

**SUBJECT:** Authorization for public hearing for Board Orders WM-17-08 and WM-18-08(E), revisions to NR 10 establishing the 2008 Migratory Game Bird Hunting Seasons and Regulations

**FOR:** MAY 2008 **BOARD MEETING**

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

**SUMMARY:**

The proposed rules establish the regulations for the 2008 migratory game bird season. The significant regulations are:

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit is expected to be 6 ducks including no more than: four mallards, of which only one may be a hen, one black duck, one pintail, two canvasbacks, two wood ducks, two redheads and two scaup.

Canada geese - The state is apportioned into three goose hunting zones: Horicon, Collins, and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are expected to be as follows:

- Collins Zone - 67 days      - Horicon Zone - 92 days
- Exterior Zone - 85 days      - Mississippi River Subzone - 85 days

In addition to these annual regulatory issues we will propose expending the mourning dove hunting season by ten days which is consistent with the anticipated federal season framework that will be offered this year.

**RECOMMENDATION:** Authorize public hearings for Board Orders WM-17-08 and WM-18-08(E), revisions to NR 10 establishing the 2008 Migratory Game Bird Hunting Seasons and Regulations

**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                                     |          |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/>            | Fiscal Estimate Required                              | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/>            | Attached |
| No | <input type="checkbox"/>            | Background Memo                                       | Yes | <input checked="" type="checkbox"/> | Attached |

**APPROVED:**

_____ /s/ Bureau Director, Tom Hauge	_____ 4/25/08 Date
_____ /s/ Administrator, Laurie Osterndorf	_____ 4/25/08 Date
_____ /s/ Secretary, Matt Frank	_____ 5/07/08 Date

- |                                       |                           |  |
|---------------------------------------|---------------------------|--|
| cc: Laurie J. Ross - AD/5             | Tom Van Haren - LE/5      | Bob Manwell - CE/8                       |
| Tim Andryk / Carol Turner - LS/5      | Randy Stark - LE/5        | Regional Wildlife Supervisors - 5 (WM/6) |
| GLIFWC & Tribes - 13 (WM/6)           | Tom Hauge - WM/6          | LE Regional Supervisors - 5 (LE/5)       |
| Cons. Congress Exec. Comm. - 4 (LS/5) | Bill Vander Zouwen - WM/6 | Scott Loomans - WM/6                     |
| Kent Van Horn - WM/6                  | Diane Brookbank - CS/G3   |  |

DATE: April 24, 2008

TO: Natural Resources Board Members

FROM: Matthew Frank

SUBJECT: Request Board authorization to hold public hearings on the 2008 migratory bird hunting season proposals, WM-17-08 and WM-18- 08(E).

I am requesting Natural Resources Board (NRB) approval to hold public hearings on board order WM-17-08 and WM-18-08(E) relating to establishing the 2008 migratory bird hunting seasons.

Each fall, about 85,000 waterfowl hunters venture into Wisconsin's wetlands and fields to harvest 300,000-500,000 ducks and geese. These migratory game bird populations are a shared international resource that requires cooperative surveys, research and regulation to manage. Department staff participate in a federal and a state regulatory process each year in order to apply biological data and public input to the establishment of Wisconsin's Migratory Game Bird Hunting Regulations. Because of the timing of Wisconsin's rule process and the USFWS rule process, it is necessary to submit this hearing request about 3 months prior to the preliminary federal framework regulations. **Therefore, the actual season lengths, dates and bag limits cannot be determined at this time for much of the rule.** As a point of reference we have provided a rule package that uses much of the 2007 regulatory framework adjusted for 2008 dates however, in 2008, there are two new proposals in the rule that can be detailed at this time. Rule proposals for the simplification of time periods in the Horicon Canada goose hunting zone from 4 periods to 2 periods and the possible addition of 10 days to the mourning dove hunting season. The possible addition of 10 days to the mourning dove hunting season is currently a proposal being considered at the national level by the United States Fish and Wildlife Service (USFWS) and a decision will be made in late June, 2008.

## Background

### I. Federal Process (See Figure 1).

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. Migratory birds are managed in each of 4 flyways that encompass North America. Each flyway has a Flyway Council consisting of one member from each state and province in that flyway. 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) within which states may select hunting season parameters. This process involves the USFWS working cooperatively with each Flyway Council.

The USFWS process includes 2 separate regulations development schedules; one for early hunting seasons (those that begin prior to Oct 1) and one for late hunting seasons (those that begin after Oct 1) as outlined in Figure 1. These schedules are very condensed and workload intensive to assure that each year's biological data and public input are part of the decision making process. The data from the spring pond, duck, and goose surveys that are part of this process are not available each year until July. The early seasons process impacts Wisconsin's early September goose season, early opening of the regular goose season, youth

waterfowl hunt, falconry season, woodcock, and mourning dove seasons. The late seasons process impacts the regular duck and goose seasons.

For the regular duck season, a process called Adaptive Harvest Management is used annually by the USFWS and the Flyways to determine which of 3 framework alternatives will be offered to the states. The option of a closed season is also possible if survey conditions indicate that this is necessary for the management of duck populations. Normally, the preliminary frameworks are published in the Federal Register by the middle of April, however, these are delayed for administrative reasons. We have outlined the expected frameworks for the Mississippi Flyway based on meetings held with the USFWS and the Flyways in February and March of 2008 (Figure 2). These should be published soon and will be finalized following public comment. The determination of which alternative is selected is based in part on the spring wetland conditions on the breeding grounds and the Mid-Continent Mallard population. These data come from the May Pond and Breeding Waterfowl Population Surveys conducted by the USFWS and Canadian Wildlife Service on the traditional survey areas as well as surveys from select states, including Wisconsin.

