

CR 84-217

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
 ) ss  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. F-60-84 was duly approved and adopted by this Department on September 25, 1985. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 22<sup>nd</sup> day of January, 1986.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

6290J

RECEIVED

JAN 23 1986  
2:45 PM  
Revisor of Statutes  
Bureau

4-1-86

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

.....  
IN THE MATTER of repealing and .  
recreating s. NR 20.12 and creating .  
s. NR 20.015(4g) and (4t) of the . F-60-84  
Wisconsin Administrative Code .  
pertaining to set or bank pole and .  
setline fishing on inland waters .  
.....

Analysis Prepared by Department of Natural Resources

The rule affects 2,200 licensed setliners and set or bank pole anglers fishing inland waters. The rule defines legal gear and specifies the markings and baits to be used. This type of fishing is geared to harvest catfish and rough fish, and the rule requires that no game fish other than catfish can be kept. Revisions to the rule include "housekeeping" changes as well as significant changes. The latter include:

1. Repeal of the "no bag limit" on catfish taken from portions of 4 rivers in the Winnebago system.
  2. Establishment of a year-round open season on portions of certain rivers tributary to the Wisconsin and Mississippi rivers instead of the Saturday nearest May 20 to October 15.
  3. Repeal this type of fishing on the Wisconsin river from the dam at Wisconsin Dells downstream to the Chicago, Milwaukee, St. Paul and Pacific railroad tracks at Sauk City.
  4. Allowing the use of setlines and set or bank pole fishing on a portion of the Platte river, Grant county.
  5. Allowing the use of setlines in addition to set or bank poles on a portion of the Grant river; Grant county and the Pecatonica river including its east and west branches in Green and Lafayette counties.
  6. Slight changes in the downstream boundaries for the Wolf, Black, Grant, Kickapoo, Buffalo and Chippewa rivers.
  7. Requiring that setlines and set or bank poles be raised once each day following the day set instead of every 48 hours.
  8. Requiring an identifying flag at only one end of setlines instead of both.
  9. Allowing use of whole or live fish bait 5 inches or more in length on all waters open to setline and set or bank pole fishing except lakes in the Winnebago system and the Black river.
-

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 23.09(2)(intro), 29.174(2)(a) and 227.014(2), Stats., the State of Wisconsin Natural Resources Board hereby repeals and recreates and creates rules interpreting ss. 23.09(2)(intro) and 29.174(2)(a), Stats., as follows:

SECTION 1. NR 20.015(4g) and (4t) are created to read:

NR 20.015(4g) and (4t) are created to read:

NR 20.015(4g) "Setline" means a line with one or more hooks fastened to it and designed to be set or left unattended in the water for the purpose of taking fish.

(4t) "Set or bank pole" means a pole equipped with line with one or more hooks fastened to it, designed to be used for fishing from the banks of lakes or rivers and set or left unattended.

SECTION 2. NR 20.12 is repealed and recreated to read:

NR 20.12 SETLINES AND SET OR BANK POLES IN INLAND WATERS. (1) LICENSE REQUIRED. No person may use, set, lift, attend or have in possession while on the inland waters any set or bank pole or setline unless its use complies with this section and is authorized by a set or bank pole license issued under s. 29.36(1), Stats., or by a setline license issued under s. 29.37(1), Stats.

(2) GENERAL REQUIREMENTS. (a) A set or bank pole license authorizes the use of a maximum of 5 set or bank poles and a setline license authorizes the use of one setline except as provided in ss. NR 21.12(1)(a) and 22.12(1).

(b) No person may use, set, lift, attend or have in possession while on the inland waters any set or bank pole or any setline licensed to another person.

(c) No person may possess sport angling equipment while setting, lifting or attending a set or bank pole or setline.

(3) SETLINE FLAG. Setline flags and buoys shall meet the requirements of this subsection. (a) Any person using a setline shall place and maintain at one end of the setline a white flag 10 inches square or larger held by a staff or pole 3 feet or more above the surface of the water or bank, but the flag may not be placed in the main channel of any navigable waterway.

(b) The flag shall be numbered with figures which are at least 3 inches high and which correspond to the number of the license authorizing the setline's use.

(c) The flag staff or pole may not be more than 2 1/2 inches in diameter and the portion of the staff extending above the water or bank shall be banded horizontally with alternate black and white markings of 2 inches to 6 inches wide.

(d) When a buoy is used to hold the setline's flag staff or pole the buoy shall be cylindrical in shape, have a diameter of 15 inches or less, and be banded horizontally with alternate black and white markings of 2 inches to 6 inches wide.

(4) TAGS REQUIRED. Each set or bank pole shall have attached securely to it and each setline shall have attached securely to its flag staff or pole a metal tag stamped with the number of the license authorizing its use.

(5) LINES AND HOOKS. (a) Set or bank poles and setlines may not use stainless steel hooks or be equipped with any hook smaller than 3/4 inch gap.

