

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 4/17/19
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Ch. NR. 10, Game and Hunting, WM-26-18	
4. Subject 2019 Migratory Bird Hunting Seasons	
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
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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule These rules will modify the Canada goose hunting season in what was considered the Horicon Canada goose management zone consistent with options available under the federal framework for Wisconsin in 2019. Hunter harvest has declined by 85% and the number of permits issued has declined by 75% since 1999. The purpose of the Horicon Canada goose management zone was to limit the impact that hunters would have on the Interior nesting population (formerly Mississippi Valley Population) of Canada geese. Over the past several decades the concentration of Interior nesting Canada geese has declined in the Horicon Zone to the point that 2017 was the lowest recorded year with fewer than 30,000 geese observed in the Horicon National Refuge. Observations indicate that the local Temperate nesting (Giant) Canada geese have increased to a point that they are now decoying the migrating Canada geese away from Horicon and now can be found in areas all throughout the state. The department has determined that a specialized zone is no longer needed as the necessity for the management zone has diminished and no longer functions as the management tool for which it was intended. Eliminating the Horicon Canada goose management zone will simplify hunting regulations and increase hunting opportunity. The proposed increase in the light goose (snow and Ross's geese) season is to expand the opportunity to encompasses September 1 – 15. Per federal regulations we are allowed to utilize 107 days to hunt light geese similar to Canada geese, however only been utilizing 92 days to hunt light geese. We are proposing this change to provide additional opportunity and simplify regulations. There is no biological concern of overharvest of light geese in the first two weeks of September, but it does provide additional hunting opportunity. Per federal regulations, states within the Mississippi Flyway may utilize 2 season splits during the regular Canada goose season. In the past the department has not elected to do so, but the department addressed the potential season structure this year in the public input process, and a majority of the public favor adding the second split in the South Zone Exterior Canada goose season. This second split would close the Canada goose season with the South Zone duck season (Dec. 2) for 13 days, then re-open the goose season on Dec. 16 and remain open through Jan. 3. The input indicated a desire from	

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hunters to extend the season over the Christmas and the New Year's holidays when people have time off and could take advantage of this additional hunting opportunity. From a harvest perspective, 90% of all Canada goose harvest occurs before Dec. 1, so the department is not averse to adjusting season dates in the month of December as very few hunters participate during this time and it will have a very minimal impact on overall harvest.

The proposed later start date for the North Zone duck season was based on input collected from conservation organizations as well as the public. The department has seen a change occurring in both input collected from hunters via the waterfowl hunters survey as well as input collected through public contact, including emails, phone calls and public hearings. The input from the waterfowl hunter survey still shows slight support for a start in the North Zone on the Saturday nearest Sept. 24, however input received from hunters through public contact combined with input from the Wisconsin Conservation Congress has shown a shift in support for a later start in the North Zone. Generally, hunters recall their most recent experience. Since Wisconsin has had above average fall temperatures over the past several years, the position that hunters express is that there is additional duck hunting opportunity after the season has closed. Based on the shift in interest and input over the past 3 years to start later in the North Zone as well as the position that the Conservation Congress expresses, the department proposes starting the North on the Saturday nearest Oct. 1, similar to 2018.

With the inclusion of the early teal season in Wisconsin, the current language in Wisconsin Administrative Code exceeds the maximum allowable days to hunt ducks per federal regulations because of the extended falconry season. Prior to the early teal season, the department set the regular duck season to match all dates that are available to hunt ducks and in addition opened the falconry season starting the second Friday in January and continuing for 45 days. With the inclusion of the early teal season, the department increased the number of days to hunt ducks by potentially 16 days. The number of days to hunt ducks by method of falconry per Migratory Bird Treaty Act cannot exceed 107 days. This rule proposal would change the language to state that the falconry season opens the second Friday in January and continues for a length of time to not exceed 45 days; this accounts for all potential possibilities.

Per federal regulations Wisconsin has the opportunity to hold a 16-day early teal season. For the past five years Wisconsin has held a seven-day early teal season. Based on hunter survey results and public input we have seen interest continue to increase with nearly 70% of public input supporting the early teal season. With that increased interest we have also seen interest in lengthening the season. This year we are proposing a nine-day early teal season which will encompass two weekends, one of which is a holiday weekend. Meaning this season could potentially include five days where hunters have off of work out of the nine-day season.

Under the federal framework for duck hunting, the USFWS is allowing Wisconsin no more than one pintail per day in the bag limit. The pintail bag limit was two daily during the 2018 season.

Under the federal framework for duck hunting, the USFWS is allowing Wisconsin no more than two black duck per day in the bag limit. Wisconsin has traditionally been conservative on our black duck bag limit due to potential misidentification between black ducks and hen mallards. All other states in the Mississippi Flyway are currently at a daily bag limit of two black ducks per day and after reaching out with other states in our region, the WDNR feels there is little concern that increasing the black duck bag limit to two will negatively impact our local mallard population.

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 April 2019 and various interest groups may be contacted. No fiscal effects on small businesses, their associations, or local governments are anticipated.

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

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A notice for solicitation of comments on this analysis will be posted on the department's website during a 10 day period in April 2019 and various interest groups, including local governments, may be contacted.

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.

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.

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.

17. Compare With Approaches Being Used by Federal Government

Migratory game bird hunting is regulated by the United States Fish & Wildlife Service (USFWS), in 50 CFR part 20. Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually through the USFWS regulations process. As part of the federal rule process, the service annually evaluates migratory game bird populations and breeding habitat in cooperation with state provincial agencies and the Canadian Wildlife Service. After considering recommendations from the flyway councils of states and the guidance of cooperatively developed harvest strategies, the USFWS establishes annual frameworks within flyway or bird populations regions. States can then establish hunting seasons within the sideboards for each species and region.

None of the provisions of this rule conflict with the federal framework.

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

The department establishes migratory game bird hunting seasons based on a federal framework that is presented to Wisconsin by the US Fish & Wildlife Service. Because of the federal guidelines, Wisconsin's regulations are similar to those in neighboring states

19. Contact Name

Scott Karel, Wildlife Regulation Policy Specialist,

20. Contact Phone Number

608-267-2452

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ATTACHMENT A

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)

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

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:

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
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