

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:** Request that the Board adopt Emergency Board Order WM-02-12(E), establishing the 2012 migratory bird hunting seasons and regulations.

**FOR:** August, 2012 Board meeting

**PRESENTER'S NAME AND TITLE:** Kent Van Horn, Migratory Game Bird Biologist

**SUMMARY:**

These proposed rules will establish the the 2012 migratory game bird hunting seasons. The significant regulations are:

Ducks - The state is divided into three zones each with 60-day seasons. The daily bag limit will be 6 ducks including no more than: four mallards, of which only one may be a hen, one black duck, one canvasback, three wood ducks, two pintails, four scaup, and two redheads. The department is proposing split seasons in all zones including, new in 2012, a five day split in the north duck zone.

Canada geese - The state is apportioned into two goose hunting zones, Horicon and Exterior. The Mississippi River is a management subzone within the Exterior Zone. In 2012 the US Fish & Wildlife Service has offered the option of seven additional days of goose hunting in the Exterior Zone, extending that season from 85 days in 2011 to 92. Seasons and bag limits are proposed to be as follows:

- Horicon Zone - 92 days, daily bag limit of 2 (two time periods, 6 tags per person)
- Exterior Zone - 92 days, daily bag limit of 2

The department also proposes simplifying regulations by eliminating the Brown County Subzone of the Exterior Canada Goose Management Zone. This subzone is no longer needed for management purposes. The season dates have been the same as in the surrounding exterior zone in recent years.

**RECOMMENDATION:** Request that the Board adopt Emergency Board Order WM-02-12(E), establishing the 2012 migratory bird hunting seasons and regulations.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- |                                                                                             |                                                                       |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> (choose one)                                                       | <input checked="" type="checkbox"/> Attachments to background memo    |
| <input type="checkbox"/> Statement of scope                                                 | <input type="checkbox"/> Governor approval of statement of scope      |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input checked="" type="checkbox"/> Response summary                                        | <input checked="" type="checkbox"/> Board order/rule                  |

Approved by	Signature	Date
Tom Hauge, Bureau Director	<i>Tom Hauge jaf</i>	
Kurt Thiede, Administrator	<i>[Signature]</i>	8/6/12
Cathy Stepp, Secretary	<i>[Signature]</i>	8/6/10

cc: Board Liaison - AD/8  
Scott Loomans - WM/6

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: August 6, 2012

TO: Natural Resources Board Members

FROM: Cathy Stepp 

SUBJECT: Request Adoption of the 2012 Migratory Game Bird Hunting Regulations

I am requesting Natural Resources Board adoption of the proposed 2012 Migratory Game Bird seasons and regulations, board order WM-02-12(E).

## **Background**

### Annual Process

Each fall a diverse group of about 80,000 waterfowl hunters venture into Wisconsin's wetlands, lakes, rivers and fields to harvest 300,000-500,000 ducks and geese. Wisconsin currently ranks 4th in the nation for the number of waterfowl hunters and has maintained a relatively stable level of waterfowl hunters for 30 years. The annual establishment of waterfowl hunting regulations is very important to these customers. 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. Two flow charts are attached for your reference (Figures 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) for each flyway within which states may select hunting season parameters. This process involves the USFWS working cooperatively with each Flyway Council.

Staff attended the summer MFC meeting in Peoria, IL from July 17-23. At this meeting, the states received the 2012 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 four flyway councils were made to the USFWS who in turn recommended a framework on July 26.

### **2012 Duck population and regulation status**

The annual waterfowl hunting frameworks (season length, bag limits) offered by the USFWS are based on the current year biological data on breeding ducks and geese. This information is summarized below.

The 2012 continental breeding waterfowl conditions were much drier than the excellent conditions in 2011 but still near average this spring. The total duck estimate reached another record high of 48.6 million which is the highest estimate in the 57 year history of the survey (Appendix 1). The 2012 continental breeding population estimates for all surveyed duck species were higher or similar to 2011 except for pintails.

The population estimate for the mid-continent mallards and the pond counts in prairie Canada are the 2 primary annual variables that drive the federal Adaptive Harvest Management system. This system forms the basis of the annual duck season frameworks issued by the USFWS. The 2012 mid-continent (US prairies, Great Lakes states and central Canada) mallard population estimate was 10.96 million (up 15% from 2011) and the Canadian pond count was 3.9 million (down 21% from 2011 but still 13% above average). As a result of these data the USFWS established a 60 day duck season with a 6 duck daily bag limit and moderate to liberal bag limits for other specific species (Appendix 1). Wisconsin's duck harvest is dominated by 4 species; mallards, wood ducks, blue-winged teal and green-winged teal, which together make up about 75% of the total duck harvest. In addition to mallards, blue-winged teal and green-winged teal are both reported in continental surveys and in 2012 the estimates for these species were also excellent. The green-winged teal continental population estimate was 3.5 million (74% above average) and the blue-winged teal population estimate hit a record level of 9.2 million (94% above average). An additional note this year is that the continental scaup population estimate increased for the 7<sup>th</sup> straight year reaching 5.2 million which is equal to the 57 year average estimate. Based upon an agreed upon federal harvest strategy, the scaup daily bag limit will be raised to 4 scaup from 2 based on this population increase.

#### Wisconsin breeding duck conditions

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. A warm winter and early spring produced average to dry conditions across Wisconsin this spring as ducks began nesting (Appendix 1). Some southern areas of Wisconsin experienced a severe drought while northern areas had average to good wetland conditions as the summer progressed. The 2012 total spring breeding duck population estimate for Wisconsin of 521,000 was similar to 2011 and is 21% above the long term average. We expect a range of duck production across Wisconsin from fair in southern Wisconsin to good in northern Wisconsin.

