

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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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 00-033

AN ORDER to repeal NR 22.04 (5); to amend NR 20.03 (18), 20.20 (33) (a) 1., (b) 2. and (g) 2., (57) (d) 1. and (73) (a) 3. a., (j) 5. a., (i) 1. and 2. and (o) 2. and 3.; to repeal and recreate NR 20.15 and 22.04 (4); and to create NR 20.20 (58) (f) 2., (60) (b) 2. and (cm), (66) (dm) and (67) (ag), (am) and (as), 22.04 (4), 26.08 (9), 26.10 (4) and 26.31, relating to sport fishing regulations on inland and boundary waters and fish refuges on inland waters.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-10-00 RECEIVED BY LEGISLATIVE COUNCIL.

03-07-00 REPORT SENT TO AGENCY.

RS:GAA:jal;rv

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

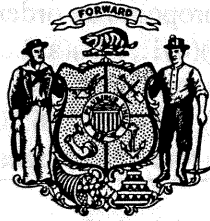
NO

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CLEARINGHOUSE RULE 00-033

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

SECTION 7 refers to s. NR 20.20 (60) (cm), but numbers the provision as (59) (cm). This should be clarified.

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 22.04(5); amend NR 20.03(18), 20.20(33)(a)1., (b)2., (g)2., (57)(d)1., (73)(a)3.a., (j)5.a., (i)1. and 2., and (o)2. and 3.; repeal and recreate NR 20.15 and 22.04(4); and create NR 20.20(58)(f)2., (60)(b)2., and (cm), (66)(dm), (67)(ag), (am) and (as), 22.04(4), 26.08(9), 26.10(4) and 26.31 relating to sport fishing regulations on inland and boundary waters and fish refuges on inland waters

FH -4- 00

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041 and 227.11(2), Stats.

Statutes interpreted: ss. 29.014(1) and 29.041, Stats.

Section 1 adds several streams and steam reaches to the definition of "Lake Michigan tributaries" to include waters that are accessible to anadromous trout and salmon;

Section 2 modifies the special early catch and release trout season;

Section 3 establishes special regulations for walleye, sauger and their hybrids, largemouth and smallmouth bass, and catfish in Yellowstone lake, Lafayette county, with a daily bag limit of 2 of these species in total, with a minimum length limit of 12" and a maximum length limit of 14";

Section 4 establishes a minimum length limit of 18 inches and a daily bag limit of 1 for largemouth and smallmouth bass on Christner lake, Sawyer county;

Sections 5 and 7m reduce the daily bag limit from 25 in total to 10 in total for panfish on Chetac and Birch lakes, Christner, Moose and Nelson lakes, Sawyer and Washburn counties;

Section 6 establishes a minimum length limit of 18 inches and a daily bag limit of 1 for largemouth and smallmouth bass on Big and Little Gerber lakes, Sheboygan county;

Section 7 reduces the daily bag limit from 25 in total to 10 in total for panfish on Big and Little Gerber lakes, Sheboygan county;

Section 8 establishes a minimum length limit of 18 inches and a daily bag limit of 1 for largemouth and smallmouth bass on Lake Twelve; establishes a 40 inch minimum length limit with a daily bag limit of 1 for northern pike on Big Cedar and Gilbert lakes; and reduces the daily bag limit from 25 in total to 10 in total for panfish on Lake Twelve, Washington county;

Section 9 extends the prohibition on night fishing and on hooks with gaps larger than one-half inch on Lake Michigan tributaries by one month, beginning on September 1 rather than October

1, and prohibits fishing in any manner from one-half hour after sunset to one-half hour before sunrise on Lake Michigan tributaries during the period from September 1 to December 31;

Section 10 establishes a closed season from April 2 to May 21 for yellow perch in Lake Superior;

Section 11 establishes a minimum length limit of 26 inches and a daily bag limit of 2 for northern pike on Lake Michigan waters south of a line running east from the eastern terminus of Waldo boulevard in the city of Manitowoc and on the entire Manitowoc river;

Sections 12 establishes a minimum length limit of 15 inches and a daily bag limit of 5 for walleye, sauger and hybrids on Lake Michigan waters south of U.S. Highway 10;

Sections 13 and 14 establish a daily bag limit of 25 of each species for white or yellow bass, crappies, rock bass, sunfish or bluegills and yellow perch on the Wisconsin-Iowa boundary waters;

