

## Report From Agency

### REPORT TO LEGISLATURE

CH. NR 10 Wis. Adm. Code  
Migratory game bird hunting regulations  
Board Order No. WM-06-13  
Clearinghouse Rule No. 13-052

#### Basis and Purpose of the Proposed Rule

This rule order establishes the season length, bag and possession limits for the Wisconsin migratory game bird seasons. Each year similar permanent and emergency rules are promulgated and the board order number for the related emergency rule is WM-07-13(E). This process is necessary to have the seasons in place for the fall hunting season while following the federal and state rule procedures.

Sections 1, 2 and 10 of this rule eliminate references to the Brown County and New Auburn subzones of the Exterior Zone for Canada goose hunting. Those subzone designations have not been used by the department in recent years when setting migratory bird hunting seasons by emergency rule.

Section 2 of this rule order establishes the season length, bag and possession limits for the migratory game bird seasons. For ducks, the state is divided into three zones, each with 60-day seasons as allowed by federal rule under liberal season frameworks. The proposed seasons in each zone are:

North duck zone - the season begins at 9:00 a.m. on the Saturday nearest September 24 and continues for 60 consecutive days.

South duck zone - the season begins at 9:00 a.m. on the Saturday nearest October 1 and continues for 9 days, followed by a 5-day split, and then reopens for 51 consecutive days.

Mississippi River duck zone - the season begins at 9:00 am on the Saturday nearest September 24 and continues for 9 days, followed by a 12 day split, and then reopens for 51 consecutive days.

The daily bag limit is 6 ducks including no more than: 4 mallards, of which only 1 may be a hen, 1 black duck, 2 canvasbacks, 3 wood ducks, 3 scaup, 2 pintails and 2 redheads.

For Canada geese, the state is apportioned into 2 goose zones for the regular hunting season, Horicon and Exterior, each with a 92 day season. The Mississippi River Subzone is a special goose management subzone within the Exterior Zone. Season lengths are:

Horicon Zone – Two hunting periods, the first period beginning September 16 and the second on the Monday following the last Friday in October until December 16

Exterior Zone in the northern duck zone - Begins on September 16 and continues for 92 consecutive days

Exterior Zone in the southern duck zone – Begins on September 16 continuing until a closure during the 5 day split in the southern duck zone hunting season and then reopens following this split for the remainder of a season total of 92 days.

Mississippi River subzone – Begins the same day as the duck hunting season in the Mississippi River Zone, closes during the Mississippi River Zone duck hunting season split and reopens following this split for the remainder of a season total of 92 days.

The statewide daily bag limit for Canada geese in all zones is 2 birds per day during the regular open seasons within the zones.

Finally, this Section establishes that the possession limit for migratory birds is three times the daily bag limit instead of two.

Section 3 establishes the youth waterfowl hunting season dates.

Section 4 lifts a sunset of special migratory bird hunting regulations at the Mead and Zeloski Marsh Wildlife Management Areas.

Section 5 expands open water hunting opportunities for migratory birds by adding 10 lakes to the list of those where open water hunting is allowed if the hunter is more than 1,000 feet from the shoreline and islands.

Section 6 relaxes the prohibition on hunting waterfowl in open water for holders of permits for hunters with disabilities.

Sections 7 to 9 simplify Canada goose hunting regulations in the Horicon Zone by providing the department the option of not requiring carcass tags and eliminating the permit application deadline when those measures are not necessary to restrict the harvest of Canada geese.

Section 11 decreases the size of the Horicon Zone for goose hunting by redesignating portions of Columbia, Winnebago, Fond du Lac, Marquette, and Green Lake counties from Horicon Zone to Exterior Zone.

### Summary of Public Comments

The process for receiving public input on proposed waterfowl seasons is very condensed because of the timing of the Federal regulation schedule; however, our most active waterfowl groups and individuals are aware of the time frame. A total of 307 individuals offered comments on the waterfowl hunting seasons in addition to the Wisconsin Conservation Congress Migratory Committee and several waterfowl groups. The following tools were used to involve interested parties in the rule making process.

