

SUBJECT: Amended request to adopt Board Order FH-03-11, fishing regulation changes proposed and supported at the 2011 Spring Fish and Wildlife Rules Hearings

FOR: MAY 2011 BOARD MEETING

TO BE PRESENTED BY / TITLE: Kate Strom Hiorns, Fisheries Policy Specialist

SUMMARY:

Amendments were made to one rule proposal after internal discussions of hearing comments and after discussions at the May 2011 Wisconsin Conservation Congress Convention. The original rule proposal would have required the use of a quick-strike rig when using a 10 inch or longer minnow as bait. The rule would now require the use of a quick-strike rig that anglers immediately attempt to hook in the mouth of a fish or the use of one or more circle hooks when fishing with a minnow 8 inches or longer.

The Department recommends adoption of revisions to Wisconsin Administrative Code that were presented at the Spring Fish and Wildlife Rules Hearings April 11, 2011. The proposed rule package related to fishing on inland, outlying, and boundary waters of Wisconsin contains three changes of statewide significance:

1. requiring the use of quick-strike rigs or circle hooks when using 8-inch or longer minnows as bait;
2. increasing the statewide minimum size restriction for muskellunge from 34 to 40 inches, excluding certain waters; and
3. establishing a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters.

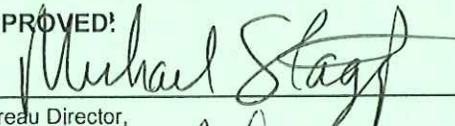
In addition, the rule package includes changes of local or regional interest, including eliminating the minimum size restriction for largemouth and smallmouth bass in most waters of Burnett and Washburn counties, modifying hook and line fishing for catfish in all waters of Green Lake and Marquette counties, adding three ponds to the urban fishing program, and other adjustments to fish size limits and daily bag limits on specific waterbodies.

RECOMMENDATION: Adoption of Board Order FH-03-11, fishing regulation changes proposed and supported at the 2011 Spring Fish and Wildlife Rules Hearings

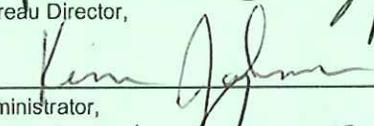
LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| 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 |

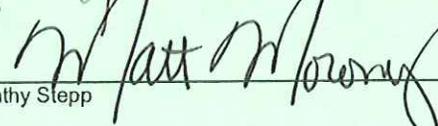
APPROVED:


Bureau Director,

5-17-2011
Date


Administrator,

5/19/2011
Date


Secretary, Cathy Stepp

5/19/11
Date

- | | |
|------------------------|---------------------------------------|
| cc: NRB Liaison | Paul Neumann, MB/8 |
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| Tim Andryk, LS/8 | Fisheries Management Board (8) |
| Tom Van Haren, LE/8 | GLIFWC |
| Karl Scheidegger, FM/4 | Exec. Comm. Conservation Congress (3) |

DATE: May 17, 2011

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: Amended request to adopt Board Order FH-03-11, fishing regulation changes proposed and supported at the 2011 Spring Fish and Wildlife Rules Hearings

BACKGROUND

The Department recommends adoption of revisions to Wisconsin Administrative Code that were presented at the Spring Fish and Wildlife Rules Hearings April 11, 2011. These proposals are suggested by the Bureaus of Fisheries Management and Law Enforcement to address issues related to management of recreational fishing in Wisconsin's inland, outlying, 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. Representatives 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. For details on each of the proposed rule changes, please refer to the attached spring hearing questions proposal (Attachment A).

Amendments were made to one rule proposal after internal discussions of hearing comments and after discussions at the May 2011 Wisconsin Conservation Congress Convention. The original rule proposal would have required the use of a quick-strike rig when using a 10-inch or longer minnow as bait. The rule would now require the use of a quick-strike rig that anglers immediately attempt to hook in the mouth of a fish or the use of one or more circle hooks when fishing with a minnow 8 inches or longer. More detail is included in the Public Hearing Synopsis section, below, and the new language is highlighted in the attached rule.

SUMMARY OF THE RULE

In general, the fishing regulation rule proposals considered to be of local significance include adjustments to angler daily bag limits and/or rules governing what sizes of fish may be harvested, or opening and closing dates for seasons on individual waterbodies. The proposals considered to be of statewide or regional significance are those in which proposed changes to administrative code affect boundary or Great Lakes waters, large waters with a high statewide public profile, or where changes represent a broad change in management policy. Statewide proposals include:

- requiring the use of quick-strike rigs that anglers immediately attempt to hook in the mouth of a fish or the use of one or more circle hooks when using 8-inch or longer minnows as bait (Sections 1, 2, 3, and 4);
- increasing the statewide minimum size restriction for muskellunge from 34 to 40 inches, excluding certain waters (Sections 5, 13, 18, 22, 25, 30, and 34); and
- establishing a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters (Section 35).

The Department is recommending the following modifications to chapters NR 20, 23, and 26, Wis. Adm. Code:

Sections 1, 2, 3, and 4 define circle hooks and quick-strike rigs and require their use when fishing with an 8-inch or longer minnow as bait.

Sections 5, 13, 18, 22, 25, and 30 decrease the minimum size restriction to 28 inches for muskellunge on ten waters: English and Mineral lakes (Ashland county), Bearskin, Booth, and Squaw lakes (Oneida county), Julia lake (Oneida and Forest counties), Butternut and Solberg lakes (Price county), Spider lake (Sawyer county), and Upper Gresham lake (Vilas county). These changes are made in conjunction with section 34.

Sections 6, 11, 12, 21, 24, and 31 eliminate the minimum size restriction for largemouth and smallmouth bass in all waters of Burnett County except Namekagon, St. Croix, and Totagatic rivers which would retain a minimum size restriction of 14 inches, and all waters of Washburn County except Balsam, Birch, Red Cedar and Shell lakes, Trego Flowage, and Namekagon and Totagatic rivers which would retain a minimum size restriction of 14 inches. The minimum size restriction is eliminated for all Burnett and Washburn county border boundary lakes and flowages (sections 6, 12, 21, 24). The dates of the open seasons do not change.

Section 7 increases the minimum size restriction from 40 to 50 inches for muskellunge in Rice and Stump lakes (Barron county).

Section 8 establishes a protected slot size for largemouth and smallmouth bass in Lilly lake (Brown county) that allows hook and line fishing from the first Saturday in May to the first Sunday in March, a daily bag limit of 3 in total, and no minimum length, except the possession of fish from 14 through 18 inches is prohibited and only 1 may be longer than 18 inches.

Section 9 reduces the daily bag limit from 25 to 10 fish in aggregate for panfish in Lilly lake (Brown county).

Section 10 eliminates the 15-inch minimum size restriction on walleye, sauger, and hybrids in the Lower Fox river (Brown county) to make regulations consistent with the adjacent waters of the Lower Fox river (Outagamie and Winnebago counties).

Sections 14, 15, and 33 modify hook and line fishing for catfish in all waters of Green Lake and Marquette counties, which includes a current continuous open season for channel catfish and establishes an open season from the first Saturday in May to September 30 for flathead catfish; a daily bag limit of 25 catfish in total remains in effect but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline; and no minimum size restriction except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited. These changes make hook and line fishing for catfish in these two counties consistent with rules in Lake Winnebago system waters.

Sections 14 and 15 also re-establish an open area for set or bank pole and setline fishing for catfish on the Fox river (Green Lake and Marquette counties) 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive from the Saturday nearest May 20 to September 30. There will be no bag limit, but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline, and no minimum size restriction except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited.

Sections 16 and 28 increase the minimum size restriction from 40 to 50 inches for three spotted muskellunge brood stock lakes: Archibald and Anderson lakes (Oconto county), and Big Elkhart lake (Sheboygan county).

Section 17 eliminates the current 14-inch minimum size restriction for largemouth and smallmouth bass in the Minocqua Chain (Oneida county).

Section 19 increases the minimum size restriction from 15 to 18 inches and decreases the daily bag limit from 5 fish to 3 fish for walleye, sauger, and hybrids in the Minocqua Chain (Oneida county).

Sections 20, 27, and 32 add the Appleton Memorial pond (Outagamie county), the Kohler-Andrae State Park pond (Sheboygan county), and the Delafield Rearing pond (Waukesha county) to the State's urban fishing program. The program creates 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. Waters in the program have daily bag limits of 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 23 increases the minimum size restriction from 40 to 50 inches for muskellunge in Redstone lake (Sauk county).

Section 26 decreases the minimum size restriction from 28 to 18 inches and increases the daily bag limit from 1 fish to 3 fish for walleye, sauger, and hybrids in Black Dan and Island lakes (Sawyer county).

Section 29 establishes a protected slot size for largemouth and smallmouth bass in Glen and Squaw lakes (St. Croix county) that allows hook and line fishing from the first Saturday in May to the first Sunday in March with a bag limit of 3 fish in total and no minimum length, but the possession of fish from 14 through 18 inches is prohibited, and only one may be longer than 18 inches.

Section 34 increases the statewide minimum size restriction to 40 inches for muskellunge on all waters currently at a 34-inch minimum size restriction. As noted, sections 5, 13, 18, 22, 25, and 30 decrease the minimum size restriction to 28 inches for muskellunge on ten waters: English and Mineral lakes (Ashland county), Bearskin, Booth, Julia, and Squaw lakes (Oneida county), Butternut and Solberg lakes (Price county), Spider lake (Sawyer county), and Upper Gresham lake (Vilas county). As a result, approximately 600 waters would have a 40-inch minimum size restriction, 20 waters would have a 28-inch minimum size restriction and 20 waters would continue to have a 45- or 50-inch minimum size restriction.

Section 35 establishes a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters with a possession and daily bag limit of 10 in total and no size limit. Michigan has agreed to pursue a similar change to its regulations which will make Wisconsin and Michigan rules consistent.

Section 36 establishes a year-round fish refuge in the Milwaukee river within the fishway at the Thiensville-Mequon dam, located at river mile 20 (Ozaukee county).

Sections 37 and 38 alter the boundaries of an existing fish refuge on the Peshtigo river (Marinette county) because the existing privately-owned foot bridge boundary marker will be removed and extend the end date of the fish refuge on the Peshtigo river (Marinette county) from May 15 to May 31.

POLICY IMPACTS

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

PUBLIC HEARING SYNOPSIS

A public hearing was held in each county of the state on April 11, 2011. 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 12, 2011. Hearing attendance statewide was 5,575. Attachment B summarizes all of the voting results related to fisheries.

In addition to the vote tallies from the spring hearings, the Department received written comments. Most were simply "yes" or "no" comments and not elaborate position statements and they are included in Attachment B. One commenter was concerned about the rule proposal that would increase the minimum size limit of walleye, sauger, and hybrids in 19 southern Wisconsin counties because of the potentially greater amount of mercury in an 18-inch or larger walleye.

Another commenter noted opposition to the proposal to require quick-strike rigs when fishing with a 10-inch or longer minnow as bait because he did not want to use a required type of rig, he questioned how the term "immediately set the hook" would be enforced, and he wanted the rule to specify 8-inch or longer minnows. Department legal and law enforcement staff responded to one concern, noting that the term immediately means "without unnecessary delay" and is already used when attaching a tag to a turkey, bear, or other animal when hunting. Also, s. NR 20.05(7), Wis. Adm. Code, requires anglers to release fish immediately if they are not to be considered part of their daily bag. "Immediately" would be under a warden's discretion. Wording in the rule includes language requiring anglers to immediately attempt to hook a fish in the mouth upon indication of a bite when using a quick-strike rig.

