

Clearinghouse Rule 08-013

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.001(11); to amend 10.001(6h), 10.001(19e), 10.02(3), 10.07(1)(a)2., 10.07(2m)(b)1., 10.104(11)(intro), 10.104(11)(b)3.(intro) and b., 10.105(title), 10.106(2)(f), 10.41(1)(b), 10.41(3), 12.06 (title), (1) and (2), 12.06(4)(b) and 19.60(2)(b)1.; to repeal and recreate s. NR 10.01(3)(et) and 10.28(3); and to create NR 10.001(5q), 10.001(6i), 10.105(4) to (6) and 10.28(3d) relating to deer hunting as it relates to the management of chronic wasting disease.

WM-05-08

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorizes the promulgation of this rule order include ss. 29.014 , 29.063, 29.177 and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provides that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, these sections authorize establishment of Chronic Wasting Disease (CWD) zones to control the spread of the disease.

Statutes Interpreted and Explanation: In promulgating this rule ss. 29.063, and 29.177 Stats., have been interpreted as allowing the department the authority to establish additional CWD zones and regulations for the control and management of the disease.

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

Plain Language Analysis: The department has recommended modifications to chapters NR 10, 12 and 19, Wis. Adm. Code, relating to the control of chronic wasting disease. This proposal is intended to serve as the deer hunting season framework in the CWD zone beginning in 2008. Specifically, these proposals:

1. Combine two CWD management areas into one zone with one season and consistent regulations. The zone may be expanded when deer which are CWD positive are found outside the boundary.
2. Establish that population goals in deer management units which make up the CWD zone are 20 percent lower than the goals established in 2001; except that the population goal for units with a pre-2001 goal of less than 20 deer per square mile will continue to be the goal that existed in 2001.
3. Establish a deer season structure that is more consistent with the season structure in units that are not part of the CWD management zone. In 2008 the following season structure would be in place:
 - Archery season: September 13 to January 4
 - Early firearm season: Antlerless-only, October 16-19
 - Traditional 9-day firearm season: November 22-30
 - 10-day muzzleloader-only season: December 1-10
 - Late firearm season: Antlerless-only, December 11-14
 - Holiday firearm season: Antlerless-only, December 26-January 4

- Unlimited earn-a-buck regulations with the ability to pre-qualify
4. Prohibit the importation of cervid carcasses (deer, elk & moose) from areas outside of Wisconsin where CWD has been identified. Boned-out meat, hides, clean skulls, antlers would be allowed to be transported.
 5. Prohibit the transport of cervid carcasses from a CWD zone in Wisconsin to areas which are not CWD zones. Boned-out meat, hides, clean skulls, and antlers could be transported.
 6. In addition to shotgun, hunting with rifles would be allowed in the entire CWD management zone except that metro unit 76M would be "shotgun only". Rifles were previously allowed in the CWD eradication zone but not the herd reduction zone.
 7. Allow the harvest of white or albino deer in the entire CWD management zone. This was previously allowed in the CWD eradication zone but not the herd reduction zone.
 8. Allows the shooting of deer from a farm tractor or implement of husbandry in the entire CWD management zone. This was previously allowed in the CWD eradication zone but not the herd reduction zone.
 9. Repeal language for which statutory authority has sunset, maintain cross-references with other chapters of administrative code, and update terminology.

Summary of, and Comparison with, Existing or Proposed Federal Regulations: Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with rules in Adjacent States:

All of Wisconsin's surrounding states use hunting seasons to manage white-tailed deer herds for a variety of reasons. All of the surrounding states utilize a range of hunting seasons and allow the use of archery equipment and firearms at certain times. The seasons proposed in this rule order do not vary significantly from the hunting opportunities that are available in other states.

Illinois

The importation of hunter-harvested deer and elk carcasses is prohibited with the exception of deboned meat, antlers, antlers which are attached to skull caps, upper canine teeth, and finished taxidermy mounts. Hunters may import cervid animal carcasses if they are transported to a licensed meat processor or licensed taxidermists within 72 hours of entering the state. Illinois first discovered CWD in November of 2002. The Illinois Department of Natural Resources has established special hunting seasons to stem the spread of wildlife diseases. The law provides flexibility in efforts to contain transmissible diseases such as CWD and Bovine Tuberculosis. The ability to harvest deer in specific, targeted locations is an important component of their efforts to reduce transmission rates and to prevent the further spread of such diseases. Illinois has also increased deer permit availability and allowed the use of firearms that were previously restricted in areas of known infection.

