

**SUBJECT:** Adoption of Board Orders WM-11-11 and WM-12-11(E), revisions to NR 10 establishing the 2011 Migratory Game Bird Hunting Seasons and Regulations

**FOR:** AUGUST, 2011 BOARD MEETING

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

**SUMMARY:**

The proposed rules will establish the the 2011 migratory game bird hunting seasons including a third, new duck hunting zone. The significant regulations are:

Ducks - The state is divided into three zones each with 60-day seasons. The proposed new zone is the Mississippi River west of the Burlington Northern railroad tracks. Other zone configurations were considered during public hearings but the Mississippi River Zone received a majority of support from individual waterfowl hunters and interest groups. The Migratory Committee of the Conservation Congress also supported this option. The daily bag limit will be 6 ducks including no more than: four mallards, of which only one may be a hen, one black duck, one canvasback, three wood ducks, two pintails, two scaup, and two redheads.

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

- Horicon Zone - 92 days, daily bag limit of 2 (two time periods, 6 tags per person)
- Exterior Zone - 85 days, daily bag limit of 2

The Collins Canada goose hunting zone was eliminated through the rules process in 2010 and the 2011 season will be the first year that it is part of the exterior zone.

**RECOMMENDATION:** Adoption of Board Orders WM-11-11 and WM-12-11(E), revisions to NR 10 establishing the 2011 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:**

Bureau Director, Tom Hauge

Date

8/8/11

Administrator, Kurt Thejide

Date

8/8/11

Secretary, Cathy Stepp

Date

8/8/11

cc: NRB Liaison  
DNR Rules Coordinator

Kent Van Horn - WM/6  
Tom Hauge - WM/6

Scott Loomans WM/6

**CORRESPONDENCE/MEMORANDUM**

DATE: August 8, 2011

TO: Natural Resources Board Members

FROM: Cathy Stepp

SUBJECT: Request Adoption of the 2011 Migratory Game Bird Hunting Regulations

I am requesting Natural Resources Board adoption of the proposed 2011 Migratory Game Bird seasons and regulations, board orders WM-11-11 and WM-12-11(E).

**Background**Annual Process

Each fall a diverse group of about 80,000 waterfowl hunters venture into Wisconsin's wetlands, lakes, rivers and fields to harvest 300,000-500,000 ducks and geese. Wisconsin currently ranks 3rd in the nation for the number of waterfowl hunters and has maintained a relatively stable level of waterfowl hunters for over 25 years. The annual establishment of waterfowl hunting regulations is very important to these customers. Migratory game bird populations are a shared international resource and managing them requires cooperative surveys, research and regulation. 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. Details of this process were provided in the May NRB memo on this topic when staff received approval to conduct the public hearings. Two flow charts are attached for your reference (Figures 1 and 2).

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 the 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) for each flyway within which states may select hunting season parameters. This process involves the USFWS working cooperatively with each Flyway Council.

Staff attended the summer MFC meeting in Little Rock, Arkansas from July 17-23. At this meeting, the states received the 2011 continental survey results for duck and goose populations and early indications of the season frameworks from the USFWS (Appendix 1). The states discussed and voted on various population management and hunting regulation parameters. Recommendations from the 4 flyway councils were made to the USFWS who in turn recommended a framework on July 29 and published a final decision on waterfowl season frameworks on August 1, 2011.

Duck Hunting Zones

In 2011, we have the additional regulatory decision of whether to change our duck hunting zone configuration that occurs once every 5 years. The USFWS regulates the options under which a state can

establish duck hunting zones and splits. A split is a temporary season closure designed to push the ending date of the season later. Since 1991, the USFWS has allowed states to select one of 3 duck hunting zone and split configurations that then must be used by that state for a 5 year period. The 3 options previously available have been:

- Entire state is one zone and then the season can be split (temporarily closed) twice
- Two duck hunting zones and each can have independent season dates with the annual option to split the season once in each zone
- Three duck hunting zones each with an independent season date but without the option for a split

Over the last 20 years, Wisconsin duck hunters have contended that these 3 options did not provide Wisconsin with the flexibility needed to accommodate the diversity of duck hunting opportunities in the state. From north to south and in different waterbodies (marshes, lakes, rivers, Great Lakes) there are a wide range of duck hunting opportunities that would be best met with different hunting season dates. Over the last 20 years, Wisconsin duck hunters, Department staff, Secretaries, Natural Resources Board members and elected officials have advocated with the USFWS for additional duck hunting zone and split options. In addition, Department staff worked with other state agencies across the nation with similar interests to advocate for additional flexibility in establishing duck hunting zones and splits. In 2010, the USFWS indicated that they may slightly increase the range of options. The additional options offered are:

- Three duck hunting zones with splits
- Four duck hunting zones without splits

While still constraining state flexibility to provide additional hunting opportunity these additional options were a significant change in USFWS policy which was welcomed by Wisconsin duck hunters.

The challenge then before the Department and the waterfowl hunting community was how to best take advantage of these additional opportunities. Beginning in September 2010 we began a process of working with staff and waterfowl hunters that included ad hoc committee meetings, standing committees, hunter surveys and numerous public meetings to develop new duck hunting zones proposals. This process was explained at the May 2011 Natural Resources Board meeting. Fortunately, we had several years of hunter surveys and public input to guide the initial discussion on new duck hunting zones. The discussion was guided by two factors:

- About 2/3 of the duck hunters in Wisconsin have said that the current 2 zone configuration is a good system, where the north zone opens the Saturday nearest September 24 with no split and the south zone opens one week later, runs for 9 days, closes for 5 days (Mon-Fri) and then reopens continuing through the first few days of December.
- However, about 1/3 of our duck hunters consistently asked for something different to take advantage of unique opportunities in different areas of the state.

Our goal then was to develop a new configuration that would maintain the current season structure for most of our hunters while still offering something new. The 2 areas of the state that emerged as offering something unique from the majority of the north or south zones were the Mississippi River and off shore hunting on Lake Michigan. After several months of working with waterfowl hunters on strategies to reconfigure the hunting zones to meet this goal we proposed 4 options to the public for comment in May (Figure 3). Since May we have been receiving comment, giving presentations and conducting public hearings to guide us to a final decision. Based on the variability in annual weather conditions and duck populations and the relatively small changes offered by the 4 different duck hunting options, we do not

believe any option will have a negative impact on duck populations. Therefore, the selection of a new duck hunting zone configuration is being based largely on hunter opportunity and satisfaction.

## **2011 Duck population and regulation status**

The annual waterfowl hunting frameworks (season length, bag limits) offered by the USFWS are based on the current year biological data on breeding ducks and geese. This information is summarized below.

The 2011 continental breeding waterfowl conditions were excellent this spring. The survey across the prairies, parklands and boreal forests of the Dakotas, Canada and Alaska reported wetland numbers at 8.1 million which is 62% above the long term average and only 1974 had a higher count. The total duck estimate of 45.6 million is the highest estimate in the 56 year history of the survey (Appendix 1). The breeding population estimates for all duck species except green-winged teal and wigeon were higher than 2010 and for those 2 species we believe late ice-out conditions in the boreal forest affected the survey and thus a real decline in the populations is not likely.

The population estimate for the mid-continent mallards and the pond counts in prairie Canada are the 2 primary annual variables that drive the federal Adaptive Harvest Management system. This system forms the basis of the annual duck season frameworks issued by the USFWS. The 2011 mid-continent (US prairies, Great Lakes states and central Canada) mallard population estimate was 9.5 million (up 10% from 2010) and the Canadian pond count was 4.9 million (up 31% from 2010). As a result of these data the USFWS established a 60 day duck season with a 6 duck daily bag limit and moderate to liberal bag limits for other specific species (Appendix 1). Wisconsin's duck harvest is dominated by 4 species; mallards, wood ducks, blue-winged teal and green-winged teal, which together make up about 75% of the total duck harvest. In addition to mallards, blue-winged teal and green-winged teal are both reported in continental surveys and in 2011 the estimates for these species were also excellent, The green-winged teal continental population estimate was 2.9 million (47% above average) and the blue-winged teal population estimate hit a record level of 8.9 million (91% above average).

