

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

**SUBJECT:** Request that the board adopt Board Order WM-01-16(E) related to establishing the 2016 migratory bird hunting seasons in Ch. NR 10 Wis. Admin. Code.

**FOR:** April 2016 Board meeting

**TO BE PRESENTED BY:** Kent Van Horn, Migratory Bird Specialist

**SUMMARY:**

This emergency rule order will establish the 2016 migratory bird hunting season framework.

For 2016 the rule change is to eliminate the two periods for Canada goose hunting in the Horicon Canada goose management zone. The rule establishes one Canada goose hunting season and people will be allowed to hunt on any day of the continuous 92 day season instead of selecting either an early or a late permit period.

Based on rules currently in place and the change contained in this board order, the 2016 migratory bird seasons will be:

Early teal season: Sept. 1 – Sept. 7 (daily bag of 6 teal)  
Early goose season: Sept. 1 – Sept. 15 (daily bag of 5)

Duck season (daily bag of 6, no more than 4 mallards (1 hen), 3 wood ducks, 1 black duck, 2 redheads, 3 scaup, 2 pintail and 2 canvasback):

Youth hunt: Sept. 17 and 18  
North zone: Sept. 24 – Nov. 22  
South zone: Oct. 1 – Oct. 9 and Oct. 15 – Dec. 4 (5 day split)  
Mississippi zone: Oct. 1 – Oct. 7 and Oct. 15 – Dec. 6 (7 day split)

Canada goose season (daily bag of 2):

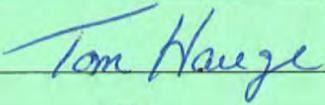
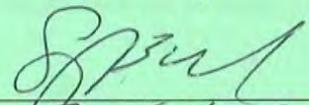
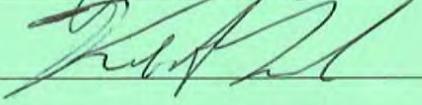
North: Sept. 16 – Dec. 16  
South: Sept. 16 – Oct. 9 and Oct. 15 – Dec. 21  
Mississippi: Oct. 1 – Oct. 7 and Oct. 15 – Jan. 5  
Horicon: Sept. 16 – Dec. 16

Mourning Dove: September 1 – November 29 (15 doves/day)  
Woodcock: September 24 – November 7 (3 birds/day)

**RECOMMENDATION:** Adoption of Board Order WM-01-16(E) related to establishing the 2016 migratory bird hunting seasons in Ch. NR 10 Wis. Admin. Code.

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Background memo | <input checked="" type="checkbox"/> Board order                         |
| <input type="checkbox"/> Scope statements           | <input checked="" type="checkbox"/> Fiscal and economic impact analysis |

Approved by	Signature	Date
Tom Hauge Bureau Director		3/23/16
Sanjay Olson, <sup>fwp</sup> Land Division Administrator		3/23/16
 Cathy Stepp, Secretary		3/25/16

DATE: March 24, 2016

TO: Natural Resources Board Members

FROM: Cathy Stepp

SUBJECT: Request Adoption of the 2016 Migratory Game Bird Hunting Regulations

I am requesting Natural Resources Board adoption of the proposed 2016 Migratory Game Bird seasons and regulations, Board Order WM-01-16(E).

**Rule summary:**

**Duck zone configuration 2017-2020:**

The US Fish and Wildlife Service requires states to review and submit duck zone configuration selections for the 2017-2020 period by April 29, 2016. Based on previous public support, the Department is not proposing any change to the duck zone structure other than a road adjustment resulting from the re-alignment of Highway 10 around Stevens Point (Figure 1). Public comment supported this proposal at 71% in favor.

**2016 Migratory Game Bird Hunting Seasons:**

For 2016 the rule change is to eliminate the two periods for Canada goose hunting in the Horicon Canada goose management zone. The rule establishes one Horicon Canada goose hunting season and people will be allowed to hunt on any day of the continuous 92 day season instead of selecting either an early or a late permit period.

The remaining rule parameters are discussed with the public each year but are unchanged based on substantial public support for the existing season structure.

**Early Migratory Bird Seasons:**

Early Teal – Sept 1-7 (6 teal/day)

Early Canada goose – September 1-15 (5 geese/day)

Mourning Dove – September 1 – November 29 (15 doves/day)

Woodcock – September 24 – November 7 (3 birds/day)

**Duck seasons:**

60-day season. Daily bag limit of 6 ducks, in total. Of the 6 ducks, no more than: 4 mallards of which only 1 can be a hen, 3 wood ducks, 2 redheads, 1 black duck, 2 pintail, 3 scaup and 2 canvasback. In addition, 5 mergansers to include not more than 2 hooded mergansers. (For duck species not listed such

as teal and ring-necked ducks, the combined total with all other species may not exceed 6 ducks). The possession limit is 3 times the daily bag limit for migratory game birds.

