

SUBJECT: Adoption of Board Orders WM-17-08 and WM-18-08(E), revisions to NR 10 and establishment of the 2008 migratory game bird hunting seasons and regulations

FOR: AUGUST 2008 **BOARD MEETING**

TO BE PRESENTED BY: Kent Van Horn, Migratory Bird Specialist

SUMMARY:

These proposed rules establish the regulations for the 2008 migratory game bird season. The significant regulations are:

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit will be 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 3 wood ducks and 2 redheads. The daily bag limit may include 1 scaup except that from Oct. 18 to Nov. 6 in the north duck zone and Nov. 1 to Nov. 20 in the south zone the daily bag may include 2 scaup. Canvasback ducks may not be harvested.

Canada geese - The state is apportioned into three 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. The daily bag limit will be two geese per day and hunters in the Horicon and Collins Zones will receive 6 tags. Season lengths are expected to be as follows:

- Collins Zone - 67 days
- Horicon Zone - 92 days
- Exterior Zone - 85 days
- Mississippi River Subzone - 85 days

Additionally, the mourning dove hunting season will be lengthened by ten days which is consistent with the federal season framework that was offered this year.

RECOMMENDATION: Adoption of Board Order WM-17-08 and WM-18-08(E), revisions to NR 10 establishing the 2008 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:

/s/

Bureau Director, Tom Hauge

/s/

Administrator, Laurie Osterndorf

/s/

Secretary, Matt Frank

8/11/08

Date

8/11/08

Date

8/11/08

Date

- | | | |
|---------------------------------------|---------------------------|--|
| cc: Laurie J. Ross - AD/8 | Tom Van Haren - LE/5 | Bob Manwell - CE/8 |
| Tim Andryk / Carol Turner - LS/5 | Randy Stark - LE/5 | Regional Wildlife Supervisors - 5 (WM/6) |
| GLIFWC & Tribes - 13 (WM/6) | Tom Hauge - WM/6 | LE Regional Supervisors - 5 (LE/5) |
| Cons. Congress Exec. Comm. - 4 (LS/5) | Bill Vander Zouwen - WM/6 | Scott Loomans - WM/6 |
| Kent Van Horn - WM/6 | Diane Brookbank - CS/G3 | JoAnne Farnsworth - WM/6 |

DATE: August 11, 2008

TO: Natural Resources Board Members

FROM: Matthew J. Frank

SUBJECT: Request Adoption of the 2008 Migratory Game Bird Hunting Regulations

I am requesting Natural Resources Board (NRB) adoption of the proposed 2008 Migratory Game Bird seasons and regulations (WM-17-08 and WM-18-08 (E)).

Background

Each fall a diverse group of about 85,000 waterfowl hunters venture into Wisconsin's wetlands, lakes, rivers and fields to harvest 300,000-500,000 ducks and geese. Wisconsin currently ranks 2nd in the nation for the number of waterfowl hunters. Migratory game bird populations are a shared international resource and managing them requires cooperative surveys, research and regulation. 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. Details of this process were provided to you in the May NRB memo on this topic when staff received approval to conduct the public hearings. Two flow charts are attached for your reference (Figure 1 and 2).

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. 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 MFC met in Knoxville, TN from July 19-25, 2008. At this meeting, the states received the 2008 continental survey results for duck and goose populations and early indications of the season frameworks from the USFWS (Appendix 1). The states discussed and voted on various population management and hunting regulation parameters. Recommendations from the 4 flyway councils were made to the USFWS who in turn issued their final decision on waterfowl season frameworks on August 1, 2008.

The USFWS presented the recommendation of the Adaptive Harvest Management system for a 60 day duck season with a 6 duck/day bag limit and specific recommendations for wood ducks, scaup and canvasbacks (Appendix 1). Overall, continental breeding waterfowl conditions were poor this year but good production the last two years was reflected in relatively high counts for several species despite dry conditions in the prairies of Canada and the US. Production will be reduced this year in the prairies while breeding in the parklands and boreal forest areas will likely be average. Blue-winged teal numbers and green-winged teal numbers were high prompting the USFWS to offer an additional 16 day September teal season for states that do not support major duck breeding populations. Wisconsin is not eligible for this teal season. After several years of work reviewing data on wood ducks and alternative methods for measuring the impact of harvest the USFWS, in cooperation with the MFC and the Atlantic Flyway

Council, have developed an acceptable method for measuring harvest rates on this difficult to survey species. As a result of these analyses, we have determined that increasing the daily bag limit from 2 to 3 wood ducks per day is sustainable. This increased bag limit is to be implemented in 2008 and will be evaluated after 3 years of monitoring.

The USFWS proposals for two diving duck species, scaup and canvasback, resulted in considerable discussion and disagreement among waterfowl biologists across the continent over the last several months. During the winter flyway meetings, the USFWS harvest strategy for canvasback ducks was reviewed and revisions were proposed by state and USFWS biologists. The MFC proposed to the USFWS an alternative strategy using spring survey thresholds to determine when the canvasback bag limits would be changed. Given the historic range of the spring canvasback counts this proposed strategy would result in a more consistent canvasback season structure of 1 canvasback per day for 60 days when the spring count is between 400,000 and 800,000 canvasback and very few years where there would be closed season or a 2 bird daily bag. The USFWS rejected this proposal without comment and instead made minor revisions to their existing harvest strategy. In the spring 2008 continental breeding survey, the canvasback count declined 44% to 488,700 from the record high of 864,700 in 2007. Given good canvasback production in 2006 and 2007 and a 2007 total harvest estimate of only 125,000, it is clear to many biologists that this decline in the count does not reflect an actual loss of canvasbacks. While breeding of canvasbacks in the prairies will be significantly reduced in 2008 because of dry conditions, the “missing canvasbacks” are not gone but likely moved off the breeding ground survey area for the summer. Based on the strategy proposed by the MFC in February 2008 and the spring 2008 count, the MFC recommended a 60 day/1 duck daily bag season for canvasback. This was rejected by the USFWS and the canvasback season will be closed in 2008.

