

SUBJECT: Authorization for public hearing for 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: MAY, 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 season. The significant regulations are:

Ducks - The state is divided into two zones each with 60-day seasons. The possibility of establishing one or two additional zones, involving the Mississippi River and/or Lake Michigan, will be considered through this rulemaking process. 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 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 expected to be as follows:

- Horicon Zone - 92 days
- Exterior Zone - 85 days

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. With the expansion of the giant Canada goose population in Manitowoc County and the decreased interest in hunting the Collins zone, there was no longer a need for special restrictions.

RECOMMENDATION: Authorize public hearings for 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:

Tom Hauge
Bureau Director, Tom Hauge

5/5/11
Date

Kurt Thiede by Tom H
Administrator, Kurt Thiede

5/6/11
Date

Matt Mowery
Secretary, Cathy Stepp

5/6/11
Date

cc: NRB Liaison
DNR Rules Coordinator

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

Scott Loomans WM/6

CORRESPONDENCE/MEMORANDUM

DATE: May 6, 2011

TO: Natural Resources Board Members

FROM: Cathy Stepp, Secretary

SUBJECT: Request Board authorization to hold public hearings on the 2011 migratory bird hunting season proposals, WM-11-11 and WM-12-11(E).

I am requesting Natural Resources Board (NRB) approval to hold public hearings on board order WM-21-10 and WM-22-10(E) relating to establishing the 2010 migratory bird hunting seasons.

SUMMARY:

Each year, Department staff participate in a federal and a state regulatory process in order to apply biological data and public input to the establishment of Wisconsin's Migratory Game Bird Hunting Regulations (waterfowl hunting seasons). The typical season elements debated among duck hunters are the date of opening day and splits for duck and goose hunting as well as daily bag limits for various species.

In addition to the annual waterfowl hunting regulation process, 2011 is the open window to change state duck hunting zones as allowed by the USFWS every 5 years. As a result of this periodic opportunity for a significant change in the duck hunting season structure, staff have been working for several months to survey and dialogue with duck hunters in order to develop a new zone structure. An initial effort at a compromise 3rd duck hunting zone as recommended by an ad hoc committee of hunters and staff has received a mixed reaction. Therefore, we are no longer proposing a third waterfowl zone that includes the Mississippi River, Lake Michigan and area south of State Highway 11. Instead, we are proposing 3 options for further public input, each of which includes a north and south zone separated by Highways 10 and 41. The options would include: Mississippi River as a third zone; Lake Michigan as a third zone; and a 4 zone option with the Mississippi River and Lake Michigan being separate zones with no option for season splits. Public input suggested support for the current boundary separating the north and south zone. Waterfowl harvest opportunities and public input suggest that hunters will not want the same seasons dates for both the Mississippi River and Lake Michigan, and some south of Highway 11 do not want to have their season modified to take advantage of migration patterns on the River and Lake. These options would be presented for approval by the US Fish and Wildlife Service and taken out for public input with the waterfowl rule in August.

Background

Each fall, about 80,000 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 US Fish and Wildlife Service (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 2010 regulatory framework adjusted for 2011 dates using the current 2 duck hunting zone structure.

Duck Hunting Zones

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. The USFWS has allowed 3 configurations of duck zones and splits:

- One statewide zone with the annual option to have 2 season splits
- Two zones with the annual option for 1 season split in each zone
- Three zones without the option for a split

Each zone can have a unique size or shape but must be contiguous and the boundaries clear.

Wisconsin has always selected the 2 zone with split option to provide a north and south duck hunting zone. Over the years, we have moved our zone line but always maintained a general north and south separation recognizing the differences in weather and hunting opportunities. 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. We have provided comment to the USFWS on this position over the years but the USFWS has maintained control over state duck hunting zones. In August, 2010 the USFWS announced their intent to offer 2 additional duck hunting zone options; 3 zones with splits and 4 zones without splits. Unfortunately, the federal implementation of these new opportunities has moved slower than planned and there is still uncertainty whether it will be implemented in 2011 or delayed.

Despite this uncertainty, Department staff initiated an analysis and public involvement process in September, 2010 in order to develop new duck hunting zone proposals (Appendix 1). In October, an ad hoc committee of 23 duck hunters and Department staff from around the state met to develop proposals for new Wisconsin duck hunting zones. In November, this committee's recommendations were reviewed by staff and a standing advisory committee. Based on this input, a random mail survey of 1000 duck hunters was conducted between November 2010 and January 2011. Presentations and discussions were held at the state Ducks Unlimited Convention, state Wisconsin Waterfowl Association annual meeting, meeting of the waterfowl committee of the Wisconsin Wildlife Federation and at the March Waterfowl Hunters Conference. In April, 2011 duck hunting zone options were presented as an advisory question at the annual spring hearings.

Through this process the challenge of providing for our diverse duck hunter population was confirmed. The "average" Wisconsin duck hunter is generally content with the current 2 zone season structure with the north opening before the south. These hunters make up about 2/3 of the duck hunters in Wisconsin. The "avid" (hunt more days and harvest more ducks) duck hunters are looking for a season configuration that extends the hunting opportunity or allows for newly developing interests. Most the avid duck hunters hunt later into the duck hunting season than the average hunter and they represent about 1/3 of the hunters. These 2 groups of duck hunters do not agree on the structure of the hunting season but in the past have been able to compromise on season elements such as the 5 day season split in the south duck zone. Most of the average hunters would prefer no split while the avid duck hunters would prefer a longer split. The goal of Department staff with the new duck zone opportunity was to develop a proposal that would maintain the satisfaction of the 2/3 of the hunters who are content while providing something new for the 1/3 who would

like something different. However, we have also learned that the 1/3 of hunters in the avid duck hunter group do not all agree among themselves. For example, differences between Mississippi River duck hunters and Lake Michigan duck hunters have caused a division over the attempted compromise duck zone proposal. As a result, the Department is now proposing to offer 3 new duck zone configurations. Given the limitations imposed by the USFWS we cannot structure a proposal which will address the desires of all these different groups of duck hunters. These 3 new proposals will be taken out for public discussion and hearings this summer:

- Three zones (keep a north and south zone) with splits with Lake Michigan as the 3rd zone. The Mississippi River would remain with the south zone. Under this scenario, the season in the new zone would not include a split or closed period. The season would begin on October 15 and continue through December 13 for a 60 day season.
- Three zones (keep a north and south zone) with splits with the Mississippi River as the 3rd zone. Lake Michigan would remain with the south zone. Season dates in this new zone would include a split when hunting is not allowed that is four days longer than the current five day split. The duck season dates would be October 1 to 9, reopening on October 19 and continuing through December 8 for a 60 day season.
- Four zones with a north, south, Mississippi River and Lake Michigan zone realizing that we would lose the opportunity to split annually. Under this scenario the 60 day season in the Mississippi River zone would open on October 8 and continue through December 6. In Lake Michigan, it would open on October 15 and close on December 13. In the South Zone, it would open on October 1 and continue through November 29. In the North Zone, it would open on September 24 and continue through November 22.

Given that a change in hunting zone structure is significant we expect considerable public input on other potential season dates. The dates presented here associated with potential duck hunting zone configurations are a starting point for discussion rather than a specific staff recommendation.

I. Annual 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 (30, 45 or 60 day seasons) 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. The preliminary frameworks for 2011 were published in the Federal Register on April 8, 2011. The proposed frameworks for the Mississippi Flyway in 2011 are outlined in Figure 2 for your reference. For duck species not listed in this figure the daily bag limit would equal the total bag limit for all ducks. 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. The decision on the duck season alternative is expected to be announced by the USFWS on July 29, 2011. As of early May, habitat conditions across most of the continental duck breeding areas are good to excellent so a 60 day season is expected.

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. Annual 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. 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 2011, staff will conduct a public meeting called the "Pre-Flyway" meeting on July 8 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 in Little Rock, Arkansas from July 17-23 in 2011. 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 27-28. On July 29, 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 27, 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 July 30 (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 1-4, four public hearings will be held around the state to solicit additional input to the proposed annual waterfowl rule. On August 10, 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 produced 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
- Duck hunting zones

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.

