

**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 (DMUs) with individual over winter populations goals and a statewide over winter population goal of approximately 737,000 deer. Over winter population goals and DMUs 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 a DMU. The hunting season population will generally be substantially larger than the over winter population goal.

The Department is proposing raising deer population goals in 13 management units and lowering the goal in two.

Deer Management Unit	Current Goal Density	Proposed Goal Density
6	12	15
14	14	18
49A	25	20
57	22	25
59B	15	20
59M	10	15
60A	20	25
60B	20	25
60M	10	15
64	20	25
64M	10	15
68B	30	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. The department does not anticipate significant ecological, agricultural or forestry impacts because of the proposed goal increases. However, there is a concern that a higher goal with low hunter densities will mean 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.

Agency Contact People: Keith Warnke, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 264-6023, keith.warnke@wisconsin.gov or Scott Loomans, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608)267-2452, scott.loomans@wisconsin.gov

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:

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

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 October 21, 2009.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)