

Report to
Legislative Council Rules Clearinghouse
NR 25, Wis. Adm. Code
Natural Resources Board Order No. FH-16-20

Wisconsin Statutory Authority

Under s. 29.014 (1), Stats., “Rule-making for this chapter,” the department is directed 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 29.519, Stats., provides that the department may regulate the commercial fishery, including through harvest limits, formulas for allocation of harvest limits among licensees, allotment of individual licensee catch quotas, gear regulations, and restricted fishing areas, and authorizes the department to determine the method of submission of all required reports and records. These rules are established in ch. NR 25, Wis. Admin. Code.

Federal Authority

No federal statutes or regulations apply. States possess inherent authority to manage the fishery and wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register.

Comparison of Adjacent States

Fisheries management rules are generally similar in the states surrounding Wisconsin. Neighboring states employ seasons, quotas, gear restrictions, reporting requirements, limitations on the number of licenses, and other regulations to regulate their commercial fishing industry, and have also established license, record-keeping and reporting requirements and other regulations for wholesale fish dealers.

Court Decisions Directly Relevant

None apply.

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

The purpose of this rule is to restructure, reorganize and simplify ch. NR 25, “Commercial Fishing – Outlying Waters.” These changes will aid the department and stakeholders in interpreting and implementing this chapter. This rule will not impose new regulations on commercial fishers, and changes will be of a minor nature.

The Bureau of Fisheries Management and Law Enforcement evaluated ch. NR 25, Wis. Admin. Code for ways to better organize the provisions that apply to commercial fishers, wholesale fish dealers, or both, as well as to make language less confusing and easier to navigate. All changes are very minor in nature and do not impact the existing operations of commercial fishers and wholesale fish dealers.

Agency Procedures for Promulgation

The department will hold a public hearing on the rule, followed by adoption by the Natural Resources Board.

Description of any Forms (attach copies if available)

No new forms are created as part of this rule.

Name and Telephone Number of Agency Contacts

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