

Report to
Legislative Council Rules Clearinghouse
NR 20, 21 and 26, Wis. Adm. Code
Natural Resources Board Order No. FH-01-22

Wisconsin Statutory Authority

Section 23.09 (2) (c), Stats., provides that the department may designate fish refuges to secure the perpetuation and adequate supply of any species of fish and provide safe retreats in which fish may breed and replenish adjacent fishing waters.

The department is directed under s. 29.014 (1), Stats., to establish and maintain any bag limits and 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. 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.

Section 29.403 (1g), Stats., requires 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 retain management authority over the fish and wildlife resources within state boundaries provided that state regulations do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison of Adjacent States

Individual state agencies are responsible for managing fisheries within their state boundaries and each jurisdiction has its own decision-making process. Wisconsin's approach to fisheries management and regulations are comparable to that of surrounding states. Additionally, Wisconsin works with the natural resources agencies of neighboring states when proposing rules relating to fishing in shared boundary waters. The St. Croix River regulation changes described in this rule are also proposed for the Minnesota side of the river, and the Minnesota Department of Natural Resources will be pursuing their rule change on a similar timeline as Wisconsin.

Court Decisions Directly Relevant

No court decisions are directly relevant to this rule.

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

This rule will apply fishing regulations to waters of the state to accomplish management goals. Such management goals include improving size structure of game fish, increasing the density or abundance of certain fish species or increasing the survival of mature adults, establishing

statewide regulations that provide harvest opportunity while protecting fish populations, and aligning regulations with public desires for certain waterbodies. The department utilizes the annual Spring Fish and Wildlife Hearings, held annually statewide, to gain broad public feedback from outdoor recreators on standard fishing regulation change proposals.

The regulation proposals included in this rule are based on biological surveys and analyses conducted by fisheries biologists and input from local stakeholders and the Wisconsin Conservation Congress. All proposals are peer-reviewed for justification, enforceability, and completeness by department Bureaus of Fisheries Management, Law Enforcement, and Legal Services.

Based on the management goals for individual waters and species, the department strives to provide:

- consumptive opportunities where anglers can fish for a meal from a self-sustained, slow-growing fish population;
- quality and memorable opportunities where anglers can catch large fish and the density of adult fish in the populations are sustained or increased; and

trophy opportunities where anglers can catch large trophy-size fish and the survival of older and larger fish is increased.

Most recreational fishing regulation changes are updated in administrative code every two years. Forestalling the proposed rule changes would result in less-than-optimal management of fish populations in the waterbodies and reduced fishing opportunities for resident and visiting anglers. However, existing regulations would remain in place to provide some level of continued protection of fish resources.

Agency Procedures for Promulgation

The department will hold a public hearing on the evening of April 12, with an extensive virtual public input period on rule proposals (online Spring Hearings questionnaire) open from April 10 - 13. We will request board adoption at the Natural Resources Board's May or June meeting, followed by a request for the governor's signature and then legislative review.

Description of any Forms (attach copies if available)

The department may use a form to collect information from organizers of fishing tournaments that do not currently require a permit. The form would contain the date(s) of the event, waterbodies to be fished, estimated number of participants, estimated number of boats for open water events, and the fish species targeted.

Name and Telephone Number of Agency Contacts

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