

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.104(13) and 10.105(3); to renumber NR 10.105(4); to amend NR 10.01(3)(et)1.a.,b., and c., 2. and 3., 10.01(3)(ez)1.d., and 10.105(2); to repeal and recreate NR 10.104(11) and 10.28(3); and to create NR 10.106(2)(g) relating deer hunting as it relates to the management of chronic wasting disease.

WM-14-05

Analysis Prepared by Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize 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 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) eradication zones to control the spread of the disease.

Statutes Interpreted and Explanation: In promulgating this rule ss. 29.063, 29.177 and 29.361, Stats., have been interpreted as allowing the department the authority to establish additional CWD zones and regulations for the control and eradication of the disease. These sections authorize the issuance of special deer hunting permits which the department is proposing to issue to hunters to assist in disease control seasons. Finally, the department is utilizing the authority granted to regulate the transportation and registration of deer to obtain samples for disease testing purposes.

Related Statute or Rule: None.

Plain Language Rule Analysis: Since the discovery of CWD in Wisconsin's free-roaming deer herd in February 2002, the Governor, the legislature, and the Natural Resources Board have given the Department of Natural Resources the directive to control the spread of CWD from its current known location and to eradicate the disease where it exists. Additionally, an Environmental Impact Statement completed in conjunction with last year's CWD rules, identified adaptive management as the preferred management alternative to manage and eventually eradicate the disease from the state. This rule, which is a follow-up rule to last year's CWD rule order, contains rule changes that adapt to current scientific knowledge gathered in previous seasons and through extensive research. This rule order includes the following proposed changes in the CWD hunting rules:

- 1) Expand the Western Disease Eradication Zone (WDEZ) around new positives on the north end and the south end of the zone.
- 2) Expand the Eastern Disease Eradication Zone (EDEZ) around new positives found near the north and east border of last year's EDEZ.
- 3) Remove most of the Richland County portion of the WDEZ from the WDEZ.
- 4) Expand the Herd Reduction Zone (HRZ) to include all of Deer Management Unit (DMU) 76A rather than just the south half.
- 5) Create a 5 day split in the DEZ gun season so that there is no gun deer hunting the 5 days prior to the Saturday before Thanksgiving.
- 6) Apply either sex hunting regulations to and early archery season and the archery and gun seasons beginning on the Saturday before Thanksgiving through January 3 in both the DEZs and the HRZ.
- 7) Allow earning of buck hunting authority in any earn-a-buck unit in the state by shooting an antlerless deer in any earn-a-buck unit in the state.
- 8) Establish a deer hunting season for Belmont Mound State Park, which is located in the HRZ.

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 wild animals has been delegated to state fish and wildlife agencies. Other than Federally listed migratory game birds, no Federal regulations regarding feeding or baiting of other wild animals exist. Additionally, none of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis:

Illinois: Illinois is one of the eight states currently known to have either wild deer or elk test CWD-positive. The state agencies charged with developing and implementing a comprehensive response strategy have taken an approach very similar to that of Wisconsin. Prior to the 2003 deer hunting season, their Governor signed legislation allowing the Illinois Department of Natural Resources the authority to establish special hunting seasons to stem the spread of wildlife diseases that stand to threaten deer populations. The law provides flexibility in efforts to contain transmissible diseases such as CWD and Bovine Tuberculosis. This authority was deemed necessary to provide wildlife managers with the tools necessary to address the risks posed by the discovery of CWD. The ability to harvest deer in specific, targeted locations is a critical component of 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. These management decisions were made to benefit hunters in an effort to harvest more deer than during traditional seasons. These allowances have made significant contributions towards achieving the management goals of the resource agencies involved.

The Department's intensive surveillance effort to combat chronic wasting disease in the Illinois deer herds continued in 2004. Sampling of hunter-harvested deer was conducted during the archery season in select northern Illinois counties and during the firearm seasons in a number of counties throughout the state.