### Wisconsin breeding duck conditions

While populations and habitat conditions in the U.S. and Canadian prairies determine the USFWS prescribed duck season framework for Wisconsin, much of Wisconsin's duck harvest comes from ducks raised in Wisconsin and other Great Lakes states/provinces. Therefore, Wisconsin's breeding waterfowl surveys are an important part of the decision making process for setting Wisconsin's waterfowl hunting regulations.

Mallards, wood ducks, blue-winged teal and green-winged teal are generally the most abundant birds in Wisconsin's fall harvest. Of these only green-winged teal do not breed in substantial numbers in Wisconsin. Average snowfall and above average spring rains in 2011 produced good overall waterfowl breeding conditions in Wisconsin which were much improved over the dry spring conditions in 2010 (Appendix 1). Our May breeding waterfowl survey population estimates showed total duck numbers up 33% from 2010 and 17% above average at 513,746. Conditions in 2011 were good during brood rearing and we expect good production levels.

### Canada geese

Wisconsin's Canada goose harvest comes primarily from 2 populations; resident giant Canada geese that breed in and around Wisconsin and the Mississippi Valley Population (MVP) of Canada geese which

breeds along the Hudson Bay coast in northern Ontario. In the past, the regular Canada goose season was based on the annual allowable Mississippi Valley Population (MVP) harvest and was adjusted in concert with annual population changes. 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 is testing the use of a standard season framework for 5 years. Beginning in 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. The health of these populations is being measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies. For the MVP population, spring breeding conditions were average but the spring breeding population was 269,000 which is 25% below the long term average. It appears that poor production in recent years has had a negative impact on the breeding population. Field reports from the summer banding operations in Ontario indicate that those MVP geese that were breeding had good brood sizes so we expect average production. In Wisconsin 2011 resident Canada goose breeding population estimate increased to 176,095 which was the 3<sup>rd</sup> year of an increasing trend and production appears to be excellent.

## **Hunter input**

The development of the 2011 waterfowl hunting season proposal was aided by several years of hunter surveys and public meetings that indicated the majority (about 2/3) of the waterfowl hunters were content with most of the starting dates, season lengths and bag limits for Canada goose and duck hunting seasons. With the offering of additional duck hunting zone and split options by the USFWS in 2011, Wisconsin waterfowl hunters had the opportunity to make changes that would improve upon the existing high rate of satisfaction with the duck hunting season structure.

Department staff initiated a process in September 2010 to guide the process toward a new duck hunting zone configuration. An outline of that process through May 2011 is provided here:

- Sept 2010 - Staff conduct duck harvest analysis to determine peaks in harvest in different areas of the state
- October 2010 - Form ad hoc committee of hunters and staff. Committee recommends new duck zone options.
- November 2010 - Ad hoc recommendations reviewed by standing advisory committees
- November 2010 - Hunter survey is designed and distributed to a random selection of 1000 duck hunters in Wisconsin.
- January 2010 - Survey data are summarized and analyzed and reported to the public.
- January - February 2011 - Presentation/discussions at
  - Ducks Unlimited Annual Convention
  - Wisconsin Waterfowl Association Annual Meeting
  - Wisconsin Wildlife Federation Waterfowl Committee
- March 2011 – Survey and discussion at Wisconsin Waterfowl Hunters Conference
- April 2011– Spring hearing question
- May 2011 – Natural Resources Board approves final duck zone options for public comment and submit preliminary zone options to USFWS for approval

Since May, 2011 we have been receiving public input on 4 duck hunting zone options; 2 zones with splits, 3 zones with splits where the Mississippi River is the new zone, 3 zones with splits where Lake Michigan is the new zone or 4 zones without splits where both the Mississippi River and Lake Michigan become new zones (Figure 3). While many were content with the current 2 zone structure and season dates, the 3 new proposals were created so that all of the northern duck zone would remain the same and

much of the southern duck zone as well. As a result, many duck hunters who have been satisfied with the current structure would not be impacted by the new proposals no matter which option is selected.

The duck hunting zone options have been communicated via the Department website, press releases, communications from hunting groups and public meetings. In addition, on July 30 Department staff met with the Migratory Committee of the Wisconsin Conservation Congress where the committee discussed the waterfowl hunting season structure and made a recommendation on duck hunting zones. Last week, the Department conducted 4 public hearings around the state where comment was taken on the duck hunting zones and the entire 2011 waterfowl hunting season structure. During these hearings Department staff did not take a position on the duck zone options but presented information that would aid the public in offering comment. We recognize that there are advantages and disadvantages of each option. It was clear early in the public input process that 2 options emerged as the most popular; 3 zones with splits where the Mississippi River is the 3<sup>rd</sup> zone and 3 zones with splits where Lake Michigan is the 3<sup>rd</sup> zone. If the federal regulations allowed a 4 zone with split option it was clear that this would have been the preferred option among Wisconsin duck hunters. However, since this option is not available a choice has to be made between 2 areas of the state with additional duck hunting opportunity; the Mississippi River and Lake Michigan.

From past surveys, harvest data and public input, staff shared the following advantages and disadvantages of the 2 leading duck zone choices.

#### **Mississippi River 3 Zone with splits option**

##### Pro

- 20 year history of requests - hunters vested in the issue
- Flexibility for early and late hunters (especially under a 30, 45 day season)
- Different methods/habitats available; chest waders, boat blinds, open river, backwaters etc.
- Larger number hunters – 16% of statewide total
- 9/24 opening day may reduce pressure on north zone
- Better teal/wood duck hunt if open early
- The greatest number of ducks harvested in Wisconsin are harvested in late September/October

##### Con

- If open 9/24 – lose 12 of duck hunting days in October
- Later than ~ Dec 5 hunting no longer desired so we can't add new days to the season
- 64% of hunters in Miss. River Counties want 2 zones over combo 3 zone option (last winter survey)
- November Mallards is what makes river unique – already available with current dates

#### **Lake Michigan 3 Zone with splits option**

##### Pro

- Adds days for duck hunting in Wisconsin – Through middle to late December
- Only 41% of hunters in Counties along Lake Michigan wanted to keep 2 zones
- Distinct opportunity – long tailed ducks, bufflehead, goldeneye. Open water hunting.
- Lake Michigan harvest becomes a greater proportion of the statewide weekly harvest in December

##### Con

- Lower number of hunters possibly 8% of total duck hunters
- Gear/equipment needed may be beyond average duck hunter
- Weather more likely to limit season or create hazards

Following the completion of the public comment period the input on the duck hunting zone configuration was as follows:

<b>Duck Hunting Zone Public Comment Summary 2011</b>			
<u>Option</u>	<u>Email/ Hearing/other</u>	<u>Groups</u>	<u>Conservation Congress</u>
3rd Miss River zone (69 of 90 comments for Sept 24-Oct2; Oct 15-Dec 4)	90	3	x
3rd Lake Michigan zone (69 of 78 comments for Oct 15- Dec 13)	78	1	
4 zones no splits	6	0	
Keep current 2 zones	22	1	

The Migratory Committee of the Conservation Congress consists of waterfowl hunters from across the state who have been elected within their counties to work with and advise the Department on hunting season and other rules. This committee considered all the options in detail and voted in favor of the Mississippi River 3 zones with splits option. In addition, 2 of the “groups” included statewide conservation organizations; the Wisconsin Waterfowl Association and the Wisconsin Wildlife Federation both of whom submitted comment in favor of the Mississippi River zone. Based on the public input the Department is recommending that Wisconsin reconfigure its duck hunting zones under a 3 zone with split option where the Mississippi River is the new 3<sup>rd</sup> zone.

With the foundation of spring survey data, USFWS waterfowl season frameworks, public input on all aspects of the waterfowl season structure and a new duck hunting zone configuration, staff developed the following proposal for the 2011 waterfowl season.

### **Rule Summary**

- 1) **Ducks.** The USFWS has approved a 60 day season framework in which a state could begin the duck season as early as the Saturday nearest September 24.
  - We are proposing to establish 3 duck hunting zones in Wisconsin; create a new Mississippi River duck hunting zone, retain the current northern duck zone, and maintain a southern duck zone that has changed by the removal of the Mississippi River
  - The USFWS framework would allow a daily bag limit of 2 hen mallards but we are once again proposing to a daily bag limit of 1 hen mallard during the entire season based on the continued support by duck hunters for this reduced bag limit.

