

**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 renumber NR 10.001(1m), (6m) and (23m); amend NR 10.01(3)(e)1. (intro.), 3.a., 6.(intro.) and 6.a., (em)1. and 3., (es)1., (ev), 10.06(8)(a), 10.09(1)(a)2. and (c)3. and (2)(intro.), 10.27 (1), and 12.10(3)(c); to repeal and recreate 10.07(1)(a), and to create NR 10.001 (1n), (6h), (6p), (6t), (11), (19e), (23v) and (24m), 10.01(3)(et) and (ez)4., 10.07 (3), 10.104(11), (12) and (13), 10.105(3) and (4), 10.106(2)(f), 10.27(10), 10.28(3), 10.41, 10.42, 12.06, and NR 45.09(9) relating to the control and management of chronic wasting disease.

WM-05-03

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014 , 29.063, 29.307, 29.335, 29.885, 227.11 and 227.24, Stats.

Statutes Interpreted: § 29.063, 29.177, 29.307, 29.335 and 29.361, Stats.

Sections 1 and 2. Defines an archery hunt as it relates to the special chronic wasting disease (CWD) control and management hunts.

Section 3. Defines CWD.

Section 4 and 5. Defines the CWD eradication zone.

Section 6. Defines the CWD intensive harvest zone.

Section 7. Defines the herd reduction zone.

Section 8. Defines adequate public notice and information as it relates to defining a new CWD eradication zone.

Section 9 and 10. Defines a section of land.

Section 11. Defines a shotgun hunt as it relates to the special CWD control and management hunts.

Section 12 and 14. Defines all of the metro deer management units as Zone “M” and eliminates deer management unit 76M from the list of metro units which have a standard deer season framework and harvest limits.

Sections 13 and 29. Eliminates Blue Mounds State Park from the list of parks with muzzleloader deer seasons.

Section 15. Updates exceptions to the regular deer archery season.

Section 16. Updates exceptions to the muzzleloader season.

Section 17. Creates the special disease control hunts for the gun and archery hunts in the deer management units, portions of deer management units and state parks that are included in the herd reduction and CWD intensive harvest zones.

Sections 18 and 19. Exempts units that are participating in the special CWD herd reduction hunts from the one-day youth antlerless deer hunt and the special herd control hunts.

Section 20. Modifies hunting hours for the CWD archery seasons.

Section 21. Authorizes the use of aircraft by the department to harvest, spot, rally and drive deer to help with the depopulation of deer within the eradication zone after all other control measures have been considered and also authorizes the use of buckshot from or with the aid of aircraft.

Section 22. Requires participants in the CWD herd reduction hunts to comply with blaze orange clothing requirements.

Section 23. Prohibits the possession of “buck shot” during the special CWD control hunts.

Section 24. Clarifies the prohibition of rifles in shotgun only areas during deer seasons and hunts.

Section 25. Allows hunting the day prior to the opening of a special gun deer hunt.

Section 26. Creates special CWD deer permits that authorize the harvesting of deer within the CWD management zones and creates a permit that will be issued to hunters to replace their carcass tag should they shoot a deer that appears to be diseased while hunting and defines the conditions for their use.

Section 27. Develops transportation and sampling guidelines for deer harvested within and outside of the CWD management zones.

Section 28. Develops registration guidelines for deer harvested within the CWD management zones.

Section 30. Establishes a deer season and weapon restrictions for Blue Mounds State Park.

Section 31. Creates a map that identifies the CWD herd reduction zone and the CWD intensive harvest zone.

Section 32. Creates a section regarding natural resources board guidance as it pertains to the management of chronic wasting disease by the department.

Section 33. Provides the department with the authority to utilize additional measures when necessary, within their legislative authority, to control the spread of CWD in the state.

Section 34 and 35. Identifies deer within the CWD eradication zone as causing a nuisances and authorizes the department to issue permits to landowners and their permittees to harvest deer during periods defined by the department throughout the year and defines the parameters of their issuance and guidelines for their use.

Section 36. Creates a free state park hunting access permit that is required to hunt in the state parks participating in the special CWD control hunts.

Section 1. NR 10.001(1m) is renumbered NR 10.001(1t).

Section 2. NR 10.001(1n) is created to read:

NR 10.001(1n) "Archery hunt" means a hunting period for hunting deer with bow and arrow or crossbow as authorized by s. 29.171(2) and (2m), Stats., in the zones described in s. NR 10.28(3).

Section 3. NR 10.001(6h) is created to read:

NR 10.001(6h) "CWD" means chronic wasting disease.

