



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

**State of Wisconsin
Department of Natural Resources**

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Board Order No.: WM-13-09

Clearinghouse Number: CR 09-042

Subject of Rules: The 2009 Migratory Game Bird Seasons and Waterfowl Hunting Zones

Date of Transmittal: August 24, 2009

Send a copy of any correspondence or notices pertaining to the rule to:

**DNR Bureau of Wildlife Management Rules Coordinator
Scott Loomans, DNR, GEF-2, WM/6, 101 South Webster
scott.loomans@wisconsin.gov**

An electronic copy of the proposed rules submittal may be obtained by contacting Scott Loomans.

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
The 2009 Migratory Game Bird Seasons and Waterfowl Hunting Zones
Board Order No. WM-13-09
Clearinghouse Rule No. 09-042

Basis and Purpose of the Proposed Rule

This rule order establishes the season length and bag limits for the Wisconsin migratory game bird hunting 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 federal and state rule-making procedures.

Section 1 of this rule order establish the season length and bag limits for the 2009 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 26 and continues for 60 consecutive days in the north, closing on November 24. In the South the season begins at 9:00 a.m. on October 3 and continues through October 11, followed by a 5-day split, and then reopens on October 17 and continues through December 6. 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 pintail, 1 canvasback, 3 wood ducks, 2 scaup and 2 redheads.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 66 days (three hunting periods, September 16 – October 4, October 5 – 25, October 26 – November 20); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 2); Exterior Zone in the northern duck zone - 85 days (Sept. 19 – Dec. 12); Exterior Zone in the southern duck zone – 85 days (Sept. 19 – Oct. 11 and Oct. 17 – Dec. 17) and Mississippi River subzone - 85 days (Oct. 3 – Oct. 11 and Oct. 17 – Dec. 31). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Section 2 establishes the youth waterfowl hunting season dates and revises the season's regulations to be consistent with the provisions of 2009 Senate Bill 167. The act and this section allow participation by people who are age 10 or 11. Hunters who are age 10 or 11 or who have not completed a hunter safety course of instruction must hunt with a mentor who is at least 18 years of age and be within arms reach of the mentor at all times. A mentor may supervise only one hunter who is age 10 or 11 or who has not completed a hunter safety course of instruction and the hunter and mentor together may possess only one firearm or bow.

Sections 3 and 4 make a housekeeping change to eliminate the map of the Horicon Intensive Management Zone for geese. Related regulations were eliminated three years ago.

Section 5 updates road names in the migratory game bird hunting zone map following the completion of new highway construction. The location of the boundary is not changed.

Summary of Public Comments

Overall, a strong majority of the public comments offered during the public hearings and submitted to the Department via phone, email and letter were in support of the proposed seasons. They are summarized below by the major groups of options.

1) Statewide same opening day for duck season in both zones: 5 individuals

2) North Zone - Opening Day

Sept 26 (Department Proposal)

- 58 individuals
- 4 waterfowl groups
- Conservation Congress Migratory Committee

October 3 or later

- 5 individuals requested this later opening date and one individual requested a split in the north zone

Based on public input the Department recommends the northern duck zone hunting season be open from September 26 – November 24.

2) Southern Zone – Opening Day

October 3 (Department Proposal)

- 37 individuals
- 3 waterfowl groups
- Conservation Congress Migratory Committee

Sept 26

- 1 local waterfowl group and 5 individuals

Later

- 1 local waterfowl group and 3 individuals

Based on public input the Department recommends the south duck zone hunting season to open on October 3.

3) Southern Zone – Season Split

- No split – 5 individuals
- 5 day split (Department Proposal)
 - 35 individuals
 - 3 waterfowl groups
 - Conservation Congress Migratory Committee
- Something longer than 5 days – 1 waterfowl group (LCCA) and 7 individuals

Based on public input the Department recommends the proposed 5 day split for the southern duck zone resulting in a season of October 3-11 and October 17-December 6.

4) Exterior Zone Canada Goose Season

- Opening day in the north and south zones: September 19 and a 5 day season closure in the south zone with duck season (Department Proposal)
- 36 individuals
- 3 waterfowl groups

Several other options were offered by a few people but without substantial support

- Open on Sept 16 – 1 group and 1 individual
- Open with duck on Oct 3 – 1 group and 1 individual
- Open with duck on Sept 26 – 2 individuals
- No split in the south zone – 2 individuals

Based on the public input, the Department recommends implementing the season as proposed with the following dates; North zone - September 19 – December 12 and South zone – September 19 – October 11 and October 17 – December 17.

