

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT:

Request that the Board adopt Board Order FH-18-14, proposed rules affecting NR 20 and 23 related to modifications in walleye harvest management in Ceded Territory waters.

FOR: September 2015 Board meeting

PRESENTER'S NAME AND TITLE: Joe Hennessy, Treaty Fisheries Biologist

SUMMARY:

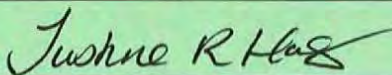
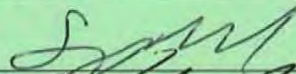
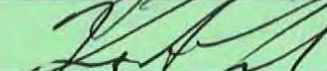
This rule would prevent the need to make adjustments to daily bag limits for walleye in the Wisconsin Ceded Territory. Instead, all lakes, rivers, and streams in the Ceded Territory would have a daily bag limit of 3 walleye (walleye, sauger, or hybrids) with varying size limits. The 3-fish daily bag limit and size limits would be applied to specific waters to prevent a total harvest of more than 35% of the adult walleye population in those waters, which preserves a sustainable walleye fishery. Walleye in most waters in the Ceded Territory would have a minimum size limit of 15 inches, except walleye between 20 and 24 inches may not be kept and only 1 walleye larger than 24 inches may be kept.

This rule also creates a catch-and-release only walleye fishery in the Minocqua and Tomahawk chains of lakes in Oneida County. Out of mutual concern for the walleye population in these mixed-fishery chains of Ceded Territory lakes, representatives of the Lac Du Flambeau Chippewa Tribe, the Headwaters Basin Chapter of Walleyes for Tomorrow, the Department, and the Great Lakes Indian Fish and Wildlife Commission have collaboratively developed a plan for a cooperative rehabilitation project. It seeks to restore healthy, self-sustaining walleye populations with a density of at least three adult fish per acre in Minocqua and Kawaguesaga lakes, and to improve the age diversity and abundance of walleye in Tomahawk Lake.

RECOMMENDATION: That the Board adopt Board Order FH-18-14.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|---|---|
| <input checked="" type="checkbox"/> background memo | <input type="checkbox"/> Attachments to background memo |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input checked="" type="checkbox"/> Response summary | <input checked="" type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Justine Hasz, Bureau Director		8-10-15
Sanjay Olson, Division Administrator		8/30/15
Cathy Stepp, Secretary		9/3/15

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: August 10, 2015

TO: All Members of the Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Background memo on Board Order FH-18-14, relating to modifications in walleye harvest management in Ceded Territory waters

1. Subject of Proposed Rule:

This rule will help minimize regional social and economic disruption associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory and establish annually consistent walleye harvest regulations for anglers while managing adult walleye exploitation.

2. Why is the rule being proposed?

The current model of reducing angling bag limits in response to annual tribal declarations to ensure a sustainable walleye harvest has become increasingly unpredictable in recent fishing seasons, and angling harvest management may be better accomplished with a stable set of regulations that achieve results similar to annual bag limit adjustments.

3. Summary of the rule.

Current Methods:

Based on *projected* harvest goals of the Chippewa Bands on off-reservation lakes each year, daily bag limits for sport anglers (typically 5 walleye/day) are adjusted to prevent a total harvest of more than 35% of the adult walleye population. Adjustments to 3, 2, or 1 walleye/day bag limits are made in early spring using safe harvest levels determined by the department on individual waters within the Wisconsin Ceded Territory.

Taking into account *actual* Chippewa harvest of walleye, the department raises the daily bag limit as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the following year. These readjustments are typically made in late spring or early summer, after spring spearing and netting harvest has diminished.

Rule Proposal:

This rule would prevent the need to make adjustments to daily bag limits and size limits for walleye in the Wisconsin Ceded Territory. Instead, all lakes, rivers, and streams in the Ceded Territory would have a daily bag limit of 3 walleye (walleye, sauger, or hybrids) with varying size limits. The 3-fish daily bag limit and size limits would be applied to specific waters to prevent a total harvest (tribal and non-tribal) of more than 35% of the adult walleye population in those waters, which preserves a sustainable walleye fishery.

Under this rule, a "Ceded Territory walleye management zone" is being created in addition to a 3 fish daily bag limit. Walleye in most waters in the Ceded Territory would have a minimum size limit of 15 inches, except walleye between 20 and 24 inches may not be kept and only 1 walleye larger than 24 inches may be kept. Unless a different regulation was requested by the local fisheries biologist to

ensure better management of the walleye population in a specific water, lakes would have size limits based on the following table:

If the current regulation is: →	Then it will become this under the rule:
15" minimum size, 5 fish daily bag limit (general statewide walleye regulations)	15" minimum size, 20-24" protected slot, and 1 fish may be >24", 3 fish daily bag limit
No minimum size, 5 fish daily bag limit	No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, but only 1 fish may be >14", 3 or 5 fish daily bag limit	No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 or 5 fish daily bag limit	No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 fish daily bag limit
18" minimum size, 3 fish daily bag limit	18" minimum size, 3 fish daily bag limit
28" minimum size, 1 fish daily bag limit	28" minimum size, 1 fish daily bag limit

In addition, the rule creates a catch-and-release only walleye fishery in the Minocqua and Tomahawk chains of lakes in Oneida County. Out of mutual concern for the walleye population in these mixed-fishery chains of Ceded Territory lakes, representatives of the Lac Du Flambeau Chippewa Tribe, the Headwaters Basin Chapter of Walleyes for Tomorrow, the Department, and the Great Lakes Indian Fish and Wildlife Commission have collaboratively developed a plan for a cooperative rehabilitation project. It seeks to restore healthy, self-sustaining walleye populations with a density of at least three adult fish per acre in Minocqua and Kawaguesaga lakes, and to improve the age diversity and abundance of walleye in Tomahawk Lake. All parties mentioned have agreed to not harvest walleye in the Minocqua chain of lakes for a period of five years - until March 2020 - at which point limited harvest would be permitted.

4. How does this proposal affect existing policy?

See above

5. Has Board dealt with these issues before?

The Board approved a very similar emergency rule in April 2015 that affected waters in the Ceded Territory during the 2015-16 fishing season. The permanent rule differs from the emergency rule by listing boundaries along river systems for which daily bag limits would be enforced and changing length limit regulations on a handful of waters based on public comment or fish biologist recommendations.

6. Who will be impacted by the proposed rule? How?

The rule change would impact sport anglers. Bag and size limit changes will be announced in a statewide press release, posted online, and in print at DNR service centers and license sales outlets.

7. Soliciting public input on economic impact synopsis

Exact economic impact of the rule is unknown, but more predictable, stable angling regulations may have a positive indirect impact on fishing-related businesses. The department conducted an economic impact analysis to determine if any small businesses will be affected by the rule. No comments were received during the open economic impact comment period from May 18 to June 1, 2015.

8. Environmental Analysis

The process for permanent administrative rules is an equivalent analysis action under NR 150.20 (2) (a) 20., Wis. Adm. Code, and no additional environmental analysis is required.

