

Report to
Legislative Council Rules Clearinghouse
NR 19, 20, 21, 22, and 23 Wis. Adm. Code
Natural Resources Board Order FH-18-09

Wisconsin Statutory Authority

ss. 29.014(1), 29.039, 29.405 (3), 29.053, 29.531 and, 29.533, Stats., interpreting ss. 29.014 (1), 29.039, 29.041, 29.405 (3) 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 is proposing changes to Administrative Code to correct errors and inconsistencies in sections relating to regulation of sport fishing. The proposals contained in this rule originate from the recommendations of department staff, and are minor and non-substantive.

1. Clarify that hoop nets may not be set within 200 feet of a fishway, lock, or dam, and that individuals may not use hook-and-line, setlines, or nets for taking turtles in a way or during any time when these methods are prohibited for fishing;
2. Clarify that the possession limit for trout from inland waters is 10 fish, and is separate from the possession limit for Great Lakes trout and salmon;
3. Clarify language governing the prohibition of tagging and releasing fish without a permit;
4. Resolve conflicts between state statute and administrative code regarding rules governing fishing with a bow and arrow. State statute provides that the department shall allow bowfishing at night wherever it is allowed during daylight hours in inland, outlying, and boundary waters;
5. Correct administrative errors which occurred during the drafting of rules regarding harvest of catfish from Winnebago system waters. There is a total daily bag limit of one flathead catfish, rather than 2, allowed from Winnebago system waters, and there is no closed season for channel catfish in these waters;
6. Clarify that dip netting and seining for cisco and whitefish are permissible at any time of day in Keyes lake (Florence county), Trout and Palette lakes (Vilas county), and in all other waters not specifically listed in the county and statewide table in s. NR 20.20, and also clarify that seining for smelt is permissible any time of day in Lake Superior;
7. Repeal code related to walleye harvest regulations in Enterprise lake (Langlade county). The code being repealed was improperly placed in the section for rules related to lakes in Lincoln county. The proper code related to walleye regulations in Enterprise lake already exists under the section related to rules for lakes in Langlade county;

8. Correct an omission which occurred in the implementation of rules which extended the open season for muskellunge in waters south of Highway 10 from November 30 to December 31. The later season-ending date applies to Winnebago system waters;
9. Correct the effective end date for bag limit adjustments made in the Wisconsin Ceded territory in response to tribal declarations and harvest, and correct inconsistency in language which applies to readjustments of bag limits after spring tribal harvest;
10. Clarifies license requirements for anglers fishing Wisconsin-Iowa boundary waters, and corrects the name of the boundary on the Wisconsin side of the Mississippi river; and
11. Correct omissions made during the implementation of rules governing harvest of lake sturgeon from Wisconsin-Michigan boundary waters. Rules which were adopted for inland waters also applied to these boundary waters, but the appropriate changes in code were not made.

Agency Procedures for Promulgation

A public hearing, 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 July 14, 2009