

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
2007 migratory game bird seasons and waterfowl hunting zones

Board Order No. WM-19-07
Clearinghouse Rule No. 07-055

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 each of the 4 flyways that encompass North America. Each flyway has a Flyway Council consisting of one member from each state and province in that flyway. Wisconsin is part of the Mississippi Flyway and is one of 17 members on the Mississippi Flyway Council (MFC). The USFWS annually prescribes the outside limits (frameworks) within which states may select hunting season parameters. This process involves the USFWS working cooperatively with each Flyway Council. The rule summary is as follows:

- 1) **Ducks.** The duck season regulation proposal is similar to 2006. The USFWS has approved a 60-day season framework in which a state could begin the duck season as early as the Saturday nearest September 24. In 2007 this is September 22 which is on the early side of this framework. In 2008, we will be on the late side of this framework with the Saturday nearest the 24th being the 27th. The Wisconsin season below is the result of the following options.
 - A September 22 start for the northern zone. For the southern zone, a September 29 start with a 5-day split (Oct 8-12), reopening on October 13 and ending on December 2. The earlier opener in the northern zone is intended to accommodate the earlier freeze up in the north and provide hunting opportunity on early migrating teal. As a result of the duck zone line change in 2006, duck hunters in northwest Wisconsin were able to enjoy this earlier opening for the first time in over 10 years and reported some of the best opening weekend duck hunting experienced in years.

The 5-day early October split within the southern zone is a compromise between differing hunting conditions and requests of marsh dabbling hunters, deep-water diver hunters and field hunters across the zone. Because of differing conditions and target species some hunters want more days earlier in the season while others want more days later in the season. In 2006, we provided a 7-day split as a change from the 5-days we had experienced in the few years prior. However, significant negative feedback was received during the 2006 season on this decision to remove a weekend of duck hunting in October.

- The USFWS framework would allow a daily bag limit of 2 hen mallards but we are once again proposing to a daily bag limit of 1 hen mallard during the entire season to protect the breeding potential of Wisconsin mallards. Other states in the Mississippi Flyway have been following Wisconsin's lead on this bag limit.

SEASON SUMMARY:

During the 60-day season, the daily bag limit will be 6 ducks including no more than; 4 mallards, of which only one may be a hen, one black duck, one pintail, 2 canvasback, 2 wood ducks, 2 redheads and 2 scaup.

Northern Zone – September 22 at 9:00 am – November 20.

Southern Zone – September 29 at 9:00 am – October 7, and 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. In 2007, the early framework dates result in the first day of the youth waterfowl hunt occurring in the Early September Canada goose season while the second day would be in the regular season. These days overlap with open goose seasons in most zones so adults will also be able to shoot geese but not ducks during the youth hunt.

3) Canada Goose. All regular Canada goose seasons are proposed within the limits agreed to as part of the Mississippi Flyway 5-year trial period for MVP harvest states. There will be no threat of season closure in the Exterior zone. We continue to design the season structure to maximize harvest on our resident giant Canada goose population. The following conditions were considered in proposing the season structure for Canada geese.

- The early opening (September 16) of the Exterior zone regular Canada goose season attracts more hunters than later dates and results in greater harvest on our resident giant population than placing those hunting days in December at the end of the season.
- The end of the season in December- January is not an effective time to target resident giants. Based on past neck collar observations and banding data, we know that both resident giant and MVP migrant geese are present in December-January if weather permits.

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

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

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

South Zone –September 16- 28, September 29 (9:00 am) – October 7 and October 13 – December 14.

Mississippi River Subzone – September 29 (9:00 a.m.) - Oct. 7 and Oct. 13 - Dec. 27.

Burnett County Subzone - closed

Horicon/Collins Time Periods

Hunters with Horicon and Collins zone permits will be issued 6 tags for the time period that they are awarded. The daily bag limit will be 2 geese with a possession limit of 6. In 2007, we merged Horicon 1 and 2 over the same period and we merged Horicon 3 and 4 over the same period in order to provide more hunting days.

Horicon – 92 days

| | |
|----------|--------------------------|
| Period 1 | September 16- October 26 |
| Period 2 | September 16- October 26 |
| Period 3 | October 27- December 16 |
| Period 4 | October 27- December 16 |

Collins – 62 days

Period 1 September 16- September 30
Period 2 October 1- October 21
Period 3 October 22- November 16

4) **Other Geese**

Brant and Light geese

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

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

White fronted geese

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

The daily bag limit will be 1.