The Bureau has also made amendments to other elements of this rule proposal after staff discussions, talks with the commenter, and ideas proposed at the Wisconsin Conservation Congress 2011 Convention. First, the rule will expand the restriction to 8-inch or longer minnows. In 2007, an advisory question at the Spring Rule Hearings asked if respondents would favor requiring the use of quick-strike rigs when using live bait larger than 8 inches in total length. The proposal was supported by 67 counties and received 2,224 yes votes and 803 no votes. However, comments received at that time from catfish anglers who use bluegill, bullheads, and other fish as bait were opposed to an 8-inch size restriction. Because the proposal this year only includes minnows, as defined in statutes, there should be no conflict with catfish anglers.

In addition to allowing the use of quick-strike rigs, the rule would now continue to allow the use of circle hooks when fishing with an 8-inch or longer minnow as bait. In general, the circle hook shape is designed to prevent hooking a fish in the gut or throat and to embed itself in the jaw or in the corner of the fish's mouth. The original rule proposal was designed to reduce delayed mortality in muskellunge that often occurs after the fish swallow lures, and allowing the use of circle hooks will also help to meet that goal.

With amendments, the rule would now require the use of a quick-strike rig that anglers immediately attempt to hook in the mouth of a fish or the use of one or more circle hooks when fishing with a minnow 8 inches or longer.

Proposals Not Recommended for Adoption

Statewide votes from hearing attendees favored all of the Fisheries Management Bureau proposals, however, two proposals presented at public hearing are not recommended for adoption because of mixed public support. The Department is not advancing its proposal to implement an 18-inch minimum size limit and daily bag limit of 3 fish for walleye, sauger, and hybrids in 19 southern Wisconsin counties and Lake Michigan tributaries and waters south of the City of Manitowoc. Statewide, there was a narrow margin of support, 57% of votes, to advance the rule. However, 7 of the 19 affected counties voted against the regulation change, as shown below.

Results from the 19 counties affected by the walleye, sauger, and hybrids 18" minimum/3 daily bag limit proposal

	Counties	Votes	Percentage
Yes	11	958	53.3%
No	7	841	46.7%
Tie	1		
Total	19	1,799	100%

Comments received at some public hearings ranged from the proposed walleye size limit being too conservative to not being conservative enough; some preferred a higher size limit. And among the 19 affected counties, there was a patchwork of support and opposition. The Department plans to review this proposal again to best meet management objectives for walleye fisheries in southern Wisconsin and determine methods to create a more simplified and publicly-supported regulation.

The Department is also not advancing its proposal to re-establish a closed area for set or bank pole and setline fishing for catfish from Lake Butte des Morts upstream to Eureka Dam because of opposition from hearing attendees in Winnebago and Green Lake counties.

At its May 2011 Convention, the Wisconsin Conservation Congress voted to support this rule package as presented.

RESPONSE TO LEGISLATIVE CLEARINGHOUSE COMMENTS

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

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 Fisheries Management 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.

FINAL REGULATORY FLEXIBILITY ANALYSIS

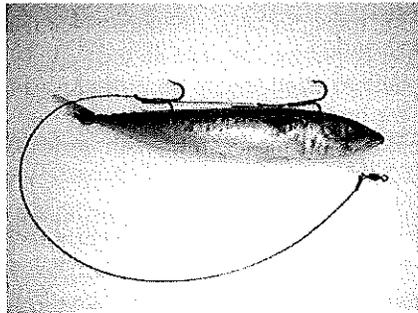
The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

PROPOSED STATEWIDE AND REGIONAL FISHERIES MANAGEMENT RULE CHANGES

(If approved, these proposed rule changes would take effect on April 1, 2012, unless otherwise indicated.)

Question 1 – Require anglers to use quick-strike rigs when using minnows larger than 10 inches in length

This proposal would require the use of “quick-strike” rigs when fishing with minnows 10 inches or longer as bait. A quick-strike rig means a bait rig with one or more treble hooks (three evenly spaced hooks joined by a common shaft to form one hook) attached to the body of a minnow, behind the head. This rig may include a jig or other single hook in the snout of a minnow along with one or more treble hooks attached to the body of a minnow. All minnows (live or dead) in excess of 10 inches in total length must be fished with a quick strike rig, and the hook must be immediately set by the angler upon indication of a strike. This proposal would not apply to any fish other than minnows when used as bait. In Wisconsin, minnows are legally defined to include suckers, mud minnows, madtoms, stonecat, killifish, stickleback, trout perch, darters, sculpins, and all species in the minnow family except goldfish and carp.



The use of minnows as bait for muskellunge is popular in Wisconsin. One traditional method utilizes a large single hook through the minnow’s snout, which requires the angler to wait for a muskellunge to swallow the bait prior to setting the hook. During a recent study conducted and published by DNR researchers, adult muskellunge were held in lined hatchery ponds and were caught using live minnows on single hooks. For each muskellunge landed, the leader was cut and the muskellunge was released. Survival was monitored for one year. No mortality occurred in less than 24 hours. However, 22% of hooked muskellunge died within 50 days and 83% died within one year. Necropsies revealed extensive trauma to the stomach and other organs from hook wounds, along with systemic bacterial infections. Mortality rates observed in this study are considered unacceptable for adequate management of muskellunge. Although the use of live bait for muskellunge is a traditional activity in Wisconsin, tackle such as quick-strike rigs that hook fish in the mouth will improve the chances that a released muskellunge will survive.

A version of this proposal for 8-inch and larger minnows was supported as an advisory question on the 2007 Spring Fish and Wildlife Hearings questionnaire by a vote of 2,224 Yes, 803 No, with 67 counties approving and 3 rejecting; 2 counties had tie votes. The minimum size of minnows covered by this proposal was increased from 8 inches to 10 inches to address concerns raised by some catfish anglers who use live fish as bait.

- Do you favor requiring the use of “quick-strike” rigs with one or more treble hooks attached to the body of a minnow when fishing with minnows 10 inches or longer as bait?

(amended)

1. YES _____ NO _____

Question 2 – Muskellunge 40-inch minimum size limit on most waters statewide

This proposal would increase the minimum size limit from 34 to 40 inches for muskellunge on approximately 600 waters. It would decrease the minimum size limit to 28 inches for muskellunge on ten slow-growth waters: English and Mineral lakes (Ashland County), Bearskin, Booth, and Squaw lakes (Oneida County), Julia Lake (on the border of Oneida and Forest counties), Butternut and Solberg lakes (Price County), Spider Lake (Sawyer County), and Upper Gresham Lake (Vilas County).

The current 34-inch minimum size limit, which applies to the majority of muskellunge waters in the state, generally does not allow muskellunge populations to reach their full biological growth potential, does not allow muskellunge populations to meet the expectations of anglers in Wisconsin, and does not adequately protect female muskellunge to full maturity.

The growth potential of muskellunge easily exceeds 40 inches on the vast majority of muskellunge waters in the state. Even lakes down to about 50 acres are biologically capable of producing 40-inch or larger fish, except in a few high density, slow-growing populations. However, the average length of harvested muskellunge from 2000-2008 was 38.7 inches; 62% of fish were less than 40 inches.

A 40-inch minimum size limit will protect fish from harvest until they reach a size that is minimally acceptable to most musky anglers. Mail surveys, conducted in both 1989 and 1999, indicated that only 2% of muskellunge anglers and 11% of non-muskellunge anglers consider some size less than 40 inches to be a “trophy,” and a majority of responses from both angler groups considered 50-inch muskellunge to be a “trophy.” In the 1999 survey, 70% of musky anglers favored a 40-inch statewide minimum size limit. States surrounding Wisconsin all have higher statewide minimum size limits (Minnesota – 48 inches, Michigan – 42 inches, Iowa – 40 inches, Missouri – 36 inches, Illinois – 36 inches).

The average length at which 95% of female muskellunge in a population reach sexual maturity is 40.8 inches. Researchers believe that muskellunge have increased reproductive success after their second or third year of spawning, and that reproductive success in a population varies from year to year. Therefore, the existence of several age groups of mature females in a population may improve reproductive success.

An evaluation of the 40-inch minimum size limit on 24 lakes over a 15-year period revealed a significant increase in the percentage of 34-inch and larger fish, as well as a significant increase in the percentage of 40-inch and larger fish, relative to lakes that remained under the 34-inch minimum size limit. No significant changes in the abundance of muskellunge were found, so an increase in muskellunge abundance (number per acre) with this regulation is not expected.

Finally, this proposal would greatly simplify regulations by reducing the number of regulation categories from 5 to 3. If approved, the uniform 40-inch minimum size limit regulation would apply to approximately 750, or 95%, of muskellunge waters. Approximately 20 waters would have a 28-inch minimum size limit and approximately 20 waters would continue to have a 45- or 50-inch minimum size limit.

- Do you favor increasing the minimum size limit to 40 inches for muskellunge on all waters that currently have a 34-inch minimum size limit, and decreasing the minimum size limit to 28 inches for muskellunge on ten slow-growth waters: English and Mineral lakes (Ashland County), Bearskin, Booth, and Squaw lakes (Oneida County), Julia Lake (on the border of Oneida and Forest counties), Butternut and Solberg lakes (Price County), Spider Lake (Sawyer County), and Upper Gresham Lake (Vilas County)?

2. YES _____ NO _____

Question 3 – Cisco, whitefish, and hybrids daily bag limit in Wisconsin-Michigan boundary waters

This proposal would create a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters with a possession and daily bag limit of 10 in total and no size limit. It is expected to protect the spawning population of cisco, whitefish, and hybrids and protect these species from over harvest.

Currently there is no bag limit and a continuous open season for cisco, whitefish, and their hybrids in the Wisconsin-Michigan boundary waters. A significant and growing spawning population of lake whitefish has re-established in the stretch of the lower Menominee River below the Hattie Street Dam and populations of cisco, whitefish, and their hybrids are present in the boundary waters of Smoky Lake, Norwood Lake, Cisco Chain of Lakes (Big, East Bay, West Bay, Mamie), and Stateline Lake in Vilas County. During a recent joint meeting of Wisconsin and Michigan Department of Natural Resources fisheries and law enforcement staff, each state agreed to pursue a cisco, whitefish, and hybrids daily bag limit of 10 fish in all Wisconsin-Michigan boundary waters.

A daily bag limit of 10 fish in aggregate will provide protection from over harvest in the Wisconsin-Michigan boundary waters and will make regulations consistent with Green Bay bag limits. Because the spawning run in the Menominee River was depleted in the past and now is re-established, it is important to provide protection for this population during a period of time when they are very susceptible to harvest. In addition, the cisco, whitefish, and hybrids contribute to the overall whitefish population in Green Bay, which provides a popular winter recreational ice fishery. This proposal would become effective in 2011.

- Do you favor establishing a continuous hook and line fishing season for cisco, whitefish, and hybrids in the Wisconsin-Michigan boundary waters with a possession and daily bag limit of 10 in total and no size limit?

3. YES _____ NO _____

Question 4 – Walleye, sauger, and hybrid 18-inch minimum size limit and 3 in aggregate bag limit in 19 southern Wisconsin counties

This proposal would increase the minimum size limit from 15 to 18 inches and decrease the daily bag limit from 5 fish to 3 fish in aggregate for walleye, sauger, and hybrids for all waters in 19 southern Wisconsin counties (Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha counties) and Lake Michigan and its tributaries south of a line due east from the eastern terminus of Waldo boulevard in the City of Manitowoc. The minimum size limit for walleye in the Kickapoo River downstream of the Gays Mills Dam (Crawford County) will also change to 18 inches with a 15-inch size limit on sauger and hybrids in order to be consistent with adjacent Lower Wisconsin River regulations.

Walleye and sauger regulations would not change in the following waters: Wisconsin River and its tributaries upstream to the first dam or bridge, including Lake Wisconsin (Columbia, Dane, Grant, Iowa, and Sauk counties); Lakes Monona, Waubesa, and Kegonsa (Dane County); the Yahara River upstream from Dunkirk Dam to the Lake Mendota locks (Dane County); and Yellowstone Lake (Lafayette County). Current walleye regulations will remain in place regardless of the outcome of this proposal in these waters and all waters in the named counties which currently have an 18-inch minimum for walleye.

