

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM -15 - 17

Relating to: Elk management.

Rule Type: Permanent

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

This will be a permanent rule.

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

Current rules establish that the department may not hold an elk hunting season until a certain population level is reached and that 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.

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 regulations call for 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. These population levels are somewhat arbitrary numbers that currently have limited significance, no other species under the department's authority is managed based on a minimum number of animals. If it were to be determined that a herd has a surplus of bull elk, it is possible that they could be harvested through a limited draw hunt to provide recreational opportunity without causing any detrimental effects to the herd. Removing the requirement that a minimum number of elk be on the landscape before a hunt may occur would allow the start of a hunt to be determined by scientific management.

The current regulation that limits elk permit issuance to 5% of the total population is also arbitrary and no other species is managed by the department in this way. Removing the 5% tag allocation requirement would eliminate the annual struggle to determine a pin-point population estimate. 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.

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. This grant of rule-making authority allows the department to promulgate rules related to bobcat hunting and trapping and elk hunting.

Elk hunting licenses are established in 29.182 and this provision also provides for their issuance and allows the department to limit the number of licenses.

The department is directed in by s. 23.09 (1) and (2) to provide a system for the development of game and other outdoor resources and may promulgate such rules necessary to carry out those purposes. The department considers the establishment of an elk herd to be consistent with that direction.

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

80 hours.

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

Groups likely to be interested in provisions related to elk include big game hunters and wildlife watchers. There is great interest in elk restoration by the Ojibwe tribes and Ho-Chunk Nation. In addition, interested people may be members of conservation organizations such as the Rocky Mountain Elk Foundation, Jackson County Wildlife Fund or other local conservation clubs. Additionally, tourism related business people and local governments in the Northern and West-Central Wisconsin region may be interested in the rule. Cranberry growers and other agricultural interests will also have interest. Implementation of the rule is not likely to have an effect on the interested entities because management of the elk herds will not change significantly.

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 :

Federal regulations allow states to manage the wildlife resources located within their boundaries provided they do not conflict with 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 a significant economic impact on small businesses):

Implementation of the rule is not likely to have an economic impact because management of the elk herds will not change significantly.

It is possible that hunting seasons could occur earlier under the proposed rule than it would under current rules. If that happens, local economies would receive some economic gains from elk hunting. Hunters would be expected to spend money on food, lodging, fuel, and hunting equipment. However, hunting seasons are likely to occur in the near future under either the current or proposed harvest management scenario.

The positive impacts of the current elk-related tourism are noticeable in local communities and will continue into the future. The Cable Chamber of Commerce estimates that 1,200 people visit the Clam Lake area annually to view elk and contribute approximately \$175/day totaling approximately \$210,000 annually to the area. Elk-related tourism in Jackson County is expected to be higher due to the ease of accessing this area via the Interstate corridor between southern Wisconsin and the Twin Cities.

These rules direct the department's management activities and may be applicable to individual hunters, but they impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

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