

**NATURAL RESOURCES BOARD AGENDA ITEM**

**SUBJECT:** Request adoption of Board Order FH-02-08, Fisheries Management Rule Proposals supported at the 2008 Spring Fish and Wildlife Rules Hearings

**FOR:** JUNE, 2008 **BOARD MEETING**

**TO BE PRESENTED BY:** Mike Staggs

**SUMMARY:**

The Bureaus of Fisheries Management and Law Enforcement recommend adoption of fishing regulation changes presented and supported by the public at the 2008 Spring Rules Hearings, held April 14, 2008. These proposals are suggested by Fisheries Management and Law Enforcement staff to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters.

The Department recommends adoption of the following items of statewide interest: 1) to move the end of the open season for muskellunge fishing in waters south of HWY 10 from November 30 to December 31; 2) to modify regulations governing recreational harvest of flathead catfish from Winnebago system waters; 3) to allow limited harvest of sauger from Winnebago system waters; 4) to eliminate the continuous open season for angling for gamefish in the Wisconsin River in Oneida and Lincoln Counties; 5) to increase the minimum size restriction for muskellunge harvest in the Chippewa flowage from 45 to 50 inches; 6) to correct inconsistencies in muskellunge regulations on the Black River; 7) to correct inconsistencies in walleye regulations in minor Green Bay tributaries; and 8) to clarify the use of the term "landing net" in Administrative Code. The Order also contains 9 changes to rules of local interest.

Two changes mandated by section 29.426, Stats. were not supported by the public, and are not included in this rule order: 1) to create a catch-and-release muskellunge fishing season in waters north of US HWY 10, with a restriction that anglers fishing this season use only artificial lures with barbless hooks; and 2) to require that anglers fishing catch-and-release bass seasons use only artificial lures with barbless hooks. The Department also recommends rejecting a proposal to re-implement restrictive trout fishing regulations on a 5-mile stretch of the Prairie River in Lincoln County based on lack of local support for managing this stretch of river for anything other than a consumptive fishery.

**RECOMMENDATION:** Adopt Board Order FH-02-08, regarding proposed changes to rules regarding recreational fishing.

**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                                     |          |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/>            | Fiscal Estimate Required                              | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/>            | Attached |
| No | <input type="checkbox"/>            | Background Memo                                       | Yes | <input checked="" type="checkbox"/> | Attached |

**APPROVED:**

\_\_\_\_\_  
/s/  
Bureau Director,

\_\_\_\_\_  
6/09/08  
Date

\_\_\_\_\_  
/s/  
Administrator,

\_\_\_\_\_  
6/09/08  
Date

\_\_\_\_\_  
/s/  
Secretary, Matt Frank

\_\_\_\_\_  
6/10/08  
Date

cc: Laurie J. Ross - AD/5

DATE: June 6, 2008

TO: Natural Resources Board

FROM: Matt Frank

SUBJECT: Request adoption of Board Order FH-02-08, Fisheries Management Rule Proposals supported at the 2008 Spring Fish and Wildlife Rules Hearings

### **BACKGROUND**

We are recommending adoption of the below listed rule revisions, presented at the Spring Fish and Wildlife Hearings held April 14, 2008. These proposals were suggested by Fisheries Management and Law Enforcement staff to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters. The proposals were reviewed and developed by the Bureau of Fisheries Management with input from the Bureaus of Law Enforcement and Legal Services, and considerable public input. Many of these proposals have been discussed with committees or county delegations of the Conservation Congress, and all of the proposals recommended for adoption were supported at the 2008 spring rules hearings.

Rules regarding creation of a catch-and-release season for muskellunge in the State's northern muskellunge management zone and the implementation of rules requiring anglers to use of barbless hooks when fishing for bass during and bass catch-and-release season in the State are not recommended for adoption at this time. These proposals were made in response to statutory changes mandating their adoption, but were strongly opposed at public hearing.

Two local proposals were presented at public hearing but withdrawn because of lack of support: a proposal to increase the minimum harvest size restriction for muskellunge in Enterprise Lake, Langlade and Lincoln Counties, from 34 to 50 inches, and a proposal to re-implement restrictive trout harvest regulations on a 5-mile stretch of the Prairie River (Lincoln County).

The attached rule order contains the following proposals recommended for adoption:

### **SUMMARY OF THE RULE**

#### **Proposals of statewide interest and significance**

1. The Department proposes to move the closing date for the muskellunge open season in waters south of US Highway 10 from November 30 to December 31, to increase fishing opportunities for anglers.
2. The Department proposes several changes to regulations regarding recreational harvest of flathead catfish from Winnebago system waters. These changes include a reduction in daily bag and possession limits from 2 fish to 1 fish and 10 fish to 2 fish, respectively, and

implementation of a 30-inch minimum size restriction on harvest of flathead catfish, with harvest of fish between 36-42 inches prohibited.

3. The Department proposes to increase the daily bag limit for sauger in Winnebago system waters from 0 fish to 1 fish, in response to successes seen in rehabilitating the species in that system.
4. The Department proposes to eliminate the continuous open season for northern pike, walleye, and bass in the segment of the Wisconsin River downstream from the St. Regis dam, Rhinelander (Oneida County) to the Grandfather Dam (Lincoln County). Open seasons for these species would instead be governed by the dates of the regular fishing season. This proposal is in response to continued requests from residents of Oneida and Lincoln Counties.
5. The Department proposes to increase the minimum size restriction on harvest of muskellunge in the Chippewa Flowage, Sawyer County, from 45 to 50 inches.
6. The Department proposes to correct inconsistencies in regulations governing walleye harvest in minor Green Bay tributaries. The daily bag limit will be increased from 3 fish to 5 fish and the minimum size restriction for harvest increased from no minimum to 15 inches.
7. The Department proposes to correct inconsistencies in the minimum size restriction for harvest of muskellunge in the Black River in LaCrosse, Monroe, and Trempealeau Counties. The minimum size limit for muskellunge would change from 34 to 40 inches, as it is in bordering counties.
8. The Department proposes clarification of the use of the term “landing net” in Administrative Code, to distinguish net used to land fish caught by hook and line from nets used to legally dip rough fish.

