

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
2008 migratory game bird seasons and waterfowl hunting zones

Board Order No. WM-17-08
Clearinghouse Rule No. 08-061

Basis and Purpose of the Proposed Rule

Under international treaty and federal law, migratory game bird seasons are closed unless opened annually via the U.S. Fish and Wildlife Service (USFWS) regulatory process. Migratory birds are managed in each of the 4 flyways that encompass North America. Wisconsin is part of the Mississippi Flyway. The USFWS annually prescribes the outside limits (frameworks) within which states may select hunting season parameters.

Wisconsin's Canada goose harvest comes primarily from 2 populations of geese: resident giant Canada geese that breed in and around Wisconsin and the Mississippi Valley Population (MVP) of Canada geese which breeds along the Hudson Bay coast in northern Ontario. In the past, the regular Canada goose season was based on the annual allowable Mississippi Valley Population harvest and was adjusted in concern with annual population changes. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest MVP geese, the Mississippi Flyway Council is testing the use of a standard season framework for 5 years. Begun in 2007 and continuing for five years, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state retains the flexibility to schedule the timing of their Canada goose season.

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

With the foundation of spring survey data and USFWS waterfowl season frameworks, and hunter survey data, staff developed the proposed rule for the 2008 waterfowl season. In addition to the waterfowl hunting season rules, the proposed rule contains a proposal to extend the dove hunting season for 10 more days consistent with a federal rule change in June, 2008.

Summary of Public Comments

Overall, the 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:

10 individuals and 2 local waterfowl groups

2) North Zone Opening Day –

Sept 27 (Department Proposal)

- 47 individuals
- 7 waterfowl groups
- Conservation Congress Migratory Committee

October 4 or later

- 6 individuals

Based on public input the Department recommends the northern duck zone hunting season be open from September 27 – November 25.

3) Southern Zone – Opening Day

- October 4 (Department Proposal)
 - 47 individuals
 - 5 waterfowl groups
 - Conservation Congress Migratory Committee
- Sept 27 – 2 local waterfowl groups and 6 individuals
- Later – 2 individuals

Based on public input the Department recommends the south duck zone hunting season to open on October 4.

4) Southern Zone – Season Split

- No split – 3 local waterfowl groups, 4 individuals
- 5 day split (Department Proposal)
 - 35 individuals
 - 1 waterfowl group (GBDH)
 - Conservation Congress Migratory Committee
- Something longer than 5 days – 1 waterfowl group (LCCA) and 6 individuals
- Want split but not sure how long – 2 waterfowl groups (WWA and WWF)

Based on public input the Department recommends the proposed 5 day split for the southern duck zone resulting in a season of October 4-12 and October 18-December 7.

5) Scaup season – Where to put the 20 days of a 2 bird bag within the overall 60 day season

- North zone
 - October 18-November 6 (Department and Conservation Congress proposal)
 - 29 individuals
 - 6 waterfowl groups
 - Later than proposed – 5 individuals, 1 group (GBDH); Earlier – 1 individual
- South zone
 - November 1-20 (Department and Conservation Congress proposal)
 - 28 individuals
 - 1 local waterfowl group
 - Later than proposed – 1 group (GBDH), 4 individuals
 - Earlier than proposed – 4 groups (WWA, WWF, WW, LCCA), 9 individuals

Several options were discussed about where to schedule these 20 days of a special season. All participants in public input were in general agreement that this proposal from the USFWS was going to be confusing to hunters and not necessary to protect the scaup population. Most thought that there was insufficient statewide information to argue strongly for any particular date, therefore, one proposal may be as good as another given the broad area included.

The Department recommends implementing the Conservation Congress proposals for the north and south zones resulting in 60 day overall scaup seasons in both zones and the north zone having the period of October 18-November 6 as the 2 duck bag period and the south zone having the period of November 1-20 as the 2 duck bag period.

6) Exterior Zone Canada Goose Season

- Opening day in the north and south zones: September 20 (Department Proposal)
 - 38 individuals
 - 5 waterfowl groups
- Open Exterior Canada goose concurrent with duck season
 - 4 individuals
 - 2 waterfowl groups (WWA and LCCA)

Based on the public input, the Department recommends implementing the season as proposed with the following dates; North zone - September 20 – December 13 and South zone – September 20 –October 12 and October 18 – December 18.

7) 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 2 seasons and many staff continue to favor a later opening time, however, opinions on this issue are still varied.

- Noon – 2 local waterfowl groups, 2 individuals favored
- 9:00 am – Conservation Congress, 2 waterfowl groups (LCCA, WWF, SPCL) and 23 individuals favored
- ½ hour before sunrise – 2 waterfowl groups (WWA and GBDH) and 15 individuals favored.

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

Modifications Made

Because of the timing of Wisconsin's rule process and the U.S. Fish and Wildlife Service rule process, it was necessary to submit a proposed rule before the actual season lengths, dates and bag limits could be determined. As a point of reference, the rule, as it was originally proposed, used much of the 2007 regulatory framework adjusted for 2008 dates. Attendees at the public hearings were presented with population status information and the proposed rules incorporating the U. S. Fish and Wildlife season framework. No modifications to the rule were made as a result of public hearing comments.