In the past, the Regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined by the spring breeding population estimate obtained from an aerial survey of the MVP breeding range in Ontario. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest MVP geese, the Mississippi Flyway Council would like to test the use of a standard season framework for 5 years. Beginning in the fall of 2007 and continuing for five years, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state retains the flexibility to schedule the timing of their Canada goose season. If the MVP spring population numbers drop to a predetermined low level during the 5 year period, the stable season framework will be adjusted. Wisconsin's regular Canada goose season harvest consists of approximately 50% resident giant and 50% MVP population Canada geese. As a result, the parameters of Wisconsin's regular goose seasons will be guided by the Mississippi Flyway management plans for the MVP *and* giant Canada goose populations and approved by the MFC and the USFWS. The health of these populations will be measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies.

## **II. State Process (Figure 3)**

Wisconsin's state process for the development of Migratory Bird Hunting Regulations has been designed to work into the federal schedule, follow state laws with regard to rule development, and provide for ample public input opportunity. Normally there are not significant annual variations in regulations for migratory species such as mourning doves and woodcock, so these species are not addressed in the annual regulatory process. However, in 2008 there is a proposal being considered by the USFWS to extend the mourning dove hunting season by 10 days in the eastern US so a matching state proposal is included here. In contrast, the federal and thus the state regulations for ducks and geese can change significantly each year based on annual survey results.

The primary elements of Wisconsin's waterfowl regulatory process include spring surveys, participation in MFC meetings, commenting on Federal proposals, and soliciting input from the public (Figure 3). The state process begins each year with Flyway meetings in February and March where staff provide input to the development of federal framework alternatives and requests related to the early seasons. In the spring, breeding waterfowl surveys are conducted to support the regulatory process. At the Natural Resources Board meeting in May, staff seek approval to conduct public hearings that will occur in August to coincide with state and federal processes.

In 2008, staff will conduct a public meeting called the “Pre-Flyway” meeting on July 11 where we solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting we provide the attendees with any breeding status information we have received and we ask for any items that they wish us to pursue at the MFC meetings. Staff will attend the MFC Technical and Council meetings from July 19-25 in 2008. At these meetings we will be provided status information and the proposed framework alternative from the USFWS. We then work with the other states in our Flyway to discuss and develop proposals and recommendations that are voted upon by the MFC. Proposals that are passed at the MFC meeting are forwarded to the USFWS for consideration at the Service Regulations Committee (SRC) meeting on July 30-31. On August 1, the USFWS will likely hold a press conference to announce the final recommended season frameworks.

Once the USFWS’s final Draft framework is available, Department staff can summarize waterfowl status and regulation information for Wisconsin citizens. On July 30, Department staff will meet with the Migratory Game Bird Advisory committee (department staff and waterfowl groups) to discuss a season proposal. This information will be presented to the Migratory Committee of the Conservation Congress and at a public meeting of interest groups and individuals on August 2 (Post-Flyway Meeting). Staff will receive input at these meetings regarding citizen suggestions for the development of Wisconsin’s waterfowl season given the federal framework. The following week, August 4-7, four public hearings will be held around the state to solicit additional input to the proposed annual waterfowl rule. On August 13, staff will present final Migratory Game Bird season recommendations and a summary of public input to the Natural Resources Board for discussion and action. It is important to note that the NRB will be receiving both emergency and permanent rule packages for action. This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures. A draft of the season regulations pamphlet is prepared prior to this meeting and a final draft is quickly prepared following NRB direction so that the pamphlet can be published and distributed in time for the upcoming season.

### **III. Public Hearing Issues**

Based on past experience with the diverse opinions of parties interested in the Migratory Game Bird Regulations and the new changes this year, the following topics are anticipated to be issues of discussion:

- The date of the opening day of duck season
- Season splits or a continuous season in either the North or South Zone
- Daily bag limits for ducks and geese
- Canada Goose season dates and permit rules in each zone
- Special season restrictions on pintails, scaup or canvasbacks

The issues or changes unique to the 2008 migratory game bird rule process include the following:

**1) Horicon Canada goose hunting zone time periods** - Over the years, hunters have asked the Department to take steps to simplify waterfowl hunting regulations when possible. Over the last few years, we have made several simplification changes, however, we are limited by federal waterfowl rules and public demands to consider the variations in waterfowl and waterfowl hunting opportunities around the state. One step that was tested in 2007 was to reduce the number of time periods for Canada goose hunting in the Horicon zone from 4 time periods to 2 time periods. Time periods and special bag limit requirements have been used in the Horicon zone for decades in order to manage hunter density, hunting pressure in agricultural areas and the impact on the Mississippi Valley Population of Canada geese that breeds in northern Ontario and

concentrates in the Horicon area during the fall. These regulations are consistent with the goals of the USFWS and Mississippi Flyway Council approved management plan for this population of Canada geese. The time period change in 2007 was generally successful but Canada goose hunters that hunt in this zone asked for a slightly different beginning and ending dates for these time periods to have the statewide teacher's convention days off from school to be inclusive in one time period. This change has been made with a proposed permanent simplification of the regulations from 4 time periods to 2 time periods beginning in 2008.