- **Rule process information** - Beginning in May we issued preliminary information and instructions on how the public could provide input to the regulation setting process through press releases, the Department website and direct mailings to waterfowl groups. Over 18,000 people are now on GovDelivery notices regarding topics related to waterfowl management and hunting. This list was provided regular updates during the process.
- **Telephone, email and written comment.** Public comments and questions began coming in during June through telephone calls and emails. These were accepted through August 8.
- **July 11, Staff attended the LaCrosse County Conservation Alliance** annual waterfowl meeting to present information and received input primarily on the Mississippi River Zone season. About 25 waterfowl hunters were in attendance.
- **August 2, DNR Migratory Game Bird Committee. Stevens Point** This meeting is publicly noticed and the committee has staff from around the state, cooperating agencies and representatives of stakeholder groups. The status of waterfowl was presented and suggestions to the waterfowl hunting season were discussed. Committee has 20 members
- **August 3 – Migratory Committee of the Conservation Congress. Stevens Point.** Staff presented information on the status of waterfowl and a draft season proposal. The committee made suggestions for the hunting season proposal and voted on all aspects. Committee has 23 members
- **August 3 – Post-Flyway. Stevens Point.** A public meeting was held to present the population status and proposed season structure in an informal setting with waterfowl groups and interested individuals. Several conservation organizations or individuals were present. The groups represented were: Wisconsin Wildlife Federation (WWF), Wisconsin Waterfowl Association (WWA), La Crosse County Conservation Alliance (LCCA), Green Bay Duck

Hunters (GBDH), Lake Poygan Sportsman’s Club, Burlington Conservation Club, Land Hunt and Fish Club and Black Slough Conservation Club (BSCC). A total of 15 people attended

- **July 30-August 2, Public Hearings.** Four public hearings were held around the state and 116 people attended overall. Attendees were presented with population status information and the proposed waterfowl rules. Following a period for clarifying questions, individuals could make oral testimony or provide written comments. The comments offered during these various meetings are included below under each major issue.
- **LaCrosse** - 30 people attended, 19 gave oral testimony
- **Rice Lake** - 14 people attended, 6 gave oral testimony
- **Appleton** – 44 people attended, 20 gave oral testimony
- **Pewaukee** – 28 people attended, 3 gave oral testimony

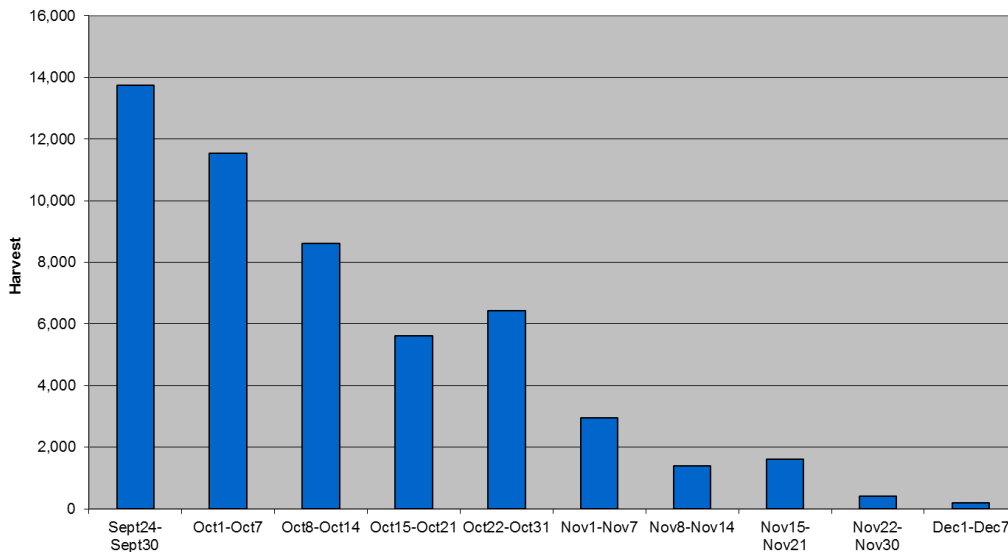
**Public Input and Data Summary:**

There was a significant increase in public input regarding the waterfowl hunting seasons in 2013 with a total of 307 individual comments received along with input from several statewide and local conservation organizations representing thousands of members. There were a few aspects of the rule proposal which received most of the comments and I have summarized comments and supporting data related to those comments below.

**North Duck Hunting Zone Season dates:**

Statewide waterfowl hunter mail surveys conducted in 2007 and 2009 revealed that about 60% of Wisconsin’s duck hunters favored a north duck zone season that opened as early as possible or the Saturday nearest September 21. The primary motivations for this early opening date are that the earlier migrating ducks such as blue-winged teal are still present in late September but often not in October and that in much of the north duck zone area waters are frozen prior to the end of a 60 day duck season. A summary of 10 years of harvest data presented in the graph below clearly supports an early opening date for the north duck zone.

