

Report From Agency

REPORT TO LEGISLATURE

NR 10, Wis. Adm. Code
The 2009 Migratory Game Bird Seasons and Waterfowl Hunting Zones
Board Order No. WM-13-09
Clearinghouse Rule No. 09-042

Basis and Purpose of the Proposed Rule

This rule order establishes the season length and bag limits for the Wisconsin migratory game bird hunting seasons. Each year similar or identical emergency and permanent rule packages are promulgated. This process is necessary to have the seasons in place for the fall hunting season while following federal and state rule-making procedures.

Section 1 of this rule order establish the season length and bag limits for the 2009 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 26 and continues for 60 consecutive days in the north, closing on November 24. In the South the season begins at 9:00 a.m. on October 3 and continues through October 11, followed by a 5-day split, and then reopens on October 17 and continues through December 6. 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 pintail, 1 canvasback, 3 wood ducks, 2 scaup and 2 redheads.

For 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, Rock Prairie and the Mississippi River. Season lengths are: Collins Zone - 66 days (three hunting periods, September 16 – October 4, October 5 – 25, October 26 – November 20); Horicon Zone - 92 days (2 hunting periods, first period beginning September 16 and the second on November 2); Exterior Zone in the northern duck zone - 85 days (Sept. 19 – Dec. 12); Exterior Zone in the southern duck zone – 85 days (Sept. 19 – Oct. 11 and Oct. 17 – Dec. 17) and Mississippi River subzone - 85 days (Oct. 3 – Oct. 11 and Oct. 17 – Dec. 31). The Burnett County subzone is closed to Canada goose hunting. The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the open seasons within the zones.

Section 2 establishes the youth waterfowl hunting season dates and revises the season's regulations to be consistent with the provisions of 2009 Senate Bill 167. The act and this section allow participation by people who are age 10 or 11. Hunters who are age 10 or 11 or who have not completed a hunter safety course of instruction must hunt with a mentor who is at least 18 years of age and be within arms reach of the mentor at all times. A mentor may supervise only one hunter who is age 10 or 11 or who has not completed a hunter safety course of instruction and the hunter and mentor together may possess only one firearm or bow.

Sections 3 and 4 make a housekeeping change to eliminate the map of the Horicon Intensive Management Zone for geese. Related regulations were eliminated three years ago.

Section 5 updates road names in the migratory game bird hunting zone map following the completion of new highway construction. The location of the boundary is not changed.

Summary of Public Comments

Overall, a strong majority of the public comments offered during the public hearings and submitted to the Department via phone, email and letter were in support of the proposed seasons. They are summarized below by the major groups of options.

1) Statewide same opening day for duck season in both zones: 5 individuals

2) North Zone - Opening Day

Sept 26 (Department Proposal)

- 58 individuals
- 4 waterfowl groups
- Conservation Congress Migratory Committee

October 3 or later

- 5 individuals requested this later opening date and one individual requested a split in the north zone

Based on public input the Department recommends the northern duck zone hunting season be open from September 26 – November 24.

2) Southern Zone – Opening Day

October 3 (Department Proposal)

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

Sept 26

- 1 local waterfowl group and 5 individuals

Later

- 1 local waterfowl group and 3 individuals

Based on public input the Department recommends the south duck zone hunting season to open on October 3.

3) Southern Zone – Season Split

- No split – 5 individuals
- 5 day split (Department Proposal)
 - 35 individuals
 - 3 waterfowl groups
 - Conservation Congress Migratory Committee
- Something longer than 5 days – 1 waterfowl group (LCCA) and 7 individuals

Based on public input the Department recommends the proposed 5 day split for the southern duck zone resulting in a season of October 3-11 and October 17-December 6.

4) Exterior Zone Canada Goose Season

- Opening day in the north and south zones: September 19 and a 5 day season closure in the south zone with duck season (Department Proposal)
- 36 individuals
- 3 waterfowl groups

Several other options were offered by a few people but without substantial support

- Open on Sept 16 – 1 group and 1 individual
- Open with duck on Oct 3 – 1 group and 1 individual
- Open with duck on Sept 26 – 2 individuals
- No split in the south zone – 2 individuals

Based on the public input, the Department recommends implementing the season as proposed with the following dates; North zone - September 19 – December 12 and South zone – September 19 –October 11 and October 17 – December 17.

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 the last 3 seasons. Opinions remain varied but most people believe this is an acceptable compromise.

- 9:00 am – Conservation Congress, 3 waterfowl groups and 32 individuals favored
- Noon – 1 local waterfowl group, 3 individuals favored
- ½ hour before sunrise – 1 local waterfowl group and 7 individuals favored.

The Department recommends maintaining a 9:00 am beginning of shooting hours on opening day.

Modifications Made

No modification were made as a result of public hearings.

Appearances at the public hearings

August 3, LaCrosse - 15 people attended, 8 gave oral testimony

In Support:

John Wetzel, Holmen

As interest may appear:

Tom Kapellas, LaCrosse

Don Heidel, Holmen

Tony Toye, Boscobel

Marc Schultz, Onalaska

Ray Heidel, Onalaska

Keith Braunreiter, Galesville

Greg Egan, LaCrosse

August 4, Rice Lake - 7 people attended, 6 gave oral testimony

In Support:

Jeff Marshal, Lakeville MN

Jon Bergquist, Amery

Craig Conroy, Webster

Craig Matter, Hager City

As interest may appear:

Brian Spangler, Elmwood

David Caithamer, Spooner

August 5, Appleton – 14 people attended, 4 gave oral testimony

In Support:

Dick Koerner, Neenah

Noel Dolde, Wautoma

Rex Gromer, Menasha

As interest may apper:

John Rueth, Appleton

August 6, Pewaukee – 18 people attended, 5 gave oral testimony
In Support:

Al Shook, Oconomowoc

In opposition:

Todd Thelen, Oconomowoc

As interest may appear:

Richard Hauke, Menomonee Falls

Mark Kakatsch, Oconomowoc

Robert Reinicke, Pewaukee

Changes to Rule Analysis and Fiscal Estimate

No changes were made as a result of public hearings. The analysis and fiscal estimate were revised to reflect the federal offering of one canvasback and two scaup in the daily bag limit.

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been incorporated into the rule.

Final Regulatory Flexibility Analysis

These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, 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.