

Report to
Legislative Council Rules Clearinghouse
NR 20, Wis. Adm. Code
Natural Resources Board Order No. FH-08-20

Wisconsin Statutory Authority

Section 23.09 (2) (intro.) authorizes the department to promulgate rules, conduct studies, investigations and surveys, and establish services to carry out the conservation purposes outlined in s. 23.09 (1), including the protection, development and use of natural resources. Section 23.09 (2) (km) further authorizes the department to “develop an information system to acquire, integrate and disseminate information” on aquatic resources. Guide reporting provides an important source of information on sport fish harvest, which can be incorporated into quotas for the sustainable use of fishery resources.

Section 29.512 (1), Stats. requires any person guiding others in fishing in exchange for compensation to be issued a guide license, and requires guide licensees to comply with the requirements of ch. 29, Stats. Subject to s. 29.411, Stats., guides must cooperate with a department employee conducting a fish census. These two provisions provide that the department may obtain fish census information from licensed guides.

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 with Adjacent States

In Michigan, charter captains (both sport trolling charter captains and those using other fishing methods) in the Great Lakes are required to submit monthly reports to the Michigan Department of Natural Resources using an electronic system. The reports contain information on lake fished, date, specific location and hours fished, total number of anglers, total catch of major species, targeted species, and sea lamprey presence on certain salmonids. The Michigan DNR collects this data by sending a notification of reporting requirements to charter captains either by email or by hard-copy mailing, and then follows up with an additional postcard or mail notification and law enforcement contacts for those charter captains that have not yet submitted reports. This approach resulted in a 99 percent compliance rate in 2019-20.

Illinois also considers charter boats to include those taking anglers on paid fishing trips for any kind of sportfish. The Illinois DNR requires charter sportfishing boat operators to complete daily catch reports, all of which are due by the 15th of the following month. Those who do not comply may be subject to penalties and may not be able to obtain a charter boat permit in future years.

Minnesota requires licensed Lake Superior fishing guides (including charters) to submit monthly fishing reports by the 10th of the following month during the fishing season. Those that do not submit reports three times in a 2-year period may not be eligible for a guide license for up to three years.

Iowa does not require guide licenses or guide reporting.

Court Decisions Directly Relevant

No court decisions are directly relevant to this rule topic.

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

Section NR 20.65, Wis. Admin. Code, requires all guides operating in the outlying waters of Lake Superior, Lake Michigan and Green Bay to report the quantity and variety of fish taken and other information relating to fishing activities, as required by the department. The rule requiring Great Lakes licensed fishing guides to report has been in place since 1974, but never included specific details on the types of information that the department requires, timelines for reporting or methods for reporting.

Because the existing reporting requirements in s. NR 20.65 are very general and do not reflect the scope of the information contained on the reporting forms, fishing guide reporting is not consistent and therefore does not provide useful data that can be used for fisheries modeling and management. Additionally, the existing rule does not provide a framework to encourage compliance, and therefore guide reporting compliance is very uncertain. The guides that are not reporting may account for a substantial proportion of the total guided trips and fish caught, which impact the data available for managing those species.

This permanent rule would establish specific criteria for fishing guide reporting on Lake Michigan, Lake Superior, Green Bay and tributaries, including specific waters for which guide reporting may be required each year and methods and timelines for submitting reports to the department, such as electronic submission. This rule will also include the types of information to report when and where reporting is required, such as number of hours per fishing trip, number of fish of a specific species taken and released, number of clients fishing during a given time frame, and other similar information. This rule will also establish a streamlined procedure for making the list of species, waterbodies and time of year for which the department is requiring reporting easily available to fishing guides. The additional reporting data collected under this rule will be invaluable for managing populations of popular game fish, including lake whitefish, yellow perch, lake trout, cisco, walleye and other species in the sport fishery.

Agency Procedures for Promulgation

The department held a public meeting on rule options in February 2021 and will hold a public hearing in May 2021 to gain input on the rule draft, followed by adoption

Description of any Forms (attach copies if available)

The reporting form, whether in paper or electronic format, would include information on the name and license number of the fishing guide, the date of the guided fishing trip, the location of the trip (Great Lakes waterbody and more specific grid, port or tributary name, when applicable), number of anglers, total hours fished, information on the fish caught such as the total number by species, the number of fish kept as part of the daily bag, and fish tag numbers if applicable, number of lines fished, and other information relevant to sound management of fish species. This form will expand upon the form currently in use for Green Bay fishing guides (see attached).

The report form will be similar to the form already used for charters that guide anglers in sport trolling for trout and salmon on the Great Lakes (attached).

Name and Telephone Number of Agency Contacts

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