

00-118

February 7, 2001

TO: Members of the Senate Environmental Resources Committee

Senator Robert Wirch Senator Robert Cowles
Senator Dave Hansen Senator Dale Schultz

FROM: Senator Jim Baumgart, Chair

Re: Germane Modification by DNR to Clearinghouse Rule 00-118
Re deer management unit boundaries & population goals
DNR) Referred to Committee on 1-12-01

On January 22nd you were sent a copy of the above rule. John Stolzenburg looked over the rule & discovered an error in the rule as submitted. Enclosed is a copy of a germane modification from the department. It corrects information that was not revised to reflect the change made to deer management unit 77M.

Enclosed is a copy of the modification. If you have any questions, please advise as soon as possible. I do not plan on holding a public hearing on this rule unless I receive a request on or before Feb. 11th.

cc: John Stolzenberg, Legislative Council Staff Person

FEB 02 2001



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
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February 1, 2001

Honorable James Baumgart, Chair
Senate Environmental Resources Committee
306 South
State Capitol,

Honorable DuWayne Johnsrud, Chair
Assembly Natural Resources Committee
323 North
State Capitol

SUBJECT: Clearinghouse Rule No. 00-118
Deer management unit boundaries and population goals

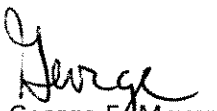
Gentlemen:

On December 6, 2000, the Natural Resources Board approved Clearinghouse Rule No. 00-118 and it was referred to your committees for review in January, 2001. It has come to the Department's attention that map in s. NR 10.28(2)(c) was not revised to reflect the change made to deer management unit 77M as shown on the deer management unit map in s. NR 10.28(1). As the note following s. NR 10.28(2) explains, the maps in sub. (2) are indicated on the statewide map, but are shown separately for purposes of map clarity.

A revised copy of the proposed order including the additional map is attached.

Under s. 227.19(4)(b)3., Stats., the Department of Natural Resources submits this as a germane modification to Clearinghouse Rule 00-118.

Sincerely,


George E. Meyer
Secretary

Attach.

cc: Natural Resources Board
Tom Hauge - WM/4
Carol Turner - LS/5

RULES CLEARINGHOUSE

Ronald Sklansky
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-118

AN ORDER to renumber and amend NR 10.104 (5) (b); to amend NR 10.104 (4) (b); to repeal and recreate NR 10.28 (1); and to create NR 10.104 (5) (b) 2, relating to deer management unit boundaries and population goals.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

08-10-00 RECEIVED BY LEGISLATIVE COUNCIL.
09-07-00 REPORT SENT TO AGENCY.

RNS:GAA:jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 00-118

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the rule, the table is amended to show the new goals for each management unit. Since the rule is establishing new unit 1M, in the left column "1M" should be shown as underscored.

b. In s. NR 10.104 (5) (b) 1., as renumbered and amended by SECTION 2, "sub. (a) subd. 2." should be a reference to subd. 2. of par. (b). Also, the correct format is "subd. 2." [See s. 1.07 (2), Manual.]

c. In s. NR 10.104 (5) (b) 2., as created by SECTION 3 of the rule, "subd. 1." should replace "par. (b) subd. 1." in the first and second sentences. [See s. 1.07 (2), Manual.]

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
WM-29-00
Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject
Change in Deer Management Over-winter Goals and Boundaries

Fiscal Effect

State: No State Fiscal Effect

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

- 1. Increase Costs
 - Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory
- 3. Increase Revenues
 - Permissive Mandatory
- 4. Decrease Revenues
 - Permissive Mandatory

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

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL/RULE -The Department is required to conduct a deer management unit review every 3 years (administrative code and Voigt case treaty rights stipulations). The last unit review concluded in 1996. The current review was incorporated into the Conservation Congress Deer Management for 2000 and Beyond process. Local public meetings were held at 28 sites to review 54 unit goals or boundaries.

