

SUBJECT: Request adoption of amended Board Order WM-16-09 and WM-18-10(E), revisions to NR 10 relating to white-tailed deer population goals.

FOR: MARCH, 2010 BOARD MEETING

TO BE PRESENTED BY: Keith Warnke, Big Game Biologist

SUMMARY:

On January 5, 2010 the Assembly Fish & Wildlife Committee unanimously requested modifications to board order WM-16-09 related to deer management unit populations. This rules package modifies the original proposal. We are also proposing adoption of an identical emergency order so that the provisions of both rules will be in effect by April, 2010 and can be used as the basis for the 2010 deer hunting season framework.

The Department is proposing overwinter deer population goal increases in 43 management units and lowering the goal in two. Under the department's initial proposal, population goals would have increased in 13 units and decreased in two.

The department is required to conduct deer management unit boundary and overwinter population goal reviews at three-year intervals. The department gathered input for this review from a stakeholder advisory panel, through 40 public meetings, and five hearings held during the month of August.

Population goals and DMUs serve as the foundation for managing the deer herd and determining deer hunting season structures. The proposed population goals are based on; 1) carrying capacity as determined by unit population responses to habitat quality and historical records of winter severity, 2) hunter success in harvesting and seeing deer and public deer viewing opportunities, 3) ecological and economic impacts of deer browsing, 4) disease transmission, 5) concern for deer vehicle collisions, 6) Chippewa treaty harvest, 7) hunter access to land in a deer management unit, 8) ability to keep the deer herd in a deer management unit at goal, and 9) tolerable levels of deer damage to crops.

RECOMMENDATION: Adoption of Board Order WM-16-09 and WM-18-10(E), revisions to NR 10 relating to white-tailed deer population goals.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|-------------------------------------------------------|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Tom Hauge
Bureau Director, Tom Hauge

3/5/10
Date

Laurie Osterndorf
Administrator, Laurie Osterndorf

3/8/10
Date

Matt Frank
Secretary, Matt Frank

3/9/10
Date

cc: Laurie J. Ross - AD/8
Keith Warnke, WM/6

Scott Loomans, WM/6

Tom Hauge, WM/6

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background Memo (if needed)*

Background Memo (if needed)*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

* If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review	JDP	3/4/10	
Management and Budget	Paul Lamm	3/4/10	
Legal Services -Program Attorney -Linda Haddix	ML	3/5/10	
Other (if applicable)			

DATE: March 8, 2010

FILE REF:

TO: Natural Resources Board

FROM: Matt Frank 

SUBJECT: Deer Management Unit Boundary and Goal Review Response to Legislative Request for Modifications

Recommendation

The Natural Resources Board adopted increases to deer population goals in 13 DMUs and goal reductions in two DMUs in October 2009 (WM-16-09). In response to a request from the Assembly Committee on Fish and Wildlife received January 5, 2010, the department has identified possible increases to the over winter population goal in a total of 43 Deer Management Units (DMU) and decreases in two DMUs (Table 1) (Figure 1).

Table 1. Possible goal changes as a response to legislative request.

Deer Management Unit	Current over-winter goal density	Possible modification to over-winter density
2	18	20
3	16	18
6	12	18
12	17	20
13	15	17
14	14	20
15	22	25
17	15	17
18	20	22
19	20	22
20	18	20
22	20	25
22A	20	25
23	20	25
24	20	25
25	20	23
26	20	23
27	20	25
29B	12	15
30	15	19
33	20	25
34	17	20
43	15	17
49A	25	20
57	22	25
57A	25	30
59A	20	25
59B	15	25
59D	20	25

59M	10	15
60A	20	25
60B	20	25
60M	10	15
61	20	25
62A	25	30
62B	25	30
63A	25	30
64	20	25
64M	10	15
66	25	30
68B	30	25
74A	20	25
77C	15	20
77M	10	15
80B	20	25

Description of Policy Issues

There are currently 131 DMUs with established goals. Over winter population goals and DMU boundaries serve as the foundation for managing the deer herd and determining deer hunting season structures.

Related Administrative Code

Administrative code requires the Department to conduct DMU boundary and goal reviews at three-year intervals. The most recent review was completed in January, 2005.

NR 10.104 (3) THREE YEAR REVIEWS. The department shall review, and seek public comment, regarding the need to modify the boundaries or population goals for all deer management units every 3 years. For deer management units in the ceded territory as defined by s. NR 13.02 (1), the department shall also consult with the Wisconsin Chippewa bands in a government to government manner.

Goals and boundaries are defined in administrative code, which also provides guidance to the Department in establishing them.