Section 15 establishes a fish refuge from March 1 to the Friday preceding the first Saturday in May on the Lake Hallie outlet stream, Chippewa county;

Section 16 establishes a fish refuge from July 15 to October 31 on the Bayfield Hatchery outlet ditch, Bayfield county;

Section 17 established a fish refuge on Yellowstone lake sub-impoundment and rearing pond, Lafayette county, at any time while posted closed to fishing with department signs;

SECTION 1. NR 20.03(18) is amended to read:

NR 20.03(18) "Lake Michigan tributaries" means the Pike river and its tributaries, Kenosha and Racine counties; Kewaunee river and its tributaries excluding Little Scarboro, Scarboro, Roger and Casco creeks, Kewaunee county; Milwaukee river upstream to the ~~Chair Factory~~ Grafton dam in the village of Grafton, Milwaukee and Ozaukee counties and tributaries to the Milwaukee river upstream to the first dam or lake; Menomonee river upstream to the 45th street drop structure Lepper dam in the city of Milwaukee, Milwaukee county village of Menomonee Falls and tributaries to the Menomonee river upstream to the first dam or lake; and all other tributaries to Lake Michigan upstream to the first dam or lake.

SECTION 2. NR 20.15 is repealed and recreated to read:

NR 20.15 Special early catch and release season for trout. (1) GENERAL PROVISIONS.
(a) *Open season and waters.* There is an open season for trout from 5:00 a.m. on March 1 until 6:00 p.m. on the Sunday preceding the first Saturday in May on the following waters:

1. All trout streams in Adams, Ashland, Barron, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Price, Racine, Richland, Rock, Rusk, St. Croix, Sauk,

Sawyer, Sheboygan, Taylor, Treadwell, Vernon, Walworth, Washburn, Washington, Waukesha and Wood Counties.

2. Bayfield county – All trout streams except the White River and its tributaries upstream from Pike River Road bridge.

3. Florence county - Pine River.

4. Forest county - Peshtigo river downstream from U.S. highway 8, Pine river downstream from STH 55, and Rat river downstream from Scattered Rice lake.

5. Langlade county - Wolf river.

6. Lincoln county – All trout streams west of STH 51 and Prairie River downstream from CTH J.

7. Marathon county – Black creek, Black creek (T30N,R3E), Grass creek, McGinnes creek, Fourmile creek, Noisy creek, and Plover river from STH 29 downstream to STH 153.

8. Marinette county - North branch Peme Bon Won river downstream from STH 141, Peshtigo river upstream from CTH C, Pike river between CTH V and CTH K, and Rat river.

9. Marquette county - Chaffee creek downstream from CTH B, Klawitter creek, Lawrence creek, Lunch creek, Mekan river upstream from STH 22, Neenah creek, O'Keefe creek, Wedde creek and Westfield creek.

10. Oconto county - North branch Oconto river downstream from STH 64 and south branch Oconto river downstream from CTH AA.

11. Oneida county – All trout streams west of STH 51 and Bearskin creek.

12. Portage county – Ditches 1 through 6 downstream from Townline road and Tomorrow river from Amherst downstream to Durant road.

13. Shawano county - Middle branch Embarrass river from Homme dam to STH 29, north branch Embarrass river from Tilleda dam downstream to Leopold dam and Red river downstream from lower Red Lake dam.

14. Vilas County – Mishonagon Creek.

15. Waupaca County - North branch Little Wolf river from CTH P to CTH J, south branch Little Wolf river and Waupaca river from Frost Valley road to STH 54.

16. Waushara County – Carter creek, Leola ditch, Mekan river downstream from 12th avenue, Pine river downstream from CTH K to Poy Sippi pond, Roche-a-Cri creek, Willow creek from Blackhawk drive to 29th lane, and White river from STH 22 to White River millpond (lower).

Note: The early catch and release season does not apply to spring ponds, ponds or lakes.

(b) *Daily bag limit, possession limit and gear restrictions.* During the period specified in par. (a), the daily bag limit and possession limit for trout is 0 and only artificial lures with barbless hooks may be used or possessed while fishing for any species of fish on waters specified in par. (a).

[Drafter's Note: The words "or possessed" are included in this draft because s. NR 20.15 is being repealed and recreated. If either 1999 Assembly Bill 561 or 1999 Senate Bill 270 is passed and becomes law, the words will be deleted from this paragraph.]