Iowa: Iowa is not known to have any wild deer or elk test CWD-positive. The discovery of CWD in Wisconsin alarmed many natural resources agencies from adjacent states and all of them have subsequently instituted disease surveillance programs in an effort to determine whether or not CWD is present within their borders. The Iowa Department of Natural Resources has tested thousands of deer for CWD throughout each of the past two hunting seasons. Monitoring efforts have been primarily focused upon game management units immediately adjacent to the Wisconsin and Illinois borders. Because CWD has yet to be discovered in Iowa, 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. Iowa has limited the movement of captive deer and elk and placed restrictions on what deer and elk products may be brought into the state from areas where CWD is known to exist.

Michigan: Michigan, like Iowa, is not known to have any wild deer or elk test CWD-positive. However, more than perhaps any of our adjacent states, Michigan has taken many proactive and preventative management efforts to limit the risk of CWD transmission to animals within the state. In early 2003, their Governor used her authority to issue an executive order creating the CWD Task Force to address the threats that the discovery of the disease may pose to Michigan. This group was charged with reviewing existing state efforts regarding CWD prevention, developing and making recommendations to implement a comprehensive and coordinated state CWD prevention plan, making clarifications of enforcement authority to prevent the spread of CWD into Michigan, and if ever detected in Michigan, to prevent the spread of CWD within the state.

In late 2003, the CWD Task Force made 12 recommendations to the Governor, many of these recommendations have already been implemented in Wisconsin in previous rule orders, statutes or in this specific rule order. Included in those recommendations was the urging to continue the statewide surveillance program and to act promptly to kill infected or exposed animals if CWD is ever discovered. The task force supported efforts to quickly identify CWD and to take immediate action to prevent transmission and eradicate the disease. Specifically, if CWD were ever detected in Michigan, the CWD Task Force supported intensive surveillance efforts in the immediate area of infection, as is the practice in Wisconsin. In the event of a CWD-positive animal a 5-mile radius surveillance area would be established. Within this 5-mile radius, approximately 300 deer older than 18 months of age would be harvested and tested. If other positives were to be discovered, full-scale control efforts would be initiated including the development of 5-mile radius zones with the management objective of deer depopulation and the establishment of larger zones to continue surveillance efforts. This 5-mile radius area is similar in scope to Wisconsin's Disease Eradication Zone. The group recommended cooperative efforts with landowners to harvest deer in areas of infection to both prevent transmission and to gauge prevalence levels. Efforts should also be made to access and harvest deer from properties where landowners decide not to cooperate with the agency's management objectives. Finally, testing of deer carcasses should be made mandatory in areas where CWD-positive animals have been detected.

The administrative rules currently in place in Michigan are primarily preventative. However, an infrastructure exists to create and implement rules immediately following the discovery of a CWD-positive deer or elk.

In April 2004, Gov. Jennifer Granholm transferred responsibility for overseeing captive elk and deer herds from the Department of Agriculture to the Department of Natural Resources. Her executive order will allow for auditing the 800 private deer and elk herds statewide to try to keep any cases of chronic wasting disease from cropping up in Michigan. State officials estimate a complete audit of Michigan's herds will take about six months and cost about \$800,000, paid for by restricted and general fund dollars.

During the 2004 deer season, as part of the state's ongoing Chronic Wasting Disease (CWD) Surveillance Plan, 60 deer heads from each county were to be collected from volunteers for submission to Michigan State University for CWD testing. Results of those tests were not known at the time of this summary.

Minnesota: 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. In mid 2002, their Governor signed into law House File 3183 related to controlling the threat of CWD in Minnesota. This measure supported placing restrictions on the farmed deer and elk industry and furthering surveillance efforts among both captive and wild cervid populations. Like many other states, Minnesota has instituted a number of preventative measures to limit the spread of CWD to animals within the state. Current

rules prevent the importation of certain deer and elk parts from areas where CWD is known to occur. There is a similar bill in Wisconsin's legislature that would grant the department the authority to regulate carcass movement, which it currently does not have. The Minnesota Department of Natural Resources has also made CWD sample collection mandatory in specially designated areas where more information is deemed necessary. Minnesota resource professionals are aware of the threats posed by CWD. If CWD were ever to be discovered within the state's wild deer population immediate action would be taken to adopt rules similar to those either in place in Wisconsin or currently being pursued. In an effort to complete its three-year statewide surveillance for Chronic Wasting Disease (CWD) in Minnesota's wild deer population, the Department of Natural Resources (DNR) is offering incentives and streamlining its collection process for hunters who bring their deer in for testing.

