

OK 01-012

**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-08-01

Legislative Council Rules Clearinghouse Number CHR 01-012

Subject of Rules Fishing on the inland, outlying
and boundary waters of Wisconsin and fish
rearing pond grants

Date of Transmittal to Presiding Officers May 29, 2001

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

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An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 20, 21 and 50.20, Wis. Adm. Code
Fishing on the inland, outlying and boundary waters
of Wisconsin and fishing rearing pond grants

Board Order No. FH-08-01
Clearinghouse Rule No. 01-012

Statement of Need

The Natural Resources Board adopted the proposed housekeeping and minor, noncontroversial changes to sport and commercial fishing regulations on the inland, outlying and boundary waters of Wisconsin. These changes were suggested by Department staff after review of ch. NR 20 in order to make minor corrections and simplify existing rules, where possible. Several minor substantive, noncontroversial changes were also recommended based on this review of ch. NR 20. The changes are detailed in the analysis of the proposed rule.

Modifications as a Result of Public Hearing

There were no modifications as a result of the public hearing.

Appearances at the Public Hearing and Their Position

There were no appearances at the hearing.

Response to Legislative Council Rules Clearinghouse Report

No recommendations were made by the Rules Clearinghouse.

Final Regulatory Flexibility Analysis

These rules will not directly affect small business; therefore, a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board adopts an order to repeal NR 20.20(1)(e), (11)(h), (12)(e)1 and 3, (13)(f)1 and 3, (14)(d), (22)(e)1, (23)(d)1 and 3, (25)(f)1 and 3, (28)(d), (30)(d), (33)(e)1 and 4, (39)(e), (41)(b), (46)(b), (52)(e), (53)(e)1 and 3, (54)(d), (56)(g)1 and 4, (59)(d), (63)(b), (65)(e), (67)(b), (68)(e), (69)(e)1 and 3, (70)(e)2 and 4, (73)(j)2, 3.b. and 6.b., (k)3.b. and (L)4., NR 20.40(9) and NR 50.20; to renumber NR 20.15; to amend NR 20.03(17), (19), (22) and (42), NR 20.05(1) and (4), NR 20.06(5), NR 20.08(2), NR 20.09(3), NR 20.10(4), (5), (6), (10) and (11), NR 20.11(1)(a), NR 20.12(2)(h) and (4)(b), NR 20.13(6) and (7), NR 20.14(3) and (6), NR 20.20(9)(a)1., (16)(a)2.a., (19)(d)7. and 8., (20)(b)2., (c)2., (f)2., (44)(b)3. and (c)2., (45)(g)1., (54)(b)1. and (c)1., (64)(b)1.b., (70)(f)1, (71)(g)1., (73)(e)2.b. and c., (g)1., (h)3., 5. and 6., (j)1, (L)1., 2. and 3.c., and (m)1, NR 20.39(1), NR 20.40(4)(b) and (5), NR 21.04(2)(a) and (3)(a) and NR 21.11(2)(a); and to create NR 20.03(37m) and (43), NR 20.15, NR 20.20(73)(m)1m. and (h)4.b., NR 20.39(1)(b)(3m), NR 21.06(4) and NR 21.065 relating to fishing on the inland, outlying and boundary waters of Wisconsin and fish rearing pond grants

FH-08-01

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.

In this order:

Section 1 amends the definition of Lake Michigan to include waters of the Sturgeon bay ship canal east of the Wisconsin Public Service company power lines;

Section 2 amends the definition of Lake Winnebago system waters to reflect common usage of lake names in the area of the affected waters;

Section 3 amends the definition of Lake Mendota to eliminate an unnecessary reference to a legal description;

Section 4 creates a definition for Sheboygan marsh;

Section 5 clarifies the definition of an unattended line to specifically include the person using the line;

Section 6 creates a definition for Yellowstone lake to include the Yellowstone river upstream from the impoundment to county highway F;

Section 7 clarifies a cross-reference to authorized methods of fishing;

Section 8 clarifies the prohibition on fishing for a species of fish during the closed season;

Sections 9 and 53 eliminate the authorization for winter carp gaffing on Green Bay and Lake Michigan;

Section 10 allows the use of alewife as bait in Lake Michigan and Green Bay tributaries;

Sections 11, 24, 25, 51 and 52 authorize the use of spears to take panfish by skin or scuba diving in outlying waters;

Section 12 clarifies the restriction on the possession of untagged sturgeons;

Section 13 corrects a verb and clarifies the tagging requirement for harvested sturgeon;

Section 14 clarifies the restriction on the transportation of sturgeon;

