



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #179

Tribal Gaming Revenue Allocations

Deer Management (DNR -- Fish, Wildlife and Recreation)

[LFB 2001-03 Budget Summary: Page 469, #3]

CURRENT LAW

The Department of Natural Resources charges statutory fees for hunting, fishing and special licenses and stamps. Revenue from the sales of these licenses and stamps is deposited into the fish and wildlife account of the conservation fund. Monies in the fish and wildlife account are used for fish and wildlife management and education, conservation law enforcement, wildlife damage programs, conservation aids and a portion of DNR administrative and support costs.

In an effort to more effectively manage the state's growing white-tail deer population, DNR has expanded its herd monitoring capabilities and conducted an audit of its Sex-Age-Kill (S-A-K) methodology for estimating deer populations. In addition, the Department, together with the Conservation Congress (a non-profit conservation organization), undertook an extensive public input initiative called "Deer 2000 and Beyond". The purpose of this initiative was to generate public and stakeholder feedback, which would guide DNR's budget recommendations for changes in hunting seasons, determinations of quotas, and regulation of hunting practices (such as baiting and feeding). The Department indicates that four goals of the management initiative include maintaining a healthy deer herd, providing recreational opportunities for a wide range of user groups, simplifying and making consistent deer management goals and policies, and providing flexibility to adjust management goals.

GOVERNOR

Provide \$166,000 in 2001-02 and \$157,900 in 2002-03 from tribal gaming revenues. Create an annual appropriation to support the implementation of recommendations for deer herd management developed through the Deer 2000 and Beyond initiative.

DISCUSSION POINTS

1. Under 1999 Act 9, the Legislature provided \$175,000 in fish and wildlife SEG (\$75,000 in 1999-00 and \$100,000 in 2000-01) to expand DNR herd monitoring capabilities, conduct audits of the S-A-K methodology for estimating deer herd population, and to expand outreach and public involvement in deer herd population monitoring. The bill would increase the total amount available to DNR for deer population estimates, education, and research to \$266,000 in 2001-02 and \$257,900 in 2002-03.

2. Given the wildlife management issues generated by the size of the Wisconsin deer herd, it may be considered reasonable to designate additional resources for their consideration. Issues that DNR is reviewing include duration and timing of the deer hunting season, wildlife damage management issues, and the potential for wildlife disease outbreaks in Wisconsin. For the fall, 2000 deer hunting season, special "Zone T" hunts were instituted in 97 of the 125 (78%) of the deer management units statewide. These hunts consisted of additional antlerless deer seasons for gun hunters from October 26-29, and from December 7-10. The early archery season was also extended from November 13 through November 16 in all Zone T units. All hunters received two free Zone T antlerless permits when they purchased a deer-related license for the 2000 hunting season. Approximately 67,400 antlerless deer were harvested during the October Zone T season, and an additional 16,600 were registered during the December Zone T hunt. Recent totals for the 2000 hunting season from DNR indicate that a record 528,494 deer were harvested during the deer gun hunting season, and an additional 86,899 deer were harvested during the archery season.

3. The Department has indicated that, in addition to funding for more accurate deer population monitoring, funds would be used for public education efforts regarding its sex-age-kill (S-A-K) deer herd estimation methodology. Better communication with the public concerning both regional deer population estimates and the reliability of the methods used to arrive at these estimations was a point of concern raised during the Deer 2000 process. Tentatively, DNR is planning to allocate \$45,000 each year for an outside scientific audit of the DNR population model, as well as expenses associated with the implementation of recommendations generated by the audit. Funding would also be used for research and education, including efforts to investigate the impacts of baiting and feeding on the deer herd, the impacts of deer on forestry and native ecosystems, and verification of deer population estimates. Approximately \$60,000 each year would support educational efforts, funding classroom materials, multimedia materials, and increased hunter education efforts. A state-wide publication targeting hunters is being considered to increase awareness of deer management and harvest issues throughout the state. In addition, DNR anticipates expanding the current deer hunter survey to increase the sample size and broaden the scope of the

survey. Conservation Congress study groups may also receive support to facilitate further study of deer management and stakeholder issues.

4. The Department is considering allocating \$55,000 in each year of the biennium to implement a master hunter education program, providing funds for initial research and program development, including the development of classroom materials and printing costs. Any remaining funds would be targeted towards the implementation of other Deer 2000 recommendations, including development of a 3-tier wildlife damage program and a private land access program. However, these programs require statutory modifications that have either not been introduced or not been adopted by the Legislature.

5. Partnerships with non-profit organizations (such as the Conservation Congress) have proven effective in the past for generating stakeholder participation and dialogue between hunters, community members, and the DNR. The Department, working cooperatively with one or more partners to educate concerned citizen groups on herd management practices may be more cost-effective. From this perspective, it may be reasonable to encourage DNR to increase cooperative efforts and provide less than the recommended amount of funds. One alternative would be to delete base funding from the fish and wildlife account. If the Governor's recommendation were approved, this would have the net effect of increasing funding for this appropriation by \$66,000 in 2001-02 and by \$57,900 in 2002-03, and funding the appropriation entirely with PR from tribal gaming revenues. Some believe Deer 2000 was a one-time effort to review deer management in Wisconsin. As this review has been completed, it may be argued from this perspective that funding could be eliminated altogether.

