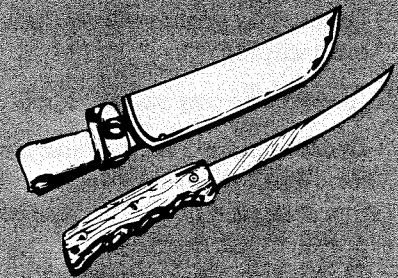
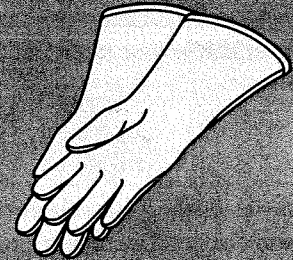
Experts suggest simple precautions that hunters field dressing animals and processors should take when handling deer in areas where CWD is found.

General Precautions

- ❖ Do not eat the eyes, brain, spinal cord, spleen, tonsils or lymph nodes of any deer.
- ❖ Do not eat any part of a deer that appears sick.
- ❖ If your deer is sampled for CWD testing, wait for test results before eating meat.

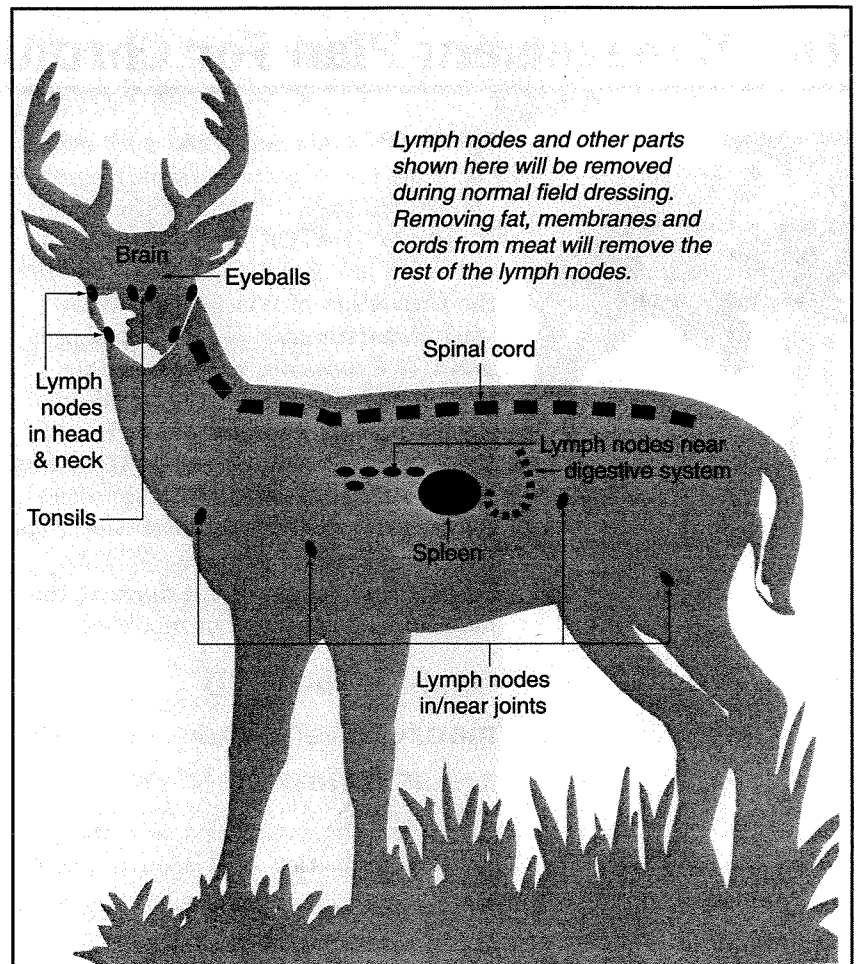
Hunters

- ❖ **Wear rubber or latex gloves** when field dressing carcasses.
- ❖ **Bone out the meat** from your animal.
- ❖ **Remove** all internal organs.
- ❖ **Minimize the handling** of brain, spinal cord, spleen and lymph nodes (lumps of tissue next to organs or in fat).
- ❖ **Do not use** household knives or utensils.
- ❖ **Use equipment dedicated** to field dressing only.
- ❖ **Clean knives and equipment** of residue and sanitize with household bleach. Use a solution of equal parts chlorine bleach and water. Wipe down countertops and let them dry. Soak items like knives one hour. When through, dilute the solution further and dump it down a drain.
- ❖ **Request that your animal be processed individually** and not combined with meat from other animals.
- ❖ **Avoid use of saws.** Do not cut through spine or skull.



Processors

- Process all deer from CWD management zone separately** at the end of the day.
- Wear rubber or latex gloves.**
- Minimize the handling** of brain or spinal tissue. If removing antlers, use a saw designated for that purpose only, and dispose of the blade.
- Dispose** of hide, brain and spinal cord, eyes, spleen, tonsils, lymph nodes, bones, and head by sealing in plastic bags and sending to legal disposal agent as designated by the Department of Agriculture, Trade and Consumer Protection.
- Bone out meat** from the deer and remove all fat and connective tissue. This will also remove lymph nodes.
- Do not cut through spinal column.** Avoid using a saw.
- Identify and store meat and trimmings from each deer separately.** Each hunter should get meat only from the animal he or she brought to you.
- Thoroughly clean and sanitize equipment and work areas with bleach** before using it for other processing. Use a solution of equal parts chlorine bleach and water. Wipe down countertops and let them dry. Soak items like knives one hour. When through, dilute the solution further and dump it down a drain.
- If you store meat until test results are available, work with owners to dispose of meat from animals that test positive for CWD.



