

Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item

**SUBJECT:**

Request that the Board adopt emergency Board Order WM-04-15(E), proposed rules affecting Ch. NR 10 related to establishing an early teal season and modifications to the mourning dove hunting season.

**FOR: June 2015 Board meeting**

**PRESENTER'S NAME AND TITLE:** Kent Van Horn, Migratory Bird Specialist

**SUMMARY:**

The department proposes an early teal season in Wisconsin for 2015 that would begin on September 1 and continue through September 7. Only blue-winged and green-winged teal could be harvested. The daily bag limit would be 6 teal. Shooting hours on opening day begin at 9 am and close at 7 pm. Shooting hours from September 2 through 7 will begin at sunrise and close at 7 pm. This would be Wisconsin's second early teal hunting season.

This rule would also extend the mourning dove hunting season. At a 2014 meeting of about 20 states that are part of the Eastern Dove Management Unit, a recommendation was approved to increase the dove hunting season from 70 to 90 days across the management unit.

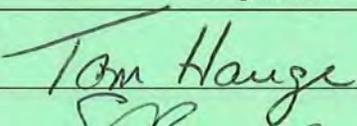
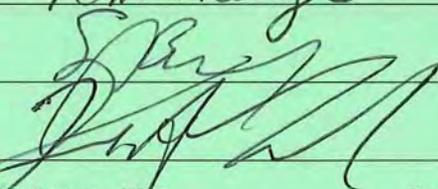
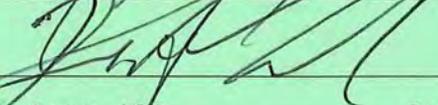
For over 40 years, several states in the southern part of the Mississippi Flyway have been offered an additional duck hunting season for teal only when blue-winged teal populations were high but northern "production" states were excluded because of concern over mistaken harvest of mallards in an early duck season in the nesting region for mallards. Wisconsin waterfowl hunters have questioned this historic decision and asked the Department to continue to explore opportunities for Wisconsin. As a result of these efforts, the USFWS offered an early teal season to the production states (WI, MN, MI and IA) for the first time in 2014 following an assessment of the harvest potential for teal which suggests that the teal population can sustain much higher harvest than it has experienced in recent years.

Blue-winged teal are an early migrating bird whose numbers may be low or declining due to migration from the state when the normal duck seasons begin at the end of September or early October. Many hunters are likely to appreciate the opportunity to hunt this species earlier during the fall season when they may be more abundant.

**RECOMMENDATION:** That the Board adopt emergency Board Order WM-04-15(E).

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- background memo
- Fiscal estimate and economic impact analysis (EIA) form
- Response summary
- Attachments to background memo
- Environmental assessment or impact statement
- Board order/rule

Approved by	Signature	Date
Tom Hauge, Bureau Director		6/8/15
Sanjay Olson, Division Administrator		6/10/15
Cathy Stepp, Secretary		6/10/15

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

## CORRESPONDENCE/MEMORANDUM

DATE: June 1, 2015

TO: Natural Resources Board Members

FROM: Cathy Stepp

SUBJECT: Request Adoption of Board Order WM-04-15(E)

I am requesting Natural Resources Board adoption of the proposed 2015 Early Teal season and modifications to the mourning dove hunting season, board order WM-04-15(E)

**Summary of the rule**

In 2014, Wisconsin was offered its first ever early teal duck hunting season by the US Fish and Wildlife Service (USFWS) for a three year experimental period. The Natural Resources Board approved this experimental season and an MOU was established between the USFWS and the department to conduct and monitor the season.

The 2015 season is the second year of this three year experiment so the season framework will be the same as in 2014 and includes; season dates of September 1 to 7, only blue and green-winged teal can be harvested, daily bag limit of 6, and shooting hours beginning at 9 am on the first day, sunrise for the remaining six days, and a 7 pm close of shooting hours.

For 2015, the mourning dove season will run from September 1 through November 29.

In most years the "early season" migratory game bird seasons do not require changes or Board approval. However, in 2014 there were two federal changes which required state approval; extend the mourning dove season from 70 to 90 days and implement a new early teal duck hunting season. To implement these changes in 2014 and 2015 requires a state emergency rule because of the timing of the federal process and because the state legislature would not have reviewed a permanent rule last summer, an even numbered year..