5) **Nontoxic shot requirement for rails, snipe, moorhens and mourning doves.**

- Beginning in 2007, the use of nontoxic shot will be required while hunting snipe, rails, and moorhens statewide.
- Beginning in 2008, the use of nontoxic shot will be required while hunting mourning doves on lands which are under the management, supervision and control of the Department.

Summary of Public Comments

The timing of the duck hunting seasons was the most debated topic this year with a wide range of options being discussed. They are summarized below by the major groups of options.

1) North Zone - Season dates

Opening Day –

Sept 22 (Department Proposal)

- 65 individuals
- 4 waterfowl groups

Sept 29 or later (Most looking for one statewide opener)

- 50 individuals
- 3 waterfowl groups
- Conservation Congress Migratory Committee

Across the northern zone, duck hunters differ in their preference for the opening day date. Those opposed to this opening day were primarily people who live in the northern zone and hunt near the zone line. These hunters have had a negative experience of hunters living in the southern zone hunting the northern zone opener and increasing hunting pressure in some local areas. The hunter density problems appear to be focused in some areas of about 10 counties out of about 36 counties in the northern zone. These 10 counties are just over the zone line from Marathon County east to a portion of Brown County and those that are serviced by Hwy 51/39 (Oneida/Vilas). They favored a statewide opener on September 29. The Department is reviewing alternatives to address the hunter density issues on state wildlife areas that are popular for waterfowl hunting.

On the other side of this issue are the duck hunters in the other 26 counties of the northern zone that mostly wish to be able to participate in hunting the early migrating teal and avoid freeze up of their lakes and marshes before the season ends. This geographic difference is the reason for the 2 duck zones reestablished in 2006. Others who particularly favor the different opening dates are those Wisconsin residents that live in southern Wisconsin but have land in the northern zone and enjoy the increased hunting opportunity.

In the myriad of suggestions received from people on this issue some versions included proposals to have a season split closure similar to the southern duck zone.

The Department believes that a September 22-November 20, 60 day, no split season in the northern zone is the best option in on a divided issue. This is particularly important to hunters in northwest Wisconsin that were in the northern zone for the first time in 2006 and enjoyed this early opener. In addition, the federal regulatory calendar will shift in 2008 so that the earliest date to open the duck season will be September 27 so seasons will shift later next year.

2) Southern Zone – Opening Day

- Sept 29
 - 94 individuals
 - 5 waterfowl groups
 - Conservation Congress Migratory Committee
- Sept 22 – 1 group and 8 individuals
- Oct 6 or later – 1 group and 22 individuals

While many options are discussed each year, the Department's proposal represents a good compromise among different interests and was supported by most of the public input.

3) Southern Zone – Season Split

- No split – 1 waterfowl group, 8 individuals
- 5 day split (Department Proposal)
 - 58 individuals
 - 5 waterfowl groups
 - Conservation Congress Migratory Committee
- Something Longer than 5 days – 1 waterfowl group and 21 individuals

In 2006, the Department lengthened the split from 5 to 7 days based on public input, however, during the 2006 season we received significant negative feedback on that decision.

4) Duck Bag Limits

There was wide public support for the bag limits as proposed. Most people were pleased with the increased canvasback bag limit, however, many were so surprised they had difficulty knowing how to react. There were a few suggested changes that did not receive substantial support.

5) Exterior Zone Canada Goose Season

Each year the scheduling of the Exterior Zone Canada Goose Season is a balance of the Department management goals for the WI giant Canada goose population, adhering to Mississippi Flyway management plans and the desires of both early and late season goose hunters. From 2007-2011, the Department will have a stable season length and bag limit for this zone as a result of a new flyway management strategy. This assures that we will not have to close the season early because of a quota level and the proposal of 85 days with a 2 bird bag is on the liberal side of what Wisconsin has

had for this season the last few years. The September 16 opening of this season has been successful in reducing the percent harvest of migrant Mississippi Valley Population geese from 80% in 2000 to 45% in 2006 with a subsequent increase in the proportion of resident giant Canada geese in the harvest. The majority of the comments supported the season as proposed but a number of late season goose hunters proposed a later opening date. During the public meetings, the department requested input on hunter's ideas for a potential split to this season in order to move the ending date later in December. Department law enforcement staff would generally favor a closure of the Canada goose season during the duck season closure for more consistency.