### Season Summary:

During the 60-day season, a 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, 2 scaup and 1 canvasback. In addition, 5 mergansers to include not more than 2 hooded mergansers. Coot daily bag of 15. (For duck species not listed such as teal and ring-necked ducks, the combined total with all other species may not exceed 6 ducks).

Opening day shooting hours to begin at 9 am.

Northern Zone – September 24 at 9:00 am – November 22.

Southern Zone – October 1 at 9:00 am – October 9, and October 15 - December 4.

Mississippi River Zone - September 24 at 9:00 am - October 2 first period, then a 12 day split (Oct 3-14), reopening on October 15 – December 4.

**2) Youth Waterfowl Hunt.** The youth hunt will be September 17-18. Youth may harvest Canada geese in all zones during these 2 days, however, the bag limit and/or tag requirement applies for the respective zones. These days overlap with open goose seasons in most areas so adults will also be able to harvest geese but not ducks during the youth hunt.

### **3) Canada geese**

The state is apportioned into two goose hunting zones: Horicon and Exterior. Other goose management subzones within the Exterior Zone include Brown County and the Mississippi River.

**Exterior Zone** – 85 days. Daily bag of 2 Canada geese.

North Zone - September 16-23 and September 24, (9:00 am) – December 9.

South Zone –September 16-30, October 1 (9:00 am) – October 9 and October 15 – December 14.

Mississippi River Subzone – September 24 (9:00 a.m.) – October 2, October 15 – December 29.

### **Horicon Time Periods**

Hunters with Horicon zone permits will be issued 6 tags for the time period that they are awarded. The daily bag limit will be 2 geese with a possession limit of 6.

Horicon – 92 days

Period 1	September 16- October 30
Period 2	October 31 – December 16

### **3) Other Geese**

#### **Brant and Light geese**

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

#### **White fronted geese**

Season will be the same as Canada geese for the Exterior and Collins zones. Within the Horicon zone the season will be from Sept 20 – Dec 16<sup>th</sup>. The daily bag limit will be 1.

## **Public Hearings & Comments**

The process for receiving public input on proposed waterfowl seasons is very condensed because of the timing of the Federal regulation schedule; however, our most active waterfowl groups and individuals are aware of the time frame. With the issue of duck hunting zones attracting the attention of duck hunters, some individuals sent multiple emails to different Department staff and attended the public hearings (Appendix 2). The results were reviewed so that only 1 comment was recorded per individual. A total of 241 individuals offered comment on the waterfowl hunting seasons. The following tools were used to involve interested parties in the rule making process.

- **Rule process information** - Beginning in June 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.
- **Telephone, email and written comment.** Public comments and questions began coming in during June through telephone calls and emails. These were accepted through August 4, 2011.
- **July 8, 2011 – Pre-Flyway** public meeting was held in Portage. Preliminary population status information was presented and input on the season structure was received. Several waterfowl and conservation organizations were represented.
- **July 30, 2011 – Migratory Committee of the Conservation Congress.** Our waterfowl specialist presented the population status and proposed season structure to the committee.
- **July 30, 2011 – Post-Flyway** public meeting was held in Stevens Point to present the population status and proposed season structure in an informal setting with waterfowl groups and interested individuals. Several conservation organizations or individuals however, attendance was down from previous years. The groups represented were: Wisconsin Wildlife Federation (WWF), LaCrosse County Conservation Alliance (LCCA), Green Bay Duck Hunters (GBDH), and Black Slough Conservation Club (BSCC).
- **August 1-4, 2011 Public Hearings.** Four public hearings were held around the state and 92 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. The comments offered during these various meetings are included below under each major issue.
  - **LaCrosse** - 35 people attended, 12 gave oral testimony
  - **Spooner** - 6 people attended, 3 gave oral testimony
  - **Appleton** – 22 people attended, 13 gave oral testimony
  - **Pewaukee** – 29 people attended, 7 gave oral testimony

### **Public Input Summary:**

Overall, a strong majority of the public comments offered during the public hearings and submitted to the Department via phone, email and letter were in support of the Department proposed season parameters with most public interest in the possible new duck hunting zone (Appendix 2). With the recommendation of the Mississippi River zone as the new duck hunting zone, the Department is forwarding the proposed season to the Natural Resources Board. A few other issues such as suggestions for the same opening day for all duck hunting zones, different opinions on early versus later opening days for duck zones, different opinions on opening day shooting hours and a few suggestions on a later Exterior Canada goose season generated a relatively small level of public comment. In all cases, the Department proposed hunting season parameters on bag limits and goose seasons received the support of a strong majority. The choice between the Mississippi River and Lake Michigan duck hunting zone options created an unfortunate division among the duck hunting community and a situation where the final decision will result in a

tradeoff between new potential duck hunting opportunities. However, the Department believes that the selection of the Mississippi River duck hunting zone and associated season structure will provide good duck and goose hunting opportunities that are supported by the majority of Wisconsin's waterfowl hunters.

**Rule Development:**

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

**Initial Applicability of 2011 ACT 21 Related to the Promulgation of Administrative Rules**

Scope statement publication and submission to the legislative council clearinghouse staff occurred prior to the June 8, 2011 effective date of 2011 ACT 21. An economic impact analysis under Ch. 227 Stats., is not required for this clearinghouse rule.

**Small Business and Regulatory Flexibility Analysis:**

The revisions to Ch. NR 10 and 45, Wis. Admin. Code, relating to hunting, trapping and the management of department lands 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.

**Environmental Analysis:**

The department has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

**Legislative Council Rules and Clearinghouse Report**

All comments the department received from Legislative Council Clearinghouse have been incorporated (see attached report).

## Appendix 1. 2011 Waterfowl Population Status

### USFWS Surveys:

- **Total Ducks – 45.6 million (56 yr record high, up 11% 2010 and 35% above the LTA)**
- Traditional survey area mallards – 9.2 million (up 9% from 2010 and 22% above the long term average (LTA))
- May Ponds - Canada – 4.9 million (up 31% from 2010 and 43% the LTA)
- Mid continent mallards = 9.5 million
- Others:
  - ◊ Blue-winged Teal – 8.9 million – record count, 91% above LTA
  - ◊ Gadwall – 3.3 million – 80% above LTA
  - ◊ Green-winged Teal – 2.9 million – 47% above LTA
  - ◊ Northern Shoveler – 4.6 million – 98% above LTA
  - ◊ Northern Pintail – 4.4 million – equal to LTA
  - ◊ Scaup – 4.3 million – 15% below LTA
  - ◊ Redhead – 1.4 million – record count, 106% above LTA
  - ◊ Wigeon – 2.1 million – 14% below LTA
  - ◊ Canvasback – 700,000 – 21% above LTA

The combination of 9.5 million mid-continent mallards and a Prairie Canada pond count at 4.9 million results in a liberal 60 day season under the Adaptive Harvest Management model.

**Table 3 - Optimal regulatory strategy<sup>a</sup> for the Mississippi and Central Flyways for the 2011 hunting season. This strategy is based on current regulatory alternatives (including the closed-season constraint), mid-continent mallard models and weights, and the dual objectives of maximizing long-term cumulative harvest and achieving a population goal of 8.5 million mallards.**

BPOP <sup>b</sup>	Ponds <sup>c</sup>									
	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0
≤4.5	C	C	C	C	C	C	C	C	C	C
4.75	R	R	R	R	R	R	R	R	R	R
6.0	R	R	R	R	R	R	R	R	M	M
6.25	R	R	R	R	R	R	M	M	L	L
6.5	R	R	R	R	R	M	M	L	L	L
6.75	R	R	R	M	M	L	L	L	L	L
7.0	R	M	M	M	L	L	L	L	L	L
7.25	M	M	L	L	L	L	L	L	L	L
7.5	M	L	L	L	L	L	L	L	L	L
7.75	M	L	L	L	L	L	L	L	L	L
≥8.0	L	L	L	L	L	L	L	L	L	L

<sup>a</sup> C = closed season, R = restrictive, M = moderate, L = liberal.

<sup>b</sup> Mallard breeding population size (in millions) in the WBPHS (strata 13-18, 20-50, 75-77) and Michigan, Minnesota, and Wisconsin.

<sup>c</sup> Ponds (in millions) in Prairie Canada in May.