Opening day shooting hours to begin at ½ hour before sunrise.

- Youth Waterfowl Hunt - September 17-18
- Northern Zone – September 24 – November 22
- Southern Zone – October 1-9, then a 5 day closure, reopening October 15 - December 4
- Mississippi River Zone - October 1-7, then 7 day closure, reopening on October 15 – December 6

### **Goose Seasons:**

The state is apportioned into two goose hunting zones for the regular season: Horicon and Exterior. The Mississippi River is a subzone within the Exterior Zone.

Exterior Zone – 92 days. Daily bag of 2 Canada geese.

- North Zone - September 16- December 16.
- South Zone –September 16- October 9 and October 15 – December 21.
- Mississippi River Subzone – October 1- 7, October 15 – January 5

Horicon Zone (change from 2 time periods to just one season) - September 16- December 16

Hunters with Horicon zone permits will be allowed to harvest 12 Canada geese for the time period that they are awarded. The daily bag limit will be 2 geese.

### **Brant, White fronted geese and Light geese**

Seasons will be the same as for the Canada goose zones/subzones. The daily bag limit will be 1 brant, 1 white-fronted and 20 snow, blue or Ross's geese

### **Other Migratory Bird Seasons:**

Coot, moorhen, rails and snipe – season is the same as ducks in each duck hunting zone

Daily bag limits: Coot and moorhen – 15, Sora and Virginia Rail – 25, Snipe - 8

### **Background:**

Each year Wisconsin establishes hunting seasons for over 35 different species of migratory game birds. Migratory game birds hunted in Wisconsin include a wide range of species with very different life cycles; blue-winged teal that may nest in the marshes of Manitoba and winter in Venezuela, woodcock that breed in the northern forests of Wisconsin and winter in Louisiana, and mourning doves that are the most abundant and most harvested game bird in North America. Under international treaty and federal law, migratory game bird seasons are closed unless opened annually via the U. S. Fish and Wildlife Service (USFWS) regulatory process (Figure 2). Department staff are a part of this process which involves international cooperative monitoring efforts and status review for each species. Migratory birds are

managed in each of the 4 flyways that encompass North America. Each flyway has a Flyway Council consisting of members from each state and province in that flyway who meet multiple times each year. Wisconsin is part of the Mississippi Flyway and is one of 17 members on the Mississippi Flyway Council (MFC). The USFWS annually prescribes the outside limits (frameworks) for each flyway within which states may select hunting season parameters. This process involves the USFWS working cooperatively with each Flyway Council and the process varies across the different species.

Wisconsin supports over 135,000 migratory game bird hunters with a diversity of habitat, technique and hunting season preferences. Nationally, Wisconsin is a leader in migratory bird hunting and management ranking in the top 5 for number of waterfowl hunters and second in the nation for woodcock hunters. These hunters are strong conservationists participating through various organizations to partner with agencies in habitat conservation, hunter education and management decisions.

Under the new federal regulatory process, the 2016 migratory bird hunting seasons will be based on prior, rather than current, year data. As a result, the 2015 population status information was shared with you last August to establish the 2015 hunting seasons. At a continental level, duck populations reached a 60 year all-time high of 49.5 million ducks in 2015 while Wisconsin's breeding duck population was 16% below the long term average at 373,000 (Appendix 1). Wisconsin depends upon two Canada goose populations for the regular goose season harvest; those that nest in northern Ontario are about 60% of the harvest while those that breed in Wisconsin are about 40% of the harvest. The population of Canada geese that breeds in northern Ontario has been on a long term decline with the 2015 breeding population estimate 35% below the long term average. While Wisconsin's breeding Canada goose population estimate for 2015 was 14% below the average of the last 10 years.

#### **Public involvement:**

Over the years, the Department has used various methods to engage migratory bird hunters in season decisions and learn about their season and hunting preferences. These hunters have a wide range of practices and preferences, some of which result in opposing views on various season parameters. However, hunting groups and individuals have been very engaged and over time have helped the Department develop compromises and produce a season structure which has strong majority support. A total of 173 individuals offered comments on the waterfowl hunting seasons over the last few weeks in addition to the Wisconsin Conservation Congress Migratory Committee and several waterfowl groups. The following tools were used to involve interested parties in the rule making process.