The change in harvest strategy promoted by the USFWS for scaup has created considerable disagreement between the USFWS and the rest of the waterfowl management community over the last 3 years. In the mid 1960's the scaup spring breeding population count was around 4.5 million scaup, the population increased in the 1970's with two years of over 7 million but has since declined to less than 4 million over the last 30 years. Since about 2001 the population has been relatively stable between 3.3 million and 3.7 million scaup. The 2007 and 2008 population counts may indicate a small increase in the population. In 2005, the USFWS expressed concern over the declining scaup population and reduced the daily bag from 3 to 2 resulting in a decrease in the harvest of 15% nationwide over the last three years. The best data currently available suggests that the population decline is not related to hunting but the USFWS thought the 2005 bag reduction was a prudent measure. Further, the USFWS wanted to implement a new harvest strategy which would further reduce scaup harvest. Meanwhile numerous research projects are ongoing and looking to issues of habitat and production related to the scaup decline. The Flyway Councils and the USFWS have disagreed on the need to further reduce scaup harvest. While scaup numbers are lower than the peak population of the 1970's, their population is still the 3rd most abundant (~3.5 million) of the 10 principle duck species surveyed. Annual US harvest is only about 280,000 which is much lower than for several species with lower population counts. Nevertheless, the USFWS directed the flyways that in 2008 scaup harvest would be reduced and each flyway was presented bag limit/season length options to consider for a restrictive scaup season package. Through a series of proposals and negotiations, the Mississippi Flyway was given a scaup restrictive season package of 60 overall days with 20 days at a 2 bird bag level and 40 days at a 1 bird bag level. We continue to disagree with the need for this bag limit reduction and further recognize that this framework will cause confusion and disappointment among the waterfowl hunting public. In fact, waterfowl hunting groups in Wisconsin are preparing letters of protest to the USFWS on this decision.

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 (MVP) harvest and was adjusted in concert 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. Beginning 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. The health of these populations is being measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies. In 2008, the overall MVP population showed an increase of 9%, however, most of these geese were non-breeders or failed breeders since a late winter will limit nesting effort in 2008. The Wisconsin 2008 resident Canada goose breeding population decreased 7% from 2007 and appears to be stabilizing at about 120,000.

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. Of these only green-winged teal do not breed in substantial numbers in Wisconsin. Waterfowl breeding conditions within Wisconsin were generally good in 2008 with very wet conditions in many areas (Appendix 1). In our May survey of breeding wood ducks, blue-winged teal and total duck numbers showed increases over last year and were good compared with recent years while mallard numbers were about average.

In December, 2007 the Natural Resources Board approved the Wisconsin Waterfowl Strategic Plan 2008-2018. One of the first steps proposed in that plan was the implementation of a Wisconsin waterfowl hunter survey. This survey was conducted last winter and preliminary results have provided a significant contribution to the information available for making regulatory decisions. The survey asked waterfowl hunters what they thought about the waterfowl regulations over the last few years and what they wanted in the regulations. In answer to questions from the survey we learned the following:

- 80% thought the duck bag limit was about right
- 51% favored 1 hen mallard, 33% 2 hens, 7% 0 hens, 9% no opinion
- 65% thought the duck season length about right (28% too short)
- 59% thought timing of duck season was about right (29% too early, 6% too late)
- Opening day in the north 44% for Saturday nearest September 24 (29% for Oct 1)
- Opening day in the south 40% for Saturday nearest October 1st (18% for Sept 24, 20% for Oct 8)
- Would you like one statewide duck season opening day? – No - 44%, Yes - 33%, Unsure - 23%
- Canada goose regular season daily bag limit – 53% about right, 44% too low, 3% no opinion
- Exterior zone Canada goose season length – 72% about right, 25% too short, 3% no opinion
- Timing of Canada goose regular seasons – 79% about right, 14% too early, 3% too late, 4% no opinion

With the foundation of spring survey data and USFWS waterfowl season frameworks, and this hunter survey data, staff developed the following proposal for the 2008 waterfowl season and took it out for public review. The season proposal was first discussed and approved by the Migratory Committee of the Conservation Congress.

In addition to the waterfowl hunting season rules, the 2008 Migratory Game Bird rule package contains a proposal to extend the dove hunting season for 10 more days consistent with a federal rule change in June of 2008.