## **2) Regulations changes for hunting mourning doves.**

Wisconsin implemented a mourning dove hunting season in 2003 and this season has become popular with an estimated 15,000-20,000 dove hunters harvesting over 100,000 doves each fall. A federally coordinated spring mourning dove survey has been conducted for over 40 years in Wisconsin and across the nation. According to these data, the most recent 10 year trend data (1998-2007) reveals a 1-3% increase in Wisconsin's mourning dove population. In addition, to the spring surveys Wisconsin participates in a national program for banding mourning doves which will provide data on harvest rates and contribute to federal decisions in hunting regulations.

For 2008, there is a proposal being reviewed by the USFWS to extend the mourning dove hunting season framework for the eastern US from 60 days to 70 days beginning in 2008. This proposal was submitted by the Eastern Dove Management Unit Technical Committee which is a committee of states in the eastern US that cooperate in the management of this migratory bird. The based on the analysis of this committee the increased days would provide additional hunting opportunity but result in less than a 3% increase in total dove harvest. In Wisconsin these additional 10 days would be added on to the end of our existing 60 day season. Wisconsin's mourning dove season has run from September 1 to October 30 since 2003 and this regulation framework change would allow us to extend the season to November 9. The timing of federal versus state regulation decisions is often challenging and this is no exception. The USFWS decision on whether this additional 10 days of mourning dove hunting will be approved will occur at the June 25-26 Service Regulation Committee meeting. Therefore, we will not know until then whether we can forward this proposal at the state level for public comment and potential approval.

In 2007, the Natural Resources Board approved a requirement for the use of nontoxic shot for mourning dove hunting on Department managed lands to go into affect with the 2008 season. Department managed lands that have become popular for dove hunting are often important waterfowl management areas or have high concentrations of dove hunters in relatively small areas. Either of these situations can cause undesirable deposits of lead shot. A number of states have recognized this potential problem and 17 of 39 states that hunt doves have implemented some level of nontoxic shot restrictions. Within Wisconsin, nontoxic shot was already required to hunt mourning doves on US Fish and Wildlife Service lands. In states that have implemented nontoxic shot requirements for dove hunting, there have been no problems with shortages of nontoxic shot among local distributors. In a Natural Resources advisory question on the 2007 Spring hearing, asking hunters if they were in favor of requiring the use of nontoxic shot for hunting doves on state lands, 1,740 voted yes while 1,591 voted no. This information is provided for as background for a rule that was already passed but will become effective this year.

#### **IV. Rule Development**

These rules were developed with the assistance of the Bureaus of Law Enforcement, Customer Service and Licensing, and Legal Services.

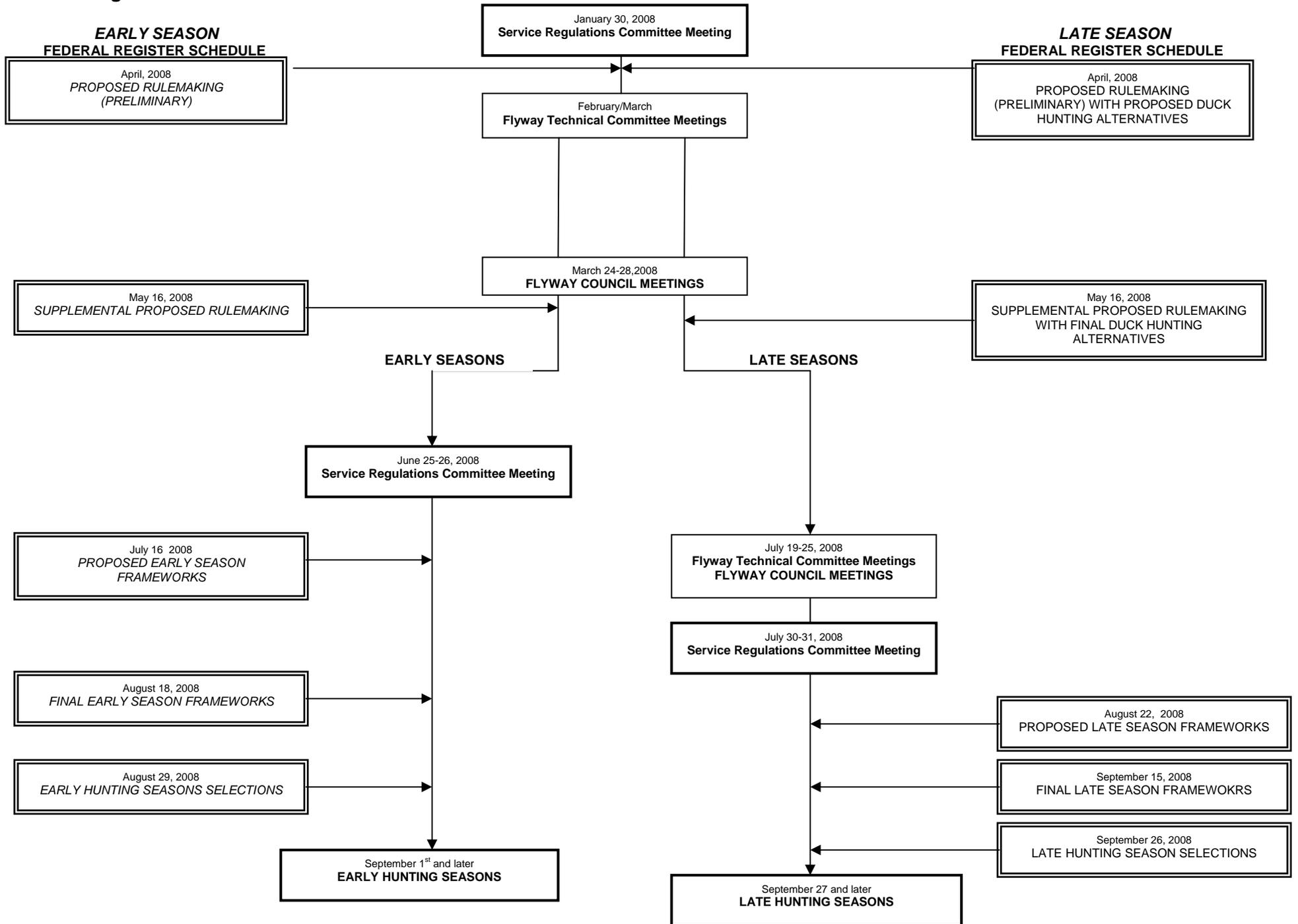
#### **V. Small Business and Initial Regulatory Flexibility Analysis**