NR 1.15 (2) (a) Deer population goals. The department shall seek to maintain a deer herd in balance with its range and at deer population goals reasonably compatible with social, economic and ecosystem management objectives for each deer management unit. Deer population goals are to be based on:

1. Carrying capacity as determined by unit population responses to habitat quality and historical records of winter severity.
2. Hunter success in harvesting and seeing deer and public deer viewing opportunities.
3. Ecological and economic impacts of deer browsing.
4. Disease transmission.
5. Concern for deer-vehicle collisions.
6. Chippewa treaty harvest.
7. Hunter access to land in a deer management unit.
8. Ability to keep the deer herd in a deer management unit at goal.
9. Tolerable levels of deer to crops.

NR 10.104(2) DEER MANAGEMENT UNITS. (a) The deer management unit boundaries are as described in s. NR 10.28.

(b) *Management unit size and configuration.* Deer management unit boundaries shall be established to encompass areas of similar land use, soils and vegetative cover, and be of sufficient size to permit accurate monitoring of herds.

(c) *Unit boundaries.* Unit boundaries shall be 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.

2009 DMU review process

This DMU review process began in summer of 2008. To date, it has consisted of public meetings held around the state to collect input along with a parallel stakeholder panel to further involve stakeholders in the review. In August, the department held seven public hearings around the state. In October, the Board adopted deer population goal increases in 15 DMUs and decreases in two (WM-16-09).

Timeline:

2009

January - Stakeholder advisory panel meeting
February – Department deer committee input
February – Stakeholder panel develops proposals
February and March – Public meetings to collect input
April – Stakeholder panel unanimous consensus on goal ranges
May – Department recommendations on goals within stakeholder consensus
June – Board authorizes public hearings
June – Consult with Voigt Task Force
August – Eight public hearings around the state
September – Consult with Voigt Task Force
October – Board adopted WM-16-09
December – Legislative committees joint hearing

2010

January – Assembly committee requests modifications to rule
February – Stakeholder panel reconvened to review legislative request
March – Consult with Voigt Task Force
March – Board asked to adopt additional changes
April – Legislative review period closes

Legislative Review

The Assembly Committee on Fish and Wildlife and the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources held a joint hearing to review WM-16-09 on December 17, 2009. On January 5, 2010, the Assembly committee voted to request unspecified modifications to WM-16-09. We presume that they wanted to respond to hearing testimony seeking higher over-winter goal populations in more units to place more emphasis on hunter success and harvest.

Tribal consultation

We consulted with the Voigt Intertribal Task Force on three occasions (June and September 2009 and March 2010). The Task Force proposed that all DMUs in ceded territory have goals that fit into ranges based on their interpretation of sustainable carrying capacities for deer determined by Task Force biologists. Twelve of the potential goal increases are outside of the tribal goal ranges (Table 2). The Task Force also recommended reinstating DMU 5, which was eliminated in the previous DMU review, and the department is not proposing to do this.

Table 2. Deer Management units requiring additional consultation on March 4, 2010.

<u>Unit</u>	<u>Optional Goal</u>	<u>Tribal Goal</u>
22	25	18-23
22A	25	18-23
23	25	18-23
24	25	18-23
27	25	18-23
30	19	13-18
33	25	18-23
57A	30	20-25
59A	25	18-23
59B	25	18-23
62A	30	20-25
62B	30	20-25

On March 4, 2010, the Voigt Task Force voted again to endorse the goal ranges they had previously established and not to support the optional goals above. We have met the requirements of consulting with the task force, but if the above goals are adopted, we no longer have consensus on population goals with the Voigt Task Force.

Department Response

Department biologists reviewed deer goals statewide and identified options for additional goal increases in early February. The department contacted members of the stakeholder panel on February 16 inviting them to participate in a stakeholder panel review on February 24 in Stevens Point. Eight panel members participated in this meeting and several others delivered their response via email or mail. The panel's report is included in Appendix 1. Stakeholder group goal positions on statewide goals are shown in Table 3.

Table 3. Results of stakeholder input at the February 24, 2010 DMU review meeting.

<u>Source</u>	<u>Statewide deer population goal</u>
Current goals in code	734,938
Board adopted	745,636
UW- Parkside, UW-Madison, Wisconsin Deer Hunters Association, Wisconsin County Forest Association, Wisconsin Woodland Owners Association, Joe Kovach – Forestry interests	Support Board adopted goal of 745,636
Safari Club International	Supports Board adopted goals. Would support optional goals if deemed sustainable
Wisconsin Wildlife Federation	773,633
Optional proposal – Department	794,172
Conservation Congress	798,047
April 12th Congress Advisory Question, if approved	921,250
Wisconsin Bowhunters Association	1,128,588
Wisconsin Bear Hunters Association	1,176,744

This rule order includes increases in 43 DMUs and decreases in two. Implementing the goals as identified in Table 1 would increase the statewide over-winter goal to nearly 800,000 deer (Table 4). The department strongly believes that it is important to balance the nine components that are the basis of establishing deer population goals. The goals approved by the NRB after a thorough stakeholder process were the result of a lot of hard work by many interests to find that balance. The proposed modification now being submitted for consideration is shifting the balance more toward one of the components – hunter success in harvesting and seeing deer and public deer viewing opportunities.

