

SUBJECT: Authorization for public hearing for Board Orders WM-21-10 and WM-22-10(E), revisions to NR 10 establishing the 2010 Migratory Game Bird Hunting Seasons and Regulations

FOR: MAY, 2010 BOARD MEETING

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

SUMMARY:

The proposed rules will establish the the 2010 migratory game bird hunting season. The significant regulations are:

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit is expected to be 6 ducks including no more than: four mallards, of which only one may be a hen, one black duck, one pintail, one canvasback, three wood ducks, two scaup, and two redheads.

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 and the Mississippi River. Season lengths are expected to be as follows:

- Collins Zone - 66 days
- Horicon Zone - 92 days
- Exterior Zone - 85 days
- Mississippi River Subzone - 85 days

This rule proposal will eliminate the Collins Canada goose hunting zone in 2011. The Collins zone in Manitowoc County was established in 1988 because it was an intensively hunted site specifically used by Mississippi valley population Canada geese. With the expansion of the giant Canada goose population in Manitowoc County and the decreased interest in hunting the Collins zone, there is no longer a need for special restrictions. Staff have collected public input and flyway council review for elimination has been favorable. Goose hunter survey respondents who held Collins permits favored eliminating the zone by 80% with only 14% opposed, 6% did not answer that question.

RECOMMENDATION: Authorize public hearings for Board Orders WM-21-10 and WM-22-10(E), revisions to NR 10 establishing the 2010 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:

Tom Hauge
Bureau Director, Tom Hauge

Laurie Osterndorf
Administrator, Laurie Osterndorf

Matt Frank
Secretary, Matt Frank

4/22/10
Date

4/23/10
Date

5-3-10
Date

cc: Laurie J. Ross - AD/8
Kent Van Horn - WM/6

Tom Hauge - WM/6

Scott Loomans - WM/6

DATE: April 19, 2010

TO: Natural Resources Board Members

FROM: Matthew Frank 

SUBJECT: Request Board authorization to hold public hearings on the 2010 migratory bird hunting season proposals, WM-21-10 and WM-22-10(E).

I am requesting Natural Resources Board (NRB) approval to hold public hearings on board order WM-21-10 and WM-22-10(E) relating to establishing the 2010 migratory bird hunting seasons.

Each fall, about 85,000 waterfowl hunters venture into Wisconsin's wetlands and fields to harvest 300,000-500,000 ducks and geese. These migratory game bird populations are a shared international resource that requires cooperative surveys, research and regulation to manage. 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. Because of the timing of Wisconsin's rule process and the USFWS rule process, it is necessary to submit this hearing request about 3 months prior to the preliminary federal framework regulations. **Therefore, the actual season lengths, dates and bag limits cannot be determined at this time for much of the rule.** As a point of reference we have provided a rule package that uses much of the 2009 regulatory framework adjusted for 2010 dates.

In addition to the normal waterfowl season regulatory process outlined below, department staff have recommended a few changes to Canada goose management zones which are included in this rule hearing request for efficiency. There are 2 Canada goose subzones within the Exterior Canada goose hunting zone for which the original purposes for their establishment decades ago now no longer exist and are recommended for elimination. The Burnett County closed area was originally established in 1957 and was used to aid in the re-establishment of a population of the Giant race of the Canada goose. Clearly the re-establishment of these Canada geese across Wisconsin has been more than successful since we have over 120,000 breeding Giant Canada geese in Wisconsin. A closed area is no longer necessary. A 2010 spring hearing vote on removing this closed area (Question #21) passed in 71 counties with an 81% Yes vote statewide and passed in the local counties of Burnett and Polk. Similarly, the Rock Prairie subzone was established in 1976 in order to manage a small migratory subpopulation of Giant Canada geese to facilitate their restoration. The area had existing in some special management designation since 1945. This subzone has not been used for hunting regulations for the last 9 years. A 2010 spring hearing vote on removing this subzone (Question #20) passed in 70 counties with an 82% Yes vote statewide and passed in the local county of Rock. The elimination of these 2 zones would be included in the Emergency rule for implementation in 2010 season.

We are also recommending elimination of one additional Canada goose hunting zone be included in the permanent rule to go into affect in 2011. The Collins zone in Manitowoc County was established in 1988 because it was a site specifically used by the Mississippi Valley Population of Canada geese and was hunted intensively. With the expansion of the Giant Canada goose population in Manitowoc County and the decreased interest in hunting the Collins zone the need for special restrictions here are no longer needed. Staff have already collected public input and Mississippi Flyway Council review for the elimination of this zone with favorable results. As part of the annual harvest management of the Collins zone, all hunting

permit holders are mailed a questionnaire. For the 2009 season, we included a question asking the permit holders if they would favor eliminating the Collins Zone and 80% favored elimination of the zone. Only 14% opposed elimination and 6% did not respond. We can increase efficiency and collect input from waterfowl hunters statewide by taking the proposal through the 2010 summer waterfowl rule hearings.

