

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 10.01, Wis. Adm. Code  
Deer hunting season and permit issuance regulation changes

Board Order No. WM-10-07  
Clearinghouse Rule No. 06-131

#### Basis and Purpose of the Proposed Rule

Part of the 2006 deer rule package that was implemented in December, 2006 was the result of a Joint Committee for Review of Administrative Rules' motion requesting that the Department agree to a one-year experiment with the antlerless only December 4-day gun deer hunt north of Highway 8. As a result, the hunt was limited to a one-year trial in 2006. In order for the December gun hunt to continue in Deer Management Units north of Highway 8 beyond 2006, the Department must modify the administrative code. During the one-year trial, the Department has collected data to evaluate the effectiveness of herd control under this structure and attempted to assess whether the 4-day antlerless December gun deer hunt impacted snowmobile recreational opportunity.

#### Deer harvest in 2006

The 2006 December antlerless season was important from a herd management standpoint. A preliminary total of 19,000 antlerless deer were harvested from December 7 to 10 statewide. 2,800 of those deer were harvested from deer management units north of Hwy. 8, adding 7% to the total antlerless kill in that area, an average of about 100 deer per unit. The added 4 days of gun hunting provided hunters with more opportunity to hunt antlerless deer during the time period they indicated that they favored.

#### Conflict with snowmobilers

The 2006 December antlerless season appears not to have had any impact on snowmobile recreational opportunity. An argument made by people who are opposed to the season was that it would make access to trails for regular maintenance and signage difficult. The department received no complaints that cited specific incidences of this problem at three hearings or during the public comment period. As shown in Appendix A, B and C, snow conditions were insufficient for trails to be open in nearly all areas north of Highway 8. Trails were open in some areas of southern Wisconsin, such as Rock County, but no conflicts were reported.

The rule language authorizing the special youth gun deer hunt event is modified in this package to clarify Earn-a-buck and CWD tagging requirements during that season. This rule order also includes several housekeeping changes pertaining to deer hunting in several state parks. These portions of the rule do not establish new deer seasons, rather they correctly codify seasons that have existed in the parks in previous years. In drafting the 2006 Deer Hunting Rule, major revisions to NR 10 took place to consolidate complicated state park deer hunting rule language. During the consolidation, several drafting errors and omissions occurred. These housekeeping changes are included to correct those drafting errors.

#### Summary of Public Comments

All comments received at the public hearings and during the comment period related to eliminating the sunset of the December hunt north of Hwy 8. Overall; 104 people supported the proposed rule, 37 people opposed the rule, and 19 people did not register an opinion.

In addition to testimony and registrations at hearings, 72 people submitted written comments expressing support for eliminating the sunset of the December firearm season and 20 people opposed the season.

People who wrote to express opposition were split between opposing the season because of concern about conflicts with snowmobilers, they prefer to hunt in October, or they do not believe there are enough deer to support extra hunting opportunities. Resolutions of opposition from the Iron County Board of Supervisors and the Iron County Development Council focused on use of public and private lands by both hunters and snowmobilers.

Support for the proposal as a whole was widespread among most hunters. Supporters mentioned favoring a December hunt over an October hunt as one reason for supporting the proposal while others mentioned they liked the extra hunting opportunity. Hunters did not generally perceive that there was conflict between snowmobilers and hunters.

### **Response to Public Comments:**

*Comment:* Additional harvest of antlerless deer is not needed in northern Wisconsin.

*Department Response:* The department is confident that there are enough deer in all areas north of Hwy 8 to support harvest from this season and that in certain areas additional harvest is very important. Wisconsin's deer population model has received positive reviews by many experts, deer harvest remains high and predictable year-after-year, and overharvest is very unlikely because hunting will only be possible when antlerless deer permits have been issued.

*Comment:* A December gun hunt will delay the start of snowmobiling.

*Department response:* There is currently a 10-day December gun hunt statewide (muzzleloading season) in which up to 70,000 hunters participate. South of Hwy. 8 there is a 4-day mid-December antlerless only gun deer hunt in select units. In addition, the archery season extends through the month of December and into early January across the state. There is no evidence that these hunts or any other type of hunting that occurs in December delays the start of the snowmobile season. When there has been adequate snow for snowmobiling south of Hwy. 8, snowmobile trails were open during the December deer gun hunt without reported conflicts.

