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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

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* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

**State of Wisconsin
Department of Natural Resources**

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Board Order No.: FH-01-09

Clearinghouse Number: CR 09-018

Subject of Rules: Fishing and clamming regulation changes presented at the 2009 Spring Fish and Wildlife Rules Hearings.

Date of Transmittal: July 14, 2009

Send a copy of any correspondence or notices pertaining to the rule to:

**DNR Bureau of Wildlife Management Rules Coordinator
Joseph Hennessy, DNR, GEF-2, FM/4, 101 South Webster
Joseph.Hennessy@wisconsin.gov**

An electronic copy of the proposed rules submittal may be obtained by contacting Joseph Hennessy.

REPORT TO LEGISLATURE

NR 20, Wis. Adm. Code
The 2009 Annual Spring Hearing Rule relating to fishing and
clamming in inland and outlying waters.
Board Order No. FH-01-09
Clearinghouse Rule No. 09-018

Basis and Purpose of the Proposed Rule

Annually, the department submits rule change proposals relating to recreational fishing and recreational and commercial clamming in inland, outlying, and boundary waters. The statewide Spring Fish and Wildlife hearings are the vehicle for citizen input. The origins of these rule change proposals are either from department staff or Conservation Congress advisory questions from the previous year that were forwarded by the Congress' executive council. The proposed rules will:

1. Allow the department to conduct criminal history background checks on individuals who want to serve as a 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 16 years or older 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).
12. Extend the end of open season for trout in Anderson lake (Douglas county) from September 30 to the first Sunday in March.

13. Set a minimum length restriction for walleye in Bearskull, Fisher, Owl, and Upper and Lower Springstead lakes (Iron county) of 15 inches.
14. Increase the minimum size restriction for northern pike in Silver lake (Manitowoc county) from 26 to 32 inches and reduce the daily angler bag limit from 2 to 1.
15. Correct an administrative error which improperly lists the minimum length restriction for walleye in the Wisconsin river downstream from the St. Regis dam in Rhinelander (Oneida county) as none rather than 15 inches.
16. Increase the minimum length restriction for largemouth and smallmouth bass in Burrows lake (Oneida county) from 14 inches to 18 inches, and decrease the daily angler bag limit from 5 to 1.
17. Increase the minimum length restriction for walleye in Big Round lake (Polk county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish.
18. Replace the current 9 inch minimum length restriction for trout in Manley creek (Sauk county) with a 9 inch maximum size restriction. This rule will expire 10 years after implementation.
19. Increase the minimum size restriction for muskellunge in Big Sand, Kentucky, and Long lakes (Vilas county) from 34 inches to 50 inches.
20. Set a minimum size restriction for walleye in Dead Pike lake (Vilas county) of 18 inches, and reduce the daily angler bag limit from 5 to 3.
21. Remove the current 15 inch minimum size restriction for walleye in North Twin and South Twin lakes (Vilas county), but stipulate that walleye between 14 and 18 inches may not be kept and only 1 walleye larger than 18 inches may be part of an angler's 3 fish daily bag limit.
22. Increase the minimum length restriction for walleye in White Sand (T42 N R7E S27,) and Long lakes (Vilas county) from 15 inches to 18 inches, and reduce the daily angler bag limit for walleye from 5 fish to 3 fish, and also correct an administrative error which improperly lists the closing date of the open angling season for walleye as March 1 rather than the first Sunday in March.
23. Add Regner (Washington county) and Foxbrook (Waukesha county) ponds to the state's urban fishing program, in which there would be a continuous open season but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April, and in which persons may possess 1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total, and an unlimited number of rough fish.
24. 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.

Summary of Public Comments

On Monday April 13, 2009 a hearing was conducted in each county of the state. Statewide attendance was 7,939. Hearing attendees had the opportunity to register support or opposition by voting on individual proposals in this package of rules. The following two pages summarize voting activity.

2009 Spring Hearings - Results for Fisheries Management Proposals

Question Description	Supporting	Not Supporting	Statewide Support	County Results (Yes/No/Tie)	Local Support
Do you favor requiring background checks on individuals who wish to serve as department-sponsored volunteer angler education instructor or a mentor as part of a department-sponsored or approved learn-to-hunt program?	5960	844	Yes	72/0/0	
Do you support allowing an instructor of a fishing program to mentor more than 3 anglers, clarifying that instructors need a fishing license, and shorten the advanced notice requirement for a fishing program from 30 days to 15 days?	5381	1201	Yes	72/0/0	
Do you favor correcting the walleye and sauger bag limit for Lake Winnebago to read "5 walleye/ sauger/ walleye-sauger hybrids in total, of which only 1 may be a sauger or walleye-sauger hybrid?"	4632	1071	Yes	72/0/0	
Do you favor a rule a change in the daily bag limit for minnows in non-VHS waters to "600 minnows in total, including, but not limited to, suckers" from the current "600 suckers in total," thereby correcting an administrative error which inadvertently restricts anglers?	5260	781	Yes	72/0/0	
Do you favor a rule clarifying language in Administrative Code that explicitly states that when an angler is 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, that boat or device	5094	1165	Yes	72/0/0	

