Report From Agency

REPORT TO LEGISLATURE

Chs. NR 1, 10, 11, 12, 13, 15, 19 and 45, Wis. Adm. Code
Deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee's Report
Board Order No. WM-11-13
Clearinghouse Rule No. 13-071

Basis and Purpose of the Proposed Rule

Gubernatorial candidate Scott Walker made a promise to appoint a "Deer Trustee" to review white-tailed deer management programs and hunting in Wisconsin. In October of 2011 Dr. James C. Kroll, officially known as Wisconsin's white-tailed deer trustee, entered into a contract with the State of Wisconsin to conduct an independent, objective and scientifically-based review of Wisconsin's deer management practices. The White-tailed Deer Trustee's report was released to the public in July, 2012.

The objective of these proposed rules is to implement ideas and solutions from the Deer Trustee's report to forge a new age for deer management.

SECTIONS 1 to 3 update Natural Resources Board policy so that the term "population objective" and "goal" are used consistently and for concise wording.

SECTION 4 creates introductory material that organizes the current contents of Ch. NR 10 as Subchapter 1 and prepares for the creation of another subchapter related to the deer management assistance program.

SECTION 5 creates a definition of "afield" for the purpose of establishing that a deer cannot be possessed by someone other than the person who tagged it if the person who tagged the deer is not also present with the deer while afield, similar to current rules.

SECTION 6 eliminates the definition of an "archery hunt" because it is no longer consistent with current law or a necessary provision in this chapter.

SECTIONS 7, 53, 57 and 66 establish that CWD management zones will be identified as CWD-affected areas and are based on counties, consistent with proposed deer management unit boundaries.

SECTIONS 8 establishes definitions of "private" and "public-access lands" so that bonus deer hunting permits can be issued as valid only for use on land not open to public hunting or as valid only for use on lands which are open to hunting by members of the public, but not valid on both types of land. Lands which are privately owned but open to public hunting under the managed forest law program and other government agreements are considered public access lands for purposes of this provision.

SECTIONS 9, 18 and 28 update cross references related to sharp-tailed grouse, fisher, and bear management zones or subzones so that the deer management unit map in effect in 2013, and which is renamed "Game management zones" continues to be the one cross referenced.

SECTIONS 10 to 16 of this proposal establish the deer hunting season dates for gun, archery, muzzleloader, and deer hunting by youth hunters. The standard deer hunting season framework established in these sections is:

Bow & Arrow/Archery	Saturday nearest September 15 and continuing through the Sunday nearest January 6. Hunting is for antlerless deer only at times when a firearm season for antlerless deer only is also open.
Crossbow	Saturday nearest September 15 and continuing through the Sunday nearest January 6. Hunting is for antlerless deer only at times when a firearm season for antlerless deer only is also open.
Youth	Two consecutive days beginning on the Saturday nearest October 8.
Traditional 9-day November firearm deer season	Saturday before Thanksgiving Day Holiday and continuing for 9 days.
Muzzleloader only	Beginning on the day after the traditional November firearm deer season and continuing for 10 days.
December 4-day antlerless season.	Beginning on the second Thursday following the Thanksgiving Day holiday.
Additional non-standard season framework options are described in SECTION 17 below.	

This section eliminates references to state park hunting seasons which are no longer needed because state statute has established that deer hunting is generally allowed in state parks. This section retains language which establishes the seasons for certain state parks when it is still needed because the existing seasons are different than the general statewide seasons. Muzzleloader only seasons are an example of the type season variations that have existed at some state parks. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

These sections establish a general bag limit of one buck during firearm deer seasons and one buck during the archery seasons, plus additional antlerless deer where permits are available.

SECTION 17 establishes additional season framework options which the department could implement upon the recommendation of the county deer management advisory council in a unit. The options include an antlerless deer only season framework for all archery, crossbow, or firearm seasons. These sections establish that a season commonly referred to as the December, antlerless-only holiday firearm season could be recommended to the department and would begin on December 24 and continue through January 1. The holiday hunt option is available only in units that are in a farmland zone.

SECTION 19 restores the protected status of white deer in a CWD-affected area so that they will again be protected statewide.

SECTIONS 20 and 21 update provisions related to hunting hours to include references to crossbows and maintain cross-references related to hunting hours for species that have no hunting hour restrictions except at times when a firearm deer season is open.

SECTIONS 22, 24, 26, 27, 29, 35 to 46 and to add the word “crossbow” to provisions where appropriate because firearms, bows, or handguns are currently listed. These sections also add a description or cross-reference to a crossbow license or season as appropriate in locations where archer or firearm licenses or seasons are already listed or cross-referenced.

SECTION 23 repeals a cross-reference related to blaze orange requirements during deer seasons in CWD zones which is not necessary because blaze orange requirements are already established in statute.

SECTION 25 and 59 repeal a historic prohibition of the possession of firearms in the field on the day before the traditional 9-day firearm deer season.

SECTION 30 revises population goals so that they will be expressed as management objectives to increase, maintain, or decrease the deer population density in a management unit. Deer management units will generally be the same as counties with exceptions for metropolitan subunits and areas within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations. This section establishes county deer management councils which will be advisory to the department. This section also establishes antlerless permits and their allowable uses and methods of distribution. This section establishes a $12.00 fee for bonus permits which are issued for a CWD-affected area and a $6.00 fee for bonus permits issued under the deer management assistance program. In units where the department has not established a quota allowing the harvest of antlerless deer, the department may establish by an order of the secretary that antlerless tags issued to junior deer hunting license buyers are not valid. Finally, this section eliminates additional buck harvest opportunities commonly referred to as “earn-a-buck” and “bonus buck”.

SECTION 31 modifies the tagging procedures so that a deer possessed in the field must be accompanied by the person who tagged it, even if the deer has already been registered. Deer which have been registered may be possessed and transported on roadways or possessed at a home or established businesses (taxidermist, butcher shop, etc.) by someone other than the person who tagged it, consistent with current rules. This section also updates language to reflect elimination of “earn-a-buck” and “bonus buck” regulations.

SECTIONS 32 and 33 establish that a harvest registration confirmation number must be legibly printed on the carcass tag to show proof that a deer has been registered with the department under an electronic or telephone registration system. This section also maintains the current prohibition of processing a deer while in the field, except that it may be divided into as many as 5 parts to help with removing it from the field.

SECTION 34 modifies deer registration procedures to allow telephone or electronic recording of harvest. The ability to require in-person registration in areas is retained if the department determines that is necessary for research, collecting tissue samples, or during transition periods. Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer or bear is taken into possession. Registration requirements will be the same statewide for both firearm and bow-and-arrow harvested deer. This section also clarifies that an antlerless deer may not be possessed in the field outside of the unit of harvest except on a public highway or at a dwelling or established business such as a butcher shop or taxidermist’s place of business, and then only after first being registered. This is similar to current restrictions which prohibit transportation of a deer outside the unit of harvest prior to registration but is amended so the rule remains effective to enforce restrictions on illegal use of tags when electronic harvest registration is allowed.

SECTION 47 establishes deer management units which will generally be based on counties and establishes metropolitan deer management subunits and identifies tribal units. This section preserves the current metropolitan deer management units as subunits within county units.

SECTION 48 repeals the CWD management zone map which is no longer needed. CWD-affected areas under this rule proposal are comparable. CWD-affected areas can be modified by the department based upon where CWD is identified without administrative rule changes.

SECTION 49 repeals the existing deer management regions map and replaces it with a comparable but simplified zone map that is more aligned along county boundaries. This map also identifies where certain antlerless tags can be used and to describe deer season frameworks.

Section 50 renames the deer management unit map that was in effect in 2013 because those boundaries continue to be used for other purposes such as the basis for the fisher management zone map. The map is now called "Game management zones".

SECTION 51 establishes that buck tags may only be used to tag bucks and southern farmland zone antlerless deer tags, which are available to all firearm and archery license buyers, may be used statewide by participants in firearm deer hunts for hunters with disabilities. In the past, buck tags could be used for deer of either sex during these hunts. This provision is intended to reduce confusion about how tags can be used by disabled permit holders during the variety of deer seasons. This section also modifies the note for consistency with new rules allowing the use of rifles statewide during firearm deer seasons.

SECTION 53 establishes the deer management assistance program to assist with specialized management of deer in localized areas and for specific purposes. This section establishes fees and other conditions for participation in the program.

SECTIONS 54 to 55 establish crossbow hunting seasons which are consistent with archery deer hunting seasons at a number of waterfowl hunting closed areas where some archery deer hunting is currently allowed.

SECTION 56 establishes that crossbow deer hunting is not allowed at times when archery deer hunting is not allowed under current rules at the Buckhorn wildlife area.

