

☞ **05hr_SC-NRT_CRule_05-086_pt03**



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and Transportation...

COMMITTEE NOTICES ...

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

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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



JUDY KRAWCZYK

STATE REPRESENTATIVE • 88TH ASSEMBLY DISTRICT

MEMO TO: SENATE COMMITTEE ON NATURAL RESOURCES AND
TRANSPORTATION
SEN. NEAL KEDZIE-CHAIR

FROM: REP. JUDY KRAWCZYK

DATE: FEBRUARY 15, 2006

RE: SENATE BILL 469

Thank you for the opportunity to submit written testimony in support of Senate Bill 469 relating to the conveyance of certain submerged lands to Brown County. I would also like to thank Sen. Kedzie for his timely hearing on this legislation.

This legislation is needed to allow the planned "Cat Island Restoration Project" to move forward. In 1988, the Lower Green Bay/Fox River Remedial Action Plan Workgroup recommended restoring the Cat Island Chain, in the lower Bay of Green Bay, to its approximate configuration prior to being washed out in the 1970's.

Wildlife habitat loss on the Bay of Green Bay is a critical factor in the health of the Lower Bay ecosystem. The Cat Island Chain historically protected a large expanse of shallow Bay waters and wetlands that served as fish and wildlife habitat. A restored Cat Island Chain will provide habitat for shorebirds, waterfowl, colonial nesting birds, amphibians and reptiles. Areas of submerged and emergent vegetation will be protected from destructive wave action and important plants will take root.

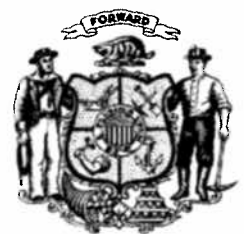
This legislation is before us today because the State of Wisconsin must approve a Lakebed Grant to Brown County in order for this project to move forward. This project has received input from the U.S. Fish & Wildlife Service, the U.S. Corps of Engineers, the University of Wisconsin Sea Grant Institute, the Department of Natural Resources, and Brown County.

I would also like to specifically thank Mark Patronsky from the Legislative Council for his excellent work in drafting this legislation.

Again, thank you for the opportunity to provide testimony to you on this important piece of legislation.



WISCONSIN STATE LEGISLATURE



Scott Gunderson



STATE REPRESENTATIVE • 83RD DISTRICT

February 16, 2006

Senator Neal Kedzie
313 South, State Capitol
Madison, WI 53708

Dear Senator Kedzie,

I am writing to inform you that on February 16, 2006 the Assembly Natural Resources Committee, pursuant to s. 227.19 (4) (d) 6, Stats., objected to a portion of Clearinghouse Rule 05-086.

MOVED that the Assembly Committee on Natural Resources takes the following actions with respect to Clearinghouse Rule 05-086, relating to deer hunting season and permit issuance regulation changes:

- 1) Rescinds the motion requesting the Department of Natural Resources to consider modifications to the rule that the committee adopted on February 8, 2006; and
- 2) Objects to the following parts of the rule, (as shown in the modified version of the rule received by the committee on February 1, 2006) pursuant to s. 227.19 (4) (d) 6., Stats., on the grounds that these portions of the proposed rule are arbitrary and capricious, and impose an undue hardship.
 - “, that meet the criteria established in par. (ed) 2” in proposed s. NR 10.01 (3) (e) 1. d., in the left-hand column that lists the kind of animal and locality.
 - “second” in proposed s. NR 10.01 (3) (e) 1. d., in the middle column that lists open seasons.

This motion was adopted on a vote of Ayes, 11; Noes, 0; Absent, 4 (Steinbrink, Van Akkeren, M. Williams, Petrowski).

Sincerely,

Representative Scott Gunderson
83rd District
Wisconsin State Assembly

State Capitol:

P.O. Box 8952
Madison, WI 53708
(608) 266-3363

Toll-Free:
(888) 534-0083

Fax:
(608) 282-3683

E-Mail:
Rep.Gunderson@
legis.state.wi.us

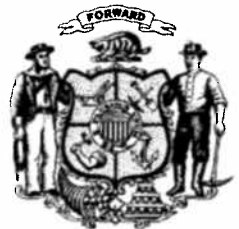
83rd District:

P.O. Box 7
Waterford, WI
53185

(262) 895-6254



WISCONSIN STATE LEGISLATURE





State Senator
Neal J. Kedzie

11th Senate District

February 16, 2006

State Representative Scott Gunderson
Chair, Assembly Natural Resources Committee
Room 7-West, State Capitol
Madison, WI

Dear Representative Gunderson,

This letter, pursuant to s.227.19(4)(b)5 Wis. Stats., is to inform you that on February 15, 2006 the Senate Natural Resources and Transportation Committee unanimously voted to approve the following motion relating to Clearinghouse Rule 05-086:

- Rescinds the motion requesting the Department of Natural Resources to consider modifications to the rule that the committee adopted on February 8, 2006; and
- Objects to the following parts of the rule, (as shown in the modified version of the rule received by the committee on February 1, 2006) pursuant to s. 227.19 (4) (d) 6., Stats., on the grounds that these portions of the proposed rule are arbitrary and capricious, and impose an undue hardship.
 - “, that meet the criteria established in par. (ed) 2” in proposed s. NR 10.01 (3) (e) 1. d., in the left-hand column that lists the kind of animal and locality.
 - “second” in proposed s. NR 10.01 (3) (e) 1. d., in the middle column that lists open seasons.

By this action, the review period of CR 05-086 for the Assembly Natural Resources committee immediately ceases and no further action on the proposed rule may be taken, with the exception of its own objection to rule provided under s. 227.19(4)(d) Wis. Stats.

Thank you for your attention to this matter.

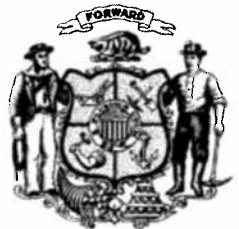
Sincerely,

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

NJK: dj



WISCONSIN STATE LEGISLATURE



no date

Keith Warnke and Steve Oestrick both gave excellent, factual testimony on why this proposal must be passed as presented.

All stakeholder groups were involved in developing this proposal.

The proposal passed the stakeholder committee, went through the public hearing process, passed the DNR board unanimously, It should also pass this joint committee as presented.

The December antlerless hunt statewide is a vital component of this proposal. This proposal is vital to the successful management of the Wisconsin deer herd. Hunters, the ones needed to manage the deer herd, want this statewide Dec. hunt. I am a hunter, landowner and farmer. A snowmobile trail crosses my farm.

I need the deer herd managed,
I don't need snowmobiles across
my land.

The December hunt does not
close the snowmobile season, and
more than December bowhunting,
rabbit hunting, coyote hunting,
bobcat hunting or other outdoor
activities.

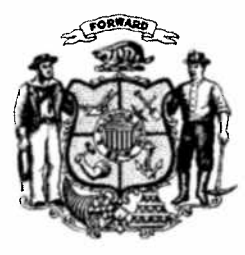
If I understand the proposal
correctly, the December hunt would
only actually take place in herd
control units.

This proposal gives us a simple,
statewide, easily understandable
deer season that will help control
the herd.

The September youth hunt is great,
Please pass this proposal as presented.

Thank you,

Dan Brockman



no date

SENATOR NEAL KEDZIE

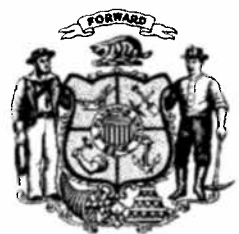
PLEASE SUPPORT THE DNR PROPOSAL
FOR 2006-07 DEER SEASON TO
ELIMINATE THE 4 DAY OCT. T ZONE &
ADD A DEC. T ZONE.