Summary of Factual Data and Analytical Methodologies:

The purpose of Disease Eradication Zones (DEZ) are to establish areas with liberal herd reduction treatments where CWD is known to exist. Herd reduction is believed to be the best method for reducing the spread of CWD among local deer herds and to distant deer herds. The first CWD hunting rule called for establishing a DEZ out to 4.5 miles from each known CWD positive deer location. The rule was subsequently modified to allow the Department to change DEZ boundaries based on new positives, but without requiring a given distance to the boundaries. Boundaries are now primarily on state and county highways within a couple miles of locations where positive deer were harvested.

The department proposes to expand the boundaries of the WDEZ around positives found on the north end and south end of the zone. Similarly, the department proposes to expand the boundaries of the EDEZ to the north and east around positives found there this past year.

In 2004, the department chose not to include a Kenosha County positive in a DEZ, but rather conduct additional surveillance to get a better picture of the distribution of the disease. The department proposes that we continue to treat lone, distant positives without incorporating them in a DEZ. These sites will have Herd Reduction Zone (HRZ) hunting rules; however, extra localized efforts will be used for surveillance and herd reduction near these sites. To be consistent in this approach, the department proposes removing an area around the Richland County positive from the DEZ and placing it in the HRZ. This will result in 4 lone positives in Kenosha, Richland, northern Walworth, and eastern Dane counties being treated with this strategy.

The purpose of the HRZ is to establish a buffer area around areas known to be infected with CWD to reduce the probability of spread of CWD to previously uninfected areas. The HRZ deer population goal is 10 deer per square mile of deer range. Liberal seasons and hunting regulations are used to reduce deer herds in these areas. Increased harvest rates improve the chance that dispersing infected deer are killed before infecting other deer and to reduce the probability that an infected deer lives long enough to transmit the disease to its neighbors.

The initial HRZ was delineated to encompass land within approximately 40 miles of the centers of clumps of positive cases. The HRZ was expanded in 2004 based on positives discovered in the 2003 hunting season. For 2005, we propose to expand the HRZ only by adding the north half of DMU 76A following the discovery of a positive case in east central Dane County.

The first DEZ gun deer season was designed to give hunters a great deal of opportunity to get out in the woods and harvest deer. The gun season ran from the beginning of what has been known as the October Zone T season to the end of the archery season on January 3. Our approach was to give CWD control a priority over various recreational uses and interests. Since then, we have heard from many who would prefer to have a gun season split of some length between the late October weekend and the traditional gun season opener. Some arguments are based on other recreational interests. Others are based on preserving as much as possible the traditional gun season opener. And others are based on an argument that more deer would be harvested if there were multiple openers rather than a continuous season. On the other hand, many hunters do participate in gun deer hunting in the DEZ between the Zone T weekend and the traditional opener. An average of 40% of the DEZ deer harvest has taken place in this period during the last 3 years. It is unlikely that this number of additional deer will be taken during a short October season followed by the traditional gun season. However, the department recommends that a 5 day split in the gun season be established as a compromise to address these concerns. The Monday-Friday immediately preceding the Saturday before Thanksgiving would be open to archery deer hunting only in the DEZs. Therefore, there would be an early gun season and a late gun season in the DEZ.

To accomplish significant herd reduction, hunting rules must encourage hunters to take antlerless deer. Harvesting primarily males of a polygamous species does little for population reduction. With approximately 60% of hunters preferring to take a buck, a long gun season, and a season that covers the rut, there are ample opportunities to shoot only bucks and still fill the freezer. With most hunters only wanting a deer or two, an either sex regulation would likely result in a high proportion of the harvest being bucks. This would compromise the herd reduction objectives of CWD management.

There is no question that the Earn-a-buck (EAB) regulation is an effective herd reduction tool for southern Wisconsin. But, it is at the same time very unpopular among many hunters. EAB forces hunters to shoot an antlerless deer before shooting an antlered buck. EAB typically results in a reduction in the buck harvest and an increase in the antlerless harvest. The ratio of harvested antlerless to antlered deer is typically around 3:1 to 4:1 in EAB DMUs. The ratio has been between 1.8:1 and 2.5:1 in the DEZs, probably due to free landowner buck tags, the long gun season, and gun hunting during the rut, all of which allow for more buck hunting opportunities than a typical EAB season.