Background

I. Federal Process (See Figure 1).

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 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 USFWS process includes 2 separate regulations development schedules; one for early hunting seasons (those that begin prior to Oct 1) and one for late hunting seasons (those that begin after Oct 1) as outlined in Figure 1. These schedules are very condensed and workload intensive to assure that each year's biological data and public input are part of the decision making process. The data from the spring pond, duck, and goose surveys that are part of this process are not available each year until July. The early seasons process impacts Wisconsin's early September goose season, early opening of the regular goose season, youth waterfowl hunt, falconry season, woodcock, and mourning dove seasons. The late seasons process impacts the regular duck and goose seasons.

For the regular duck season, a process called Adaptive Harvest Management is used annually by the USFWS and the Flyways to determine which of 3 framework alternatives will be offered to the states. The option of a closed season is also possible if survey conditions indicate that this is necessary for the management of duck populations. The preliminary frameworks for 2010 have not yet been published in the Federal Register as of April 22, 2010 but we expect them before the May board meeting. The proposed frameworks for the Mississippi Flyway and the expected alternatives for select duck species from 2009 are outlined in Figure 2 for your reference. For duck species not listed in this figure the daily bag limit would equal the total bag limit for all ducks. 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 the traditional survey areas as well as surveys from select states, including Wisconsin. The decision on the duck season alternative is expected to be announced by the USFWS on July 30, 2010.

In the past, the Regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined by the spring breeding population estimate obtained from an aerial survey of the MVP breeding range in Ontario. 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 would like to test the use of a standard season framework for 5 years. Beginning in the fall of 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. If the MVP spring population numbers drop to a predetermined low level during the 5 year period, the stable season framework will be adjusted. Wisconsin's regular Canada goose season harvest consists of

approximately 50% resident giant and 50% MVP population Canada geese. As a result, the parameters of Wisconsin's regular goose seasons will be guided by the Mississippi Flyway management plans for the MVP and giant Canada goose populations and approved by the MFC and the USFWS. The health of these populations will be measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies.

II. State Process (Figure 3)

Wisconsin's state process for the development of Migratory Bird Hunting Regulations has been designed to work into the federal schedule, follow state laws with regard to rule development, and provide for ample public input opportunity. Normally there are not significant annual variations in regulations for migratory species such as mourning doves and woodcock, so these species are not addressed in the annual regulatory process. In contrast, the federal and thus the state regulations for ducks and geese can change significantly each year based on annual survey results.

The primary elements of Wisconsin's waterfowl regulatory process include spring surveys, participation in MFC meetings, commenting on Federal proposals, and soliciting input from the public (Figure 3). The state process begins each year with Flyway meetings in February and March where staff provide input to the development of federal framework alternatives and requests related to the early seasons. In the spring, breeding waterfowl surveys are conducted to support the regulatory process. At the Natural Resources Board meeting in May, staff seek approval to conduct public hearings that will occur in August to coincide with state and federal processes.

In 2010, staff will conduct a public meeting called the "Pre-Flyway" meeting in early July where we solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting we provide the attendees with any breeding status information we have received and we ask for any items that they wish us to pursue at the MFC meetings. Staff will attend the MFC Technical and Council meetings in Mobile, AL from July 18-24 in 2010. At these meetings we will be provided status information and the proposed framework alternative from the USFWS. We then work with the other states in our Flyway to discuss and develop proposals and recommendations that are voted upon by the MFC. Proposals that are passed at the MFC meeting are forwarded to the USFWS for consideration at the Service Regulations Committee (SRC) meeting on July 28-29. On July 30, the USFWS will likely hold a press conference to announce the final recommended season frameworks.

Once the USFWS's final draft framework is available, Department staff can summarize waterfowl status and regulation information for Wisconsin citizens. On July 28, Department staff will meet with the Migratory Game Bird Advisory committee (department staff and waterfowl groups) to discuss a season proposal. This information will be presented to the Migratory Committee of the Conservation Congress and at a public meeting of interest groups and individuals on July 31 (Post-Flyway Meeting). Staff will receive input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl season given the federal framework. The following week, August 2-5, four public hearings will be held around the state to solicit additional input to the proposed annual waterfowl rule. On August 11, staff will present final Migratory Game Bird season recommendations and a summary of public input to the Natural Resources Board for discussion and action. It is important to note that the NRB will be receiving both emergency and permanent rule packages for action. This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures. A draft of the season regulations pamphlet is prepared prior to this meeting and a final draft is quickly prepared following NRB direction so that the pamphlet can be published and distributed in time for the upcoming season.

