

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-10-25

Relating to: Fish possession limits and fishing tournament regulations; chs. NR 20, 21, 22, and 23

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

This will be a permanent rule.

2. Detailed description of the objective of the proposed rule:

This rule will evaluate statewide fish possession limits with the goal of improving consistency in interpretation of possession limits between the boundary waters between Wisconsin and neighboring states and the inland and outlying waters. The current rules are ambiguous as to whether boundary water possession limits and inland water possession limits can be reached simultaneously allowing anglers to possess fish in excess of each respective limit based on where the fish were harvested. Current rules are also unclear about whether boundary water possession limits apply to each waterbody or to the boundary waters overall.

This rule will also improve language and provide clarity relating to fishing tournaments to increase understanding of existing fishing tournament rules for both department personnel and the public, which will include addressing possession limit exceptions for tournament-caught fish that will be donated to a food distribution service.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Possession limits are defined in s. NR 20.03 (31), Wis. Admin. Code, as the maximum number of fish that a person may possess at any location and is generally twice the total daily bag limit. The possession limits for the inland and outlying waters of Wisconsin are tabulated in s. NR 20.19, Wis. Admin. Code. However, chs. NR 21, 22, and 23 governing fishing regulations for Wisconsin's boundary waters shared with Minnesota, Iowa, and Michigan, respectively, establish separate provisions for possession limits that are at times inconsistent with the inland waters possession limits described in ch. NR 20. The possession limits established for the inland waters do not account for the higher daily bag limits established for some species on the boundary waters, leading to uncertainty as to which possession limits apply when an angler fishes both inland and boundary waters. Additionally, the possession limit language in chs. NR 21 to 23 does not specify whether the possession limits apply to each boundary water in its entirety or to each subunit of a boundary water that is managed separately from other subunits (such as the different pools of the Mississippi River). This rule may evaluate and revise possession limits for the inland, outlying and boundary waters to improve the clarity and enforceability of possession limits statewide through a more unified approach while maintaining possession limits that regulate the fair public use of fishery resources. This rule may adjust the possession limits to apply to all inland, outlying and boundary waters to account for the varying daily bag limits across the state while continuing to protect fish populations. This rule may

also modify the descriptions of possession limits so that they apply to waterbodies in whole or in part. Furthermore, this rule may establish or revise total daily bag limits for inland, outlying waters, boundary waters, or any combination of these.

This rule may also update fishing tournament regulations contained in s. NR 20.40, Wis. Admin. Code, including those pertaining to possession of fish following the fishing tournament. In particular, this rule may make minor clarifications to definitions, language relating to the permit application, permits and permit exceptions, and general provisions and permit conditions. This rule may also revise the provisions relating to compliance with fishing tournament permits to improve the accountability of fishing tournament organizers. This rule may modify the limits on the size and number of fishing tournaments allowed on waterbodies and may revise the language related to issuing additional fishing tournament permits on waterbodies for which the tournament limits have been reached. This rule may also update the rules relating to disposition of dead fish from fishing tournaments, including possession of fish while transporting them to food distribution services. This rule may also improve the rules relating to reporting fishing tournament activities to improve compliance and data validity and may modify the requirements for preventing the spread of aquatic invasive species during fishing tournaments.

This rule may also make minor changes to other provisions related to those described above.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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.

Section 29.403 (1g), Stats., requires the department to authorize and create rules regulating fishing tournaments, including the overall scope of the tournament program. Section 29.403 (2), Stats., provides that the department may require a permit to conduct a fishing tournament and may impose terms and conditions that apply to a specific permit.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department will spend 300 hours developing this rule, including holding public meetings and hearings.

6. List with description of all entities that may be affected by the proposed rule:

This rule will mainly impact anglers, fishing tournament organizers, and fishing tournament participants. Revisions to possession limits are not expected to significantly impact angler activities. Revisions to fishing tournament rules will primarily impact fishing tournament organizers if tournament reporting requirements are modified. The rule is not expected to negatively impact any businesses associated with fishing or fishing tournaments.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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.

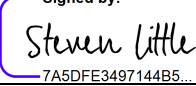
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

This rule is likely to have a minimal (less than \$50,000) economic impact. Revision of possession limits is not likely to have an economic impact, as anglers are limited by daily bag limits to a greater extent. Clarification and improvement to the fishing tournament rules may minimally impact some fishing tournament anglers based on tournament reporting requirement changes.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding 1 virtual public hearing in the month of October to allow for as many people to attend as possible. Comments may be provided by mail, phone and email as well as in-person.

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By  Signed by:
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For Karen Hyun, Ph.D., Secretary

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