2011 Wisconsin spring duck survey waterfowl population estimates.

<u>Species</u>	<u>Population Estimate</u>	<u>Standard Error</u>	<u>Years of Air-ground Data Used</u>	<u>Long-term (1973-10) Averages</u>	<u>Test for Diff from 2010-11</u>	
					<u>Z-stat</u>	<u>Prob</u>
Mallard	187,862	23,068	2010-11	182,460	0.34	=0.73
BWTeal	90,803	19,531	2004-11	122,258	1.56	=0.12
Wood Duck	146,471	28,943	2005-11	76,732	0.85	=0.39
Other Ducks	88,610	23,964	1996-11	57,028	2.08	=0.04
Total Ducks	513,746	48,224	-	438,478	2.08	=0.04
Canada Geese	176,095	23,138	2011	86,196*	0.52	=0.60

\* = average of 1986-2010.

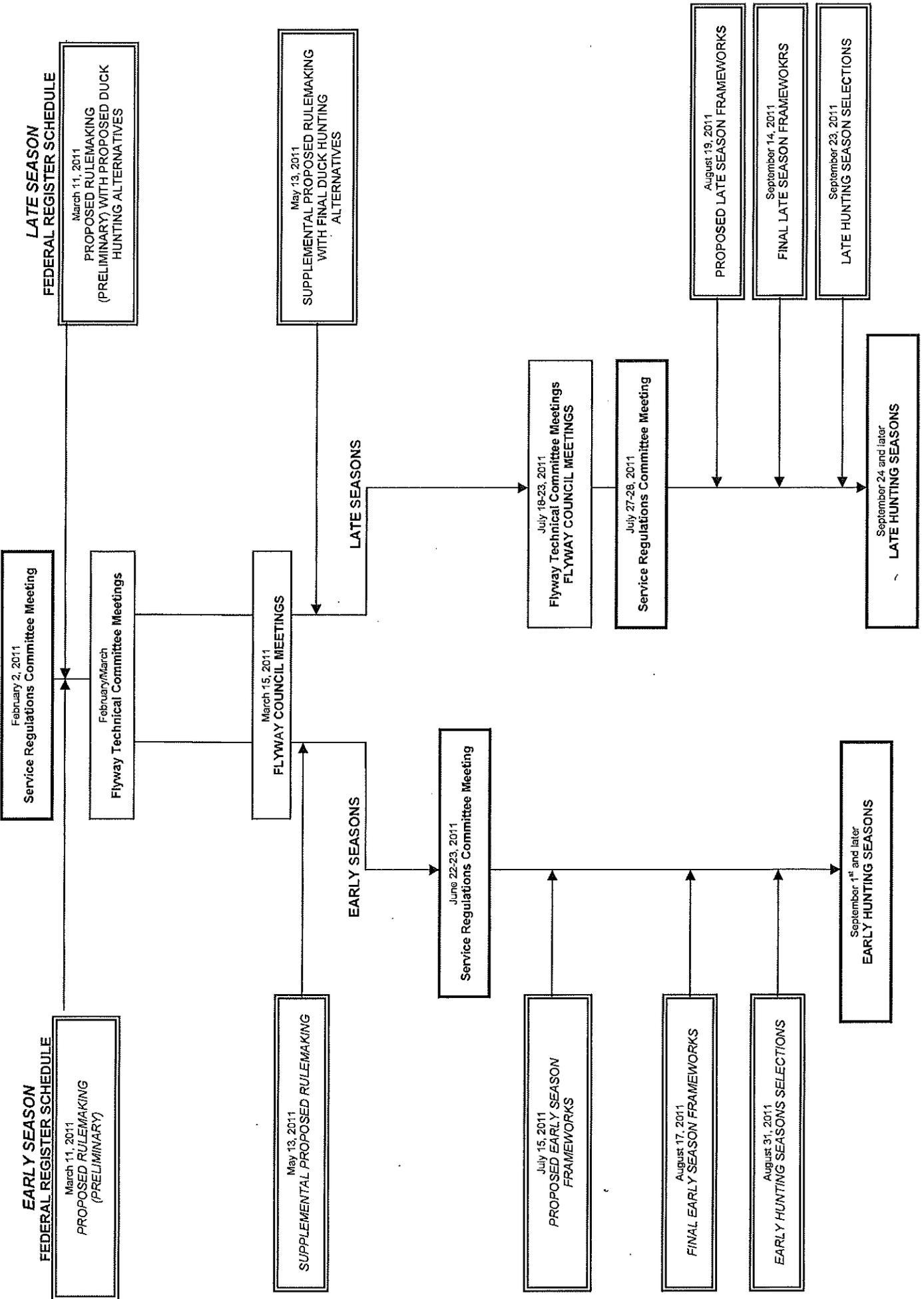
Overall the breeding duck survey results indicate a healthy, relatively stable population of breeding ducks in Wisconsin responding to good water conditions. Blue-winged teal and total ducks responded according to improved wetlands and counts were similar to previous years after a dry 2010. Wood duck counts were also up and mallards are near their long-term average.

**Appendix 2. Migratory Game Bird Public Comment Summary 2011**

*Bold/Italics = Department proposal*

Issue	Email/ Hearing/other	Groups at meetings	Conservation Congress
3rd Miss River zone (69 of 90 comments for Sept 24-Oct2; Oct 15-Dec 4)	90	3	x
3rd Lake Michigan zone (69 of 78 comments for Oct 15- Dec 13)	78	1	
4 zones no splits	6	0	
Keep current 2 zones	22	1	
Primary Concern Is One Statewide Duck Opener	10	0	
<b>North Duck Zone opener, Sept 24</b>	88	5	x
North Duck Zone opener, later	11	0	
North Duck Zone, Sept 24 with split	16	0	
<b>South Duck Zone opener, Oct 1*</b>	77	5	x
South Duck Zone opener, earlier	16	0	
South Duck Zone opener, later	1	0	
South Duck Zone open with North, if longer split	6	0	
<b>South Duck Zone split, 5-day, Oct 10-14</b>	83	5	x
South Duck Zone split, longer	9	0	
South Duck Zone, no split	6	0	
<b>Duck Shooting Hours on Opening Day, 9am</b>	23	3	x
Duck Shooting Hours on Opening Day, 1/2 hr before sunrise	14	1	
Duck Shooting Hours on Opening Day, noon	5	1	
<b>Exterior Goose Zone, Sept 16, split in South during duck split</b>	35	3	x
Exterior Goose Zone, Sept 16, no split in South	2	1	
Exterior Goose open with duck season -	3	1	
Exterior Goose with split in north	7	0	
<b>Youth Hunt Sept 17+18</b>	34	5	x
No Youth Hunt	4	0	
Total comments	241		
Attendance at Public Hearings	92		

