

N/E 10.01 - MISCELLANEOUS GAME BIRD SEASON

98-085

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING RULES

SEP 07 1998

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.01(1)(b), (g)1.a. to k., (g)2., (g)3., (u)1., (u)2. and (v) relating to the 1998 migratory game bird season.

WM-29-98(E)

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.085, 29.155, 29.174(3), 227.24, and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085, 29.155, 29.174(1) and (2), Stats.

The proposed rules establish the regulations for the 1998 migratory game bird season. The significant regulations are:

Ducks. The state is divided into two zones each with 60-day seasons. The season in the southern duck zone begins at noon October 3 and continues for 60 days, closing December 1. The north duck zone season begins at noon October 3 and continues through December 1. The daily bag limit in both zones is 6 ducks, including four mallards, of which only one may be a hen, and one canvasback for the entire 60 days in both zones.

Canada Geese. The state is apportioned into 3 Canada goose hunting zones: Horicon, Collins and Exterior. Other special Canada goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 86 days; Exterior Zone - 21 days; Rock Prairie Subzone - 23 days; Brown County Subzone - 21 days; and Mississippi River Subzone - 70 days. The Burnett County and New Auburn subzones are closed to Canada goose hunting.

A special youth waterfowl hunt is established that will occur on the 14th day before the opening day of the regular duck season.

SECTION 1. NR 10.01(1)(b), (g)1.a. to k., (g)2., (g)3., (u)1. and (u)2. are repealed and recreated to read:

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
<u>NR 10.01(1)(b). All species of wild duck</u>	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.
	South zone as established in s. NR 10.32	Oct. 3 at 12:00 noon - Dec. 1	6 ducks to include not more than 4 mallards of which only one	

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
			may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, and 2 wood ducks; 5 mergansers to include not more than one hooded merganser.	
	North zone as established in s. NR 10.32	Oct. 3 at 12:00 noon - Dec. 1	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads and 2 wood ducks; 5 mergansers to include not more than one hooded merganser.	
NR 10.01(1) (g) <u>Geese</u> 1. Canada geese and its subspecies	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Oct. 3 at 12:00 noon - Oct. 23	1	2
	c. Burnett county subzone	None	None	None
	d. New Auburn subzone	None	None	None
	e. Brown county subzone	Nov. 30 - Dec. 20	1	2
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Oct. 24 - Nov. 13	1	2
	g. Horicon zone	Four permit periods:		The possession limit is restricted by a season limit

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
				corresponding to the number of carcass tags issued.
		Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Oct. 9;	1	
		Oct. 5 - Oct. 30;	1	
		Oct. 17 - Nov. 13;	1	
		Nov. 2 - Dec. 13	1	
	h. Collins zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
		Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Oct. 4;	1	
		Oct. 5 - Oct. 18;	1	
		Oct. 19 - Nov. 1;	1	
		Nov. 2 - Nov. 20 and Nov. 30 - Dec. 4	1	
	i. Rock Prairie subzone	Nov. 14 - Dec. 6	1	2
	k. Mississippi river subzone	Oct. 17 - Dec. 25	1	2
2. Snow, blue and Ross' geese	Entire state	As established by zone	10	30
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Oct. 3 at 12:00 noon - Dec. 31		
	c. Burnett county subzone	Oct. 3 at 12:00 noon - Dec. 31		
	d. New Auburn	Oct. 3 at 12:00		

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	subzone	noon - Dec. 31		
	e. Brown county subzone	Oct. 3 at 12:00 noon - Dec. 31		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Oct. 3 at 12:00 noon - Dec. 31		
	g. Horicon zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 31		
	h. Collins zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Nov. 20 and Nov. 30 - Dec. 4		
	i. Rock Prairie subzone	Oct. 3 at 12:00 noon - Dec. 31		
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 31		
3. All other geese and brant	Entire state	As established by zone	2 white-fronted geese and 2 brant	4 white-fronted geese and 4 brant
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Oct. 3 at 12:00 noon - Dec. 11		
	c. Burnett county subzone	Oct. 3 at 12:00 noon - Dec. 11		
	d. New Auburn subzone	Oct. 3 at 12:00 noon - Dec. 11		
	e. Brown county subzone	Oct. 3 at 12:00 noon - Dec. 11		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and	Oct. 3 at 12:00 noon - Dec. 11		