The department understands the extent of hunter frustration. Efforts designed to bring high deer populations down to goal have been successful in some areas of the state and in a few areas populations are now somewhat below goal. This has contributed to a high level of dissatisfaction by many hunters. The modifications being proposed are in response to those concerns.

We recognize that increasing the goals as we are proposing brings with it some tradeoffs in several other components that are considered in setting goals. Ecological and economic impacts of deer browsing, risk of disease transmission, deer-vehicle collisions, damage to crops, and ability to keep the deer herd in a DMU at goal are likely to be adversely affected.

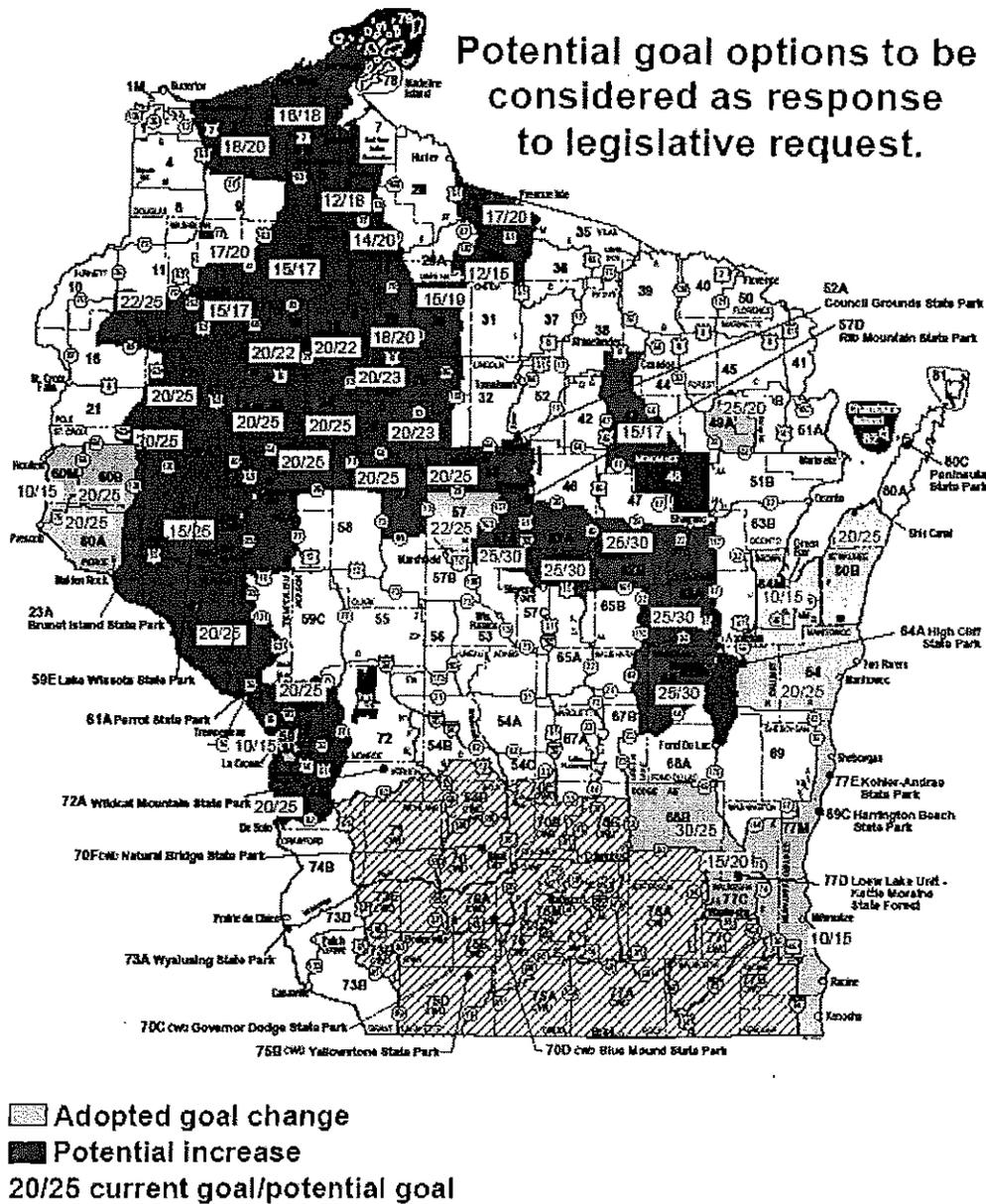
The department is undertaking several research projects to improve our capacity to assess both the deer herd and the impact of various herd sizes on its habitat and the array of economic and environmental values provided by that habitat. As we learn more, we will be better able to assess some of the tradeoffs we make in striving to balance the nine components outlined in NR 1.15(2) (a). We hope to have some initial data available when we evaluate DMU goals again in three years.

Table 4. Statewide current, board adopted, and potential goals for consideration.