APPENDIX 1 – DUCK HUNTING ZONE BACKGROUND AND PUBLIC INPUT PROCESS

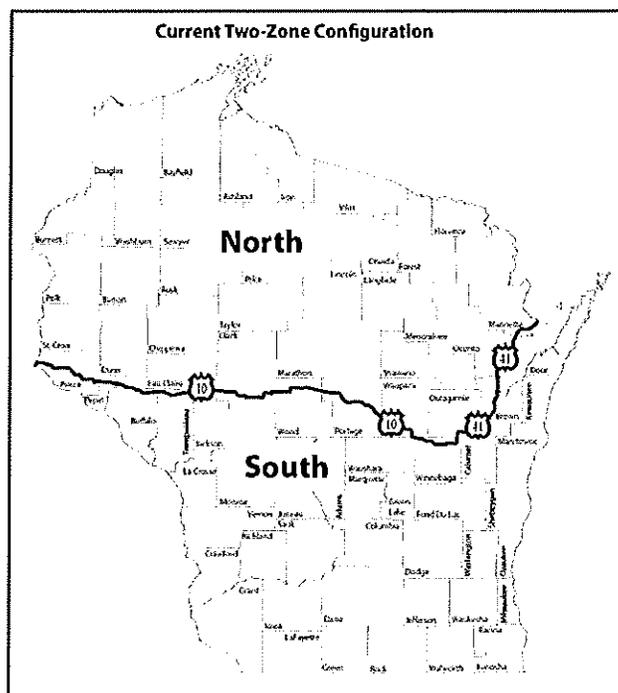
BACKGROUND:

Each year Department staff are involved in an extensive process with other Mississippi Flyway States/Provinces and the US Fish and Wildlife Service (USFWS) to determine sustainable options for the waterfowl hunting seasons. Within Wisconsin we conduct an involved public involvement process to annually determine the waterfowl hunting seasons and the dates of the hunting seasons are the most debated topic among the waterfowl hunters across the state. The annual debate over when to schedule the duck hunting season is driven by the diversity of duck species, hunting opportunities and weather conditions across Wisconsin. For example, the hunting season structure that would be ideal for a teal and wood duck hunter in Burnett County, a diving duck hunter in the Mississippi River and mallard hunter in Jefferson County can be quite different. Despite this diversity, we have been able to work with the waterfowl hunters to implement a compromise season over the last few years that satisfied 60-70% of the waterfowl hunters surveyed.

The parameters within which a state can provide waterfowl hunting seasons are established by the USFWS under their delegated authority over migratory birds. On an annual basis, the length of the duck season (30, 45, or 60 days) and the daily bag limits are determined set by the USFWS. One aspect of these regulations which is important to the hunting season timing is duck hunting zone structure. Since 1991, the USFWS has allowed states to establish duck hunting zones once every 5 years under the following options:

- One statewide zone with the annual option to have 2 season splits (temporary closures to extend the season later)
- Two zones with the annual option for 1 season split in each zone
- Three zones without the option for a split

Each zone can have a unique size or shape but must be contiguous and the boundaries clear.



Wisconsin has always used the two zone option, creating a north and south duck hunting zone. We have altered the boundary between the 2 zones during some of our 5 year opportunities for change but maintained the basic north-south structure. In the last several years under this 2 zone structure we have opened the north duck zone on the Saturday nearest September 24 and the south duck zone the Saturday nearest October 1. In the south duck zone we have also implemented a 5 or 7 day split (temporary season closure) in order to extend the hunting season later into December. This season structure has provided for a hunting experience that allows northern Wisconsin duck hunters the maximum duck hunting days before freeze up and the southern Wisconsin hunters to open the season 1 week later recognizing the difference in freeze up timing. The 2 different opening dates have provided additional hunting opportunity but caused some crowding issues just north of the dividing line during the north zone opening weekend. The compromise in the south zone using the midseason split of a few days has allowed the duck season to extend into December while not missing early migrating ducks in the beginning of October.

Wisconsin waterfowl hunters have seen the above season structure as an acceptable compromise, however, some have continued to ask for more flexibility to provide for the differences in hunting opportunity around the state. In 3 surveys of Wisconsin duck hunters over the last 6 years, 59-73% of the respondents have been content with the timing of the duck seasons. However, 23-29% wanted a later duck hunting season while 6-10% wanted the season earlier. This general difference in preference for season timing among duck hunters has also been expressed in annual public meetings and hearing. The group of duck hunters that has consistently requested the duck hunting season to extend a few days later into December has been in the range of 20-30%. These duck hunters tend to be the more "avid" duck hunters and are actively involved in the process for setting duck hunting seasons. For example, over the last 6 years at the annual waterfowl season public hearing in LaCrosse, a large proportion (45-82%) of the duck hunters (primarily river duck hunters) who attend this hearing have requested an opening day the Saturday nearest October 1 with a longer split (mostly 9 days) in the south duck zone. This would take away hunting days in October and in order to hunt later into December. This is in contrast to only about 25% asking for a longer split in the south duck zone on a statewide basis. Generally, hunters seeking a later duck hunting season have previously asked for only 5-10 days later into December under a 60 day duck season.

A NEW OPPORTUNITY:

As a result, of the diversity of duck hunting opportunity in Wisconsin, duck hunters have desired more flexibility in duck zone and split configurations. For many years, hunters from the Mississippi River represented by such citizen groups such as the LaCrosse County Conservation Alliance, the Wisconsin Wildlife Federation and Migratory Committee of the Conservation Congress have advocated with prior DNR Secretaries, Natural Resource Board members and wildlife staff for the separation of the Mississippi River in Wisconsin as a unique duck hunting zone. They have advocated for this additional zone for the purpose of later duck hunting and to recognize the unique opportunities in this area. More recently, open water duck hunting advocates on Lake Michigan have also asked for later hunting and a zone to recognize the unique hunting opportunities there. As a result of these requests, the WI DNR wildlife staff have been working with several other states to advocate for additional flexibility in establishing duck hunting zones from the USFWS. The WI DNR's consistent position has been that the USFWS does not need to regulate duck hunting zones for the conservation of duck populations, therefore, these decisions should be left to the states without federal regulation. Late last summer, the USFWS indicated that they may allow states additional duck hunting zones but still within fairly restrictive regulations.

In 2010, the USFWS Service Regulation Committee proposed that states be allowed 2 additional options:

- Three zones with splits
- Four zones without the option for a split

Initially, the USFWS suggested that states would need to have any new duck hunting zone configurations for USFWS review by April 2011. Unfortunately, since last summer the USFWS process for publishing a proposed rule change and associated environmental assessment was delayed for administrative reasons. The rule was finally published for public review and comment in April, 2011, about 6 months later than anticipated. It is uncertain as this time whether the USFWS will offer these options in 2011 or delay a decision. Because of the initial timeline, staff have been working on collecting background information and public input through various methods since last summer. More recently the USFWS has requested preliminary zone options be sent to the USFWS for review in May, 2011 with USFWS feedback expected in June. Depending on the USFWS timeline, a final proposal would be submitted for a state rule change in either the summer of 2011 or 2012.

Since last fall staff have reviewed options and engaged Wisconsin's waterfowl hunters with the goal of generating a new duck hunting zone configuration that will maintain the elements of the current season structure that are working while adding additional opportunity in areas where hunters have suggested changes.

PROCESS:

Here is a brief timeline of steps taken and planned:

- **September 2010** - Staff analyzed fall duck surveys and duck harvest over the past 10 years.
 - **October 2010** - Ad hoc committee of 23 duck hunters and staff from around the state met to review the background data and develop some duck zone configuration options
 - **November 2010** – Ad hoc committee work was reviewed by DNR staff and the Migratory Game Bird Committee consisting of DNR and external hunting groups
 - **November-December** – Random mail survey of 1000 Wisconsin duck hunters was designed, mailed and summarized.
 - **December** – Met with Migratory Committee of the Conservation Congress
 - **January 2011** – Survey results were analyzed and presented at the Wisconsin Ducks Unlimited statewide meeting and the Wisconsin Waterfowl Association statewide meeting. Discussion and public input was taken.
 - **February 2011** – Duck zone issue and survey results shared and discussion at the waterfowl committee of the Wisconsin Wildlife Federation.
 - **March 2011** – Duck zone presentation, discussion and survey at the March Waterfowl Hunters Conference. Duck zone update provided to the Wildlife Policy Team.
 - **April 2011** – Spring hearing advisory question on duck zones was voted on.
 - **May 2011** – Natural Resources Board update. Submit a preliminary duck zone configuration to the USFWS for review
 - ***June 2011** – USFWS feedback on preliminary duck zone
 - ***July-August 2011** – Take a final duck zone configuration to public hearings and NRB for approval
- * These dates are uncertain because of delays in the federal rule process.

RESULTS TO DATE:

With the opportunity to change Wisconsin’s duck hunting zones in 2011 and the possibility of additional options, staff reviewed past public input and experience under the current duck zone configuration. Two primary questions emerged.

