

**NATURAL RESOURCES BOARD AGENDA ITEM**

**SUBJECT:** Request for authorization of public hearings on FH-01-09: proposed fishing and clamming regulation changes for 2009 Spring Fish and Wildlife Rules Hearings.

**FOR:** JANUARY, 2009 BOARD MEETING

**TO BE PRESENTED BY:** Joseph Hennessy

**SUMMARY:**

The Bureaus of Fisheries Management and Law Enforcement request authorization to hold public hearings on a number of proposed changes to rules related to recreational fishing and clamming in the inland and boundary waters of Wisconsin. The Department is proposing eight changes of broad, statewide significance, and approximately 25 questions of local or regional interest, which affect fishing regulations on individual waters.

Among the changes of statewide interest include a proposal to require background checks for adults who mentor children in the Department's angler, aquatic education, and outdoor skills programs, and changes which will strengthen but codify rules related to recreational clamming in the St. Croix National Scenic Riverway and commercial clamming in the St. Croix and St. Louis Rivers where those rivers form the boundary between Wisconsin and Minnesota.

The Department further proposes to eliminate rules which restricts anglers to using barbless hooks only in the early catch-and-release trout season. Barbless hooks have not proven to significantly reduce trout mortality when compared to conventional, barbed hooks. Anglers will still be restricted to using artificial lures only during the early trout season. Several of the questions presented as "of statewide interest" are rules which clarify portions of Administrative Code without significantly changing the scope of existing rules, including a proposal to better define the upstream boundaries of the middle Wisconsin, Chippewa, Yellow, and other large rivers.

The Department has also included an informational section related to the detrimental impacts of smelt introductions to waters where naturally reproducing walleye populations occur, and three related rules restricting walleye harvest in smelt-infested waters in Vilas and Barron Counties.

If approved, these proposals will be presented to the public for comment at the April, 2009 Spring Fish and Wildlife Rules Hearings.

**RECOMMENDATION:** Approve public hearings on FH-01-09: proposed fishing and clamming regulation changes for 2009 Spring Fish and Wildlife Rules Hearings.

**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, Mike Staggs

\_\_\_\_\_  
Date 12/22/08

\_\_\_\_\_/s/  
Administrator, Todd Ambs

\_\_\_\_\_  
Date 12/22/08

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

\_\_\_\_\_  
Date 12/30/08

- cc: Laurie J. Ross - AD/8
- Mike Staggs, FM/4
- Steve Hewett, FM/4
- Tim Andryk, LS/8
- Pete Flaherty, LS/8

- Randy Stark, LE/8
- Tom Van Haren, LE/8
- Kurt Thiede, AD/8
- Paul neumann, MB/8
- Diane Brookbank, CS/1

- FM Board (8)
- GLIFWC, Tribal Chairpersons (13)
- IA, MI, MN DNR (3)
- Conservation Congress Exec. Comm. (3)
- Fisheries Management (4)

DATE: December 16, 2008

TO: Natural Resources Board

FROM: Matt Frank

SUBJECT: Request for authorization of public hearings on FH-01-09: proposed fishing and clamming regulation changes for 2009 Spring Fish and Wildlife Rules Hearings.

### **BACKGROUND**

The Department recommends that the revisions to Administrative Code proposed herein be presented at the Spring Fish and Wildlife Rules Hearings April 13, 2009. These proposals are suggested by the Bureaus of Fisheries Management and Law Enforcement to address fisheries management and law enforcement issues related to management of recreational fishing and clamming in Wisconsin's inland and boundary waters. The proposals were developed by the Bureaus of Fisheries Management and Law Enforcement with input from the Bureau of Legal Services, and considerable public input. Representative of both the Conservation Congress Executive Committee and the Great Lakes Indian Fish and Wildlife Commission were part of discussions regarding advancement of these proposals. Many of these proposals have been discussed with committees or county delegations of the Conservation Congress.

### **SUMMARY OF THE RULE**

The attached rule order contains the following proposed modifications to Administrative Code:

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

1. **Background checks:** The rule would allow the department to conduct criminal history background checks on individuals that want to serve as department sponsored volunteer angler education instructor or a mentor as part of a department sponsored or approved learn-to-hunt program. These instructors often and primarily serve as instructors for youth. Similar to the hunter, boater, snowmobile, ATV and trapper education volunteer instructor programs, it is important that we make sure we are not providing the opportunity for any individual who is not allowed to associate with children or who has been convicted of an illegal act involving children, from having the opportunity to work with children during the outdoor recreational programs conducted by DNR.

This proposal would also remove the condition that a mentor for fishing programs may not serve as a mentor for more than 3 anglers and clarify that the applicant, instructors and mentors need to possess a valid fishing license. Section 1 will also reduce the 30 day advanced notice for applications for fishing programs to 15 days.

2. **Daily bag limit for minnows:** The rule proposes to correct an administrative error which was included in the recently adopted rules regarding minnow harvest and possession, as related to

concerns regarding containing the spread of Viral Hemorrhagic Septicemia. Currently Administrative Code (NR 20.20(73)(h)6.b.) states that “600 suckers in total” may be retained by an individual. However, the daily bag limit should be 600 minnows, including, but not restricted to, suckers.

3. Remote-control boats for fishing: This rule clarifies legality of using a small remote controlled boat or similar device with a piece of line and hook attached for the purpose of catching fish in Wisconsin. Aviva Sports, a division of Shoremaster is one company that is currently producing these small boats and making them available on-line as well as at retail outlets.

The Bureau of Law Enforcement has discussed the use of this type of device for fishing purposes with the Bureaus of Legal Services and Fisheries. Our interpretation of the law is that these devices when used for fishing, if not tethered back to the boat, pier or shore where the person operating it is located, is not allowed under our "jug-fishing" rule in NR 20.06(10).

It is our opinion that a remote control device which is not tethered or connected with a line to which the angler has control of, does not comply with this rule or its original intent. This rule change proposal is meant to clarify this in the rule with language that will more clearly state what NR 20.06(10) means. That being that any line or device used for fishing must be under the control of the angler with a tethered line that allows for the retrieval of the device and attached hook and line.