#### Canada geese

Wisconsin's Canada goose harvest comes primarily from 2 populations; 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 challenged with managing 2 different Canada goose populations with the same hunting

regulations. The giant Canada geese in the flyway, now called the Temperate Breeding Population (TBP) has steadily grown and can sustain a higher hunting pressure while the MVP has been stable to decreasing so a more cautious regulatory approach has traditionally been used.

In an effort to learn if increased liberalization of Canada goose hunting regulations is sustainable, the MFC tested the use of a standard hunting season framework for 5 years. From 2007 to 2011, fairly liberal season lengths and bag limits for each MVP harvest state remained unchanged. Each state retained the flexibility to schedule the timing of their Canada goose season. The health of these 2 populations was measured with spring breeding population surveys, survival data and harvest rates obtained from banding and production studies. The results of this 5 year trial were evaluated by the technical section of the MFC during the winter of 2012. The management objectives were to increase the harvest rate and potentially slow the population growth of the TBP while maintaining a lower harvest rate on the MVP and maintain a stable to increasing MVP population. The evaluation results were mixed, with an increased rate of harvest on TBP geese but a continued growth in the population and acceptable harvest rates on MVP in all but 1 year but in the face of a declining MVP during this period. It was agreed among the states that share the MVP harvest that we could continue with small and cautious steps toward more liberal Canada goose hunting seasons. For Wisconsin, the primary change is an additional 7 days of Canada goose hunting in the Exterior Canada goose zone.

In 2012, spring breeding conditions for the MVP geese were average and the spring breeding population similar to last year at 269,000 and 25% below the long term average. It appears that poor production in recent years has had a negative impact on the breeding population. Field reports from the summer banding operations in Ontario indicate that those MVP geese that were breeding had good brood sizes so we expect average production. In Wisconsin the 2012 resident Canada goose breeding population estimate of 145,000 was lower than last year but reflected a very early spring which resulted in a poor count of breeding geese by the time the survey was flown. Field reports suggest very good production and good numbers of Canada geese expected this fall.

## **Hunter input**

The development of the 2012 waterfowl hunting season proposal was aided by several years of hunter surveys and public meetings that indicated the majority (about 2/3) of the waterfowl hunters were content with most of the starting dates, season lengths and bag limits for Canada goose and duck hunting seasons.

With the foundation of spring survey data, USFWS waterfowl season frameworks, and public input on all aspects of the waterfowl season structure staff developed the following proposal for the 2012 waterfowl season.

## **Rule Summary**

- 1) **Ducks.** 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.

The USFWS framework would allow a daily bag limit of 2 hen mallards but we are once again proposing a daily bag limit of 1 hen mallard during the entire season based on the continued support by duck hunters for this reduced bag limit.

Season Summary:

During the 60-day season, a daily bag limit of 6 ducks in total. Of the 6 ducks, no more than: 4 mallards of which only 1 can be a hen, 3 wood ducks, 2 redheads, 1 black duck, 2 pintail, 4 scaup and 1 canvasback. In addition, 5 mergansers to include not more than 2 hooded mergansers. Coot daily bag of 15. (For duck species not listed such as teal and ring-necked ducks, the combined total with all other species may not exceed 6 ducks).

Opening day shooting hours to begin at 9 am.

Northern Zone – September 22 at 9:00 am – November 4 and November 10 - 25.

Southern Zone – September 29 at 9:00 am – October 7, and October 13 - December 2.

Mississippi River Zone - September 22 at 9:00 am – September 30, then a 12 day split (Oct 1-12), reopening on October 13 – December 2.

2) **Youth Waterfowl Hunt.** The youth hunt will be September 15-16. 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 in most areas so adults will also be able to harvest geese but not ducks during the youth hunt. An unusual season overlap that should be noted this year is that the first day of the youth hunt is during the Early September Canada goose season while the second day is the beginning of the regular Canada goose seasons.

3) **Canada geese**

The state is apportioned into two goose hunting zones for the regular season: Horicon and Exterior. Other goose management subzones within the Exterior Zone include the Mississippi River.

Exterior Zone – 92 days. Daily bag of 2 Canada geese.

North Zone - September 16-21 and September 22, (9:00 am) – November 4, and November 10 - December 21.

South Zone –September 16-28, September 29 (9:00 am) – October 7 and October 13 – December 21.

Mississippi River Subzone – September 22 (9:00 a.m.) – September 30, October 13 – January 3.

Horicon Time Periods

Hunters with Horicon 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.

Horicon – 92 days

Period 1	September 16- October 28
Period 2	October 29 – December 16

### 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

The open season for White-fronted geese begins on September 20 for the Exterior (north and south) and the Horicon zone and then follows the same dates as for Canada geese in those zones. In the Mississippi River subzone of the Exterior zone the White-fronted goose season does not open until September 26 and then follows the same dates as those for Canada geese in that subzone. Daily Bag Limit: 1 white-fronted goose.

