

WYOMING GAME AND FISH COMMISSION

STATEMENT OF REASON

CHAPTER 14 LATE MIGRATORY GAME BIRD HUNTING SEASONS

W.S. §23-1-302(a)(i) directs and empowers the Commission to fix seasons and bag limits, shorten or close seasons on any species or sex of wildlife for any type of legal weapon, except predatory animals, predacious birds, protected animals, and protected birds, in any specified locality of Wyoming, and to give notice thereof.

In March each year, the Department prepares alternative regulations for late migratory game bird hunting seasons to present at the public meetings. The alternatives are based upon two season frameworks defined under Adaptive Harvest Management – moderate and liberal. Specific to this year (2009), the Department also prepared standard and “Hunter’s Choice” versions of the moderate and liberal frameworks for the Central Flyway portion of Wyoming. The 2008-09 hunting season was the third and final year of the “Hunter’s Choice” experiment, however it was not known whether the Central Flyway Council and the USFWS would continue the Hunter’s Choice option or revert to the standard regulatory framework. The Department did not seek approval of a specific framework at the April Commission Meeting because the USFWS does not set the final waterfowl seasons until much later in the summer after population data and waterfowl breeding conditions have been analyzed. The public review process for the federal framework also extends into late summer.

On July 29, 2009, the Service Regulations Committee (SRC) met and selected the liberal framework for the 2009-2010 late migratory game bird hunting season. In addition, the Central Flyway Council did not endorse Hunter’s Choice as an available regulatory option in 2009-10. Regulations adopted by the Commission shall be no less restrictive than regulations governing the taking of migratory game birds adopted by the United States Fish & Wildlife Service, in order that State regulations do not conflict with Federal regulations. Therefore, the liberal, standard regulatory framework version of Chapter 14, with changes reflecting specific internal bag restrictions approved at the July 29 SRC meeting, was provided for Commission action in the form of an emergency regulation. An emergency regulation was necessary because the final federal framework was not announced in sufficient time to promulgate a final regulation at the Commission meeting on August 5-7, and Chapter 14 must be approved prior to the September 9-10 Commission Meeting in order that regulations can be printed and distributed before the first opening date of the late migratory bird hunting seasons (youth hunt day) on September 19. An Emergency rule was approved in August, 2009. This regulation will be finalized at the November 19-20, 2009 Commission Meeting.

The following additional changes were made to the version of Chapter 14 that was presented at public meetings earlier in the year and that were made in the Emergency Rule:

Section 4(e)(ii)

- The closed season on canvasbacks is removed. A daily bag limit of 1 canvasback is allowed during the full 107-day duck season in the Pacific Flyway.
- The daily bag limit on pintails is increased from 1 to 2 during the full 107-day season duck in the Pacific Flyway.
- The daily bag limit on scaup is increased from 2 to 3 during a shortened 86-day season within the Pacific Flyway.

Section 4(d)(iv)

- The closed season on canvasbacks is removed. A daily bag limit of 1 canvasback is allowed during the full 97-day duck season in the Central Flyway.
- The daily bag limit on wood ducks is increased from 2 to 3 during the full 97-day duck season in the Central Flyway.
- The daily bag limit on scaup is increased from 1 to 2 during the full 97-day duck season in the Central Flyway.