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	subzones described in subpars. c. to d. and g. to k.			
	g. Horicon zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Nov. 27		
	h. Collins zone	Sept. 19 - Oct. 2, Oct. 3 at 12:00 noon - Nov. 20 and Nov. 30 - Dec. 4		
	i. Rock Prairie subzone	Oct. 3 at 12:00 noon - Dec. 11		
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 11		
NR 10.01(1)(u) 1. All species of wild ducks, mergansers and coots	North zone as established in s. NR 10.32	Sept. 12 - Dec. 8	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Feb. 20 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
	South zone as established in s. NR 10.32	Sept. 12 - Dec. 8	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Feb. 20 - Mar. 10	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

SECTION 2. NR 10.01(1)(v) is repealed and recreated to read:

NR 10.01(1)(v) Special youth waterfowl hunt event. Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.225, Stats., may hunt all species of wild duck, mergansers, geese, coots and gallinules on the 14th day before the opening of the regular duck season. Approvals under ch. 29, Stats., are not required pursuant to s. 29.155(1), Stats., except for registration in the harvest information program under s. NR 10.12(11) and a Canada goose hunting permit, if hunting Canada geese. Daily bag limits are those described under s. NR 10.01(1)(b), (c) and (g) and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

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 mid-August 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.

The foregoing rules are approved and adopted by the Natural Resources Board on August 26, 1998.

The rules shall take effect upon publication in the official state newspaper.

Dated at Madison, Wisconsin

September 1, 1998

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary

(SEAL)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject 1998 Migratory Game Bird Season

Fiscal Effect

State: No State Fiscal Effect

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

- | | | |
|--|--|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL - The rule package establishes the seasons and bag limits for waterfowl hunting. The proposed changes will not result in any significant changes in spending or revenue.

Long-Range Fiscal Implications
Overall, department expenditures and revenues should not change.

Agency/Prepared by: (Name & Phone No.)

Joe Polasek, 266-2794

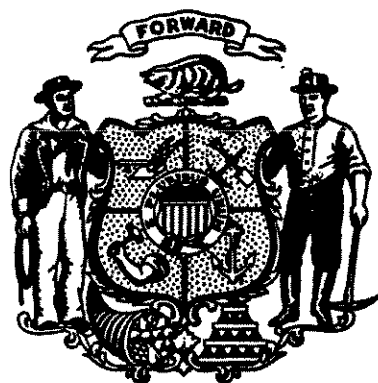
Authorized Signature/Telephone No.

Joe Polasek

Date

8-17-98

END



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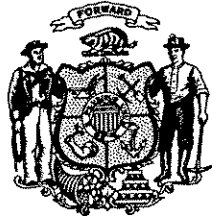
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-085

AN ORDER to repeal and recreate NR 10.01 (1) (b), (g) 1. a. to k., 2. and 3. and (u) 1. and 2.; and to create NR 10.01 (1) (v), relating to the 1998 migratory game bird season.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

06-09-98 RECEIVED BY LEGISLATIVE COUNCIL.
07-07-98 REPORT SENT TO AGENCY.

RS:AS:jt;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

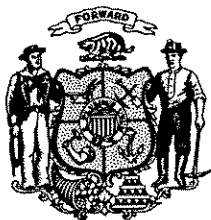
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 98-085

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. The analysis should include a summary of the regulation of hunting of geese other than Canada Geese. Also, it may be helpful to explain in the analysis that the provision relating to the youth duck hunt is being modified, not that the youth duck hunt is being established.
- b. The title of s. NR Table 10.01 (1) (b) should be underscored.
- c. The treatment clause for SECTION 2 should state that par. (v) is repealed and recreated.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. In the treatment clause for SECTION 1, a period should be inserted after "(u) 1".
- b. Statutory citations to ch. 29, Stats., should be reviewed for compliance with the new statutory numbering system provided in 1997 Wisconsin Act 248.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In the introductory clause and the treatment clause for SECTION 1, the notation "a. - k." should be replaced with "a. to k."

b. In s. NR Table 10.01 (1) (g) 2., “Snow/blue” should be replaced with “Snow, blue.” Slashed alternatives should be avoided in the text of rules. [s. 1.01 (9) (a), Manual.] Although these geese are the same type of goose, they have different common names based on their color. Therefore, separating the names by comma is appropriate.

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

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.01(1)(b), (g)1.a.~~ok.~~, (g)2., (g)3., (u)1 and (u)2 and creating NR 10.01(1)(v) relating to the 1998 migratory game bird season.