### **Public Hearings & 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. A total of 121 individuals offered comment on the waterfowl hunting seasons in addition to the Wisconsin Conservation Congress Migratory Committee and several waterfowl groups. 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's website, and more than 17,000 GovDelivery email updates.
- **Telephone, email and written comment.** Public comments and questions began coming in during June through telephone calls and emails. These were accepted through August 2.
- **July 13, Pre-Flyway** public meeting was held in Horicon. Preliminary population status information was presented and input on the season structure was received. Several waterfowl and conservation organizations were represented.
- **July 28 – Migratory Committee of the Conservation Congress.** Our waterfowl specialist presented the population status and proposed season structure to the committee.
- **July 28 – 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 conservation organizations or individuals were present, however, attendance was down from previous years. The groups represented were: Wisconsin Wildlife Federation (WWF), La Crosse County Conservation Alliance (LCCA), Green Bay Duck Hunters (GBDH), and Black Slough Conservation Club (BSCC). The Wisconsin Waterfowl Association followed up later that day with their input.
- **July 30-August 2, Public Hearings.** Four public hearings were held around the state and 74 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** - 23 people attended, 6 gave oral testimony
  - **Spooner** - 9 people attended, 5 gave oral testimony
  - **Appleton** - 16 people attended, 7 gave oral testimony

- **Pewaukee** – 26 people attended, 6 gave oral testimony

### **Public Input Summary:**

Overall, a strong majority of the public comments offered during the public hearings and submitted to the Department via phone, email and letter were in strong support of the Department proposed season parameters (Appendix 2). A few issues such as suggestions for the same opening day for all duck hunting zones, different opinions on early versus later opening days for duck zones, different opinions on opening day shooting hours and a few suggestions on a later Exterior Canada goose season generated a relatively small level of public comment. In all cases, the Department proposed hunting season parameters on bag limits and goose seasons received the support of a strong majority. Most public discussion focused on the proposal from north zone duck hunters from the Rhinelander and St. Croix County areas that asked for a split in the north duck zone in order to provide later duck hunting. This proposal was to open the north duck for the following dates: September 22-November 4, November 10-25. This proposal had the support of the Wisconsin Conservation Congress, Wisconsin Waterfowl Association and 32 individual comments. An additional 14 comments supported a split in the north duck zone but had different ideas for when the split should occur. The Wisconsin Wildlife Federation waterfowl committee, the Green Bay Duck Hunters and the Black Slough Conservation club along with 17 individual comments favored no split in the north duck zone. Harvest data indicate that about 90% of the duck harvest in the northern duck zone will have been completed prior to this period of November so any change will likely impact a relatively small number of hunters. Based on public input, harvest data, and a desire to be responsive to this hunter request, the Department supports trying an early November split in the northern duck zone as proposed above in 2012. If hunter preference for this season structure does not remain positive in the future the season can always be changed back to a season with no split.

### **Rule Development:**

These rules were developed with assistance from the bureaus of law enforcement, science services, and legal services.

### **Small Business and Regulatory Flexibility Analysis:**

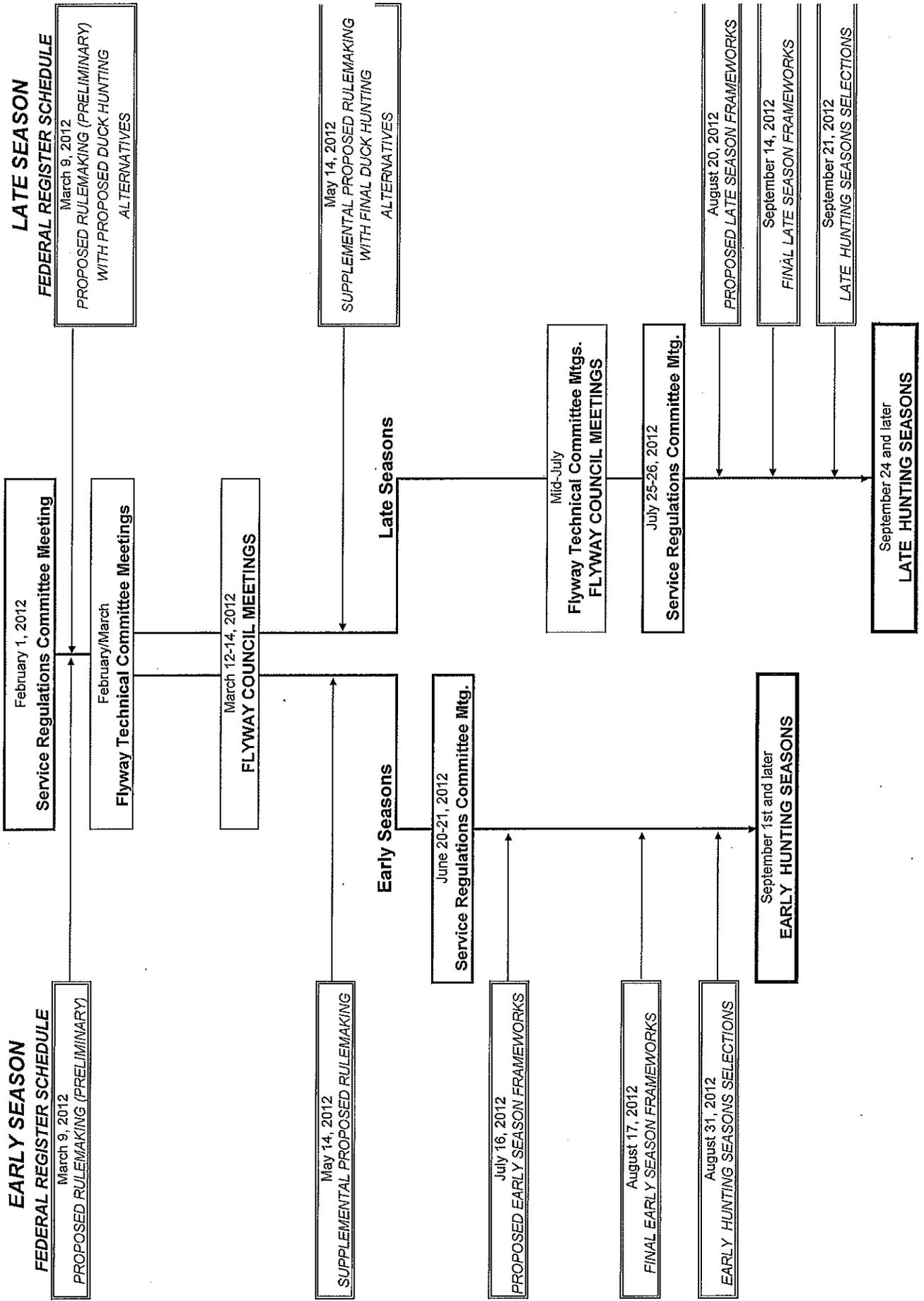
The revisions to Ch. NR 10 and 45, Wis. Admin. Code, relating to hunting, trapping and the management of department lands are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

### **Environmental Analysis:**

The department has determined that these rule revisions are a Type III action under Chapter 150, Wis. Adm. Code, and no environmental analysis is required.