Currently, there are nine walleye lakes in the 19-county area with minimum size limits greater than 15 inches. In general, these lakes have more adult fish (2.9 adult walleye/acre vs. 0.9/acre) and larger sizes (44% are larger than 15 inches vs. 30% larger than 15 inches) than lakes in the area with a 15-inch limit. An 18-inch minimum size limit is expected to increase walleye populations in southern Wisconsin waters and, in turn, increase angler catch rates. The decreased daily bag limit and increased minimum size limit will reduce the number of walleye that anglers harvest, but because the average size of fish harvested will increase, the total pounds of walleye harvested by anglers is expected to increase over time. Walleye in southern Wisconsin tend to have faster growth rates than their counterparts in northern Wisconsin, reaching 15 inches between 3 to 5 years old, well before female walleye achieve sexual maturity. In northern waters, a 15-inch walleye is typically more than 5 years old.

Another benefit of this proposal in some southern Wisconsin lakes may be successful natural reproduction of walleye populations. Current 15-inch regulations and angler harvest have limited that capability. Walleye natural reproduction is highly variable, and low numbers of sexually mature female fish, along with above average harvest pressure, pose a challenge in maintaining high quality, fishable stocks in southern Wisconsin. The current 15-inch minimum size limit and daily bag limit of 5 fish does not adequately protect adult walleye to their first years of sexual maturity. An 18-inch minimum size limit will not only increase angler catch rates, but will give walleye a chance to naturally reproduce before becoming vulnerable to angler harvest. In southern Wisconsin lakes that currently have more protective regulations, catch of juvenile walleye has been 61% greater than in waters with a 15-inch minimum.

In 2009 and 2010, presentations to various angler groups by department staff revealed support for the proposed 18-inch minimum size limit and daily bag limit of 3 fish.

- Do you favor increasing the minimum size limit from 15 to 18 inches and decreasing the daily bag limit from 5 fish to 3 fish in aggregate for walleye, sauger, and hybrids for all waters in 19 southern Wisconsin counties (Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha counties) and Lake Michigan and its tributaries south of a line due east from the eastern terminus of Waldo boulevard in the City of Manitowoc, as well as increasing the minimum size limit from 15 to 18 inches for walleye in the Kickapoo River downstream of the Gays Mills Dam (Crawford County)? Note that the Mississippi and Wisconsin rivers (including Lake Wisconsin), Madison lakes including the Yahara River downstream to Dunkirk Dam, and Yellowstone Lake would not be affected by this proposal.

(not advanced)

4. YES _____ NO _____

PROPOSED LOCAL FISHERIES RULE CHANGES

BARRON COUNTY

Question 5 – Rice and Stump lakes muskellunge 50-inch minimum size limit

In 1987, muskellunge stocking was initiated in Rice and Stump lakes. The two lakes are connected by a navigable channel, and fish movement between the two lakes is unrestricted. Over the past several years, Rice Lake has been known by anglers as a good quality muskellunge water in northwest Wisconsin. A recent 2007 fish survey indicated that Rice Lake has a very low density muskellunge population, but harbors a high quality muskellunge fishery. More specifically, 50% of fish captured for the survey measured more than 40 inches and 16% of the fish captured measured more than 45 inches. Three fish were near 50 inches in length.

With the recent increase in popularity of the new muskellunge fishery and the low densities of fish present in Rice Lake, the department and muskellunge anglers are concerned that the existing 40-inch size limit will not preserve and maintain this unique fishery as its popularity continues to spread.

Considering the existing low density fishery, the ability for Rice Lake to produce muskellunge that approach 50 inches in length, and that fish movement and angler travel between Rice and Stump lakes are unrestricted, it is recommended that the minimum size limit be increased from 40 to 50 inches to preserve and maintain this rather new, but unique, muskellunge fishery.

- Do you support increasing the muskellunge minimum size limit from 40 to 50 inches with a daily bag of 1 muskellunge on Rice and Stump Lakes, Barron County?

5. YES _____ NO _____

Please see questions 9 and 24 regarding largemouth and smallmouth bass regulation changes in Burnett and Washburn counties.

BROWN COUNTY

Question 6 – Lilly Lake largemouth and smallmouth bass protected slot size limit

Because Lilly Lake is the only publicly accessible inland lake in Brown County and because of its proximity to the metropolitan area of Green Bay, the fishing pressure there is very heavy. One management goal for the lake is to improve largemouth bass size structure, while at the same time reducing largemouth bass abundance. A second goal is to improve the abundance and size of bluegill.

The combination of an abundance of small largemouth bass that eat bluegill and high harvest of bluegill by humans has reduced the bluegill population in Lilly Lake below management objectives. Results of a survey on the lake in 2008 showed there are very few bluegills larger than 6 inches and the average bluegill is 3.8 inches. Survey results also showed that there were more bass in 2008 (72 fish/acre) than in 1998 (46 fish/acre), but there were fewer large bass and their average length was 11.1 inches.

Implementing a 14- to 18-inch protected slot size limit for bass would include a daily bag limit of 3 fish in total and no minimum size limit, except the possession of fish from 14 through 18 inches is prohibited and only one may be longer than 18 inches. This proposal will offer more opportunity to harvest bass smaller than 14 inches. In addition, increased harvest of bass should result in a greater number of bluegills. (See Question 7 for additional Lilly Lake information.)

- Do you favor implementing a daily bag limit of 3 in total and no minimum size limit, except the possession of fish from 14 through 18 inches is prohibited and only one may be longer than 18 inches, for largemouth and smallmouth bass in Lilly Lake, Brown County?

6. YES _____ NO _____

Question 7 – Lilly Lake panfish daily bag limit reduction to 10 in total

Because Lilly Lake is the only publicly accessible inland lake in Brown County and because of its proximity to the metropolitan area of Green Bay, the fishing pressure there is very heavy. One management goal for the lake is to improve largemouth bass size structure, while at the same time reducing largemouth bass abundance. A second goal is to improve the abundance and size of bluegill.

In addition to the proposal to implement no minimum size limit and a protected slot size for largemouth and smallmouth bass on Lilly Lake, a reduced bag limit on panfish is expected to reduce the number of fish harvested, improving bluegill abundance and size. Results of a survey on the lake in 2008 showed there are very few bluegills larger than 6 inches and the average bluegill is 3.8 inches. (See Question 6 for additional Lilly Lake information.) This proposal would become effective in 2011.

- Do you favor reducing the daily bag limit from 25 to 10 fish in total for panfish in Lilly Lake, Brown County?

7. YES _____ NO _____

Question 8 – Lower Fox River walleye, sauger, and hybrid minimum size limit elimination

The Lower Fox River is a large river that flows through the urbanized Fox River Valley from the Neenah and Menasha dams to Green Bay. The river has been contaminated by PCB compounds from wastewater effluent during the mid 1900's.

Currently the Brown County waters of the Lower Fox River have a 15-inch minimum size limit for walleye, sauger, and hybrids, whereas the rest of the Lower Fox River has no minimum size limit for those species. This proposal would eliminate the minimum size limit for walleye, sauger, and hybrids and bring the entire Lower Fox River under the same regulation. Outagamie and Winnebago county waters of the Lower Fox River already have no minimum size limit. It will also make fish available for harvest before they become overly contaminated.

- Do you favor eliminating the 15-inch minimum size limit on walleye, sauger, and hybrids in the Lower Fox River upstream from the DePere Dam, Brown County, to make regulations consistent with the adjacent waters of the Lower Fox River, Outagamie and Winnebago counties?

8. YES _____ NO _____

BURNETT COUNTY

Question 9 – Burnett County largemouth and smallmouth bass minimum size limit elimination

The 14-inch minimum size limit for largemouth and smallmouth bass in most waters of Burnett County has resulted in large numbers of largemouth bass, but growth rates have declined. Few Burnett County lakes provide the size quality or harvest opportunities that were envisioned when those minimum size limits were created. In a department study comparing lakes in 2004 with 2009, 89% of lakes managed primarily for largemouth bass in Burnett and Washburn counties did not meet management goals for fish size. This proposal would help to meet management goals of greater than or equal to 30% of bass, in at least 51% of lakes, measuring 14 inches or greater, as well as bass reaching 14 inches in length by age 6 in at least 70% of lakes.

The primary benefit of eliminating the minimum size limit for largemouth and smallmouth bass in all waters of Burnett County, except Namekagon, St. Croix, and Totagatic rivers, will be to increase harvest opportunities of bass less than 14 inches, which are very abundant and because of slow growth rates have limited potential to grow to the correct legal size. In some lakes, population reduction may improve growth rates and allow for a more diverse size structure. Similar regulation changes would be made in Washburn County, and the minimum size limit would also be eliminated for a small number of lakes and flowages that straddle the county borders with Barron, Douglas, and Polk counties. Removing the bass minimum size limit originated as a local resolution.

- Do you favor eliminating the minimum size limit for largemouth and smallmouth bass in all waters of Burnett County, including lakes and flowages that straddle the county borders, except in Namekagon, St. Croix, and Totagatic rivers, which would retain a minimum size limit of 14 inches?

9. YES _____ NO _____

DOUGLAS COUNTY

Please see questions 9 and 24 regarding largemouth and smallmouth bass regulation changes in Burnett and Washburn counties.

GREEN LAKE COUNTY

Questions 10 - 12 – Green Lake and Marquette counties catfish regulations

Current hook and line regulations for catfish on all waters of Green Lake and Marquette counties outside of the Lake Winnebago system waters allow for a year-round open season, a daily bag limit of 25, and no size limit. When Lake Winnebago system water regulations were put in place, they inadvertently excluded a large portion of the Fox River and its tributaries in Green Lake and Marquette counties. However, catfish move freely throughout Lake Winnebago system waters in these two counties and regulations should be made consistent throughout the system in order to meet management objectives for the protection of flathead catfish populations.

This regulation proposal would make all waters of Green Lake and Marquette counties consistent with the Lake Winnebago system water regulations, which allows for a year-round open season for channel catfish and an open season from the first Saturday in May to September 30 for flathead catfish; a daily bag limit of 25 in total but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline; and no minimum size limit except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited. This regulation would give added protection to flathead catfish, while the regulations for channel catfish would remain the same.

Hook and Line	Open Season	Daily Bag Limit	Minimum Length (inches)
Channel Catfish	Continuous	25 in total	None
Flathead Catfish	First Saturday in May to September 30	Only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	30 but the possession of flathead catfish from 36 to 42 is prohibited

- Do you favor extending the hook and line catfish rules currently present on Lake Winnebago system waters to include all waters of Green Lake and Marquette Counties? This would allow:
 - a continuous open season for channel catfish and an open season from the first Saturday in May to September 30 for flathead catfish;
 - a daily bag limit of 25 in total, but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline; and
 - no minimum size limit, except a 30-inch minimum size limit for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited.

10. YES _____ NO _____

Current regulations also define the area that allows set or bank pole and setline fishing as all Lake Winnebago system waters. This proposal would re-establish a closed area for set or bank pole and setline fishing for catfish within Lake Winnebago system waters from Lake Butte des Morts upstream to Eureka Dam. This area was historically closed to set or bank pole and setline fishing, but was inadvertently opened when previous Lake Winnebago system catfish regulations were put in place.

- Do you favor re-establishing a closed area for set or bank pole and setline fishing for catfish within Lake Winnebago system waters from Lake Butte des Morts upstream to Eureka Dam (Winnebago County)?

