

Forestry Damage – Deer Shooting Permit Review and Issuance
Guidelines for DNR Staff
(October 2017)



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INTRODUCTION

Forestry and forest products are an important part of Wisconsin's economy directly generating approximately \$25 billion annually. Forest regeneration and reproduction is critical to sustain both timber production and wildlife habitat and the overall health of the deer herd. As a keystone species, deer can affect forest regeneration, long-term forest production and sustainability. This is a concern for all interested in forest production and trying to balance deer numbers with habitat. While the intent is to manage the negative impacts of deer through the establishment of antlerless harvest quotas in each county, deer densities can vary across the landscape and site specific management actions are sometimes needed. The issuance of shooting permits is one option available to address site specific problems where forest regeneration is insufficient. This site-specific approach is consistent with management recommendations provided through the Deer Trustee Report. A growing number of public and private landowners and managers are interested in receiving deer damage shooting permits to address site specific deer damage problems. These guidelines provide a consistent process for assessing deer browsing damage as well assisting with review of applications and issuance of deer damage shooting permits in response to forest regeneration problems.

These guidelines were developed by the Forestry Damage Deer Shooting Permit Committee consisting of representatives from DNR bureaus of wildlife management and forestry, large industrial forest owners, County Deer Advisory Councils, Wisconsin Conservation Congress, and Wisconsin County Forest Association.

STATE STATUTE AND ADMINISTRATIVE CODE

State Statutes and Administrative Codes provides the Department with the authority to issue shooting permits and establishes many conditions permittees and hunters must follow when participating on shooting permits.

Statute

State Statute 29.885(2)(a) provides the Department with the authority to issue shooting permits for deer causing damage or a nuisance. Statute 29.885(1)(a) includes "harm to forest products" under the definition of damage.

29.885(2) Department authority. The department may remove or authorize the removal of all of the following: (a) A wild animal that is causing damage or that is causing a nuisance.

29.885(1)(a). Definitions. In this section: (a) "Damage" means harm to forest products; streams; roads; dams; buildings; orchards; apiaries; livestock; and commercial agricultural crops, including Christmas trees and nursery stock.

Under State Statute 29.885(4m) public hunting access is required on properties where deer damage shooting permit are issued for a period of one year.

29.885(4m). Hunting allowed. If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter or under any municipal ordinance.

Administrative Code

Approval Criteria for the issuance of deer damage shooting permits is detailed in NR 12.10 (2)(a) and (b).

12.10 Approval criteria. Prior to authorizing the removal of wild animals causing damage, the department shall find that:

- (a) Abatement attempt. The applicant is employing or has agreed to employ alternative abatement methods deemed reasonable by the department.
- (b) Damage extent.
 - 1. Damage to applicant's property in the current calendar year exceeds or is likely to exceed \$1,000 if caused by any species included under s. 29.889, Stats.; or
 - 2. White-tailed deer are causing damage on lands enclosed by a permanent barrier fence that has been certified to be in proper working order by either the department or the county wildlife damage program administrator; or
 - 3. Damage will result in a loss of plants or animals listed as threatened or endangered under s. NR 27.03; or
 - 4. Extraordinary damage other than specified in subds. 1. to 3. is occurring or is likely to occur.

Administrative Code NR12.15 and NR 12.16 place additional conditions on deer damage shooting permits, including hunting hour's, the sex of deer authorized to be removed, and blaze orange or pink clothing requirements.

DIFFERENTIATION OF FOREST OWNERSHIP

For the purposes of Forestry Damage Deer Shooting Permit issuance ownership type will be classified into two categories:

- 1. Industrial Forest Owners, County, State, and National (USFS) Forests
- 2. Private non-industrial landowners

Industrial forest owners, counties, the state, and USFS have trained staff or resources to contract with professionals that can conduct regeneration/browse surveys and supply necessary information to the Department. Private landowners may not have the knowledge, experience, or resources to conduct regeneration and browse surveys so surveys will need to be conducted by DNR wildlife management or forestry staff. The amount of land owned by each category of landowner is typically different with industrial forest owners, counties, the state, and USFS owning and managing larger acreages. Private non-industrial landowners usually own smaller acreages.

