

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code  
2006 migratory game bird seasons and waterfowl hunting zones

Board Order No. WM-26-06  
Clearinghouse Rule No. 06-074

#### Basis and Purpose of the Proposed Rule

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 one 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.

#### Summary of Public Comments

Due to the Federal schedule for establishing waterfowl hunting regulations, the process for receiving public input on proposed state waterfowl seasons is very condensed, however, most active waterfowl groups and individuals are aware of the time frame. On July 28, the US Fish and Wildlife Service announced the season framework that the states could use to develop their state waterfowl hunting season. During a period of 19 days, the Department developed a season proposal, issued press releases and website information, conducted 2 advisory committee meetings, held an open public meeting with waterfowl hunters, received input via email, mail and telephone and conducted 4 public hearings around the state. The results of this public input were presented to the Natural Resources Board on August 16 where 3 citizens testified on the proposed rule. The attendance at the advisory committee meetings and open public meeting was approximately 70 people total, 83 comments were received from email/mail/telephone and 69 people attended the 4 public hearings. The majority of the public comments received through this process were in support of the season as proposed. The season opening dates, southern duck zone season splits and opening days shooting hours had the most varied public input.

The Department proposed the northern duck zone to open on September 23 with no season split and 33 individuals, 5 waterfowl groups supported this date; 3 individuals wanted this zone to open on Sept 23 but with a split; and 33 individuals, 2 waterfowl groups and the Conservation Congress Migratory Committee wanted this zone to open on September 30 or later. This was the first year that several northwest Wisconsin counties were in the northern zone and the hunters there have been asking for the zone line change for years in order to open earlier. The Natural Resources Board decided to keep the opening date for the northern duck zone at September 23.

The Department proposed that the southern duck hunting zone open on September 30 and close (split) for 5 days (Monday – Friday) in October in order to extend the season later into December. The Conservation Congress Migratory Committee, 7 waterfowl groups and 77 individual comments favored opening on September 30, 2 groups and 3 individual comments favored opening on September 23 and 19 individual comments supported opening October 7 or later. Four waterfowl groups and 23 individual comments favored the proposed 5 day split; the Conservation Congress Migratory Committee, 3 groups and 18 individual comments favored a 9 day split; 23 individuals requested a split longer than 5 days while 2 groups and 1 individual comment requested no split in the season. The Department

recommended and the NRB accepted a change to a 7 day season split from the original proposal of 5 days.

Based on public input during 2005, the Natural Resources Board asked the Department to recommend a change in the opening day shooting hours from noon to a midmorning time in 2006. The Department proposed a 9 am opening time for shooting hours on opening day of the duck season. The Conservation Congress, 1 waterfowl group and 37 individual comments supported this proposal; 5 groups and 7 individual comments favored keeping the noon opener while 2 waterfowl groups and 20 individual comments favored opening shooting hours ½ hour before sunrise.

#### Modifications Made

See summary of public comments.

#### Appearances at the Public Hearing

##### **August 7, 2006 – La Crosse**

In support:

Todd Lensing, 14812 State Highway 35, Ferryville, WI 54628

In opposition:

Jim March, N3406 Verde Valley Road, La Crosse, WI 54601

As interest may appear:

Gary M. Mrozek, 18606 Highway 248, Rollingstone, MN 55969  
Harry Meinking, Sr., 1902 Charles, La Crosse, WI 54603  
Brian Bender, 4625 Mormon Coulee Road, Lot 102, La Crosse, WI 54601  
Daniel Knappek, E1362 Batile Hollow Road, DeSoto, WI 54624  
D. Mikrut, 2530 Western Avenue, La Crosse, WI 54603  
Matt Ellis, 329 N. Main Street, Stoddard, WI 54658  
Isaac Tippetts, W7919 County Road ZB, Onalaska, WI 54650  
Benjamin Tippetts, W7919 County Road ZB, Onalaska, WI 54650  
Scott Sedevie, N8607 Kramer Road, Mindoro, WI 54644  
Crystal Sedevie, N8607 Kramer Road, Mindoro, WI 54644  
Larry Dobbe, W1181 Riverview Drive, Stoddard, WI 54658  
Marc A. Schultz, W8155 County Road ZB, Onalaska, WI 54650  
Don Heidel, W5779 Mahlum Road, Holmen, WI  
Tony Toye, 43605 County Road E, Boscobel, WI 53805  
Fred Funk, W7931 County Road ZB, Onalaska, WI 54650  
Jesse Boutin, 2134 South 31<sup>st</sup> Street, La Crosse, WI 54601  
Ray Heidel, W8043 Highway ZN, Onalaska, WI 54650  
Tim Morgan, S1499 Sportsman Lane, Stoddard, WI 54658  
John Wetzel, N8020 Amsterdam Prairie Road, Holmen, WI 54636

