

Report to
Legislative Council Rules Clearinghouse
NR 10, Wis. Adm. Code
Natural Resources Board Order No. WM-18-23

Wisconsin Statutory Authority

Section 29.020, Wis. Stats., requires the department to establish a deer management assistance program under which deer management assistance is given to participating landowners and provides that the department may establish fees for participation. It also authorizes the department to promulgate rules to implement the program.

Federal Authority

States possess inherent authority to manage the wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison of Adjacent States

Illinois, Minnesota, and Iowa do not have a program comparable to DMAP. Michigan does have a deer management assistance program. However, this program only offers antlerless permits to landowners and no other management assistance. Antlerless permits issued under Michigan's program cannot be used by anyone other than the landowner or the authorized designee of the land and cannot be transferred to another person.

Court Decisions Directly Relevant

None.

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

Current administrative rules establish the structure, benefits, and eligibility requirements for the Deer Management Assistance Program (DMAP). The established rule bases DMAP's structure on the size of the enrolled property regardless of previous program involvement or landowner needs. Based on feedback received from focus group sessions representing 5 stakeholder groups, this rule change aims to restructure the program based on participant needs and previous program involvement in addition to property size. Specifically, it separates DMAP membership from on-site benefits. This enables members to select if and when they want on-site benefits. Additionally, it allows members electing to receive on-site benefits the ability to customize these benefits by enrolling based on their previous program involvement (new from returning members) and property size (small, medium, and large acreage parcels).

Program benefits under the current rules limit on-site benefits to properties with at least 160 acres. Given that the average parcel size of family-owned land in Wisconsin is 26 acres the current rule misses the majority of the program's target audience and/or forces them into large group cooperatives, which are less likely to implement habitat management. To better serve Wisconsin's landowners and hunters, and improve alignment between the program's mission and benefits, the new rule reduces minimum acreage requirements for on-site services from 160 to 40 acres. Additionally, it provides expanded services to members not receiving on-site services such as property-specific annual harvest reports.

Under current state statute, DMAP is to be a partnership program where members provide data to support deer management in exchange for on-site benefits by DNR staff. The established code, however, does not incorporate this component and DMAP members, per member surveys and focus groups, want it

emphasized. To account for this, the new rule incorporates data sharing as an eligibility component for continued on-site benefits.

The structural changes outlined within the new code necessitate the need for an updated fee structure. To align with the new structure and member's ability to elect if and when they want on-site benefits, the new code separates program membership fees from those for on-site benefits. On-site benefit fees are further divided based on previous program enrollment to account for services selected and data sharing. DMAP fees were originally set in 2014. Modest fee increases for on-site benefits are included as part of the proposed rule to adjust for inflation and were supported by stakeholder focus groups. All fees are directly invested back into the DMAP.

Finally, in order to focus the program on private lands and adjust for unused program benefits, the new code refines the benefits available to public land. The current rules establishes that public land may enroll in the DMAP and receive habitat management recommendations as well as antlerless tags. However, in the 10 years since the program was established, no public land permits have been authorized through the DMAP. Given this information and that the intent of the permits are to help private landowners manage deer at the local level, the new code limits public land involvement to on-site benefits related to habitat management.

Agency Procedures for Promulgation

The agency will hold hearings in September and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None.

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