- **Mail survey – winter 2015-16.** Following the 2015 waterfowl season a scientifically designed survey was mailed out to a random selection of 3000 Wisconsin waterfowl hunters as we have done every other year for the last several years. This survey provided us information on waterfowl hunter experiences, input on hunting seasons and the 2017 duck zone configuration
- **Rule process information** - Beginning in February, 2016 we issued preliminary information and instructions on how the public could provide input to the regulation setting process through press releases, the Department website and direct mailings to waterfowl groups. Over 19,000 people are now on GovDelivery email notices regarding topics related to waterfowl management and hunting. This list was provided regular updates during the process.
- **Telephone, email and written comment.** Public comments and questions began coming in during February through telephone calls and emails. These were accepted through March 18.
- **February 11, Staff attended the LaCrosse County Conservation Alliance** annual waterfowl meeting to present information and received input primarily on the Mississippi River Zone season. About 25 waterfowl hunters were in attendance.

- **February 13, Wisconsin Wildlife Federation. Stevens Point.** Meeting was held to present the population status and season structure options with the waterfowl committee of the federation. Several conservation organizations or individuals were present, the groups represented were: Wisconsin Wildlife Federation (WWF), Wisconsin Waterfowl Association (WWA), La Crosse County Conservation Alliance (LCCA), Challenge the Outdoors, Green Bay Duck Hunters (GBDH), Burlington Conservation Club, and Black Slough Conservation Club (BSCC).
- **March 5 – Migratory Committee of the Conservation Congress. Stevens Point.** Staff presented information on the status of waterfowl and potential season structures. The committee made suggestions for the hunting season proposal and voted on all aspects. The committee had about 20 members present.
- **March 11&12 – Wisconsin Waterfowl Hunters Conference Special Sessions. Wausau.** Presentations and special breakout sessions were held to present the population status and proposed season structure with conference attendees. The conference had about 100 in attendance while about 45 people participated in the breakout discussions.
- **March 14-17, Public Hearings.** Four public hearings were held around the state and 73 people attended overall. Attendees were presented with population status information and the proposed waterfowl rules. Following a period for clarifying questions, individuals could make oral testimony or provide written comments.
  - **LaCrosse** - 18 people attended, 8 gave oral testimony
  - **Rice Lake** - 10 people attended, 4 gave oral testimony
  - **Appleton** – 24 people attended, 7 gave oral testimony
  - **Pewaukee** – 21 people attended, 7 gave oral testimony

#### **Public Input and Data Summary:**

Based on previous public input and hunter surveys, the Department migratory bird hunting season proposal was identical to the 2015 season except for simplifying the Horicon goose zone from 2 time periods to one. Hearing attendance and public input volume was similar to prior years with a total of 173 individual comments and several statewide or local conservation groups representing thousands of members submitting comment. Of the individual comments received the majority (71-100% on various season parameters) were in agreement with the proposed duck and goose hunting zones and season dates (Appendix 2). In addition, most of the waterfowl hunting groups that submitted comment also supported the season proposal. The Migratory Committee of the Conservation Congress voted in support of the proposed season structure.

#### **Rule Development:**

These rules were developed with assistance from the bureaus of law enforcement, customer service & licensing, science services, and legal services.

#### **Economic Impact of Proposed Rules:**

The department has determined that these rules will have no economic impact locally or statewide. A copy of the economic and fiscal impact analysis is attached as part of this agenda item.

#### **Small Business and Regulatory Flexibility Analysis:**

The revisions to Ch. NR 10, Wis. Admin. Code, relating to hunting, and trapping are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor

are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

**Effect on Existing Policy:**

All of the policies in this proposed rule are consistent with past board policies of regulating fish and game harvest for conservation purposes.

**Previous Board Action:**

The statement of scope for this rule, SS 123-15, was approved by the Governor on October 27, 2015, published in Register No. 719A1, on November 2, 2015, and approved by the Natural Resources Board on February 24, 2016.