WM-28-98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.085, 29.155, 29.174(3), and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085, 29.155, 29.174(1) and (2), Stats.

The proposed rules establish the regulations for the 1998 migratory game bird season. The significant regulations are:

Ducks. The state is divided into two zones each with 60-day seasons. The season in the southern duck zone begins at noon October 3 and continues for 60 days, closing December 1. The north duck zone season begins at noon October 3 and continues through December 1. The daily bag limit in both zones is 6 ducks, including four mallards, of which only one may be a hen, and one canvasback for the entire 60 days in both zones.

Canada Geese. The state is apportioned into 3 goose hunting zones: Horicon, Collins and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 95 days; Exterior Zone - 95 days; and Mississippi River Subzone - 70 days. The Burnett County and New Auburn subzones are closed to Canada goose hunting.

A special youth duck hunt is established that will occur on the 14th day before to the opening day of the regular duck season.

SECTION 1. NR 10.01(1)(b), (g)1.a.~~ok.~~, (g)2., (g)3., (u) 1, and (u)2. 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) All species of wild duck	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.

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	South zone as established in s. NR 10.32	Oct. 3 at 12:00 noon Dec. 1	6 ducks to include not more than 4 mallards, of which only one may be a hen mallard, 3 pintails, one black duck, one canvasback, 2 redheads, and 2 wood ducks; 5 mergansers to include not more than one hooded merganser.	5
	North zone as established in s. NR 10.32	Oct. 3 at 12:00 noon Dec. 1	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, 3 pintails, one black duck, one canvasback, 2 redheads and 2 wood ducks; 5 mergansers to include not more than one hooded merganser.	
NR 10.01(1) (g) <u>Geese</u> 1. Canada geese and its subspecies	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 26 at Oct. 2 and Oct. 3 at 12:00 noon Dec. 29	1	2
	c. Burnett county subzone	None	None	None
	d. New Auburn subzone	None	None	None
	e. Brown county subzone	Sept. 26 at Oct. 2 and Oct. 3 at 12:00 noon Dec. 29	1	2

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c.- d. and g.- k.	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 29	1	2
	g. Horicon zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
		Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Oct. 16;	1	
		Oct. 5 - Nov. 6;	1	
		Oct. 12 - Nov. 20;	1	
		Oct. 31 - Dec. 22 * or Nov. 15	1	
	h. Collins zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
		Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Oct. 4;	1	
		Oct. 5 - Oct. 18;	1	
		Oct. 19 - Nov. 1;	1	
		Nov. 2 - Nov. 20 and Nov. 30 - Dec. 4	1	
	i. Rock Prairie subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 13	1	2

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 11	1	2
2. Snow/blue and Ross' geese	Entire state	As established by zone	10	20
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 29		
	c. Burnett county subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 29		
	d. New Auburn subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 29		
	e. Brown county subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 29		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c.-d. and g.- k.	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 29		
	g. Horicon zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 22		
	h. Collins zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Nov. 20 and Nov. 30 - Dec. 4		
	i. Rock Prairie subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 13		
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 11		

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
j. All other geese and brant	Entire state	As established by zone	2 white-fronted geese and 2 brant	4 white-fronted geese and 4 brant
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 4		
	c. Burnett county subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 4		
	d. New Auburn subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 4		
	e. Brown county subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 4		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c.-d. and g.- k.	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 4		
	g. Horicon zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Nov. 27		
	h. Collins zone	Sept. 19 - Oct. 2, Oct. 3 at 12:00 noon - Nov. 20 and Nov. 30 - Dec. 4		
	i. Rock Prairie subzone	Sept. 26 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 4		
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 11		

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01(1)(u) 1. All species of wild ducks, mergansers and coots	North zone as established in s. NR 10.32	Sept. 12 - Dec. 8	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Feb. 20 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
	South zone as established in s. NR 10.32	Sept. 12 - Dec. 8	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Feb. 20 - Mar. 10	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

SECTION 2. NR 10.01(1)(v) is created to read:

NR 10.01(1)(v) Special youth duck hunt event. Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.225, Stats. may hunt all species of wild duck on the 14th day before the opening of the regular duck season. Approvals under s. 29.09, Stats., are not required pursuant to s. 29.155(1), Stats. Daily bag limits are those described under s. NR 10.01(1)(b) and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

ACT
247

The foregoing rules are approved and adopted by the Natural Resources Board on _____, 1998.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