The Department of Natural Resources proposes modifying 30 deer management unit (DMU) deer density goals. Goal increases are proposed in 8 DMUs a. goal decreases are proposed in 22 DMUs. In the units with a proposed reduction of ten deer, a temporary reduction of five deer is proposed to be used the first three years, followed by an additional reduction of five deer.

The Department also proposes changing unit boundaries in two DMUs. One of these changes creates a Metro Unit (Unit 1M) around the greater Superior area. The other is a split of unit 7 into two units; one following the outer boundary of the Bad River Indian Reservation, and the other including the remaining area of the original unit 7.

The Department requests Natural Resources Board approval to hold seven public hearings around the state to discuss these proposed changes. With approval, these hearings will be held from September 11-22, 2000. Some level of controversy is expected because no one deer population goal can satisfy the interests of all stakeholders. The Department and the Voigt Intertribal task force have not yet reached a consensus. The comments received from these hearings will be summarized and included in the final rule package presented to the Natural Resources Board in December, 2000.

The actual cost to changing goals and boundaries are normal mapping and administrative work that is done annually.

Long-Range Fiscal Implications
NONE - Changes are done annually in regard to regulations pamphlets.

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Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek <i>Joe Polasek</i>	(608) 266-2794	<i>Joe Polasek</i> ET	(608) 266-2794	07/13/2000

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
RENUMBERING AND AMENDING, AMENDING, REPEALING AND RECREATING
AND CREATING RULES

The Natural Resources Board proposes an order to renumber and amend NR 10.104(5)(b), amend NR 10.104(4)(b), repeal and recreate NR 10.28(1) and NR 10.117(5), and create NR 10.104(5)(b)2. pertaining to deer management unit boundaries and population goals.

WM-29-00

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.014 and 227.11, Stats.

Statutes interpreted: ss. 29.014, 29.177, 29.181, Stats.

In this order:

Section 1. Unit Goals - Establishes new over-winter deer density goals in 23 deer management units.

Sections 2 and 3. Unit Goals - Establishes phased implementation of goals in units 67A, 67B, 70B, 70E and 78 for the next three years, and then permanently.

Section 4 and 5. Unit Boundaries - Establishes new deer management unit maps reflecting addition of Metro unit 1M, the splitting of unit 7 along reservation boundaries and the expansion of Metro unit 77M.

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

SECTION 2. NR 10.104(5)(b) is renumbered (b)1. and amended to read:

NR 10.104(5)(b)1. *Quota objective.* Using the overwinter deer population estimate established under par. (a), expected fawn production and overwinter mortality, the expected archery harvest of antlerless deer excluding those harvested under authority of hunter's choice and antlerless deer hunting permits, and the deer population goal in sub. (4) except in units 67A, 67B, 70B, 70E and 78 in 2001, 2002 and 2003 as described in subd. 2., the department shall annually calculate an antlerless deer kill quota for each unit with the objective of maintaining the deer herd at the established overwinter goal or temporary overwinter target population density.

SECTION 3. NR 10.104(5)(b)2. is created to read:

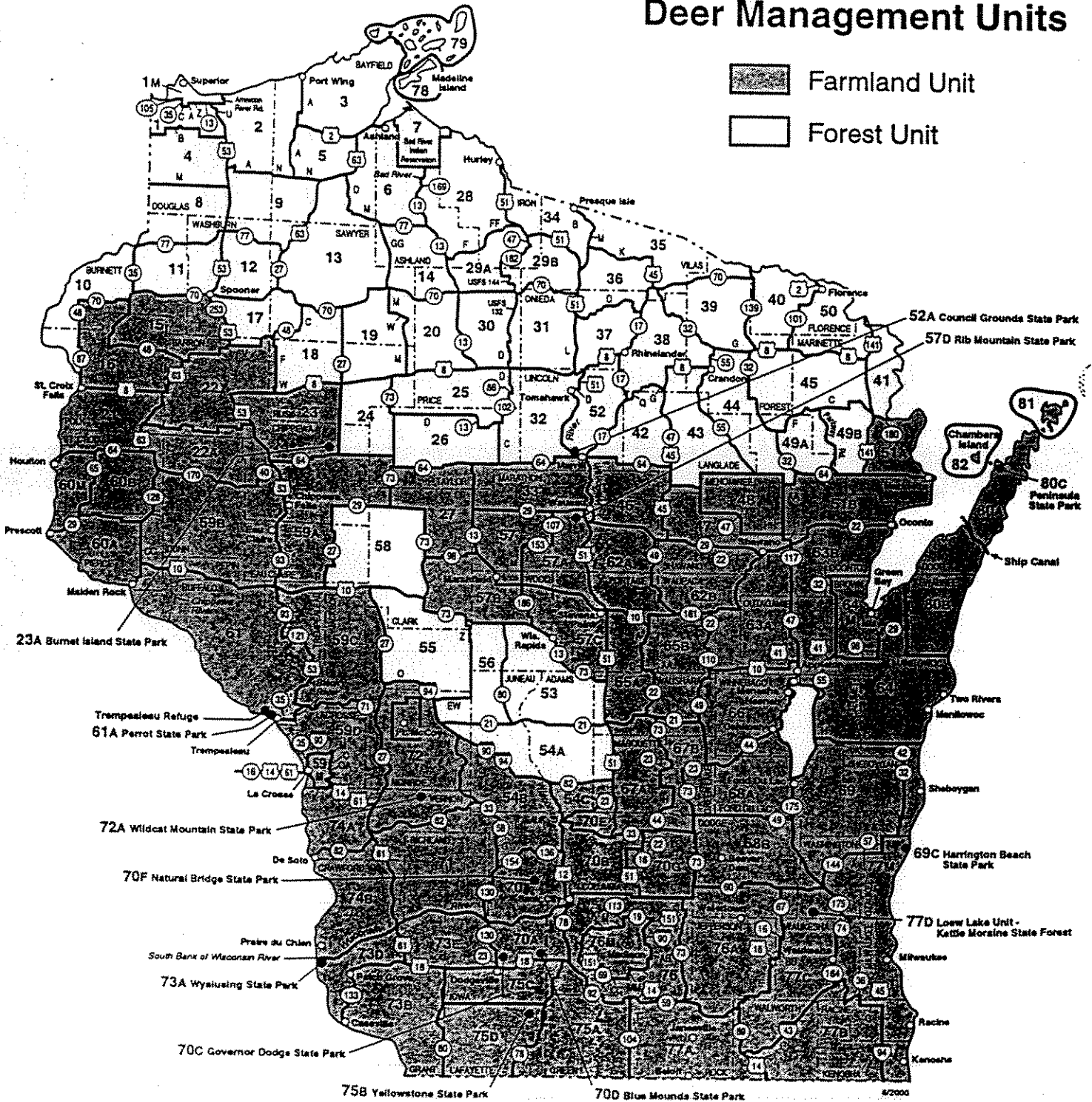
NR 10.104(5)(b)2. *Quota objective.* In deer management units 67A, 67B, 70B and 70E the department shall annually calculate an antlerless kill quota as outlined in subd. 1. for the years of 2001, 2002 and 2003 using the temporary overwinter target population density of 30 deer per square mile of deer range. In deer management unit 78, the department shall annually calculate an antlerless kill quota as outlined in subd. 1. for the years of 2001, 2002 and 2003 using the temporary overwinter target population density of 20 deer per square mile of deer range.

SECTION 5 . NR 10.117(5) is repealed and recreated as follows:

(5) FARMLAND DEER MANAGEMENT UNITS

Deer Management Units

-  Farmland Unit
-  Forest Unit



The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 6, 2000.

