

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:** Request that the Board approve the statement of scope for emergency Board Order WM-08-14(E) related to issuance of antlerless permits through the Deer Management Assistance Program and implementation of the 2012 White-tailed Deer Trustee's Report, Ch. NR 10 Wis. Admin. Code.

**FOR: June 2014 Board meeting**

**TO BE PRESENTED BY:** Scott Loomans, Wildlife Regulation Policy Specialist

**SUMMARY:**

This emergency rule will facilitate the issuance of antlerless deer permits through the Deer Management Assistance Program. This order may facilitate additional representation on County Deer Management Advisory Committees, committees which are established for the purpose of seeking comment from members of the public on the status of the deer herd at the county level. Additionally, the department may use these rules to make non-controversial corrections or updates that may be identified during the process of fully implementing the larger package of emergency rules resulting from the 2012 White-tailed Deer Trustee's Report.

Deer Management Assistance Program

Under current rules and statutes, with limited exceptions, deer hunting permits can only be used by the individual to whom the permit is issued. During the winter and spring of 2014 the department has been working with stakeholders to develop the Deer Management Assistance Program which was a recommendation of the 2012 White-tailed Deer Trustee's Report. During program development, the department has identified a need for more flexibility in the way that permits are issued and used in order to implement the program efficiently and to best serve customers. These rules could allow issuance of antlerless deer hunting permits to a primary person who is enrolled in the Deer Management Assistance Program or their designee. The permits could then be transferred, for no more than face value cost, to hunters who would be able to use the tags on the enrolled property. These rules would not change existing requirements that the tags can only be used during the normal deer hunting seasons and in ways that are consistent with all other deer hunting regulations.

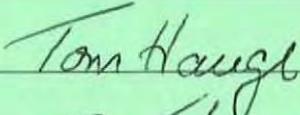
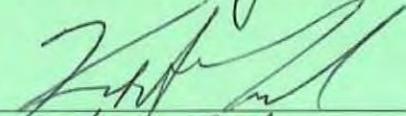
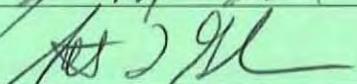
County Deer Management Advisory Committees/Councils

Emergency rules currently in place establish county deer management advisory committees for the purpose of seeking comment from members of the public on the status of the deer herd at the county level beginning in 2015. Membership on these committees, in the ceded territory as defined by s. NR 13.02 (1), may include a representative of Wisconsin Chippewa bands and, statewide, a representative of; agriculture, forestry, tourism, transportation, local government, and a local organization representing hunting interests. In promulgating these rules, the department will consider establishing that committee membership may also include a participant in the Deer Management Assistance Program.

**RECOMMENDATION:** Request that the Board approve the statement of scope for emergency Board Order WM-08-14(E) related to issuance of antlerless permits through the Deer Management Assistance Program and implementation of the 2012 White-tailed Deer Trustee's Report, Ch. NR 10 Wis. Admin. Code.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- Background memo
- Scope statements
- Governor's approval of scope statements
- NA

| Approved by                | Signature  | Date    |
|----------------------------|--|---------|
| Tom Hauge, Bureau Director |   | 6/12/14 |
| Kurt Thiede, Administrator |  | 6/12/14 |
| For Cathy Stepp, Secretary |   | 6-13-14 |

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: WM-08-14 (E)

Relating to: Issuance of antlerless permits through the Deer Management Assistance Program and implementation of the 2012 White-tailed Deer Trustee's Report, Ch. NR 10 Wis. Admin. Code.

Rule Type: These will be emergency rules.

### 1. Finding/nature of emergency (Emergency Rule only):

The department is not required to make a finding of emergency before promulgating these rules. The department is directed to promulgate these rules in s. Ch. 29.040 Stats., established by 2013 ACT 20 and is exempted from making a finding of emergency under non-statutory provisions in SECTION 9132 of the ACT.

### 2. Detailed description of the objective of the proposed rule:

This emergency rule order will facilitate the issuance of antlerless deer permits through the Deer Management Assistance Program. This order may facilitate additional representation on County Deer Management Advisory Committees, committees which are established for the purpose of seeking comment from members of the public on the status of the deer herd at the county level.

Additionally, the department will use this rule-making process to make non-controversial corrections or rule updates that may be identified during the process of fully implementing the larger package of emergency rules that result from the 2012 White-tailed Deer Trustee's Report.

### 3. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background and justification for the proposed rule:

Under current rules and statutes, with limited exceptions, deer hunting permits can only be used by the individual to whom the permit is issued. During the winter and spring of 2014 the department has been working with stakeholders to develop the Deer Management Assistance Program which was a recommendation of the 2012 White-tailed Deer Trustee's Report. During program development, the department has identified a need for more flexibility in the way that permits are issued and used in order to implement the program efficiently and to best serve customers.

These rules could allow issuance of antlerless deer hunting permits to a primary person who is enrolled in the Deer Management Assistance Program or their designee. The permits could then be transferred, for no more than face value cost, to hunters who would be able to use the tags on the enrolled property. These rules would not change existing requirements that the tags can only be used during the normal deer hunting seasons and in ways that are consistent with all other deer hunting regulations.

