

Report From Agency

REPORT TO LEGISLATURE

NR 20-26, Wis. Adm. Code

Board Order No. FH-09-20
Clearinghouse Rule No. 21-021

Basis and Purpose of the Proposed Rule

This rule will apply fishing regulations to waters of the state to accomplish management goals. Such management goals include improving size structure of game fish, increasing the density or abundance of certain fish species or increasing the survival of mature adults; establishing statewide regulations that provide harvest opportunity while protecting fish populations; and aligning regulations with public desires for certain waterbodies.

Summary of Public Comments

Written comments relating to the rule are summarized below.

Local Department Rule Proposals		Public Comments	Number of Comments Submitted
Q. 1	Walleye ceded territory regulation – multiple waters	To reduce fishing pressure on walleyes in the Ceded Territory, DNR should be opening public access and creating boat landings on lakes that do not have public access.	1
Q. 7	Northern pike 40-inch minimum length limit – Lake Tomah	In favor of this question, but disappointed that it wasn't implemented earlier due to extremely high fishing pressure since 2017. Local ice fishing has also impacted the pike population, and the majority of the fish over 32 inches caught during the ice fishing season are taken home. The size limit of 32 inches was not enough to stabilize the lake and allow successful reproduction and replacement of harvested females.	1
Q. 13	Panfish protection on multiple waters	A reduced bag limit (15 or 10) should be considered for additional lakes or statewide, potentially while keeping the possession limit close to the current limit.	2

Modifications Made

Based on public comments and discussion with the Bureaus of Law Enforcement and Fisheries Management and the Division of Fish, Wildlife, and Parks, and approval by the Natural Resources Board, language was added allowing the incidental take of carp during the Wisconsin sturgeon spearing season. This question garnered public support during the 2019 and 2021 Spring Hearings. Carp are not a protected species and are detrimental in many waters, but since the rough fish season is closed during the Winnebago sturgeon spearing season, carp could not be speared during the sturgeon spearing season. This proposal would a spearer to keep or properly dispose of a carp that is incidentally taken while lawfully sturgeon spearing.

Appearances at the Public Hearing

In 2021, most public input was obtained through an online 2021 Spring Hearing questionnaire, and the department held a virtual public hearing to gain spoken input on rule proposals. All of the department's 23 rule proposal questions contained in this rule were supported statewide. At the virtual hearing, one person (Ann Heuerman, graduate student) submitted an appearance slip in support of the rule, and one person (Al Peterson, representing self) submitted an appearance slip and a spoken comment on a different rule proposal not included in the 2021 Spring Hearings rule, which he supported.

The full Spring Hearings input is summarized in the table below.

2021 DNR Spring Hearings - WCC County Meetings
Summary of Results - Overall Input by Question

4/19/2021

No.	Question Description	All Participants			Wisconsin Residents			
		Yes	No	No Opinion	Yes	No	No Opinion	Counties Tie
2021 OVERALL PARTICIPATION		12641			12272			
1 (FH)	Walleye ceded territory regulation-multiple waters	7109	877	2639	6921	863	2536	0
2	Walleye experimental regulation, Escanaba Lake	5723	1127	3624	5567	1106	3500	0
3	Walleyes-Clear, Katherine, Anvil, and Laura lakes	5136	1544	3707	5000	1519	3573	1
4	Bass 14-18" protected slot limit-multiple waters	5443	1308	3475	5307	1346	3354	0
5	Bass size limit removal, Katherine Lake and Upper and Lower Buckatobon lakes	5160	1338	3733	5046	1295	3602	0
6	Largemouth bass size limit removal, White Potato Lake	4935	1270	3990	4829	1232	3847	1
7	Northern Pike 40-inch minimum length, Lake Tomah	4496	1974	3699	4375	1936	3573	0
8	Northern Pike 25-35" protected slot limit-multiple waters	4544	1343	4232	4440	1313	4082	0
9	Northern Pike size limit removal-multiple waters	4824	1081	4164	4714	1045	4027	0
10	Northern Pike 25-35" protected slot limit-Parker Lake	4215	1296	4521	4118	1259	4373	1
11	Northern Pike northern zone regulations north of Hwy 10	4436	1044	4489	4344	1015	4333	0
12	Northern Pike southern zone regulations south of Hwy 10	4256	1204	4509	4162	1182	4348	0
13	Panfish protection-multiple waters	6241	1401	2276	6057	1384	2200	0
14	Muskellunge trophy management, Namekagon River and Presque Isle Chain of Lakes	5388	1685	2821	5243	1663	2711	0
15	Muskellunge 40" size limit, Butternut Lake	6034	1054	2792	5879	1040	2684	0
16	Trout length and bag limit, Mill and Willow creeks	4102	1042	4715	4015	1020	4550	0
17	Brook trout management, Little Wolf River and creeks	4915	753	4169	4808	743	4014	0
18	Trout early catch-and-release season-multiple waters	4052	1933	3825	3962	1901	3675	1
19	Trout-removal of late catch-and-release season-multiple waters	4296	1365	4128	4216	1327	3974	2
20	Trout bag limit increase and size limit removal-multiple waters	3510	1494	4769	3434	1463	4605	0
21	Applying consistent regulations to Schoolhouse and Durphee lakes	5463	391	3903	5329	385	3772	0
22	Urban Fishing Pond-Pipke Park pond, Vilas County	4738	736	4261	4633	710	4121	1
23	Allowing the incidental harvest of carp during sturgeon season by legal spearers with valid tags	6628	1051	2037	6491	1023	1931	0
24	Lake Michigan Lake Trout regulation extension	5900	899	2899	5780	876	2771	0

Changes to Rule Analysis and Fiscal Estimate

Changes to the rule analysis included adding language allowing for the incidental harvest of carp during the Winnebago sturgeon spearing season. This question was added to the Spring Hearing agenda and rule based on public comments and discussions in multiple department bureaus. No substantive changes were made to the fiscal estimate.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse did not submit any comments on this rule.

Final Regulatory Flexibility Analysis

The proposed rule would not impose any reporting requirements on small businesses, nor are any design or operational standards contained in the rule. The rule would not allow for the potential to establish a reduced

fine for small businesses, nor would it establish “alternative enforcement mechanisms” for “minor violations” of administrative rules made by small businesses.

Response to Small Business Regulatory Review Board Report

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