Figure 1.

# 2012 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



2012 WISCONSIN MIGRATORY GAME BIRD REGULATORY SCHEDULE

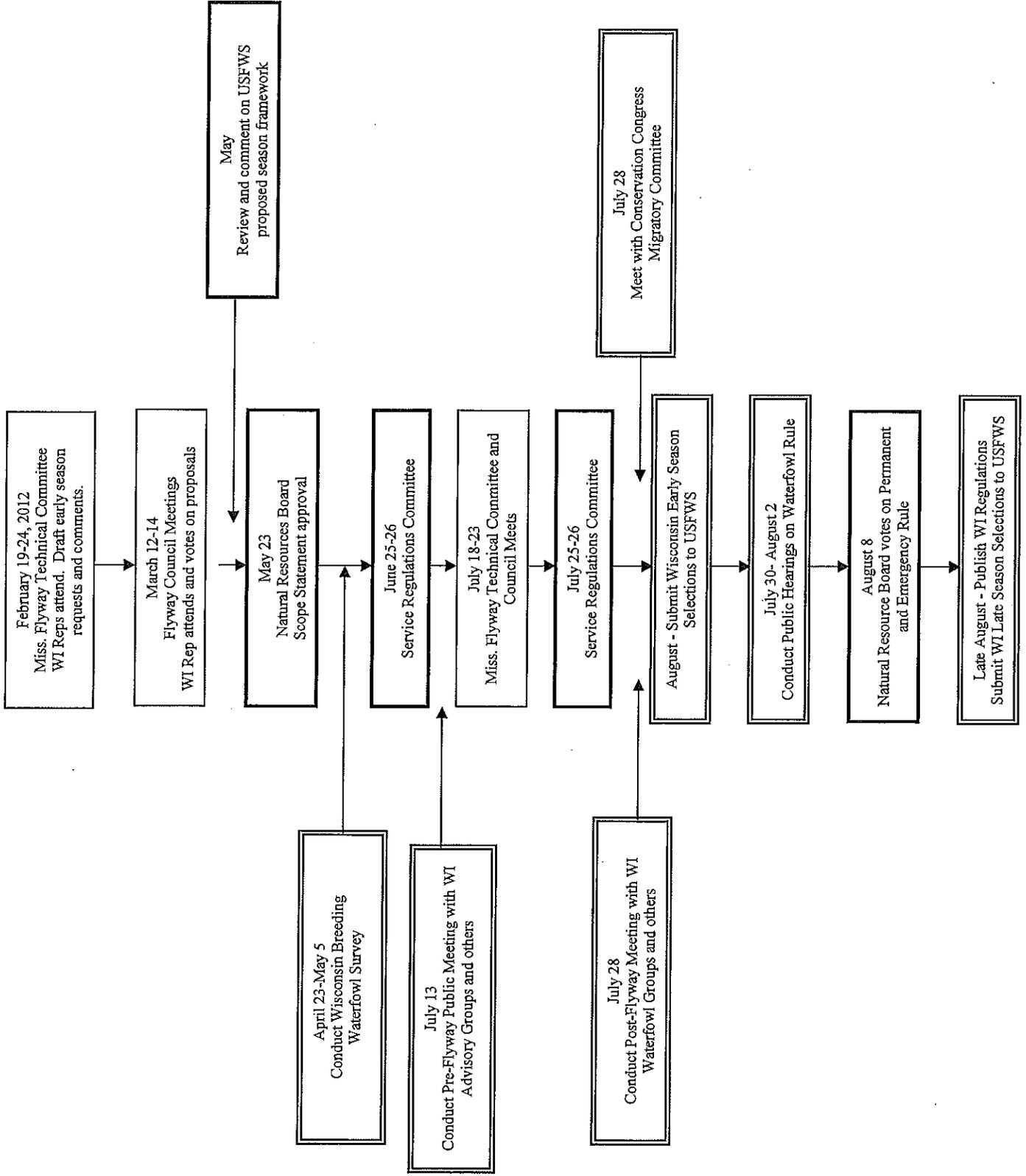


Figure 2.

## Appendix 1. 2012 Waterfowl Population Status

### USFWS Surveys:

- Traditional area mallards – 10.6 million (15% above 2011 and 40% above the long-term average (LTA))
- May Ponds - Canada – 3.9 million (21% below 2011 and 13% above LTA)
- Total Ducks – 48.6 million (7% above 2011 and 43% above long-term average)
- Mid-continent mallards (traditional area minus AK, +WI, MN, MI) = 10.96 million
- Others:
  - ◊ Blue-winged Teal – 9.2 million – 94% above LTA
  - ◊ Gadwall – 3.6 million – 96% above LTA
  - ◊ Green-winged Teal – 3.5 million – 74% above LTA
  - ◊ Northern Shoveler – 5.0 million – 111% above LTA
  - ◊ Northern Pintail – 3.5 million – 14% below LTA
  - ◊ Scaup – 5.2 million – At LTA
  - ◊ Wigeon - 2. million – 17% below LTA
  - ◊ Canvasback - 760,000 – 33% above LTA

The combination of 10.96 million mid-continent mallards and a Canada pond count at 3.9 million results in a liberal 60 day season under the Adaptive Harvest Management model.

