

Report to
Legislative Council Rules Clearinghouse
NR 10 Wis. Adm. Code
Natural Resources Board Order No.
WM-02-17

Wisconsin Statutory Authority

Chapter 29 of the Wisconsin Statutes addresses the department's authority with respect to wild animals and plants. Section 29.014, Stats., confers broad rule-making authority to the department to "establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping. This grant of rule-making authority allows the department to promulgate rules related to migratory game bird hunting.

Additional rule-making authority is found in s. 29.192, Stats., which enables the department to regulate the harvest of Canada geese.

Federal Authority

Under international treaty and Federal law, migratory game bird seasons are closed unless opened annually via the U.S. Fish and Wildlife Service (USFWS) regulations process. As part of the Federal rule process, the USFWS proposes a duck harvest-management objective that balances hunting opportunities with the desire to achieve waterfowl population goals identified in the North American Waterfowl Management Plan (NAWMP). Under this harvest-management objective, the relative importance of hunting opportunity increases as duck populations approach the goals in the NAWMP. Thus, hunting opportunity would be maximized when the population is at or above goals.

The proposed modifications included in this rule order are consistent with the parameters and guidelines which are annually established by the USFWS in 50 CFR 20.

Comparison with Adjacent States

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 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.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

These rules will modify the Canada goose hunting season in the Horicon Canada goose management zone consistent with options available under the federal framework for Wisconsin in 2017. Prior to 2016 there were two permit periods and hunters were required to select one and were limited to hunting in only one of the periods. This served to distribute hunting pressure and improve the quality of hunting opportunities in an era when interest in Horicon area goose hunting was significant and there was a great deal of hunting pressure. For the first time in 2016, the department determined that the regulation is no longer

needed because Canada geese are now distributed much more widely across the state and hunting pressure is no longer focused as heavily in the Horicon area. Eliminating the two permit periods in favor of a single, continuous hunting season will simplify hunting regulations and increase hunting opportunities.

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 previous season.

Agency Procedures for Promulgation

The department will hold a hearing on May 2, 2017 at 11:00 a.m. in room 608 of the Natural Resources State Office Building (GEF-2), 101 South Webster St., Madison, 53707. The hearing will be followed by board adoption during summer 2017 followed by a request for the governor's signature and legislative review.

Description of any Forms

None.

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