

Clearinghouse Rule 08-010

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 20.03(31)(c), 20.20(2)(g)2., (26)(g)2., (35)(d), and (44)(d); to repeal and recreate NR 20.20(5); to amend NR 20.20(1)(cm), (3), (10)(b), (11)(f), (13)(d), (24)(d), (25)(d), (29)(cm), (33)(c), 33(am)1., (34)(a) and (e), (35)(a), (b), (f) and (g), (44)(b) and (g)1., (49)(b), (50)(cm), (57)(e) and (i), (62)(am), (64)(c), (d)2m. and (h)9., (70)(f)4., (73)(b)3m., (g)4. and (o), 21.06(1)(b) and (d), 22.06(1)(b) and (d), 23.01, and 23.06(1); and to create NR 20.03(19m), 20.13(9), 20.165, 20.175, 20.20(27)(d), (32)(cm), (34)(bg),(35)(c)2., (42)(bm),(56)(e) and (72)(cm), and 23.05(1m) relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

FH-02-08

Analysis Prepared by the Department of Natural Resources

1. Statutes Interpreted: In promulgating this rule, ss. 29.014(1), 29.039, 29.041, 29.053, 29.531 and, 29.533, 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.

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

3. Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority: Sections 29.014(1), 29.039, 29.041 and 29.053, 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.

4. Related Rule or Statute: None.

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

Sections 1 and 45 reduce daily bag limits from 2 fish to 1 fish and possession limits from 10 fish to 2 fish for flathead catfish taken from Winnebago system waters and implement a 30-inch minimum size restriction for flathead catfish taken from these waters, with an additional provision prohibiting harvest of flathead catfish between 36 and 42 inches in length.

Sections 2, 3, 48, 49, 50, 51, and 52 clarify the difference between landing nets and dip nets and how landing nets may be used for fishing in inland, outlying, and boundary waters of the state.

Section 4 requires that anglers use artificial lures with barbless hooks while fishing for bass during a catch-and-release season for bass.

Section 5 establishes a special catch-and-release season for muskellunge in inland waters north of US highway 10 and requires that anglers use artificial lures with barbless hooks while fishing for muskellunge during a catch-and-release season for muskellunge.

Sections 6, 10, 11, 12, 13, 14, 16, 17, 18, 35, 36, 44, and 46 extend the end of the open season for muskellunge in waters south of US highway 10 from November 30 to December 31.

Section 7 removes special regulations for walleye in English lake, Ashland county.

Section 8 implements a 3 fish aggregate daily bag limit for largemouth and smallmouth bass in Big Dummy and Little Dummy lakes, Barron 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 8 also implements a 2 fish daily bag limit for northern pike, with a 26 inch minimum size restriction.

Section 9 establishes Manger lagoon, Brown county, as an urban fishing water, in which only children younger than 16 years of age or disabled persons may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

Section 15 removes special regulations for walleye in Boot, Long, and McDermott lakes, Iron county.

Section 19 increases the maximum allowable size for catfish in Yellowstone lake, Lafayette county, from 18 to 24 inches.

Sections 20, 30, and 39 simplify muskellunge regulations on the Black river in LaCrosse, Monroe, and Trempealeau counties by increasing the minimum length restriction to 40 inches.

Section 21 establishes Remington lake, Langlade county, as an urban fishing water, in which only children younger than 16 years of age or disabled persons may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

Sections 22 and 25 increase the minimum size restriction for muskellunge harvest from 34 to 50 inches in Enterprise lake, Langlade and Lincoln counties.

Sections 23 and 29 change walleye regulations in Enterprise lake, Langlade and Lincoln counties, replacing a restriction that only 1 fish larger than 14 inches may be kept with a restriction that no fish between 14 and 18 inches may be kept but that 1 larger than 18 inches may be kept. These sections also reduce the daily bag limit from 5 walleye to 3 walleye in this lake.