1. PERMIT REQUESTS BY INDUSTRIAL FOREST OWNERS, COUNTY, STATE, and USFS

Application Submission –

- Permit requests must be submitted to the local DNR Wildlife Biologist.
- Because it takes multiple years for seedlings and saplings to grow beyond the browse layer, permit requests will be considered and approved on 3-year intervals. For example, if an industrial forest owner receives a permit in 2017, they would automatically be eligible for permits in 2018 and 2019. Additional regeneration and browse information would be needed before the Department would issue tags in subsequent years. Acreages and tag numbers could be adjusted each year depending on logging operations, permit success rates, location of where the removal of deer is desired, and other applicable considerations.

Required Information – Forest Regeneration Metrics (FRM) (*Appendix A*) should be followed and information submitted to the Department. Greater than 50% of desirable and/or palatable tree species browsed by deer with a browse severity index (BSI) of 4 or higher is the threshold for consideration of permit issuance. Compliance with “mandatory practices” established under the Managed Forest Law program and/or production standards established under other county, state, or federal forest management programs may also be considered for permit issuance.

Once FRM information is reviewed and permits have been issued, additional FRM information will not be required for 3 years. This 3-year survey requirement will be used to assess the success and future issuance of removal permits.

Application Review Process (Appendix B) –

- All permit requests should be submitted to the local DNR Wildlife Biologist. Requests should be submitted by August 1, for permit issuance to be considered for the current calendar year. When a permit request is received the local wildlife biologist should notify the Area and District Wildlife Supervisors, the Wildlife Damage Specialist, the Deer and Elk Specialist, and county DNR Forester. The following information should be provided to the Department by the applicant:
 - Forest Regeneration Metric (FRM) and Browse Data
 - Map showing location and acreage requested for permit
 - The number of tags requested or number of deer proposed for removal
 - Information and maps showing hunting access to the proposed area
 - Plan for tag distribution to public hunters
- The DNR Wildlife Damage Specialist and/or area Wildlife Management staff will notify the County CDAC chair, Conservation Congress County Chair, Statewide CC Leadership, and Tribal Interests (if request is within the Ceded Territory). If applicable, stakeholder feedback from these groups and feedback received from the general public may be used to make modifications to the permit conditions.
- The DNR Wildlife Damage Specialist will collate feedback from stakeholders and the public, consult with local DNR staff including the Wildlife Biologist and Forester, and make a final permit

recommendation to the Wildlife Management Bureau Director. Stakeholder and public feedback will be provided to the WM Bureau Director for consideration.

- The Wildlife Management Bureau Director or their designee will make the final determination on permit issuance. If approved, approval will be valid for 3-years.

Permit Issuance and Shooting Permit Conditions –

- Permits will be issued by the County DNR Wildlife Biologist through the Wildlife Damage Database using the Deer Damage Shooting Permit form. Tags will be generated and issued to the permittee through the DNR's GoWild licensing system. There is no fee for tag issuance.
- Public hunting access during the deer hunting season is required as detailed by State Statute. Reasonable vehicle access (cars and trucks) must be provided to deer hunters. Hunting access will be determined by the department in consultation with the property owner/manager and should be maximized so harvest objectives can be achieved with a goal of opening gates no later than November 1. If access gates cannot be opened by November 1 access must be approved by the Wildlife Management Bureau Director or their designee. After consultation with the Department gates may be closed if significant weather events could lead to road damage or other property damage is occurring. Access information will be provided to stakeholders for review prior to permit issuance.
- Firearm use should only be authorized during the time period beginning on the start of the traditional 9-day gun deer season through the end of the license year, ending on March 31 unless significant damage is occurring outside of this timeframe in which case the use of firearms may be authorized. The use of archery equipment and crossbows may be authorized at any time.
- As required under WI Admin. Code NR12.15(4) permittees shall keep a current, correct and complete record of all participants and permit activities as required by the department on forms furnished by the department. Permit records may be inspected by the department at any time.
- All other standard permit conditions apply; registration requirements, blaze orange/pink requirements, hunting hours, license requirements, etc.

