

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

**SUBJECT:**

Request that the Board approve the statement of scope for Board Order WM-05-13, proposed rules affecting Ch. NR 10 related to hunting and the management of bobcat and elk.

**FOR: April 2013 Board meeting**

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

**SUMMARY:**

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.

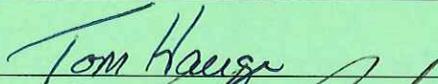
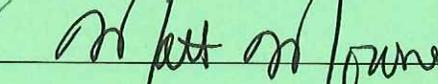
The department is conducting research that could lead to information on the feasibility of expanding bobcat hunting and trapping to new areas. Based on the anticipated findings, this rule could establish a new management zone or could reconfigure the existing management zone. A population goal for bobcats north of Hwy 64 is currently established in administrative rule and would either need to be updated or an additional goal created. This rule may also establish new, or modify existing, conditions for the taking of bobcat by hunting and trapping if that is necessary and compliments the primary goal of improving hunting and trapping opportunities.

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 in place that has significant local support. This proposal would establish a management zone and may establish a population goal for the Black River herd. It also seeks an expansion of the current elk management zone in the Clam Lake area.

**RECOMMENDATION:** That the Board approve the statement of scope for Board Order WM-05-13.

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

- (choose one)
- Statement of scope
- Fiscal estimate and economic impact analysis (EIA) form
- Response summary
- Attachments to background memo
- Governor approval of statement of scope
- Environmental assessment or impact statement
- Board order/rule

Approved by	Signature	Date
Tom Hauge, Bureau Director		3/20/13
Kurt Thiede, Administrator		3/22/13
Cathy Stepp, Secretary		3/25/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: March 14, 2013

TO: Natural Resources Board Members

FROM: Cathy Stepp, Secretary

SUBJECT: Scope statement for Board Orders WM-05-13 related to the management of bobcat and elk

**Subject of the Proposed Rules:**

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.

**Policy Analysis:**

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 currently under way may provide us with additional answers about the presence and observed expansion of bobcats in areas south of Hwy 64. The findings could result in a recommendation to allow hunting and trapping in additional areas, which would require rule changes.

The department is conducting research that could lead to information on the feasibility of expanding bobcat hunting and trapping to new areas. Based on the anticipated findings, this rule might establish a new management zone or could reconfigure the existing management zone. A population goal for bobcats north of Hwy 64 is currently established in administrative rule and would either need to be updated or an additional goal created. This rule may also establish new, or modify existing, conditions for the taking of bobcat by hunting and trapping if that is necessary and compliments the primary goal of improving hunting and trapping opportunities.

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. This proposal would establish a management zone and may establish a population goal in Wis. Admin. Code for the Black River herd. It also seeks an expansion of the current elk management zone in the Clam Lake area.

Additional provisions necessary for establishing a new elk herd and the management of elk in this state may also be promulgated if they are identified during the rule making process.

**Statutory Authority:**

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 department considers the establishment of an elk herd to be consistent with that direction.

**Estimate of Staff Time Needed to Develop the Proposed Revision:**

200 hours.

**Groups Likely Affected by the Proposed Rule:**

Groups likely to be impacted or interested in the bobcat related portions of this rulemaking are bobcat hunters and trappers, including members of groups such as the Wisconsin Trappers Association, Bear Hunters Association, Wildlife Federation, and the Conservation Congress.

Groups likely to be impacted or 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, impacted people may be members of conservation organizations such as the Rocky Mountain Elk Foundation, Jackson County Wildlife Fund, Safari Club International, Wildlife Federation, local conservation clubs, or the Conservation Congress. Additionally, tourism related business people and local governments in the Northern and West-Central Wisconsin region may be affected by the rule. It is reasonable to assume that agriculture-related business will be affected. However, the plan considered that dairy and cash grain farming are not widely practiced in the location where elk introduction is planned, which should result in limited impacts of the species on agriculture.

**Anticipated economic impact of implementing the 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 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 2013. 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.

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.

**Agency Contact:**

Scott Loomans, Wildlife Regulation Policy Specialist, 101 South Webster Street, PO Box 7921, Madison, WI 53707-7921, (608) 267-2453, [Scott.Loomans@wisconsin.gov](mailto:Scott.Loomans@wisconsin.gov)

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: WM -05- 13

Relating to: Hunting and management of bobcat and elk.

Rule Type: Permanent

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

These will be permanent rules.

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

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.

### 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:

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 currently under way may provide us with additional answers about the presence and observed expansion of bobcats in areas south of Hwy 64. The findings could result in a recommendation to allow hunting and trapping in additional areas, which would require rule changes.

This rule proposal will be in anticipation of a decision to hunt and trap bobcats in new areas. The rule proposal would establish a new management zone or could reconfigure the existing management zone. A population goal for bobcats north of Hwy 64 is currently established in administrative rule and would either need to be updated or an additional goal created. This rule may also establish new, or modify existing, conditions for the taking of bobcat by hunting and trapping if that is necessary and compliments the primary goal of improving hunting and trapping opportunities.

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. This proposal would establish a management zone and may establish a population goal in Wis. Admin. Code for the Black River herd. It also seeks an expansion of the current elk management zone in the Clam Lake area.

Additional provisions necessary for establishing a new elk herd and the management of elk in this state may also be promulgated if they are identified during the rule making process.

**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.

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 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:**

200 hours.

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

Groups likely to be impacted or interested in the bobcat related portions of this rulemaking are bobcat hunters and trappers, including members of groups such as the Wisconsin Trappers Association, Bear Hunters Association, Wildlife Federation, and the Conservation Congress.

Groups likely to be impacted or 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, impacted people may be members of conservation organizations such as the Rocky Mountain Elk Foundation, Jackson County Wildlife Fund, Safari Club International, Wildlife Federation, local conservation clubs, or the Conservation Congress. Additionally, tourism related business people and local governments in the Northern and West-Central Wisconsin region may be affected by the rule. It is reasonable to assume that agriculture-related business will be affected. However, the plan considered that dairy and cash grain farming are not widely practiced in the location where elk introduction is planned, which should result in limited impacts of the species on agriculture.

**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):**

Bobcat

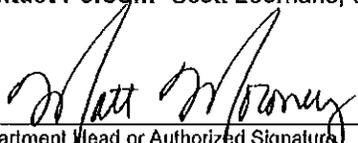
No economic impacts are anticipated. The hunting season frameworks proposed in this rule will be similar in scope to those in place during the previous seasons. While this proposal would result in increased hunting and trapping opportunities, the number of harvest permits issued will continue to be low 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.

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**Contact Person:** Scott Loomans, 608-267-2452

  
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Department Head or Authorized Signatory

2/4/13  
\_\_\_\_\_  
Date Submitted



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

February 18, 2013

Cathy Stepp  
Secretary  
Wisconsin Department of Natural Resources  
101 South Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

**RE: Scope Statement for WM-05-13 relating to hunting and management of bobcat and elk**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on February 5, 2013, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule WM-05-13. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker  
Governor