**Groups Impacted by the Rule:**

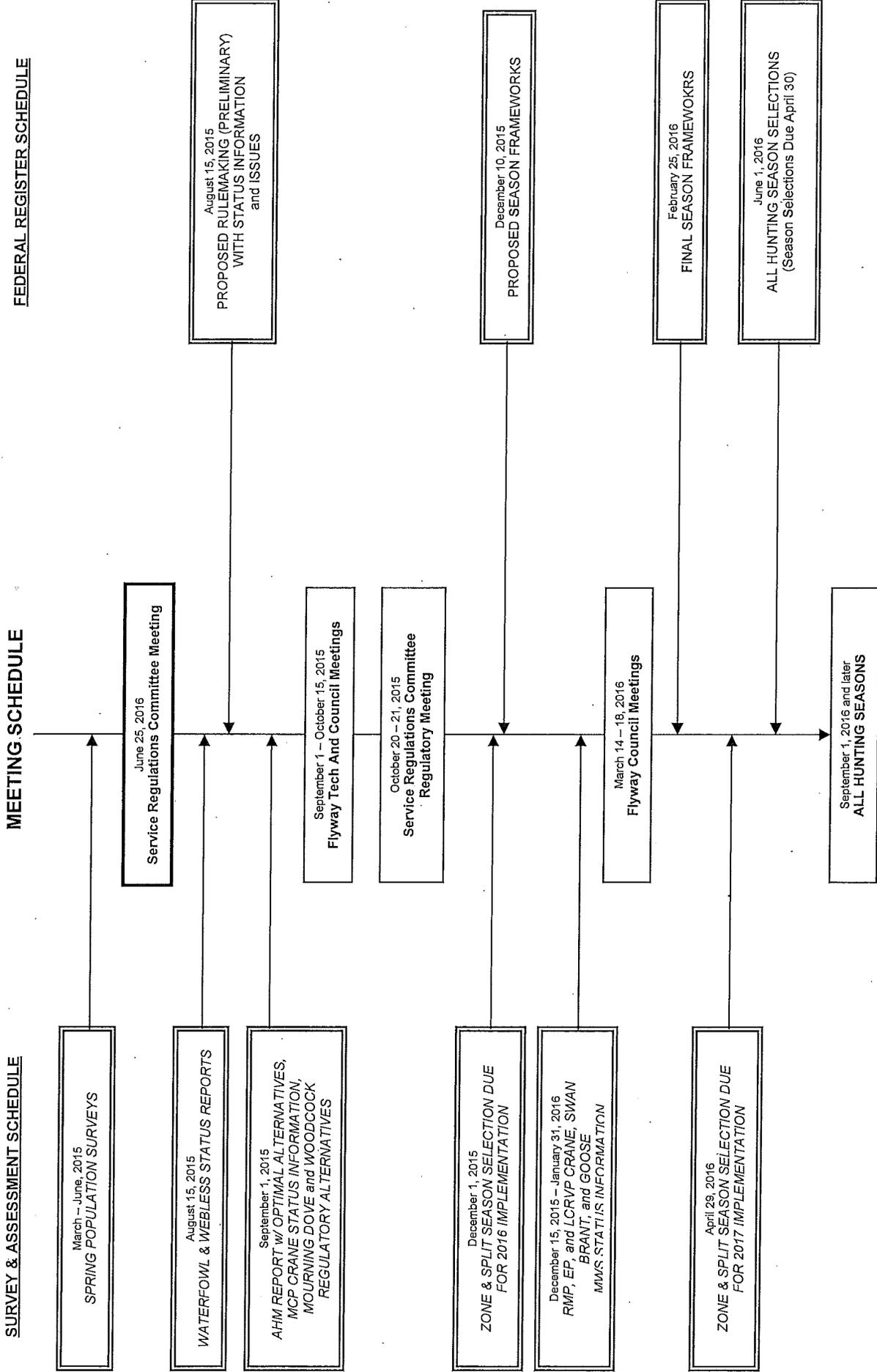
Migratory bird hunters are the principal groups that will be affected by this rulemaking.

**Environmental Analysis:**

The rulemaking process for Board Order WM-01-16(E) constitutes an equivalent analysis action under s. NR 150.20 (2) (b), Wis. Adm. Code and additional environmental analysis is not required.