It may also be argued that this type of device may violate the unattended line prohibition in s. NR 10.08(9), Wis. Adm. Code, which states that the failure to immediately respond to a fish bite is prima facie evidence that the line is unattended. Based on video we have viewed, depending on the size of the fish, a person operating this device may not be able to immediately respond in a reasonable manner. The manufacture advised that the "Fishing Buddy" remote controlled boat can only handle a fish of 2 pounds or less. If a bigger fish gets hooked, it can not be controlled or retrieved by the power of the small remote controlled boat. This also shows that the device is not always under the control of the angler. This device may be seen in action at the following web site: <http://www.goaviva.com/whatsnew.html>

4. Licenses for taking crayfish: The proposed rule order contains language which would clarify that either a small game license or a fishing license is sufficient approval for a person older than 16 to take crayfish in Wisconsin.
5. Clarify boundaries of large rivers and their tributaries: The Wisconsin and many other large inland rivers, including the Chippewa, Flambeau, Lemonwier, and Yellow have continous open seasons for game fish, or regulations which differ from their tributary streams. Many places in Administrative Code offer an ambiguous boundary between what is open and what is closed. This Administrative Law change would result in rule clarification by defining the boundaries on these rivers. Current language defines each of these rivers as “including its bayous, flowages, and tributaries.” The proposed language revises these definitions to each river and its tributaries “upstream to the first dam or highway bridge.” In a limited number of cases, specific boundaries are further defined in Code. This wording is similar to wording currently in place for the Wisconsin River from the southern Columbia County line

downstream to the mouth of the river, and affects waters in Adams, Juneau, Lincoln, Marathon, Oneida, Portage, and Wood Counties. In Juneau, Lincoln, Marathon, and Portage Counties additional language is used to further clarify the boundaries of the Wisconsin river and its flowages.

Similar wording is included for the Chippewa River, East Fork of the Chippewa river, the North and South Forks of the Flambeau River, LaCrosse River, Lemonweir River, and Yellow River in Ashland, Juneau, LaCrosse, Monroe, Price, Rusk, and Sawyer Counties.

6. Repeal barbless hooks requirement for early trout season: Currently anglers are required to use artificial lures with barbless hooks during the early, catch-and-release trout season. However, numerous studies have concluded that barbless hooks do not significantly reduce hooking mortality when compared to conventional barbed hooks. This rule order proposes repealing the barbless hooks only restriction. Anglers would still be required to use artificial lures only during the early, catch-and-release trout season.
7. Mussel harvest in St. Croix, Namekagon, and St. Louis Rivers: The Department proposes to prohibit collection of live mussels or dead shell from the St. Croix River National Scenic Riverway. Mussel harvest regulations are inconsistent between regulatory agencies on the St. Croix River. National Park Service rules do not allow any harvest of mussels, live or dead, within the St. Croix National Scenic Riverway. Where the St. Croix River forms the boundary between Wisconsin and Minnesota, Minnesota does not allow any live harvest of mussels or collection of dead shells in the river. Wisconsin currently allows the personal harvest of 50 pounds of live mussels daily on border waters with Minnesota by hand picking. Wisconsin regulations also allow the collection of unlimited quantities of dead shell, except endangered or threatened species, from these border waters. Both Wisconsin and Minnesota currently do not allow harvest of live mussels from inland waters in either state. This proposal will make rules between the three jurisdictions consistent.

This rule further proposes to eliminate commercial mussel harvest in the St. Croix River where it forms the boundary between Wisconsin and Minnesota (the activity is already prohibited by National Park Service rules), and in the St. Louis River where it forms the boundary between Wisconsin and Minnesota. This will complete closure of all potential commercial mussel harvest in Wisconsin. There are no active commercial clammers in any of the waters affected by this rule.

#### Proposals of local interest and significance:

In general, the proposals considered to be of local or regional significance are those in which minor adjustments are made to Administrative Code. These are generally adjustments to angler daily bag limits and/or rules governing what sizes of fish may be harvested, or opening and closing dates for open seasons, within individual water bodies.

The Department proposes to:

8. set a minimum length restriction for walleye in Upper Clam lake (Ashland county) of 15 inches;

9. increase the minimum length restriction for walleye in Beaver Dam lake (Barron county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish;
10. create an annual open season for trout in Beaver, Little Star, Nymphia, and Overby (Blaisdell) lakes (Bayfield county), where the seasons in these lakes are currently closed every other year. The trout season Balsam pond is currently listed as open every other year, but that pond is no longer managed for trout and so its trout regulations will be struck from code. The annual open season in the other waters will be between the first Saturday in May and September 30;
11. remove the 14 inch minimum length restriction for largemouth and smallmouth bass in Lake 26 (Burnett county);
12. extend the end of open season for trout in Anderson lake (Douglas county) from September 30 to the first Sunday in March;
13. set a minimum length restriction for walleye in Bearskull, Fisher, Owl, and Upper and Lower Springstead lakes (Iron county) of 15 inches;
14. increase the minimum size restriction for northern pike in Silver lake (Manitowoc county) from 26 to 32 inches and reduce the daily angler bag limit from 2 to 1;
15. correct an administrative error which improperly lists the minimum length restriction for walleye in the Wisconsin river downstream from the St. Regis dam in Rhinelander (Oneida county) as none rather than 15 inches;
16. increase the minimum length restriction for largemouth and smallmouth bass in Burrows lake (Oneida county) from 14 inches to 18 inches, and decrease the daily angler bag limit from 5 to 1;
17. increase the minimum length restriction for walleye in Big Round lake (Polk county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish;
18. replace the current 9 inch minimum length restriction for trout in Manley creek (Sauk county) with a 9 inch maximum size restriction. This rule will expire 10 years after implementation;
19. increase the minimum size restriction for muskellunge in Big Sand, Kentuck, and Long lakes (Vilas county) from 34 inches to 50 inches;
20. set a minimum size restriction for walleye in Dead Pike lake (Vilas county) of 18 inches, and reduce the daily angler bag limit from 5 to 3;
21. remove the current 15 inch minimum size restriction for walleye in North Twin and South Twin lakes (Vilas county), but stipulate that walleye between 14 and 18 inches may not be kept and only 1 walleye larger than 18 inches may be part of an angler's 3 fish daily bag limit;

22. increase the minimum length restriction for walleye in White Sand (T42 N R7E S27,) and Long lakes (Vilas county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish, and also correct an administrative error which improperly lists the closing date of the open angling season for walleye as March 1 rather than the first Sunday in March.
23. add Regner (Washington county) and Foxbrook (Waukesha county) ponds to the state's urban fishing program, in which there would be a continuous open season but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April, and in which persons may possess 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, and an unlimited number of rough fish.

