

Report From Agency

REPORT TO LEGISLATURE

NR 20 Wis. Adm. Code
Related to minor changes to fisheries administrative code.
Board Order No. FH-06-16

Clearinghouse Rule No. 17-051

Basis and Purpose of the Proposed Rule

The proposed rule addresses minor changes to administrative code relating to the regulation of fishing. The rule is being pursued to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The objectives are to:

- remove sections of code that are outdated or have been replaced by other statute or code changes,
- correct errors that occurred during the drafting of rules, and
- add or repeal language to clarify intent of original rules.

These rule changes are being pursued primarily at the request of fish biologists, conservation wardens, or others who discover mistakes in administrative code.

Summary of Hearing Comments

A public hearing was held on July 25, 2017, in Madison and no one attended.

Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

The department received a public comment related to Twin Valley Lake in Iowa County which has a one fish bag limit and 40-inch size limit for northern pike. The observation was that this is a non-standard regulation type and northern pike are not known to be present in the lake. In response, the department is now proposing to eliminate this special regulation so that the standard regulation for Southern Wisconsin will be in effect, a two fish bag limit and 26-inch size limit.

Additionally, the rule now clarifies that the trout size and bag limit for George lake/Spring Valley reservoir, located in St. Croix and Pierce counties, is the same as the bag and size limits for St. Croix County. Under current rules it is not clear which county's regulation applies.

A drafting error that created a continuous open season for walleyes at Door County's Kangaroo lake is corrected and the standard statewide game fish season is restored. Department staff were not aware of the continuous season, which was established unintentionally in a board order promulgated in 2006, and had not implemented it.

Finally, a provision that would have made trout and salmon fishing regulations on the Montreal River consistent with Michigan's regulations for this border water has been removed from this board order. For now, we are opting instead to keep this regulation consistent with most of

Wisconsin's regulations for streams that flow into Lake Superior. Trout and salmon fishing opportunities are very limited in this stretch of water.

Comments the department received from the Legislative Council Clearinghouse have been incorporated. The report is included with this green sheet package. The changes are organizational or remedial in nature.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was modified to reflect the changes described in the section above related to modifications following hearings and response to Legislative Council Rules Clearinghouse Report. The modifications will not result in any state fiscal impact and that analysis was not modified.

Final Regulatory Flexibility Analysis

These rules do not have a 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.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.