Section 4. NR 10.001(6m) is renumbered NR 10.001(6d).

Section 5. NR 10.001(6p) is created to read:

NR 10.001(6p) "CWD eradication zone" means the area established by the department where the depopulation of the wild deer herd is required to eradicate chronic wasting disease and consists of all sections of land contained within or intersected by a circle of up to a 4 ½ mile radius drawn from the center of the section of land found to have contained a deer or elk that has tested positive for chronic wasting disease.

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

NR 10.001(6t) "CWD intensive harvest zone" means a zone established in s. NR 10.28(3).

Section 7. NR 10.001(11) is created to read:

NR 10.001(11) "Herd reduction zone" means a zone established in s. NR 10.28(3) excluding the CWD intensive harvest zone described in s. NR 10.28(3).

Section 8. NR 10.001(19e) is created 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.

Section 9. NR 10.001(23m) is renumbered NR 10.001(23s).

Section 10. NR 10.001(23m) is created to read:

NR 10.001(23m) "Section of land" means an area of land approximately one square mile in size that is numbered by township.

Section 11. NR 10.001(23v) is created to read:

NR 10.001(23v) "Shotgun hunt" means a hunting period for hunting deer with those firearms and ammunition defined in sub. (24).

Section 12. NR 10.01(3)(e)1. (intro.) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Zone "A"		
All that part of the state not otherwise listed in season zones "B" through "E" or in those zones described in s. NR 10.28(3).		

Section 13. NR 10.01(3)(e)3.a., is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. Zone "C" – State Parks		
a. Governor Dodge (unit 70C), Blue Mound (unit 70D), Perrot (unit 61A) and Peninsula (unit 80C) state parks.	Muzzle loading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 9 consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 14. NR 10.01(3)(e)6. (intro.) and a. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
6. Zone "M"		
a. Deer management units 59M, 60M, 64M, 76M and 77M.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.
	Shotgun season beginning on the day immediately following the season described above and continuing through the second Sunday in December.	One antlerless deer per hunter's choice or antlerless deer permit issued under s. NR 10.104.

Section 15. NR 10.01(3)(em)1. and 3. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(em) Deer bow season</i>		
1. Statewide except as established under s. NR 10.01(3)(em)2. and 3. <u>and (et).</u>	Beginning on the Saturday nearest September 15 and continuing through the 2nd day Thursday immediately prior to the opening of the deer gun season described in par. (e).	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
	Reopening on the day immediately after the deer gun season described in par. (e) and continuing through January 3.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
3. M, M-1, M-2, M-3 Deer management units 1M, 59M, 60M, 64M, 76M and 77M.	Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season and reopening on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 31.	One deer of either sex and one antlerless deer per hunter's choice and bonus permit issued under s. NR 10.104.

Section 16. NR 10.01(3)(es)1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(es) Muzzleloader deer season</i>		
1. Entire state, except for the areas described in subd. 2. <u>and par. (et).</u>	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 17. NR 10.01(3)(et) is created 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 subdivision paragraph b. and excluding units listed in subdivision paragraph c.	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and bonus antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
	A 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).	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and bonus antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
	A 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).	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and bonus antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
b. In the portions of deer management units included in the herd reduction 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)(b), is 15 or less deer per square mile of deer range.	Archery season beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the Thanksgiving holiday.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
	Archery season reopening on the Monday following the Thanksgiving holiday and continuing through January 3.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 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).	One buck deer or as authorized by hunter's choice and bonus antlerless deer permits issued under s. NR 10.104.
	Muzzleloader season beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer or as authorized by hunter's choice and bonus antlerless deer permits issued under s. NR 10.104.

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. State parks in the herd reduction zone established in s. NR 10.28(3), except those state parks that are located in units or portions of units subject to subdivision paragraph b., which will return to the seasons authorized under s. NR 10.27.	A 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 gun deer carcass tag and one antlerless deer per archery deer carcass tag or antlerless permit issued under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
	An archery and firearm hunt beginning on the Saturday prior to 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 under s. NR 10.01(3)(e).	One antlerless deer per gun deer carcass tag and one antlerless deer per archery deer carcass tag or antlerless permit issued under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
d. If the department finds that it is unlikely that the deer population in the unit or portion of unit located within the herd reduction zone established in s. NR 10.28(3) will be reduced to within 20% of the overwinter population goal established in s. NR 10.41(4)(b) under the season described in subdivision paragraph b., the season framework established in par. (ez)1.a. to c. will be implemented within that unit or portion of unit.		
2. a. In the CWD intensive harvest zone as described in s. NR 10.28(3) except as established in subdivision paragraph b. and excluding units listed in subd. 3.	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3.	One antlerless deer per archery deer carcass tag or antlerless permit issued under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
	A firearm hunt beginning on the Thursday nearest October 27 and continuing through January 3.	One antlerless deer per gun deer carcass tag or antlerless permit issued under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.

