

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-05-23

Relating to: Elk Management, re: Ch. NR 10, Wis. Administrative Code

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

These will be permanent rules.

2. Detailed description of the objective of the proposed rule:

This rule will implement changes related to elk management and hunting regulations that have emerged from the Department's 2023-2033 elk management plan. Some of the objectives from this plan may include name changes and boundary modifications of the elk ranges, population goal changes, the creation of elk hunting units and modification of the elk hunting season dates, to name a few.

Additional rule changes may be pursued which are reasonably related to those discussed here.

These rules may also include additional updates such as correcting cross-reference citations, updating road names on maps, changes needed in order to update application forms or revisions which are necessary for consistency with recently enacted legislation.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rule establishes two elk ranges that serve dual purpose as elk hunting zones. They include the Clam Lake zone and the Black River zone. This rule may change the names and boundaries of these zones, and further divide them to create elk hunting units within these zones.

The current elk season begins on the Saturday nearest October 15 and runs for thirty consecutive days and then reopens on the second Thursday in December and continues for nine consecutive days. This rule will explore eliminating the current

closed period between the seasons, and may extend the season to offer a single consecutive season.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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.

5. Estimate of a amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

40 hours.

6. List with description of all entities that may be affected by the proposed rule:

Elk hunters and farmers that experience agricultural damage from elk are the primary groups who will be affected by this rulemaking. Recreational elk viewing may also be impacted.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

These rules, and the legislation which grants the department rulemaking authority, will have no effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding a virtual public hearing in the summer of 2023.

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