

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
WM-16-09

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014 and 227.11, Stats., interpreting ss. 29.014, s. 29.889(12), and 227.11, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 10, Wis. Adm. Code relating to deer management unit population goals.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held beginning at 7:00 p.m. on the following dates and locations:

August 13, Thursday

West Bend Public Agency Center, room 1113 A and B, 333 E. Washington St., West Bend, 53095

August 18, Tuesday

Wausau Best Western Midway Hotel, 2901 Hummingbird Road, Wausau, 54401

August 18, Tuesday

Rhinelanders' James Williams Middle School, 915 Acacia Lane, Rhinelanders, 54501

August 19, Wednesday

La Crosse State Office Building, basement conference rooms, 3550 Mormon Coulee Road, La Crosse, 54601

August 19, Wednesday

Northeast Wisconsin Technical College, Room CB 213 A and B, 2740 W. Mason Street, Green Bay, 54307

August 27, Thursday

Northern Great Lakes Visitor Center, 29270 County Highway G, Ashland, 54806

August 31, Monday

Dunn County Fish and Game Association Clubhouse, 1600 Pine Ave E., Menomonie, 54751

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be preceded by a public hearing on Board Order WM-21-07 relating to regulating feral or wild swine, wolf-dog hybrids and mute swans as captive wild animals. The hearing on WM-21-07 begins at 6:00 p.m. at the same location.

NOTICE IS HEREBY FURTHER GIVEN that the proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Scott Loomans, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until August 31, 2009. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Loomans.

Plain Language Rule Analysis: There are currently 131 deer management units with individual overwinter populations goals and a statewide over winter population goal of approximately 737,000 deer. Over winter population goals and DMUs serve as the foundation for managing the deer herd and determining deer hunting season structures. All goals referred to in this rule are the over winter deer population goal for a DMU. The hunting season population will generally be substantially larger than the over winter population goal.

The Department is proposing raising deer population goals in 13 management units and lowering the goal in three.

These changes are recommended to provide hunters with more deer hunting opportunities in instances where goals are proposed for increases and to alleviate agricultural damage in the instances where the goals have been recommended for a decrease. The department does not anticipate significant ecological, agricultural or forestry impacts because of the proposed goal increases. However, there is a concern that a higher goal with low hunter densities will mean continuous herd control seasons.

Deer Management Unit	Current Goal Density	Proposed Goal Density
3	16	15
6	12	15
14	14	18
49A	25	20
57	22	25
59B	15	20
59M	10	15
60A	20	25
60B	20	25
60M	10	15
64	20	25
64M	10	15
68B	30	25
77C	15	20
77M	10	15
80B	20	25

Related Statute or Rule: Deer unit boundaries and goals are reviewed every 3 years according to s. NR 10.104 (3), Wis. Adm. Code and Voigt case stipulations (Chippewa treaty rights).

Federal Regulatory Analysis: Provided state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulation of hunting and trapping of native species has been delegated to state fish and wildlife agencies. Additionally, none of the proposed rules exceed the authorities granted the states in 50 CFR 10.

Comparison with Rules in Surrounding 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 and to address regional differences in habitat, population (human and deer) and to reduce conflict with other land uses such as residential, agricultural or forested.

Summary of Factual Data and Analytical Methodologies: The Department has evaluated the need for deer population goal reviews based on the following criteria; 1) Carrying capacity as determined by unit population responses to habitat quality and historical records of winter severity, 2) Hunter success in harvesting and seeing deer and public deer viewing opportunities, 3) Ecological and economic impacts of deer browsing, 4) Disease transmission, 5) Concern for deer vehicle collisions, 6) Chippewa treaty harvest, 7) Hunter access to land in a deer management unit, 8) Ability to keep the deer herd in a deer

management unit at goal, 9) Tolerable levels of deer damage to crops. In addition, an Environmental Assessment was prepared in 1995. Copies of *Deer Population Goals and Harvest Management Environmental Assessment* are available from the department upon request.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses.

Effects on Small Businesses: 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.

Agency Contact People: Keith Warnke, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 264-6023, keith.warnke@wisconsin.gov or Scott Loomans, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. (608)267-2452, scott.loomans@wisconsin.gov

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rules will have a significant economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Scott Loomans at (608) 267-2452 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____

Matthew J. Frank, Secretary