

LRB  
2  
11-2



# Legislative Briefs

from the Legislative Reference Bureau



Legislative Brief 11-2

December 2011

## EARN-A-BUCK REPEAL AND HUNTING SEASON REGULATIONS – 2011 ACT 50

2011 Wisconsin Act 50, signed into law by Governor Scott Walker on November 4, 2011, prohibits the Wisconsin Department of Natural Resources (DNR) from requiring a deer hunter to take an antlerless deer before he or she takes a deer with antlers. This antlerless deer requirement has been called the Earn-a-Buck policy because it generally requires a hunter to first shoot a doe (female deer) or fawn (adolescent deer) before earning the legal right to then shoot a more desirable buck (male, antlered deer). Act 50 was introduced on April 27, 2011, as Senate Bill 75 by Senators Moulton, Kedzie, and Cowles, and cosponsored by Representatives Tiffany, Mursau, and Bernier. The bill passed the senate unanimously on May 17, 2011, and was concurred in by the assembly by a vote of 64-33 on October 18, 2011.

### DEER POPULATION MANAGEMENT

The Wisconsin DNR is responsible for managing the state's deer population and deer hunters are instrumental in that effort. Deer hunts scheduled by DNR are the primary means of culling the deer population when it grows too large. Hunters, by registering the deer that they take, also provide DNR with valuable information on the sex and, in some cases, age of deer harvested, which can be extrapolated to estimate the entire population of deer in a particular, defined geographic area, known as a deer management unit. There are 130 different deer management units in Wisconsin today, and the total land area of the average deer management unit is 450 square miles.

### EARN-A-BUCK

The Earn-a-Buck policy was adopted in 1996 as a way to control and manage the deer population in 19 deer management units in

agricultural parts of the state where the herds were growing too quickly and doing too much damage to agricultural lands and products. Based on data gathered in previous hunting seasons, DNR determined that these deer management units had too many female, breeding-aged deer, but hunters often declined to take those does in favor of taking more desirable bucks. DNR employed numerous different registration policies to encourage hunters to take more does, but Earn-a-Buck went further by requiring hunters in some deer management units to take an antlerless deer before taking a buck, rather than just providing an incentive to do so.

The requirement to take an antlerless deer generally rather than a doe specifically is based on the difficulty of distinguishing between does and young bucks that have yet to grow full antlers. The policy is directed at culling the female deer population but DNR felt that compliance with a does-only policy would be too difficult for hunters. Despite DNR's efforts to simplify it, the Earn-a-Buck policy was controversial. Hunters hunting in the first Earn-a-Buck deer management units during the 1996 season complained of having to pass up desirable trophy bucks because they had yet to take an antlerless deer. This caused DNR to end the program in 1997, although it returned years later under different circumstances.

### CHRONIC WASTING DISEASE AND THE RETURN TO EARN-A-BUCK

Following the 2001 deer hunting season, DNR identified Chronic Wasting Disease (CWD) in three deer taken in Dane County. CWD is a communicable neurological disease, similar to Mad Cow Disease, that causes brain lesions in infected animals, eventually leading

to death. DNR began to establish procedures to deal with the disease that had taken hold in many states' elk and deer herds. A Chronic Wasting Disease Eradication Zone was established in the southwest portion of the state for the 2002 hunting season and DNR encouraged hunters to take as many deer as possible by issuing multiple deer registration tags and expanding the length of the season considerably in the eradication zone.

CWD management zones were then created in 2002 with the hope of limiting the spread of the disease outside of the CWD eradication zone. Earn-a-Buck requirements were imposed in the CWD management zones in 2003 to limit deer population growth in these at-risk areas, and that policy continued in CWD management zones during subsequent seasons.

#### **EXPANSION OF EARN-A-BUCK IN HERD CONTROL UNITS**

The implementation of Earn-a-Buck requirements in CWD management zones expanded in the 2004 season to include other deer management units in which DNR deemed the deer population too high. Herd control units where Earn-a-Buck was required grew more numerous in the following seasons. In many of those subsequent years, DNR also scheduled early hunting seasons in October for the express purpose of herd control, and it would then survey the number of deer taken in the October hunt before it decided whether or not to implement an Earn-a-Buck requirement in a particular deer management unit for the traditional November hunting season.

The number of deer management units subject to Earn-a-Buck requirements continued to increase in the 2000s, until 57 units required hunters to Earn-a-Buck in 2008, in addition to the ongoing requirements in CWD management zones. An increasing number of hunters began to complain about the Earn-a-Buck policy during that period, so it was scaled back in the 2009 season to just include the CWD management zones. The policy continued to be required only in CWD management zones for

the 2010 season, and was slated to continue only in CWD management zones for the 2011 season as well.

#### **EFFECT OF ACT 50 ON EARN-A-BUCK**

2011 Wisconsin Act 50 prohibits DNR from implementing an Earn-a-Buck policy entirely. It can no longer be used as a device for herd management, and will not be a part of future deer hunting seasons.

#### **EFFECT OF ACT 50 ON OTHER HUNTING SEASON REGULATIONS**

The act also prohibits DNR from scheduling early gun hunting seasons, which have been used in the past to gauge deer population levels and assess the need for Earn-a-Buck conditions on the November season. The act specifically prohibits DNR from scheduling a hunting season before the traditional start date on the Saturday preceding the fourth Thursday in November unless one of two conditions is met. Under the act, an early hunting season, which must end by October 15 regardless of circumstances, can only be declared for young hunters under the age of 16, hunters with physical or visual disabilities, and hunters who are learning how to hunt, or an early hunt can be declared specifically to combat disease in the deer population if hunters are permitted to take only antlerless deer during the early season.

#### **EFFECTIVE DATE**

2011 Wisconsin Act 50 took effect on November 19, 2011, though DNR had already decided to forgo Earn-a-Buck requirements outside of CWD management zones during the 2011 deer hunting season. The requirement will not be an option for the 2012 season, although an early hunt could be scheduled under the conditions outlined above.

#### **FOR MORE INFORMATION**

"Wisconsin Hunting Regulations and Hours", Wisconsin DNR: <http://dnr.wi.gov/org/land/wildlife/hunt/regs/index.htm>

"Wisconsin's Deer Management Program: The Issues Involved in the Decision-Making", Wisconsin DNR: <http://dnr.wi.gov/org/land/wildlife/hunt/deer/Deerbook.pdf>