- 1) Would a change in the current dividing line between the north and the south zones improve duck hunting opportunity in the central portion of the state?
- 2) With the opportunity for additional duck zones would it be possible to separate a portion of the state from the current 2 zones where the later duck hunting may be available, particularly under a 30 or 45 day duck season?

MID-STATE ZONE LINE

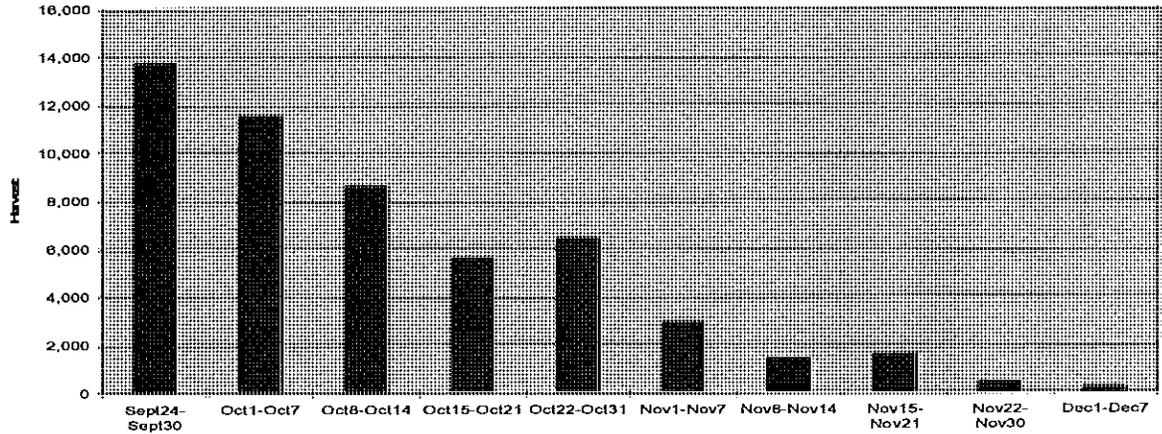
With respect to question #1, staff conducted a random mail survey of 1000 duck hunters following the 2009 waterfowl hunting season asking a range of questions related to waterfowl hunting. In this survey, respondents were asked their preference for one of 4 duck hunting zone lines with the following results:

Table 1: Preference for location of zone line

Duck zone line	Percent responding
Keep existing line (Hwy 10 to Hwy 41 north)	62%
Move north to Hwy 29, east to Hwy 41 north	15
Move further north to Hwy 64 across state	11
Move south to I-90, east to Hwy 16/Hwy 21, east to Hwy 41 north	11

In addition, staff reviewed duck harvest data over the last 10 years for several counties just north of the duck zone line (Hwy 10) to see what the impact on duck hunting opportunity would be if the zone line was moved north to Hwy’s 64 or 29. The data was very clear that the highest duck harvest in these counties was the opening week (late September) and that duck harvest declined at a fairly steady rate each week until the season closed. By November 1, 87% of the total duck harvest in these counties had occurred with 3 weeks of the hunting season remaining. If the zone line were moved north, these counties would be placed in a zone which would open a week later and stay open later into the fall, resulting in a loss of hunting opportunity for these counties.

Mid-zone line, harvest by date (HIP data 1999-2009)



An additional random mail survey to 1000 Wisconsin duck hunters was distributed in November, 2010 asking questions specifically about duck hunting zones. In this survey a question was asked whether or not to place the zone line for the north zone at the current Hwy 10-41 location or further north to Hwy 64 under a 3 zone option. A slight majority, 53%, preferred the current Hwy 10-41 option.

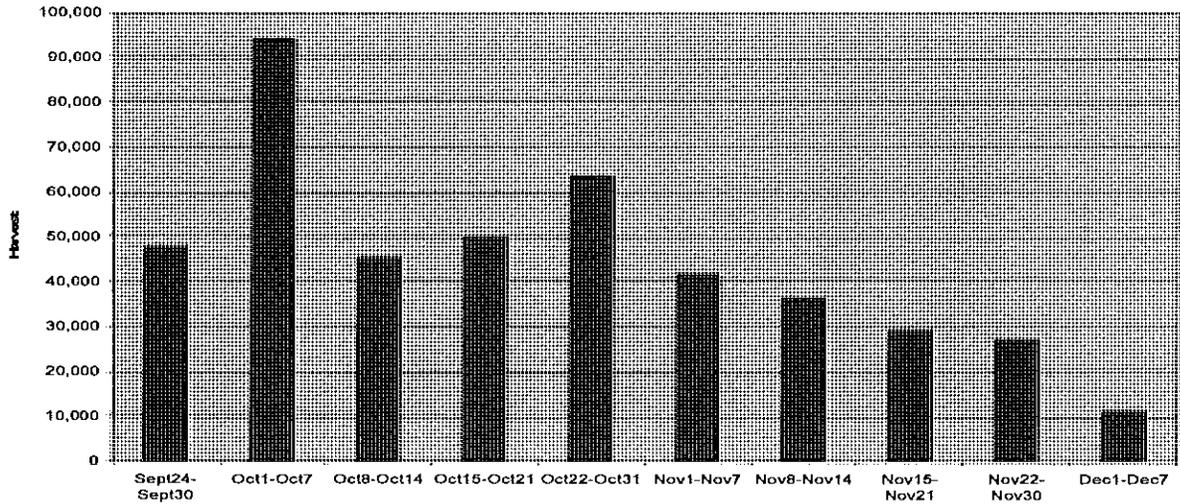
A THIRD ZONE

The data and discussion in answer to question #2, "With the opportunity for additional duck zones would it be possible to separate a portion of the state from the current 2 zones where the later duck hunting may be available?", is a little more complicated and has involved multiple steps.

Step 1: Review harvest data

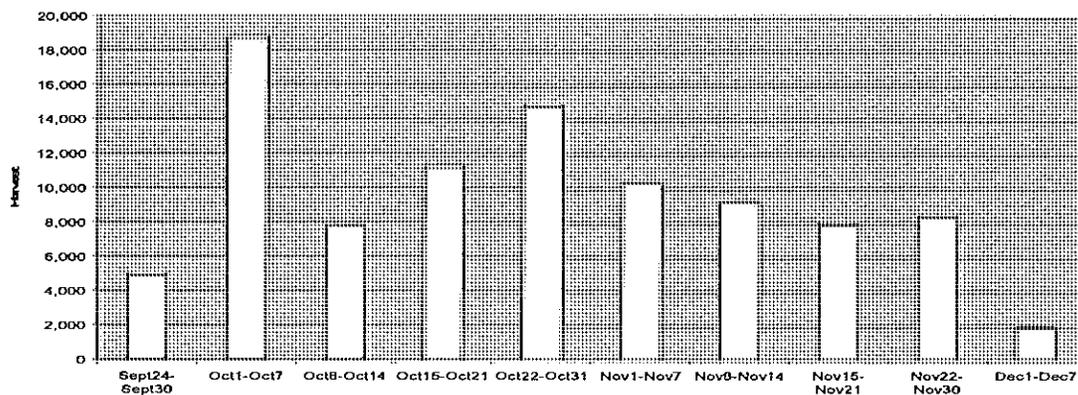
In a review of duck harvest data for the last 10 years (1999-2009), staff compared the weekly duck harvest levels statewide to specific regions (groups of counties) where a zone change might occur. The statewide results showed that most ducks are harvested the first week of October which contains the second week of the north duck zone season and opening week of the south duck zone. There is a decline in the second week of October which includes 5 days closed to hunting in the south zone. Harvest then increases in the third and fourth week of October from the low of the second week but never reaches the high of the first week of October. Beginning in November there is a steady decline in harvest each week into early December when the duck season closes.

