

Report to
Legislative Council Rules Clearinghouse
NR 10 Wis. Adm. Code
Natural Resources Board Order No.
WM-08-17

Wisconsin Statutory Authority

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to deer hunting and hunting and trapping for other species.

Under the authority of s. 29.040, Stats., the department may promulgate rules implementing the Deer Trustee Report of 2012. County Deer Advisory Councils and their role in managing deer in Wisconsin, including reviewing DMU boundaries and population objectives, are central components of this report.

Management of chronic wasting disease in Wisconsin is granted to the department under s. 29.063. As such, the department reviews deer population objectives in DMUs that are considered “CWD-affected areas” to ensure that these objectives are consistent with disease response and management policies in CWD-affected DMUs.

Sections 23.11 and 29.014, Stats. allow the department to protect and supervise natural resources on state lands in all DMUs, as well as establish general department powers and the authority to establish hunting and trapping regulations on department-managed lands.

Federal Authority

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 Code of Federal Regulations.

Comparison with Adjacent States

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, to address regional differences in habitat and population (human and deer) and to reduce conflict with other land uses such as residential, agricultural or forested. In addition, neighboring states utilize population goals, informed by hunter and public input, to keep deer populations at levels that are biologically and socially acceptable.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

Deer unit boundaries and population objectives are reviewed every 3 years according to s. NR 10.104 (3), Wis. Adm. Code and Voigt case stipulations (Chippewa treaty rights). County Deer Advisory Councils are charged to gather public input and develop deer harvest quotas and antlerless tag recommendations under s. NR 10.104(5)(c). CDACs review deer herd metrics to develop recommendations for three-year deer population objectives of either increasing, maintaining or decreasing the herd in each county’s DMU(s). These population objectives and DMUs serve as the foundation for managing the deer herd and determining annual antlerless deer harvest quotas, antlerless tag levels and deer season structures. These

rules will allow CDACs to provide recommendations to the department pertaining to revising DMU boundaries and three-year population objectives, which will be in effect from 2018 - 2020.

Agency Procedures for Promulgation

The department will hold a hearing on November 28, 2017 at 5 p.m. in the Gathering Waters/Glacier's Edge room of the Fitchburg DNR Service Center, 3611 Fish Hatchery Rd., Fitchburg, WI 53711. The hearing will be followed by board adoption during winter 2018 followed by a request for the governor's signature and legislative review.

Description of any Forms

None.

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