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

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 and 227.11, 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. These 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. However, there is a concern that a higher goal with low hunter densities will increase the need for 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.

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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:

Management Unit Deer	Management Unit	Deer	Management Unit Deer	
Goal	Goal		Goal	
120	37	25	62B <u>25</u> <u>30</u>	<u>)</u>
1M10	38	20	63A <u>25</u> <u>3</u> 0	<u>)</u>
2 18 <u>20</u>	39	20	63B25	
3 16 <u>18</u>	40	20	64 <u>20</u> <u>2</u>	<u>5</u>
415	41	25	64M <u>10</u> <u>1</u> :	<u> 5</u>
520	42	20	65A30	
6 <u>12</u> <u>18</u>	43	15 <u>17</u>	65B30	
715	44	17	66 <u>25</u> <u>3</u>	0
820	45	20	67A25	
920	46	25	67B25	
1025	47	25	68A30	
1120	48	20	68B 30 <u>23</u>	5
12 17 <u>20</u>	49A	25 20	6925	_
13 15 17	49B		7025	
$1414 \overline{20}$	50	20	70A25	
$1522 \overline{25}$	51A	25	70B25	
1625	51B	25	70E25	
17 15 17	52	20	70G30	
$1820 \overline{22}$	53	25	7125	
19 $20 \overline{22}$	54A	25	7220	
$2018 \overline{20}$	54B	25	73B20	
2125	54C	25	73D20	
22 20 25	55	25	73E22	
22A <u>20</u> 25	56	30	74A <u>20</u> <u>2</u>	5
23 <u>20</u> <u>25</u>	57	22 25	74B20	_
24 20 25	57A	25 30	75A20	
$2520 \overline{23}$	57B		75C20	
26 <u>20</u> <u>23</u>	57C	30	75D20	
27 <u>20</u> <u>25</u>	58	25	7620	
2815	59A	20 25	76A25	
29A15	59B	15 25	76M10	
29B 12 <u>15</u>	59C	25	77A20	
$3015 \overline{19}$	59D	20 <u>25</u>	77B15	
3120	59M	10 15	77C <u>15</u> <u>2</u> 0)
3221	60A	$\frac{20}{25}$	77M <u>10</u> <u>1</u>	
33 <u>20</u> <u>25</u>	60B		7815	
34 17 20	60M		80A15	
3520	61		80B 20 <u>23</u>	5
3625	62A		8115	-

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 initially approved and adopted by the State of Wisconsin Natural Resources Board on October 21, 2009 and modifications made in response to a legislative request were adopted on March 16, 2010.

Dated at Madison, Wisconsin	.
	STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
	By Matthew J. Frank, Secretary

(SEAL)