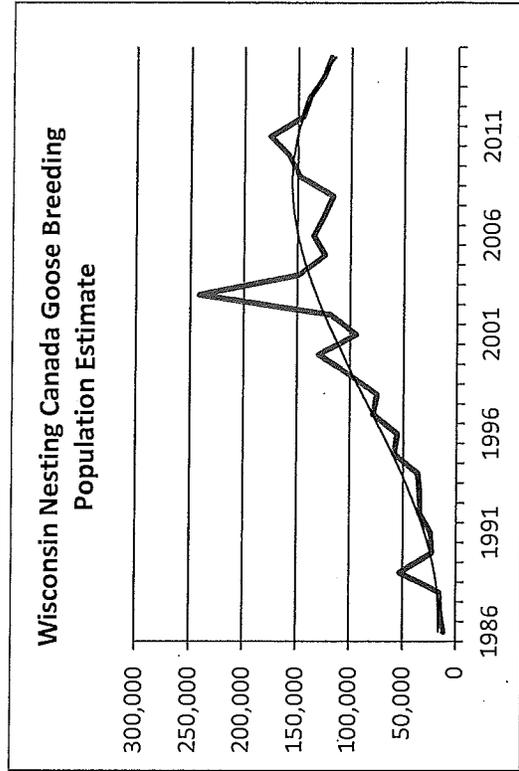
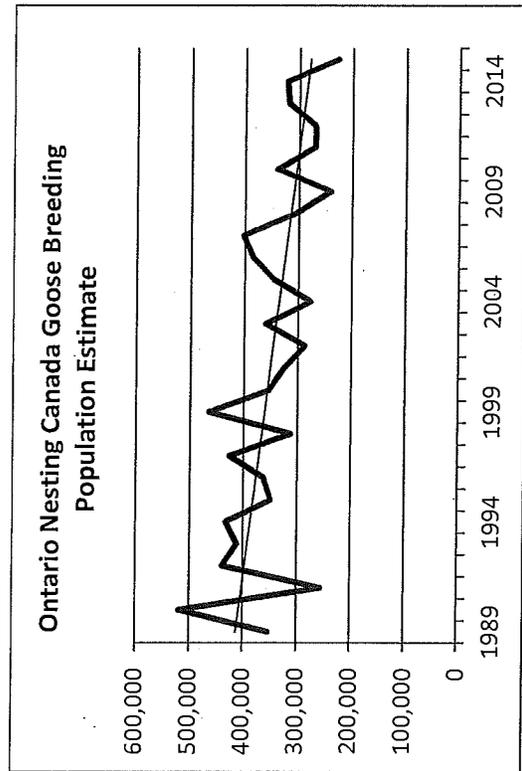
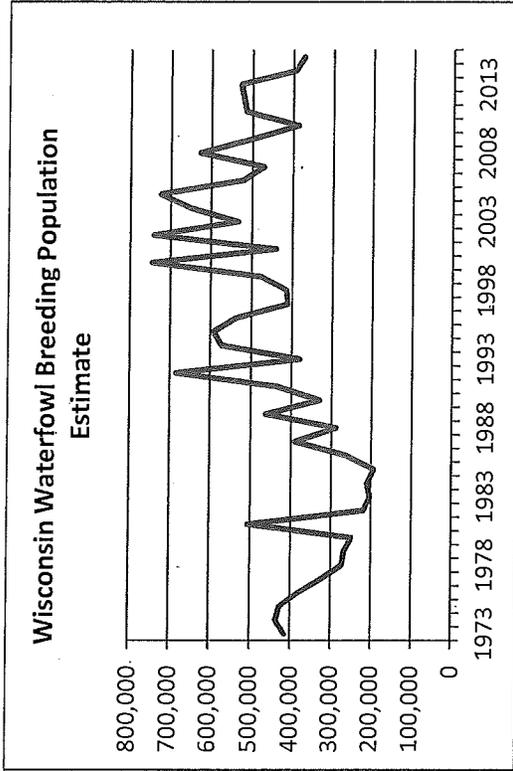
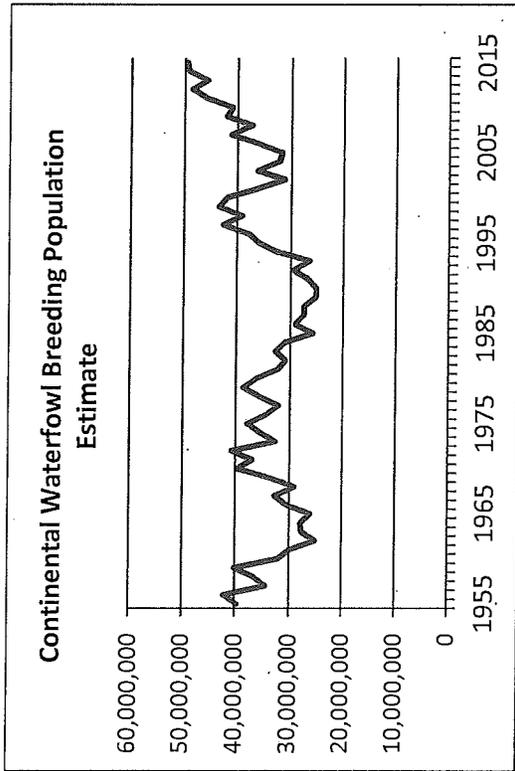


Figure 2. 2016 FEDERAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



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Appendix 1. Population Trends.