Statewide Harvest by Date



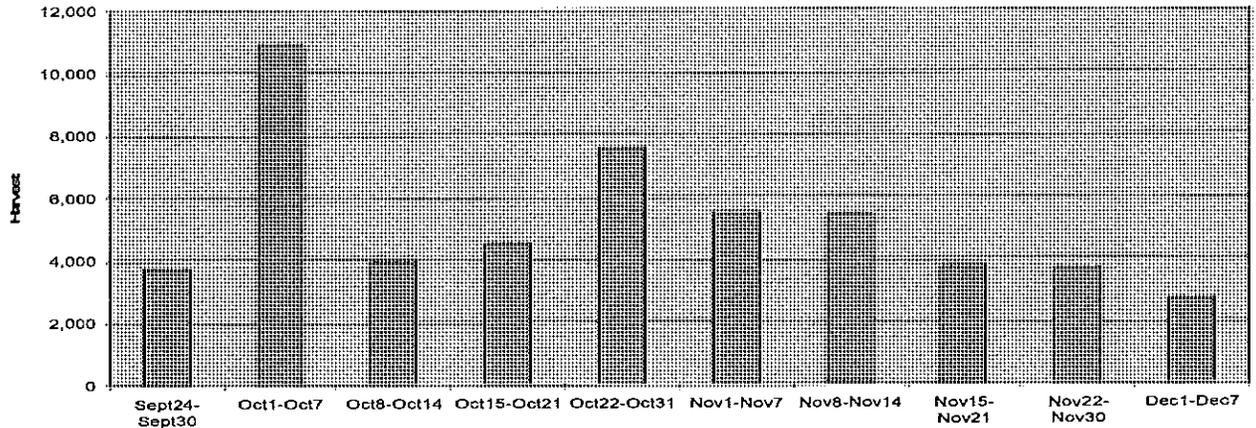
However, when staff reviewed data for 2 areas of interest along the Mississippi River and Lake Michigan there was a slightly different picture. In the counties adjacent to the Mississippi River, the early pattern of weekly duck harvest looks similar to the statewide picture but in November the weekly decline in harvest is not as steep, showing a steady harvest level the last 2 weeks of November. When reviewed at the species level the November harvest in these counties consists of mallards, other dabbling ducks such as wigeon and gadwall, as well as diving ducks. We see a movement of ducks into the Mississippi River in November as other areas of Wisconsin and waters further north freeze showing a harvest opportunity later in the season than other parts of the state.

Mississippi counties, harvest by date (HIP data 1999-2009)



For the counties adjacent to Lake Michigan/Green Bay, we see an even slower decline in duck harvest associated with duck harvest opportunities on Lake Michigan. In November there is a similar pattern as for the Mississippi River counties but harvest shows a smaller proportional decline the final week of the duck season in December. The harvest opportunity in these last 3 weeks is supported by scaup, bufflehead, common goldeneye and long-tailed ducks.

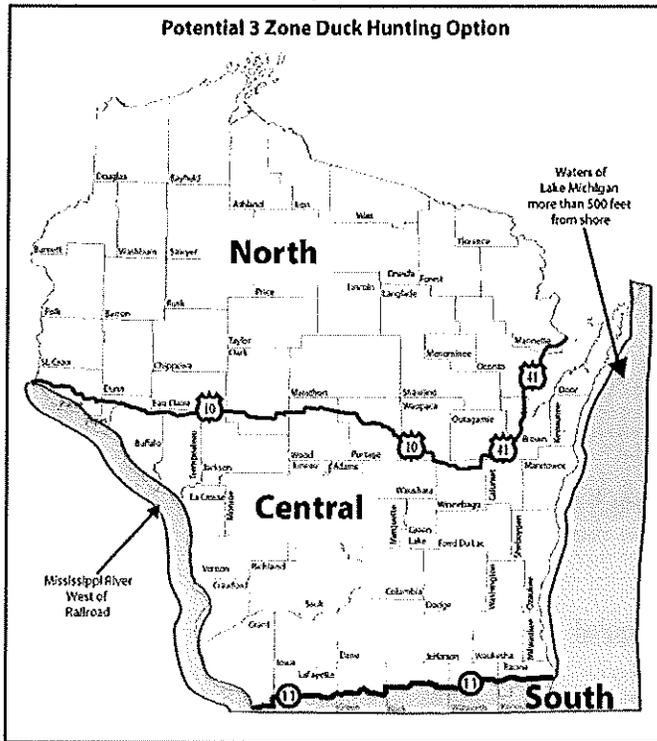
**Lake Mich/GB border counties, harvest by date
(HIP data 1999-2009)**



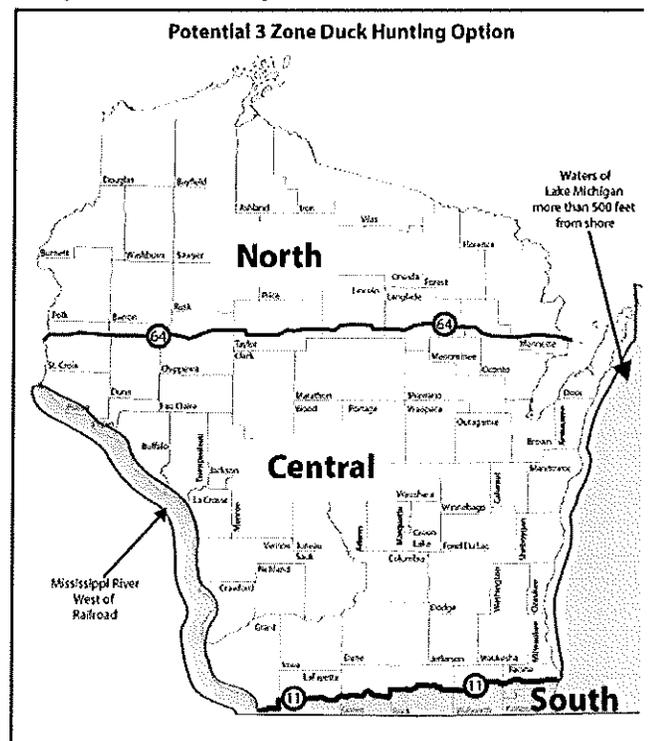
Step 2: Develop third zone compromise proposal

In October, a group of 23 duck hunters, Conservation Congress delegates, DNR wardens and biologists met in an ad hoc committee to review the issues and data in order to propose potential new duck hunting zone options. After review of the ad hoc committee's results, there was additional review in November by staff from affected areas and review by the DNR's Migratory Committee which has staff and stakeholder members. From these discussions two 3-zone alternatives were developed. It was recognized in this process that these alternative were not ideal but a reasonable method for accommodating different hunter desires given federal restrictions. The committee did not recommend that a 4 zone alternative be considered because we would lose the opportunity for a split season. The committee's concern was that if we are restricted to a shorter duck season in the future (30 or 45 days) then we would need an early and late period for duck hunting to balance the different hunter desires. The 3 zone alternatives had the objective of separating the Mississippi River and Lake Michigan from the rest of the state to provide the opportunity for a season that ends a little later than the rest of the state. It was understood that to provide later duck hunting into December under a 60 day duck season that duck hunting days earlier in the season, likely October, would be lost. For example, the south duck zone has been closed for 5 days (Monday-Friday) in October the last few years to provide December duck hunting so if even later duck hunting was desired then the split would need to be longer, possibly 9 days. The Mississippi River and Lake Michigan would need to be connected under federal guidelines to be considered one zone therefore the committee recommended lands south of Hwy 11 be included in this zone. There are some late season opportunities in this area of the state as well. This third zone was called the south/Big water zone. Two options for this 3 zone concept are presented below.

Hwy 10/41 boundary line



Hwy 64 boundary line



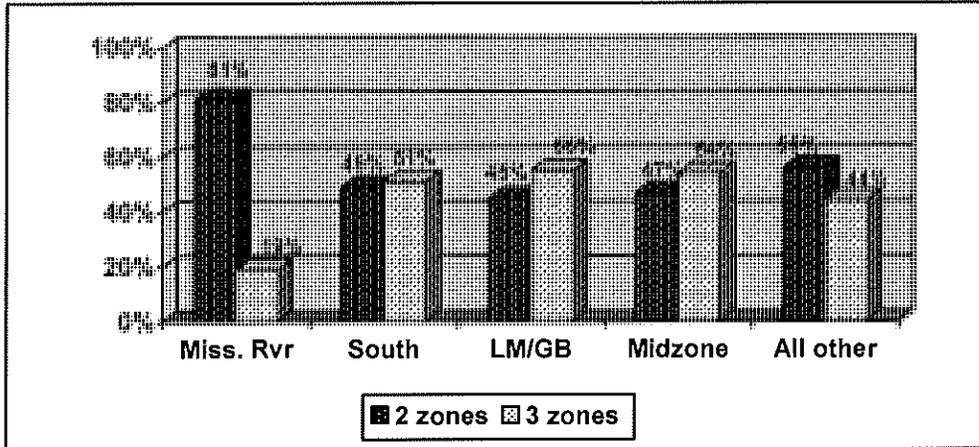
The shading approximates the south/big water zone.