**Background:**

Wisconsin has over 130,000 registered migratory game bird hunters (waterfowl, dove, woodcock). All migratory game birds are managed under international treaty and federal law. The US Fish and Wildlife Service (USFWS) is the federal agency with management authority for migratory game birds and each year they prescribe the outside limits (season length, bag limit etc.) within which cooperating state wildlife agencies can establish hunting seasons. Each year, all migratory game bird hunting seasons are officially closed at the federal level until specifically opened via regulatory process. The USFWS process includes 2 separate regulations development schedules based on early and late hunting season regulations. The late seasons are those that begin on or near October 1 and include our regular duck and goose hunting seasons. The early seasons are those that begin earlier in September and include doves, early teal, early Canada goose and woodcock seasons. Normally there are no significant changes to the early seasons within Wisconsin so annual rule making is not necessary while changes to the late seasons occur annually. However, in 2014, the USFWS offered 2 significant proposed changes to early migratory bird hunting seasons; the addition of 20 days to the mourning dove hunting season and the creation of an early teal duck hunting season.

Doves

Mourning doves are managed in 3 managed units by the USFWS. Wisconsin is part of the Eastern Management Unit (EMU) which includes all the states east of the Mississippi River and Louisiana. Previously, Wisconsin had implemented a 70 day mourning dove hunting season with a 15 bird daily bag limit from September 1 – November 9 according to the framework established by the USFWS for the EMU. Since initiation of dove hunting in Wisconsin in 2003 about 10,000-15,000 hunters have harvested about 100,000 doves annually with most harvest occurring in the first 2-3 weeks of the season. During this period, the dove population has experienced an increasing growth trend of about 0.5% annually. After harvest and population analysis, a recommendation was made to increase the EMU dove season framework from 70 to 90 days. The department proposed and initiated a dove hunting season from September 1 – November 29 in 2014 consistent with new federal frameworks and this season length is being proposed again in 2015.

#### Early teal

In 2014 the USFWS offered a **3 year experimental** early teal duck hunting season for the states of Minnesota, Wisconsin, Michigan and Iowa in addition to the existing early teal season framework traditionally available to the other 10 states in the Mississippi Flyway. Under this framework, states were offered a 16 day, 6 bird daily bag limit duck hunting season during September in which only teal (blue-winged and green-winged teal) could be harvested.

In the 1960's states were offered the opportunity to hold experimental teal seasons and were required to evaluate the seasons by monitoring hunter ability to harvest only teal species in this September season. The results were mixed with some states like Wisconsin electing not to participate, some states meeting the established criteria for non-teal harvest attempts and others experiencing hunter performance below USFWS minimum compliance levels. After a series of administrative evaluations and discussion, the USFWS decided to offer an operational teal season to the 10 "nonproduction" states to our south and not the 4 northern "production" states. Production in this case meant that the 4 northern states had considerable breeding populations of non-teal duck species (mallards primarily) which might be mistakenly harvested during an early teal season. For many years, some Wisconsin duck hunters have questioned this decision and regularly asked department biologists to request the USFWS provide an early teal season for Wisconsin. Over time, there were variations to the teal season offered to some states in the country and additional states added to the list of early teal season states. The framework thresholds for early teal seasons are; a 9 day teal season is offered when the continental blue-winged teal population is over 3.3 million and a 16 day season when the continental blue-winged teal when the population is over 4.7 million. The continental blue-winged teal population has been over 5.8 million for the last 8 years. Recent high teal populations led states to request additional teal hunting days and higher bag limits. A team of state and federal waterfowl biologists conducted a 3 year assessment beginning in 2009 and concluded that most early teal season harvest was blue-winged teal and that the continental blue-winged teal population could sustain more than twice the current harvest level. In response to this assessment, the USFWS increased the daily bag limit for states with existing teal seasons from 4 to 6 in 2013 and they indicated they would work with the 4 production states to evaluate the potential for new early teal seasons in those states.