Section 58 updates cross-references and modifies language to reflect that earn-a-buck regulations have been repealed.

SECTION 60 and 61 update a cross-reference related to establishing the harvest quota for tribal members in the ceded territories.

SECTIONS 62 to 65 add "crossbow" to provisions which already restrict possession of bows and firearms at 37 game refuges and notes that possession of loaded, uncased handguns is allowed by people who are licensed to possess a concealed handgun.

SECTIONS 67 and 69 to 71 update language to include crossbows in various provisions where it is currently only required that bows and arrows be unstrung or enclosed in a carrying case on certain department managed lands.

SECTION 68 repeals the requirement to obtain a special permit before hunting deer in a state park in the CWD management zone.

Summary of Public Comments

Most recently, the department held nine public hearings spread geographically around the state between January 20 and 27. Attendance is summarized in Table 1. Hearing attendees registered their attendance on a standard hearing appearance slip which asks people to check if they wish to speak and provides an opportunity to check a box for support, opposition, or to register/speak "as interest may appear". The vast majority of attendees checked "as interest may appear", reflecting the significant amount of information in the proposal and a diversity of opinions on individual features of the rule. This is normal with extensive proposals that change many provisions of rule or law. The department has utilized the public input form (available at the hearings and online), actual hearing testimony, and written comments to inform decisions about individual provisions of the rule. A summary of comments and responses is found in Appendix 3.

Table 1.

	Attendance	Support	Oppose	Information Only
LaCrosse	23	2	0	21
Fitchburg	28	5	3	20
Dodgeville	18	2	1	15
Eau Claire	32	1	3	28
Schofield	23	4	8	11
Green Bay	21	2	2	17
Waukesha	38	1	4	33
Spooner	23	2	0	21
Rhinelander	50			
	256	19	21	166

Previous public participation

As a first step in the deer trustee report implementation process, the department grouped the 62 recommendations from report's executive summary into five consistently-themed categories:

1. Deer management assistance program (DMAP) recommendations
2. Herd health/chronic wasting disease (CWD) recommendations
3. Regulations & season structure recommendations
4. Science & research recommendations
5. Administrative recommendations

The first four categories of recommendations were assigned to publicly-driven action teams consisting of volunteers from around the state. Action team participants were assigned the responsibility of reviewing and discussing background information related to the recommendations and developing implementation proposals for the department to consider when implementing the recommendations. Participation on the action teams was open to any member of the public representing themselves, as a representative of an organization, or any tribal member or representative. The action teams met a total of seven Saturdays from March 9 through July 20th, 2013 at the University of Wisconsin - Stevens Point in the Dreyfus University Center.

The fifth category of report recommendations relate to department administrative processes that do not require further public refinement or involve issues that required independent public involvement process.

Following the action team process, the department used the implementation proposals developed through the action team meetings, along with information received through social media, correspondence received by the department as well as the deer trustee report, and developed proposed rule packages. The emergency rule and this permanent rule order were identical at that stage in the rule process. The proposed rule packages were explained and testimony was heard at 35 public hearings spread geographically around the state. There were 490 members of the public who registered at the hearings. In addition to the public hearings, the department provided a video summarizing the contents of the proposed rule package on the its website. In order to capture public comment and perspectives on the entire proposal, a survey was developed which provided the opportunity for interested individuals to indicate their support or opposition, and to provide comment, to any portion of the rule package. As a result of this effort 3,812 individuals completed the deer trustee report public survey.

In addition to the initial Natural Resources Board meeting held in September where the request for public hearings was authorized and public comments were received, the board also held a session at their October meeting entitled "Deer Management – Discussion on Science".

Consistent with the rest of this rule development initiative, department staff conducted a variety of additional outreach efforts to further analyze and reach consensus on the contents of the final rule package. In addition to invitations to all of the native American tribes in Wisconsin to be involved in the action team initiative, specific meetings occurred with the leaders of the 6 Chippewa bands of Wisconsin as well as executives of the Great Lakes Indian Fish and Wildlife Commission.

Consistent with the meetings held with the 6 Chippewa bands and GLIFWC executives, additional meetings were held with the departments' conservation roundtable which includes a wide variety of conservation groups from around the state. These meetings provided a great opportunity to listen to the concerns of the individuals primarily impacted by the rule, fine-tune the rule proposal itself and reach consensus on many of the aspects in the rule package.

Public input form/questionnaire response summary

All tables and figures are included as Appendix 1. to this green sheet package. A sample of the *Deer trustee rule public input form* is attached as Appendix 2. To save space, the response options have been removed from the form in Appendix 2. The following is a narrative summary.

Sampling and response rates

- We invited all 476 sitting CDAC members to complete the form by email and mail.
- To reach out to the public we sent email invitations to all 8,451 subscribers to deer related Gov Delivery distribution lists, and 78,200 licensed deer hunters who had valid email addresses in their customer profile.
- In addition, we received 1,285 responses through links on the Department website.
- The dataset was cleaned up to remove empty records and incomplete records with no responses to any of the DTR related questions.
- Initial analyses did not find substantive differences among the characteristics of respondents from the deer hunter, Gov Delivery and General public groups (hereafter labeled Non-CDAC). Consequently data from these groups were pooled, and are presented alongside those from members of the CDACs.
- In total we received 349 responses from CDAC members and 6084 responses from other sources.
- The online input form received a total of 2645 written comments.

Respondent Characteristics

- Respondents to the online form included residents of every county of Wisconsin; however, Menominee county offered the lowest response with only 2 respondents (both CDAC members) residing in that county.
- The overwhelming majority of respondents from all groups who provided feedback through the online form were hunters, with approximately 90% of respondents self-identifying as either average or avid hunters.
- Over half of these respondents also hunted exclusively on private land.
- Approximately 50% of respondents primarily hunted in the Central Farmland Zone in 2014.
- *Overall, these characteristics suggest that as a group, those who provided feedback through the form generally represent the state's avid deer hunting population.*

Feedback on the proposed rule

- One issue that is common in surveys of public opinion on topics that are controversial is that of protest voting. Protest voters are those respondents who express definitive objections to all issues presented in a survey. These responses can be problematic, as these individuals' responses may not necessarily relate to the specific options explored in the form, but rather, they may reflect objections to the rule package as a whole or simply a fear of change. In many cases, comments made by protest voters pointed to the importance of addressing issues not currently in the rule package such as deer baiting,

hunter recruitment and retention programs etc. Protest vote rates were similar in both CDAC (9.0%) and non-CDAC (9.2%) groups[1]. These frequencies, while high, are not unusual (Loomis, 1996). *Protest voters <u>have not</u> been removed from the following analyses.*

- While CDAC members did not appreciably differ in their hunting characteristics from Non-CDAC respondents, they were consistently more supportive of county-by-county implementation of proposed changes.

Statewide season frameworks

Rule option: an antlerless only framework for all archery or firearm seasons

- The majority of both CDAC (74%) and Non-CDAC (54%) respondents support this option.
- Of those who support this option, county-by county implementation was most preferred.

Rule option: Limit buck harvest to the first two days of the 9-day season

- Non-CDAC respondents tend to oppose this option (52%) while CDAC respondents are evenly split between opposition and support (47% each)
    - Public land hunters were slightly more likely to oppose this option (56%) than were private land hunters (51%).
- Of those who support this option, county-by-county implementation was most preferred by both CDAC and non-CDAC respondents.

Antlerless tag issuance in Farmland Zones

- While all both CDAC and Non-CDAC groups prefer issuing antlerless tags through bonus sales, the degree of support differed between hunters who primarily rely on Farmland Zones (51% and 55% for CDAC and Non-CDAC respectively) and those who primarily hunt in Forest Zones (67% and 76% for CDAC and Non-CDAC respectively).
- If the Department were to continue issuing free antlerless tags in Farmland Zones, both groups preferred that these tags be limited to a specific county in the Farmland Zones. Again, the degree of support differed between hunters who primarily rely on Farmland Zones (55% and 58% for CDAC and Non-CDAC respectively) and those who primarily hunt in Forest Zones (66% and 78% for CDAC and Non-CDAC respectively).

Southern Farmland Zone season frameworks

Rule option: implement an early December 4-day antlerless hunt in the Southern Farmland Zone

- Southern Farmland Hunters support the option to implement an early December antlerless hunt in their zone (CDAC support = 74%; Non-CDAC support = 54%)
    - Of those that support this option, CDAC members prefer county by county implementation by a 25% margin, while Non-CDAC respondents favor zone-wide implementation by an 8% margin.