Step 3: Conduct Survey of duck hunters

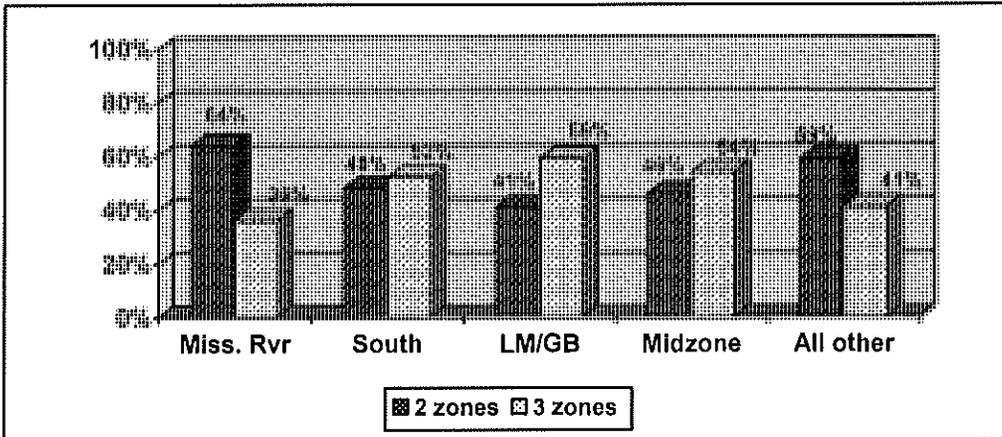
Staff developed a survey which was mailed to a random selection of 1000 duck hunters to determine preferences for these proposed zones. We had 698 duck hunters return the survey for a response rate of 70%, which is excellent. These results have a confidence interval of +/- 3%. The survey revealed some expected and unexpected results. Fifty five percent of the respondents indicated they would like no change while 45% indicated they would favor a change to 3 zones. However, 20% of the people that returned the survey did not answer this question. These responses reveal 2 things. There is a slight shift toward a desire for a different duck season structure from the prior hunter surveys where only about 30% wanted something different. In addition, there is likely a significant portion of our duck hunting public that would be unaffected by this additional zone so they do not have a strong opinion on 2 versus 3 zones. These general results were expected.

However, we analyzed these data at a finer level to see if there were regional differences in responses related to the areas of potential change. When analyzing a smaller sample size in these county groups our confidence declines to about +/- 10%. Data were analyzed by the county where hunters lived and also where they hunted. For the counties along Lake Michigan and the southern border of the state that would be included in the third zone there was a slight majority that favored a 3-zone concept both among those who live and those who hunted these counties. However, hunters in the counties that border the Mississippi River strongly favored the current 2-zone concept. This was an unexpected result since Mississippi River duck hunters have been the catalyst for the 3-zone concept for many years.

Duck hunter preference for 2 zones or 3 zones by where (county groups) hunters live



Duck hunter preference for 2 zones or 3 zones by where (county groups) the hunters hunt



Step 4: Share results and discuss with duck hunters face to face

Staff took opportunities to provide presentations and discussion sessions on this topic with duck hunters at the following events from January-March; Ducks Unlimited State Convention, Wisconsin Waterfowl Association State Meeting, Waterfowl Committee of the Wisconsin Wildlife Federation and March Waterfowl Hunter's Conference. During these meetings, duck hunters had good questions and discussion on the options presented and the survey results. They appreciated Department efforts to survey and talk with duck hunters on this issue. The feedback on a 3 zone concept was mostly positive, with a few folks at each meeting offering different variations to the configuration of the zones. Many realized that the potential changes would not affect where they hunt so they were ambivalent. People were consistently surprised by the results of the survey from the Mississippi River counties. It was explained to each audience that we can create the 3 zones and if after experimenting with different season dates for a 2-3 years we are not satisfied with the results we could always return to the state quo by scheduling the Central and South/Big Water zones with the same dates. In 5 years, we could alter the lines again.

At the March Waterfowl Hunters Conference we took the opportunity to provide the same survey document that was mailed out to the conference participants. This allows us a crude comparison of the results from random mail survey which would define the “average” Wisconsin duck hunter with the conference results which would define the “avid” Wisconsin duck hunter. The conference attendance was estimated at 180 and we received 103 returned surveys. While the sample size is much smaller, the results reveal a clear contrast between the 2 groups of duck hunters. Among conference participants, 77% (n=79) favored a 3 duck hunting zone configuration versus only 45% that favored 3 zones in the random mail survey. Similarly, the conference participants that hunt the counties along the Mississippi River 88% (n=21) favored a 3 zone option. While the sample size is small, these differences confirm what staff have learned from years of interacting with these customers and would confirm that the more avid and involved duck hunters have been the hunters behind the effort to create more diverse hunting opportunities through additional duck hunting zones.

Step 5: Spring hearing advisory question

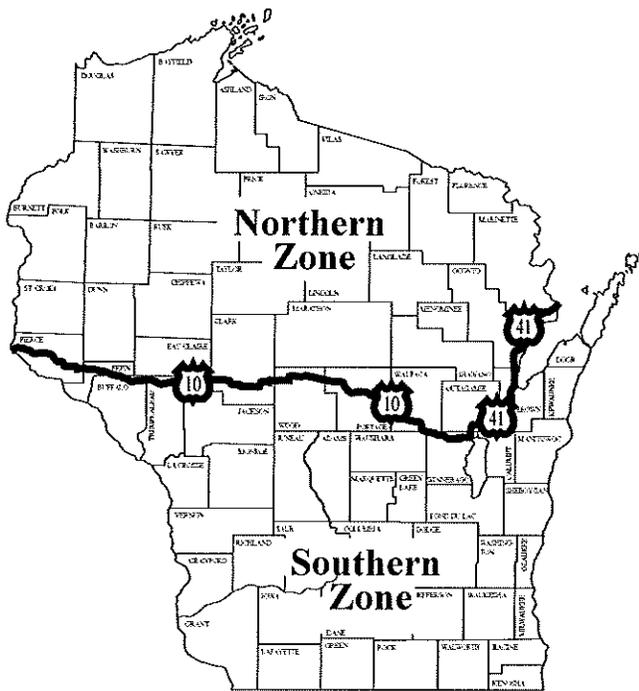
On April 11, the statewide spring hearings were conducted and questions seeking input on duck zone options presented. The options were the same as those developed by the ad hoc committee and included in the winter duck hunter survey. However, the structure of the spring hearing system is not ideal for asking a multiple option question. The statewide vote was 60% in favor of maintaining the 2 current 2 zone option and 40% in favor of a 3 zone option. This reaction to a change in the current duck hunting season zones and dates is very similar to the input we have had over the last few years. In other words about 2/3 of Wisconsin’s duck hunters are content with the current season structure and about 1/3 would like to see something different. Our desire of creating a new duck zone configuration has been to provide something new to the 1/3 who are asking for change while not negatively impacting the 2/3 of the hunters that are content with the current structure. While we believe that the 3 zone options presented would result in little change to the current seasons experienced by most Wisconsin duck hunters the new options failed to gain strong support. When looking at the county level votes there was no clear pattern of preference in the key areas of change; Mississippi River and Lake Michigan. Only 2 of 8 counties along the Mississippi River favored the 3 zone option and only 1 county out of 8 along the Lake Michigan favored 3 zones.

In summary, under our current duck hunting zone management, a majority of Wisconsin’s duck hunters have been content but there is a consistent voice for a small change in season dates. It is important to keep in mind that the various options under consideration the last few months would not change the hunting season structure for most duck hunters and only change the dates for some hunters by 2-7 days under a 60 day season. The opportunity for additional duck hunting zones in Wisconsin can help us address some but certainly not all of the diversity of preferences among duck hunters in Wisconsin. Even with the additional flexibility proposed by the USFWS, the options are not ideal. There are tradeoffs among hunter preferences with each scenario we could attempt. However, the harvest data suggest that the Mississippi River and Lake Michigan would offer different duck hunting opportunities than many areas of the state.

