

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code

Board Order No. WM-16-22
Clearinghouse Rule No. 23-048

Basis and Purpose of the Proposed Rule

The proposed rule addresses migratory game bird seasons and regulations for beyond the 2023 season. This rule is necessary to authorize migratory game bird hunting in a manner consistent with federal frameworks for the Mississippi Flyway.

Summary of Public Comments

The department received five comments during the open comment period. All of the comments received focused primarily on the change to the Mississippi River goose zone opening date. The Wisconsin Waterfowl Association and the Wisconsin Wildlife Federation both wrote in support of the new start date to the Mississippi River goose zone. Both the Wisconsin Wildlife Federation and the Wisconsin Waterfowl Association pointed to a recent survey where over 90% of hunters who identified as hunting the Mississippi River area indicated they would like the earlier start date that is contained in this rule. The Wisconsin Waterfowl Association and the Wisconsin Wildlife Federation also both expressed support for a sandhill crane season in their comments.

The La Crosse County Conservation Alliance opposed the new start date stating concerns over user conflicts with people fishing during the earlier time period. Two individuals also submitted comments on the rule. Both opposing the earlier starting date for the Mississippi River and recommended the return of a Mississippi River duck zone.

Modifications Made

The department amended the bag limit language in response to a comment received by Legislative Council Rules Clearinghouse. Initially, the department proposed that the Secretary annually select bag limits from options identified in rule, provided the selections are within federal frameworks. Legislative Council suggested that the rule establish bag limits that apply when certain conditions of federal law are satisfied. In response, the department amended the rule to provide that the Secretary shall select the maximum bag limits annually established the USFWS. This is consistent with the department's long-standing practice with respect to most species. Where a lesser bag limit is desired, the department remains able to pursue additional rule making.

Also removed from the rule was a provision that the department would have held a public meeting regarding any alternative bag limits. This was removed because the rule will no longer afford the department discretion to annually select bag limits. Instead, the rule is now self-implementing, and a Secretary's order will merely be a formality to ensure the public's awareness of annual bag limits.

The department also added language which updated the cross reference for the teal season shooting hours.

Appearances at the Public Hearing

A virtual public hearing was held on September 11, 2023 at 10 a.m. No individuals attended the hearing.

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate through the public comment process, as no public comments on either were received.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on September 5, 2023.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

The revisions to Ch. NR 10, Wis. Admin. Code, relating to hunting, and trapping 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.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.