*Comment:* Private landowners will refuse to allow snowmobile trails across their land to open if there is a December gun hunt.

*Department response:* Again, there is currently a 10-day December gun hunt statewide (muzzleloading season) in which up to 70,000 hunters participate, a 4-day unit specific gun deer hunt south of Hwy. 8, and a statewide archery hunt.. There is no evidence that these hunts or any other type of hunting that occurs in December affect access to private land for snowmobile trails.

*Comment:* Private landowners will refuse access to trails for maintenance and signing work while gun hunting is open, and a lot or a majority of trail maintenance and sign placement occurs after the close of the 9-day gun season.

*Department response:* Of over 6,400 hours of trail maintenance and sign placement activities reported in 2004 in Vilas, Ashland, Bayfield, Iron, and Forest counties (DNR records), 12% were recorded during November 15-30 (during the regular 9-day gun hunt), 12% during December 1-15 (muzzle-loading season and proposed 4-day gun hunt), and only 4% were recorded December 6-15 (dates which could include the proposed 4-day gun hunt). The vast majority of trail maintenance and sign work hours (88%) were recorded before December 1 in 2004.

*Comment:* Herd control is best done in October prior to the regular 9-day gun hunt and not in December.

*Department response:* Herd control is accomplished by Wisconsin deer hunters. For many hunters, December is their desired time to hunt. We agree that the October hunt is an effective tool. This proposal does not prevent the reinstatement of an October hunt if needed.

*Comment:* Tourism and income will be negatively impacted by the delay of the snowmobile season if the December gun hunt is approved.

*Department response:* There is little evidence that any of the current December deer hunting opportunities including the 10-day muzzleloader, the 4-day mid-December gun hunt south of Hwy. 8, or the late archery seasons, delays the start of the snowmobile season or impacts revenue from snowmobiling. Snowmobiling begins when adequate snow falls and the ground below is frozen regardless of whether there is deer hunting or any other hunting taking place. We do not believe that a December gun deer hunt or any other type of hunting will impact the start of the snowmobiling season.

December gun hunting may have added to the number of people visiting areas north of Hwy. 8.

#### Modifications Made

No modifications were made as a result of the public hearings.

#### Appearances at the Public Hearing

##### **January 16, 2007 – Rhinelander**

In support:

James D. Otto, Harshaw Wanderers Snowmobile Club, 4895 Jimmy Lane, Harshaw, WI 54529  
Steven P. Oestreicher, 8475 N. Oneida Lake Drive, Harshaw, WI 54529  
Roger Sabota, 5000 Isle View Drive, Rhinelander, WI 54801  
Neil R. Putenpal, W4517 Amanda Lane, Tomahawk, WI 54487  
Jean Gatton, 432 Highway F, Antigo, WI 54409  
John Gatton, 432 County Road F, Antigo, WI 54409  
Robert D. [last name illegible], P.O. Box 445, Boulder Junction, WI 54512  
Steve Heiting, 8148 Lost Lake Drive South, Saint Germain, WI 54558  
Michael Fleury, 6535 Highway K, Rhinelander, WI 54501

In opposition:

Mike Hammes, Bear Trap Inn, 6911 Thousand Island Lake Road, Land O'Lakes, WI 54540  
Michael P. Keintz, 6473 Spruce Meadows Lane, P.O. Box 966, Land O'Lakes, WI 54540  
Ken Anderson, P.O. Box 294, Eagle River, WI  
Ron Wallfer, 3795 Meta Lake Road, Eagle River, WI 54521  
John Peroutky, 935 Rolling Ridge Road, Eagle River, WI 54521  
Ron Engels, 1300 Moonlite Drive, Eagle River, WI 54521  
Francis Mathieu, 2166 Vista View, Eagle River, WI 54521  
Ronald T. Rogers, 6103 Point Drive, Rhinelander, WI 54501  
Henry R. Kosanda, President, Vilas Co. Snowmobile Alliance, P.O. Box 476, St. Germain, WI 54558  
Tom Cjrostemsem, President, BoBoen Snowmobile Club, P.O. Box 399, St. Germain, WI 54558  
Gary Jacobi, 7005 N. Rainbow Drive, St. Germain, WI 54558  
Andrew Malecki, Jr., 1131 S. Fisk Street, Green Bay, WI 54304  
Gene Dallman, 841 Highway 45, Pelican Lake, WI 54463  
Tom Tomlanevich, P.O. Box 295, Eagle River, WI 54521  
Orv Langohr, 14230 Pigeon River Road, Cleveland, WI