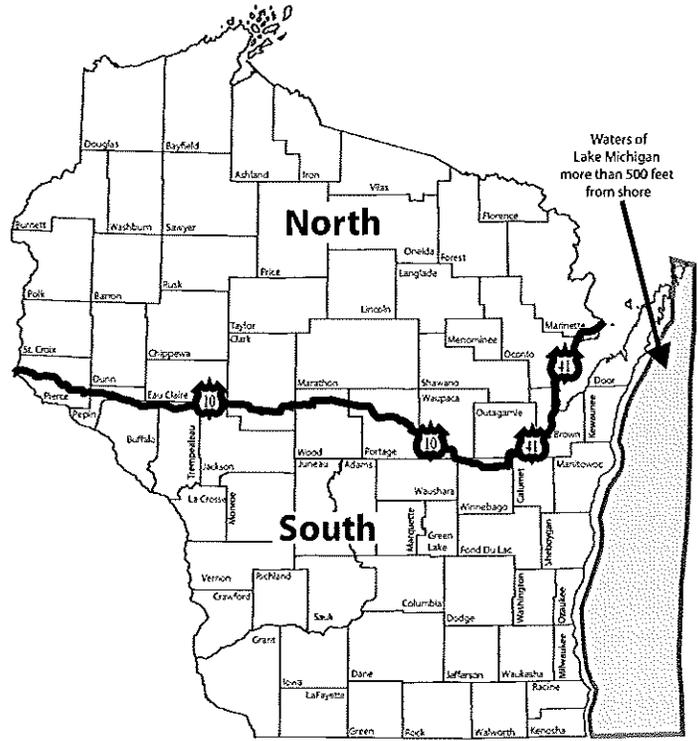
After reviewing the feedback from various sources, it appears that the hunters who live and/or hunt near the Mississippi River and Lake Michigan are not showing strong support for the compromise U-Shaped southern 3rd zone. However, there is sufficient harvest data and public interest to consider a new duck hunting zone structure in Wisconsin that may offer additional duck hunting opportunity. Therefore, we are proposing 3 new options that are within the sideboards proposed by the USFWS. These options include; a 4 zone – no split option with both the Mississippi River and Lake Michigan as new zones, a 3 zone option with the Mississippi

River as the new zone in addition to the north and south zones or a 3 zone option with Lake Michigan as the new zone. These new options will be shared with the public over the 2 months and open for comment during the summer waterfowl rule process. A recommendation on a final duck zone structure will be presented to the Natural Resources Board at the August meeting and implemented in fall 2011, pending federal approval.

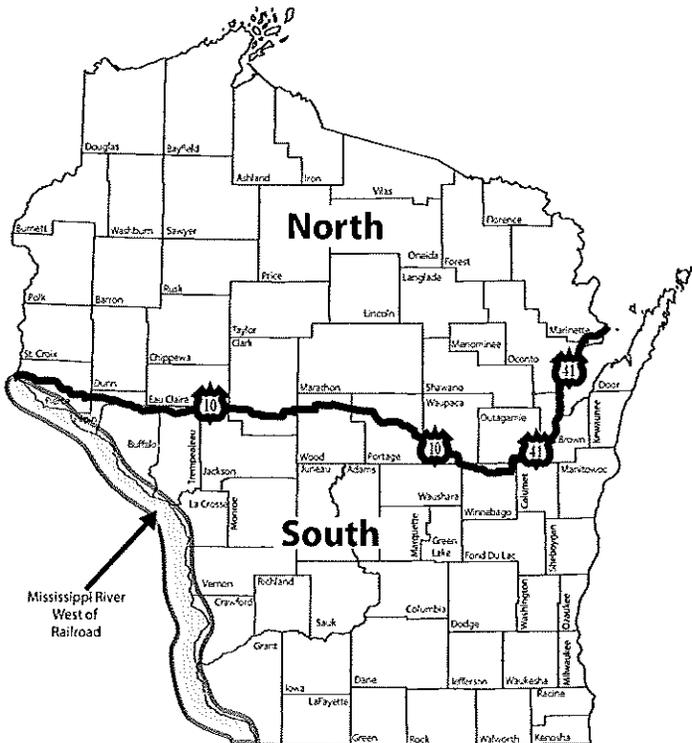
Current Two-Zone Configuration



3 Duck Zone Lake Michigan Option



3 Duck Zone Mississippi River Option



4 Zone No Split Duck Hunting Option

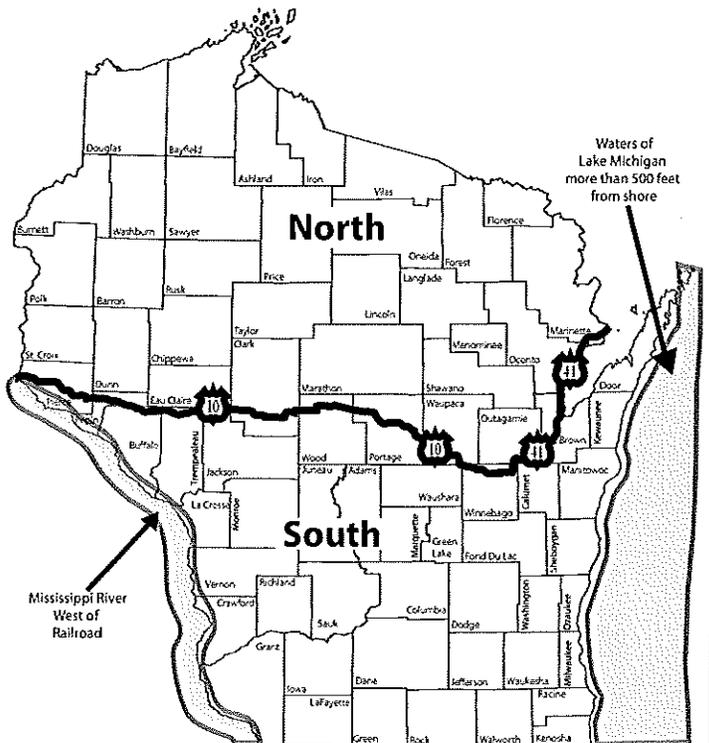
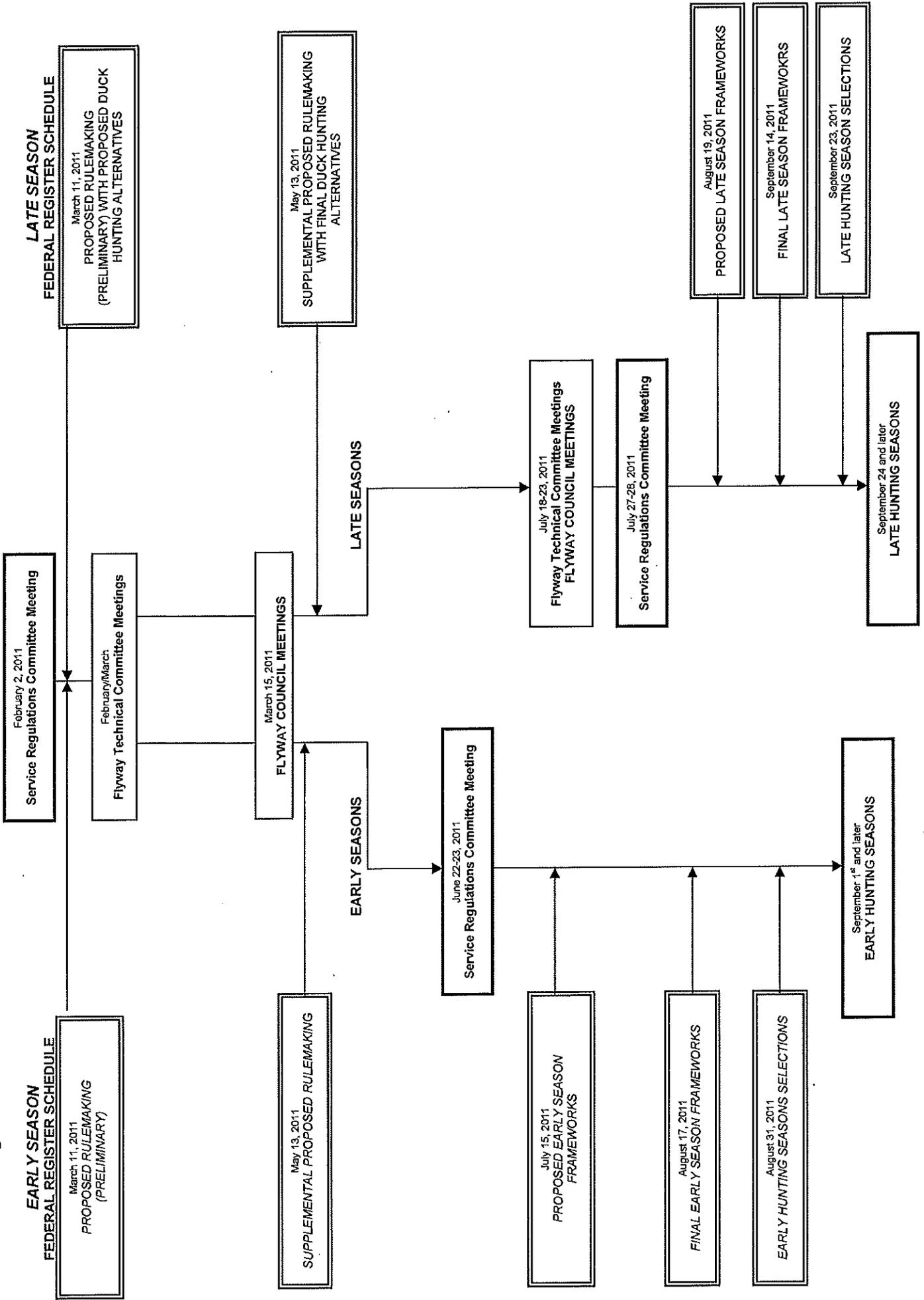


