

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS

FH-01-09

WM-01-09

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014(1), 29.039, 29.041, 29.053 and 227.11(2)(a), Stats., interpreting ss. 29.014(1), 29.039, 29.041, 29.053, 29.531, 29.533, and 29.537 Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 20, 21, 22 and 23, Wis. Adm. Code, relating to fishing and clamming on the inland, outlying and boundary waters of Wisconsin. The proposed rules will:

1. Allow the department to conduct criminal history background checks on individuals that want to serve as department sponsored volunteer angler education instructor or a mentor as part of a department sponsored or approved learn-to-hunt program. These instructors often and primarily serve as instructors for youth. This proposal would also remove the condition that a mentor for fishing programs may not serve as a mentor for more than 3 anglers and clarify that the applicant, instructors and mentors need to possess a valid fishing license. This will also reduce the 30 day advanced notice for applications for fishing programs to 15 days.
2. Correct an administrative error which was included in the recently adopted rules regarding minnow harvest and possession, as related to concerns regarding containing the spread of Viral Hemorrhagic Septicemia.
3. Clarify legality of using a small remote controlled boat or similar device with a piece of line and hook attached for the purpose of catching fish in Wisconsin. Our interpretation of the law is that these devices when used for fishing, if not tethered back to the boat, pier or shore where the person operating it is located, is not allowed under our "jug-fishing" rule in NR 20.06(10).
4. Clarify that either a small game license or a fishing license is sufficient approval for a person older than 16 to take crayfish in Wisconsin.
5. Clarify boundaries of large rivers and their tributaries.
6. Repeal the barbless hooks requirement for early trout season.
7. Prohibit collection of live mussels or dead shell from the St. Croix River National Scenic Riverway, and eliminate commercial mussel harvest in the St. Croix River where it forms the boundary between Wisconsin and Minnesota (the activity is already prohibited by National Park Service rules), and in the St. Louis River where it forms the boundary between Wisconsin and Minnesota.
8. Set a minimum length restriction for walleye in Upper Clam lake (Ashland county) of 15 inches.
9. Increase the minimum length restriction for walleye in Beaver Dam lake (Barron county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish.
10. Create an annual open season for trout in Beaver, Little Star, Nymphia, and Overby (Blaisdell) lakes (Bayfield county), where the seasons in these lakes are currently closed every other year. The annual open season in the other waters will be between the first Saturday in May and September 30.
11. Remove the 14 inch minimum length restriction for largemouth and smallmouth bass in Lake 26 (Burnett county).
13. Extend the end of open season for trout in Anderson lake (Douglas county) from September 30 to the first Sunday in March.
14. Set a minimum length restriction for walleye in Bearskull, Fisher, Owl, and Upper and Lower Springstead lakes (Iron county) of 15 inches.
15. Increase the minimum size restriction for northern pike in Silver lake (Manitowoc county) from 26 to 32 inches and reduce the daily angler bag limit from 2 to 1.
16. Correct an administrative error which improperly lists the minimum length restriction for walleye in the Wisconsin river downstream from the St. Regis dam in Rhinelander (Oneida county) as none rather than 15 inches.
17. Increase the minimum length restriction for largemouth and smallmouth bass in Burrows lake (Oneida county) from 14 inches to 18 inches, and decrease the daily angler bag limit from 5 to 1.
18. Increase the minimum length restriction for walleye in Big Round lake (Polk county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish.
19. Replace the current 9 inch minimum length restriction for trout in Manley creek (Sauk county) with a 9 inch maximum size restriction. This rule will expire 10 years after implementation.
20. Increase the minimum size restriction for muskellunge in Big Sand, Kentuck, and Long lakes (Vilas county) from 34 inches to 50 inches.
21. Set a minimum size restriction for walleye in Dead Pike lake (Vilas county) of 18 inches, and reduce the daily angler bag limit from 5 to 3.
22. Remove the current 15 inch minimum size restriction for walleye in North Twin and South Twin lakes (Vilas county), but stipulate that walleye between 14 and 18 inches may not be kept and only 1 walleye larger than 18 inches may be part of an angler's 3 fish daily bag limit.

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

24. Add Regner (Washington county) and Foxbrook (Waukesha county) ponds to the state's urban fishing program, in which there would be a continuous open season but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April, and in which persons may possess 1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total, and an unlimited number of rough fish.