must be tethered so that an angler may retrieve the device immediately?							
Do you support allowing the use of barbed hooks during the early catch-and-release trout season in Wisconsin?	3379	3032	Yes	43/27/2			
Do you favor clarifying that a fishing or small game license is required and an appropriate approval for an individual 16 years old or older to harvest crayfish in Wisconsin?	3552	2701	Yes	55/16/1			
Do you favor clarifying the boundary of the Wisconsin River to include only the portion of sloughs, bayous and flowages upstream to the first dam, highway bridge or other specific location for the purpose of designating fishing seasons, size and bag limits?	4242	1179	Yes	72/0/0			
Do you favor clarifying that the boundaries of the: Chippewa, East Fork of the Chippewa, Flambeau, North and South Forks of the Flambeau, LaCrosse, Lemonweir, and Yellow rivers in Adams, Ashland, Juneau, LaCrosse, Lincoln, Portage, Marathon, Monroe, Oneida, Price, Rusk, Sawyer and Wood counties extend to connected sloughs, bayous and flowages upstream to the dam, highway bridge or other specified location for the purpose of designating open seasons, size and bag limits?	4180	1113	Yes	71/1/0			
Do you favor changing the Wisconsin mussel harvest regulations for the St. Croix National Scenic Riverway where it forms the boundary between Wisconsin and Minnesota from the current 50 pounds of live mussels per day by	3036	2044	Yes	57/14/1			

licensed anglers to no live harvest and no collection of dead shells, and to prohibit commercial mussel harvest from those waters, and to prohibit collection of dead shell from inland portions of the Riverway, and to prohibit commercial mussel harvest from the St. Louis River where it forms the boundary between Wisconsin and Minnesota?	3263	1825	Yes	67/4/1	Supported in Barron and surrounding Counties.
Do you favor increasing the minimum length limit from 15 inches to 18 inches and reducing the daily bag limit from 5 five to 3 in total for walleye on Beaver Dam Lake in Barron County?	3245	1966	Yes	63/9/0	Supported in Vilas, Oneida, Iron, and Price Counties; not supported in Forest, Langlade, and Lincoln Counties.
Do you favor increasing the minimum length limit from 15 inches to 18 inches and reducing the daily bag limit from 5 to 3 in total for walleye on Long Lake in Vilas County?	3156	1930	Yes	64/7/1	Supported in Vilas, Oneida, Iron, Price, Forest, and Lincoln Counties, not supported in Langlade County.
Do you favor changing the one-over-14 regulation to the statewide minimum length limit of 15 inches for walleye on Upper Clam Lake in Ashland County and Bearskill, Owl, Fisher, and Upper and Lower Springstead lakes in Iron County?	2633	1132	Yes	67/4/1	Supported 28-9 in Ashland and 21-11 in Iron Counties. Also supported in Price (23-5) and Vilas (54-31) Counties.
Do you support changing the trout fishing regulations from alternate year open fishing season to an annual open fishing season for four managed trout lakes (Nymphia, Overby, Little Star and Beaver lakes) in Bayfield	2432	994	Yes	68/3/1	Supported 41-3 in Bayfield County, 29-7 in Ashland County, and 19-5 in Douglas County.

County?										
Do you favor a no minimum size, 5 fish daily bag limit for bass on Twenty-Six Lake?	2414	1006	Yes	69/3/0	Supported 31-7 in Burnett Co., 18-1 in Washburn Co. and 66-5 in Polk Co.					
Do you favor extending the end of the open season for trout in Anderson Lake from September 30 to the first Sunday in March?	2139	1011	Yes	68/2/2	Supported 19-11 in Douglas Co., 17-6 in Bayfield, and 15-3 in Washburn Counties.					
Do you favor changing the northern pike size and bag limit on Silver Lake, Manitowoc County from a 26-inch minimum size limit with a 2 fish per daily bag to a 32-inch minimum size limit with a daily bag limit of 1 fish?	1982	1411	Yes	53/18/1	Supported 105-39 in Manitowoc County and 43-30 in Calumet County, 60-38 in Brown County, and 28-25 in Kewaunee County, but failed 62-92 in Sheboygan County.					
Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on Burrows Lake, Oneida County?	1862	1390	Yes	51/18/3	Supported 60-31 in Oneida County and 48-38 in Lincoln, 39-36 in Vilas and 10-7 in Price Co.. Not supported in Langlade (10-14) or Forest (6-12) Counties.					
Do you favor correcting walleye regulations in Wisconsin Administrative Code to a 15-inch minimum length limit for the Wisconsin River, downstream from the St. Regis Dam in Rhineland to the Oneida-Lincoln County line? Rules for walleye harvest in Lincoln County are printed correctly.	3010	738	Yes	70/1/1	Supported 76-22 in Oneida County.					
Do you favor an 18-inch minimum length limit with a daily bag limit of 3 for walleye in Big Round Lake?	2264	1070	Yes	62/9/1	Supported 70-13 in Polk County, 37-9 in Barron, and 25-8 in Burnett Counties.					
Do you favor changing the 9-inch minimum size limit, 3 fish daily bag limit to a 9-inch maximum size limit with a 5 fish daily bag limit	1986	1085	Yes	60/10/2	Supported 40-15 in Sauk Co. and 32-22 in Columbia, 131-47 in Dane, and 13-3 in Juneau					

