

Report to
Legislative Council Rules Clearinghouse
NR 19 and 20, Wis. Adm. Code
Natural Resources Board Order No. FH-30-07

Wisconsin Statutory Authority

ss. 23.09(2)(intro.), 23.091, 23.11, 23.22(2)(a) and (b)6., 27.01(2)(j), 29.014(1), 29.041, 29.039(1), 29.509(4) and (5) and 227.11(2)(a), Stats., interpreting ss. 23.09(2)(intro.), 23.22(2)(a), 29.014(1), 29.039(1), 29.041 and 227.11(2)(a), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

The proposed rule makes permanent and clarifies recent emergency measures for the control and prevention of viral hemorrhagic septicemia (VHS) in fish in waters of the state.

The proposed rule limits the transport of live fish away from specified waters and requires the immediate drainage of water from boats, boating equipment, fishing equipment and other containers upon removal from those specified waters. Waters specified in the rule include Lake Michigan, Lake Superior, Mississippi River, Lake Winnebago and the Fox River downstream to Green Bay, and all connecting waters upstream to the first barrier impassable to fish. If VHS is found outside of the waters specified in the rule, than all waters of the state would be included.

The proposed rule also requires that bait dealers apply for and possess a department permit to harvest wild bait from any water and keep daily harvest and disposition records.

The proposed rule bans the use or possession of imported live bait (minnows, crayfish and frogs), with exceptions. It also prohibits any person from using dead fish, fish eggs, crayfish, frogs or any parts thereof as bait, with exceptions, and it limits the use of fish and fish parts as bait in crayfish traps and turtle traps, with exceptions.

Finally, the proposed rule adds a new criterion for the issuance of permits for licensed bait dealers to use nonstandard minor gear, allowing the permits to be denied if use of the gear could spread invasive species or diseases.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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