Figure 1. 2011 FEDERAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



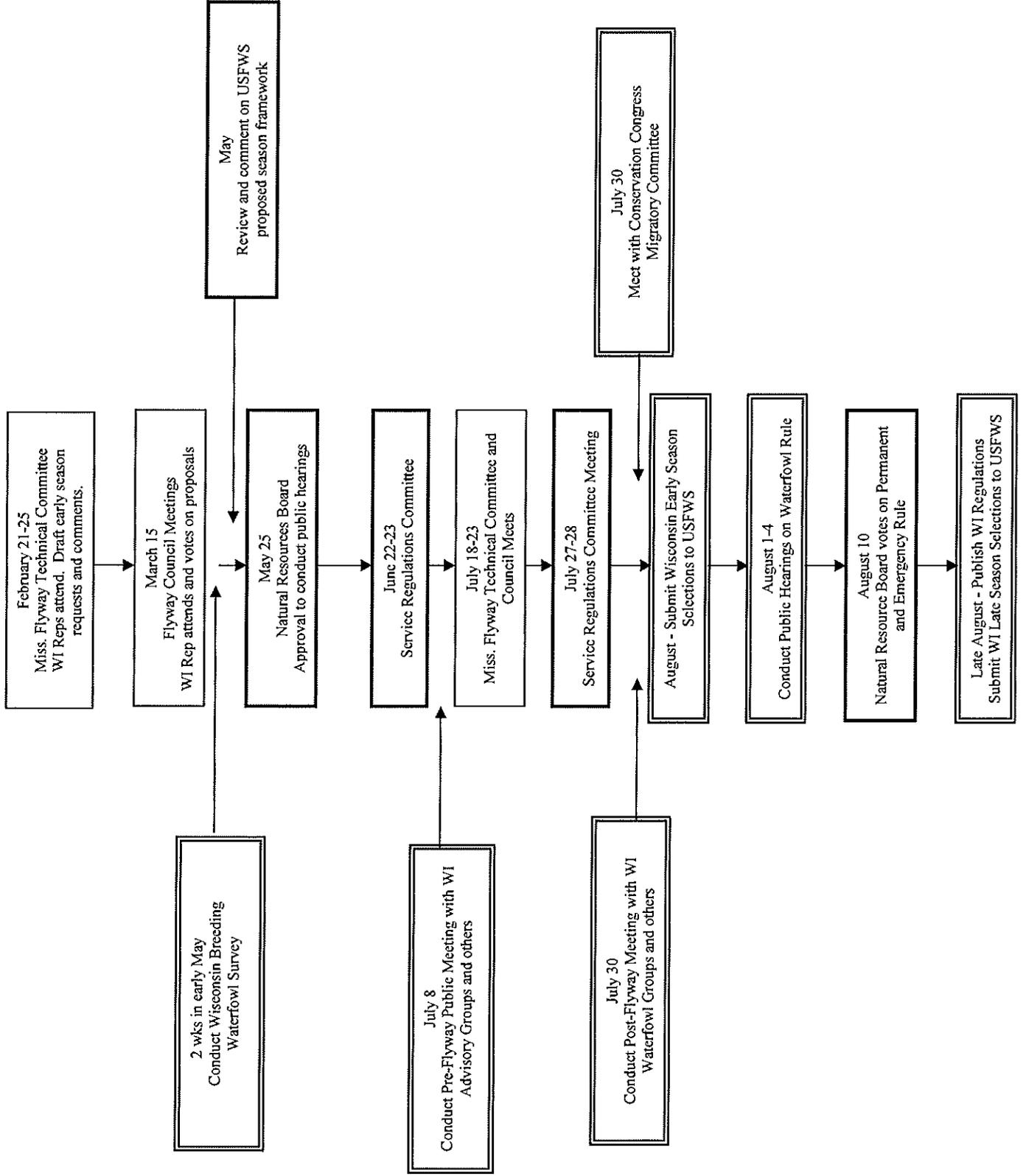
**Figure 2. PROPOSED REGULATORY ALTERNATIVES FOR
DUCK HUNTING IN THE MISSISSIPPI FLYWAY DURING THE 2011-12 SEASON**

MISSISSIPPI FLYWAY			
	RES	MOD	LIB
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 or 3	0 or 3	0, 1 or 2
Black Duck	1	1	1
Scaup	(45day/2bird bag, 15/1), 60/2, or 60/4 with SCAUP STATUS HARVEST STRATEGY		
Canvasback	0, 1, or 2 ACCORDING TO THE CANVASBACK HARVEST STRATEGY		
Redhead	1	2	2
Wood Duck	3	3	3

Figure 3. 2011 WISCONSIN MIGRATORY GAME BIRD REGULATORY SCHEDULE



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	

May have significant economic impact on a substantial number of small businesses

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 	Telephone Number 608-266-5893	Date 05/05/2011

Signature - Secretary or Designee 	Telephone Number 608-266-2744	Date 05-05-11
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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-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 two 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. 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. 17 – Dec. 10); Exterior Zone in the southern duck zone – 85 days (Sept. 17 – Oct. 9 and Oct. 15 – Dec. 15) and Mississippi River subzone - 85 days (Oct. 1 – Oct. 9 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 configuration. At the time of submittal of this rule to the Wisconsin Legislative Council Clearinghouse for review under Ch. 227.15 Stats., the USFWS had not determined if they can give our state the option of reconfiguring duck hunting zones because they are engaged in a concurrent rule making process. If the USFWS does not grant Wisconsin's request to change duck hunting zones, the department will not propose a SECTION 3 in this board order when we request adoption and will not take public input on SECTION 3 at public hearings.

If the USFWS does grant Wisconsin's request to change duck hunting zone configurations, the department will request public input at hearings on three new alternatives. A map of each option is included under alternative versions of SECTION 3 of this rule order. Under all three alternatives, the Northern Zone duck hunting season would not change from the dates listed in this proposal. The Canada goose hunting season would be modified so that it is also closed during the closed period in duck zones that have split seasons.

The first alternative is to create a new, third duck hunting zone that consists of Mississippi River areas west of the Burlington Northern Railroad tracks. Under this scenario, the season dates in this zone would include a split when hunting is not allowed that is four days longer than the current five day split. The duck season dates would be October 1 to 9, reopening on October 19 and continuing through December 8 for a 60 day season.

The second alternative is to create a new, third duck hunting zone that consists of the Lake Michigan areas east of a line beginning 500 feet from shore, not including Green Bay. Under this scenario, the season dates in this zone would not include a split or closed period. The season would begin on October 15 and continue through December 13 for a 60 day season.

A third alternative is to create two new zones, one that consists of Lake Michigan and one that consists of the Mississippi River as described above. Under this scenario, the USFWS proposes to only allow continuous straight seasons with no opportunities for splits or closed periods during the season. Under this scenario the 60 day season in the Mississippi River zone would open on October 8 and continue through December 6. In Lake Michigan, it would open on October 15 and close on December 13. In the South Zone, it would open on October 1 and continue through November 29

A fourth alternative that the department will request input on is the existing zones with season dates as described in this proposed order.

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.

At the time of submittal of this rule to the Wisconsin Legislative Council Clearinghouse for review under Ch. 227.15 Stats., the USFWS had not determined if they can give our state the option of reconfiguring duck hunting zones because they are engaged in a concurrent rule making process to revise 50 CFR 20. If the USFWS does not modify their rules allowing Wisconsin to change duck hunting zones, the department will not propose a SECTION 3 in this board order when we request adoption and will not take public input on SECTION 3 alternatives at public hearings.

Except as described above, 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. The USFWS has 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. Each zone can have a unique size or shape but must be contiguous and the boundaries clear.

Wisconsin has always selected the 2 zone with split option to provide a north and south duck hunting zone. Over the years, we have moved our zone line but always maintained a general north and south separation recognizing the differences in weather and hunting opportunities. 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. We have provided comment to the USFWS with this position over the years but the USFWS has maintained control over state duck hunting zones. In August, 2010 the USFWS announced their intent to offer 2 additional duck hunting zone options; 3 zones with splits and 4 zones without splits. Unfortunately, the federal implementation of these new opportunities has moved slower than planned and there is still uncertainty whether it will be implemented in 2011 or delayed. Potential configurations are described in SECTION 3 of this rule order. If one of these new options is selected it is likely that the season structure for the north and south zones will experience only minor changes from that in this proposed rule order while 1-2 new season structures will be offered in the new zones.

