



CR 87-101

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

File Ref:

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MAY 27 1988

11:40 am  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
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. FM-21-87 was duly approved and adopted by this Department on February 25, 1988. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 19th  
day of May, 1988.

Bruce B. Braun  
Bruce B. Braun, Deputy Secretary

(SEAL)

8-1-88

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

.....  
IN THE MATTER of repealing s. NR 20.03(1)(c)1.;  
renumbering s. NR 20.03(1)(c)2. to 5.  
amending ss. NR 19.27(1), 20.03(1)(a)6.,  
20.03(1)(e)4. and 5., 20.04(3)(c), 20.06(1)(b)  
(intro.), 20.12(6)(b), 25.07(2)(a)3.b.2  
and 25.09(2)(a)10.a.; repealing and recreating  
ss. NR 20.02(1)(d) and 20.03(1)(f)2. and 3.; and  
creating s. NR 25.09(2)(a)10.d. of the Wisconsin  
Administrative Code pertaining to fishing  
regulation housekeeping changes for 1988.  
.....

FM-21-87

Analysis Prepared by Department of Natural Resources

Authorizing Statutes: ss. 29.085, 29.174(3), 29.33(1), 227.11(2)(a) and 227.16(2)(e), Stats.

Statutes Interpreted: ss. 29.085 and 29.174(2), Stats.

The rules are primarily "housekeeping" changes in the fishing regulations. The specific changes include:

1. Clarifying eight rules for grammar and plainness purposes.
2. Clarifying the trout and salmon bag limits on Lake Michigan, Green Bay and the tributary streams and making permanent the extension of the Lake Superior lake trout season from Labor Day to September 30. (Emergency rule FM-60-86(E) originally extended this season but expired October 8, 1987.)
3. Repealing the experimental walleye regulation on Pine Lake, Iron County, since the rule lacked local support and was never implemented.
4. Clarifying the chub quota periods in Lake Michigan to resolve conflicting dates in the code.
5. Clarifying requirements for periodic raising of commercial nets in Lake Michigan and Green Bay as originally intended.

SECTION 1. NR 19.27(1) is amended to read:

Animal and locality	Open season (both dates inclusive)	Bag limit	Size limit	Methods of taking
(1) Crayfish All areas except Wis.-Minn. boundary waters. See s. NR 21.04(13) <u>(12)</u>	Continuous	None	None	Crayfish may be taken by by hand, minnow seine, minnow dipnets or minnow traps, as defined in s. NR 20.10, and by crayfish traps with an <u>any</u> entrance not to exceed 2 1/2 inches at its greatest diagonal measurement.  All traps used to take crayfish shall be raised and crayfish removed at least once each day following <u>the</u> day set unless otherwise authorized by the district director.  All traps shall be tagged with a tag clearly bearing in English language the name and address of the owner and trapper.

SECTION 2. NR 20.02(1)(d) is repealed and recreated to read:

Species	Area	Open season	Daily bag limit	Minimum length (in.)
(d) Trout and salmon	1. Lake Michigan and Green Bay, except as provided in subd. 2.	All year except the open season for lake trout is from May 1 through Labor Day, except as provided in subd. 2.	5 in total of which only 2 may be lake trout, except as provided in subd. 2.	10
	2. Lake Michigan, within the following area:  From the end of the south pier at the entrance of the Sturgeon Bay ship canal on a course of 136° for 17.5 nautical miles, then west for 16.8 nautical miles to the end of the Algoma north pier, then along the north side of that pier to the shore of Lake Michigan, then north along the shore to the base of the south pier at the entrance of the Sturgeon Bay ship canal, then along the south side of that pier to its end.	All year except there is no open season for lake trout.	5 in total of which none may be lake trout.  No person may possess lake trout when fishing in this area of Lake Michigan.	10

3. Lake Superior	All year except the open season for lake trout is from December 1 through September 30.	10 in total of which only 5 may be trout and only 3 of these 5 may be lake trout.	10 except the minimum length for lake trout is 17
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SECTION 3. NR 20.03(1)(a)6. is amended to read:

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Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
6. Little Bass lake, Oneida county (smallmouth bass) and Wildwood lake, Vilas county (largemouth bass). See also s. NR 20.04(8)(d)	First Saturday in May to November 15	5 of-each	12

SECTION 4. NR 20.03(1)(c)1. is repealed.

SECTION 5. NR 20.03(1)(c)2. to 5. are renumbered NR 20.03(1)(c)1. to 4.

