

Report to  
Legislative Council Rules Clearinghouse  
NR 20, Wis. Adm. Code  
Natural Resources Board Order No. FH-25-19

Wisconsin Statutory Authority

Section 29.014, Stats., “rule-making for this chapter,” grants the department the authority to establish and maintain open and closed seasons, bag limits, size limits and other conditions that will conserve fish populations and provide good fishing opportunities for the citizens of the state.

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.

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 Register.

Comparison to Adjacent States

Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons and bag and size limits may differ for species among the surrounding states, but the general principles are the same. Michigan, Minnesota, Iowa, and Illinois all have statewide seasons and bag and size limits for fish species, along with special or experimental regulations on individual waters.

Notably, Minnesota established a catch-and-release only regulation for walleye on Mille Lacs to address walleye population decline and low walleye recruitment. The catch-and-release-only season was in effect for three years. The Minnesota DNR manages Mille Lacs jointly with the Ojibwe tribes, similar to the cooperative approach for managing the Minocqua Chain by the Wisconsin DNR and Ojibwe tribes.

Court Decisions Directly Relevant

None.

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

This rule will establish a protective walleye harvest regulation on the Minocqua Chain of Lakes (consisting of Kawaguesaga, Minocqua, Mid, Little Tomahawk and Tomahawk lakes) to replace the existing catch-and-release regulation for walleye, which has been in place for several years.

The Minocqua Chain is comprised of 5 lakes and encompasses just over 5,880 acres of water. The chain is centered on the Town of Minocqua and receives a great deal of pleasure boat traffic and fishing pressure, due to the area being a highly regarded tourist destination. A walleye

rehabilitation program has taken place on the Minocqua Chain for the past six years to restore a naturally reproducing walleye population with good recruitment and size structure, which necessitated several years of no harvest. The current catch-and-release regulation, extended through emergency rules, is slated to sunset in May 2021. The department anticipates 2021 survey data to reveal that adult walleye numbers have reached established goals and natural reproduction has occurred, allowing an opportunity for limited harvest.

This proposed rule establishes a harvest slot limit for walleye, where the minimum length limit is 18 inches, walleye between 22 and 28 inches may not be kept, and only one walleye larger than 28 inches may be kept. The daily bag limit will be set at one walleye.

#### Agency Procedures for Promulgation

The department met with stakeholders in the early stages of rule development and in October 2020, and will distribute an angler survey in November 2020 to gauge walleye regulation preferences for this rule. The department also will hold a public hearing on this rule in 2021.

#### Description of any Forms (attach copies if available)

No forms apply.

#### Name and Telephone Number of Agency Contacts

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