

The statement of scope for this rule, SS-067-25, was approved by the Governor on October 2, 2025, published in Register No. 838A1 on October 6, 2025, and approved by the Natural Resources Board on January 28, 2026. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **amend** NR 10.111 (3) (a); and to **create** NR 10.111 (5) relating to administering the elk hunting license drawing.

WM-17-25

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted:

Statutes that authorize the promulgation of this rule order include ss. 29.014 and 29.182, Stats.

2. Statutory Authority and Explanation of Agency 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.

Section 29.182 (4), 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 exceed the number of licenses that are available. Additionally, s. 29.182 (4m), Stats., establishes that a person may only be issued or transferred one resident elk hunting license in their lifetime

3. Related Statutes or Rules:

This rule is related to emergency board order WM-16-25 (E).

4. Plain Language Analysis:

This rule is being proposed to update the procedures for the elk hunting license application and drawing. Currently, elk harvest is authorized through the issuance of an elk hunting license and corresponding carcass tag, which are awarded through an application process and randomized drawing. Carcass tags are sex specific, meaning that they only authorize the harvest one antlerless elk if it is an antlerless elk tag or one elk with antlers not less than six inches in length if a bull elk carcass tag has been issued.

This rule would allow the department to administer separate drawings for each carcass tag type: one for bull elk carcass tags one for antlerless elk carcass tags. This would allow hunters to apply for either an antlerless elk carcass tag only, a bull elk carcass tag only, or for both.

This rule also makes additional housekeeping revisions that are necessary to fully implement this rule.

Statutes provide that only one elk hunting license may be issued to a person in that person’s lifetime. To administer this restriction, this rule clarifies procedures to ensure that if an individual applies for both bull and antlerless applications, they can only be successful in one drawing.

Should an elk quota be established by the department for the fall of 2026, the application period will be established. The drawing will be held in early June, after which successful applicants are notified. Approval of this emergency rule at the April NRB meeting would allow for the new

drawing procedure to be in place prior to the June 2026 elk license drawing.

5. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

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.

6. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department held a preliminary public hearing on the statement of scope on Thursday, December 18, 2025 at 2 p.m. virtually through Teams. No members of the public attended the hearing. Additionally, no members of the public submitted written comments regarding the statement of scope during the open public comment period.

7. Comparison with Similar Rules in Adjacent States:

Minnesota has separate either-sex and antlerless elk seasons. Hunters must select a season, zone and license type when applying for an elk license. Elk licenses are only available to Minnesota residents, and they may only be issued one elk license in their lifetime.

Michigan offers one elk application and three options within the application, an any-elk license (either antlered or antlerless elk), an antlerless elk license, or only receiving a preference point. Michigan's elk licenses are available only for Michigan residents. Hunters who draw an any-elk license are ineligible for future drawing for the rest of their life with the exception of the Pure Michigan Hunt. Michigan hunters who draw an antlerless-only elk license are ineligible for future drawings for ten years.

Illinois and Iowa do not have elk hunting seasons.

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Current rules establish the application procedures for issuing elk hunting license. Prior to 2025, the department had not issued permits that allowed harvest of antlerless elk. Allowing harvest of antlerless elk will slow growth of the elk herd and address agricultural damage in locations where that is needed.

Previously, the department held a single elk application and drawing and then had successful applicants choose whether they wanted a bull or antlerless carcass tag until all tags were claimed. This was administratively cumbersome, and some hunters turned down the opportunity for an antlerless elk carcass tag in hopes that they would be successful in a future bull carcass tag drawing. This rule creates separate drawings for bull versus antlerless elk carcass tags. This recognizes hunter preferences by allowing hunters to apply for one permit type or the other, or to apply for both. The rule will also clarify how the once-in-a-lifetime restriction will be administered.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

These rules, and the legislation which grants the department rule-making authority, do not have fiscal effects on the private sector or small businesses. No costs to the private sector or small

businesses are associated with compliance to these rules.

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

10. Effect on Small Business (initial regulatory flexibility analysis):

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have an economic impact on a substantial number of small businesses under s. 227.24(3m), Stats.

11. Agency Contact Person:

Scott Karel, 101 South Webster Str., PO BOX 7921, Madison, WI 53707-7921. (608) 206-2022, scottr.karel@wisconsin.gov.

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

Scott Karel

Department of Natural Resources

P.O. Box 7921

Madison, WI 53707-7921

Scottr.karel@wisconsin.gov

608-267-2452

608-267-7857 (fax)

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's Hearings and Meetings Calendar. [Access the Wisconsin Administrative Register \(https://docs.legis.wisconsin.gov/code/register\)](https://docs.legis.wisconsin.gov/code/register). [Access the department's Hearings and Meetings Calendar \(https://dnr.wisconsin.gov/calendar\)](https://dnr.wisconsin.gov/calendar). [Submit comments through the Wisconsin Administrative Rules Website \(https://docs.legis.wisconsin.gov/code/chr/active\)](https://docs.legis.wisconsin.gov/code/chr/active).

RULE TEXT

SECTION 1. NR 10.111 (3) (a) is amended to read:

NR 10.111 (3) (a) Purpose. The department may issue antlerless and bull elk ~~licenses~~ carcass tags in numbers and in a manner consistent with the elk population objectives for each zone and unit under sub. (2). Except where no previous history of success rates exists, the department ~~shall~~ may consider the hunter success rates from previous seasons to determine the number of elk licenses to be issued to harvest the desired number of elk for each elk management zone and unit.

SECTION 2. NR 10.111 (5) is created to read:

NR 10.111 (5) DRAWING. (a) Purpose. The purpose of this section to implement the elk license drawing procedures for the once in a lifetime license limitation found in s. 29.182 (4m), Stats.

(b) *Separate applications and drawings.* The department may establish separate applications and drawings for bull and antlerless elk carcass tags as provided in par. (c).

(c) *Procedures.* 1. Should the department hold separate bull and antlerless elk carcass tag drawings, the department shall hold the bull elk carcass tag drawing first and the antlerless elk carcass tag drawing second.

2. The department shall notify successful applicants in a manner determined by the department. If an applicant is successful in both the bull and antlerless elk carcass tag drawings, the applicant shall select which carcass tag to be issued upon successful completion of the elk hunter education course under sub. (3) (c) by the deadline established by the department. The department may select a new successful applicant for any carcass tag that is not selected by the original successful applicant.

(d) *Issuance.* The issuance of either a bull or antlerless carcass tag satisfies the once-in-a-lifetime license limitation found in s. 29.182 (4m), Stats.

SECTION 3. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 4. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____

State of Wisconsin

Department of Natural Resources

BY _____

Steven Little, Deputy Secretary

For Karen Hyun, Ph.D., Secretary