The revisions to Ch. NR 10 relate to migratory game bird management. These rules 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.

#### **VI. Environmental Analysis**

These rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

**Figure 1. 2008 Possible FEDERAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS**



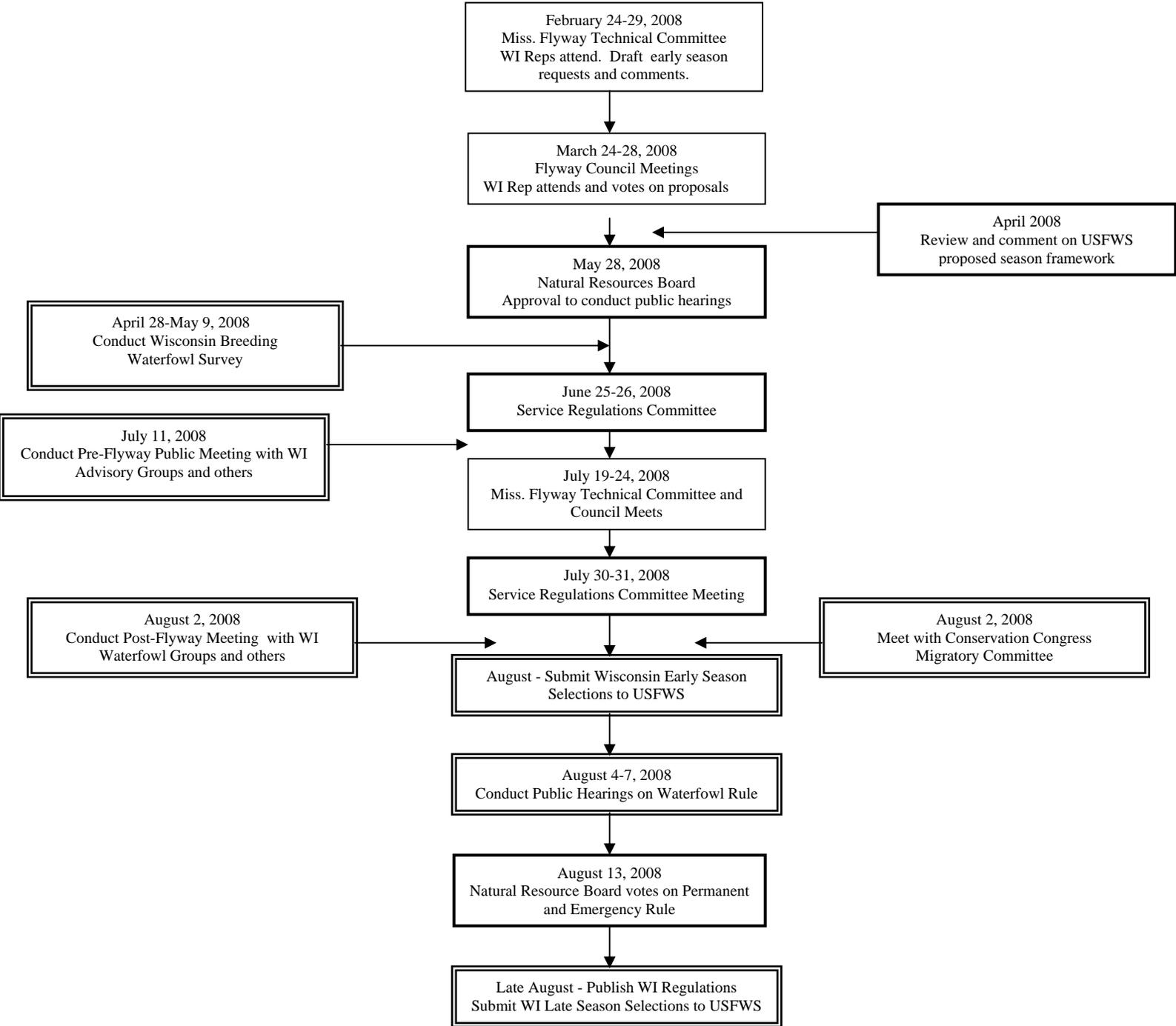
**Figure 2. Anticipated PROPOSED REGULATORY ALTERNATIVES FOR  
DUCK HUNTING IN THE MISSISSIPPI FLYWAY DURING THE 2008-09 SEASON**

