

# STATEMENT OF SCOPE

## Department of Natural Resources

**Rule No.:** WM-18-23

**Relating to:** The Deer Management Assistance Program

**Rule Type:** Permanent

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

These are permanent rules.

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

The Deer Management Assistance Program (DMAP) is seeking revisions to its NR Code to incorporate program updates resulting from a 2023 program review. These updates will improve alignment between the program's goals and its structure by increasing the partnership between DMAP participants and the program, refining the program's scope, and better connecting the program's offerings with participants' preferences and needs. To accomplish this, the revisions may include:

- Defining and differentiating basic program membership from enhanced program options which offer on-site benefits.
- Restructuring the program levels including reducing acreage minimums for on-site benefits, adjusting the fee structure, and updating the requirements for cooperative enrollments.
- Improving data sharing integration between DMAP and WI DNR deer management by increasing accountability for data sharing by DMAP members.
- Enhancing the focus on private land management by reducing the on-site benefits available to public land managers.

Additional rule changes may be pursued which are reasonably related to administration and implementation of the DMAP.

These rules may also include additional updates such as correcting cross-reference citations, updating road names on maps, changes needed in order to update application forms or revisions which are necessary for consistency with recently enacted legislation.

### **3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Current rule establishes the DMAP's structure, its associated offerings and participation requirements. The rule defines program enrollment by levels based on the acres enrolled. This rule may update the program's structure to provide more tailored enrollment options. For

example, options could be based on enrollment type and desired benefits in addition to enrollment size (acres enrolled).

Fees for enrollment in the DMAP are currently established in administrative code based on levels of participation. There are currently three levels of the program. There is no fee for participating in level one, a \$75 fee for level 2 and a \$150 fee for level 3. This rule may update the language pertaining to program fees. This rule may update the fee amounts or may alternatively address how fees will be determined.

Additional rule updates may also be explored to improve the alignment between the rule and the program's goals. Given the program's current focus on partnering with private landowners on habitat management, herd management, and data sharing, additional areas of exploration may include revisiting the benefits available to public land managers.

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

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

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

40 hours.

**6. List with description of all entities that may be affected by the proposed rule:**

These rules may impact enrollees of the Deer Management Assistance Program.

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

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.

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

These rules will be applicable to landowners who enroll in the DMAP program and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Although DMAP participants are required to provide information to the department, program participation is voluntary.

To improve the program's ability to adapt and change with participant and departmental needs, this rule will explore the possibility of language that establishes how fees will be determined and structured rather than their amount. This may permit the department to periodically update fees

to respond to participant desires and program objectives. However, the department anticipates instituting modest increases to DMAP enrollment fees.

**9. Anticipated number, month and locations of public hearings:**

The department anticipates holding one public hearing in the winter of 2024. The department will hold the hearing virtually to allow for as many people to attend as possible. Comments may be provided by mail, phone and email as well as in-person.

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