Harvest Objectives and Tag Distribution –

- Tag issuance will consider the applicant's requested number of tags, measured deer metrics within the county, CDAC established antlerless quotas and population objectives, the intensity of deer browse on the lands included under the permit application, and surrounding land uses.
- Shooting permit tags will be provided to public hunters which may include timber harvesting contractors or loggers. The permittee's name and contact information will be posted on the DNR's Website and permittees must provide additional outreach to promote tag availability.
- The permittee will be responsible for tag distribution. No fees may be charged for the tags or hunting access.

Evaluating Permit Success and Reporting to Stakeholders-

Each year the DNR County Wildlife Biologists will provide the County Deer Advisory Council with a summary of permit activities including the area included under the permit, the number of tags issued

and the method of issuance, the number of deer harvested, and any local feedback they heard about the permit and removal activities. At the end of the 3-year permit eligibility timeframe, the forest owner/manager will be responsible for reassessing regeneration and browse damage and reporting findings back to the Department. This information will be required for future permit issuance and will be distributed to the CDAC as an informational item.

2. PERMIT REQUESTS BY PRIVATE NON-INDUSTRIAL LANDOWNERS

Application Submission –

- Permit applications must be submitted to the local DNR Wildlife Biologist. All contiguous lands under the same ownership will be required to be included in the permit request.
- Because it takes multiple years for seedlings and saplings to grow beyond the browse layer, permit requests will be considered and approved on 3-year intervals. For example, if a non-industrial forest owner receives a permit in 2017, they would be eligible for a permit in 2018 and 2019 before regeneration and browse information would need to be reassessed and the permit request would go through the full review process. Tag numbers may be adjusted each year.

Required Information – Forest Regeneration Metrics (FRM) (*Appendix A*) should be followed and information submitted to the Department. Because many private landowners do not have the expertise to inventory forest stands the local DNR biologist or forester will need to verify or collect regeneration and browse information. Greater than 50% of desirable and/or palatable tree species browsed, browse severity index (BSI) of 4 or higher, by deer is the threshold for consideration of permit issuance. Compliance with “mandatory practices” established under the Managed Forest Law program and/or production standards established under other county, state, or federal forest management programs may also be considered for permit issuance.

Once FRM information is reviewed and permits have been issued, additional information will not be required for 3 years. This 3-year survey requirement will be used to assess the success and future issuance of removal permits.

Application Review Process (Appendix C) –

- All permit requests should be submitted to the local DNR Wildlife Biologist. Requests should be submitted by August 1, for permit issuance to be considered for the current calendar year. When a permit request is received the local wildlife, biologist should notify the Area and District Wildlife Supervisors, the Wildlife Damage Specialist, the Deer and Elk Specialist, and county DNR forester. The following information should be provided by the DNR Wildlife Biologist and/or DNR Forester:
 - Forest Regeneration Metric (FRM) and Browse Data
 - Map showing location and acreage requested for permit
 - The number of tags requested or number of deer proposed for removal
 - Information and maps showing hunting access to the proposed area

- The county DNR Wildlife Biologist will notify the County CDAC chair and Conservation Congress County Chair about the permit request. If applicable, stakeholder feedback from these groups and feedback received from the general public may be used to make modifications to the permit conditions.
- The county DNR Wildlife Biologist will make the final determination on permit issuance. If approved, approval will be valid for 3-years.