Rule option: authorize buck harvests during the Holiday hunt in the Southern Farmland Zone

- Southern Farmland Hunters only slightly support the option to authorize harvesting bucks during the Holiday hunt in their zone (CDAC support = 54%; Non-CDAC support = 53%)
    - Of those that support this option, CDAC members prefer county by county implementation by a 15% margin, while Non-CDAC respondents favor zone-wide implementation by a 4% margin.

[1] The protest vote frequency was calculated using individuals who answered every question with definitive opposition (i.e., individuals who were unsure or declined to answer a question were not included in this calculation.)

Rule option: antler point restrictions during the Holiday hunt in the Southern Farmland Zone

- Southern Farmland Hunters oppose the option to authorize antler point restrictions during the Holiday hunt in their zone (CDAC opposition = 63%; Non-CDAC opposition= 57%)
    - Of those that support this option, CDAC members prefer county by county implementation by a 17% margin, while Non-CDAC respondents favor zone-wide implementation by a 10% margin.

Rule option: authorize one bonus buck opportunity in the Southern Farmland Zone

- Southern Farmland Hunters support the option to authorize one bonus buck opportunity in their zone, however support is much stronger among CDAC members than among other SFZ hunters (CDAC support = 63%; Non-CDAC support= 53%).
    - Of those that support this option, CDAC members prefer zone-wide implementation by a 5% margin, while Non-CDAC respondents favor zone-wide implementation by an 8% margin. In both cases, high rates of support in either case were present (43% and 36% for CDAC and Non-CDAC respectively.)

Central Farmland Zone season frameworks

Rule option: implement an antlerless Holiday hunt in the Central Farmland Zone

- Central Farmland Hunters support the option to implement an antlerless Holiday hunt in their zone (CDAC support = 72%; Non-CDAC support = 56%)
    - Of those that support this option, both CDAC and non-CDAC respondents prefer county by county implementation (39% margin for CDAC, and 12% margin for Non-CDAC).

Rule option: authorize buck harvests during the Holiday hunt in the Central Farmland Zone

- Central Farmland Hunters tend to oppose the option to authorize harvesting bucks during the Holiday hunt in their zone (CDAC opposition = 51%; Non-CDAC opposition = 57%)
    - Of those that support this option, CDAC members prefer county by county implementation by a 38% margin, while Non-CDAC respondents favor it by a 10% margin.

Rule option: antler point restrictions during the Holiday hunt in the Central Farmland Zone

- Central Farmland Hunters tend to oppose the option to authorize antler point restrictions during the Holiday hunt in their zone (CDAC opposition = 65%; Non-CDAC opposition = 60%)
    - Of those that support this option, CDAC members prefer county by county implementation by a 35% margin, while Non-CDAC respondents favor it by a 12% margin.

Rule option: authorize one bonus buck opportunity in the Central Farmland Zone

- Central Farmland Hunters tend to oppose the option to authorize one bonus buck opportunity in their zone (CDAC opposition = 60%; Non-CDAC opposition = 64%)
    - Of those that support this option, CDAC members prefer county by county implementation by a 31% margin, while Non-CDAC respondents favor it by a 6% margin.

Modification Following Hearings

Bonus buck

Regulations authorizing the harvest of one additional buck if an antlerless deer is harvested first have been removed from the rule. The public did show a reasonable level of support for this special regulation option in the southern farmland zone. However, the regulation will be difficult to administer, which the department weighed against the limited amount of additional harvest or hunting opportunity that it provided. The department will revisit this regulation in the future as experience with electronic harvest registration is gained.

County deer management advisory councils

Language to more clearly define the role of county deer management advisory councils has been added. The new language clarifies that councils will gather public input on deer population goals, antlerless quotas, and hunting season options. They will review and consider metrics on deer herd trends, impacts, and human interactions. Finally, they will make recommendations to the department for deer population objectives, season options, and annual antlerless permit quotas.

Antlerless permits issued with junior deer hunting licenses.

Currently, each deer hunting license sold to a person who is 17 years old or younger at the time of purchase includes an antlerless deer permit that is valid statewide. These rules establish that the department may, by an order of the secretary, restrict use of those permits to only units where a quota has been established allowing the harvest of antlerless deer.

Antler point restrictions

The ability for CDACs to recommend antler point restrictions when buck harvest is authorized during a holiday hunt has been removed from this rule. This was not supported in the public input questionnaire.

Two-plus seven season framework option for bucks

The ability for CDACs to recommend allowing buck harvest only on the first two days of the nine day period that includes the traditional firearm deer season has been removed from this rule. This was not supported in the public input questionnaire.

Crossbow season

This rule has been modified so that there is no sunset of the crossbow season after the 2015 season. A scope statement authorizing rules that would establish the 2016 crossbow season has been approved. If a need to change the crossbow season is identified following a review of the first statewide crossbow deer season in 2014, the department can make modifications through that rule process. If a need for season modifications is not identified, additional rulemaking would not be required.

Protection of white deer

The provision establishing statewide protection of albino or white deer has been modified to clarify that white deer with stained or dirty hair are still considered white deer and are protected.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was revised to reflect modifications made.

Since finalization of the economic impact analysis, this rule proposal has been amended, most notably, to include rule provisions related to the use of crossbows for deer hunting during a season for hunting deer with crossbows-only. The department anticipates that there will be no economic impacts as a result of proposed rule amendments. Governor's Executive Order # 50

relating to guidelines for promulgating administrative rules establishes, in IV. 9. a., that a revised economic impact analysis is only required if there would be a “significant change”. Therefore, the department has not revised economic impact analysis documents.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Rules Clearinghouse and Legislative Reference Bureau recommended a number of modifications related to legal drafting protocol, organization, or spelling and grammar. Nearly all of those were incorporated. The Legislative Reference Bureau normally does not review rules prior to adoption but did a professional-courtesy review of this extensive proposal and the department greatly appreciated this additional level of service.

Final Regulatory Flexibility Analysis

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. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

Appendix 1 – Analysis of public input questionnaire responses, tables and figures

Prepared by Ben Beardmore, Bob Holsman and Natalie Kaner.

Tables and Figures

Response rates

Table 1: Response rates for each group who was invited to provide feedback on the Deer Trustee Report Rule through the online form. CDAC members, a random sample of deer hunters, and subscribers to deer-related Gov. Delivery lists received individualized hyperlinks to the form through a mail merge in Microsoft Office. All other deer hunters with email addresses listed in their customer profiles were contacted through Gov Delivery, which offers statistics on the number of emails that were opened.

Sample Group	Direct Contacts	Number of respondents	Response Rate
CDAC Members	476	349	73%
Deer Hunters (random sample)	9,800	684	7%+
Gov Delivery subscribers to deer related lists	8451	1,137	13%+
Deer Hunters (All remaining licensed deer hunters for whom we had email addresses received a generic link through Gov Delivery)	68,400 (20,167 emails confirmed opened)	2,978	4% - 15%
General Public	N/A	1,285	N/A

Table 2: Response rates to the DTR Public input form for CDAC members by their designated seat.

Designated Seat	Number of Respondents	Response rate / Seat
Agriculture	46	70.8%
Conservation Congress	101	70.6%
DMAP	29	87.9%
Forestry	40	76.9%
Hunt/Conservation	48	71.6%
Tourism	27	61.4%
Transportation	31	79.5%
Urban	27	84.4%
Agriculture	46	70.8%