III. Public Hearing Issues

Based on past experience with the diverse opinions of parties interested in the Migratory Game Bird Regulations and the new changes this year, the following topics are anticipated to be issues of discussion:

- The date of the opening day of duck season
- Season splits or a continuous season in either the North or South Zone
- Daily bag limits for ducks and geese
- Canada Goose season dates and permit rules in each zone
- Special season restrictions on pintails, scaup or canvasbacks

IV. Rule Development

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

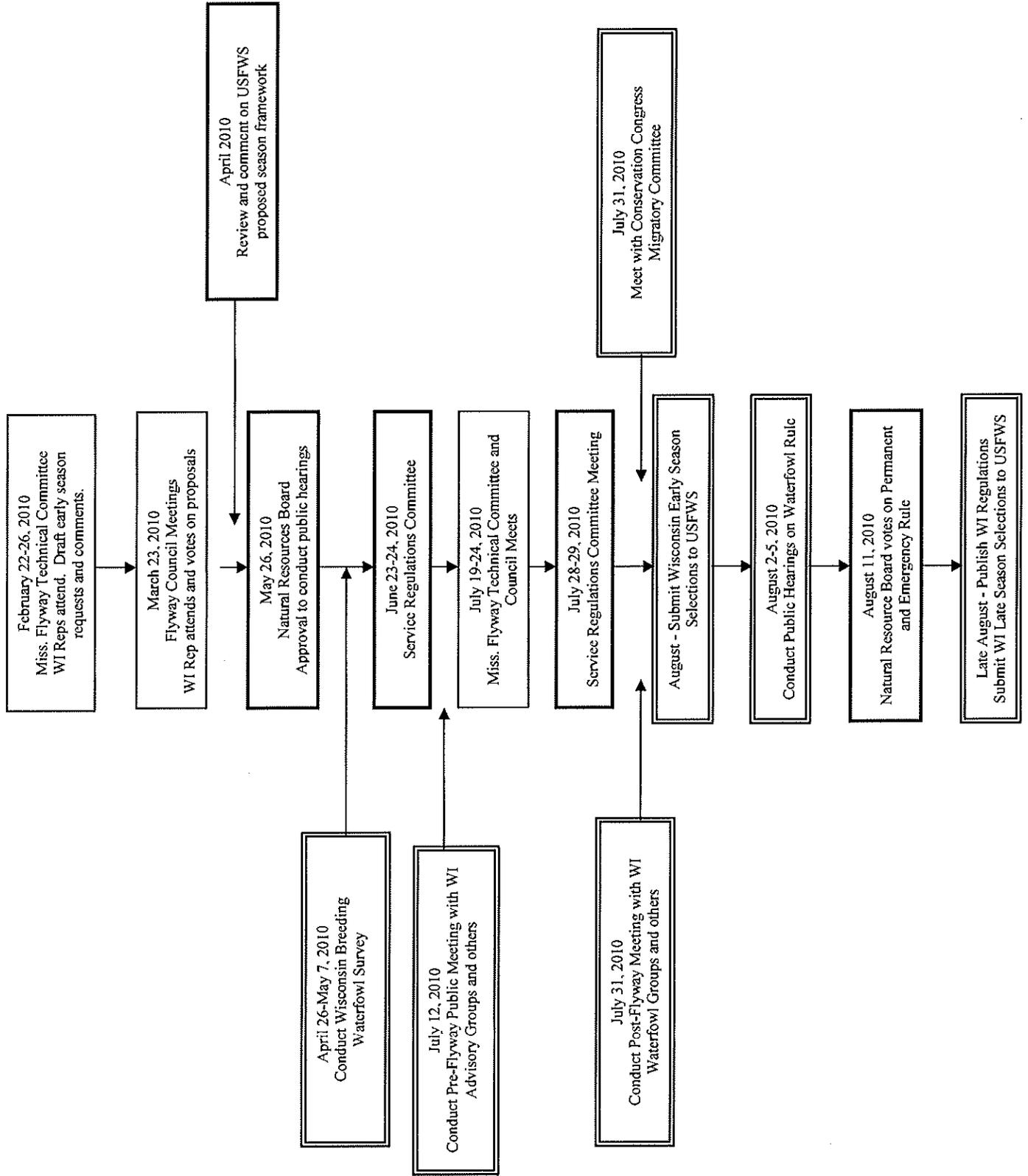
V. Small Business and Initial Regulatory Flexibility Analysis

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.