on Manley Creek, for a period of 10 years to allow evaluation?	2296	1709	Yes	52/18/2	Counties. Supported 92-83 in Vilas Co., 53-48 in Oneida Co., and 9-6 in Price Co. Failed 14-24 in Forest Co., Not supported, 13-14 in Iron Co., 15-20 in Florence, 40-41 in Lincoln, and 12-20 in Langlade Counties.
Do you favor increasing the minimum length limit from 34 inches to 50 inches for muskellunge on Big Sand and Long Lakes in Vilas County?	2228	1733	Yes	46/22/4	Not supported in Vilas Co. (82-101). Not advanced for adoption.
Do you favor removing the 14- to 18-inch protected slot and setting the minimum length limit at 18 inches in total length and keeping the daily bag limit of 3 fish in total for walleye on White Sand Lake (T42N R7E Sec 27) in Vilas County?	2259	1219	Yes	64/6/2	Supported 85-56 in Vilas County, and 57-29 in Oneida, 15-14 in Langlade, 30-25 in Lincoln, and was supported 14-11 in Forest Co.
Do you favor removing the minimum length limit of 15 inches and replacing it with no minimum size limit, but fish 14 to 18 inches in total length may not be kept, and only one fish over 18 inches is allowed and reducing the daily bag limit from 5 to 3 in total for walleye on North and South Twin lakes in Vilas County?	2094	1411	Yes	57/15/0	Not supported in Vilas Co. (74-82). Not advanced for adoption.
Do you support adding Regner (Washington) and Foxbrook (Waukesha) ponds to the state's urban fishing program?	2378	840	Yes	66/5/1	Supported 187-44 and 159-23 in Washington and Waukesha Counties, respectively, and 89-37 in Milwaukee County.

Statewide attendance – 7,939

Modifications Made

Rule change proposals affecting muskellunge regulations in Kentuck lake (Vilas County) and affecting walleye regulations in North and South Twin Lakes (Vilas County) were not supported in Vilas or many of the counties neighboring Vilas County, and thus are not recommended for adoption.

Concerns were raised regarding proposed language clarifying the boundaries of larger rivers in Sawyer and Juneau Counties, and the Department made minor modifications to the language of these sections.

Appearances at the Public Hearing

Statewide attendance at public hearings held April 13, 2009 was 7,939. No written comments were received regarding any portion of this rule.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was revised to reflect modifications made to the rule. There were no changes made to the fiscal estimate.

Response to Legislative Council Rules Clearinghouse Report

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

Final Regulatory Flexibility Analysis

These rules are applicable to individual sportspersons and do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. The rule will eliminate the opportunity for commercial clamming operations in the St. Louis River. However, National Park Service rules already prohibit commercial clamming in the St. Croix River where it forms the boundary between Wisconsin and Minnesota, and there have never been commercial clam operators in the St. Louis River. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 20.20(4)(h)7. and 8.; to amend NR 19.025(3)(a) and (5)(a), 19.275(3)(a), 19.30, 20.06(10), 20.16(1)(b)2., 20.20(1)(a), (c), (cm), (d) and (h)1., 20.20(2)(bm), 20.20(2)(g)3., 20.20(3)(f)1., 20.20(26)(g)3., 20.20(29)(a), (c), (cm), (d) and (h), 20.20(32)(c), (d), and (g), 20.20(35)(a)1., (c)1., (g)1., (g)1g., and 1m., 20.20(37)(a), (c)1., (e)2. and (i), 20.20(42)(b), (c), and (f), 20.20(44)(a), (b)1. and (g), 20.20(50)(a), (b)1. and 3., (cm), (d)3., and (h)2., 20.20(51)(bg), 20.20(55)(bg), 20.20(57)(c), 20.20(64)(h)3. and 11., 20.20(67)(a)2., 20.20(68)(a)2., 20.20(72)(a), (c), (cm), (d) and (h)1., 20.20(73)(o)6., 24.09(1) (intro) and 24.10; and to create NR 19.27(4)(a)1.d, 20.20(7)(c)2., 20.20(16)(g)4m., 20.20(35)(b)2. and (d)1., 20.20(36)(am), 20.20(49)(f)2., 20.20(56)(i)5m., and 20.20(64)(d)4., relating to fishing and clamming on the inland, outlying, and boundary waters of Wisconsin.

FH-01-09

Analysis Prepared by the Department of Natural Resources

- 1. Statutes Interpreted:** In promulgating this rule, ss. 29.014(1), 29.039, 29.041, 29.053, 29.531 and, 29.533, Stats., which authorize fishing, and 29.537, which authorizes clamming, have been interpreted as giving the department the authority to make changes to fishing and clamming regulations on inland and boundary waters of Wisconsin.
- 2. Statutory Authority:** Sections 29.014(1), 29.039, 29.041, 29.053, 29.537 and 227.11(2)(a), Stats.
- 3. Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority:** Sections 29.014(1), 29.039, 29.041, 29.053 and 29.537, Stats., grant rule making authority to the department to establish and maintain open and closed seasons for fish, clams and game and any bag limits, size limits, rest days and conditions governing the taking of fish, clams and game that will conserve the fish, clams, and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping; grant that the department may establish limitations relating to taking, possession, transportation, processing, and sale or offer for sale, of nongame species; and provide that the department may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters. Section 227.11(2)(a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.
- 4. Related Rule or Statute:** None.
- 5. Plain Language Rule Analysis:**

Sections 1 and 4 allow the department to conduct criminal history background checks on individuals who want to serve as department-sponsored volunteer angler education instructor or a mentor as part of a department sponsored or approved learn-to-hunt program. These instructors often and primarily serve as instructors for youth. Similar to the hunter, boater, snowmobile, ATV and trapper education volunteer instructor programs, it is important that we make sure we are not providing the opportunity for any individual who is not allowed to associate with children or who has been convicted of an illegal act involving children, from having the opportunity to work with children during the angler education programs conducted by DNR.

