

Report From Agency

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 Bureaus 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 Bureaus 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 | Counties Approving | Yes | No | Yes | No |
| 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 Bureaus of Fisheries Management and Law Enforcement perceive that the use of large landing nets presents no risk to the resource. | 2769 | 717 | 72 | | | | |
| 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. | 2101 | 895 | 65 | 403 | 145 | | |
| 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. | 2946 | 448 | 72 | | | | |
| 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. | 1400 | 526 | 66 | 260 | 82 | 18 | 5 |
| 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. | 1321 | 435 | 68 | 240 | 54 | 30 | 5 |

| <u>Proposal</u> | <u>Statewide</u> | | | <u>Region</u> | | <u>County</u> | |
|--|------------------|-----|--------------------|---------------|-----|---------------|--------|
| | Yes | No | Counties Approving | 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 | 71 | 264 | 39 | 33 | 2 |
| 7. Create an 15 inch minimum size limit for brook trout in the Hay River, Barron County. | 1279 | 428 | 65 | 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 | 59 | 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 | 54 | 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 | 63 | 368 | 104 | 149 | 31 |
| 11. Create a fish refuge on the Yahara River below the Dunkirk dam, Dane County. | 1355 | 390 | 67 | 344 | 100 | 154 | 25 |
| 12. Implement minimum size and bag limits for brown trout and lake trout in Keyes Lake, Florence County. | 1072 | 441 | 57 | 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 | 56 | 179 | 61 | 29 | 4 |

| <u>Proposal</u> | <u>Statewide</u> | | | <u>Region</u> | | <u>County</u> | |
|---|------------------|-----|--------------------|---------------|-----|---------------|----|
| | Yes | No | Counties Approving | 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 | 68 | 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 | 68 | 407 | 94 | 38 | 4 |
| 16. Create a fish refuge below the Albany dam in the Sugar River, Green County. | 1106 | 333 | 62 | 296 | 92 | 37 | 9 |
| 17. Create a fish refuge below the Decatur dam in the Sugar River, Green County. | 1086 | 341 | 62 | 285 | 100 | 37 | 9 |
| 18. Create a fish refuge below the Old Brodhead power house in the Sugar River, Green County. | 1089 | 341 | 61 | 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 | 61 | 202 | 45 | 8 | 1 |
| 20. Eliminate the continuous open season for game fish on the Yellowstone River, Lafayette County. | 1127 | 453 | 57 | 260 | 162 | 5 | 36 |
| 21. Eliminate special regulations for trout on a section of the Prairie River, Lincoln County. | 909 | 563 | 53 | 173 | 96 | 47 | 29 |

| <u>Proposal</u> | <u>Statewide</u> | | | <u>Region</u> | | <u>County</u> | |
|---|------------------|-----|--------------------|---------------|-----|---------------|--------|
| | Yes | No | Counties Approving | 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 | 56 | 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 | 60 | 170 | 109 | 44 | 10 |
| 24. Eliminate special regulations for trout in Plum Creek, Pepin and St. Croix Counties. | 905 | 319 | 64 | 222 | 71 | 10 24 | 0 3 |
| 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 | 62 | 233 | 87 | 32 | 5 |
| 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 | 58 | 201 | 103 | 51 44 | 3 5 |
| 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 | 57 | 161 | 110 | 45 | 6 |
| 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 | 66 | 212 | 93 | 21 | 2 |

| <u>Proposal</u> | <u>Statewide</u> | | | <u>Region</u> | | <u>County</u> | |
|--|------------------|-----|--------------------|---------------|-----|---------------|----|
| | Yes | No | Counties Approving | Yes | No | Yes | No |
| 29. Implement restrictive bag and size limits for largemouth and smallmouth bass in Eagle Lake, Racine County. | 826 | 522 | 46 | 315 | 170 | 70 | 34 |
| 30. Implement restrictive bag and size limits for northern pike in Eagle Lake, Racine County. | 801 | 547 | 44 | 296 | 190 | 65 | 38 |
| 31. Implement restrictive bag and size limits for panfish in Eagle Lake, Racine County. | 762 | 594 | 46 | 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 | 68 | 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 | 48 | 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 | 61 | 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 | 66 | 372 | 81 | | |