THANK YOU

ROD BROST
4834 W. 5 MILE RD
CALEDONIA WI
53108



WISCONSIN STATE LEGISLATURE



no date

Kaleb & Helen Case
N 5500 River Rd
Marinette, Wis 54143
18 Jan '06

Sen Neal Kedzie
PO Box 7882
Madison, Wis. 53767

Dear Senator Kedzie,

I am both a hunter & snowmobiler -
Our family has four machines -

I would favor the December
T-Zone hunt.

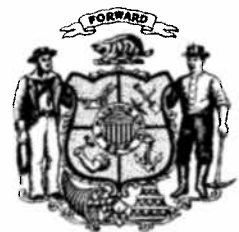
Earlier December would be better
than later December -

Yours Truly
Kaleb & Helen Case

715/735-3103

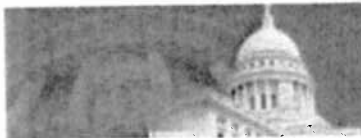


WISCONSIN STATE LEGISLATURE

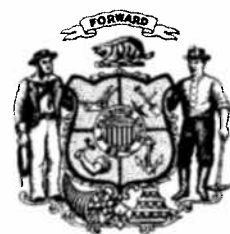


no date

Good morning, My name is Joe Caputo. I am the current Conservation Congress Big Game Study Committee Co Chair. When I took over as Big Game chair two plus years ago I had in mind a direction for the committee that not only based it's decisions on the spring hearing vote but also on the input from all interested stake holders. This process has been taken further by our D.N.R.'s involvement in finding ways to incorporate the needs of the hunting community and still adequately manage our states deer herd. Consensus is hard to find in the deer world because opinions on what should be done to manage our deer vary between each group but this rule package before you dose exactly that. While The D.N.R. serves as the states manager of our deer herd the task ultimately becomes the responsibility of the hunters to keep our deer herd in check. When you task hunters with this job they need two things , a season structure they can work inside of and the access to property to harvest deer from. At this time I see both access and season structure potentially put at risk because of a special interest groups view that hunters should not be in the woods in December. This happened to hunters in 2001 when the deer 2000 package was shot down in the 11th hour by the snowmobile groups. It becomes interesting to me that a package such as this that has passed muster with a state wide vote , scrutiny from our D.N.R. and a vast array of stake holders can potentially be set aside by one group because of the dispute over 4 days in the woods. It is the Congress Big Game Committees position that if this happens to hunters again we will have no other choice but to ask land owners state wide to restrict snowmobile access on there property . If hunters should be restricted than it should also be prudent to restrict all user groups. Many of the trails especially in northern Wisconsin pass through private property and with these restrictions to those lands the snowmobile groups can share in the frustration of not having access to the lands needed to enjoy their sport. I urge the committee to vote in favor of the rule before you . Give this package time to work . Give hunters the opportunity to do there job. Let the season structure demonstrate it will be safe and that it will aid in our states deer management. Thank you.



WISCONSIN STATE LEGISLATURE



no date

Dear Sen. Neal Kedzie,

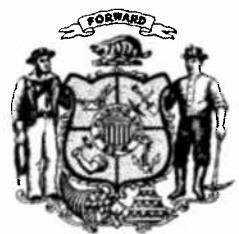
I'm a member of the Wisconsin Bowhunters Association and I oppose the 4-day October gun T-zone hunt. I support the 4-day December gun T-zone hunt to control deer numbers.



Joseph R. Gerrits
107 Olde School Rd.
Neenah, Wi 54956



WISCONSIN STATE LEGISLATURE



no date

I'm Rich Kirchmeyer I'm on the Ex Council of the Con. Congress and Chrm of the Bear Comm.

I live in Price Co. am a land owner that has little over 3/4 of a mile of snowmobile trail on my property and have hunted while trails were open South of Hwy 8 where my land is located

I've had no problem with snowmobilers using my property for the past 20 plus years

But at this point and time if the snowdilers think they should be able to tell me what and when I can do something on my property things may change. Especially now days with the prices of land and \$800-\$1000 a year per 40 acres in property taxes.

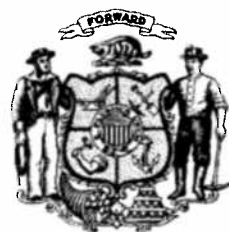
The local proprietors dont support this hunt because they may loose some income. Maybe at this point and time the businesses that make so much money off of the snowmobile industry should maybe pay private landowners for the use of their lands

I support the proposed hunt and hope every body gives it a chance to happen and work

Question # 11
Dec Hunt N. 8
Hwy 8
4759 Yes
2630 NO
county
62 Yes
9 No



WISCONSIN STATE LEGISLATURE



Robert & Arlene Wood
133 N Ohio Ave
Mishawaka WI 53907

Mr. Hedgie,
Please note to eliminate
the 4-day October gun zone hunt.

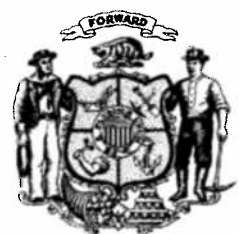
Thank you,
Robert Wood

12 year member Wis. Bowhunters Ass.
Property owner, family man,
Voter, etc.

no date



WISCONSIN STATE LEGISLATURE



Antlerless Deer Carcass Tag

Valid only in the following unit(s):

Herd Control & EAB

See Deer Management Unit map in Deer Regulations Book

Slit Month/Date/Time (AM/PM) of kill and attach to Ear (or Antler)

KARI LEE-ZIMMERMANN
WI CUST # 507-123-456 **2006**
TRAN #123456789
Expires: March 31, 2007

Antlerless Deer Carcass Tag

Valid only in the following unit(s):

32

See Deer Management Unit map in Deer Regulations Book

Slit Month/Date/Time (AM/PM) of kill and attach to Ear (or Antler)

KARI LEE-ZIMMERMANN
WI CUST # 507-123-456 **2006**
TRAN #123456789
Expires: March 31, 2007

Archery Antlerless Deer Carcass Tag

Valid only in the following unit(s):

ANY UNIT STATEWIDE

See Deer Management Unit map in Deer Regulations Book

Slit Month/Date/Time (AM/PM) of kill and attach to Ear (or Antler)

KARI LEE-ZIMMERMANN
WI CUST # 507-123-456 **2006**
TRAN #123456789
Expires: March 31, 2007

Archery Buck Deer Carcass Tag

Valid only in the following unit(s):

ANY UNIT STATEWIDE

See Deer Management Unit map in Deer Regulations Book

Slit Month/Date/Time (AM/PM) of kill and attach to Ear (or Antler)

KARI LEE-ZIMMERMANN
WI CUST # 507-123-456 **2006**
TRAN #123456789
Expires: March 31, 2007

Gun Buck Deer Carcass Tag

Valid only in the following unit(s):

ANY UNIT STATEWIDE

See Deer Management Unit map in Deer Regulations Book

Slit Month/Date/Time (AM/PM) of kill and attach to Ear (or Antler)

KARI LEE-ZIMMERMANN
WI CUST # 507-123-456 **2006**
TRAN #123456789
Expires: March 31, 2007

Where **specifically** the tag is valid written as bold and large as possible (must be the same size on all tags).

What to do with tag/ where to put it (must be same on all tags).

Customer name and DNR ID number, other information can be obtained through the ID number. (Transaction number is needed for CS&L).

What the tag is valid for (in the largest font possible and bolded). Tag is only valid for what is written here.