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

Sections 2 and 3 clarify that either a small game or a fishing license is a valid approval for taking crayfish as they are the licenses most related to the activities of harvesting these species. This is similar to what is required for taking turtles.

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

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

Sections 7, 8, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 28 and 33 clarify the boundaries of the Wisconsin river from its origin downstream to the southern Columbia county line as "Wisconsin river, including bayous, sloughs, and flowages upstream to the first dam or highway bridge." This wording is similar to wording currently in place for the Wisconsin river from the southern Columbia county line downstream to the mouth of the river, and affects waters in Adams, Juneau, Lincoln, Marathon, Oneida, Portage, and Wood counties. In Juneau, Lincoln, Marathon, and Portage counties additional language is used to further clarify the boundaries of the Wisconsin river and its flowages.

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

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

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

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

Section 12 removes the 14 inch minimum length restriction for largemouth and smallmouth bass in Twenty-six lake (Burnett county).

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

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

Section 19 increases the minimum size restriction for northern pike in Silver lake (Manitowoc county) from 26 to 32 inches and reduces the daily angler bag limit from 2 to 1.

Section 22 also corrects an administrative error which improperly lists the minimum length restriction for walleye in the Wisconsin river downstream from the St. Regis dam in Rhinelander (Oneida county) as none rather than 15 inches.

Section 22 also increases the minimum length restriction for largemouth and smallmouth bass in Burrows lake (Oneida county) from 14 inches to 18 inches, and decreases the daily angler bag limit from 5 to 1.

Section 23 increases the minimum length restriction for walleye in Big Round lake (Polk county) from 15 inches to 18 inches, and reduces the daily angler bag limit for walleye from 5 fish to 3 fish.

Section 27 replaces the current 9 inch minimum length restriction for trout in Manley creek (Sauk county) with a 9 inch maximum size restriction. This rule will expire 10 years after implementation.

Section 29 increases the minimum size restriction for muskellunge in Big Sand and Long lakes (Vilas county) from 34 inches to 50 inches.

Section 30 increases the minimum size restriction for walleye in Dead Pike lake (Vilas county) from none to 18 inches, and reduces the daily angler bag limit from 5 to 3.

Section 30 also increases the minimum length restriction for walleye in White Sand (T42 N R7E S27) and Long lakes (Vilas county) from 15 inches to 18 inches, and reduces the daily angler bag limit for walleye from 5 fish to 3 fish, and also corrects an administrative error which improperly lists the closing date of the open angling season for walleye as March 1 rather than the first Sunday in March.

Sections 31 and 32 add Regner (Washington county) and Foxbrook (Waukesha county) ponds to the state's urban fishing program, in which there is a continuous open season but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April, and in which persons may possess 1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total, and an unlimited number of rough fish.

Section 34 specifies that the total daily bag limit for walleye, sauger, and walleye-sauger hybrids is 5 in lake Winnebago system waters, of which only 1 may be a sauger or hybrid.

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

Sections 35 and 36 close recreational and commercial clamming and prohibits collection of dead shells in the St. Croix river where it forms the boundary between Wisconsin and Minnesota, and prohibits collection of dead shells from waters within the St. Croix National Scenic Riverway. This standardizes rules between Wisconsin, Minnesota, and the National Park Service in these waters.

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

7. Comparison of Similar Rules in Adjacent States: Fisheries management rules are generally quite similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons, bag and size limits may differ for species across the surrounding states; however, the general principles are similar. Michigan, Minnesota, Iowa and Illinois all have statewide seasons, bag and size limits for fish species, along with special or experimental regulations on individual waters.

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

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

10. Effect on Small Business, Including How the Rule Will Be Enforced: The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. The rule will eliminate the opportunity for commercial clamming operations in the St. Louis and St. Croix Rivers, but no individuals have been operating in these waters in more than 10 years. The rules will be enforced by Conservation Wardens who have arrest powers and may use citations.

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

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

(3) GENERAL; CONDITIONS, LIMITATIONS AND RESTRICTIONS.

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

(5) SPECIAL FISHING CONDITIONS, LIMITATIONS AND RESTRICTIONS.

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

SECTION 2. NR 19.27(4)(a)l.d is created to read:

(a) Crayfish.

1. 'Prohibitions.' No person may:

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

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

NR 19.275(3)(a)

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

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

SECTION 4. NR 19.30 is amended to read:

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

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

NR 20.06(10)

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

Note: This method is commonly known as jug fishing.

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

NR 20.16(1)(b)2.

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

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

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

(a) All species	1. Mason lake; Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
(c) Largemouth and smallmouth bass	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	Continuous	5 in total	14
(cm) muskellunge	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> upstream from the Castle Rock dam	a. Hook and line.	First Saturday in May to November 30	1	45
(d) Northern pike	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line	Continuous	1	32
(h) Walleye, sauger and hybrids	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20 to 28 and only 1 may be > 28 inches	15

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

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

(bm) Lake sturgeon	1. East Fork Chippewa river including sloughs, bayous and flowages <u>flowing into the Chippewa river upstream to the first highway or railroad bridge,</u> including Pelican lake, and North Fork Flambeau river including sloughs, bayous and flowages <u>flowing into the Flambeau river upstream to the first highway or railroad bridge.</u>	a. Hook and line.	First Saturday in September to September 30	1 per season	60
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SECTION 9. NR 20.20(2) (g)3. is amended to read:

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

(g) Walleye, sauger and hybrids	3. Gordon lake, Lake Galilee, Upper Clam lake, Zielke lake, North Fork Flambeau river and its tributaries upstream to the first dam or lake, Mineral lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14 inches	None
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SECTION 10. NR 20.20(3)(f)1. is amended to read:

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

(f) Walleye, sauger and hybrids	1. Red Cedar lake, Hemlock lake, <u>Beaver Dam lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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SECTION 11. NR 20.20(4)(h)7. and 8. are repealed.