Appearances at the Public Hearing

August 4, 2008 – La Crosse

In support:

Steve Heerey, 2204 Highland Avenue, Janesville, WI 53548

In opposition – none

As interest may appear:

Jim March, N3406 Verde Valley Road, La Crosse, WI 54601

Scott Newmann, N6102 Eric Avenue, Onalaska, WI 54650
Daniel Heidel, N5680 Bernard Street, Apt. 1, Onalaska, WI 54650
Harry Meinking, Sr., 1902 Charles Street, La Crosse, WI 54650
Brandon Ewert, N3598 County Road N, Melrose, WI 54682
Wayne Ewert, N3598 County Road N, Melrose, WI
Josh Craner, W8369 Woodview Drive, Onalaska, WI 54650
Todd Lensing, 14812 State Highway 35, Ferryville, WI 54628
Matt Ellis, 329 N. Main Street, Stoddard, WI 54658
Myles Johnson, 306 Kay Street, Holmen, WI 54636
Mike Schultz, W8376 N. Shore Drive, Onalaska, WI 54650
Marc A. Schultz, W8155 County Road ZB, Onalaska, WI 54650
Jesse Boutin, 2134 South 31st Street, La Crosse, WI
Ray Heidel, W8043 Highway ZN, Onalaska, WI 54650
Don Heidel, W5779 Mahlum Road, Holmen, WI 54636
John Wetzel, N8020 Amsterdam Prairie Road, Holmen, WI 54636

August 5, 2008 – Rice Lake

In support:

Jon R. Bergquist, 220 2nd Street, Amery, WI 54001
Jerry Merryfield, 11210 County Highway N, Drummond, WI 54832

In opposition – none

As interest may appear:

Logan Hile, 1725 28 ³/₄ Avenue, Rice Lake, WI 54868
Chuck Hile, 1725 28 ³/₄ Avenue, Rice Lake, WI 54868
Brian Spangler, P.O. Box 276, Elmwood, WI 54740

August 6, 2008 – Appleton

In support:

Kent Sikorski, N2894 Mayflower Road, Appleton, WI 54913
Michael Sikorski, N2894 Mayflower Road, Appleton, WI 54913
Dan Kray, 1669 Little Ranch Road, Appleton, WI 54913
Lawrence Benedick, 5815 Woodland Road, Winneconne, WI 54986

In opposition:

Robert Sabott, 1741 Michigan Street, Oshkosh, WI 54902
Tom Krueger, 321 N. Westhaven, Oshkosh, WI 54904

As interest may appear:

Paul Wait, 1303 Nassau Street, New London, WI 54961
Tom Van Handal, W3514 E. Broadway, Appleton, WI
John M. Krupp, 512 Cleveland Avenue, Manitowoc, WI 54220
Jim Haak, N10057 Vander Maazen Drive, Greenville, WI 54942
Cindy Rueth, 2309 S. Gmeiner Road, Appleton, WI 54915
Roger Wilfuer, 2602 N. William Street, Appleton, WI 54914
Roger Hanson, 2480 Meadow Park Drive, Green Bay, WI
Noel Dolde, 119 S. Oxford Street, Apt. 2, Wautoma, WI 54982
Andrew Holley, 1861 Cormier Road, Green Bay, WI 54313

Eric Dellamater, 2536 Cherrywood Lane, Green Bay, WI 54304
Joel Salzman, W2651 Woodview Lane, Marinette, WI 54143
James Pape, 3041 W. Roselawn Drive, Appleton, WI 54914
Joe Loehlein, 2518 Clear Brook Circle, Green Bay, WI 54313
Tim Braunel, 1704 Nancy Avenue, Green Bay, WI 54303
Clarence Kunde, 104 Wenban Avenue, Neenah, WI 54956
Todd Murdock, W8231 Oak Avenue, Shawano, WI 54166
John Rueth, 2309 S. Gmeiner Road, Appleton, WI 54915
Trevor Murdock, 107 S. Jefferson Street, #9, Bonduel, WI 54107
Dick Koerner, 540 Sunrise Bay Road, Neenah, WI 54956
Lawrence Enger, 1302 W. Spencer, Appleton, WI 54914

August 7, 2008 – Delafield

In support:

Steven Moratz, 523 First Street, Hayward, WI 53027
Timothy J. Niemiec, 3849 S. Whitnall Avenue, Milwaukee, WI 53207
Al Shook, W339 S2576 Highway C, Oconomowoc, WI
Dale W. Arenz, W324 N1198 Lapham Peak, Delafield, WI 53018

In opposition:

Dean Zastrow, 805 Melbourne Road, Eagle, WI 53119
Greg Calhoun, 1901 Delafield Street, Waukesha, WI 53188

As interest may appear:

Peter Peshek, 2 East Mifflin Street, Madison, WI 53711
Edward Seebach, N11 W29747 Southampton Drive, Waukesha, WI 53188
Thomas Dunlop, W3326 N6501 Sylvan Drive, Hartland, WI 53029
Dennis Fruehauf, 8961 W. Herbert Avenue, Milwaukee, WI 53225
Jim Totsky, W263 S7465 Mt. Everest Road, Waukesha, WI 53189
David Fenner, 859 Ridge View Drive, Hartford, WI 53027
Tim [last name illegible], W302 N9389 Hoff Road, Hartland, WI
Richard Hauke, W159 N9530 Cherokee Drive, Menomonee Falls, WI 53051
Barbara Hauke, W159 N9530 Cherokee, Menomonee Falls, WI 53051
Jim Tessmer, 1204 Milwaukee Street, Delafield, WI 53018
John Goll, W285 N2088 Louis Court, Pewaukee, WI 53072

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was revised to reflect the actual season dates and bag limits. The fiscal note was unchanged.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated into the rule.

Final 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.