Proposals of local interest and significance:

1. The Department proposes to remove special regulations governing walleye harvest in English Lake, Ashland County, replacing the current restriction of no minimum size restriction but only 1 fish larger than 14 inches allowed with a 15 inch minimum restriction.
2. The Department proposes changes to rules regulating harvest of bass and northern pike in Little and Big Dummy Lakes, Barron County. The proposed regulations implement a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Big Dummy and Little Dummy lakes, Barron county, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept. In addition, the rule also proposes to implement a 2 fish daily bag limit for northern pike, with a 26 inch minimum size restriction.
3. The Department proposes to establish three new urban fishing waters: Manger Lagoon, City of Green Bay; Remington Lake, Langlade County; and Mirror Lake, Lincoln County. The proposed rules stipulate that only children younger than 16 years of age or disabled persons

may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

4. The Department proposes to remove special regulations governing walleye harvest in Boot, Long, and McDermott Lakes in Iron County, replacing the current restriction of no minimum size restriction but only 1 fish larger than 14 inches allowed with a 15 inch minimum restriction.
5. The Department proposes to change walleye regulations in Enterprise lake, Langlade and Lincoln Cos., by replacing a rule that only 1 fish larger than 14 inches may be kept with a restriction that no fish between 14 and 18 inches may be kept but that only 1 fish larger than 18 inches may be kept. These sections also reduce the daily bag limit from 5 walleye to 3 walleye in this lake.
6. The Department proposes to increase the minimum size restriction for harvest of muskellunge in Bone lake, Polk County, from 40 to 50 inches
7. The Department proposes to reduce the minimum harvest size restriction for walleye in Sand lake, Sawyer County, from 28 inches to 18 inches and increase the daily bag limit for walleye from 1 fish to 3 fish, in response to successful rehabilitation of the species in this Ceded Territory lake.
8. The Department proposes increases to the minimum size restriction for largemouth and smallmouth bass from 14 inches to 18 inches on Big Portage, Presque Isle, Van Vliet, Averill, and Star lakes, Vilas county, and reductions in the aggregate daily bag limit for bass from 5 fish to 1 fish.
9. The Department proposes to continue special regulations governing harvest of muskellunge and walleye in Sparkling Lake, Vilas County. These rules have been in place as part of a research project conducted by the University of Wisconsin- Madison, and the Department and University would like to continue the study. The current rules for muskellunge are set to expire by sunset clause in November, 2008 and the current rules for walleye are set to expire in March, 2009, by sunset clauses. This rule proposes to extend the sunsets to 2013-14.
10. The Department proposes to remove special regulations for trout in Long Lake, Waushara County. This lake has a stocked trout population, and the proposal moves the end of the open season from September 30 to the first Sunday in March.

At this time the Department has chosen not to advance two proposals related to provisions passed by the Wisconsin State Legislature in the State budget bill, 2007 Wisconsin Act 20, because of significant statewide objections.

1. The Department does not recommend creation of a catch-and-release season for muskellunge in inland waters north of US Highway 10 beginning the first Saturday in May and ending on the day before the first day of the regular musky season. This

proposal also would have required anglers to use artificial lures with barbless hooks while fishing for musky during the catch and release season for that species.

2. The Department also does not recommend adoption of a proposal to require that anglers use artificial lures with barbless hooks only when fishing for bass during any catch-and-release bass season established by the Department.

It is the Department's understanding that because of the significant public opposition the sponsor of the legislation will move to introduce legislation to repeal these provisions before the 2009-10 angling season.

### **POLICY IMPACTS**

The proposed rule will not result in major changes to existing policy.

### **HEARING SYNOPSIS**

A public hearing was held in each county of the state on April 14, 2008. Public input was collected through electronic ballots distributed at each meeting, and also through written comments received by the Bureau of Fisheries Management before April 15, 2008. Results of the public hearings are included as an attachment to this document. Local proposals were recommended for adoption only if the local and regional response was favorable.

The Department received numerous comments in support of shortening the fishing season on Lake Alice, and several opposing the creation of a musky catch-and-release season.

At its May, 2008 Convention, the Wisconsin Conservation Congress voted in favor of this rule package as presented, with the exception that the Congress did not support an increase in the minimum size restriction for muskellunge in the Chippewa Flowage from 34 to 50 inches. The Department moved this proposal forward based on strong local and statewide support.

### **RESPONSE TO LEGISLATIVE CLEARINGHOUSE COMMENTS**

All recommendations made in the attached Legislative Clearinghouse report have been incorporated in the final version of the rule.

### **CHANGES TO PLAIN LANGUAGE OR FISCAL ANALYSES**

No changes were made to either section of the rule.

### **ENVIRONMENTAL ASSESSMENT**

This is a Type III action under Chapter NR 150, Wis. Adm. Code, therefore no EA is required.

### **FINAL REGULATORY FLEXIBILITY ANALYSIS**

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

### Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated  <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number  Bill Number	Amendment Number if Applicable  Administrative Rule Number FH-02-08
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**Subject**

Fisheries Management Rule Proposals presented and supported at the 2008 Spring Fish and Wildlife Rules Hearings and recommended for adoption (FH-02-08)

**Fiscal Effect**

State:  No State Fiscal Effect  
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- |  |   |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation        |   |

Increase Costs — May be possible to absorb within agency's budget.

Yes     No

Decrease Costs

**Local:**  No Local Government Costs

Indeterminate

1.  Increase Costs  
 Permissive     Mandatory
2.  Decrease Costs  
 Permissive     Mandatory

3.  Increase Revenues  
 Permissive     Mandatory
4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:

- Towns     Villages     Cities  
 Counties     Others  
 School Districts     WTCS Districts

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Chapter 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

The Bureaus of Fisheries Management and Law Enforcement recommend adoption of fishing regulation changes presented and supported by the public at the 2008 Spring Rules Hearings, held April 14, 2008. These proposals are suggested by Fisheries Management and Law Enforcement staff to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters.

The Department recommends adoption of the following items of statewide interest: 1) to move the end of the open season for muskellunge fishing in waters south of HWY 10 from November 30 to December 31; 2) to modify regulations governing recreational harvest of flathead catfish from Winnebago system waters; 3) to allow limited harvest of sauger from Winnebago system waters; 4) to eliminate the continuous open season for angling for gamefish in the Wisconsin River in Oneida and Lincoln Counties; 5) to increase the minimum size restriction for muskellunge harvest in the Chippewa flowage from 45 to 50 inches; 6) to correct inconsistencies in muskellunge regulations on the Black River; 7) to correct inconsistencies in walleye regulations in minor Green Bay tributaries; and 8) to clarify the use of the term "landing net" in Administrative Code. The Order also contains 9 changes to rules of local interest.

Two changes mandated by section 29.426, Stats. were not supported by the public, and are not included in this rule order: 1) to create a catch-and-release muskellunge fishing season in waters north of US HWY 10, with a restriction that anglers fishing this season use only artificial lures with barbless hooks; and 2) to require that anglers fishing catch-and-release bass seasons use only artificial lures with barbless hooks. The Department also recommends rejecting a proposal to re-implement restrictive trout fishing regulations on a 5-mile stretch of the Prairie River in Lincoln County based on lack of local support for managing this stretch of river for anything other than a consumptive fishery.