6) Opening Day Shooting Hours

In 2006, the Department implemented a change in the beginning of shooting hours for the opening day of duck season from noon to 9:00 am. This was a compromise among the different

hunter desires on this topic. The 9:00 am opener went well as reported by staff around the state the last 3 seasons. Opinions remain varied but most people believe this is an acceptable compromise.

- 9:00 am – Conservation Congress, 3 waterfowl groups and 32 individuals favored
- Noon – 1 local waterfowl group, 3 individuals favored
- ½ hour before sunrise – 1 local waterfowl group and 7 individuals favored.

The Department recommends maintaining a 9:00 am beginning of shooting hours on opening day.

Modifications Made

No modification were made as a result of public hearings.

Appearances at the public hearings

August 3, LaCrosse - 15 people attended, 8 gave oral testimony
In Support:

John Wetzel, Holmen

As interest may appear:

Tom Kapellas, LaCrosse
Don Heidel, Holmen
Tony Toye, Boscobel
Marc Schultz, Onalaska
Ray Heidel, Onalaska
Keith Braunreiter, Galesville
Greg Egan, LaCrosse

August 4, Rice Lake - 7 people attended, 6 gave oral testimony
In Support:

Jeff Marshal, Lakeville MN
Jon Bergquist, Amery
Craig Conroy, Webster
Craig Matter, Hager City

As interest may appear:

Brian Spangler, Elmwood
David Caithamer, Spooner

August 5, Appleton – 14 people attended, 4 gave oral testimony
In Support:

Dick Koerner, Neenah
Noel Dolde, Wautoma
Rex Gromer, Menasha

As interest may appear:

John Rueth, Appleton

August 6, Pewaukee – 18 people attended, 5 gave oral testimony

In Support:

Al Shook, Oconomowoc

In opposition:

Todd Thelen, Oconomowoc

As interest may appear:

Richard Hauke, Menomonee Falls

Mark Kakatsch, Oconomowoc

Robert Reinicke, Pewaukee

Changes to Rule Analysis and Fiscal Estimate

No changes were made as a result of public hearings. The analysis and fiscal estimate were revised to reflect the federal offering of one canvasback and two scaup in the daily bag limit.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated into the rule.

Final Regulatory Flexibility Analysis

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, 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.

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 NR 10.31(3)b., to amend 10.01(1)(v), 10.31(3) (intro.); and to repeal and recreate 10.01(1)(b), (g) and (u), and 10.32 relating to hunting and the 2009 migratory game bird seasons and waterfowl hunting zones.

WM-13-09

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted and Explanation of Agency Authority: In promulgating this rule, ss. 29.014, 29.041, 29.197 and 29.885, Stats. have been interpreted as allowing the department the authority to establish the migratory game bird seasons within the state as well as on and in all waters bordering the state and establish the two-day youth waterfowl hunt.

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of this rule order include ss. 29.014 and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provide that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, s. 29.041, Stats., authorizes the department to promulgate rules that regulate hunting on and in all interstate boundary waters, 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 establish the season length and bag limits for the 2009 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 26 and continues for 60 consecutive days in the north, closing on November 24. In the South the season begins at 9:00 a.m. on October 3 and continues through October 11, followed by a 5-day split, and then reopens on October 17 and continues through December 6. 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 pintail, 1 canvasback, 3 wood ducks, 2 scaup and 2 redheads.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 66 days (three hunting periods, September 16 – October 4, October 5 – 25, October 26 – November 20); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 2); Exterior Zone in the northern duck zone - 85 days (Sept. 19 – Dec. 12); Exterior Zone in the southern duck zone – 85 days (Sept. 19 – Oct. 11 and Oct. 17 – Dec. 17) and Mississippi River subzone - 85 days (Oct. 3 – Oct. 11 and Oct. 17 – Dec. 31). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Section 2 establishes the youth waterfowl hunting season dates and revises the season's regulations to be consistent with the provisions of 2009 Senate Bill 167. The act and this section allow participation by people who are age 10 or 11. Hunters who are age 10 or 11 or who have not completed a hunter safety course of instruction must hunt with a mentor who is at least 18 years of age and be within arms reach of the mentor at all times. A mentor may supervise only one hunter who is age 10 or 11 or who has not completed a hunter safety course of instruction and the hunter and mentor together may possess only one firearm or bow.

Sections 3 and 4 make a housekeeping change to eliminate the map of the Horicon Intensive Management Zone for geese. Related regulations were eliminated three years ago.

