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

Wisconsin Statutory Authority

Section 29.014(1), Stats., directs the department to establish and maintain 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.

Section 29.403 (1g), Stats. allows the department to authorize and create rules regulating fishing tournaments, including the overall scope of the tournament program.

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

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These rules are minor in nature and mainly clarify regulations, correct outdated language and drafting errors, and address inconsistencies in administrative code language.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 20-26, 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 2019 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)

No forms are required as part of this rule.

Name and Telephone Number of Agency Contacts

Meredith Penthorn, 608-316-0080