**Long-Range Fiscal Implications**

None

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	

## Fiscal Estimate — 2007 Session

### Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number

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Assumptions Used in Arriving at Fiscal Estimate – Continued

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**Fiscal Estimate Worksheet — 2007 Session**  
 Detailed Estimate of Annual Fiscal Effect

Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number FH-02-08

**Subject**

Fisheries Management Rule Proposals to be presented at the 2008 Spring Fish and Wildlife Rules Hearings (FH-02-08)

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		( FTE )	(- FTE )
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
<b>Total State Costs by Category</b>		\$	\$ -
<b>B. State Costs by Source of Funds</b>		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>Total State Revenues</b>		\$	\$ -

**Net Annualized Fiscal Impact**

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ _____	\$ _____
Net Change in Revenues	\$ _____	\$ _____

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature	Telephone No. 266-2794	Date (mm/dd/ccyy)



## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 08-010

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]**

#### **2. Form, Style and Placement in Administrative Code**

SECTION 8 should reflect that NR 20.20 (3) (am) is created, not amended.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

Sections 29.426 and 29.428, Stats., should be added to the lists of Statutes Interpreted, Statutory Authority, and Explanation of Agency Authority in the analysis.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the plain language analysis, the descriptions of SECTIONS 1 and 2 of the proposal are switched.

b. SECTIONS 4 and 5: Sections 29.426 and 29.428, Stats., as created by 2007 Act 20, could be read to only allow the use of baits with a single barbless hook, or could be read to allow the use of baits with multiple barbed hooks as long as one hook was barbless. The rule uses similar language for ss. NR 20.165 and NR 20.175 (2) (b). It is suggested that the department clarify this in the rule if it interprets ss. 29.426 and 29.428, Stats., to only allow the use of one or more barbless hooks, as is stated in the plain language analysis and appears to be consistent with legislative intent.

c. SECTION 5: Proposed s. NR 20.175 (2) (b) refers to “a catch and release muskellunge fishing season” but the provisions creating the season call it an “open season” with a bag limit of zero. These provisions could be made consistent by explicitly creating a catch and release

season. Otherwise, there may be confusion about whether the barbless hook requirement also applies to other times of year in places where the muskellunge bag limit is also zero (see, for example, Yellowstone Lake in Lafayette Co.).

d. SECTION 18: In the plain language analysis, this section should also be included in the list of sections that “simplify muskellunge regulations on the Black river” in various counties.

e. SECTION 20: In the plain language analysis, this section should be included in the list of sections extending the open muskellunge season south of Highway 10 until December 31 but should not be included in the list of sections that “simplify muskellunge regulations on the Black river” in various counties.

f. SECTIONS 30 and 39: In the plain language analysis, these sections should be included in the list of sections extending the open muskellunge season south of Highway 10 until December 31.

g. SECTION 53: It is suggested that the department note in the part of the plain language analysis that describes SECTIONS 37 and 47 that these two sections of the proposal will go into effect on the first day of the month following publication in the Administrative Register, instead of with the rest of the rule on April 1, 2009.



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **08-010**

AN ORDER to repeal NR 20.03 (31) (c), 20.20 (2) (g) 2., (26) (g) 2., (35) (d), and (44) (d); to repeal and recreate NR 20.20 (5); to amend NR 20.20 (1) (cm), (3), (10) (b), (11) (f), (13) (d), (24) (d), (25) (d), (29) (cm), (33) (am) 1. and (c), (34) (a) and (e), (35) (a), (b), (f), and (g), (44) (b) and (g) 1., (49) (b), (50) (cm), (57) (e) and (i), (62) (am), (64) (c), (d) 2m., and (h) 9., (70) (f) 4., (73) (b) 3m., (g) 4., and (o), 21.06 (1) (b) and (d), 22.06 (1) (b) and (d), 23.01, and 23.06 (1); and to create NR 20.03 (19m), 20.13 (9), 20.165, 20.175, 20.20 (27) (d), (32) (cm), (34) (bg), (35) (c) 2., (42) (bm), (56) (e), and (72) (cm), and 23.05 (1m), relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-08-2008 RECEIVED BY LEGISLATIVE COUNCIL.

03-06-2008 REPORT SENT TO AGENCY.

RNS:LAK

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO

### Statewide Questions

Question	Yes Votes	No Votes	Majority	Counties Approving	Counties Against	Counties Tied	Local County
<p><b>12</b> Do you favor moving the opening day for the regular musky season in waters north of US Highway 10 to the first Saturday in May? The current closed season (First Saturday in May through the Friday preceding Memorial Day) for musky would be eliminated.</p>	1801	3232	No	14	57	1	0
<p><b>13</b> If not, do you favor creating a catch-and-release season for muskellunge in waters north of US Highway 10, during which musky anglers would be restricted to using artificial lures with barbless hooks, beginning the first Saturday in May and ending on the day immediately preceding the regular musky season opening day, which is currently the Saturday preceding Memorial Day?</p>	1202	1367	No	3	68	1	0
<p><b>14</b> Do you favor eliminating the northern zone early bass catch-and-release season by moving the opening day in that zone to the first Saturday in May?</p>	1891	2909	No	20	51	1	0
<p><b>15</b> Do you favor eliminating the northern zone early bass catch-and-release season and having the regular bass season open the third Saturday in June?</p>	1587	3068	No	7	62	3	0
<p><b>16</b> Do you favor the current season structure, with a catch-and-release season beginning the first Saturday in May and ending on the day before the third Saturday in June, and the regular bass season beginning the third Saturday in June? Bass anglers would be restricted to using artificial lures with barbless hooks during the catch-and-release season.</p>	1813	2849	No	16	54	2	0

<b>17</b>	Do you favor changing the open season for flathead catfish in Winnebago System waters from a continuous season to one that would open on the first Saturday of May and close on September 30 of each year?	2392	1341 Yes	63	8	1	0
<b>18</b>	Do you favor implementation of a 30 inch minimum size limit for flathead catfish in Winnebago system waters, with possession of fish between 36-42 inches prohibited, and a 1 fish daily bag limit (anglers could keep 1 flathead between 30-36 inches, or 1 larger than 42 inches) ? There is currently a 2 fish daily bag limit for flathead catfish	2161	1558 Yes	52	16	4	0
<b>19</b>	Do you favor changing the ending date of the muskellunge open season in the waters south of U.S. Hwy 10 from November 30 until December 31? The opening date of the season would remain the first Saturday in May.	2371	1817 Yes	55	15	2	0
<b>20</b>	Do you favor changing the current 0 daily bag limit for sauger and walleye/sauger hybrids on Winnebago system waters to a combined daily bag limit for walleye, sauger, and walleye/ sauger hybrids of 5 in total of which no more than 1 may be a sauger or walleye/sauger hybrid?	2866	918 Yes	69	3	0	0
<b>21</b>	Do you favor making the open season on the Wisconsin River system from Kings Dam (Lake Alice) upstream to the St. Regis Dam (Rhineland Paper Mill) consistent with the general inland open season in northern Wisconsin? For largemouth bass, smallmouth bass, northern pike, and walleye,	2279	1251 Yes	63	8	1	0
<b>22</b>	Do you favor changing the muskellunge regulations on the Lower Black River and its tributaries upstream to the first dam or lake from a 34 inch minimum size limit and daily bag of 1 fish in La Crosse, Monroe, and Trempealeau Counties to a 40 inch minimum length limit and daily bag of 1 fish	2326	1049 Yes	64	5	3	0

