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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate, or Joint)

Committee on ... Environment and Natural Resources (SC-ENR)

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (July/2014)

Senate

Record of Committee Proceedings

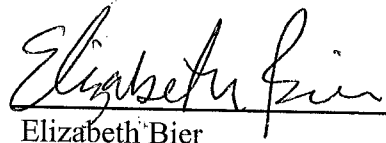
Committee on Environment and Natural Resources

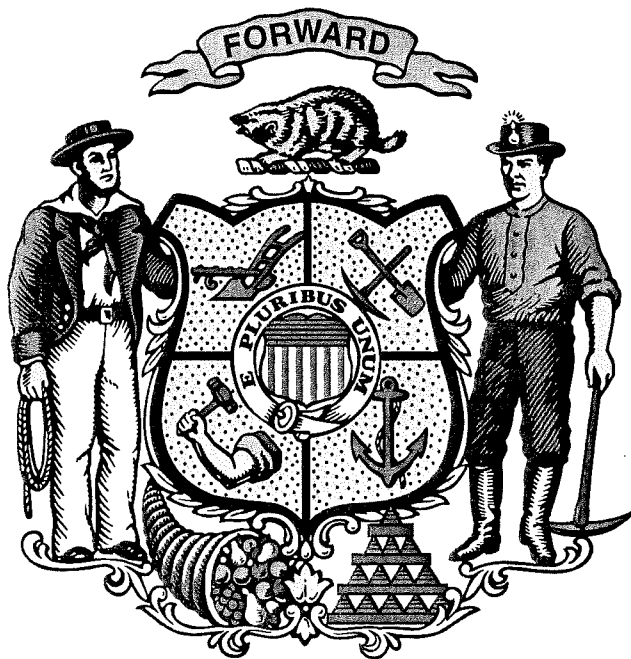
Clearinghouse Rule 07-014

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin.
Submitted by Department of Natural Resources.

July 23, 2007 Referred to Committee on Environment and Natural Resources.

August 23, 2007 No action taken.


Elizabeth Bier
Committee Clerk



REPORT TO LEGISLATURE

NR 20 and 26, Wis. Adm. Code
Fishing on the inland, outlying and boundary waters of Wisconsin

Board Order No. FH-15-07
Clearinghouse Rule No. 07-014

Basis and Purpose of the Proposed Rule

The proposed rules were presented at the annual Spring Fish and Wildlife Hearing and received favorable public response and are consistent with the management efforts of the Bureau of Fisheries Management and Law Enforcement. The regulations modifications include:

Statewide and boundary water proposals:

1. Eliminate restriction on maximum allowable size of landing nets. Current administrative code stipulates that landing nets may not exceed 36" diameter. Many modern landing nets, particularly those used by musky anglers exceed 36", and the Bureau of Fisheries Management and Law Enforcement perceive that use of large landing nets presents no risks to the resource.
2. Implement 50" minimum size limit for muskellunge, St. Louis River. This proposal is being made concurrently with a proposal initiated by the Minnesota Department of Natural Resources to implement a 50" minimum size limit for muskellunge in the St. Louis River.
3. Stipulate that spears and arrows used for fishing have barbed tips. This proposal is intended to clarify the definition of a legal spear used for fishing and to be consistent with the barbed tip requirement created for arrows used for bowfishing under 2005 Wisconsin Act 291.

Local Proposals:

1. Increase the daily bag limit for walleye, sauger, and their hybrids in Mineral Lake, Ashland county, from 3 fish to 5 fish and replace the current 18 inch minimum size limit with no minimum, but only one fish larger than 14 inches may be kept.
2. Authorize seining and dipnetting for rainbow smelt in Beaver Dam lake, Barron county, with a continuous open season and no restrictions on harvest hours. A maximum allowable size for seines is specified.
3. Create a 26 inch minimum size limit for trout in Beaver Dam Lake, Barron county, with a 1 fish daily bag limit, and create a 15 inch minimum size limit for trout in the Hay River, Barron county, with a 1 fish daily bag limit.
4. Create an 18 inch minimum size limit for walleye in the Red Cedar chain of lakes (lakes Balsam, Red Cedar, and Hemlock), Barron and Washburn counties.
5. Reduce the daily bag limit for panfish in Middle Eau Claire and Bony lakes, Bayfield county, from 25 fish to 10 fish.
6. Extend the 45 inch minimum length limit for muskellunge in Lake Monona, Waubesa, and Wingra to tributaries and connecting waters of those lakes.
7. Implement minimum size and bag limits for brown trout and lake trout, and an 18 inch minimum size limit and 3 fish daily bag limit for walleye in Keyes Lake, Florence county.

8. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Kettle Moraine and Long lakes, Fond Du Lac county and replace those restrictions with no minimum size limit and a 5 fish daily bag limit.
9. Increase the daily bag limit for largemouth and smallmouth bass in the Gile flowage, Iron county, from 2 fish to 3 fish, aggregate, and change the 15 inch minimum size limit to no minimum, but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.
10. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in the Buffalo (upstream of highway 93) and Trempealeau rivers (upstream of the dam in Blair), Jackson and Trempealeau counties, and replaces those restrictions with no minimum size limit and a 5 fish daily bag limit
11. Eliminate special regulations for trout on a section of the Prairie river, Lincoln county.
12. Implement a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Big Bass and Mission lakes, Marathon county, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.
13. Eliminate special regulations for trout in Plum creek, Pepin county, eliminate special regulations for trout in the Kinnickinnic River and Plum creek in St. Croix county, and change trout regulations on reaches of the Kinnickinnic River in Pierce county.
14. Implement a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Pipe Lake, Polk county, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.
15. Reduce the daily bag limit for panfish from 25 fish to 10 fish in all inland waters of St. Croix county and Cedar Lake, which is in Polk and St. Croix counties.
16. Implement a 3 fish daily bag limit for walleye in Cedar Lake, Polk and St. Croix counties, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.
17. Implement a 5 fish daily bag limit for walleye in Butternut Lake, Price county, with no minimum size limit but only one fish larger than 14 inches may be kept.
18. Implement restrictive bag and size limits for panfish, largemouth and smallmouth bass and northern pike in Eagle lake, Racine county.
19. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Crystal Lake, Sheboygan county and replace those restrictions with no minimum size limit and a 5 fish daily bag limit.
20. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Little Cedar Lake, Washington county and replace those restrictions with no minimum size limit and a 5 fish daily bag limit.
21. Create three fish refuges below dams in the Sugar River, Green county, and create a fish refuge on the Yahara River below the Dunkirk dam, Dane county.