(2) **EXCEPTIONS.** Subsection (1) does not apply to the following streams:

(a) Lake Michigan tributaries, major Green Bay tributaries, all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake.

(b) Portions of tributaries to Lake Superior with a season opening date specified in s. NR 20.20 that is not the first Saturday in May.

SECTION 3. NR 20.20(33)(a)1., (b)2. and (g)2. are amended to read:

(33) LAFAYETTE (for species or waters not listed, see sub. (73))

(a) Catfish	1. Yellowstone lake	a. Hook and line.	First Saturday in May to March 1	0 2 in total with largemouth bass, smallmouth bass, walleye, sauger and hybrids	-- Minimum length limit 12"; maximum length limit 15"
(b) Largemouth and smallmouth bass	2. Yellowstone lake	a. Hook and line.	First Saturday in May to March 1	0 2 in total with catfish, walleye, sauger and hybrids	-- Minimum length limit 12"; maximum length limit 15"
(g) Walleye, sauger and hybrids	2. Yellowstone lake	a. Hook and line.	First Saturday in May to March 1	0 2 in total with catfish, largemouth bass and smallmouth bass	-- Minimum length limit 12"; maximum length limit 15"

SECTION 4. NR 20.20(57)(d)1. is amended to read:

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

(d) Largemouth and smallmouth bass	1. Black lake, <u>Christner lake</u>	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to March 1	1 in total	18

SECTION 5. NR 20.20(58)(f)2. is created to read

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

(f) Panfish	2. Chetac and Birch lakes, Christner lake, Moose lake, Nelson lake	a. Hook and line.	Continuous	10 in total	None
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SECTION 6. NR 20.20(60)(b)2. is created to read:

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

(b) Largemouth and smallmouth bass	2. Big and Little Gerber lakes	a. Hook and line.	First Saturday in May to March 1	1 in total	18
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59 ?

SECTION 7. NR 20.20(60)(cm) is created to read:

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

(cm) Panfish	1. Big and Little Gerber lakes	a. Hook and line.	Continuous	10 in total	None
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SECTION 7m. NR 20.20(66)(dm) is created to read

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

(dm) Panfish	1. Birch lake	a. Hook and line.	Continuous	10 in total	None
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SECTION 8. NR 20.20(67)(ag), (am) and (as) are created to read:

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

(ag) Largemouth and smallmouth bass	1. Lake Twelve	a. Hook and line.	First Saturday in May to March 1	1 in total	18
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(am) Northern pike	1. Big Cedar and Gilbert lakes	a. Hook and line.	First Saturday in May to March 1	1 in total	40
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(as) Panfish	1. Lake Twelve	a. Hook and line.	Continuous	10 in total	None
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SECTION 9. NR 20.20(73)(a)3.a. is amended to read:

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

(a) All species	3. Lake Michigan tributaries; Peshtigo river upstream from the first railroad bridge to the first dam, Marinette county; all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake	a. Motor trolling is permitted in Lake Michigan tributaries of Racine county. From October 1 <u>September 1</u> to the first Saturday in May only hooks with a one-half inch gap or less may be used and hook and line fishing is prohibited from one-half hour after sunset to one-half hour before sunrise. <u>Fishing in any manner is prohibited from one-half hour after sunset to one-half hour before sunrise from September 1 to December 31.</u>	As specified in this subsection	As specified in this subsection	As specified in this subsection
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SECTION 10. NR 20.20(73)(i)1. and 2. are amended to read:

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

(i) Northern pike	1. Green Bay, major Green Bay tributaries, Lake Michigan <u>waters north of a line running due east from the eastern terminus of Waldo Boulevard in the city of Manitowoc</u> , Lake Michigan tributaries north of U.S. highway 10 <u>except Manitowoc river</u>	a. Hook and line	Continuous	5	None
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<p>2. <u>Manitowoc river, all other Lake Michigan tributaries south of U.S. highway 10, Lake Michigan waters south of a line running due east from the eastern terminus of Waldo Boulevard in the city of Manitowoc</u></p>	<p>a. Hook and line. Continuous</p>	<p>2</p>	<p>26</p>
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SECTION 11. NR 20.20(73)(j)5.a. is amended to read:

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

<p>(j) Panfish</p>	<p>5. Lake Superior</p>	<p>a. Hook and line.</p>	<p>Continuous <u>but the open season for yellow perch is May 22 to April 1</u></p>	<p>25 in total</p>	<p>None</p>
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SECTION 12. NR 20.20(73)(o)2. and 3. are amended to read:

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

<p>(o) Walleye, sauger and hybrids</p>	<p>2. <u>All other waters of Green Bay, major Green Bay tributaries, Lake Michigan, major Green Bay tributaries waters north of a line running due east from the eastern terminus of Waldo Boulevard in the city of Manitowoc</u></p>	<p>a. Hook and line</p>	<p>Continuous</p>	<p>3 in total</p>	<p>None</p>
	<p>3. <u>Lake Michigan tributaries, Lake Michigan waters south of a line due east from the eastern terminus of Waldo Boulevard in the city of Manitowoc</u></p>	<p>a. Hook and line</p>	<p>Continuous</p>	<p>5 in total</p>	<p>15</p>

JUN 05 2000

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:

Natural Resources Board Order No. FH-4-00

Legislative Council Rules Clearinghouse Number 00-033

Subject of Rules Sport fishing regulations on inland
and boundary waters and fish refuges on
inland waters

Date of Transmittal to Presiding Officers May 30, 2000

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

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

SECTION 13. NR 22.04(4) is repealed and recreated to read:

(4) White or yellow bass, crappies, Continuous 25 of each No size limit
rock bass, sunfish or bluegills and
yellow perch

No experiment Oct

SECTION 14. NR 22.04(5) is repealed.

SECTION 15. NR 26.08(9) is created to read:

NR 26.08(9) CHIPPEWA COUNTY. *Lake Hallie outlet.* That part of the Lake Hallie outlet stream from Lake Hallie dam downstream to its confluence with the Chippewa river.

SECTION 16. NR 26.10(4) is created to read:

NR 26.10(4) BAYFIELD COUNTY. *Bayfield hatchery outlet ditch.* That part of the Bayfield Hatchery outlet ditch from the Bayfield hatchery downstream to its confluence with Pike's creek.

SECTION 17. NR 26.31 is created to read:

NR 26.31 Fish refuges. The following described areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner at any time when posted closed to fishing with department signs:

(33) LAFAYETTE COUNTY. *Yellowstone lake sub-impoundment and rearing pond.* Those waters known as Yellowstone lake sub-impoundment and Yellowstone lake rearing pond located just upstream from Yellowstone lake.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The foregoing rules shall take effect on April 1, 2001 except sections 2 and 15, which shall take effect on March 1, 2001 as provided in s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

REPORT TO LEGISLATURE

Sport fishing regulations on inland and boundary waters
and fish refuges on inland waters

Board Order No. FH-4-00
Clearinghouse Rule No. 00-033

Statement of Need

The attached rule changes:

1. Add several streams and stream reaches to the definition of "Lake Michigan tributaries" to include more waters that are accessible to anadromous trout and salmon. These waters would also become "outlying trout and salmon waters" where the Great Lakes trout and salmon stamp or 2-day license would be required.

2. Modify the special early catch and release trout season by creating a 5-day rest period for the week leading up to the regular open season. The catch and release season would end at 6:00 p.m. on the Sunday before the regular open season. Also, the proposed season would apply only to specified streams, not all streams statewide.

3. Establish special regulations for walleye, sauger and their hybrids, largemouth and smallmouth bass, and catfish in Yellowstone lake, Lafayette county, with a daily bag limit of 2 of these species in total, and a minimum length limit of 12" and a maximum length limit of 15".

4. Establish a minimum length limit of 18" and a daily bag limit of one for largemouth and smallmouth bass on Christner lake, Sawyer county.

5. Reduce the daily bag limit from 25 in total to 10 in total for panfish on Chetac and Birch, Christner, Moose and Nelson lakes, Sawyer and Washburn counties.

6. Establish a minimum length limit of 18" and a daily bag limit of one for largemouth and smallmouth bass and reduce the daily bag limit from 25 in total to 10 in total for panfish on Lake Twelve, Washington county.

7. Establish a 40-inch minimum length limit with a daily bag limit of one for northern pike on Big Cedar and Gilbert lakes, Washington county.

8. Establish a minimum length limit of 26 inches and a daily bag limit of 2 for northern pike on Lake Michigan waters south of a line running due east from the eastern terminus of Waldo Boulevard in the City of Manitowoc and on the entire Manitowoc river.

9. Establish a minimum length limit of 15 inches and a daily bag limit of 5 for walleye, sauger and hybrids on Lake Michigan waters south of a line running east from the eastern terminus of Waldo Boulevard in the City of Manitowoc.

10. Establish a daily bag limit of 25 of each species for white or yellow bass, crappies, rock bass, sunfish or bluegills and yellow perch on the Wisconsin-Iowa boundary waters.

11. Establish a fish refuge from July 15 to October 31 on the Bayfield Hatchery outlet ditch, Bayfield county.

12. Establish a fish refuge on Yellowstone Lake sub-impoundment and rearing pond, Lafayette county, at any time when posted closed to fishing with department signs.

Modifications as a Result of Public Hearing

The following proposals were dropped based on public input:

1. Extend the night fishing prohibition and restriction on hooks with gaps larger than one-half inch on Lake Michigan tributaries by one month. Also, prohibit night fishing of any kind from one-half hour after sunset to one-half hour before sunrise on Lake Michigan tributaries during the period from September 1 to December 31.

2. Establish a closed season from April 2 to May 21 for yellow perch in Lake Superior.

3. Establish a fish refuge from March 1 to the Friday preceding the first Saturday in May on the Lake Hallie outlet stream, Chippewa county.

4. Establish a minimum length limit of 18 inches and a daily bag limit of one for largemouth and smallmouth bass on Big and Little Gerber lakes, Sheboygan county.

5. Reduce the daily bag limit from 25 in total to 10 in total for panfish on Big and Little Gerber lakes, Sheboygan county.

Appearances at the Public Hearings and Their Position

Public hearings were held in all 72 counties. The votes on the proposals are:

Proposal	In favor	In opposition
1. Additional outlying trout and salmon waters	2,941	988
2. Early catch and release season	5,553	2,208
3. Yellowstone lake	1,914	754
4. Bass fishing in Christner lake, Sawyer county	1,790	897
5. Panfish in Sawyer and Washburn counties	2,302	1,744
Moose lake, Sawyer county	2,097	990
Nelson lake, Sawyer county	2,379	1,445
Christner lake, Sawyer county	2,015	1,032
6. Bass fishing in Lake Twelve, Washington co.	1,768	869
Panfishing in Lake Twelve	1,728	850
7. Northern pike in Washington county	2,256	1,105
8. Northern pike on Lake Michigan waters	2,895	870
9. Walleye on Lake Michigan waters	2,895	870
10. Wisconsin-Iowa boundary waters	6,472	609
11. Fish refuge in Bayfield county	2,600	382
12. Fish refuge on Yellowstone lake	2,394	306

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The rules regulate individual anglers; therefore, a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board adopts an order to repeal NR 22.04(5); amend NR 20.03(18), 20.20(33)(am)1., (b)2., (g)2., (57)(d)1., (73)(i)1. and 2., and (o)2. and 3.; repeal and recreate NR 20.15 and 22.04(4); and create NR 20.20(57)(f)2., (66)(dm), (67)(ag), (am) and (as), 22.04(4), 26.10(4) and 26.31 relating to sport fishing regulations on inland, outlying and boundary waters and fish refuges on inland waters

FH -4- 00

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041 and 227.11(2), Stats.

Statutes interpreted: ss. 29.014(1) and 29.041, Stats.

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Section 2 modifies the special early catch and release trout season;

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Sections 5 and 6 reduce the daily bag limit from 25 in total to 10 in total for panfish on Chetac and Birch lakes, Christner, Moose and Nelson lakes, Sawyer and Washburn counties;

Section 7 establishes a minimum length limit of 18 inches and a daily bag limit of 1 for largemouth and smallmouth bass on Lake Twelve; establishes a 40 inch minimum length limit with a daily bag limit of 1 for northern pike on Big Cedar and Gilbert lakes; and reduces the daily bag limit from 25 in total to 10 in total for panfish on Lake Twelve, Washington county;

Section 8 establishes a minimum length limit of 26 inches and a daily bag limit of 2 for northern pike on Lake Michigan waters south of a line running east from the eastern terminus of Waldo boulevard in the city of Manitowoc and on the entire Manitowoc river;

Sections 9 establishes a minimum length limit of 15 inches and a daily bag limit of 5 for walleye, sauger and hybrids on Lake Michigan waters south of U.S. Highway 10;

Sections 10 and 11 establish a daily bag limit of 25 of each species for white or yellow bass, crappies, rock bass, sunfish or bluegills and yellow perch on the Wisconsin-Iowa boundary waters;

Section 12 establishes a fish refuge from July 15 to October 31 on the Bayfield Hatchery outlet ditch, Bayfield county;

Section 13 established a fish refuge on Yellowstone lake sub-impoundment and rearing pond, Lafayette county, at any time while posted closed to fishing with department signs;

SECTION 1. NR 20.03(18) is amended to read:

NR 20.03(18) "Lake Michigan tributaries" means the Pike river and its tributaries, Kenosha and Racine counties; Kewaunee river and its tributaries excluding Little Scarboro, Scarboro, Roger and Casco creeks, Kewaunee county; Milwaukee river upstream to the ~~Chair Factory Grafton dam~~ in the village of Grafton, ~~Milwaukee and Ozaukee counties~~ and tributaries to the Milwaukee river upstream to the first dam or lake; Menomonee river upstream to the ~~45th street drop structure Lepper dam~~ in the ~~city of Milwaukee, Milwaukee county~~ village of Menomonee Falls and tributaries to the Menomonee river upstream to the first dam or lake; and all other tributaries to Lake Michigan upstream to the first dam or lake.

SECTION 2. NR 20.15 is repealed and recreated to read:

NR 20.15 Special early catch and release season for trout. (1) GENERAL PROVISIONS.

(a) *Open season and waters.* Except as specified in sub. (2), there is an open season for trout from 5:00 a.m. on the first Saturday in March until 6:00 p.m. on the Sunday preceding the first Saturday in May on the following waters:

1. All streams in Adams, Ashland, Barron, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Price, Racine, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Sheboygan, Taylor, Trempealeau, Vernon, Walworth, Washburn, Washington, Waukesha and Wood Counties.

2. Bayfield county – All streams except the White river and its tributaries upstream from Pike River Road bridge.

3. Florence county - Pine river.

4. Forest county - Peshtigo river downstream from U.S. highway 8, Pine river downstream from STH 55, and Rat river downstream from Scattered Rice lake.

5. Langlade county - Wolf river.

6. Lincoln county – All streams west of STH 51 and Prairie river downstream from CTH J.

7. Marathon county – Black creek (mouth at T27N R7E S4), Black creek (T30N,R3E), Grass creek, McGinnes creek, Fourmile creek, Noisy creek, and Plover river from STH 29 downstream to STH 153.

8. Marinette county - North branch Peme Bon Won river downstream from STH 141, Peshtigo river upstream from CTH C, Pike river between CTH V and CTH K, and Rat river.

9. Marquette county - Chaffee creek downstream from CTH B, Klawitter creek, Lawrence creek, Lunch creek, Mecan river upstream from STH 22, Neenah creek, O'Keefe creek, Wedde creek and Westfield creek.

10. Oconto county - North branch Oconto river downstream from STH 64 and south branch Oconto river downstream from CTH AA.

11. Oneida county – All streams west of STH 51 and Bearskin creek.

12. Portage county – Ditches 1 through 6 downstream from Townline road and Tomorrow river from Amherst downstream to Durant road.

13. Shawano county - Middle branch Embarrass river from Homme dam to STH 29, north branch Embarrass river from Tilleda dam downstream to Leopoldis dam and Red river downstream from lower Red Lake dam.

14. Vilas county – Mishonagon creek.

15. Waupaca county - North branch Little Wolf river from CTH P to CTH J, south branch Little Wolf river and Waupaca river from Frost Valley road to STH 54.

16. Waushara county – Carter creek, Leola ditch, Mecan river downstream from 12th avenue, Pine river downstream from CTH K to Poy Sippi pond, Roche-a-Cri creek, Willow creek from Blackhawk drive to 29th lane, and White river from STH 22 to lower White River millpond.

Note: The early catch and release season does not apply to spring ponds, ponds or lakes.

(b) *Daily bag limit, possession limit and gear restrictions.* The following restrictions apply to waters specified in par. (a) during the open season specified in par. (a):

1. The daily bag limit and possession limit for trout is 0.
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).

(2) EXCEPTIONS. Subsection (1) does not apply to the following streams:

(a) Lake Michigan tributaries, major Green Bay tributaries, all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake.

(b) All tributaries to Lake Superior except the White river and its tributaries from the White River dam upstream to Pikes River Road bridge and the Iron river and its tributaries upstream from Orienta dam.

SECTION 3. NR 20.20(33)(am)1., (b)2. and (g)2. are amended to read:

(33) LAFAYETTE (for species or waters not listed, see sub. (73))

(am) Catfish	1. Yellowstone lake	a. Hook and line.	First Saturday in May to March 1	0 2 in total with largemouth bass, smallmouth bass, walleye, sauger and hybrids	-- Minimum length limit 12"; maximum length limit 15"
(b) Largemouth and smallmouth bass	2. Yellowstone lake	a. Hook and line.	First Saturday in May to March 1	0 2 in total with catfish, walleye, sauger and hybrids	-- Minimum length limit 12"; maximum length limit 15"
(g) Walleye, sauger and hybrids	2. Yellowstone lake	a. Hook and line.	First Saturday in May to March 1	0 2 in total with catfish, largemouth bass and smallmouth bass	-- Minimum length limit 12"; maximum length limit 15"

SECTION 4. NR 20.20(57)(d)1. is amended to read:

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

(d) Largemouth and smallmouth bass	1. Black lake, <u>Christner lake</u>	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to March 1	1 in total	18

SECTION 5. NR 20.20(57)(f)2. is created to read

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

(f) Panfish	2. Chetac and Birch lakes, Christner lake, Moose lake, Nelson lake	a. Hook and line.	Continuous	10 in total	None
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SECTION 6. NR 20.20(66)(dm) is created to read

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

(dm) Panfish	1. Birch lake	a. Hook and line.	Continuous	10 in total	None
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SECTION 7. NR 20.20(67)(ag), (am) and (as) are created to read:

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

(ag) Largemouth and smallmouth bass	1. Lake Twelve	a. Hook and line.	First Saturday in May to March 1	1 in total	18
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(am) Northern pike	1. Big Cedar and Gilbert lakes	a. Hook and line.	First Saturday in May to March 1	1 in total	40
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(as) Panfish	1. Lake Twelve	a. Hook and line.	Continuous	10 in total	None
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SECTION 8. NR 20.20(73)(i)1. and 2. are amended to read:

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

(i) Northern pike	1. Green Bay, major Green Bay tributaries, Lake Michigan waters north of a line running due east from the eastern terminus of Waldo boulevard in the city of Manitowoc, Lake Michigan tributaries north of U.S. highway 10 <u>except Manitowoc river</u>	a. Hook and line	Continuous	5	None
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	2. <u>Manitowoc river, all other Lake Michigan tributaries south of U.S. highway 10, Lake Michigan waters south of a line running due east from the eastern terminus of Waldo boulevard in the city of Manitowoc</u>	a. Hook and line.	Continuous	2	26
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SECTION 9. NR 20.20(73)(o)2. and 3. are amended to read:

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

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|---------------------------------|--|------------------|------------|------------|------|
| (o) Walleye, sauger and hybrids | 2. All other waters of Green Bay, major Green Bay tributaries, Lake Michigan, major Green Bay tributaries waters north of a line running due east from the eastern terminus of Waldo boulevard in the city of Manitowoc | a. Hook and line | Continuous | 3 in total | None |
| | 3. Lake Michigan tributaries, Lake Michigan waters south of a line due east from the eastern terminus of Waldo boulevard in the city of Manitowoc | a. Hook and line | Continuous | 5 in total | 15 |

SECTION 10. NR 22.04(4) is repealed and recreated to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(4) Panfish			
(a) White and yellow bass	Continuous	25 in total	No size limit
(b) Crappies	Continuous	25	No size limit
(c) Rock bass	Continuous	25	No size limit
(d) Bluegill and sunfish	Continuous	25 in total	No size limit
(e) Yellow perch	Continuous	25	No size limit

SECTION 11. NR 22.04(5) is repealed.

SECTION 12. NR 26.10(4) is created to read:

NR 26.10(4) BAYFIELD COUNTY. *Bayfield hatchery outlet ditch.* That part of the Bayfield Hatchery outlet ditch from the Bayfield hatchery downstream to its confluence with Pike's creek.

SECTION 13. NR 26.31 is created to read:

NR 26.31 Fish refuges. The following described areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner at any time when posted closed to fishing with department signs:

(33) LAFAYETTE COUNTY. *Yellowstone lake sub-impoundment and rearing pond.* Those waters known as Yellowstone lake sub-impoundment and Yellowstone lake rearing pond located immediately upstream from Yellowstone lake.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2000.

The foregoing rules shall take effect on April 1, 2001 except section 2, which shall take effect on March 1, 2001 as provided in s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)