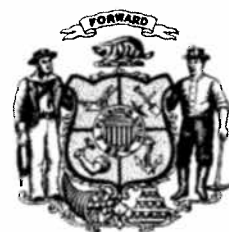
Encourage hunters to **read the regulations** for information.

Hunting season the tag is valid for, large and bold, and the date the tags are valid through.

Month/ date/ time sequence has not changed.



WISCONSIN STATE LEGISLATURE



Assoc. of WI Snowmobile Clubs

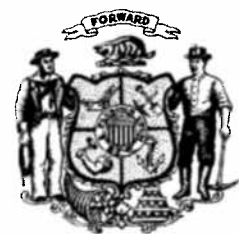
WM-29-05/CR-05-086

NUMBERS

Percentage of Overall Harvest from October T-Zone	15.4%
Percentage of Overall Harvest from December T-Zone	4.0%
Public Hearings: Registered Support for WM-29-05	100
Public Hearings: Registered Opposition to WM-29-05	197
Public Hearings: Letters in Support of WM-29-05	9
Public Hearings: Letters in Opposition to WM-29-05	96
Correspondence: Comments in Support of December hunt	4
Correspondence: Comments Opposing December hunt north of Hwy.8	161
Number of T-Zone Units Participating in 2005 October hunt	45
Number of T-Zone Units North of Hwy. 8	6



WISCONSIN STATE LEGISLATURE

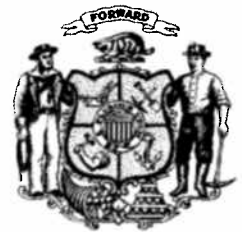


CR 05-086 POTENTIAL MODIFICATIONS

1. Delete the 4-day December hunt and replace with the following:
 - a. **North of Highway 8:** A 4-day season beginning the first Thursday following the Thanksgiving holiday.
 - b. **South of Highway 8:** A 4-day season beginning the second Thursday following the Thanksgiving holiday
2. Move the 2 day youth gun hunt from September to the second weekend in October.



WISCONSIN STATE LEGISLATURE



Options for Executive Action on Deer Hunt rule – CR 05-086

1. **Do nothing.** Allow the 10 day review period to expire on February 15, 2006.
 - a. This option leaves it to the Assembly NR committee to potentially ask for more modifications and assuming the DNR again won't go along with it, the Assembly would object to the rule. Then, the hunting groups would be upset with the Assembly and not the Senate.

2. **Waive jurisdiction on February 8, 2006.** This would essentially be the same as Option 1, except that it would be moved up sooner. The Assembly would probably still ask for modifications, not get them, and then again the Assembly would object to the rule and catch the heat from the hunting groups.

Would agree w/ DNR, NRB Proposal

3. **Ask for modifications to the rule.** I would advise only asking for the following:

- a. Delete the 4-day December antlerless gun hunt and replace with the following:

- i. **North of Highway 8:** A 4-day antlerless gun hunt beginning the first Thursday following the Thanksgiving holiday → Moves up 1 week sooner
- ii. **South of Highway 8:** A 4-day antlerless gun hunt beginning the second Thursday following the Thanksgiving holiday

every unit N. of Hwy 8 (w/o 2 yr. sunset)

- b. The DNR has already agreed to move up the youth hunt and has rejected the 2 year sunset provision requested by the snowmobilers. They have also rejected the request to end the bow hunt season on a different day, which quite frankly was not that big of a deal. So essentially, we make one final request for the "P" zone.

- c. More than likely, the DNR will again reject this request and we would then object to the rule. As the Assembly would also be making a similar request, and be rejected, they too would probably object to the rule. Then both committees would suffer the wrath of the hunting groups under this option.

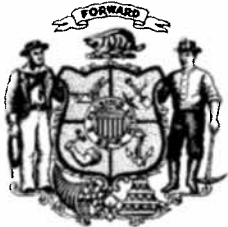
4. **Object to the rule on February 8, 2006.** If this is done, then the Assembly would not be able to ask for any modifications to the rule. Gundy (and Gard) is looking for cover before an outright objection is made, which is the reason why they will ask for the same modifications from the DNR. But if the Senate objects first, they can't make that request, which in a sense gives them the cover they need. But, if the Senate objects without the Assembly concurring on that objection, then the Senate committee will catch all the heat from the hunting groups.

My advice at this point in time is to either do Option 1 or Option 3.

Dan



WISCONSIN STATE LEGISLATURE



Clearinghouse Rule 05-086

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

The Wisconsin Natural Resources Board proposes an order to repeal ss. NR 10.01(3)(e)1.b. and 4., (es)2., 10.104(8)(a), (b), and (c), (10)(a) and (b); renumber and amend ss. NR 10.01(3)(e)1.e., 5. and 6., (es)3., 10.104(8)(d) and (e); amend ss. NR 10.001(3t), 10.01(3)(e)1.(intro.), 1.a., (em), (em)3., (es)a., (ev), 10.104 (8) intro., (10)(intro.), (11)(intro.), 10.105(2), 10.40(3)(f) and 45.09(4); to repeal and recreate s. NR 10.01(3)(e)1.c., 2., 3., (em)2., and 10.104(7); and to create ss. NR 10.01(3)(ed), (ef), (em)4., 10.104(8)(a) note, and 10.28(4) relating to deer hunting season and permit issuance regulation changes.

WM-29-05

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize the promulgation of this rule order include § 29.014, 29.089(3), and 29.177(3m), Stats. These sections grant rule making authority to the department to establish seasons, regulations and bag limits for hunting that ensure the citizens of the state continued opportunities for quality hunting. Additionally, these statutes provide authority for the department to manage state owned properties and issue special antlerless deer permits. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule § 29.014, 29.024(6), 29.089(3), 29.173(3), 29.177, 29.181, and 29.559, Stats., have been interpreted as providing the department with the authority to allow the department to establish deer hunting regulations as well as deer license and deer carcass tag issuance regulations.

Related Statute or Rule: There are no rules or statutes currently under promulgation that relate to the provisions that are proposed in the administrative rule order.

Plain Language Rule Analysis: This rule order reflects my attempt to incorporate the following recommendations:

1. There will be a 2-day youth either sex gun hunt in September (opening 7 days after the bow season opens). A mentor will be required to accompany a youth (only the youth will be allowed to carry a gun) and the youth hunter will be required to place their regular buck deer carcass tag on an antlered buck (only one buck per youth hunter). Youth hunters would be allowed to harvest as many antlerless deer as they have valid tags for.
2. The late archery season will close the Sunday nearest January 6th. This change will ensure that the late bow season will be open during the New Year's holiday every year.
3. There will be a statewide 4-day antlerless gun hunt beginning on the 2nd Thursday following the Thanksgiving holiday. The hunt will be open in all units to anyone with a valid antlerless deer permit.
4. In herd control units (currently Zone-T and EAB units) antlerless tags will be unrestricted. The first antlerless tag is free with the purchase of a gun and archery license. Additional tags will be available for a minimal handling fee (\$2 unless purchased on-line or over the phone in which case the standard processing fee (\$3) will be applied in addition to the \$2).
5. River Block Units would be treated the same as the rest of the state in season dates and tagging options.
6. The archery license would come with two tags valid statewide: one valid for one antlered deer only and the other valid for antlerless only. This change will retain the either sex hunt option for archery while simplifying tagging options. There will be only two types of tags: buck and antlerless. There will be no more either sex tags – except for two very limited exceptions.
7. The Hunter's Choice program would be replaced by the sale of antlerless tags valid in limited quota (regular) units as additional deer. Antlerless permits would be sold first come, first serve for \$12 each (\$20 for non-residents). Tags would be available on August 1st, one per hunter per day.
8. There would be no October 4-day antlerless only hunt outside CWD zones in 2006 and 2007. (In the event that the average antlerless:antlered harvest ratio in herd control units statewide is below 1.4 in 2006, the rule may immediately sunset.) In the event that inadequate herd control is realized as a result of this trial, the 4-day October antlerless deer gun hunt would return in 2008. The start date would be the Thursday nearest October 15 and it would occur in DMUs where a regular season of buck plus quota will not bring the population to within 20% of the over-winter goal.