VI. Environmental Analysis

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

Figure 3. 2010 WISCONSIN MIGRATORY GAME BIRD REGULATORY SCHEDULE



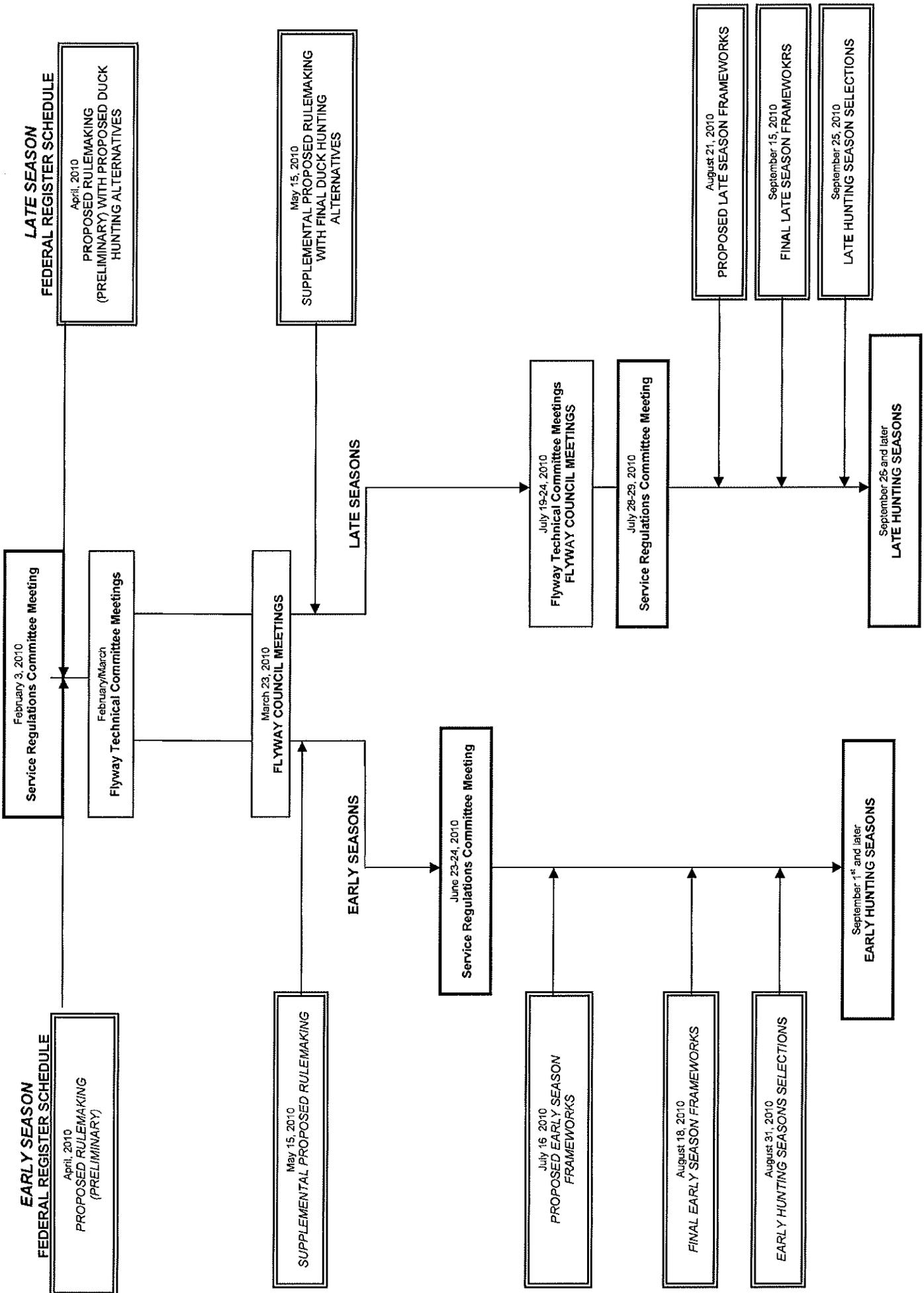
**Figure 2. PROPOSED REGULATORY ALTERNATIVES FOR
DUCK HUNTING IN THE MISSISSIPPI FLYWAY DURING THE 2009-10 SEASON**

		MISSISSIPPI FLYWAY		
	RES		MOD	LIB
Beginning Shooting Time	1/2 hour before sunrise	1/2 hour before sunrise	1/2 hour before sunrise	1/2 hour before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset
Opening Date	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Sept. 24
Closing Date	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Last Sunday in Jan.
Season Length (in days)	30	45	60	60
Daily Bag/Possession Limit	3 6	6 12	6 12	6 12
Mallards (Total/Female)	2/1	4/1	4/2	4/2

Traditional bag limits for other species under these alternatives

Pintail	0-3 ACCORDING TO THE PINTAIL INTERIM HARVEST STRATEGY
Black Duck	1
Scaup	(45day/2bird bag, 15/1), 60/2, or 60/4 with SCAUP STATUS HARVEST STRATEGY
Canvasback	0, 1, or 2 ACCORDING TO THE CANVASBACK HARVEST STRATEGY
Redhead	1
Wood Duck	3

Figure 1. 2010 Anticipated FEDERAL SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



Fiscal Estimate — 2009 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number	Amendment Number if Applicable
	Bill Number	Administrative Rule Number WM-21-10 and WM-22-10(E)

Subject
 2010 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 |
| 2. <input type="checkbox"/> Decrease Costs | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

- | | |
|---|--|
| 3. <input type="checkbox"/> Increase Revenues | <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 U.S. Fish & Wildlife Service. This rule order establishes the 2010 season lengths and bag limits. The 2010 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, one canvasback, three wood ducks, two scaup and two redheads.