	<b>MISSISSIPPI FLYWAY</b>		
	<b>RES</b>	<b>MOD</b>	<b>LIB</b>
Beginning Shooting Time	1/2 hour before sunrise	1/2 hour before sunrise	1/2 hour before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset
Opening Date	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24
Closing Date	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.
Season Length (in days)	30	45	60
Daily Bag/ Possession Limit	3 6	6 12	6 12
Mallards (Total/Female)	2/1	4/1	4/2

**Traditional bag limits for other species under these alternatives**

Pintail	0-3 ACCORDING TO THE PINTAIL INTERIM HARVEST STRATEGY		
Black Duck	1	1	1
Scaup	TO BE DETERMINED BASED ON CURRENT SCAUP STATUS INFORMATION		
Canvasback	0, 1, or 2 ACCORDING TO THE CANVASBACK HARVEST STRATEGY		
Redhead	1	2	2
Wood Duck	2	2	2

**Figure 3. 2008 WISCONSIN MIGRATORY GAME BIRD REGULATORY SCHEDULE**



### Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated  <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number  Bill Number	Amendment Number if Applicable  Administrative Rule Number WM-17-08 and WM-18-08(E)
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Subject  
 2008 Migratory game bird seasons

**Fiscal Effect**

State:  No State Fiscal Effect  
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- |  |   |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation        |   |

Increase Costs — May be possible to absorb within agency's budget.

Yes     No

Decrease Costs

Local:  No Local Government Costs  
 Indeterminate

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

5. Types of Local Governmental Units Affected:

- Towns     Villages     Cities  
 Counties     Others  
 School Districts     WTCS Districts

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Chapter 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

Annually the department establishes migratory game bird hunting seasons based on a federal framework that is presented to Wisconsin by the US Fish & Wildlife Service. This rule order establishes the 2008 season lengths and bag limits. The 2008 season framework is not significantly different than the migratory game bird seasons in previous years.

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit is expected to be 6 ducks including no more than: four mallards, of which only one may be a hen, one black duck, one pintail, two canvasbacks, two wood ducks, two redheads and two scaup.

Canada geese - The state is apportioned into three goose hunting zones: Horicon, Collins, and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are expected to be as follows:

- Collins Zone - 67 days      - Horicon Zone - 92 days
- Exterior Zone - 85 days    - Mississippi River Subzone - 85 days

In addition to these annual regulatory issues, this proposal would add ten days to the mourning dove hunting season which is consistent with the anticipated federal season framework.

**FISCAL IMPACT:** The proposed changes will not result in any significant changes in spending or revenue. There are no government costs anticipated due to the provisions of this rule.

**Long-Range Fiscal Implications**

None

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

## Fiscal Estimate — 2007 Session

### Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-17-08 and WM-18-08(E)

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Assumptions Used in Arriving at Fiscal Estimate – Continued

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**Fiscal Estimate Worksheet — 2007 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-17-08 and WM-18-08(E)

Subject  
 2008 Migratory game bird seasons

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category		Increased Costs	Decreased Costs
State Operations — Salaries and Fringes		\$ 0	\$ - 0
(FTE Position Changes)		( 0.00 FTE )	(- 0.00 FTE )
State Operations — Other Costs		0	- 0
Local Assistance		0	- 0
Aids to Individuals or Organizations		0	- 0
<b>Total State Costs by Category</b>		\$ 0	\$ - 0
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$ 0	\$ - 0
FED		0	- 0
PRO/PRS		0	- 0
SEG/SEG-S		0	- 0
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>Total State Revenues</b>		\$ 0	\$ - 0

**Net Annualized Fiscal Impact**

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature	Telephone No. 266-2794	Date (mm/dd/ccyy)

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

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(v); to repeal and recreate NR 10.01(1)(b), (g), (h) and (u) relating to the 2008 migratory game bird seasons and waterfowl hunting zones.

WM-17-08

Analysis Prepared by the Department of Natural Resources

**Statutes Interpreted and Explanation of Agency Authority:** In promulgating this rule, ss. 29.014, 29.041 and 29.885, Stats. have been interpreted as allowing the department the authority to establish the migratory game bird seasons within the state as well as on and in all waters bordering the state and establish the two-day youth waterfowl hunt.

**Statutory Authority and Explanation of Agency Authority:** Statutes that authorize the promulgation of this rule order include ss. 29.014 and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provide that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, s. 29.041, Stats., authorizes the department to promulgate rules that regulate hunting on and in all interstate boundary waters, s. 29.197, Stats., and authorizes the establishment of special hunts.

**Related Statute or Rule:** This rule order establishes the season length and bag limits, for the Wisconsin migratory game bird seasons. Each year similar or identical Emergency and Permanent rule packages are promulgated. This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures.

**Plain Language Analysis:** This rule order establishes the season length and bag limits for the 2008 Wisconsin migratory game bird seasons. For ducks, the state is divided into two zones each with 60-day seasons. The season begins at 9:00 a.m. September 27 and continues for 60 consecutive days in the north, closing on November 25. In the South the season begins at 9:00 a.m. on October 4 and continues through October 12, followed by a 5-day split, and then reopens on October 18 and continues through December 7. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 2 canvasbacks, 2 wood ducks, 2 redheads and 2 scaup.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 67 days (three hunting periods, September 16 – October 5, October 6 – 26, October 27 – November 21); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 3); Exterior Zone in the northern duck zone - 85 days (Sept. 20 – Dec. 13); Exterior Zone in the southern duck zone – 85 days (Sept. 20 – Oct. 12 and Oct. 18 – Dec. 18) and Mississippi River subzone - 85 days (Oct. 4 – Oct. 12 and Oct. 18 – Jan 1). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Finally, this rule order adds ten days to the mourning dove season so that it extends to November 9 which is consistent with a new opportunity offered in the federal hunting season framework.