SECTION 6. NR 20.03(1)(e)4. and 5. are amended to read:

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Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
4. All other waters north of state <u>U.S.</u> hwy. 10	Saturday nearest Memorial Day to November 30	1	32
5. All other waters south of state <u>U.S.</u> hwy. 10	First Saturday in May to November 30	1	32

SECTION 7. NR 20.03(1)(f)2. and 3. are repealed and recreated to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
2. All Lake Michigan and Green Bay tributary streams upstream to the first dam or lake or to the third county highway "C" bridge on the Kewaunee river. (See also s. NR 20.04(3)(c).)	All year except the open season for lake trout is from May 1 through Labor Day	5 in total of which only 2 may be lake trout	10
3. All inland waters north of a line from the Mississippi river to and along state hwys. 33, 82, 12 and 151 and extending east to Lake Michigan, except for Lake Michigan, Green Bay and Lake Superior tributary streams and the south fork of Main creek, Rusk county. In addition, certain waters are further restricted in s. NR 20.04.	First Saturday in May at 5:00 a.m. to May 31	10 in total of which only 5 may be rainbow and brown trout	6
	June 1 to September 30	10 in total	6

SECTION 8. NR 20.04(3)(c) is amended to read:

NR 20.04(3)(c) Except for streams posted pursuant to ch. NR 26, there ~~shall be~~ is no closed season for hook and line fishing for any species of fish except lake trout, sturgeon, smallmouth bass and largemouth bass on any stream tributary to Lake Michigan or Green Bay, upstream to the first dam or lake except the Kewaunee river where this rule applies upstream to the third county highway "C" bridge.

SECTION 9. NR 20.06(1)(b)(intro.) is amended to read:

NR 20.06(1)(b) Trolling. No person may fish in the inland waters of the state from a motor-driven boat when the motor is running or from any boat in tow of a motor-driven boat when the motor is running or from any sailboat when in motion; or by means of shutting or drawing off water for that purpose. Casting and immediate retrieval of a bait or lure while positioning a boat by means of an electric motor, where motors are permitted, is not trolling. The restrictions in this paragraph do not apply to the waters of Barron, Bayfield, Burnett, Douglas, Polk, Racine, Rusk, Taylor, Washburn and Waukesha counties, the Wisconsin river including sloughs, bayous and flowages from county trunk A east of Tomahawk, Lincoln county, downstream, except lake Mohawksin, the Chippewa river including sloughs, bayous and flowages up to the flowing portion of all tributary streams from the Holcombe flowage, Chippewa county, downstream, the Fox river from Buffalo lake downstream to the DePere dam and the following named lakes and rivers including their flowages and sloughs:

SECTION 10. NR 20.12(6)(b) is amended to read:

NR 20.12(6)(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, lake Poygan, Waushara and Winnebago counties and the Black river, Jackson and La Crosse counties.

SECTION 11. NR 25.07(2)(a)3.b.2) is amended to read:

NR 25.07(2)(a)3.b.2). No permittee may take more than 40% of the maximum amount established in subpar. b. 1) during any one of the quota periods of July 1 through September 30, October 1 through ~~December 31~~ January 15, or March ~~15~~ 1 through June 30.

SECTION 12. NR 25.09(2)(a)10.a. is amended to read:

NR 25.09(2)(a)10.a. Once every 24 hours (1 day) in open water less than 150 feet (25 fathoms) deep for ~~mesh-sizes-larger-than-2-3/4-inch-stretch~~ measure-in-Lake-Michigan-and-for all mesh sizes in Green Bay and Lake Michigan except as provided in sub. d.

SECTION 13. NR 25.09(2)(a)10.d. is created to read:

NR 25.09(2)(a)10.d. Once every 120 hours (5 days) in open water less than 150 feet (25 fathoms) deep for mesh sizes of not more than 2 3/4 inch stretch measure in Lake Michigan.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 25, 1988.



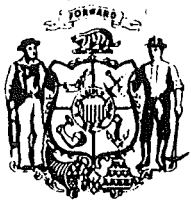
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro.), Stats.

Dated at Madison, Wisconsin May 19, 1988

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)  
6078I



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

May 20, 1988

File Ref: 1020

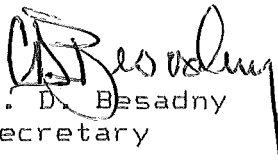
Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-21-87. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Tourism and Conservation pursuant to s. 227.19, Stats. A summary 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.