

Clearinghouse Rule 12-022

Report to
Legislative Council Rules Clearinghouse
NR 19, Wis. Adm. Code
Natural Resources Board Order No. FH-21-11

Wisconsin Statutory Authority

Pursuant to ss. 23.11(1), 29.014(1), 29.041, 30.62(1), and 227.11(2)(a), Wis. Stats., interpreting ss. 29.014(1), 29.041, and 30.62(1), Wis. Stats., the Department of Natural Resources will create s. NR 19.058, Wis. Adm. Code, in permanent rule Order FH-21-11, relating to requiring access to wire cutters when trolling in outlying waters.

Federal Authority

Not applicable.

Court Decisions Directly Relevant

None.

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

The Order prohibits persons from trolling with downriggers on outlying waters (Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor, and the Fox River from its mouth up to the dam at DePere, s. 29.001(63), Stats.) without direct and immediate access to a wire cutter or other device capable of severing any line pulled behind the boat.

The rule will require sport trollers on outlying waters to carry wire cutters for emergency release from entanglement with trap nets or other obstructions. This rule is pursuant to recommendations of the Natural Resources Board (NRB). Trap nets are fixed structures on the lake bottom that can pose a risk to sport trollers whose lures and downriggers can become entangled in the trap net ropes. This has been the subject of controversy and rule making over the past three decades. Current department policy reflects legislative intent to accommodate both sport and commercial fishing in the Great Lakes. In April 2011, the NRB approved permanent rule changes (FH-50-10, CR 11-008) related to the marking and placement of trap nets. The NRB also implemented these rules on an emergency basis so they would be in effect for the 2011 fishing season (FH-10-11E). As part of the emergency rule, there was also a requirement that sport anglers carry wire cutters sufficient to cut themselves free should a downrigger cable become snagged in a trap net or other obstruction. That requirement was not included in the permanent rules because it was outside of the scope of the original public hearings, but it is addressed by this rule proposal.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board final adoption, Governor's Office of Regulatory Compliance final approval, followed by legislative review

Description of any Forms (attach copies if available)

None

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