Permit Issuance and Shooting Permit Conditions –

- Public hunting access during the deer hunting seasons is required as detailed by State Statute. All contiguous lands under the same ownership are required to be included under the permit and open to the public for deer hunting during the state deer hunting season. Permittees can select from one of two hunting access options, “open” or “managed.” These access options are described in WI Administrative Code, NR 12.36(3)(a) and (b). Hunting access is only required for deer hunting.
 - Under the open access option the number of hunters allowed to access the property may not be limited. Properties enrolled under the “open” Managed Forest Law program must comply with that programs public access rules.
 - Under the “Managed” option, hunting access may be limited to 2 hunters per 40 acres of hauntable land. The amount of huntable acres will be determined by the county DNR Wildlife Biologist as defined in NR12.31(4e). Landowners choosing the “managed” access option should be supplied with a hunting log book.

The permittee’s name and contact information will be posted on the DNR’s Website under the list of locations where deer shooting permits have been issued and on the list of properties open to the public for deer hunting.

- Firearm use may only be authorized during the time period beginning on the start of the traditional 9-day gun deer season through the end of the license year, ending on March 31, unless significant damage is occurring outside of this timeframe in which case the use of firearms may be authorized. The use of archery equipment and crossbows may be authorized at any time.
- As required under WI Admin. Code NR12.15(4) permittees shall keep a current, correct and complete record of all participants and permit activities as required by the department on forms furnished by the department. Permit records may be inspected by the department at any time.
- All other standard permit conditions apply; registration requirements, blaze orange/pink requirements, hunting hours, license requirements, etc.

Harvest Objectives and Tag Distribution –

- The number of tags issued will be determined by the Department taking into consideration the applicant’s requested number of tags, measured deer metrics within the county, intensity of deer browse, and surrounding land uses.
- Tags are not required to be distributed to public hunters. As detailed under WI Admin Code, NR 12.10(3)(a)., permittees will have full discretion on distribution of shooting permit tags. (*note:*

public hunting access to hunters using their state issued tags is still required during the deer hunting seasons.)

- The permittee will be responsible for tag distribution. No fees may be charged for the tags or for hunting access.

Evaluating Permit Success and Reporting to Stakeholders-

Each year the DNR County Wildlife Biologists will provide the County Deer Advisory Council with a summary of permit activities including the area included under the permit, the number of tags issued, the number of deer harvested, and any local feedback they heard about the permit and removal activities.

At the end of the 3-year permit eligibility timeframe the original forest plots will need to be resurveyed documenting the changes in forest production and browse intensity. This information will be required for future permit issuance. When the information is available the DNR County Wildlife Biologist will provide the survey information to the CDAC.

APPENDIX A: FOREST REGENERATION METRICS

Overview: This Forest Regeneration Metric (FRM) is a survey methodology designed to assess natural regeneration by seedling and sapling size classes. The design and protocol have been created to be utilized by foresters as an additional measure during their routine stand assessments. This type of regeneration metric can be used to characterize stand-level regeneration or be used in multiple stands to characterize regeneration by cover type on a county, regional, or statewide scale.

Plot Location and Number: Foresters have a variety of different methods to select cruising locations when assessing a forest stand. Whether it is arranging GPS points ahead of time or walking a specific bearing and distance, ensuring that a measurement location is unbiased is critical. We suggest conducting this regeneration metric at the same locations used to collect cruising data. The greater number of regeneration plots measured, the better representative the data will be of the stand. We suggest no less than 3 regeneration plots per stand.