**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 (FWS) regulations process. As part of the Federal rule process, the FWS 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. Additionally, while FWS believes that the NAWMP's population goals would tend to exert a conservative influence on overall duck harvest-management. Other factors, such as habitat, are to be considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined based on the spring breeding population estimate obtained from an aerial survey of the MVP breeding range as prescribed by the Mississippi Flyway MVP management plan. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest Mississippi Valley Population birds, the Mississippi Flyway Council is testing the use of a standard season framework for 5 years. Beginning in the fall of 2007 and continuing through 2011, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state

retains the flexibility to schedule the timing of their Canada goose season. In addition, if the MVP spring population numbers dropped to a predetermined low level during the 5-year period, the stable season framework would be adjusted.

All proposed modifications included in this rule order are consistent with these parameters and guidelines which are annually established by the Fish and Wildlife Service in 50 CFR 20.

**Comparison with Rules in Adjacent States:** Since migratory bird species are managed under international treaty, each region of the country is organized in a specific geographic flyway which represents an individual migratory population of migratory game birds. 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 FWS. The FWS 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 FWS.

**Summary of Factual Data and Analytical Methodologies:** For the regular duck season, a data based process called Adaptive Harvest Management is used annually by the USFWS and the Flyways to determine which of 3 framework alternatives best matches the current year's data on populations and habitat (data from the spring pond and duck survey). The option of a closed season is also possible if survey conditions indicated that this was necessary for the management of duck populations. The determination of which alternative is selected is based in part on the spring wetland conditions on the breeding grounds and the Mid-Continent Mallard population. These data come from the May Pond and Breeding Waterfowl Population Surveys conducted by the USFWS and Canadian Wildlife Service on the traditional survey areas as well as surveys from select states, including Wisconsin.

Wisconsin's regular Canada goose season harvest consists of close to a 50:50 ratio between resident giant and MVP population Canada geese. As a result, the parameters of Wisconsin's regular goose seasons will be guided by the Mississippi Flyway management plans for the MVP and giant Canada goose populations and approved by the Mississippi Flyway Council and the USFWS. The health of these populations will be measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies. The surveys and studies are conducted annually and are supported by the State of Wisconsin as part of the MFC. The results of this work will be reviewed annually by the MFC committee and the USFWS to measure the impact of the stable season framework trial period.

The primary elements of Wisconsin's waterfowl regulatory process include conducting spring waterfowl surveys, participation in MFC meetings, commenting on Federal proposals and soliciting input from the public. The state process begins with Flyway meetings in February and March each year where staff provide input to the development of Federal Framework alternatives and requests related to the early seasons. In May and June, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff will conduct a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Bird Committee. At this meeting staff provide the attendees with breeding status information and ask for any items that they wish us to pursue at the MFC meeting in mid July. Department staff will then attend the MFC Technical and Council meetings. At this meeting staff will be provided status information and the proposed framework alternative from the USFWS. Department staff will then work with the other states in our Flyway to discuss and develop proposals and recommendations that will be voted upon by the MFC. Proposals that passed at the MFC meeting will be forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS will announce its final waterfowl season framework recommendation. Department staff will then summarize waterfowl status and regulation information for Wisconsin citizens and present this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals in early August. Staff will gather public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings will be held in early August around the state to solicit additional input on the proposed annual waterfowl rule.

**Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report:** These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to these rules.

**Effects on Small Businesses:** These rules 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.

**Section 1. NR 10.01(1)(b), (g), (h) and (u) are repealed and recreated to read:**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(b) <i>All species of wild duck</i>	Entire state	As established by zone	As established by season and zone	Double the daily bag limit through the entire season, except opening day when it is the same as the daily bag limit.
	Northern zone as established in s. NR 10.32	Sept. 27 at 9:00 a.m. – Nov. 25	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 canvasbacks, 2 redheads, 2 wood ducks, and 2 scaup. In addition 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Dec. 7	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 canvasbacks, 2 redheads, 2 wood ducks, and 2 scaup. In addition 5 mergansers to include not more than 2 hooded mergansers.	

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(g) <i>Geese</i> 1. Canada geese and its subspecies	a. Entire state	Sept. 1 — Sept. 15	5	10
	b. All that part of the exterior zone lying-within the northern zone established in s. NR 10.32 except for the subzone described in subd. 1.c. and d.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	2	4
	d. Burnett county subzone	None	None	None
	e. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 1. f. to j.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	f. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	g. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 2	2	
		Nov. 3 – Dec. 16	2	
	h. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Oct. 5	2	
		Oct. 6 – Oct 26	2	
		Oct. 27 – Nov. 21	2	
	i. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	j. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan 1	2	4

Note: Season dates listed in this subdivision may be closed early when the harvest may exceed the level authorized, according to the procedure in s. NR 10.125(6).