(not advanced)

11. YES _____ NO _____

This proposal would also re-establish an open area for set or bank pole and setline fishing for catfish on the Fox River 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive (Green Lake and Marquette counties) from the Saturday nearest May 20 to September 30. Regulations would allow no bag limit, but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline, and no minimum size limit except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited. This area was historically open to set or bank pole and setline fishing, but was inadvertently closed when previous Lake Winnebago system catfish regulations were put in place.

- Do you favor re-establishing an open area for set or bank pole and setline fishing for catfish on the Fox River 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive (Green Lake and Marquette counties)? This would allow:
- an open season from the Saturday nearest May 20 to September 30;
 - no bag limit, but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline; and
 - no minimum size limit, except a 30-inch minimum size limit for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited.

12. YES _____ NO _____

MARINETTE COUNTY

Question 13 – Peshtigo River fish refuge

An existing fish refuge on the Peshtigo River that extends from the Badger Paper Mill Dam in the City of Peshtigo to the downstream side of the Mill's wooden covered foot bridge has been in effect since 1987. The refuge currently prevents anyone from taking, disturbing, catching, capturing, killing, or fishing for fish in any manner from March 1 to May 15 each year, both dates inclusive, in, on or along the area. It protects a recovering sturgeon population spawning area and an expanding walleye population spawning area.

Badger Paper Mill is planning to remove the wooden covered foot bridge that currently serves as a refuge boundary. This proposal would designate the boundaries of the refuge from the Badger Paper Mill Dam in the City of Peshtigo downstream for a total distance of 300 feet. This distance lines up with a row of pillars at the Mill that can be posted with refuge boundary signs. The refuge would be expanded to encompass more spawning habitat.

This proposal would also extend the refuge ending date from May 15 to May 31 each year in order to better protect spawning fish populations. The beginning date of March 1 would not change. This proposal would become effective in 2011.

- Do you favor designating the boundaries of the fish refuge on the Peshtigo River from the Badger Paper Mill Dam in the City of Peshtigo downstream for a total distance of 300 feet, and extending the refuge ending date from May 15 to May 31 each year?

13. YES _____ NO _____

MARQUETTE COUNTY

Please see questions 10 - 12 regarding catfish regulation changes in Green Lake and Marquette counties.

OCONTO COUNTY

Question 14 – Anderson and Archibald lakes muskellunge 50-inch minimum size limit

The department has been working to restore Great Lakes spotted muskellunge in Green Bay since 1989. In order to establish inland brood populations that will help improve genetic diversity of these muskellunge, three inland lakes have been stocked with Great Lakes muskellunge: Anderson Lake and Archibald Lake in Oconto County and Big Elkhart Lake in Sheboygan County. These populations will provide a disease-free source of eggs to the Green Bay restoration project, thereby increasing the genetic diversity. To ensure that the department has adequate opportunities to harvest eggs from these inland brood populations, it is necessary to establish size limits that protect these fish from harvest for many years after they become sexually mature. Current data shows that Great Lakes muskellunge become mature around 40 inches in length and after six years of growth. A 50-inch minimum size limit for muskellunge would protect an average female fish until she was 13 or 14 years of age, providing ample opportunities for egg collection before the fish are legal to harvest. Local muskellunge angling clubs and lake associations have been in support of this regulation change.

- Do you favor increasing the minimum size limit from 40 to 50 inches for muskellunge on Anderson Lake and Archibald Lake, Oconto County?

14. YES _____ NO _____

ONEIDA COUNTY

Question 15 – Minocqua Chain largemouth and smallmouth bass and walleye regulations

The population of walleye in the Minocqua Chain, which includes Mud, Little Tomahawk, Tomahawk, Mid, Minocqua and Kawaguesaga lakes, has declined to about one-half of its historic level, from an estimated 3.4 adult walleye per acre in 1998 to 1.7 adult walleye per acre in 2009. Although growth rates are good in the Minocqua Chain, with potential to produce quality- and trophy-size walleye, the current daily bag limit of 5 fish and the 15-inch minimum size limit are not adequate to maintain desired walleye numbers. In addition, abundance of largemouth and smallmouth bass has increased in the Minocqua Chain in recent years. Abundant bass populations have shown to inhibit recovery of natural walleye reproduction through resource competition and predation on juvenile walleye. By allowing increased harvest of largemouth and smallmouth bass and changing regulations for walleye, sauger, and hybrid harvest, this proposal would help increase the number of walleye in the Minocqua Chain. The management goal of these waters is to increase walleye abundance (2 to 3 adults per acre in Lake Tomahawk and 3 to 6 per acre in Lake Minocqua and Lake Kawaguesaga) and spawning potential while supporting a more balanced walleye size structure.

- Do you favor:
- increasing the minimum size limit from 15 to 18 inches and decreasing the daily bag limit from 5 fish to 3 fish for walleye, sauger, and hybrids; and
 - eliminating the current 14-inch minimum size limit for largemouth and smallmouth bass on the Minocqua Chain, Oneida County?

15. YES _____ NO _____

OUTAGAMIE COUNTY

Question 16 – Designate Appleton Memorial Park Pond as an urban fishing water

The department and the City of Appleton desire to enroll Appleton Memorial Park Pond in the DNR Urban Fishing Program to create a quality fishing experience for children and disabled anglers in the City of Appleton. Appleton Memorial Park Pond is located within the City of Appleton Memorial Park. It is an artificial pond created in 1982 with 3.5 surface acres. The pond currently supports a modest fishery for largemouth bass and panfish. The City of Appleton allows public access around the pond and there is one fishing pier. The city posts signs asking for voluntary catch and release fishing because of the high amount of fishing pressure.

Enrollment in the Urban Fishing Program would: a) make the pond open to fishing year-round with no minimum size limits; b) create a special season only for juveniles 15 years of age and younger and certain disabled anglers from the second Saturday in March to but not including the last Saturday in April; and c) adopt daily bag limits of 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. This proposal would become effective in 2011.

- Do you favor adding Appleton Memorial Park Pond to the DNR Urban Fishing Program? This would allow:
- daily bag limits of 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;
 - no minimum size limits; and
 - an open season year-round with a special season only for juveniles 15 years of age and younger and certain disabled anglers from the second Saturday in March to but not including the last Saturday in April.

16. YES _____ NO _____

OZAUKEE COUNTY

Question 17 – Create fish refuge at the Thiensville-Mequon Dam

The department and the City of Mequon and the Village of Thiensville worked together to obtain funding from the U.S. Fish and Wildlife Service, Wisconsin Coastal Management, and the Great Lakes Protection Fund to construct a fishway around the Thiensville-Mequon Dam located at river mile 20 on the Milwaukee River. This fishway is about 750 feet in length with a series of pools and riffles that allow fish to migrate around the dam.

The Milwaukee River in the vicinity of the proposed fish refuge supports a diverse and abundant population of fish. Since 1973, 49 species of fish indigenous to Wisconsin have been collected in the lower reaches of the river. In addition, The department has active management projects for restoring sustainable populations of lake sturgeon and walleye through stocking efforts. In order to restore a native walleye population, and to enhance near shore fishing opportunities, the department with the support of local fishing clubs initiated limited stocking of walleye in the Lower Milwaukee River in 1995. About 10,000 walleye fingerlings have been stocked annually from 1995 to 2007. Since 2003, approximately 6,400 lake sturgeon fingerlings have been stocked in the Milwaukee River.

Because the fishway around the Thiensville-Mequon Dam is narrow and relatively shallow, this regulation is necessary to protect vulnerable fish within the fishway. A permanent fish refuge for the fishway would benefit all the species that would use the fishway to navigate upstream. This proposal would become effective in 2011.

- Do you favor establishing a year-round fish refuge in the Milwaukee River within the 750 foot long fishway at the Thiensville-Mequon Dam, located at river mile 20, Ozaukee County?

17. YES _____ NO _____

POLK COUNTY

Please see question 9 regarding largemouth and smallmouth bass regulation changes in Burnett County.

SAUK COUNTY

Question 18 – Redstone Lake muskellunge 50-inch minimum size limit

Redstone Lake has developed a popular muskellunge fishery. The lake was first stocked with muskellunge in 1987. Redstone Lake is currently regulated with a 40-inch minimum length limit for muskellunge. The lake has a forage base consisting primarily of gizzard shad which has resulted in an above average growth rate, and muskies are achieving lengths of over 40 inches by age 6. Redstone Lake was surveyed in 2010, and has developed a good population of 30-inch fish and a fair number of 40-inch fish. Musky densities were estimated at less than half a fish per acre. The length frequency indicates that harvest may be limiting the proportion of fish greater than 40 inches.

Muskellunge populations in Wisconsin that are managed for high size structure are also managed to be low density. Redstone Lake's musky population is an excellent candidate to manage for a higher size structure because of its fast growth. This proposal to a minimum size limit of 50 inches is expected to increase the number of 40- and 50-inch fish while not significantly increasing the overall number of muskellunge. This proposal began as a local resolution and was favored as a statewide hearing advisory question in 2010 by a vote of 1,412 Yes to 866 No, and supported in Sauk County by a vote of 29 Yes and 7 No.

- Do you favor increasing the minimum size limit from 40 to 50 inches for muskellunge in Redstone Lake, Sauk County?

18. YES _____ NO _____

SAWYER COUNTY

Please see question 24 regarding largemouth and smallmouth bass regulation changes in Washburn County.

Question 19 – Black Dan and Island lakes walleye, sauger, and hybrid 18-inch minimum size limit and 3 fish daily bag limit

Black Dan and Island lakes are small, connected, clear-water drainage lakes that are managed for improved bluegill size structure. Management strategies include stocking and protection of walleye fingerlings. The lakes' current walleye, sauger, and hybrids minimum size limit of 28 inches was created to protect the stocked fish, which are bluegill predators. Predation helps to improve the size range of bluegill. This strategy was also coupled with the removal and transfer of significant numbers of bluegill to other waters. As a result, bluegill size structure improved. However, with the concern over Viral Hemorrhagic Septicemia (VHS), a deadly fish virus, the transfer of bluegill to other waters was halted on these lakes. In addition, stocking of large fingerling walleye is now currently done by local lake associations and they would like an opportunity to harvest some of these fish. This proposal would decrease the minimum size limit from 28 to 18 inches for walleye, sauger, and hybrids and meet management goals of increased numbers and size of bluegill by increasing walleye harvest opportunities without compromising walleye value as a predator in these fish communities.

- Do you favor decreasing the minimum size limit from 28 to 18 inches and increasing the daily bag limit from 1 fish to 3 fish for walleye, sauger, and hybrids in Black Dan Lake and Island Lake, Sawyer County?

19. YES _____ NO _____

SHEBOYGAN COUNTY

Question 20 – Big Elkhart Lake muskellunge 50-inch minimum size limit

The department has been working to restore Great Lakes spotted muskellunge in Green Bay since 1989. In order to establish inland brood populations that will help improve genetic diversity of these muskellunge, three inland lakes have been stocked with Great Lakes muskellunge: Anderson Lake and Archibald Lake in Oconto County and Big Elkhart Lake in Sheboygan County. These populations will provide a disease-free source of eggs to the Green Bay restoration project, thereby increasing the genetic diversity. To ensure that the department has adequate opportunities to harvest eggs from these inland brood populations, it is necessary to establish size limits that protect these fish from harvest for many years after they become sexually mature. Current data shows that Great Lakes muskellunge become mature around 40 inches in length and after six years of growth. A 50-inch minimum size limit for muskellunge would protect an average female fish until she was 13 or 14 years of age, providing ample opportunities for egg collection before the fish are legal to harvest. Local muskellunge angling clubs and lake associations have been in support of this regulation change.

- Do you favor increasing the minimum size limit from 34 inches to 50 inches for muskellunge on Big Elkhart Lake, Sheboygan County?