Summary of Public Comments

A public hearing was held in each county of the state on April 16, 2007. Public input was collected through electronic ballots distributed at each meeting, and also through written comments received by the Bureau of Fisheries Management before April 17, 2007. Results of the public hearings are included at the end of this document. Local proposals were recommended for adoption only if the local and regional response was favorable. Two written comments were received opposing changes suggested for Prairie River trout regulations, both from individuals advocating for no changes to the current regulations. However, public response to proposed changes at the hearings was favorable in Lincoln county, the Northern Region and statewide.

A petition of 186 signatures was received opposing reduction of the daily bag limit for panfish in St. Croix county lakes. This petition was considered in conjunction with the statewide and regional results of the public hearing. Although the petition was primarily circulated in St. Croix and Polk counties, it was inconsistent with the more than 2-1 support of hearing attendees in those counties. Regional response was also solidly in favor of the rule change proposal. The Bureau of Fisheries Management considers the proposed management strategy the most prudent available for panfish in St. Croix county and consequently recommended proceeding with the change.

Modifications Made

A proposal to implement a closed season for bass, walleye, and northern pike in the Yellowstone River failed to generate positive public response in Lafayette county and two of three surrounding counties and, therefore, was dropped from the proposed rule.

Appearances at the Public Hearing

Over 3,400 people attended the public hearings. The following public comment summary details the number of people in support or opposition for each proposal.

Changes to Rule Analysis and Fiscal Estimate

No changes were required.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. Therefore, a final regulatory flexibility analysis is not required.

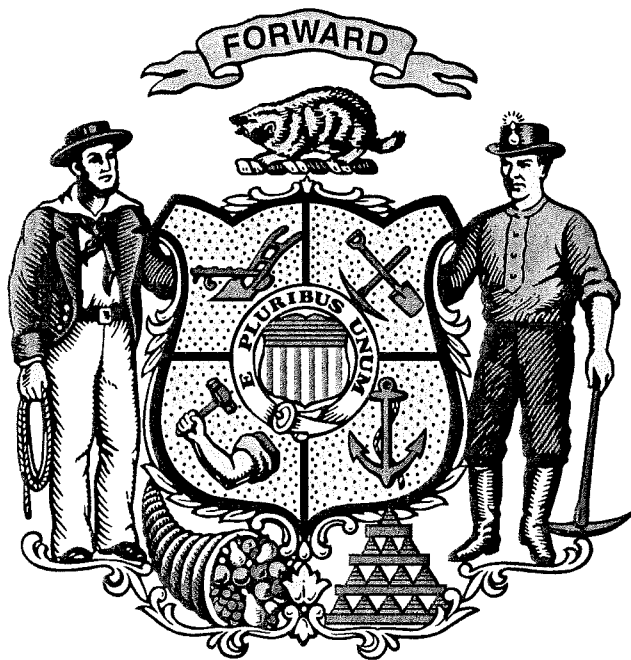
| <u>Proposal</u> | <u>Statewide</u> | | <u>Region</u> | | <u>County</u> | |
|--|------------------|-----|---------------|-----|---------------|----|
| | Yes | No | Yes | No | Yes | No |
| <p>1. Eliminate restriction on maximum allowable size of landing nets. Current administrative code stipulates that landing nets may not exceed 36" diameter. Many modern landing nets, particularly those used by musky anglers exceed 36", and the Bureau of Fisheries Management and Law Enforcement perceive that the use of large landing nets presents no risk to the resource.</p> | 2769 | 717 | 403 | 145 | | |
| <p>2. Implement 50" minimum size limit for muskellunge, St Louis River. This proposal is being made concurrently with a proposal initiated by the Minnesota Department of Natural Resources to implement a 50" minimum size limit for muskellunge in the St. Louis River.</p> | 2101 | 895 | 65 | | | |
| <p>3. Stipulate that spears and arrows used for fishing have barbed tips. This proposal is intended to clarify the definition of a legal spear used for fishing and to be consistent with the barbed tip requirement created for arrows used for bowfishing under 2005 Wisconsin Act 291.</p> | 2946 | 448 | 72 | | | |
| <p>4. Increase the daily bag limit for walleye, sauger, and their hybrids in Mineral Lake, Ashland County, from 3 fish to 5 fish and replace the current 18 inch minimum size limit with no minimum, but only one fish larger than 14 inches may be kept.</p> | 1400 | 526 | 66 | 82 | 18 | 5 |
| <p>5. Authorize seining and dipnetting for rainbow smelt in Beaver Dam Lake, Barron County, with a continuous open season and no restrictions on harvest hours. A maximum allowable size for seines is specified.</p> | 1321 | 435 | 68 | 54 | 30 | 5 |