Iowa

The importation of whole carcasses from any cervid taken in a CWD endemic area within any state or province is prohibited. Only boned-out meat, capes, and antlers attached to clean skull plates from which the brain tissue has been removed are allowed. Iowa is not known to have any wild deer or elk test CWD-positive. The Iowa Department of Natural Resources has tested thousands of deer for CWD in recent hunting seasons. Monitoring efforts have been primarily focused upon game management units adjacent to the Wisconsin and Illinois border. Because CWD has yet to be discovered there, many of the actions taken and rules instituted have been proactive and preventative, aimed at limiting the risk of CWD transmission to animals within the state.

Michigan

The importation of carcasses or parts of free-ranging deer or elk into Michigan is prohibited if the carcasses or parts originated from a state or province having CWD in their free-ranging deer or elk population. Exceptions are made for deboned meat, antlers, antlers attached to a skull cap cleaned of all

brain and muscle tissue, hides cleaned of excess tissue or blood, upper canine teeth, finished taxidermy mounts, and tissue imported for use by a diagnostic or research laboratory. Michigan is not known to have any wild deer or elk test CWD-positive. Michigan has taken preventative management efforts to limit the risk of CWD. In 2003 their Governor created a CWD Task Force which recommended a statewide surveillance program and prompt action to kill infected or exposed animals if CWD is discovered. The task force supported intensive surveillance efforts within 5 miles of the immediate area of an infection. Within this 5-mile radius, approximately 300 deer older than 18 months of age would be harvested and tested. If other positives were discovered, full-scale control efforts would be initiated including the development of 5-mile radius zones with the objective of deer de-population and the establishment of larger zones to continue surveillance. The group recommended cooperative efforts with landowners to harvest deer in areas of infection to both prevent transmission and to gauge prevalence levels.

Minnesota

The importation of whole cervid carcasses into the state from CWD endemic areas as determined by the MN Board of Animal Health is prohibited. Only cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, or teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue may be imported. Minnesota is currently one of nine states to have identified CWD in a captive facility. Intensive surveillance efforts have failed to detect any positive cases in the wild cervid population. The Minnesota Department of Natural Resources has made CWD sample collection mandatory in specially designated areas where more information is deemed necessary.

Summary of Factual Data and Analytical Methodologies: The current population goals in areas where CWD management is occurring are either 5 or 10 deer per square mile of habitat. These rules would increase the population goal for each unit to a number of deer that is twenty percent lower than the goals which were in place in 2001. In units where the goal in 2001 was less than 20, that number would be the goal. The proposed goals generally range from 15 to 24 deer per square mile of habitat. Deer populations are above these goals in all units meaning that there is still significant opportunity for herd reduction to take place.

The firearm deer hunting seasons proposed in this rule are shorter than CWD zone seasons held from 2002 to 2007. These season proposals are consistent with hunting season options that currently may be utilized in areas of the state where CWD management is not the primary concern with one exception; a holiday-season, antlerless-only firearm hunt beginning on the day after the Christmas holiday and continuing through the Sunday nearest January 6. Additionally, hunters are not limited in the number of deer they may harvest.

The requirement that a hunter first harvest an antlerless deer before harvesting a buck would be in place during seasons when the deer population is above goal.

In an effort to minimize the risk of disease spread, a number of states have adopted regulations affecting the transportation of hunter-harvested deer and elk. The department now has similar regulatory authority with the passage of 2005 ACT 286. Since the infective agent (prion) is concentrated in the brain, spinal cord and lymph nodes, this rule would prohibit the movement of whole carcasses harvested in the CWD management zone in Wisconsin and importation from management units in other states where CWD has been identified. Material that could be transported includes meat that is cut and wrapped, hides and antlers. This rule also allows the transportation of whole carcasses into units which are adjacent to the CWD management zone as a convenience to hunters who live near the zone.