2. Snow or blue and Ross' geese	Entire state	As established by zone	20	40
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**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in subd. 2.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett county subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 2. e. to i.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Dec. 13		
	i. Mississippi river subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan 1		

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
3. All other geese	Entire state	As established by zone	1 white-fronted goose	2 white-fronted geese
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in subd. 3.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett county subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in this subd. 3.e. to i.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 - Dec. 18		

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan 1		
4. Brant	Entire state	As established by zone	1	2
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in sub. 3.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 3. e. to i.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1		

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(h) <i>Mourning dove</i>	a. Entire state	Sept. 1 — Nov. 9	15	30

NR 10.01(1)(u) *Falconry special season*. Any person possessing a valid falconry permit and hunting license shall be restricted to the following migratory game bird seasons:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
1. All species of wild ducks, mergansers and coots	Northern zone as established in s. NR 10.32	Sept. 20 – Sept. 21, Sept. 27 at 9:00 a.m. – Nov. 25 and Jan. 9 – Feb. 22	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2 .
	Southern zone as established in s. NR 10.32	Sept. 20 – Sept. 21, and Oct 4 at 9:00 a.m. – Oct. 12, Oct. 18 – Dec. 7 and Jan. 9 – Feb. 22	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2.
2. Gallinules, Sora rail, Virginia rail, common snipe and woodcock	Entire state	Sept. 1 – Dec. 16	3 in aggregate with those species listed under subd. 1.	6 in aggregate with those species listed under subd. 1.
3. Geese	Within the zones and subzones established in s. NR 10.31	Concurrent with the open season for geese established in par. (g) for each zone or subzone	As established in par. (g) for each zone or subzone	As established in par. (g) for each zone or subzone

**Section 2. NR 10.01(1)(v) is amended to read:**

NR 10.01(1)(v) *Special youth waterfowl hunt event*. Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September ~~15~~ 20. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g)1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

**Section 3.** EFFECTIVE DATE. The rules 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.).

**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 \_\_\_\_\_  
Matthew Frank, Secretary

(SEAL)

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

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(v); to repeal and recreate NR 10.01(1)(b), (g), (h) and (u) relating to the 2008 migratory game bird seasons and waterfowl hunting zones.

WM-18-08 (E)

Analysis Prepared by the Department of Natural Resources

**Statutes Interpreted and Explanation of Agency Authority:** In promulgating this rule, ss. 29.014, 29.041 and 29.885, Stats. have been interpreted as allowing the department the authority to establish the migratory game bird seasons within the state as well as on and in all waters bordering the state and establish the two-day youth waterfowl hunt.

**Statutory Authority and Explanation of Agency Authority:** Statutes that authorize the promulgation of this rule order include ss. 29.014, 227.11 and 227.24, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provide that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, s. 29.041, Stats., authorizes the department to promulgate rules that regulate hunting on and in all interstate boundary waters, s. 29.197, Stats., and authorizes the establishment of special hunts.

**Related Statute or Rule:** This rule order establishes the season length and bag limits, for the Wisconsin migratory game bird seasons. Each year similar or identical Emergency and Permanent rule packages are promulgated. This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures.

**Plain Language Analysis:** This rule order establishes the season length and bag limits for the 2008 Wisconsin migratory game bird seasons. For ducks, the state is divided into two zones each with 60-day seasons. The season begins at 9:00 a.m. September 27 and continues for 60 consecutive days in the north, closing on November 25. In the South the season begins at 9:00 a.m. on October 4 and continues through October 12, followed by a 5-day split, and then reopens on October 18 and continues through December 7. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 2 canvasbacks, 2 wood ducks, 2 redheads and 2 scaup.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 67 days (three hunting periods, September 16 – October 5, October 6 – 26, October 27 – November 21); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 3); Exterior Zone in the northern duck zone - 85 days (Sept. 20 – Dec. 13); Exterior Zone in the southern duck zone – 85 days (Sept. 20 – Oct. 12 and Oct. 18 – Dec. 18) and Mississippi River subzone - 85 days (Oct. 4 – Oct. 12 and Oct. 18 – Jan 1). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Finally, this rule order adds ten days to the mourning dove season so that it extends to November 9 which is consistent with a new opportunity offered in the federal hunting season framework.

**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 (FWS) regulations process. As part of the Federal rule process, the FWS 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. Additionally, while FWS believes that the NAWMP's population goals would tend to exert a conservative influence on overall duck harvest-management. Other factors, such as habitat, are to be considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined based on the spring breeding population estimate obtained from an aerial survey of the MVP breeding range as prescribed by the Mississippi Flyway MVP management plan. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest Mississippi Valley Population birds, the Mississippi Flyway Council is testing the use of a standard season framework for 5 years. Beginning in the fall of 2007 and continuing through 2011, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state

retains the flexibility to schedule the timing of their Canada goose season. In addition, if the MVP spring population numbers dropped to a predetermined low level during the 5-year period, the stable season framework would be adjusted.

All proposed modifications included in this rule order are consistent with these parameters and guidelines which are annually established by the Fish and Wildlife Service in 50 CFR 20.

**Comparison with Rules in Adjacent States:** Since migratory bird species are managed under international treaty, each region of the country is organized in a specific geographic flyway which represents an individual migratory population of migratory game birds. 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 FWS. The FWS 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 FWS.

**Summary of Factual Data and Analytical Methodologies:** For the regular duck season, a data based process called Adaptive Harvest Management is used annually by the USFWS and the Flyways to determine which of 3 framework alternatives best matches the current year's data on populations and habitat (data from the spring pond and duck survey). The option of a closed season is also possible if survey conditions indicated that this was necessary for the management of duck populations. The determination of which alternative is selected is based in part on the spring wetland conditions on the breeding grounds and the Mid-Continent Mallard population. These data come from the May Pond and Breeding Waterfowl Population Surveys conducted by the USFWS and Canadian Wildlife Service on the traditional survey areas as well as surveys from select states, including Wisconsin.