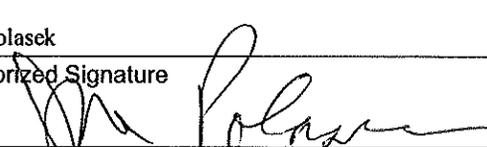
Canada geese - The state is apportioned into three goose hunting zones: Horicon, Collins, and Exterior. Other special goose management subzones within the Exterior Zone include Brown County and the Mississippi River. Season lengths are expected to be as follows:

- Collins Zone - 66 days - Horicon Zone - 92 days
- Exterior Zone - 85 days - Mississippi River Subzone - 85 days

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: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 04-21-10

Fiscal Estimate — 2009 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-21-10 and WM-22-10(E)

Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Estimate Worksheet — 2009 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-21-10 and WM-22-10(E)

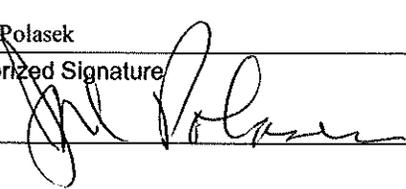
Subject
 2010 Migratory Game Bird Seasons

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	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
Total State Revenues	\$ 0	\$ - 0

Net Annualized Fiscal Impact

	State	Local
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) 04-21-10

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.31(2); to amend ss. NR 10.001(9w), 10.01(1)(v), 10.125(1)(c)2.a., 10.125(2), 10.125(3)(intro) and 10.125(3)(a)(intro), and to repeal and recreate 10.01(1)(b), (g) and (u) relating to hunting and the 2010 migratory game bird seasons and waterfowl hunting zones.

WM-21-10

Analysis Prepared by the Department of Natural Resources

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

Statutory Authority and Explanation of Agency Authority: Statutes that authorize the promulgation of this rule order include ss. 29.014 and 227.11, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provide that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, s. 29.041, Stats., authorizes the department to promulgate rules that regulate hunting on and in all interstate boundary waters, and s. 29.197, Stats., authorizes the establishment of special hunts.

Related Statute or Rule: This rule order establishes the season length and bag limits, for the Wisconsin migratory game bird seasons. Each year similar or identical emergency and permanent rule packages are promulgated. This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures. Clearinghouse Rule 10-020, the Wildlife Management Spring Hearing Rules package, repeals the Burnett and Rock Prairie Canada goose management subzones. This rule order is written as affected by CR 10-20.

Plain Language Analysis: Sections 1 and 4 through 8 repeal the Collins goose management zone.

Section 2 of this rule order establishes the season length and bag limits for the 2010 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 25 and continues for 60 consecutive days in the north, closing on November 23. In the South the season begins at 9:00 a.m. on October 2 and continues through October 10, followed by a 5-day split, and then reopens on October 16 and continues through December 5. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only 1 may be a hen, 1 black duck, 1 pintail, 1 canvasback, 3 wood ducks, 2 scaup and 2 redheads.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County and the Mississippi River. Season lengths are: Collins Zone - 66 days (three hunting periods, September 16 – October 3, October 4 – 24, October 25 – November 19); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 1); Exterior Zone in the northern duck zone - 85 days (Sept. 18 – Dec. 11); Exterior Zone in the southern duck zone – 85 days (Sept. 18 – Oct. 10 and Oct. 16 – Dec. 16) and Mississippi River subzone - 85 days (Oct. 2 – Oct. 10 and Oct. 16 – Dec. 30). The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Section 3 establishes the youth waterfowl hunting season dates.

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 (USFWS) regulations process. As part of the Federal rule process, the USFWS 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 USFWS believes that the NAWMP's population goals would tend to exert a conservative influence on overall duck harvest-management. Other factors, such as habitat, are to be considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined based on the spring breeding population estimate obtained from an aerial survey of the MVP breeding range as prescribed by the Mississippi Flyway MVP management plan. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest Mississippi Valley Population birds, the

Mississippi Flyway Council is testing the use of a standard season framework for 5 years. Beginning in the fall of 2007 and continuing through 2011, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state retains the flexibility to schedule the timing of their Canada goose season. In addition, if the MVP spring population numbers dropped to a predetermined low level during the 5-year period, the stable season framework would be adjusted.