**Figure 1. 2011 FEDERAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS**



**Figure 2. 2011 WISCONSIN MIGRATORY GAME BIRD REGULATORY SCHEDULE**

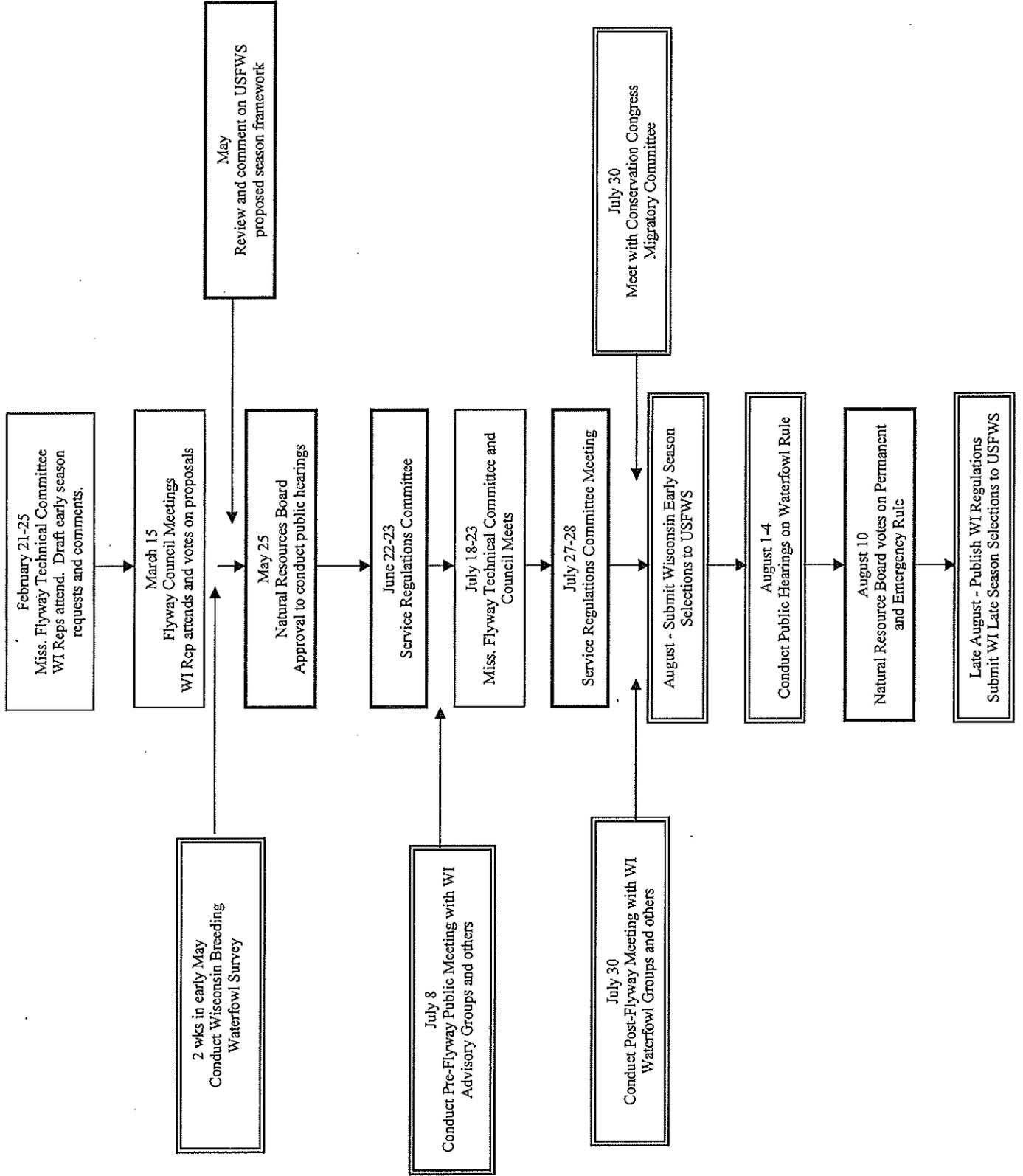
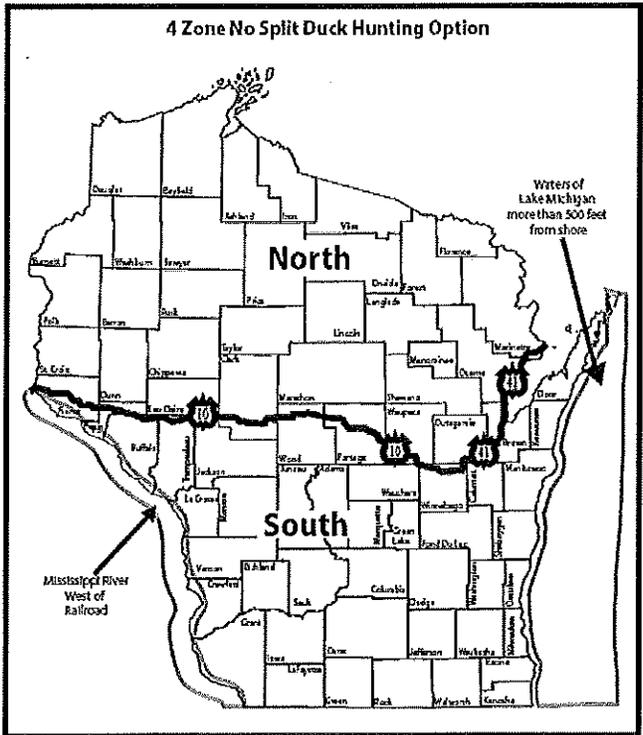
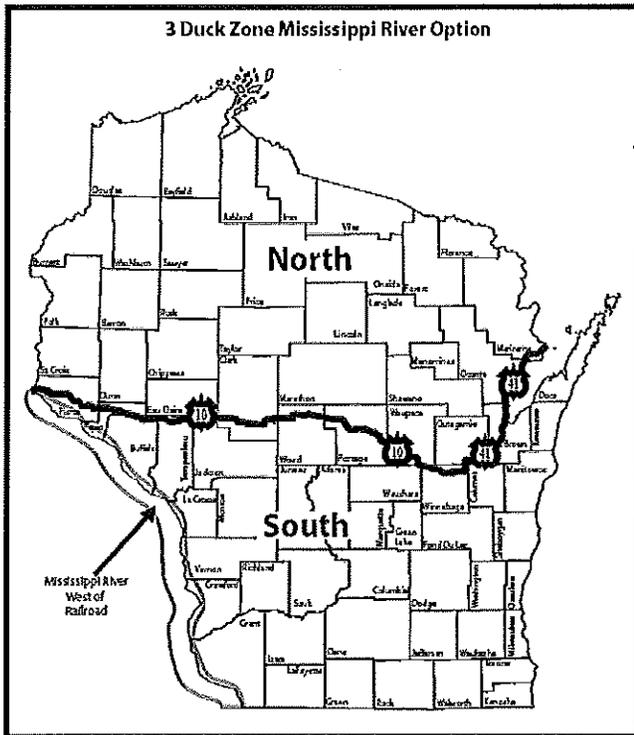
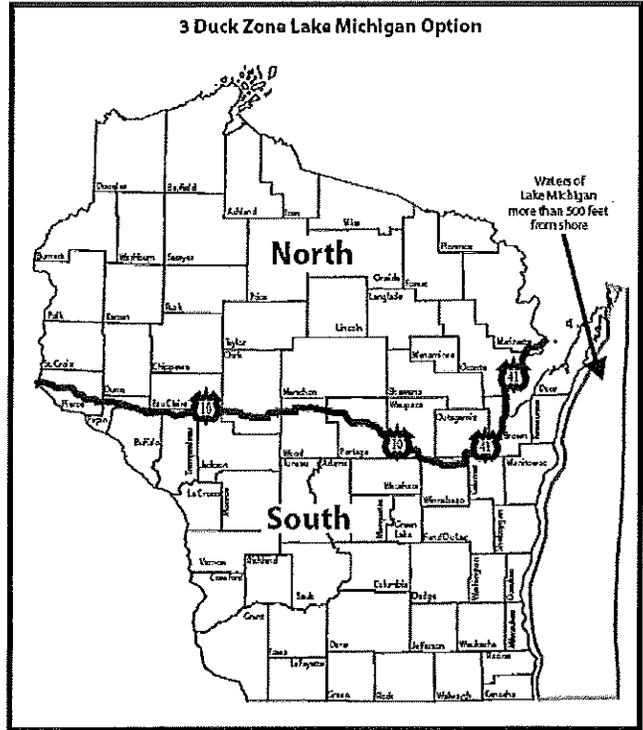
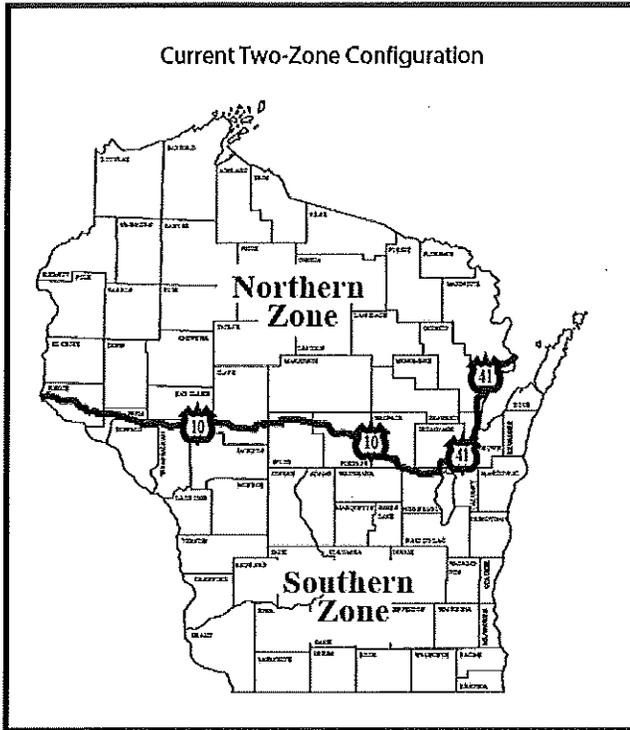


Figure 3. Proposed Duck Hunting Zone Options





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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Richard Sweet  
*Clearinghouse Director*

Pam Shaanon  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 11-032

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### 2. Form, Style and Placement in Administrative Code

In s. NR 10.01 (1) (g) 2., the titles “Kind of Animal”, “Locality”, “Open season (all dates inclusive)”, “Daily Bag Limit”, and “Daily Possession Limit” should be provided before the material at the beginning of sub. (1) (g) 2.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. NR 10.01 (1) (b), a comma should be added after “In addition”.