Tribal Gaming Revenues

6. In general, expenditures from the state fish and wildlife account have been primarily supported by fish and game license revenue. Ongoing, non-license sources of revenue to the account include investment income on the account balance and timber sales from state wildlife properties. These revenue sources typically make up less than five percent of account revenues. Further, federal revenues, primarily from federal hunting and fishing excise taxes, fund fish and wildlife programs in the state (\$14.1 million in 1999-00).

7. Under 1999 Act 9, a variety of fish and wildlife programs were funded from tribal gaming revenue. Among these was the establishment of a \$2.5 million annual transfer to the fish and wildlife account. This revenue is not statutorily designated for a specific purpose. In addition, tribal gaming revenues are used to fund the management of state fishery resources in off-reservation areas where tribes have treaty-based rights to fish, management of an elk reintroduction program, one-time funding for a study of crop damage by cranes, a half-time position relating to the reintroduction of whooping cranes to Wisconsin, and payments to the Lac du Flambeau Band relating to certain fishing and sports licenses. In the 1999-01 biennium, \$5.8 million in tribal gaming revenue supported these fish and wildlife related expenditures.

8. However, one consideration for the use of tribal gaming revenue is how well it fits

with the memoranda of understanding (MOU) between the state and the tribes related to the use of compact revenues. Eight tribal gaming agreements contain government-to-government memorandum of understanding (MOU) that relate to the use of additional compact payments, and two agreements propose an economic development fund. A common element in most agreements is a provision that the Governor undertake his best efforts within the scope of his authority to assure that monies paid to the state under the agreements are expended for specified purposes. With certain exceptions, these purposes are: (a) economic development initiatives for the benefit of tribes and/or Native Americans around Wisconsin; (b) economic development initiatives in regions around casinos; (c) promotion of tourism within the state; and (d) support of programs and services of the county in which the tribe is located. Several of the MOU add a fifth purpose relating to either law enforcement or public safety initiatives on the reservations. However, two of the amended compact agreements do not include MOU on government-to-government matters and are silent on the issue of how the state uses tribal gaming revenue. It could be argued that these revenues are unrestricted and may be used for any purpose. To the extent that managing the deer herd to promote herd health and hunting opportunities is seen as promoting fish and game-related tourism and tourism-related economic development in Wisconsin, it could be argued this use of tribal gaming revenue may be consistent with the compacts.

ALTERNATIVES TO BASE

1. Approve the Governor’s recommendation to provide \$166,000 in 2001-02 and \$157,900 in 2002-03 from tribal gaming program revenues. Funding would be used for research and education, including efforts to investigate the impacts of baiting and feeding on the deer herd, the impacts of deer on forestry and native ecosystems, and verification of deer population estimates.

Alternative 1	PR
2001-03 FUNDING (Change to Base)	\$323,900
<i>[Change to Bill]</i>	<i>[\$0]</i>

2. Approve the Governor’s recommendation to provide \$166,000 in 2001-02 and \$157,900 in 2002-03 for these purposes. However, specify that funding be provided from fish and wildlife SEG.

Alternative 2	PR	SEG	TOTAL
2001-03 FUNDING (Change to Base)	\$0	\$323,900	\$323,900
<i>[Change to Bill]</i>	<i>-\$323,900</i>	<i>\$323,900</i>	<i>[\$0]</i>

3. Approve the Governor’s recommendation to provide \$166,000 PR in 2001-02 and \$157,900 PR in 2002-03 from tribal gaming revenues for these purposes. In addition, delete \$100,000 SEG of base funding annually from the fish and wildlife account of the conservation fund. (This would have the net affect of increasing funding for the Deer 2000 management effort by

\$66,000 in 2001-02 and by \$57,900 in 2002-03, funded entirely with PR.)

Alternative 3	PR	SEG	TOTAL
2001-03 FUNDING (Change to Base)	\$323,900	- \$200,000	\$123,900
<i>[Change to Bill]</i>	<i>\$0</i>	<i>- \$200,000</i>	<i>- \$200,000]</i>

4. Do not adopt the Governor's recommendation. Further, delete \$100,000 SEG annually from the fish and wildlife account to eliminate funding for the Deer 2000 initiative.

Alternative 4	PR	SEG	TOTAL
2001-03 FUNDING (Change to Base)	\$0	- \$200,000	- \$200,000
<i>[Change to Bill]</i>	<i>- \$323,900</i>	<i>- \$200,000</i>	<i>- \$523,900]</i>

5. Maintain current law.

Alternative 5	PR
2001-03 FUNDING (Change to Base)	\$0
<i>[Change to Bill]</i>	<i>- \$323,900]</i>

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