

Report to  
Legislative Council Rules Clearinghouse  
NR 10, Wis. Adm. Code  
Natural Resources Board Order No. WM-05-23

Wisconsin Statutory Authority

The chapter on wild animals and plants, in s. 29.014, Stats., “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), Stats., grants the Department the ability to “issue elk hunting licenses and may limit the number of elk hunters and elk harvested 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 and I (core elk range) are closed for hunting in the September/October periods but open in the December period. Unit X is comprised of 10 counties while Units H and I combined are about half of a county in total. Michigan has a statewide elk population 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

This rule implements changes related to elk management and hunting regulations that have emerged from the Department's 2024 elk management plan.

Current rules establish two elk ranges that serve a 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 an elk management zone that is open to hunting. This rule changes the names and boundaries of these zones, and further divides them by creating elk hunting subunits within these zones. This change may reduce hunting pressure on elk in specific portions of a zone 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 season which ends on the Sunday nearest December 15th. There was no biological reason to have split season dates and this will be a simpler season framework for hunters and other outdoor recreationists to remember. This will also add more days available for hunters to pursue elk.

Since reintroduction, the elk population has been managed using a numeric goal as a long-term population goal to guide management efforts, which allows for little population size flexibility and adaptation with conflict or nuisance. The elk management plan proposes to manage the elk population using adaptive management by adopting an objective-based approach. This approach aligns population ranges with associated objectives and is founded by managing elk towards a density of 1 elk/sq. mile across each management zone. A list of metrics is utilized to guide management decisions based on current elk status on the landscape. A numeric population goal doesn't take into account or offer flexibility the ability to direct or react to the direction the elk population is trending. It also doesn't allow the department the flexibility to address elk nuisance and conflict at the herd level. An adaptive approach would allow the elk population to grow to an increased size while addressing localized conflict.

This rule also expands both the north and central elk management zones boundaries. The boundary expansions allow for increased management opportunity.

#### Agency Procedures for Promulgation

The agency will hold hearings in June 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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