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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

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

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

**State of Wisconsin
Department of Natural Resources**

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Board Order No.:	WM-15-10
Clearinghouse Number	CR 10-052
Subject of Rules:	Use of Archery Deer Hunting License
Date of Transmittal:	July 1, 2010

Send a copy of any correspondence or notices pertaining to the rule to:

**Scott Loomans
Bureau of Wildlife Management
101 South Webster, WM/6
P O Box 7921
Madison, WI 53707-7921**

**An electronic copy of the proposed rules submittal may be obtained by
contacting: Scott.loomans@wisconsin.gov**

REPORT TO LEGISLATURE
NR 10, Wis. Adm. Code

Board Order No. WM-15-10
Clearinghouse Rule No. 10-052

Basis and Purpose of the Proposed Rule

This proposal would limit the use of the antlerless deer carcass tag, issued with each archery hunting license, to units in which a gun harvest quota of antlerless deer has been established. Archers would be limited to buck only hunting in units where a zero quota gun antlerless quota has been established.

Currently, each license which authorizes archery deer hunting includes one carcass tag that is valid for taking an antlerless deer in any management unit.

The harvest of antlerless deer is managed by the department in order to achieve overwinter goals established in NR 10.104 Wis. Administrative Code. In management units where the deer population is below goal, the department may restrict antlerless deer harvest or establish an antlerless quota of zero. When the quota is zero in a unit, most firearm deer hunters may not harvest antlerless deer. Only archers, first year hunter safety graduates, and disabled permit holders are allowed to harvest antlerless deer when no quota has been established.

Eliminating archery hunter's ability to harvest antlerless deer in zero quota units would make regulations more consistent between the firearm and archery seasons and the reduced antlerless harvest will help to achieve overwinter goals by allowing additional population growth.

Summary of Public Comments

Supportive comments generally favored equalizing regulations related to the harvest of antlerless deer between firearm and archery hunters in units where there is no antlerless harvest quota. "Deer need to rebound" in zero quota units and supporters believed that this proposal is important for helping that happen. It was also noted that, "our herd status meeting supported this."

At Rhinelander and Fitchburg, each supporter was asked and they unanimously preferred implementing the proposal in 2010 versus 2011.

Written comments of support were submitted by people who said they are bowhunters, expressed a great need to increase the population of deer, and believe that this rule proposal will help and is fair.

The Wisconsin Wildlife Federation and Wisconsin Bowhunters Association are groups that supported the proposal during the hearing process.

A representative of the Conservation Congress testified that, while there is general support and committee support for the proposal, it should go through the 2011 spring hearing process where there will be greater public input.

There was limited opposition at the hearings but it was expressed that the proposal could shift hunting pressure towards younger bucks that, presumably, the speakers did not want to be harvested at an increased rate. It was also expressed that archers have less effective weapons, invest more effort, and should have the opportunity to harvest antlerless deer. People who called and wrote during the comment period expressed a variety of concerns. "I don't see bucks as often anymore and with the reduced herd I enjoy bow hunting and usually get a doe by the first of January." It was expressed that the DNR and rifle hunters, through liberal permit allocations, had reduced the deer herd and bow hunters should not have to restrict their harvest in response. Two people preferred a return to one archery deer tag that would be valid for a deer of either sex. It was suggested that the antlerless harvest is not significant enough to impact harvest. It was also suggested that archers are selective in the way they hunt and would voluntarily limit harvest when deer numbers are low.

Additional Input During Comment Period

Twenty comments were received by email, mail, and telephone. Of those, 8 were supportive of the proposed change and 12 expressed opposition.

Public Hearings

Hearings were held in Rhinelander, Fitchburg and Green Bay on May 17, 18 and 24, 2010

Modifications Made

No modifications were made

Appearances at the Public Hearing

Table 1. Summary of Public Hearing Attendance, Support and Opposition.