9. The Earn-A-Buck season structure would be an available tool (in 2006 and 2007) for recommendation to the Natural Resources Board based on the criteria currently used (EAB pre-qualification will be implemented).
10. A first come-first served system to sell bonus tags as the deer hunting access permission on state parks open to hunting.
11. None of these proposed changes apply to the CWD Zones or season structures.

Detailed Section Analysis:

Section 1. Clarifies that the \$12 and \$20 bonus deer hunting permits identified in statute only pertain to the permits which are purchased. This allow us to give away permits in "herd control units" and are not bound by various statutory requirements associated with "bonus deer hunting permits".

Section 2. Eliminates references to "Zones A – M" as we no longer utilize these zones in our deer herd management or season structure. It will also help to relieve confusion now that we are referring to "deer management regions" later on in this rule.

Section 3. Creates a 4-day December shotgun only antlerless deer hunt.

Section 4. Eliminates the Mississippi River Block and special regulations for DMU 82.

Section 5. Creates a 4-day December firearm antlerless deer hunt.

Section 6. Creates the 4-day October antlerless deer hunt in those units that do not meet the performance measures (antlerless/antlered harvest ratio and population) established in Section 8.

Section 7. Creates our "herd control" permit issuance procedures and criteria and sunsets our current Zone T and EAB authority. This section also includes an alternative EAB season authority in units that meet specific criteria.

Section 8. Establish our performance measures for the 2006 and 2007 deer seasons. It is this section that would trigger the October hunt that we create in Section 6.

Section 9. Recreates the State Park gun deer hunt subd. It clarifies and consolidates some seasons and by including a new introductory clause, along with Section 15 (archery State Park Seasons), eliminates the need for s. NR 10.27. Which reduces the number of cross-references for State Park Deer hunting seasons. Additionally, this section clarifies that a permit is required to enter state parks, but that permit is no longer a Hunter's Choice permit.

Section 10. Creates a Federal Property deer gun season section.

Section 11. Renames "Zone E" and "Zone M" and eliminates references to Hunter's Choice and adds 4-day statewide December antlerless deer hunt to the Metro gun deer season.

Section 12. Extends the Archery season through the Sunday nearest January 6th, and eliminates references to Hunter's Choice.

Section 13. Similar to Section 10, this section creates a Federal Property deer bow season section.

Section 14. Removes the reference to Hunter's Choice in the Metro bow seasons subdivision.

Section 15. Creates a State Park archery deer season section and along with Section 9., eliminates the need for s. NR 10.27. Now all of the state park deer seasons (gun, muzzleloader and bow) are in the season tables. Additionally, this section clarifies that a permit is required to enter state parks, but that permit is no longer a Hunter's Choice permit.

Section 16. Eliminates the reference to Hunter's Choice in the Muzzleloader deer season section.

Section 17. Eliminates the MRB muzzleloader season.

Section 18. Amends the Loew Lake muzzleloader season subd. No hunter's choice and a permit is required.

Section 19. Creates a two-day either-sex youth deer hunt in September.

Section 20. Creates a description of the gun deer and archery deer carcass tags.

Section 21. Repeals all references and code language associated with issuing Hunter's Choice and Bonus permits through a drawing.

Sections 22, 23, 24 and 25. Creates new antlerless permit issuance guidelines. It allows us to issue all antlerless permits first-come, first-serve over the counter.

Section 26. Clarifies the bag limit and license requirements for use of antlerless deer permits.

Section 27. Updates EAB transportation guidelines to include the EAB season proposed under the herd control season structure established earlier in the rule.

Section 28. Repeals the state park deer hunting section.

Section 29. Establishes deer management regions as referenced in our performance measures established in Section 8.

Section 30. Eliminates a reference to Hunter's Choice permits under the disabled hunt section.

Section 31. Updates the cross-reference to NR 10 where state park deer seasons are established.

Federal Regulatory Analysis: Provided state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of Federal statutes and regulations, regulation of hunting and trapping of native species has been delegated to state fish and wildlife agencies. None of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis: Minnesota has deer seasons that run from early to mid-November, with a muzzleloader season that runs from the end of November to mid-December. There is a two-day youth deer hunt in northwest Minnesota. Gun and archery licenses are purchased separately. Minnesota only issues one tag with each license, with additional tags available for purchase. There is a lottery for these tags in "lottery deer permit areas".

Michigan has a firearm season that runs from mid-November to the end of November, an archery season that runs from October to January, and a nine-day muzzleloader season in December. There is also a two-day youth hunt in September. Like Wisconsin, hunters purchase either a firearm or archery deer license. A regular license allows the harvest of a buck and an antlerless license allows the harvest of an antlerless deer. An antlerless license may be applied for (for a fee) and a drawing is held to determine successful applicants who then may purchase an Antlerless License.

Illinois has multiple short gun seasons that falls between late November to mid-January. The archery season runs from the beginning of October to mid-January. There is also a two-day Youth Firearm Deer Season in October. Hunters must purchase separate gun and archery authorizations, similar to Wisconsin. All carcass tags must be purchased; additional tags may be acquired through a lottery.

Iowa has a split gun season in December, muzzleloader season from mid-December to mid-January, and a bow season that runs from October to December. There is a youth hunt open to Iowa residents only, which runs from mid-September to October. Iowa's deer license is not weapon specific. There is only one tag issued per license but additional tags may be purchased with the first antlerless tag costing \$26 and subsequent tags costing \$11 each. These tags are first come, first served until quotas are filled.

Overall, Wisconsin's deer hunting license and season structure is similar to those of neighboring states. One exception is that Wisconsin issues more than one harvest authorization with a deer license. Also, if the current proposal is approved, Wisconsin will be the only state to issue hunting authorizations to all hunters free of charge.

Summary of Factual Data and Analytical Methodologies: DNR support for not having an October hunt in this proposal is dependent upon a thorough evaluation of the antlerless harvest changes that occur. For two years (2006 and 2007), the department would carefully monitor the kill and the effects to the population in both regular and herd control units. After each season staff will evaluate the harvest and resulting population changes in relation to the population goals, and report to the Natural Resources Board. Deer population changes statewide and at regional and unit specific levels will be monitored to determine whether to extend the 2-year test for a longer period of time. Public opinion toward these changes will also be monitored. During the test, the department will continue to consider and recommend EAB based on current criteria.

If either of the criteria below are not fully met, the department will ask NRB to allow the rule to expire.

Criteria 1: The average antlerless:antlered harvest ratio in herd control units must meet or exceed 2.0 in all deer management regions.

Criteria 2: All sections of the proposed season structure must be implemented.

Due to concerns that rapid herd growth can occur in many DMUs if minimal antlerless deer harvest is not met, a one-year sunset criteria is included. If the average antlerless:antlered harvest ratio in herd control units statewide is below 1.4 antlerless deer per antlered buck in 2006, the Department may ask the Natural Resources Board to immediately sunset the rule.