Respondent profile

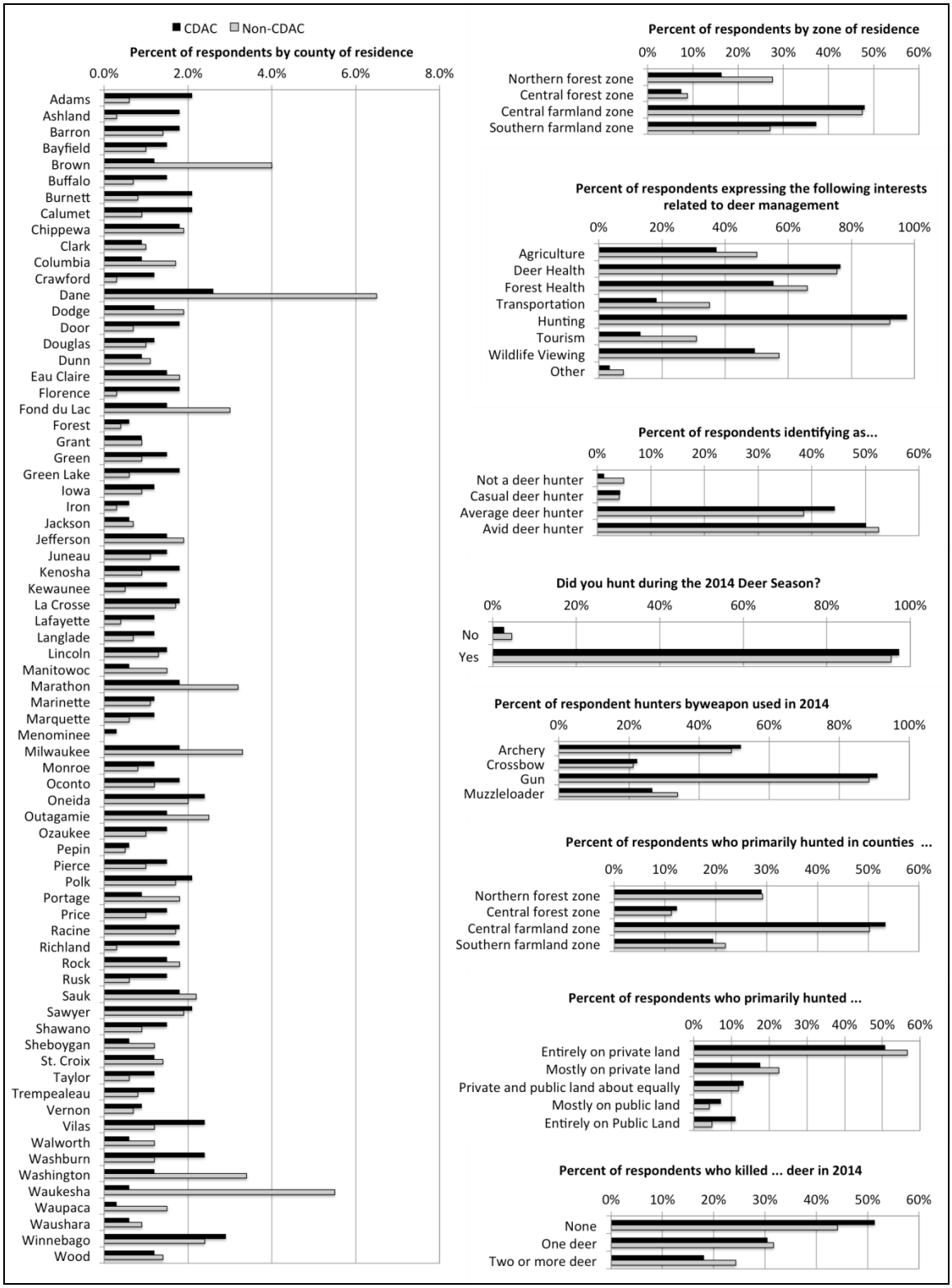


Figure 1: Respondent characteristics.

Responses to DTR Questions

Statewide Season Framework Options

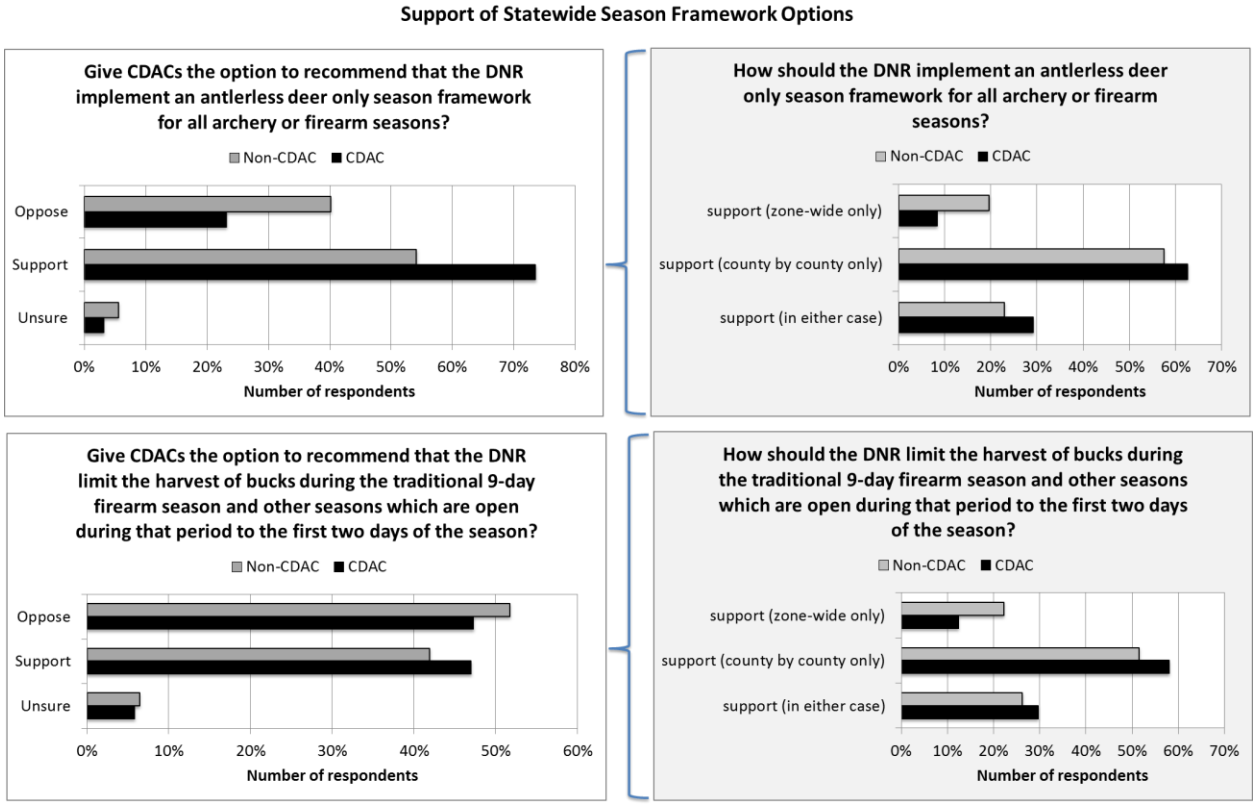


Figure 2: Public support for Statewide season options. CDAC-members are compared against respondents to the general public input form.

Antlerless Tag Issuance

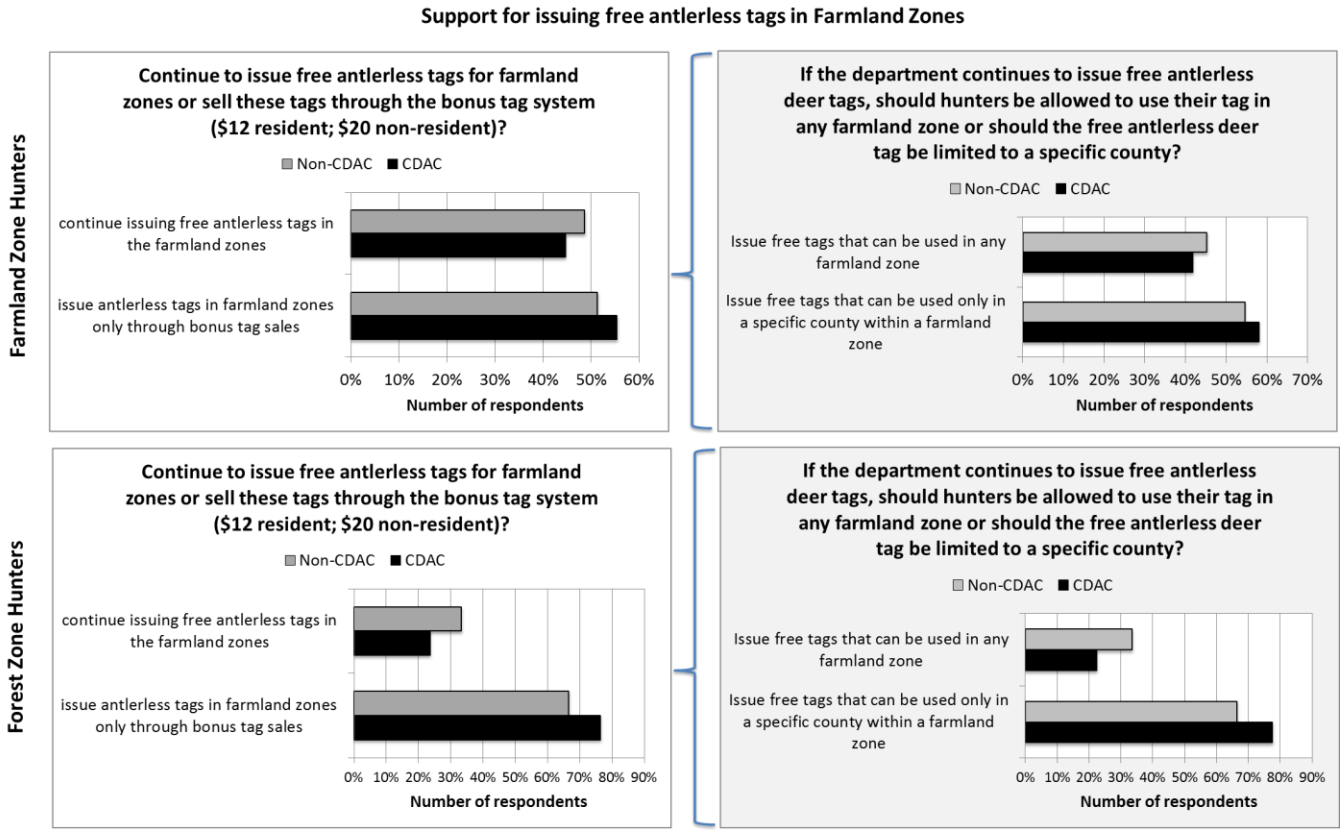


Figure 3: Public preferences for issuing antlerless tags in Farmland Zones. The top row of panels presents data from hunters who primarily hunt in counties in the Farmland Zones, while the bottom row of panels presents data from hunters who primarily rely on Forest Zones. In each panel, CDAC-members are compared against hunters from the general public.