Wisconsin's regular Canada goose season harvest consists of close to a 50:50 ratio between resident giant and MVP population Canada geese. As a result, the parameters of Wisconsin's regular goose seasons will be guided by the Mississippi Flyway management plans for the MVP and giant Canada goose populations and approved by the Mississippi Flyway Council and the USFWS. The health of these populations will be measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies. The surveys and studies are conducted annually and are supported by the State of Wisconsin as part of the MFC. The results of this work will be reviewed annually by the MFC committee and the USFWS to measure the impact of the stable season framework trial period.

The primary elements of Wisconsin's waterfowl regulatory process include conducting spring waterfowl surveys, participation in MFC meetings, commenting on Federal proposals and soliciting input from the public. The state process begins with Flyway meetings in February and March each year where staff provide input to the development of Federal Framework alternatives and requests related to the early seasons. In May and June, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff will conduct a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Bird Committee. At this meeting staff provide the attendees with breeding status information and ask for any items that they wish us to pursue at the MFC meeting in mid July. Department staff will then attend the MFC Technical and Council meetings. At this meeting staff will be provided status information and the proposed framework alternative from the USFWS. Department staff will then work with the other states in our Flyway to discuss and develop proposals and recommendations that will be voted upon by the MFC. Proposals that passed at the MFC meeting will be forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS will announce its final waterfowl season framework recommendation. Department staff will then summarize waterfowl status and regulation information for Wisconsin citizens and present this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals in early August. Staff will gather public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings will be held in early August around the state to solicit additional input on the proposed annual waterfowl rule.

**Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report:** These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to these rules.

**Effects on Small Businesses:** These rules 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.

**Section 1. NR 10.01(1)(b), (g), (h) and (u) are repealed and recreated to read:**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(b) <i>All species of wild duck</i>	Entire state	As established by zone	As established by season and zone	Double the daily bag limit through the entire season, except opening day when it is the same as the daily bag limit.
	Northern zone as established in s. NR 10.32	Sept. 27 at 9:00 a.m. – Nov. 25	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 canvasbacks, 2 redheads, 2 wood ducks, and 2 scaup. In addition 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Dec. 7	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 canvasbacks, 2 redheads, 2 wood ducks, and 2 scaup. In addition 5 mergansers to include not more than 2 hooded mergansers.	

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(g) <i>Geese</i> 1. Canada geese and its subspecies	a. Entire state	Sept. 1 — Sept. 15	5	10
	b. All that part of the exterior zone lying-within the northern zone established in s. NR 10.32 except for the subzone described in subd. 1.c. and d.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	2	4
	d. Burnett county subzone	None	None	None
	e. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 1. f. to j.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	f. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	g. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 2	2	
		Nov. 3 – Dec. 16	2	
	h. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Oct. 5	2	
		Oct. 6 – Oct 26	2	
		Oct. 27 – Nov. 21	2	
	i. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	j. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan 1	2	4

Note: Season dates listed in this subdivision may be closed early when the harvest may exceed the level authorized, according to the procedure in s. NR 10.125(6).

2. Snow or blue and Ross' geese	Entire state	As established by zone	20	40
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**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in subd. 2.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett county subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 2. e. to i.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Dec. 13		
	i. Mississippi river subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan 1		

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
3. All other geese	Entire state	As established by zone	1 white-fronted goose	2 white-fronted geese
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in subd. 3.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett county subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in this subd. 3.e. to i.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 - Dec. 18		

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan 1		
4. Brant	Entire state	As established by zone	1	2
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzone described in sub. 3.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 3. e. to i.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1		

**Section 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(h) <i>Mourning dove</i>	a. Entire state	Sept. 1 — Nov. 9	15	30

NR 10.01(1)(u) *Falconry special season*. Any person possessing a valid falconry permit and hunting license shall be restricted to the following migratory game bird seasons:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
1. All species of wild ducks, mergansers and coots	Northern zone as established in s. NR 10.32	Sept. 20 – Sept. 21, Sept. 27 at 9:00 a.m. – Nov. 25 and Jan. 9 – Feb. 22	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2 .
	Southern zone as established in s. NR 10.32	Sept. 20 – Sept. 21, and Oct 4 at 9:00 a.m. – Oct. 12, Oct. 18 – Dec. 7 and Jan. 9 – Feb. 22	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2.
2. Gallinules, Sora rail, Virginia rail, common snipe and woodcock	Entire state	Sept. 1 – Dec. 16	3 in aggregate with those species listed under subd. 1.	6 in aggregate with those species listed under subd. 1.
3. Geese	Within the zones and subzones established in s. NR 10.31	Concurrent with the open season for geese established in par. (g) for each zone or subzone	As established in par. (g) for each zone or subzone	As established in par. (g) for each zone or subzone

**Section 2. NR 10.01(1)(v) is amended to read:**

NR 10.01(1)(v) *Special youth waterfowl hunt event*. Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September ~~15~~ 20. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g)1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

**Section 3. FINDING.** 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 mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

**Section 4.** EFFECTIVE DATE. The rules shall take effect upon publication in the official state newspaper.

**Section 5.** 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 \_\_\_\_\_  
Matthew Frank, Secretary

(SEAL)