Section 15 corrects a grammatical error related to registration of harvested sturgeon;

Section 16 clarifies the obligations of station operators at sturgeon registration stations;

Section 17 exempts "portable" fishing shelters from the requirement to display the owners or users name and address on the exterior;

Section 18 accommodates the use of circle hooks on setlines on the Winnebago system and eliminates the restriction on stainless steel hooks;

Section 19 clarifies the prohibition on the sale of turtles taken on setlines during the recently established closed season;

Section 20 clarifies the restriction on simultaneous possession of angling equipment and dip nets;

Section 21 expands the restriction on unattended dip nets to all waters of the state;

Section 22 clarifies the departments obligation to post waters that have been chemically treated for trout management as it relates to the use of minnow traps in those waters;

Section 23 corrects a grammatical error related to the requirement for a permit to set minnow traps in trout streams during the closed season for trout;

Sections 24, 25 and 26 clarify fishing methods that are specifically authorized under this chapter and simplify their presentation within the table;

Section 25 also clarifies a conflict between 2 existing restrictions related to taking fish by hand within 200 feet of a fishway, lock or dam;

Section 26 also eliminates redundancy with s. NR 20.20(73)(L) related to authorized methods for taking rough fish;

Section 28 corrects the restriction on trolling for Holcombe flowage, Chippewa county;

Section 29 corrects the dates when night fishing is prohibited on the lower Brule river, Douglas county;

Section 30 corrects a typographical error in the daily bag limit and minimum length or other size restrictions for trout regulations in Florence county;

Sections 31, 32 and 33 correct the spelling for Mullet lake, Fond du Lac county;

Section 36 corrects the date for the end of the catch and release bass season for Little Bass lake, Oneida county;

Section 37 adds Julia lake, Oneida county to the list of waters with a 40" minimum length limit for muskellunge. This water is in both Forest and Oneida counties but was inadvertently omitted from the Oneida county regulations;

Section 38 has been removed.

Sections 39 and 44 correct the size limit for walleye on the Fox river, Outagamie and Winnebago counties to accurately reflect the existing regulation as modified under s. NR 20.35;

Sections 40 and 41 remove Rock lake, which is located in Jefferson county, from Rock county regulations and corrects the minimum length limit for largemouth and smallmouth bass;

Section 42 corrects the authorization for seining of cisco and whitefish in Trout lake, Vilas county, which was inadvertently removed in a previous revision;

Section 43 eliminates the catch-and-release restrictions for trout on Soules Creek, Waushara county and returns it to the county-wide trout regulations (daily bag limit of 5 with a 7" minimum length limit);

Section 45 corrects the sturgeon spearing season on portions of the Lake Winnebago system. This authorization, which allows a season every 5 years, was inadvertently changed in a previous revision. This section also clarifies constraints on the sturgeon spearing season length as affected by s NR 20.33(5);

Section 46 clarifies the boundary separating muskellunge regulations on Lake Michigan;

Sections 47, 48, 49 and 50 authorize the use of hook and line to fish for minnows;

Sections 53, 54 and 55 authorize dip netting for suckers and other rough fish at any time on Lake Michigan, Green Bay and their tributaries;

Sections 56 and 57 reinstate an open season for white perch on Green Bay and expand the open season to tributaries of Lake Michigan and Green Bay;

Sections 58 and 59 clarify the departments authority to specify conditions on raising and emptying minnows traps used under a permit;

Sections 59m and 60 correct a cross-reference related to penalties for non-compliance of fishing tournament permits;

Section 61 eliminates the sunset on the fishing tournament permit program;

Sections 62 and 63 correct the opening date for the walleye and northern pike fishing season on the St. Croix river boundary waters with Minnesota;

Section 64 clarifies the prohibition on snagging in the Wisconsin-Minnesota boundary waters. This restriction was inadvertently removed in a previous revision;

Section 65 clarifies the prohibition on fishing by means other than hook and line within 200 feet of a fishway, lock or dam on the Wisconsin-Minnesota boundary waters. This restriction was inadvertently removed in a previous revision;

Section 66 corrects an inaccurate cross-reference regarding netting restrictions on Wisconsin-Minnesota boundary waters;

Section 67 eliminates the fish rearing pond grants program, which was repealed by 1995 Act 27.

SECTION 1. NR 20.03(17) is amended to read:

NR 20.03(17) "Lake Michigan" means those waters of Lake Michigan located east of the Green Bay-Lake Michigan line and those waters of the Sturgeon Bay ship canal east of a line located directly beneath the center of the Wisconsin public service company power lines.