**Table 3 – Optimal regulatory strategy<sup>a</sup> for the Mississippi and Central Flyways for the 2012 hunting season. This strategy is based on current regulatory alternatives (including the closed-season constraint), mid-continent mallard models and weights, and the dual objectives of maximizing long-term cumulative harvest and achieving a population goal of 8.5 million mallards.**

BPOP <sup>b</sup>	Ponds <sup>c</sup>									
	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
4.75–6.0	R	R	R	R	R	R	R	R	R	R
6.25	R	R	R	R	R	R	R	R	R	M
6.5	R	R	R	R	R	R	R	M	M	M
6.75	R	R	R	R	R	M	M	M	L	L
7	R	R	R	M	M	M	L	L	L	L
7.25	R	R	M	M	L	L	L	L	L	L
7.5	R	M	L	L	L	L	L	L	L	L
7.75	M	L	L	L	L	L	L	L	L	L
≥8.0	L	L	L	L	L	<b>L</b>	L	L	L	L

<sup>a</sup> C = closed season, R = restrictive, M = moderate, L = liberal.

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

<sup>c</sup> Ponds (in millions) in Prairie Canada in May.

Table 1. 2012 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 (1973-11) Averages</u>	<u>Test for Diff from 2011-12</u>	
					<u>Z-stat</u>	<u>Prob</u>
Mallard	196,950	27,796	2012	182,599	0.25	=0.80
BWT	105,791	27,669	2004-12	113,043	0.44	=0.66
Wood Duck	106,626	18,263	2007-12	78,521	1.16	=0.25
Other Ducks	111,712	29,959	1995-12	57,837	0.60	=0.55
Total Ducks	521,079	52,624	-	432,000	0.10	=0.92
Canada Geese	145,386	22,003	2012	89,653*	0.90	=0.37

\* = average of 1986-2011.

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. A warm winter and early spring produced average to dry conditions across Wisconsin this spring as ducks began nesting. Some southern areas of Wisconsin experienced a severe drought while northern areas had average to good wetland conditions as the summer progressed. The 2012 total spring breeding duck population estimate for Wisconsin of 521,000 was similar to 2011 and 21% above the long term average. We expect a range of duck production across Wisconsin from fair in southern Wisconsin to good in northern Wisconsin.

**Appendix 2. Migratory Game Bird Public Comment Summary 2012**

*Bold/Italics = Department proposal*

<u>Issue</u>	<u>Email/phone</u>	<u>Hearings</u>	<u>Groups at meetings</u>	<u>Conservation Congress</u>
Miss River Duck Zone Sept 22- Sept 30, Oct 13-Dec 2)	9	38	4	x
Other dates/splits	2	0	0	
<b><i>North Duck Zone, Sept 22- Nov 4, Nov 10- 25 (or did not specify alt split)</i></b>	13	19	1	x
North Duck Zone opener, Sept 22 (no split)	10	7	3	
North Duck Zone, Sept 22, split with gun deer	7	2	0	
North Duck Zone, Sept 22, split in Oct	5	0	0	
<b><i>South Duck Zone opener, Sept 29- Oct 7, Oct 13- Dec 2</i></b>	13	36	3	x
South Duck Zone opener, later	1	1	0	
South Duck Zone open Sept 22 with North, if longer split	2	5	1	
<b><i>Duck Shooting Hours on Opening Day, 9am</i></b>	47	28	1	x
Duck Shooting Hours on Opening Day, 1/2 hr before sunrise	2	10	2	
Duck Shooting Hours on Opening Day, noon	0	1	2	
<b><i>Southern Exterior Goose Zone, Sept 16, split w/ duck split</i></b>	5	34	4	x
Exterior Goose Zone, Sept 16, no split in South	0	0	1	
<b><i>Northern Ext Goose , Sept 16, split in Nov. w/duck if applic</i></b>	6	10	1	x
Northern Exterior Goose zone, Sept 16- Dec 16 (no split)	3	1	3	
<b><i>Youth Hunt Sept 15+16</i></b>	48	38	5	x
No Youth Hunt	1	0	0	
Hen Mallard 1 AP	46	38	5	x
2 hens	3	0	0	
Total email/phone comments	47	x		
Attendance at Public Hearings	x	74		

**Fiscal Estimate — 2011 Session**

- Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-02-12(E)

**Subject**  
 Establishing the 2012 migratory game bird hunting 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.

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 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.  Increase Costs  
 Permissive       Mandatory  
 2.  Decrease Costs  
 Permissive       Mandatory

3.  Increase Revenues  
 Permissive       Mandatory  
 4.  Decrease Revenues  
 Permissive       Mandatory

5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**  
 GPR       FED       PRO       PRS       SEG       SEG-S

Affected Chapter 20 Appropriations

**Assumptions Used in Arriving at Fiscal Estimate**

**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 as a result of this proposal.

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 2012 season lengths and bag limits. The 2012 season framework is not significantly different than the migratory game bird seasons in previous years.

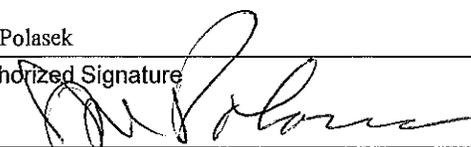
**Ducks** - The state is divided into three zones each with 60-day seasons. The daily bag limit is expected to be six ducks including no more than: four mallards, of which only one may be a hen, one black duck, two pintails, one canvasback, three wood ducks, four scaup and two redheads.

