

Publication Date: April 3, 2010
Effective Dates: April 3, 2010 through August 30, 2010

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING, AMENDING AND REPEALING AND RECREATING RULES - WM-18-10 (E)

The Wisconsin Natural Resources Board proposes an order to amend NR 10.104(4)(b) relating to deer management unit population goals.

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, 227.11 and 227.24, 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 with individual over winter population goals that would result in a statewide over winter population of approximately 737,000 deer. The new goals would result in an over winter population of approximately 800,000 animals. Over winter population goals and management units 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 individual management units. The hunting season population will generally be substantially larger than the over winter population goal.

The department is proposing raising deer population goals in 43 management units and lowering the goal in two.

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
2	18	20
3	16	18
6	12	18
12	17	20
13	15	17
14	14	20
15	22	25
17	15	17
18	20	22
19	20	22
20	18	20
22	20	25
22A	20	25
23	20	25
24	20	25
25	20	23

Deer Management Unit	Current over-winter goal density	Proposed new over-winter density
26	20	23
27	20	25
29B	12	15
30	15	19
33	20	25
34	17	20
43	15	17
49A	25	20
57	22	25
57A	25	30
59A	20	25
59B	15	25
59D	20	25
59M	10	15
60A	20	25
60B	20	25
60M	10	15
61	20	25
62A	25	30
62B	25	30
63A	25	30
64	20	25
64M	10	15
66	25	30
68B	30	25
74A	20	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. However, there is a concern that a higher goal with low hunter densities will increase the need for 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.

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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 Goal</u>
1.....	20
1M.....	10
2.....	48 <u>20</u>
3.....	46 <u>18</u>
4.....	15
5.....	20
6.....	12 <u>18</u>
7.....	15
8.....	20
9.....	20
10.....	25
11.....	20
12.....	47 <u>20</u>
13.....	45 <u>17</u>
14.....	44 <u>20</u>
15.....	22 <u>25</u>
16.....	25
17.....	45 <u>17</u>
18.....	20 <u>22</u>
19.....	20 <u>22</u>
20.....	48 <u>20</u>
21.....	25
22.....	20 <u>25</u>
22A.....	20 <u>25</u>
23.....	20 <u>25</u>
24.....	20 <u>25</u>
25.....	20 <u>23</u>
26.....	20 <u>23</u>
27.....	20 <u>25</u>
<u>Management Unit</u>	<u>Deer Goal</u>
28.....	15

29A.....	15
29B.....	12 <u>15</u>
30.....	15 <u>19</u>
31.....	20
32.....	21
33.....	20 <u>25</u>
34.....	17 <u>20</u>
35.....	20
36.....	25
37.....	25
38.....	20
39.....	20
40.....	20
41.....	25
42.....	20
43.....	15 <u>17</u>
44.....	17
45.....	20
46.....	25
47.....	25
48.....	20
49A.....	25 <u>20</u>
49B.....	25
50.....	20
51A.....	25
51B.....	25
52.....	20
53.....	25
54A.....	25
54B.....	25
54C.....	25
55.....	25
56.....	30
57.....	22 <u>25</u>
57A.....	25 <u>30</u>
57B.....	25
57C.....	30
58.....	25
59A.....	20 <u>25</u>
59B.....	15 <u>25</u>
59C.....	25
59D.....	20 <u>25</u>
59M.....	10 <u>15</u>
60A.....	20 <u>25</u>
60B.....	20 <u>25</u>
60M.....	10 <u>15</u>
61.....	20 <u>25</u>
62A.....	25 <u>30</u>
62B.....	25 <u>30</u>
63A.....	25 <u>30</u>
63B.....	25
Management Unit	Deer Goal
64.....	20 <u>25</u>

64M.....	10 <u>15</u>
65A.....	30
65B.....	30
66.....	25 <u>30</u>
67A.....	25
67B.....	25
68A.....	30
68B.....	30 <u>25</u>
69.....	25
70.....	25
70A.....	25
70B.....	25
70E.....	25
70G.....	30
71.....	25
72.....	20
73B.....	20
73D.....	20
73E.....	22
74A.....	20 <u>25</u>
74B.....	20
75A.....	20
75C.....	20
75D.....	20
76.....	20
76A.....	25
76M.....	10
77A.....	20
77B.....	15
77C.....	15 <u>20</u>
77M.....	10 <u>15</u>
78.....	15
80A.....	15
80B.....	20 <u>25</u>
81.....	15

Section 2. STATEMENT OF EMERGENCY. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The state legislature has delegated rule-making authority to the department to manage the white-tailed deer herd to conserve it and to ensure citizens of this state continued opportunities for good hunting. Population goal revisions in this rule order, and identical proposed permanent rules, are necessary in order to allow consideration of current recommendations from biologists and recent public input when setting the 2010 deer hunting season framework. Normal rule-making procedures will not allow establishment of revised population goals in time for use in setting the 2010 deer hunting season framework. Failure to modify population goals will result in a deer season framework and antlerless quotas that are based on goals established in 2005. Using the old goals would result in a deer season framework and permit levels considered unacceptable to the majority of the hunting public.

Section 3. Effective Date. This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Section 4. Board Adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on March 16, 2010.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)