SECTION 2. NR 20.03(19) is amended to read:

NR 20.03(19) "Lake Winnebago system" means Lakes Buttes des Morts lake, Winneconne lake, Poygan lake, Winnebago lake and all their tributaries from their mouths upstream to the first dam including the Fox river from Lake Winnebago upstream to the (Wick's landing?) dam above Princeton and all its tributaries from their mouths upstream to the first dam and the Wolf river from its mouth upstream to the dam in the city of Shawano and all its tributaries from their mouths upstream to the first dam including Cincoe lake, Partridge Crop lake and Partridge lake in Calumet, Fond du Lac, Green Lake, Marquette, Outagamie, Shawano, Waupaca, Waushara and Winnebago counties.

SECTION 3. NR 20.03(22) is amended to read:

NR 20.03(22) "Mendota lake" means Mendota lake, Cherokee lake, Warner Park lagoons, Pheasant Branch creek from its mouth upstream to county highway M, Sixmile creek from its mouth upstream to state highway 19 ~~in sec. 8~~, and Yahara river from its mouth upstream to state highway 19, Dane county.

SECTION 4. NR 20.03(37m) is created to read:

NR 20.03(37m) "Sheboygan marsh" means waters within the area commonly known as Sheboygan Marsh county park including Sheboygan lake and its tributaries upstream to the first road crossing.

SECTION 5. NR 20.03(42) is amended to read:

NR 20.03(42) "Unattended line" means a fishing line to which no person is the person using the line is not actively directing his or her attention.

SECTION 6. NR 20.03(43) is created to read:

NR 20.03(43) "Yellowstone lake" means Yellowstone lake and the Yellowstone river from Yellowstone lake upstream to county highway F.

SECTION 7. NR 20.05(1) is amended to read:

NR 20.05(1) Fish by any means other than hook and line except as specifically authorized in ~~s. NR 20.20~~ subch. III.

SECTION 8. NR 20.05(4) is amended to read:

NR 20.05(4) Fish for any species of fish at any time other than during the open season for that species of fish.

SECTION 9. NR 20.06(5) is amended to read:

NR 20.06(5) Use a gaff in any manner other than for landing a fish that is legally hooked unless specifically authorized in s. NR 20.20.

SECTION 10. NR 20.08(2) is amended to read:

NR 20.08(2) Use alewife as bait or possess alewife in any form or manner on any water of the state except Lake Michigan, Lake Michigan tributaries and Green Bay, major Green Bay tributaries, and all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake.

SECTION 11. NR 20.09(3) is amended to read:

NR 20.09(3) Spear any game fish except that white bass, yellow bass, rock bass, panfish and bullheads may be speared while skin diving or scuba diving ~~in inland waters~~ during the open season for rough fish spearing on waters specified in s. NR 20.20.

SECTION 12. NR 20.10(4) is amended to read:

NR 20.10(4) Possess a validated sturgeon carcass tag in whole unless it is attached to a legally killed sturgeon ~~while sturgeon spearing~~.

SECTION 13. NR 20.10(5) is amended to read:

NR 20.10(5) Possess a speared sturgeon unless immediately validating the sturgeon carcass tag by ~~splitting~~ slitting the marks designating the month, day, time and location of kill and immediately attaching the validated tag to the sturgeon carcass. Failure to completely validate the sturgeon carcass tag and immediately attach the tag to the sturgeon carcass renders the possession of the sturgeon illegal and the sturgeon carcass tag invalid. A sturgeon carcass tag shall be issued with each sturgeon spearing license and shall remain intact until the spearer spears a sturgeon.

SECTION 14. NR 20.10(6) is amended to read:

NR 20.10(6) Transport ~~any a sturgeon in or on any motor-driven vehicle~~ any manner from the time the sturgeon is taken to the time it is lawfully registered pursuant to sub. (10) unless the sturgeon is carried openly exposed and in a manner so that the sturgeon carcass tag attached to the sturgeon cannot be handled or manipulated ~~by any occupant of the vehicle~~.

SECTION 15. NR 20.10(10) is amended to read:

NR 20.10(10) Possess a sturgeon unless each person who has speared a sturgeon during the open season for spearing sturgeon ~~shall exhibit~~ exhibits the sturgeon, with the person's sturgeon carcass tag attached as required by s. 29.237, Stats., to a warden or other authorized department personnel at an official sturgeon registration station. Sturgeon shall be intact and registered at a station on Lake Winnebago if speared in Lake Winnebago. Sturgeon shall be intact and registered at a station on Lake Butte des Morts, Winneconne or Poygan if speared in Lake Butte des Morts, Winneconne or Poygan. Sturgeon shall be exhibited at a sturgeon registration station not later than 6:00 p.m. on the day speared. The registration tag shall remain attached and locked to the sturgeon until the carcass is prepared for final consumption.

