

Report to
Legislative Council Rules Clearinghouse
NR 19-23, Wis. Adm. Code
Natural Resources Board Order No. FH-14-20

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 23.09 (2), Stats., authorizes the department to conduct studies and investigations, including entering into cooperative agreements with other persons or agencies and receiving funds from public or private sources for research projects.

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.

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 of 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.

Court Decisions Directly Relevant

None

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

These rules are minor in nature and mainly clarify regulations, correct outdated language and drafting errors, and address inconsistencies in administrative code language. Specifically, these rules will amend fishing regulations found in chs. NR 19-23, Wis. Admin. Code. Fishing regulations, such as length and bag limits or season dates, are used as a tool to ensure that good fishing exists into the future. The department has used different types of fishing regulations in order to: control angler impacts on fish populations; maintain numbers and sizes of fish in a lake or stream; provide different types of fishing experiences, such as fishing for dinner or for a trophy fish; and make access to fishing as fair as possible.

Agency Procedures for Promulgation

The department will hold a public hearing in summer 2021 in Madison. The hearing will be followed by Board adoption in September followed by a request for the governor's signature and legislative review.

Description of any Forms (attach copies if available)

This rule does not create or modify any forms.

Name and Telephone Number of Agency Contacts

Meredith Penthorn, Fisheries Management policy specialist, 608-316-0080