SECTION 12. NR 20.20(7)(c)2. is created to read:

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

c) Largemouth and smallmouth bass	2. Twenty-six lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total	None
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SECTION 13. NR 20.20(16)(g)4m. is created to read:

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

(g) Trout and salmon	4m. Anderson lake	a. Hook and line	First Saturday in May at 5:00 a.m. to the first Sunday in March	5 in total	7
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SECTION 14. NR 20.20(26)(g)3. is amended to read:

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

(g) Walleye, sauger and hybrids	3. Bearskull lake , Catherine lake, Cedar lake, Echo lake, Fisher lake , Gile flowage, Island lake, Little Oxbow lake, Lower Springstead lake , Owl lake , Oxbow lake, Pine lake, Randall lake, Sandy Beach lake, Sherman lake, Spider lake, Upper Springstead lake , North Fork Flambeau river and its tributaries, West Branch Montreal river, Turtle river upstream from Echo lake	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than <u>14 1/4 inches</u>	None
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SECTION 15. NR 20.20(29) (a), (c), (cm), (d) and (h) are amended to read:

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

(a) All species	1. Kilburn flowage, Wisconsin river and its sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , including only that portion of Castle Rock flowage south of the county highway G bridge.	a. Motor trolling is permitted.	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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(c) Largemouth and smallmouth bass	<p>1. Yellow river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u>, Lemonweir river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u>, Wisconsin river and sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G, and the western boundary of the Wisconsin river on Castle Rock lake north of county highway G is the confluence of the Yellow river and Castle Rock lake, and county highway G between 41st and county highway HH does not establish a boundary for Castle Rock lake.</u></p>	a. Hook and line.	Continuous	5 in total	14
(cm) Muskellunge	<p>1. Wisconsin river including sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> upstream from the Castle Rock dam, <u>except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G, and the western boundary of the Wisconsin river on Castle Rock lake north of county highway G is the confluence of the Yellow river and Castle Rock lake, and county highway G between 41st and county highway HH does not establish a boundary for Castle Rock lake.</u></p>	a. Hook and line	First Saturday 1 in May to November 30	45	
(d) Northern pike	<p>1. Wisconsin river and its flowages <u>upstream to the first dam or highway bridge, except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G, and the western boundary of the Wisconsin river on Castle Rock lake north of county highway G is the confluence of the Yellow river and Castle Rock lake, and county highway G between 41st and county highway HH does not establish a boundary for Castle Rock lake.</u></p>	a. Hook and line.	Continuous	1	32
	<p>2. Yellow river and sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u>, Lemonweir river and sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge.</u></p>	a. Hook and line.	Continuous	2	26

(h) Walleye, sauger and hybrids	1. Yellow river and its sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> Lemonweir river and its sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge</u> , Wisconsin river and its sloughs, bayous and flowages, <u>upstream to the first dam or highway bridge, except the western boundary of the Wisconsin River on Lake Petenwell is County Highway G, and the western boundary of the Wisconsin river on Castle Rock lake north of county highway G is the confluence of the Yellow river and Castle Rock lake, and county highway G between 41st and county highway HH does not establish a boundary for Castle Rock lake.</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20 to 28 and only 1 may be > 28 inches	15
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SECTION 16. NR 20.20(32) (c), (d) and (g) are amended to read:

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

(c) Largemouth and smallmouth bass	1. La Crosse river including sloughs and bayous <u>upstream to the first dam or highway bridge</u> from Lake Neshonoc dam downstream to the Burlington Northern and Santa Fe railroad tracks	a. Hook and line	Continuous	5 in total	14
(d) Northern pike	1. La Crosse river including sloughs and bayous <u>upstream to the first dam or highway bridge</u> from Lake Neshonoc dam downstream to the Burlington Northern and Santa Fe railroad tracks	a. Hook and line	Continuous	2	26
(g) Walleye, sauger and hybrids	1. La Crosse river including sloughs and bayous <u>upstream to the first dam or highway bridge</u> from Lake Neshonoc dam downstream to the Burlington Northern and Santa Fe railroad tracks	a. Hook and line	Continuous	5 in total	15

SECTION 17. NR 20.20(35) (a)1., (c)1., and (g)1., 1g. and 1m. are amended to read:

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

(a) All species	1. Spirit River flowage, Wisconsin river downstream from CTH A including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except Lake</u>	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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Mohawksin

(c) Muskellunge	1. Deer lake, Nokomis lake, Rice River flowage, Wisconsin river <u>including sloughs, bayous, and flowages upstream to the first dam or highway bridge</u> downstream from Merrill hydro-dam	a. Hook and line.	Saturday nearest Memorial Day to November 30	1	40
(g) Walleye, sauger and hybrids	1. Wisconsin river upstream from Grandfather dam to <u>King's dam</u> including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam.</u>	a. Hook and line	Continuous	5 in total	15
	1g. Wisconsin river upstream from Kings dam including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15
	1m. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20 to 28 and only 1 may be > 28 <u>inches</u>	15