	Total Over-Winter Goal	Predicted Prehunt Population	Predicted Total Harvest
Current goals	734,938	1,130,176	343,685
Board adopted rule (October)	745,636	1,146,438	348,523
Possible goals	794,172	1,222,075	372,090

*Note: Fort McCoy is not included in these estimates

Figure 1. Possible goal increases as a response to legislative request.



Northern Forest Units

Potential goal increases identified in northern forest units were identified after considering the habitat and hunting histories in these units.

- In units with currently adequate deer habitat quality to support slightly higher deer populations and hunter demand to harvest adequate numbers of deer at goal, the potential for minor goal increases was identified.
- For units where no potential increase was identified, wildlife staff believes these are units without adequate deer habitat quality to support higher goals.

- Other northern forest units not listed for potential goal increases are currently at 20 dsm
- The DMU stakeholder group consensus was that northern forest unit goals should be 20 DSM or less.
- Future forest and ecosystem conditions may be impacted by deer populations at these goals and may not be adequate to support long term deer populations at these goals. This could directly, negatively affect future hunting opportunity.
- To better inform future over-winter goal reviews in the north, we are investing in new field data and analysis to assess the ecological impact of different deer densities.
 - This work will improve quantitative information on specific deer densities and their effects on various ecosystems.
 - We are also investigating noted declines in fawn recruitment over the past decade in parts of Wisconsin, which could reflect declining carrying capacity of the forest.
 - The findings of these research projects may lead to recommendations to reduce deer population goals to provide a long term sustainable deer harvest.

Farmland Units

Goals in farmland units (excluding the CWD zone) would be at least 25 DSM, except those units that are adjacent to CWD units and metro units where goals were increased to 15 DSM from 10 DSM in the Board-adopted rule.

- Goals in five farmland units would be increased to 30 DSM under this option.
 - In those five units, the goal has been 30 DSM in the past.
 - 30 DSM still represents a significant reduction in those populations from current estimates so the change in goal will not result in changes in needed deer season structure.
- In most farmland units where potential goal increases have been identified, achieving these numbers will require further population reduction with herd control seasons.
- If these potential goals are adopted, herd control seasons (extra antlerless hunting and EAB) will be needed in most farmland units in most years to keep deer populations at these goals.

Central Forest Units

No change options were identified here, because all five units already have goals of 25 or 30 DSM, which is considered high for forested units.

Voigt Tribal Task Force Consultation

These optional increases include goals in 12 DMUs within the ceded territory that are outside of the goal range endorsed by the Voigt Task Force. The consulted with the task force on March 4.

Rule Development

These rules were developed with assistance from the bureau of Legal Services.

Small Business and Regulatory Flexibility Analysis

These revisions to Ch. NR 10, Wis. Admin. Code, relating to deer management unit over winter population goals, impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Legislative Council Rules and Clearinghouse Report

All comments received by the department from the Legislative Council Clearinghouse have been incorporated (see attached report).

Table 5. Deer management units where a change to deer goal densities was adopted by the Board in October 2009.

Deer Management Unit	Current Goal Density	Proposed Goal Density
6	12	15
14	14	18
49A	25	20
57	22	25
59B	15	20
59M	10	15
60A	20	25
60B	20	25
60M	10	15
64	20	25
64M	10	15
68B	30	25
77C	15	20
77M	10	15
80B	20	25

**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 amend NR 10.104(4)(b) relating to deer management unit population goals.

WM-18-10 (E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize the promulgation of this rule order include sections 29.014, 227.11 and 227.24, Stats. These sections grant rule making authority to the department to establish seasons and bag limits for hunting that ensure the citizens of the state continued opportunities for good hunting and that 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 29.889(12) Stats. have been interpreted as allowing the department the authority to establish deer population goals to assure the health and vigor of the deer herd and to prevent overabundant populations of deer that can lead to agricultural, environmental and property damage.

Related Statute or Rule: Deer unit boundaries and goals are reviewed every 3 years according to s. NR 10.104 (3), Wis. Adm. Code and Voigt case stipulations (Chippewa treaty rights).

Plain Language Rule Analysis: There are currently 131 deer management units with individual over winter population goals that would result in a statewide over winter population of approximately 737,000 deer. The new goals would result in an over winter population of approximately 800,000 animals. Over winter population goals and management units serve as the foundation for managing the deer herd and determining deer hunting season structures. All goals referred to in this rule are the over winter deer population goal for individual management units. The hunting season population will generally be substantially larger than the over winter population goal.

The Department is proposing raising deer population goals in 43 management units and lowering the goal in two.