Section 24 establishes Mirror lake, Lincoln county, as an urban fishing water, in which only children younger than 16 years of age or disabled persons may fish, and implements a 1 fish aggregate daily bag limit for largemouth and smallmouth bass, northern pike, walleye, sauger or hybrid, a 10 fish aggregate daily bag limit for panfish, and a 3 fish aggregate daily bag limit for trout.

Sections 26, 27, 29, 31, 32, and 33 remove the continuous open season for bass, northern pike, and walleye, sauger and their hybrids in the Wisconsin River in Lincoln and Oneida counties, downstream from the St. Regis dam in Oneida county, and places those waters under the department's standard fishing seasons for those species.

Section 28 increases the minimum size restriction for brook trout in the Prairie river, Lincoln county, from R & H road downstream to STH 17, from 8 to 12 inches, increases the minimum size restriction for brown trout from 12 to 18 inches, and reduces the daily bag limit from 3 trout to 1 trout, until April 1, 2011.

Section 34 increases the minimum size restriction for muskellunge harvest from 40 to 50 inches in Bone lake, Polk county.

Section 37 increases the minimum size restriction for muskellunge harvest from 45 to 50 inches in the Chippewa flowage, Sawyer county.

Section 38 reduces the minimum size restriction for walleye in Sand lake, Sawyer county, from 28 inches to 18 inches and increases the daily bag limit from 1 fish to 3 fish.

Section 40 increases the minimum size restriction for largemouth and smallmouth bass from 14 inches to 18 inches on Big Portage, Presque Isle, Van Vliet, Averill, and Star lakes, Vilas county, and reduces the daily bag limit from 5 fish to 1 fish.

Sections 41 and 42 extend the sunset clause on special regulations for muskellunge and walleye in Sparkling lake, Vilas county from 2008-09 to 2013-14.

Section 43 removes special regulations for trout in Long lake (Town of Saxeville), Waushara county.

Section 47 clarifies regulations on Green Bay tributaries by increasing the daily bag limit for walleye, sauger and hybrids from 3 fish to 5 fish and increasing the minimum size restriction from no minimum to 15 inches.

Section 47 also increases the daily bag limit for sauger in Lake Winnebago system waters from 0 fish to 1 fish.

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

7. 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.

8. 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, the Wisconsin Conservation Congress, and the Great Lakes Indian Fish and Wildlife Commission. Only proposals approved by the Fisheries Management Bureau Director are included.

9. 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.

10. 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.

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

12. Place where comments are to be submitted and deadline for submission: The deadline for written comments is April 15, 2008. Comments may also be submitted electronically at the following internet site: <http://adminrules.wisconsin.gov>

SECTION 1. NR 20.03 (19m) is created to read:

NR 20.03 (19m) "Landing net" means a net suspended on a frame with an attached handle and used to land a fish that has been caught using hook and line or to net fish as authorized with the use of dip nets under this chapter or chs. NR 21 to 23.

SECTION 2. NR 20.03(31)(c) is repealed.

SECTION 3. NR 20.13 (9) is created to read:

NR 20.13(9) Set, use or operate a landing net other than for landing a fish that is legally hooked or to net fish as authorized with the use of dip nets under this chapter or chs. NR 21 - 23.

SECTION 4. NR 20.165 is created to read:

NR 20.165 Bait restrictions during catch-and-release seasons for bass. No person may use any hook, bait or lure, other than an artificial lure that has a barbless hook, while fishing for bass during a catch-and-release bass fishing season established by the department.

[Drafter's note: Other options for rules related to the special catch and release season for bass will be presented and considered at public hearing.]

SECTION 5. NR 20.175 is created to read:

NR 20.175 Special catch and release season for muskellunge. (1) OPEN SEASON . There is an open season for muskellunge on inland waters north of USH 10 other than the boundary waters between this state and the state of Michigan.