SECTION 16. NR 20.10(11) is amended to read:

NR 20.10(11) Attempt to register a sturgeon unless the license information can be verified. The station operator shall ~~complete and retain the registration portion of the sturgeon license~~ collect biological information, lock a registration tag to the carcass immediately in front of the tail and remove the validation portion of the sturgeon carcass tag leaving the remainder of

the sturgeon carcass tag attached to the sturgeon.

SECTION 17. NR 20.11(1) (a) is amended to read:

NR 20.11(1) No person may construct, place, use, maintain or occupy a fishing shelter on the ice of any waters of this state unless:

(a) The name and residential address in the English language of the person owning or using the fishing shelter is legibly painted or permanently affixed on the outside of the fishing shelter with block lettering a minimum of one inch square and in contrasting colors. Fishing shelters that are removed from the ice daily or when not occupied or otherwise in use are exempt from this requirement.

SECTION 18. NR 20.12(2)(h) is amended to read:

NR 20.12(2)(h) Use, set, lift or attend a set or bank pole or setline that ~~has stainless steel hooks or~~ is equipped with any hooks that have a gap between the ~~shank and the point~~ juncture of the barb with the shank measured across to the opposite shank smaller than $\frac{3}{4}$ inch except that on the Mississippi river ~~stainless steel hooks may be used and~~ there is no hook size restriction.

SECTION 19. NR 20.12(4)(b) is amended to read:

NR 20.12(4)(b) Turtles during the open season specified in s. NR 19.275.

SECTION 20. NR 20.13(6) is amended to read:

NR 20.13(6) Fish with hook and line from any boat ~~that has a dip net attached while in possession of a dip net.~~

SECTION 21. NR 20.13(7) is amended to read:

NR 20.13(7) Leave a dip net or seine unattended within 25 feet of the edge of the water ~~on outlying waters, Lake Michigan tributaries, Green bay and its tributaries.~~

SECTION 22. NR 20.14(3) is amended to read:

NR 20.14(3) Set, use or operate minnow traps in any water that ~~has been~~ is posted as having been chemically treated to reestablish a trout fishery.

SECTION 23. NR 20.14(6) is amended to read:

NR 20.14(6) Set, use or operate minnow traps in trout streams during the closed season for trout ~~except licensed bait dealers~~ unless issued a permit by the department under s. NR 20.39. The permit authorizing placement of minnow traps in trout streams during the closed season for trout shall specify conditions on raising the traps and removing minnows.

SECTION 24. NR 20.15 is renumbered NR 20.16.

SECTION 25. NR 20.15 is created to read:

NR 20.15 **Authorized methods.** A person may do any of the following:

- (1) Take rough fish by hand at any time in all waters except within 200 feet of a lock or dam.
- (2) Use any fish for bait provided the fish was lawfully obtained and legal to possess pursuant to all the restrictions set forth in this chapter.
- (3) Spear white bass, yellow bass, rock bass, panfish and bullheads while skin diving or scuba diving during the open season for rough fish spearing as specified in s. NR 20.20.

SECTION 26. NR 20.20(1)(e), (11)(h), (12)(e)1. and 3., (13)(f)1. and 3., (14)(d), (22)(e)1., (23)(d)1. and 3., (25)(f)1. and 3., (28)(d), (30)(d), (33)(e)1. and 4., (39)(e), (41)(b), (46)(b), (52)(e), (53)(e)1. and 3., (54)(d), (56)(g)1. and 4., (59)(d), (63)(b), (65)(e), (67)(b), (68)(e), (69)(e)1. and 3., and (70)(e)2. and 4. are repealed.

SECTION 28. NR 20.20(9)(a)1. is amended to read:

(9) CHIPPEWA (for species or waters not listed, see sub.(73))

(a) All species	1. Chippewa river downstream from Holcombe flowage including sloughs, bayous and flowages up to the flowing portion of all tributary streams; Chain lake, Long lake (T32N R8W) including Herde lake	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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SECTION 29. NR 20.20(16)(a)2. a. is amended 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.