**Canada geese** - The state is apportioned into two goose hunting zones: Horicon, and Exterior. A special goose management subzones within the Exterior Zone is the Mississippi River. Season lengths and bag limits would be:

- Horicon Zone - 92 days, daily bag limit of 2 (two time periods, 6 tags per person)
- Exterior Zone - 92 days, daily bag limit of 2
- Mississippi River Subzone - 92 days, daily bag limit of 2

**Long-Range Fiscal Implications**

There are no long term impacts.

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 08-03-12

**Fiscal Estimate Worksheet — 2011 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number WM-02-12(E)

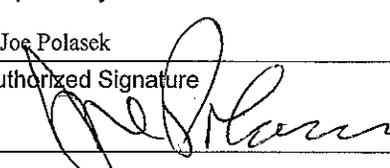
Subject  
 Establishing the 2012 migratory game bird hunting seasons and regulations.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 None

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations — Salaries and Fringes	\$	\$ -	
(FTE Position Changes)	(	FTE )	(- FTE )
State Operations — Other Costs		-	
Local Assistance		-	
Aids to Individuals or Organizations		-	
<b>Total State Costs by Category</b>	\$	0	\$ - 0
<b>B. State Costs by Source of Funds</b>			
GPR	\$	\$ -	
FED		-	
PRO/PRS		-	
SEG/SEG-S		-	
State Revenues	<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -	
GPR Earned		-	
FED		-	
PRO/PRS		-	
SEG/SEG-S		-	
<b>Total State Revenues</b>	\$	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) 08-03-12

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

The statement of scope for this rule, SS 011-12, was approved by the Governor on February 15, 2012, published in Register No. 674, on February 29, 2012, and approved by the Natural Resources Board on May 23, 2012. This emergency rule was approved by the Governor on \_\_\_\_\_.

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.01(1)(b), (g) and (u), 10.06(9)(a) and 10.32, to amend 10.01(1)(v) and to create 10.12(3)(e) relating to hunting and the 2012 migratory game bird seasons and waterfowl hunting zones.

WM-02-12(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, 29.192 and 29.197 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 and 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, s. 29.192 establishes a process for issuing permits to hunt Canada geese, 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 emergency rules 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:** SECTION 1 of this rule order establishes the season length and bag limits for the 2012 Wisconsin migratory game bird seasons. For ducks, the state is divided into three zones, each with 60-day seasons. The proposed seasons in each zone are:

North duck zone - the season begins at 9:00 a.m. September 22 and continues through November 4, followed by a 5 day split, and reopens on November 10 and continues through November 25.

South duck zone - the season begins at 9:00 a.m. on September 29 and continues through October 7, followed by a 5-day split, and then reopens on October 13 and continues through December 2.

Mississippi River duck zone - the season begins at 9:00 am on September 22 and continues through September 30, followed by a 12 day split, reopening on October 15 and continuing through December 2.

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

For Canada geese, the state is apportioned into 2 goose hunting zones, Horicon and Exterior, each with a 92 day season. The Mississippi River Subzone is a special goose management subzone within the Exterior Zone. Season lengths are:

Horicon Zone – Two hunting periods, the first period beginning September 16 and the second on October 29

Exterior Zone in the northern duck zone - September 16 to November 4 and November 10 to December 21

Exterior Zone in the southern duck zone – September 16 to October 7 and October 13 to December 21

Mississippi River subzone - September 22 to September 30 and October 15 to January 3.

The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

SECTION 2 establishes that the youth waterfowl hunting season will be held on September 15 and 16.

SECTION 3 lifts a sunset of special migratory bird hunting regulations at the Mead and Zeloski Marsh Wildlife Management Areas.

SECTION 4 relaxes the prohibition on hunting waterfowl in open water for holders of permits for hunters with disabilities.

SECTION 5 reestablishes a duck hunting zone that consists of the Wisconsin portions of the Mississippi River west of the Burlington Northern Santa Fe Railroad tracks. This is the same zone configuration that was in place for the 2011 season and has been approved by the USFWS for a five year period.

**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.

Wisconsin Canada goose harvest is supported by 2 different Canada goose populations; the local giant Canada geese which are part of the Temperate Breeding Population (TBP) of the Mississippi Flyway provide about 40% of our fall harvest while the Mississippi Valley Population (MVP) that breeds in northern Ontario provide about 60% of the fall harvest. These 2 populations are managed under cooperative management plans developed by several states and provinces. The TBP population has steadily grown and management goals are to provide additional harvest opportunity and control population growth. In contrast, the MVP population has been on a slow decline so management objectives are to maintain a lower rate of harvest and have a stable or increasing population. These contrasting goals create a challenge in the development of hunting regulations. In order to improve our harvest management, the Mississippi Flyway Council tested the use of a standard season framework for 5 years while monitoring population size and harvest rates for the MVP and TBP. From 2007 - 2011, season lengths and bag limits for each MVP harvest state were unchanged. Each state retained 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 could be adjusted. At the winter 2012 flyway meeting, analysis of the impacts of these 5 years of stable regulation were reviewed and the results were mixed with regard to the management objectives. It was decided among the member states that a cautious and slow approach be taken toward continued liberalization of Canada goose hunting seasons.

The 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.

In 2011 the USFWS gave our state the option of reconfiguring duck hunting zones and after an 11 month public input process Wisconsin implemented changes for a 5 year period. Waterfowl hunters appear to have been supportive of the new zone configuration and this proposal contains the same zone configuration that was in effect for the 2011 season. The department's position has been that the configuration of duck zones is an issue of hunter opportunity and satisfaction which does not have significant impact on duck populations.

The parameters of Wisconsin's regular goose seasons are guided by the Mississippi Flyway management plans for the MVP and TBP 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 conducted a public meeting to solicit input from interest groups, including representatives of the Conservation Congress Migratory 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 these meetings, staff were provided status information and the proposed framework alternative from the USFWS. Department staff 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 at the end of July. Department staff then 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 on July 28. Staff gathered public input and citizen suggestions at those meetings for the development of Wisconsin's waterfowl regulations, given the federal framework. Public hearings were held from July 30-August 2 around the state to solicit additional input on the proposed annual waterfowl rule.

