

Clearinghouse Rule 06-131

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 s. NR 10.01(3)(e)1.d.; to amend ss. NR 10.01(3)(e)1.c., 2.b. and g., (em)4.(title), a. and c., and (ev); to repeal and recreate s. NR 10.01(3)(em)1.; and to create s. NR 10.01(3)(es)3. relating to deer hunting season and permit issuance regulation changes.

WM-10-07

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize the promulgation of this rule order include § 29.014, 29.089(3), and 29.177(3m), Stats. These sections grant rule making authority to the department to establish seasons, regulations and bag limits for hunting that ensure the citizens of the state continued opportunities for quality hunting. Additionally, these statutes provide authority for the department to manage state owned properties and issue special antlerless deer permits. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule § 29.014, 29.024(6), 29.089(3), 29.173(3), 29.177, and 29.181, Stats., have been interpreted as providing the department with the authority to allow the department to establish deer hunting regulations as well as deer license and deer carcass tag issuance regulations.

Related Statute or Rule: This rule amends the Deer 2006 rule order, clearinghouse rule 05-086.

Plain Language Rule Analysis: This rule order includes the following modifications:

1. This rule eliminates the one year sunset of the 4-day December antlerless deer gun hunt beginning on the 2nd Thursday following the Thanksgiving holiday (except in CWD zones, state parks, and metro units). The hunt will be open in all units to anyone with a valid antlerless deer permit. Archery hunting will be limited to antlerless deer only during this gun hunt.
2. Clarifies the application of the special youth gun deer hunt event to Earn-a-Buck units and CWD zones.
3. In drafting the 2006 Deer Hunting Rule, major revisions to ch. NR 10 took place to consolidate complicated state park deer hunting rule language. During the consolidation, several drafting errors and omissions occurred. This rule includes housekeeping changes to correct those drafting errors.

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 native species has been delegated to state fish and wildlife agencies. None of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis: Minnesota has deer seasons that run from early to mid-November, with a muzzleloader season that runs from the end of November to mid-December. There is a two-day youth deer hunt in northwest Minnesota. Gun and archery licenses are purchased separately. Minnesota only issues one tag with each license, with additional tags available for purchase. There is a lottery for these tags in "lottery deer permit areas".

Michigan has a firearm season that runs from mid-November to the end of November, an archery season that runs from October to January, and a nine-day muzzleloader season in December. There is also a two-day youth hunt in September. Like Wisconsin, hunters purchase either a firearm or archery deer license. A regular license allows the harvest of a buck and an antlerless license allows the harvest of an antlerless deer. An antlerless license may be applied for (for a fee) and a drawing is held to determine successful applicants who then may purchase an Antlerless License.

Illinois has multiple short gun seasons that falls between late November to mid-January. The archery season runs from the beginning of October to mid-January. There is also a two-day Youth Firearm Deer Season in October. Hunters must purchase separate gun and archery authorizations, similar to Wisconsin. All carcass tags must be purchased; additional tags may be acquired through a lottery.

Iowa has a split gun season in December, muzzleloader season from mid-December to mid-January, and a bow season that runs from October to December. There is a youth hunt open to Iowa residents only, which runs from mid-September to October. Iowa's deer license is not weapon specific. There is only one tag issued per license but additional tags may be purchased with the first antlerless tag costing \$26 and subsequent tags costing \$11 each. These tags are first come, first served until quotas are filled.

Overall, Wisconsin's deer hunting license and season structure is similar to those of neighboring states. One exception is that Wisconsin issues more than one harvest authorization with a deer license. Also, if the current proposal is approved, Wisconsin will be the only state to issue hunting authorizations to all hunters free of charge.

Summary of Factual Data and Analytical Methodologies: Part of the 2006 deer rule package that was implemented in 2006 was the result of a Joint Committee for Review of Administrative Rules (JCRR) motion requesting that the Department agree to a 1-year experiment with the antlerless only December 4-day gun hunt north of HWY 8. As a result, the 4-day antlerless only December gun hunt starting the second Thursday after Thanksgiving in Deer Management Units north of HWY 8 was limited to a 1-year trial. In order for the December gun hunt to continue in Deer Management Units north of HWY 8 beyond 2006, the Department must modify administrative code through the rule process.

The Department expects support from the hunting stakeholder groups that supported this rule change since its inception. Opposition is anticipated from the Association of Wisconsin Snowmobile Clubs.