The ramifications of this change to deer populations have the potential to be significant. If antlerless deer harvest in herd control units fails to meet that of previous October hunts, the department expects the need to recommend widespread use of EAB season structure at the end of the trial.

This structure is a test of the effectiveness of free herd control tags and a statewide December gun hunt in fully replacing the antlerless deer harvest realized during the October Zone T hunts. The rule will sunset to a 4-day October antlerless gun hunt starting the Thursday nearest October 15 in units identified based on the criteria currently in Administrative Code (NR 10.01 (3)(ez)2.) immediately at the end of this test (the term of the test ends with the end of the 2007 deer season) unless there is evidence that unequivocally demonstrates that the new season structure is at least as effective for population control as the current Zone T structure.

EAB pre-authorization will be implemented with a system of electronic tracking of registration stubs by using a contractor to key in information from stubs that will be mailed to them from registration stations. Under this protocol, a hunter would be issued a buck authorization only if and when the unit they harvested an antlerless deer in becomes an EAB unit in the year immediately following the harvest of an antlerless deer. With the electronic database of registrations, buck stickers can be mailed to hunters when EAB is approved. "Pre-authorization" has been a frequent request of hunters and hunting groups in response to EAB implementation. Further, without an October hunt (at least for 2006 and 2007), pre-authorization will facilitate implementation of the necessary EAB seasons.

Anticipated Private Sector Costs: Implementation of this rule is on a Deer Management Unit basis and based on the deer population in that unit, the fiscal effects on individual hunters vary. In Herd Control Units, antlerless permits will be available for a nominal processing fee (\$2, with an additional \$3 service charge for phone and Internet purchases). This will be cost savings for hunters, as in previous years, these permits were sold at the cost of \$12 for residents and \$20 for non-residents. In addition archers statewide will be receiving an additional antlerless tag. Therefore, bowhunters will not need to purchase an antlerless permit if they wish to harvest an antlerless deer in addition to a buck in any unit. However, in addition to these cost savings for hunters, there will be an added cost for those hunters in Regular Units. In these units, where the number of antlerless permits are limited, Hunter's Choice will no longer be used. As a result, a hunter can no longer apply to harvest a buck or an antlerless deer for \$3. Rather if the hunter wants the ability to shoot a deer of either sex, they will need to buy an antlerless permit (\$12 resident, \$20 non-resident). This will be an added cost for those hunters in Regular Units.

Effects on Small Businesses: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

Agency Contact Person: Keith Wamke, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 264-6023

Deadline for Comments: October 21, 2005.

Section 1. NR 10.001(3t) is amended to read:

NR 10.001(3t) "Bonus deer hunting permit" for purposes of s. 29.181, Stats., means any additional carcass tags issued under s. NR 10.01 (3) (ez), ~~any antlerless deer permits issued under s. NR 10.104 (6) (a) for gun deer season zone B as described in s. NR 10.01 (3) (e), purchased and any antlerless permits issued under s. NR 10.104 (8) (e), (d) (a) and (e) (b).~~

Section 2. NR 10.01(3)(e)1.(intro.) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e) 1. Zone "A" All that part of the state not otherwise listed in season zones "B" through "M" subds. 2. to 6., or in these CWD zones described in s. NR 10.28 (3).		

Section 3. NR 10.01(3)(e)1.a. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.a. In the counties or parts of counties and deer management units of Brown, Calumet, Dane, Dodge, Door (Detroit, Plum, Rock, and Washington Islands only), Dunn (unit 59B portion), Fond du Lac, Green, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Outagamie, Ozaukee, Pierce (unit 59B, 60A, 60B and 60A 61 portions), Racine, Rock, St. Croix (unit 59B and 60 60B portions), Sheboygan, Shawano (south of highway 29), <u>Trempealeau national wildlife refuge</u> , Walworth, Washington, Waukesha, Waupaca, and Winnebago.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. <u>4-day shotgun season beginning the second Thursday following the Thanksgiving holiday.</u>	One buck deer or and antlerless deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104. <u>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</u>

Section 4. NR 10.01(3)(e)1.b. and 4. are repealed.

Section 5. NR 10.01(3)(e)1. e. is renumbered 1.b. and is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)1.b. All other parts of <u>Zone "A" the state.</u>	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. <u>4-day firearm season beginning the second Thursday following the Thanksgiving holiday.</u>	One buck deer or and antlerless deer as authorized by hunter's choice and antlerless permits issued under s. NR 10.104. <u>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</u>

Section 6. NR 10.01(3)(e)1. c. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(e)1.c. Except for areas identified in subds. 2. and 3., this season may be implemented in deer management units, starting in 2008 if the gun deer season and permit issuance procedures established in subdivision paragraphs a. and b. and par. (ed) in a deer management region do not meet the performance measures established in par. (ef)1. Additionally, this season may be implemented in 2007 in a deer management unit if the 2006 gun deer season and permit issuance procedures established in subdivision paragraphs a. and b. and par. (ed) do not meet the performance measures established in par. (ef)2.</p>	<p>Firearm season beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. The firearm type in a deer management unit is the same as authorized during the seasons listed in subdivision paragraphs a. and b.</p>	<p>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</p>

Section 7. NR 10.01(3)(ed) is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(ed)1. Deer herd control measures. a. The department may, upon making the findings in subd. 2. modify the deer permit issuance procedures as described in this paragraph for any deer management unit to reduce the deer population nearer to the overwinter population goals established in s. NR 10.104. Under this paragraph special permits for antlerless deer under s. 29.177, Stats., may be issued free of charge at the rate of one permit per license authorizing deer hunting or 2 permits per conservation patron license. The permits may be used to hunt and tag deer during any of that year's deer seasons for the units specified under subd. 2. Additional special permits for antlerless deer shall be issued at no charge, except for a handling fee authorized under s. 29.556, Stats., and s. NR 19.02.</p> <p>b. If after 2 consecutive years, as described in subd. 1. a or par. (ez)1.a. and am., the department determines a third season, as described under this subd. 1.a., is unlikely to reduce the deer population to within 20% of the overwinter population goal established in s. NR 10.104 for the same deer management unit or units in the subsequent year, hunters shall harvest or tag an antlerless deer in that unit or units with either a bow or a gun during any deer season or with an agricultural shooting permit, before they may tag a buck with either weapon in that unit or units. One antlerless deer is required to authorize harvest of one buck in that unit or units, or in state parks with gun deer seasons that are within or adjoining these units, for each archery and gun deer license. Deer harvested as described in this paragraph shall be transported in accordance with s. NR 10.105 (3).</p> <p>c. If after a season as described in subd. 1. b., the department determines a season as described in subd. 1. a., is unlikely to reduce the deer population to within 20% of the overwinter population goal, established in s. NR 10.104, for the same deer management unit or units in the subsequent year, hunters may only hunt deer in accordance with subd. 1. b.</p> <p>2. Findings. The department shall, prior to making any modification for a deer management unit under subd. 1., find that it is unlikely the deer population for the deer management unit will be reduced to within 20% of the overwinter population goal established in s. NR 10.104 under the established deer hunting seasons, including the statewide December hunt. In making this determination, the department shall compare the deer harvest required to reduce the deer population to goal to the deer harvest likely to occur under the existing season structure.</p> <p>3. Notice. Modification by the department under subd. 1. shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.</p> <p>4. CWD zones. Areas specified under this paragraph exclude areas described in par. (et) 1. a. and 2. a. and b.</p> <p>5. Sunset. This paragraph may replace par. (ez) in 2006 and 2007 when the statewide December deer season established in par. (e)1. is in effect.</p>		

Section 8. NR 10.01(3)(ef) is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(ef)1. Biannual Performance measures. a. Beginning in 2007, the average antlerless:antlered harvest ratio from the 2 previous years in deer management units that meet the criteria established in par. (ed)2. shall equal or exceed the antlerless:antlered ratio identified in subd. 2. for the region in which the unit is located as established in s. NR 10.28(4).</p>		
<p>b. Antlerless:antlered harvest ratios.</p>		
Deer Management Region	Antlerless:antlered ratio	
Western Farmland	2	
Southern Farmland	2	
Eastern Farmland	2	
Central Forest	2	
Northern Forest	2	

2. Annual performance measures. The antlerless:antlered harvest ratio in deer management units that meet the criteria established in par. (ed)2. shall equal or exceed 1.4 antlerless deer per antlered buck.