The Management Plan For Chronic Wasting Disease



The DNR has partnered with staff from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), the Department of Health and Family Services (DFHS), the University of Wisconsin – Madison's Department of Wildlife Ecology and UW-Extension, with assistance from the United States Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS), and the Wisconsin Veterinary Diagnostic Laboratory (WVDL), to create an adaptive management plan for CWD. As more is learned about the disease, the plan may be extended or modified.

Goals of the CWD management plan are as follows:

1. Define the extent and severity of CWD infection in Wisconsin's deer.
2. Investigate possible origins of CWD infection in Wisconsin, with the objective of preventing possible repetition of events that led to the disease in Wisconsin.
3. Minimize the potential for the disease to spread beyond currently infected areas of the state.
4. Eradicate the disease in the currently affected area of the state.
5. Use the best scientific information available to achieve these objectives.
6. Provide timely, complete and accurate information about CWD and CWD management efforts to the public.

Action Plan

Sampling

The first phases of the plan consisted of intensive sampling. Area landowners and DNR and USDA marksmen provided 516 deer over the age of 18 months from the 450 square mile area surrounding the original CWD discovery site. The purpose was to determine the extent and severity of CWD infection. Additional samples were taken from car-killed deer, and from retrieval of sick and dead deer reported by the public. As of May 30, 2002, results from these tests confirmed 15 additional cases of CWD, bringing the total to 18 positive deer in the Mt. Horeb, Wisconsin, area. Intensive statewide sampling is planned for fall 2002.

Assessing origin and spread

Starting with the discovery of CWD on February 28, 2002, the Department of Agriculture, Trade and Consumer Protection and DNR's Law Enforcement and Wildlife Management staffs began investigating the possible origins of CWD in Wisconsin. Landowners, cervid farm owners, hunters, animal feed businesses and other members of the communities within the surveillance area were contacted. Annual reports from DNR licensed white-tailed deer farms were also reviewed. Though the origins of the disease will be fully investigated, it is unlikely that the source of CWD infection in Wisconsin will ever be identified. All information collected will be used to help prevent repetition of CWD-causing events in other locations.