##### **August 8, 2006 – Rhinelander**

In support:

Alan Harrison, 1747 Cavour Avenue, Wabeno, WI 54566

In opposition:

David Kohlbeck, 3403 Meadow Lane, Rhineland, WI 54501  
Andrew J. Kress, P.O. Box 447, Rhineland, WI 54501

As interest may appear:

Pete Thompson, 318 Highview Parkway, Rhineland, WI 54501  
Travis Gechas, 4118 Forest Lane, Rhineland, WI 54501  
Dan Thompson, 4638 River Bend Road, Rhineland, WI 54501  
Bill Asuma, P.O. Box 617, Rhineland, WI 54501

### **August 9, 2006 – Green Bay**

In support:

Dick Koerner, 540 Sunrise Bay Road, Neenah, WI 54956  
Jon Bechle, 1150 Bellevue Street, Green Bay, WI 54302

In opposition – None

As interest may appear:

Gordon Schmitt, 471 Beaumier Lane, Sobieski, WI 54171  
Eric Stanke, 476 Edward Drive, Green Bay, WI 54302  
Roger Hanson, 2480 Meadow Park Drive, Green Bay, WI  
Nick Selk, 841 Elm Street, DePere, WI 54115  
Bob List, 1831 S. Lee Street, Appleton, WI 54915  
Joel Salzman, W2651 Woodview Lane, Marinette, WI 54143  
James Pape, 3041 W. Roselawn Drive, Appleton, WI 54914  
Joseph J. Loehlein, 2518 Clear Brook Circle, Green Bay, WI 54155  
John Volkman, 2789 Fairview Road, Neenah, WI 54956  
Jack Stephan, 3824 E. Antonagon Lane, Green Bay, WI 54301  
John Rueth, 2309 S. Greyner Road, Appleton, WI 54915  
Kirk Leeser, 8741 Umland Road, Larsen, WI 54947  
John M. Klopp, 512 Cleveland Avenue, Manitowoc, WI  
Cindy Rueth, 2309 S. Greyner Road, Appleton, WI  
Jeff Lautenslager, 2361 Vanden Avond, Green Bay, WI 54311  
William Kreuser, 1695 Biemeret Street, Green Bay, WI 54304

### **August 10, 2006 – Waukesha**

In support:

Dean R. Gebhardt, 7880 Nenno Road, Allenton, WI  
Robert H. Schroeder, 324 Timber Lane, Lake Geneva, WI 53147  
Mark Kakatsch, N55 W37090 Harvard Street, Oconomowoc, WI 53066  
Bryan Much, 135 Chaffee Road, #206, Oconomowoc, WI 53066  
Brian Czarnecki, 510 Michigan Avenue, South Milwaukee, WI 53172  
John Hoppe, 1523 Georgia Avenue, Sheboygan, WI 53081  
Scott A. Czechan, W26 W27322 Prospect Avenue, Pewaukee, WI 53072  
John Whitmore, S51 W30735 Walnut Street, Mukwonago, WI 53149

In opposition:

Scott Wisniewski, 820 N. Chicago Avenue, South Milwaukee, WI 53172  
Jeff Hintz, N92 W25490 Blue Heron Drive, Sussex, WI 53089

As interest may appear:

Al Shook, W339 S2576 [no street name given] [no city given]  
Charles Beulkow, Jr., 4566 N. 73<sup>rd</sup> Street, Milwaukee, WI 53218  
Peter Peshek, 1121 Winston Drive, Madison, WI 53711  
Todd Cook, 508 E. South Street, Beaver Dam, WI 53916  
Robert A. Reinicke, W278 N2449 Prospect Avenue, Pewaukee, WI 53072  
Mark Bullard, S77 W16959 Casey Drive, Muskego, WI 53150  
Chris Peshek, 4802 W. Crawford Avenue, Milwaukee, WI  
Richard A. Hauke, W159 N9530 Cherokee Drive, Menomonee Falls, WI 53051  
Rebecca M. Hintz, N92 W25490 Blue Heron Drive, Sussex, WI 53089  
Mike Kuehn, W239 S8030 Sunset View Drive, Big Bend, WI 53103  
Craig Lemioux, 8126 Country Club Circle, Franklin, WI 53132

#### Changes to Rule Analysis and Fiscal Estimate

Changes were made to reflect the season framework establishing by the U.S. Fish and Wildlife Service.

#### Response to Legislative Council Rules Clearinghouse Report

In response to the comment received from the Rules Clearinghouse, not all zones require permits. Therefore, the language is not required in all sections.

#### Final Regulatory Flexibility Analysis

The proposed rules relate the individual hunters; therefore, a final regulatory flexibility analysis is not required.