SECTION 18. NR 20.20(35) (b)2. and (d)1. are created to read:

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

(b) Largemouth and smallmouth bass	2. Wisconsin river downstream from King's 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	a. Hook and line	Continuous	5 in total	14
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the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile southeast of the Spirit reservoir dam

(d) Northern pike	1. Wisconsin river downstream from King's 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 southeast of the Spirit reservoir dam	a. Hook and line	Continuous	5	None
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SECTION 19. NR 20.20(36)(am) is created to read:

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

(am) Northern pike	1. Silver lake	a. Hook and line.	First Saturday in May to the first Sunday in March	1 in total	32
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SECTION 20. NR 20.20 (37)(a), (c)1., (e)2., and (i) are amended to read:

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

(a) All species	1. Big Eau Pleine reservoir upstream to the first state hwy. 153 bridge, Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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(c) Largemouth and smallmouth bass	1. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	a. Hook and line	Continuous	5 in total	14
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(e) Northern pike	2. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	a. Hook and line	Continuous	5	None
i) Walleye, sauger and hybrids	1. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the South-Bound Lane of Interstate 39.</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20 to 28 and only 1 may be > 28	15

SECTION 21. NR 20.20(42) (b), (c) and (f) are amended to read:

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

(b) Largemouth and smallmouth bass	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous <u>upstream to the first dam or bridge or water control structure, east fork Lemonweir river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah dam</u>	a. Hook and line.	Continuous	5 in total	14
(c) Northern pike	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous <u>upstream to the first dam or bridge or water control structure, east fork Lemonweir river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah dam</u>	a. Hook and line.	Continuous	2	26
(f) Walleye, sauger and hybrids	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous <u>upstream to the first dam or bridge or water control structure, east fork Lemonweir river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah dam</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2007 none may be from 20 to 28 and only 1 may be > 28	15

SECTION 22. NR 20.20(44)(a), (b)1., and (g), as amended by Clearinghouse Rule 09-010, are amended to read:

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

(a) All species	1. Columbus lake, Rainbow flowage, Sugar Camp lake, Thunder lake and Willow flowage	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
	1. Wisconsin river and sloughs, bayous and flowages upstream to the first high dam or highway bridge, downstream from the St. Regis dam in Rhinelander	a. Hook and line	Continuous	5 in total	14
(b) Largemouth and smallmouth bass	1. Bearskin lake, Crescent lake, Pelican lake, Stella lake, <u>Burrows lake</u>	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
		Third Saturday in June to the first Sunday in March	1 in total	18	Third Saturday in June to the first Sunday in March
(g) Walleye, sauger and hybrids	1. Wisconsin river and sloughs, bayous and flowages upstream to the first dam or highway bridge, downstream from the St. Regis dam in Rhinelander	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None, pursuant to s. NR 20.35-15
	2. <u>1.</u> Three lakes chain (includes Big, Big Fork, Big Stone, Crystal, Deer, Dog, Fourmile, Island, Laurel, Little Fork, Long, Medicine, Moccasin, Planting Ground, Rangeline, Round, Spirit, Townline, Virgin and Whitefish lakes, all connecting waters and Eagle river downstream to Vilas county line)	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total but only 1 may be longer than 18 <u>inches</u>	None except the possession of fish from 14 through 18 is prohibited
	3. <u>2.</u> Alva, Bearskin, Buckskin, Buffalo, Crescent, Diamond, George, Hasbrook, Katherine, Lost (T38N R9E S24), Mercer, Moen chain including Moen, Second, Third, Fourth, Fifth lakes and connecting waters, Muskellunge, Oneida, Pine (T37N R9E S4), Sevenmile, Soo, Squash and Squirrel lakes and Sugar Camp chain including Dam, Sand, Echo, Chain and Stone (T39N R9E S32) lakes and connecting waters	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14 <u>inches</u>	None
	4. <u>3.</u> Maple lake, Stella lake, Thunder	a. Hook and	First Saturday in May to the	3 in total	18

lake	line.	first Sunday in March		
5. <u>4.</u> Shishebogama lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total 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

SECTION 23. NR 20.20(49)(f)2. is created to read:

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

(f) Walleye, sauger and hybrids	2. Big Round lake	a. Hook and line	First Saturday in May to the first Sunday in March	3	18
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SECTION 24. NR 20.20(50)(a), (b)1. and 3., (c), (d)3. and (h)2. are amended to read:

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

(a) All species	1. Little Eau Pleine flowage upstream to the first county hwy. O bridge, Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39.</u>	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
(b) Largemouth and smallmouth bass	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> from Stevens Point Flowage dam to Al-Tech Park spillway	a. Hook and line	Continuous	1 in total	18
	3. Bass lake, Pleasant lake, portions of the Wisconsin river not	a. Hook and line	Continuous	5 in total	14

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

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39, north of U.S. hwy. 10.</u>	a. Hook and line	Saturday nearest Memorial Day to November 30	1	45
	2. Wisconsin river including sloughs, bayous and flowages <u>,upstream to the first dam or highway bridge, south of U.S. hwy. 10.</u>	a. Hook and line	First Saturday in May to November 30	1	45
(d) Northern pike	3. Wisconsin river downstream from the Lake DuBay dam including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39.</u>	a. Hook and line	Continuous	1	32
(h) Walleye, sauger and hybrids	2. Wisconsin river including sloughs, bayous and flowages <u>upstream to the first dam</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20 to 28 and only 1 may be > 28 inches	15

or highway bridge except that the eastern boundary of the Wisconsin River and the Little Eau Claire River, at Lake DuBay, will be defined by the South-Bound Lane of Interstate 39.