FRM Procedure:

1) Plot Establishment

a) The forester will establish a plot center location. Again, it is important that the plot center location is not biased. We suggest that each forester establish a rule that is consistent across plots and stands. For example, a forester may measure regeneration at every other cruise point within a stand, and the center for the regeneration plot is always on the outside of their right foot at the location at which they stopped to cruise.

b) A datasheet template has been provided. Foresters may use whatever means of data collection that is easiest and most convenient for them, but be sure to include all the necessary data. The datasheet includes a plot number which may be arbitrary or correspond to cruise point numbers. FRM requires important stand-level information, including:

- Date
- Primary cover type
- County
- Township/range/section
- MFL Order # (if applicable; note if NIPF non-MFL)
- Stand
- Compartment
- Property
- Management record (includes most recent past and future planned harvests)

2) Stem Counts

a) Once a plot center is established use a stake or chaining pin to attach a measurement tape. Or the forester may want to use a pre-marked piece of rope or stick to identify the 6.8 foot radius (i.e., 6' 10" radius, ~1/300th acre plot).

b) Tally all seedlings and saplings (<5" dbh) by species and height class within the FRM plot. The height classes are:

- 2"-1 ft.
- 1-3 ft.
- 3-5 ft.
- 5-10 ft.
- >10 ft.

3) Overstory Shading - Note the potential available light for understory trees by recording **full**, **partial**, or **shade** in the *overstory shading* space on the datasheet.

4) Understory Competition - In the *understory competition* space, note whether understory competition is **herbaceous** or **woody**, along with the percent cover of competition. Understory competition categories are as follows:

	Percent Cover			
<i>Competition</i>	0-25%	26-50%	51-75%	76-100%
Herbaceous	H-25	H-50	H-75	H-100
Woody	W-25	W-50	W-75	W-100

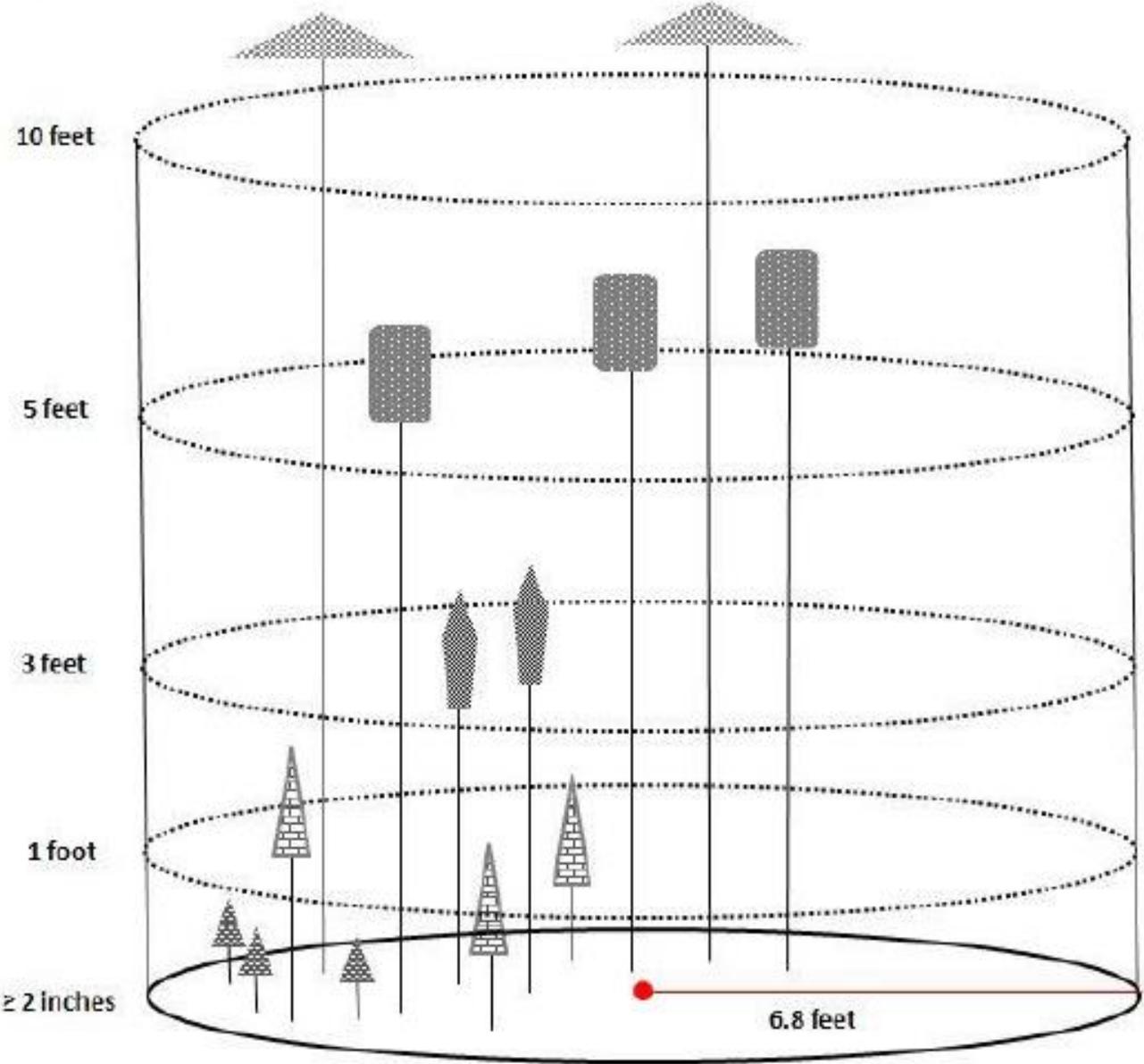
5) Deer Browse - Deer browse is a categorical value (Browse Severity Index) which should be provided for each individual species. Unlike overstory shading and understory competition, which would be the same for all species within a single plot, the deer browse may be different for each species. Categories for the deer browse include:

Browse Severity	Description	Value recorded on datasheet
No browse evidence	No visible browsing evidence	1
Low	1-25% stems browsed	2
Medium	26-50% stems browsed	3
High	51-75% stems browsed	4
Very High	>75% stems browsed; browse line observed	5
No Browse Present	No visible browse, but all/most palatable plants < 2 meters tall are absent	6

6) Deer Exclosure – Record whether the FRM plot is located within a deer exclosure.

Height Classes

>10 feet



Example Datasheet

Tree Regeneration Datasheet

Measurement Date: Oct 17 2016

Primary Cover Type: Oak

County: Lincoln

Township/Range/Section:
32N, 7E, 4

MFL Order #:

Stand: 3

Compartment: 1

Property: 3508

Years since last entry: 5

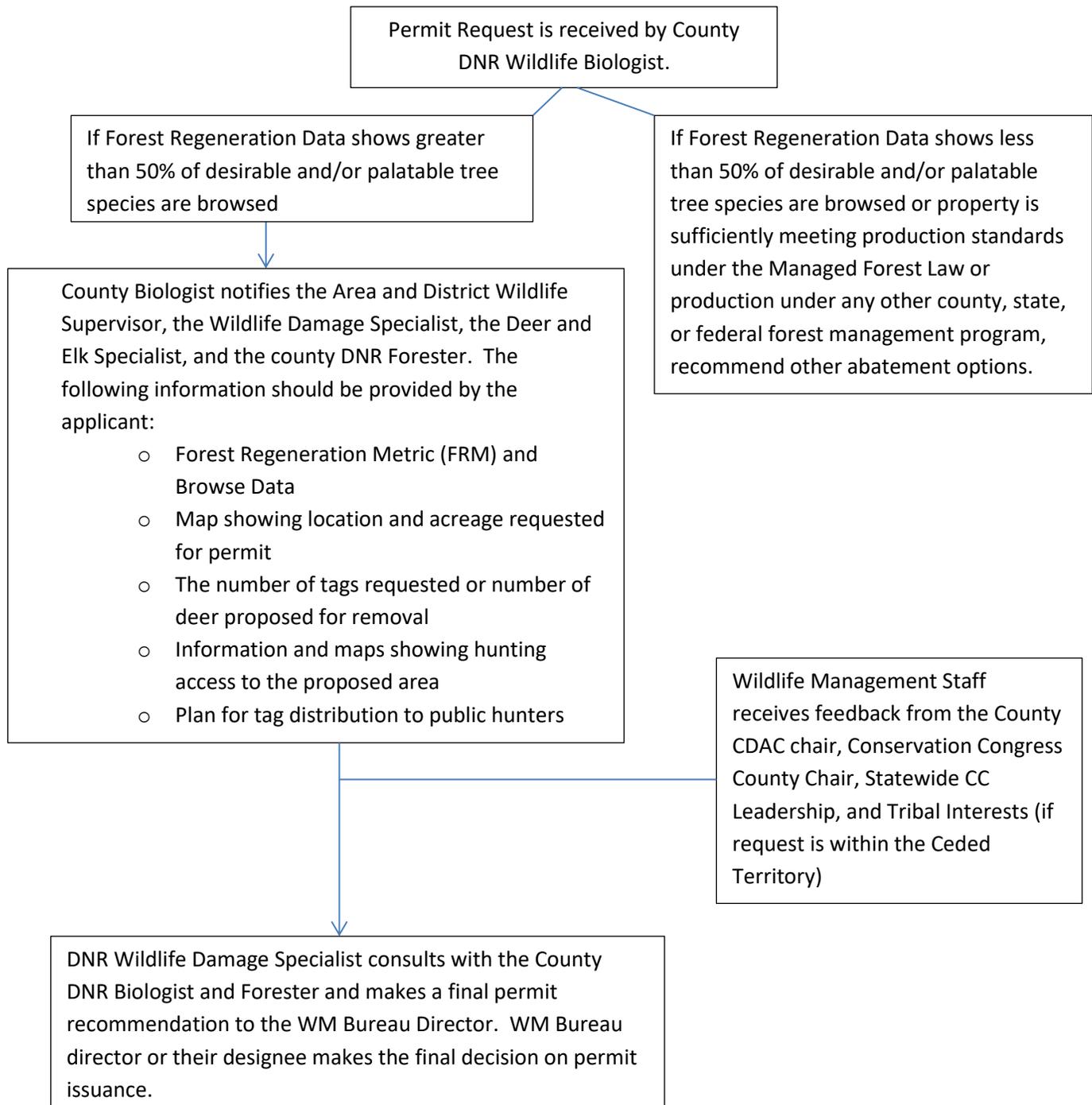
Last harvest type: Shelterwood

Years to next entry: 10