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

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

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 spring and summer, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff will conduct a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff will provide the attendees with breeding status information and ask 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 will be provided status information and the proposed framework alternative from the USFWS. Department staff will then work with the other states in our Flyway to discuss and develop proposals and recommendations to be voted upon by the MFC. Proposals that pass at the MFC meeting will be forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS will announce its final waterfowl season framework recommendation on July 30. Department staff will summarize waterfowl status and regulation information for Wisconsin citizens and present this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals on July 31. Staff will gather public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings will be held during the first week of August around the state to solicit additional input on the proposed annual waterfowl rule.

This rule proposal will eliminate the Collins Canada goose hunting zone in 2011. The Collins zone in Manitowoc County was established in 1988 because it was a site specifically used by the Mississippi Valley Population of Canada geese and was hunted intensively. With the expansion of the Giant Canada goose population in Manitowoc County and the decreased interest in hunting the Collins zone, there is no longer a need for special restrictions. Staff have already collected public input and Mississippi Flyway Council review for the elimination of this zone with favorable results. As part of the annual harvest management of the Collins zone, all hunting permit holders are mailed a questionnaire. For the 2009 season, we included a question asking the permit holders if they would favor eliminating the Collins Zone and 80% favored elimination

of the zone. Only 14% opposed elimination and 6% did not respond. We can increase efficiency and collect input from waterfowl hunters statewide by taking the proposal through the 2010 summer waterfowl rule hearings.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to these rules.

Effects on Small Businesses: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule.

Agency Contact Person: Kent Van Horn, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921.
kent.vanhorn@wisconsin.gov (608) 266-8841

Section 1: NR 10.001(9w), as affected by CR 10-020, is amended to read:

NR 10.001(9w) For the purpose of administering the Canada goose hunting permit system, "Exterior goose management zone" or the "Exterior zone" means all that part of the state outside of the Collins and Horicon goose management zones zone described in s. NR 10.31, and includes the Mississippi River, Brown County and New Auburn subzones which shall be treated as separate management subzones for other purposes.

Section 2. NR 10.01(1)(b), (g) and (u), as affected by CR 10-020, 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. 25 at 9:00 a.m. – Nov. 23	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec. 5	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition 5 mergansers to include not more than 2 hooded mergansers.	

Section 2. 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.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11	2	4
	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. 1. f. to h.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16	2	4
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16	2	4

Section 2. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	f. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Oct. 31	2	
		Nov. 1 – Dec. 16	2	
	g. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Oct. 3	2	
		Oct. 4 – Oct 24	2	
		Oct. 25 – Nov. 19	2	
	h. Mississippi River subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30	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 2. 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.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	c. 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. d. to g.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	e. Horicon zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Dec. 16		
	f. Collins zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Nov. 19		
	g. Mississippi river subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30		

Section 2. 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.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	c. 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.d. to g.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	e. Horicon zone	Sept. 22 – Oct. 1 and Oct. 2 at 9:00 a.m. – Dec. 16		
	f. Collins zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Nov. 19		

Section 2. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	g. Mississippi River subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30		
4. Brant	Entire state	As established by zone	1	2
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzones described in sub. 3.b.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	c. 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. d. to g.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	e. Horicon zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Dec. 16		
	f. Collins zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Nov. 19		
	g. Mississippi River subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30		

Section 2. Continued.

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. 18 – Sept. 19, Sept. 25 at 9:00 a.m. – Nov. 23 and Jan. 7 – Feb. 20	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. 18 – Sept. 19, and Oct 2 at 9:00 a.m. – Oct. 10, Oct. 16 – Dec. 5 and Jan. 7 – Feb. 20	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 3. NR 10.01(1)(v) is amended to read:

NR 10.01(1)(v) *Special youth waterfowl hunt event.* Persons under the age of 16 may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September ~~49~~ 18. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g)1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with ~~s. 29.592~~ Stats. ss. 29.52 and 29.53, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

Section 4: NR 10.125(1)(c)2.a. is amended to read:

NR 10.125(1)(c)2.a. Issue Horicon and ~~Collins~~ zone permits that are also valid for the exterior zone during a time period specified by the department.

Section 5: NR 10.125(2) is amended to read:

NR 10.125(2) APPLICATION AND ISSUANCE REQUIREMENTS. (a) *Forms.* Applications shall be on forms supplied by the department.

(b) *Deadlines.* 1. All applications for the Horicon, ~~Collins~~ and Exterior zones shall be postmarked no later than the deadline dates indicated on the forms or received by a department service center location on that date to be considered for selection. The annual application deadlines may not be sooner than July 1.