Anticipated Private Sector Costs: There are no direct additional costs imposed on hunters as a result of this rule.

Effects on Small Businesses: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

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Deadline for Comments: January 30, 2007.

Section 1. NR 10.01(3)(e)1.c. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. All that part of the state not otherwise listed in subds. 2. to 65., or in CWD zones described in s. NR 10.28 (3). not included in the December herd control zone identified in s. NR 10.28 (1).	4-day deer gun season beginning the second Thursday following the Thanksgiving holiday. Allowable types of guns are those authorized on the first day of the deer gun season identified in subdivision paragraph a. or b.	One antlerless deer per antlerless deer permit issued under s. NR 10.104.

Section 2. NR 10.01(3)(e)1.d. is repealed.

Section 3. NR 10.01(3)(e)2.b. and g. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2.b. The following state parks and trails: the portion of Big Bay state park located on Madeline Island west of a north-south line beginning at the park entrance on Haines road, Governor Thompson, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Mill Bluff, Newport, Rock Island, <u>Straight Lake</u> , Wyalusing (73A) and Tuscobia-Park Falls.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. The firearm type is the same as authorized for the surrounding deer management unit.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.
g. Loew Lake Unit - Kettle Moraine state forest (unit 77D).	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days. Muzzleloader firearm deer hunting is limited to persons holding a permit for unit 77D.	One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.

Section 4. NR 10.01(3)(em)1. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(em) Deer bow season. 1. Statewide except as established under subds. 2. through 5. and pars. (ed), (et) and (ez).	<i>Early archery season.</i> Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season described in par. (e).	One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.

<p><i>Late archery season.</i> Reopening on the day immediately after the deer gun season described in par. (e) 1. a. and b. and continuing through the second Wednesday following the Thanksgiving holiday.</p>	<p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.</p>
<p>Beginning on the second Thursday following the Thanksgiving holiday and continuing for 4 consecutive days.</p>	<p>One antlerless deer per antlerless deer permit issued under s. NR 10.104.</p>
<p>Beginning on the day immediately following the 4-day antlerless hunt above and continuing through the Sunday nearest January 6.</p>	<p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.</p>

Section 5. NR 10.01(3)(em)4. (title) is amended to read:

NR 10.01(3)(em)4. (title) State parks and forests.

Section 6. NR 10.01(3)(em)4. (title) a. and c. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(em)4.a <u>Loew Lake Unit - Kettle Moraine state forest (unit 77D),</u> Buckhorn state park and the Plum Island portion of Grand Traverse Islands state park.</p>	<p>During the early and late archery seasons described in subd. 1.</p>	<p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.</p>
<p>c. The following state parks and trails: Elroy-Sparta, Council Grounds(52A), Hartman Creek, Interstate, Kinnickinnic, Wildcat Mountain (unit 72A), Rib Mountain (unit 57D), Harrington Beach (unit 69C), Kohler-Andrae (unit 77E), Willow River, Newport, Rock Island and Tuscobia-Park Falls.</p>	<p>During the late archery seasons described in subd. 1.</p>	<p>One buck and one antlerless deer as authorized by the appropriate archery deer carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.</p>

Section 7. NR 10.01(3)(es)3. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>NR 10.01(3)(es)3. Mill Bluff, Newport, Rock Island, and Straight Lake state parks</p>	<p>Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.</p>	<p>One buck deer and additional antlerless deer as authorized by antlerless deer permits issued under s. NR 10.104.</p>

Section 8. NR 10.01(3)(ev) is amended to read:

NR 10.01(3)(ev)(title) *Special youth ~~antlerless~~ gun deer hunt event* Persons 12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state park units, deer management unit 48 and federal lands. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et). The bag limit is one buck deer per valid gun buck deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8). ~~Youth who are first time graduates of the hunter education program may use their certificates of accomplishment to take an antlerless deer.~~ Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters and all other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters. Earn-a-buck requirements do not apply to youth hunters hunting in CWD zones identified in s. NR 10.28(3) or non-CWD earn-a-buck units when using their regular gun buck deer carcass tag. Youth hunters may harvest and tag bucks or antlerless deer in CWD zones as authorized by CWD tags under s. NR 10.104(11) or CWD landowner permit tags issued pursuant to s. NR 10.41(3).

Section 9. 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 10. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on

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Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)