

## Report From Agency

### REPORT TO LEGISLATURE

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

Board Order No. FH-12-06  
Clearinghouse Rule No. 06-011

#### Basis and Purpose of the Proposed Rule

Annually, the Department submits rule change proposals relating to fishing on the inland, outlying and boundary waters.. The statewide spring fish and wildlife hearings are the vehicle for citizen input. The following rule proposals were recommended at the statewide hearings:

#### **Statewide and boundary water proposals:**

1. Implement 50" minimum size limit for muskellunge in Lake Winnebago, to be consistent with Great Lakes spotted musky rehabilitation protocol in connected waters.
2. Implement 50" minimum size limit for muskellunge in Little Lake Butte des Morts and the Fox River downstream from the Neenah and Menasha dams to the DePere dam, to be consistent with Great Lakes spotted musky rehabilitation protocol in connected waters.
3. Extend sunset provision of Wisconsin, Lemonwier and Yellow River experimental regulations for walleye and sauger, from the Grandfather dam downstream to the Prairie du Sac dam. The experimental 15" minimum/20-28" no-harvest slot will be extended until 2014 to enable the Department to fully evaluate the efficiency of the regulation.
4. Prohibit recreational harvest of live freshwater mussels from inland waters of the state, excluding the Great Lakes and the Mississippi River.
5. Establish a catch-and-release only fishery for lake sturgeon in the Menominee River downstream from the Hattie Street dam, and modify the minimum length limit for lake sturgeon above the Hattie Street dam to coincide with recently approved changes to Michigan regulations.
6. Simplify walleye regulations in the Menominee River below the Hattie Street dam and in waters of Green Bay, to provide consistent regulations for anglers fishing either Wisconsin or Michigan waters.
7. Revise the opening date for game fish season on the St. Croix River to provide anglers with an opening date consistent between Wisconsin and Minnesota waters.
8. Revise the minimum length limit for sauger on the St. Louis River to provide anglers with a regulation consistent in Wisconsin and Minnesota waters.
9. Prohibit possession or use of a sinker release device while fishing in waters of the state.
10. Modify removal dates for ice shanties from March 1 (south of highway 64) and March 15 (north of highway 64) to the "first Saturday following March 1 and the first Saturday following March 12, respectively.
11. Revise the code to allow individuals younger than 16 years old to take, possess and control turtles without the requirement to hold a valid fishing or small game license.

#### **Local proposals:**

12. Replace the 14" minimum size limits for largemouth and smallmouth bass in Pigeon Lake, Bayfield County, with a 14-18" no-harvest slot regulation and reduce the daily bag limit from 5 fish to 3 fish.
13. Extend sunset provision for 18" minimum/3 fish daily bag limit for walleye in Beaver Dam Lake, Dodge County, to enable the Department to fully evaluate the impacts of the regulation. This

proposal will also encompass all Beaver Dam Lake tributary streams, which were inadvertently excluded from the original rule.

14. Increase the minimum length limit for walleye in Kangaroo Lake, Door County, from 15" to 18" and reduce the daily bag limit from 5 fish to 3 fish.
15. Increase the minimum size limits for largemouth and smallmouth bass in Muskellunge Lake, Lincoln County, from 14" to 18" and reduce the daily bag limit from 5 fish to 1 fish.
16. Replace the 18" minimum size limits for largemouth and smallmouth bass in Pigeon Lake, Bayfield County, with a 14-18" no-harvest slot regulation and increase the daily bag limit from 1 fish to 3 fish.
17. Increase the minimum size limit for muskellunge in Pelican Lake, Oneida County, from 34" to 50".
18. Replace the 18" minimum size limits for largemouth and smallmouth bass in Oneida Lake, Oneida County, with a 14-18" no-harvest slot regulation and increase the daily bag limit from 1 fish to 3 fish.
19. Replace the current 14" minimum size limits for largemouth and smallmouth bass with no minimum size limit in Big Butternut Lake, Polk County.
20. Replace the 14" minimum size limits for largemouth and smallmouth bass with no minimum size limit in Nelson Lake, Sawyer County.
21. Increase the minimum length limit for northern pike in Nelson Lake, Sawyer County, from "no minimum" to 32", and reduce the daily bag limit from 5 fish to 1 fish.
22. Reduce the daily bag limit for panfish in Smith Lake, Sawyer County, from 25 fish to 10 fish.
23. Increase the minimum size limits for largemouth and smallmouth bass in Kentuck Lake, Vilas County, from 14" to 18" and reduce the daily bag limit from 5 fish to 1 fish.
24. Increase the minimum size limits for smallmouth bass in Palette Lake, Vilas County, from 16" to 22" and reduce the daily bag limit from 2 fish to 1 fish.
25. Extend open trout season in Gilbert, Pine and Pearl Lakes, Waushara County, to coincide with regular game fish season.
26. Remove special regulations for northern pike and muskellunge in Long Lake, Waushara County, and revert to statewide standard regulations.