20. YES _____ NO _____

Question 21 – Designate Kohler-Andrae State Park Pond as an urban fishing water

The department and Kohler-Andrae State Park staff wish to enroll Kohler-Andrae State Park Pond in the DNR Urban Fishing Program. The pond is a newly constructed 2-acre pond on the Kohler-Andrae State Park property and was built with the intention of enrolling it into the program. It was designed to accommodate handicapped anglers and other shore anglers, and its purpose is to provide shore fishing opportunities for state park visitors and other local anglers. The pond would be stocked each spring with yearling rainbow trout, as well as other fish to provide year-round angling opportunities.

Enrollment in the Urban Fishing Program would: a) make the pond open to fishing year-round with no minimum size limits; b) create a special season only for juveniles 15 years of age and younger and certain disabled anglers from the second Saturday in March to but not including the last Saturday in April; and c) adopt daily bag limits of 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. This proposal would become effective in 2011.

- Do you favor adding Kohler-Andrae State Park Pond to the DNR Urban Fishing Program? This would allow:
- daily bag limits of 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;
 - no minimum size limits; and
 - an open season year-round with a special season only for juveniles 15 years of age and younger and certain disabled anglers from the second Saturday in March to but not including the last Saturday in April.

21. YES _____ NO _____

ST. CROIX COUNTY

Question 22-23 – Glen and Squaw lakes largemouth and smallmouth bass protected slot size

Bass are abundant in Glen and Squaw lakes in St. Croix County, but fish greater than the 14-inch minimum size limit are scarce. Based on department surveys, populations of small bass on these lakes have been increasing since the implementation of the 14-inch minimum size limit in 1989, but larger bass populations have declined. To increase the harvest of small bass and improve population size structure and angler satisfaction, this regulation would establish a protected slot size for largemouth and smallmouth bass in Glen and Squaw lakes that allows a bag limit of 3 fish in total and no minimum size limit, but the possession of fish from 14 through 18 inches would be prohibited, and only one may be longer than 18 inches.

The primary objective of this proposal is to decrease the number of bass that are less than 14 inches in length (to an electrofishing catch per effort of less than 50 per mile), which would reduce competition and improve growth of remaining bass. The secondary objective is to increase the number of bass that are greater than 14 inches in length and improve the size structure of the population (relative stock density of bass over 15 inches to 5 or more, and a catch per effort of more than 5 per mile). A similar resolution for Glen Lake was submitted at the 2009 Spring Fish and Wildlife Hearing and was supported 57 Yes to 10 No. This proposal is also supported by members of the St. Croix County Alliance of Sportsmen Clubs and the Conservation Congress.

- Do you favor replacing the current largemouth and smallmouth bass 14-inch minimum size limit and daily bag limit of 5 fish in Glen Lake, St. Croix County, with a protected slot size for largemouth and smallmouth bass? This would allow:
 - a bag limit of 3 fish in total; and
 - no minimum size limit, but the possession of fish from 14 through 18 inches is prohibited, and only one may be longer than 18 inches.

22. YES _____ NO _____

- Do you favor replacing the current largemouth and smallmouth bass 14-inch minimum size limit and daily bag limit of 5 fish in Squaw Lake, St. Croix County, with a protected slot size for largemouth and smallmouth bass? This would allow:
 - a bag limit of 3 fish in total; and
 - no minimum size limit, but the possession of fish from 14 through 18 inches is prohibited, and only one may be longer than 18 inches?

23. YES _____ NO _____

WASHBURN COUNTY

Question 24 – Washburn County largemouth and smallmouth bass minimum size limit elimination

The 14-inch minimum size limit for largemouth and smallmouth bass in most waters of Washburn County has resulted in large numbers of largemouth bass, but growth rates have declined. Few Washburn County lakes provide the size quality or harvest opportunities that were envisioned when those minimum size limits were created. In a department study comparing lakes in 2004 with 2009, 89% of lakes managed primarily for largemouth bass in Burnett and Washburn counties did not meet management goals for fish size. This proposal would help to meet management goals of greater than or equal to 30% of bass, in at least 51% of lakes, measuring 14 inches or greater during spring surveys, as well as bass reaching 14 inches in length by age 6 in at least 70% of lakes.

The primary benefit of eliminating the minimum size limit for largemouth and smallmouth bass in all waters of Washburn County, except Balsam, Birch, Red Cedar, and Shell lakes, Trego Flowage, and Namekagon and Totagatic rivers, will be to increase harvest opportunities of bass less than 14 inches, which are very abundant and because of slow growth rates have limited potential to grow to the correct legal size. In some lakes, population reduction may improve growth rates and allow for a more diverse size structure. Similar regulation changes would be made in Burnett County, and the minimum size limit would also be eliminated for a small number of lakes and flowages that straddle the county borders with Barron, Douglas, and Sawyer counties, unless otherwise specified. Removing the bass minimum size limit originated as a local resolution.

- Do you favor eliminating the minimum size limit for largemouth and smallmouth bass in all waters of Washburn County, including lakes and flowages that straddle the county borders, except in Balsam, Birch, Red Cedar, and Shell lakes, Trego Flowage, and Namekagon and Totagatic rivers, which would retain a minimum size limit of 14 inches?

24. YES _____ NO _____

WAUKESHA COUNTY

Question 25 – Designate Delafield Rearing Pond as an urban fishing water

The department, the City of Delafield, and Muskies, Inc., desire to enroll the shallow, one-acre pond on the site of the former Delafield State Fish Hatchery (421 Main Street, Delafield) in the Urban Fishing Program. The City of Delafield allows public access around the pond for fishing. Designation of the Delafield Rearing Pond as an urban fishing pond is expected to increase fish abundance, provide better accessibility to children and disabled anglers, and improve habitat and water quality.

Enrollment in the Urban Fishing Program would: a) make the pond open to fishing year-round with no minimum size limits; b) create a special season only for juveniles 15 years of age and younger and certain disabled anglers from the second Saturday in March to but not including the last Saturday in April; and c) adopt daily bag limits of 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. This proposal would become effective in 2011.

- Do you favor adding Delafield Rearing Pond to the DNR Urban Fishing Program? This would allow:
- daily bag limits of 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;
 - no minimum size limits; and
 - an open season year-round with a special season only for juveniles 15 years of age and younger and certain disabled anglers from the second Saturday in March to but not including the last Saturday in April.

25. YES _____ NO _____

WINNEBAGO COUNTY

Please see questions 10-12 regarding catfish regulation changes in Green Lake and Marquette counties and Lake Winnebago System waters.

DEPARTMENT ADVISORY QUESTIONS-FISHERIES

Question 26 – Minnow harvest regulations to control the spread of fish diseases and invasive species on the Mississippi River

Since 2008, it has been illegal for anyone to use nets or traps to collect minnows in any waters known to be infected with the fish disease Viral Hemorrhagic Septicemia (VHS), or in any connected waters not separated by a barrier that is impassable to fish. VHS has been positively identified in Lake Michigan, Lake Superior and Lake Winnebago, and the Mississippi River is connected to Lake Michigan via the Chicago Ship Canal which does not have a barrier that is impassable to fish.

The current rules are a compromise that came out of nearly a year of debate and negotiation among the Natural Resources Board, Legislature and public on the best way to deal with the discovery of VHS in Wisconsin. The goal was to find reasonable ways to minimize the primary risks of spreading VHS - which are movement of infected fish and significant quantities of water containing the virus. The rules first proposed were simple - live fish could not be taken away from the water, and all water had to be drained from boating and fishing equipment when leaving the waterbody. These proposed rules were simple and enforceable at the landing by wardens.

To address concerns from some anglers who wanted to take home “unused” minnows for later use, provisions were later added that allow anglers to take home minnows if they were originally bought at a WI bait dealer and either were not exposed to any external water or would only be used again on the same water body. These new provisions, however, are very difficult to enforce, so the compromise also included a prohibition on the collection of any minnows from any VHS affected water. This provision allows wardens to make sure that no potentially infected minnows are moved to other waters where they could spread VHS.

At the 2010 Spring Hearings, the Conservation Congress requested that the department revisit this rule with the intent of allowing personal, day-use minnow collections on the Mississippi River. The department agrees that a rule allowing trapping, using, and disposing of bait minnows before leaving the water on the Mississippi River and its tributaries is an option – but only if the rule allowing taking home “unused” minnows under certain conditions be rescinded. Changing this rule at this time may also be a good idea to protect against the spread of invasive species. Asian Carp have now been observed at several locations in Wisconsin’s waters of the Mississippi River, and small Asian Carp are very difficult to distinguish from golden shiners and several other native minnow species. The best way to protect against the spread of VHS, Asian Carp and other diseases and invasive species from the Mississippi River may be to simply prohibit the movement of any live fish (including all minnows) away from the water. NOTE: This will create an inconsistency on the Wisconsin-Minnesota border waters where on the Minnesota side, minnow harvest is not allowed due to the presence of zebra mussels.

This rule change would allow personal collection and use of minnows on the Mississippi River, but no live minnows could be transported away from the Mississippi River.

- Do you favor changing the rules regarding minnow harvest on the Mississippi River and all tributaries upstream to the first barrier impassable to fish so that:
- Minnows may be collected for use as bait using seines, dip nets and traps or other legal methods;
 - No fish including minnows may be taken away from the water alive;
 - Commercial harvest is not allowed?

26. YES _____ NO _____

Question 27 – Change date of general fishing opener

State statute requires all fishing seasons to begin on a Saturday. Since 1974, Wisconsin has had its general fishing opener on the first Saturday in May. For a few years prior to that, the general fishing opener was the second Saturday in May, and for many years prior to that, the opening day of fishing was May 1, regardless of the day of the week on which that date fell. Mother's Day is always the second Sunday in May. One reason for the change from the "second Saturday in May" to the current "first Saturday in May" opener was to avoid the opening of fishing season always occurring on Mother's Day weekend.

Under the current system, the opening day of fishing occurs on Mother's Day weekend approximately once every seven years- those years in which the first Saturday in May is May 7, as it will in 2011. The Governor's office and some tourism interests have asked the Department to explore the possibility of moving the general fishing opening day in years when the first Saturday in May occurs on Mother's Day weekend. In those years the opener would be Saturday, April 30. This change would not be implemented for 2011.

- Would you favor changing the opening day of the general fishing season from "the first Saturday in May" to "Saturday, April 30," in years when the first Saturday in May is May 7 and falls on Mother's Day weekend?

