

Clearinghouse Rule 09-018

Report to
Legislative Council Rules Clearinghouse
NR 19, 20 and 24, Wis. Adm. Code
Natural Resources Board Order FM-01-09

Wisconsin Statutory Authority

ss. Sections 29.014(1), 29.039, 29.041, 29.053, 29.537 and 227.11(2)(a), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None.

Analysis of the Rule – Rule Effect – Reason for the Rule

The Department of Natural Resources annually prepares a package of administrative rule that updates regulations relating to fishing and clamming in Wisconsin inland, outlying, and boundary waters. The proposals contained in this rule originate from the recommendations of department staff, members of the Conservation Congress, and members of the public. The proposed rules will:

1. Allow the department to conduct criminal history background checks on individuals that want to serve as department sponsored volunteer angler education instructor or a mentor as part of a department sponsored or approved learn-to-hunt program. These instructors often and primarily serve as instructors for youth. This proposal would also remove the condition that a mentor for fishing programs may not serve as a mentor for more than 3 anglers and clarify that the applicant, instructors and mentors need to possess a valid fishing license. This will also reduce the 30 day advanced notice for applications for fishing programs to 15 days.
2. Correct an administrative error which was included in the recently adopted rules regarding minnow harvest and possession, as related to concerns regarding containing the spread of Viral Hemorrhagic Septicemia.
3. Clarify legality of using a small remote controlled boat or similar device with a piece of line and hook attached for the purpose of catching fish in Wisconsin. Our interpretation of the law is that these devices when used for fishing, if not tethered back to the boat, pier or shore where the person operating it is located, is not allowed under our "jug-fishing" rule in NR 20.06(10).
4. Clarify that either a small game license or a fishing license is sufficient approval for a person older than 16 to take crayfish in Wisconsin.
5. Clarify boundaries of large rivers and their tributaries.
6. Repeal the barbless hooks requirement for early trout season.
7. Prohibit collection of live mussels or dead shell from the St. Croix River National Scenic Riverway, and eliminate commercial mussel harvest in the St. Croix River where it forms the boundary between Wisconsin and Minnesota (the activity is already prohibited by National Park Service rules), and in the St. Louis River where it forms the boundary between Wisconsin and Minnesota.
8. Set a minimum length restriction for walleye in Upper Clam lake (Ashland county) of 15 inches.

9. Increase the minimum length restriction for walleye in Beaver Dam lake (Barron county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish.

10. Create an annual open season for trout in Beaver, Little Star, Nymphia, and Overby (Blaisdell) lakes (Bayfield county), where the seasons in these lakes are currently closed every other year. The annual open season in the other waters will be between the first Saturday in May and September 30.

11. Remove the 14 inch minimum length restriction for largemouth and smallmouth bass in Lake 26 (Burnett county).

13. Extend the end of open season for trout in Anderson lake (Douglas county) from September 30 to the first Sunday in March.

14. Set a minimum length restriction for walleye in Bearskull, Fisher, Owl, and Upper and Lower Springstead lakes (Iron county) of 15 inches.

15. Increase the minimum size restriction for northern pike in Silver lake (Manitowoc county) from 26 to 32 inches and reduce the daily angler bag limit from 2 to 1.

16. Correct an administrative error which improperly lists the minimum length restriction for walleye in the Wisconsin river downstream from the St. Regis dam in Rhinelander (Oneida county) as none rather than 15 inches.

17. Increase the minimum length restriction for largemouth and smallmouth bass in Burrows lake (Oneida county) from 14 inches to 18 inches, and decrease the daily angler bag limit from 5 to 1.

18. Increase the minimum length restriction for walleye in Big Round lake (Polk county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish.

19. Replace the current 9 inch minimum length restriction for trout in Manley creek (Sauk county) with a 9 inch maximum size restriction. This rule will expire 10 years after implementation.

20. Increase the minimum size restriction for muskellunge in Big Sand, Kentuck, and Long lakes (Vilas county) from 34 inches to 50 inches.

21. Set a minimum size restriction for walleye in Dead Pike lake (Vilas county) of 18 inches, and reduce the daily angler bag limit from 5 to 3.

22. Remove the current 15 inch minimum size restriction for walleye in North Twin and South Twin lakes (Vilas county), but stipulate that walleye between 14 and 18 inches may not be kept and only 1 walleye larger than 18 inches may be part of an angler's 3 fish daily bag limit.

23. Increase the minimum length restriction for walleye in White Sand (T42 N R7E S27,) and Long lakes (Vilas county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish, and also correct an administrative error which improperly lists the closing date of the open angling season for walleye as March 1 rather than the first Sunday in March.

24. Add Regner (Washington county) and Foxbrook (Waukesha county) ponds to the state's urban fishing program, in which there would be a continuous open season but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April, and in which persons may possess 1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total, and an unlimited number of rough fish.

25. Correct an administrative error regarding bag limits for walleye, sauger, and their hybrids in Lake Winnebago. Current rules allow 5 walleye and 1 sauger or walleye/sauger hybrid, but the bag limit should be 5 walleye/sauger/ hybrids in total, only 1 of which may be a sauger or walleye/sauger hybrid.

Agency Procedures for Promulgation

Public hearings, followed by Natural Resources Board adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Joseph Hennessy, Treaty Fisheries Coordinator – (608) 267-9427
Tim Andryk, Bureau of Legal Services – (608) 264-9228

Submitted on February 17, 2009