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 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 will conduct a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff will provide the attendees with breeding status information and ask for any items that they wish the department to pursue at the MFC meeting in mid July. Department staff 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 work with the other states in our Flyway to discuss and develop proposals and recommendations to be voted upon by the MFC. Proposals that pass 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 on July 29. Department staff will 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 on July 30. 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 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.

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

Deadline for Written Comments: Comments on this proposed rulemaking may be submitted to the agency contact person listed above. The deadline for written comments is Thursday, August 4.

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.	

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. 17 — Sept. 23 and Sept. 24 at 9:00 a.m. — Dec. 10	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 17 — Sept. 23 and Sept. 24 at 9:00 a.m. — Dec. 10	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. 17 — Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15	2	4
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 17 — Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15	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	Oct. 1 at 9:00 a.m. — Oct. 9 and Oct. 15 — Dec 29	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).

SECTION 1. Continued.

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. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	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. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi river subzone	Oct. 1 at 9:00 a.m. – Oct. 9 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. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	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. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 17 - Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	e. Horicon zone	Sept. 22 - Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Oct. 1 at 9:00 a.m. – Oct. 9 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. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	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. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Oct. 1 at 9:00 a.m. – Oct. 9 and Oct. 15 – Dec 29		

SECTION 1. Continued.

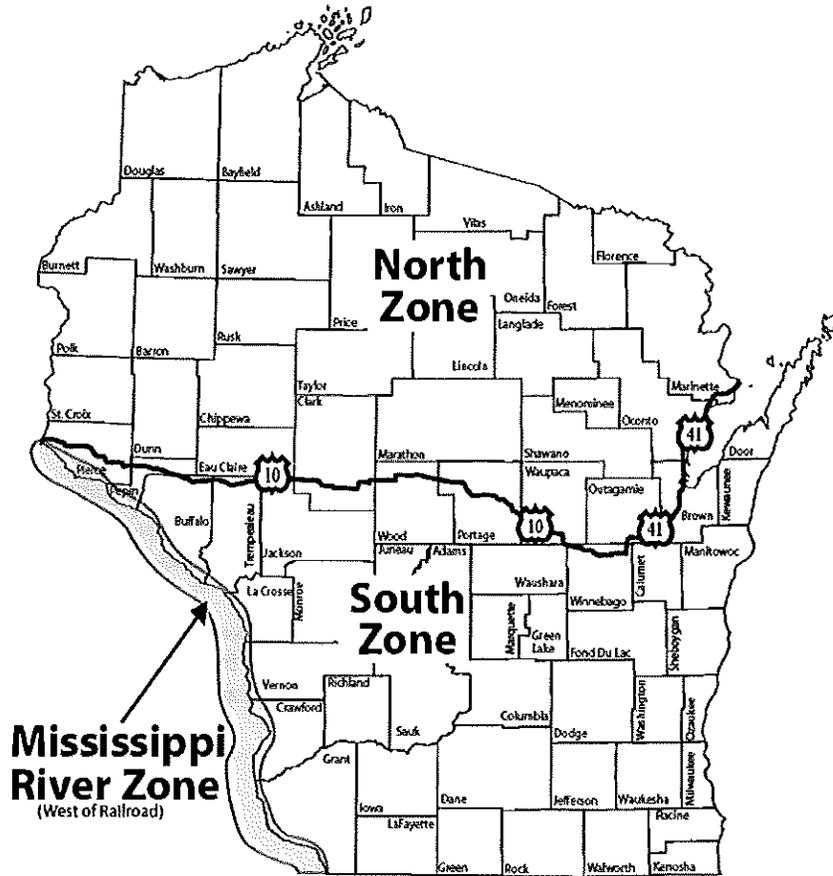
NR 10.01(1)(u) *Falconry special season.* Any person possessing a valid falconry permit and hunting license shall be restricted to the following migratory game bird seasons:

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.
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

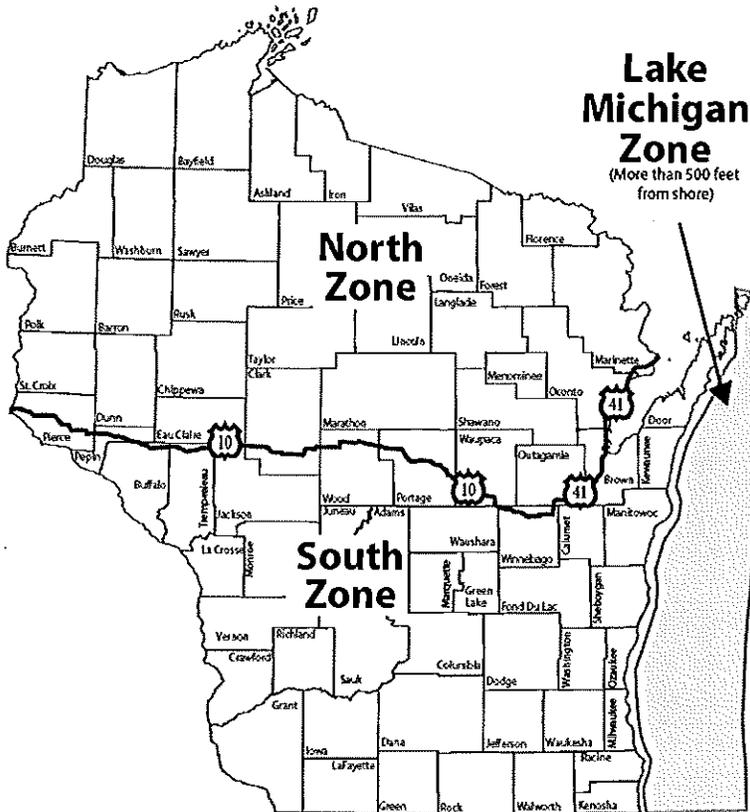
SECTION 2. NR 10.01(1)(v) is amended to read:

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 (first alternative version to consider at hearings). NR 10.32 is repealed and recreated:



SECTION 3 (second alternative version to consider at hearings). NR 10.32 is repealed and recreated to read:



Section 3 (third alternative version to consider at hearings). NR 10.32 is repealed and recreated:



SECTION 4. 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 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 _____
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 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, 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 227.14, 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 two 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. 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. 17 – Dec. 10); Exterior Zone in the southern duck zone – 85 days (Sept. 17 – Oct. 9 and Oct. 15 – Dec. 15) and Mississippi River subzone - 85 days (Oct. 1 – Oct. 9 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.

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.

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.

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 are guided by the Mississippi Flyway management plans for the MVP and giant Canada goose populations and approved by the Mississippi Flyway Council (MFC) 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 will conduct a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff will provide the attendees with breeding status information and ask for any items that they wish the department to pursue at the MFC meeting in mid July. Department staff 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 work with the other states in our Flyway to discuss and develop proposals and recommendations to be voted upon by the MFC. Proposals that pass 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 on July 29. Department staff will 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 on July 30. 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 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.

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

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.	

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. 17 — Sept. 23 and Sept. 24 at 9:00 a.m. — Dec. 10	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 17 — Sept. 23 and Sept. 24 at 9:00 a.m. — Dec. 10	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. 17 — Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15	2	4
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 17 — Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15	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	Oct. 1 at 9:00 a.m. — Oct. 9 and Oct. 15 — Dec 29	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).

SECTION 1. Continued.

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. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	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. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi river subzone	Oct. 1 at 9:00 a.m. – Oct. 9 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. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	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. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 17 - Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	e. Horicon zone	Sept. 22 - Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Oct. 1 at 9:00 a.m. – Oct. 9 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. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 17 – Sept. 23 and Sept. 24 at 9:00 a.m. – Dec. 10		
	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. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 17 – Sept. 30 and Oct 1 at 9:00 a.m. - Oct. 9 and Oct. 15 - Dec. 15		
	e. Horicon zone	Sept. 16 – Sept. 30 and Oct. 1 at 9:00 a.m. – Dec. 16		
	g. Mississippi River subzone	Oct. 1 at 9:00 a.m. – Oct. 9 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.
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 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. 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 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. This rule shall take effect on the date of publication in the Wisconsin state paper pursuant to Ch. 227.24(c).

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 _____
Cathy Stepp, Secretary

(SEAL)