#### Evaluation of the 2014 early teal season

In 2014, the USFWS offered the 4 production states an early teal season and Iowa, Michigan and Wisconsin accepted the season. The USFWS required the 3 experimental states to conduct field monitoring to measure hunter compliance with attempting to harvest only teal species. Following Board approval in 2014, Department staff used multiple communication methods to inform and educate hunters about the teal hunting season opportunity. A website with early teal season

information and a duck identification slide show was viewed 37,800 times prior to the season and 4303 people took the online duck identification test. A team of 28 wildlife biologists and wardens were trained and deployed around the state to conduct representative monitoring of early teal season hunters. Forty four hunts were successfully observed with 86% of the parties being in complete compliance with the regulations, 7% appeared to be trying to follow the regulations but made mistakes and about 7% of the hunters appeared to be individuals that were either very careless or simply had no intention of following the regulations since they appeared to be indiscriminately shooting at most birds that flew within range regardless of species. The Wisconsin results were well within federal requirements and the USFWS required teal season observations for the 3 new states to be evaluated in a combined data set so together Wisconsin, Iowa and Michigan observed 160 hunting parties that had only a 6.3% non-teal harvest attempt rate.

**Previous Public Input:**

Because the 2015 season will be the second year of a three year trial period and nearly identical to the 2014 season framework, the department is relying on extensive public involvement conducted in 2014 as the basis for this year’s hunt.

In 2014, department staff worked with the USFWS and the 3 other production states to evaluate the opportunity for an early teal season and a monitoring plan. At the same time, department staff began sharing this potential with the public and evaluating the desires of Wisconsin duck hunters for this early teal season prior to receiving clear guidance from the USFWS. We heard a mixed reaction to the idea of an early September teal season. Those who were in favor of the season discussed the additional hunting opportunity and the chance to harvest blue-winged teal before they migrate south which is often before the regular duck season opens. Those who did not favor a season were concerned that hunters would not be able to correctly identify the ducks and harvest non-teal species, that this early season would disrupt the fall staging behavior of ducks and detract from the regular duck season opener. There was also consistently a group of waterfowl hunters in each venue who had not decided whether or not it was a good idea. In public meetings and advisory committees, a variety of suggestions such as a season length of several days and shooting hours during full daylight conditions as ways to mitigate some of the concerns over poor identification and negative impacts on the regular duck season.

Table 1. Early teal season public input opportunities

<b>Early Teal Public Involvement</b>		
<b>Date</b>	<b>Meeting</b>	<b>Location</b>
July 2013	Lacrosse Co. Conservation Alliance Meeting	Lacrosse, WI
August 2013	Summer Waterfowl Season Meetings and Public Hearings	Stevens Point, Lacrosse, Rice Lake, Appleton, Pewaukee, WI
August and December 2013	Wisconsin Conservation Congress - Migratory Committee Meetings	Stevens Point, WI
January 24-25, 2014	Ducks Unlimited State Convention	Green Bay, WI
February 15, 2014	Wisconsin Wildlife Federation Meeting	Stevens Point, WI
March 1-2, 2014	Wisconsin Waterfowl Hunters Conference (2 Teal Breakout Sessions)	Wausau, WI
April 2014	Results from mail survey to waterfowl hunters	Statewide mailing to 1000 randomly selected hunters

May 5, 2014	Green Bay Duck Hunters Meeting	Green Bay, WI
May 9, 2014	Wisconsin Conservation Congress - Migratory Committee	Wausau, WI
May 12, 2014	Migratory Game Bird Committee Meeting	Portage, WI
June 2-5, 2014	Early Teal Season Public Hearings	Lacrosse, Rice Lake, Appleton, Pewaukee, WI

**Department Proposal and Public Comment:**

The outside limits of a teal season under the federal framework are a maximum of 16 days, 6 bird daily bag limit and shooting hours that do not start before sunrise. The state can select season parameters less than these maximums. Based on the public input received in 2014, the department proposed the following for an early teal season during the three year trial period:

- o September 1-7 dates
- o Only blue-winged and green-winged teal can be harvested
- o Daily bag limit of 6 teal
- o Shooting hours on opening day begin at 9 am and close at 7 pm
- o Shooting hours from September 2-7 begin at sunrise and close at 7 pm

This proposal takes into consideration the new opportunities that some hunters were excited about, the concerns related to this new season by other hunters, and the wide range of suggestions offered by the public. For 2015, the department also has the benefit of being able to evaluate the 2014 season.