Comments on an Exterior zone split:

- Split Exterior goose during southern zone duck split - 22 individuals and 1 group
- Split Exterior goose during 9 day gun deer season – 15 individuals
- Opposed to Exterior goose split during 9 day gun deer season – 6 individuals

6) Opening Day Shooting Hours

In 2006, the Department implemented a change in the beginning of shooting hours for the opening day of duck season from noon to 9:00 am. This was a compromise among the different hunter desires on this topic. The 9:00 am opener went well as reported by staff around the state, however, opinions on this issue are still varied.

- Maintain Noon Opening Time – 4 waterfowl groups, 2 individuals favored
- 9:00 am – Conservation Congress, 1 waterfowl group and 44 individuals favored
- ½ hour before sunrise – 2 waterfowl groups and 21 individuals favored.

7) Nontoxic shot proposals

The public input received on these 2 proposals was overwhelmingly in support of both proposals.

The attached table indicates the number of comments received on the specific rule revisions.

Modifications Made

Based on public input the Department recommends the proposed 5 day split.

Based on the public input, the Department has changed its recommendation to propose the Exterior Zone Canada goose season include a 5 day split in the southern zone along with the duck season split. The season therefore is proposed as September 16 – December 9 in the Northern zone and Sept 16- October 7 and October 13- December 14 in the Southern zone.

Appearances at the Public Hearing

AUGUST 6, 2007 – LA CROSSE

In support – none

In opposition:

Jesse Boutin, 2134 S. 31st Street, La Crosse, WI

As interest may appear:

Jim March, N3406 Verde Valley Road, La Crosse, WI 54601
Greg Egan, 3711 Ebner Coulee Road, La Crosse, WI 54601
Christopher M. Johnson, 130 Lake Street, Holmen, WI 54636

Marc A. Schultz, W8155 County Road ZB, Onalaska, WI 54650
Ray Heidel, W8043 Highway ZN, Onalaska, WI 54650
Joe VandeHey, 3081 County Road M, Boscobel, WI 53805
Tony Toye, 43605 County E, Boscobel, WI 53805
Tim Morgan, S1499 Sportsman Lane, Stoddard, WI
John Wetzel, N8020 Amsterdam Prairie Road, Holmen, WI 54636
Myles Johnson, 306 Ray Street, Holmen, WI 54636
Josh Cramer, W8369 Woodview Drive, Onalaska, WI 54650
Mike Schultz, W8376 N. Shore Drive, Onalaska, WI 54650
Sean Ewing, 3111 S. Meadowlark, Holmen, WI 54636
Rick Kyte, 1900 Main Street, La Crosse, WI 54601
Steve Rake, N6464 Rye Bluff Road, Black River Falls, WI
Thomas M. Wittenberg, 1020 Oak Avenue North, Onalaska, WI 54650
Larry L. Bennett, W7793 Park Avenue, Holmen, WI 54636
Mike Hackbarth, N1162 Highway 35, Stoddard, WI 54658
Jim [no last name given], 3652 Bentwood Place, La Crosse, WI 54601
Kerry F. Hogan, 726 Jonathan Lane, La Crescent, MN 55947
Todd Lansing, 14812 State Highway 35, Ferryville, WI 54628
Matt Ellis, 329 N. Main Street, Stoddard, WI 54658
Mike Kiefer, 1411 Adams Street, La Crosse, WI 54601

AUGUST 7, 2007 – RICE LAKE

In support:

Craig Conroy, 28330 Bonner Lake Road, Webster, WI 54893

In opposition – none

As interest may appear:

Dan Nelson, 1946 21-7/8 Street, Rice Lake, WI 54868
Dennis Villeneuve, 1919 Augusta Street, Rice Lake, WI 54868
Dale Case, 2791 Maple Hill Road, Rice Lake, WI 54868
Jim Childs, 28383 Dhein Road, Webster, WI 54893
Al Marotz, 1211 Meadow Hill Drive, Menomonie, WI 54751
Doug Stubbe, 8638 Olsen Road, Webster, WI 54893
Brian Spangler, P.O. Box 276, Elmwood, WI 54740
Tom Clemons, 2511 15-¼ Avenue, Rice Lake, WI 54868
Daniel Lorenz, 88 Monroe Avenue, Rice Lake, WI 54868