(a) All species	2. Brule river downstream from U.S. hwy 2	a. Hook and line fishing is allowed from one-half hour before sunrise to one-half hour after sunset during the period from the Saturday <u>nearest April 1 last Saturday in March</u> to November 15	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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SECTION 30. NR 20.20(19)(d)7. and 8. are amended to read:

(19) FLORENCE (for species or waters not listed, see sub.(73))

(d) Trout and salmon	7. Fisher lake, Patten lake, Pine River flowage	a. Hook and line.	First Saturday in May to September 30	None <u>10 but only 5</u> <u>brown trout and rainbow trout</u>	10 but only 5 brown trout and rainbow trout <u>None</u>
	8. All other waters	a. Hook and line.	First Saturday in May to September 30	None <u>10 but only 5</u> <u>brown trout and rainbow trout</u>	10 but only 5 brown trout and rainbow trout <u>None</u>

SECTION 31. NR 20.20(20)(b)2. is amended to read:

(20) FOND DU LAC (for species or waters not listed, see sub.(73))

(b) Largemouth and smallmouth bass	2. Mullet <u>Mullet</u> lake, Rock river including Horicon marsh	a. Hook and line.	Continuous	5 in total	14
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SECTION 32. NR 20.20(20)(c)2. is amended to read:

(20) FOND DU LAC (for species or waters not listed, see sub.(73))

(c) Northern pike	2. Mullet <u>Mullet</u> lake, Rock river including Horicon marsh	a. Hook and line	Continuous	2	26
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SECTION 33. NR 20.20(20)(f)2. is amended to read:

(20) FOND DU LAC (for species or waters not listed, see sub.(73))

(f) Walleye, sauger and hybrids	2. Mullet <u>Mullet</u> lake, Rock river including Horicon marsh	a. Hook and line	Continuous	5 in total	None
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SECTION 36. NR 20.20(44)(b)3. is amended to read:

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

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|------------------------------------|---------------------|------------------------------------|--|------------|----|
| (b) Largemouth and smallmouth bass | 3. Little Bass lake | a. Hook and line. | First Saturday in May to March 1 <u>Friday preceding the third Saturday in June</u> | 0 | |
| | | Only artificial lures may be used. | | | |
| | | | Third Saturday in June to March 1 | 5 in total | 14 |

SECTION 37. NR 20.20(44)(c)2., as affected by department order FH-07-01, Clearinghouse Rule 01-013, is amended to read:

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

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|-----------------|---|------------------|--|------------|----|
| (c) Muskellunge | 2. Bridge lake, Buckskin lake, <u>Julia lake (T38N R11E S12)</u> , Katherine lake, Nokomis lake upstream to Prairie Rapids road, Rainbow flowage, Rice River flowage, Stella lake, Two Sisters lake | a. Hook and line | Saturday nearest Memorial day to November 30 | 1 in total | 40 |
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SECTION 39. NR 20.20(45)(g)1. is amended to read:

(45) OUTAGAMIE (for species or waters not listed, see sub.(73))

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|---------------------------------|--------------|------------------|------------|------------|--|
| (g) Walleye, sauger and hybrids | 1. Fox river | a. Hook and line | Continuous | 5 in total | 15 <u>None, pursuant to s. NR 20.35</u> |
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SECTION 40. NR 20.20(54)(b)1. is amended to read:

(54) ROCK (for species or waters not listed, see sub.(73))

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|------------------------------------|---|------------------|------------|------------|-------------------------|
| (b) Largemouth and smallmouth bass | 1. Koshkonong lake, Rock lake , Rock river | a. Hook and line | Continuous | 5 in total | 15 <u>14</u> |
|------------------------------------|---|------------------|------------|------------|-------------------------|

SECTION 41. NR 20.20(54)(c)1. is amended to read:

(54) ROCK (for species or waters not listed, see sub.(73))

(c) Northern pike	1. Koshkonong lake, Rock lake , Rock river	a. Hook and line	Continuous	2	26
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SECTION 42. NR 20.20(64)(b)1.b. is amended to read:

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

(b) Cisco and whitefish	1. Trout lake	b. Dip netting, seining with a <u>seine not more than 75 feet in length, 6 feet in depth with mesh not to exceed 2 inch stretch measure.</u>	Saturday nearest October 10 to February 1	10 in total	None
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SECTION 43. NR 20.20(70)(f)1. is amended to read:

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

(f) Trout and Salmon	1. Pine river upstream from Wild Rose millpond, Soules creek upstream from Wautoma millpond	a. Hook and line. Only artificial lures with barbless hooks may be used.	First Saturday in May at 5:00 a.m. to September 30	0, all trout caught shall be immediately released	--
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SECTION 44. NR 20.20(71)(g)1. is amended to read:

(71) WINNEBAGO (for species or waters not listed, see sub.(73))

(g) Walleye, sauger and hybrids	1. Fox river downstream from Neenah-Menasha dam including <u>Little Lake</u> Butte des Morts lake	a. Hook and line	Continuous	5 in total	15 <u>None, pursuant to s. NR 20.35</u>
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SECTION 45. NR 20.20(73)(e)2.b. and c. are amended to read:

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

(e) Lake sturgeon	2. Lake Winnebago system waters	b. Spearing on <u>Lakes Poygan lake, Winneconne lake, and Butte des Morts lake</u>	February 12 and February 13, 2000 <u>Second Saturday and consecutive Sunday in February 2000 and every fifth year thereafter</u>	1 per season, regardless of the water in which speared	36
		c. Spearing on Lake Winnebago	<u>Second Saturday in February and continuing for 16 consecutive days unless closed pursuant to s. NR 20.33(5)</u>	1 per season, regardless of the water in which speared	36

SECTION 46. NR 20.20(73)(g)1. is amended to read:

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

(g) Muskellunge	1. Green Bay, Lake Michigan waters and Lake Michigan tributaries north of U.S. hwy. 10 <u>a line running due east from the eastern terminus of Waldo boulevard in the city of Manitowoc, Lake Michigan tributaries north of U.S. hwy. 10 upstream to the first dam or lake, all tributary streams rivers and ditches to Green Bay upstream to the first dam or lake</u>	a. Hook and line.	<u>Saturday nearest Memorial day to November 30</u>	1	40
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SECTION 47. NR 20.20(73)(h)3. is amended to read:

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

(h) Minnows	3. Lake Michigan tributaries, Major Green Bay tributaries	a. Hook and line, Minnow minnow dip netting, minnow trapping and minnow seining for suckers only.	Continuous	600 suckers in total	None
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SECTION 48. NR 20.20(73)(h)4.b. is created to read:

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

(h) Minnows	4. All other Green Bay tributaries upstream to the first dam or lake	b. Hook and line for suckers only.	First Saturday in May to March 1	600 suckers in total	None
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SECTION 49. NR 20.20(73)(h)5. is amended to read:

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

(h) Minnows	5. Trout streams and tributary spring holes inhabited by trout	a. Hook and line, Minnow minnow trapping. No more than 3 traps per person. Traps shall <u>must</u> be raised and emptied at least once every 24 hours.	During the open season for trout	600 in total	None
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SECTION 50. NR 20.20(73)(h)6. is amended to read:

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

(h) Minnows	6. All other waters not listed in subs. (1) to (72) or this paragraph	a. Dip Hook and line, minnow dip netting, minnow seining, minnow trapping. Traps shall <u>must</u> be raised and emptied at least once every 48 hours.	Continuous	600 in total	None
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SECTION 51. NR 20.20(73)(j)1. is amended to read:

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

(j) Panfish	1. <u>Green Bay and major Green Bay tributaries</u>	a. Hook and line,	Continuous, but the open season for yellow perch is May 20 to March 15	25 in total	None
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SECTION 52. NR 20.20(j)2., 3.b., 6.b. and (k)3.b. are repealed.

SECTION 53. NR 20.20(73)(L)1. and 2. are amended to read:

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

(L) Rough fish	1. Green Bay, Lake Michigan	a. Hook and line, by hand, spearing, dip netting at any time for smelt, dip netting sunrise to sunset only for other rough fish.	Continuous	None	None
		b. Seining at any time with seines not more than 75 feet in length and 6 feet in depth 1500 feet or more below the DePere dam.	April 1 to May 25	None	None
		c. Gaffing sunrise to sunset for carp only.	Through the ice	None	None
	2. <u>Major Green Bay tributaries, Lake Michigan tributaries</u>	a. Hook and line, by hand, dip netting at any time for smelt and sunrise to sunset only for suckers 500 feet or more below the first upstream dam or up to 5 miles <u>straight inland from the mouth, whichever is less,</u> dip netting sunrise to sunset only for other rough fish.	Continuous	None	None

b. Spearing.

<p><u>Continuous for Lake Michigan tributaries in Kenosha, Milwaukee, Ozaukee, Racine and Sheboygan counties; April 21 to March 1 for all other tributaries but the Oconto river west of hwy. 141, Oconto county, has no open season for spearing</u></p>	<p>None</p>	<p>None</p>
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SECTION 54. NR 20.20(73)(L)3.c. is amended to read:

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

<p>(L) Rough fish</p>	<p>3. All other tributary streams and ditches to Green Bay upstream to the first dam or lake</p>	<p>c. Dip netting at any time for smelt and suckers 500 feet or more below the first upstream dam or up to 5 miles <u>straight inland from the mouth, whichever is less.</u></p>	<p>Continuous</p>	<p>None</p>	<p>None</p>
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SECTION 55. NR 20.20(73)(L)4. is repealed.

