

Joint Committee for Review of Administrative Rules

Office of Sen. Joseph Leibham
Office of Rep. Glenn Grothman
Phone 608-266-2056
Phone 608-264-8486

- **CR 03-017**

Report to the Legislature **Clearinghouse Rule CR 03-017** **The Joint Committee for Review of Administrative Rules**

Produced pursuant to s. 227.19(6), Stats.

Clearinghouse Rule 03-017, submitted by the Department of Natural Resources (DNR), is a proposed rule regarding the regulation of baiting and feeding to control and manage Chronic Wasting Disease (CWD). This rule was authorized by 2001 Wisconsin Act 108, which laid out the state's plan for the management and elimination of CWD from the deer herd.

Description of the Problem

On July 9, 2003 the Assembly Committee on Natural Resources and on July 10, 2003 the Senate Committee on Environment and Natural Resources met in executive session and voted to object to CR 03-017 in its entirety. The objected rule would have enacted a ban on the baiting and feeding of wild animals that for entire State of Wisconsin.

Because of the committee's action, JCRAR was required to concur or non-concur in the standing committee's partial objection.

Arguments in Favor of Objection

- *Baiting is an effective tool to reduce the deer herd*
- *CR 03-017 would ban baiting and feeding of wild animals statewide, in an effort to control CWD. To date, no case of CWD has been found in the northern half of the state.*
- *The proposed rule would potentially hurt many tourism related businesses, specifically in northern Wisconsin. These businesses rely on hunters who travel north for deer season. Many hunters who use bait while in the woods may choose to forego hunting this season, costing earning potential in the north, and the DNR, which gains revenue from the sale of deer licenses.*
- *By banning feeding statewide, many citizens would be denied the opportunity of viewing wildlife. The use of feed greatly increases the opportunity to see animals in the wild.*

Arguments Against Objection

- *The Department of Natural Resources (DNR) believes that current scientific evidence shows that CWD is spread through nose-to-nose contact between deer. Baiting and feeding create opportunities for deer to congregate, thus increasing the potential for nose-to-nose contact, and the possible spread of CWD.*
- *There are still many unknowns when it comes to Chronic Wasting Disease, and other similarly transmitted diseases, like Bovine Tuberculosis (TB). One of these unknowns is how these diseases could devastate the deer herd, and potentially Wisconsin's livestock. Significant numbers of infected deer and cattle would*

negatively affect the state's economy. The permanent rule would be another tool for the DNR to use for further study and prevention of CWD.

- *Some hunters argue that hunting with the use of bait takes away from the "ethics" of the sport. Some say that the true traditions of hunting involve the study of the natural movement of deer, and using bait disturbs this natural process.*

Action by Joint Committee for Review of Administrative Rules

The committee held a public hearing and executive session on August 19, 2003 and passed a motion requesting the DNR to modify their rule. The motion stated that if the DNR did not modify the rule, the rule would be objected to, concurrent with the standing committee's action. On August 29, 2003, the DNR stated that they would not accept the modification request. As a result of the DNR's rejection to the request, pursuant to 227.19(4)(d)5 and 6 and (5) Stats., JCRAR concurred with the standing committee's objection to Clearinghouse Rule 03-017. On September 16, 2003 the Joint Committee voted 6-4 to introduce LRB 3202/1 and 3235/1, which would allow a person to feed deer in an area north of State Highway 54, other than in a CWD eradication, herd reduction, management, or intensive harvest zone, if the feed is no more than 2 gallons per day within 50 yards of an owner-occupied residence. The bills would also allow the baiting of deer, outside of a CWD eradication, herd reduction, management, or intensive harvest zone, for hunting purposes during open deer season. The allowed amount of material used for baiting is limited to two gallons daily at no more than two sites on a 40-acre parcel.