

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.001(6t) and (23m), 10.01(3)(e)3.cm. and 10.27(5)(b), (g) and (m); to amend NR 10.001(11), 10.01(3)(e)3.b. and c., (et)1.a. and c., 2. and 3., 10.06(8)(a), 10.07(3), 10.09(1)(c)3., 10.104(11)(intro.), (a)(intro.) and (b)(intro.) and (13)(intro.), 10.105(3) and (4), 10.106(2)(f), 10.27(6) and (10), 12.06(2), (3)(a) and (4)(b), and 19.02(2) and (3)(c); to repeal and recreate NR 10.001(6p), 10.07(1)(a), 10.28(3), and 10.41relating to the control and management of chronic wasting disease.

WM-08-04

Analysis Prepared by Department of Natural Resources

Statutory Authority: 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: 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.

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. Specifically, this rule establishes new boundaries for the Herd Reduction Zone and the CWD eradication zone. Additionally, in an attempt to reduce confusion on behalf of hunters, the primary disease control mechanism, the department proposes the combining of the Intensive Harvest and Eradication Zones into the CWD Eradication Zone, which will be identified by recognizable boundaries which are also established in this rule. Again to help make disease control hunting easier for hunters, tagging options in the CWD zones are liberalized, specific State Park seasons are clarified and the archery season in parks within the CWD zones are extended. Numerous minor housekeeping changes are also included in the rule, in order to keep the administrative code up to date and uncluttered. The rule also modifies the NR ch. 19 provisions to allow the department to charge a handling fee for free permits or licenses. This becomes important should the department have the ability to issue various CWD control permits through the Automated Licensing System (ALIS). The minor administrative fee would allow the department to recoup the costs associated with using the ALIS technology. Finally, based on current scientific knowledge, the population goal of zero in the eradication zone has been modified.

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. No federal regulations regarding CWD hunting seasons, zones or harvest regulations have been drafted or implemented. Additionally, none of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis: Management of CWD presents unique challenges to natural resources agencies. Currently, Wisconsin is one of eight states known to have either wild deer or elk test CWD-positive. States with areas of known infection have instituted rules similar to those that Wisconsin has either adopted or is currently pursuing. Many states that have not yet detected CWD in their wild deer or elk populations are pursuing proactive and preventative measures to limit the risk of CWD infection. The following is a summary of the rules related to CWD that states adjacent to Wisconsin have adopted.

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.

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 up on 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.

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.

Section 1. NR 10.001(6p) is repealed and recreated to read:

NR 10.001(6p) "CWD eradication zone" means a zone established in s. NR 10.28(3).

Section 2. NR 10.001(6f) is repealed.

Section 3. NR 10.001(11) is amended to read:

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

Section 4. NR 10.001(23m) is repealed.

Section 5. NR 10.01(3)(e)3.b. and c. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
b. Natural Bridge (unit 70F) and Wyalusing (73A) state parks <u>park</u> .	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.
c. The following state parks and trails: Big Bay, Devil's Lake, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Kinnickinnic, Mill Bluff, Mirror Lake , Newport, Rock Island, Tuscobia-Park Falls and Willow River.	The firearm type and season length is the same as authorized for the surrounding deer management unit.	The bag limit is the same as authorized for the surrounding deer management unit.

Section 6. NR 10.01(3)(e)3.cm. is repealed.

Section 7. NR 10.01(3)(et)1.a. and c. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>(et) Special disease control hunts.</i>		
<p>I.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>	<p>Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3.</p>	<p>One antlerless deer per archery deer carcass tag or antlerless permit. <u>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. 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></p>
	<p>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).</p>	<p>One antlerless deer per gun deer carcass tag or antlerless permit. <u>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. 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></p>
	<p>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).</p>	<p>One antlerless deer per gun deer carcass tag or antlerless permit. <u>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. 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></p>

Section 7. Continued.