**Appendix 2. Migratory Game Bird Public Comment Summary 2016**

*Bold/Italics = Department proposal*

Issue	Email/ Hearing/other	Groups at Meetings	Cons. Congress	% of comment s in favor
<b><i>Duck Zone Options, retain current 3 zone format (South, North, Mississippi River; 2017-2020)</i></b>	<b>106</b>	<b>5</b>	<b>X</b>	<b>71%</b>
Duck Zone Options, Move North/South Zone Line north to Hwy 64	28	1		
Duck Zone Options, Eliminate Miss River Zone and Create Lake Michigan Zone	9			
Duck Zone Options, Move North/South Zone Line further south or different (unspecified)	7			
<b><i>Mississippi River Duck Zone, Oct 1-Oct 7 &amp; Oct 15-Dec 6</i></b>	<b>107</b>	<b>6</b>	<b>X</b>	<b>91%</b>
Mississippi River Duck Zone, Oct 1-7, Oct 22-Dec 13	4			
Mississippi River Duck Zone, Sept 24-Oct 2, Oct 15-Dec 4	3			
Mississippi River Duck Zone, Statewide Opener	3			
Mississippi River Duck Zone, Oct. 8-Oct 14 & Oct 22-Dec 13	1			
<b><i>North Duck Zone, Sept 24-Nov 22</i></b>	<b>105</b>	<b>4</b>	<b>X</b>	<b>77%</b>
North Duck Zone, Oct 1 - Oct 9, Oct 15 - Dec 4	16			
North Duck Zone, Oct 1-Nov 29	6	1		
North Duck Zone open Sept 24 with 5-7 day split some time during the season	10			
<b><i>South Duck Zone, Oct 1 - Oct 9, Oct 15 - Dec 4</i></b>	<b>116</b>	<b>6</b>	<b>X</b>	<b>91%</b>
South Duck Zone Oct 8 - Oct 16, Oct 22 - Dec 11	7			
South Duck Zone open Sept 24-Nov 22	1			
South Duck Zone open later or longer split (unspecified)	4			
<b><i>South Duck Zone split, 5-day, Oct 10-14</i></b>	<b>112</b>	<b>6</b>	<b>X</b>	<b>93%</b>
South Duck Zone, no split	2			
South Duck Zone, 7 days or longer	6			
<b><i>Duck Shooting Hours on Opening Day, 1/2 hr before sunrise</i></b>	<b>113</b>	<b>5</b>	<b>X</b>	<b>87%</b>
Duck Shooting Hours on Opening Day, 9am	9	1		
Duck Shooting Hours on Opening Day, noon	4			
Duck Shooting Hours on Opening Day, different (unspecified)	4			
<b><i>Early Goose Season, Sept 1- 15 with 5 geese/day daily bag limit</i></b>	<b>124</b>	<b>6</b>	<b>X</b>	<b>96%</b>
Early Goose Season, Sept 1- 5 with 3 geese/day daily bag limit	3			
Early Goose Season, Sept 1-30 with 5 geese/day daily bag limit	1			
Early Goose Season, shorter (unspecified)	1			
<b><i>Exterior Goose Zone, Sept 16 in North and South Zone and open concurrent with duck in Mississippi Zone</i></b>	<b>121</b>	<b>6</b>	<b>X</b>	<b>92%</b>
Exterior Goose Zone, start and run concurrent with duck seasons	5			
Exterior Goose open later or different (unspecified)	5			
<b><i>Exterior Goose Zone Split, South and Mississippi Zone concurrent with duck season, No split in North Zone</i></b>	<b>113</b>	<b>6</b>	<b>X</b>	<b>89%</b>
Exterior Goose Zone Split, Split in the North Zone	4			
Exterior Goose Zone Split, Add second split later in the season in South and Mississippi Zones	6			
Exterior Goose Zone Split, No split in any zones	4			
<b><i>Exterior Goose Bag Limit, 2 geese/day daily bag limit</i></b>	<b>114</b>	<b>5</b>	<b>X</b>	<b>84%</b>
Exterior Goose Bag Limit, 3 or more geese per day daily bag limit	21	1		
<b><i>Hen Mallard Bag Limit, 1/day</i></b>	<b>122</b>	<b>6</b>	<b>X</b>	<b>95%</b>
2 hen mallard daily bag limit	6			
<b><i>Horicon Canada Goose Zone, 1 Period with Season Harvest Limit of 12</i></b>	<b>122</b>	<b>6</b>	<b>X</b>	<b>98%</b>
Horicon Canada Goose Zone, 1 Period Season Harvest Limit of 6	2			
Horicon Canada Goose Zone, 1 Period Season Harvest Limit of more than 12	1			
<b><i>Youth Hunt Sept 17+18</i></b>	<b>118</b>	<b>5</b>	<b>X</b>	<b>90%</b>
Youth Hunt Sept 17+18; 2 hen mallard bag limit	5	1		
Youth Hunt, 1 day or something different (unspecified)	4			
No Youth Hunt	4			
Total comments	173			
Attendance at Public Hearings	73			

**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. Board Order WM-01-16(E)

Subject

Establishing migratory bird hunting seasons and regulations.