| <u>Proposal</u> | <u>Statewide</u> Counties | | <u>Region</u> | | <u>County</u> | |
|--|------------------------------|-----|---------------|-----|---------------|--------|
| | Yes | No | Yes | No | Yes | No |
| 6. Create a 26 inch minimum size limit for trout in Beaver Dam Lake, Barron County, with a 1 fish daily bag limit, and create a 15 inch minimum size limit for trout in the Hay River, Barron County, with a 1 fish daily bag limit. | 1454 | 302 | 264 | 39 | 33 | 2 |
| 7. Create an 15 inch minimum size limit for brook trout in the Hay River, Barron County. | 1279 | 428 | 196 | 70 | 27 | 8 |
| 8. Create an 18 inch minimum size limit for walleye in the Red Cedar chain of lakes (lakes Balsam, Red Cedar, and Hemlock), Barron and Washburn counties. | 1124 | 553 | 196 | 70 | 29 17 | 4 6 |
| 9. Reduce the daily bag limit for panfish in Middle Eau Claire and Bony lakes, Bayfield County, from 25 fish to 10 fish. | 1150 | 609 | 260 | 82 | 32 | 5 |
| 10. Extend the 45 inch minimum length limit for muskellunge in Lake Monona, Waubesa, and Wingra to tributaries and connecting waters of those lakes. | 1470 | 495 | 368 | 104 | 149 | 31 |
| 11. Create a fish refuge on the Yahara River below the Dunkirk dam, Dane County. | 1355 | 390 | 344 | 100 | 154 | 25 |
| 12. Implement minimum size and bag limits for brown trout and lake trout in Keyes Lake, Florence County. | 1072 | 441 | 189 | 54 | 30 | 3 |
| 13. Implement an 18 inch minimum size limit and 3 fish daily bag limit for walleye in Keyes Lake, Florence County. | 1027 | 495 | 179 | 61 | 29 | 4 |

| <u>Proposal</u> | <u>Statewide</u> Counties | | <u>Region</u> | | <u>County</u> | |
|---|------------------------------|-----|---------------|-----|---------------|----|
| | Yes | No | Yes | No | Yes | No |
| 14. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Kettle Moraine Lake, Fond Du Lac County and replace those restrictions with no minimum size limit and a 5 fish daily bag limit. | 1267 | 368 | 405 | 95 | 37 | 5 |
| 15. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Long Lake, Fond Du Lac County and replace those restrictions with no minimum size limit and a 5 fish daily bag limit. | 1267 | 371 | 407 | 94 | 38 | 4 |
| 16. Create a fish refuge below the Albany dam in the Sugar River, Green County. | 1106 | 333 | 296 | 92 | 37 | 9 |
| 17. Create a fish refuge below the Decatur dam in the Sugar River, Green County. | 1086 | 341 | 285 | 100 | 37 | 9 |
| 18. Create a fish refuge below the Old Brodhead power house in the Sugar River, Green County. | 1089 | 341 | 287 | 97 | 37 | 9 |
| 19. Increase the daily bag limit for largemouth and smallmouth bass in the Gile Flowage, Iron County, from 2 fish to 3 fish, aggregate and change the 15 inch minimum size limit to no minimum, but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept. | 1050 | 402 | 202 | 45 | 8 | 1 |
| 20. Eliminate the continuous open season for game fish on the Yellowstone River, Lafayette County. | 1127 | 453 | 260 | 162 | 5 | 36 |
| 21. Eliminate special regulations for trout on a section of the Prairie River, Lincoln County. | 909 | 563 | 173 | 96 | 47 | 29 |

| <u>Proposal</u> | <u>Statewide</u> Counties | | <u>Region</u> | | <u>County</u> | |
|---|------------------------------|-----|---------------|-----|---------------|----|
| | Yes | No | Yes | No | Yes | No |
| 22. Implement a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Big Bass Lake, Marathon County, with no minimum size limit for no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept. | 926 | 408 | 168 | 112 | 43 | 11 |
| 23. Implement a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Mission Lake, Marathon County, with no minimum size limit for no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept. | 907 | 417 | 170 | 109 | 44 | 10 |
| 24. Eliminate special regulations for trout in Plum Creek, Pepin and St. Croix Counties. | 905 | 319 | 222 | 71 | 10 | 0 |
| 25. Eliminate special regulations for trout in the Kinnickinnic River in St. Croix County, and change trout regulations on reaches of the Kinnickinnic River in Pierce County. | 981 | 322 | 233 | 87 | 24 | 3 |
| 26. Implement a 3 fish daily bag limit for walleye in Cedar Lake, Polk and St. Croix counties, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept. | 1006 | 344 | 201 | 103 | 51 | 3 |
| 27. Implement a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Pipe Lake, Polk County, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept. | 910 | 379 | 161 | 110 | 44 | 5 |
| 28. Implement a 5 fish daily bag limit for walleye in Butternut Lake, Price County, with no minimum size limit but only one fish larger than 14 inches may be kept. | 1084 | 451 | 212 | 93 | 21 | 2 |

| <u>Proposal</u> | <u>Statewide</u> | | <u>Region</u> | | <u>County</u> | |
|--|------------------|-----|---------------|-----|---------------|----|
| | Yes | No | Yes | No | Yes | No |
| 29. Implement restrictive bag and size limits for largemouth and smallmouth bass in Eagle Lake, Racine County. | 826 | 522 | 315 | 170 | 70 | 34 |
| 30. Implement restrictive bag and size limits for northern pike in Eagle Lake, Racine County. | 801 | 547 | 296 | 190 | 65 | 38 |
| 31. Implement restrictive bag and size limits for panfish in Eagle Lake, Racine County. | 762 | 594 | 275 | 215 | 55 | 49 |
| 32. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Crystal Lake, Sheboygan County, and replace those restrictions with no minimum size limit and a 5 fish daily bag limit. | 1040 | 278 | 306 | 58 | 115 | 7 |
| 33. Reduce the daily bag limit for panfish from 25 fish to 10 fish in all inland waters of St. Croix County and Cedar Lake, which is in Polk and St. Croix counties. | 957 | 557 | 228 | 178 | 45 | 13 |
| 34. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in the Buffalo (upstream of highway 93) and Trempealeau rivers (upstream of the dam in Blair), Jackson and Trempealeau counties, and replaces those restrictions with no minimum size limit and a 5 fish daily bag limit. | 959 | 344 | 298 | 93 | | |
| 35. Remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Little Cedar Lake, Washington County and replace those restrictions with no minimum size limit and a 5 fish daily bag limit. | 1080 | 302 | 372 | 81 | | |