27. YES _____ NO _____

Question Number	Question Description	Statewide Votes Yes	Percentage of Total	Statewide Fisheries Rule Changes		Statewide Result	Result By County (Yes/No/Tie)	Local		Department Recommendation
				Statewide Votes No	Percentage of Total			Local County Votes (Yes/No)	Local County Result	
Local Fisheries Rule Changes										
1	Require quick-strike rigs with minnows larger than 10 inches	3,547	76.5%	1,091	23.5%	Yes	72/0/0			Advance with amendments: quick-strike or circle hooks, 8" minnows, immediate set
2	40" musky minimum size limit on most waters statewide	3,221	68.4	1,485	31.6	Yes	64/8/0			Advance
3	Cisco, whitefish, and hybrids 10 bag limit in WI-MI boundary waters	3,471	83.0	713	17.0	Yes	72/0/0	(65/20 in Vilas County)		Advance
4	Walleye, sauger, and hybrid 18"-3bag in 19 counties	2,459	57.0	1,856	43.0	Yes	51/17/4			Do Not Advance - mixed results, local opposition
Local Fisheries Rule Changes										
5	Musky from 40" to 50" on Rice and Stump lakes, Barron County	2,112	62.8	1,249	37.2	Yes	55/14/3	42/11	Yes	Advance
6	Large and smallmouth bass protected slot size on Lilly Lake, Brown County	2,122	73.4	769	26.6	Yes	69/3/0	87/14	Yes	Advance
7	Parfish bag limit from 25 to 10 on Lilly Lake, Brown County	2,124	72.4	809	27.6	Yes	67/4/1	90/13	Yes	Advance
8	Eliminate minimum size limit for walleye, sauger, and hybrids on Lower Fox River, Brown County	2,157	72.6	815	27.4	Yes	71/1/0	73/27	Yes	Advance
9	Eliminate minimum size limit for large and smallmouth bass in all waters of Burnett County	1,898	69.8	823	30.2	Yes	66/2/4	16/2	Yes	Advance
10	Hook and line catfish rules in Green Lake and Marquette counties	2,021	80.1	503	19.9	Yes	69/2/1	63/14	Yes	Advance - Yes (38/12) in Green Lake, Yes (25/2) in Marquette
11	Re-establish a closed area for set or bank pole and setline fishing for catfish from Lake Butte des Morts upstream to Eureka Dam, Winnebago County	1,570	62.9	926	37.1	Yes	60/6/6	43/44	No	Do Not Advance - No (43/44) in Winnebago, No (20/30) in Green Lake, Yes (25/2) in Marquette
12	Re-establish an open area for set or bank pole and setline fishing for catfish on a section of the Fox River, Green Lake and Marquette counties	1,643	69.2	732	30.8	Yes	65/5/2	56/17	Yes	Advance - Yes (31/16) in Green Lake, Yes (25/1) in Marquette

Question Number	Question Description	Statewide Votes Yes	Percentage of Total	Statewide Votes No	Percentage of Total	Statewide Result	Result By County (Yes/No/Tie)	Local County Votes (Yes/No)	Local County Result	Department Recommendation
13	Peshigo River fish refuge, Marinette County	2,029	78.2	566	21.8	Yes	66/2/4	38/12	Yes	Advance
14	Musky from 40" to 50" on Anderson and Archibald lakes, Oconto County	1,790	64.3	994	35.7	Yes	61/9/2	30/28	Yes	Advance
15	Minocqua Chain bass and walleye limits, Oneida County	1,739	60.0	1,158	40.0	Yes	55/12/5	58/55	Yes	Advance
16	Designate Appleton Memorial Park Pond as urban fishing water, Outagamie County	2,034	82.4	433	17.6	Yes	67/1/4	88/8	Yes	Advance
17	Thiensville-Mequon Dam fish refuge, Ozaukee County	1,883	77.6	544	22.4	Yes	64/5/3	62/12	Yes	Advance
18	Musky from 40" to 50" on Redstone Lake, Sauk County	1,695	62.3	1,025	37.7	Yes	54/13/5	51/19	Yes	Advance
19	Walleye, sauger, and hybrids 28"-1bag to 18"-3bag on Black Dan and Island lakes, Sawyer County	2,006	77.8	572	22.2	Yes	69/1/2	72/8	Yes	Advance
20	Musky from 34" to 50" on Big Elkhart Lake, Sheboygan County	1,751	65.6	920	34.4	Yes	59/9/4	103/42	Yes	Advance
21	Designate Kohler-Andrae State Park Pond as urban fishing water, Sheboygan County	2,086	83.2	422	16.8	Yes	69/1/2	131/13	Yes	Advance
22	Large and smallmouth bass protected slot size on Glen Lake, St. Croix County	1,656	70.1	705	29.9	Yes	61/5/6	48/5	Yes	Advance
23	Large and smallmouth bass protected slot size on Squaw Lake, St. Croix County	1,649	69.5	724	30.5	Yes	64/4/4	48/6	Yes	Advance
24	Eliminate minimum size limit for large and smallmouth bass in all waters of Washburn County	1,821	71.9	713	28.1	Yes	66/5/1	31/4	Yes	Advance
25	Designate Delafield Rearing Pond as urban fishing water, Waukesha County	1,995	81.4	456	18.6	Yes	67/3/2	140/25	Yes	Advance
Fisheries Advisory Questions										
26	Mississippi River minnow harvest and same-day use	2,661	73.9	941	26.1	Yes	70/2/0			
27	Mother's Day weekend fishing opener change	2,958	65.3	1,569	34.7	Yes	63/5/4			

County	Question 4 Walleye (Yes)	Question 4 Walleye (No)	Local Result
DANE (13)	219	72	Yes
GREEN (23)	40	10	Yes
IOWA (25)	22	10	Yes
JEFFERSON (28)	42	35	Yes
LAFAYETTE (33)	19	12	Yes
MILWAUKEE (41)	114	70	Yes
OZAUKEE (46)	37	34	Yes
RICHLAND (53)	12	11	Yes
SHEBOYGAN (60)	85	61	Yes
WALWORTH (65)	31	29	Yes
WAUKESHA (68)	92	90	Yes
SAUK (67)	34	34	Tie
COLUMBIA (11)	16	59	No
DODGE (14)	44	57	No
GRANT (22)	23	24	No
KENOSHA (30)	26	29	No
RACINE (52)	37	41	No
ROCK (54)	26	59	No
WASHINGTON (67)	39	104	No
CLARK (10)	22	26	No
CRAWFORD (12)	7	9	No
FOND DU LAC (20)	28	38	No
FOREST (21)	7	16	No
KEWAUNEE (31)	15	19	No
MARQUETTE (39)	12	13	No
MENOMINEE (40)	2	6	No
OUTAGAMIE (45)	36	46	No
RUSK (55)	10	21	No
WAUPACA (69)	59	75	No
TAYLOR (61)	16	16	Tie
WAUSHARA (70)	15	15	Tie
WINNEBAGO (71)	38	38	Tie
ADAMS (01)	13	9	Yes
ASHLAND (02)	22	18	Yes
BARRON (03)	40	10	Yes
BAYFIELD (04)	34	13	Yes
BROWN (05)	55	34	Yes
BUFFALO (06)	16	12	Yes
BURNETT (07)	3	1	Yes
CALUMET (08)	27	19	Yes
CHIPPEWA (09)	25	20	Yes
DOOR (15)	40	15	Yes
DOUGLAS (16)	7	4	Yes
DUNN (17)	25	9	Yes
EAU CLAIRE (18)	45	13	Yes
FLORENCE (19)	14	5	Yes
GREEN LAKE (24)	25	21	Yes
IRON (26)	13	3	Yes
JACKSON (27)	12	8	Yes
JUNEAU (29)	24	12	Yes
LA CROSSE (32)	30	16	Yes
LANGLADE (34)	22	8	Yes
LINCOLN (35)	22	10	Yes
MANITOWOC (36)	65	31	Yes
MARATHON (37)	49	34	Yes
MARINETTE (38)	22	12	Yes
MONROE (42)	31	10	Yes
OCONTO (43)	29	21	Yes
ONEIDA (44)	60	43	Yes
PEPIN (47)	9	3	Yes
PIERCE (48)	25	18	Yes
POLK (49)	39	18	Yes
PORTAGE (50)	103	59	Yes
PRICE (51)	30	27	Yes
SAINT CROIX (56)	30	12	Yes
SAWYER (58)	51	22	Yes
SHAWANO (59)	39	28	Yes
TREMPEALEAU (62)	16	5	Yes
VERNON (63)	15	12	Yes
VILAS (64)	54	25	Yes
WASHBURN (66)	21	10	Yes
WOOD (72)	32	27	Yes
Totals	2459	1856	

In the 19 counties:
 958 (53.3%) = Yes
 841 (46.7%) = No
 11 yes, 7 no, 1 tie

Statewide:
 2,459 (57%) = Yes
 1,856 (43%) = No
 51 yes, 17 no, 4 tie

Summary of public comments related to Fisheries Spring Hearing questions (in bold)		
Question		
1	Require quick-strike rigs with minnows larger than 10 inches	Do not specify the type of rig to be used, include a smaller bait size - 8 inch rather than 10 inch - to protect more fish, and simplify the regulation by defining immediate or putting a time limit, such as 7 seconds, on a response time "Under this proposal, all minnows being fished in excess of 8-inches in total length must have the hook set within 15 seconds upon indication of a strike."
Department Response:		Immediately means "without unnecessary delay" and is already used when attaching your tag to a turkey, bear, etc.
		Sec. NR 20.05(7), Wis. Adm. Code requires anglers to release fish immediately if they are not to be considered part of their daily bag; "immediately" would be under a warden's discretion
2	Walleye, sauger, and hybrid 18"-3bag in 19 counties	Concern about the amount of mercury in an 18" or larger walleye and opposed to the change to a 3 daily bag limit (comment sent in mail, from South Milwaukee)
26	Mississippi River minnow harvest and same-day use	WCC Mississippi River Committee comments (but no formal vote or position): allow purchased bait retention and transport in winter by ice anglers; minnow water is typically not exchanged in winter; nor would other minnows be collected during ice conditions

The department received a handful of yes/no comments in addition to vote tallies from the spring hearings.

Question Number	Question Description	Yes	No
1	Require quick-strike rigs with minnows larger than 10 inches	2	
2	40" musky minimum size limit on most waters statewide	2	1
3	Cisco, whitefish, and hybrids 10 bag limit in WI-MI boundary waters	3	
4	Walleye, sauger, and hybrid 18"-3bag in 19 counties		3
5	Musky from 40" to 50" on Rice and Stump lakes, Barron County	2	
6	Large and smallmouth bass protected slot size on Lilly Lake, Brown County	2	1
7	Panfish bag limit from 25 to 10 on Lilly Lake, Brown County	3	
8	Eliminate minimum size limit for walleye, sauger, and hybrids on Lower Fox River, Brown County	3	1
9	Eliminate minimum size limit for large and smallmouth bass in all waters of Burnett County	2	
10	Hook and line catfish rules in Green Lake and Marquette counties	3	
11	Re-establish a closed area for set or bank pole and setline fishing for catfish from Lake Butte des Morts upstream to Eureka Dam	2	1
12	Re-establish an open area for set or bank pole and setline fishing for catfish on a section of the Fox River	3	
13	Peshtigo River fish refuge, Marinette County	1	2
14	Musky from 40" to 50" on Anderson and Archibald lakes, Oconto County	1	1
15	Minocqua Chain bass and walleye limits, Oneida County	2	2
16	Designate Appleton Memorial Park Pond as urban fishing water, Outagamie County	2	
17	Thiensville-Mequon Dam fish refuge, Ozaukee County	3	
18	Musky from 40" to 50" on Redstone Lake, Sauk County	2	1
19	Walleye, sauger, and hybrids 28"-1bag to 18"-3bag on Black Dan and Island lakes, Sawyer County	2	
20	Musky from 34" to 50" on Big Elkhart Lake, Sheboygan County	1	1
21	Designate Kohler-Andrae State Park Pond as urban fishing water, Sheboygan County	3	
22	Large and smallmouth bass protected slot size on Glen Lake, St. Croix County	2	
23	Large and smallmouth bass protected slot size on Squaw Lake, St. Croix County	2	
24	Eliminate minimum size limit for large and smallmouth bass in all waters of Washburn County	2	
25	Designate Delafield Rearing Pond as urban fishing water, Waukesha County	3	
26	Mississippi River minnow harvest and same-day use	1	1
27	Mother's Day weekend fishing opener change	1	1



WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

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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 11-006

AN ORDER to to repeal NR 26.24 (38) (a); to amend NR 20.20 (2) (c) 1., (3) (b), (5) (h), (11) (k), (12) (g) 1., (14) (f), (21) (d) 1., (23) (f), (25) (h), (28) (f), (30) (g), (33) (g), (41), (43) (b), (44) (c) 2. and (g) 3., (46), (51) (bm) 1., (52) (g), (53) (g) 2., (54) (f), (56) (e) 1. and (j), (57) (e) and (i) 3. and 4., (59) (a) 2. and (f), (64) (d) 2., (65) (g), (66) (bm), (68) (a) 2. and (g), (73) (b), (g) 2., 3., and (o) 3.; to repeal and recreate NR 20.20 (7) (c) and (13) (h); and to create NR 20.03 (31m) and (39t), 20.06 (11), 20.20 (3) (am) 3., (5) (c) 2. and (em), (16) (c) 2., (22) (g) 2., (24) (b), (39) (b), (44) (b) 4., (45) (a) 2., (49) (am) 4., (57) (d) 4. and 5., (59) (bm), (60) (b) 2., and (67) (d), 23.05 (5) (k), 26.01 (46) (title) and (a), and 26.34, relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by DEPARTMENT OF NATURAL RESOURCES

02-07-2011 RECEIVED BY LEGISLATIVE COUNCIL.