25. Correct an administrative error regarding bag limits for walleye, sauger, and their hybrids in Lake Winnebago. Current rules allow 5 walleye and 1 sauger or walleye/sauger hybrid, but the bag limit should be 5 walleye/sauger/ hybrids in total, only 1 of which may be a sauger or walleye/sauger hybrid.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193, Stats., interpreting ss. 23.09(2)(b), 29.014, 29.053(3), 29.059, 29.089, 29.192 and 29.193, Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 10, 11 and 15, Wis. Adm. Code, relating to hunting and trapping regulations and the use of department managed lands. The proposed rules will:

1. Clarify the definition of "open water hunting" for waterfowl.
2. Allow the harvest stocked hen pheasants at Sand Creek Fishery Area, Monroe County.,
3. Extend the fall turkey season to Dec. 31 in zones 1 - 5, except for the nine-day deer season.
4. Modify bobcat hunting, trapping, cable restraint seasons and reporting.
5. Allow the use of rifles for firearm deer hunting in Dunn and Shawano Counties.
6. Allow firearm deer hunting at Potawatomi and Whitefish Dunes state parks, Door County and allow the use of rifles for deer hunting at all of Hartman Creek state park, Waupaca and Portage counties.
7. Establish that the 19-day muzzleloader-only season and late archery season is antlerless only but buck hunting can be allowed in certain years at Wildcat Mountain state park, Vernon County.
8. Eliminate the late archery deer hunt at Brunet Island state park.
9. Eliminate the special state park hunting season and allow hunting during all normal deer seasons at Cadiz Springs Recreation Area.
10. Establish a special migratory bird hunt with a 1:00 p.m. closure, regulations, and modify refuges at Mead wildlife area, Wood, Portage and Marathon counties and Lake Mills wildlife area, Jefferson County.
11. Clarify the definition of legal firearm types for hunting.
12. Create flexibility in the methods for issuing left-over turkey hunting permits.
13. Create flexibility to register wild turkeys by methods other than in person at registration stations.
14. Allow the use of electronic calls for turkey hunting by certain holders of disabled hunting permits.
15. Allow the use of dogs for turkey hunting during the fall season statewide.
16. Require the registration of sharp-tailed grouse harvest.
17. Allow hunting during special turkey hunts by holders Class B disabled hunting permits that are valid for hunting from a vehicle and issued for more than one year.
18. Eliminate the Nelson-Travino Mississippi River closed area in Buffalo County.
19. Reduce the size of Dike 17 waterfowl refuge and allow trapping and firearm deer hunting (Jackson County).
20. Reduce the size of Vernon Marsh waterfowl refuge because certain areas are no longer needed as goose refuge (Waukesha County).

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rules will have a significant economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that at 7:00 p.m. on Monday, April 13, 2009, the Wisconsin Conservation Congress will hold its election of county delegates in each county. Upon completion of the delegate elections, the joint Spring Hearing/Conservation Congress meeting will convene to take comments on the foregoing rule modifications.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on Monday, April 13, 2009 at 7:00 p.m. at the following locations:

Adams	Adams County Courthouse, Board Room, 402 Main Street, Friendship
Ashland	Ashland Senior High School, Auditorium, 1900 Beaser Avenue, Ashland
Barron	Barron Government Center, 330 E. LaSalle Ave., Barron
Bayfield	Drummond high School, Auditorium, 52440 Eastern Ave., Drummond
Brown	Franklin Middle School, Auditorium, 1234 W. Mason, Green Bay
Buffalo	Alma High School, Gymnasium, S1618 STH 35, Alma
Burnett	Burnett County Government Center, Room 165, 7410 County Road K, Siren
Calumet	Calumet County Courthouse, B025, 206 Court Street, Chilton
Chippewa	Chippewa Falls Middle School, Auditorium, 750 Tropicana Blvd., Chippewa Falls
Clark	Greenwood High School, Cafetorium, 306 W. Central Ave., Greenwood
Columbia	Portage Junior High School, 2505 New Pinery Rd., Portage
Crawford	Crawford County Courthouse, Court Room, 220 N. Beaumont Road, Prairie du Chien
Dane	Middleton Performing Arts Center at Middleton High School, 2100 Bristol St., Middleton
Dodge	Horicon City Hall, 404 E. Lake Street, Horicon
Door	Crossroads at Big Creek, 2041 Michigan Ave., Sturgeon Bay
Douglas	Brule Town Hall, 5814 S. Maple St., Brule
Dunn	Dunn County Fish and Game Club, 1900 Pioneer Ave., Menomonie
Eau Claire	South Middle School, Auditorium, 2115 Mitscher Ave., Eau Claire
Florence	Florence Natural Resource Center, Basement, Highway 70/101, Florence
Fond du Lac	Theisen Middle School, 525 E Pioneer Road, Fond du Lac
Forest	Crandon High School, Auditorium, 9750 USH 8 W, Crandon
Grant	Lancaster High School, Auditorium, 806 Elm Street, Lancaster
Green	Monroe Middle School, 1510 13 th Street, Monroe
Green Lake	Green Lake High School, Small Gym, 612 Mill St., Green Lake
Iowa	Dodgeville High School, Gymnasium, 912 West Chapel Street, Dodgeville
Iron	Iron County Courthouse, 300 Taconite St., Hurley
Jackson	Black River Falls Middle School, LGI Room, 1202 Pierce Street, Black River Falls
Jefferson	Jefferson County Fairgrounds, Activity Center, 503 N. Jackson Ave., Jefferson
Juneau	Olson Middle School, Auditorium, 508 Grayside Avenue, Mauston
Kenosha	Bristol Grade School, Gymnasium, 20121 83 rd Street, Bristol
Kewaunee	Kewaunee High School, Auditorium, 911 3 rd Street, Kewaunee
La Crosse	Onalaska High School, Field House, 700 Hilltop Place, Onalaska
Lafayette	Darlington High School, Auditorium, 11838 Center Hill Road, Darlington
Langlade	Antigo High School, Volm Auditorium, 1900 10 th Avenue, Antigo
Lincoln	Tomahawk Elementary School, 1048 East Kings Road, Tomahawk
Manitowoc	UW Manitowoc, Theater, 705 Viebahn Street, Manitowoc
Marathon	D.C. Everest Middle School, 9302 Schofield Avenue, Weston
Marquette	Crivitz High School, Auditorium, 400 South Ave, Crivitz
Marquette	Montello High School, Community Room, 222 Forest Lane, Montello
Menominee	Menominee County Courthouse, Basement, Courthouse Lane, Keshena
Milwaukee	Nathan Hale High School, Auditorium, 11601 West Lincoln Avenue, West Allis
Monroe	Tomah High School, Cafeteria, 901 Lincoln Ave., Tomah
Oconto	Suring High School, Cafeteria, 411 E. Algoma St., Suring
Oneida	James Williams Junior High School, 915 Acacia, Rhinelander
Outagamie	Riverview Middle School, Auditorium, 101 Oak Street, Kaukauna
Ozaukee	Port Washington American Legion, 435 Lake St., Port Washington
Pepin	Pepin County Government Center, County Board Room, 740 7th Avenue W., Durand
Pierce	Ellsworth Senior High School, Gymnasium, 323 Hillcrest St., Ellsworth
Polk	Unity High School, Gymnasium, 908 150th Street/Hwy 46, Balsam Lake
Portage	Ben Franklin Junior High School, Auditorium, 2000 Polk Street, Stevens Point
Price	Price County Courthouse, County Board Room, 126 Cherry Street, Phillips
Racine	Union Grove High School, Auditorium (Use Hwy. 45 School Entrance), 3433 S. Colony Ave., Union Grove
Richland	Richland County Courthouse, 181 West Seminary, Richland Center
Rock	Pontiac Convention Center, 2809 N. Pontiac Dr., Janesville
Rusk	Ladysmith High School, Auditorium, 1700 E. Edgewood Ave., Ladysmith
Sauk	UW – Baraboo Sauk County, R.G. Brown Theater, 1006 Connie Road, Baraboo
Sawyer	Hayward Area Middle School, Cafetorium, 10408 Greenwood Ln., Hayward
Shawano	Shawano Community Middle School, LGI Room, 1050 S. Union Street, Shawano
Sheboygan	Sheboygan Falls High School, Auditorium, 220 Amherst Avenue, Sheboygan Falls

St. Croix	WI Indianhead Technical College, Cashman Conf. Room, 1019 S. Knowles Ave., New Richmond
Taylor	Taylor Co. Fairgrounds, Multipurpose Building, State Hwy 13 and Hwy 64 Intersection, Medford
Trempealeau	Whitehall City Center, Gymnasium, 36245 Park Street, Whitehall
Vernon	Viroqua High School, 100 Blackhawk Drive, Viroqua
Vilas	Town of Plum Lake Town Hall, 235 Lake St., Sayner
Walworth	Delavan/Darien High School, Auditorium, 150 Cummings, Delavan
Washburn	WI Ag Research Station, W6646 Hwy 70, Spooner
Washington	Washington County Fair Park, Exhibit Hall, 3000 Hwy PV, West Bend
Waukesha	Waukesha Co. Tech. College (WCTC), Anderson Education Center, 800 Main St., Pewaukee
Waupaca	Waupaca High School, Auditorium, E2325 King Road, Waupaca
Wausara	Wausara County Court House, 2 nd Floor Old Courtroom, 209 S. St. Marie, Wautoma
Winnebago	Webster Stanley Auditorium, 915 Hazel Street, Oshkosh
Wood	Pittsville High School, Auditorium, 5459 Elementary Ave., Pittsville

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Kari Lee-Zimmermann at (608) 266-2952 with specific information on your request by April 6, 2009.

The proposed rules and fiscal estimates may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed hunting and trapping regulations may be submitted via U.S. mail to Mr. Scott Loomans, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Written comments on the proposed fishing regulations may be submitted via U.S. mail to Mr. Joe Hennessy, Bureau of Fisheries Management, P.O. Box 7921, Madison, WI 53707. Written comments shall be postmarked not later than April 14, 2009. Written comments whether submitted electronically or by U.S. mail will be summarized for the Natural Resources Board, however, they will not be tallied along with the responses received at the county hearings.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

