

Report to
Legislative Council Rules Clearinghouse
NR 23, Wis. Adm. Code
Natural Resources Board Order No. FH-09-15

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.

Federal Authority

N/A

Comparison of Adjacent States

The rule affects lake sturgeon regulations on the Menominee River, a Wisconsin-Michigan boundary water. The Michigan Department of Natural Resources is also pursuing a rule change to match the lake sturgeon regulations proposed in this rule. The change made by both states will ensure there are consistent lake sturgeon regulations on this shared waterbody.

Court Decisions Directly Relevant

N/A

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

The Menominee Dam is the furthest downstream dam on the Menominee River (closest to Green Bay) and has been a barrier to sturgeon and other fish passage. In spring of 2015, adult lake sturgeon exceeding 60 inches were transported upstream past the dam via a capture and sort facility located at the Menominee Dam. The active movement of sturgeon past the dam is being done to provide the sturgeon greater access to spawning habitat in the Menominee River, up to the Grand Rapids Dam, and improve population numbers.

Anglers are advised to not eat any lake sturgeon from Green Bay because of PCB contamination. The sturgeon passed over the Menominee Dam will have identification tags inserted under their skin, but will not have any external mark that tells an angler that the sturgeon came from Green Bay. If anglers catch and keep a lake sturgeon that was transported from Green Bay past the Menominee Dam, personnel at sturgeon registration stations would scan the identification tag and advise anglers not to eat it. The lake sturgeon would likely be discarded, resulting in waste of a natural resource.

The emergency rule is necessary to prevent the harvest and consumption of lake sturgeon that have been transported from Green Bay upstream past the Menominee Dam. In addition, it will prevent the harvest and waste of sturgeon that should not be eaten.

The proposed emergency rule will implement catch and release fishing for lake sturgeon during the 2015 hook and line fishing season from the first Saturday in September to September 30 on the Menominee River downstream from Grand Rapids Dam.

Agency Procedures for Promulgation

Public hearing in September 2015; approval by the Natural Resources Board followed by Governor's office approval; and review by legislative committees
Final rule promulgation expected before September 2016

Description of any Forms (attach copies if available)

N/A

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