The Deer Management Assistance Program is designed to provide habitat and herd management assistance to landowners interested in managing their property for wildlife. The program is identified and defined under Wis. Stat. § 29.020 and Wis. Admin. Code NR § 10.70. Objectives of the program are to; promote sound land stewardship practices, provide outreach and educational information to landowners about wildlife habitat management practices, provide a means for site-specific deer management, and to improve relationships.

The program objective to provide site-specific deer management alternatives will benefit property managers in obvious ways by allowing them to work with the department to establish very specific harvest levels based on localized information.

Site specific deer management will benefit all hunters and people impacted by deer at the much larger management unit level as well. An example is that, in some situations, deer numbers that prevent forest regeneration or result in agricultural damage could be managed at a local, property specific level. This would eliminate a need to compromise with unit-wide antlerless deer permit levels that address pockets of over-abundance only minimally and which might also be perceived as allowing too much harvest of antlerless deer in other areas of the unit or county.

Maintaining the primary program enrollee's control over the use of permits by allowing the enrollee to distribute them may be an important feature to make participation attractive to property managers or owners. Allowing permit transfers creates efficiency for the department because we would not need to establish rules or automated license system processes to assure that permits are distributed in a manner preferred by the primary program enrollee. Only one contact with the department is all that would be needed to issue all antlerless permits for a property. If an antlerless tag is not filled by one person when they hunt, it might be possible under these rules for the tag to be used by another hunter on another day, increasing the perceived value of the permits and success rates for their use. Finally, it is possible that a landowner could be the primary program enrollee and not a hunter - but someone who would be interested in distributing the permits to family, friends, and others. Simplicity, value, and good success rates in the use of these antlerless deer permits will make an important contribution to the objective of site-specific deer management.

Emergency rules currently in place establish county deer management advisory committees for the purpose of seeking comment from members of the public on the status of the deer herd at the county level beginning in 2015. Membership on these committees, in the ceded territory as defined by s. NR 13.02 (1), may include a representative of Wisconsin Chippewa bands and, statewide, a representative of; agriculture, forestry, tourism, transportation, local government, and a local organization representing hunting interests. In promulgating these rules, the department will consider establishing that committee membership may also include a participant in the Deer Management Assistance Program.

#### **4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

The department's ability to promulgate emergency rules to implement recommendations of the deer trustee report is established in non-statutory provisions of 2013 ACT 20. The department is given authority to promulgate emergency rules that will implement recommendations of the assessment of this state's deer management plans and policies under s. 29.40 Stats. These emergency rules can remain in place until permanent rules are implemented. The department is not required to make a finding of emergency.

Additional authority related specifically to the issuance of hunting permits is found in s. 29.024 (2) (d) Stats. This statute establishes that it is illegal to transfer an approval or permit or allow its use by any other person. The law establishes limited exceptions and that the department can, by rule, allow the transfer of permits or approvals.

The primary authority to establish hunting regulations for deer and other species is established in s. 29.014 Stats. This section directs the department to establish and maintain open and closed seasons, bag limits, size limits, rest days, and other conditions for the taking of game that conserves the game supply and provides citizens with good hunting opportunities.

#### **5. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:**

Approximately 40 hours will be needed by the department to promulgate these rules.

#### **6. Description of all entities that may be impacted by the rule:**

These rules will impact deer hunters in general, but especially property owners or primary enrollees in the Deer Management Assistance Program.

**7. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:**

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

No economic impacts are anticipated. These rules will be similar to ones which are already in place for participants in the Wildlife Damage Claims and Abatement Program and may be expected to result in improved efficiency for the department and better customer service for enrollees in the Deer Management Assistance Program. These rules will not establish any additional requirements or exceptions that would have an economic impact.

**9. Anticipated number, month and locations of hearings.**

We do not plan to hold hearings on this emergency rules package but would hold hearings on a similar or identical provision in the department's permanent rule package implementing recommendations of the 2012 White-tailed Deer Trustee's Report. Under 227.24 (1) (a) Stats., an agency is not required to hold hearings on emergency rules. We anticipate that this rule modification or other corrections which may be identified will be non-controversial.

**Contact Person:** Scott Loomans, 101 S Webster St., Madison, WI 53707, (608)267-2452, [scott.loomans@wisconsin.gov](mailto:scott.loomans@wisconsin.gov)

  
\_\_\_\_\_  
Department Head Signature

5/13/14  
\_\_\_\_\_  
Date Submitted

Scott Gunderson approval:

Signature 

Date 5-13-14



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

June 9, 2014

Cathy Stepp  
Secretary  
Wisconsin Department of Natural Resources  
101 South Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

**RE: Scope Statement for WM-08-14 Emergency Rule modifying Chapter NR 10  
relating to Issuance of antlerless permits through the Deer Management Assistance  
Program and implementation of the 2012 White-tailed Deer Trustee's Report**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on May 19, 2014, pursuant to Wisconsin Statutes § 227.135, in regards to an emergency rule modifying Chapter NR 10 of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.24(1)(e)1d.

Sincerely,

Scott Walker  
Governor