**ADMINISTRATIVE RULES – FISCAL ESTIMATE**

1. Fiscal Estimate Version

Original    Updated    Corrected

2. Administrative Rule Chapter Title and Number

WM-11-11 and WM-12-11(E) amending Ch. NR 10, Game and Hunting

3. Subject

The 2011 migratory game bird hunting seasons.

4. State Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs	May be possible to absorb within agency's budget.
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	

5. Fund Sources Affected:

GPR    FED    PRO    PRS    SEG    SEG-S

6. Affected Ch. 20, Stats. Appropriations:

7. Local Government Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

8. Local Government Units Affected:

Towns    Villages    Cities    Counties    School Districts    WTCS Districts    Others:

9. Private Sector Fiscal Effect (small businesses only):

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs	May have significant economic impact on a substantial number of small businesses
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Decrease Costs	

10. Types of Small Businesses Affected:

Small businesses in the tourism industry may benefit when liberal migratory bird hunting season frameworks can be offered.

11. Fiscal Analysis Summary

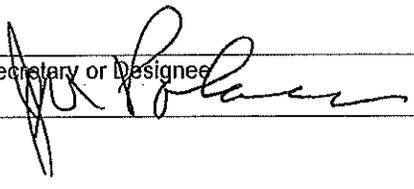
Because this proposal does not differ significantly from the season frameworks available in previous years, there are no new expenditures, record keeping requirements, or processes created.

12. Long-Range Fiscal Implications

None.

13. Name - Prepared by Scott Loomans	Telephone Number 608-267-2452	Date 05/04/2011
14. Name - Analyst Reviewer <i>Scott Loomans</i>	Telephone Number 608-266-5893	Date 05/05/2011

Signature - Secretary or Designee

A handwritten signature in black ink, appearing to be "M. Polan", written over the signature line.

Telephone Number

608-266-2744

Date

05-05-11

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 repeal and recreate NR 10.01(1)(b), (g) and (u) and 10.32 and to amend 10.01(1)(v) and 10.12(4) relating to hunting and the 2011 migratory game bird seasons and waterfowl hunting zones.

WM-11-11

Analysis Prepared by the Department of Natural Resources

**Statutes Interpreted and Explanation of Agency Authority:** In promulgating this rule, ss. 29.014, 29.041, 29.192 and 29.197 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. 29.192 establishes a process for issuing permits to hunt Canada geese, and s. 29.197, Stats., 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:** SECTION 1 of this rule order establishes the season length and bag limits for the 2011 Wisconsin migratory game bird seasons. For ducks, the state is divided into three zones, each with 60-day seasons. The season begins at 9:00 a.m. September 24 and continues for 60 consecutive days in the north, closing on November 22. In the South the season begins at 9:00 a.m. on October 1 and continues through October 9, followed by a 5-day split, and then reopens on October 15 and continues through December 4. In the new Mississippi River zone the season begins at 9:00 am on September 24 and continues through October 2, followed by a 12 day split, reopening on October 15 for a 60 day season. The split in the Mississippi River zone is seven days longer than in previous years when it was part of the southern zone.

The daily bag limit is 6 ducks including no more than: 4 mallards, of which only 1 may be a hen, 1 black duck, 1 canvasback, 3 wood ducks, 2 scaup, 2 pintails and 2 redheads.

For Canada geese, the state is apportioned into 2 goose hunting zones, Horicon and Exterior. Other special goose management subzones within the Exterior Zone include Brown County and the Mississippi River. Season lengths are: Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on October 31); Exterior Zone in the northern duck zone - 85 days (Sept. 16 – Dec. 9); Exterior Zone in the southern duck zone – 85 days (Sept. 16 – Oct. 9 and Oct. 15 – Dec. 14) and Mississippi River subzone - 85 days (Sept. 24 – Oct. 2 and Oct. 15 – Dec. 29). The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

SECTION 2 establishes that the youth waterfowl hunting season will be held on September 17 and 18.

SECTION 3 repeals hunting blind restrictions which are no longer needed after elimination of the Horicon Intensive Management Subzone. Hunting in this area will continue to be allowed under the normal Horicon Zone permit regulations.

SECTION 4 establishes a new duck hunting zone that consists of the Wisconsin portions of the Mississippi River west of the Burlington Northern Santa Fe Railroad tracks.

**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. Additionally, while USFWS 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 have remained 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.

In 2011 the USFWS has given our state the option of reconfiguring duck hunting zones through their concurrent revisions of 50 CFR 20. SECTION 3 of this board order creates a third duck hunting zone along the Mississippi River.

The proposed modifications included in this rule order are consistent with these 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 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 USFWS. 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 USFWS.

**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 is 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 traditional survey areas as well as surveys from select states, including Wisconsin.

In addition to the annual waterfowl hunting regulation process described below, 2011 is the open window to change state duck hunting zones as allowed by the USFWS every 5 years. Since 1991, the USFWS has regulated how states can arrange duck hunting zones and season splits. A season split is a temporary closure of the hunting season in order to extend the hunting later in the duck season. Beginning in 2011, Wisconsin can have three waterfowl hunting with the option for 1 split in each zone or 4 zones with no options for splits. Each zone can have a unique size or shape but must be contiguous and the boundaries clear.

In the past, the USFWS only allowed 3 configurations of duck zones and splits; 1)One statewide zone with the annual option to have 2 season splits, 2)Two zones with the annual option for 1 season split in each zone, 3)Three zones without the option for a split. While we have worked with the USFWS restrictions on duck hunting zones it has been our consistent position that the configuration of duck zones is an issue of hunter opportunity and satisfaction which does not have significant impact on duck populations, therefore, states should be allowed to manage zones without federal regulation.

Wisconsin's regular Canada goose season harvest consists of approximately a 50:50 ratio between resident giant and MVP population Canada geese. As a result, the parameters of Wisconsin's regular goose seasons are 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 was 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 result of this work is 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 spring and summer, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff conducted a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff provided the attendees with breeding status information and asked for any items that they wish the department to pursue at the MFC meeting in mid July. Department staff then attended the MFC Technical and Council meetings. At that meeting, staff were provided status information and the proposed framework alternative from the USFWS. Department staff worked with the other states in our Flyway to discuss and develop proposals and recommendations that were voted upon by the MFC. Proposals that passed at the MFC meeting were forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS announced its final waterfowl season framework recommendation on July 29. Department staff then summarized waterfowl status and regulation information for Wisconsin citizens and presented this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals on July 30. Staff gathered public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings were held during the first week of August around the state to solicit additional input on the proposed annual waterfowl rule.

This proposal repeals hunting blind restrictions which are no longer needed after elimination of the Horicon Intensive Management Subzone. This subzone contained lands adjacent to the Horicon National Wildlife Refuge and was created decades ago to help control hunter crowding but was no longer seen as needed. The special restrictions included rules on hunting from blinds, number of hunters per blind, the distance between blinds, and the distance of hunting from the refuge. No issues were identified and no complaints were received during a trial period without special regulations. Hunting in this area will continue to be allowed under the normal Horicon Zone permit regulations.