Kind of animal and locality	Open season (all dates inclusive)	Limit
b. In the CWD intensive harvest 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)(a), is 15 or less deer per square mile of deer range.	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3.	One deer of either sex per archery deer carcass tag, special antlerless permit issued par. (ez) or a permit issued under s. NR 10.104(13). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
	A firearm hunt beginning on the Thursday nearest October 27 and continuing through January 3.	One deer of either sex per gun deer carcass tag, special antlerless permit issued under par. (ez) or a permit issued under s. NR 10.104(13). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
3.a. State parks in the CWD intensive harvest zone established in s. NR 10.28(3), except as established in subdivision paragraph b.	An archery and firearm hunt beginning on the Thursday nearest October 27 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 12:00 p.m. daily.	One antlerless deer per gun deer carcass tag and one antlerless deer per archery deer carcass tag or antlerless permit issued under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
	An archery and firearm hunt beginning on the day immediately following the hunt described above and continuing through the 3 rd Sunday following the Thanksgiving holiday.	One antlerless deer per gun deer carcass tag and one antlerless deer per archery deer carcass tag or antlerless permit issued under s. NR 10.104(11). In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
b. State parks in the CWD intensive harvest zone, if the overwinter population of deer in the intensive harvest zone, determined by the department pursuant to s. NR 10.41(4)(a), is 15 or less deer per square mile of deer range.	An archery and firearm hunt beginning on the Thursday nearest October 27 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 12:00 p.m. daily.	One deer of either sex per special antlerless permit issued under par. (ez), a permit issued under s. NR 10.104(13), gun deer carcass tag or archery deer carcass tag. Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.
	An archery and firearm hunt beginning on the day immediately following the hunt described above and continuing through the 3 rd Sunday following the Thanksgiving holiday.	One deer of either sex per special antlerless permit issued par. (ez), a permit issued under s. NR 10.104(13), gun deer carcass tag or archery deer carcass tag. Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.

Section 18. NR 10.01(3)(ev) is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
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(ev) *Special youth antlerless 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 antlerless deer with a gun firearm on the Saturday of a herd control hunt defined under ~~s. NR 10.01 (3) par. (ez)~~ 1. a. in deer management units, except state park units and units not included in a deer herd control firearm hunt under s. NR 10.01 (3) par. (ez) or (et) on the same day. Allowable types of guns firearms are those authorized on the first day of the regular gun deer season under ~~s. NR 10.01 (3) par. (e)~~. The bag limit is one antlerless deer per hunter's choice or antlerless deer permit issued under s. NR 10.104. Youth who are first time graduates of the hunter education program may use their certificates of accomplishment in place of a hunter's choice permit issued under s. 29.177, Stats., 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 this day except waterfowl hunters.

Section 19. NR 10.01(3)(ez) 4. is created to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
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(ez) *Special deer herd control hunt.*

4. Areas specified under this paragraph exclude areas described in par. (et)1.a. and 2.a. and b.

Section 20. NR 10.06(8)(a) is amended to read:

NR 10.06(8)(a) *Bow bear and deer seasons.* Hunting hours established in sub. (5) shall apply to archers pursuing any species during the bow bear season established in s. NR 10.01(3) (g), ~~and~~ during the bow deer season established in s. NR 10.01 (3) (em), and the archery hunts established in s. NR 10.01(3)(et)1., 2. and 3.

Section 21. NR 10.07(1)(a) is repealed and recreated to read:

NR 10.07(1)(a)1. *Aircraft.* Hunt with the aid of an aircraft, including the use of an aircraft to spot, rally or drive wild animals for hunters on the ground, except as authorized under subd. 2.