(b) A set or bank pole may not be equipped with more than one line which may not have more than 2 hooks.

(c) A setline may not have more than 25 hooks.

(6) BAIT. All types of bait may be used on waters open to set or bank pole and setline fishing except for the following:

(a) Live crayfish and whole or live bait fish less than 5 inches in length may not be used on any inland waters.

(b) Whole or live bait fish may not be used on lakes Butte des Morts, Little Butte des Morts, Poygan, Winnebago and Winneconne, Winnebago county and the Black river, Jackson and LaCrosse counties.

(7) FREQUENCY OF LIFTING AND HOURS. (a) Each set or bank pole and setline shall be lifted and the catch removed at least once each day following the day it was set unless a longer period is authorized by the department or its agents.

(b) No person may set, attend or lift a set or bank pole or setline between one-half hour after sunset and one hour before sunrise.

(8) SIZE, BAG AND POSSESSION LIMITS. The size, bag and possession limits established in the season tables of s. NR 20.03(1) for catfish apply to persons who fish with a set or bank pole or a setline, except that there is no bag limit on catfish caught in lakes Winnebago, Butte des Morts, Little Butte des Morts, Winneconne, Poygan and in the Fox river downstream from lake Butte des Morts to the dam in the city of DePere, Brown county and the Wolf river from 500 feet below the dam at Shawano, Shawano county, downstream to its mouth, Winnebago county.

(9) SALE OF FISH AND TURTLES; RELEASE OF GAME FISH. (a) Catfish taken on

a set or bank pole or a setline may be sold only if taken from the water described in sub. (8).

(b) Rough fish taken on a set or bank pole or a setline in any waters where such fishing is permitted may be sold.

(c) Turtles taken on a set or bank pole or a setline may be kept and sold.

(d) Except for catfish taken in compliance with this section, all game fish taken on any set or bank pole or setline shall immediately be returned to the water as soon as they appear in the operation.

(10) WATERS OPEN TO SET OR BANK POLE AND SETLINE FISHING. (a) From the Saturday nearest May 20 to September 30 of each year set or bank poles and setlines may be used in the following waters:

1. Embarrass river beginning 500 feet below the dam at Pella in Shawano county downstream to the Wolf river, Waupaca county.

2. Fox river from the Wicks landing road located in section 6, T15N, R12E, Green Lake county downstream to the Eureka dam, Winnebago county and from lake Butte des Morts in Winnebago county downstream to the dam in the city of DePere, Brown county.

3. Lakes Butte des Morts, Little Butte des Morts, Poygan, Winnebago and Winneconne, Winnebago county.

4. Shioc river, Outagamie county.

5. Waupaca river beginning 500 feet below the dam at Weyauwega, Waupaca county, downstream to the Wolf river, Waupaca county.

6. Wolf river from 500 feet below the dam at Shawano, Shawano county downstream to its mouth, Winnebago county.

(b) There is a continuous open season for set or bank pole and setline fishing in the following waters:

1. Black river from the U.S. highway 12 bridge in the city of Black River Falls, Jackson county, downstream to the Burlington Northern railroad tracks, La Crosse county.

2. Blue river from the state highway 133 bridge, Grant county, downstream to the Wisconsin river.

3. Grant river from Porters bridge on state highway 35 downstream to the Burlington Northern railroad tracks, Grant county.

4. Kickapoo river from 200 feet below the Gays Mills dam, Crawford county, downstream to the Wisconsin river.

5. Pecatonica river in Green and Lafayette counties and the Pecatonica east and west branches, Lafayette county.

6. Platte river, from the state highway 81 bridge downstream to the Burlington Northern railroad tracks, Grant county.

7. Wisconsin river from the Chicago, Milwaukee, St. Paul and Pacific railroad tracks, SW 1/4 SE 1/4, section 12, T9N, R6E, Sauk county, downstream to the Burlington Northern railroad tracks, Grant county.

(11) WATERS OPEN TO SET OR BANK POLE FISHING ONLY. (a) There is a continuous open season for set or bank pole fishing in the following waters:

1. Buffalo river from the state highway 37 bridge downstream to the Burlington Northern railroad tracks, Buffalo county.

2. Chippewa river from the dam in Eau Claire, Eau Claire county, downstream to the Burlington Northern railroad tracks, Pepin county.

The foregoing rules were approved and adopted by the State of Wisconsin  
Natural Resources Board on September 25, 1985.

The rule contained herein shall take effect on April 1, 1986.

Dated at Madison, Wisconsin January 21, 1986.

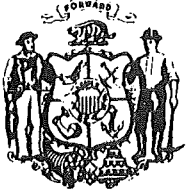
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

34920





State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

*Carroll D. Besadny*  
*Secretary*

BOX 7921  
MADISON, WISCONSIN 53707

January 21, 1986

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 904  
30 W. Mifflin Street

RECEIVED

JAN 23 1986


Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-60-84. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.

6290J