

Report to
Legislative Council Rules Clearinghouse
NR 10, Wis. Adm. Code
Natural Resources Board Order No. WM-34-19

Wisconsin Statutory Authority

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter,” establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days and conditions for taking fish and game.

Additionally, s. 29.182 (1) grants the Department the ability to “issue elk hunting licenses and may limit the number of elk hunters and elk haverested in any area of the state.” The department may also establish areas of the state where elk hunting is prohibited.

Federal Authority

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.

Comparison of Adjacent States

Only Michigan and Minnesota have regulated elk seasons. Minnesota has four separate hunting zones encompassing existing herds. Hunting is currently only allowed in two zones (20 and 30), with the majority of hunting in zone 20. Minnesota has five consecutive nine-day long seasons that take place from August 22 through November 1 plus an additional 9-day season from December 5-13. Michigan has three separate hunting "periods". Period one is Sept 1-4, Sept 18-21, and Oct 2-5. Period two is Dec 12-20. Period three is Jan 13-17. In Michigan, Elk Management Units X, H, I. Units H/I (core elk range) are closed for hunting in the September/October periods but open in the December period. Unit X is 10 counties in size, H/I combined are about half of a county in total. Michigan has a statewide elk popluation goal of 500-900 and Minnesota's population goal is 230-300

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

his rule implements changes related to elk management and hunting regulations that have emerged from the Department’s 2020-2030 elk management plan.

Current rule establishes two elk ranges that serve dual purpose as elk management zones. They include the Clam Lake zone and the Black River zone. Hunters were previously allowed to harvest elk in any part of the elk management zone. This rule changes the names and boundaries of these zones, and further divides them by creating elk hunting units within these zones. This will prevent the overharvest of elk in a single subzone by specifying that tags are valid in one or more subzone.

The elk season is statutorily required to begin on the Saturday nearest October 15th. It previously ran for thirty consecutive days and then reopened on the second Thursday in December and continued for nine consecutive days. This rule eliminates the current closed period between the seasons and instead offers a single consecutive ending on the Sunday nearest December 15th.

This rule also updates the elk population goals for each management zone. The previous population goal was 1,400 elk for the northern zone. The new population goal for the northern zone will be 1,400 +/- 20%. The previous population goal for what is now the central elk heard was 390 elk. It will now be 300 +/- 20%.

Agency Procedures for Promulgation

The agency will hold hearings in April and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

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