### **POLICY IMPACTS**

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

### **PREVIOUS ACTION**

The Board has not previously taken action on any of the proposed items.

### **IMPACTS ON THE PUBLIC**

The proposed rules will have minimal impact on members of the public. As with any change in regulation, there will be a requirement for anglers to learn the new rules. The FM Bureau works to notify the public of new regulations via press releases, the Internet, and fishing regulations pamphlets.

### **ENVIRONMENTAL ASSESSMENT**

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

### **SMALL BUSINESS 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. The rule will eliminate the opportunity for commercial clamming operations in the St. Louis River (National Park Service rules already prohibit commercial clamming in the St. Croix River where it forms the boundary between Wisconsin and Minnesota), but there have never been commercial clam operators in the St. Louis River.

### **INITIAL REGULATORY FLEXIBILITY ANALYSIS**

- A.1. Describe the compliance and/or reporting requirements imposed on small business.

No reporting requirements are imposed by this Order.

2. Can these compliance and/or reporting requirements be made less stringent for small business? Explain.

Not applicable.

- B.1. Describe the schedules or deadlines for compliance or reporting imposed on small business.

Not applicable.

2. Can these schedules or deadlines be made less stringent for small business? Explain.

Not applicable.

- C. Can the compliance or reporting requirements for small business be consolidated or simplified? Explain.

Not applicable.

- D. Can performance standards be established for small businesses in lieu of design or operational standards? Explain.

Not applicable.

- E. Can small business be exempted from any or all requirements of the rule? Explain.

Not applicable.

- F. Initial Regulatory Flexibility Analysis

1. Describe the type of small business that will be affected by rule.

Changes to fishing regulations have no regulatory effect on small businesses.

2. Briefly explain the reporting, bookkeeping and other procedures required for compliance with the rule.

Not applicable.

3. Describe the type of professional skills necessary for compliance with the rule.

Not applicable.

### 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-0109
---	-------------------------------	---

**Subject**

FH-01-09: proposed fishing and clamming regulation changes for 2009 Spring Fish and Wildlife Rules Hearings.

**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 request authorization to hold public hearings on a number of proposed changes to rules related to recreational fishing and clamming in the inland and boundary waters of Wisconsin. The Department is proposing eight changes of broad, statewide significance, and approximately 25 questions of local or regional interest, which affect fishing regulations on individual waters.

Among the changes of statewide interest include a proposal to require background checks for adults who mentor children in the Departments angler and aquatic education programs. Each background check will cost the Department approximately \$5. There are currently 2,300 individuals that serve as angler or aquatic education instructors or mentors and 1,000 learn to hunt mentors. Therefore, the initial cost of background checks is estimated to be \$16,500 (3,300 x \$5). Ongoing costs will be approximately \$1,750 as new mentors join the angler and aquatic education and learn-to-hunt programs (apprx. 350 annually x \$5). For angler and aquatic education mentors, the cost of background checks would be covered by Sportfish Restoration funds, while learn-to-hunt mentor background checks would be covered by PR or Fish & Wildlife funds.

No other proposed changes are expected to have fiscal impacts.

**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 FH-0109

---

Assumptions Used in Arriving at Fiscal Estimate – Continued

---

**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-01-09

**Subject**

FH-01-09: proposed fishing and clamming regulation changes for 2009 Spring Fish and Wildlife Rules Hearings.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 \$16,500

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		1,750	-
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		1,750	-
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	\$ 1,750	\$
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)

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 20.20(4)(h)7. and 8.; to amend NR 19.025(3)(a) and (5)(a), 19.275(3)(a), 19.30, 20.06(10), 20.16(1)(b)2., 20.20(1)(a), (c), (cm), (d) and (h)1., 20.20(2)(bm), 20.20(2)(g)3., 20.20(3)(f)1., 20.20(7)(c), 20.20(16)(g), 20.20(26)(g)3., 20.20(29)(a), (c), (cm), (d) and (h), 20.20(32)(c), (d), and (g), 20.20(35)(a), (b), (c), (d), and (g), 20.20(37)(a), (c), (e)2. and (i), 20.20(42)(b), (c), and (f), 20.20(44)(b)1. and 2., (d)1. and (g)1., 20.20(49)(f), 20.20(50)(a), (b)1., (cm), (d)3., and (h), 20.20(51)(bg), 20.20(55)(bg), 20.20(56)(i), 20.20(57)(c), 20.20(64) (h), 20.20(67)(a)2., 20.20(68)(a)2., 20.20(72)(a), (c), (cm), (d) and (h), 20.20(73)(h)6., 24.09 and 24.10; and to create NR 19.27(4)(a)1.d, 20.20(36)(am) and 20.20(64)(d)4., relating to fishing and clamming on the inland, outlying, and boundary waters of Wisconsin.

FH-01-09

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, and 29.537, which authorizes clamming, have been interpreted as giving the department the authority to make changes to fishing and clamming regulations on inland and boundary waters of Wisconsin.

**2. Statutory Authority:** Sections 29.014(1), 29.039, 29.041, 29.053, 29.537 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, 29.053 and 29.537, Stats., grant rule making authority to the department to establish and maintain open and closed seasons for fish, clams and game and any bag limits, size limits, rest days and conditions governing the taking of fish, clams and game that will conserve the fish, clams, 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:**

Sections 1, 2, and 3 would allow the department to conduct criminal history background checks on individuals who want to serve as department-sponsored volunteer angler education instructor or a mentor as part of a department sponsored or approved learn-to-hunt program. These instructors often and primarily serve as instructors for youth. Similar to the hunter, boater, snowmobile, ATV and trapper education volunteer instructor programs, it is important that we make sure we are not providing the opportunity for any individual who is not allowed to associate with children or who has been convicted of an illegal act involving children, from having the opportunity to work with children during the angler education programs conducted by DNR.

This proposal would also remove the condition that a mentor for fishing programs may not serve as a mentor for more than 3 anglers and clarify that the applicant, instructors and mentors need to possess a valid fishing license. Section 1 will also reduce the 30 day advanced notice for applications for fishing programs to 15 days.

Section 4 clarifies that either a small game or a fishing license is a valid approval for taking crayfish as they are the licenses most related to the activities of harvesting these species. This is similar to what is required for taking turtles.