Restricting Live Animal Importation

As a precautionary action, DATCP issued an emergency rule made effective in April that halts the importation of live deer and elk into Wisconsin unless they come from herds that have been under surveillance for CWD at least five years. This amounts to a temporary ban on imports since few or no herds anywhere in the United States have been under surveillance for that long.

Protecting Farm Herds

The Department of Agriculture, Trade and Consumer Protection previously had a voluntary pilot program to monitor chronic wasting disease on deer and elk farms. The program is now mandatory for deer and elk farmers who move live animals off their farms. Hobbyists or others who just enjoy the aesthetics of keeping deer on their property do not have to enroll in the monitoring program, but they cannot move any live animals off their property. If they take animals to slaughter or send any part of a carcass – even a set of antlers – off their property, that animal must be tested for CWD. The rule also requires that all deer killed on shooting preserves must be sampled before the hunter takes them off the preserve. The farm owners pay the veterinarian, shipping, and laboratory fees for all testing on their animals.

Like the DNR, DATCP began testing for CWD before it was suspected to be in Wisconsin. From October 1998 through May 2002, more than 450 samples had been submitted from farm-raised deer and elk in Wisconsin. All were negative. For more information about monitoring and testing farm-raised deer and elk, call 608-224-4872.

Preventing CWD on Wisconsin's deer and elk farms

The Department of Agriculture, Trade and Consumer Protection has issued an emergency rule aimed at preventing CWD on Wisconsin's deer and elk farms. The rule requires testing and imposes strict controls on animal movement.

Provisions include:

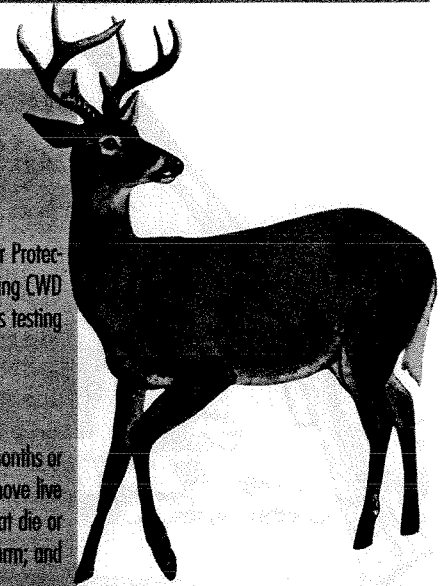
Mandatory testing—For all deer and elk 16 months or older that die or go to slaughter from farms that move live animals; for any deer or elk 16 months or older that die or are killed if any part of the carcass moves off the farm; and for all deer harvested on shooting preserves.

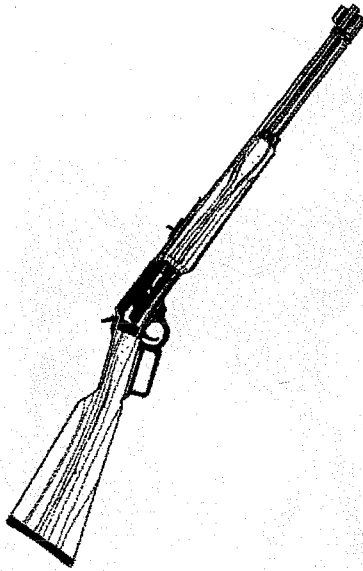
Imports from other states—Deer and elk will not be allowed into Wisconsin unless they come from herds that have not had any contact with animals from other herds for at least a year; that have had no signs of CWD for at least five years; and that have five-year herd records, including all causes of death, available to animal health officials.

In-state movement—Farms that move deer or elk off their premises must be enrolled in the herd monitoring program. This requires individual ID numbers for all animals; annual reports of all births, deaths, sales, and purchases; mandatory CWD testing of all animals 16 months of age or older that die or are slaughtered; and annual veterinary certification that there are no signs of CWD.

Quarantine and condemnation—If any animal tests positive for CWD, the herd will be quarantined and animals may be destroyed. In most cases, owners will be eligible for indemnity payments.