2. *Aircraft in eradication zones.* The department may authorize the use of aircraft to hunt, spot, rally or drive wild animals for hunters on the ground, within the CWD eradication zone defined in s. NR 10.001(6p) when all other alternatives to shooting and driving animals from aircraft have been considered and the department determines that the use of aircraft is necessary in order to control the spread of disease in animals as follows:

- a. Deer may not be shot from aircraft.
- b. Aircraft may be used to spot, rally or drive deer for harvest or other control purposes as authorized by the department.
- c. Deer may be harvested from an aircraft only on properties where the department has received land owner approval.
- d. Deer driven with an aircraft may be harvested by ground shooters.
- e. All ground shooters participating in control of deer with the aid of an aircraft shall wear blaze orange clothing as described in s. 29.310(2), Stats.
- f. Notwithstanding s. NR 10.09(1)(a)2., any person authorized by the department to shoot deer from or with the aid of an aircraft pursuant to this paragraph, may use shotshells loaded with shot larger than no. BB to shoot deer.

Section 22. NR 10.07(3) is created to read:

NR 10.07(3) *CWD BLAZE ORANGE REQUIREMENTS.* The blaze orange requirements described in s. 29.301(2), Stats., apply to CWD deer herd reduction and eradication hunts under s. NR 10.01(3)(et).

Section 23. NR 10.09(1)(a)2. is amended to read:

NR 10.09(1)(a)2. `Size.' Possess or have in control while hunting, shells containing shot larger than no. BB during the period commencing on June 1 and ending 48 hours following ~~gun~~ any deer season or hunt established in s. NR 10.01 (3) (e), (es), (et) or (ez), whichever season is later, except during the open season established in s. NR 10.01 (1) (b), (c), (d) and (g) when nontoxic shot size BBB and T may be used for hunting migratory game birds.

Section 24. NR 10.09(1)(c)3. is amended to read:

NR 10.09(1)(c)3. `Possession.' ~~Possess~~ Except as provided in subd. 4., possess any rifle larger than .22 rim-fire in areas wherein there is an open season or hunt specified in s. NR 10.01(3) for hunting deer with shotgun only unless ~~such~~ the rifle is unloaded and enclosed within a carrying case.

Section 25. NR 10.09(2) (intro.) is amended to read:

NR 10.09(2) SPECIAL ONE-DAY RESTRICTION. (intro.) During the 24-hour period prior to the opening date for hunting deer with guns, no person ~~shall~~ may possess a gun wherein there is an open season for deer with guns specified in s. NR 10.01(3)(e), unless the gun is unloaded and enclosed within a carrying case. Exceptions:

Section 26. NR 10.104(11), (12) and (13) are created to read:

NR 10.104(11) CHRONIC WASTING DISEASE SPECIAL PERMITS. In the CWD herd reduction and intensive harvest zones as described in s. NR 10.28(3), a valid gun or archery deer license and carcass tag or a special antlerless permit issued under s. NR 10.01(3)(ez), 12.06, 12.15 or 19.11 are all valid for tagging an antlerless deer or a buck deer pursuant to the procedure described in par. (a)3. In addition, the following carcass tags are valid for the taking and tagging of additional deer:

(a) *Special CWD earn-a-buck 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 intensive harvest 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) 1.a., 2.a. and 3.a.
3. Can be used to tag a buck deer if:
 - a. An antlerless deer has been legally harvested and tagged prior to the harvest of the buck deer, and
 - b. 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.

(b) *Special CWD buck deer permits.* A special CWD buck permit, issued under s. 29.177, Stats., is valid for the taking of a buck deer in units or portions of deer management units included in the CWD herd reduction and intensive harvest zones as described in s. NR 10.28(3). A buck deer permit may only be issued to an individual for each antlerless deer they register in the zone described in s. NR 10.28(3) that are not used for credit on a previous buck deer. No person may use or attempt to use an antlerless deer to receive more than one special CWD buck deer permit. A buck deer may be killed and tagged with a buck permit without it being accompanied by an antlerless deer. These permits are:

1. Valid during the hunts described in s. NR 10.01(3)(et) 1.a., 2.a. and 3.a.
2. ~~Valid only for the hunter who registers the antlerless deer to secure authorization for that hunter to tag one buck deer in the CWD herd reduction or intensive harvest zones.~~
3. ~~Issued free of charge upon registering an antlerless deer in accordance with this subdivision.~~
4. ~~Not valid if all the required information is not completed on the permit.~~

(12) SPECIAL DISEASED DEER REPLACEMENT PERMITS. The department may provide free replacement permits issued under s. 29.177, Stats., to hunters who harvest deer that are suspected of being diseased, provided that the entire deer is surrendered to the department or is disposed of as directed by the department. Each special permit shall be:

- (a) Issued by a department employee or a designated agent.
- (b) Issued to the hunter harvesting and tagging the suspect deer.
- (c) Issued for the type of deer authorized on the permit or license used to harvest and tag the suspect deer.