Fiscal Estimate — 2007 Session

- Original Updated
 Corrected Supplemental

LRB Number

Amendment Number if Applicable

Bill Number

Administrative Rule Number
 FH-07-07

Subject
 Fishing regulation changes for 2007 Spring Hearings

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

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
 Indeterminate

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

This rule package includes three changes of statewide interest:

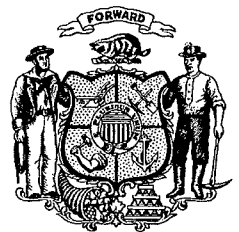
- 1) Eliminate the restriction on the maximum allowable size of **leading nets**.
- 2) Implement a 50 inch minimum size limit for muskellunge in Wisconsin waters of the St. Louis River, to match action taken by the State of Minnesota.
- 3) Stipulate that spears and arrows used for fishing have barbed tips.

In addition, the rule package includes approximately 33 changes of local interest. These changes make modifications to daily bag and size limits for specific species in specific water bodies.

These proposed changes will have no fiscal impact at the state or local level.

Long-Range Fiscal Implications

| | | |
|----------------------|---------------|---------------------------------|
| Prepared By: | Telephone No. | Agency |
| Joe Polasek | 266-2794 | Department of Natural Resources |
| Authorized Signature | Telephone No. | Date (mm/dd/ccyy) |
| | 266-2794 | 05-18-07 |



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

The Wisconsin Natural Resources Board proposes an order to repeal NR 20.06(4); to amend NR 20.05(1), 20.20(2)(g)1. and 3., (3)(d) and (e), (4)(f)1., (13)(d)1., (19)(d), (26)(a)3. and 4., (35)(f), (47)(g), (48)(b), (51)(g)2., (52)(b)2. and (d)1., (60)(e)1. and (g)2., 21.04(11)(b); and to create NR 20.03(37tm), 20.20(3)(f)4., (19)(e)2., (20)(c)3., (27)(cm), (37)(c)2., (49)(am)2., (49)(cm) and (f), (52)(c)2., (59)(c)2., (60)(h), (62)(am), (66)(g)3., (67)(am)2., 26.08(23) and 26.24(13)(b) relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

FH-15-07

Analysis Prepared by the Department of Natural Resources

Statutes Interpreted: In promulgating this rule, ss. 29.531, 29.533, 29.014(1), 29.039 and 29.041, Stats., which authorize fishing, have been interpreted as giving the department the authority to make changes to fishing regulations on inland and boundary waters of Wisconsin.

Statutory Authority: Sections 29.014(1), 29.039, 29.041, 29.053(2), and 227.11(2)(a), Stats.

Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority: Sections 29.014(1), 29.039, 29.041, 29.053(2), and 227.11(2)(a), Stats., grant rule making authority to the department to establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping; grant that the department may establish limitations relating to taking, possession, transportation, processing, and sale or offer for sale, of nongame species; and provide that the department may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters. Section 227.11(2)(a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related Rule or Statute: None.

Plain Language Rule Analysis: Section by section details of this rule order are outlined:

Sections 1 and 2 clarify the types of spears which may be used for fishing and that taking rough fish by spearing is a legal method.

Section 3 removes the prohibition of use of landing nets larger than 36 inches, diameter.

Section 4 increases the daily bag limit for walleye, sauger, and their hybrids in Mineral lake, Ashland county, from 3 fish to 5 fish and replaces the current 18 inch minimum size limit with no minimum, but only one walleye larger than 14 inches may be kept.

Section 5 authorizes seining and dipnetting for rainbow smelt in Beaver Dam lake, Barron county, with a continuous open season and no restrictions on harvest hours. A maximum allowable size for seines is specified.

Section 6 creates a 26 inch minimum size limit for trout in Beaver Dam lake, Barron county, with a 1 fish daily bag limit, and creates a 15 inch minimum size limit for trout in the Hay river, Barron county, with a 1 fish daily bag limit.

Sections 7 and 32 create an 18 inch minimum size limit for walleye in the Red Cedar chain of lakes (lakes Balsam, Red Cedar, and Hemlock), Barron and Washburn counties.

Section 8 reduces the daily bag limit for panfish in Middle Eau Claire and Bony lakes, Bayfield county, from 25 fish to 10 fish.

Section 9 extends the 45 inch minimum length limit for muskellunge in lake Monona, Waubesa, and Wingra to tributaries and connecting waters of those lakes.

Section 10 implements minimum size and bag limits for brown trout and lake trout in Keyes lake, Florence county.

Section 11 implements an 18 inch minimum size limit and 3 fish daily bag limit for walleye in Keyes lake, Florence county.

Section 12 removes the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Kettle Moraine and Long lakes, Fond du Lac county and replaces those restrictions with no minimum size limit and a 5 fish daily bag limit.