DATCP is developing a permanent CWD rule for deer and elk farms, which will replace the emergency rule.





Special Measures to Collect/Kill Deer in the Eradication Zone

Permits

During the summer of 2002, willing landowners in the current eradication zone in western Dane, eastern Iowa, and a small part of Sauk Counties, will be issued scientific collector permits to shoot deer on their property.

Interested landowners can volunteer to help by contacting DNR at 608-935-1945.

Collection periods are taking place one week per month in June, July, August and September. **The collection periods are: June 8-14, July 13-19, Aug. 10-16, and Sept. 7-13.** Permits are good through September 13, 2002.

Having a seven-day collection period followed by several weeks of no shooting allows deer to resume normal patterns and gives residents and outdoor recreationists a sense of normalcy and security knowing when shooting will take place.

Permit holders and their agents do not need a deer-hunting license, but they must meet the legal age and safety requirements for obtaining a Wisconsin deer hunting license. The Natural Resources Board recently approved an extended hunting season for the Management Zone along the periphery of the Eradication Zone. This special extended season will begin October 24, 2002. Hunters will need licenses in order to participate in the special extended hunting seasons.

Rifle use will be allowed in Dane County, but it is the landowner's choice.



Disposal

Protecting human, animal and environmental health are the primary considerations in the selection of deer carcass disposal methods. Wisconsin's public health officials emphasize that there is no recorded case of a human developing a TSE disease as a result of eating or contacting CWD-infected deer. Similarly, there is no evidence suggesting CWD is transmissible to livestock. This does not mean there is a guarantee of absolute safety from CWD. Officials from several state agencies are carefully reviewing all disposal options to determine which methods will best contain or destroy CWD and minimize the exposure to humans and other animals. Efficiency, transportation and volume handling ability also enter into the equation. Methods of carcass disposal under consideration include: engineered sanitary landfills, incineration, chemical digestion and rendering, or combinations of the above. Disposal methods used and locations may change throughout the CWD management process.



Testing

At this time diagnosis of CWD requires an immunohistochemical (IHC) stain test of tissue from an animal's brain stem. Other diagnostic tests are in development that may lead to earlier detection and more rapid results, but it may be some time before these new tests are available. There is great public interest in having a means to test hunter-harvested deer. At the time of this publication, Wisconsin does not have in-state CWD testing ability of any kind. The National Veterinary Services Laboratory in Ames, Iowa, has provided CWD testing services supporting Wisconsin's CWD surveillance program since 1999 and during additional sampling in spring and summer of 2002. However, testing is limited by lab capacity. The legislature and Governor recently directed \$900,000 to development of in-state CWD testing capacity. More funding may come from a request for federal help. This amount will provide enough capacity to handle necessary testing for research and disease management but is not intended to meet demand for testing hunter-harvested deer. In fall, 2002 the DNR plans to sample 500 deer from each county in the state. This number of tests will provide a statistically reliable answer to the question, "Is there CWD in the county I hunt in?" Some counties with lower expected harvests will be lumped to collect the 500-deer samples.

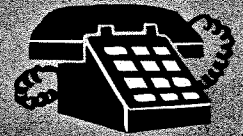


What should I do if I observe or harvest a deer that I suspect might have CWD?

Call the local DNR office or the DNR Wildlife Health Team (608-267-6751, 608-221-5375) right away. The DNR will make every effort to collect samples from the possibly affected deer for CWD testing.

Wisconsin State Agency Contacts

**Department of Agriculture, Trade,
and Consumer Protection**
608-224-5130



**Office of Outreach and Policy/Animal Health
and Safety Issues**
<http://datp.state.wi.us> keyword: chronic wasting disease

Department of Health and Family Services
608-267-7321
<http://www.dhfs.state.wi.us/healthtips/BCD/creutzfeldt.htm>

Department of Natural Resources
608-266-8204



Bureau of Wildlife Management
<http://www.dnr.state.wi.us/org/land/wildlife/whealth/issues/CWD/>