SECTION 25. NR 20.20(51)(bg) is amended to read:

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

(bg) Lake sturgeon	1. Butternut lake, North Fork Flambeau river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , South Fork Flambeau river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , Jump river downstream from the confluence of the north and south forks.	a. Hook and line. Tag required (see s. NR 20.07).	First Saturday in September to September 30	1 per season	60
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SECTION 26. NR 20.20(55)(bg) is amended to read:

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

(bg) Lake sturgeon	1. Chippewa river including sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> , Jump river, South Fork Flambeau river	a. Hook and line. Tag required (see s. NR 20.07).	First Saturday in September to September 30	1 per season	60
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SECTION 27. NR 20.20(56)(i)5m. is created to read:

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

(i) Trout and salmon	5m. Manley creek	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	5 in total	None, but fish larger than 9 inches may not be possessed until May 2, 2020, when the minimum size restriction reverts to 9
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SECTION 28. NR 20.20(57)(c) is amended to read:

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

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

SECTION 29. NR 20.20(64)(d)4. is created to read:

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

(d) Muskellunge	4. Big Sand and Long lakes	a. Hook and line	Saturday nearest Memorial day to November 30	1	50
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SECTION 30. NR 20.20(64)(h)3., 4. and 11. are amended to read:

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

(h) Walleye, sauger and hybrids	3. Anvil, Big Portage, Forest, Lost Canoe, <u>and Plum and White Sand (T42N R7E S27) lakes, Vilas county</u>	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18 <u>inches</u>	None except the possession of fish from 14 through 18 is prohibited
	4. Alder, Averill, Big (T42N R6E S4), Big Arbor Vitae, Big Muskellunge, Birch, Boulder, Buckskin, Clear, Crab, Dead Pike , Emily, Fawn (T42N R5E S11), Fishtrap, Harris, High, Kentuck, Ike Walton, Island, Laura, Little Arbor Vitae, Little Star, Manitowish, North Crab, North Turtle, Oxbow, Presque Isle, Rest, Rock, Rush, South Turtle, Spider, Squaw, Star, Stone, Van Vliet and Wild Rice lakes	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14 <u>inches</u>	None
	11. Found lake, Long, Dead Pike, and White Sand (T42 N R7E S27) lakes	a. Hook and line.	First Saturday in May to March + the first Sunday in March	3 in total	18

SECTION 31. NR 20.20(67)(a)2. is amended to read:

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

(a) All species	2. The following posted urban	a. Hook and	Continuous	1 largemouth	None
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waters: Boot lake, Hartford millpond line. from the dam upstream to Marine drive, Homestead Hollow park pond, Kewaskum millpond from the dam upstream to STH 28, Sandy Knoll park pond, Wells lake from the dam upstream to the first dam on Silver creek, Regner pond

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

bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish

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

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

(a) All species	2. The following posted urban waters: Calhoun park pond, Heyer park pond north, Heyer park pond south, Lepper Dam millpond from the dam upstream to Roosevelt drive, Lions-Overland park pond, Menomonee park pond, Minooka park pond, Muskego park pond, Nixon park pond, Regal park pond, Woodfield park pond north, Woodfield park pond south, <u>Foxbrook pond</u>	a. Hook and line.	Continuous but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None
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SECTION 33. NR 20.20(72)(a), (c), (cm), (d) and (h)I. are amended to read:

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

(a) All species	1. Wisconsin river including <u>all sloughs, bayous and flowages upstream to the first dam or highway bridge.</u>	a. Motor trolling is permitted.	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
(c) Largemouth and smallmouth bass	1. Yellow river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> from the highway 54 dam at Dexterville downstream, Wisconsin river including all sloughs, bayous and	a. Hook and line.	Continuous	5 in total	14

flowages upstream to the first dam or highway bridge.

(cm) Muskellunge	1. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	First Saturday in May to November 30	1	45
(d) Northern pike	1. Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u>	a. Hook and line.	Continuous	1	32
	2. Yellow river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge, from the highway 54 dam at Dexterville downstream</u>	a. Hook and line.	Continuous	2	26
(h) Walleye, sauger and hybrids	1. Yellow river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge</u> from the highway 54 dam at Dexterville downstream, Wisconsin river including all sloughs, bayous and flowages <u>upstream to the first dam or highway bridge.</u>	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20 to 28 and only 1 may be > 28 <u>inches</u>	15

SECTION 34. NR 20.20(73)(o)6. is amended to read:

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

(o) Walleye, sauger and <u>walleye-sauger</u> hybrids	6. Lake Winnebago system waters	a. Hook and line.	Continuous	5 walleye, 1 sauger and hybrids in <u>total, but only 1 may be a sauger or walleye-sauger hybrid</u>	None
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SECTION 35. NR 24.09(1) (b) is amended to read:

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

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

Waters Open to Commercial Clam Shelling	Open Season	Open Species	Minimum Size
(b) Wisconsin-Minnesota boundary waters except Lake St. Croix, the St. Croix river, and the St. Louis river	No open season	mapleleaf (<i>Quadrula quadrula</i>)	2-3/4"
		pigtoe (<i>Fusconaia flava</i>)	2-3/4"
		pimpleback (<i>Quadrula pustulosa</i>)	2-3/4"
		threeridge (<i>Amblema plicata</i>) <u>None</u>	3"