Section 5 clarifies that any line or device used for fishing must be under the control of the angler with a tethered line that allows for the retrieval of the device and attached hook and line, and explicitly states that remote-controlled fishing devices must also be tethered or connected to a line of which the angler has control.

Section 6 removes a requirement that barbless hooks must be used during the early, catch-and-release inland trout season. Barbed hooks would be permissible, but artificial lures only would still be required.

Sections 7, 8, 15, 16, 17, 19, 20, 21, 23, 24, 25, 27 and 32 clarify the boundaries of the Wisconsin river from its origin downstream to the southern Columbia county line as “Wisconsin river, including bayous, sloughs, and flowages upstream to the first dam or highway bridge.” This wording is similar to wording currently in place for the Wisconsin river from the southern Columbia county line downstream to the mouth of the river, and affects waters in Adams, Juneau, Lincoln, Marathon, Oneida, Portage, and Wood counties. In Juneau, Lincoln, Marathon, and Portage counties additional language is used to further clarify the boundaries of the Wisconsin river and its flowages.

These sections also include similar wording for the Chippewa river, East fork of the Chippewa river, the North and South forks of the Flambeau river, LaCrosse river, Lemonweir river, and Yellow river in Ashland, Juneau, LaCrosse, Monroe, Price, Rusk, and Sawyer counties.

Section 9 sets a minimum length restriction for walleye in Upper Clam lake (Ashland county) of 15 inches.

Section 10 increases the minimum length restriction for walleye in Beaver Dam lake (Barron county) from 15 inches to 18 inches, and reduces the daily angler bag limit for walleye from 5 fish to 3 fish.

Section 11 creates an annual open season for trout in Balsam pond and Beaver, Little Star, Nymphia, and Overby (Blaisdell) lakes (Bayfield county), where the seasons in these lakes are currently closed every other year. The annual open season will be between the first Saturday in May and September 30.

Section 12 removes the 14 inch minimum length restriction for largemouth and smallmouth bass in Lake 26 (Burnett county).

Section 13 extends the end of open season for trout in Anderson lake (Douglas county) from September 30 to the first Sunday in March.

Section 14 sets a minimum length restriction for walleye in Bearskull, Fisher, Owl, and Upper and Lower Springstead lakes (Iron county) of 15 inches.

Section 18 increases the minimum size restriction for northern pike in Silver lake (Manitowoc county) from 26 to 32 inches and reduces the daily angler bag limit from 2 to 1.

Section 21 also corrects an administrative error which improperly lists the minimum length restriction for walleye in the Wisconsin river downstream from the St. Regis dam in Rhinelander (Oneida county) as none rather than 15 inches.

Section 21 also increases the minimum length restriction for largemouth and smallmouth bass in Burrows lake (Oneida county) from 14 inches to 18 inches, and decreases the daily angler bag limit from 5 to 1.

Section 22 increases the minimum length restriction for walleye in Big Round lake (Polk county) from 15 inches to 18 inches, and reduces the daily angler bag limit for walleye from 5 fish to 3 fish.

Section 26 replaces the current 9 inch minimum length restriction for trout in Manley creek (Sauk county) with a 9 inch maximum size restriction. This rule will expire 10 years after implementation.

Section 28 increases the minimum size restriction for muskellunge in Big Sand, Kentuck, and Long lakes (Vilas county) from 34 inches to 50 inches.

Section 29 increases the minimum size restriction for walleye in Dead Pike lake (Vilas county) from none to 18 inches, and reduces the daily angler bag limit from 5 to 3.

Section 29 also removes the current 15 inch minimum size restriction for walleye in North Twin and South Twin lakes (Vilas county), but stipulates that walleye between 14 and 18 inches may not be kept, and only 1 walleye larger than 18 inches may be part of an angler’s 3 fish daily bag limit.

Section 29 also increases the minimum length restriction for walleye in White Sand (T42 N R7E S27) and Long lakes (Vilas county) from 15 inches to 18 inches, and reduces the daily angler bag limit for walleye from 5 fish to 3 fish, and also corrects an administrative error which improperly lists the closing date of the open angling season for walleye as March 1 rather than the first Sunday in March.

Sections 30 and 31 add Regner (Washington county) and Foxbrook (Waukesha county) ponds to the state's urban fishing program, in which there is a continuous open season but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April, and in which persons may possess 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, and an unlimited number of rough fish.

Section 33 corrects an administrative error regarding possession of minnows.

Section 34 closes recreational and commercial clamming and prohibits collection of dead shell in the St. Croix river where it forms the boundary between Wisconsin and Minnesota, and prohibits collection of dead shell from waters within the St. Croix National Scenic Riverway. This standardizes rules between Wisconsin, Minnesota, and the National Park Service in these waters.

Section 35 also prohibits commercial clamming in the St. Louis River where it forms the boundary between Wisconsin and Minnesota.

**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 rule will eliminate the opportunity for commercial clamming operations in the St. Louis and St. Croix Rivers, but no individuals have been operating in these waters in more than 10 years. 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.

**12. Place where comments are to be submitted and deadline for submission:** The deadline for written comments is April 15, 2009. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

---

SECTION 1. NR 19.025(3)(a) and (5)(a) are amended to read:

NR 19.025 Waivers for an educational recreational activity.

## (3) GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS.

(a) An applicant shall submit a request for a waiver at least 30 days prior to a hunting or trapping the event and 15 days before a fishing event. The department may waive the 15 day period for fishing events when the department determines it is not required to conduct criminal history, character or background checks. All applications shall be submitted on forms provided by the department.

## (5) SPECIAL FISHING CONDITIONS, LIMITATIONS AND RESTRICTIONS.

(a) Except as provided in par. (b), the applicant, instructors and mentors shall possess a valid fishing approval. During the field portion of the fishing activity there may be no more than 3 novice participants per mentor.

SECTION 2. NR 19.30 is amended to read:

NR 19.30 Criminal history checks; volunteer ~~safety~~ instructors. Whenever application is made to the department by a person interested in becoming certified to instruct as a volunteer all-terrain vehicle, boating, bow hunter, hunter education, Wisconsin cooperative trapper education program or snowmobile safety instructor, the bureau of law enforcement shall conduct a criminal history, character and background check on the applicant. Notwithstanding s. NR 19.025, the bureau of law enforcement shall conduct a background check on any person who applies to serve as an angler or aquatic education instructor, or an educational outdoor skills activity mentor under s. 19.025. Upon becoming aware of information indicating prior illegal activity, the department shall make appropriate inquiry into criminal history and character of instructor or mentoring applicants and determine their suitability for the proposed activity.