<p><b>23</b> Do you favor replacing the current regulation of a 3 walleye daily bag limit and no minimum length restriction to a 5 fish daily bag limit with a 15 inch minimum size restriction in minor Green Bay tributaries, to bring consistency to walleye regulations in Green Bay and all of its tributaries?</p>	2944	758 Yes	71	0	1	0
<p><b>24</b> Do you favor increasing the minimum length limit for muskellunge from 45 inches to 50 inches on the Chippewa Flowage in Sawyer County</p>	2175	1805 Yes	47	23	2	0
<p><b>25</b> Do you favor the creation of a definition of a landing net, clarifying that landing nets are legal to possess and use while fishing with hook and line equipment?</p>	4152	594 Yes	72	0	0	0
<p><b>26</b> Do you favor allowing the use of landing nets to take rough fish when and where the harvest of rough fish is allowed with the use of a dip net?</p>	4069	676 Yes	72	0	0	0

## Local Questions

### Question

- 27** Do you favor changing from the 14- to 18-inch protected slot limit (with only one fish greater than 18 inches) to the statewide 15-inch minimum length limit (and regular bag limits based in part on tribal harvest declarations) on McDermott, Boot, and Long Lakes in Iron County and English Lake in Ashland County?
- 28** Do you support replacing the current no minimum length limit, daily bag of 5 fish for northern pike on Big and Little Dummy Lakes in Barron County, with a 26 inch minimum length limit and daily bag of 2?
- 29** Do you support replacing the current 14 inch minimum length limit and 5 fish daily bag limit for bass on Big and Little Dummy Lakes in Barron County with a no minimum length limit, with a 14-18 inch protected slot and a 3 fish total daily bag limit, where only one bass harvested may be longer than 18 inches?
- 30** Do you favor adding Manger Lagoon to the DNR urban fishing program, with daily bag limits as 3 trout, one gamefish, and 10 panfish, with no size limit on any species? Fishing would be open year round, but restricted to youth and disabled anglers only.
- 31** Do you favor increasing the harvest slot size limit for channel and flathead catfish from the current 15 - 18 inch harvest slot to a 15 - 24 inch harvest slot size limit on Yellowstone Lake (including the Yellowstone River from the lake upstream to Co. Hwy F), Lafayette County?

	Yes Votes		No Votes		Counties Approving			Counties Against		Counties Tied		Local County		Yes Votes		No Votes	
	1630	786	Yes	68	3	1	Ashland	28	15	Yes	No	28	15	Yes	No	28	15
	1460	687	Yes	58	6	8	Barron	69	16	Yes	No	69	16	Yes	No	69	16
	1335	747	Yes	53	7	12	Barron	62	21	Yes	No	62	21	Yes	No	62	21
	1817	525	Yes	69	1	2	Brown	132	6	Yes	No	132	6	Yes	No	132	6
	1386	717	Yes	62	7	3	Lafayette	31	1	Yes	No	31	1	Yes	No	31	1

**32** Do you favor changing the muskellunge regulations on Enterprise Lake from a 34 inch minimum size limit and daily bag of 1 fish to the following: 50 inch minimum length limit and daily bag of 1 fish?

1449      1053 Yes      43      22      7 Langlade      30      45 No

**33** Do you favor changing the walleye regulations on Enterprise Lake from no minimum size limit but only 1 fish over 14 inches to no minimum length limit, but with a protected slot size of 14-18 inches and daily bag of 3 fish with only 1 per day over 18 inches?

1638      698 Yes      57      3      12 Langlade      47      30 Yes

**34** Do you favor adding Remington Pond to the DNR urban fishing program, with daily bag limits as 3 trout, one gamefish, and 10 panfish, with no size limit on any species? Fishing would be open year round, but restricted to youth and disabled anglers only.

1616      572 Yes      68      2      2 Langlade      61      21 Yes

**35** Do you favor adding Mirror Lake to the DNR urban fishing program, with daily bag limits as 3 trout, one gamefish, and 10 panfish, with no size limit on any species? Fishing would be open year round, but restricted to youth and disabled anglers only.

1668      599 Yes      67      3      2 Lincoln      122      27 Yes

- 36** Do you favor Category 5 trout regulations (aggregate daily bag limit of 1 trout; 18" minimum size limit on brown trout; 12" minimum size limit on brook and rainbow trout; artificial lures only) on the Prairie River in Lincoln County from R & H Road downstream to STH 17 (5 miles) through the 2010 season? At that time the Natural Resources Board can determine whether to permanently institute these Category 5 regulations based on results of the evaluation, or begin an evaluation of the Category 4 alternative. This will allow a full evaluation of the regulation and the capacity of this stretch of river to grow larger trout.
- 37** Do you support increasing the muskellunge minimum length limit from 40 to 50 inches with a daily bag of 1 on Bone Lake?
- 38** Do you favor decreasing the minimum length limit for walleye from 28 inches to 18 inches and increasing the daily bag limit from 1 fish to 3 fish on Sand Lake in Sawyer County?
- 39** Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on Big Portage Lake, Vilas County?
- 40** Do you favor maintaining the restrictive regulations for largemouth and smallmouth bass, walleye, and muskellunge on Sparking Lake, Vilas County, for 5 additional years?
- 41** Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on the Presque Isle Chain of Lakes, including Presque Isle, Van Vliet, and Averill Lakes, Vilas County?

2024	1494	Yes	47	25	0	Lincoln	36	135	No
1470	1084	Yes	47	22	3	Polk	41	23	Yes
1878	590	Yes	70	0	1	Sawyer	81	9	Yes
1266	828	Yes	41	24	6	Vilas	56	18	Yes
1471	611	Yes	63	5	3	Vilas	60	16	Yes
1249	842	Yes	44	21	6	Vilas	55	21	Yes

**42** Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on Star Lake, Vilas County?

1260      864 Yes      40      21      10 Vilas      60      23 Yes

**43** Do you support extending the open season for trout, on Long Lake in the Town of Saxeville, Waushara County, from the first Saturday in May through the first Sunday in March?