Rule Summary

- 1) **Ducks.** The duck season regulation proposal has some important changes for 2008 driven largely by changes in federal frameworks. The USFWS has approved a 60 day season framework in which a state could begin the duck season as early as the Saturday nearest September 24. In 2008 this is September 27 which is on the late side of this framework. The proposed Wisconsin season below is the result of the following options.
 - We are proposing a September 27 start for the northern zone. For the southern zone, we propose a September October 4 start with a 5-day split (Oct 13-17), reopening on October 18 and ending on December 7. The earlier opener in the northern zone is intended to accommodate the earlier freeze up in the north and provide hunting opportunity on early migrating teal.
 - The 5-day early October split within the southern zone is a compromise between differing hunting conditions and requests of marsh dabbler hunters, deep-water diver hunters and field hunters across the zone. Because of differing conditions and target species some hunters want more days earlier in the season while others want more days later in the season.
 - The USFWS framework would allow a daily bag limit of 2 hen mallards but we are once again proposing to a daily bag limit of 1 hen mallard during the entire season to protect the breeding potential of Wisconsin mallards. Other states in the Mississippi Flyway have been following Wisconsin's lead on this bag limit.

Season Summary:

During the 60-day season, the overall daily bag limit for ducks is 6, no more than 4 mallards of which only 1 can be a hen, 3 wood ducks, 2 redheads, 1 black duck, 1 pintail, 1 scaup for 40 days and 2 for 20 days. The canvasback season will be closed.

Northern Zone – September 27 at 9:00 am – November 25.

Southern Zone – October 4 at 9:00 am – October 12, and October 18 - December 7.

- 2) **Youth Waterfowl Hunt.** The youth hunt will be September 20-21. Youth may harvest Canada geese in all zones during these 2 days, however, the bag limit and/or tag requirement applies for the respective zones. These days overlap with open goose seasons so adults will also be able to shoot geese but not ducks during the youth hunt.

- **Canada Goose.** All regular Canada goose seasons are proposed within the limits agreed to as part of the Mississippi Flyway 5-year trial period for MVP harvest states. There will be no threat of season closure in the Exterior zone.

The state is apportioned into three goose hunting zones: Horicon, Collins and Exterior. Other goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River.

Exterior (including Brown and Rock Prairie subzones) – 85 days. Daily bag of 2 geese.

North Zone - September 20-26 and September 27 (9:00 am) – December 13.

South Zone –September 20-October 3, October 4 (9:00 am) – October 12 and October 18 – December 18.

Mississippi River Subzone – October 4 (9:00 a.m.) - 12 and October 18 – January 1, 2009.

Burnett County Subzone - closed

Horicon/Collins Time Periods

Hunters with Horicon and Collins zone permits will be issued 6 tags for the time period that they are awarded. The daily bag limit will be 2 geese with a possession limit of 6. In response to hunter requests to simply regulations we have reduced the number of time periods in the Horicon zone from 4 to 2.

Horicon – 92 days

Period 1	September 16- November 2
Period 2	November 3 – December 16

Collins – 67 days

Period 1	September 16- October 5
Period 2	October 6 - 26
Period 3	October 27- November 21

3) Other Geese

Brant and Light geese

Seasons will be the same as for the Canada goose zones/subzones.

The daily bag limit will be 1 brant and 20 snow, blue or Ross’s geese

White fronted geese

Season will be the same as Canada geese for the Exterior and Collins zones. Within the Horicon zone the season will be from Sept 22 – Dec 16th.

The daily bag limit will be 1.

- 4) **The mourning dove season will be extended 10 more days and be open from September 1 – November 9.**

Public Hearing & 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. As a result, there is considerable input during a short period of time (Appendix 2). 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 7, 2008. Email is becoming a more common method of public input.
- **July 11, 2008 – 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 by 11 people.
- **August 2, 2008 – Migratory Committee of the Conservation Congress.** The staff specialist presented the population status and proposed season structure to the committee. Twenty five of the 27 committee members were present. The scaup season proposal was generated by this committee and accepted by the Department for our initial proposal.
- **August 2, 2008 – Post-Flyway** public meeting was held in Wausau to present the population status and proposed season structure in an informal setting with waterfowl groups and interested individuals. Several waterfowl and conservation organizations were represented by 12 people. The groups represented were: Wisconsin Waterfowl Association (WWA), Wisconsin Wildlife Federation (WWF), LaCrosse County Conservation Alliance (LCCA), Green Bay Duck Hunters (GBDH), Stan Plis Sportsmans League (SPSL), Black Slough Conservation Club (BSCC), and Wisconsin Wetlanders (WW).
- **August 4-7, 2008 Public Hearings.** Four public hearings were held around the state and 66 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 below under each major issue.
 - **LaCrosse** - 17 people attended, 6 gave oral testimony
 - **Rice Lake** - 5 people attended, 4 gave oral testimony
 - **Appleton** – 27 people attended, 10 gave oral testimony
 - **Delafield** – 17 people attended, 3 gave oral testimony

Issues:

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 - Season dates

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.

2) 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.

3) 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.

3) 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.

5) 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.

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 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.

Rule Development

These rules were developed with the assistance of the Bureaus of Law Enforcement, Legal Services, Customer Service & Licensing, and Management & Budget.

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.

Environmental Analysis

These rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Legislative Council Rules and Clearinghouse Report:

All of the comments that the department received from the Legislative Council Clearinghouse have been incorporated (see attached report).