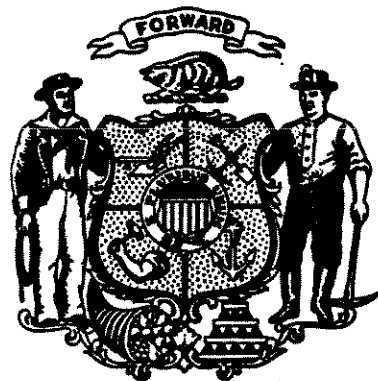
Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

END



END

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. WM-28-98

Legislative Council Rules Clearinghouse Number 98-085

Subject of Rules 1998 Migratory game bird season

Date of Transmittal to Presiding Officers September 8, 1998

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
1998 Migratory Game Bird Season

Board Order No. WM-28-98
Clearinghouse Rule No. 98-085

Statement of Need

The proposed rules establish the regulations for the 1998 migratory game bird season.

Ducks -- Utilizing the Adaptive Harvest Management approach, the U.S. Fish and Wildlife Service Office of Migratory Bird Management's 1998 preliminary harvest management principles for ducks indicated that the liberal season package should be utilized this year and any nationwide harvest of canvasbacks should be consistent with a breeding population goal of 500,000.

In late July, the Fish and Wildlife Service announced that the proposed duck season framework for the Mississippi Flyway would be 60 days and 6 ducks. This is the framework out staff presented at meetings with groups and at the public hearings.

Geese -- The Mississippi Flyway Council recommended a harvest objective that would allow rebuilding the Mississippi Valley Population of Canada geese to a 900,000 bird population objective. The allowable harvest objective for this population decreased by about 30% compared to last year. The major MVP harvest states adjusted their individual regulations to account for this decrease.

MVP Canada geese make up 86% of our regular season Canada goose harvest. We received a base MVP maximum allowable harvest of 24,100 Canada geese this year. Expanding that to account for other populations of Canada geese in our regular season harvest gives up a statewide maximum allowable harvest of 28,000 this year, compared to 51,200 in 1997.

Modifications as a Result of Public Hearing

The season lengths for geese were modified in response to the change in the maximum allowable harvest for geese in Wisconsin.

Appearances at the Public Hearings and Their Position

August 10, 1998 - La Crosse

In support:

Ray Heidel, W8043 Hwy. ZN, Onalaska, WI 54650
Sandy Heidel, W8043 Hwy. ZN, Onalaska, WI 54650
Dan Heidel, W8043 Hwy. ZN, Onalaska, WI 54650

In opposition - none

As interest may appear:

Robert W. Schuppel, W4437 Gills Coulee Road, West Salem, WI 54669
Tim Morgan, Route 2, Stoddard, WI 54601
Ronald J. Nerva, P.O. Box 44, Genoa, WI 54632

Cal Barstow, Route 1, Stoddard, WI 54658
Don Heidel, W5779 Mahlom Road, Holmen, WI 54636
Michael T. Derpinghaus, N7015 Sunrise Lane, Holmen, WI 54636
Mike Schultz, W8376 North Shore Drive, Onalaska, WI 54650
Grant R. Schultz, W8376 North Shore Drive, Onalaska, WI 54650
Steve Davis, 534 Jonnson Street, Onalaska, WI 54650
Noel J. Dolde, 504 S. Oxford Street, Wautoma, WI 54982
Brian Bender, 4625 Mormon Coulee Road, #99, La Crosse, WI 54601
David R. Blank, 1101 Maple Street, La Crosse, WI 54601
Doug Cieslak, 7073 Bice Avenue, Holmen, WI 54636
Michael Blank, N5863 East Lakeview Court, Onalaska, WI 54650
Marc A. Schultz, W8155 North Shore Drive, Onalaska, WI 54650
Gary M. Mrozek, Route 1, Box 117A, Rolling Stone, MN 55969
James N. Nowak, 662 Gregory Street, Onalaska, WI 54650
David M. Washa, 1308 Lauderdale Place, La Crosse, WI 54603
Tom Kapillan, 345 South 21st, La Crosse, WI

August 11, 1998 - Rhinelander

In support:

Steven Oestreicher, Chairman, Wis. Conservation Congress, 8475 Oneida Lake Drive, Harshaw, WI
Keith Olson, 8479 Oneida lake Drive, Harshaw, WI 54529

In opposition:

Mitchell Doering, 5550 Hwy. 51 South, Hazelhurst, WI 54531
Cory Ghiloni, HC 2, Box 401, Winchester, WI 54557
Liz Sorensen, P.O. Box 739, Minocqua, WI 54548
Cory Chard, P.O. Box 473, Minocqua, WI 54548
James T. Wohling, P.O. Box 402, Woodruff, WI 54568
George Metrich, 7035 Bluebird Road, Lake Tomahawk, WI 54539
Steven Goetsch, R11581 Sportsmans Lane, Schofield, WI 54476

As interest may appear:

Mike Stechbauer, 9200 Hwy. K, Tomahawk, WI 54487
Bill Haling, 6001 Morning View Lane, Schofield, WI 54476
Dan Manning, P.O. Box 1455, Rhinelander, WI 54501
Dan Thompson, 4638 River Bend Road, Rhinelander, WI 54501
Bill Asuma, P.O. Box 617, Rhinelander, WI 54501
Joe Pozarski, 4129 North Bay Road, Rhinelander, WI 54501
Todd W. Berg, 8590 West Bluebird Road, Lake Tomahawk, WI 54539

August 12, 1998 - Waukesha

In support:

Pat Clark, N8639 Shorecrest Road, Beaver Dam, WI 53916
Dan Yagodinski, 3880 Hwy. 167 West, Richfield, WI 53076

In opposition - none

As interest may appear:

Jerry Stancl, 12310 N. Granville Road, Mequon, WI 53097
Sydney E. Herman, 441 Cambridge Avenue, Waukesha, WI 53188
Mark Kakatsch, 1030 E. Wilbur, Milwaukee, WI 53207
Terrill A. Knaack, W10242 Surfside Drive, Beaver Dam, WI 53916
Richard Schaffer, N6213 Country View, Sullivan, WI 53178
George Merschdorf, 3474 North 95th Street, Milwaukee, WI 53222

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been accepted.

Final Regulatory Flexibility Analysis

The revisions to ch. NR 19 relate to modifications to the 1998 migratory game bird regulations. The rules are applicable to individual sport persons and impose no compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule. Therefore, under s. 227.018(3m), Stats., a final regulatory flexibility analysis is not required. The rule does not have a significant economic impact on a substantial number of small businesses. The fall hunting season has been a normal part of the state's economy for many years; the 1998 season does not depart from normal standards.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.01(1)(b), (g)1.a. to k., (g)2., (g)3., (u)1., (u)2. and (v) relating to the 1998 migratory game bird season.

WM-28-98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.085, 29.155, 29.174(3), and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085, 29.155, 29.174(1) and (2), Stats.

The proposed rules establish the regulations for the 1998 migratory game bird season. The significant regulations are:

Ducks. The state is divided into two zones each with 60-day seasons. The season in the southern duck zone begins at noon October 3 and continues for 60 days, closing December 1. The north duck zone season begins at noon October 3 and continues through December 1. The daily bag limit in both zones is 6 ducks, including four mallards, of which only one may be a hen, and one canvasback for the entire 60 days in both zones.

Canada Geese. The state is apportioned into 3 Canada goose hunting zones: Horicon, Collins and Exterior. Other special Canada goose management subzones within the Exterior Zone include Brown County, Burnett County, New Auburn, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 68 days; Horicon Zone - 86 days; Exterior Zone - 21 days; Mississippi River Subzone - 70 days; Rock Prairie Subzone - 23 days; and Brown County Subzone - 21 days. The Burnett County and New Auburn subzones are closed to Canada goose hunting.

A special youth waterfowl hunt is established that will occur on the 14th day before the opening day of the regular duck season.

SECTION 1. NR 10.01(1)(b), (g)1.a. to k., (g)2., (g)3., (u)1. and (u)2. 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) <u>All species of wild duck</u>	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.
	South zone as established in s. NR 10.32	Oct. 3 at 12:00 noon - Dec. 1	6 ducks to include not more than 4 mallards	

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
			of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads, and 2 wood ducks; 5 mergansers to include not more than one hooded merganser.	
	North zone as established in s. NR 10.32	Oct. 3 at 12:00 noon - Dec. 1	6 ducks to include not more than 4 mallards of which only one may be a hen mallard, one pintail, one black duck, one canvasback, 2 redheads and 2 wood ducks; 5 mergansers to include not more than one hooded merganser.	
NR 10.01(1)(g) Geese 1. Canada geese and its subspecies	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Oct. 3 at 12:00 noon - Oct. 23	1	2
	c. Burnett county subzone	None	None	None
	d. New Auburn subzone	None	None	None
	e. Brown county subzone	Nov. 30 - Dec. 20	1	2
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Oct. 24 - Nov. 13	1	2
	g. Horicon zone	Four permit periods:		The possession limit is restricted by a

