

Report to
Legislative Council Rules Clearinghouse
NR 20-23 and 25, Wis. Adm. Code
Natural Resources Board Order No. FH-16-18

Wisconsin Statutory Authority

Sections 29.014 (1), 29.041 and 29.053 (2), Wis. Stats. have been interpreted as authorizing the department to conserve the fish supply on waters of the state while continuing to provide good opportunities for fishing. Sections 29.405 and 29.406, Wis. Stats have been interpreted as authorizing the department to create rules regulating catfish harvest by bow, crossbow or by hand. Section 29.519 is interpreted as allowing the department to regulate commercial fish harvest. All rules promulgated under this authority are subject to review under ch. 227, Stats.

Federal Authority

No federal regulations apply. States possess inherent authority to manage the fishery and wildlife resources within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Registrar.

Comparison of Adjacent States

Minnesota and Iowa allow fishing for rough fish with a bow and arrow, but do not allow fishing for catfish with a bow and arrow, crossbow or by hand. Michigan allows rough fish and catfish harvest with a bow and arrow or crossbow, but hand fishing is not legal. In Illinois, all of these methods are legal for harvesting catfish. All neighboring states establish seasons, bag limits, size limits and closed areas for regulating the harvest of game fish.

Court Decisions Directly Relevant

No court decisions are relevant to this rule.

Analysis of the Rule - Rule Effect - Reason for the Rule

Catfish are a valued Wisconsin game fish, and closed seasons, bag limits, and size limits have been established for fishing with hook and line, setline and bank poles to ensure sustainable use. Under 2017 Act 297, taking catfish by hand is now allowed but no seasons, size or bag limits for this method of take are yet in place. In certain situations, including spawning and overwintering seasons, catfish will be very vulnerable to harvest using these new methods without additional harvest regulations.

The proposed rule creates bowfishing regulations for flathead and channel catfish that are similar to those currently in place for rough fish. The rule also establishes a season for fishing by hand for flathead and channel catfish, subject to bag limits, size limits, gear restrictions and other regulations. Prior to Act 297, Wisconsin did not have any statewide rules allowing the harvest of game fish by bow, crossbow or by hand, but rough fish could be harvested by bow and crossbow in most of the state and by hand on some waters.

Agency Procedures for Promulgation

The department will hold public hearings in March 2019 in Fitchburg, La Crosse and Oshkosh. The hearings will be followed by board adoption in May 2018 followed by a request for the governor's signature and legislative review.

Description of any Forms (attach copies if available)

No forms are required as part of this rule.

Name and Telephone Number of Agency Contacts

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