SECTION 3. NR 19.27(4)(a)1.d is created to read:

## NR 19.27(4) ADDITIONAL RESTRICTIONS.

(a) Crayfish.

1. `Prohibitions.' No person may:

d. Take, possess or control a crayfish unless the person is in possession of a valid approval which authorizes the hunting of small game or which authorize fishing, unless otherwise exempt from the need to possess one of more of these approvals to hunt or fish under ch. 29, Stats.

SECTION 4. NR 19.275(3)(a) is amended to read:

## NR 19.275(3)(a)

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval ~~issued under s. 29.624, 29.161, 29.204, 29.207, 29.231 or 29.235, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.624, 29.228, 29.219, 29.231, 29.235, 29.531, or 29.533, Stats., which authorize fishing, unless otherwise exempt from the need to possess one of more of these approvals to hunt or fish under ch. 29, Stats.~~

SECTION 5. NR 20.06(10) is amended to read:

## NR 20.06(10)

(10) Fish in open water with a free-floating, remote controlled or anchored buoyant device with attached hook and line that is not held or otherwise controlled by the angler with the use of a line.

Note: This method is commonly known as jug fishing.

SECTION 6. NR 20.16(1)(b)2. is amended to read:

## NR 20.16(1)(b)2.

2. No person may use any hooks, baits or lures other than artificial lures ~~with barbless hooks~~ while fishing for any species of fish on trout streams specified in par. (a).

SECTION 7. NR 20.20(1)(a), (c), (cm), (d) and (h)1. are amended to read:

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

(a) All species	1. Mason lake; Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	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)
(c) Largemouth and smallmouth bass	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	Continuous	5 in total	14
(cm) muskellunge	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> upstream from the Castle Rock dam	a. Hook and line.	First Saturday in May to November 30	1	45
(d) Northern pike	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line	Continuous	1	32
(h) Walleye, sauger and hybrids	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	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

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

**(2) ASHLAND** (for species or waters not listed, including Lake Superior, see sub. (73))

(bm) Lake sturgeon	1. East Fork Chippewa river including sloughs, bayous and flowages <u>flowing into the Chippewa river upstream to the first highway or railroad bridge,</u> including Pelican lake, and North Fork Flambeau river including sloughs, bayous and flowages <u>flowing into the Flambeau river upstream to the first highway or railroad bridge.</u>	a. Hook and line.	First Saturday in September to September 30	1 per season	60
--------------------	---	-------------------	---	--------------	----

SECTION 9. NR 20.20(2) (g)3. is amended to read:

**(2) ASHLAND** (for species or waters not listed, including Lake Superior, see sub. (73))

g) Walleye, sauger and hybrids	3. Gordon lake, Lake Galilee, <del>Upper Clam lake,</del> Zielke lake, North Fork Flambeau river and its tributaries upstream to the first dam or lake, Mineral 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
--------------------------------	--	-------------------	--	---	------

SECTION 10. NR 20.20(3)(f)1. is amended to read:

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

(f) Walleye, sauger and hybrids	1. Red Cedar lake, Hemlock lake, <u>Beaver Dam lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
---------------------------------	---	------------------	--	------------	----

SECTION 11. NR 20.20(4)(h)7. and 8. are repealed.

SECTION 12. NR 20.20(7)(c) is amended to read:

**(7) BURNETT** (for species or waters not listed, see sub. (73))

c) Largemouth and smallmouth bass	1. Webb lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total	14
	<u>2. Twenty-six lake</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>None</u>

SECTION 13. NR 20.20(16)(g) is amended to read:

**(16) DOUGLAS** (for species or waters not listed, including Lake Superior, see sub. (73)). Note: Allouez bay, Little Pokegama bay, Kimballs bay and Pokegama bay are considered part of the St. Louis river, a Wisconsin-Minnesota boundary water. See chapter NR 21. The Nemadji river is an inland water that is contiguous with these Wisconsin-Minnesota boundary waters but is regulated under this subsection.

(g) Trout and salmon	1. Brule river downstream from U.S. hwy. 2, Amnicon river downstream from Amnicon falls, Middle river downstream from U.S. hwy. 2, Nemadji river downstream from Great Northern railroad bridge, Black river downstream from Big Manitou falls, Poplar river downstream from U.S. hwy. 2, St. Louis river downstream from the Wisconsin-Minnesota state line	a. Hook and line. Fishing is prohibited from one-half hour after sunset to one-half hour before sunrise on the Brule river.	Last Saturday in March to November 15	5 in total but only 2 may be brown trout longer than 15 and only 1 may be a rainbow trout	Brook trout 8, brown trout 10, salmon 12, rainbow trout 26
	2. Bois Brule river from CTH S to CTH B	a. Hook and line. Only artificial lures may be used.	First Saturday in May at 5:00 a.m. to September 30	3 in total but only 2 may be brown trout and only 1 may be a rainbow trout	Brook trout 10, brown trout 15, salmon 12, rainbow trout 26
	3. All other tributaries and portions of tributaries to Lake Superior not listed above	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	5 in total but only 2 may be brown trout longer than 15 <sup>2</sup> and only 1	Brook trout 8, brown trout 10, salmon 12, rainbow trout 26

may be a rainbow trout

4. Eau Claire river	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	3 in total	9
<u>5. Anderson lake</u>	<u>a. Hook and line</u>	<u>First Saturday in May at 5:00 a.m. to the first Sunday in March</u>	<u>5 in total</u>	<u>7</u>
<u>56. All other waters not listed except Lake Superior</u>	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	5 in total	7

SECTION 14. NR 20.20(26)(g)3. is amended to read:

**(26) IRON** (for species or waters not listed, including Lake Superior, see sub. (73))

g) Walleye, sauger and hybrids	3. <del>Bearskull lake, Catherine lake, Cedar lake, Echo lake, Fisher lake, Gile flowage, Island lake, Little Oxbow lake, Lower Springstead lake, Owl lake, Oxbow lake, Pine lake, Randall lake, Sandy Beach lake, Sherman lake, Spider lake, Upper Springstead lake,</del> North Fork Flambeau river and its tributaries, West Branch Montreal river, Turtle river upstream from Echo 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
--------------------------------	---	-------------------	--	--	------

SECTION 15. NR 20.20(29) (a), (c), (cm), (d) and (h) are amended to read:

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

(a) All species	1. Kilburn flowage, Wisconsin river and its sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, including only that portion of Castle Rock flowage south of the county highway G bridge.</u>	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)
(c) Largemouth and smallmouth bass	1. Yellow river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, Lemonweir river and sloughs, bayous and flowages upstream to the first dam or</u>	a. Hook and line.	Continuous	5 in total	14

highway bridge, Wisconsin river and sloughs, bayous and flowages upstream to the first dam or highway bridge, except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G.