(13) SPECIAL CWD EITHER-SEX PERMITS. This special permit issued under s. 29.177, Stats., is valid for the taking of a deer of either-sex in the units or portions of deer management units included in the intensive harvest zone described in s. NR 10.28(3). These special permits:

- (a) Shall be issued free of charge at a rate of up to 4 permits per day per hunter.
- (b) Are not valid if all the required information is not completed on the permit.

Section 27. NR 10.105(3) and (4) are created to read:

NR 10.105(3) CWD ZONE CARCASS TRANSPORTATION. In the CWD herd reduction and intensive harvest zones during the seasons established in s. NR 10.01(3)(et)1.a., 2.a. and 3.a., no person may transport or possess a buck deer from the time it is killed to the time it is registered under s. NR 10.106(2)(e) unless tagged with a special CWD buck permit described in s. NR 10.104(11)(b) or accompanied by the antlerless deer that authorized the buck deer and each is tagged in the CWD herd reduction or intensive harvest zones and tagged with a special CWD earn-a-buck permit, gun or bow carcass tag, or other antlerless permit authorized in s. NR 10.104(11).

(4) DISEASE SAMPLING. Notwithstanding s. 29.347, Stats., any part of any animal harvested under s. NR 10.01(3) may be collected or sampled by the department for disease testing purposes prior to registration.

Section 28. NR 10.106(2) (f) is created to read:

NR 10.106(2)(f) *CWD intensive harvest and special herd reduction zones*. Any deer harvested in the eradication zone, the CWD intensive harvest zone or herd reduction 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 29. NR 10.27(1) is amended to read:

NR 10.27(1) MUZZLELOADER SEASON. Deer hunting by muzzleloader is allowed in ~~Blue Mound, Governor Dodge,~~ Harrington Beach, Peninsula, Wildcat Mountain and Perrot state parks during the seasons specified in s. NR 10.01 (3) (e) 3.

Section 30. NR 10.27(10) is created to read:

NR 10.27 (10) FIREARM, EARLY AND LATE BOW SEASONS. Deer hunting by firearm is established in Blue Mounds and Governor Dodge state park during the seasons specified in s. NR 10.01(3)(et)1. and by bow and arrow for the seasons described in s. NR 10.01(3)(et)3.

Section 32. NR 10.41 is created to read:

NR 10.41 **Wildlife disease management.** (1) PURPOSE. Pursuant to s. 29.063(1), Stats., the natural resources board establishes this section to provide guidelines for the department to manage chronic disease in wild cervids in this state.

(2) STATE PARKS AND OTHER CLOSED AREAS. State parks, refuges and closed areas identified in chs. NR 11, 15 and 45 may be opened to deer hunting by rule order to assist in the control of CWD.

(3) CWD ERADICATION ZONE. (a) *Establishment.* The department may establish an eradication zone, pursuant to the criteria established in s. NR 10.001(6p)

(b) *Overwinter goal.* The eradication zone shall have an overwinter deer population goal of 0 deer per square mile of deer range.

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

(4) CWD MANAGEMENT ZONES. (a) *Establishment.* Under the authority of s. 227.24, Stats., the department may establish CWD management zones by rule around areas where CWD positive cervids have been identified.

(b) *CWD intensive harvest zone.* 1. Units or portions of units located within the boundaries of the CWD intensive harvest zone established in s. NR 10.28(3) will be managed at a goal of less than 10 deer per square mile of deer range.

2. This zone 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, close to or near the eradication zone boundaries.

3. The department shall annually calculate an estimate of the overwinter deer population in this zone with information obtained by surveys which may include registration data and aerial surveys.

(c) Herd reduction zone. 1. Units or portions of units located within the boundaries of the herd reduction zone established in s. NR 10.28(3) will be managed at a goal of 10 deer per square mile of deer range.

2. This zone 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.

3. The department shall annually calculate an estimate of the overwinter deer population for each deer management unit or portions of unit located within this zone with information obtained by surveys which may include registration data and aerial surveys.

4. The department may combine units or portions of units within the herd reduction zone into broad areas that have the same season framework under s. NR 10.01(3)(et) 1.a., b. or d. to help simplify the deer hunts within the herd reduction zone.

Section 33. NR 10.42 is created to read:

~~NR 10.42 **Official state duties.** Nothing in this chapter shall prohibit or hinder the department and its employees, duly authorized agents, or contractors from performing their official duties relating to control of disease in deer and elk.~~

Section 34. NR 12.06 is created to read:

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

(2) PERMITS. Landowners, lessees, occupants or their duly authorized agents within the eradication 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.