Section 5 updates road names in the migratory game bird hunting zone map following the completion of new highway construction. The location of the boundary is not changed.

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

maximized when the population is at or above goals. Additionally, while FWS believes that the NAWMP's population goals would tend to exert a conservative influence on overall duck harvest-management. Other factors, such as habitat, are to be considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined based on the spring breeding population estimate obtained from an aerial survey of the MVP breeding range as prescribed by the Mississippi Flyway MVP management plan. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest Mississippi Valley Population birds, the Mississippi Flyway Council is testing the use of a standard season framework for 5 years. Beginning in the fall of 2007 and continuing through 2011, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state retains the flexibility to schedule the timing of their Canada goose season. In addition, if the MVP spring population numbers dropped to a predetermined low level during the 5-year period, the stable season framework would be adjusted.

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

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

Summary of Factual Data and Analytical Methodologies: For the regular duck season, a data based process called Adaptive Harvest Management is used annually by the USFWS and the Flyways to determine which of 3 framework alternatives best matches the current year's data on populations and habitat (data from the spring pond and duck survey). The option of a closed season is also possible if survey conditions indicated that this 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 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 May and June, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff conducted a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff provided the attendees with breeding status information and asked for any items that they wish the department to pursue at the MFC meeting in mid July. Department staff then attended the MFC Technical and Council meetings. At this meeting staff were provided status information and the proposed framework alternative from the USFWS. Department staff then worked with the other states in our Flyway to discuss and develop proposals and recommendations that were voted upon by the MFC. Proposals that passed at the MFC meeting were forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS announced its final waterfowl season framework recommendation on July 31. Department staff summarized waterfowl status and regulation information for Wisconsin citizens and presented this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals on August 1. Staff gathered public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings were held from August 3 – 6 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. 26 at 9:00 a.m. – Nov. 24	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 1 pintail, 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. 3 at 9:00 a.m. – Oct. 11 and Oct. 17 – Dec. 6	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 1 pintail, 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. and d.	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12	2	4
	d. Burnett county subzone	None	None	None
	e. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 1. f. to j.	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17	2	4
	f. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17	2	4

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	g. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Nov. 1	2	
		Nov. 2 – Dec. 16	2	
	h. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Oct. 4	2	
		Oct. 5 – Oct 25	2	
		Oct. 26 – Nov. 20	2	
	i. Rock Prairie subzone	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17	2	4
	j. Mississippi River subzone	Oct. 3 at 9:00 a.m. – Oct. 11 and Oct. 17 – Dec 31	2	4

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

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

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzones described in subd. 2.b. and c.	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	c. Burnett county subzone	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 2. e. to i.	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	f. Horicon zone	Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Nov. 20		
	h. Rock Prairie subzone	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	i. Mississippi river subzone	Oct. 3 at 9:00 a.m. – Oct. 11 and Oct. 17 – Dec 31		

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. and c.	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	c. Burnett county subzone	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in this subd. 3.e. to i.	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	f. Horicon zone	Sept. 22 – Oct. 2 and Oct. 3 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Nov. 20		
	h. Rock Prairie subzone	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
4. Brant	i. Mississippi River subzone	Oct. 3 at 9:00 a.m. – Oct. 11 and Oct. 17 – Dec 31	1	2
	Entire state	As established by zone		
	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. and c.	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	c. Burnett County subzone	Sept. 19 – Sept. 25 and Sept. 26 at 9:00 a.m. – Dec. 12		
	d. All that part of the exterior zone lying within the southern zone established in s. NR 10.32 except for the zones and subzones described in subd. 3. e. to i.	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	f. Horicon zone	Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 2 and Oct. 3 at 9:00 a.m. – Nov. 20		
	h. Rock Prairie subzone	Sept. 19 – Oct. 2 and Oct 3 at 9:00 a.m. - Oct. 11 and Oct. 17 - Dec. 17		
	i. Mississippi River subzone	Oct. 3 at 9:00 a.m. – Oct. 11 and Oct. 17 – Dec 31		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(u) <i>Falconry special season.</i> 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. 19 – Sept. 20, Sept. 26 at 9:00 a.m. – Nov. 24 and Jan. 8 – Feb. 21	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. 19 – Sept. 20, and Oct 3 at 9:00 a.m. – Oct. 11, Oct. 17 – Dec. 6 and Jan. 8 – Feb. 21	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2.
2. Gallinules, Sora rail, Virginia rail, common snipe and woodcock	Entire state	Sept. 1 – Dec. 16	3 in aggregate with those species listed under subd. 1.	6 in aggregate with those species listed under subd. 1.
3. Geese	Within the zones and subzones established in s. NR 10.31	Concurrent with the open season for geese established in par. (g) for each zone or subzone	As established in par. (g) for each zone or subzone	As established in par. (g) for each zone or subzone