Season Framework Options for the Southern Farmland Zone

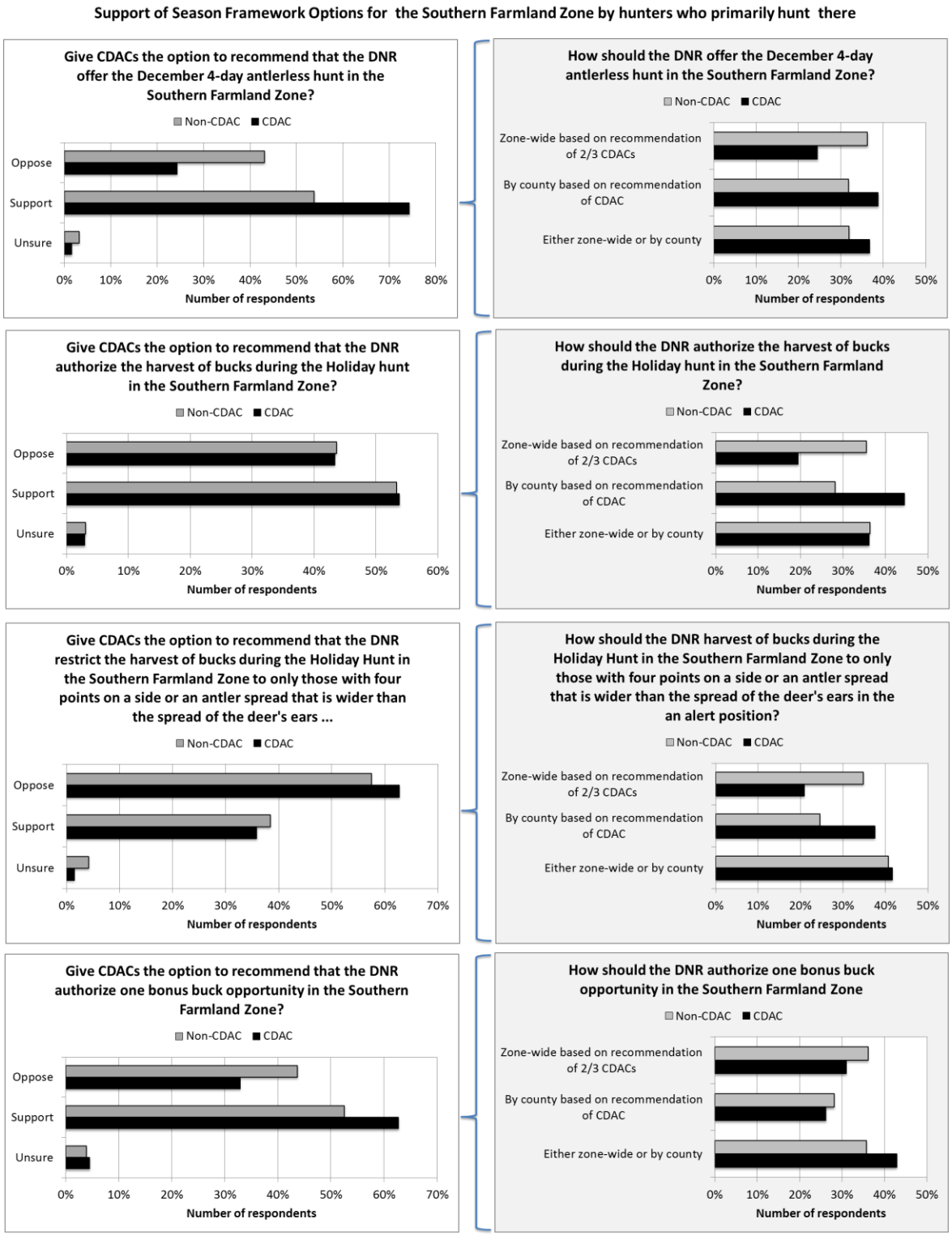


Figure 4: Public support for season options in the Southern Farmland Zones among hunters who primarily hunt in that zone. CDAC-members are compared against hunters from the general public.

Season options for the Central Farmland Zone

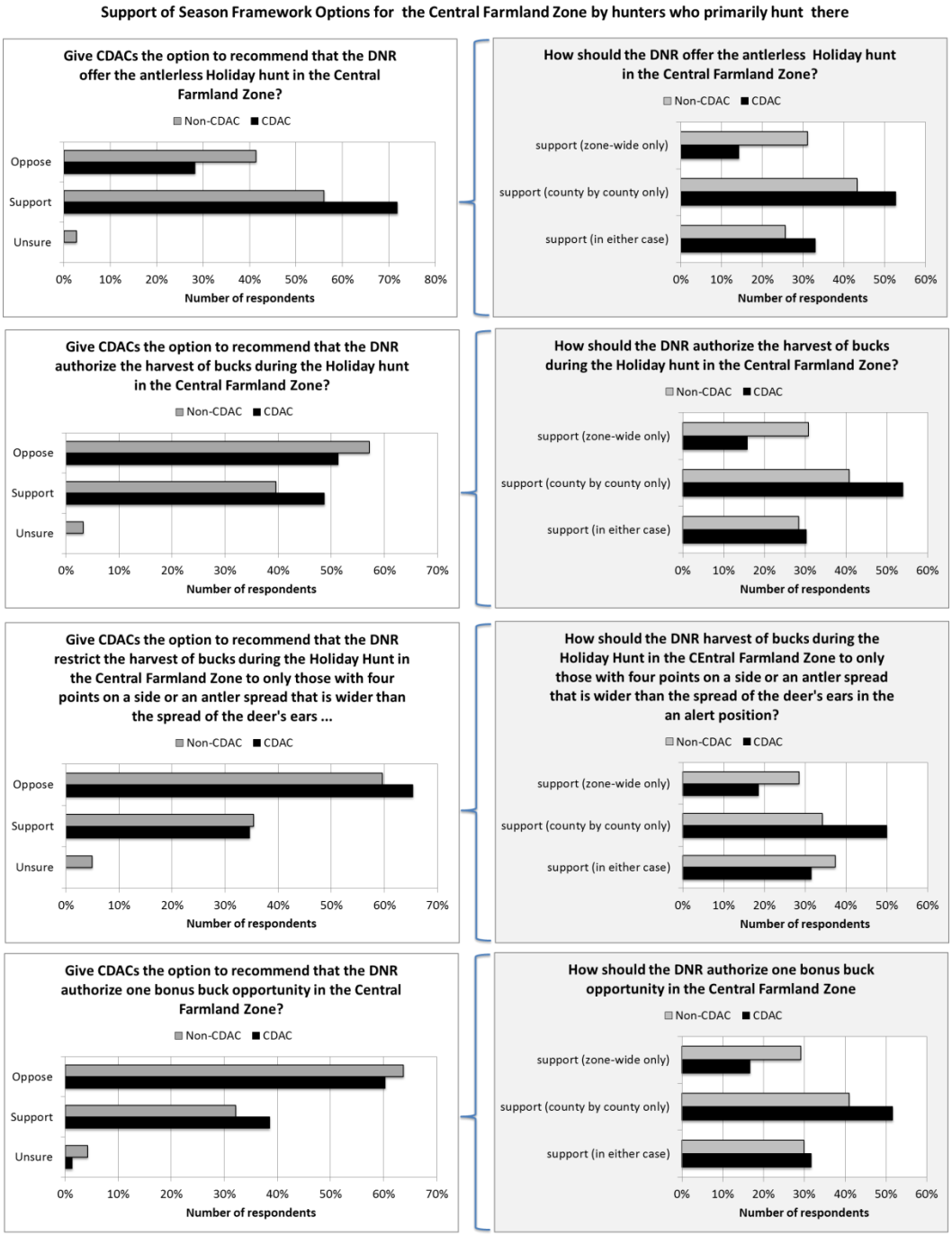


Figure 5: Public support for season options in the Central Farmland Zones among hunters who primarily hunt in that zone. CDAC-members are compared against hunters from the general public.