Note: The department conducts extensive publicity on the application deadlines beginning several months prior to any deadline. Application deadline dates are published in news releases, the department Web site at www.dnr.wi.gov, license outlet handouts, and pertinent regulation pamphlets. Department service center hours may vary by location.

2. Exterior zone and early goose hunt subzone permits may be obtained at a license vendor or department service center location throughout the open season.

Note: Department service center office hours may vary by location.

(c) *Application limitations.* 1. No person may submit more than one application per year except that:

a. Persons who submitted an invalid permit application for the ~~Collins or~~ Horicon zones zone may reapply, provided the goose season is open, for an Exterior zone permit.

b. Persons applying for an early goose hunt subzone permit may also apply for a ~~Collins,~~ Horicon, or Exterior zone permit.

2. If 2 or more persons wish to hunt together in the ~~Collins or~~ Horicon zones zone, each applicant shall complete and submit an application form. A group application shall be considered one application.

(d) *Selection preference.* When applications exceed the number of permits available, successful applicants shall be randomly selected with first preference given to persons who unsuccessfully applied for a permit during the previous year.

(e) *Undersubscribed zones.* If the number of permit applications is less than the number of permits available for any time period, the department may issue the remaining permits to successful applicants by random selection.

~~(f) *Permit limits.* The department may not issue more than 425 permits for any time period for the Collins zone.~~

Section 6: NR 10.125(3)(intro) is amended to read:

NR 10.125(3) SPECIAL REQUIREMENTS. Unless otherwise directed by the department, the following requirements apply to the Horicon ~~and Collins zones~~ zone:

Section 7: NR 10.125(3) (a)(intro) is amended to read:

NR 10.125(3) (a) *Tagging.* When a Canada goose is killed within Horicon ~~and Collins zones~~ zone, the hunter shall:

Section 8: NR 10.31(2) is repealed.

Section 9. 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.) except for sections 1 and 4 through 8 which shall take effect on February 1, 2011.

Section 10. 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 Frank, Secretary

(SEAL)

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

The Wisconsin Natural Resources Board proposes an order to amend 10.01(1)(v) and to repeal and recreate 10.01(1)(b), (g) and (u) relating to hunting and the 2010 migratory game bird seasons and waterfowl hunting zones.

WM-22-10(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, 29.197 and 29.885, and 227.24 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, 227.11 and 227.24, Stats. These sections grant rule making authority to the department to establish and maintain open and closed seasons for hunting and provide that all rules promulgated under this authority are subject to review under ch. 227, Stats. In addition, s. 29.041, Stats., authorizes the department to promulgate rules that regulate hunting on and in all interstate boundary waters, and s. 29.197, Stats., authorizes the establishment of special hunts.

Related Statute or Rule: This rule order establishes the season length and bag limits, for the Wisconsin migratory game bird seasons. Each year similar or identical emergency and permanent rule packages are promulgated. This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures. Clearinghouse Rule 10-020, the Wildlife Management Spring Hearing Rules package, repeals the Burnett and Rock Prairie Canada goose management subzones. This rule order is written as affected by CR 10-20.

Plain Language Analysis: Section 1 of this rule order establishes the season length and bag limits for the 2010 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 25 and continues for 60 consecutive days in the north, closing on November 23. In the South the season begins at 9:00 a.m. on October 2 and continues through October 10, followed by a 5-day split, and then reopens on October 16 and continues through December 5. The daily bag limit is 6 ducks including no more than: 4 mallards, of which only 1 may be a hen, 1 black duck, 1 pintail, 1 canvasback, 3 wood ducks, 2 scaup and 2 redheads.

For Canada geese, the state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County and the Mississippi River. Season lengths are: Collins Zone - 66 days (three hunting periods, September 16 – October 3, October 4 – 24, October 25 – November 19); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 1); Exterior Zone in the northern duck zone - 85 days (Sept. 18 – Dec. 11); Exterior Zone in the southern duck zone – 85 days (Sept. 18 – Oct. 10 and Oct. 16 – Dec. 16) and Mississippi River subzone - 85 days (Oct. 2 – Oct. 10 and Oct. 16 – Dec. 30). The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Section 2 establishes the youth waterfowl hunting season dates.

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 (USFWS) regulations process. As part of the Federal rule process, the USFWS 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 USFWS believes that the NAWMP's population goals would tend to exert a conservative influence on overall duck harvest-management. Other factors, such as habitat, are to be considered.