AUGUST 8, 2007 – APPLETON

In support:

Roger Hanson, 2480 Meadow Park, Green Bay, WI
Jim Haak, N1057 Vander Mazzen, Appleton, WI 54942
James Adamovich, 319 Thomas Court, Neenah, WI 54956
Jim Thomes, W6338 Ravine Court, Menasha, WI 54952

In opposition:

Dick Koerner, 540 Sunrise Bay Road, Neenah, WI 54956

As interest may appear:

Nick Selk, 2850 Dutchman Road, Green Bay, WI 54311
Jack Stephan, 3829 E. Ontonagon Lane, Green Bay, WI 54701
Will Minette, N2823 State Highway 17, Merrill, WI 54452
James Pape, 3041 W. Roselawn Drive, Appleton, WI 54914
Noel Dolde, 504 S. Oxford Street, Wautoma, WI 54982
Clarence Kunde, 104 Wenban Avenue, Neenah, WI 54956
Kurt Mueller, 2137 W. Roselawn Drive, Appleton, WI 54914
Tim Braunel, 1704 Nancy Avenue, Green Bay, WI 54303
Joe Loehlein, 2518 Clear Brook Circle, Green Bay, WI 54313
Joel Salzman, W2651 Woodview Lane, Marinette, WI 54143
Eric Dallamater, 2536 Cherrywood Lane, Green Bay, WI 54304
Ronald J. Buss, W8076 Peterson Road, Shiocton, WI 54170
Peter A. Peshek, 1121 Winston Drive, Madison, WI 53711
Lawrence Enger, 1302 W. Spencer, Appleton, WI 54914
Nathan T. VanDynHoven, 424 S. Telulah Avenue, Appleton, WI 54915
Len Doran, 820 Bengal Road, Neenah, WI 54956
Joe Treiber, 1024 W. Kamps Avenue, Appleton, WI 54914
Corey Mullard, W2972 Creekside Court, Appleton, WI 54915
Andrea Camozzi, 857 3rd Street, Menasha, WI
Cindy Rueth, 2309 S. Gmeiner Road, Appleton, WI 54915
John Rueth, 2309 S. Gmeiner Road, Appleton, WI 54915
David Acker, 724 Paris Street, Menasha, WI 54952
Shawn Fischer, 717 Paris Street, Menasha, WI 54952
Jim Haber, 309 South Maple, Kimberly, WI 54136
Robert Sabott, 1741 Michigan Street, Oshkosh, WI 54902
Jim Christenson, 2440 Newberry Avenue, Green Bay, WI 54302
John Mott, 918 Catherine Street, Green Bay, WI
Jesse F. Rangle, 3930 County Road G, Oshkosh, WI
Kevin Clark, 1806 E. Byrd Street, Appleton, WI 54911
John M. Kropp, 512 Cleveland Avenue, Manitowoc, WI
Tim Salzman, 4251 Touchstone Drive, Oneida, WI 54155
Wayne Schroeder, 3530 N. Story Street, Appleton, WI 54914
Donald Kettner, 405 Wittlin Drive, Black Creek, WI 54106
Larry Kettner, N8298 Old Highway 47, Black Creek, WI 54106
Michael Kettner, N8298 Old Highway 47, Black Creek, WI 54106
Bryan Schmidt, W4004 Faro Springs Road, Hilbert, WI 54129

AUGUST 9, 2007 – WAUKESHA

In support:

Mark Kakatsch, N55 W37090 Harvard, Oconomowoc, WI 53066
Dennis Maass, N5700 Town Line Road, Elkhorn, WI 53121
Dan Brown, S51 W29202 Ridgefield Road, Waukesha, WI 53189
Brian Wencka, 419 N. Grandview Blvd., Waukesha, WI 53188
Kent Ward, 26420 Grace Drive, Wind Lake, WI 53185
Steven Hutson, 9402 W. Prairie Grass Way, Franklin, WI 53132

In opposition – None

As interest may appear:

Dean Gebhardt, 7888 Nenno Road, Allenton, WI 53002
Al Shook, W339 S2576 Highway C, Oconomowoc, WI 53066

