

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 26, Wis. Adm. Code

Board Order No. FH-10-22  
Clearinghouse Rule No. 24-002

#### Basis and Purpose of the Proposed Rule

This rule will create fish refuges around fish passages and spawning areas that are expected to lead to increased concentrations of fish, resulting in increased vulnerability of these fish to angler harvest. The objective of these refuges is to protect fish populations from overharvest when fish are concentrated in the area of the refuge, as well as to minimize fishing-related disturbances to spawning fish in these areas. The refuges may also protect public safety in areas where fishing near dams or related structures would present safety hazards. Fish refuges help ensure an adequate population of fish and provide a place for fish to reproduce and replenish the population in adjacent fishable waters.

This rule codifies a year-round fish refuge that is currently established by a temporary, emergency rule. That refuge encompasses a new fish passage associated with the Kletzsch Park Dam on the Milwaukee River.

This rule establishes seasonal fish refuges in state-managed walleye spawning marshes to protect walleye in the Winnebago System during their spring spawning period.

Finally, this rule creates a mechanism for more efficiently establishing temporary fish refuges when fish passages or similar structures, habitat projects, or other factors that concentrate fish necessitate more immediate protection from angler harvest.

#### Summary of Public Comments

We received 6 written comments. Of the written comments, four were in support of the Kletzsch Park refuge and two were in support of the Wolf River marsh refuges.

#### Modifications Made

The department amended the description of a Wolf River spawning refuge to correct a typographical error. A reference to a SE ½ section was changed to S ½. The waypoint describing a corner of the Kletzsch Park refuge was also corrected.

#### Appearances at the Public Hearing

The department held a hearing on February 5, 2024 which was attended by 11 members of the public. People were generally supportive of the rule and had a number of informational questions. No one appeared in opposition to the rule or any part of the rule.

#### Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate.

#### Response to Legislative Council Rules Clearinghouse Report

The department made the only change suggested by the clearinghouse. As modified, a reference to statutory authority is now more specific.

#### Final Regulatory Flexibility Analysis

The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

Response to Small Business Regulatory Review Board Report

The department expects no economic impacts as a result of these rule changes. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.