

Clearinghouse Rule 11-032

Report to
Legislative Council Rules Clearinghouse
NR 10, Wis. Adm. Code
Natural Resources Board Order WM-11-11

Wisconsin Statutory Authority

ss. 29.014, 29.041, 29.192, and 227.11, Stats.

Federal Authority

The USFWS annually prescribes the outside limits (frameworks) within which states may select migratory bird hunting seasons and regulations. Authority for the secretary of the US Department of the Interior to determine when "hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any . . . bird, or any part, nest or egg" can occur and to adopt regulations is established in 16 U.S.C. 704.

Court Decisions Directly Relevant

None.

Analysis of the Rule – Rule Effect – Reason for the Rule

Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually through the USFWS regulations process. This rule order establishes the season length and bag limits for the 2011 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 24 and continues for 60 consecutive days in the north, closing on November 22. In the South the season begins at 9:00 a.m. on October 1 and continues through October 9, followed by a 5-day split, and then reopens on October 15 and continues through December 4. 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, 2 scaup, 2 pintails and 2 redheads.

For Canada geese, the state is apportioned into 2 goose hunting zones, Horicon and Exterior. Other special goose management subzones within the Exterior Zone include Brown County and the Mississippi River. Season lengths are: Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on October 31); Exterior Zone in the northern duck zone - 85 days (Sept. 17 – Dec. 10); Exterior Zone in the southern duck zone – 85 days (Sept. 17 – Oct. 9 and Oct. 15 – Dec. 15) and Mississippi River subzone - 85 days (Oct. 1 – Oct. 9 and Oct. 15 – Dec. 29). The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

At the time of submittal of this rule to the Wisconsin Legislative Council Clearinghouse for review under Ch. 227.15 Stats., the USFWS had not determined if they can give our state the option of reconfiguring duck hunting zones because they are engaged in a concurrent rule making process. If the USFWS does not grant Wisconsin's request to change duck hunting zones, the department will not propose a SECTION 3 in this board order when we request adoption and will not take public input on SECTION 3 at public hearings.

If the USFWS does grant Wisconsin's request to change duck hunting zone configurations, the department will request public input at hearings on three new alternatives. Under all three alternatives, the Northern Zone duck hunting season would not change from the dates listed in

this proposal. The Canada goose hunting season would be modified so that it is also closed during the closed period in duck zones that have split seasons.

The first alternative is to create a new, third duck hunting zone that consists of Mississippi River areas west of the Burlington Northern Railroad tracks. Under this scenario, the season dates in this zone would include a split when hunting is not allowed that is four days longer than the current five day split. The duck season dates would be October 1 to 9, reopening on October 19 and continuing through December 8 for a 60 day season.

The second alternative is to create a new, third duck hunting zone that consists of the Lake Michigan areas east of a line beginning 500 feet from shore, not including Green Bay. Under this scenario, the season dates in this zone would not include a split or closed period. The season would begin on October 15 and continue through December 13 for a 60 day season.

A third alternative is to create two new zones, one that consists of Lake Michigan and one that consists of the Mississippi River as described above. Under this scenario, the USFWS proposes to only allow continuous straight seasons with no opportunities for splits or closed periods during the season. Under this scenario the 60 day season in the Mississippi River zone would open on October 8 and continue through December 6. In Lake Michigan, it would open on October 15 and close on December 13. In the South Zone, it would open on October 1 and continue through November 29

Agency Procedures for Promulgation

Public hearings, followed by Natural Resources Board adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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