Appendix 1. 2008 Waterfowl Population Status

USEWS Surveys:

- Traditional area mallards – 7.7 million (7% below 2007 and 3% above the long term average (LTA))
- May Ponds - Canada – 3.1 million (39% below 2007 and 11% below LTA)
- Total Ducks – 37.3 million (9% below 2007 and 11% above long term average)
- Mid continent mallards 7.7 + 0.67 million (WI, MN, MI) = 8.37 million
- Others:
 - ◊ Blue-winged Teal - 6.6 million – 45% above LTA
 - ◊ Gadwall – 2.7 million - 56% above LTA
 - ◊ Green-winged Teal – 3.0 million – 57% above LTA
 - ◊ Northern Shoveler – 3.5 million – 56% above LTA
 - ◊ Northern Pintail – 2.6 million – 36% below LTA
 - ◊ Scaup - 3.7 million – 27% below LTA
 - ◊ Wigeon - 2.5 million – 5% below LTA
 - ◊ Canvasback - 500,000 - 14 % below LTA

The combination of 8.37 million mid-continent mallards and a Canada pond count at 3.1 million results in a liberal 60 day season under the Adaptive Harvest Management model.

Table 8. Optimal regulatory strategy^a for the Mississippi and Central Flyways for the 2008 hunting season. This strategy is based on current regulatory alternatives (including the closed-season constraint), on current mid-continent mallard models and weights, and on the dual objectives of maximizing long-term cumulative harvest and achieving a population goal of 8.5 million mallards. The shaded cell indicates the regulatory prescription for 2008.

Bpop ^b	Ponds ^c									
	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0
≤ 4.5	C	C	C	C	C	C	C	C	C	C
4.75–5.50	R	R	R	R	R	R	R	R	R	R
5.75	R	R	R	R	R	R	R	R	R	M
6.00	R	R	R	R	R	R	R	M	L	L
6.25	R	R	R	R	M	M	M	L	L	L
6.50	R	R	R	M	M	L	L	L	L	L
6.75	R	M	M	L	L	L	L	L	L	L
7.00	M	M	L	L	L	L	L	L	L	L
≥ 7.25	L	L	L	L	L	L	L	L	L	L

^a C = closed season, R = restrictive, M = moderate, L = liberal.

^b Mallard breeding population size (in millions) in the WBPHS (strata 13–18, 20–50, 75–77) and Michigan, Minnesota, and Wisconsin.

^c Ponds (in millions) in Prairie Canada in May.

2008 Wisconsin spring duck survey waterfowl population estimates.

<u>Species</u>	<u>Population Estimate</u>	<u>Standard Error</u>	<u>Years of Air-ground Data Used</u>	<u>Long-term (1973-07) Averages</u>	<u>Test for Diff from 2007-08</u>	
					<u>Z-stat</u>	<u>Prob</u>
Mallard	188,429	23,850	2007-08	181,299	0.56	=0.57
BWTeal	179,549	38,772	2002-08	115,629	1.11	=0.27
Wood Duck	126,440	24,157	2003-08	73,489	1.25	=0.21
Other Ducks	132,506	26,222	1995-08	55,034	2.64	=0.01
Total Ducks	626,924	77,236	-	425,451	2.02	=0.04
Canada Geese	116,715	18,735	2007-08	78,739*	0.30	=0.76

* = average of 1986-2007.

Overall breeding duck survey results indicate a healthy, relatively stable population of breeding ducks in Wisconsin experiencing normal annual fluctuations. This is a positive indication of hunting regulations and habitat management/protection. Conditions across the state were very wet this spring. Breeding and brood rearing habitat in Wisconsin is expected to be good in 2008.

The 2008 Wisconsin breeding population estimate for mallards is similar to last year. Blue-winged teal breeding population estimate is up and 58% above the long term mean. Wood ducks are up from 2007 as expected given the good water conditions.

Appendix 2. Migratory Game Bird Public Comment Summary

*Bold = Department proposal, * indicates Conservation Congress Migratory Committee vote*

<u>Issue</u>	<u>Email/phone /other</u>	<u>Hearing attendees</u>	<u>Groups at meetings</u>
One Statewide Duck Opener	7	3	2
North Duck Zone opener, Sept 27*	19	28	7
North Duck Zone opener, later	4	2	0
South Duck Zone opener, Oct 4*	15	32	5
South Duck Zone opener, earlier	4	2	2
South Duck Zone opener, later	1	1	0
South Duck Zone split, 5-day, Oct 13-17*	7	28	1
South Duck Zone split, longer	1	5	1
South Duck Zone, no split	3	1	3
South Duck Zone, want split, unsure of length	0	0	2
Duck Shooting Hours on Opening Day, 9am*	6	17	3
Duck Shooting Hours on Opening Day, 1/2 hr before sunrise	0	15	2
Duck Shooting Hours on Opening Day, noon	0	2	2
Exterior Goose Zone, Sept 20, split in South during duck split*	8	30	5
Exterior Goose concurrent with duck season	1	3	2
North- 20 Days/2 Scaup- Oct 18- Nov 6*	7	22	6
North- 20 Days/2 Scaup- Prefer alternate dates earlier or later	5 (later)	1 (earlier)	1 (later)
South- 20 Days 2 Scaup- Nov 1- Nov 20*	6	22	1
South- 20 Days/2 Scaup- Earlier	0	9	4
South- 20 Days/2 Scaup- Later	4	0	1
Total commenting individuals or groups, by category	39	66	7

Figure 1. 2008 Possible FEDERAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS

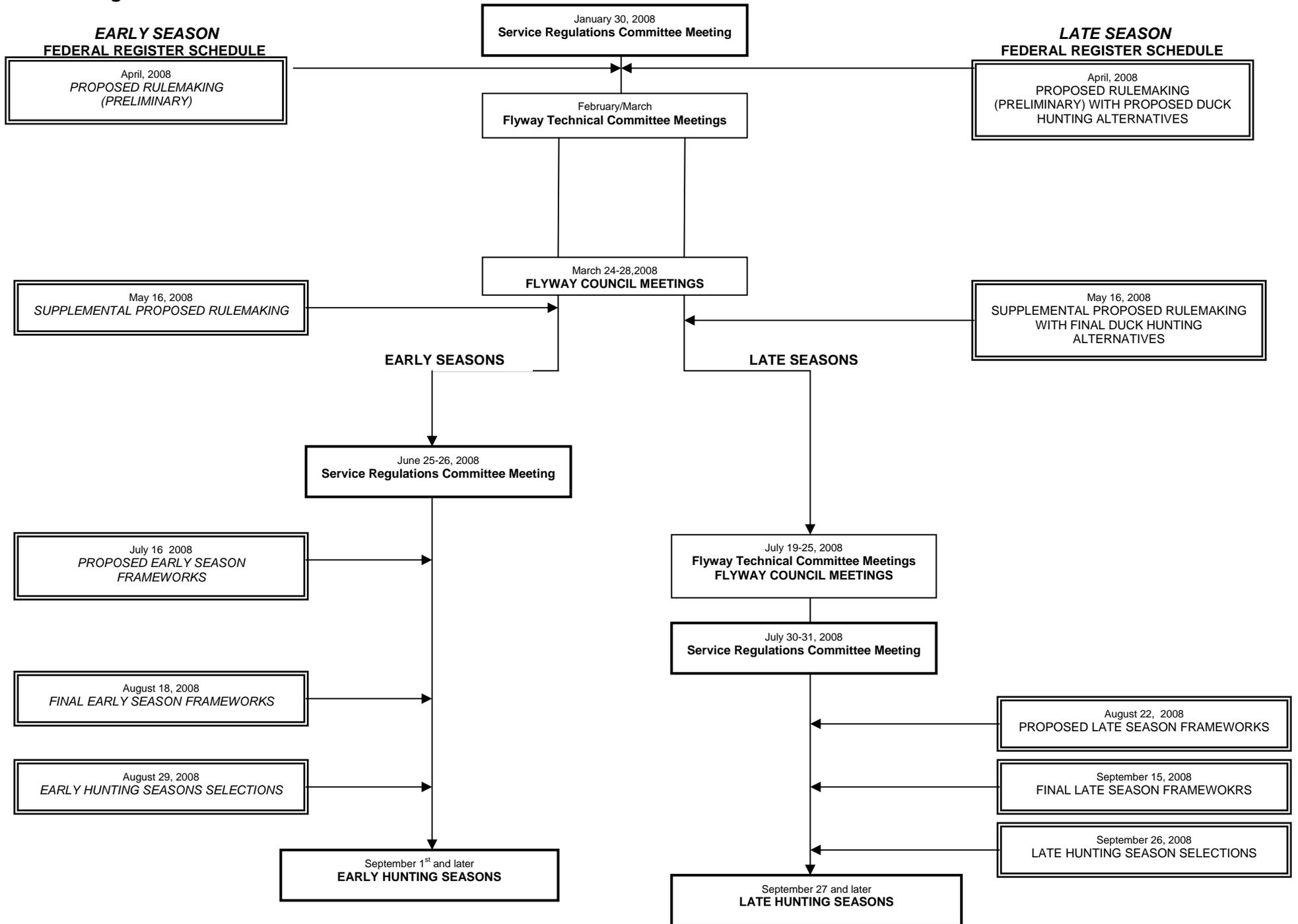
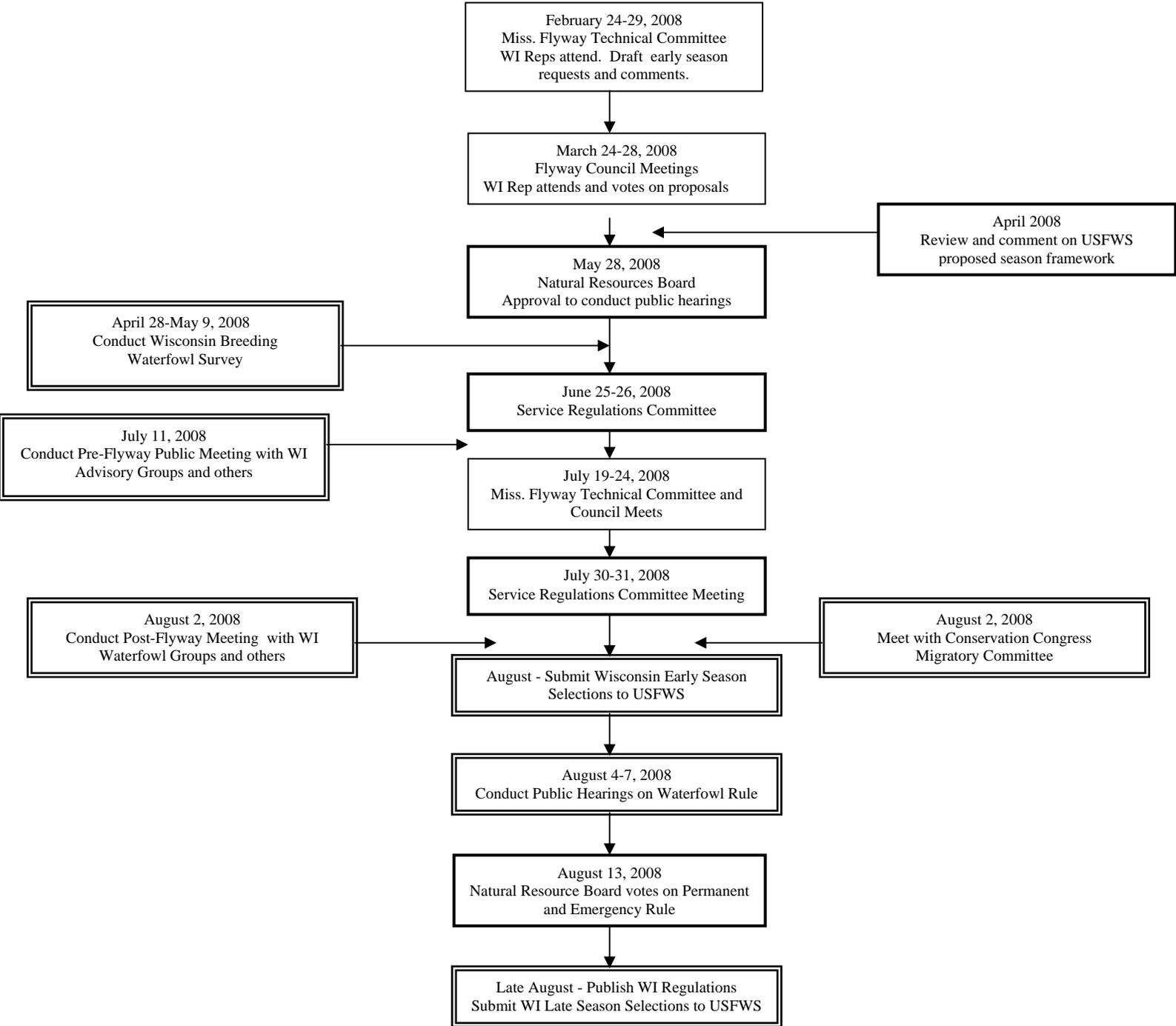