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

These rules will modify the Canada goose hunting season in the Horicon Canada goose management zone consistent with options available under the federal framework for Wisconsin in 2016. In the past, there have been two permit periods and hunters were required to select one and were limited to hunting in only one of the periods. This served to distribute hunting pressure and improve the quality of hunting opportunities in an era when interest in Horicon area goose hunting was significant and there was a great deal of hunting pressure. The regulation is no longer needed because Canada geese are now distributed much more widely across the state and hunting pressure is no longer focused as heavily in the Horicon area. Eliminating the two permit periods in favor of a single, continuous hunting season will simplify hunting regulations and increase hunting 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)

Because these are emergency rules the department is not required to offer a comment period on this economic analysis. Fiscal impacts on the department are also summarized in this analysis.

Economic Impact

Because the hunting season framework proposed in this rule will be very similar to those in place during previous seasons, no economic impacts are anticipated. We do not anticipate that these rules will result in changes in the activities of migratory bird hunters, their expenditures, and the related economic activity. 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.

Fiscal Impact

The department anticipates no fiscal impact resulting from these rules. The department currently annually conducts a number of activities related to migratory bird hunting such as managing department lands, selling licenses, providing law enforcement services, and surveys and related research. The department will continue to conduct the same activities under the season framework proposed in this rule and does not anticipate any new or reduced expenditures.

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

By implementing this rule, Wisconsin's migratory bird hunters will continue to enjoy excellent hunting opportunities. The expenditures of migratory bird hunters and the economic impacts resulting from their expenditures will continue to benefit the state's economy.

Long Range Implications of Implementing the Rule

Implementing these rules will have little impact on the public except that they will continue to have good hunting opportunities into the future.

Compare With Approaches Being Used by Federal Government

Migratory game bird hunting is regulated by the United States Fish & Wildlife Service (USFWS), in 50 CFR part 20. Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually through the USFWS regulations process. As part of the federal rule process, the service annually evaluates migratory game bird populations and breeding habitat in cooperation with state provincial agencies and the Canadian Wildlife Service. After considering recommendations from the flyway councils of states and the guidance of cooperatively developed harvest strategies, the USFWS establishes annual frameworks within flyway or bird populations regions. States can then establish hunting seasons within the sideboards for each species and region.

None of the provisions of this rule conflict with the federal framework.

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

The department establishes migratory game bird hunting seasons based on a federal framework that is presented to Wisconsin by the US Fish & Wildlife Service. Because of the federal guidelines, Wisconsin's regulations are similar to those in neighboring states.

Name and Phone Number of Contact Person

Scott Loomans, Wildlife Regulation Policy Specialist, 608-267-2452.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING RULES**

The statement of scope for this rule, SS 123-15, was approved by the Governor on October 27, 2015, published in Register No. 719A1, on November 2, 2015, and approved by the Natural Resources Board on February 24, 2016. This rule was approved by the governor on \_\_\_\_\_.

The Wisconsin Natural Resources Board proposes an order to amend Ch. NR 10.01 (1) (g) 1. d. and dm. related to establishing migratory bird hunting seasons and regulations.

WM-01-16 (E)

Analysis Prepared by the Department of Natural Resources

**Statutory Authority:** Chapter 29 of the Wisconsin Statutes addresses the department's authority with respect to wild animals and plants. Section 29.014, Stats., confers broad rule-making authority to the department to "establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping. This grant of rule-making authority allows the department to promulgate rules related to migratory game bird hunting.

Additional rule-making authority is found in s. 29.192, Stats., which enables the department to regulate the harvest of Canada geese.

**Statutes Interpreted and Explanation of Agency Authority:** In promulgating these rules, statutes being interpreted or establishing agency authority include ss. 29.014 and 29.192.

The emergency rule making process is established in s. 227.24, Stats.