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>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 subd. 1. b., which will return to the seasons authorized under s. NR 10.27. <u>Mirror Lake, Yellowstone, Rocky Arbor, Natural Bridge, Cadiz Springs, New Glarus Woods and Devil's Lake state parks.</u></p>	<p>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.</p>	<p>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, 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>An archery and firearm hunt beginning on the Saturday prior to the Thanksgiving holiday and continuing through the 3rd Sunday following the Thanksgiving holiday. Allowable types of guns are those authorized on the first day of the regular gun deer season <u>in the surrounding county</u> under s. NR 10.01(3)(e).</p>	<p>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, 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 archery hunt beginning on the day immediately following the hunt described above and continuing through January 3.</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)(a)3.</u></p>

Section 8. NR 10.01(3)(et)2. and 3. are amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>2. a. In the CWD intensive harvest <u>eradication</u> zone as described in s. NR 10.28(3) except as established in subd. 2. b. and excluding units listed in subd. 3.</p>	<p>Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3.</p>	<p>One antlerless deer per archery deer carcass tag or antlerless permit issued under s. NR 10.104(11). <u>In addition, buck deer may be taken pursuant to s. NR 10.104(11).</u> Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone. <u>unused deer carcass tag or permit described under s. NR 10.104(11).</u> <u>In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.</u></p>
	<p>A firearm hunt beginning on the Thursday nearest October 27 and continuing through January 3.</p>	<p>One antlerless deer per gun deer carcass tag or antlerless permit issued under s. NR 10.104(11). <u>In addition, buck deer may be taken pursuant to s. NR 10.104(11).</u> Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone. <u>unused deer carcass tag or permit described under s. NR 10.104(11).</u> <u>In addition, buck deer may be taken pursuant to s. NR 10.104(11)(a)3.</u></p>
<p>b. In the CWD intensive harvest <u>eradication</u> 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)(d), is 15 or less deer per square mile of deer range.</p>	<p>Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3.</p>	<p>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). <u>Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.</u> <u>unused deer carcass tag or permit described under s. NR 10.104(11) and (13).</u></p>
	<p>A firearm hunt beginning on the Thursday nearest October 27 and continuing through January 3.</p>	<p>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). <u>Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in this zone.</u> <u>unused deer carcass tag or permit described under s. NR 10.104(11) and (13).</u></p>

Section 8. Continued.

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>3.a. State parks in the CWD intensive harvest zone established in s. NR 10.28(3) <u>Blue Mound, Governor Dodge and Tower Hill state parks,</u> except as established in subd. 3.b.</p>	<p>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.</p>	<p>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, 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>An archery and firearm hunt beginning on the day immediately following the hunt described above and continuing through the 3rd Sunday following the Thanksgiving holiday.</p>	<p>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, 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 archery hunt beginning on the day immediately following the hunt described above and continuing through January 3.</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)(a)3.</u></p>

Section 8. Continued.

Kind of animal and locality	Open season (all dates inclusive)	Limit
<p>b. State parks in the CWD intensive harvest zone <u>Blue Mound, Governor Dodge and Tower Hill state parks</u>, if the overwinter population of deer in the intensive harvest <u>CWD eradication zone</u>, determined by the department pursuant to s. NR 10.41(4)(a)(<u>d</u>), is 15 or less deer per square mile of deer range.</p>	<p>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.</p>	<p>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 <u>are not valid in this zone. unused deer carcass tag issued under s. NR 10.104(11) and (13).</u></p>
	<p>An archery and firearm hunt beginning on the day immediately following the hunt described above and continuing through the 3rd Sunday following the Thanksgiving holiday.</p>	<p>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 <u>are not valid in this zone. unused deer carcass tag issued under s. NR 10.104(11) and (13).</u></p>
	<p><u>An archery hunt beginning on the day immediately following the hunt described above and continuing through January 3.</u></p>	<p><u>One deer of either sex per unused deer carcass tag issued under s. NR 10.104(11) and (13).</u></p>

Section 9. NR 10.06(8)(a) is amended to read:

NR 10.06(8)(a) *Bow bear, deer and elk 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), during the bow deer season established in s. NR 10.01 (3) (em), the archery hunts established in s. NR 10.01(3)(et)~~1, 2, and 3~~ and the elk season established in s. NR 10.01(3)(i).

Section 10. NR 10.07(1)(a) is repealed and recreated to read:

NR 10.07 (1) (a) *Aircraft.* 1. 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.

Section 11. NR 10.07(3) is amended 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~~ in s. NR 10.01(3)(et).

Section 12. NR 10.09(1)(c)3. is amended to read:

NR 10.09(1)(c)3. 'Possession.' ~~Except as provided in subd. 4., possess~~ 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 the rifle is unloaded and enclosed within a carrying case.

~~**Note:** Subdivision 4., was eliminated in the final draft of the proposed rule.~~

Section 13. NR 10.104(11)(intro.), (a)(intro.) and (b)(intro.) and (13)(intro.) are amended to read:

NR 10.104(11) CHRONIC WASTING DISEASE SPECIAL PERMITS. In the CWD herd reduction and ~~intensive harvest~~ CWD eradication 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), ~~10.104(8),~~ 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.* (intro.) 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~~ CWD eradication zones as described in s. NR 10.28(3). These special permits:

(b) *Special CWD buck deer permits.* (intro.) 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~~ CWD eradication 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:

(13) SPECIAL CWD EITHER-SEX PERMITS. (intro.) 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~~ CWD eradication zones described in s. NR 10.28(3). These special permits:

Section 14. NR 10.105(3) and (4) are amended to read:

NR 10.105(3)(title) CWD ZONE BUCK CARCASS TRANSPORTATION. In the CWD herd reduction and ~~intensive harvest~~ CWD eradication 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~~ CWD eradication 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. No person may refuse to allow a sample to be taken during registration.

Section 15. NR 10.106(2) (f) is amended to read:

NR 10.106(2)(f) (title) CWD ~~intensive harvest~~ eradication and special herd reduction zones. Any deer harvested in the CWD 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 16. NR 10.27(5)(b), (g), and (m) are repealed.

Section 17. NR 10.27(6) is amended to read:

NR 10.106 (6) LATE BOW AND MUZZLE LOADER SEASONS. Deer hunting by bow and arrow is established for the December portion of s. NR 10.01 (3) (em) and by muzzle loader during the season established in s. NR 10.01 (3) (e) 3. for Wildcat Mountain, ~~Yellowstone~~, Rib Mountain, Harrington Beach and Brunet Island state parks. Hunting and the bag limit is authorized by unfilled hunter's choice and antlerless deer permits issued under s. NR 10.104.

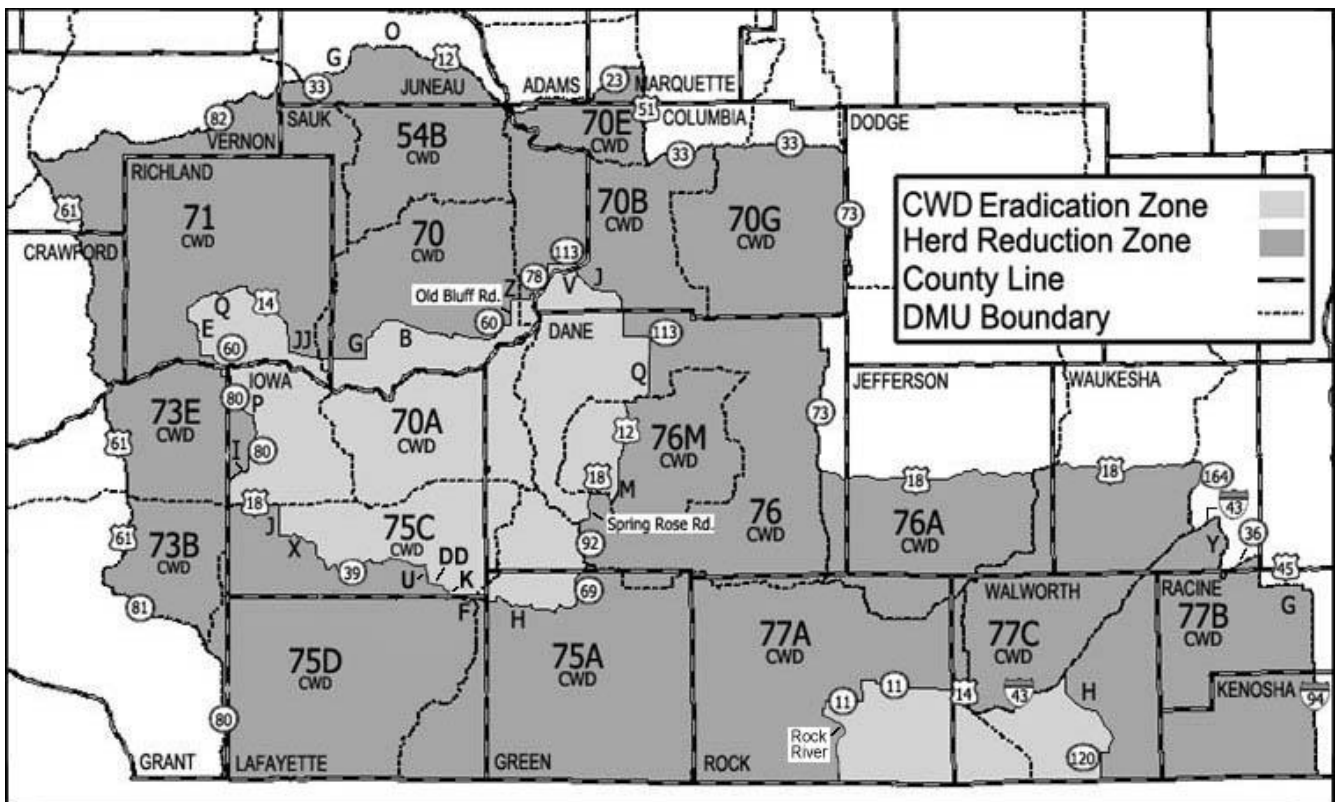
Section 18. NR 10.27(10) is amended to read:

NR 10.27 (10) (title) ~~FIREARM SPECIAL CWD FIREARM, EARLY AND LATE BOW SEASONS.~~ Deer hunting by firearm and bow and arrow is established in Blue Mounds ~~and~~, Governor Dodge, ~~and~~ Tower Hill state parks during the seasons specified in s. NR 10.01(3)(et) ~~1-3.~~ and by firearm and bow and arrow in, Mirror Lake, Yellowstone, Rocky Arbor, Natural Bridge, Cadiz Springs, New Glarus Woods and Devil's Lake state parks for the seasons described in s. NR 10.01(3)(et) ~~3-1.c.~~

Note: Deer hunting seasons at the parks listed in sub. (10) will return to the deer season framework that was established for that property prior to special CWD control hunt establishment, once the special disease control hunts established in s. NR 10.01(3)(et) are determined by the department to be unnecessary to control CWD.

Section 19. NR 10.28(3) is repealed and recreated to read:

NR 10.28(3) CWD ERADICATION AND HERD REDUCTION ZONES.



Section 20. NR 10.41 is repealed and recreated to read:

NR 10.41 **Wildlife disease management.** (1) PURPOSE. (a) 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.

(b) Provisions established for deer population management under s. NR 10.104(4) to (10) do not apply to units incorporated in a CWD eradication zone or herd reduction zone under s. NR 10.28(3). Units listed as herd reduction zones or CWD eradication zones shall be managed in accordance with the provisions outlined in this section on disease management.

(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 to assist in the control of CWD.

(3) CWD ERADICATION ZONE. (a) *Establishment.* The department may establish CWD eradication zones around the location of known positive cases of CWD.

(b) *Overwinter goal.* Units or portions of units located within the boundaries of the CWD eradication zone established in s. NR 10.28(3) will be managed at a goal of less than 5 deer per square mile of deer range which may be adjusted based on epidemiological research.

(c) *Zone boundaries.* CWD eradication zones 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.

(d) *Population estimation.* The department shall annually calculate an estimate of the overwinter deer population for the CWD eradication zones with information obtained by surveys which may include registration data and aerial surveys.

(e) *Permits.* Pursuant to s. 29.063(3), Stats., the department may issue free deer hunting permits or tags to hunters or landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD eradication zone, which authorizes the individual to hunt deer in the CWD eradication zone or a portion of the CWD eradication zone.

(4) HERD REDUCTION ZONE (a) *Establishment.* The department may establish herd reduction zones around areas where CWD positive cervids have been identified.

(b) *Overwinter goal.* 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.

(c) *Zone boundaries.* 1. Herd reduction zones 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.

2. 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. to help simplify the deer hunts within the herd reduction zone.

(d) *Population estimation.* The department shall annually calculate an estimate of the overwinter deer population for each deer management unit or portions of unit located within a herd reduction zone with information obtained by surveys which may include registration data and aerial surveys.

Section 21. NR 12.06(2) and (3)(a) and (4)(b) are amended to read:

NR 12.06(2) PERMITS. ~~Landowners~~ Unless otherwise authorized by the department, landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD 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)(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.~~

(4)(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~~ CWD eradication zones identified in s. NR 10.28(3).

Section 22. NR 19.02(2) and (3)(c) are amended to read:

NR 19.02(2) APPLICABILITY. The provisions of this section apply to licenses, permits, stamps and other approvals issued under the authority of ch. 29, Stats., and offered by the department ~~for sale under extended purchasing~~ issuance options and ordered by mail, telephone, or electronic means.

(3)(c) “~~Extended purchasing~~ issuance options” means the ability to ~~purchase~~ obtain an approval in person and by mail, telephone or electronic means.

Section 23. Review. The Department of Natural Resources will conduct a review and evaluation of this rule order one year 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 24. 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 25. Board adoption. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 2004..

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)