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
				season limit corresponding to the number of carcass tags issued.
		Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Oct. 9;	1	
		Oct. 5 - Oct. 30;	1	
		Oct. 17 - Nov. 13;	1	
		Nov. 2 - Dec. 13	1	
	h. Collins zone	Four permit periods:		The possession limit is restricted by a season limit corresponding to the number of carcass tags issued.
		Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Oct. 4;	1	
		Oct. 5 - Oct. 18;	1	
		Oct. 19 - Nov. 1;	1	
		Nov. 2 - Nov. 20 and Nov. 30 - Dec. 4	1	
	i. Rock Prairie subzone	Nov. 14 - Dec. 6	1	2
	k. Mississippi river subzone	Oct. 17 - Dec. 25	1	2
2. Snow, blue and Ross' geese	Entire state	As established by zone	10	30
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Oct. 3 at 12:00 noon - Dec. 31		
	c. Burnett county subzone	Oct. 3 at 12:00 noon - Dec. 31		

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	d. New Auburn subzone	Oct. 3 at 12:00 noon - Dec. 31		
	e. Brown county subzone	Oct. 3 at 12:00 noon - Dec. 31		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the zones and subzones described in subpars. c. to d. and g. to k.	Oct. 3 at 12:00 noon - Dec. 31		
	g. Horicon zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Dec. 31		
	h. Collins zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Nov. 20 and Nov. 30 - Dec. 4		
	i. Rock Prairie subzone	Oct. 3 at 12:00 noon - Dec. 31		
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 31		
3. All other geese and brant	Entire state	As established by zone	2 white-fronted geese and 2 brant	4 white-fronted geese and 4 brant
	a. All that part of the exterior zone lying north of the boundaries established in s. NR 10.32 except for the subzone described in subpar. e.	Oct. 3 at 12:00 noon - Dec. 11		
	c. Burnett county subzone	Oct. 3 at 12:00 noon - Dec. 11		
	d. New Auburn subzone	Oct. 3 at 12:00 noon - Dec. 11		
	e. Brown county subzone	Oct. 3 at 12:00 noon - Dec. 11		
	f. All that part of the exterior zone lying south of the boundary established in s. NR 10.32 except for the	Oct. 3 at 12:00 noon - Dec. 11		

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
	zones and subzones described in subpars. c. to d. and g. to - k.			
	g. Horicon zone	Sept. 19 - Oct. 2 and Oct. 3 at 12:00 noon - Nov. 27		
	h. Collins zone	Sept. 19 - Oct. 2, Oct. 3 at 12:00 noon - Nov. 20 and Nov. 30 - Dec. 4		
	i. Rock Prairie subzone	Oct. 3 at 12:00 noon - Dec. 11		
	k. Mississippi river subzone	Oct. 3 at 12:00 noon - Dec. 11		
NR 10.01(1)(u) 1. All species of wild ducks, mergansers and coots	North zone as established in s. NR 10.32	Sept. 12 - Dec. 8	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Feb. 20 - Mar. 10	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
		Sept. 12 - Dec. 8	3 in aggregate with those species listed under subd. 2	6 in aggregate with those species listed under subd. 2
	South zone as established in s. NR 10.32	Feb. 20 - Mar. 10	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

SECTION 2. NR 10.01(1)(v) is repealed and recreated to read:

NR 10.01(1)(v) Special youth waterfowl hunt event. Persons 12 years of age or older but under 16 years of age who possess a certificate of accomplishment under s. 29.225, Stats., may hunt all species of wild duck, mergansers, geese, coots and gallinules on the 14th day before the opening of the regular duck season. Approvals under ch. 29, Stats., are not required pursuant to s. 29.155(1), Stats., except for registration in the harvest information program under s. NR 10.12(11) and a Canada goose hunting permit, if hunting Canada geese. Daily bag limits are those described under s. NR 10.01(1)(b), (c) and (g) and all other waterfowl hunting regulations apply. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters.

The foregoing rules are approved and adopted by the Natural Resources Board on August 26, 1998.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)