9. Small Business Analysis

The rule change would impact sport anglers. It is not expected that there will be any effect on small business directly related to these rule changes. The rule does not impose any reporting requirements on small businesses nor are any design or operational standards contained in the rule.

10. Public hearing comments and response

The Department held three public hearings in June 2015 regarding this rule and collected written comments during a 6-week period between May and June 2015.

No comments were received at the Madison hearing on Wednesday June 10. No members of the public attended.

Eight people attended the June 11 hearing in Hayward; three registered in support, no one registered as opposed, and 5 did not indicate support or opposition. One individual recommended an alternative size limit for Sand Lake, Sawyer County, on behalf of the Sand Lake Shoreowners' Association. After reviewing population data for Sand Lake and discussing the issue with the Shoreowners' Association, the department recommended no minimum size limit but only one fish may be harvested over 14 inches for the permanent rule, which differs from the 18 inch minimum size limit in the emergency rule currently in place.

Four individuals attended the June 12 hearing in Minocqua. Three did not indicate support or opposition and one registered in opposition, commenting that he felt a three-walleye bag limit did not protect lakes with "limited walleye resources." The 3-fish daily bag limit is actually a reduction from a statewide 5-walleye bag limit, and appropriate harvest will be achieved through application of length limits. The proposed rule has the potential to apply more consistent and fine-tuned protection to lakes with "limited walleye resources" than the department was able to achieve under the previous Ceded Territory walleye management system.

Six written comments were also submitted, 4 in favor. The single opposed angler was frustrated by the large numbers of 13-14.5 inch and 22-23 inch walleye he has caught and was compelled to release in Lake Chippewa because of the 15 inch minimum and 20-24 inch protected slot put in place by the current emergency rule. After several years of troubling population decline, Lake Chippewa walleye are showing signs of recovery, and the 15 inch minimum plays a critical role in preventing exploitation of sub-adult walleye as that recovery continues. The sixth comment received was from Dairyman's, Inc., a club that controls land around 5 lakes in northern Wisconsin. There is no public access to these lakes; access is for club members only. Dairyman's, Inc., requested to be exempted from the change in state regulations and retain a 5-walleye daily bag limit with no minimum length restriction. That change is not recommended, as the Department has refrained from making special exemptions in waters that do not have public access and it does not want to create a precedent for this type of regulation exemption. Staff time is typically not spent on waters without public access and the proposed regulation is designed to be sufficiently protective for the walleye populations in those lakes.

In addition, the fisheries biologist in Oneida County talked with an angler who submitted a citizen resolution at the Fish and Wildlife Spring Hearings to change the walleye size and daily bag limits on

99-acre Bird Lake. The resolution received 60 votes in support and 4 votes in opposition at the Spring Hearings. Bird Lake was proposed to have the 15 inch minimum size, 20-24 inch protected slot limit, but the biologist agrees that an 18 inch minimum size limit is also appropriate for Bird Lake. The change was made in the rule.

Also in Oneida County, Sevenmile Lake was originally proposed in the rule to have an 18 inch minimum size limit. The fisheries biologist received comments from the Sevenmile Lake Association and several individuals opposed to that regulation. Based on those comments and agreement by the biologist, Sevenmile Lake is now proposed to have the 15 inch minimum size, 20-24 inch protected slot limit.

Changes to the rule language were also made to clarify the boundaries of river segments on which individual 3-fish daily bag limits will be applied. These changes are based on comments from fisheries management and law enforcement staff and provide additional opportunities for people to fish. The boundaries clarify where a person may catch up to 3 walleye - the daily bag limit for each segment of water - and then travel to another area of a river to catch up to 2 more walleye to reach the total daily bag limit.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

NR 20 Fishing: Inland Waters; Outlying Waters and NR 23 Wisconsin-Michigan Boundary Waters

3. Subject

Modifications in walleye harvest management in Ceded Territory waters

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The rule will provide the flexibility necessary to adjust angler regulations to potentially alleviate and minimize regional social and economic disruption associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The department solicited comments on the economic impact of rule FH-18-14 from organizations and individuals, including the Wisconsin Conservation Congress, the Great Lakes Indian Fish and Wildlife Commission, Wisconsin Wildlife Federation, and other related organizations, as well as the Wisconsin Counties Association, League of Wisconsin Municipalities, and the Wisconsin Towns Association. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units requested to coordinate with the department on preparation of the EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Exact economic impact of the rule is unknown. The proposed rule does not directly affect businesses; it affects sport anglers. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State, but is expected to have an indeterminate positive impact on all of the above listed entities by encouraging additional participation in angling by both local citizens and visiting tourists.

No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. No implementation or compliance costs are expected to be incurred.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Current adjustments to walleye daily bag limits in late spring may result in restrictive angling regulations that directly affect anglers and indirectly affect those who provide equipment, food, lodging and other support to both local and visiting anglers. This rule will provide the department with the flexibility necessary to adjust angler regulations to

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

potentially alleviate and minimize regional social and economic disruption associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory.

14. Long Range Implications of Implementing the Rule

The current model of reducing angling bag limits to ensure a sustainable walleye harvest has become increasingly unpredictable in recent fishing seasons, and angling harvest management may be better accomplished with a stable set of regulations that achieve results similar to annual bag limit adjustments.

15. Compare With Approaches Being Used by Federal Government

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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 among the surrounding states, but 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.

In Minnesota, several bands of Lake Superior Chippewa have harvested walleye and northern pike from Mille Lacs since 2000. Annual allowable total catch quotas are calculated for the lake and apportioned between tribal members and anglers. The State of Minnesota adjusts the size of fish allowed for angler harvest annually (a "harvest slot" limit), based on walleye population size and the age composition of that population.

Off-reservation spear harvest also occurs in Michigan, and the state of Michigan and the Great Lakes Indian Fish and Wildlife Commission use the same model for calculating Safe Harvest that is used in Wisconsin. Michigan has no specific response to tribal harvest in the regulations for state anglers but may consider such adjustments in the near future.

17. Contact Name	18. Contact Phone Number
Steve Hewett, DNR Fisheries Section Chief	608-267-7501

This document can be made available in alternate formats to individuals with disabilities upon request.

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

The statement of scope for this rule, SS 116-14, was approved by the Governor on November 7, 2014, published in Register No. 707 on December 1, 2014, and approved by the Natural Resources Board on January 28, 2015. This rule was approved by the Governor on

The Wisconsin Natural Resources Board proposes an order to amend NR 20.20 (2) (h), (3) (f), (4) (i), (7) (h), (9) (e), (16) (h), (18) (h), (19) (h), (21) (h), (26) (h), (34) (f), (35) (f), (37) (g), (43) (g), (44) (b) 3., (44) (g), (51) (h), (55) (f), (57) (i), (61) (e), (64) (h), and (66) (f), 20.36 (1), (1) (a), and (2), 23.05 (5) (h), and 23.055 (1) and (1) (a); and to create NR 20.20 (38) (e) and (73) (o) 6m., relating to modifications in walleye harvest management in Ceded Territory waters.