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
2	18	20
3	16	18
6	12	18
12	17	20
13	15	17
14	14	20
15	22	25
17	15	17
18	20	22
19	20	22
20	18	20
22	20	25
22A	20	25
23	20	25
24	20	25
25	20	23

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
26	20	23
27	20	25
29B	12	15
30	15	19
33	20	25
34	17	20
43	15	17
49A	25	20
57	22	25
57A	25	30
59A	20	25
59B	15	25
59D	20	25
59M	10	15
60A	20	25
60B	20	25
60M	10	15
61	20	25
62A	25	30
62B	25	30
63A	25	30
64	20	25
64M	10	15
66	25	30
68B	30	25
74A	20	25
77C	15	20
77M	10	15
80B	20	25

These changes are recommended to provide hunters with more deer hunting opportunities in instances where goals are proposed for increases and to alleviate agricultural damage in the instances where the goals have been recommended for a decrease. The department does not anticipate significant ecological, agricultural or forestry impacts because of the proposed goal increases. However, there is a concern that a higher goal with low hunter densities will mean continuous herd control seasons.

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. Additionally, none of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis: All of Wisconsin's neighboring states have established management units for the purpose of managing deer populations. By using units with identifiable boundaries, deer populations can be monitored and kept at various population levels to more effectively control the deer herd and to address regional differences in habitat, population (human and deer) and to reduce conflict with other land uses such as residential, agricultural or forested.

Summary of Factual Data and Analytical Methodologies: The Department has evaluated the need for deer population goal reviews based on the following criteria: 1) Intolerable level of agricultural damage when at goal; 2) Ability of hunters to harvest enough deer to keep the population at the goal level; 3) Hunter demand for antlerless permits; 4) Vehicle-deer accident rate; and 5) Hunter buck harvest success rate. In addition, an Environmental Assessment was prepared in 1995. Copies of *Deer Population Goals and Harvest Management Environmental Assessment* are available from the department upon request.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses.

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.

Agency Contact People: Keith Warnke, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 264-6023, keith.warnke@wisconsin.gov or Scott Loomans, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608)267-2452, scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments was August 31, 2009.

Section 1. NR 10.104(4)(b) is amended to read:

NR 10.104(4)(b) *Unit goals*. The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in January and are as follows:

<u>Management Unit</u>	<u>Deer</u>	<u>Management Unit</u>	<u>Deer</u>	<u>Management Unit</u>	<u>Deer</u>
<u>Goal</u>		<u>Goal</u>		<u>Goal</u>	
1.....	20	37.....	25	62B.....	25 30
1M.....	10	38.....	20	63A.....	25 30
2.....	18 20	39.....	20	63B.....	25
3.....	16 18	40.....	20	64.....	20 25
4.....	15	41.....	25	64M.....	10 15
5.....	20	42.....	20	65A.....	30
6.....	12 18	43.....	15 17	65B.....	30
7.....	15	44.....	17	66.....	25 30
8.....	20	45.....	20	67A.....	25
9.....	20	46.....	25	67B.....	25
10.....	25	47.....	25	68A.....	30
11.....	20	48.....	20	68B.....	30 25
12.....	17 20	49A.....	25 20	69.....	25
13.....	15 17	49B.....	25	70.....	25
14.....	14 20	50.....	20	70A.....	25
15.....	22 25	51A.....	25	70B.....	25
16.....	25	51B.....	25	70E.....	25
17.....	15 17	52.....	20	70G.....	30
18.....	20 22	53.....	25	71.....	25
19.....	20 22	54A.....	25	72.....	20
20.....	18 20	54B.....	25	73B.....	20
21.....	25	54C.....	25	73D.....	20
22.....	20 25	55.....	25	73E.....	22
22A.....	20 25	56.....	30	74A.....	20 25
23.....	20 25	57.....	22 25	74B.....	20
24.....	20 25	57A.....	25 30	75A.....	20
25.....	20 23	57B.....	25	75C.....	20
26.....	20 23	57C.....	30	75D.....	20
27.....	20 25	58.....	25	76.....	20
28.....	15	59A.....	20 25	76A.....	25
29A.....	15	59B.....	15 25	76M.....	10
29B.....	12 15	59C.....	25	77A.....	20
30.....	15 19	59D.....	20 25	77B.....	15
31.....	20	59M.....	10 15	77C.....	15 20
32.....	21	60A.....	20 25	77M.....	10 15
33.....	20 25	60B.....	20 25	78.....	15
34.....	17 20	60M.....	10 15	80A.....	15
35.....	20	61.....	20 25	80B.....	20 25
36.....	25	62A.....	25 30	81.....	15

Fiscal Estimate — 2009 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-16-09

Subject
 Revisions to deer management unit population goals.

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

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

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs
 Indeterminate

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Summary:

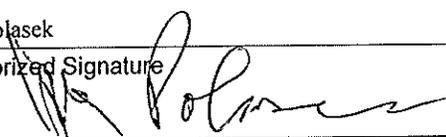
The department recommends increasing the overwinter goal for deer per square mile of range in 43 management units and a decrease in 2 units. This estimate has been revised to reflect changes made in response to a legislative request for modifications. Under the department's initial proposal, increases had been proposed for 13 units and decreases in 2.