In order to reduce regulations complexity resulting from existence of two zones, this proposal would create one new area called the CWD management zone. The management zone would consist of the areas which are currently referred to as CWD eradication and herd reduction zones. In the existing CWD eradication zones hunters may currently use rifles in areas where, prior to the discovery of CWD, shotguns, muzzleloaders, and handguns had been the only legal firearms. Under this proposal the use of rifles would be extended to the entire CWD management zone affecting all or portions of Dane, Dodge,

Green, Jefferson, Kenosha, Lafayette, Racine, Rock, Walworth, Washington, and Waukesha counties where they were not previously allowed. Other activities that were allowed in the CWD eradication zone and will be expanded to the entire CWD management zone are allowing the harvest of white or albino deer and shooting from tractors and implements of animal husbandry. These provisions are designed to increase the efficiency of hunters, simplify regulations, and eliminate protection of white deer which are also susceptible to CWD.

This proposal also creates a new disease eradication zone only for the purposes of ch. ATCP 10. The Department of Agriculture, Trade, and Consumer Protection makes cross-references with the department's chronic wasting disease eradication zone for the purpose of requiring double fencing around certain deer farms and other regulations. Creating this map assures that the effect and applicability of ATCP 10 remains unchanged by other modifications to ch. NR 10.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Businesses: The proposed revisions to NR 10, 12, and 19 Wis. Adm. Code, pertaining to CWD herd control activities and zone boundaries, impose no compliance or reporting requirements for small businesses, nor are there any design or operational standards contained within the proposed rule.

Agency Contact Person: Alan Crossley, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608) 266-5463. alan.crossley@wisconsin.gov

Deadline for Written Comments: The deadline for written comments is March 25, 2008. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

Section 1. NR 10.001(5q) is created to read:

NR 10.001(5q) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou and reindeer.

Section 2. NR 10.001(6i) is created to read:

NR 10.001(6i) "CWD eradication zone" means the zone established in s. NR 10.28(3d) for the purposes of ch. ATCP 10.

Section 3. NR 10.001(6p) is amended to read:

NR 10.001(6p) "~~CWD eradication~~ management zone" means a zone established in s. NR 10.28(3) for the control, management and eradication of chronic wasting disease and is considered the chronic wasting disease eradication zone for purposes of s. 167.31(4)(bg) and 29.063(5), Stats.

Section 4. NR 10.001(11) is repealed.

Section 5. NR 10.001(19e) is amended to read:

NR 10.001(19e) "Notice and information to the public that is adequate" under s. 29.063 (2), Stats., means a department press release to the local news media and the official state newspaper and may also include the following: public meetings, telephone contacts, internet postings, brochure distribution, first class mailings and meetings with landowners in the ~~eradication zone~~ CWD management zone.

Section 6. NR 10.01(3)(et) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(et) <i>Special disease control hunts.</i>		
1. Disease management zone.	1. <i>Archery season.</i> An archery deer hunt beginning on the Saturday nearest September 15 and continuing through the Wednesday immediately prior to the opening of the early firearm season in this section.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
a. In the portions of deer management units included in the CWD management zone established in s. NR 10.28(3), except as established in subdivision paragraphs b. through d.	Beginning on the Thursday nearest October 15 and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
	Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	Beginning on the day immediately following the 4-day antlerless hunt above and continuing through December 25.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
	Beginning on December 26 and continuing through the Sunday nearest January 6.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	2. <i>Early firearm season.</i> A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	3. <i>Gun deer season.</i> A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

b. Unit 76M.

4. Muzzleloader season. A muzzleloader hunt as established in NR 10.01(3)(es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.

One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

5. Late firearm season. A firearm deer hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

6. Holiday firearm season. A firearm deer hunt beginning on December 26 and continuing through the Sunday nearest January 6.

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

1. Archery season. An archery deer hunt beginning on the Saturday nearest September 15 and continuing through the Wednesday immediately prior to the opening of the early firearm season in this section.

One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on the Thursday nearest October 15 and continuing for 4 consecutive days.

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section.

One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on the day immediately following the 4-day antlerless hunt above and continuing through December 25.