As interest may appear:

Tim Johnson, 4479 C.C. Road, Rhinelander, WI  
Kurt Butler, 13643 Waubee Lake Drive, Lakewood, WI 54138  
Rick Eineichner, W6906 Loup Road, Tomahawk, WI 54487  
Matthew Roberts, 2281 Highway 45 South, Monico, WI 54501  
Kurtis Larson, 3394 Lumber Lane, Rhinelander, WI 54501  
Jerry Roberts, 1943 Highway 8 East, Rhinelander, WI  
J.P. Pozarski, 4129 North Bay Road, Rhinelander, WI  
Steve Doyen, 2532 Millesville Lane, Phelps, WI 54554  
Dale Mayo, 3342 Highway 17 North, Conover, WI  
Dave Peterson, 620 4<sup>th</sup> Street, Plover, WI 54467  
Dan Balog, 6421 Forest Lake, Land O'Lakes, WI

### **January 17, 2007 – Park Falls**

Dan C. Cobb, 10646 N. Riverside Road, Hayward, WI 54843  
Gary VanderWyst, 300 W. Main Street, P.O. Box 435, Butternut, WI 54514  
Yvonne Mitem, 5005 N. Musky Point Road, Mercer, WI 54547  
Rich Mazol, 5005 N. Musky Point Road, Mercer, WI 54547  
Chris Hoffman, 870 7<sup>th</sup> Avenue South, Park Falls, WI 54514  
Vincent A. Franzen, W9484 Highway 70, Park Falls, WI 54552  
James A. Schmitt, 6536 Turtle Flambeau Dam Road, Butternut, WI  
Chuck Woelfel, N15831 Perch Road, Park Falls, WI 54552  
Roland Peterson, 1503 9<sup>th</sup> Avenue West, Ashland, WI 54806  
Bruce Prentice, 604 3<sup>rd</sup> Street West, Ashland, WI 54806  
Curtis Capelle, W7494 County Road West, Phillips, WI 54555  
Larry Roth, 255 Sanders Avenue, Park Falls, WI 54552  
Richard Mihalek, 801 7<sup>th</sup> Avenue East, Ashland, WI

In opposition:

William Flietner, W9725 Balsam Road, Phillips, WI 54555  
Terrence J. Fleming, W6931 Chada Road, Fifield, WI 54524

As interest may appear:

Barb Richter, N14268 Lofdahl Road, Fifield, WI 54524  
Earl Schwarzhuber, N16096 Nehiba Road [no city given]  
Al Gerber, Box 36, Radisson, WI 54867  
Myron Anderson, 45851 State Highway 112, Ashland, WI 54806  
Pete Bartelt, 604 S. Cyder Avenue, Phillips, WI 54555

### **January 23, 2007 – Fitchburg**

In support:

Joe Caputo, 6320 Sighting Road, McFarland, WI 53558  
Raymund Robbeloth, N9285 Wild Oak Road, Belleville, WI 53508  
Al Phelan, 3628 Canter Drive, Madison, WI 53718  
Jim Shurts, 2822 Chamberlain Avenue, Madison, WI 53705  
Anthony Grabski, 5180 Ridge View Road, Blue Mounds, WI 53517  
Gary Schenck, N4035 Ehrke Road, Fort Atkinson, WI 53538  
Larrie Hazen, 7656 Big Green Road, Mount Hope, WI 53816  
Michael Wenzholz, 4002 Dempsey Road, Madison, WI 53716

Walter C. Herbert, 6513 Gina Lane, DeForest, WI 53532  
George Meyer, Wisconsin Wildlife Federation, 201 Randolph Drive, Madison, WI 53717

In opposition – none

As interest may appear:

Sam Landes, 7353 Springhelt Drive, Dane, WI 53529  
Morris Nelson, 10422 N. Wallin Road, Edgerton, WI 53534  
Tom Chvala, W6595 Highway V, Lake Mills, WI 53551

Changes to Rule Analysis and Fiscal Estimate

None were required.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rule pertains to deer hunting and permit issuance. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, a final regulatory flexibility analysis is not required.