(3) PARTICIPATION BY OTHERS. Persons other than the permittee may assist as a participant in the removal of deer in accordance with this section on the land for which the permit is valid.

~~(a) *Number and selection of participants.* All participants shall be selected by the permittee and shall record their name, address, phone number and date of birth in a logbook provided by the department to the permittee.~~

(b) *Age and safety training.* All participants, including the permittee shall meet the requirements of ss. 29.304 and 29.593, Stats., pertaining to hunter safety and age.

(c) *Approval.* All participants shall possess written approval obtained from the permittee and the appropriate, valid hunting license unless exempted under sub. (4)(a) when carrying on removal activities. Written approval may include: name, address and phone number of landowner; name, address, phone number and DNR customer identification number, if applicable, of the person removing wild animals; property location and removal activities, authorized period of removal, signature of the permittee, or other form of approval authorized by the department.

~~(d) *No fees.* The permittee may not charge any form of fee to a participant.~~

(4) LICENSES, STAMPS AND PERMITS. (a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer, unless otherwise required as a condition of the permit.

(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 authority to harvest a buck deer during the seasons listed in s. NR 10.01(3)(et) within the CWD herd reduction and intensive harvest zones identified in s. NR 10.28(3).

(5) CARCASS DISPOSITION. Unless otherwise directed by the department, carcasses shall be disposed of in accordance with the procedures outlined on the permit issued by the department. Any part of any deer harvested under this section may be collected by the department for disease testing purposes.

(6) HARVEST PERIODS. Permits issued to landowners under this section are valid only for the periods specified by the department on the permit.

(7) SHOOTING HOURS. Permittees and participants shall comply with shooting hours described in s. NR 10.06 (5), unless exempted by the department.

(8) FIREARM USE. The following conditions shall apply to the use of firearms, bows or crossbows on deer shooting permits:

~~(a) Permittees and participants shall comply at all times when hunting with the blaze orange clothing regulations of s. 29.301 (2), Stats., unless exempted by the department. Exemptions to the blaze orange requirement are allowed where local ordinances prohibit the discharge of firearms and bow hunting by the general public, or a trained sharpshooter during the closed deer gun season is the only methods available to remove deer.~~

(b) Except as provided under par. (c), and unless otherwise directed by the department, the weapons designated by the department on the permit shall be valid to harvest deer under the authority of the permit under sub. (2).

~~(c) In counties with deer shotgun seasons, a permittee and participants that have been authorized by the permittee may use a rifle that is not otherwise prohibited by s. NR 10.09(1)(c)2.~~

(9) REGISTRATION. Permittees and participants shall register deer taken under this section in accordance with the procedures designated by the department on the permit.

(10) VALIDATION. Any person who kills a deer or if s. 29.234, Stats., applies, the person providing the carcass tag shall immediately validate and attach the carcass tag as designated by the department.

(11) BAITING. The use of bait to attract or hunt deer for removal purposes by the permittee and participants is not allowed unless specifically authorized by the department and under the conditions specified in the permit.

Section 35. NR 12.10(3)(c) is amended to read:

NR 12.10(3)(c) ~~All~~ Except as authorized in s. NR 12.06 (3)(c), all participants and persons assisting participants shall possess written approval from the permittee and the appropriate, valid hunting or trapping license when carrying on removal activities. Written approval shall include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, species of animals authorized for removal, signature of the landowner or lessee, and date.

Section 36. NR 45.09(9) is created to read:

NR 45.09(9) CWD STATE PARK DEER HUNTING ACCESS PERMIT. (a) Unless authorized by the department, no person may hunt deer in accordance with the hunts described in s. NR 10.01(3)(et) without obtaining and possessing while hunting a free state park deer hunting permit and a property map identifying those areas closed to deer hunting within the park properties.

(b) The number of access permits issued will not be limited in number.

Note: Permits will be available at the state park office and other locations designated by the department.

Section 37. Finding. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses.

Section 38. Review. The Department of Natural Resources will conduct a review and evaluation of this rule order two years following the effective date of these rules. The review will utilize the best available science to analyze the effectiveness of these rules to control and eradicate Chronic Wasting Disease in Wisconsin's free-ranging white-tailed deer herd. The results of this review and evaluation will be presented to the Natural Resources Board.

Section 39. Effective date. The rules 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 40. Board adoption. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 23, 2003 and June 25, 2003.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)