	Attendance	Testimony In Support	Registered Support	Testimony In Opposition	Registered Opposition	As Interest May Appear or no position
Rhinelander	18	7	9		2	
Fitchburg	1	1				
Green Bay	10	4	3	1		2
Total	39	12	12	1	2	2

Changes to Rule Analysis and Fiscal Estimate

No changes were made.

Response to Legislative Council Rules Clearinghouse Report

In response to a comment related to style, the department acknowledges the value of standardizing use of the terms "carcass tag", "license", and "permit" but believes that should be addressed throughout Ch. NR 10 in a way that is beyond the scope of this rule proposal. Regarding a comment on the adequacy of references to related rules, the department believes that current rules on the establishment of harvest quota objectives already accommodate potential changes in antlerless archery deer harvest from this proposal and further rule revisions are not needed. The department made a recommended change related to punctuation.

Final Regulatory Flexibility Analysis

These revisions to ch. NR 10, Wis. Adm. Code, pertain to game and hunting. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. This proposal does not establish design or operational standards. Under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

Bureau of Integrated Science Services has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.104(7)(a) relating to the use of archery deer hunting licenses.

WM-15-10

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The statute that authorizes the promulgation of this rule order is s. 29.014, Stats. This section grants rule making authority to the department to establish open and closed seasons for hunting and to establish other regulations for the conservation of game and to provide quality hunting. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule, s. 29.014 and 29.171, Stats., have been interpreted as providing the department with the authority to make this modification to the legal use of archery deer hunting carcass tags.

Related Statute or Rule: 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 Rule Analysis: The Bureau of Wildlife Management recommends promulgating administrative rules that modify a section of ch. NR 10 related to game and hunting and the use of archery deer hunting licenses.

Currently, each license which authorizes archery deer hunting includes one carcass tag that is valid for taking an antlered buck in any management unit and one tag which is valid for one antlerless deer in any management unit. This proposal would limit the areas where the antlerless carcass tag is valid to only management units for which an antlerless deer harvest quota has been established and CWD units.

Firearm deer hunters who hold Class A or C permits for hunters with disabilities can currently harvest deer of either sex. So that archery hunting regulations are consistent with firearm deer hunting regulations, Class A and C archery hunters would also continue to be able to harvest a deer of either sex even in units where other hunters are not allowed to do so.

Firearm deer hunters who hold Class A or C permits for hunters with disabilities can currently harvest deer of either sex. So that archery hunting regulations are consistent with firearm deer hunting regulations, Class A and C archery hunters would also continue to be able to harvest an antlerless deer with their (non-herd control) archery antlerless deer carcass tag in any unit statewide, including units with no antlerless deer quota.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies.

Comparison with rules in Adjacent States: These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

Summary of Factual Data and Analytical Methodologies: The harvest of antlerless deer is managed by the department in order to achieve overwinter goals established in s. NR 10.104 Wis. Admin. Code. In management units where the deer population is below goal, the department may restrict antlerless deer harvest or establish an antlerless quota of zero. When the quota is zero in a unit, most firearm deer hunters may not harvest antlerless deer. Only archers, first year hunter safety graduates, and disabled permit holders are allowed to harvest antlerless deer when no quota has been established.

Eliminating archery hunter's ability to harvest antlerless deer in zero quota units would make regulations more consistent between the firearm and archery seasons and the reduced antlerless harvest will help to achieve overwinter goals by allowing additional population growth.

Anticipated Private Sector Costs: These rules, and 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 Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule.

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments was June 1, 2010.

Section 1. NR 10.104(7)(a) is amended to read:

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

2. Each license which authorizes the hunting of deer with a bow shall also include one carcass tag that is valid for the taking of one antlerless deer in any unit statewide in deer management units for which an antlerless quota has been established under subs. (5) and (6). This antlerless deer tag is valid for taking an antlerless deer in state park deer management units which are surrounded by or adjacent to a unit for which an antlerless quota has been established under subs. (5) and (6). This tag is valid statewide for a person holding a Class A or Class C disabled permit under s. 29.193(2)(b), Stats.

