

## Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on an emergency rule to revise ch. NR 10 & 16, relating to deer carcass transportation, deer farm fencing, and chronic wasting disease at the time and place shown below.

### Hearing Information

Date: November 5, 2018

Time: 1:00 p.m.

Location: Natural Resources Building (GEF 2), 101 S. Webster St., Madison, WI 53703 Rm. G09

### Rule Information:

Emergency rule order WM-11-18(E) relating to deer carcass transportation, deer farm fencing, and chronic wasting disease took effect on October 1, 2018. The carcass transportation portion of this rule was suspended by the Joint Committee for Review of Administrative Rules was suspended on October 1, 2018. The enhanced white-tailed deer farm fencing portion remains intact and will be the only topic covered in this hearing.

### Accessibility

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Scott Karel at (608) 267-2452, with specific information on your request at least 10 days before the date of the scheduled hearing.

### Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before November 5, 2018. The Hearing Appearance form also can be used for submitting a written comment at the hearing. Written comments may be submitted by U.S. mail, fax, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources  
Attn: Scott Karel  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedEmergency.html>

Comments can be made at: [DNRAAdministrativeRuleComments@wisconsin.gov](mailto:DNRAAdministrativeRuleComments@wisconsin.gov)

**Initial Regulatory Flexibility Analysis:** There are 12 white-tailed deer farms that contain 113 acres that are currently double fenced and will not be impacted by these proposed rules. There is roughly 1,779,000 total current single fencing in lineal feet surrounding white-tail deer farms in Wisconsin. This fencing surrounds roughly 30,428 acres of actively licensed white-tailed deer farms.

However, the total acres of farms that are actively licensed, contain white-tailed deer and have had a CWD diagnosed on their premises is 3675.5 acres (thirteen farms). These farms would need to install either a double eight-foot fence or utilize an existing 8-foot high solid barrier under these rules.

The linear feet surrounding these thirteen farms is 151,833. Using prior Wisconsin Department of Natural Resources property fencing bid estimates for installing an 8-foot fence on a deer farm, the cost of a second 8-foot fence with labor is estimated to be \$5.77 per linear foot. Other fencing companies expressed the ability to install a second eight-foot fence for as much as \$1 to \$2 less than WDNR's prior bids per linear foot, however this assumption uses the \$5.77 because our most common bids on 8-foot high fencing for department projects were in the \$5.50-\$5.75 range.

This means that the cost to those farmers with a CWD positive to implement these rules would be \$876,364. This estimate does not include the cost of clearing any trees for this secondary fence since it is impossible to determine if that is even necessary and to what extent. Also, this estimate does not include the use of an existing 8-foot high solid barrier which would reduce the cost of installing a secondary fence.

The remainder of the state's white-tailed deer farms will have the option to install enhanced fencing rather than a double perimeter fence which will cost much less than a second 8-foot fence. According to an estimate from the Wisconsin Department of Agriculture, Trade and Consumer Protection estimates, material costs of electrified high tensile wire and insulators are estimated to run \$0.78 per linear foot. This estimate was also verified by contacting two private installers. This estimate does not include the cost of installation, corner supports for the electric fence, or the cost of tying the fence off at a gate. This estimate also does not include the use of an existing 8-foot high solid barrier which would reduce the cost of installing an enhanced fence. Alternatively, the cost of using a double fence instead of an enhanced fence is estimated to be \$5.77 per linear feet. Since electric fencing is the most cost effective, we assume that farmers will choose the cheaper option. These enhanced fencing materials would cost the remaining white-tailed deer farmers whose deer have not tested positive for CWD \$1,269,190.

The total cost estimate to implement these rules for enhanced fencing would cost white-tailed deer farmers \$2,145,554.

**Agency Small Business Regulatory Coordinator:**

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