Dale W. Arenz, W324 N1198 Lapham Peak Road, Delafield, WI 53018
Michael Seebach, 4305 Glenway Street, Wauwatosa, WI 53222
Jeff Hintz, N92 W25490 Blue Heron Drive, Sussex, WI 53089
Bill Watson, 139 W. Wilson Street, #103, Madison, WI 53703
Brian Czarnervi, 510 Michigan Avenue, South Milwaukee, WI 53172
Bob Schroeder, 324 Timber Lane, Lake Geneva, WI 53147
Scott Czechan, N26 W27322 Prospect Avenue, Pewaukee, WI 53072
Pat Butler, 1007 Wisconsin Street, Watertown, WI 53094
Emmett O'Connell, 6309 W. Chambers Street, Milwaukee, WI 53210
Richard Schaffer, N6213 Country View, Sullivan, WI 53178
Russ Sobczyk, 13765 West Old Oak Lane, New Berlin, WI
Kyle Kopp, S69 W16887 Parkland Drive, Muskego, WI
Allen E. Meyers, Jr., 5740 S. 115th Street, Hales Corners, WI 53130
Werner Dietrich, 3356 S. Moorland Road, New Berlin, WI 53151
Linda Van Grinsven, 5975 Buck Hill Court NE, Rochester, MN 55906
Jerry Solsrud, 1539 Milwaukee Street, Delafield, WI 53018
Joseph Van Grinsven, 5975 Buck Hill Court NE, Rochester, MN 55906
Robert Reinicke, W278 N2449 Prospect Avenue, Pewaukee, WI 53072
Lee Hintz, N92 W25490 Blue Heron Drive, Sussex, WI 53089
Wayne T. Wencka, N129 W17289 Arthur Court, Germantown, WI 53022
Steve Gerth, W179 S7672 Pioneer Drive, Muskego, WI 53150
Dave Kegler, 3351 Highview Drive, Hubertus, WI 53033
JoAnn Kuharske, 6145 N. River Trail Drive, Milwaukee, WI 53225

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was changed to reflect the actual dates of the migratory bird seasons.

Response to Legislative Council Rules Clearinghouse Report

All of the comments and corrections that the department received from the Legislative Council Clearinghouse have been incorporated

Final Regulatory Flexibility Analysis

The revisions to ch. NR 10 relate to migratory game bird management. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m), Stats., a final regulatory flexibility analysis is not required.

Migratory Game Bird Public Comment Summary

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

| <u>Issue</u> | <u>Email/phone /other</u> | <u>Hearing attendees</u> | <u>Groups at meetings</u> |
|---|-------------------------------|------------------------------|-------------------------------|
| North Duck Zone opener, Sept 22 | 28 | 37 | 4 |
| North Duck Zone opener, later | 40 | 10 | 4* |
| South Duck Zone opener, Sept 29 | 48 | 46 | 6* |
| South Duck Zone opener, earlier | 7 | 1 | 1 |
| South Duck Zone opener, later | 20 | 2 | 1 |
| South Duck Zone split, 5-day, Oct 8-12 | 24 | 34 | 6* |
| South Duck Zone split, longer | 10 | 11 | 1 |
| South Duck Zone, no split | 6 | 2 | 1 |
| Duck Shooting Hours on Opening Day, 9am | 18 | 26 | 2* |
| Duck Shooting Hours on Opening Day, 1/2 hr before sunrise | 3 | 18 | 2 |
| Duck Shooting Hours on Opening Day, noon | 0 | 2 | 4 |
| Exterior Goose Zone, Sept 16–Dec 9 | 12 | 12 | 7* |
| Exterior Goose Zone, with 1 or 2 splits | 11 | 23 | 1 |
| <i>[split during duck split]</i> | <i>[5]</i> | <i>[17]</i> | <i>[1]</i> |
| <i>[split during gun-deer season]</i> | <i>[5]</i> | <i>[10]</i> | <i>[0]</i> |
| Do not split during gun-deer season | 0 | 6 | 0 |
| Mourning Doves Nontoxic shot requirement on Public Lands | 2 | 35 | 8* |
| Mourning Doves - no Nontoxic shot requirement | 1 | 2 | 0 (and 1 neutral) |
| Total commenting individuals or groups, by category | 157 | 60 | 9 |