The following changes are recommended:

- DMU 2: increase goal from 18 to 20 deer per square mile of deer range.
- DMU 3: increase goal from 16 to 18 deer per square mile of deer range.
- DMU 6: increase goal from 12 to 18 deer per square mile of deer range.
- DMU 12: increase goal from 17 to 20 deer per square mile of deer range.
- DMU 13: increase goal from 15 to 17 deer per square mile of deer range.
- DMU 14: increase goal from 14 to 20 deer per square mile of deer range.
- DMU 15: increase goal from 22 to 25 deer per square mile of deer range.
- DMU 17: increase goal from 15 to 17 deer per square mile of deer range.
- DMU 18: increase goal from 20 to 22 deer per square mile of deer range.
- DMU 19: increase goal from 20 to 22 deer per square mile of deer range.
- DMU 20: increase goal from 18 to 20 deer per square mile of deer range.
- DMU 22: increase goal from 20 to 25 deer per square mile of deer range.
- DMU 22A: increase goal from 20 to 25 deer per square mile of deer range.
- DMU 23: increase goal from 20 to 25 deer per square mile of deer range.
- DMU 24: increase goal from 20 to 25 deer per square mile of deer range.
- DMU 25: increase goal from 20 to 23 deer per square mile of deer range.

Long-Range Fiscal Implications

None

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 03-04-10

Fiscal Estimate — 2009 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-16-09

Assumptions Used in Arriving at Fiscal Estimate – Continued

DMU 26: increase goal from 20 to 23 deer per square mile of deer range.
DMU 27: increase goal from 20 to 25 deer per square mile of deer range.
DMU 29B: increase goal from 12 to 15 deer per square mile of deer range.
DMU 30: increase goal from 15 to 19 deer per square mile of deer range.
DMU 33: increase goal from 20 to 25 deer per square mile of deer range.
DMU 34: increase goal from 17 to 20 deer per square mile of deer range.
DMU 43: increase goal from 15 to 17 deer per square mile of deer range.
DMU 49A: decrease goal from 25 to 20 deer per square mile of deer range.
DMU 57: increase goal from 22 to 25 deer per square mile of deer range.
DMU 57A: increase goal from 25 to 30 deer per square mile of deer range.
DMU 59A: increase goal from 20 to 25 deer per square mile of deer range.
DMU 59B: increase goal from 15 to 25 deer per square mile of deer range.
DMU 59D: increase goal from 20 to 25 deer per square mile of deer range.
DMU 59M: increase goal from 10 to 15 deer per square mile of deer range.
DMU 60A: increase goal from 20 to 25 deer per square mile of deer range.
DMU 60B: increase goal from 20 to 25 deer per square mile of deer range.
DMU 60M: increase goal from 10 to 15 deer per square mile of deer range.
DMU 61: increase goal from 20 to 25 deer per square mile of deer range.
DMU 62A: increase goal from 25 to 30 deer per square mile of deer range.
DMU 62B: increase goal from 25 to 30 deer per square mile of deer range.
DMU 63A: increase goal from 25 to 30 deer per square mile of deer range.
DMU 64: increase goal from 20 to 25 deer per square mile of deer range.
DMU 64M: increase goal from 10 to 15 deer per square mile of deer range.
DMU 66: increase goal from 25 to 30 deer per square mile of deer range.
DMU 68B: decrease goal from 30 to 25 deer per square mile of deer range.
DMU 74A: increase goal from 20 to 25 deer per square mile of deer range.
DMU 77C: increase goal from 15 to 20 deer per square mile of deer range.
DMU 77M: increase goal from 10 to 15 deer per square mile of deer range.
DMU 80B: increase goal from 20 to 25 deer per square mile of deer range.

Assumptions:

A potential fiscal impact of increasing deer population goals is an increase of agricultural damage and associated claims and abatement costs. Fiscal impacts are not anticipated as a result of this rulemaking, however, because the proposed increases are minor, five or fewer deer per square mile of deer range. Some units currently have deer populations which are actually higher than the proposed goals.

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

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-16-09

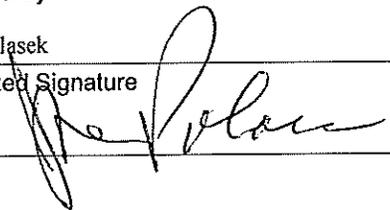
Subject
 Revisions to deer management unit population goals.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

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

Net Annualized Fiscal Impact

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

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 03-04-10



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 09-053

Comments

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

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

- a. In the plain language analysis, the first use of “deer management units” should be followed in parentheses by the acronym “DMVs” to which they are referred later in the section.
- b. In the plain language analysis, the word “overwinter” should be replaced by the phrase “over winter” in order to be consistent with the use of the term in the remainder of the first paragraph.
- c. In the summary of factual data and analytical methodologies, the word “for” should be deleted after the word “ability.”

**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 amend NR 10.104(4)(b) relating to deer management unit population goals.