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> from the Castle Rock dam, <u>except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G</u>	a. Hook and line	First Saturday in May to November 30	1	45
(d) Northern pike	1. Wisconsin river and its flowages <u>upstream to the first dam or highway bridge, except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G.</u>	a. Hook and line.	Continuous	1	32
	2. Yellow river and sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> , Lemonweir river and sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u>	a. Hook and line.	Continuous	2	26
(h) Walleye, sauger and hybrids	1. Yellow river and its sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> Lemonweir river and its sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> , Wisconsin river and its sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge, except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G.</u>	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

SECTION 16. NR 20.20(32) (c), (d) and (g) are amended to read:

**(32) LA CROSSE** (for species and waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. La Crosse river including sloughs and bayous <u>upstream to the first dam or highway bridge</u> from Lake Neshonoc dam downstream to the Burlington Northern and Santa Fe railroad tracks	a. Hook and line	Continuous	5 in total	14
(d) Northern pike	1. La Crosse river including sloughs and bayous <u>upstream to the first dam or highway bridge</u> from Lake	a. Hook and line	Continuous	2	26

Neshonoc dam downstream to the Burlington Northern and Santa Fe railroad tracks

(g) Walleye, sauger and hybrids	1. La Crosse river including sloughs and bayous <u>upstream to the first dam or highway bridge</u> from Lake Neshonoc dam downstream to the Burlington Northern and Santa Fe railroad tracks	a. Hook and line	Continuous	5 in total	15
---------------------------------	--	------------------	------------	------------	----

SECTION 17. NR 20.20(35) (a), (b), (c), (d) and (g) are amended to read:

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

(a) All species	1. Spirit River flowage, Wisconsin river downstream from CTH A including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , except Lake Mohawksin	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)
(b) Largemouth and smallmouth bass	1. Wisconsin river including sloughs, bayous, and flowages <u>upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam</u>	a. Hook and line	Continuous	5 in total	14
(c) Muskellunge	1. Deer lake, Nokomis lake, Rice River flowage, Wisconsin river <u>including sloughs, bayous, and flowages upstream to the first dam or highway bridge</u> downstream from Merrill hydro-dam	a. Hook and line.	Saturday nearest Memorial Day to November 30	1	40
(d) Northern pike	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest</u>	a. Hook and line	Continuous	5	None

Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam.

(g) Walleye, sauger and hybrids	1. Wisconsin river upstream from Grandfather dam including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam.</u>	a. Hook and line	Continuous	5 in total	15
---------------------------------	--	------------------	------------	------------	----

1m. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam.</u>	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
---	-------------------	------------	--	----

SECTION 18. NR 20.20(36)(am) is created to read:

**(36) MANITOWOC** (for species or waters not listed, including Lake Michigan and its tributaries, see sub. (73))

<u>(am) Northern pike</u>	<u>1. Silver lake</u>	<u>a. Hook and line.</u>	<u>First Saturday in May to the first Sunday in March.</u>	<u>1 in total</u>	<u>32</u>
---------------------------	-----------------------	--------------------------	--	-------------------	-----------

SECTION 19. NR 20.20 (37)(a), (c), (e)(2), and (i) are amended to read:

**(37) MARATHON** (for species and waters not listed, see sub. (73))

(a) All species	1. Big Eau Pleine reservoir upstream to the first state hwy. 153 bridge, Wisconsin river including sloughs,	a. Motor trolling is permitted	As specified in this subsection or	As specified in this subsection or	As specified in this subsection or
-----------------	---	--------------------------------	------------------------------------	------------------------------------	------------------------------------

	bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>		sub. (73)	sub. (73)	sub. (73)
(c) Largemouth and smallmouth bass	1. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	a. Hook and line	Continuous	5 in total	14
(e) Northern pike	1. Big Eau Pleine reservoir	a. Hook and line	First Saturday in May to the first Sunday in March	1	32
	2. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	a. Hook and line	Continuous	5	None
i) Walleye, sauger and hybrids	1. Wisconsin river including <u>all</u> sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	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

SECTION 20. NR 20.20(42) (b), (c) and (f) are amended to read:

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

(b) Largemouth and smallmouth bass	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous <u>upstream to the first dam or bridge or water control structure, east fork Lemonweir river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah</u>	a. Hook and line.	Continuous	5 in total	14
------------------------------------	--	-------------------	------------	------------	----

dam

(c) Northern pike	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous <u>upstream to the first dam or bridge or water control structure</u> , east fork Lemonweir river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah dam	a. Hook and line.	Continuous	2	26
(f) Walleye, sauger and hybrids	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous <u>upstream to the first dam or bridge or water control structure</u> , east fork Lemonweir river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah dam	a. Hook and line.	Continuous	5 in total but until March 31, 2007 none may be from 20 to 28 and only 1 may be > 28	15

SECTION 21. NR 20.20(44)(b)1., (b)2., (d)1. and (g)1. are amended to read:

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

(b) Largemouth and smallmouth bass	1. Wisconsin river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , downstream from the St. Regis dam in Rhinelander	a. Hook and line.	Continuous	5 in total	14
	2. Bearskin lake, Crescent lake, Pelican lake, Stella lake, <u>Burrows lake</u>	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
(d) Northern pike	1. Wisconsin river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , downstream from the St. Regis dam in Rhinelander	a. Hook and line.	Continuous	5	None
(g) Walleye, sauger and hybrids	1. Wisconsin river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , downstream from the St. Regis dam	a. Hook and line.	Continuous	5 in total	<del>None,</del> pursuant to s. NR 20.35-15

in Rhinelander

SECTION 22. NR 20.20(49)(f) is amended to read:

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

(f) Walleye, sauger and hybrids	1. Cedar lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total but only 1 may be larger than 18	None except the possession of fish from 14 through 18 is prohibited
	<u>2. Big Round lake</u>	<u>a. Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3</u>	<u>18</u>

SECTION 23. NR 20.20(50)(a), (b)1., (cm), (d)3. and (h) are amended to read:

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

(a) All species	1. Little Eau Pleine flowage upstream to the first county hwy. O bridge, Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39.</u>	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)
(b) Largemouth and smallmouth bass	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> from Stevens Point Flowage dam to Al-Tech Park spillway	a. Hook and line	Continuous	1 in total	18
	2. Jacqueline lake	a. Hook and line	First Saturday in May to the first Sunday in March	1 in total	18

	3. Bass lake, Pleasant lake, portions of the Wisconsin river not listed in this paragraph, including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39</u>	a. Hook and line	Continuous	5 in total	14
(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39, north of U.S. hwy. 10.</u>	a. Hook and line	Saturday nearest Memorial Day to November 30	1	45
	2. Wisconsin river including sloughs, bayous and flowages <u>,upstream to the first dam or highway bridge, south of U.S. hwy. 10.</u>	a. Hook and line	First Saturday in May to November 30	1	45
(d) Northern pike	3. Wisconsin river downstream from the Lake DuBay dam including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39.</u>	a. Hook and line	Continuous	1	32
(h) Walleye,	1. Bass lake, Pleasant	a. Hook	Continuous	5 in total	15

sauger and hybrids

lake

and line

2. Wisconsin river including sloughs, bayous and flowages upstream to the first dam or highway bridge except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39. 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 inches 15

SECTION 24. NR 20.20(51)(bg) is amended to read:

**(51) PRICE** (for species or waters not listed, see sub. (73))

(bg) Lake sturgeon 1. Butternut lake, North Fork Flambeau river including sloughs, bayous and flowages upstream to the first dam or highway bridge, South Fork Flambeau river including sloughs, bayous and flowages upstream to the first dam or highway bridge, Jump river downstream from the confluence of the north and south forks. a. Hook and line. Tag required (see s. NR 20.07). First Saturday in September to September 30 1 per season 60

SECTION 25. NR 20.20(55)(bg) is amended to read:

**(55) RUSK** (for species or waters not listed, see sub. (73))

(bg) Lake sturgeon 1. Chippewa river including sloughs, bayous and flowages upstream to the first dam or highway bridge, Jump river, South Fork Flambeau river a. Hook and line. Tag required (see s. NR 20.07). First Saturday in September to September 30 1 per season 60

SECTION 26. NR 20.20(56)(i) is amended to read:

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

(i) Trout and salmon 1. Devil's lake a. Hook and line First Saturday in May at 5:00 a.m. to the first Sunday in March 3 in total 9

2. Bear creek (county line upstream to CTH N and upstream from Croal Hollow road), Willow creek (upstream from county line) a. Hook and line First Saturday in May at 5:00 a.m. to September 30 2 in total 12

3. Rowley creek	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	3 in total	Brown and rainbow trout 12, brook trout 8
4. Beaver creek, Dell creek (Coon Bluff road upstream to South avenue)	a. Hook and line, only artificial lures may be used	First Saturday in May at 5:00 a.m. to September 30	All trout caught shall be immediately released	—
5. Bear creek (CTH N upstream to Croal Hollow road)	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	All trout caught shall be immediately released	—
<u>6. Manley creek</u>	<u>a. Hook and line</u>	<u>First Saturday in May at 5:00 a.m. to September 30</u>	<u>5 in total</u>	<u>None, but fish smaller than 9 inches may not be possessed until April 30, 2020, when the minimum size restriction reverts to 9</u>
67. All waters not listed	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	3 in total	9

SECTION 27. NR 20.20(57)(c) is amended to read:

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

(c) Lake sturgeon	1. Chippewa river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , including Radisson flowage, East Fork Chippewa river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , including Blaisdell lake, Hunter lake, Barker lake, West Fork Chippewa river downstream from the Moose lake dam including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , including Chippewa flowage, North Fork Flambeau river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , South Fork Flambeau river including sloughs, bayous and	a. Hook and line.	First Saturday in September to September 30	1 per season	60
-------------------	--	-------------------	---	--------------	----

flowages upstream to the first dam or highway bridge.

SECTION 28. NR 20.20(64)(d)4. is created to read:

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

(d) Muskellunge	<u>4. Big Sand lake, Kentuck lake, Long lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	50
-----------------	--	------------------	--	---	----

SECTION 29. NR 20.20(64)(h) is amended to read:

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

(h) Walleye, sauger and hybrids	1. Trout lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total	15
	2. Eagle chain (includes Catfish, Cranberry, Duck, Eagle, Lynx, Otter, Scattering Rice, Voyageur, Watersmeet including Wisconsin river from Otter Rapids dam to county highway G, Yellow birch lake, all connecting waters and Eagle river upstream to Oneida county line) <u>and North Twin, and South Twin lakes-Vilas county</u>	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 <del>h</del>	None except the possession of fish from 14 through 18 is prohibited
	3. Anvil, Big Portage, Forest, Lost Canoe, <u>and Plum and White Sand (T42N R7E S27) lakes, Vilas county</u>	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 <del>h</del>	None except the possession of fish from 14 through 18 is prohibited
	4. Alder, Averill, Big (T42N R6E S4), Big Arbor Vitae, Big Muskellunge, Birch, Boulder, Buckskin, Clear, Crab, <del>Dead Pike</del> , Emily, Fawn (T42N R5E S11), Fishtrap, Harris, High, Kentuck, Ike Walton, Island, Laura, Little Arbor Vitae, Little Star, Manitowish, North Crab, North Turtle, Oxbow, Presque Isle, Rest, Rock, Rush, South Turtle, Spider, Squaw, Star, Stone, Van Vliet, and Wild Rice 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 <del>h</del>	None
	5. Big Crooked (T42N R6E S12), Jenny lake, Sanford lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total	None