This rule will expand opportunity for waterfowl hunters with disabilities. Open water waterfowl hunting is currently prohibited on all but a handful of lakes in WI. A hunter who is "concealed" in emergent vegetation under current rules is not considered to be in open water. The concern is that those with disabilities may physically not be able to get into a smaller John boat, skiff, or blind and that it may be difficult or impossible to place an accessible boat or blind near vegetation capable of meeting the concealment requirements. This proposal will make it possible for disabled permit holders, and their companions, to hunt from a craft such as a pontoon boat, which may be impossible to conceal in emergent vegetation.

Closing migratory bird hunting hours early on managed public hunting areas in some states has been shown to provide good hunting across an entire property rather than just near refuges, hold ducks in an area for a longer period of time, and provide better hunting opportunities throughout the season. An experimental early closure has been applied at the Mead Wildlife Area in Marathon and Wood counties and at Zeloski Marsh in Jefferson. The regulation has been in place only during the early part of the season when hunting pressure is heaviest. The regulation has sunset after a three year trial period. There continues to be support for the special regulations and reauthorization by rule is needed for them to remain in effect.

**Anticipated Private Sector Costs:** These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no costs are associated with compliance to these rules.

**Effects on Small Business:** These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.24(3m).

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SECTION 1. NR 10.01(1)(b), (g) 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. 22 at 9:00 a.m. – Nov. 4 and Nov. 10 – Nov. 25	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 4 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	Sept. 29 at 9:00 a.m. – Oct. 7 and Oct. 13 – Dec. 2	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 4 scaup and 3 wood ducks. In addition, 5 mergansers to include not more than 2 hooded mergansers.	
	Mississippi River zone as established in s. NR 10.32	Sept. 22 at 9:00 a.m. – Sept. 30 and Oct. 13 – Dec. 2	6 ducks to include not more than 4 mallards of which only 1 may be a hen mallard, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 4 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.	Sept. 16 – Sept. 21 and Sept. 22 at 9:00 a.m. – Nov. 4 and Nov. 10 – Dec. 21	2	4
	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. 1. d. and e.	Sept. 16 – Sept. 28 and Sept. 29 at 9:00 a.m. - Oct. 7 and Oct. 13 - Dec. 21	2	4
	d. Horizon zone	Two permit periods		6 (equivalent to the prescribed number of carcass tags)
		Sept. 16 – Sept. 28 and Sept. 29 at 9:00 a.m. – Oct 28.	2	
		Oct 29 – Dec. 16	2	
	e. Mississippi River subzone	Sept. 22 at 9:00 a.m. – Sept. 30 and Oct. 13 – Jan. 3	2	4
<p>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).</p>				

**SECTION 1. Continued.**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
2. Snow or blue and Ross' geese	Entire state	As established by zone	20	40
	a. All that part of the exterior zone lying within the northern zone established in s. NR 10.32.	Sept. 16 – Sept. 21 and Sept. 22 at 9:00 a.m. – Nov. 4 and Nov. 10 – Dec. 21		
	b. 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. and g.	Sept. 16 – Sept. 28 and Sept. 29 at 9:00 a.m. - Oct. 7 and Oct. 13 - Dec. 21		
	c. Horicon zone	Sept. 16 – Sept. 28 and Sept. 29 at 9:00 a.m. – Dec. 16.		
	d. Mississippi river subzone	Sept. 22 at 9:00 a.m. – Sept. 30 and Oct. 13 – Jan. 3		
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.	Sept. 20 – Sept. 21 and Sept. 22 at 9:00 a.m. – Nov. 4 and Nov. 10 – Dec. 21		
	b. 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.c. and d.	Sept. 20 – Sept. 28 and Sept. 29 at 9:00 a.m. - Oct. 7 and Oct. 13 - Dec. 21		
	c. Horicon zone	Sept. 20 – Sept. 28 and Sept. 29 at 9:00 a.m. – Dec. 16.		
	d. Mississippi River subzone	Sept. 26 at 9:00 a.m. – Sept. 30 and Oct. 13 – Jan. 3		

SECTION 1. Continued.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
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.	Sept. 16 – Sept. 21 and Sept. 22 at 9:00 a.m. – Nov. 4 and Nov. 10 – Dec. 21		
	b. 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. c. and d.	Sept. 16 – Sept. 28 and Sept. 29 at 9:00 a.m. - Oct. 7 and Oct. 13 - Dec. 21		
	c. Horicon zone	Sept. 16 – Sept. 28 and Sept. 29 at 9:00 a.m. – Dec. 16.		
	d. Mississippi River subzone	Sept. 22 at 9:00 a.m. – Sept. 30 and Oct. 13 – Jan. 3		
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:				
1. All species of wild ducks, mergansers and coots	Northern zone as established in s. NR 10.32	Sept. 15 – Sept. 16, Sept. 22 at 9:00 a.m. – Nov 4, Nov 10 -Nov. 25 and Jan. 11 – Feb. 24	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. 15 – Sept. 16, and Sept 29 at 9:00 a.m. – Oct. 7, Oct. 13 – Dec. 2 and Jan.11 – Feb. 24	3 in aggregate with those species listed under subd. 2.	6 in aggregate with those species listed under subd. 2.
	Mississippi River zone as established in s. NR 10.32	Sept. 15 – Sept. 16 and Sept. 22 at 9:00 a.m. – Sept 30 and Oct. 13 – Dec. 2 and Jan. 11 – Feb. 24	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 ~~15~~. 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 h., 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 ss. 29.592 and 29.593, 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. NR 10.06(9)(a) is amended to read:**