References

Loomis, J. B. (1996). How large is the extent of the market for public goods: evidence from a nationwide contingent valuation survey. *Applied Economics*, *28* (7), 779-782.

Appendix 2 – Deer trustee rule public input form (response options redacted for space)

Deer Trustee Rule - Public Input Form

Last year, the Natural Resources Board approved temporary rules to implement the Deer Trustee Report (DTR) recommendations for many of the new hunting rules for the 2014 deer season. These rules are set to expire in June, 2015 and the Department is seeking public comments on a permanent version of the same rule. The permanent rules have been modified based upon public feedback and experience gained in 2014.

The Natural Resources Board will be taking final action on this rule proposal at their February 19th, 2015 meeting. The full DTR rule proposal can be found at: health.wisconsin.gov. Your feedback on the rule proposal and how it affected your 2014 deer season will be valuable in helping the Department to determine the content of the final rules package.

Section 1

The first section of the survey focuses on your background to help us to better understand the perspectives of citizens from different parts of the state and who engage in different forms of deer hunting.

1. **In which county is your primary residence?**

2. **Which of these interests do you have in relation to deer hunting regulations in the state?**
   Check all that apply.

3. **Are you a deer hunter?**
   Check one.

4. **Which of the following categories best describes you, as a deer hunter?**
   Check one.

5. **Did you hunt during the 2014 deer season?**
   Check one.

6. **Which types of deer hunting did you do during the 2014 deer seasons?**
   Check all that apply.

7. **In which county did you spend most of your time hunting during the 2014 deer season?**

8. **How did you divide your time between private and public lands when deer hunting in 2014?** *Check one.*

9. **During the 2104 deer season, how many deer did you harvest?**
   Check one.

Section 2

The second section asks for your opinion on the proposed rules.

Through these rules, the department has established County Deer Management Advisory Councils (CDACs). These councils will begin seeking comments from members of the public on the status of the deer herd at the county level in 2015. You will be asked for your opinion on these options and if these options should be:

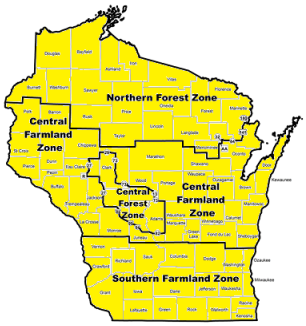
a) applied across an entire management zone upon the recommendation of two-thirds of the CDACs

***or** if they should be:*

b) applied to individual counties based on the recommendation of that county's deer advisory council.

Any modification to season frameworks would be based on recommendations from CDACs to the department, with final approval of the Natural Resources Board.

Statewide season framework options



The rule proposal would allow the department the option to implement CDAC recommendations to:

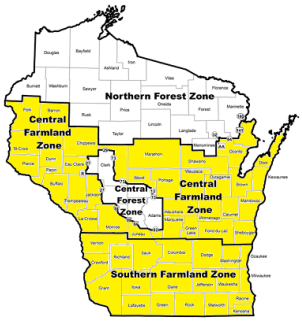
1. *Implement an antlerless deer only season framework for all archery or firearm seasons.*
2. *Limit the harvest of bucks during the traditional nine-day firearm season, and other deer seasons which are open during that period to the first two days of the season.*

Please consider each option independently when indicating your support or opposition.

10. Give CDACs the option to recommend that the DNR implement an antlerless deer only season framework for all archery or firearm seasons? *Check one.*

11. Give CDACs the option to recommend that the DNR limit the harvest of bucks during the traditional nine-day firearm season, and other deer seasons which are open during that period to the first two days of the season? *Check one.*

Farmland Zone Antlerless Tag Issuance



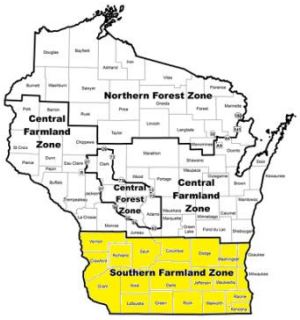
The rule proposal would allow the department to continue issuing free farmland zone antlerless tags with a gun, archery or crossbow license as was done during the 2014 season. All free antlerless tags would be specific to use on either public or private lands.
The department is considering options to limit the use of the free antlerless deer tags to a specific zone or county. We are seeking your feedback on the following two aspects of the free farmland zone antlerless tag issuance:

12. Should the department continue to issue free tags for farmland zones or should these tags be sold only through the bonus tag system ($12 resident, $20 non-resident)?
Please check the box for the system you most prefer.

13. If the department continues to issue free antlerless deer tags, should hunters be allowed to use their tag in any farmland zone or should the free antlerless deer tags be limited to a specific county? (Remember, tag use would be restricted to either public or private lands within any given zone or county).
Please check the box for the system you most prefer.

The proposed rule also considers some additional season options that County Deer Advisory Councils (CDACs) within the state's two farmland zones may recommend.
You will be asked for your opinion on these options and if these options should be applied across an entire management zone or if they should be applied to individual counties.
Any modification to season frameworks would be based on recommendations from CDACs to the department, with final approval of the Natural Resources Board.

Season Options for the Southern Farmland Zone



In the Southern Farmland Zone, the proposed rules would allow the department the option to implement CDAC recommendations to:

1. *Offer the early December 4-day antlerless hunt;*
2. *Allow the harvest of bucks during the late December Holiday Hunt;*
3. *Restrict the harvest of bucks during the late December Holiday Hunt to only those with four antler points on a side or an antler spread that is wider than the spread of the deer's ears in an alert position;*
4. *Offer one bonus buck opportunity.*

Please consider each of the following options independently when indicating your support or opposition.

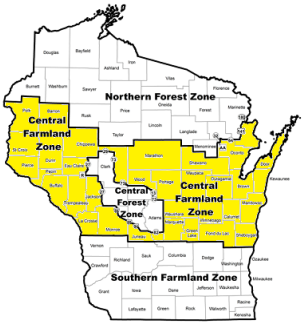
14. Give CDACs the option to recommend that the DNR offer the December 4-day antlerless hunt in the Southern Farmland Zone? *Check one.*

15. Give CDACs the option to recommend that the DNR authorize the harvest of bucks during the Holiday Hunt in the Southern Farmland Zone? *Check one.*

16. Give CDACs the option to recommend that the DNR restrict the harvest of bucks in the Southern Farmland Zone during the late December Holiday Hunt to only those with four antler points on a side or an antler spread that is wider than the spread of the deer's ears in an alert position? *Check one.*

17. Give CDACs the option to recommend that the DNR authorize one bonus buck opportunity in the Southern Farmland Zone? *Check one.*

Season Options for the Central Farmland Zone



In the Central Farmland Zone, the proposed rules would allow the department the option to implement CDAC recommendations to:

1. *Offer the late December antlerless Holiday Hunt;*
2. *Allow the harvest of bucks during the Holiday Hunt;*
3. *Restrict the harvest of bucks during the late December Holiday Hunt to only those with four antler points on a side or an antler spread that is wider than the spread of the deer's ears in an alert position;*
4. *Offer one bonus buck opportunity.*

Please consider each of the following options independently when indicating your support or opposition.

18. Give CDACs the option to recommend that the DNR offer the late December antlerless Holiday Hunt in the Central Farmland Zone? *Check one.*

19. Give CDACs the option to recommend that the DNR authorize the harvest of bucks during the Holiday Hunt in the Central Farmland Zone? *Check one.*

20. Give CDACs the option to recommend that the DNR restrict the harvest of bucks in the Central Farmland Zone during the late December Holiday Hunt to only those with four antler points on a side or an antler spread that is wider than the spread of the deer's ears in an alert position? *Check one.*

21. Give CDACs the option to recommend that the DNR authorize one bonus buck opportunity in the Central Farmland Zone? *Check one.*

Additional Comments on the Deer Trustee Rule

22. If you wish to provide additional comments on any aspect of the proposed rule, please provide them here.

Appendix 3 – Public comments and responses

Comments and responses

The following is a summary of hearing comments and written comments received during the comment period. The department's response is in italics.

