

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-21-25 (E) and FH-22-25

Relating to: Changes to the bag and possession limit for round goby on Lake Winnebago system area waters and and possession and bag limit for other detrimental species on other waters of the state; Chapters NR 20 and 40

Rule Type: Permanent and Emergency

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

Round goby (*Neogobius melanostomus*) are a non-native fish that are considered invasive. Goby are a small bottom dwelling fish that are aggressive and prolific. Where goby have become established, they have displaced other small bodied native fish, changed the invertebrate communities through predation, and preyed upon game fish eggs. They are also a carrier of botulism and are suspected in contributing to deaths of other fish (e.g., sturgeon) and birds during botulism outbreaks. They have been established in the Great Lakes since 1990 and have been present in Little Lake Butte de Morts since 2015 (immediately downstream of Lake Winnebago). However, the Lake Winnebago system does not have an established population of round gobies yet. The Lake Winnebago system is very different than the Great Lakes and is a large, shallow, productive system that has a diversity of native forage fish available as prey for game fish.

A single round goby was reported in Lake Winnebago for the first time on June 2, 2025. Follow-up DNR monitoring and angler reports yielded additional captures of round goby and the area of detection has expanded to include a small portion of the Fox River near Oshkosh. The Neenah Dam, Menasha Dam, and closed Menasha Lock continue to be viewed as a barrier to upstream movement of the established round goby population in Little Lake Butte des Morts. Results thus far do not indicate that the round goby are widespread in Winnebago System waters. The Lake Winnebago System is a significant ecological, economical, and cultural resource that makes up about 1/5 of the area of Wisconsin. Protecting this valuable ecosystem and the fisheries it supports is a high priority and the department would like to take immediate steps to help control their spread within this system. If round goby become established in the Lake Winnebago system there will be impacts and implications for the watershed, however, to what degree and how specifically they will impact other fish populations and the ecosystem remains unknown.

At this time, anglers will be an integral part of the control measures to counter the spread of round goby into the Winnebago system since there are no good alternative control measures and angling is an effective tool.

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

These rules will allow anglers to keep in their possession any harvested round gobies provided that the fish are eviscerated or decapitated or their gills removed. Since a round goby population has not been established in these waters, angler harvest and reporting of all gobies taken will serve as a critical tool for the tracking of the round goby invasion into the Winnebago System. Allowing anglers to keep any round goby that has been eviscerated or decapitated or had its gills removed following harvest from the

Winnebago system waters or other waters of the state where they are not currently established will align with management goals to control their spread and will allow the department to provide a logical and consistent message to the public about those goals.

Additional permanent rules may be promulgated to allow for the increase in possession of detrimental fish on other waters of the state provided they are eviscerated or decapitated or their gills are removed. This would support efforts to control detrimental fish in waters around the state.

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:

Current regulations only allow the possession of one round goby and only if that goby is dead and intended to be brought to a DNR office. This rule is in place to prevent the movement of goby to other systems and to better enforce illegal movement of goby (i.e., bait bucket introductions) away from waters where there are established populations. However, in a system where goby are not yet established, not abundant and where the department is still taking measures to prevent further introductions, requiring anglers to return goby to the water is inconsistent with efforts to control the spread of these fish and is an unintended consequence of the current regulation.

Not implementing these changes will result in continued inconsistencies in the management goals and illogical messaging to the public since efforts are being taken to stop or slow the spread of round gobies in waters where they are not established., Under this proposed rule, the department intends to remove the current possession limit of one round goby to eliminate the need to throw back any if the catch exceeds that number.

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

Section 23.22(2)(a), Stats., grants the department authority to establish a program to control invasive species.

Section 23.22(2)(b)6., Stats., grants the department authority to promulgate rules to identify, classify, and control invasive species and the ability to consider permits or procedures associated with that.

Section 29.424(1), Stats., grants the department the authority to identify and control detrimental species of fish.

Section 29.014, Stats., “rule-making for this chapter,” grants the department the authority to establish and maintain open and closed seasons, bag limits, size limits and other conditions that will conserve fish populations and provide good fishing opportunities for the citizens of the state.

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.

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

An estimated 100 hours of staff time will be required to develop these rules and hold public hearings.

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

These rules will primarily affect recreational anglers, but the impacts will not be very substantial.

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 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.

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

Economic impacts are expected to be minimal, if any. The rule is mainly applicable to individual anglers and imposes no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

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

The department anticipates holding one public hearing, the timing of which is to be determined.

The department will hold the hearing virtually to allow for as many people to attend as possible. Comments may be provided by mail, phone and email as well as in-person.

Contact Person: Kari Lee-Zimmermann, Fisheries Management Policy Specialist, 608-316-0080, Kari.LeeZimmermann@wisconsin.gov

Signed by:



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Steven Little, Deputy Secretary
For Karen Hyun, Ph.D., Secretary

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Date Submitted