Section 9. NR 10.01(3)(e)2. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(e)2. State parks and forests. No person may gun deer hunt on the state-owned portions of state parks and recreation areas except as provided in this section. Portions of the properties listed may be posted closed to deer hunting. Additionally, no person may deer hunt in Perrot, Peninsula, Wyalusing, Wildcat Mountain, Council Grounds, Rib Mountain, Harrington Beach, Kohler-Andrae, Brunet Island state parks or the Loew Lake Unit - Kettle Moraine state forest without first obtaining a hunter's choice permit which authorizes access to the park.</p>		
<p>a. Perrot (unit 61A) and Peninsula (unit 80C) state parks.</p>	<p>Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.</p>	<p>One buck deer and antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.</p>
<p>b. The following state parks and trails: the portion of Big Bay state park located on Madeline Island west of a north-south line beginning at the park entrance on Haines road, Governor Thompson, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Mill Bluff, Newport, Rock Island, Wyalusing (73A) and Tuscobia-Park Falls.</p>	<p>Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. The firearm type is the same as authorized for the surrounding deer management unit.</p>	<p>One buck deer and antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.</p>

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. Kinnickinnic and Willow River state parks.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer and antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.
d. Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C), and Kohler-Andrae (77E) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One buck deer and antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.
e. Council Grounds state park (unit 52A)	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days followed by a muzzle loading firearm season beginning on the following Monday and continuing for 10 consecutive days.	One buck deer and antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.
f. Brunet Island (unit 23A) state park.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One antlerless deer or one deer of either sex as authorized by deer permits issued under s. NR 10.104.
g. Loew Lake Unit - Kettle Moraine state forest (unit 77D).	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Muzzleloader firearm deer hunting is limited to persons holding a permit for unit 77D.	One buck deer and antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 10. NR 10.01(3)(e)3. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)3. Federal properties		
a. Badger army ammunition plant in Sauk county, Fort McCoy military reservation in Monroe county and Volk Field military facility in Juneau county.	Firearm season type as established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.
Note: The department does not issue deer hunting permits for the Badger army ammunition plant, Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Deer management unit 79 – Apostle Islands	Muzzleloading firearm season October 1-31.	One deer either sex.

Section 11. NR 10.01(3)(e)5. and 6. is renumbered 4. and 5. and are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<u>NR 10.01(3)(e)4. Zone "E"-Tribal lands.</u>		
Menominee county (unit 48)	Firearm season type as established by the Menominee tribe for tribal members only.	As established by the Menominee tribe.
5. <u>Zone "M"-Metro units.</u>		
a. Deer management units 59M, 60M, 64M and 77M.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One buck deer or and antlerless deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.
	<u>4-day firearm season beginning the second Thursday following the Thanksgiving holiday.</u>	<u>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</u>
b. Deer management unit 1M.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One buck deer or and antlerless deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.
	<u>4-day firearm season beginning the second Thursday following the Thanksgiving holiday.</u>	<u>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</u>

Section 12. NR 10.01(3)(em)1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<u>NR 10.01(3)(em) Deer bow season</u>		
1. Statewide except as established under subs. 2. and 3. through to 4. and pars. (ed), (et) and (ez).	<i>Early archery season.</i> Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season described in par. (e).	One deer of either sex buck and one antlerless deer as authorized by the <u>appropriate carcass tag and one additional antlerless deer per hunter's choice and per bonus permit as authorized by antlerless permits issued under s. NR 10.104.</u>
	<i>Late archery season.</i> Reopening on the day immediately after the deer gun season described in par. (e) and continuing through the <u>Sunday nearest January 30.</u>	One deer of either sex buck and one antlerless deer as authorized by the <u>appropriate carcass tag and one additional antlerless deer per hunter's choice and per bonus permit as authorized by antlerless permits issued under s. NR 10.104.</u>

Section 13. NR 10.01(3)(em)2. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(em)2. Federal properties		
a. Badger army ammunition plant in Sauk county, Fort McCoy military reservation in Monroe county and Volk Field military facility in Juneau county.	Bow season as established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.

Note: The department does not issue deer hunting permits for the Apostle Islands National Lakeshore, Badger army ammunition plant, Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.

Section 14. NR 10.01(3)(em)3. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(em)3. Metro Units		
Deer management units 1M, 59M, 60M, 64M 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 <u>One buck and one antlerless deer as authorized by the appropriate carcass tag and one additional antlerless deer per hunter's choice and per bonus permit as authorized by antlerless permits</u> issued under s. NR 10.104.

Section 15. NR 10.01(3)(em)4. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(em)4. State parks. No person may archery deer hunt on the state owned portions of state parks and recreation areas except as provided in this section. Portions of the properties listed may be posted closed to deer hunting. Additionally, no person may archery deer hunt in Perrot, Peninsula, Wyalusing, Wildcat Mountain, Council Grounds, Rib Mountain, Harrington Beach, Kohler-Andrae, or Brunet Island state parks without first obtaining a hunter's choice permit which authorizes access to the park.		
a. Buckhorn state park and the Plum Island portion of Grand Traverse Islands state park.	During the early and late archery seasons described in subd. 1.	One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.
b. The portion of Big Bay state park located on Madeline Island west of a north-south line beginning at the park entrance on Haines road, Mill Bluff state park and Rock Island state park.	Beginning on Oct. 15 and continuing for the remainder of the early archery season and the entire late archery season described in subd. 1.	One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless 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: Elroy-Sparta, Council Grounds, Hartman Creek, Interstate, Kinnickinnic, Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C), Kohler-Andrae (77E), Willow River, Newport, Rock Island and Tuscobia-Park Falls.	During the late archery seasons described in subd. 1.	One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.
d. Brunet Island (unit 23A) state park.	During the late archery seasons described in subd. 1.	One antlerless deer as authorized by the appropriate carcass tag or one deer of either sex as authorized by deer permits issued under s. NR 10.104.

Section 16. NR 10.01(3)(es)1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(es) Muzzleloader deer season.		
1. Entire state, except for the areas described in subd. 2., par. (et), deer management units 1M, 59M, 60M, 64M, and 77M, and state parks.	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer or and antlerless deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 17. NR 10.01(3)(es)2. is repealed.

Section 18. NR 10.01(3)(es)3. is renumbered (es)2. and is amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(es)2. Loew Lake Unit - Kettle Moraine state forest (unit 77D).	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. Muzzleloader deer hunting is limited to persons holding a permit for unit 77D <u>issued pursuant to s. 29.177, Stats issued by the department.</u>	One <u>buck deer and antlerless deer</u> as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 19. NR 10.01(3)(ev) is amended to read:

NR 10.01(3)(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 firearm for 2 consecutive days beginning on the Saturday of a herd control hunt defined immediately following the opening day of early archery season established under par. (ez) 1. a. (em) 1. in all deer management units, except state park units, and federal and tribal lands and units not included in a deer herd control firearm hunt under par. (ez) or (et) on the same day. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e). The bag limit is one ~~antlerless buck~~ deer per hunter's choice or antlerless deer permit issued under s. NR 10.104 valid gun deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104(8). 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~~ these days except waterfowl hunters.