One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on December 26 and continuing through the Sunday

One antlerless deer per unused deer carcass tag or

	nearest January 6.	permit described under s. NR 10.104(11).
	2. <i>Early shotgun season.</i> A shotgun hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	3. <i>Shotgun deer season.</i> A shotgun hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
	4. <i>Muzzleloader season.</i> A muzzleloader hunt as established in NR 10.01(3)(es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).
	5. <i>Late shotgun season.</i> A shotgun hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	6. <i>Holiday shotgun season.</i> A shotgun hunt beginning on December 26 and continuing through the Sunday nearest January 6.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
c. Belmont Mound, Cadiz Springs, Devil's Lake, Mirror Lake, Natural Bridge, New Glarus Woods, Rocky Arbor, and Yellowstone state parks.	1. <i>Early firearm season.</i> A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Allowable types of firearms are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e). Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours shall close at 12:00 p.m. daily.	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).
	2. <i>Gun deer season.</i> A firearm deer hunt beginning on the Saturday immediately	One deer of either sex per unused deer carcass tag or permit described under s. NR

<p>preceding the Thanksgiving holiday and continuing for 9 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).</p>	<p>10.104(11).</p>
<p><i>3. Muzzleloader season.</i> A muzzleloader hunt as established in NR 10.01(3)(es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
<p><i>4. Late firearm season.</i> A firearm deer hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).</p>	<p>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
<p><i>5. Archery season.</i> An archery hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section.</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
<p>Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.</p>	<p>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
<p>Beginning on the day immediately following the 4-day antlerless hunt above and continuing through December 25.</p>	<p>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</p>
<p>Beginning on December 26 and continuing through the Sunday nearest January 6.</p>	<p>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).</p>

d. Blue Mound, Governor Dodge and Tower Hill state parks.

1. *Early firearm season.* A firearm deer hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Allowable types of firearms are those authorized on the first day of the gun deer season under s. NR 10.01(3)(e). Legal hunting hours are those established in s. NR 10.06(5) except that hunting hours shall close at 12:00 p.m. daily.

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

2. *Gun deer season.* A firearm deer hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).

One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

3. *Muzzleloader season.* A muzzleloader hunt as established in NR 10.01(3)(es) beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.

One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

4. *Late firearm season.* A firearm deer hunt beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. Allowable types of guns are those authorized on the first day of the regular gun deer season in the surrounding county under s. NR 10.01(3)(e).

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

5. *Archery season.* An archery hunt beginning on the Thursday nearest October 15 and continuing for 4 consecutive days. Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours will close at

One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

12:00 p.m. daily.

Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Wednesday immediately prior to the opening of the late firearm season in this section. One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days. One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on the day immediately following the 4-day antlerless hunt above and continuing through December 25. One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Beginning on December 26 and continuing through the Sunday nearest January 6. One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11).

2. Earn-a-buck control measures. If the department estimates that the deer population in a deer management unit or units located in a CWD management zone is at or above the overwinter population goal in s. NR 10.41(3), the department may require that hunters shall first tag an antlerless deer in that deer management unit or units during the archery or firearm hunts, 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 deer management unit or units during the either sex hunts listed in s. NR 10.01(3)(et). One antlerless deer is required to authorize harvest of one buck in that deer management 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(2).

Section 7. NR 10.02(3) is amended to read:

NR 10.02(3) Albino or white deer which are white except for the hooves, tarsal glands, head or parts of the head. Albino or white deer are not protected in the CWD management zone established in s. NR 10.28(3).

Section 8. NR 10.07(1)(a)2.(intro.) is repealed.

Section 9. NR 10.07(2m)(b)1. is amended to read:

NR 10.07(2m)(b)1. ~~CWD eradication zones or herd reduction zones have~~ A CWD management zone has been established in the county or a portion of the county, or

Section 10. NR 10.104(11) (intro.) is amended to read:

NR 10.104(11) CHRONIC WASTING DISEASE SPECIAL PERMITS. (intro.) The following carcass tags are valid for the taking and tagging of deer in the CWD ~~herd reduction and CWD eradication zones~~ management zone as described in s. NR 10.28(3):

Section 11. NR 10.104(11)(b) (intro) is amended to read:

NR 10.104(11)(b) *Special CWD deer permits.* (intro.) This special permit issued under s. 29.177, Stats., is valid for the taking of an antlerless deer in the units or portions of deer management units included in the CWD ~~herd reduction and CWD eradication zones~~ management zone as described in s. NR 10.28 (3). These special permits:

Section 12. NR 10.104(11)(b)3.b. is amended to read:

NR 10.104(11)(b)3.b. Archery or firearm hunts in units where earn-a-buck regulations established in s. NR 10.01 (3) (et) 3. are in effect if the hunter possesses an antlerless deer registration verification earned in a unit designated under s. NR 10.01(3)(ez)1.d. or in a CWD ~~eradication or herd reduction~~ management zone identified in s. NR 10.28(3), or

Section 13. NR 10.105 (title) is amended to read:

NR 10.105 (title) Transportation of ~~deer and bear.~~ bear, deer and other members of the cervid family.

Section 14. NR 10.105(4) to (6) are created to read:

NR 10.105(4) TRANSPORTION OF DEER FROM A CHRONIC WASTING DISEASE MANAGEMENT ZONE. The carcasses of deer harvested in the chronic wasting disease management zone in s. NR 10.28(3) may not be transported outside of that zone except for the following:

(a) Carcasses transported into deer management units adjacent to the chronic wasting disease management zone.

(b) Meat that is cut and wrapped, either commercially or privately.

(c) Quarters or other portions of meat to which no part of the spinal column is attached.

(d) Meat that has been deboned.

(e) Hides with no head attached.

(f) Finished taxidermy heads.

(g) Antlers with no meat or tissue attached.

(h) Skulls with antlers attached and with no meat or tissue attached.

(i) Upper canine teeth.

(5) TRANSPORTATION OF MEMBERS OF THE FAMILY CERVIDAE FROM AREAS IN OTHER STATES AND COUNTRIES WHERE CWD HAS NOT BEEN IDENTIFIED. Hunters transporting carcasses into Wisconsin from other states or countries shall possess, and exhibit to agents of the department upon request, registration or other materials showing whether the carcass was harvested in a CWD area or a non CWD area.

(6) TRANSPORTATION OF MEMBERS OF THE FAMILY CERVIDAE FROM OTHER STATES AND COUNTRIES WHERE CWD HAS BEEN IDENTIFIED. The carcasses of cervid species harvested in a management unit or similarly identifiable area where CWD has been verified by a government agency in another state or country may not be transported into this state except for the following:

(a) Meat that is cut and wrapped, either commercially or privately.

(b) Quarters or other portions of meat to which no part of the spinal column is attached.

(c) Meat that has been deboned.

(d) Hides with no head attached.

(e) Finished taxidermy heads.

(f) Antlers with no meat or tissue attached.

(g) Skulls with antlers attached and with no meat or tissue attached.

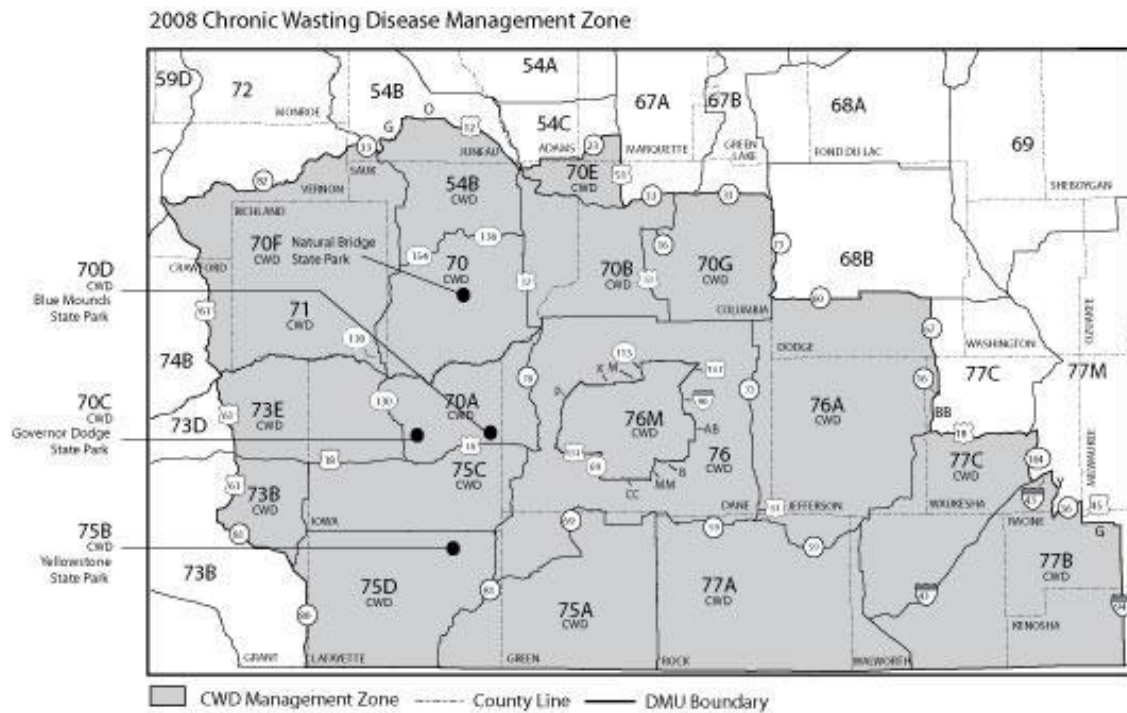
(h) Upper canine teeth.

