

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date June 23, 2023
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3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)  
Ch. NR. 10, Game and Hunting, WM-16-22

4. Subject  
Establishing the 2023-2024 migratory bird season framework and regulations.

5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected None
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7. Fiscal Effect of Implementing the Rule

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	

8. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).  
**\$ 0 (No implementation and compliance cost anticipated)**

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?

Yes    No

11. Policy Problem Addressed by the Rule

This rule provides that the department secretary may set migratory season dates and bag limits consistent with the requirements established by the U.S. fish and wildlife service by use of an order. The State of Wisconsin must comply with federal allowances in the establishment of migratory bird hunting seasons and conditions. Federal allowances are not made available to states until the same year that the regulations must be implemented. Normal rule-making procedures do not allow the promulgation of permanent rules prior to when the seasons should be open so historically the season frameworks were established on a yearly basis through the use of an emergency rule. Moving away from setting the season structures by the use of an emergency rule will save staff time and give hunters additional time to plan for the hunting seasons.

This rule adjusts and simplifies the open water restrictions on all approved inland open water hunting lakes. In 2011 the Department identified several inland lakes that would be open to open water hunting. At that time, the minimum distance from shore where hunters can be without having to adhere to concealment regulations was set to “greater than 1000 feet” as a precaution until the Department had some time to review how this opportunity was utilized. With these regulations having been in place more than a decade, the Department feels that the 1000-foot restriction can be reduced to 500 feet, a distance which would align the definition of open water hunting for both the inland lakes and the Great Lakes. This change simplifies regulations while adding additional open water hunting opportunity on these identified inland lakes. Public input was in support of this rule simplification. This change was initially implemented by an emergency rule during the 2022 migratory season and will be continued by this rule.

This rule will also continue the clarification of the duck zone boundary for the Open Water Zone—another item which was initially implemented by the 2022 emergency rule. Specifically, this rule will update the definition of the Open Water Zone boundary as, “waters greater than 500 feet from the mainland shore of Green Bay and Lake Michigan; for

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the purposes of the Open Water Zone, mainland shore includes all adjacent rooted vegetation, adjacent floating cattail and Long Tail and Little Tail points.”

During the annual two-day youth waterfowl hunt in September, hunters under the age of 16 are allowed to hunt all species of wild duck, mergansers, geese, coots, and moorhens. During this youth season all license and stamp requirements are waived, except for the state Canada Goose Hunting Permit. This rule waives the state Canada Goose Hunting Permit for youth hunters during the youth waterfowl hunt. Waiving this permit would provide consistency to youth hunters by waiving all applicable state and federal license, stamps and permits for the youth season.

This rule also adjusts the crow season dates. The department is allowed to establish a crow season that last no more than 124 days. Previously, the crow season began on the Saturday nearest September 15 and continued until the Thursday before the opening of the gun deer season in November. The season would then reopen in January and then close on March 20th for a 124-day season. This rule would set a single continuous crow season that would begin on the same day the gun deer season opens and last for 124 days. A single continuous open season is less complex for hunters to remember and most crow hunting takes place during the winter after other hunting seasons have closed.

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12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

A notice for solicitation of comments on this analysis will be posted on the department’s website in July 2023. No fiscal effects on small businesses, their associations, or local governments are anticipated.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

A notice for solicitation of comments on this analysis were posted on the department’s website during a 10 day period in July 2023.

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14. Summary of Rule’s Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State’s Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

No effects on small businesses, their associations, or local governments are anticipated. The department does not anticipate any fiscal impacts as a result of these rules. Following is the department’s preliminary analysis.

#### **Economic Impact**

Because the hunting season framework proposed in this rule will be very similar to those in place during previous seasons, no economic impacts are anticipated. We do not anticipate that these rules will result in changes in the activities of migratory bird hunters, their expenditures, and the related economic activity. These rules are applicable to individual hunters and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

#### **Fiscal Impact**

The department anticipates no fiscal impact resulting from these rules. The department currently annually conducts a number of activities related to migratory bird hunting such as managing department lands, selling licenses, providing law enforcement services, and surveys and related research. The department will continue to conduct the same activities under the season framework proposed in this rule and does not anticipate any new or reduced expenditures.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

By implementing this rule, Wisconsin’s migratory bird hunters will continue to enjoy excellent hunting opportunities. The expenditures of migratory bird hunters and the economic impacts resulting from their expenditures will continue to benefit the state’s economy.

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16. Long Range Implications of Implementing the Rule

Implementing these rules will have little impact on the public except that they will continue to have good hunting opportunities into the future

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17. Compare With Approaches Being Used by Federal Government

Migratory bird species are managed under federal law. The USFWS annually promulgates regulations and guidelines which permit states to administer migratory bird seasons. State migratory bird regulations must fall within the guidelines and sideboards established by the USFWS. Therefore, these rules are consistent with federal regulations.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Since migratory bird species are managed under federal law, each region of the country is organized in a specific geographic flyway which represents distinct migratory game bird populations. Wisconsin, along with Minnesota, Michigan, Illinois, and Iowa, are members of the Mississippi Flyway. Each year the states included in the flyways meet to discuss regulations and guidelines offered to the flyways by the USFWS. The USFWS regulations and guidelines for the Mississippi Flyway 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.

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19. Contact Name

Scott Karel, Wildlife Regulation Policy Specialist,

20. Contact Phone Number

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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