FH-18-14

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: Sections 29.014 (1), 29.041, and 29.053(2), Stats., 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), 29.041, and 29.053(2), Stats.

3. Explanation of Agency Authority:

Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.053 (2), Stats., provides that the department may establish conditions governing the taking of fish for the state as a whole, for counties or parts of counties, or for waterbodies or parts of waterbodies.

4. Related Statutes or Rules: The department is promulgating emergency (FH-17-14(E)) and permanent rules on this same subject. The department is also concurrently proposing a rule, FH-14-14, to change multiple fishing regulations statewide that does not take effect until January and April 2016. The changes in this permanent rule incorporate and supersede those in FH-14-14 because the effective dates overlap.

5. Plain Language Analysis: This rule is needed to create consistent walleye daily bag limits in the Ceded Territory of Wisconsin. Pursuant to treaties signed between the six Wisconsin bands of Lake Superior Ojibwe and the United States and affirmed by *Lac Courte Oreilles v Voigt*, 700 F. 2d 341 (7th Cir. 1983), the bands have the right to harvest fish from off-reservation waters using efficient methods such as spearing and netting. The current model of reducing angling bag limits in response to annual tribal declarations to ensure a sustainable walleye harvest has become increasingly unpredictable in recent fishing seasons, and angling harvest management may be better accomplished with a stable set of regulations that achieve results similar to annual bag limit adjustments.

Current Methods:

Based on *projected* harvest goals of the Chippewa Bands on off-reservation lakes each year, daily bag limits for sport anglers (typically 5 walleye/day) are adjusted to prevent a total harvest of more than 35%

of the adult walleye population. Adjustments to 3, 2, or 1 walleye/day bag limits are typically made in early spring using safe harvest levels determined by the department on individual waters within the Wisconsin Ceded Territory.

Taking into account *actual* Chippewa harvest of walleye, the department raises the daily bag limit as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the following year. These readjustments are typically made in late spring or early summer, after spring spearing and netting harvest has diminished.

Rule Proposal:

This rule would prevent the need to make adjustments to daily bag limits and size limits for walleye in the Wisconsin Ceded Territory. Instead, all lakes, rivers, and streams in the Ceded Territory would have a daily bag limit of 3 walleye (walleye, sauger, or hybrids) with varying size limits. The 3-fish daily bag limit and size limits would be applied to specific waters to prevent a total harvest (tribal and non-tribal) of more than 35% of the adult walleye population in those waters, which preserves a sustainable walleye fishery.

Under this rule, a “Ceded Territory walleye management zone” is being created in addition to a 3-fish daily bag limit. Walleye in most waters in the Ceded Territory would have a minimum size limit of 15 inches, except walleye between 20 and 24 inches may not be kept and only 1 walleye larger than 24 inches may be kept. Unless a different regulation was requested by the local fisheries biologist to ensure better management of the walleye population in a specific water, lakes would have size limits based on the following table:

If the current regulation is:	→	Then it will become this under the rule:
15" minimum size, 5 fish daily bag limit (general statewide walleye regulations)		15" minimum size, 20-24" protected slot, and 1 fish may be >24", 3 fish daily bag limit
No minimum size, 5 fish daily bag limit		No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, but only 1 fish may be >14", 3 or 5 fish daily bag limit		No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 or 5 fish daily bag limit		No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 fish daily bag limit
18" minimum size, 3 fish daily bag limit		18" minimum size, 3 fish daily bag limit
28" minimum size, 1 fish daily bag limit		28" minimum size, 1 fish daily bag limit

SECTIONS 1 through 4 make the changes noted above in the 30 counties that are completely or partially within the Ceded Territory. SECTION 6 changes the walleye bag limits to 3 fish per day on Wisconsin-Michigan boundary waters within the Ceded Territory, but retains the 15-inch minimum size limit to match the Michigan size limit. No changes are made to Wisconsin-Minnesota boundary waters. The regulation changes follow the Ceded Territory boundary line, not county boundary lines.

In addition, SECTION 3 creates a catch-and-release only walleye fishery in the Minocqua and Tomahawk chains of lakes in Oneida County. Out of mutual concern for the walleye population in these mixed-fishery chains of Ceded Territory lakes, representatives of the Lac Du Flambeau Chippewa Tribe, the Headwaters Basin Chapter of Walleyes for Tomorrow, the Department, and the Great Lakes Indian Fish and Wildlife Commission have collaboratively developed a plan for a cooperative rehabilitation project. It seeks to restore healthy, self-sustaining walleye populations with a density of at least three adult fish per acre in Minocqua and Kawaguesaga lakes, and to improve the age diversity and abundance of walleye in Tomahawk Lake. All parties mentioned have agreed to not harvest walleye in the Minocqua chain of

lakes for a period of five years - until March 31, 2020 - at which point limited harvest would be permitted.

SECTIONS 5 and 7 update the language that specifies how modifications in daily bag limits or size limits may be made in response to Chippewa harvest levels in the Ceded Territory, including Wisconsin-Michigan boundary waters.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

7. Comparison with 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 among the surrounding states, but 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.

In Minnesota, several Bands of Lake Superior Chippewa have harvested walleye and northern pike from Mille Lacs since 2000. Annual allowable total catch quotas are calculated for the lake and apportioned between tribal members and anglers. The State of Minnesota adjusts the size of fish allowed for angler harvest annually (a "harvest slot" limit), based on walleye population size and the age composition of that population.

Off-reservation spear harvest also occurs in Michigan, and the state of Michigan and the Great Lakes Indian Fish and Wildlife Commission use the same model for calculating Safe Harvest that is used in Wisconsin. Michigan has no specific response to tribal harvest in the regulations for state anglers but may consider such adjustments in the near future.

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

The department currently regulates anglers' harvest of walleye through a combination of daily bag limits, harvest-length restrictions, and season closures. The current statewide base regulation for walleye management is a 15-inch minimum size restriction in conjunction with a 5-fish daily bag limit, but numerous other regulatory combinations are used to manage angling harvest depending upon lake- or river-specific situations.

In the Ceded Territory, a "sliding bag limit system" - where daily bag limits are adjusted during the fishing season to prevent a total harvest of more than 35% of the adult walleye population - has been used since 1991 and has shown to be effective in managing walleye exploitation among all anglers. However, concerns about the system have been expressed by many anglers and business interests in northern Wisconsin, including the annual uncertainty resulting from sliding bag limits that occur between March and May, and the resulting bag limits of 1 or 2 walleye per day. Comments received by the department state that these regulations discourage anglers from fishing on affected lakes to the economic detriment of associated businesses. Public input from both anglers and business interests suggests that a stable daily bag limit of 3 walleye may be a preferable tool for walleye harvest management, even if it means more restrictive size limits would be needed to achieve the same level of angling harvest reduction.

The department investigated the potential impact of various harvest size restrictions in conjunction with a 3-walleye daily bag limit using creel survey data collected from anglers. Creel survey data allows for determination of the proportion of walleye that would be excluded from harvest if a more restrictive harvest regulation were put in place.