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

NR 10.01(1)(v) *Special youth waterfowl hunt event.* ~~Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province,~~ may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September 20 19. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g) 1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

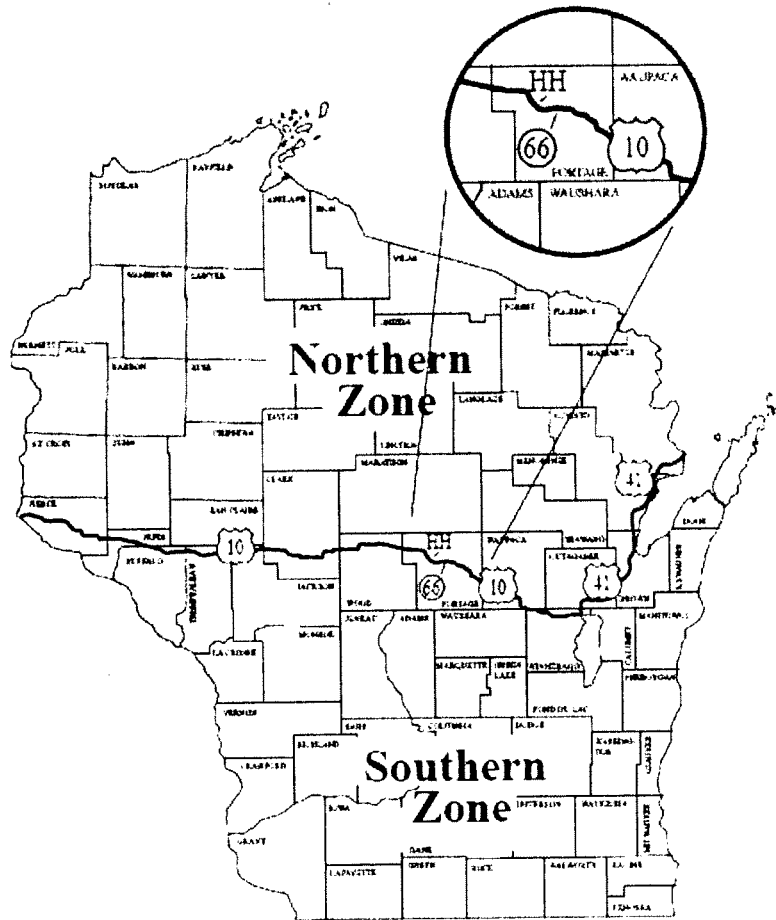
Section 3. NR 10.31(3)(intro.) is amended to read:

NR 10.31(3) HORICON ZONE. ~~The Horicon goose management zone is defined in s. NR 10.001 (9w) and includes one subzone.~~

Section 4. NR 10.31(3)b. is repealed.

Section 5. NR 10.32 is repealed and recreated to read:

NR 10.32 Migratory game bird hunting zones.



Section 6. 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 7. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 12, 2009.

Dated at Madison, Wisconsin _____

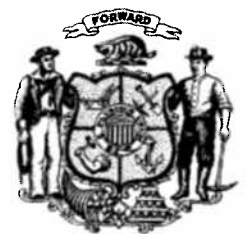
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew Frank, Secretary

(SEAL)



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **09-042**

AN ORDER to amend NR 10.01 (1) (v); and to repeal and recreate NR 10.01 (1) (b), (g), and (u), relating to the 2009 migratory game bird seasons and waterfowl hunting zones.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

06-05-2009 RECEIVED BY LEGISLATIVE COUNCIL.

06-25-2009 REPORT SENT TO AGENCY.

RNS:REL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-042

Comments

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

2. Form, Style and Placement in Administrative Code

- a. In the statutory authority and explanation of agency authority section of the rule analysis, the last instance of “and” should be moved and inserted after “boundary waters.”.
- b. In s. NR 10.01 (1) (b), “will be” should be changed to “shall be”.
- c. In s. NR 10.01 (1) (v), if the department intends to amend this paragraph instead of repealing and recreating it, “September 20” should be left in the rule and stricken through and the new “September 19” should be underlined. In addition, “sub zone” should be changed to “subzone”.