Section 20. NR 10.104(7) is repealed and recreated to read:

NR 10.104(7) DEER CARCASS TAGS. (a) *Archery carcass tags.* Each license which authorizes the hunting of deer with a bow shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an earn-a-buck season under s. 10.01(3)(ed) 1.b., (ez) 1.d., or (et) when an antlerless deer must be tagged prior to the harvest of a buck. Each license which authorizes the hunting of deer with a bow shall also include one carcass tag that is valid for the taking of one antlerless deer in any unit statewide.

(b) *Gun deer carcass tag.* Each license which authorizes the hunting of deer with a firearm, shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an earn-a-buck season under s. NR 10.01(3)(ed) 1.b., (ez) 1.d., or (et) when an antlerless deer must be tagged prior to the harvest of a buck.

Section 21. NR 10.104 (8)(a), (b) and (c), (10)(a) and (b) are repealed.

Section 22. NR 10.104(8)(intro.) is amended to read:

NR 10.104(8) PERMIT ISSUANCE. ~~Upon receipt of proper application, the~~ The department shall issue permits in the following manner:

Section 23. NR 10.104(8) (d) is renumbered (8)(a) and is amended to read:

NR 10.104(8)(a)(title) Unallotted Antlerless permits. The department may issue ~~any remaining~~ antlerless deer permits to interested permit applicants on a first-come, first-served basis to individuals who possess a valid deer hunting license.

Section 24. NR 10.104(8)(a) note is created to read:

Note: The department conducts extensive publicity on the day when the antlerless permits are first available for sale beginning several months prior to the purchase date. Permit sale dates are published in news releases, license outlet handouts, and pertinent regulation pamphlets. Permits are available from department license agents, on-line at dnr.state.wi.us or by telephone at 1-877-945-4236.

Section 25. NR 10.104(8)(e) is renumbered (8)(b) and amended to read:

NR 10.104(8)(b) Bonus permits for farm owners. Eligible resident farm owners under s. 29.181, Stats., will receive one free bonus permit for each one they purchase in deer management units with additional permits as described in s. NR 10.104 (8)(e)(a). Where there are joint owners or vendee names under a land contract, only one of the owners or vendees is eligible. To be an eligible farm under this section, a majority of the land must be used on a commercial basis, to produce income.

Section 26. NR 10.104(10) (intro.) and (11) (intro.) are amended to read:

NR 10.104(10) BAG LIMIT. (intro.) Each issued antlerless deer hunting permit shall authorize the use of the holder's current valid Wisconsin deer hunting license, back tag and antlerless carcass tag for the ~~killing~~ taking of one antlerless deer only in the deer management unit or units designated on the permit ~~as follows:~~

(11) **CHRONIC WASTING DISEASE SPECIAL PERMITS.** (intro.) In the CWD herd reduction and CWD eradication zones as described in s. NR 10.28 (3), a valid gun or archery deer license carcass tag or a special antlerless permit issued under s. NR 10.01 (3) (ed), (ez), 10.104 (8), 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:

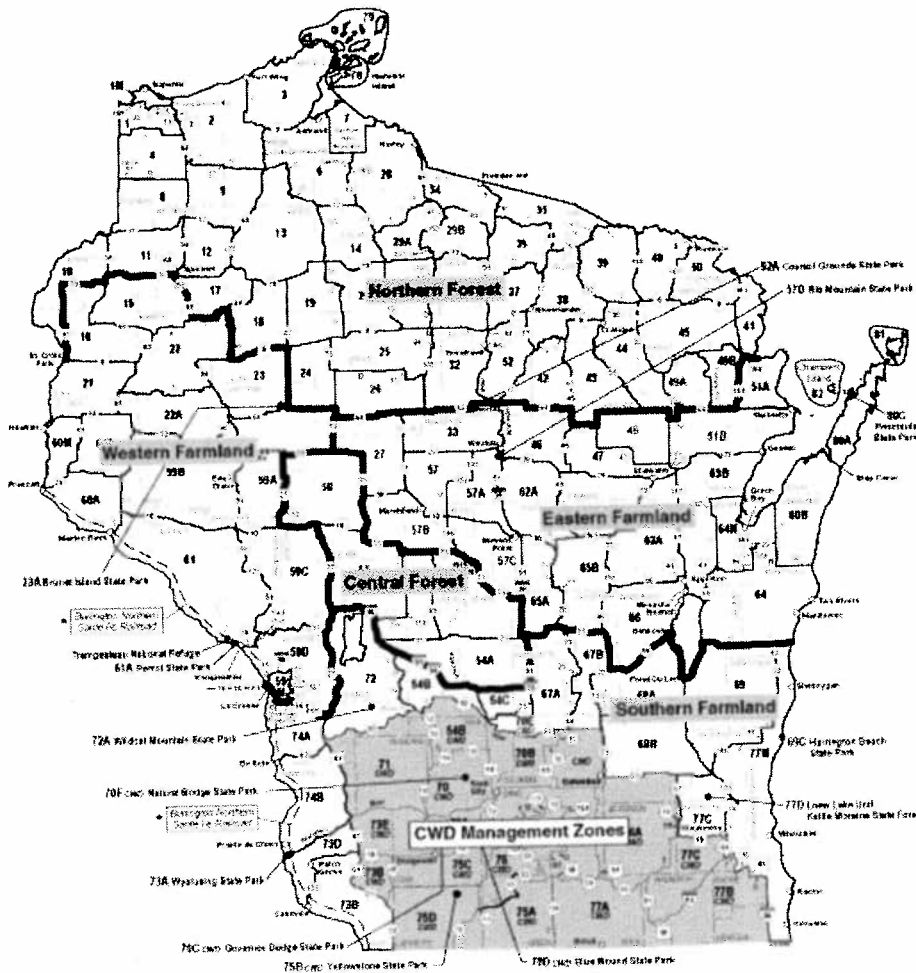
Section 27. NR 10.105(2) is amended to read:

NR 10.105(2) In deer management units with deer seasons modified under s. NR 10.01 (3) (ed)1.b. or (ez) 1. d., no person may transport a buck deer from the time it is killed to the time it is registered under s. NR 10.106 unless accompanied by the antlerless deer or antlerless deer registration verification which authorized the taking of the buck deer. An antlerless deer may be used only by the hunter who tagged it to secure authorization for that hunter to tag one buck deer in the unit or units modified under s. NR 10.01 (3) (ed)1.b. or (ez) 1. d. Deer may only be transported outside of the unit of kill or adjoining unit after they have been registered.

Section 28. NR 10.27 is repealed.

Section 29. NR 10.28(4) is created to read:

NR 10.28(4) Deer management regions.



Section 30. NR 10.40(3)(f) is amended to read:

NR 10.40(3)(f) *Rule compliance.* Unless otherwise provided by the department, all disabled hunters and accompanying persons shall comply with all hunting rules and laws applicable to the regular gun deer season specified under s. NR 10.01 (3) (e). The bag limit is one deer ~~per hunter's choice and per antlerless deer permit issued under s. NR 10.104,~~ and per special permit issued under s. NR 10.01 (3) (ed) or (ez).