SECTION 56. NR 20.20(73)(m)1. is amended to read:

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

<p>(m) Ruffe, white perch and gobies</p>	<p>1. <u>Lake Michigan, Green Bay, Lake Michigan tributaries, major Green Bay tributaries</u></p>	<p>a. Hook and line.</p>	<p>Continuous for white perch, no open season for ruffe or gobies</p>	<p>None</p>	<p>None</p>
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SECTION 57. NR 20.20(73)(m)1m. is created to read:

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

<p>(m) Ruffe, white perch and gobies</p>	<p>1m. All other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake</p>	<p>a. Hook and line.</p>	<p>First Saturday in May to March 1 for white perch, no open season for ruffe or gobies</p>	<p>None</p>	<p>None</p>
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SECTION 58. NR 20.39(1) is amended to read:

NR 20.39(1) The department may issue a permit to a licensed bait dealer for the taking of minnows with minnow seines, minnow dip nets or minnow traps which are otherwise prohibited by s. NR 20.14. ~~Permits authorizing placement of minnow traps in trout streams during the closed season for trout shall specify conditions on raising the traps and removing minnows.~~ Applications shall be submitted on forms available from the department to the regional office having jurisdiction over the affected waters.

SECTION 59. NR 20.39(1)(b)3m. is created to read:

NR 20.39(1)(b)3m. Specify conditions on raising the traps and removing minnows.

SECTION 59m. NR 20.40(4)(b) is amended to read:

NR 20.40(4)(b) Permits shall be granted unless the sponsor's privilege has been revoked pursuant to sub ~~(9)~~ (8).

SECTION 60. NR 20.40(5) is amended to read:

NR 20.40(5) COMPLIANCE. All participants in a permitted tournament shall comply with all provisions of the permit. In the event that a participant clearly fails to comply with the permit, the violating participant shall promptly be disqualified or expelled from the tournament by the sponsor. The department may impose penalties under sub. ~~(9)~~ (8) and take other appropriate enforcement action against the violating participant.

SECTION 61. NR 20.40(9) is repealed.

SECTION 62. NR 21.04(2)(a) is amended to read:

(2) WALLEYE AND SAUGER

a. St. Croix river downstream to Prescott	<u>First Saturday nearest</u> <u>in May 1 to March 1</u>	6 in aggregate	No size limit for sauger, 15 for walleye
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SECTION 63. NR 21.04(3)(a) is amended to read:

(3) NORTHERN PIKE

a. St. Croix river downstream to Prescott	<u>First Saturday nearest</u> <u>in May 1 to March 1</u>	5	No size limit
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SECTION 64. NR 21.06(4) is created to read:

NR 21.06(4) No person may fish by snagging, foul hooking or attempting to hook fish other than in the mouth. Possessing, retaining or failing to immediately release fish hooked other than in the mouth is prohibited.

SECTION 65. NR 21.065 is created to read:

NR 21.065 Fishing near dams. Notwithstanding ss. NR 21.11 and 21.15, which remain in effect, no person may fish within 200 feet of any fishway, lock or dam by any means other than hook and line.

SECTION 66. NR 21.11(2)(a) is amended to read:

NR 21.11(2)(a) Gill nets may be used year round on the Mississippi river, except for the areas listed in pars. (b) and (c). No person may engage in drive netting of fish from the closed areas listed in par. (b) ~~or (c)~~.

SECTION 67. NR 50.20 is repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2001.

The foregoing rules shall take effect on April 1, 2002 except section 61, which shall take effect on December 31, 2001 as provided in s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)

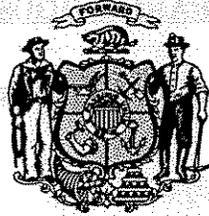
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