Antlerless deer harvest rates are an additional measure of the effectiveness of hunting regulations. In southern Wisconsin, antlerless harvest rates are typically higher under an EAB regulation than any other regulation used recently. In DMU 70A, the core of the WDEZ, antlerless harvest rates were highest in 1996, 2002, and 2003, when EAB was used. The average antlerless harvest rate in 2002 and 2003 was 39% compared to 30% for 2000 and 2001 when Zone T regulations were in place. It is anticipated that the antlerless harvest rate in the 2004 EAB season will be even higher, because of the lack of CWD paranoia common in 2002 and the use of 1 free, non-transferable buck tag for landowners in 2004 compared to 2 free, transferable tags in 2003. As a result, the adult buck component of the DEZ herd is increasing, resulting in less fawns produced per deer in the herd and a smaller herd reduction challenge in the future.

On the social side, most hunters would prefer that EAB regulations not be used. They do not want to be told what they have to shoot. Most would not want to pass up a buck. Some, who are supportive of herd reduction efforts, do not like having to pass up deer that they could harvest and contribute to our disease management objectives. At the same time, researchers are learning that adult bucks have higher disease prevalence than adult does. It is not clear how this higher prevalence affects disease transmission rates. Research has found that few mature bucks disperse. The yearling bucks are the deer that are most often the dispersers, and it could be argued that removal of these young bucks needs to be a priority. Due to these social and biological concerns, the department would like to implement a season that causes a higher buck harvest rate while not (hopefully) significantly compromising the antlerless harvest. The antlerless harvest is critical for herd reduction, and "antlerless" buck fawns, which become dispersing yearling bucks also need to be targeted for disease management.

The department is proposing a compromise to address both the social and biological issues described above. This compromise is to use an either sex regulation in the late season while preserving the EAB regulation in the early season. Archers and gun deer hunters could shoot a deer of either sex beginning with the Saturday before Thanksgiving. Hunters wishing to pursue deer prior to that time would continue to be required to shoot an antlerless deer before shooting an antlered buck. The either sex regulation would also apply beginning the Saturday before Thanksgiving in the HRZ. Landowners and hunters opposed to the EAB regulation could choose to hunt only after the traditional opener on their lands. Landowners and hunters wishing to pursue deer earlier, when bucks are most vulnerable and most likely to be the deer that are harvested, would have to shoot an antlerless deer first. DEZ landowners, hunting under the authority of a landowner permit, would receive an either sex tag to be used at any time in the season. This compromise would increase the harvest pressure on bucks in recognition of the fact that older age bucks show higher prevalence of the disease, while at the same time maintaining the harvest pressure on antlerless deer that is critical for continued herd reduction.

State parks can serve as refuges for deer in the HRZ and DEZs. Therefore, deer hunting seasons have been established for the state parks to enable hunters to reduce deer numbers there. The department proposes to add Belmont Mound State Park to the list of parks with a HRZ park season. As with other HRZ parks, the gun and archery seasons would be open 4 days in late October, with morning hunting only, and full day gun and archery hunting from the Saturday before Thanksgiving to 3 Sundays after Thanksgiving; the archery season would continue through January 3.

Some hunters have complained that there are 2 separate EAB systems in Wisconsin, without being able to shoot an antlerless deer in a CWD zone to earn a buck harvest authority in an out-state EAB unit or vice versa. The department proposes that an antlerless deer harvested in any EAB unit be used to earn an antlered buck hunting authority in any EAB unit. To implement this recommendation, buck tags would no longer be issued in the CWD zones. Instead, buck authorization stickers would be issued, same as in out-state EAB units. A hunter could choose to place the buck sticker on an out-state tag or a CWD tag.

Anticipated Private Sector Costs: These rules, nor the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Businesses: The proposed revisions to NR 10, 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.