The rule shall take effect on the first day of the month following publication as provided in s. 227.22, Stats.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
Deer management unit boundaries and population goals

Board Order No. WM-29-00
Clearinghouse Rule No. 00-118

Statement of Need

The Department is required to conduct a deer management unit review every 3 years. The last unit review concluded in 1996. The current review was incorporated into the Conservation Congress Deer Management for 2000 and Beyond process. The primary effects of this rule are the following modifications of deer management unit (DMU) goals and boundaries.

1. Overwinter deer population goals are proposed to be increased in 9 units and decreased in 14 units.
2. A temporary management objective of 30 deer/square mile of range in 4 DMUs during 2001-2003 is established where the goal is proposed to be decreased from 35 to 25. Similarly a temporary management objective of 20 deer/square mile of range in one DMU during 2001-2003 is established where the goal is proposed to be decreased from 25 to 15.
3. DMU 7 is proposed to be modified, with new boundaries conforming to the Bad River reservation boundaries. This proposal is contingent on approval of a Memorandum of Understanding with the Bad River Tribal Council.
4. One new metro unit is proposed to be created around the city of Superior.
5. Metro unit 77M (Milwaukee, Ozaukee, Washington and Waukesha counties) is proposed for expansion to the north, with remaining portions of 69B combined with 69A into a new DMU 69.
6. DMU 75A (Green county and portions of Dane and Lafayette counties) is proposed to have a local hearing in April to consider an increase in its population goal from 15 to 20 deer per square mile of range.

Modifications as a Result of Public Hearing

Goal reductions are no longer being proposed for DMUs 10, 15, 41, 50, 65B, 68A, 68B and 70G. DMUs 65B, 68A and 68B will be placed on a watch list for 3 years to determine if high vehicle collision rates persist when the herds are closer to goals. Unit 70G would also be placed on a watch list, rather than reduce the goal at this time. It is not believed that a goal reduction would solve the damage problem for DMUs 41 and 50. DMUs 10 and 15 will also be placed on a watch list for the next 3 years. Goal reductions could be recommended from DMUs 10 and 15 in the next unit review if intolerable agricultural damage persists. Other strategies would be employed during the next 3 years to bring crop damage down to tolerable levels.

Appearances at the Hearings and Their Position

September 11, 2000 – Waupaca

In support:

Stephen Saver, W2951 Valley View Drive, Hortonville, WI 54944

In opposition – none

As interest may appear:

Ron Engels, N6104 Johnson Road, Shiocton, WI
Wayne Eisentrant, N4180 Sunny View Road, Waupaca, WI 54981
Arlyn Splint, N9050 Bell Corners Road, Clintonville, WI 54929
Kevin Wichman, N2782 French Road, Appleton, WI 54913
Paul Maas, N1298 Hwy. 49, Berlin, WI 54923
Tony Janecsek, 206 Wallrich Road, Cecil, WI 54111
Bob Knorr, N9239 Nwy. 45, Clintonville, WI 54929
Earl J. Williams, N517 Cty. K, Waupaca, WI 54981
Robert D. Larschied, 520 Mill Street, #8, Green Lake, WI 54941

September 12, 2000 – Siren

In support – none

In opposition - none

As interest may appear:

Joseph Weiss, W5390 Bobcat Road, Spooner, WI 54801
David H. Farris, 7410 Co. Road K, #189, Siren, WI 54872

September 13, 2000 – Pembine

In support:

Mark Glander, N12224 Olson Road, Wausaukee, WI 54177

In opposition:

Arold Ninneman, HC2, Box 1105, Florence, WI 54121
Harold Grandaw, Peshtigo, WI 54147
David J. Nennig, Route 1, Box 308B, Niagara, WI 54151
Kevin Romittl, W8962 Cty. N, Niagara, WI 54151
Vern Shier, W5098 Wallace Road, P.O. Box 214, Amberg, WI
Lyle L. Nennig, Route 1, Box 308B, Niagara, WI 54151
Mike LeFleur, Box 282, Florence, WI 54121
Larry Lotto, 9442 Hilbert Drive, Armstrong Creek, WI 54103
Bob Ellingson, 17342 North Road, Lakewood, WI 54138

