

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM- 07-17(E)

Relating to: Modifying chapter NR 10 to revise white-tailed deer 3-year population objectives and deer management unit boundaries.

Rule Type: There will be an emergency and a permanent version of this rule package.

1. Finding/nature of emergency (Emergency Rule only):

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. This emergency rule is needed to manage deer populations in Deer Management Units. Normal rule-making procedures will not allow the establishment of these changes in time for County Deer Advisory Councils to utilize the revised 3-year deer population objectives and Deer Management Unit boundaries as a basis for forming annual antlerless quota, permit level and season structure recommendations for the 2018 season. Failure to modify our rules will result in the failure to provide hunting opportunity and comply with administrative rules.

2. Detailed description of the objective of the proposed rule:

The Bureau of Wildlife Management recommends promulgating administrative rules that modify sections of chapter NR 10. These rule changes will revise white-tailed deer 3-year population objectives and deer management unit boundaries. Revisions will incorporate County Deer Advisory Council recommendations in order to increase public involvement and serve local deer management needs.

3. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background and justification for the proposed rule:

Under Ch. NR 10.104(3), Admin. Code, the department is required to review Deer Management Unit (DMU) boundaries and deer population objectives (increase, maintain or decrease the current deer population) at three-year intervals. Population objectives and DMUs serve as the foundation for managing the deer herd and determining annual deer hunting season structures and antlerless deer permit availability. Ch. NR 10.104(5)(c) establishes that a County Deer Advisory Council in each county will gather public input and develop deer harvest quotas and antlerless permit recommendations to provide to the department. CDACs are instrumental in reviewing DMU boundaries and deer population objectives by evaluating deer herd metric information and public input at a local DMU level. This rule will propose revised deer population objectives and/or DMU boundaries, which will allow CDACs to refine deer management recommendations provided to the department in order to best manage the deer resource of each DMU.

The department continues to seek to maintain a deer herd in balance with its range at levels that are socially, economically and ecologically acceptable. According to NR 10.104(5)(a), the department will review deer herd metrics every three years to monitor progress toward each DMU's deer population objective. These same metrics are provided to each CDAC every three years during objective reviews, and on an annual basis during the quota setting process. Metrics will include all of the following:

1. Deer health;
2. Deer impacts on natural resources;
3. Deer impacts on society;
4. Deer hunter success;
5. Car-killed deer information; and
6. Deer population trends and public perception of population trends.

This rule is revised at three-year intervals in line with chapter NR 10.104(3) and consistent with past policies. The adoption of an emergency rule revising DMU boundaries and 3-year deer population objectives is necessary to allow County Deer Advisory Councils to base annual deer season recommendations on revised boundaries and objectives that will be in effect from 2018 - 2020. CDAC meetings to discuss annual deer season recommendations begin in March each year, and the Natural Resources Board approves these recommendations in May. Legislative review of a permanent rule would not be complete until April 2018 with an effective date of May 2018.

This rule may make additional updates such as correcting cross-reference citations, updating road names on maps, or revisions which are necessary for consistency with recently enacted legislation.

The department may also include other, minor, non-controversial rule updates or proposals, including ones which have passed at the annual Spring Fish & Wildlife Hearings as advisory questions by the Conservation Congress.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

The chapter on wild animals and plants, in s. 29.014, "rule making for this chapter", establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to deer hunting and hunting and trapping for other species.

Under the authority of s. 29.040, Stats., the department may promulgate rules implementing the Deer Trustee Report of 2012. County Deer Advisory Councils and their role in managing deer in Wisconsin, including reviewing DMU boundaries and population objectives, are central components of this report.

Management of chronic wasting disease in Wisconsin is granted to the department under s. 29.063. As such, the department reviews deer population objectives in DMUs that are considered "CWD-affected areas" to ensure that these objectives are consistent with disease response and management policies in CWD-affected DMUs.

Sections 23.11 and 29.014, Stats. allow the department to protect and supervise natural resources on state lands in all DMUs, as well as establish general department powers and the authority to establish hunting and trapping regulations on department-managed lands.

5. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:

Approximately 1500 hours will be needed by the department. This will encompass coordinating and administering CDAC meetings in each county during which DMU boundary and population objective recommendations will be developed, creating and revising maps of the final DMU boundaries and population objectives, preparing rule documentation for public hearings and developing the rule.

6. Description of all entities that may be impacted by the rule:

Because deer and deer management impact Wisconsin in a variety of ecological, economic, social and recreational ways, they also impact multiple stakeholder groups. This rule will affect conservation organizations, the Chippewa tribes, the Great Lakes Indian Fish and Wildlife Commission, the Wisconsin Conservation Congress, deer hunters, agricultural producers, private landowners, foresters and timber producers, local governments and municipalities, transportation commissions, tourism and retail industries, and recreational wildlife viewers.

7. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule :

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Code of Federal Regulations.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

No significant economic impacts are anticipated. The outcomes of this rule will be comparable to those of the DMU boundary and deer population objective reviews conducted in 2014 and put into effect in 2015, which also involved County Deer Advisory Council input. The rule imposes no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

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