03-03-2011 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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 11-006

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

SECTION 57 should repeal all of s. NR 26.2~~5~~₄ (38), not just par. (a). Therefore, "(a)" should be deleted.

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

It appears that the reference to SECTION 48 in paragraph 9 of the plain language rule analysis should be removed.

ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. Fiscal Estimate Version

Original Updated Corrected

2. Administrative Rule Chapter Title and Number

FH-03-11

3. Subject

Adoption of fishing regulation changes proposed by the Fisheries Management Bureau and supported at the 2011 Spring Fish and Wildlife Rule Hearings

4. State Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May be possible to absorb within agency's budget.
		<input type="checkbox"/> Decrease Costs

5. Fund Sources Affected:

GPR FED PRO PRS SEG SEG-S

6. Affected Ch. 20, Stats. Appropriations:

7. Local Government Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

8. Local Government Units Affected:

Towns Villages Cities Counties School Districts WTCS Districts Others:

9. Private Sector Fiscal Effect (small businesses only):

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

10. Types of Small Businesses Affected:

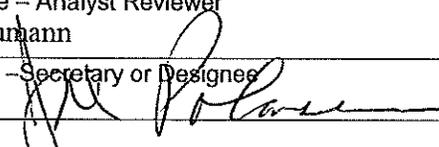
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11. Fiscal Analysis Summary

The proposed rule package related to fishing on inland, outlying, and boundary waters of Wisconsin contains three changes of statewide significance, including: (continued on attached page)

12. Long-Range Fiscal Implications

None

13. Name - Prepared by Kate Strom Hiorns	Telephone Number 266-0828	Date 5/17/11
14. Name - Analyst Reviewer Paul Neumann	Telephone Number 266-0818	Date 5/17/11
Signature - Secretary or Designee 	Telephone Number 266-2794	Date 5-17-11

Fiscal Estimate for Administrative Rule FH-03-11 (continued)

1. requiring the use of circle hooks or quick-strike rigs when using 8-inch or longer minnows as bait;
2. increasing the statewide minimum size restriction for muskellunge from 34 to 40 inches, excluding certain waters; and
3. establishing a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters.

In addition, the rule package includes changes of local or regional interest, including eliminating the minimum size restriction for largemouth and smallmouth bass in most waters of Burnett and Washburn counties, modifying hook and line fishing for catfish in all waters of Green Lake and Marquette counties, adding three ponds to the urban fishing program, and other adjustments to fish size limits and daily bag limits on specific waterbodies.

None of the proposed changes are expected to have fiscal impacts.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 26.24(38); to amend NR 20.20(2)(c)1., 20.20(3)(b), 20.20(5)(h), 20.20(21)(d)1., 20.20(43)(b), 20.20(44)(c)2., 20.20(44)(g)2., 20.20(49)(am)2., 20.20(51)(bm)1., 20.20(56)(e)1., 20.20(57)(e), 20.20(57)(i)3., 20.20(57)(i)4., 20.20(59)(a)2., 20.20(64)(d)2., 20.20(66)(bm), 20.20(68)(a)2., 20.20(73)(b)3s., 20.20(73)(g)2., and 20.20(73)(g)3.; to repeal and recreate NR 20.20(7)(c); and to create NR 20.03(6m), 20.03(31m), 20.03(39t), 20.06(11), 20.20(3)(am)3., 20.20(5)(c)2., 20.20(5)(em), 20.20(16)(c)2., 20.20(24)(b), 20.20(39)(b), 20.20(44)(b)4., 20.20(45)(a)2., 20.20(57)(d)4., 20.20(57)(d)5., 20.20(59)(bm), 20.20(60)(b)2., 23.05(5)(k), 26.01(46)(title), 26.01(46)(a) and 26.34; relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

FH-03-11

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, outlying, and boundary waters of Wisconsin.

2. Statutory Authority: ss. 29.014(1), 29.039, 29.041, 29.053 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 grant rule making authority to the department to establish and maintain open and closed seasons for fish and any bag limits, size limits, rest days and conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing; 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 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, 3, and 4 define circle hooks and quick-strike rigs and require their use when fishing with an 8-inch or longer minnow as bait.

Sections 5, 13, 18, 22, 25, and 30 decrease the minimum size restriction to 28 inches for muskellunge on ten waters: English and Mineral lakes (Ashland county), Bearskin, Booth, and Squaw lakes (Oneida county), Julia lake (Oneida and Forest counties), Bitternut and Solberg lakes (Price county), Spider lake (Sawyer county), and Upper Gresham lake (Vilas county). These changes are made in conjunction with section 34.

Sections 6, 11, 12, 21, 24, and 31 eliminate the minimum size restriction for largemouth and smallmouth bass in all waters of Burnett County except Namekagon, St. Croix, and Totagatic rivers which would retain a minimum size restriction of 14 inches, and all waters of Washburn County except Balsam, Birch, Red Cedar and Shell lakes, Trego Flowage, and Namekagon and Totagatic rivers which would retain a minimum size restriction of 14 inches. The minimum size restriction is eliminated for all Burnett and Washburn county border boundary lakes and flowages (sections 6, 12, 21, 24). The dates of the open seasons do not change.

Section 7 increases the minimum size restriction from 40 to 50 inches for muskellunge in Rice and Stump lakes (Barron county).

Section 8 establishes a protected slot size for largemouth and smallmouth bass in Lilly lake (Brown county) that allows hook and line fishing from the first Saturday in May to the first Sunday in March, a daily bag limit of 3 in total, and no minimum length, except the possession of fish from 14 through 18 inches is prohibited and only 1 may be longer than 18 inches.

Section 9 reduces the daily bag limit from 25 to 10 fish in aggregate for panfish in Lilly lake (Brown county).

Section 10 eliminates the 15-inch minimum size restriction on walleye, sauger, and hybrids in the Lower Fox river (Brown county) to make regulations consistent with the adjacent waters of the Lower Fox river (Outagamie and Winnebago counties).

Sections 14, 15, and 33 modify hook and line fishing for catfish in all waters of Green Lake and Marquette counties, which includes a current continuous open season for channel catfish and establishes an open season from the first Saturday in May to September 30 for flathead catfish; a daily bag limit of 25 catfish in total remains in effect but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline; and no minimum size restriction except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited. These changes make hook and line fishing for catfish in these two counties consistent with rules in Lake Winnebago system waters.

Sections 14 and 15 also re-establish an open area for set or bank pole and setline fishing for catfish on the Fox river (Green Lake and Marquette counties) 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive from the Saturday nearest May 20 to September 30. There will be no bag limit, but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline, and no minimum size restriction except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited.

Sections 16 and 28 increase the minimum size restriction from 40 to 50 inches for three spotted muskellunge brood stock lakes: Archibald and Anderson lakes (Oconto county), and Big Elkhart lake (Sheboygan county).

Section 17 eliminates the current 14-inch minimum size restriction for largemouth and smallmouth bass in the Minocqua Chain (Oneida county).

Section 19 increases the minimum size restriction from 15 to 18 inches and decreases the daily bag limit from 5 fish to 3 fish for walleye, sauger, and hybrids in the Minocqua Chain (Oneida county).

Sections 20, 27, and 32 add the Appleton Memorial pond (Outagamie county), the Kohler-Andrae State Park pond (Sheboygan county), and the Delafield Rearing pond (Waukesha county) to the State's urban fishing program. The program creates 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. Waters in the program have daily bag limits of 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 23 increases the minimum size restriction from 40 to 50 inches for muskellunge in Redstone lake (Sauk county).

Section 26 decreases the minimum size restriction from 28 to 18 inches and increases the daily bag limit from 1 fish to 3 fish for walleye, sauger, and hybrids in Black Dan and Island lakes (Sawyer county).

Section 29 establishes a protected slot size for largemouth and smallmouth bass in Glen and Squaw lakes (St. Croix county) that allows hook and line fishing from the first Saturday in May to the first Sunday in

March with a bag limit of 3 fish in total and no minimum length, but the possession of fish from 14 through 18 inches is prohibited, and only one may be longer than 18 inches.

Section 34 increases the statewide minimum size restriction to 40 inches for muskellunge on all waters currently at a 34-inch minimum size restriction. As noted, sections 5, 13, 18, 22, 25, and 30 decrease the minimum size restriction to 28 inches for muskellunge on ten waters: English and Mineral lakes (Ashland county), Bearskin, Booth, Julia, and Squaw lakes (Oneida county), Butternut and Solberg lakes (Price county), Spider lake (Sawyer county), and Upper Gresham lake (Vilas county). As a result, approximately 600 waters would have a 40-inch minimum size restriction, 20 waters would have a 28-inch minimum size restriction and 20 waters would continue to have a 45- or 50-inch minimum size restriction.

Section 35 establishes a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters with a possession and daily bag limit of 10 in total and no size limit. Michigan has agreed to pursue a similar change to its regulations which will make Wisconsin and Michigan rules consistent.

Section 36 establishes a year-round fish refuge in the Milwaukee river within the fishway at the Thiensville-Mequon dam, located at river mile 20 (Ozaukee county).

Sections 37 and 38 alter the boundaries of an existing fish refuge on the Peshtigo river (Marinette county) because the existing privately-owned foot bridge boundary marker will be removed.

Sections 37 and 38 also extend the end date of the fish refuge on the Peshtigo river (Marinette county) from May 15 to May 31.

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

7. Comparison of Similar Rules in Adjacent States: Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons and 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 and 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 directors for approval. Proposals approved by the regions were forwarded to the Fisheries Management Bureau Director, who conducted a review with the Fisheries Management Board, the bureaus of Law Enforcement and 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.

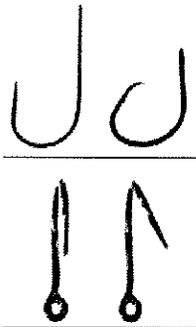
11. Agency contact person: Kate Strom Hiorns, FM/4 , 101 South Webster Street, Madison, WI 53707-7921; email: kathryn.stromhiorns@wisconsin.gov; phone: 608.266.0828

12. Deadline for Written Comments: The deadline for written comments was April 11, 2011.

Section 1. NR 20.03(6m) is created to read:

NR 20.03 (6m) "Circle hook" means a hook that is curved in a circular or oval shape so that the tip of the point is turned and perpendicular to the shank and is designed so that the tip end of the hook is not offset or angled sideways and is in alignment with the shank.

Note: The top picture displays a J hook (left) and a circle hook (right). The bottom picture displays a non-offset hook (left) and an offset hook (right).



Section 2. NR 20.03(31m) is created to read:

NR 20.03 (31m) "Quick-strike rig" means a bait rig with one or more treble hooks attached to the body of a minnow, behind the head. This rig may include a jig or other hook in the snout of a minnow along with one or more treble hooks attached to the body of a minnow.

Section 3. NR 20.03(39f) is created to read:

NR 20.03 (39f) "Treble hook" means three evenly spaced hooks joined by a common shaft to form one hook with three points.

Section 4. NR 20.06(11) is created to read:

NR 20.06 (11) Fish with a minnow 8 inches or longer unless using a quick-strike rig that the person attempts to hook immediately into the mouth of a fish upon indication of a bite or unless using a non-offset circle hook.