In the past, the regular Canada goose season was based on the allowable Mississippi Valley Population (MVP) harvest which was determined based on the spring breeding population estimate obtained from an aerial survey of the MVP breeding range as prescribed by the Mississippi Flyway MVP management plan. However, because locally produced giant Canada geese now constitute a considerable portion of the harvest in all states that also harvest Mississippi Valley Population birds, the Mississippi Flyway Council is testing the use of a standard season framework for 5 years. Beginning in the fall of 2007 and continuing through 2011, season lengths and bag limits for each MVP harvest state will remain unchanged. Each state

retains the flexibility to schedule the timing of their Canada goose season. In addition, if the MVP spring population numbers dropped to a predetermined low level during the 5-year period, the stable season framework would be adjusted.

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

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

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 spring and summer, breeding waterfowl surveys and banding are conducted in support of the regulatory process.

In early July, staff will conduct a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory Committee. At this meeting staff will provide the attendees with breeding status information and ask 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 will be provided status information and the proposed framework alternative from the USFWS. Department staff will then work with the other states in our Flyway to discuss and develop proposals and recommendations to be voted upon by the MFC. Proposals that pass at the MFC meeting will be forwarded to the USFWS for consideration by the Service Regulations Committee (SRC) at their meeting. The USFWS will announce its final waterfowl season framework recommendation on July 30. Department staff will summarize waterfowl status and regulation information for Wisconsin citizens and present this information to the Migratory Committee of the Conservation Congress and at a public meeting (Post-Flyway Meeting) of interest groups and individuals on July 31. Staff will gather public input at these meetings regarding citizen suggestions for the development of Wisconsin's waterfowl regulations given the federal framework. Public hearings will be held during the first week of 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) and (u), as affected by CR 10-020, 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. 25 at 9:00 a.m. – Nov. 23	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Southern zone as established in s. NR 10.32	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec. 5	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup and 3 wood ducks. In addition 5 mergansers to include not more than 2 hooded mergansers.	

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(g) <i>Geese</i> 1. Canada geese and its subspecies	a. Entire state	Sept. 1 — Sept. 15	5	10
	b. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzones described in subd. 1.c.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11	2	4
	c. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11	2	4
	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. 1. f. to h.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16	2	4
	e. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16	2	4

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	f. Horicon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Oct. 31	2	
		Nov. 1 – Dec. 16	2	
	g. Collins zone	Three permit periods:		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Oct. 3	2	
		Oct. 4 – Oct 24	2	
		Oct. 25 – Nov. 19	2	
	h. Mississippi River subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30	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.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	c. 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. d. to g.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	e. Horicon zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Dec. 16		
	f. Collins zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Nov. 19		
	g. Mississippi river subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30		

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.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	b. All that part of the Brown County subzone lying within the northern zone established in s. NR 10.32	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	c. 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.d. to g.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	e. Horicon zone	Sept. 22 – Oct. 1 and Oct. 2 at 9:00 a.m. – Dec. 16		
	f. Collins zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Nov. 19		

Section 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	g. Mississippi River subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30		
4. Brant	Entire state	As established by zone	1	2
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32 except for the subzones described in sub. 3.b.	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	b. All that part of the Brown county subzone lying within the northern zone established in s. NR 10.32	Sept. 18 – Sept. 24 and Sept. 25 at 9:00 a.m. – Dec. 11		
	c. 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. d. to g.	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	d. All that part of the Brown County subzone lying within the southern zone established in s. NR 10.32	Sept. 18 – Oct. 1 and Oct 2 at 9:00 a.m. - Oct. 10 and Oct. 16 - Dec. 16		
	e. Horicon zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Dec. 16		
	f. Collins zone	Sept. 16 – Oct. 1 and Oct. 2 at 9:00 a.m. – Nov. 19		
	g. Mississippi River subzone	Oct. 2 at 9:00 a.m. – Oct. 10 and Oct. 16 – Dec 30		

Section 1. Continued.

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. 18 – Sept. 19, Sept. 25 at 9:00 a.m. – Nov. 23 and Jan. 7 – Feb. 20	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. 18 – Sept. 19, and Oct 2 at 9:00 a.m. – Oct. 10, Oct. 16 – Dec. 5 and Jan. 7 – Feb. 20	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 under the age of 16 may hunt all species of wild duck, mergansers, geese, coots, and moorhens for 2 consecutive days starting on September 18. Approvals under ch. 29, Stats., are not required pursuant to s. 29.197 (1), Stats., except for registration in the harvest information program under s. NR 10.12 (11) and a Canada goose hunting permit for the season or zone where goose hunting, as listed in par. (g) 1., if hunting Canada geese. Daily bag limits are those described under pars. (b), (c) and (g), except that the daily bag limit for the zone or sub zone being hunted as listed in par. (g)1.a. to j., on that date shall apply to Canada geese, and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with ~~s. 29.592~~ Stats. ss. 29.52 and 29.53, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province.

Section 3. 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 4. EFFECTIVE DATE. These rules shall take effect on September 1, 2010.

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 Frank, Secretary

(SEAL)