In 2014, information on the teal and dove season proposals, methods to provide comments and the public hearings were distributed to over 20,000 individuals on our waterfowl and dove GovDelivery email lists, to partner organizations such as Wisconsin Waterfowl Association who in turn shared it with their members, and communicated in a statewide press release.

Based on a majority of the individual and group comments supporting the early teal season proposal and the additional dove hunting days, the department recommends adoption of the original proposal outlined above. This represents a reasonable compromise among the different opinions expressed, is responsive to expressed concerns about duck identification by reducing low light hunting hours and will allow the department to evaluate this new experimental season for the next 3 years as offered by the USFWS.

**Rule Development:**

These rules were developed with assistance from the bureaus of law enforcement, legal services, Science Services, and Customer Service.

**Small Business and Regulatory Flexibility Analysis:**

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. 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.

**Economic Impact of Proposed Rules**

The department has determined that these rules will have no economic impact locally or statewide because they do not represent a significant change from the rules in effect in previous seasons.

A copy of the economic and fiscal impact analysis is attached as part of this agenda item.

**Effect on Existing Policy:**

All of the policies in this proposed rule are consistent with past board policies of regulating fish and game harvest for conservation purposes.

**Previous Board Action:**

The statement of scope for this rule, SS 020-14, was approved by the Governor on March 26, 2015, published in Register No. 712A1, on April 6, 2015, and approved by the Natural Resources Board on May 27, 2015.

**Groups Impacted by the Rule:**

Migratory bird hunters are the principal groups that will be affected by this rulemaking.

**Environmental Analysis:**

The rulemaking process for Board Order WM-01-15 constitutes an equivalent analysis action under s. NR 150.20 (2) (b), Wis. Adm. Code and additional environmental analysis is not required.

## ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original     Updated     Corrected

Administrative Rule Chapter, Title and Number

Ch. NR 10, Game and Hunting. Board Order WM-04-15(E)

Subject

Establishing an early duck season for teal-only and the hunting regulations for teal and mourning doves.

Fund Sources Affected

GPR     FED     PRO     PRS     SEG    SEG-S

Chapter 20, Stats. Appropriations Affected

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect  
 Indeterminate

Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs  
 Could Absorb Within Agency's Budget  
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes     No

Policy Problem Addressed by the Rule

The species of primary interest to duck hunters, blue-winged teal, are an early migrating bird whose numbers may be low or declining in Wisconsin when the normal duck seasons begin at the end of September or early October. Many hunters are likely to appreciate the opportunity to hunt this species earlier during the fall season, possibly prior to migration out-of-the-state, when they may be more abundant.

The department proposes an early teal season in Wisconsin for 2015 that would begin on September 1 and continue through September 7. Only blue-winged and green-winged teal can be harvested. The daily bag limit would be 6 teal. Shooting hours on opening day begin at 9 am and close at 7 pm. Shooting hours from September 2 through 7 will begin at sunrise and close at 7 pm.

This rule would also extend the mourning dove hunting season. At the February, 2014 meeting of about 20 states that are part of the Eastern Dove Management Unit, a recommendation was approved to increase the dove hunting season from 70 to 90 days across the management unit. The additional 20 days will result in an increase in hunting opportunity that some hunters will appreciate. However, these days will be at a time of the year when many other hunting seasons are also open. As a result, the additional hunting opportunity may not result in a significant amount of hunting effort focused primarily on mourning doves.

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)

Because these are emergency rules the department is not required to offer a comment period on this economic analysis. The department will hold a comment period pursuant to Governor's Executive Order 50, Section IV, when permanent rules are promulgated. Fiscal impacts on the department are also summarized in this analysis.