In lakes with a 15-inch minimum harvest size restriction, the addition of a 20-24 inch protected slot limit could potentially more than offset any increased harvest expected from a bag limit increase from 2 to 3 walleye/day. Based on 2013 angling regulations, lakes with 15-inch minimum harvest restrictions account for 71% of all Ceded Territory walleye waters and 46% of mixed fishery waters.

Evaluation of creel survey data illustrates that, on average, changing 'No minimum size' regulations to 'No minimum but only one fish may be greater than 14 inches' regulations would result in up to a 10.7% reduction in the harvest of adult walleye and up to a 10.8% reduction in the total number of walleye harvested from those waters. These regulations are applied to waters with high walleye recruitment and slow growth due to high population density. The harvest of young and small adult fish is encouraged to 'thin' the population, allow for increased growth of remaining fish and increase potential for higher proportions of large fish in the population.

Protected slot regulations can be expected to have a far greater impact in controlling or reducing angler exploitation than '1-over' regulations which allow harvest of one fish larger than a given length in an angler's daily bag limit. Further, the relative impact of protected slot regulations for fish greater than 20 inches would be limited where harvest of small fish predominates, and greatest where numbers and harvest of large fish is more prevalent.

If angler bag limits are standardized to 3 walleye/day in the Ceded Territory and regulations were modified to add a '1 over 14 inch' component to existing 'no minimum harvest size' regulations and a 20 to 24-inch protected slot limit added to existing 15-inch minimum size regulations, the department expects that angler harvest would increase in approximately 33% of Ceded Territory mixed fishery waters, and remain similar or be slightly reduced in approximately 67% of Ceded Territory mixed fishery waters.

Lakes where increased harvest would be expected are those that currently have 'No minimum size but only one fish >14 inches' regulation or a '14 to 18-inch protected slot limit' regulation. As previously noted, these regulations are applied to waters with high recruitment and slow walleye growth due to high fish density. The harvest of young fish is encouraged to "thin" the population, allow for increased growth of remaining fish and increase the potential for more large fish in the population. In these cases, some level of additional harvest may improve size structure and quality of the fishery.

The proposed rule is sufficient to control overall angler exploitation of walleye at a sustainable rate that is well within the bounds established by Federal Court rulings, and will not increase angler harvest in the majority of Ceded Territory lakes except as noted above. The rule will potentially allow for development of improved size structure within walleye spawning populations in many fisheries. The rule does not regulate tribal harvest. It is crafted to minimize the risk that total walleye harvest will not exceed 35% of the adult walleye population.

The department ensures the accuracy, integrity, objectivity and consistency of data used in preparing the proposed rule.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report: The rule change would impact sport anglers. Changes in angling regulations enacted to accommodate declared, expected, or realized tribal harvest could potentially alleviate or minimize regional social and economic disruption sometimes associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory. Exact economic impact of the rule is unknown, but more predictable, stable angling regulations may have a positive indirect impact on fishing-related businesses. The department conducted an economic impact analysis to

determine if any small businesses will be affected by the rule. No comments were received during the open economic impact comment period from May 18 to June 1, 2015.

10. Effect on Small Business (initial regulatory flexibility analysis): It is not expected that there will be any effect on small business directly related to these rule changes. The rule does not impose any reporting requirements on small businesses nor are any design or operational standards contained in the rule.

11. Agency Contact Person:

Steve Hewett, Fisheries Management Section Chief
 Department of Natural Resources
 P.O. Box 7921
 Madison, WI 53707-7921
 Phone: 608-267-7501
 Fax: 608-266-2244
 Steven.Hewett@wisconsin.gov

12. Place where comments are to be submitted and deadline for submission:

Written comments were submitted at the public hearings or by regular mail, fax or email to the contact listed above. Public hearings occurred on June 10, 11, and 12 and the comment submission deadline was June 30, 2015.

SECTION 1. NR 20.20 (2) (h), (3) (f), (4) (i), (7) (h), (9) (e), (16) (h), (18) (h), (19) (h), (21) (h), (26) (h), (34) (f), (35) (f), and (37) (g) are amended to read:

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

(h) Walleye, sauger and hybrids	1. Spider-Moquah chain (Spider lake and Moquah lake combined)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	2. <u>Butternut lake (on Price County border), Gordon lake, Lake Galilee, Zielke lake, North Fork Flambeau river and its tributaries upstream to the first dam or lake from Upper Park Falls Flowage dam in Price County upstream to the Turtle-Flambeau flowage in Iron County and its tributaries upstream to the first lake, dam, or fish refuge, Mineral lake, Spillerberg lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None but only 1 may be longer than 14
	3. All tributaries and connected sloughs to Lake Superior	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20

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

(f) Walleye, sauger and hybrids	1. Red Cedar lake, Hemlock lake, Beaver Dam lake, Bear lake (<u>on Washburn County border</u>), Horseshoe lake (T36N, R14E, S3, 115 ac.), Lower Turtle lake, Upper Turtle lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	2. Silver lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15
	<u>2. Loon lake</u>	<u>a. Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>None but only 1 may be longer than 14</u>

NR 20.20 (4) BAYFIELD (for species or waters not listed, including Lake Superior, see sub. (73))

(73))

(i) Walleye, sauger and hybrids	1. Bony lake, Jackson lake, Middle Eau Claire lake, Namekagon lake (<u>including Garden lake</u>), Pike Lake chain (includes Buskey Bay lake, Millicent lake, Hart lake, Twin Bear lake, Eagle lake, Flynn lake and McCarry lake <u>combined</u>)	a. Hook and line	First Saturday in May to the first Sunday in March	5 3 in total	None but only 1 may be longer than 14 <u>except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18</u>
	2. All tributaries to Lake Superior and their connected sloughs	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20
	3. Diamond lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15, except the possession of fish from 20 to 28 is prohibited and only 1 may be longer than 28
	4. Lake Owen, Lower Eau Claire lake, Upper Eau Claire lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	<u>5. Namekagon lake (including Garden lake)</u>	<u>a. Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>

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

(h) Walleye, sauger, and hybrids	1. Big McKenzie lake (<u>on Washburn County border</u>), Middle McKenzie lake (<u>on Washburn County border</u>)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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NR 20.20 (9) CHIPPEWA (for species or waters not listed see sub. (73))

(e) Walleye, sauger and hybrids	<p>1. <u>Chippewa river and its impoundments and tributaries upstream to the first dam or lake including Yellow river upstream to the Suetlik dam at Cadott and its tributaries upstream to the first dam or lake. The daily bag limit and length restrictions apply separately to each of the following sections of the Chippewa River and its impoundments and tributaries upstream to the first dam or lake: upstream from Dells Pond Dam (including Dells Pond) in Eau Claire County to Chippewa Falls Flowage Dam, upstream from Chippewa Falls Flowage Dam to Lake Wissota Dam, upstream from Lake Wissota Dam (including Lake Wissota) to Old Abe Flowage Dam in Jim Falls including Yellow River upstream to the Suetlik dam at Cadott, upstream from Old Abe Flowage Dam in Jim Falls (including Old Abe Flowage) to Cornell Flowage Dam, upstream from Cornell Flowage Dam (including Cornell Flowage) to Lake Holcombe Dam, upstream from Lake Holcombe Dam (including Lake Holcombe) to the Arpin dam in Sawyer County including the Flambeau river upstream to the Thornapple flowage dam in Rusk County; Long lake (T32N R8W) including Herde and Dark lakes, Jump river and its tributaries upstream to the first dam or lake</u></p>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	<p>2. <u>Island chain (Chain lake, Clear lake, Island lake, McCann lake and connecting waters combined on Rusk County border), Long lake (T32N R8W including Herde lake and Dark lake combined), Sand lake (on Rusk County border)</u></p>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

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 ch. NR 21. The Nemadji river is an inland water that is contiguous with these Wisconsin–Minnesota boundary waters but is regulated under this subsection.