Section 13 increases the daily bag limit for largemouth and smallmouth bass in the Gile flowage, Iron county, from 2 fish to 3 fish, aggregate, and changes the 15 inch minimum size limit to no minimum, but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.

Sections 14 and 30 remove the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in the Buffalo (upstream of highway 93) and Trempealeau rivers (upstream of the dam in Blair), Jackson and Trempealeau counties , and replaces those restrictions with no minimum size limit and a 5 fish daily bag limit.

Section 15 eliminates special regulations for trout on a section of the Prairie river, Lincoln county.

Section 16 implements a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Big bass and Mission lakes, Marathon county, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.

Section 17 eliminates special regulations for trout in Plum creek, Pepin county.

Section 18 changes trout regulations on reaches of the Kinnickinnic river in Pierce county.

Section 19 implements a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Pipe lake, Polk county, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.

Sections 20 and 27 reduce the daily bag limit for panfish from 25 fish to 10 fish in all inland waters of St. Croix county and Cedar lake, which is in Polk and St. Croix counties.

Sections 21 and 29 implement a 3 fish daily bag limit for walleye in Cedar lake, Polk and St. Croix counties, with no minimum size limit but no fish between 14 and 18 inches may be kept and only one fish larger than 18 inches may be kept.

Section 22 implements a 5 fish daily bag limit for walleye in Butternut lake, Price county, with no minimum size limit but only one fish larger than 14 inches may be kept.

Sections 23, 24, and 25 implement restrictive bag limits for panfish and restrictive bag and size limits for largemouth and smallmouth bass and northern pike in Eagle lake, Racine county.

Section 26 removes the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Crystal lake, Sheboygan county and replaces those restrictions with no minimum size limit and a 5 fish daily bag limit.

Section 28 eliminates special regulations for trout in the Kinnickinnic river and Plum creek, St. Croix county.

Section 32 removes the 26 inch minimum size limit and 2 fish daily bag limit for northern pike in Little Cedar lake, Washington county and replaces those restrictions with no minimum size limit and a 5 fish daily bag limit.

Section 33 increases the minimum length limit for muskellunge in the Wisconsin portion of the St. Louis river from 40 inches to 50 inches.

Section 34 creates three fish refuges below dams in the Sugar river, Green county.

Section 35 creates a fish refuge on the Yahara river below the Dunkirk dam, Dane county.

Summary of and Comparison with Existing or Proposed Federal Regulations: None known.

Comparison of Similar Rules in Adjacent States: Fisheries management is generally quite similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons, bag and size limits may differ for species across the surrounding states; however, the general principles are similar. Michigan, Minnesota, Iowa and Illinois all have statewide seasons, bag and size limits for fish species, along with special or experimental regulations on individual waters. Section 33, which pertains to muskellunge harvest regulation in the Wisconsin-Minnesota boundary waters of the St. Louis River is written to match a proposal being adopted for the Minnesota portion of the same water.

Summary of Factual Data and Analytical Methodologies Used in Support of the Rule: Rule proposals were developed by fisheries and law enforcement staff to address management and enforcement concerns. Proposals were reviewed for need and adequacy, and approved by a fish team or law enforcement team supervisor and forwarded to regional director for approval. Proposals approved by the regions were forwarded to the Fisheries Management Bureau Director, who conducted a review with the Fisheries Management Board, law enforcement, legal services, and the Great Lakes Indian Fish and Wildlife Commission. Proposals approved by the Fisheries Management Bureau Director are included.

Analysis and Documentation Used in Support of the Agency's Determination Under s. 227.114, Stats., (Small Business Impact): The proposed rules do not apply directly to businesses, but to sport anglers.

Effect on Small Business, Including How the Rule Will Be Enforced: The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. The rules will be enforced by Conservation Wardens who have arrest powers and may use citations.

Agency contact person: Joseph Hennessy, FM/4 101 South Webster Street, Madison, WI 53707-7921; email: Joseph.Hennessy@wisconsin.gov; phone: 608.267.9427.

SECTION 1. NR 20.03(37w) is created to read:

NR 20.03(37w) "Spear" means a pole or shaft with an attached sharp barbed point or points designed for the purpose of impaling a fish, but does not include a snag line or snag pole, snaghook or cluster of hooks that might be used for snagging as prohibited by s. NR 20.06(8):

SECTION 2. 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 ~~subch. III~~ this chapter or chs. NR 21, 22, 23, 24 and 25.

SECTION 3. NR 20.06(4) is repealed.

SECTION 4. NR 20.20(2)(g)1. and 3. are amended to read:

(2) ASHLAND (for species or waters not listed, including Lake Superior, see sub. (73))

| | | | | | |
|---------------------------------|---|-------------------|--|---|------|
| (g) Walleye, sauger and hybrids | 1. Mineral lake, Spider lake, Moquah lake | a. Hook and line. | First Saturday in May to the first Sunday in March | 3 in total | 18 |
| | 3. Gordon lake, Lake Galilee, Upper Clam lake, Zielke lake, North Fork Flambeau | a. Hook and line. | First Saturday in May to the first Sunday in March | 5 in total but only 1 may be longer than 14 | None |

river and its tributaries
upstream to the first
dam or lake, Mineral
lake

SECTION 5. NR 20.20(3)(d) is amended to read:

(3) **BARRON** (for species or waters not listed, see sub. (73))

| | | | | | |
|----------------|---------------------------|--|---------------------------------------|-------------|-------------|
| (d) Rough fish | 1. Trout streams | a. Hook and line. | During the open season for trout | None | None |
| | <u>2. Beaver Dam lake</u> | a. <u>Hook and line, dip netting, by hand at any time for smelt only</u> | <u>Continuous</u> | <u>None</u> | <u>None</u> |
| | | | <u>Continuous</u> | <u>None</u> | <u>None</u> |
| | 2 3. All other waters | a. Hook and line, dip netting, by hand. | Continuous | None | None |
| | | b. Spearing | Saturday nearest May 20 to November 1 | None | None |

