

SUBJECT: Authorization to conduct hearings on Board Order WM-15-10 related to the use of archery deer hunting carcass tags for antlerless deer.

FOR: APRIL, 2010 BOARD MEETING

TO BE PRESENTED BY: Keith Warnke, Big Game Biologist

SUMMARY:

The Bureau of Wildlife Management recommends promulgating administrative rules that will restrict use of the antlerless deer carcass tag, issued with each archery hunting license, to only units for which a harvest quota of antlerless deer has been established.

Under current rules the antlerless archery deer carcass tag is valid statewide, including in units where there is no quota and firearm hunters are not allowed to harvest antlerless deer.

Eliminating archery hunter's ability to harvest antlerless deer in zero quota units will make regulations more consistent between the firearm and archery seasons. In deer management units that are below their overwinter population goals, reduced antlerless harvest will help to achieve overwinter goals by allowing additional population growth.

RECOMMENDATION: Authorization to conduct hearings on Board Order WM-15-10 related to the use of archery deer hunting carcass tags for antlerless deer.

LIST OF ATTACHED MATERIALS:

- No Fiscal Estimate Required
- No Environmental Assessment or Impact Statement Required
- No Background Memo

- Yes Attached
- Yes Attached
- Yes Attached

APPROVED:

Tom Hauge
Bureau Director, Tom Hauge

Laurie Osterndorf
Administrator, Laurie Osterndorf

Matt Frank
Secretary, Matt Frank

3/29/10
Date

3/31/10
Date

4-7-10
Date

cc: Laurie J. Ross - AD/8
Tom Hauge, WM/6

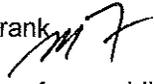
Scott Loomans, WM/6

Keith Warnke, WM/6

CORRESPONDENCE/MEMORANDUM

DATE: March 30, 2010

TO: Natural Resources Board Members

FROM: Matthew Frank 

SUBJECT: Authorization for a public hearing of Board Order WM-15-10 related to the use of archery deer hunting carcass tags for antlerless deer

I am requesting that the Natural Resources Board authorize the department to hold a public hearing on Board Order WM-15-10 which would modify Ch. NR 10 related to game and hunting.

Rule Summary:

This proposal would limit the use of the antlerless deer carcass tag, issued with each archery hunting license, to units in which a gun harvest quota of antlerless deer has been established. Archers would be limited to buck only hunting in units where a zero quota gun antlerless quota has been established.

Currently, each license which authorizes archery deer hunting includes one carcass tag that is valid for taking an antlerless deer in any management unit.

Following hearings and upon adoption of this rule order, the department may also request adoption of an identical emergency rule. Adoption of an identical emergency rule would assure that these provisions are in place for the 2010 hunting seasons.

Background:

Gun hunter harvest of antlerless deer is managed by the department in order to achieve overwinter goals established in NR 10.104 Wis. Admin. Code. In Deer Management Units (unit) where the deer population is substantially below goal, the department has prohibited firearm antlerless deer harvest by establishing a firearm antlerless deer quota of zero. When the firearm quota is zero in a unit, most firearm deer hunters may not harvest antlerless deer. Under current rules, however, archers are allowed to harvest antlerless deer when a zero firearm quota has been established.

In deer management units that are substantially below their overwinter population goals, prohibiting antlerless harvest as outlined in this proposal will create an equitable antlerless deer harvest situation for both firearm and archery hunters. The Wisconsin Bowhunters Association agrees that the responsibility to limit antlerless deer harvest should be shared by archers as well and has indicated support for this rule change.

In 2009 there were 13 units for which a zero firearm antlerless harvest quota was established out of a total 144 units including state parks. Eliminating archery hunters' ability to harvest antlerless deer in units for which a zero firearm antlerless quota has been established will make regulations more consistent between the firearm and archery seasons.

The department does not believe that prohibiting archery harvest of antlerless deer in units substantially below goal is a biological necessity. The predicted archery antlerless harvest is generally less than one deer per square mile of deer range; within the range believed to be compensatory to other forms of mortality. Chippewa tribal antlerless deer harvest declarations in units in the ceded territory will be made using the predicted state hunter bow kill and anticipated antlerless harvest from other authorizations for which antlerless harvest is allowed by state statute (Class A and C disabled hunters, active military, and first time hunter education graduates).

Recommended Public Participation

The department proposes holding three hearings in June, 2010. Possible hearing locations would be Rhinelander, a location in northeast Wisconsin, and Madison.

Rule Development:

These rules were developed with assistance from the bureaus of Law Enforcement, Legal Services and Customer Service & Licensing.

Small Business and Initial Regulatory Flexibility Analysis:

These revisions to ch. NR 10, Wis. Adm. Code, pertain to game and hunting. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses. This proposal does not establish design or operational standards. Under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

Bureau of Integrated Science Services has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Fiscal Estimate — 2009 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number <hr/> Bill Number	Amendment Number if Applicable <hr/> Administrative Rule Number WM-15-10
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Subject
 Use of archery deer hunting licenses and carcass tags.

Fiscal Effect
 State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs — May be possible to absorb within agency's budget. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local: No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

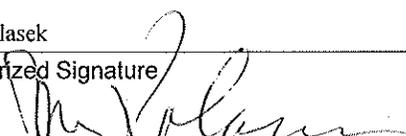
Currently, each license which authorizes archery deer hunting includes one carcass tag that is valid for taking an antlered buck in any management unit and one tag which is valid for one antlerless deer in any management unit. This proposal would limit the areas where the antlerless carcass tag is valid to only management units for which an antlerless deer harvest quota has been established and CWD units.