(2) DAILY BAG LIMIT , POSSESSION LIMIT AND GEAR RESTRICTIONS. The following restrictions apply to waters specified in sub. (1) during the open season specified in this subsection:

(a) The daily bag limit and possession limit for muskellunge is 0.

(b) No person may use any hook, bait, or lure, other than an artificial lure that has a barbless hook, while fishing for muskellunge during a catch and release muskellunge fishing season established by the department.

[Drafter's note: Other options for rules related to the special catch and release season for muskellunge will be presented and considered at public hearing.]

SECTION 6. NR 20.20(1)(cm) is amended to read:

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

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages upstream from the Castle Rock dam	a. Hook and line.	First Saturday in May to November 30 <u>December 31</u>	1	45
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SECTION 7. NR 20.20(2)(g)2. is repealed.

SECTION 8. NR 20.20(3)(am) and (c) are amended to read:

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

(am) Largemouth and smallmouth bass	1. Big Dummy lake, Little Dummy lake	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	3 in total but only 1 may be longer than 18	None except the possession of fish from 14 through 18 is prohibited
(c) Northern pike	1. Prairie lake, Chetek lake, Pokegama lake, Mud lake, Ten Mile lake, Staples lake, Bass lake (T33N R10W)	a. Hook and line.	First Saturday in May to the first Sunday in March	2	26

S34), Horseshoe lake
(T34N R14W S7), Big
Dummy lake, Little
Dummy lake

SECTION 9. NR 20.20(5) is repealed and recreated to read:

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

(a) All species	1. The following posted urban waters: Manger lagoon, city of Green Bay	a. Hook and line.	Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; None for rough fish	None
(b) Catfish	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	25	None
		b. Set or bank pole and setline.	Saturday nearest May 20 to September 30	None	None
	2. All other waters except Green Bay and its tributaries	a. Hook and line.	Continuous	25	None
(c) Largemouth and smallmouth bass	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	5 in total	14
(d) Muskellunge	1. Fox river upstream from DePere dam	a. Hook and line.	Saturday nearest Memorial Day to November 30	1	50
(e) Northern pike	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	5	None
(f) Rough fish	1. Trout streams	a. Hook and line.	During the open season for trout	None	None

		b. By hand.	Continuous	None	None
	2. Fox river upstream from DePere dam	a. Hook and line, dip netting, by hand.	Continuous	None	None
		b. Spearing.	April 21 to the first Sunday in March	None	None
		c. Set or bank pole and setline.	Saturday nearest May 20 to September 30	None	None
	3. All other waters except Green Bay and its tributaries	a. Hook and line, by hand, dip netting.	Continuous	None	None
		b. Spearing.	April 21 to the first Sunday in March	None	None
(g) Trout and salmon	1. Haller creek, Bay Beach lagoons	a. Hook and line.	First Saturday in May at 5:00 a.m. to September 30	3 in total	None
	2. All other waters except Green Bay and its tributaries	a. Hook and line.	First Saturday in May at 5:00 a.m. to September 30	5 in total	7
(h) Walleye, sauger and hybrids	1. Fox river upstream from DePere dam	a. Hook and line.	Continuous	5 in total	15

SECTION 10. NR 20.20(10)(b)2. is amended to read:

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

(b) Muskellunge	2. Black river, East fork Black river	a. Hook and line	South of U.S. hwy. 10, First Saturday in May to November 30 <u>December 31</u>	1	40
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SECTION 11. NR 20.20(11)(f) is amended to read:

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

(f) Muskellunge 1. Park, Silver, Spring and Swan lakes a. Hook and line First Saturday in May to ~~November~~ December 31 1 40

SECTION 12. NR 20.20(13)(d) is amended to read:

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

(d) Muskellunge 1. Wingra lake, Monona lake, Waubesa lake a. Hook and line. First Saturday in May to ~~November~~ December 31 1 45

SECTION 13. NR 20.20(24)(d) is amended to read:

(24) GREEN LAKE (for species or waters not listed, including Lake Superior, see sub.(73))

(d) Muskellunge 1. Big Green lake a. Hook and line First Saturday in May to ~~November~~ December 31 1 40

SECTION 14. NR 20.20(25)(d) is amended to read:

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

(d) Muskellunge 1. Twin Valley lake a. Hook and line. First Saturday in May to ~~November~~ December 31 1 40

SECTION 15. NR 20.20(26)(g)2. is repealed.