I am opposed to the issuance of a free antlerless tag valid in farmland zone units with every license because it will encourage the harvest of too many deer.

A free antlerless deer tag has been issued with each license beginning after 2002 with implementation of rules resulting from the "Deer Management for 2000 and Beyond" process. They were referred to as herd control unit tags. Under this rule proposal, the allowable uses of these antlerless tags will be greatly limited and this may address concerns about antlerless deer harvest. Farmland zone antlerless tags will be valid only in one unit, only on public or only on private lands, and the department can establish that they are not valid in certain units following a CDAC's recommendation.

I support some of the harvest tools that the department can take advantage of following the recommendation of two-thirds of the CDAC's in a zone. However, it should be possible to implement the season framework options on a county-by-county basis.

The establishment of certain deer hunting season framework options only after a recommendation of two-thirds of the CDAC's in a zone is intended to provide some consistency of hunting regulations across a deer management zone. These rules balance the need to manage deer locally with the need to minimize complicated hunting regulations. Individual counties do have the ability to make certain season framework adjustments – they can recommend that farmland zone antlerless tags which are issued with the purchase of each license are not valid in their unit or they may recommend the issuance of additional free antlerless tags. Other CDAC responsibilities include recommendations on the issuance of bonus permits and population objectives.

Individual counties should not be able to make their own hunting regulations.

These rules balance the need to manage deer locally with the need to minimize complicated hunting regulations. For recommendations which these rules establish that individual counties can make, implementation must still be done by the department utilizing only season framework options which are already established by rule.

Antlerless deer tags should not be limited to use on public land only or only on private lands.

Restricting the use of antlerless deer tags to only public or only private-access lands is a response to significant interest the public has shown in being able to manage deer differently on the two land types. This regulation can be used to allow greater harvest of antlerless on privately owned and accessed lands than on publicly accessible hunting lands. Many people have expressed the opinion that reduced antlerless harvest on publicly owned lands will result in more deer on those lands and improved deer hunting.

Charging $12.00 for all bonus permits (except DMAP) seems a disincentive for purchase and reopens long-standing allegations that DNR is interested in revenue enhancement.

A free farmland zone antlerless permit is still included with the purchase of each archery and firearm deer hunting license. Under previous rules, additional tags could be acquired for free or for $2.00 in CWD or herd control zones. Recommendations from a number of sources during this rulemaking process have suggested that deer should not be "free" and there was significant interest expressed which suggested a fee should be charged for additional permits.

The procedure for allocation of tags to public/private land should be described in the rule.

At this early stage of rule implementation, it may be necessary to have more flexibility in determining the allocation of antlerless deer tags for private or public land than a rule might allow. Note that there is not one pool of antlerless permits from which allocations to public

and private land are made. The CDACs should be considering the level of antlerless harvest and making recommendations independently for each land type.

Deer habitat and density are variable across my county unit and my unit should be split or the boundaries adjusted this year through this rule-making process.

To some extent, this will be the case with nearly any unit configuration. These rules require a review of deer management unit boundaries on a three year cycle when adjustments can be made. A change could be made in this rule package, however, we have just one year of experience with the use of counties as management units. Additional experience will allow better evaluation of the advantages and disadvantages of the new unit configuration.

I am opposed to bonus buck.

Bonus buck opportunities have been removed from this rule. There continues to be some public support for this regulation and the department may re-evaluate this decision once there is broad familiarity and experience with new electronic deer registration process.

Buck harvest should be allowed during the holiday hunt.

There are strongly held views both for-and-against allowing buck harvest during the holiday hunt. A base season framework of antlerless-only with an option for buck harvest upon CDAC recommendations represents a compromise.

These hearings should have been part of the spring hearing process in April because attendance would have been better.

The scope and breadth of this rule package makes it impractical for a spring hearing question. The 2015 spring hearing questionnaire has more than 100 questions that are not related to these rules. Additionally, these rules need to be in effect for the 2015 deer hunting season and hearings in April would not allow that. This project has been the topic of significant public involvement described in detail in this memo.

These rules do not resemble topics discussed and recommended by deer trustee report action teams that met during the spring and summer of 2013 in Stevens Point.

Many provisions of this rule package are a direct result of the recommendations of action teams that met following release of the 2012 White-tailed Deer Trustee Report and this was a very important step in rule development. In addition to the action teams, there was extensive additional public involvement through public hearings, surveys, public input questionnaires, social media, legally required meetings with the Great Lakes Indian Fish & Wildlife Commission, and public meetings of the natural resources board. Through each step in this extensive rule making process, the department has listened to the input we have received have been responsive to many opinions and desires for deer management. The provisions of this rule package come from many, diverse sources.

These rules were supposed to be simplifications but actually just make everything more complex.

With this rule package, the department has attempted to balance the public's very strong desire for localized deer management with the need to enact regulations that are understandable and enforceable. There are many rule simplifications including a reduction from 144 deer management units to 72 county units plus subunits. At the same time, regulations are more complex in various ways, such as antlerless permits which are now valid only on private lands or only on public lands and only in specific units instead of regions. The complexity of our deer hunting regulations is something that the department recognizes and tries to minimize, but cannot eliminate if we are going to be responsive to specific management requests from the public.

The department should extend the emergency rule for one more year and take more time to work on this permanent rule.

The department's authority to enact the emergency rule was established by state statute and the emergency rule expires at the end of June, 2015.

The online public input questionnaire asked about individual parts of the rule and did not give me an opportunity to vote yes or no on the entire rule package.

The public input questionnaire was designed to tease out opinions on specific provisions of the rule. This type of detailed input is essential for the department to evaluate opinions about such an extensive proposal. People were encouraged to register their overall support or opposition through any of the other forums the department has provided.

To sustain forest health and management of our forests on a long term basis we must remain cognizant of the fact that we need to balance deer numbers with the impacts their browsing has on forest regeneration.

Agreed.

The department will have too much influence on the CDAC recommendations.

Department employees are technical staff members of the councils. CDACs are not chaired by the department and department staff people are not voting members. We look forward to productive relationships with stakeholders through this new process.

Regarding antler point restrictions, it is a personal decision on what people shoot so leave it that way. This will greatly and unnecessarily add to the complexity of the deer hunting rules, be confusing to many hunters and will be difficult for Law Enforcement to successfully enforce in the courts.

Antler point restrictions have been removed from the rule and are no longer an option that CDACs could recommend.

Youth deer hunters should be exempt from antler point restrictions.

Antler point restrictions have been removed from the rule. Under the group bagging law it would be legal for any member a group to harvest a youth hunter's deer with the youth hunter's permission. This may be perceived as too broad of an exemption from antler point restrictions by a number of hunters.

After shooting a deer, why must a person remain with the animal even after it has been registered while the animal is in the "field"?

The hunter does not need to remain with the deer. However, it is illegal for another person to possess the deer while in the hunting area, the field. This rule essentially maintains previous rules which also prohibited the possession of another person's deer before it was registered. The rule revision is simply an update which reflects the fact that deer can now be registered electronically while still in the field hunting.

The department should have some harvest registration stations open next year.

Some stations may be available to assist with registration by providing a phone or computer to use.

What if your phone doesn't work to register a deer?

All cellular phones should work assuming that they have adequate reception, but any touch tone land line could also be used if a cell phone is not able to work. There may also be an option to speak with call center staff people.

How will the Amish register their deer electronically?

Turkeys are already registered electronically and we are not aware of problems. For most people, including the Amish, registering electronically will be more efficient than travelling to a registration station to register in-person. However, we realize that electronic registration is not a desired choice for some due to their culture, and the department is willing to work with them to find alternative methods, if necessary. A sub-committee of department staff has been assigned to explore options.

The department will not obtain good harvest information if people are allowed to register electronically.

Our investigation into other state's experience with electronic harvest registration is that reporting rates are very good, if not better than in-person registration, and we expect that will be true of Wisconsin hunters as well. Registration remains mandatory, and compliance checks are expected to be conducted.

The department should use a different material for the carcass tag? The current material is impossible to write a registration confirmation number on.

It is almost certain that a different type of carcass tag paper will be in use by 2016. In 2015, a good option would be to write the registration confirmation number on your regulations pamphlet first and then on the carcass tag to be sure that you have the number in a legible form. If registered on a computer, you may print out the confirmation number as well.

If CDAC's choose to implement antlerless hunts, bonus buck or other harvest restrictions, do they stay the same for 3 years?

Yes, three years would be the effective period for a special season framework to be in place, however, this could be shortened if necessary for a serious deer population management purpose.

CDAC meetings need to be better publicized.

We would welcome any suggestions for practical ways to better publicize these meetings and encourage attendance. We currently go well beyond the legal requirements for open meetings notice and utilize media releases.