Economic Impact

A September season for hunting teal-only will be a new opportunity for Wisconsin hunters and it will result in an increase in the richness and diversity of hunting activities that people enjoy. It is likely to result in an increase in the amount of hunting activity that occurs at this time of year and the resulting incidental expenditures of hunters. However, the amount of increased activity may be limited and cannot accurately be anticipated prior to having experience with this new opportunity. A factor that may result in none or a very limited economic impact is that the hunting season for other migratory birds, Canada geese and mourning doves, are already established and will be open concurrently with the proposed teal season. Early September is considered the best time for hunting mourning doves. A certain amount of hunting during the early teal-only season may be by hunters who would otherwise have been hunting doves or geese and this teal hunting would not be considered new activity or related spending.

The additional 20 days of mourning dove hunting proposed in these rules will result in an increase in hunting opportunity that some hunters will appreciate. However, these days will be at a time of the year when many other highly anticipated hunting seasons are also open. As a result, the additional hunting opportunity may not result in a significant amount of hunting effort focused primarily on mourning doves, nor related expenditures by hunters or resulting economic impacts.

Both dove and teal hunters are likely to be people who already participate in those activities during the existing seasons. Dove and teal hunters are not likely to need to purchase new gear or durable goods such as boats, shotguns, or decoys.

Because the hunting season frameworks proposed in this rule will be comparable to those in place during previous seasons, no economic impacts are anticipated. 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 USFWS does require states to observe hunter behavior in the field to observe whether they shoot at non-teal ducks during the teal only season. If the number of attempts to shoot non-teal ducks is too high then we will fail the experiment. The department anticipates that these observation efforts can be absorbed within the department's current budget. Though an undetermined amount of staff time will be needed to meet this federal requirement, this staff time will be accounted for by re-prioritizing work duties. The department will not hire new employees or be requiring additional hours of work.

Other regulations modified by this proposal will not require significant changes to past practices or procedures and will also have no fiscal impact.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The species of primary interest to duck hunters, blue-winged teal, are an early migrating bird whose numbers may be low or declining in Wisconsin when the normal duck seasons begin at the end of September or early October. Many hunters are likely to appreciate the opportunity to hunt this species earlier during the fall season, possibly prior to migration, when they may be more abundant.

The new teal and dove hunting opportunities will both contribute to the presence of excellent hunting opportunities which are enjoyed by outdoor enthusiasts.

Additional alternatives which were evaluated in preparation of these rules were to adopt a full 16 day season, which is an option offered by the United States Fish and Wildlife Service, and to decline to hold a season. This seven day season represents a compromise between two opinions commonly expressed during public participation in rule development; that Wisconsin should take full advantage of new hunting opportunities, and that Wisconsin should not hold an early teal season because it could result in incidental harvest of other duck

species or have an impact on duck hunting which occurs later in the fall season.

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.

Compare With Approaches Being Used by Federal Government

Annually the department establishes migratory game bird hunting seasons based on a federal framework that is presented to Wisconsin by the US Fish & Wildlife Service. This proposal takes advantage of the new opportunities offered under the federal framework but the seven day teal-only season does represent a compromise between people who are opposed to a teal season and those who would prefer the full 16 day season.

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.

Name and Phone Number of Contact Person

Scott Loomans, Wildlife Regulation Policy Specialist, 608-267-2452.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING AND CREATING RULES**

The statement of scope for this rule, SS 020-14, was approved by the Governor on March 26, 2015, published in Register No. 712A1, on April 6, 2015, and approved by the Natural Resources Board on May 27, 2015.

The Wisconsin Natural Resources Board proposes an order to amend Ch. NR 10.01 (b) and 10.06 (5); and to create NR 10.01 (1) (a) and 10.06 (5) (a), related to establishing an early duck season for teal-only and the hunting regulations for teal and mourning doves.

WM-04-15(E)

Analysis Prepared by the Department of Natural Resources

**Statutory Authority:** The chapter related to wild animals and plants, in s. 29.014 Stats., “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to promulgate rules related to migratory game bird hunting.

Wisconsin’s boundary waters with other states are popular waterfowl hunting locations. Specific authority to regulate hunting in and on all interstate boundary waters and outlying waters is established in s. 29.041 Stats.

Sections 23.11 and 29.014, Stats., allow for the protection of natural resources on state lands such as migratory bird refuges, establish general department powers, and authority to establish hunting and trapping regulations on department managed lands.