SECTION 36. NR 24.10 is amended to read:

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

Waters Open to Clamming	Open Season	Open Species	Minimum Size
All boundary and outlying waters, <u>except the St. Croix River where it forms the boundary between Wisconsin and Minnesota</u>	all year	all except those listed in s. NR 27.03 (2) (g) or (3) (g)	None
<u>St. Croix River where it forms the boundary between Wisconsin and Minnesota</u>	<u>No open season</u>	<u>None, and collection of dead shells is prohibited</u>	<u>None</u>
All inland waters	No open season	None. However, dead shells that are not from endangered or threatened clams may be collected, <u>except that collection of all dead shells is prohibited in all waters within the St. Croix National Scenic Riverway</u>	None

SECTION 37. EFFECTIVE DATE. This rule shall take effect April 1, 2010 except Sections 1, 2, 3, 4, 5, 6, 31, 32, 35 and 36, which shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 31. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 27, 2009.

Dated at Madison, Wisconsin, _____

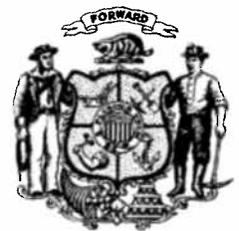
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE **09-018**

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

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

03-02-2009 RECEIVED BY LEGISLATIVE COUNCIL.

03-30-2009 REPORT SENT TO AGENCY.

RNS:DLL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-018

Comments

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

2. Form, Style and Placement in Administrative Code

a. A title is shown only if it or the subunit to which it is a title (including an introduction) is being amended. [See s. 1.05 (3) (c), Manual.] So, for example, the titles shown in SECTIONS 1 and 3 of the rule are incorrect (i.e., should not be shown), while the title shown in SECTION 4 is correct.

b. The treatment of s. NR 19.30 should follow, not precede, the treatment of s. NR 19.275.

c. Many of the sections affecting s. NR 20.20 are not drafted correctly. The two most common errors in these sections are treatment clauses that do not correctly describe what those sections do and inclusion of existing language that is not affected by the rule. The following identifies, section by section, the corrections that are needed:

SECTION 12: The treatment clause should read, "NR 20.20 (7) (c) 2. is created to read:" and the text of par. (c) 1. should not be shown.

SECTION 13: The treatment clause should read, "NR 20.20 (16) (g) 4m. is created to read:" and only the text of the new subdivision (which should be numbered subd. 4m.) should be shown.

SECTION 17: The treatment clause should read, "NR 20.20 (35) (a) 1., (b) 1., (c), and (g) 1. and 1m. are amended to read:". This section should not treat par. (d), since

Clearinghouse Rule 08-010 repeals that paragraph; a separate rule section is needed to create that paragraph again.

SECTION 18: There should be no underscoring of the text created by this section.

SECTION 19: The treatment clause should read, "NR 20.20 (37) (a), (c) 1., (e) 2., and (i) are amended to read:" and the text of par. (e) 1. should not be shown.

SECTION 21: The treatment clause should read, "NR 20.20 (44) (b) 1. and 2., and (g) 1., as affected by Clearinghouse Rule 08-010, are amended to read:" Again, this section should not treat par. (d), since Clearinghouse Rule 08-010 repeals that paragraph; a separate rule section is needed to create that paragraph again.

SECTION 22: The treatment clause should read, "NR 20.20 (49) (f) 2. is created to read:" and the text of par. (f) 1. should not be shown.

SECTION 23: The treatment clause should read, "NR 20.20 (50) (a), (b) 1. and 3., (cm), (d) 3., and (h) 2. are amended to read:" and the text of pars. (b) 2. and (h) 1. should not be shown.

SECTION 26: The treatment clause should read, "NR 20.20 (56) (i) 5m. is created to read:", the text of the new subdivision should not be underscored, and the text of the rest of that paragraph should not be shown.

SECTION 28: The text of the new subdivision should not be underscored.

SECTION 29: The treatment clause should read, "NR 20.20 (64) (h) 2., 3., 4., and 11. are amended to read:" and the text of the rest of that paragraph should not be shown.

SECTION 32: The treatment clause should read, "NR 20.20 (72) (a), (c), (cm), (d), and (h) 1. are amended to read:" and the text of par. (h) 2. should not be shown.

SECTIONS 33 and 34: In the treatment clauses, "6." should replace "(6)."

d. In the treatment of s. NR 20.20 (26) (g) 3., it is unclear what the notation "14F" is intended to do. Note that if the intent is to delete an extraneous "I," the correct form is "~~14I~~ 14."

e. In several instances in the treatment of s. NR 20.20, paragraph letters are missing the open parenthesis, such as "g)" in SECTION 14. The rule should be reviewed to correct these.

f. Sections NR 24.09 and NR 24.10 should be treated in separate rule sections. The treatment clause for the first of these sections should read: "NR 24.09 (1) (intro.) and (b) are amended to read:"

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

In s. NR 19.30, the second reference to s. NR 19.025 should be replaced with a reference to the rule or statutory section under which a person may serve as an angler or aquatic education instructor or an educational outdoor skills activity mentor.

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

Throughout s. NR 20.20, in describing the zone in which the Wisconsin River fishing rules apply, should the word "tributaries" be added to the list of water body types?