**Northern Counties, harvest by date  
(HIP data 1999-2009)**



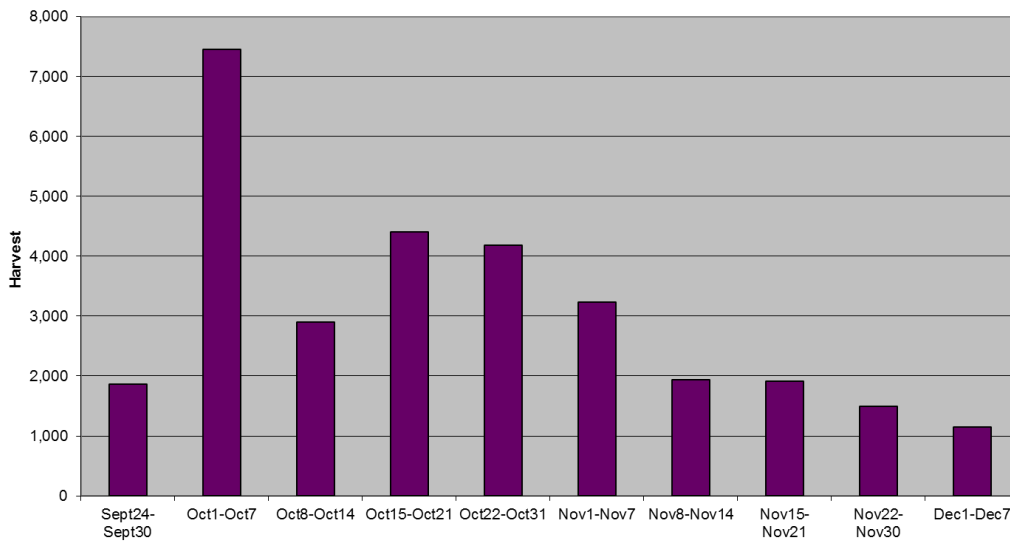
During the 2013 public input period on the waterfowl hunting season proposal, individual comments were almost evenly divided between opening on September 21 or September 28, with

57 comments in favor of the 21<sup>st</sup> and 65 in favor of the 28<sup>th</sup> (Appendix 2). The Conservation Congress and most of the waterfowl hunting groups, including the statewide groups of Wisconsin Waterfowl Association and Wisconsin Wildlife Federation, supported the September 21<sup>st</sup> opening date.

**South Duck Hunting Zone Season dates:**

Statewide waterfowl hunter mail surveys conducted in 2007 and 2009 revealed that about 60% of Wisconsin’s duck hunters favored the south zone opening the Saturday nearest October 1<sup>st</sup> and a week after the north duck zone. This input also favored the south duck zone opening for 9 days and then closing for a 5 day Monday-Friday period and reopening for the remainder of duck season. This season structure recognizes the significant difference in freeze up dates and duck migration that occurs from northern Wisconsin to southern Wisconsin. This opening date along with the 5 day closure or “split” accommodates some of the differences between the duck hunters that prefer earlier season duck hunting versus those who prefer later duck hunting. A summary of 10 years of harvest for the most southern part of Wisconsin, shows that most duck harvest occurs in October despite the desire for later hunting by some duck hunters.

**South Counties, harvest by date  
(HIP data 1999-2009)**



During the 2013 public input period on the waterfowl hunting season proposal, individual comments were almost evenly divided between opening the season on September 28 or October 5, with 55 comments in favor of September 28<sup>th</sup> and 67 in favor of October 5<sup>th</sup> (Appendix 2). The Conservation Congress and most of the waterfowl hunting groups, including the statewide groups of Wisconsin Waterfowl Association and Wisconsin Wildlife Federation, supported the September 28<sup>th</sup> opening date.

**Mississippi River Zone Duck Hunting Season dates:**

After many years of discussion, negotiations with the US Fish and Wildlife Service and duck hunter surveys, we established a new duck hunting zone specifically for the Mississippi River. At that time, a compromise season structure was developed attempting to balance between the duck hunters that prefer to hunt early versus late on the Mississippi River. This season structure was to open the river duck season the Saturday nearest September 21<sup>st</sup> and remain open for 9

days, close for 12 days and reopen for the remainder of the 60 day season. This is the structure we have used for the last 2 seasons and is proposed for 2013. At the August 3 meeting of the Migratory Committee of the Conservation Congress, committee members from the LaCrosse County Conservation Alliance requested an alternative season structure be considered that had a 19 day versus 12 day midseason closure. For 2013, these 2 proposals are the following:

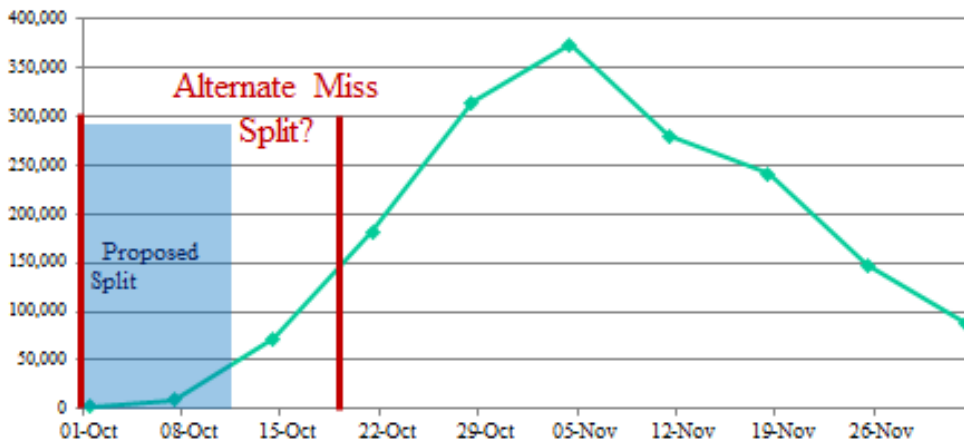
Department Proposal: Sept 21- 29; Oct 12- Dec 1

Conservation Congress Proposal: Sept 21-29, (19 day split), Oct 19- Dec 8

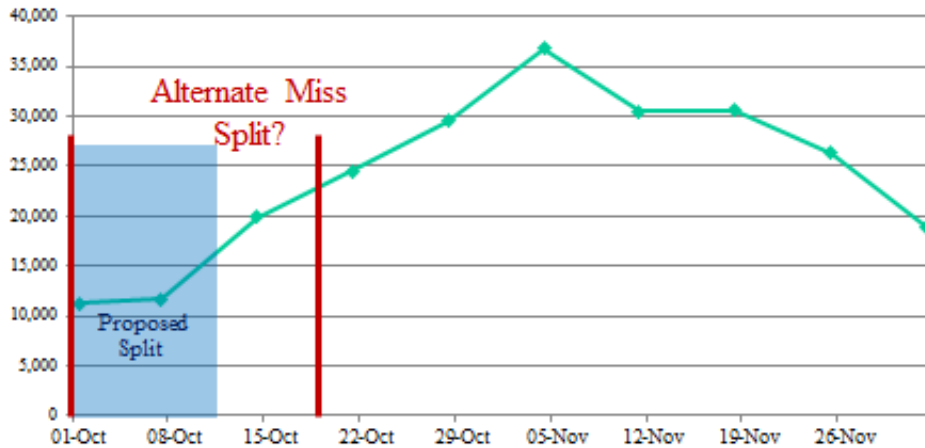
The primary motivation for this long closure and later duck hunting is the desire of some duck hunters to hunt ducks as areas are freezing up and ducks are concentrating on the remaining open water in the Mississippi River.

An analysis of duck migration data on the Mississippi River would suggest that a 19 day closure of the duck season during a significant part of October would shift 7 days of hunting from a period where duck numbers are building on the river to a period in early December when total duck numbers have declined and in some years major areas would be frozen out. A Mississippi River Duck season proposal with this long of a closure in October would reduce overall duck hunting opportunity.

### Mississippi River Fall Surveys- Diver Average 1996-2012



## Mississippi River Fall Surveys- Dabbler average 1996-2012



During the 2013 public input period on the waterfowl hunting season proposal, individual comments were divided among 3 options. A total of 52 individual comments were in favor of the Department proposal, 40 comments in favor of the Conservation Congress alternative proposal and 12 comments preferred that we return to the old season framework of opening the Saturday nearest October 1 with only a 5 day split identical to the south zone proposal (Appendix 2). The Wisconsin Waterfowl Association and Wisconsin Wildlife Federation favored the Department proposal. The LaCrosse County Conservation Alliance, Conservation Congress Migratory Committee and the Burlington Conservation Club favored the alternative proposal.

### Modification Following Hearings

A change made in response to modifications to federal requirements was to increase the possession limit for migratory birds from two times the daily bag limit to three.

### Changes to Rule Analysis and Fiscal Estimate

The rule analysis and fiscal estimate were revised to reflect modifications made.

### 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.