

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT:

Request that the Board consider modifications to Board Order WM-05-13, proposed rules affecting Ch. NR 10 related to bobcat and elk management and hunting.

FOR: April 2014 Board meeting

PRESENTER'S NAME AND TITLE: Scott Loomans, Wildlife Regulation Policy Specialist

SUMMARY:

The department has been asked to consider modifications to Board Order WM-05-13 which would establish that bobcat harvest permits are valid statewide as long as the quota for a zone has not been reached. Permits will not be issued only for a specific zone. This removes ambiguity that would have allowed the department to utilize either system of permit issuance.

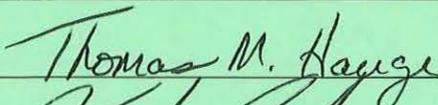
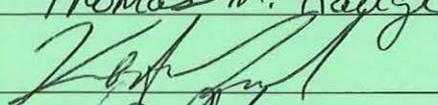
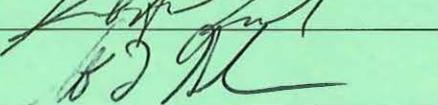
Additionally, the department has been asked to modify the existing process and establish criteria for enacting an emergency bobcat season / zone closure so that it is more responsive when a zone must be closed to prevent overharvest. The existing process for emergency closure requires publication of a notice in the state paper but that would not be required under the request. The closure process, as requested, would be very similar to the process currently in place for closing a wolf harvesting zone.

These rules, adopted in December, will result in new hunting and trapping opportunities for bobcat through the creation of a new management zone south of State Hwy. 64. The same rules also establish a management zone and population goal for a Black River elk herd and expand and consolidate an existing elk management zone in the Clam Lake area.

RECOMMENDATION: That the Board consider modifications to Board Order WM-05-13.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|---|---|
| <input checked="" type="checkbox"/> background memo | <input checked="" type="checkbox"/> Attachments to background memo |
| <input type="checkbox"/> Statement of scope | <input type="checkbox"/> Governor approval of statement of scope |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input type="checkbox"/> Response summary | <input checked="" type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Tom Hauge, Bureau Director		3/28/14
Kurt Thiede, Administrator		3/28/14
<i>for</i> Cathy Stepp, Secretary		3-28-14

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: March 12, 2014

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: Request for modifications to Board Order WM-05-13 related to bobcat and elk management and hunting.

I am requesting that the Natural Resources Board consider modifications to Board Order WM-05-13, a rule package to amend NR Ch. 10, Wis. Admin. Code, relating to bobcat hunting and trapping and elk management. These modifications would clarify the method of bobcat permit issuance and improve the responsiveness of the current process for emergency closure of the bobcat season.

Requested Modifications

The department has been asked to consider modifications to Board Order WM-05-13 which would establish that bobcat harvest permits are valid statewide as long as the quota for a zone has not been reached. Permits will not be issued only for a specific zone. This removes ambiguity that would have allowed the department to utilize either system of permit issuance.

Additionally, the department has been asked to modify the existing process and establish criteria for enacting an emergency bobcat season / zone closure so that it is more responsive when a zone must be closed to prevent overharvest. The existing process for emergency closure requires publication of a notice in the state paper but that would not be required under the request. The closure process, as requested, would be very similar to the process currently in place for closing a wolf harvesting zone.

On February 27, 2014, the Assembly Natural Resources and Sporting Heritage Committee approved the following motion:

MOVED, that the Assembly Committee on Natural Resources and Sporting Heritage, pursuant to s. 227.19 (4) (b) 2., Stats., requests that the Department of Natural Resources (DNR) consider modifications to Clearinghouse Rule 13-067, relating to bobcat hunting and trapping and elk management.

Specifically, the Committee requests that the DNR modify the rule proposal to specify that a permit issued by the DNR authorizing hunting or trapping of a bobcat allows hunting or trapping of a bobcat anywhere in the state and not only in a particular bobcat hunting and trapping zone. The Committee also requests that the DNR modify the rule proposal to specify that a season closure ordered by the DNR for a particular bobcat hunting and trapping zone under s. NR 10.145 (7) becomes effective 24 hours after the DNR posts a notice of the closure on the DNR website, provides information of the closure through the bobcat call-in registration and harvest reporting system, and issues a press release informing hunters and trappers of the closure. The Committee also requests that the DNR specify in the rule proposal any factors that the DNR must consider in determining whether to close a bobcat hunting and trapping season under s. NR 10.145 (7)

If the DNR does not agree to consider modifications to Clearinghouse Rule 13-067, in a letter addressed to the chair of the Assembly Committee on Natural Resources and Sporting Heritage, or fails to respond in writing to this request to consider modification, by 5:00 p.m., March 6, 2014, the Assembly Committee on Natural Resources and Sporting Heritage objects to Clearinghouse Rule 13-067, pursuant to s. 227.19 (4) (d), Stats., on the grounds that the proposed rule is arbitrary and capricious and imposes an undue hardship.

Suggested Language:

The board order which is included in this green sheet package is the one which was approved by the board at its December, 2013 meeting. If the board agrees to make the changes recommended by the Assembly committee, the department recommends the following two modifications to Board Order WM-05-13:

1. In Section one, all changes under “Limit” are eliminated so that there is no change to current rule and it simply reads, “One per season by permit”. Below is Section 1 as adopted in December, for reference:

SECTION 1. NR 10.01 (3) (d) 1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01 (3) (d) Bobcat (wildcat; hunting and trapping) 1. All that part of Wisconsin north of state highway 64 <u>Statewide</u>	Two permit periods: The Saturday nearest Oct. 17 – Dec. 25 and Dec. 26 – Jan 31	One per season <u>by as authorized by the appropriate permit</u>

2. A new Section 8 is created which amends NR 10.145 (7) in the following ways:

NR 10.145 (7) SEASON CLOSURE. The secretary of the department may close a portion or all of any bobcat, otter or fisher season established in s. NR 10.01, upon a finding by the department that the harvest for that season will exceed the level authorized by the department under sub. (1). ~~Closure Otter, and fisher season closure~~ shall become effective upon issuance of an order and publication in the official state newspaper. Bobcat hunting and trapping season closure shall become effective 24 hours after posting a notice on the department’s website, announcement on its telephone registration or harvest reporting system, and issuance of a press release. If the department utilizes its season closure authority in a bobcat zone, the holder of a bobcat permit may use their permit in any remaining open zone. Factors the department shall consider in closing a bobcat hunting and trapping season are:

- (a) The reported harvest relative to the harvest quota.
- (b) The rapidity at which the quota is being approached.
- (c) The anticipated harvest in coming days.
- (d) Other known sources of mortality that may be greater than anticipated when quotas were set.

Discussion

For most limited draw species where the public’s demand exceeds the amount of hunting or trapping opportunity, the department issues tags which may be used only in a specific management zone. Emergency season closures to prevent overharvest have not been an issue because the number of hunters or trappers relative to the harvest quota is relatively controlled. More recently, the department has also gained experience with the wolf harvest management system where all tags are valid statewide. When the wolf harvest quota in a zone is met the season is closed in that zone but hunters and trappers can continue to use valid tags in any other open zone. Experience gained so far indicates that both methods can be used to effectively prevent overharvest. However, each method of managing harvest has positive and negative aspects and public opinion about which method best suits the needs of most hunters and trappers is apparently not unanimous.

Some of the positive aspects of each method of issuing harvest permits are summarized below:

Permits which are valid only in one management zone.	Permits which are valid statewide in any zone where the harvest quota has not been met.
Number of people who can hunt/trap in a zone is well controlled and success rates can be reliably anticipated, reducing the likelihood of early season closure. With this system, final harvest is normally close to quotas and we have not had to request an early closure.	Significantly greater mobility of hunting/trapping locations is available. This can be important because the use of guides is common and people without knowledge of an area can still have excellent opportunities for success.
Lower potential for early season closure may result in less pressure to fill permits quickly and a more casual, longer hunting/trapping experience.	If a zone is closed, a person who applied many years to draw a permit may still have the opportunity to go to another open zone.
Many people select a zone for which they have the most knowledge and interest and may not need to compete with as many other applicants for limited harvest permits.	Many applicants don’t have significant knowledge of good areas to pursue bobcats, another reason that greater mobility of hunting/trapping locations can be valuable.
Success rates can be calculated independently for each zone. With bobcat densities much lower in the South Zone, success rates should be lower, allowing the issuance of more permits in the south.	Does not necessarily benefit one method over another because the season framework still has an early season that is favored by trappers and a late that is favored by hunters, each with a separate permit level.

Again, our experience with these strategies for managing harvest indicates that both methods can be used to effectively prevent overharvest. Hunters and trappers will have a preference for one-or-the other based on their own individual situations and preferences.

Remaining steps in the rulemaking process

If these modifications are adopted, the rule will be returned to the governor for signature and then referred to the legislature for their remaining review process. If remaining steps in the process go smoothly, it is still possible that a bobcat harvest quota could be established for areas south of HWY 64 and limited hunting and trapping could occur there in 2014.

**ADMINISTRATIVE RULES
FISCAL ESTIMATE AND
ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Ch. NR 10, Game and Hunting, Natural Resources Board Order WM-05-13

Subject

Relating to bobcat hunting and trapping and elk management and hunting.

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20 , Stats. Appropriations Affected

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

Bobcat

This proposal would result in new hunting and trapping opportunities for bobcat in portions of the state where harvest is not allowed under current rules.

Elk

The goal is to restore elk at two locations so they become self-sustaining populations that can adapt to the Wisconsin landscape. The benefits of this effort include greater diversity in our state's wildlife community, increased genetic diversity of Wisconsin elk, additional hunting opportunities in the future and increased tourism from elk viewing opportunities.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Pursuant to the Governor's Executive Order 50, Section II, this is a level 3 economic impact analysis. A notice for Solicitation of comments on the analysis was posted on the department's website from August 20 through September 3 and various groups were contacted. No comments on the proposal's economic impacts were received.

Fiscal Impact of the Proposed Rules

Bobcat

No fiscal impacts are anticipated. The hunting and trapping season frameworks proposed in this rule will be similar in scope to those already implemented by the department and which have been in place during previous seasons. In the past, approximately 200 to 500 bobcat harvest permits have been issued annually. The department does not anticipate a significant change in the number of applicants for permits or permits issued.

Elk

These rules do not require reintroduction of elk in the Black River area and will not result in a significant change in management of the existing Clam Lake elk herd. However, a decision has been made to reintroduce elk in the Black River area and supplement the Clam Lake herd and a management plan has been adopted. A summary of anticipated fiscal impacts of reintroduction follows below and in the table attached in Appendix A. Note that the table provides a range of costs for acquiring various numbers of elk. Planning documents recommend translocation of 275 elk over a period of several years. In summer 2013, discussions with managers of a source herd indicate that 150 animals may be more achievable. Translocation of 150 animals might occur over two years for an estimated total cost of \$277,000.

Fiscal Impact of the Elk Restoration Effort in Black River Falls and Supplementing the Clam Lake Herd:

Based on 2011-12 figures obtained from Kentucky Department of Fish and Wildlife along with estimates from Wisconsin's current program, the importation of 275 elk (potentially from Kentucky) over a 3-4 year period (anticipating 75-100 elk per year) would cost approximately \$480,000 to \$560,000. All necessary funding has been pledged from partner groups including the Ho-Chunk Nation (\$100,000 existing grant), Rocky Mountain Elk Foundation (\$300,000 written pledge), and Jackson County Wildlife Fund (\$50,000), with other pledges pending. See the table attached in Appendix A. Note that the acquisition of the full 275 elk may not be possible and potential costs could be lower.

Fiscal Impact of Future Elk Management in Wisconsin:

Wisconsin's elk management program is currently supported by Fish and Wildlife Segregated Funds and General Program Revenue at a cost of approximately \$200,000 per year. When elk hunting begins, management costs will be offset with revenues from applications for elk hunting permits and the sale of hunting licenses. The cost of a permit application has been established at \$10 per applicant including a \$2.75 processing fee and \$0.25 issuing fee, with the remaining \$7.00 returning to the elk management program. Revenue from the sales of the elk hunting permits (\$50 resident, \$250 non-resident) is earmarked for elk management. Although harvest permits will be limited, with over 620,000 deer hunters in Wisconsin, anticipating approximately 40,000 applications seems reasonable, if not conservative. At that level, the \$7 from application fees will provide an estimated \$280,000 annually for elk management and will be used to cover personnel costs, vehicle and equipment purchases and maintenance, elk research and monitoring, and implementation of the elk hunting season. Revenues from all fees would be segregated to an elk management account. Additional revenues from the implementation of an elk hunt are also anticipated. By State Statute, the Rocky Mountain Elk Foundation will be provided with one elk harvest permit each year for the first five years that hunting is allowed. The permit must be raffled (sale at auction is not allowed), and is expected to generate additional dollars that are earmarked for elk management in Wisconsin. We are hopeful that this single permit could generate an additional \$100,000 or more per year. In total, these revenue-generating items are expected to provide approximately \$400,000/year for elk management, research, and monitoring need.

Once elk arrive in Wisconsin and the new BREH is established, additional personnel may be needed to monitor the herd and cover management responsibilities. The job responsibilities of the Jackson/Clark County wildlife biologist will include 40% of their time being dedicated to elk management if an elk herd is present. Ho-Chunk Nation Division of Natural Resources has agreed to help with herd monitoring, and graduate student projects from UW-Stevens Point are anticipated to monitor the BREH after release. Eventually, a full-time project position and LTE help may be required and would cost approximately \$80,000 per year.

Economic Impact of the Proposed Rule

Bobcat

No economic impacts are anticipated. The hunting season frameworks proposed in this rule will be similar in scope to those in place during the previous seasons. While this proposal would result in increased hunting and trapping opportunities, the number of harvest permits issued will continue to be low relative to other hunting seasons like deer, bear, or turkey. The positive impacts of increased hunting related expenditures will likely not be noticeable. These rules are applicable to individual hunters and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

Elk

The positive impacts of elk-related tourism will be noticeable in local communities. The Cable Chamber of Commerce estimates that 1,200 people visiting the Clam Lake area annually to view elk and contribute approximately \$175/day totaling approximately \$210,000 annually to the area. While difficult to predict in the Black River Falls area of Jackson County, elk-related tourism is expected to be higher due to the ease of accessing this area via the Interstate corridor between southern Wisconsin and the Twin Cities. The Black River Falls Bureau of Tourism has been a supporter of establishing a herd there and is optimistic that they will see high levels of elk viewing interest. Local and state interest in elk is high, as evidenced by continually large numbers of requests for information about the elk reintroduction, and statewide support from a variety of partners including the Ojibwe tribes and Ho-Chunk Nation, government partners such as the U.S. Forest Service and county administration boards, and non-profit groups like the Rocky Mountain Elk Foundation, Jackson County Wildlife Fund, and Safari Club International. Hunting will become part of elk management in Wisconsin when a harvestable surplus develops. The Clam Lake herd is nearing that level with a hunt anticipated in 2014. Harvest permit levels will be limited, but 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, the greatest impact will be from general tourism activities as people travel simply to view elk, primarily during the fall rutting season. Michigan sees as many as 53,000 visitors per year who spend over \$3,000,000.

The potential for crop damage by a Black River elk herd exists, but the scope is unknown. Agricultural crop damage has not been a concern with the Clam Lake Herd, which is not in close proximity to agricultural areas. The Black River area is more agricultural, but not intensely-so compared to other areas of southern and central Wisconsin. Elk causing crop damage inside the designated range before public hunting is initiated will first be hazed and/or relocated. If hazing and relocation are unsuccessful the animal will be killed. Once public hunting is initiated, additional permits will be issued for areas surrounding those where crop damage problems have occurred. The department, in its 2001 plan where elk reintroduction was first authorized, the project was made contingent on establishing that elk be added to the Wildlife Damage, Abatement and Claims program, which was accomplished by 2001 ACT 109. In the Wildlife Damage Abatement and Claims Program (WDACP), farmers are eligible to receive both abatement assistance and claims reimbursement for elk damage to agricultural crops. The primary focus of the WDACP is to help farmers reduce agricultural damage occurring on their property. An important abatement tool, and a requirement of participating in the WDACP, is to provide hunting access to the public during the open season(s) for the species causing damage. In the case of elk, farmers that enroll in the WDACP for elk damage in a given year would only be required to allow elk hunters access to their property during the open season(s) for elk. Claims reimbursement for crops damaged by elk are also available to farmers enrolled in the WDACP. The claim amounts are determined by crop appraisals conducted by WDACP field technicians, and are based on 26 tested appraisal methods documented in the WDACP Technical Manual. Farmers are eligible for 100% of losses up to \$5000, and 80% of losses up to a maximum of \$15,000, with a \$250 deductible. Appraisal methods in the WDACP Technical Manual will be updated, where needed, to reflect damage specific to elk which may be of a multi-year nature (e.g. severe elk damage to cranberry beds necessitating replanting).

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.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Bobcat

The primary benefit of implementing the rule will be increased opportunities for bobcat hunting and trapping in additional areas of the state. The amount of new opportunity provided will be limited. For comparison, in areas north of HWY 64 where bobcat hunting and trapping are currently allowed, a range of approximately 200 to 500 permits have been issued annually in recent years. The number of permits issued in new areas where hunting and trapping may be allowed will be lower. However, the opportunity to pursue bobcat in Wisconsin is

valued very highly and any amount of increased opportunity will be viewed as very important to hunters and trappers. The significant demand for this opportunity is illustrated by the fact that 11,424 people applied for 165 available harvest permits in 2011.

Elk

The consequences of not implementing these strategies are expected to be a herd that will experience suppressed population growth and little range expansion. Without these changes, there may also be reduced public support for Wisconsin's current elk restoration efforts, resulting in a loss of tourism opportunities and revenues, both locally and statewide. The Black River Elk Herd would may not be established.

Implementation of these strategies will best enhance individual fitness and adaptive potential of the Clam Lake Elk Herd, place it in the best habitat available that will support sustainable population growth, and help spread elk across more of the available suitable habitat. This will all be accomplished together with public and private partners, the Ojibwe Tribes and Ho-Chunk Nation.

Long Range Implications of Implementing the Rule

Bobcat

Wisconsin's bobcat season framework will continue to provide harvest management tools that allow for sound use, management and protection of the bobcat resource. We hope to provide this level of resource protection and provide bobcat hunting and trapping opportunities well into the future.

Elk

Implementation of these strategies will best enhance individual fitness and adaptive potential of the Clam Lake Elk Herd, place it in the best habitat available that will support sustainable population growth, and help spread elk across more of the available suitable habitat. Establishment of a second herd will provide opportunities for elk viewing and the associated tourism related benefits in an additional area of the state. Hunting opportunities that may be available in the future will also provide recreational and some economic benefits. Healthy, sustainable elk herds in both locations will contribute to Wisconsin's overall image as a desirable destination for outdoor recreational opportunities.

Compare With Approaches Being Used by Federal Government

Bobcat and elk population goals, seasons, and regulations on the method of harvest are controlled by the state. There are no federal regulations and federal authorization is not required.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Bobcats are not harvested in Illinois but are present and increasing in number. Michigan hunters and trappers can generally harvest two bobcats per season. Iowa trappers/hunters have a bag and possession limit of one bobcat while Minnesota hunters and trappers have a season limit of five bobcats. The more liberal season frameworks in Michigan, Iowa and Minnesota reflect greater abundance of the species in those states and/or significantly less hunter and trapper interest. Neither state has the long tradition of hunting with hounds that Wisconsin has.

Restored elk populations exist in Michigan and Minnesota and both states hold an annual hunting season. Hunting regulations and management activities in both states are comparable to Wisconsin's activities.

Name and Phone Number of Contact Person

Scott Loomans, Wildlife Regulation Policy Specialist, 608-266-3534.

Appendix A. Wisconsin Elk Restoration Annual Budget

<i>Item</i>		<i>1-time Cost</i>	<i>50 Elk</i>	<i>75 Elk</i>	<i>100 Elk</i>
Trapping Costs					
Bait for corral trap			\$1,500.00	\$2,000.00	\$3,000.00
Lodging/meals/expenses	Trapping crews		\$10,000.00	\$15,000.00	\$20,000.00
Misc Supplies			\$2,500.00	\$2,500.00	\$2,500.00
<i>subtotal</i>			<i>\$14,000.00</i>	<i>\$19,500.00</i>	<i>\$25,500.00</i>
Holding and Processing in KY for 90 days					
Hay	est \$3.75 ea		\$2,765.00	\$3,500.00	\$4,250.00
Water					
24 hour Caretakers	2 caretakers		\$11,000.00	\$12,000.00	\$13,000.00
<i>subtotal</i>			<i>\$13,765.00</i>	<i>\$15,500.00</i>	<i>\$17,250.00</i>
Holding and Processing in WI					
Release Site Prep		\$3,000.00			
Holding Pens	3 pens	\$15,000.00			
Water Tanks	2 tanks	\$1,100.00			
Feed			\$3,520.00	\$5,250.00	\$6,000.00
<i>subtotal</i>		<i>\$19,100.00</i>	<i>\$3,520.00</i>	<i>\$5,250.00</i>	<i>\$6,000.00</i>
Post Release Herd Monitoring					
VHS Transmitters			\$16,250.00	\$25,000.00	\$32,500.00
Misc Equipment/Supplies			\$5,000.00	\$5,000.00	\$5,000.00
<i>subtotal</i>		<i>\$0.00</i>	<i>\$21,250.00</i>	<i>\$30,000.00</i>	<i>\$37,500.00</i>
Disease Testing/Supplies					
Osterpro (Vet supplies needed for disease tests and parasite control)			\$3,500.00	\$5,000.00	\$6,500.00
CWD Test Lab wCSU (\$25/elk)			\$1,250.00	\$1,875.00	\$2,500.00
Disease testing MSU (\$60.50/elk)			\$3,025.00	\$4,540.00	\$6,050.00
Immobilization drugs for KY			\$1,000.00	\$1,500.00	\$2,000.00
Misc Supplies			\$500.00	\$750.00	\$1,000.00
<i>subtotal</i>			<i>\$9,275.00</i>	<i>\$13,665.00</i>	<i>\$18,050.00</i>
KYDFWR Reimbursements					
KY Staff time/lodging/meals for trapping			\$50,000.00	\$50,000.00	\$50,000.00
<i>subtotal</i>			<i>\$50,000.00</i>	<i>\$50,000.00</i>	<i>\$50,000.00</i>
Transportation					
Contract semi-hauling \$3.50/mile X 1000 miles			\$3,500.00	\$5,000.00	\$7,000.00
<i>subtotal</i>			<i>\$3,500.00</i>	<i>\$5,000.00</i>	<i>\$7,000.00</i>
<i>Total Cost</i>		<i>\$19,100.00</i>	<i>\$115,310.00</i>	<i>\$138,915.00</i>	<i>\$161,300.00</i>

Note: Planning documents recommend translocating a total of 275 elk over a period of several years. In summer 2013, discussions with managers of a source herd indicate that 150 animals may be more achievable. Translocation of 150 animals might occur over two years for an estimated total cost of \$277,000.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING, REPEALING AND
RECREATING, AND CREATING RULES**

The statement of scope for this rule, SS 017-13, was published in Register No. 687, on March 14, 2013. This permanent rule was approved by the Governor on _____.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR 10.01 (3) (d) 2., to amend Ch. NR 10.01(3)(d)1., 10.111 (3) (c) and (5) (b), 10.145 (1) (b), to repeal and recreate NR 10.01 (3) (i), 10.111 (3) (a), 10.37, and to create NR 10.34 relating to bobcat hunting and trapping and elk management.

WM-05-13

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of this rule order include ss. 29.014, and 227.11 Stats. In particular, s. 29.014 grants rule making authority to the department to establish open and closed seasons for hunting and trapping and to establish other regulations. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Statutes Interpreted and Explanation: 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.

Special regulations on the taking of certain wild animals are authorized under s. 29.192(4), including specific language that authorizes rules related to bobcat hunting and trapping.

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 the purposes of section 23.09. The establishment of an elk herd is consistent with that direction.

A provision of 2013 ACT 20 created s. 29.182 (1m) which prohibits the department from establishing an opening day of elk hunting season which is earlier than the Saturday nearest October 15.

Related Statute or Rule: No other rules currently being promulgated are directly related to this proposal. This proposal repeals the elk hunting season opening date of the Saturday nearest September 15 and replaces it with a Saturday nearest October 15 opener, as required by 2013 ACT 20.

Plain Language Rule Analysis: This proposal could result in new hunting and trapping opportunities for bobcat in portions of the state where harvest is not allowed under current rules.

This proposal would create a new elk management zone and population goal in an area of the state where elk are not currently found but where a management plan approved by the Natural Resources Board recommends establishing a herd.

Specifically, these rules would:

SECTIONS 1 and 2 establish that bobcat hunting and trapping may be allowed statewide instead of only north of State Highway 64.

SECTION 3 establishes that the elk hunting season begins on the Saturday nearest October 15, instead of September 15, in any open elk management zone.

SECTION 4 establishes one elk population goal, instead of two, for the Clam Lake elk management zone and establishes a population goal for the newly created Black River elk management zone.

SECTION 5 establishes that elk tags issued for the Black River elk management zone, in addition to ones issued for Clam Lake, may be designated as valid outside an elk management zone.

SECTION 6 establishes that the formula for determining the number of bull elk tags to issue applies to new Black River Falls elk management zone as well as the Clam Lake zone.

SECTION 7 clarifies that the department may establish a bobcat harvest quota in areas where it has not established a population goal.

SECTION 8 creates one new bobcat hunting and trapping zone for areas of state south of State Hwy. 64.

SECTION 9 consolidates two existing elk management zones in the Clam Lake area, expands the size of that overall zone, and creates a new Black River elk management zone.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species has been delegated to state fish and wildlife agencies.

Comparison with rules in Adjacent States: Bobcats are not harvested in Illinois but are present and increasing in number. Michigan hunters and trappers can generally harvest two bobcats per season. Iowa trappers/hunters have a bag and possession limit of one bobcat while Minnesota hunters and trappers have a season limit of five bobcats. The more liberal season frameworks in Michigan, Iowa and Minnesota reflect greater abundance of the species in those states and/or significantly less hunter and trapper interest. Neither state has the long tradition of hunting with hounds that Wisconsin has.

Restored elk populations exist in Michigan and Minnesota and both states hold an annual hunting season. Hunting regulations and management activities in both states are comparable to Wisconsin's activities.

Summary of Factual Data and Analytical Methodologies: Bobcat are currently hunted and trapped in one management zone which consists of the area north of Hwy 64. Demand for this opportunity greatly exceeds availability – the department consistently receives more than 12,000 applications for fewer than 500 available permits. Research recently completed has provided us with additional answers about the presence, observed expansion and density of bobcats in areas south of Hwy 64. These findings have resulted in a recommendation to allow hunting and trapping in additional areas, which would require these proposed new rules.

This rule proposal is in anticipation of a decision to issue permits to hunt and trap bobcats in one new zone which will be all areas south of the current zone. These rules do not require the department to allow bobcat hunting and trapping in new areas as those activities are still controlled by the establishment of a harvest quota and issuance of permits. However, the department has good information on bobcat populations in central Wisconsin and anticipates a 2014 quota recommendation for areas south of State Hwy. 63 as well as the established zone in the north.

A population goal for bobcats north of Hwy 64 is currently established in administrative rule. The department is not proposing to establish a goal in new zones south of Hwy 64 at this time.

This proposal repeals the elk hunting season opening date of the Saturday nearest September 15 and replaces it with a Saturday nearest October 15 opener, as required by 2013 ACT 20. Under this proposal, the elk hunting season in the newly created Black River elk management zone will be the same as the season in the Clam Lake area.

The department has already established, by rule, elk management zones in the northwest part of the state and is managing an elk herd in that area. The department anticipates establishing another elk herd in the Black River Falls area and has a management plan that has been approved by the Natural Resources Board and which enjoys significant local support.

These rules will expand the existing Clam Lake elk management zone by 508 square miles south and immediately adjacent to the original elk range that contains 1,112 square miles, bringing the total Clam Lake zone to over 1,600 square miles. The proposed boundary expansion avoids most agricultural areas and is primarily composed of a large block of state, county and industrial forest land that has the most abundant aspen resource in the region. Existing forest management plans in this area are designed to aggressively manage the aspen resource which will add to the long-term forage security for a growing elk herd. This existing management creates high quality elk forage now and into the foreseeable future.

These rules will replace the current Zone A and Zone B delineations for the Clam Lake elk range with one elk range delineation to include the newly-proposed expanded elk range. Elk density goals will be revised to about one elk per square mile of total area for this entire area. This represents a lower density of elk than established under current rule, but the same overall number of animals for the new, larger zone.

This proposal would establish a new elk management zone in the Black River Falls area. This area is approximately 300 sq. miles in west central Wisconsin. Interstate Highway 94 and County Highway 54 make up the West and North boundaries of the core area. A 70 square mile core range, where initial reintroduction efforts will occur, is centered within the Black River State Forest and Jackson County Forest with a few parcels of non-agriculture private land. A buffer elk range of 250 square miles surrounds the core range. These rules will not establish a legal difference between core and buffer areas. The overall population goal will be 390 animals which equals approximately 1 elk per square mile of elk range.

Under current rules, areas which are not part of the Clam Lake zone are outside of the designated elk range. The new Black River elk management zone will also be designated elk range. Animals outside of the elk range showing nuisance behavior or causing damage may be captured or killed. Elk hunting permits issued for the Clam Lake or Black River zone may also be valid for use outside of the designated elk range.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis: The department has determined that these rules will have only a minimal economic impact locally or statewide. A notice for Solicitation of comments on the analysis was posted on the department's website from August 20 through September 3 and various groups were contacted. No comments on the proposal's economic impacts were received.

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no costs are associated with compliance to these rules.

Effects on Small Business: 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 a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g).

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SECTION 1. NR 10.01 (3) (d) 1. is amended to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01 (3) (d) Bobcat (wildcat; hunting and trapping) 1. All that part of Wisconsin north of state highway 64 <u>Statewide</u>	Two permit periods: The Saturday nearest Oct. 17 – Dec. 25 and Dec. 26 – Jan 31	One per season by <u>as authorized by the appropriate permit</u>

SECTION 2. NR 10.01 (3) (d) 2. is repealed.

SECTION 3. NR 10.01 (3) (i) 1. is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
NR 10.01 (3) (i) 1. The elk management zones established in s. NR 10.37	Beginning on the Saturday nearest October 15 and continuing for 30 consecutive days, when the department determines that the total elk population estimate for zones A and B is at least 200 elk. Beginning the second Thursday in December and continuing for 9 consecutive days, when the department determines that the total elk population estimate for zones A and B is at least 200 elk.	One bull elk or antlerless elk as authorized by antlerless elk tag in s. NR 10.111 (5) (c).

SECTION 4. NR 10.111 (3) (a) is repealed and recreated to read:

NR 10.111 (3) ELK POPULATION GOALS. (a) The overwinter elk population goal for elk management zones described in s. NR 10.37 shall be expressed as the total number of elk per zone as follows:

Zone	Population Goal
Clam Lake elk management zone	1,400
Black River elk management zone	390

SECTION 5. NR 10.111 (3) (c) is amended to read:

NR 10.111 (3) (c) If the department determines that hunting is an appropriate removal method for elk subject to par. (b), the department may designate ~~Zone A or B elk tags~~ any elk tag as being valid on specified properties in Zone X, during the elk season.

SECTION 6. NR 10.111 (5) (b) is amended to read:

NR 10.111 (5) (b) *Bull elk tag formula.* The department shall determine the number of bull elk tags which shall be issued by the formula:

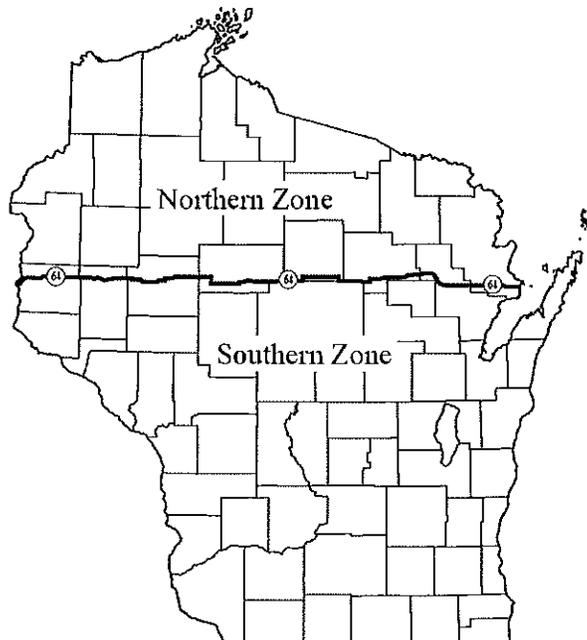
$$\text{Number of bull elk tags available} = \text{total elk population in Zones A and B} \underline{\text{a zone}} \times 5\%$$

SECTION 7. NR 10.145 (1) (b) is amended to read:

NR 10.145 (1) (b) The population ~~goals~~ goal established in sub. (2) if a goal has been established.

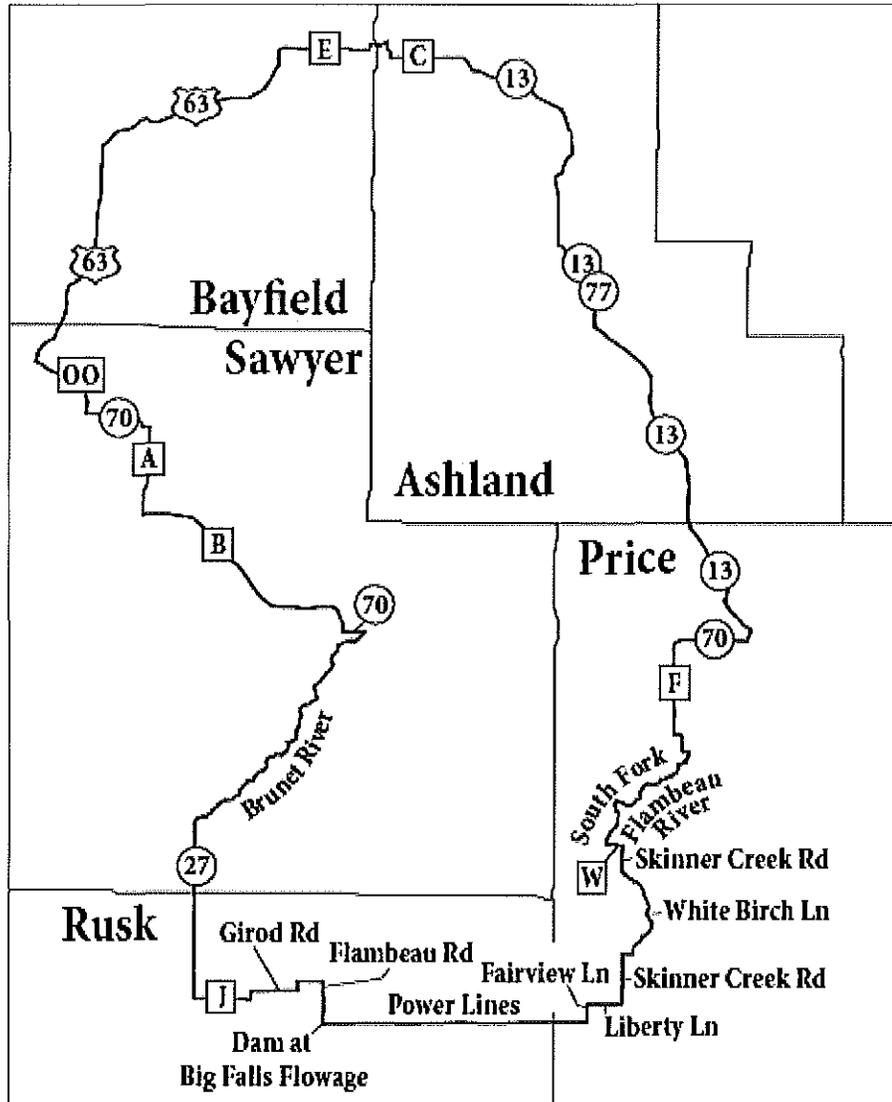
SECTION 8. NR 10.34 is created to read:

NR 10.34 Bobcat hunting and trapping zones.

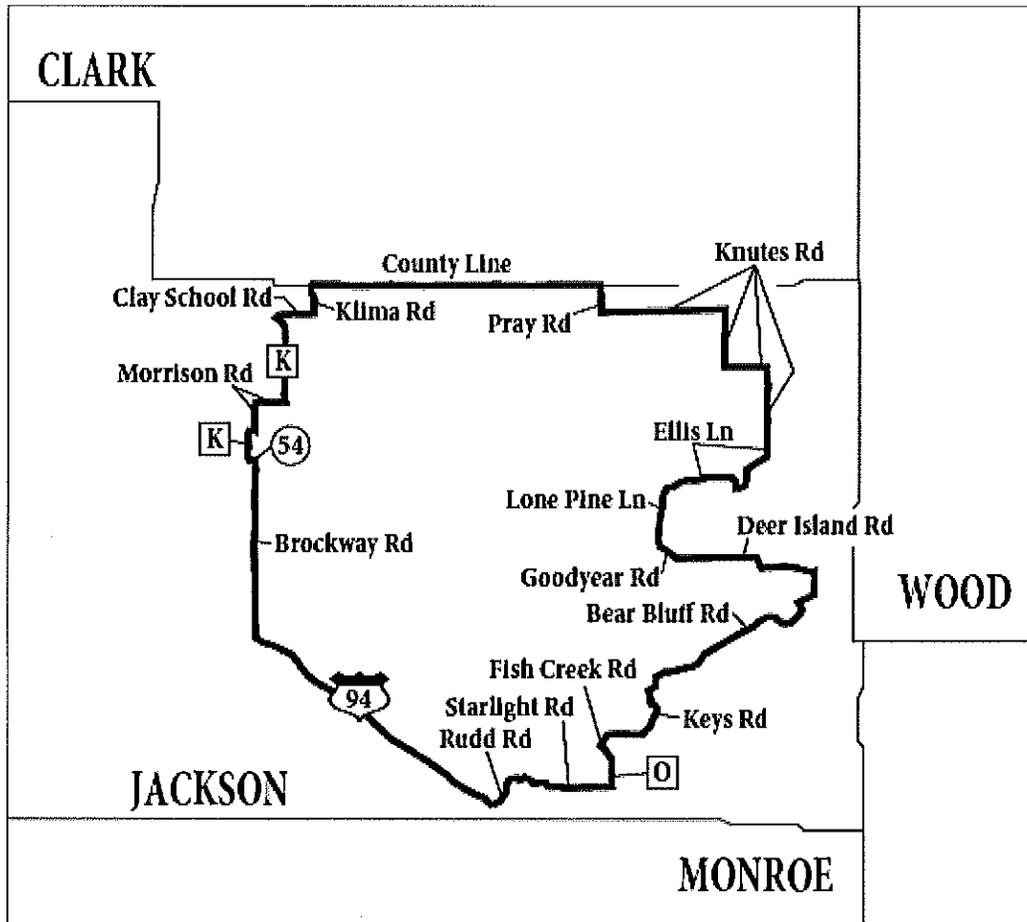


SECTION 9. NR 10.37 is repealed and recreated to read:

NR 10.37 Elk Management Zones (1) CLAM LAKE:



(2) BLACK RIVER FALLS:



(3) ZONE X. Elk management zone X includes the entire state except areas which are part of the Clam Lake and Black River Falls elk management zones.

SECTION 10. EFFECTIVE DATE. This rule shall take 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 11. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 10, 2014.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)