SECTION 6. NR 20.20(3)(e) is amended to read:

(3) **BARRON** (for species or waters not listed, see sub. (73))

| | | | | | |
|----------------------|---|------------------|--|------------|---|
| (e) Trout and salmon | 1. Brill river, Conners creek, Little Vance creek, South Fork Hay river, Upper Pine creek downstream from the Dallas flowage dam, Vance creek | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 3 in total | Brown trout 12, rainbow trout 12, brook trout 8 |
| | 2. Little Granite lake, Silver lake | a. Hook and line | First Saturday in May at 5:00 a.m. to the first | 5 in total | 7 |

| | | | | | |
|---|-----------------------------|---|--------------------|-----------|--|
| | | | Sunday in March | | |
| <u>3. Beaver Dam lake</u> | <u>a. Hook and line</u> | <u>First Saturday in May at 5:00 a.m. to September 30</u> | <u>1 in total</u> | <u>26</u> | |
| <u>4. Hay river</u> | <u>a. Hook and line</u> | <u>First Saturday in May at 5:00 a.m. to September 30</u> | <u>1 in total</u> | <u>15</u> | |
| <u>3 5. All other waters not listed</u> | <u>a. Hook and line</u> | <u>First Saturday in May at 5:00 a.m. to September 30</u> | <u>5 in total</u> | <u>7</u> | |

SECTION 7. NR 20.20(3)(f)1. is created to read:

(3) BARRON (for species or waters not listed, see sub. (73))

| | | | | | |
|---------------------------------------|------------------------------------|---------------------|---|------------|----|
| (f) Walleye, sauger and hybrids | 1. Red Cedar lake, Hemlock lake | a. Hook and line | First Saturday in May to the first Sunday in March | 3 in total | 18 |
|---------------------------------------|------------------------------------|---------------------|---|------------|----|

SECTION 8. NR 20.20(4)(f)1. is amended to read:

(4) BAYFIELD (for species or waters not listed, see sub. (73))

| | | | | | |
|-------------|--|----------------------|------------|-------------|------|
| (f) Panfish | 1. Bladder lake, Sawdust lakes, <u>Middle Eau Claire lake, Bony lake</u> | a. Hook and line. | Continuous | 10 in total | None |
|-------------|--|----------------------|------------|-------------|------|

SECTION 9. NR 20.20(13)(d)1. is amended to read:

(13) DANE (for species or waters not listed, see sub. (73))

| | | | | | |
|-----------------|---|----------------------|--|---|----|
| (d) Muskellunge | 1. Wingra lake, Monona lake, Waubesa lake, <u>Upper Mud lake, Yahara river from Tenney locks downstream to Babcock dam, Nine Springs creek, Swan creek, Wingra creek, Starkweather creek</u> | a. Hook and line. | First Saturday in May to November 30 | 1 | 45 |
|-----------------|---|----------------------|--|---|----|

SECTION 10. NR 20.20(19)(d) is amended to read:

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

| | | | | | |
|----------------------|---|------------------|--|--|--|
| (d) Trout and salmon | 1. Brule river | a. Hook and line | No early catch and release season - Last Saturday in April to September 30 | 5 in total | Brown trout 12, brook trout 8 |
| | 2. Lamontagne creek, Pine river downstream from STH 139, Wisconsin creek, Woods creek | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 3 in total | Brown and rainbow trout 12, brook trout 8 |
| | 3. Sand lake (T39N, R18E, S13) | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 3 in total | 9 |
| | 4. Edith lake, Lost lake, South Riley lake | a. Hook and line | First Saturday in May at 5:00 a.m. to the first Sunday in March | 3 in total | 9 |
| | 5. Anna lake, Fisher lake, Montgomery lake, Patten lake, Pine river flowage | a. Hook and line | First Saturday in May at 5:00 a.m. to the first Sunday in March | 5 in total | 7 |
| | 6. Keyes lake | a. Hook and line | <u>First Saturday in May at 5:00 a.m. to September 30</u> | <u>3 in total, only 1 of which may be a lake trout and only 2 of which may be brown trout.</u> | <u>26 for lake trout, 12 for brown trout</u> |
| | 67. All other waters | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 5 | 7 |

SECTION 11. NR 20.20(19)(e)2. is created to read:

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

| | | | | | |
|---------------------------------|---------------|-------------------|--|---|----|
| (e) Walleye, sauger and hybrids | 2. Keyes lake | a. Hook and line. | First Saturday in May to the first Sunday in March | 3 | 18 |
|---------------------------------|---------------|-------------------|--|---|----|

SECTION 12. NR 20.20(20)(c)3. is created to read:

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

| | | | | | |
|-------------------|-----------------------------------|------------------|--|---|------|
| (c) Northern pike | 3. Kettle Moraine lake, Long lake | a. Hook and line | First Saturday in May to the first Sunday in March | 5 | None |
|-------------------|-----------------------------------|------------------|--|---|------|

SECTION 13. NR 20.20(26)(a)3. and 4. are amended to read:

(26) IRON (for species or waters not listed, including Lake Superior, see sub. (73))

| | | | | | |
|------------------------------------|--|-------------------|---|--|--|
| (a) Largemouth and smallmouth bass | 3. Gile Flowage, Turtle-Flambeau flowage | a. Hook and line. | First Saturday in May to Friday preceding third Saturday in June | 0 | -- |
| | | | Third Saturday in June to the first Sunday in March | 2 in total | 15 |
| | 4. Gile flowage | a. Hook and line. | <u>First Saturday in May to Friday preceding third Saturday in June</u> | <u>0</u> | <u>--</u> |
| | | | <u>Third Saturday in June to the first Sunday in March</u> | <u>3 in total but only 1 may be larger than 18</u> | <u>None except the possession of fish from 14 through 18 is prohibited</u> |

