

Rev. 12-14-2020

The statement of scope for this rule, SS 119-20 was approved by the Governor on August 13, 2020, published in Register No. 776 A4 on August 24, 202, and approved by the Natural Resources Board on October 27, 2020. This rule was approved by the Governor on insert date.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, CONSOLIDATING,
RENUMBERING, AND AMENDING; AMENDING, REPEALING AND RECREATING AND
CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to to **repeal and replace** NR 10.28 (1), (3) (c), and (4); relating to revising white-tailed deer 3-year deer management unit boundaries.

WM-11-20

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: 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 objectives to manage deer herds at acceptable population sizes while ensuring public hunting and recreation opportunities. In addition, s. 29.040 Stats. has been interpreted as granting the department the authority to establish County Deer Advisory Councils as part of the Deer Trustee Report of 2012. County Deer Advisory Councils (CDACs) establish deer population objective and deer management unit boundary recommendations.

2. Statutory Authority: Statutes that authorize the promulgation of this rule order include sections 29.014, 29.063 and 227.11, Stats.

3. Explanation of Agency Authority: Sections 29.014, 29.063 and 227.11 Stats. grant rule-making authority to the department to establish seasons and bag limits for hunting that ensure continued hunting opportunities for citizens of the state and are compatible with the state's chronic wasting disease (CWD) policies. All rules promulgated under this authority are subject to review under ch. 227, Stats.

4. Related Statutes or Rules: Deer unit boundaries and population objectives are reviewed every three years according to s. NR 10.104 (3), Wis. Adm. Code and Voigt case stipulations (Chippewa treaty rights). County Deer Advisory Councils are charged with gathering public input and developing deer harvest quotas and antlerless tag recommendations under s. NR 10.104(5)(c).

5. Plain Language Analysis:

SECTION 1 Creates multiple Deer Management Units for Door, Douglas, Florence, Forest and Vilas counties. Previously the county contained only one Deer Management Unit. It also extends the boundary of the Milwaukee Metro Deer Subunit to cover more of Waukesha and Washington Counties. It also adjusts the Deer Management Zone boundary for Lincoln and Langlade County. Previously both counties were entirely in the Northern Forest Zone. Now parts of each county will be in the

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations: 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.

7. If Held, Summary of Comments Received During Preliminary Comment Period

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and at Public Hearing on the Statement of Scope: The Department held a preliminary public hearing on the statement of scope on Friday October 2nd at 2 p.m. virtually through Skype. No members of the public attended the hearing. One individual submitted written comments. This individual wished to see Bayfield County and other northern counties split into different subunits. This individual recommended splitting Bayfield County in two using Highway 2 as the dividing line since most agriculture in the county takes place south of Highway 2.

8. Comparison with Similar Rules in Adjacent States: 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, to address regional differences in habitat and population (human and deer) and to reduce conflict with other land uses such as residential, agricultural or forested. In addition, neighboring states utilize population goals, informed by hunter and public input, to keep deer populations at levels that are biologically and socially acceptable.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen: The department has evaluated the need for deer population objective reviews in each deer management unit based on metrics including: 1) Prevalence of chronic wasting disease and other diseases; 2) Intolerable level of agricultural damage and impacts on forest regeneration; 3) Social tolerance of deer herds; 4) Hunter demand for antlerless permits; 5) Hunter buck harvest success rate; 6) Vehicle-car accident rate; and 7) Deer population trends and public perception of population trends. These metrics were summarized in the Deer Trustee Report of 2012 and are provided to the County Deer Advisory Councils to serve as a foundation for their population objective and annual deer season recommendations.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report: These rules, and the legislation which grants the department rule-making authority, do not have fiscal effects on the private sector or small businesses. No costs to the private sector or small businesses are associated with compliance to these rules.

11. Effect on Small Business (initial regulatory flexibility analysis): 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.

12. Agency Contact Person: Jeff Pritzl, Deer Specialist, Jeffrey.pritzl@wisconsin.gov, (920) 366-3450

13. Place where comments are to be submitted and deadline for submission:
Written comments may be submitted at the public hearings, by regular mail, or email to:
Scott Karel
Department of Natural Resources
P.O. Box 7921 Madison, WI 53707
Scott.karel@wisconsin.gov 608-267-2452
608-267-7857 (fax)