Figure 2. 2008 WISCONSIN MIGRATORY GAME BIRD REGULATORY SCHEDULE





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 RULE 08-061

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In the statement of statutory authority and explanation of agency authority, the phrase “s. 29.197, Stats., and” should be replaced by the phrase “and s. 29.197, Stats.”
- b. In the rule preface discussion of related statutes or rules, the comma after the word “limits” should be deleted.
- c. In the summary of factual data and analytical methodologies, a space should be inserted in the phrases “pond and” “Canada goose” and “provide the.”

Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Updated	LRB Number	Amendment Number if Applicable
<input type="checkbox"/> Corrected	<input type="checkbox"/> Supplemental	Bill Number	Administrative Rule Number WM-17-08 and WM-18-08(E)

Subject
 2008 Migratory game bird seasons

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs
 Indeterminate

- | | |
|--|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

5. Types of Local Governmental Units Affected:
- | | | |
|---|---|---------------------------------|
| <input type="checkbox"/> Towns | <input type="checkbox"/> Villages | <input type="checkbox"/> Cities |
| <input type="checkbox"/> Counties | <input type="checkbox"/> Others | |
| <input type="checkbox"/> School Districts | <input type="checkbox"/> WTCS Districts | |

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Annually the department establishes migratory game bird hunting seasons based on a federal framework that is presented to Wisconsin by the US Fish & Wildlife Service. This rule order establishes the 2008 season lengths and bag limits. The 2008 season framework is not significantly different than the migratory game bird seasons in previous years.

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit is expected to be six ducks including no more than: four mallards, of which only one may be a hen, one black duck, one pintail, three wood ducks, and two redheads. The daily bag limit may include 1 scaup except that from Oct. 18 to Nov. 6 in the north duck hunting zone and Nov. 1 to Nov. 20 in the south zone the daily bag may include 2 scaup. Canvasback ducks may not be harvested.

Canada geese - The state is apportioned into three 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 expected to be as follows:

- Collins Zone - 67 days
- Horicon Zone - 92 days
- Exterior Zone - 85 days
- Mississippi River Subzone - 85 days

In addition to these annual regulatory issues, this proposal would add ten days to the mourning dove hunting season which is consistent with the new federal season framework offered in 2008.

FISCAL IMPACT: This proposed migratory bird season rule is similar to the season in previous years and will not result in any significant changes in spending or revenue. There are no new government costs anticipated due to the provisions of this rule.

Long-Range Fiscal Implications

None

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-17-08 and WM-18-08(E)

Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Estimate Worksheet — 2007 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-17-08 and WM-18-08(E)

Subject
 2008 Migratory game bird seasons

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$ 0	\$ - 0
(FTE Position Changes)		(0.00 FTE)	(- 0.00 FTE)
State Operations — Other Costs		0	- 0
Local Assistance		0	- 0
Aids to Individuals or Organizations		0	- 0
Total State Costs by Category		\$ 0	\$ - 0
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$ 0	\$ - 0
FED		0	- 0
PRO/PRS		0	- 0
SEG/SEG-S		0	- 0
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
Total State Revenues		\$ 0	\$ - 0

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature	Telephone No. 266-2794	Date (mm/dd/ccyy)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(v) and 10.06(5); to repeal and recreate NR 10.01(1)(b), (g), (h) and (u) relating to the 2008 migratory game bird seasons and waterfowl hunting zones.