SECTION 14. NR 20.20(27)(dm) is created to read:

(27) JACKSON (for species or waters not listed see sub. (73))

| | | | | | |
|--------------------|---|-------------------|--|---|------|
| (dm) Northern pike | 1. Trempealeau river, including all flowages and tributaries, Buffalo river, including all flowages and tributaries | a. Hook and line. | First Saturday in May to the first Sunday in March | 5 | None |
|--------------------|---|-------------------|--|---|------|

SECTION 15. NR 20.20(35)(f) is amended to read:

(35) LINCOLN (for species or waters not listed, see sub. (73))

| | | | | | |
|----------------------|--|---|--|--------------|------------------------|
| (f) Trout and salmon | 1. Big Rib river | a. Hook and line, only artificial lures may be used | First Saturday in May at 5:00 a.m. to September 30 | 0 | - |
| | 2. Prairie river downstream from R & H road | a. Hook and | First Saturday in May at 4 in | 1 | Brown trout |

| | | | | |
|---|---|--|------------------|--|
| to STH 17- | line, only artificial lures may be used- | 5:00 a.m. to September 30- | total | 18, brook and rainbow trout 12- |
| 32. Henson lake, Horgen lake, Larson lake, Moraine lake | a. Hook and line | First Saturday in May at 5 in 5:00 a.m. to September 30 | total | None |
| 43. King Spring, Pays (Alta) springs (S12 T33N R7E), Prairie river excluding R & H road downstream to STH 17 , Prairie river (north branch), Spring lake (springs; S16 T32N R7E) | a. Hook and line | First Saturday in May at 3 in 5:00 a.m. to September 30 | total | Brown and rainbow trout 12, brook trout 8 |
| 54. Big Hay Meadow creek, New Wood river upstream from Whisky Bill road (S19 T33N R5E), New Wood river (center fork), New Wood river (east fork) | a. Hook and line | First Saturday in May at 3 in 5:00 a.m. to September 30 | total | 9 |
| 65. Ament lake | a. Hook and line | First Saturday in May at 5 in 5:00 a.m. to September 30 in even numbered years only | total | 7 |
| 76. Tahoe lake | a. Hook and line | First Saturday in May at 5 in 5:00 a.m. to September 30 in odd numbered years only | total | 7 |
| 87. All other waters not listed | a. Hook and line | First Saturday in May at 5 in 5:00 a.m. to September 30 | total | 7 |

SECTION 16. NR 20.20(37)(c)2. is created to read:

(37) MARATHON (for species or waters not listed, see sub. (73))

| | | | | | |
|------------------------------------|--------------------------------|------------------|------------|---|---|
| (c) Largemouth and smallmouth bass | 2. Big bass lake, Mission lake | a. Hook and line | Continuous | 3 in total but only 1 may be larger than 18 | None except the possession of fish from 14 through 18 is prohibited |
|------------------------------------|--------------------------------|------------------|------------|---|---|

SECTION 17. NR 20.20(47)(g) is amended to read:

(47) PEPIN (for species or waters not listed, see sub. (73))

| | | | | | |
|---------------------|---|------------------|--|------------|-----------------|
| g) Trout and salmon | 1. Plum creek (CTH SS downstream to the Chippewa river) | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 2 in total | 12 |
| | 21. All waters not listed | a. Hook | First Saturday in May at 5:00 | 3 in | Brown trout 12, |

and line a.m. to September 30 total brook trout 8

SECTION 18. NR 20.20(48)(b) is amended to read:

(48) PIERCE (for species or waters not listed, see sub. (73))

| | | | | | |
|----------------------|---|------------------|--|------------|---|
| (b) Trout and salmon | 1. Kinnickinnic river including both flowages in River Falls and Rocky branch <u>downstream from the lower pond dam in River Falls</u> | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 5 in total | 5 trout under 10, or 4 trout under 10 and 1 over 14 |
| | 2. <u>Kinnickinnic river from the St. Croix county line including both flowages in River Falls downstream to the lower pond dam</u> | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 5 in total | 7 |
| | 23. All waters not listed | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 3 in total | Brown and rainbow trout 12, brook trout 8 |

SECTION 19. NR 20.20(49)(am)3. is created to read:

(49) POLK (for species or waters not listed, see sub. (73))

| | | | | | |
|-------------------------------------|--------------|-------------------|--|---|---|
| (am) Largemouth and smallmouth bass | 3. Pipe lake | a. Hook and line. | First Saturday in May to the first Sunday in March | 3 in total but only 1 may be larger than 18 | None except the possession of fish from 14 through 18 is prohibited |
|-------------------------------------|--------------|-------------------|--|---|---|

SECTION 20. NR 20.20(49)(cm) is created to read:

(49) POLK (for species or waters not listed, see sub. (73))

| | | | | | |
|--------------|---------------|-------------------|------------|----|------|
| (cm) Panfish | 1. Cedar lake | a. Hook and line. | Continuous | 10 | None |
|--------------|---------------|-------------------|------------|----|------|

SECTION 21. NR 20.20(49)(f) is created to read:

(49) POLK (for species or waters not listed, see sub. (73))

| | | | | | |
|---------------------------------|---------------|-------------------|--|---|---|
| (f) Walleye, sauger and hybrids | 1. Cedar lake | a. Hook and line. | First Saturday in May to the first Sunday in March | 3 in total but only 1 may be larger than 18 | None except the possession of fish from 14 through 18 is prohibited |
|---------------------------------|---------------|-------------------|--|---|---|