SECTION 16. NR 20.20(27)(d) is amended to read:

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

(d) Muskellunge 1. Arbutus Canal, Black River flowage, Potter flowage, Black river, East Fork Black river, Morrison creek and Arbutus lake a. Hook and line. First Saturday in May to ~~November~~ December 31 1 40

SECTION 17. NR 20.20(29)(cm) is amended to read:

(29) JUNEAU (for species or waters not listed, see sub.(73))

(cm) Muskellunge 1. Wisconsin river including sloughs, bayous and flowages upstream from the a. Hook and line First Saturday in May to ~~November~~ December 31 1 45

Castle Rock dam

SECTION 18. NR 20.20(32)(cm) is created to read:

(32) LACROSSE (for species or waters not listed, see sub. (73))

(cm) Muskellunge	1. Black river	a. Hook and line.	First Saturday in May to December 31	1	40
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SECTION 19. NR 20.20(33)(am)1. is amended to read:

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

(am) Catfish	1. Yellow-stone lake	a. Hook and line.	First Saturday in May to the first Sunday in March	2 in total with largemouth bass, smallmouth bass, walleye, sauger and hybrids	Minimum length limit 15; maximum length limit 18 <u>24</u>
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SECTION 20. NR 20.20(33)(c) is amended to read:

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

(c) Muskellunge	1. Yellowstone lake	a. Hook and line	First Saturday in May to November 30 <u>December 31</u>	0	--
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SECTION 21. NR 20.20(34)(a) is amended to read:

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

(a) All species	1. Lower Post lake, Rolling Stone lake, Upper Post lake	a. Motortrolling 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)
	<u>2. The following posted urban waters: Remington lake</u>	<u>a. Hook and line.</u>	<u>Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish</u>	<u>1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; None for rough fish</u>	<u>None</u>

SECTION 22. NR 20.20(34)(bg) is created to read:

(34) LANGLADE (for species or waters not listed, see sub. (73))

(bg) 1. Enterprise lake a. Hook and Saturday nearest 1
Muskellunge line. Memorial Day to November 30 50

SECTION 23. NR 20.20(34)(e) is amended to read:

(34) LANGLADE (for species or waters not listed, see sub. (73))

(e) Walleye, sauger and hybrids 1. Pickerel lake, Rolling Stone lake a. Hook and line. First Saturday in May to the first Sunday in March 3 in total 18

2. ~~Enterprise lake~~, Jesse lake, Rose lake, Sawyer lake 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

3. Enterprise lake a. Hook and line. First Saturday in May to the first Sunday in March 3 in total but only 1 may be longer than 18" None but the possession of fish from 14 through 18 inches is prohibited

SECTION 24. NR 20.20(35)(a)2. is created to read:

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

(a) All species 2. The following posted urban waters: Mirror lake a. Hook and line. Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish 1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; None for rough fish None

SECTION 25. NR 20.20(35)(c)2. is created to read:

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

(c) Muskellunge 2. Enterprise lake a. Hook and line. Saturday nearest Memorial Day to November 30 1 50

SECTION 26. NR 20.20(35)(b) is amended to read:

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

(b) Largemouth and smallmouth bass	1. Wisconsin river including sloughs, bayous, flowages	a. Hook and line	Continuous	5 in total	14
	<u>2</u> 1. Muskellunge lake	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	1	18

SECTION 27. NR 20.20(35)(d) is repealed.

