

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code

Board Order No. WM-15-17  
Clearinghouse Rule No. CR-18-010

#### Basis and Purpose of the Proposed Rule

Current rules establish that the department may not hold an elk hunting season until a certain population level is reached. Once that population level has been attained, the season may be held and a permit number equal to 5% of the total population must be issued. This proposal would repeal those season triggers and the requirement to issue permits based on a percentage of the total population, both of which have been codified since 2003. The department would be able to apply the most current herd data and consider other factors in determining when to initiate an elk hunting season.

Current regulations and management plans require at least 200 elk to be living in the Clam Lake elk range, and 150 to be living in the Black River elk range, before a public hunt may occur. No other species under the department's authority is managed based on a minimum number of animals, nor are permit levels required to follow a set percentage. If population analysis were to determine that a herd has a surplus of bull elk, it is possible that these bulls could be harvested through a limited draw hunt to provide recreational opportunity without causing any detrimental effects to the herd. Conversely, if population analysis indicated that a hunt would remove a limited supply of bulls, or other herd indicators suggested that a hunt would be somehow harmful to the long-term growth and sustainability of each herd, the department could delay the start of a season under the proposed rule. Removing the requirement that a minimum number of elk be present on the landscape before a hunt may occur would allow the start of a hunt to be determined by herd metrics.

Removing the 5% tag allocation requirement would eliminate a potential annual conflict as various interests provide opinions on overall herd size, which would determine permit levels. These rules may repeal that limit and allow permit levels to be set based on scientific data that informs the department and our partners based on the overall herd structure, population dynamics, winter severity, and other metrics.

Both rule changes may result in limited hunting opportunity and would allow excess bulls to be utilized sooner than current regulations allow, as well as generate revenue for the elk reintroduction effort and annual management needs through license sales and application fees.

#### Summary of Public Comments

No public comments were provided for this rule.

#### Modifications Made

No modifications were made to the rule as a result of public comments.

#### Appearances at the Public Hearing

A notice for solicitation of comments was posted in December of 2017, and three public hearings were held on February 19 and 20, 2018 in Madison, Black River Falls and Park Falls. Two members of the public from Madison attended the Madison hearing for informational purposes only. They registered in support of the rule but did not provide testimony. No attendees were present at the Black River Falls or Park Falls hearings.

#### Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate through the public comment process, as no public comments on either were received.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on February 19, 2018. The LCRC provided comments on statutory authority and the form, style and placement in administrative code.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

Pursuant to the Governor's Executive Order 50, Section II, this will be a level 3 economic impact analysis. The rules most significantly impact individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. No fiscal effects on small businesses, their associations, or local governments are anticipated.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.