WM-18-08(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 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., and 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: This rule order establishes the season length and bag limits for the 2008 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 27 and continues for 60 consecutive days in the north, closing on November 25. In the South, the season begins at 9:00 a.m. on October 4 and continues through October 12, followed by a 5-day split, and then reopens on October 18 and continues through December 7. The special season for hunters age 12 through 15 will occur on September 20 and 21.

The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 3 wood ducks and 2 redheads. The daily bag limit may include 1 scaup except that from Oct. 18 to Nov. 6 in the north zone and Nov. 1 to Nov. 20 in the south zone the daily bag may include 2 scaup.

The USFWS has reduced the daily bag limit on scaup from 2 for the entire season to 1 for a portion of the season in response to a declining population trend from the 1970's until about 2001. Scaup are, however, still the third most abundant duck in continental surveys at 3.7 million. The Mississippi Flyway was given a scaup season of 60 days with 40 days at a 1 bird daily bag and 20 days at a 2 bird daily bag. Wisconsin had the option to pick where the 20 days with a 2 bird bag fall during the season.

This rule order does not allow the harvest of canvasback ducks which is a stipulation of the federal framework. The season closure is in response to a decrease in the canvasback breeding population. The reason for this decrease remains unanswered but may be due to over-flight to non-breeding areas because of dry conditions in the prairie region. The canvasback harvest in 2007 (125,000 nationwide) was only one-third of the number of birds that were projected could be safely harvested.

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 - 67 days (three hunting periods, September 16 – October 5, October 6 – 26, October 27 – November 21); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 3); Exterior Zone in the northern duck zone - 85 days (Sept. 20 – Dec. 13); Exterior Zone in the southern duck zone – 85 days (Sept. 20 – Oct. 12 and Oct. 18 – Dec. 18) and Mississippi River subzone - 85 days (Oct. 4 – Oct. 12 and Oct. 18 – Jan. 1). 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.

This rule order adds ten days to the mourning dove season so that it extends to November 9 which is consistent with a new opportunity offered in the federal hunting season framework.

Finally, this rule corrects an inconsistency between the section that establishes shooting hours and the section that establishes when the hunting season begins. Both should indicate a 9:00 a.m. start on the first day of the duck season but the section on shooting hours incorrectly describes a 12:00 noon start.

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 tend to exert a conservative influence on overall duck harvest-management, other factors such as habitat are considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest and 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 drop to a predetermined low level during the 5-year period, the stable season framework will 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 these states 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. 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 Bird 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 August 1. 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 in early August. 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 in early 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 sportspeople 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), (h) 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. 27 at 9:00 a.m. – Nov. 25	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 redheads and 3 wood ducks. The daily bag limit may include one scaup except during the period beginning on Oct. 18 and continuing through Nov. 6 when the bag limit may include 2 scaup. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Dec. 7	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 redheads, and 3 wood ducks. The daily bag limit may include one scaup except during the period beginning on Nov. 1 and continuing through November 20 when the bag limit may include 2 scaup. 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. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	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. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	f. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	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. 3 and Oct. 4 at 9:00 a.m. – Nov. 2	2	
		Nov. 3 – Dec. 16	2	
	h. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Oct. 5	2	
		Oct. 6 – Oct 26	2	
		Oct. 27 – Nov. 21	2	
	i. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	j. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1	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. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	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. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	i. Mississippi river subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1		

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. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	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. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 22 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
4. Brant	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1	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 subzone described in subd. 3.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	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. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(h) <i>Mourning dove</i>	a. Entire state	Sept. 1 — Nov. 9	15	30

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. 20 – Sept. 21, Sept. 27 at 9:00 a.m. – Nov. 25 and Jan. 9 – Feb. 22	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. 20 – Sept. 21, Oct. 4 at 9:00 a.m. – Oct. 12, Oct. 18 – Dec. 7 and Jan. 9 – Feb. 22	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 ~~15~~ 20. 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. One adult may not accompany more than 2 hunters.

Section 3. NR 10.06(5) is amended to read:

NR 10.06(5) HUNTING HOURS. Hunting hours for bear, bow deer, deer with firearms, elk and small game are 30

minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset. All waterfowl hunting starts at ~~12:00 noon~~ 9:00 a.m. on the first day of the duck hunting season established in s. NR 10.01 (1) (b). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

Zone Adjustment

- B Add 4 minutes
- C Add 8 minutes
- D Add 12 minutes
- E Add 16 minutes
- F Add 20 minutes

Section 4. 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 5. EFFECTIVE DATE. The rules shall take effect on the day of publication in the official state newspaper.

Section 6. 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 _____
Matthew J. Frank, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 10.01(1)(v) and 10.06(5); to repeal and recreate NR 10.01(1)(b), (g), (h) and (u) relating to the 2008 migratory game bird seasons and waterfowl hunting zones.