6. Big Crooked lake (T41N R5E S22), Gunlock lake, Lac du Flambeau Chain (includes Big Crawling Stone, Little Crawling Stone, Little Sand, Fence, Flambeau, Long Interlaken, Moss, North Placid, Pokegama, South Placid, To-To-Tom, White Sand (T41N R5E S27) and Whitefish lakes and all connecting waters) and Little Trout lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total unless otherwise posted at public boat landings pursuant to s. NR 20.37	18 unless otherwise posted at public boat landings pursuant to s. NR 20.37
8. All other waters wholly within the area commonly known as the Lac du Flambeau reservation	a. Hook and line.	First Saturday in May to the first Sunday in March	3 unless otherwise posted at public boat landings pursuant to s. NR 20.37	15 unless otherwise posted at public boat landings pursuant to s. NR 20.37
9. Sparkling lake	a. Hook and line.	First Saturday in May to the first Sunday in March	1 until March 1, 2009 when it becomes 5	28 until March 1, 2009 when it becomes 15
10. Escanaba lake	a. Hook and line. Daily permit required. (see s. NR 20.14)	Continuous	1 in total	28
11. <del>Found Lake, Long, Dead Pike, and White Sand (T42 N R7E S27) lakes</del>	a. Hook and line.	First Saturday in May to <del>March 1 the</del> <u>first Sunday in March</u>	3 in total	18
12. Sherman lake	a. Hook and line.	Continuous	None	None

SECTION 30. NR 20.20(67)(a)2. is amended to read:

**(67) WASHINGTON** (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Boot lake, Hartford millpond from the dam upstream to Marine drive, Homestead Hollow park pond, Kewaskum millpond from the dam upstream to STH 28, Sandy Knoll park pond, Wells lake from the dam upstream to the first dam on Silver creek, <u>Regner pond</u>	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 from the second	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in	None
-----------------	---	-------------------	---	---	------

Saturday in March to but not including the last Saturday in April total; none for rough fish

SECTION 31. NR 20.20(68)(a)2. is amended to read:

**(68) WAUKESHA** (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Calhoun park pond, Heyer park pond north, Heyer park pond south, Lepper Dam millpond from the dam upstream to Roosevelt drive, Lions-Overland park pond, Menomonee park pond, Minooka park pond, Muskego park pond, Nixon park pond, Regal park pond, Woodfield park pond north, Woodfield park pond south, <u>Foxbrook pond</u>	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 from the second Saturday in March to but not including the last Saturday in April	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
-----------------	--	-------------------	--	--	------

SECTION 32. NR 20.20(72)(a), (c), (cm), (d) and (h) are amended to read:

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

(a) All species	1. Wisconsin river including <u>all</u> sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	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)
(c) Largemouth and smallmouth bass	1. Yellow river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> from the highway 54 dam at Dexterville downstream, Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	Continuous	5 in total	14
(cm) Muskellunge	1. Wisconsin river including <u>all</u> sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	First Saturday in May to November 30	1	45
(d) Northern pike	1. Wisconsin river including all	a. Hook and	Continuous	1	32

	sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u>	line.			
	2. Yellow river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , from the highway 54 dam at Dexterville downstream	a. Hook and line.	Continuous	2	26
(h) Walleye, sauger and hybrids	1. Yellow river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> from the highway 54 dam at Dexterville downstream, Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> .	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. Nepco lake, Wauzeecha lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total	18

SECTION 33. NR 20.20(73)(h)(6) is amended to read:

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

6. All other waters not listed in subs. (1) to (72) or this paragraph	a. Hook and line, minnow dip netting, minnow seining, <u>and minnow trapping, except as established under subpar. b.</u> Traps must be raised and emptied at least once every 48 hours.		Continuous	600 suckers in total	None
	<u>b. In waters listed in or identified under s. NR 20.14(9), hook and line for suckers only. Unless authorized under s. NR 19.05(3), no person may transport live suckers away from any waters of the state.</u>		Continuous	600 suckers in total	None

SECTION 34. NR 24.09 and 24.10 are amended to read:

**NR 24.09 Commercial clamming: size limits; open seasons, species and waters.**

(1) Except as provided in subs. (2) and (3), no person may engage in commercial clam shelling except between sunrise and sunset during the open season in waters which are open to commercial clam shelling, for clams of a species which is open to commercial clam shelling and which are of the minimum size or larger, as shown in the following table:

Waters Open to Commercial Clam Shelling	Open Season	Open Species	Minimum Size
---	-------------	--------------	--------------

(a) Wisconsin-Iowa boundary waters	No open season	mapleleaf ( <i>Quadrula quadrula</i> )	2-3/4"
		pigtoe ( <i>Fusconaia flava</i> )	2-3/4"
		pimpleback ( <i>Quadrula pustulosa</i> )	2-3/4"
		threeridge ( <i>Amblema plicata</i> )	3"
(b) Wisconsin-Minnesota boundary waters <del>except Lake St. Croix, the St. Croix river, and the St. Louis river</del>	No open season	<del>mapleleaf (<i>Quadrula quadrula</i>)</del>	<del>2-3/4"</del>
		<del>pigtoe (<i>Fusconaia flava</i>)</del>	<del>2-3/4"</del>
		<del>pimpleback (<i>Quadrula pustulosa</i>)</del>	<del>2-3/4"</del>
		<del>threeridge (<i>Amblema plicata</i>)</del> <u>None</u>	3"
(c) Inland waters and Wisconsin-Michigan boundary waters: none, except as provided in sub. (3)	No open season, except as provided in sub. (3)	None, except as provided in sub. (3)	12", except as provided in sub. (3)

**NR 24.10 Clamming: size limits; open seasons, species and waters.** No person may engage in clamming except between sunrise and sunset during the open season in waters which are open to clamming, for clams of a species which is open to clamming and which are of the minimum size or larger, as shown in the following table:

Waters Open to Clamming	Open Season	Open Species	Minimum Size
All boundary and outlying waters, <u>except the St. Croix River where it</u>	all year	all except those listed in s. NR 27.03 (2) (g)	None

forms the boundary between Wisconsin and Minnesota

or (3) (g)

St. Croix River where it forms the boundary between Wisconsin and Minnesota

No open season

None, and collection of dead shell is prohibited None

All inland waters

No open season

None. However, dead shells that are not from endangered or threatened clams may be collected, except that collection of all dead shell is prohibited in all waters within the St. Croix National Scenic Riverway None

SECTION 35. EFFECTIVE DATE. This rule shall take effect April 1, 2010 except Sections 1, 2, 3, 4, 5, 30, 31, 32 and 34, which shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 36. 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)