(h) Walleye, sauger and hybrids	1. Nemadji river	a. Hook and line	Saturday 2 weeks prior to the Saturday nearest Memorial day to March 1	2 in total	15
	2. Tributaries to Lake Superior and their connected sloughs upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20
	3. <u>Beauregard lake, Lyman lake, Minnesuing lake.</u> Minong flowage including Cranberry lake and upstream to the confluence of Totagatic river and Bergen creek in Washburn county	a. Hook and line	First Saturday in May to the first Sunday in March	5 3 in total	None, but only 1 may be longer than 14
	4. <u>Amnicon lake, Lake Nebagamon, Lower Eau Claire lake, Red lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

NR 20.20 (18) EAU CLAIRE (for species or waters not listed see sub. (73))

(h) Walleye, sauger and hybrids	1. Chippewa river downstream from Dells Pond dam including sloughs, bayous, flowages and tributaries upstream to the first highway or railroad bridge; Eau Claire river including sloughs and bayous from Altoona dam downstream to the Chippewa river	a. Hook and line	Continuous	5 in total	15
	2. Chippewa river upstream from Dells Pond dam <u>upstream to Chippewa Falls Flowage Dam in Chippewa County</u> including sloughs, bayous, flowages and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18

3. Eau Claire river upstream from Altoona dam (including Altoona lake) to Lake Eau Claire dam including sloughs, bayous, flowages, and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24
4. Eau Claire river upstream from Lake Eau Claire dam (including Lake Eau Claire) including sloughs, bayous, flowages, and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

NR 20.20 (19) FLORENCE (for species or waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	1. Keyes lake, Sea Lion lake, Spread Eagle chain of lakes (Bass, East, Long, Middle, North, Railroad, South and West lakes combined)	a. Hook and line	First Saturday in May to the first Sunday in March	3	18
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NR 20.20 (21) FOREST (for species or waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	1. Crane lake, <u>Franklin lake</u> , <u>Hilbert lake (on Marinette County border)</u> , <u>Jungle lake</u> , Lucerne lake, <u>Metonga lake</u> , <u>Pickereel lake (on Langlade County border)</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	2. Butternut lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	2. Julia lake (on Oneida County border)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14

NR 20.20 (26) IRON (for species or waters not listed, including Lake Superior, see sub. (73))

(h) Walleye, sauger and hybrids	1. Grand Portage lake, Mercer lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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2. <u>Gile flowage, Island lake (connected to Montreal river), Pine lake, Randall lake, Sherman lake, North Fork Flambeau river and its tributaries from Upper Park Falls Flowage dam in Price County upstream to the Turtle-Flambeau flowage in Iron County and its tributaries upstream to the first lake, dam, or fish refuge, West Branch Montreal river</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None but only 1 fish may be longer than 14
3. Tributaries to Lake Superior and their connected sloughs	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 fish may be longer than 20
4. <u>Bear river, Flambeau river upstream of Turtle-Flambeau flowage (at Murray's Landing), Little Turtle river, Manitowish river (including Benson lake, Sturgeon lake, and Vance lake), Trude lake, Turtle-Flambeau flowage</u>	a. <u>Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>None</u>
5. <u>Sherman lake</u>	a. <u>Hook and line</u>	<u>Continuous</u>	<u>None</u>	<u>None</u>

NR 20.20 (34) LANGLADE (for species or waters not listed see sub. (73))

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

NR 20.20 (35) LINCOLN (for species or waters not listed see sub. (73))

(f) Walleye, sauger and hybrids

1. Wisconsin river upstream from Grandfather dam to Kings dam including sloughs, bayous and flowages upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam;
The daily bag limit and length restrictions apply separately to each of the following sections of the Wisconsin River and its sloughs, bayous, flowages, and tributaries upstream to the first dam or highway bridge: Kings dam downstream to Pride dam (including Lake Mohawksin), Pride dam downstream to Grandmother dam, Grandmother dam downstream to Grandfather dam

a. Hook and line

Continuous

5 3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

2. Wisconsin river upstream from Kings dam to the Hat Rapids dam in Oneida county including Lake Alice and sloughs, bayous, tributaries, and flowages upstream to the first dam or highway bridge

a. Hook and line

First Saturday in May to the First Sunday in March

5 3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

<p>3. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages upstream to the first dam or highway bridge</p> <p><u>The daily bag limit and length restrictions apply separately to each of the following sections of the Wisconsin River and its sloughs, bayous, flowages, and tributaries upstream to the first dam or highway bridge: Grandfather dam downstream to Lake Alexander dam, Lake Alexander dam downstream to Merrill dam, Merrill dam downstream to the Wausau dam in Marathon County</u></p>	a. Hook and line	Continuous	5 <u>3</u> in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
4. Pesobic lake	a. Hook and line	First Saturday in May to the First Sunday in March	5 in total	None except only 1 fish may be longer than 14
<p>4. Rice Reservoir chain (including Bridge lake, Deer lake, Lake Nokomis, and Rice River flowage combined)</p>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

NR 20.20 (37) MARATHON (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	<p>1. Wisconsin river downstream of the Wausau dam (in Wausau) including sloughs, bayous, tributaries, and flowages upstream to the first dam or highway bridge except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the south-bound lane of Interstate 39 and the eastern boundary of the Wisconsin river and the Eau Claire river is the Schofield dam</p>	a. Hook and line	Continuous	5 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
	<p>2. Wisconsin river upstream of the Wausau dam to the Merrill dam in Lincoln County including Wausau Dam lake in Wausau and sloughs, bayous, tributaries, and flowages upstream to the first dam or highway bridge</p>	a. Hook and line	Continuous	3 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28

<u>3. Big Eau Pleine reservoir (upstream from Dam road)</u>	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>
<u>2-4. Big Rib river downstream from highway 29, Johnson creek downstream from county highway X, Little Eau Claire river downstream from county highway X, Little Eau Pleine river downstream from state highway 34, Peplin creek downstream from county highway X</u>	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	5 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
<u>5. Big Rib river upstream from highway 29, Johnson creek upstream from county highway X, Little Eau Claire river upstream from county highway X, Little Eau Pleine river upstream from state highway 34, Peplin creek upstream from county highway X</u>	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28</u>

SECTION 2. NR 20.20 (38) (e) is created to read:

NR 20.20 (38) MARINETTE (for species or waters not listed, including Green Bay and its tributaries, see sub. (73))

(e) Walleye, sauger and hybrids	1. Big Newton lake, Eagle lake, Hilbert lake (on Forest County border), Little Newton lake, Oneonta lake, Thunder lake	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	3 in total	18
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SECTION 3. NR 20.20 (43) (g), (44) (b) 3., (44) (g), (51) (h), (55) (f), (57) (i), (61) (e), (64) (h), and (66) (f) are amended to read:

NR 20.20 (43) OCONTO (for species or waters not listed, including Green Bay and its tributaries, see sub. (73))

(g) Walleye, sauger, and hybrids	Archibald lake, Bass lake (T32N R15E S9), <u>Bear lake (including Munger lake combined)</u> , Boot lake, <u>Chain lake</u> , Crooked lake, John lake, Maiden lake, <u>Reservoir pond (including Horn lake, Explosion lake, and Little Horn lake combined)</u> , <u>Surprise lake</u> , Townsend flowage, <u>Waubee lake</u> , Wheeler lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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NR 20.20 (44) ONEIDA (for species or waters not listed see sub. (73))

(b) Largemouth and smallmouth bass	3. Minocqua chain (includes <u>Jerome lake</u> , Kawaguesaga lake, Little Tomahawk lake, <u>Mid lake</u> , Minocqua lake, <u>Mud lake, and Tomahawk lakes lake</u> , <u>Minocqua thoroughfare</u> , <u>Tomahawk thoroughfare</u> , and connecting waters <u>combined</u>), Squash lake, Julia lake (T36N R08E S12 near Rhinelander)	a. Hook and line	First Saturday in May to Friday preceding the third Saturday in June	0 for smallmouth bass, 5 for largemouth bass	None for largemouth bass only
			Third Saturday in June to the first Sunday in March	5 in total	None

(g) Walleye, sauger and hybrids

1. Alva lake, Bearskin lake, Buckskin lake (on Vilas County border), Buffalo lake, Crescent lake (near Rhinelander), Diamond lake, George lake, Hasbrook lake, Julia lake (on Forest County border), Katherine lake, Lost lake (T38N R9E S24), Mercer lake, Moen chain (includes Moen, Second, Third, Fourth, Fifth lakes and connecting waters), Muskellunge lake, Oneida lake, Pine lake (T37N R9E S4), Soo lake, Squash lake, Squaw lake (on Vilas County border), Squirrel lake, Sugar Camp chain (includes Dam, Sand, Echo, Chain, and Stone (T39N R9E S32) lakes and connecting waters), Three lakes chain (includes Big, Big Fork, Big Stone, Crystal, Deer, Dog, Fourmile, Island, Laurel, Little Fork, Long, Medicine, Moccasin, Mud, Planting Ground, Rangeline, Round, Spirit, Townline, Virgin, and Whitefish lakes and all connecting waters and Eagle river downstream to the Long Lake (Burnt Rollways) dam combined)

a. Hook and line

First Saturday in May to the first Sunday in March

5 3 in total

None, but only 1 fish may be longer than 14

2. Bird lake, Maple lake, Minocqua chain (includes Kawaguesaga, Little Tomahawk, Mid, Minocqua Mud, and Tomahawk lakes and connecting waters), North Nokomis lake, Shishebogama lake (on Vilas County border), Squash lake (near Rhinelander), Stella lake, Thunder lake (T38N R10E S11), Two Sisters lake

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

18

3. Shishebogama lake

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total unless otherwise posted at public boat landings pursuant to s. NR 20.37

18 unless otherwise posted at public boat landings pursuant to s. NR 20.37

3. Minocqua chain (Jerome lake, Kawaguesaga lake, Mid lake, Minocqua lake, Mud lake, Minocqua thoroughfare, Tomahawk thoroughfare, Little Tomahawk lake, Tomahawk lake, and connecting waters combined)

a. Hook and line

First Saturday in May to the first Sunday in March

0, catch and release only, until April 1, 2020, when it becomes 2 in total

On April 1, 2020, the size limit becomes 18

4. Rice Reservoir Chain (including Bridge lake, Deer lake, Lake Nokomis, and Rice River flowage combined), Moen chain (Moen lake, Second lake, Third lake, Fourth lake, Fifth lake and connecting waters combined), Sugar Camp chain (Dam lake, Sand lake, Echo lake, Chain lake, Stone lake (T39N R9E S32) and connecting waters combined);

The daily bag limit and length restrictions apply separately to each of the following sections of the Wisconsin River and its impoundments, sloughs, and tributaries upstream to the first dam or highway bridge: Otter Rapids dam (in Vilas county) downstream to Rainbow flowage, Rainbow flowage (south of Wilderness Trail in Vilas county downstream to Rainbow dam), Rainbow dam downstream to Rhinelander flowage, Boom-Rhinelander chain (includes Rhinelander flowage from Bridge Road downstream to St Regis dam, Boom lake, Bass lake, Thunder lake, and Lake Creek upstream to Forest Lane), Rhinelander dam downstream to Hat Rapids flowage, Hat Rapids flowage (from upstream bank of Pelican river mouth) downstream to Hat Rapids dam, Hat Rapids dam downstream to Kings dam in Lincoln county (including Lake Alice)

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

5. Cranberry lake which is part of the Eagle chain on the Vilas County border (includes Catfish, Cranberry, Duck, Eagle, Lynx, Otter, Scattering Rice, Voyageur, Watersmeet including Wisconsin river from Otter Rapids dam to county highway G, Yellow birch lake, all connecting waters and Eagle river upstream to the Long Lake (Burnt Rollways) dam in Oneida county combined)

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18

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

(h) Walleye, sauger and hybrids	1. Thompson lake, Whitcomb lake, Jump river and its tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	\$ <u>3</u> in total	None except the possession of fish from 14 to 18 inches is prohibited and only 1 fish may be longer than 18
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<p>2. <u>North Fork Flambeau river and South Fork Flambeau river including their impoundments and tributaries upstream to the first dam or lake, Elk river from Musser flowage dam downstream to its confluence with South Fork Flambeau river including the Phillips chain of lakes (Duroy, Elk, Long, and Wilson lakes combined), Butternut lake, Grassy lake, Lac Sault Dore, Pike chain of lakes (Amik, Pike, Round, and Turner lakes combined), Butternut lake (on Ashland County border), Long (Boyd's) lake, Pike chain of lakes (Amik lake, Pike lake, Round lake, Turner lake and connecting waters combined), Solberg lake (including its tributaries upstream to the first dam or highway bridge and all of Squaw Creek upstream to the first dam);</u> <u>The daily bag limit and length restrictions apply separately to each of the following sections of the Elk river and its impoundments, sloughs, and tributaries upstream to the first dam or lake: Elk river upstream from the Lac Sault Dore dam (including Lac Sault Dore and Grassy lake) to Jobes dam, Elk river upstream from Jobes dam to Musser Flowage dam (including Phillips chain of lakes: Duroy, Elk, Long, Wilson lakes, and connecting waters and Squaw creek upstream to Solberg dam);</u> <u>The daily bag limit and length restrictions apply separately to each of the following sections of the North Fork Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam, lake, or fish refuge: Upper Park Falls Flowage dam upstream to the Turtle-Flambeau flowage in Iron County, Lower Park Falls Flowage dam upstream to Upper Park Falls Flowage dam, Pixley Flowage dam upstream to Lower Park Falls Flowage dam, Crowley Flowage dam upstream to Pixley Flowage dam, Big Falls Flowage dam in Rusk County (Flambeau river) upstream to Crowley Flowage dam (North Flambeau river);</u></p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>§ 3 in total</p>	<p>None but only 1 fish may be longer than 14</p>
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South Fork Flambeau river upstream from its confluence with the Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake including Elk river upstream from its confluence with the South Fork Flambeau river to Lac Sault Dore dam