**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.

**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 Thursday, August 4.

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SECTION 1. NR 10.01(1)(b), (g) 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. 24 at 9:00 a.m. – Nov. 22	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 1 at 9:00 a.m. – Oct. 9 and Oct. 15 – Dec. 4	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Mississippi River zone as established in s. NR 10.32	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 4	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. 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 subzones described in subd. 1.c.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9	2	4
	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. 1. f. to h.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14	2	4
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14	2	4
	f. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Oct 30.	2	
		Oct 31 – Dec. 16	2	
	h. Mississippi River subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29	2	4
<p>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).</p>				

SECTION 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
2. Snow or blue and Ross' geese	Entire state	As established by zone	20	40
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 subzones described in subd. 2.b.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	c. 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. d. to g.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi river subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29		

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 subzones described in subd. 3.b.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	c. 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.d. to g.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 16 - Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	e. Horicon zone	Sept. 20 - Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29		

SECTION 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
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 subzones described in sub. 3.b.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	c. 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. d. to g.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29		

**SECTION 1. Continued.**

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. 17 – Sept. 18, Sept. 24 at 9:00 a.m. – Nov. 22 and Jan. 6 – Feb. 19	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. 17 – Sept. 18, and Oct 1 at 9:00 a.m. – Oct. 9, Oct. 15 – Dec. 4 and Jan. 6 – Feb. 19	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2.
	Mississippi River zone as established in s. NR 10.32	Sept. 17 – Sept. 18 and Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 4 and Jan. 6 – Feb. 19	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 under the age of 16 may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September ~~18~~ 17. 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 h., 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 and be in compliance with ss. 29.592 and 29.593, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

**SECTION 3. NR 10.12(4) is amended to read:**

NR 10.12(4) **SPECIAL BLIND RESTRICTIONS.** The department may restrict hunters to certain blind locations within the Collins, Eldorado, Grand River, Pine Island and Theresa state wildlife areas by posted notice. If posted, maps shall be provided by the department indicating where blind sites are located. ~~The following blind restrictions apply to goose hunting in the Horicon zone beginning in 2011:~~

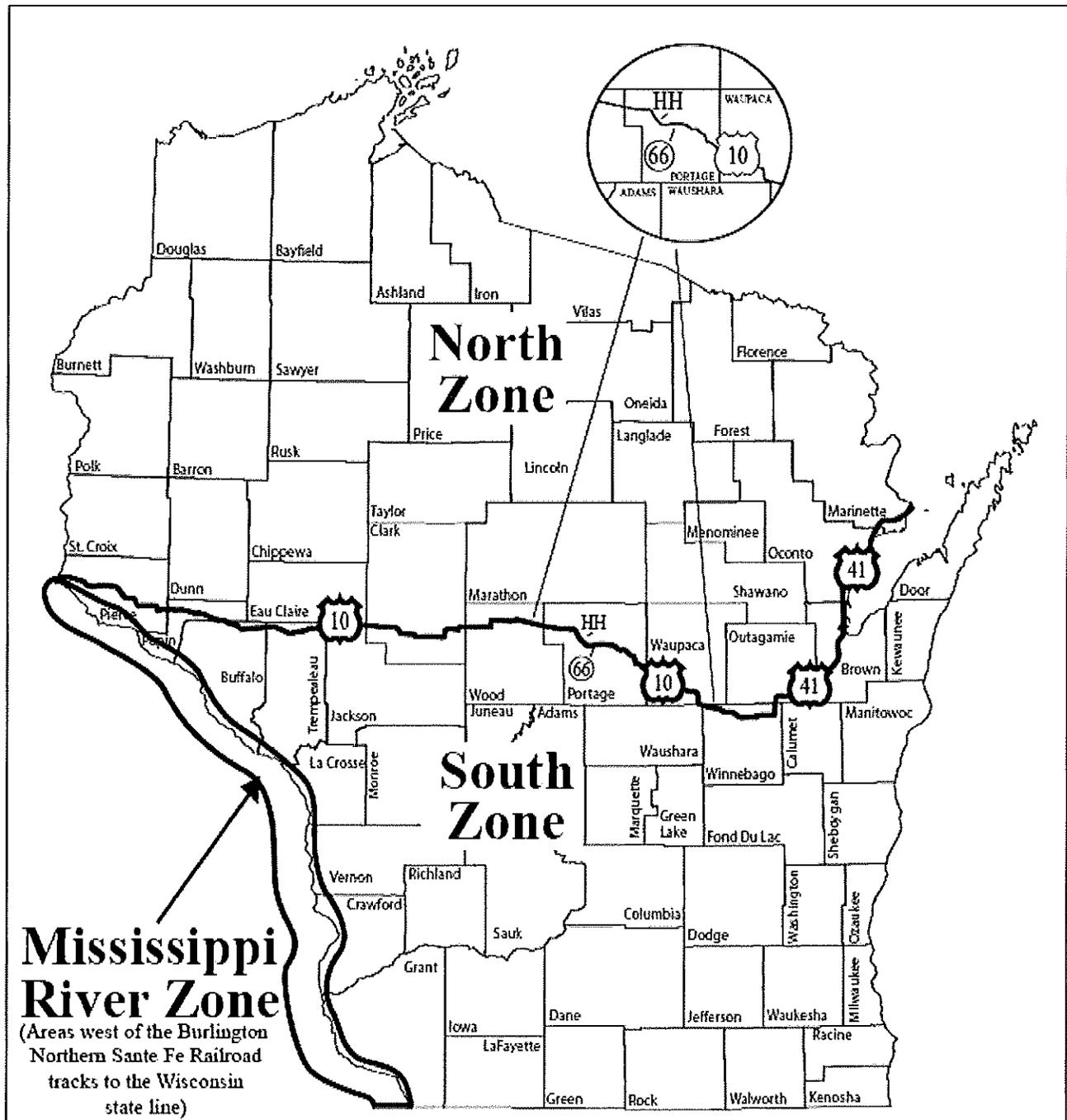
- ~~(a) *Zone restrictions.* On any land within the Horicon intensive management subzone established in s. NR 10.31 (3)~~
- ~~(b), no person may hunt geese except from a blind unless the person is a disabled person located no more than 20 feet from the blind and in possession of a class A permit issued by the department, except that no person is required to hunt geese from a blind during the early goose hunt established in s. NR 10.01 (1) (g) 1. L.~~

**Note: Section NR 10.31 (3) (b) was repealed effective 7-1-10.**

(b) *Hunter limits.* No more than 2 hunters may occupy any blind at one time nor may any person hunt waterfowl from a blind placed within 200 yards of any other blind occupied by one or more waterfowl hunters or within 100 yards of the property boundary on which the blind is located.

(c) *Game retrieval.* Downed game birds may be retrieved outside blinds with the aid of guns and dogs or by hand.

Section 4. NR 10.32 is repealed and recreated:



**SECTION 5. 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 6. 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)

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 repeal and recreate NR 10.01(1)(b), (g) and (u) and 10.32 and to amend 10.01(1)(v) relating to hunting and the 2011 migratory game bird seasons and waterfowl hunting zones.

WM-12-11(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, 29.192 and 29.197 and 227.24 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, 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. 29.192 establishes a process for issuing permits to hunt Canada geese, and s. 29.197, Stats., 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:** SECTION 1 of this rule order establishes the season length and bag limits for the 2011 Wisconsin migratory game bird seasons. For ducks, the state is divided into three zones, each with 60-day seasons. The season begins at 9:00 a.m. September 24 and continues for 60 consecutive days in the north, closing on November 22. In the South the season begins at 9:00 a.m. on October 1 and continues through October 9, followed by a 5-day split, and then reopens on October 15 and continues through December 4. In the new Mississippi River zone the season begins at 9:00 am on September 24 and continues through October 2, followed by a 12 day split, reopening on October 15 for a 60 day season. The split in the Mississippi River zone is seven days longer than in previous years.

The daily bag limit is 6 ducks including no more than: 4 mallards, of which only 1 may be a hen, 1 black duck, 1 canvasback, 3 wood ducks, 2 scaup, 2 pintails and 2 redheads.

For Canada geese, the state is apportioned into 2 goose hunting zones, Horicon and Exterior. Other special goose management subzones within the Exterior Zone include Brown County and the Mississippi River. Season lengths are: Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on October 31); Exterior Zone in the northern duck zone - 85 days (Sept. 16 – Dec. 9); Exterior Zone in the southern duck zone – 85 days (Sept. 16 – Oct. 9 and Oct. 15 – Dec. 14) and Mississippi River subzone - 85 days (Sept. 24 – Oct. 2 and Oct. 15 – Dec. 29). The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

SECTION 2 establishes that the youth waterfowl hunting season will be held on September 17 and 18.

SECTION 3 establishes a new duck hunting zone that consists of the Wisconsin portions of the Mississippi River west of the Burlington Northern Railroad tracks.