Section 31. NR 45.09(4) is amended to read:

NR 45.09(4) Nothing in this section shall prohibit the hunting of deer as provided in s. 29.621 (4), Stats., in accordance with the open seasons established by s. NR 40.27, 10.01(3) ~~except that for those projects listed in s. NR 10.27 (1), (2), (6) and (8), hunting is limited to persons holding a permit for the project issued pursuant to ss. 29.177 and 29.181, Stats.~~

Section 32. Effective date. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Section 33. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

Report to
Legislative Council Rules Clearinghouse
NR 10 and 45, Wis. Adm. Code
Natural Resources Board Order No. WM-29-05

Wisconsin Statutory Authority

ss. 29.014, 29.089(3) and 29.177(3m), Stats., interpreting ss. 29.014, 29.024(6), 29.089(3), 29.173(3), 29.177, 29.181 and 29.559, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The proposed rules revise the regulations for the deer hunting seasons in 2006. None of these proposed changes apply to the CWD Zones or season structures. The revisions include:

1. There will be a 2-day youth either sex gun hunt in September (opening 7 days after the bow season opens). A mentor will be required to accompany a youth (only the youth will be allowed to carry a gun) and the youth hunter will be required to place their regular buck deer carcass tag on an antlered buck (only one buck per youth hunter). Youth hunters would be allowed to harvest as many antlerless deer as they have valid tags for.
2. The late archery season will close the Sunday nearest January 6. This change will ensure that the late bow season will be open during the New Year's holiday every year.
3. There will be a statewide 4-day antlerless gun hunt beginning on the 2nd Thursday following the Thanksgiving holiday. The hunt will be open in all units to anyone with a valid antlerless deer permit.
4. In herd control units (currently Zone T and EAB units) antlerless tags will be unrestricted. The first antlerless tag is free with the purchase of a gun or archery license. Additional tags will be available for a minimal handling fee (\$2 unless purchased on-line or over the phone in which case the standard processing fee (\$3) will be applied in addition to the \$2).
5. The archery license would come with two tags valid statewide: one valid for one antlered deer only and the other valid for antlerless only. This change will retain the either sex hunt option for archery while simplifying tagging options. There will be only two types of tags: buck and antlerless. There will be no more either sex tags – except for two very limited exceptions.
6. The Hunter's Choice program would be replaced by the sale of antlerless tags valid in limited quota (regular) units as additional deer. Antlerless permits would be sold first-come, first-serve for \$12 each (\$20 for nonresidents). Tags would be available on August 1 for purchase at a rate of one per hunter per day.
7. There would be no October 4-day antlerless only hunt outside CWD zones in 2006 and 2007. (In the event that the average antlerless:antlered harvest ratio in herd control units statewide is below 1.4 in 2006, the rule may immediately sunset.) In the event that inadequate herd control is realized as a result of this trial, the 4-day October antlerless deer gun hunt would return in 2008. The start date would be the Thursday nearest October 15 and it would occur in DMUs where a regular season of buck plus quota will not bring the population to within 20% of the over-winter goal.
8. The Earn-A-Buck season structure would be an available tool (in 2006 and 2007) for recommendation to the Natural Resources Board based on the criteria currently used (EAB pre-qualification will be implemented).
9. A first-come, first-serve system to sell bonus tags as the deer hunting access permission on state parks open to hunting.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Keith Warnke, Bureau of Wildlife Management – 264-6023
Tim Andryk, Bureau of Legal Services – 264-9228
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on September 1, 2005

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
WM-29-05

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014, 29.089(3) and 29.177(3m), Stats., interpreting ss. 29.014, 29.024(6), 29.089(3), 29.173(3), 29.177, 29.181 and 29.559, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 10, Wis. Adm. Code, relating to deer hunting season and permit issuance regulation changes. The revisions include:

1. There will be a 2-day youth either sex gun hunt in September (opening 7 days after the bow season opens). A mentor will be required to accompany a youth (only the youth will be allowed to carry a gun) and the youth hunter will be required to place their regular buck deer carcass tag on an antlered buck (only one buck per youth hunter). Youth hunters would be allowed to harvest as many antlerless deer as they have valid tags for.
2. The late archery season will close the Sunday nearest January 6. This change will ensure that the late bow season will be open during the New Year's holiday every year.
3. There will be a statewide 4-day antlerless gun hunt beginning on the 2nd Thursday following the Thanksgiving holiday. The hunt will be open in all units to anyone with a valid antlerless deer permit.
4. In herd control units (currently Zone T and EAB units) antlerless tags will be unrestricted. The first antlerless tag is free with the purchase of a gun or archery license. Additional tags will be available for a minimal handling fee (\$2 unless purchased on-line or over the phone in which case the standard processing fee (\$3) will be applied in addition to the \$2).
5. The archery license would come with two tags valid statewide: one valid for one antlered deer only and the other valid for antlerless only. This change will retain the either sex hunt option for archery while simplifying tagging options. There will be only two types of tags: buck and antlerless. There will be no more either sex tags – except for two very limited exceptions.
6. The Hunter's Choice program would be replaced by the sale of antlerless tags valid in limited quota (regular) units as additional deer. Antlerless permits would be sold first-come, first-serve for \$12 each (\$20 for nonresidents). Tags would be available on August 1 for purchase at a rate of one per hunter per day.
7. There would be no October 4-day antlerless only hunt outside CWD zones in 2006 and 2007. (In the event that the average antlerless:antlered harvest ratio in herd control units statewide is below 1.4 in 2006, the rule may immediately sunset.) In the event that inadequate herd control is realized as a result of this trial, the 4-day October antlerless deer gun hunt would return in 2008. The start date would be the Thursday nearest October 15 and it would occur in DMUs where a regular season of buck plus quota will not bring the population to within 20% of the over-winter goal.
8. The Earn-A-Buck season structure would be an available tool (in 2006 and 2007) for recommendation to the Natural Resources Board based on the criteria currently used (EAB pre-qualification will be implemented).
9. A first-come, first-serve system to sell bonus tags for deer hunting access in state parks open to hunting.

None of these proposed changes apply to the CWD Zones or season structures.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusinessReg.Coordinator@dnr.state.wi.us or by calling (608)266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments

received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that in addition to comments on the proposed rules, the Department is seeking public input on a proposal to prohibit all deer baiting and feeding during the 9-day November gun deer season and during the 10 days before the season.

NOTICE IS HEREBY FURTHER GIVEN that the Department will provide an information session on the proposed rules to begin at 6:30 p.m., with testimony on the proposals to begin at 7:00 p.m..

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held at 7:00 p.m. on:

<u>October 11, 2005</u> Tuesday	Room M103 (Auditorium), Chippewa Valley Tech. College, 620 W. Clairemont Ave., Eau Claire Cooperative Extension Bldg., 1150 Bellevue Street, Green Bay
<u>October 12, 2005</u> Wednesday	Auditorium, Theisen Middle School, 525 E. Pioneer Road, Fond du Lac Room 151, Dreyfus State Office Bldg., 141 NW Barstow Street, Waukesha
<u>October 13, 2005</u> Thursday	Omni Center, 255 Riders Club, Onalaska
<u>October 18, 2005</u> Tuesday	Alumni Room, University Center, UW-Stevens Point, 1015 Reserve Street, Stevens Point
<u>October 19, 2005</u> Wednesday	WITC, 2100 Beaser Avenue, Ashland American Family Insurance NHQ, 6000 American Parkway, Madison Auditorium, Williams Jr. High School, 915 Acacia Lane, Rhinelander UW Ag Research Station, W6646 Highway 70, Spooner

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Keith Warnke at (608) 264-6023 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: adminrules.wisconsin.gov. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Keith Warnke, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until October 21, 2005. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Warnke.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary