

CR 90-44



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

RECEIVED

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

SEP 5 1990
2:45 pm
Revisor of Statutes
Bureau

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-13-90 was duly approved and adopted by this Department on April 26, 1990. 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 the Natural Resources Building in the City of Madison, this 29th day of August, 1990.

Bruce B. Braun, Deputy Secretary

(SEAL)

1-1-91

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

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FM-13-90

(CR 90-44)

.....
IN THE MATTER of repealing s. NR 26.01(11) .
(b) and (c) and (33); renumbering s. NR .
20.03(1)(c)8., (d)7., and (e)5. and 6.; .
amending ss. NR 20.03(1)(a)4. and 9., (k) and. .
(q)2.a., 20.04(3)(c) and 26.01(39)(b); and .
creating ss. NR 20.03(1)(c)8. and 9., (d)7. .
and (e)5., 26.01(24) and (64), 26.21(44)(b) .
and 26.24(38) of the Wisconsin Administrative. .
Code, pertaining to sport fishing. .
.....

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 29.174(3), 227.11(2) and 227.16(2)(e),
Stats.

Statute interpreted: s. 29.174(2)(a), Stats.

The Order:

1. Establishes a fish refuge until the first Saturday in May 1992 on Delavan lake, Walworth county and its tributaries and establishes, a daily bag limit of 3 and a minimum size limit of 18 inches on walleyes, a daily bag limit of 1 and a minimum size limit of 32 inches on northern pike, a minimum size limit of 40 inches on muskellunge and an aggregate bag limit of 25 on bluegill, crappie, pumpkinseed and yellow perch after these waters are no longer a fish refuge.
2. Establishes a fish refuge until the first Saturday in May 1993 on the Grand river marsh and the Grand river from state highway 44, Green Lake county downstream to the Grand River Wildlife Area dam, Marquette county.
3. Establishes a fish refuge from April 10 to May 20 on a 2,000 foot section of the Willow river, Oneida county.
4. Establishes a fish refuge from March 1 to May 15 on the Peshtigo river, Marinette county, downstream from the Badger Paper mill dam.
5. Revises the following regulations on the tributaries to Green Bay from their mouth upstream to the first dam or lake: reduces the minimum size limit from 14 to 12 inches on largemouth bass and smallmouth bass, reduces the bag limit from 5 to 3 and removes the 15 inch minimum size limit on walleyes and reduces the continuous open season to the normal.

inland season which is from the Saturday nearest Memorial Day to November 30 on muskellunge.

6. Eliminates the special slot length size limit regulations for largemouth bass on Blake lake, Polk county.

7. Establishes a uniform 12 inch minimum size limit for largemouth and smallmouth bass on all parts of the Peshtigo flowage, Marinette county.

8. Repeals 3 sections of the code concerning fish refuges which are no longer in effect.

9. Establishes a 2 day spearing season for lake sturgeon in 1991 and 1996 in lakes Butte des Morts, Poygan and Winneconne.

SECTION 1. NR 20.03(1)(a)4. is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
4. Blake and Loveless lakes lake, Polk county and Wabasso lake, Vilas county (largemouth bass)	First Sat- urday in May to March 1	5	No minimum length except the possession of fish between 12 and 15 inches is prohibited.

SECTION 2. NR 20.03(1)(a) 9. is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
9. All other inland waters north of a line beginning with state hwy. 70 bridge over the St. Croix river, following state hwy. 70 east to its intersection with state hwy. 27, then south following state hwy. 27 to its intersection with state hwy. 64, then east following state hwy. 64 to its terminus in the city	First Sat- urday in May to March 1	5 of each	12

of Marinette, then due east to the waters of Green Bay; and all inland waters in Brown, Kewaunee and Door counties north of a line beginning with the state hwy. 29 bridge over the Fox river, following state hwy. 29 east to its terminus in the city of Kewaunee, then continuing due east to the waters of Lake Michigan. Also, all Green Bay tributary streams from their mouth upstream to the first dam or lake, and the Peshtigo flowage upstream to state hwy. 64 in Marinette county.

SECTION 3. NR 20.03(1)(c)8. (as affected by Clearinghouse Rule No. 89-199) is renumbered 10.

SECTION 4. NR 20.03(1)(c)8. is created to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
8. Delavan lake and its tributaries all in Walworth county	No open season until May 2, 1992, then first Saturday in May to March 1	3	18

SECTION 5. NR 20.03(1)(c)9. is created to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
9. All Green Bay tributary streams from their mouth upstream to the first dam or lake.	Continuous	3	No size limit

SECTION 6. NR 20.03(1)(d)7. is renumbered 8.

SECTION 7. NR 20.03(1)(d)7. is created to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
7. Delavan lake and its tributaries all in Walworth county	Closed until May 2, 1992, then first Saturday in May to March 1	1	32

SECTION 8. NR 20.03(1)(e)5. and 6. are renumbered 6. and 7. respectively.

SECTION 9. NR 20.03(1)(e)5. is created to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
5. Delavan lake and its tributaries all in Walworth county	Closed until May 2, 1992, then first Saturday in May to November 30	1	40

SECTION 10. NR 20.03(1)(k) is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(k) BLUEGILL, CRAPPIE, PUMPKINSEED (sunfish), YELLOW PERCH			
<u>1. Delavan lake and its tributaries all in Walworth county</u>	<u>Closed until May 2, 1992, then no closed season</u>	<u>25 in aggregate</u>	<u>No size limit</u>

<u>2. In all other waters</u>	No closed season	50 in aggregate	No size limit
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SECTION 11. NR 20.03(1)(q)2.a. is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
a. Lakes Butte des Morts, Poygan and Winneconne and connecting waters	Third Saturday in February through the following Sunday (1986 1991 and 1996 only)	See b.	45

SECTION 12. NR 20.04(3)(c) is amended to read:

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

SECTION 13. NR 26.01(11)(b) and (c) are repealed.

SECTION 14. NR 26.01(24) is created to read:

NR 26.01(24) GREEN LAKE COUNTY. (a) Grand river. That part of the Grand river from state hwy. 44 downstream to the Green Lake - Marquette county line. This refuge is to remain in effect until May 2, 1993.

SECTION 15. NR 26.01(33) is repealed.

SECTION 16. NR 26.01(39)(b) is amended to read:

NR 26.01(39)(b) Grand river. That part of the Grand river beginning at the Grand River wildlife dam located in the NW1/4 of the NW1/4 of section 1, township 14 north, range 10 east and extending downstream a distance of 50 feet. The following

described area on the Grand river shall be included until May 1, 1993: from the Green Lake - Marquette county line downstream to the Grand River Marsh Wildlife Area dam including the Grand river marsh.

SECTION 17. NR 26.01(64) is created to read:

NR 26.01(64) WALWORTH COUNTY. (a) Delavan lake. Delavan lake and its tributaries. This refuge is to remain in effect until May 2, 1992.

SECTION 18. NR 26.21(44)(b) is created to read:

NR 26.21(44)(b) Willow river. That part of the Willow river beginning at the upstream end of the rapids in the NE 1/4 of the NE 1/4, section 15, township 37 north, range 4 east, and extending downstream for a distance of 2,000 feet.

SECTION 19. NR 26.24(38) is created to read:

NR 26.24(38) MARINETTE COUNTY. (a) Peshtigo river. That part of the Peshtigo river beginning at the Badger Paper mill dam in the city of Peshtigo, section 19, township 30 north, range 23 east, downstream to the downstream side of the wooden covered foot bridge in section 19, township 30 North, range 23 East.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 26, 1990

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

August 29, 1990

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
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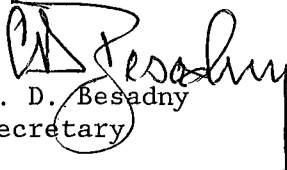
Mr. Gary L. Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr., Blvd.

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-13-90. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Government Operations and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are 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.