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Section 1. NR 10.01(3)(et)1.a., b. and c., 2. and 3. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(et) Special disease control hunts.</i>		
1.a. In the portions of deer management units included in the herd reduction zone established in s. NR 10.28(3) except as established in subd. 1.b. and excluding units listed in subd. 1.c.	<p>Archery <u>An early either-sex archery hunt beginning on the Saturday nearest September 15 and continuing through January 3 the Wednesday immediately preceding the early earn-a-buck archery hunt described below.</u></p>	<p>One antlerless deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.</p>
	<p><u>An earn-a-buck archery hunt beginning on the Thursday nearest October 27 and continuing through the Friday immediately preceding the Thanksgiving holiday.</u></p>	<p><u>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(b)3. b. and c.</u></p>
	<p>A <u>An earn-a-buck</u> firearm hunt beginning on the Thursday nearest October 27 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).</p>	<p>One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)(b)3. <u>b. and c.</u></p>
	<p>A <u>late either-sex archery and</u> firearm hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 3. Allowable types of guns are those authorized on the first day of the regular gun deer season under s. NR 10.01(3)(e).</p>	<p>One antlerless deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.</p>

Section 1. Continued

Kind of animal and locality	Open season (all dates inclusive)	Limit
1.c. <u>Belmont Mound, Mirror Lake, Yellowstone, Rocky Arbor, Natural Bridge, Cadiz Springs, New Glarus Woods and Devil's Lake state parks.</u>	A <u>An earn-a-buck</u> firearm hunt beginning on the Thursday nearest October 27 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). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)(b)3. <u>b. and c.</u>
	An archery and A late either-sex firearm hunt beginning on the Saturday prior to immediately preceding the Thanksgiving holiday and continuing through the 3 rd Sunday following the Thanksgiving holiday. 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 of either sex per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.
	An <u>A late either-sex archery</u> hunt beginning on the day immediately following the hunt described above <u>Saturday immediately preceding the Thanksgiving holiday</u> and continuing through January 3.	One antlerless deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.
2. a. In the CWD eradication zone as described in s. NR 10.28(3) except as established in subd. 2. b. and excluding units listed in subd. 3.	Archery <u>An early either-sex archery</u> hunt beginning on the Saturday nearest September 15 and continuing through January 3 <u>the Wednesday immediately preceding the early earn-a-buck archery hunt described below.</u>	One antlerless deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.
	<u>An earn-a-buck archery hunt beginning on the Thursday nearest October 27 and continuing through the Friday immediately preceding the Thanksgiving holiday.</u>	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). <u>In addition, buck deer may be taken pursuant to s. NR 10.104(11)(b)3. b. and c.</u>
	A <u>An earn-a-buck</u> firearm hunt beginning on the Thursday nearest October 27 and continuing through January 3 <u>the 11th day prior to the Thanksgiving holiday.</u>	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)(b)3. <u>b. and c.</u>
	<u>A late either-sex archery and firearm hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 3.</u>	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).

Section 1. Continued

Kind of animal and locality	Open season (all dates inclusive)	Limit
b. In the CWD eradication zone established in s. NR 10.28(3) where the overwinter population of deer, determined by the department pursuant to s. NR 10.41(4)(d), is 15 or less deer per square mile of deer range.	<p>Archery <u>An early either-sex archery hunt beginning on the Saturday nearest September 15 and continuing through January 3 the Friday immediately preceding the Thanksgiving holiday.</u></p>	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11) and (13).
	<p>A <u>An early either-sex firearm hunt beginning on the Thursday nearest October 27 and continuing through January 3 the 11th day prior to the Thanksgiving holiday.</u></p>	One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11) and (13).
	<p><u>A late either-sex archery and firearm hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 3.</u></p>	<p><u>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</u></p>
3.a. Blue Mound, Governor Dodge and Tower Hill state parks, except as established in subd. 3.b.	<p>An archery and earn-a-buck <u>firearm hunt beginning on the Thursday nearest October 27 and continuing for 4 consecutive days through the 11th day prior to the Thanksgiving holiday. Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours will close at 12:00 p.m. daily on the first 4 days.</u></p>	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)(b)3. <u>b. and c.</u>
	<p>An earn-a-buck archery and firearm <u>hunt beginning on the day immediately following the hunt described above Thursday nearest October 27 and continuing through the 3rd Sunday following the Friday immediately preceding the Thanksgiving holiday. Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours will close at 12:00 p.m. daily on the first 4 days.</u></p>	One antlerless deer per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)(b)3. <u>b. and c.</u>
	<p>An archery <u>A late either-sex firearm hunt beginning on the day Saturday immediately following preceding the hunt described above Thanksgiving holiday and continuing through January 3 the 3rd Sunday following the Thanksgiving holiday.</u></p>	One antlerless deer <u>of either sex</u> per unused deer carcass tag or permit described under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.
	<p><u>A late either-sex archery hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 3.</u></p>	<p><u>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</u></p>