1528      737 Yes      64      5      3 Waushara      42      4 Yes

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, REPEALING AND RECREATING, AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 20.03(31)(c), 20.20(2)(g)2., (26)(g)2., (35)(d), and (44)(d); to repeal and recreate NR 20.20(5); to amend NR 20.20(1)(cm), (3), (10)(b), (11)(f), (13)(d), (24)(d), (25)(d), (29)(cm), (33)(c), 33(am)1., (34)(a) and (e), (35)(a), (b), and (g), (44)(b) and (g)1., (49)(b), (50)(cm), (57)(e) and (i), (62)(am), (64)(c), (d)2m. and (h)9., (70)(f)4., (73)(b)3m., (g)4. and (o), 22.06(1)(b) and (d), 23.01, and 23.06(1); and to create NR 20.03(19m), 20.13(9), 20.20(27)(d), (32)(cm),(42)(bm),(56)(e) and (72)(cm), and 23.05(1m) relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

FH-02-08

Analysis Prepared by the Department of Natural Resources

**1. Statutes Interpreted:** In promulgating this rule, ss. 29.014(1), 29.039, 29.041, 29.053, 29.531 and, 29.533, Stats., which authorize fishing, have been interpreted as giving the department the authority to make changes to fishing regulations on inland and boundary waters of Wisconsin.

**2. Statutory Authority:** Sections 29.014(1), 29.039, 29.041, 29.053, 29.426, 29.428 and 227.11(2)(a),Stats.

**3. Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority:** Sections 29.014(1), 29.039, 29.041 and 29.053, Stats., grant rule making authority to the department to establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping; grant that the department may establish limitations relating to taking, possession, transportation, processing, and sale or offer for sale, of nongame species; and provide that the department may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters. Section 227.11(2)(a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

**4. Related Rule or Statute:** None.

**5. Plain Language Rule Analysis:** Section by section details of this rule order are outlined:

Sections 1, 3, 45, 46, 47, 48, and 49 clarify the difference between landing nets and dip nets and how landing nets may be used for fishing in inland, outlying, and boundary waters of the state.

Sections 2 and 42 reduce daily bag limits from 2 fish to 1 fish and possession limits from 10 fish to 2 fish for flathead catfish taken from Winnebago system waters and implement a 30-inch minimum size restriction for flathead catfish taken from these waters, with an additional provision prohibiting harvest of flathead catfish between 36 and 42 inches in length.

Sections 4, 8, 9, 10, 11, 12, 14, 15, 16, 18, 25, 30, 31, 34, 39, and 41 extend the end of the open season for muskellunge in waters south of US highway 10 from November 30 to December 31.

Section 5 removes special regulations for walleye in English lake, Ashland county.

Section 6 implements a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Big Dummy and Little Dummy lakes, Barron county, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.

Section 6m implements a 2 fish daily bag limit for northern pike, with a 26 inch minimum size restriction.

Section 7 establishes Manger lagoon, Brown county, as an urban fishing water, in which only children younger than 16 years of age or disabled persons may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

Section 13 removes special regulations for walleye in Boot, Long, and McDermott lakes, Iron county.

Sections 16, 25, and 34 simplify muskellunge regulations on the Black river in LaCrosse, Monroe, and Trempealeau counties by increasing the minimum length restriction to 40 inches.

Section 17 increases the maximum allowable size for catfish in Yellowstone lake, Lafayette county, from 18 to 24 inches.

Section 19 establishes Remington lake, Langlade county, as an urban fishing water, in which only children younger than 16 years of age or disabled persons may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

Sections 20 and 24 change walleye regulations in Enterprise lake, Langlade and Lincoln counties, replacing a restriction that only 1 fish larger than 14 inches may be kept with a restriction that no fish between 14 and 18 inches may be kept but that 1 larger than 18 inches may be kept. These sections also reduce the daily bag limit from 5 walleye to 3 walleye in this lake.

Section 21 establishes Mirror lake, Lincoln county, as an urban fishing water, in which only children younger than 16 years of age or disabled persons may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

Sections 22, 23, 24, 26, 27, and 28 remove the continuous open season for bass, northern pike, and walleye, sauger and their hybrids in the Wisconsin River in Lincoln and Oneida counties, downstream from the St. Regis dam in Oneida county, and places those waters under the department's standard fishing seasons for those species.

Section 29 increases the minimum size restriction for muskellunge harvest from 40 to 50 inches in Bone lake, Polk county.

Section 32 increases the minimum size restriction for muskellunge harvest from 45 to 50 inches in the Chippewa flowage, Sawyer county.

Section 33 reduces the minimum size restriction for walleye in Sand lake, Sawyer county, from 28 inches to 18 inches and increases the daily bag limit from 1 fish to 3 fish. This section will take effect on the first day of the month following publication in the Administrative Register.

Section 35 increases the minimum size restriction for largemouth and smallmouth bass from 14 inches to 18 inches on Big Portage, Presque Isle, Van Vliet, Averill, and Star lakes, Vilas county, and reduces the daily bag limit from 5 fish to 1 fish.

Sections 36 and 37 extend the sunset clause on special regulations for muskellunge and walleye in Sparkling lake, Vilas county from 2008-09 to 2013-14.

Section 38 extends the open season for trout in Long lake (Town of Saxeville), Waushara county.

Section 42 clarifies regulations on Green Bay tributaries by increasing the daily bag limit for walleye, sauger and hybrids from 3 fish to 5 fish and increasing the minimum size restriction from no minimum to 15 inches. This section will take effect on the first day of the month following publication in the Administrative Register.

Section 42 also increases the daily bag limit for sauger in Lake Winnebago system waters from 0 fish to 1 fish. This section will take effect on the first day of the month following publication in the Administrative Register.

**6. Summary of and Comparison with Existing or Proposed Federal Regulations:** None known.

**7. Comparison of Similar Rules in Adjacent States:** Fisheries management is generally quite similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific

seasons, bag and size limits may differ for species across the surrounding states; however, the general principles are similar. Michigan, Minnesota, Iowa and Illinois all have statewide seasons, bag and size limits for fish species, along with special or experimental regulations on individual waters.

**8. Summary of Factual Data and Analytical Methodologies Used in Support of the Rule:** Rule proposals were developed by fisheries and law enforcement staff to address management and enforcement concerns. Proposals were reviewed for need and adequacy, and approved by a fish team or law enforcement team supervisor and forwarded to regional director for approval. Proposals approved by the regions were forwarded to the Fisheries Management Bureau Director, who conducted a review with the Fisheries Management Board, law enforcement, legal services, the Wisconsin Conservation Congress, and the Great Lakes Indian Fish and Wildlife Commission. Only proposals approved by the Fisheries Management Bureau Director are included.

**9. Analysis and Documentation Used in Support of the Agency’s Determination Under s. 227.114, Stats., (Small Business Impact):** The proposed rules do not apply directly to businesses, but to sport anglers.

**10. Effect on Small Business, Including How the Rule Will Be Enforced:** The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. The rules will be enforced by Conservation Wardens who have arrest powers and may use citations.

**11. Agency contact person:** Joseph Hennessy, FM/4 101 South Webster Street, Madison, WI 53707-7921; email: Joseph.Hennessy@wisconsin.gov; phone: 608.267.9427.

