

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create s. NR 10.01(3)(e)2.h. which creates a deer hunting season at Straight Lake state park.

WM-30-05

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation: Statutes that authorize the promulgation of this rule order include § 29.014, 29.089(3) and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for deer hunting, specifically on state park properties and that all rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: In promulgating this rule § 29.014 and 29.089(3), Stats., have been interpreted as providing the department with the authority to establish the Straight Lake state park deer hunting season proposed in this rule order.

Related Statute or Rule: Section NR 10.01(3)(e) establishes deer hunting seasons for the state and for twenty-two state park properties. Similar to Governor Thompson state park in 2004, potential direct adverse impacts on native plant communities and the potential for these large properties to serve as deer refugia has led the department to establish deer hunting season in advance of the final property master plans. As with Governor Thompson, if the master planning process for Straight Lake results in a recommendation for an alternative deer season framework and regulations, then the department will initiate rule making to implement the preferred season structure.

Plain Language Rule Analysis: This rule proposes a deer firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days followed by a muzzleloading firearm season beginning on the following Monday and continuing for 10 consecutive days. This deer season may be modified should the property master plan prescribe an alternative hunting season structure.

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. None of the proposed rules exceed the authorities granted the states in 50 CFR 10.

State Regulatory Analysis: Illinois allows deer hunting in most state parks, the only exceptions are those with small acreage. Iowa has enacted special hunting seasons in recent years to address documented white-tailed deer overpopulation situations. Similarly, Minnesota state parks only open parks to deer hunting when deer populations are too large and damage to plant communities and the health of the deer herd is at risk. Michigan provides 200,000 acres of park and recreation property for deer hunting.

Summary of Factual Data and Analytical Methodologies: The 2,779 acre Brunkow Hardwoods Cooperation department land acquisition in northern Polk County has allowed for the establishment of the Straight River Wildlife Area and Straight Lake state park. Together the state park and wildlife area is an undeveloped, heavily wooded property that is relatively pristine and undisturbed. It contains an extremely rich diversity of flora and fauna as well as very unusual geographic features. Without a deer hunting season to control deer populations on the state park property, deer herd control will not occur at the state park for several years (until the master plan is complete). This will result in an increasing deer population, which typically results in increased direct and indirect adverse impacts on the native plant communities.

Anticipated Private Sector Costs: Neither the rules, nor the legislation which grants the department rule making authority, have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

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 Person: Kurt A. Thiede, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921; (608) 267-2452; wmrules@dnr.state.wi.us

Section 1. NR 10.01(3)(e)2.h. and note are created to read:

[Drafter's note: The numbering of this section reflects proposed changes to s. NR 10.01(3)(e) included in Board Order number WM-29-05, CHR 05-086]

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01(3)(e)2.h. Straight Lake state park.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days followed by a muzzle loading firearm season beginning on the following Monday and continuing for 10 consecutive days.	One buck deer or as authorized by antlerless deer permits issued under s. NR 10.104.

Note: The deer gun season established in s. NR 10.01 (3) (e) 2. h. at Straight Lake state park is subject to review following the completion of the property master plan.

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 December 7, 2005..

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)