NOTE: Antlerless deer harvest quotas are not established for certain federally owned properties or Menominee County, however, antlerless deer harvest may be allowed there under more specific rules established in s. NR 10.01(3)(em)2.a. and b..

Section 2. Effective dates. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Section 3. Board adoption. This rule order was approved and adopted by the State of Wisconsin Natural Resources Board on June 23, 2010.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)

Fiscal Estimate — 2009 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number	Amendment Number if Applicable
	Bill Number	Administrative Rule Number WM-15-10

Subject
 Use of archery deer hunting licenses and carcass tags.

Fiscal Effect
 State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs — May be possible to absorb within agency's budget. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local: No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

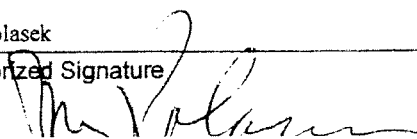
Currently, each license which authorizes archery deer hunting includes one carcass tag that is valid for taking an antlered buck in any management unit and one tag which is valid for one antlerless deer in any management unit. This proposal would limit the areas where the antlerless carcass tag is valid to only management units for which an antlerless deer harvest quota has been established and CWD units.

Under current rules, firearm season hunters are not allowed to harvest antlerless deer in zero quota units but archery hunters may. Eliminating archery hunter's ability to harvest antlerless deer in units for which no antlerless quota has been established will make regulations more consistent between the firearm and archery seasons. In deer management units that are below their overwinter population goals, reduced antlerless harvest will help to achieve overwinter goals by allowing additional population growth.

This proposed rule does not create license types or new license issuance procedures. It will require updating printed instructions on carcass tags which can be done when annual updates are made and will result in no fiscal impact. It is not anticipated that this change will have an impact on license sales because the harvest of antlered bucks is still allowed in all units statewide. The ability to harvest an antlered deer is, for most hunters, the primary feature of the archery deer hunting license. Additionally, the harvest of antlerless deer will still be allowed in most units.

In 2009 there were 13 units for which no antlerless harvest quota was established out of a total 144 units including state parks.

Long-Range Fiscal Implications

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) A3-26-10

Fiscal Estimate Worksheet — 2009 Session
 Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-15-10

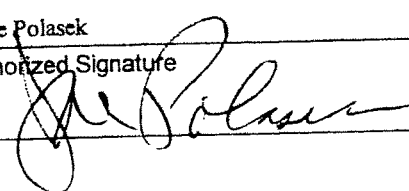
Subject
 Use of archery deer hunting licenses and carcass tags.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations — Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	\$	\$ -
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue / Decreased Revenue
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S	0	-
Total State Revenues	\$ 0	\$ -

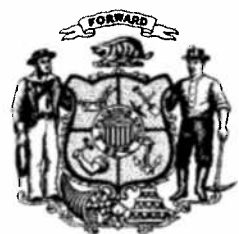
Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$	\$
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 03-26-10



WISCONSIN STATE LEGISLATURE





**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 10-052

AN ORDER to amend NR 10.104 (7) (a), relating to the use of archery deer hunting licenses.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

05-04-2010 RECEIVED BY LEGISLATIVE COUNCIL.

06-01-2010 REPORT SENT TO AGENCY.

RNS:SG

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Clearinghouse Director

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Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 10-052

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

Generally, the department should consider clarifying the relationship between licenses and carcass tags as described in s. NR 10.104 (7) and licenses and permits under s. NR 10.104 (8).

4. Adequacy of References to Related Statutes, Rules and Forms

In s. NR 10.104 (5) (b), the department considers “archery harvest” in a manner that appears to contemplate the archery harvest under the current administrative code, which would cease under the proposed rule. If that is correct, the department should update the determination of quotas under s. NR 10.104 (5) (b) to reflect the changes in the proposed rule.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the summary of factual data and analytical methodologies section of the rule analysis, “s.” should be inserted before the rule cited.