3. Elk river from Musser Flowage dam upstream (including Musser flowage) and its impoundments, sloughs, and tributaries upstream to the first dam or lake

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

NR 20.20 (55) RUSK (for species or waters not listed see sub. (73))

(f) Walleye, sauger and hybrids

1. Chippewa river and all tributaries upstream to the first dam or lake, Chippewa river from Lake Holcombe dam in Chippewa County upstream to the Arpin dam in Sawyer County and all its tributaries upstream to the first dam or lake including Flambeau river upstream to the Thornapple flowage dam including all tributaries upstream to the first dam or lake,

Jump river and its tributaries upstream to the first dam or lake

a. Hook and line

First Saturday in May to the first Sunday in March

53 in total

None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18

<p>2. <u>Flambeau river upstream from the Thornapple flowage dam including impoundments and tributaries upstream to the first dam or lake, south fork Flambeau river and tributaries upstream to the first dam or lake</u></p> <p><u>The daily bag limit and length restrictions apply separately to each of the following sections of the Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake: Big Falls Flowage dam (Flambeau river) upstream to Crowley Flowage dam (North Flambeau river) in Price County, Dairyland Reservoir dam upstream to Big Falls Flowage dam, Ladysmith Flowage dam upstream to Dairyland Reservoir dam, Thornapple Flowage dam upstream to Ladysmith Flowage dam;</u></p> <p><u>South Fork Flambeau river upstream from its confluence with the Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake including Elk river upstream from its confluence with the South Fork Flambeau river to Lac Sault Dore dam</u></p>	a. Hook and line	First Saturday in May to the first Sunday in March	53 in total	None but only 1 fish may be longer than 14
<p>3. <u>Chain, Clear, Island, McCann lakes (Island chain of lakes), and connecting waters, Island chain (Chain lake, Clear lake, Island lake, McCann lake and connecting waters combined on Chippewa County border), Pulaski lake, Sand lake (on Chippewa County border)</u></p>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

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

(i) Walleye, sauger and hybrids	<p>1. <u>Grindstone lake, Chippewa river downstream from Radisson flowage Arpin dam to the Lake Holcombe dam in Chippewa County including all tributaries upstream to the first dam or lake and the Flambeau river upstream to Thornapple Flowage dam</u></p>	a. Hook and line	First Saturday in May to the first Sunday in March	53 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
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<p>2. <u>Flambeau river, north fork Flambeau river and south fork Flambeau river including their tributaries upstream to the first dam or lake, West Fork Chippewa river upstream to FR 174, Moose lake, Sand lake including Sissabagama creek upstream to Sand lake road, Windigo lake, Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake from Big Falls Flowage dam (Flambeau river) in Rusk County upstream to Crowley Flowage dam (North Flambeau river) in Price County, South Fork Flambeau river upstream from its confluence with the Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake</u></p>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None except only 1 may be longer than 14
3. Clear lake	a. Hook and line	First Saturday in May to the first Sunday in March	1	28
<p>4. Big Chetac lake, Birch lake (on Washburn County border), Black Dan lake, Durphee lake, Island lake (T39N R5W S2), Osprey lake, Sand lake, including Sissabagama creek upstream to Sand lake road, Nelson lake, Sissabagama lake, and Whitefish lake</p>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
<p>5. Chippewa flowage (and all connected waters within T39N R6, T39N R7, T39N R8, T40N R6, T40N R7, T40N R8 <u>except including</u> the Chippewa river downstream from the Chippewa flowage (Winter dam) <u>to the Arpin dam</u></p>	a. Hook and line	First Saturday in May to November 30	5 <u>3</u> in total	<p>15 <u>except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u></p>

NR 20.20 (61) TAYLOR (for species or waters not listed see sub. (73))

(c) Walleye, sauger and hybrids	1. Jump river and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None except the possession of fish from 14 to 18 inches is prohibited and only 1 fish may be longer than 18
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NR 20.20 (64) VILAS (for species or waters not listed see sub. (73))

(h) Walleye, sauger and hybrids	1. <u>Trout lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15
	2. <u>1. Big Portage lake</u> , Eagle chain (includes Catfish lake, Cranberry lake, Duck lake, Eagle lake, Lynx lake, Otter lake, Scattering Rice lake, Voyageur lake, Watersmeet lake including Wisconsin river from Otter Rapids dam to county highway G, Yellow Birch lake, and all connecting waters and Eagle river upstream to the Long lake (Burnt Rollways) dam in Oneida county combined), <u>Forest lake, Lost Canoe lake, Plum lake, West Plum lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	3. <u>Anvil lake, Big Portage lake, Forest lake, Lost Canoe lake, Plum lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	4. <u>2. Alder lake, Averill, Big lake (T42N R6E S4), Big Arbor Vitae lake, Big Crooked lake (T42N R6E S12), Big Muskellunge lake, Birch lake, Boulder lake, Buckskin lake (on Oneida County border), Clear lake (T42N R5E S12), Crab lake, Emily, Fawn lake (T42N R5E S11), Fishtrap, Harris lake, High, Kentuck, Ike Walton lake, Island lake, Jenny lake, Laura lake, Little Arbor Vitae lake, Little Star lake, Manitowish lake, North Crab lake, North Turtle lake, Oxbow lake, Pike Lake chain (Amik lake, Pike lake, Round lake, and Turner lake combined on the Price County border), Presque Isle chain (Averill lake, Presque Isle lake, and Van Vliet lake combined), Rest lake, Rock lake, Rush, Sanford lake, South Turtle lake, Spider lake, Squaw lake (on Oneida County border), Star lake, Stone lake, Van Vliet, and Wild Rice lakes lake, Pike chain of lakes (Amik, Pike, Round, and Turner lakes combined) on the Price county border</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None but only 1 may be longer than 14
	5. <u>3. Big Crooked lake (T42N R6E S12), Jenny lake, Sanford lake Bear river, Manitowish river (including Benson lake, Sturgeon lake, and Vance lake)</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None