Section 1. Continued

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>b. Blue Mound, Governor Dodge and Tower Hill state parks, if the overwinter population of deer in the CWD eradication zone, determined by the department pursuant to s. NR 10.41(4)(d), is 15 or less deer per square mile of deer range.</p>	<p>An archery and early either-sex firearm hunt beginning on the Thursday nearest October 27 and continuing for 4 consecutive days <u>through the 11th day prior to the Thanksgiving holiday</u>. Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours will close at 12:00 p.m. daily <u>on the first 4 days</u>.</p>	<p>One deer of either sex per unused deer carcass tag issued under s. NR 10.104(11) and (13).</p>
	<p>An early either-sex archery and firearm hunt beginning on the day immediately following the hunt described above <u>Thursday nearest October 27</u> and continuing through the 3rd Sunday following the Friday immediately preceding the Thanksgiving holiday. <u>Legal hunting hours are the same as those established in s. NR 10.06(5) except that hunting hours will close at 12:00 p.m. daily on the first 4 days.</u></p>	<p>One deer of either sex per unused deer carcass tag issued under s. NR 10.104(11) and (13).</p>
	<p>An archery <u>A late either-sex firearm</u> hunt beginning on the day Saturday immediately following preceding the hunt described above <u>Thanksgiving holiday</u> and continuing through January 3 <u>the 3rd Sunday following the Thanksgiving holiday</u>.</p>	<p>One deer of either sex per unused deer carcass tag issued under s. NR 10.104(11) and (13).</p>
	<p><u>A late either-sex archery hunt beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 3.</u></p>	<p><u>One deer of either sex per unused deer carcass tag or permit described under s. NR 10.104(11).</u></p>

Section 2. NR 10.01(3)(ez)1.d. is amended to read:

NR 10.01(3)(ez)1.d. If after 2 consecutive seasons, as described in this subd. 1. a. and am., the department determines a third season, as described under this subd. 1. a. and am., 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, or within the CWD eradication or herd reduction zone during the earn-a-buck archery or earn-a-buck firearm hunts, with either a bow or a gun during any deer season or with an agricultural shooting permit, before they may harvest 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 the se 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)(2)~~. The gun deer season shall continue to include the hunts specified in subdivision paragraphs a. and am.

Section 3. NR 10.104(11) is repealed and recreated to read:

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

(a) *Regular deer hunting carcass tags.* A valid gun or archery deer license carcass tag or a special antlerless permit issued under s. NR 10.01 (3) (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 par. (b) 3.

(b) *Special CWD deer permits.* 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 as described in s. NR 10.28 (3). These special permits:

1. Will be issued free of charge at a rate of up to 4 permits per day per hunter.
2. Can be used during the hunts described in s. NR 10.01 (3) (et).
3. Can be used to tag a buck deer during the:
 - a. Early and late either-sex archery or early and late either-sex firearm hunts, or
 - b. Earn-a-buck archery or earn-a-buck firearm hunts 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 zone identified in s. NR 10.28(3), or
 - c. Earn-a-buck archery or earn-a-buck firearm hunts if an antlerless deer has been legally harvested and tagged prior to the harvest of the buck deer, and the antlerless deer accompanies the buck deer until each is registered.
4. Are not valid if all the required information is not completed on the permit, or the customer identification number has been changed or altered in any manner.

Section 4. NR 10.104(13) is repealed.

Section 5. 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) (ez) 1. d., or in the CWD eradication or herd reduction zones, during the earn-a-buck archery or earn-a-buck firearm hunts, 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) (ez) 1. d., or in the CWD eradication or herd reduction zones. Deer may only be transported outside of the unit of kill or adjoining unit after they have been registered.