WM-18-10 (E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize the promulgation of this rule order include sections 29.014, 227.11 and 227.24, Stats. These sections grant rule making authority to the department to establish seasons and bag limits for hunting that ensure the citizens of the state continued opportunities for good hunting and that 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 29.889(12) Stats. have been interpreted as allowing the department the authority to establish deer population goals to assure the health and vigor of the deer herd and to prevent overabundant populations of deer that can lead to agricultural, environmental and property damage.

Related Statute or Rule: Deer unit boundaries and goals are reviewed every 3 years according to s. NR 10.104 (3), Wis. Adm. Code and Voigt case stipulations (Chippewa treaty rights).

Plain Language Rule Analysis: There are currently 131 deer management units with individual over winter population goals that would result in a statewide over winter population of approximately 737,000 deer. The new goals would result in an over winter population of approximately 800,000 animals. Over winter population goals and management units serve as the foundation for managing the deer herd and determining deer hunting season structures. All goals referred to in this rule are the over winter deer population goal for individual management units. The hunting season population will generally be substantially larger than the over winter population goal.

The department is proposing raising deer population goals in 43 management units and lowering the goal in two.

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
2	18	20
3	16	18
6	12	18
12	17	20
13	15	17
14	14	20
15	22	25
17	15	17
18	20	22
19	20	22
20	18	20
22	20	25
22A	20	25
23	20	25
24	20	25
25	20	23

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
26	20	23
27	20	25
29B	12	15
30	15	19
33	20	25
34	17	20
43	15	17
49A	25	20
57	22	25
57A	25	30
59A	20	25
59B	15	25
59D	20	25
59M	10	15
60A	20	25
60B	20	25
60M	10	15
61	20	25
62A	25	30
62B	25	30
63A	25	30
64	20	25
64M	10	15
66	25	30
68B	30	25
74A	20	25
77C	15	20
77M	10	15
80B	20	25

These changes are recommended to provide hunters with more deer hunting opportunities in instances where goals are proposed for increases and to alleviate agricultural damage in the instances where the goals have been recommended for a decrease. The department does not anticipate significant ecological, agricultural or forestry impacts because of the proposed goal increases. However, there is a concern that a higher goal with low hunter densities will mean continuous herd control seasons.

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. Additionally, none of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis: All of Wisconsin's neighboring states have established management units for the purpose of managing deer populations. By using units with identifiable boundaries, deer populations can be monitored and kept at various population levels to more effectively control the deer herd and to address regional differences in habitat, population (human and deer) and to reduce conflict with other land uses such as residential, agricultural or forested.

Summary of Factual Data and Analytical Methodologies: The Department has evaluated the need for deer population goal reviews based on the following criteria: 1) Intolerable level of agricultural damage when at goal; 2) Ability of hunters to harvest enough deer to keep the population at the goal level; 3) Hunter demand for antlerless permits; 4) Vehicle-deer accident rate; and 5) Hunter buck harvest success rate. In addition, an Environmental Assessment was prepared in 1995. Copies of *Deer Population Goals and Harvest Management Environmental Assessment* are available from the department upon request.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses.

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.

Agency Contact People: Keith Warnke, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 264-6023, keith.warnke@wisconsin.gov or Scott Loomans, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608)267-2452, scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments was August 31, 2009.

Section 1. NR 10.104(4)(b) is amended to read:

NR 10.104(4)(b) *Unit goals*. The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in January and are as follows:

<u>Management Unit</u>	<u>Deer</u>	<u>Management Unit</u>	<u>Deer</u>	<u>Management Unit</u>	<u>Deer</u>
<u>Goal</u>		<u>Goal</u>		<u>Goal</u>	
1.....	20	37.....	25	62B.....	25 30
1M.....	10	38.....	20	63A.....	25 30
2.....	18 20	39.....	20	63B.....	25
3.....	16 18	40.....	20	64.....	20 25
4.....	15	41.....	25	64M.....	10 15
5.....	20	42.....	20	65A.....	30
6.....	12 18	43.....	15 17	65B.....	30
7.....	15	44.....	17	66.....	25 30
8.....	20	45.....	20	67A.....	25
9.....	20	46.....	25	67B.....	25
10.....	25	47.....	25	68A.....	30
11.....	20	48.....	20	68B.....	30 25
12.....	17 20	49A.....	25 20	69.....	25
13.....	15 17	49B.....	25	70.....	25
14.....	14 20	50.....	20	70A.....	25
15.....	22 25	51A.....	25	70B.....	25
16.....	25	51B.....	25	70E.....	25
17.....	15 17	52.....	20	70G.....	30
18.....	20 22	53.....	25	71.....	25
19.....	20 22	54A.....	25	72.....	20
20.....	18 20	54B.....	25	73B.....	20
21.....	25	54C.....	25	73D.....	20
22.....	20 25	55.....	25	73E.....	22
22A.....	20 25	56.....	30	74A.....	20 25
23.....	20 25	57.....	22 25	74B.....	20
24.....	20 25	57A.....	25 30	75A.....	20
25.....	20 23	57B.....	25	75C.....	20
26.....	20 23	57C.....	30	75D.....	20
27.....	20 25	58.....	25	76.....	20
28.....	15	59A.....	20 25	76A.....	25
29A.....	15	59B.....	15 25	76M.....	10
29B.....	12 15	59C.....	25	77A.....	20
30.....	15 19	59D.....	20 25	77B.....	15
31.....	20	59M.....	10 15	77C.....	15 20
32.....	21	60A.....	20 25	77M.....	10 15
33.....	20 25	60B.....	20 25	78.....	15
34.....	17 20	60M.....	10 15	80A.....	15
35.....	20	61.....	20 25	80B.....	20 25
36.....	25	62A.....	25 30	81.....	15

