

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
The 2011 Migratory Game Bird Seasons and Waterfowl Hunting Zones
Board Order No. WM-11-11
Clearinghouse Rule No. 11-032

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 establishes the season length and bag limits for the 2011 Wisconsin migratory game bird seasons. For ducks, the state is divided into three zones, each with 60-day seasons. The season begins at 9:00 a.m. September 24 and continues for 60 consecutive days in the north, closing on November 22. In the South the season begins at 9:00 a.m. on October 1 and continues through October 9, followed by a 5-day split, and then reopens on October 15 and continues through December 4. In the new Mississippi River zone the season begins at 9:00 am on September 24 and continues through October 2, followed by a 12 day split, reopening on October 15 for a 60 day season. The split in the Mississippi River zone is seven days longer than in previous years when it was part of the southern zone.

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

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

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

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

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

Summary of Public Comments

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

waterfowl hunting seasons. The following tools were used to involve interested parties in the rule making process.

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

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

Public Input Summary:

Overall, a strong majority of the public comments offered during the public hearings and submitted to the Department via phone, email and letter were in support of the Department proposed season parameters with most public interest in the possible new duck hunting zone (see the table above). A few other issues such as suggestions for the same opening day for all duck hunting zones, different opinions on early versus later opening days for duck zones, different opinions on opening day shooting hours and a few suggestions on a later Exterior Canada goose season generated a relatively small level of public comment. In all cases, the Department proposed hunting season parameters on bag limits and goose seasons received the

support of a strong majority. The choice between the Mississippi River and Lake Michigan duck hunting zone options created an unfortunate division among the duck hunting community and a situation where the final decision will result in a tradeoff between new potential duck hunting opportunities. However, the Department believes that the selection of the Mississippi River duck hunting zone and associated season structure will provide good duck and goose hunting opportunities that are supported by the majority of Wisconsin's waterfowl hunters.

Changes to Rule Analysis and Fiscal Estimate

The creation of a new duck hunting zone that included either Mississippi River areas west of the Burlington Northern Santa Fe railroad or the waters of Lake Michigan beginning 500 feet from shore were both the topic of public hearings. Following this public input process, it was decided to create a Mississippi River duck hunting zone instead of a Lake Michigan zone. The rule analysis has been revised to reflect this change. No fiscal impacts of this decision are anticipated and the fiscal estimate was not revised.

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.