Section 5. NR 20.20(2)(c)1. is amended to read:

NR 20.20 (2) ASHLAND (for species or waters not listed, including Lake Superior, see sub. (73))

(c) Muskellunge	1. Day lake, East Twin lake, <u>English lake</u> , <u>Mineral lake</u> , Potter lake, Spider-Moquah chain of lakes, Spillerburg lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	28
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Section 6. NR 20.20(3)(am)3. is created to read:

NR 20.20 (3) BARRON (for species or waters not listed, see sub. (73))

(am) Largemouth and smallmouth bass	3. All lakes and flowages partially within Burnett or Washburn counties, excluding Red Cedar lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None
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Section 7. NR 20.20(3)(b) is amended to read:

NR 20.20 (3) BARRON (for species or waters not listed, see sub. (73))

(b) Muskellunge	1. All waters <u>Rice lake</u> , <u>Stump lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>50</u>
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Section 8. NR 20.20(5)(c)2. is created to read:

NR 20.20 (5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(c) Largemouth and smallmouth bass	2. Lilly lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	No minimum length, but the possession of fish from 14 through 18 inches is prohibited and only 1 may be longer than 18 inches
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Section 9. NR 20.20(5)(em) is created to read:

NR 20.20 (5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(em) Panfish	1. Lilly lake	a. Hook and line	Continuous	10	None
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Section 10. NR 20.20(5)(h) is amended to read:

NR 20.20 (5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(h) Walleye, sauger and hybrids	1. Fox river upstream from DePere dam	a. Hook and line	Continuous	5 in total	45 None, pursuant to s. NR 20.35
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Section 11. NR 20.20(7)(c) is repealed and recreated to read:

NR 20.20 (7) BURNETT (for species or waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. All waters not listed in this paragraph that are north of a line following STH 77, including all lakes and flowages north of that line	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	5 in total	None
			2. Webb lake and all other waters not listed in this paragraph that are south of a line following STH 77, including all lakes and flowages south of that line	a. Hook and line	First Saturday in May to the first Sunday in March

3. Namekagon river, St. Croix river, Totagatic river	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	5 in total	14

Section 12. NR 20.20(16)(c)2. is created to read:

NR 20.20 (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.

(c) Largemouth and smallmouth bass	2. All lakes and flowages partially within Burnett and Washburn counties	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	5 in total	None

Section 13. NR 20.20(21)(d)1. is amended to read:

NR 20.20 (21) FOREST (for species or waters not listed, see sub. (73))

(d) Muskellunge	1. Julia lake (T38N R11E S1), Riley lake, Roberts lake, Wabikon lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 14. NR 20.20(24)(b) is created to read:

NR 20.20 (24) GREEN LAKE (for species or waters not listed, see sub. (73))

(b) Catfish	1. All waters	a. Hook and line	Continuous for channel catfish. First Saturday in May to September 30 for flathead catfish.	25 in total but only 1 may be flathead catfish regardless of whether	None except for flathead catfish, which is 30 but the possession of flathead
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				caught on hook and line, set or bank pole, or setline	catfish from 36 to 42 is prohibited
2. Fox river 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive only	a. Set or bank pole and setline 500 feet or more from any dam	Saturday nearest May 20 to September 30	None but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline		None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited

Section 15. NR 20.20(39)(b) is created to read:

NR 20.20 (39) MARQUETTE (for species or waters not listed, see sub. (73))

(b) Catfish	1. All waters	a. Hook and line	Continuous for channel catfish. First Saturday in May to September 30 for flathead catfish.	25 in total but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited
	2. Fox river 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive in Green Lake county	a. Set or bank pole and setline 500 feet or more from any dam	Saturday nearest May 20 to September 30	None but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited

Section 16. NR 20.20(43)(b) is amended to read:

NR 20.20 (43) OCONTO (for species or waters not listed, see sub. (73))

(b) Muskellunge	1. Anderson lake, Archibald lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>50</u>
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Section 17. NR 20.20(44)(b)4. is created to read:

NR 20.20 (44) ONEIDA (for species or waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	4. Minocqua chain (includes Kawaguesaga, Little Tomahawk, Mid, Minocqua, Mud, and Tomahawk lakes and connecting waters)	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	--
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Section 18. NR 20.20(44)(c)2. is amended to read:

NR 20.20 (44) ONEIDA (for species or waters not listed, see sub. (73))

(c) Muskellunge	2. Bridge lake, Buckskin lake, Julia lake (T38N R11E S12), Katherine lake, Nokomis lake upstream to Prairie Rapids road, Rainbow flowage, Rice River flowage, Stella lake, Two Sisters lake, Bearskin lake, Booth lake, Julia lake (T38N R11E S1), Squaw lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 19. NR 20.20(44)(g)2. is amended to read:

NR 20.20 (44) ONEIDA (for species or waters not listed, see sub. (73))

(g) Walleye, sauger and hybrids	2. <u>Maple lake, Minocqua chain (includes Kawaguesaga,</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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Little Tomahawk, Mid, Minocqua Mud, and Tomahawk lakes and connecting waters), Stella lake, Thunder lake

Section 20. NR 20.20(45)(a)2. is created to read:

NR 20.20 (45) OUTAGAMIE (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Appleton Memorial Park pond	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
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Section 21. NR 20.20(49)(am)2. is amended to read:

NR 20.20 (49) POLK (for species or waters not listed, see sub. (73))

(am) Largemouth and smallmouth bass	2. Big Butternut, Half Moon, Pipe, and Ward lakes, <u>and all lakes and flowages partially within Burnett county</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>in total</u>	None
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Section 22. NR 20.20(51)(bm)1. is amended to read:

NR 20.20 (51) PRICE (for species or waters not listed, see sub. (73))

(bm) Muskellunge	1. Jump river, North Fork Jump river, South Fork Jump river upstream to Big Falls (T33N R2W, S20) and their tributaries upstream to the first dam or lake <u>Butternut lake, Solberg lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 23. NR 20.20(56)(e)1. is amended to read:

NR 20.20 (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 December 31	1	40- <u>50</u>
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Section 24. NR 20.20(57)(d)4. and 5. are created to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

(d) Largemouth and smallmouth bass	4. All lakes and flowages that are partially within Washburn county and are north of a line following STH 77 east to STH 27 and south on STH 27	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	5 in total	None
	5. All lakes and flowages that are partially within Washburn county and that are south of a line following STH 77 east to STH 27 and south on STH	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None

27, excluding
Birch lake

Section 25. NR 20.20(57)(e) is amended to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

(e) Muskellunge	1. Chippewa flowage, 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 Sissabagama lake, Moose lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40
	3. 2. Black lake, Mud and Callahan lakes, <u>Spider lake</u> , 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
	4. 3. 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

Section 26. NR 20.20(57)(i)3. and 4. are amended to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

(i) Walleye, sauger and hybrids	3. Black Dan lake, Clear lake, Island lake (T39N R5W S2)	a. Hook and line	First Saturday in May to the first Sunday in March	1 in total	28
	4. <u>Black Dan lake, Island lake</u> (T39N R5W S2), Sand lake, including Sissabagama creek upstream to Sand lake road, Nelson lake, Sissabagama lake, and Whitefish lakes	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

Section 27. NR 20.20(59)(a)2. is amended to read:

NR 20.20 (59) SHEBOYGAN (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: <u>Kohler-Andrae State Park pond</u> Memorial park pond, Sheboygan quarry	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
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Section 28. NR 20.20(59)(bm) is created to read:

NR 20.20 (59) SHEBOYGAN (for species or waters not listed, see sub. (73))

(bm) Muskellunge	1. Big Elkhart lake	a. Hook and line	First Saturday in May to December 31	1	50
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Section 29. NR 20.20(60)(b)2. is created to read:

NR 20.20 (60) ST. CROIX (for species or waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	2. Glen lake, Squaw lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	No minimum length, but the possession of fish from 14 through 18 inches is prohibited, and only 1 may be longer than 18 inches
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Section 30. NR 20.20(64)(d)2. is amended to read:

NR 20.20 (64) VILAS (for species or waters not listed, see sub. (73))

(d) Muskellunge	2. Allequash lake, Big Muskellunge lake, Big lake (T42N R6E S4), Crab lake, Kentuck lake, Papeose lake, <u>Upper Gresham lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 31. NR 20.20(66)(bm) is amended to read:

NR 20.20 (66) WASHBURN (for species or waters not listed, see sub. (73))

(bm) Largemouth and smallmouth bass	1. Naney lake <u>All waters not listed in this paragraph that are north of a line following STH 77, including all lakes and flowages north of that line</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	5 in total	None

<p><u>2. Long and Middle McKenzie lakes</u> <u>All waters not listed in this paragraph that are south of a line following STH 77, including all lakes and flowages south of that line</u></p>	<p>a. Hook and line</p>	<p><u>First Saturday in May to the first Sunday in March</u></p>	<p><u>5 in total</u></p>	<p><u>None</u></p>
<p><u>3. Balsam lake, Birch lake, Namekagon river south of STH 77, Red Cedar lake, Shell lake, Trego flowage</u></p>	<p>a. Hook and line</p>	<p><u>First Saturday in May to the first Sunday in March</u></p>	<p><u>5 in total</u></p>	<p><u>14</u></p>
<p><u>4. Namekagon river north of STH 77, Totagatic river</u></p>	<p>a. Hook and line</p>	<p><u>First Saturday in May to Friday preceding third Saturday in June</u></p>	<p><u>0</u></p>	<p><u>--</u></p>
		<p><u>Third Saturday in June to the first Sunday in March</u></p>	<p><u>5 in total</u></p>	<p><u>14</u></p>

Note: Par. (bm) is created eff. 4-1-11 by CR 10-025.

Section 32. NR 20.20(68)(a)2. is amended to read:

NR 20.20 (68) WAUKESHA (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Calhoun park pond, <u>Delafield Rearing pond</u> , <u>Foxbrook pond</u> , 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; Foxbrook pond	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
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Section 33. NR 20.20(73)(b)3s. is amended to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(b) Catfish	3s. All other waters of Calumet, Fond du Lac, Green Lake , Marquette, Outagamie, Shawano, Waupaca, Waushara and Winnebago counties	a. Hook and line	Continuous	25 in total	None
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Section 34. NR 20.20(73)(g)2. and 3. are amended to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(g) Muskellunge	2. All other waters north of U.S. hwy. 10 not listed in subs. (1) to (72) or this paragraph	a. Hook and line	Saturday nearest Memorial day to November 30	1	34 <u>40</u>
	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 December 31	1	34 <u>40</u>

Section 35. NR 23.05(5)(k) is created to read:

NR 23.05(5)

(k) Cisco (lake herring), whitefish, and their hybrids	No closed season	10 in total	No size limit
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Section 36. NR 26.01(46)(title) and (a) are created to read:

NR 26.01 (46) OZAUKEE COUNTY. (a) *Milwaukee river*. Within the fishway at the Thiensville-Mequon dam, which is a series of pools and riffles that allow fish migration 750 feet in length around the dam located at river mile 20.

Section 37. NR 26.24(38) is repealed.

Section 38. NR 26.34 is created to read:

NR 26.34 **Fish refuges**. The following areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from March 1 to May 31 each year, both dates inclusive, in, on or along the following described water areas.

(38) MARINETTE COUNTY. (a) *Peshtigo river*. That part of the Peshtigo river beginning at the Badger Paper Mill dam in the city of Peshtigo, section 19, township 30 north, range 23 east, downstream for a total distance of 300 feet from the dam.

Section 39. **EFFECTIVE DATE**. This rule shall take effect April 1, 2012 except Sections 20, 27, 32, 36, 37, and 38 that 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 40. **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 _____

Cathy Stepp, Secretary

(SEAL)