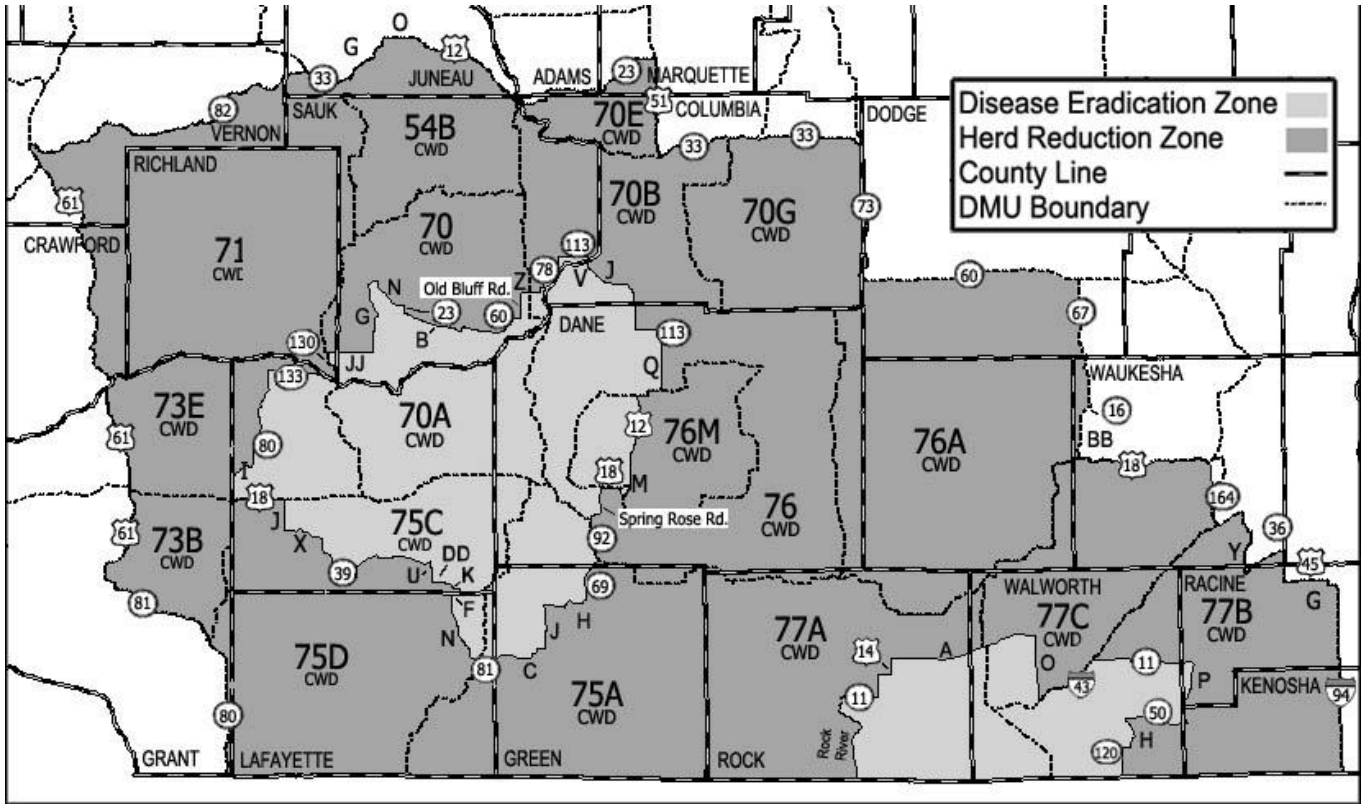
Section 6. NR 10.105(3) is repealed.

Section 7. NR 10.105(4) is renumbered NR 10.105(3).

Section 8. NR 10.106(2)(g) is created to read:

NR 10.106(2)(g) *Earn-a-buck units.* No person may use or attempt to use an antlerless deer to earn the ability to harvest more than one buck or to receive more than one antlerless deer registration verification in any unit designated as an earn-a-buck unit under s. NR 10.01(3)(ez) 1.d. or during the early earn-a-buck archery and firearm hunts in a CWD eradication or herd reduction zone identified in s. NR 10.28(3).

Section 9. NR 10.28(3) is repealed and recreated to read:



Section 10. 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 11. Board adoption. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 27, 2005.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)