**Related Statute or Rule:** The department is not promulgating any directly related rules at this time. The department commonly promulgates identical emergency and permanent migratory bird season rules but is not doing so in 2016. Under s. 227.19 (2) Stats., a rule received by the legislature after the last day of the final general business floorperiod shall be considered received on the first day of the next regular session of the legislature. Legislative review of a permanent version of this emergency rule would not begin until after the 2016 migratory bird hunting seasons have closed.

The department will next promulgate a permanent rule establishing migratory bird seasons and regulations in 2017.

**Plain Language Analysis:** SECTION 1 of this rule eliminates the two periods for Canada goose hunting in the Horicon Canada goose management zone. The rule establishes one Canada goose hunting season and people will be allowed to hunt on any day of the continuous 92 day season instead of selecting either an early or a late permit period.

**Summary of, and Comparison with, Existing or Proposed Federal Regulations:** Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually via the U.S. Fish and Wildlife Service (USFWS) regulations process. As part of the Federal rule process, the USFWS proposes a duck harvest-management objective that balances hunting opportunities with the desire to achieve waterfowl population goals identified in the North American Waterfowl Management Plan (NAWMP). Under this harvest-management objective, the relative importance of hunting opportunity increases as duck populations approach the goals in the NAWMP. Thus, hunting opportunity would be maximized when the population is at or above goals.

The proposed modifications included in this rule order are consistent with the parameters and guidelines which are annually established by the USFWS in 50 CFR 20.

**Comparison with Rules in Adjacent States:** Since migratory bird species are managed under federal law, each region of the country is organized in a specific geographic flyway which represents distinct migratory game bird populations. Wisconsin along with Minnesota, Michigan, Illinois and Iowa are members of the Mississippi Flyway. Each year the states included in the flyways meet to discuss regulations and guidelines offered to the flyways by the USFWS. The USFWS regulations and guidelines apply to all states within the Flyway and therefore the regulations in the adjoining states closely resemble the rules established in this rule order, and only differ slightly based on hunter desires, habitat and population management goals. However, these variations fall within guidelines and sideboards established by the USFWS.

**Summary of Factual Data and Analytical Methodologies:** These rules will modify the Canada goose hunting season in the Horicon Canada goose management zone consistent with options available under the federal framework for Wisconsin in 2016. In the past, there have been two permit periods and hunters were required to select one and were limited to hunting in only one of the periods. This served to distribute hunting pressure and improve the quality of hunting opportunities in an era when interest in Horicon area goose hunting was significant and there was a great deal of hunting pressure. The regulation is no longer needed because Canada geese are now distributed much more widely across the state and hunting pressure is no longer focused as heavily in the Horicon area. Eliminating the two permit periods in favor of a single, continuous hunting season will simplify hunting regulations and increase hunting opportunities.

**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 an economic impact on a substantial number of small businesses under s. 227.24(3m) Stats.

**Agency Contact Person:** Kent Van Horn, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921, [kent.vanhorn@wisconsin.gov](mailto:kent.vanhorn@wisconsin.gov) (608) 266-8841

**Deadline for Written Comments:** The deadline for written comments was March 18, 2016.

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SECTION 1. NR 10.01 (1) (g) 1. d. and dm. are amended to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
<p><b>NR 10.01 (1)</b> (g) <i>Geese</i> 1. Canada geese and its subspecies.</p>	<p>d. Horicon zone</p>	<p><del>Two permit periods</del> <u>Begins on September 16 and continues for a season total of 92 days.</u></p>	<p><u>2</u></p>	<p>Three times the daily bag limit except opening day when it is the same as the daily bag limit and the second day, when it is twice the daily bag limit.</p>
		<p><del>First permit period beginning on September 16 and continuing until the Sunday following the last Friday in October.</del></p>	<p><u>2</u></p>	
		<p><del>Second permit period beginning on the Monday following the last Friday in October and continuing for a season total of 92 days combined for both periods.</del></p>	<p><u>2</u></p>	
	<p>dm. Horicon zone season harvest limit.</p>			<p>No person may harvest more than 12 Canada geese during <u>a permit period the season</u> established in subd. par. d.</p>

**SECTION 2. FINDING OF EMERGENCY.** The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until March of each year. This order is designed to bring state hunting regulations into conformity with federal regulations. Normal rule-making procedures will not allow the establishment of these changes prior to the beginning of migratory bird hunting seasons in September. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

**SECTION 3. EFFECTIVE DATE.** This rule shall take effect upon publication in the Wisconsin state paper pursuant to s. 227.24(1)(c).

**SECTION 4. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Cathy Stepp, Secretary

(SEAL)