

Report to
Legislative Council Rules Clearinghouse
NR 20 to 23 and 26, Wis. Adm. Code
Natural Resources Board Order No. FH-19-18

Wisconsin Statutory Authority

Section 23.09 (2) (c), Stats., provides that the department may designate fish refuges to secure the perpetuation and adequate supply of any species of fish and provide safe retreats in which fish may breed and replenish adjacent fishing waters. Section 29.403 is interpreted as allowing the department to regulate fishing tournaments.

The department is directed under s. Section 29.014 (1), Stats., to establish and maintain any bag limits and conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.053 (2), Stats., provides that the department may establish conditions governing the taking of fish for the state as a whole, for counties or parts of counties, or for waterbodies or parts of waterbodies. It also allows the department to establish a fishing season on specified bodies of water in certain urban areas to allow fishing only by persons who are under 16 years old or who are disabled, as specified in s. 29.193 (3) (a), (b), or (c), Stats.

Section 29.403 (1g) requires the department to authorize and create rules regulating fishing tournaments, including the overall scope of the tournament program. Furthermore, s. 29.403 (4) prohibits the department from authorizing activities for tournament participants but not non-tournament anglers, except that the department may make exceptions for bass tournaments.

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

Individual state or provincial agencies are responsible for managing fisheries within their state boundaries and each jurisdiction has their own decision-making process. Wisconsin's approach to fisheries management and our regulations are comparable to that of our surrounding states. Additionally, several items contained in this rule were developed in collaboration with the natural resources agencies of Minnesota and Michigan to improve consistency in regulations on boundary waters between the two states.

Court Decisions Directly Relevant

No court decisions are relevant to this rule.

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

With this rule, the department will make changes to certain fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. Fishing regulations are in place to help meet management goals and objectives for fish populations in waters of the state. Examples include providing a trophy walleye fishery or a bass fishery that maximizes predation on smaller fishes. New regulations are proposed when management goals have changed or the department must address a critical need, such as a fish population decline.

This rule also incorporates several changes to regulations on shared boundary waters with Michigan, Minnesota and Iowa. These changes are the product of discussions between the three states and Wisconsin to achieve consistent regulations that factor in biological data and public desires for the respective fisheries. Consistent regulations contribute to a uniform management strategy for each regulated boundary water species and also reduce confusion for anglers and law enforcement officers on those waters.

The regulation proposals included in this rule are based on surveys and analyses conducted by fish biologists and input from local stakeholders and the Wisconsin Conservation Congress. All proposals are peer-reviewed for justification, enforceability, and completeness by department Bureaus of Fisheries Management, Law Enforcement, and Legal Services.

Based on the management goals for individual waters and species, the department strives to provide:

- consumptive opportunities where anglers can fish for a meal from a self-sustained, slow-growing fish population;
- quality and memorable opportunities where anglers can catch large fish and the density of adult fish in the populations are sustained or increased; and
- trophy opportunities where anglers can catch large trophy-size fish and the survival of older and larger fish is increased.

Most recreational fishing regulation changes are updated in Administrative Code every two years. Forestalling the proposed rule changes would result in less than optimal management of fish populations in the waterbodies and reduced fishing opportunities for resident and visiting anglers. However, existing regulations would remain in place to provide some level of continued protection of fish resources.

Agency Procedures for Promulgation

The department will hold hearings in each county on the evening of April 8. We will request board adoption at the board's May or June meeting, followed by a request for the governor's signature and then legislative review.

Description of any Forms (attach copies if available)

No forms are required as part of this rule.

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