Under current rules, firearm season hunters are not allowed to harvest antlerless deer in zero quota units but archery hunters may. Eliminating archery hunter's ability to harvest antlerless deer in units for which no antlerless quota has been established will make regulations more consistent between the firearm and archery seasons. In deer management units that are below their overwinter population goals, reduced antlerless harvest will help to achieve overwinter goals by allowing additional population growth.

This proposed rule does not create license types or new license issuance procedures. It will require updating printed instructions on carcass tags which can be done when annual updates are made and will result in no fiscal impact. It is not anticipated that this change will have an impact on license sales because the harvest of antlered bucks is still allowed in all units statewide. The ability to harvest an antlered deer is, for most hunters, the primary feature of the archery deer hunting license. Additionally, the harvest of antlerless deer will still be allowed in most units.

In 2009 there were 13 units for which no antlerless harvest quota was established out of a total 144 units including state parks.

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	03-26-10

Fiscal Estimate Worksheet — 2009 Session
 Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-15-10

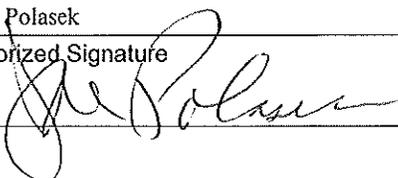
Subject
 Use of archery deer hunting licenses and carcass tags.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes	\$	\$ -	
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs		-	
Local Assistance		-	
Aids to Individuals or Organizations		-	
Total State Costs by Category	\$	\$ -	
B. State Costs by Source of Funds			
GPR	\$	\$ -	
FED		-	
PRO/PRS		-	
SEG/SEG-S		-	
State Revenues	<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -	
GPR Earned		-	
FED		-	
PRO/PRS		-	
SEG/SEG-S		0	-
Total State Revenues	\$	0	\$ -

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ _____	\$ _____
Net Change in Revenues	\$ 0	\$ 0

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	03-26-10

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.104(7)(a) relating to the use of archery deer hunting licenses.

WM-15-10

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The statute that authorizes the promulgation of this rule order is s. 29.014, Stats. This section grants rule making authority to the department to establish open and closed seasons for hunting and to establish other regulations for the conservation of game and to provide quality hunting. 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 29.171, Stats., have been interpreted as providing the department with the authority to make this modification to the legal use of archery deer hunting carcass tags.

Related Statute or Rule: There are no state rules or statutes currently under promulgation that directly relate to the provisions that are proposed in this administrative order.

Plain Language Rule Analysis: The Bureau of Wildlife Management recommends promulgating administrative rules that modify a section of ch. NR 10 related to game and hunting and the use of archery deer hunting licenses.

Currently, each license which authorizes archery deer hunting includes one carcass tag that is valid for taking an antlered buck in any management unit and one tag which is valid for one antlerless deer in any management unit. This proposal would limit the areas where the antlerless carcass tag is valid to only management units for which an antlerless deer harvest quota has been established and CWD units.

Firearm deer hunters who hold Class A or C permits for hunters with disabilities can currently harvest deer of either sex. So that archery hunting regulations are consistent with firearm deer hunting regulations, Class A and C archery hunters would also continue to be able to harvest a deer of either sex even in units where other hunters are not allowed to do so.

Firearm deer hunters who hold Class A or C permits for hunters with disabilities can currently harvest deer of either sex. So that archery hunting regulations are consistent with firearm deer hunting regulations, Class A and C archery hunters would also continue to be able to harvest an antlerless deer with their (non-herd control) archery antlerless deer carcass tag in any unit statewide, including units with no antlerless deer quota.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies.

Comparison with rules in Adjacent States: These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species that are established based on needs that are unique to that state's resources and public desires.

Summary of Factual Data and Analytical Methodologies: The harvest of antlerless deer is managed by the department in order to achieve overwinter goals established in NR 10.104 Wis. Admin. Code. In management units where the deer population is below goal, the department may restrict antlerless deer harvest or establish an antlerless quota of zero. When the quota is zero in a unit, most firearm deer hunters may not harvest antlerless deer. Only archers, first year hunter safety graduates, and disabled permit holders are allowed to harvest antlerless deer when no quota has been established.

Eliminating archery hunter's ability to harvest antlerless deer in zero quota units would make regulations more consistent between the firearm and archery seasons and the reduced antlerless harvest will help to achieve overwinter goals by allowing additional population growth.

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule.

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

Deadline for Written Comments: The deadline for written comments is May 31, 2010. Comments may also be submitted electronically at the following internet site:
<http://adminrules.wisconsin.gov>

Section 1. NR 10.104(7)(a) is amended to read:

NR 10.104(7)(a) *Archery carcass tags.* 1. Each license which authorizes the hunting of deer with a bow shall include one carcass tag that is valid for taking one buck deer in any unit statewide, except in units that are included in an earn-a-buck season under s. NR 10.01 (3) (ed) 1. b. or (et) when an antlerless deer must be tagged prior to the harvest of a buck.

2. Each license which authorizes the hunting of deer with a bow shall also include one carcass tag that is valid for the taking of one antlerless deer ~~in any unit statewide in deer management units for which an antlerless quota has been established under subs. (5) and (6).~~ This antlerless deer tag is valid for taking an antlerless deer in state park deer management units that are within a unit for which an antlerless quota has been established under subs. (5) and (6). This tag is valid statewide for a person holding a Class A or Class C disabled permit under s. 29.193(2)(b), Stats.

NOTE: Antlerless deer harvest quotas are not established for the Apostle Islands in management unit 79, Fort McCoy, or Menominee County, however, antlerless deer harvest may be allowed there under more specific rules established in s. NR 10.01(3).

Section 2. Effective dates. This rule shall take 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 order was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)