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at

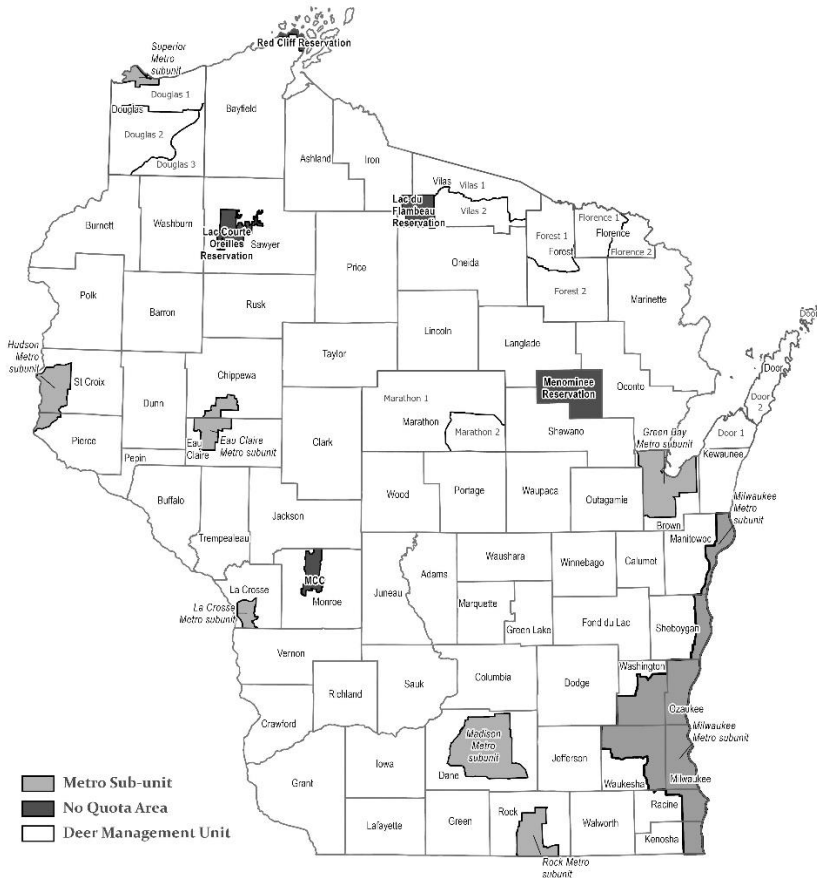
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<https://dnr.wi.gov/calendar/hearings/>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

RULE TEXT

SECTION 1. NR 10.28 (1), (3) (c) and (4) are repealed and replaced to read:

NR 10.28 (1) STATEWIDE DEER MANAGEMENT UNITS.



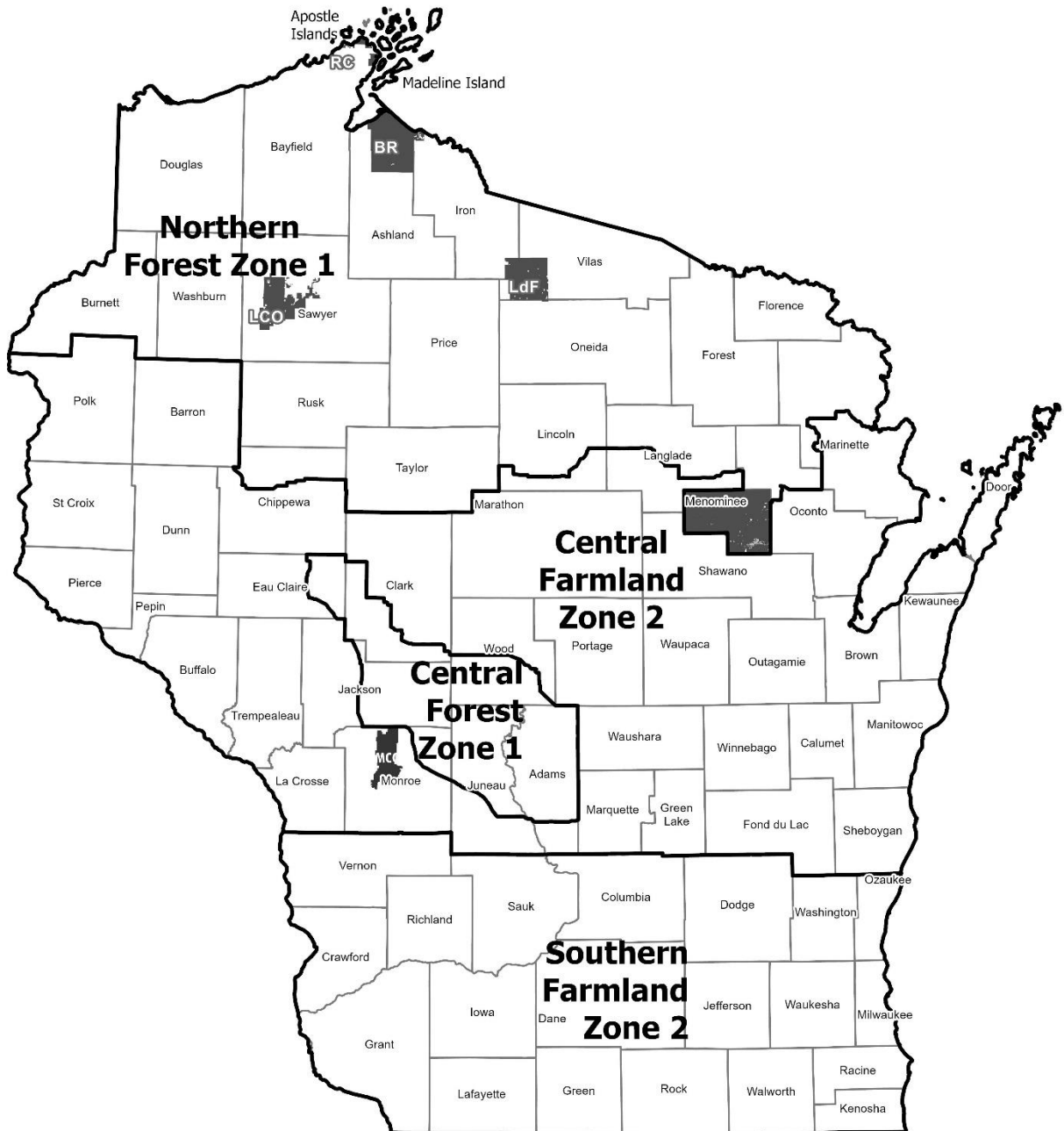
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(3) (c) *Milwaukee area.*



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(4) DEER MANAGEMENT ZONES



SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

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Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY _____

For Preston D. Cole, Secretary