SECTION 1. NR 20.03 (19m) is created to read:

**NR 20.03 (19m)** "Landing net" means a net suspended on a frame with an attached handle and used to land a fish that has been caught using hook and line or to net fish as authorized with the use of dip nets under this chapter or chs. NR 21 to 23.

SECTION 2. NR 20.03(31)(c) is repealed.

SECTION 3. NR 20.13 (9) is created to read:

**NR 20.13(9)** Set, use or operate a landing net other than for landing a fish that is legally hooked or to net fish as authorized with the use of dip nets under this chapter or chs. NR 21 to 23.

SECTION 4. NR 20.20(1)(cm) is amended to read:

**(1) ADAMS** (for species or waters not listed, see sub. (73))

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages upstream from the Castle Rock dam	a. Hook and line.	First Saturday in May to <del>November</del> <u>December 31</u>	1	45
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SECTION 5. NR 20.20(2)(g)2. is repealed.

SECTION 6. NR 20.20(3)(am) is created to read:

**(3) BARRON** (for species or waters not listed, see sub. (73))

(am) Largemouth and smallmouth bass	1. Big Dummy lake, Little Dummy lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total but only 1 may be longer than 18	None except the possession of fish from 14 through 18 is prohibited
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SECTION 6m. NR 20.20(3)(c) is amended to read:

**(3) BARRON** (for species or waters not listed, see sub. (73))

(c) Northern pike	1. Prairie lake, Chetek lake, Pokegama lake, Mud lake, Ten Mile lake, Staples lake, Bass lake (T33N R10W S34), Horseshoe lake (T34N R14W S7), <u>Big Dummy lake</u> , <u>Little Dummy lake</u>	a. Hook and line.	First Saturday in May to the first Sunday in March	2	26
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SECTION 7. NR 20.20(5) is repealed and recreated to read:

**(5) BROWN** (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(a) All species	1. The following posted urban waters: Manger lagoon, city of Green Bay	a. Hook and line.	Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None	
(b) Catfish		1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	25	None
			b. Set or bank pole and setline.	Saturday nearest May 20 to September 30	None	None
	2. All other waters except Green Bay and its tributaries	a. Hook and line.	Continuous	25	None	
(c) Largemouth and smallmouth bass	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	5 in total	14	
(d) Muskellunge	1. Fox river upstream from DePere dam	a. Hook and line.	Saturday nearest Memorial Day to November 30	1	50	

(e) Northern pike	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	5	None
(f) Rough fish	1. Trout streams	a. Hook and line.	During the open season for trout	None	None
		b. By hand.	Continuous	None	None
	2. Fox river upstream from DePere dam	a. Hook and line, dip netting, by hand.	Continuous	None	None
		b. Spearing.	April 21 to the first Sunday in March	None	None
		c. Set or bank pole and setline.	Saturday nearest May 20 to September 30	None	None
	3. All other waters except Green Bay and its tributaries	a. Hook and line, by hand, dip netting.	Continuous	None	None
b. Spearing.		April 21 to the first Sunday in March	None	None	
(g) Trout and salmon	1. Haller creek, Bay Beach lagoons	a. Hook and line.	First Saturday in May at 5:00 a.m. to September 30	3 in total	None
	2. All other waters except Green Bay and its tributaries	a. Hook and line.	First Saturday in May at 5:00 a.m. to September 30	5 in total	7
(h) Walleye, sauger and hybrids	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	5 in total	15

SECTION 8. NR 20.20(10)(b)2. is amended to read:

**(10) CLARK** (for species or waters not listed, see sub. (73))

(b) Muskellunge	2. Black river, East fork Black river	a. Hook and line	South of U.S. hwy. 10, first Saturday in May to <del>November</del>	1	40
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~~30~~ December 31

SECTION 9. NR 20.20(11)(f) is amended to read:

**(11) COLUMBIA** (for species or waters not listed, see sub. (73))

(f) Muskellunge	1. Park, Silver, Spring and Swan lakes	a. Hook and line	First Saturday in May to <del>November</del> <u>30 December 31</u>	1	40
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SECTION 10. NR 20.20(13)(d) is amended to read:

**(13) DANE** (for species or waters not listed, see sub. (73))

(d) Muskellunge	1. Wingra lake, Monona lake, Waubesa lake, Upper Mud lake, Yahara river from Tenney locks downstream to Babcock dam, Nine Springs creek, Swan creek, Wingra creek, Starkweather creek	a. Hook and line.	First Saturday in May to <del>November</del> <u>30 December 31</u>	1	45
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SECTION 11. NR 20.20(24)(d) is amended to read:

**(24) GREEN LAKE** (for species or waters not listed, see sub. (73))

(d) Muskellunge	1. Big Green lake	a. Hook and line	First Saturday in May to <del>November</del> <u>30 December 31</u>	1	40
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SECTION 12. NR 20.20(25)(d) is amended to read:

**(25) IOWA** (for species or waters not listed, see sub. (73))

(d) Muskellunge	1. Twin Valley lake	a. Hook and line.	First Saturday in May to <del>November</del> <u>30 December 31</u>	1	40
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SECTION 13. NR 20.20(26)(g)2. is repealed.

SECTION 14. NR 20.20(27)(d) is amended to read:

**(27) JACKSON** (for species or waters not listed, see sub. (73))

(d) Muskellunge	1. Arbutus Canal, Black River flowage, Potter flowage, Black river, East Fork Black river, Morrison creek and Arbutus lake	a. Hook and line.	First Saturday in May to <del>November</del> <u>30 December 31</u>	1	40
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SECTION 15. NR 20.20(29)(cm) is amended to read:

**(29) JUNEAU** (for species or waters not listed, see sub. (73))

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages upstream from the Castle Rock dam	a. Hook and line	First Saturday in May to <del>November</del> <u>December 31</u>	1	45
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SECTION 16. NR 20.20(32)(cm) is created to read:

**(32) LACROSSE** (for species or waters not listed, see sub. (73))

(cm) Muskellunge	1. Black river	a. Hook and line.	First Saturday in May to December 31	1	40
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SECTION 17. NR 20.20(33)(am)1. is amended to read:

**(33) LAFAYETTE** (for species or waters not listed, see sub. (73))

(am) Catfish	1. Yellow-stone lake	a. Hook and line.	First Saturday in May to the first Sunday in March	2 in total with largemouth bass, smallmouth bass, walleye, sauger and hybrids	Minimum length limit 15; maximum length limit <del>48</del> <u>24</u>
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SECTION 18. NR 20.20(33)(c) is amended to read:

**(33) LAFAYETTE** (for species or waters not listed, see sub. (73))

(c) Muskellunge	1. Yellowstone lake	a. Hook and line	First Saturday in May to <del>November</del> <u>December 31</u>	0	--
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SECTION 19. NR 20.20(34)(a) is amended to read:

**(34) LANGLADE** (for species or waters not listed, see sub. (73))

(a) All species	1. Lower Post lake, Rolling Stone lake, Upper Post lake	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
	<u>2. The following posted urban waters: Remington lake</u>	<u>a. Hook and line.</u>	<u>Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish</u>	<u>1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total;</u>	<u>None</u>

total: 3 trout  
and salmon in  
total; None for  
rough fish

SECTION 20. NR 20.20(34)(e) is amended to read:

**(34) LANGLADE** (for species or waters not listed, see sub. (73))

(e) Walleye, sauger and hybrids	1. Pickerel lake, Rolling Stone lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total	18
	2. <del>Enterprise lake,</del> Jesse lake, Rose lake, Sawyer lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14"	None
	3. <u>Enterprise lake</u>	<u>a. Hook and line.</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total but only 1 may be longer than 18"</u>	<u>None but the possession of fish from 14 through 18 inches is prohibited</u>

SECTION 21. NR 20.20(35)(a)2. is created to read:

**(35) LINCOLN** (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Mirror lake	a. Hook and line.	Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None
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SECTION 22. NR 20.20(35)(b) is amended to read:

**(35) LINCOLN** (for species or waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	<del>1. Wisconsin river including sloughs, bayous, flowages-</del>	<del>a. Hook and line-</del>	<del>Continuous-</del>	<del>5 in total-</del>	<del>14-</del>
	<u>2. Muskellunge lake</u>	a. Hook and	First Saturday in	0	--

line	May to Friday preceding third Saturday in June			
	Third Saturday in June to the first Sunday in March	1		18

SECTION 23. NR 20.20(35)(d) is repealed.

SECTION 24. NR 20.20(35)(g) is amended to read:

**(35) LINCOLN** (for species or waters not listed, see sub. (73))

(g) Walleye, sauger and hybrids	1. Wisconsin river upstream from Grandfather dam <u>to Kings dam</u> including sloughs, bayous and flowages	a. Hook and line	Continuous	5 in total	15
	<u>1g. Wisconsin river upstream from Kings dam including sloughs, bayous and flowages</u>	<u>a. Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>5 in total</u>	<u>15</u>
	1m. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20" to 28" and only 1 may be > 28"	15
	2. Pesobic lakes	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14"	None
	<u>3. Enterprise lake</u>	<u>a. Hook and line.</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total but only 1 may be longer than 18"</u>	<u>None but the possession of fish from 14 through 18 inches is prohibited</u>

SECTION 25. NR 20.20(42)(bm) is created to read:

**(42) MONROE** (for species or waters not listed, see sub. (73))

(bm) Muskellunge	1. Black river	a. Hook and line.	First Saturday in May to December 31	1	40
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SECTION 26. NR 20.20(44)(b) is amended to read:

**(44) ONEIDA** (for species or waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	<del>1. Wisconsin river and sloughs, bayous and flowages downstream from the St. Regis dam in Rhinelande</del>	<del>a. Hook and line.</del>	<del>Continuous</del>	<del>5 in total</del>	<del>14</del>
	<u>2</u> 1. Bearskin lake, Crescent lake, Pelican lake, Stella lake	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	1 in total	18
	<u>3</u> 2. Little Bass lake	a. Hook and line. Only artificial lures may be used.	First Saturday in May to Friday preceding the third Saturday in June	0	--
			Third Saturday in June to November 15	5 in total	14
	<u>4</u> 3. Oneida lake	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	3 in total but only 1 may be longer than 18"	None except the possession of fish from 14" through 18" is prohibited

SECTION 27. NR 20.20(44)(d) is repealed.

SECTION 28. NR 20.20(44)(g)1. is amended to read:

**(44) ONEIDA** (for species or waters not listed, see sub. (73))

(g) Walleye, sauger and hybrids	1. Wisconsin river and sloughs, bayous and flowages downstream from the St. Regis dam in Rhinelander	a. Hook and line.	<del>Continuous</del> <u>First Saturday in May to the first Sunday in March</u>	5 in total	None, pursuant to s. NR 20.35
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SECTION 29. NR 20.20(49)(b) is amended to read:

**(49) POLK** (for species or waters not listed, see sub. (73))

(b) Muskellunge	1. All waters <u>not listed</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40
	<u>2. Bone lake</u>	a. Hook and line	<u>Saturday nearest Memorial day to November 30</u>	<u>1</u>	<u>50</u>

SECTION 30. NR 20.20(50)(cm)2. is amended to read:

**(50) PORTAGE** (for species or waters not listed, see sub. (73))

(cm) Muskellunge	2. Wisconsin river including sloughs, bayous and flowages south of U.S. hwy. 10.	a. Hook and line	First Saturday in May to <del>November 30</del> <u>December 31</u>	1	45
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SECTION 31. NR 20.20(56)(e) is amended to read:

**(56) SAUK** (for species or waters not listed, see sub. (73))

(e) Muskellunge	1. Redstone Lake	a. Hook and line	First Saturday in May to <del>November 30</del> <u>December 31</u>	1	40
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SECTION 32. NR 20.20(57)(e) is amended to read:

**(57) SAWYER** (for species or waters not listed, see sub. (73))

(e) Muskellunge	1. <u>Chippewa flowage</u> , Grindstone lake, Lac Courte Oreilles lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	50
	2. Brunet river from state hwy. 70 downstream to the Chippewa river including Winter flowage, Big	a. Hook and line.	Saturday nearest Memorial day to November 30	1	40

Sissabagama lake,  
Moose lake

3. Black lake, Mud and Callahan lakes, Tiger Cat flowage and chain of lakes (T41N R7W), north fork Chief river downstream to Mud lake (T41N R7W)	a. Hook and line	Saturday nearest Memorial day to November 30	1	28
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4. <del>Chippewa flowage</del> , Chippewa river from the Chippewa flowage dam (Winter dam) downstream to and including the Raddison flowage and all tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to November 30	1	45
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SECTION 33. NR 20.20(57)(i) is amended to read:

**(57) SAWYER** (for species or waters not listed, see sub. (73))

(i) Walleye, sauger and hybrids	1. Grindstone lake, Chippewa river downstream from Radisson flowage including all tributaries upstream to the first dam or lake, Winter lake and Brunet river upstream from Winter lake to the Lake Loretta dam	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18"	None but the possession of fish from 14 through 18 inches is prohibited
	2. Flambeau river, north fork Flambeau river and south fork Flambeau river including their tributaries upstream to the first dam or lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14"	None
	3. Black Dan lake, Clear lake, Island lake (T39N R5W S2), <del>Sand lake</del>	a. Hook and line.	First Saturday in May to the first Sunday in March	1 in total	28

<p><u>4. Sand lake, including Sissabagama creek upstream to Sand lake road</u></p>	<p>a. Hook and line.</p>	<p><u>First Saturday in May to the first Sunday in March</u></p>	<p><u>3</u></p>	<p><u>18</u></p>
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SECTION 34. NR 20.20(62)(ae) is created to read:

**(62) TREMPEALEAU** (for species or waters not listed, see sub. (73))

<p>(ae) Muskellunge</p>	<p>1. Black river</p>	<p>a. Hook and line.</p>	<p>First Saturday in May to December 31</p>	<p>1</p>	<p>40</p>
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SECTION 35. NR 20.20(64)(c)2. is amended to read:

**(64) VILAS** (for species or waters not listed, see sub. (73))

<p>(c) Largemouth and smallmouth bass</p>	<p>2. <u>Averill lake, Big Portage lake, Big Muskellunge lake, East Ellerson lake, Forest lake, Gunlock lake, Little Bass lake (T40N, R8E, S15), Kentuck lake, Middle Ellerson lake, Papoose lake, Plum lake, <u>Presque Isle lake</u>, Salsich lake, <u>Star lake</u>, Trout lake, <u>Van Vliet lake</u>, Wabasso lake, West Plum lake, White Sand lake (T42N, R7E, S27), Whitney lake</u></p>	<p>a. Hook and line.</p>	<p>First Saturday in May to Friday preceding third Saturday in June</p>	<p>0</p>	<p>--</p>
			<p>Third Saturday in June to the first Sunday in March</p>	<p>1 in total</p>	<p>18</p>

SECTION 36. NR 20.20(64)(d)2m. is amended to read:

**(64) VILAS** (for species or waters not listed, see sub. (73))

<p>(d) Muskellunge</p>	<p>2m. Sparkling lake</p>	<p>a. Hook and line.</p>	<p>Saturday nearest Memorial day to November 30</p>	<p>1</p>	<p>40 until November 30, <del>2008</del> <u>2013</u> when it becomes 34</p>
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SECTION 37. NR 20.20(64)(h)9. is amended to read:

**(64) VILAS** (for species or waters not listed, see sub. (73))

<p>(h) Walleye, sauger and hybrids</p>	<p>9. Sparkling lake</p>	<p>a. Hook and line.</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>1 until March <del>1, 2009</del> <u>3, 2014</u> when it becomes 15</p>	<p>28 until March <del>1, 2009</del> <u>3, 2014</u> when it becomes 15</p>
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becomes  
5

SECTION 38. NR 20.20(70)(f)4. is amended to read:

**(70) WAUSHARA** (for species or waters not listed, see sub. (73))

(f) Trout and salmon	4. Gilbert lake, Johns lake, <u>Long lake (Town of Saxeville)</u> , Pearl lake, Pine lake, Spring lake, White River pond (west branch), Wild Rose millpond	a. Hook and line	First Saturday in May at 5:00 a.m. to the first Sunday in March	5 in total	7
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SECTION 39. NR 20.20(72)(cm) is amended to read:

**(72) WOOD** (for species or waters not listed, see sub. (73))

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages	a. Hook and line.	First Saturday in May to <del>November 30</del> <u>December 31</u>	1	45
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SECTION 40. NR 20.20(73)(b)3m. is amended to read:

**(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)**

(b) Catfish	3m. Lake Winnebago system waters	a. Hook and line.	<del>Continuous-First Saturday in May to September 30</del>	25 in total but <del>until March 31, 2012</del> only <del>2</del> <u>1</u> may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None <u>except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited</u>
		b. Set or bank pole and setline 500 feet or more from any dam	Saturday nearest May 20 to September 30	None but <del>until March 31, 2012</del> only <del>2</del> <u>1</u> may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None <u>except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited</u>

SECTION 41. NR 20.20(73)(g)3. is amended to read:

**(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)**

(g) Muskellunge	3. All other waters south of U.S. hwy. 10 not listed in subs. (1) to (72) or this paragraph	a. Hook and line.	First Saturday in May to <del>November 30</del> <u>December 31</u>	1	34
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SECTION 42. NR 20.20(73)(o)4. and 5. are amended to read:

**(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)**

(o) Walleye, sauger and hybrids	4. All other tributary streams and ditches to Green Bay upstream to the first dam or lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 <del>5</del>	in total	<del>None</del> <u>15</u>
	6. Lake Winnebago system waters	a. Hook and line	Continuous	5 walleye, 0 <del>1</del>	sauger and hybrids	None

SECTION 43. NR 21.06 (1)(b) and (d) are amended to read:

**NR 21.06(1)(b)** May use ~~dip landing nets 3 feet or less in diameter~~ and a gaff only for the purpose of landing a fish that is legally hooked. However, ~~such dip landing nets~~ may be used to remove winterkilled fish in those areas and at those times designated by the department by posting, and to net fish as authorized with the use of dip nets under this chapter or ch. NR 20.

**(d)** Except in Lake Superior, its bays and tributaries, may take rough fish by means of spear, bow and arrow or dip nets and landing nets not to exceed 24 inches in diameter or square only from sunrise to sunset from the Saturday nearest April 21 to March 1, except that the use of dip nets and landing nets not to exceed 24 inches in diameter or square for the taking of rough fish in the St. Croix river downstream to the St. Croix Falls dam is permitted from the Saturday nearest May 15 to June 30 each year.

SECTION 44. NR 22.06 (1)(b) and (d) are amended to read:

**NR 22.06(1)(b)** Use ~~dip landing nets 3 feet or less in diameter~~ and a gaff only for the purpose of landing a fish that is legally hooked. However, ~~such dip landing nets~~ may be used to remove distressed fish in winterkill waters in those areas and at those times designated by the department by posting, and to net fish as authorized with the use of dip nets under this chapter or ch. NR 20.

**(d)** Take rough fish by means of a spear, bow and arrow or landing net or dip nets not to exceed 24 inches in diameter or square from sunrise to sunset only.

SECTION 45. NR 23.01 is amended to read:

**NR 23.01 Purpose.** The provisions of this chapter, along with other applicable rules and statutes, regulate fishing in Wisconsin-Michigan boundary waters.

SECTION 46. NR 23.05(1m) is created to read:

**NR 23.05(1m)** No person may set, use or operate a landing net for any purpose other than for the purpose of landing fish legally hooked or to take fish as authorized with the use of dip nets under this chapter or ch. NR 20.

SECTION 47. NR 23.06(1) is amended to read:

**NR 23.06 (1)** Dip nets and landing nets may be used for taking suckers, redhorse, carp, smelt and lawyers or burbot from April 1 to May 14, in the Menominee river except in that portion from the upstream side of the Hattie Street Bridge in Marinette-Menominee upstream to the next dam and within 200 feet below dams on the river.

SECTION 48. EFFECTIVE DATE. This rule shall take effect on April 1, 2009, except Sections 33 and 42, which shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 49. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

Dated at Madison, Wisconsin, \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Matthew J. Frank, Secretary

(SEAL)