Next harvest type: Shelterwood

Plot	Species	2"-<1'	1'-<3'	3'-<5'	5'-<10'	≥10'	Overstory Shading	Understory Competition	Deer Browse	Deer Excl.
1	BEPA	1:	☒		•		Partial	H 25-50	3	•
1	POTRS	•	☒	☒	••		↓	↓	2	
1	ACRU	•	••		•		↓	↓	2	
1	PRSE2		••				↓	↓	2	
2	POTRS	•	☒	☒	••		Partial	H 50-75	1	X
2	BEPA		••	T.	••		↓	↓	1	X
2	PRSE2	•	••	•			↓	↓	1	X
2	ACRU	☒	•				↓	↓	1	X
3	PRSE2	•	••	••			Full	H 0-25	2	
3	QURV	••					↓	↓	3	
3	ACSAS	••					↓	↓	2	
4	ACSAS	1:	••	1:	•		shade	H 0-25	1	X
4	ACRU	••	☒	•			↓	↓	1	X
4	BEPA				••		↓	↓	1	X
4										

APPENDIX B: FLOW CHART OF APPLICATION REVIEW PROCESS FOR PERMIT REQUESTS FROM INDUSTRIAL FOREST OWNERS, COUNTIES, STATE, AND THE USFS



APPENDIX C: FLOW CHART OF REVIEW PROCESS FOR PERMIT REQUESTS FROM PRIVATE NON-INDUSTRIAL LANDOWNERS