**Statutes Interpreted and Explanation of Agency Authority:** In promulgating these rules, statutes being interpreted or establishing agency authority include ss. 23.11, 29.014 and 29.041,

The emergency rule making process is established in s. 227.24, Stats.

**Related Statute or Rule:** In 2015, the department will promulgate two emergency rule orders establishing the migratory bird hunting seasons and regulations. This rule order will establish the season and regulations for an early teal-only season and extend the mourning dove hunting season. These seasons are part of the federal “early migratory bird season framework” and the United States Fish and Wildlife Service needs to be informed of the State of Wisconsin Natural Resources Board decision on these seasons in June. The other emergency rule, WM-05-15(E), is part of the “late migratory bird season framework” and will establish all other 2015 migratory bird hunting seasons and regulations, a rule which is promulgated annually by the department following establishment of a federal season framework by the service. Adoption of two separate orders is needed because there are two different times when the service needs to be informed of Wisconsin’s season selections.

Final promulgation of both orders will occur simultaneously with publication in the state paper in late August, prior to the September 1 opening day of several of the seasons being established. Both of these emergency rulemaking processes are necessary to have regulations in place for the fall hunting season while following the federal and state rule procedures.

Permanent Board Order WM-06-15 is the rule order that will permanently establish the provisions of both emergency rules in Administrative Code.

**Plain Language Analysis:** SECTION 1 of this rule order establishes a seven day season beginning on September 1 and a six bird daily bag limit for a new, teal-only hunt. The teal-only season will occur prior to the youth duck season and the normal season for hunting all varieties of ducks.

SECTION 2 extends the mourning dove hunting season from the current 70 to 90 days.

SECTIONS 3 and 4 establish that the hunting hours for teal during the teal-only season shall begin at 9:00 a.m. on the first day and sunrise on following days. Hunting will end at 7:00 p.m. each day. The hunting hours for other migratory birds such as mourning doves or Canada geese are not modified by these rules.

**Summary of, and Comparison with, Existing or Proposed Federal Regulations:** 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 these parameters and guidelines which are annually established by the USFWS in 50 CFR 20.

**Comparison with Rules in 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 an individual migratory population of migratory game birds. 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.

**Summary of Factual Data and Analytical Methodologies:** The department annually promulgates emergency rules establishing the same year's migratory bird hunting regulations. The emergency rule is necessary because migratory game bird hunting is regulated by the United States Fish & Wildlife Service which offers a final season framework to Wisconsin within months of the possible opening days each year. This timeframe does not allow for promulgation of a permanent rule prior to the hunting season. The department will promulgate permanent rules so that information related to zones, tagging requirements for geese, and other regulations remain relatively current. However, season dates and bag limits established in the administrative code reflect prior season frameworks and the permanent rule may not contain current information.

The species of primary interest to duck hunters, blue-winged teal, are an early migrating bird whose numbers may be low or declining in Wisconsin when the normal duck seasons begin at the end of September or early October. Many hunters are likely to appreciate the opportunity to hunt this species earlier during the fall season, possibly prior to migration, when they may be more abundant.

In the 1960s the US Fish and Wildlife Service (USFWS) allowed states to experiment with an early duck season that offered additional duck hunting days outside of the regular duck season framework. Hunters were restricted to shooting only teal; blue-winged and green-winged teal; but the focus in the Mississippi Flyway was primarily the early migrating blue-winged teal. This "experimental season" was intended to measure whether hunters could successfully distinguish between duck species and what the impact was on non-teal ducks. The results were mixed and after debate among state and federal agencies involved, the decision was made that the "production" states (WI, MN, MI and IA) within the Mississippi Flyway would not be allowed an early teal season. However, when blue-winged teal seasons were high, "nonproduction" states would be offered an operational early teal season. "Production" refers primarily to whether a state is a major breeding area for mallards and other ducks.