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 01-012

AN ORDER to repeal NR 20.20 (1) (e), (11) (h), (12) (e) 1. and 3., (13) (f) 1. and 3., (14) (d), (22) (e) 1., (23) (d) 1. and 3., (25) (f) 1. and 3., (28) (d), (30) (d), (33) (e) 1. and 4., (39) (e), (41) (b), (46) (b), (52) (e), (53) (e) 1. and 3., (54) (d), (56) (g) 1. and 4., (59) (d), (63) (b), (65) (e), (67) (b), (68) (e), (69) (e) 1. and 3., (70) (e) 2. and 4., (73) (j) 2., 3. b. and 6. b., (k) 3. b. and (L) 4., 20.40 (9) and 50.20; to renumber NR 20.15; to amend NR 20.03 (17), (19), (22) and (42), 20.05 (1) and (4), 20.06 (5), 20.08 (2), 20.09 (3), 20.10 (4), (5), (6), (10) and (11), 20.11 (1) (a), 20.12 (2) (h) and (4) (b), 20.13 (6) and (7), 20.14 (3) and (6), 20.20 (9) (a) 1., (16) (a) 2. a., (19) (d) 7. and 8., (20) (b) 2., (c) 2. and (f) 2., (44) (b) 3., (c) 2. and (g) 3., (45) (g) 1., (54) (b) 1. and (c) 1., (64) (b) 1. b., (70) (f) 1., (71) (g) 1., (73) (e) 2. b. and c., (g) 1., (h) 3., 5. and 6., (j) 1., (L) 1., 2. and 3. c. and (m) 1., 20.39 (1), 20.40 (5), 21.04 (2) (a) and (3) (a) and 21.11 (2) (a); and to create NR 20.03 (37m) and (43), 20.15, 20.20 (73) (m) 1m. and (h) 4. b., 20.39 (1) (b) (3m), 21.06 (4) and 21.065, relating to fishing on the inland, outlying and boundary waters of Wisconsin and fish rearing pond grants.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-06-01 RECEIVED BY LEGISLATIVE COUNCIL.

03-02-01 REPORT SENT TO AGENCY.

RNS:AS:jal

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

Fiscal Estimate — 1999 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 20, 21, 50

Subject
 Housekeeping changes to Chs. NR 20, 21, and 50 relating to sport and commercial fishing.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory
3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

- Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF RULE: The Department is seeking public hearing authorization on revisions to Wisconsin Administrative Code Chs. NR 20, 21, and 50 relating to sport and commercial fishing on the inland, outlying, and boundary waters of Wisconsin

These changes were suggested by Department law enforcement and fisheries staff after review of chapter NR 20, which was recently rewritten, in order to make minor corrections and simplify existing rules where possible. Several minor substantive, non-controversial changes are also recommended based upon this extensive review of chapter NR 20.

FISCAL EFFECT: None.

Long-Range Fiscal Implications

None.

Prepared By: Joe Polasek, Dir., Div. of Mgt. & Budget	Telephone No. 608/266-2794	Agency Dept. of Natural Resources
Authorized Signature 	Telephone No. 608/266-2794 4	Date (mm/dd/ccyy) 12/18/2000

Eskeitz, Anne

From: Simonson, Timothy D
Sent: Monday, June 18, 2001 9:22 AM
To: Eskeitz, Anne
Subject: FW: DNR Rule in Environmental Resources Committee

Anne - Carol Turner asked me to contact you. I was on leave Friday - I hope this response isn't too late.

RE: CR-01-012 - The intent of the amendments on pages 14 and 15 (sections 53, 54, and 55) are to allow people to dip net for suckers (rough fish) at night. This is a long-standing practice that has been commonly done by many people over the years. Our Law Enforcement staff have generally overlooked the activity because of the exception for smelt (also a rough fish), which could be taken at night. Allowing night netting for smelt but not for suckers made it difficult to establish exactly what people were doing, without intense observations. This rule change simplifies things by allowing all rough fish to be taken at any time (day or night) from Lake Michigan and its tributaries.

Please give me a call at 6-5222 if you have any questions or need more information. Tim

From: Turner, Carol J
Sent: Friday, June 15, 2001 11:47 AM
To: Simonson, Timothy D
Subject: FW: DNR Rule in Environmental Resources Committee

Tim, can you call Sen. Baumgart today?

From: Eskeitz, Anne
Sent: Friday, June 15, 2001 11:22 AM
To: 'DNR Rules - Carol Turner'; Heinen, Paul H
Subject: DNR Rule in Environmental Resources Committee

Senator Baumgart has some questions on the following rule referred to the committee:

CR-01-012, relating to fishing on the inland, outlying and boundary waters of Wisconsin & fish rearing pond grants.

Could you have someone call him today if possible. He will be here until 3 PM>

He has questions on certain sections of the rule on page 14 and 15 - re to the crossing out of "for smelt, dip netting sunrise to sunset only for other rough fish"

Thanks Anne