

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WM-16-25 (E) and WM-17-25

Relating to: Administering the elk hunting license application (ch. NR 10)

Rule Type: Permanent and Emergency

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

Opportunities to hunt big game are incredibly important to Wisconsin hunters. Elk in particular are a charismatic big game animal and equitable access to a very limited number of harvest permits is of the utmost concern. Management of agricultural damage caused by elk is also a high-profile concern. The department finds that an emergency rule is necessary. Rule changes will result in orderly administration of the elk permit application and selection process, assure the sustainability of the elk population, and preserve the public peace and welfare. Normal rule-making procedures will not allow the promulgation of permanent rules prior to when the next elk license application period opens.

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

These rules will clarify the procedures for administering the elk hunting license application.

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 and 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 rules establish the application procedures for issuing elk hunting license. The department has not previously issued permits that allowed harvest of female, cow elk. Allowing harvest of cow elk will slow growth of the elk herd and address agricultural damage in locations where that is needed.

Big game hunters often have strong preferences about the sex of the animal they would like to harvest. Some hunters strongly prefer to harvest antlered animals while others may be perfectly satisfied to harvest an elk that does not have antlers. To address these varying preferences, an efficient way to administer the elk permit application and drawing process is to conduct separate processes for antlered and for antlerless elk. This would allow hunters to apply for one permit type or the other, or to apply for both. Consistent with statute, however, only one license could be issued. Current rules are not broad enough to orderly administer separate applications for bull and antlerless elk in light of the statutory once-in-a-lifetime limitation for elk license issuance. These rules will clarify the new procedures for the drawing so that the department can effectively administer separate applications for bull and cow elk while still complying with state statutes.

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

Section 29.182 (4), Wis. Stats., states that the department shall determine the number of elk licenses that it will issue in a given season and shall allocate the license as a random draw should the number of applicants for elk hunting licenses exceeds the number of licenses that are available. Additionally, s. 29.182 (4m), Wis. Stats., mandates that a person may only be issued or transferred one resident elk hunting license in their lifetime.

5. Estimate of 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:

Individuals who apply for an elk hunting license will be the primary group affected by this rulemaking.

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.

Additionally, the cost of the elk hunting application is established in state statute and will not be impacted by this rulemaking.

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

The department anticipates holding one public hearings in the month of January 2026.

The department will hold the hearing virtually to allow for as many people to attend as possible. Comments may be provided by mail, phone and email as well as in-person.

Contact Person: Scott Karel, Wildlife Regulation Policy Specialist, 608-206-0222, scottr.karel@wisconsin.gov

Signed by:

Steven Little

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For Karen Hyun, Ph. D., Secretary

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Date Submitted