The continental population of blue-winged teal has grown in recent years and a harvest assessment concluded that teal could sustain higher harvest beyond that incurred during the regular duck season and the existing early teal seasons. Following a series of meetings and recommendations among states and the USFWS, it was decided that the 4 production states would be offered a 3 year experimental teal season. It is very important to understand that this is an experimental season and that the results of the experiment will determine if a state is granted an operational early teal season. The USFWS requires states to observe hunter behavior in the field to observe

whether they shoot at non-teal ducks during the teal only season. If the number of attempts to shoot non-teal ducks is too high then we will fail the experiment.

Based on the public input and staff analyses, the department proposes an early teal season in Wisconsin for 2015 that would begin on September 1 and continue through September 7. Only blue-winged and green-winged teal can be harvested. The daily bag limit would be 6 teal. Shooting hours on opening day begin at 9 am and close at 7 pm. Shooting hours from September 2 through 7 will begin at sunrise and close at 7 pm.

This rule would also extend the mourning dove hunting season. At the February, 2014 meeting of about 20 states that are part of the Eastern Dove Management Unit, a recommendation was approved to increase the dove hunting season from 70 to 90 days across the management unit. The additional 20 days will result in an increase in hunting opportunity that some hunters will appreciate. However, these days will be at a time of the year when many other hunting seasons are also open. As a result, the additional hunting opportunity may not result in a significant amount of hunting effort focused primarily on mourning doves.

**Anticipated Private Sector Costs:** These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no costs are associated with compliance to these rules.

**Effects on Small Business:** These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have an economic impact on a substantial number of small businesses under s. 227.24(3m) Stats.

**Agency Contact Person:** Kent Van Horn, 101 S. Webster St., PO BOX 7921, Madison, WI 53707-7921.  
[kent.vanhorn@wisconsin.gov](mailto:kent.vanhorn@wisconsin.gov) (608) 266-8841

**Deadline for Written Comments:** The deadline for written comments is June 22, 2015.

**SECTION 1. NR 10.01 (1) (a) is created to read:**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
NR 10.01 (1) (a) <i>Teal species</i>	Entire state	Sept. 1 to 7	6 teal.	Three times the daily bag limit through the entire season except opening day when it is the same as the daily bag limit and the second day, when it is twice the daily bag limit.

**Section 2. NR 10.01 (b) is amended to read:**

Kind of Animal	Locality	Open season (all dates inclusive)	Daily Bag Limit	Possession Limit
10.01 (1) (h) <i>Mourning dove</i>	Entire State	Sept. 1 – <del>Nov. 9</del> <u>Nov. 29</u>	15	45

**Section 3. NR 10.06 (5) is amended to read:**

**NR 10.06 Hunting hours. (5) HUNTING HOURS.** Hunting hours for bear, bow deer, deer with firearms, elk and small game are 30 minutes before sunrise through 20 minutes after sunset. Hunting hours for migratory game birds are 30 minutes before sunrise to sunset except during a duck season for hunting teal only when the hunting hours for teal are as established in par. (a) . All waterfowl hunting starts at 9:00 a.m. on the first day of the duck hunting season established in ~~s. NR 10.01 (1) (b)~~ ss. NR 10.01 (1) (a) and (b). The department shall establish the specific opening and closing times annually in the hunting regulations pamphlets. Opening and closing times for zone A southern and northern areas shall be based on astronomical data collected by the U.S. naval observatory, Washington D.C., 20392-5420 for Sheboygan, Wisconsin and Powers, Michigan, respectively. The hunting hours for the other zones shall be obtained by adding minutes to the Zone A a.m. and p.m. columns as follows:

<b>Zone</b>	<b>Adjustment</b>
B - - - - -	Add 4 minutes
C - - - - -	Add 8 minutes
D - - - - -	Add 12 minutes
E - - - - -	Add 16 minutes
F - - - - -	Add 20 minutes

**Section 4. NR 10.06 (5) (a) is created to read:**

NR 10.06 (5) (a) The hours for hunting teal during a season for teal species only shall be sunrise through 7:00 p.m.

**SECTION 5. FINDING OF EMERGENCY.** 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 late July 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.

**SECTION 6.** This rule shall take effect upon publication in the Wisconsin state paper pursuant to s. 227.24(1)(c).

**SECTION 7. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Cathy Stepp, Secretary

(SEAL)