WM-17-08

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted and Explanation of Agency Authority: In promulgating this rule, ss. 29.014, 29.041 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., and 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: This rule order establishes the season length and bag limits for the 2008 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 27 and continues for 60 consecutive days in the north, closing on November 25. In the South, the season begins at 9:00 a.m. on October 4 and continues through October 12, followed by a 5-day split, and then reopens on October 18 and continues through December 7. The special season for hunters age 12 through 15 will occur on September 20 and 21.

The daily bag limit is 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 3 wood ducks and 2 redheads. The daily bag limit may include 1 scaup except that from Oct. 18 to Nov. 6 in the north zone and Nov. 1 to Nov. 20 in the south zone the daily bag may include 2 scaup.

The USFWS has reduced the daily bag limit on scaup from 2 for the entire season to 1 for a portion of the season in response to a declining population trend from the 1970's until about 2001. Scaup are, however, still the third most abundant duck in continental surveys at 3.7 million. The Mississippi Flyway was given a scaup season of 60 days with 40 days at a 1 bird daily bag and 20 days at a 2 bird daily bag. Wisconsin had the option to pick where the 20 days with a 2 bird bag fall during the season.

This rule order does not allow the harvest of canvasback ducks which is a stipulation of the federal framework. The season closure is in response to a decrease in the canvasback breeding population. The reason for this decrease remains unanswered but may be due to over-flight to non-breeding areas because of dry conditions in the prairie region. The canvasback harvest in 2007 (125,000 nationwide) was only one-third of the number of birds that were projected could be safely harvested.

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 - 67 days (three hunting periods, September 16 – October 5, October 6 – 26, October 27 – November 21); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 3); Exterior Zone in the northern duck zone - 85 days (Sept. 20 – Dec. 13); Exterior Zone in the southern duck zone – 85 days (Sept. 20 – Oct. 12 and Oct. 18 – Dec. 18) and Mississippi River subzone - 85 days (Oct. 4 – Oct. 12 and Oct. 18 – Jan. 1). 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.

This rule order adds ten days to the mourning dove season so that it extends to November 9 which is consistent with a new opportunity offered in the federal hunting season framework.

Finally, this rule corrects an inconsistency between the section that establishes shooting hours and the section that establishes when the hunting season begins. Both should indicate a 9:00 a.m. start on the first day of the duck season but the section on shooting hours incorrectly describes a 12:00 noon start.

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 tend to exert a conservative influence on overall duck harvest-management, other factors such as habitat are considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest and 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 drop to a predetermined low level during the 5-year period, the stable season framework will 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 these states 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. 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 Bird 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 August 1. 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 in early August. 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 in early 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 sportspeople and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

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Section 1. NR 10.01(1)(b), (g), (h) 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. 27 at 9:00 a.m. – Nov. 25	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 redheads and 3 wood ducks. The daily bag limit may include one scaup except during the period beginning on Oct. 18 and continuing through Nov. 6 when the bag limit may include 2 scaup. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Dec. 7	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one black duck, one pintail, 2 redheads, and 3 wood ducks. The daily bag limit may include one scaup except during the period beginning on Nov. 1 and continuing through November 20 when the bag limit may include 2 scaup. 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. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13	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. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	f. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 20 – Oct. 3 and Oct 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	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. 3 and Oct. 4 at 9:00 a.m. – Nov. 2	2	
		Nov. 3 – Dec. 16	2	
	h. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Oct. 5	2	
		Oct. 6 – Oct 26	2	
		Oct. 27 – Nov. 21	2	
	i. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18	2	4
	j. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1	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. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	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. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	i. Mississippi river subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1		

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. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	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. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 22 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
4. Brant	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1	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 subzone described in subd. 3.b. and c.	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	c. Burnett County subzone	Sept. 20 – Sept. 26 and Sept. 27 at 9:00 a.m. – Dec. 13		
	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. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	f. Horicon zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Dec. 16		
	g. Collins zone	Sept. 16 – Oct. 3 and Oct. 4 at 9:00 a.m. – Nov. 21		
	h. Rock Prairie subzone	Sept. 20 – Oct. 3 and Oct. 4 at 9:00 a.m. - Oct. 12 and Oct. 18 - Dec. 18		
	i. Mississippi River subzone	Oct. 4 at 9:00 a.m. – Oct. 12 and Oct. 18 – Jan. 1		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(h) <i>Mourning dove</i>	a. Entire state	Sept. 1 — Nov. 9	15	30

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. 20 – Sept. 21, Sept. 27 at 9:00 a.m. – Nov. 25 and Jan. 9 – Feb. 22	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. 20 – Sept. 21, Oct. 4 at 9:00 a.m. – Oct. 12, Oct. 18 – Dec. 7 and Jan. 9 – Feb. 22	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 ~~15~~ 20. 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. One adult may not accompany more than 2 hunters.

Section 3. NR 10.06(5) is amended to read:

NR 10.06(5) HUNTING HOURS. Hunting hours for bear, bow deer, deer with firearms, elk and small game are 30

minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset. All waterfowl hunting starts at ~~12:00 noon~~ 9:00 a.m. on the first day of the duck hunting season established in s. NR 10.01 (1) (b). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

Zone Adjustment

- B Add 4 minutes
- C Add 8 minutes
- D Add 12 minutes
- E Add 16 minutes
- F Add 20 minutes

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 _____
Matthew J. Frank, Secretary

(SEAL)