Section 15. NR 10.106(2)(f) is amended to read:

NR 10.106(2)(f)(title) ~~CWD eradication and herd reduction zones~~ management zone. Any deer harvested in the CWD ~~eradication zone or herd reduction~~ management zone shall be registered at registration stations designated by the department no later than 5:00 p.m. on the day after it was killed, unless otherwise authorized by the department.

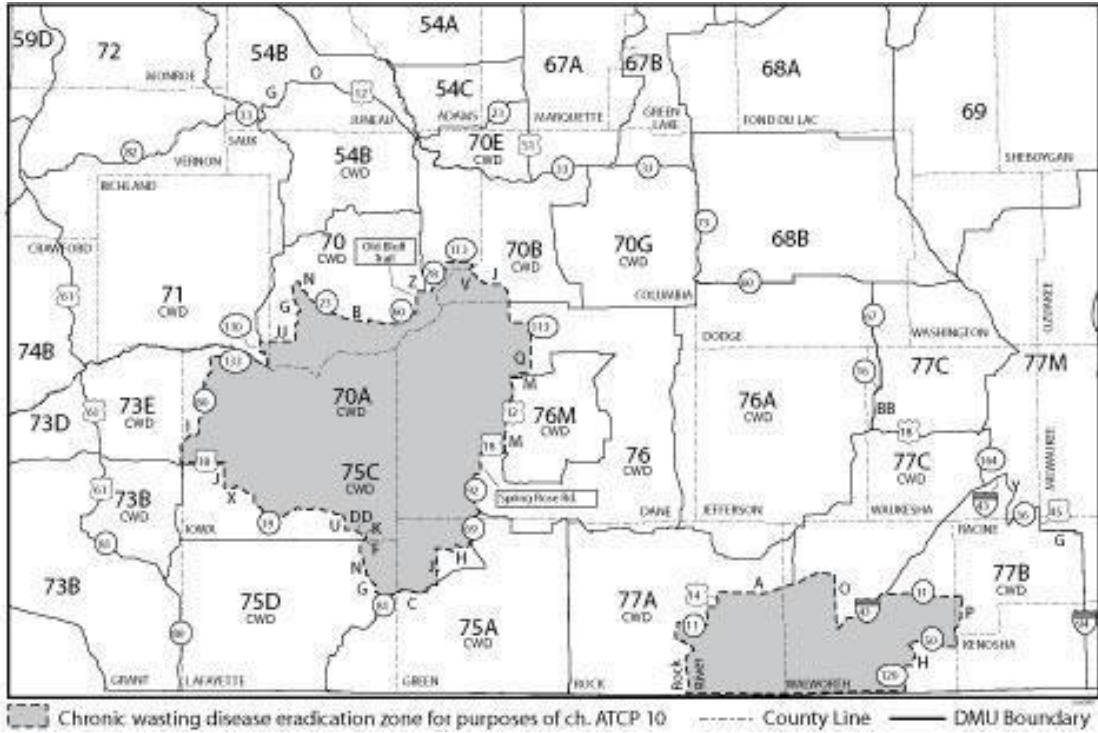
Section 16. NR 10.28(3) is repealed and recreated to read:

NR 10.28(3) CWD MANAGEMENT ZONE.