**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. Additionally, while USFWS 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 have remained 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.

In 2011 the USFWS has given our state the option of reconfiguring duck hunting zones through their concurrent revisions of 50 CFR 20. SECTION 3 of this board order creates a third duck hunting zone along the Mississippi River.

The proposed modifications included in this rule order are consistent with these 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 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 USFWS. 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 USFWS.

**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 is 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 traditional survey areas as well as surveys from select states, including Wisconsin.

In addition to the annual waterfowl hunting regulation process described below, 2011 is the open window to change state duck hunting zones as allowed by the USFWS every 5 years. Since 1991, the USFWS has regulated how states can arrange duck hunting zones and season splits. A season split is a temporary closure of the hunting season in order to extend the hunting later in the duck season. Beginning in 2011, Wisconsin can have three waterfowl hunting with the option for 1 split in each zone or 4 zones with no options for splits. Each zone can have a unique size or shape but must be contiguous and the boundaries clear.

In the past, the USFWS only allowed 3 configurations of duck zones and splits; 1)One statewide zone with the annual option to have 2 season splits, 2)Two zones with the annual option for 1 season split in each zone, 3)Three zones without the option for a split. While we have worked with the USFWS restrictions on duck hunting zones it has been our consistent position that the configuration of duck zones is an issue of hunter opportunity and satisfaction which does not have significant impact on duck populations, therefore, states should be allowed to manage zones without federal regulation.

Wisconsin's regular Canada goose season harvest consists of approximately a 50:50 ratio between resident giant and MVP population Canada geese. As a result, the parameters of Wisconsin's regular goose seasons are 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 was 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 result of this work is 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 spring and summer, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff conducted a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff provided the attendees with breeding status information

and asked for any items that they wish the department to pursue at the MFC meeting in mid July. Department staff then attended the MFC Technical and Council meetings. At that meeting, staff were provided status information and the proposed framework alternative from the USFWS. Department staff worked with the other states in our Flyway to discuss and develop proposals and recommendations that were voted upon by the MFC. Proposals that passed at the MFC meeting were forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS announced its final waterfowl season framework recommendation on July 29. Department staff then summarized waterfowl status and regulation information for Wisconsin citizens and presented this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals on July 30. Staff gathered public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings were held during the first week of 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.

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**Deadline for Written Comments:** The deadline for written comments was Thursday, August 4.

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SECTION 1. NR 10.01(1)(b), (g) 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. 24 at 9:00 a.m. – Nov. 22	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 1 at 9:00 a.m. – Oct. 9 and Oct. 15 – Dec. 4	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Mississippi River zone as established in s. NR 10.32	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 4	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. 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 subzones described in subd. 1.c.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9	2	4
	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. 1. f. to h.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14	2	4
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14	2	4
	f. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Oct 30.	2	
		Oct 31 – Dec. 16	2	
	h. Mississippi River subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29	2	4
<p>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).</p>				

SECTION 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
2. Snow or blue and Ross' geese	Entire state	As established by zone	20	40
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 subzones described in subd. 2.b.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	c. 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. d. to g.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi river subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29		

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 subzones described in subd. 3.b.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	c. 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.d. to g.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 16 - Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	e. Horicon zone	Sept. 20 - Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29		

SECTION 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
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 subzones described in sub. 3.b.	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 16 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 9		
	c. 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. d. to g.	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 16 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 14		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 29		

**SECTION 1. Continued.**

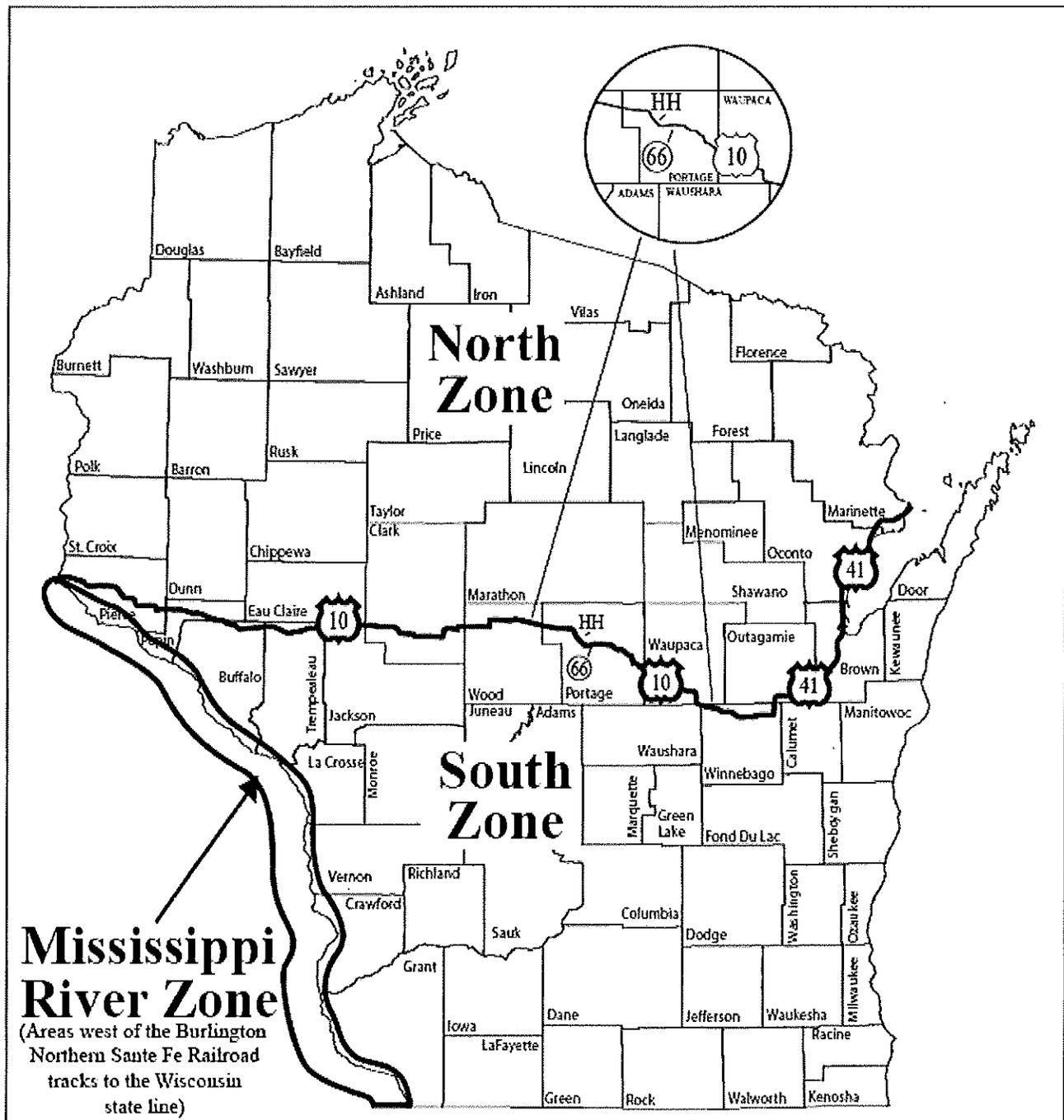
NR 10.01(1)(u) *Falconry special season.* Any person possessing a valid falconry permit and hunting license shall be restricted to the following migratory game bird seasons:

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. 17 – Sept. 18, Sept. 24 at 9:00 a.m. – Nov. 22 and Jan. 6 – Feb. 19	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. 17 – Sept. 18, and Oct 1 at 9:00 a.m. – Oct. 9, Oct. 15 – Dec. 4 and Jan. 6 – Feb. 19	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2.
	Mississippi River zone as established in s. NR 10.32	Sept. 17 – Sept. 18 and Sept. 24 at 9:00 a.m. – Oct. 2 and Oct. 15 – Dec. 4 and Jan. 6 – Feb. 19	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 under the age of 16 may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September ~~18~~ 17. 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 h., 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 and be in compliance with ss. 29.592 and 29.593, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

Section 3. NR 10.32 is repealed and recreated:



**SECTION 4. STATEMENT 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 late July of each year. This order is designed to bring the state hunting regulations into 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 5. EFFECTIVE DATE.** This rule shall take effect upon publication in the Wisconsin state paper pursuant to Ch. 227.24(c).

**SECTION 6. 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)