### Summary of Public Comments

Public hearings were held in each of Wisconsin's 72 counties. A total of 5,294 persons attended the meetings. All questions offered regarding fishing regulations were received favorably. The vote totals at the spring hearing are as follows:

<u>Proposal</u>	<u>Yes</u>	<u>No</u>
1. Lake Winnebago musky regulation changes	2355	1284
2. Fox River musky season and regulation changes	2388	1235
3. Wisconsin, Lemonweir and Yellow River walleye regulations	2438	788
4. Recreational harvest of freshwater mussels	2690	1448
5. Menominee River lake sturgeon regulations	2441	830
6. Menominee River, Lake Michigan and Green Bay walleye, sauger and hybrids regulations	2647	678
7. St. Croix River opener for walleye and northern pike	3230	561
8. St. Louis River sauger length limit	2537	992
9. Sinker release devices	3722	760
10. Ice shelter removal dates	2887	1401
11. License exemption for youth under 16 taking turtles	2743	1253
12. Pigeon Lake bass regulations	1675	753
13. Beaver Dam Lake walleye and sauger regulations	1603	670
14. Kangaroo Lake walleye regulations	1512	762
15. Muskellunge Lake bass regulations	1419	853
16. Pigeon Lake bass regulations	1675	753
17. Pelican Lake muskellunge regulation	1816	935

18. Oneida Lake bass regulations	1609	853
19. Big Butternut Lake bass regulations	1536	745
20. Nelson Lake bass regulations	1490	747
21. Nelson Lake pike regulations	1371	936
22. Smith Lake panfish regulations	1455	852
23. Kentuck Lake bass regulations	1381	954
24. Pallette Lake bass regulations	1158	928
25. Gilbert, Pearl and Pine Lake trout regulations	1177	677
26. Long Lake musky and northern pike regulations	1641	519

#### Modifications Made

A proposal to expand the list of waters open to night bowfishing is not included. 2005 Wisconsin Act 291 was signed into law April 8, 2006, and opens all waters currently open for daytime bowfishing to bowfishing between sunset and sunrise. This law rendered the proposal offered at the public hearing moot.

#### Appearances at the Public Hearing

No appearance slips were filed for the public hearing. The vote totals for each proposal are given above.

#### Changes to Rule Analysis and Fiscal Estimate

The proposal to expand the list of waters open to night bowfishing is not included among those recommended for adoption.

#### Response to Legislative Council Rules Clearinghouse Report

The department incorporated all changes suggested by the Legislative Council Rules Clearinghouse, with two exceptions. Change 2.a. was not included because this portion of the proposed rule was not recommended for adoption. Change 2.b. was not incorporated to maintain consistency within ch. NR 20. The recommended style is not consistent with the current code; when large portions of the code are repealed and recreated, the newer style will be used.

#### Final Regulatory Flexibility Analysis

The proposed rule will not directly affect any small businesses; therefore a final regulatory flexibility analysis is not required.