6. Big Crooked lake (T41N R5E S22), Gunlock lake, Lac du Flambeau Chain (includes Big Crawling Stone, Little Crawling Stone, Little Sand, Fence, Flambeau, Long Interlaken, Moss, North Placid, Pokegama, South Placid, To-To-Tom, White Sand (T41N R5E S27) and Whitefish lakes and all connecting waters), Little Trout lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total unless otherwise posted at public boat landings pursuant to s. NR 20.37	18 unless otherwise posted at public boat landings pursuant to s. NR 20.37
7. All other waters wholly within the area commonly known as the Lac du Flambeau reservation	a. Hook and line	First Saturday in May to the first Sunday in March	3 unless otherwise posted at public boat landings pursuant to s. NR 20.37	15 unless otherwise posted at public boat landings pursuant to s. NR 20.37
8. 4. Dead Pike lake, Deerskin lake, Found lake, <u>Gunlock lake, Little Trout lake, Long lake, Shishebogama lake (on Oneida County border), Sparkling lake, White Sand lake (T42 N R7E S27)</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
10. 5. Escanaba lake	a. Hook and line. Daily permit required. (see s. NR 20.41)	Continuous	1 in total	28
11. 6. <u>Mystery lake, Nebish lake, Palette lake, Sherman lake, Spruce lake</u>	a. Hook and line	Continuous	None	None
7. <u>North and South Twin lakes combined</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

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

(f) Walleye, sauger and hybrids	1. Bass (Patterson) lake, Minong flowage <u>including Cranberry lake in Douglas County</u> upstream to the confluence of Totagatic river and Bergen creek, <u>Shell lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None but only 1 may be longer than 14
	2. Shell lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None

<p>3. Balsam lake, <u>Bear lake (on Washburn County border), Big McKenzie lake (on Burnett County border), Birch lake (on Sawyer County border), Red Cedar lake, Long lake (including Mud lake and Little Mud lake combined), Middle McKenzie lake (on Burnett County border), Nancy lake</u></p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total</p>	<p>18</p>
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SECTION 4. NR 20.20 (73) (o) 6m. is created to read:

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

<p>(o) Walleye, sauger and walleye-sauger hybrids</p>	<p>6m. All waters wholly within and lakes partially within the Ceded Territory as defined in NR 13.02(1)</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total</p>	<p>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</p>
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SECTION 5. NR 20.36 (1), (1) (a), and (2) are amended to read:

NR 20.36 (1) ADJUSTMENT. In order to prevent a total harvest of more than 35% of the adult walleye population or 27% of the adult muskellunge population, the secretary may lower the daily bag limit on walleye or adjust size limits for walleye or muskellunge and increase the minimum size limit for muskellunge in specific waters in response to the harvest goals or actual harvest of the Chippewa bands Bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest. The safe harvest levels on individual waters shall be determined by the department.

(a) *Walleyes*. The daily bag limit will may be reduced ~~when the department is notified by the Chippewa bands of their harvest goals on individual waters. in response to harvest by the Chippewa Bands' spear, net, or trap fisheries.~~ The extent of the reduction depends upon the percent of the safe

harvest ~~they intend to take~~ taken and the age of the population estimate used to determine the safe harvest or if a regression model was used to determine the safe harvest. The daily bag limits to be used with the different percentages and for various basis of determining the safe harvest are as follows:

Reduced Daily Bag Limits for Walleye Angling Percent of Safe Harvest Speared, Trapped or Netted			
Daily bag limit	Current population estimate	Population estimate made 1-2 years ago	Population estimate made 3 years ago or more or regression model
4	1-7	1-14	1-20
3	8-18	15-39	21-54
2	19-36	40-76	55-84
1	37-68	77-94	85-94
0	69% or more	95% or more	95% or more

NR 20.36 (2) READJUSTMENT. In response to actual tribal harvest, the secretary may raise the daily bag limit or reduce the minimum size limit to the limit specified as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the next year as indicated in sub. (1). If actual harvest subsequently exceeds the expected harvest level, the daily bag limit ~~for walleye may be reduced~~ or the minimum size limit ~~for muskellunge may be increased~~ adjusted the following year to reflect actual harvest for that year and harvest goals of the Chippewa ~~bands~~ Bands for the next year. If a new population estimate is made, the safe harvest level shall be changed accordingly and the secretary may adjust the daily bag limit or minimum size limit according to the percentage of the new safe harvest level that is expected to be harvested as indicated in sub. (1), where deemed necessary to remain consistent with the safety factors established under *Lac Courte Oreilles v. State of Wis.*, 707 F. Supp. 1034 (W. D. Wis. 1989). The readjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest.

SECTION 6. NR 23.05 (5) (h) is amended to read:

NR 23.05 (5) (h) WALLEYE AND SAUGER

1. In lakes outside the Ceded Territory as defined in NR 13.02(1)

First Saturday in May to March 1

5 in total

15

2. In rivers & impoundments <u>outside the Ceded Territory as defined in NR 13.02(1)</u>	March 2 to the Friday before the first Saturday in May	1 in total	15
	First Saturday in May to March 1	5 in total	15
3. In lakes within the <u>Ceded Territory as defined in NR 13.02(1)</u>	<u>First Saturday in May to March 1</u>	<u>3 in total</u>	<u>15</u>
4. In rivers & impoundments <u>within the Ceded Territory as defined in NR 13.02(1)</u>	March 2 to the Friday before the first Saturday in May	1 in total	15
	<u>First Saturday in May to March 1</u>	<u>3 in total</u>	<u>15</u>

SECTION 7. NR 23.055 (1) and (1) (a) are amended to read:

NR 23.055 (1) ADJUSTMENT. In order to prevent a total harvest of more than 35% of the adult walleye population or 27% of the adult muskellunge population, the secretary may lower the daily bag limit on walleye or adjust size limits for walleye or muskellunge and increase the minimum size limit for muskellunge in specific waters in response to the harvest goals or actual harvest of the Chippewa ~~bands~~ Bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest. The safe harvest levels on individual waters shall be determined by the department.

(a) *Walleyes*. The daily bag limit ~~will~~ may be reduced ~~when the department is notified by the Chippewa bands of their harvest goals on individual waters. in response to harvest by the Chippewa Bands' spear, net, or trap fisheries.~~ The extent of the reduction depends upon the percent of the safe harvest ~~they intend to take~~ taken and the age of the population estimate used to determine the safe harvest or if a regression model was used to determine the safe harvest. The daily bag limits to be used with the different percentages and for various basis of determining the safe harvest are as follows:

<p>Reduced Daily Bag Limits for Walleye Angling % of safe harvest to be speared, trapped or netted <u>Percent of Safe Harvest Speared, Trapped or Netted</u></p>
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Daily bag limit	Current pop. est. population estimate	pop. est. made 1-2 yrs. ago <u>Population estimate made 1-2 years ago</u>	pop. est. made 3 yrs. ago <u>Population estimate made 3 years ago or more or regression model</u>
4	1-7	1-14	1-20
3	8-18	15-39	21-54
2	19-36	40-76	55-84
1	37-68	77-94	85-94
0	69% or more	95% or more	95% or more

SECTION 8. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 9. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF Wisconsin DNR

DEPARTMENT OF NATURAL RESOURCES

BY _____

Cathy Stepp, Secretary

(SEAL)