

Publication Date: July 8, 2010
Effective Dates: July 8, 2010 through December 4, 2010

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD AMENDING RULES - WM-30-10(E)**

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

**Analysis Prepared
by Department of
Natural Resources**

Statutory Authority and Explanation of Agency Authority: Statutes that authorizes the promulgation of this rule order are ss. 29.014 and 227.24 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. Deer populations are well below goal in much of northeast Wisconsin, causing great concern from hunters and others who value deer. This rule is one of the ways the department is trying to rebuild the populations there

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

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. STATEMENT OF EMERGENCY. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. Deer populations are well below goal in much of northeast Wisconsin, causing great concern from hunters and others who value deer. This rule is one of the ways the department is trying to rebuild the populations there. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control and regulate hunting wild animals. The State of Wisconsin must provide publications describing the regulations for deer hunting to approximately 250,000 archery deer hunters prior to the start of the season. These regulations must be legally in effect prior to printing nearly 1 million copies of the regulations publication. The timeline for the permanent version of this rule will not have it in effect in time for these deadlines.

Section 3. Effective dates. This rule shall take effect on the date of publication in the Wisconsin state paper.

Section 4. 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