SECTION 22. NR 20.20(51)(g)2. is amended to read:

(51) PRICE (for species or waters not listed, see sub. (73))

| | | | | | |
|--------------|---|---------|-------------------|----------------|------|
| (g) Walleye, | 2. North Fork Flambeau river and South Fork | a. Hook | First Saturday in | 5 in total but | None |
|--------------|---|---------|-------------------|----------------|------|

sauger and hybrids Flambeau river including their impoundments and tributaries upstream to the first dam or lake, Butternut lake and line. May to the first Sunday in March only 1 may be longer than 14

SECTION 23. NR 20.20(52)(b)2. is amended to read:

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

(b) Largemouth and smallmouth bass 2. Eagle lake a. Hook and line. First Saturday in May to the first Sunday in March 1 in total ~~4~~22

SECTION 24. NR 20.20(52)(c)2. is created to read:

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

(c) Northern pike 2. Eagle lake a. Hook and line First Saturday in May to the first Sunday in March 1 40

SECTION 25. NR 20.20(52)(d)1. is amended to read:

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

(d) Panfish 1. Eagle lake a. Hook and line. Continuous ~~15~~10 in total ~~None~~8

SECTION 26. NR 20.20(59)(c)2. is created to read:

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

(c) Northern pike 2. Crystal lake a. Hook and line First Saturday in May to the first Sunday in March 5 None

SECTION 27. NR 20.20(60)(e)1. is amended to read:

(60) ST. CROIX (for species or waters not listed, see sub. (73))

(e) Panfish 1. ~~Dry-Dam lake, Squaw lake~~ All inland waters, including Cedar lake but excluding lake George (Spring Valley reservoir) a. Hook and line Continuous 10 in total None

SECTION 28. NR 20.20(60)(g) is amended to read:

(60) ST. CROIX (for species or waters not listed, see sub. (73))

| | | | | | |
|----------------------|--|-----------------------------|---|-----------------------|---|
| (g) Trout and salmon | 1. Apple river, north fork of the Willow river, and the main stem of the Willow river from Willow Falls in Willow River state park upstream to the confluence of the north and south forks, <u>Kinnickinnic river and Parker creek</u> | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 5 in total | 7 |
| | 2. Glenn and Perch lakes | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 3 in total | 9 |
| | 3. Kinnickinnic river and Parker creek | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | 5 in total | 5 trout under 10 or 4 trout under 10 and 1 over 14 |
| | 4-3. All waters not listed | a. Hook and line | First Saturday in May at 5:00 a.m. to September 30 | | |

SECTION 29. NR 20.20(60)(h) is created to read:

(60) ST. CROIX (for species or waters not listed, see sub. (73))

| | | | | | |
|---------------------------------|---------------|-------------------|--|---|---|
| (h) Walleye, sauger and hybrids | 1. Cedar lake | a. Hook and line. | First Saturday in May to the first Sunday in March | 3 in total but only 1 may be larger than 18 | None except the possession of fish from 14 through 18 is prohibited |
|---------------------------------|---------------|-------------------|--|---|---|

SECTION 30. NR 20.20(62)(am) is created to read:

(62) TREMPEALEAU (for species or waters not listed, see sub. (73))

| | | | | | |
|--------------------|--|-------------------|--|---|------|
| (am) Northern pike | 1. Trempealeau river upstream of the dam in Blair, including all flowages and tributaries, Buffalo river upstream of highway 93 bridge, including all flowages and tributaries | a. Hook and line. | First Saturday in May to the first Sunday in March | 5 | None |
|--------------------|--|-------------------|--|---|------|

SECTION 31. NR 20.20(66)(g)3. is created to read:

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

| | | | | | |
|---------------------------------|--------------------------------|-------------------|--|---|----|
| (g) Walleye, sauger and hybrids | 3. Balsam lake, Red Cedar lake | a. Hook and line. | First Saturday in May to the first Sunday in March | 3 | 18 |
|---------------------------------|--------------------------------|-------------------|--|---|----|

SECTION 32. NR 20.20(67)(am)2. is created to read:

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

| | | | | | |
|--------------------|----------------------|------------------|--|---|------|
| (am) Northern pike | 2. Little Cedar lake | a. Hook and line | First Saturday in May to the first Sunday in March | 5 | None |
|--------------------|----------------------|------------------|--|---|------|

SECTION 33. NR 21.04(11)(b) is amended to read:

(11) MUSKELLUNGE

| | | | | | |
|---------------------|--|--|--|---|-------------|
| (b) St. Louis river | | | Saturday nearest Memorial Day to March 1 | 1 | 4950 inches |
|---------------------|--|--|--|---|-------------|

SECTION 34. NR 26.08(23) is created to read:

(23) GREEN COUNTY. (a) *Sugar river*. That part of the Sugar river from the Albany dam downstream for a distance of 500 feet.

(b) *Sugar river*. That part of the Sugar river from the Decatur dam downstream for a distance of 500 feet.

(c) *Sugar river*. That part of the Sugar river from the Old Brodhead power house site spillway downstream for a distance of 500 feet.

SECTION 35. NR 26.24(13)(b) is created to read:

NR 26.24(13) DANE COUNTY. (b) *Yahara river*. That portion of the Yahara river beginning at the Dunkirk dam in section 20, township 5 N, range 11 E downstream to highway N in section 21, township 5 N, range 11 E.

SECTION 36. EFFECTIVE DATE. This rule shall take effect on April 1, 2008, except Sections 34 and 35, which shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 37. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 27, 2007.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)