Section 17. NR 10.28(3d) is created to read:

NR 10.28(3d) Chronic wasting disease eradication zone for purposes of ch. ATCP 10.



Section 18. NR 10.41(1)(b) is amended to read:

NR 10.41(1)(b) Provisions established for deer population management under s. NR 10.104 (4) to (10) do not apply to units incorporated in a CWD eradication zone or herd reduction management zone under s. NR 10.28 (3). Units listed as herd reduction zones or CWD eradication in CWD management zones shall be managed in accordance with the provisions outlined in this section on disease management.

Section 19. NR 10.41(3) is amended to read:

NR 10.41(3)(a) *Establishment.* The department may establish CWD eradication management zones around the location of known positive cases of CWD.

(b) *Overwinter goal.* Units or portions of units located within the boundaries of the CWD eradication management zone established in s. NR 10.28 (3) will be managed at a goal of less than 5 deer per square mile of deer range the following goals which may be adjusted based on epidemiological research.

Management Unit	Deer Goal
54 CWD	20
70 CWD	20
70A CWD	20
70B CWD	24
70E CWD	24
70G CWD	24
71 CWD	20
73B CWD	16
73E CWD	18
75A CWD	16
75C CWD	16
75D CWD	16

76 CWD	16
76A CWD	20
76M CWD	10
77A CWD	16
77B CWD	15
77C CWD	15

(c) *Zone boundaries.* CWD ~~eradication~~ management zones shall be identified by readily identifiable features of the landscape such as roads and rivers. When road boundaries are used, the department shall give priority to use of numbered and lettered highways.

(d) *Population estimation.* The department shall annually calculate an estimate of the overwinter deer population for the CWD ~~eradication~~ management zones with information obtained by surveys which may include registration data and aerial surveys.

(e) *Permits.* Pursuant to s. NR 12.06, Stats., the department may issue free deer hunting permits or tags to hunters or landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD ~~eradication~~ management zone, which authorizes the individual to hunt deer in the CWD ~~eradication~~ management zone or a portion of the CWD ~~eradication~~ management zone.

(f) *Management zone expansion.* 1. The department may include additional deer management units in the CWD management zone where and when additional CWD positive deer are found.

2. Management zone expansion under this subsection shall become effective upon issuance of an order by the secretary of the department 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.

Section 20. NR 10.41(4) is repealed.

Section 21. NR 12.06 (title), (1) and (2) are amended to read:

NR 12.06 (title) CWD ~~eradication~~ management zone deer removal permits. (1) FINDINGS. Pursuant to s. 29.885 (4), Stats., the natural resources board finds that deer within any CWD ~~eradication~~ management zone cause a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD ~~eradication~~ management zone defined in s. NR 10.001 (6p) in order to reduce the spread of disease within the CWD ~~eradication~~ management zone and to reduce the risk of disease spreading outside any CWD ~~eradication~~ management zone.

(2) PERMITS. Unless otherwise authorized by the department, landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD ~~eradication~~ management zone may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section. Both antlerless and buck deer may be harvested unless otherwise restricted as a condition of the permit.

Section 22. NR 12.06(4)(b) is amended to read:

NR 12.06(4)(b) Antlerless deer harvested under the authority of this section may be used ~~to earn a CWD buck permit issued under s. NR 10.104 (11) for the~~ as authority to harvest a buck deer during the seasons listed in s. NR 10.01 (3) (et) within the ~~herd reduction and CWD eradication zones~~ CWD management zone when designated earn-a-buck under s. NR 10.01(3)(et)2.

Section 23. NR 19.60(2)(b)1. is amended to read:

NR 19.60(2)(b)1. ~~CWD eradication zones or herd reduction zones have~~ A CWD management zone has been established in the county or a portion of the county, or

Section 24. Effective dates. These rules shall take effect on September 1, 2008 except section 14 which shall take effect on September 1, 2009.

Section 25. 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 _____
Matthew J. Frank, Secretary

(SEAL)