NR 10.06(9) DAILY MIGRATORY BIRD REST PERIOD. (a) Hunting hours for certain species shall close at 1:00 p.m. daily within the posted boundaries of the following state wildlife areas on the following dates:

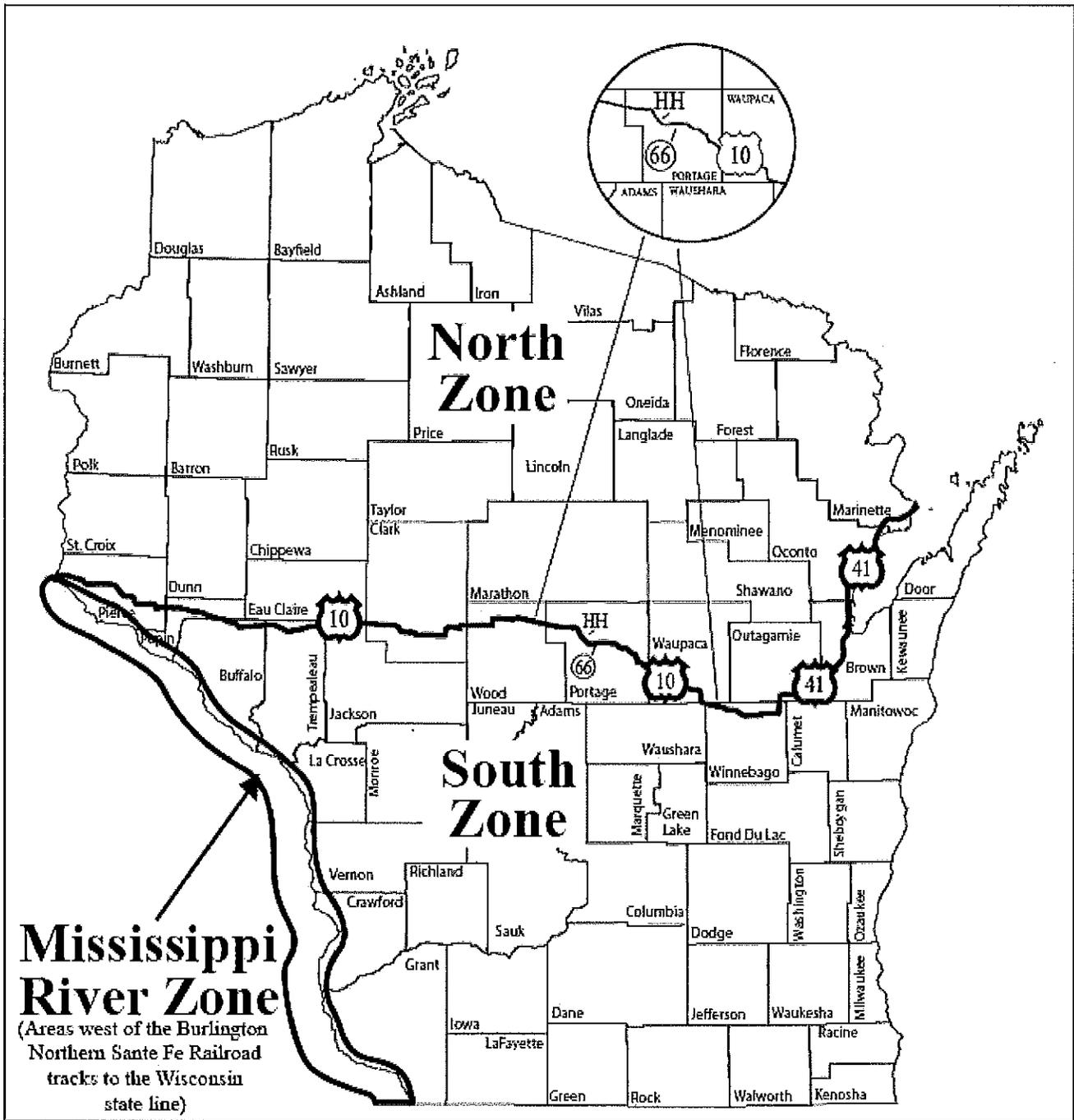
1. George W. Mead Wildlife Area (Wood, Portage, and Marathon Counties) for waterfowl beginning on the third day of the duck hunting season in s. NR 10.01 and continuing for 16 days.
2. Zeloski Unit of the Lake Mills Wildlife Area (Jefferson County) for migratory birds beginning on Sept 1 and continuing through the 16th day after the opening weekend of the duck season established in s. NR 10.01 for a period of time as posted with department signs of at least 16 days after the opening weekend of the duck season established in s. NR 10.01, except that normal statewide hunting hours apply on the opening weekend of the duck season.

~~(b) This subsection does not apply after December 31, 2012.~~

**SECTION 4. NR 10.12(3)(e) is created to read:**

NR 10.12(3)(e) Persons holding a Class A or B disabled permit that authorizes hunting from a stationary vehicle and which has been issued for more than 1 year, and a person who assists the disabled hunter in the same boat, may hunt more than 3 feet from emergent vegetation that provides the required 50 % concealment of the hunters and boat, but not farther than necessary to maintain the minimum depth of water necessary for operation of the boat being used by the hunters.

SECTION 5. NR 10.32 is repealed and recreated:



SECTION 6. 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 late July of each year. This order is designed to bring the state hunting regulations into 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 7. EFFECTIVE DATE.** This rule shall take effect upon publication in the Wisconsin state paper pursuant to s. 227.24(1)(c).

**SECTION 8. 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 \_\_\_\_\_  
Cathy Stepp, Secretary

(SEAL)