As interest may appear:

Bernie Englebert, HC1, Box 465, Florence, WI 54121
Robbi Hron, N22188 County O, Niagara, WI 54151
Jason Brault, W8940 Provencher Road, Niagara, WI 54151
Robert Felmer, HC1 468 Florence, WI

September 13, 2000 – Wisconsin Dells

In support:

John Lewis, 621 Knickerbocker, Madison, WI 53711
John H. Knoch, W4743 10th Road, Westfield, WI 53964
Jim Hebbe, W1664 Sievert Road, Green Lake, WI 54941
Brad Kolpin, N6801 10th Avenue, Westfield, WI 53964
Richard Hell, W5688 Cty. Z, Westfield, WI 53964
Larry Gohlke, P.O. Box 42, Neshkoro, WI 54960

In opposition:

Kenneth Vertein, S4495 Johnson Road, Baraboo, WI

As interest may appear:

Jim Jacobson, 1301 River Road, Wis. Dells, WI
Jerry A. Hamm, 1611 Broadway, Wis. Dells, WI 53965
Larry Volz, E9849A N. Reedsburg Road, Reedsburg, WI
Jim Beard, 315 Unity Drive, Wis. Dells, WI
Pete Helland, 816 Meadow Lane, Wis. Dells, WI

September 14, 2000 – Ashland

In support:

Ruel Fleming, Hesse Road, Herbster, WI 54844

In opposition:

Dave Ladd, 1409 State Road 23, Dodgeville, WI
Steven Oestricher, 8475 Oneida Lake Drive, Harshaw, WI 54529

As interest may appear:

Rick Olivo, The Daily Press, Ashland, WI
Gus Smith, 70020 Moquah Ski Hill Road, Ashland, WI 54806
Raleigh L. Fox, Route 2, Box 93, Iron River, WI 54847
Harriet LeBel, Route 2, Box 311, Mason, WI 54356

September 14, 2000 – Pewaukee

In support – none

In opposition:

Bruce Mehrens, S43 W34470 Rve Parc, Dousman, WI 53118

As interest may appear:

David Drow, W192 S7224 Hillside Drive, Muskego, WI 53150
Howard Porter, S103 W26370 Maple Avenue, Mukwonago, WI 53149
Richard C. White, N2074 Wilderland Drive, Lake Geneva, WI 53147
Dan Casper, W235 N9544 Mt. Vernon Drive, Colgate, WI 53017
Steven M. Popek, 21265 Weyer Road, Pewaukee, WI 53072

September 18, 2000 – Muscoda

In support:

George Nachtigal, 406 Riviera Street, Avoca, WI 53506

In opposition:

Cliff Schneider, Box 443, Muscoda, WI 53573

As interest may appear:

Richard Rasmussen, 30398 Moss Hollow Lane, Lone Rock, WI
James Cler, 27995 Jackson Drive, Muscoda, WI 53573
Adam Lins, 405 William Street, Avoca, WI 53506
Charlie Blood, 2377 Blood Lane, Richland Center, WI 53581
Pat Werner, 35201 North Mill Street, Lone Rock, WI
Bob Ziel, 114 Randee Avenue, Prairie du Chien, WI 53821
William H. Howe, 30 S. Fillmore, Prairie du Chien, WI 53821
Albert J. Kwallek, 601 W. Elm Street, Lancaster, WI 53813
Gerald Biba, 15929 Biba Road, Muscoda, WI 53573
Marvin Hipenbecker, 1435 Blue River Road, Muscoda, WI 53573

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rules do not regulate small businesses; therefore, a final regulatory flexibility analysis is not required.