Deer season is too long. It includes 19 days of gun opportunity (muzzleloaders included) and landowners are tired of chasing trespassers!

The traditional nine day firearm season and ten day muzzleloader-only season that follows are actually two of the seasons around which there seems to be the most agreement. These rules are not proposing changes to those seasons.

Property values are directly related to deer. If landowners begin to graze their woodlands to lower property taxes, forest regeneration will really be destroyed. So, if the DNR continues to reduce deer numbers, landowners will open their woodlands to grazing to realize lower property taxes and there will be no forest regeneration.

At least in the short term, the investments required to make a property suitable for grazing outweigh property tax benefits that could be realized. We think that people will continue to make property-use decisions of this nature based on what they are interested in using their property for.

We still have unlimited antlerless tags and this is good.

Actually, hunters will receive just one free farmland zone antlerless tag with each license purchased. Additional bonus permits will be available to purchase for many units but they will be limited in number.

There should be a statewide ban on feeding and baiting. This is necessary to prevent the spread of CWD.

Baiting and feeding is controlled by state statute and the department does not have rulemaking authority. While helpful, baiting and feeding regulations may only be one part of a number of management actions that would contribute to slowing or preventing the spread of CWD.

We should be able to establish separate antlerless deer quotas for metropolitan deer management units.

The department agrees. Antlerless deer harvest was allowed in the Superior metro unit in 2014 but not in the surrounding portions of the county. Current limitations of our licensing system dictate the same permit allocation in 2015, but changes are expect by 2016 to allow separate issuance of metro sub-unit tags compared to the rest of the county.

The CDACs should have more season options than less.

The season framework options are more extensive in this proposal than in the emergency rule that is currently in effect.

There should be an "agricultural area private land tag" in addition to the currently proposed antlerless deer carcass tags.

This is an interesting idea, which sounds somewhat similar to agricultural damage shooting permits. We think more experience with the current, and still new, suite of tags is need before creating additional ones.

Thank you to the DNR and CDACs but there is concern that management of deer in the state is going to be more about public opinion rather than using biological science.

We agree both that deer management must be based in biological science and that public opinion is a critical component of deer management because deer are a public trust resource.

I would prefer to have had more advance notice about the hearing to provide adequate time to understand some of the implications that are in the proposed rules.

Although the timeline is somewhat compressed because the rules must be in place for the 2015 season, all of the normal legal notice requirements have been met and most provisions of this rule have been in place by emergency rule for an entire deer season. There was ample time for the department to issue press releases and many newspapers ran stories advising the public well in advance.

The department should not eliminate the previous system of numbered deer management units because using county boundaries is an arbitrary decision and does not account for various factors such as land use and habitat.

The proposed rules provide options of public/private land tags that we hope will be able to account for land use and the variation in deer densities on different land types. The old units were also not as conducive to gathering public feedback and involving stakeholders as the county system. In the past, one county meeting would include portions of multiple counties/zones and there was no way of organizing and agreeing across political boundaries on the best prescription for a unit.

Dumping quantitative deer population goals in favor of qualitative objectives to increase, maintain, or decrease is forcing decisions away from science and 50 years of experience.

The county system of management units does provide a boundary which includes people who specifically work professionally and can share their expertise within the county for which they are responsible. This is also a good way to have the conservation congress actively be engaged, which is another recommendation of the report.

The public knows how to manage deer populations and that the DNR should just listen to the public.

These rules represent a significant new effort to listen to and engage the public through CDACs.

Please protect the white deer.

We have agreed to do that through this rule package. We are, however, aware that there are some localized areas where white deer are relatively abundant and the fact that they are not available to harvest is a source of concern for some farmers and hunters.

I do not agree that there is a need to maintain the protected status of “albino” and “white” deer statewide, and as a simplification of the hunting rules which is a priority of the governor, conservation congress and many hunters, including myself, protections should simply be repealed. However, if the DNR should maintain and expand this protected status as proposed in this rule order, then additional clarification is needed so that the public and the courts can more clearly understand what is and is not a legal deer to shoot if it is mostly white, but has same natural coloring or is simply dirty. The “albino” and “white” deer reference is used in s. NR 10.02(3) of this rule order are not sufficiently defined and should be. It makes no sense to keep the current rule language as it has been found not to be enforceable.

The department recommends maintaining the protected status of white deer based on our assessment of public sentiment. The department agrees with the remaining portion of this comment and has amended the rule to clarify that deer with stained or dirty white hair, are also considered to be white deer.

The department should hold hearings on these rules in future years.

Deer management is in a continual state of review and public involvement.

The deer management assistance program was touted to be a solution to overcome unrealistic expectations of hunters. However, it will address a small minority of hunters and has little incentive for participation as Wisconsin already has liberal antlerless seasons and a damage program.

The department has been directed to administer a program by Wis. Stat. § 29.020. Objectives of the program are to; promote sound land stewardship practices, provide outreach and educational information to landowners about wildlife habitat management practices, provide a means for site-specific deer management, and to improve relationships.

The program objective to provide site-specific deer management alternatives will benefit property managers in obvious ways by allowing them to work with the department to establish very specific harvest levels based on localized information.

Site specific deer management will benefit all hunters and people impacted by deer at the much larger management unit level as well. An example is that, in some situations, deer numbers that prevent forest regeneration or result in agricultural damage could be managed at a local, property specific level. This would eliminate a need to compromise with unit-wide antlerless deer permit levels that address pockets of over-abundance only minimally and which might also be perceived as allowing too much harvest of antlerless deer in other areas of the unit or county.

I strongly believe the names and permit information for any property owner enrolled in DMAP should be publicly available so they can be contacted and asked for permission to hunt.

The Department is working with DMAP cooperators to identify opportunities for DMAP to support hunter recruitment and retention through property access. The intent is to make this program option voluntary for DMAP cooperators who choose to participate.

I believe that as written, simply prohibiting a person who is participated in the DMAP from enrolling lands again in the DMAP if they profit off the sale of bonus tags or fail to keep records or make reports will not prevent the land from simply being re-enrolled under a new person's name as a new authorized representative. I think it would be more appropriate to prevent anyone from trying to re-enroll those lands again for a period of 2 years.

There is also some concern about whether-or-not the future of a DMAP cooperative should rest on the inappropriate actions of one person. As the author of this question pointed out, there are additional penalties under current rules that will also be a disincentive for illegally selling deer carcass tags.

We should not have any early October, late December, or holiday antlerless only deer seasons. These seasons result in the overharvest of deer.

With limited exceptions, October firearm deer hunting is now statutorily restricted and most references to it have been removed from this rule proposal. In response to people's perception that deer are currently overharvested, many new restrictions are in place through these rules that limit the use of permits to specific units, certain land types, and a fee is established for more of them. The December antlerless only season has been eliminated as a base part of the season framework in the southern farmland zone and the standard for the holiday hunt is that it will be antlerless only. These rules make many changes that could be viewed as addressing the concerns expressed in this comment. Some of these late season hunting opportunities are still available because the department is also tasked with providing hunting opportunity to the public and can do so without negatively impacting the deer herd.

I would support a 14 day muzzleloader only season in place of a 4-day antlerless only season because muzzleloader hunters harvest a good portion of antlerless deer and it would be an additional weekend to hunt with a muzzleloader.

Where the 4-day antlerless season occurs in the central farmland zone, hunters can use muzzleloaders. The 4-day antlerless season is not a basic part of the season framework in the southern farmland zone and the harvest of bucks is no longer a basic part of the season framework during the holiday hunt. Extending the muzzleloader season would provide an extra weekend of buck hunting, something the public has mixed views on. This is an interesting idea that the department did consider during rule development but which likely needs more public input.

The muzzleloader only season is so slow and I see few deer. It should be moved to a week in October or moved a week after the 9 day season when deer move more naturally without being so spooked.

October firearm hunting has been legislatively prohibited with an exemption to allow the youth firearm season. Moving the muzzleloader only season out later that might benefit hunters but might encounter opposition from winter sports enthusiasts such as snowmobilers. You might say that we are kind of boxed in. However, it is worth noting that the muzzleloader only season as it is currently structured is relatively popular and not very controversial.

This whole process has been a waste of time and money. The DNR and Conservation Congress have screwed us again.

This rule proposal is the product of many ideas for managing deer, most of which come directly from the public. In the view of some veteran staff people, more than any other project they have worked on. Members of the public do not always agree with each other, either.

The department may not have rule authority to prohibit baiting, but they can still advocate to the legislature to do so.

This is a true statement but not relevant to this rulemaking process. The department can utilize only the rulemaking authority that it currently possesses.