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. The state legislature has delegated rule-making authority to the department to manage the white-tailed deer herd to conserve it and to ensure citizens of this state continued opportunities for good hunting. Population goal revisions in this rule order, and identical proposed permanent rules, are necessary in order to allow consideration of current recommendations from biologists and recent public input when setting the 2010 deer hunting season framework. Normal rule-making procedures will not allow establishment of revised population goals in time for use in setting the 2010 deer hunting season framework. Failure to modify population goals will result in a deer season framework and antlerless quotas that are based on goals established in 2005. Using the old goals would result in a deer season framework and permit levels considered unacceptable to the majority of the hunting public.

Section 3. Effective Date. This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Section 4. Board Adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 21, 2009.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)

**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 amend NR 10.104(4)(b) relating to deer management unit population goals.

WM-16-09

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18	20	22
19	20	22
20	18	20
22	20	25
22A	20	25
23	20	25
24	20	25
25	20	23

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
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27	20	25
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30	15	19
33	20	25
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57	22	25
57A	25	30
59A	20	25
59B	15	25
59D	20	25
59M	10	15
60A	20	25
60B	20	25
60M	10	15
61	20	25
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1.....	20	37.....	25	62B.....	25 <u>30</u>
1M.....	10	38.....	20	63A.....	25 <u>30</u>
2.....	18 <u>20</u>	39.....	20	63B.....	25
3.....	16 <u>18</u>	40.....	20	64.....	20 <u>25</u>
4.....	15	41.....	25	64M.....	10 <u>15</u>
5.....	20	42.....	20	65A.....	30
6.....	12 <u>18</u>	43.....	15 <u>17</u>	65B.....	30
7.....	15	44.....	17	66.....	25 <u>30</u>
8.....	20	45.....	20	67A.....	25
9.....	20	46.....	25	67B.....	25
10.....	25	47.....	25	68A.....	30
11.....	20	48.....	20	68B.....	30 <u>25</u>
12.....	17 <u>20</u>	49A.....	25 <u>20</u>	69.....	25
13.....	15 <u>17</u>	49B.....	25	70.....	25
14.....	14 <u>20</u>	50.....	20	70A.....	25
15.....	22 <u>25</u>	51A.....	25	70B.....	25
16.....	25	51B.....	25	70E.....	25
17.....	15 <u>17</u>	52.....	20	70G.....	30
18.....	20 <u>22</u>	53.....	25	71.....	25
19.....	20 <u>22</u>	54A.....	25	72.....	20
20.....	18 <u>20</u>	54B.....	25	73B.....	20
21.....	25	54C.....	25	73D.....	20
22.....	20 <u>25</u>	55.....	25	73E.....	22
22A.....	20 <u>25</u>	56.....	30	74A.....	20 <u>25</u>
23.....	20 <u>25</u>	57.....	22 <u>25</u>	74B.....	20
24.....	20 <u>25</u>	57A.....	25 <u>30</u>	75A.....	20
25.....	20 <u>23</u>	57B.....	25	75C.....	20
26.....	20 <u>23</u>	57C.....	30	75D.....	20
27.....	20 <u>25</u>	58.....	25	76.....	20
28.....	15	59A.....	20 <u>25</u>	76A.....	25
29A.....	15	59B.....	15 <u>25</u>	76M.....	10
29B.....	12 <u>15</u>	59C.....	25	77A.....	20
30.....	15 <u>19</u>	59D.....	20 <u>25</u>	77B.....	15
31.....	20	59M.....	10 <u>15</u>	77C.....	15 <u>20</u>
32.....	21	60A.....	20 <u>25</u>	77M.....	10 <u>15</u>
33.....	20 <u>25</u>	60B.....	20 <u>25</u>	78.....	15
34.....	17 <u>20</u>	60M.....	10 <u>15</u>	80A.....	15
35.....	20	61.....	20 <u>25</u>	80B.....	20 <u>25</u>
36.....	25	62A.....	25 <u>30</u>	81.....	15

Section 2. 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 3. Board Adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 21, 2009.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)