SECTION 28. NR 20.20(35)(f), as affected by CHR 07-014, 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	-
	<u>2</u> <u>3</u> 4. Prairie river downstream from R & H road to STH 17	<u>a. Hook and line, only artificial lures may be used</u>	<u>First Saturday in May at 5:00 a.m. to September 30</u>	<u>1 in total</u>	<u>Brown trout 18, brook and rainbow trout 12 until April 1, 2011</u>
	2 <u>3</u> <u>4</u> 5. Henson lake, Horgen lake, Larson lake, Moraine lake	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	5 in total	None
	3 <u>4</u> 6. 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 5:00 a.m. to September 30	3 in total	Brown and rainbow trout 12, brook trout 8
	4 <u>5</u> 7. 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 5:00 a.m. to September 30	3 in total	9
	5 <u>6</u> 8. Ament lake	a. Hook and line	First Saturday in May at 5:00 a.m.	5 in total	7

			to September 30 in even numbered years only		
6 <u>7</u> Tahoe lake	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30 in odd numbered years only	5 in total		7
7 <u>8</u> All other waters not listed	a. Hook and line	First Saturday in May at 5:00 a.m. to September 30	5 in total		7

SECTION 29. NR 20.20(35)(g) is amended to read:

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

(g) Walleye, sauger and hybrids	1. Wisconsin river upstream from Grandfather dam <u>to Kings dam</u> including sloughs, bayous and flowages	a. Hook and line	Continuous	5 in total	15
	<u>1g. Wisconsin river upstream from Kings dam including sloughs, bayous and flowages</u>	<u>a. Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>5 in total</u>	<u>15</u>
	1m. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until March 31, 2014 none may be from 20" to 28" and only 1 may be > 28"	15
	2. Pesobic lakes	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
	<u>3. Enterprise lake</u>	<u>a. Hook and line.</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total but only 1 may be longer than 18"</u>	<u>None but the possession of fish from 14 inches is prohibited</u>

SECTION 30. NR 20.20(42)(bm) is created to read:

(42) MONROE (for species or waters not listed, see sub. (73))

(bm) Muskellunge	1. Black river	a. Hook and	First Saturday in	1	40
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line. May to December
31

SECTION 31. NR 20.20(44)(b) is amended to read:

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

(b) Largemouth and smallmouth bass	1. Wisconsin river and sloughs, bayous and flowages downstream from the St. Regis dam in Rhinelander	a. Hook and line.	Continuous	5 in total	14
	<u>21.</u> Bearskin lake, Crescent lake, Pelican lake, Stella lake	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	1 in total	18
	<u>32.</u> Little Bass lake	a. Hook and line. Only artificial lures may be used.	First Saturday in May to Friday preceding the third Saturday in June	0	--
			Third Saturday in June to November 15	5 in total	14
	43. Oneida lake	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	3 in total but only 1 may be longer than 18"	None except the possession of fish from 14" through 18" is prohibited

SECTION 32. NR 20.20(44)(d) is repealed.

SECTION 33. NR 20.20(44)(g)1. is amended to read:

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

(g) Walleye, sauger and hybrids	1. Wisconsin river and sloughs, bayous and flowages downstream from the St. Regis dam in Rhinelander	a. Hook and line.	Continuous <u>First Saturday in May to the first Sunday in March</u>	5 in total	None, pursuant to s. NR 20.35
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SECTION 34. NR 20.20(49)(b) is amended to read:

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

(b) Muskellunge	1. All waters <u>not listed</u>	a. Hook and line	Saturday nearest Memorial Day to November 30	1	40
	<u>2. Bone lake</u>	<u>a. Hook and line</u>	<u>Saturday nearest Memorial day to November 30</u>	<u>1</u>	<u>50</u>

SECTION 35. NR 20.20(50)(cm)2. is amended to read:

(50) PORTAGE (for species or waters not listed, see sub. (73))

(cm) Muskellunge	2. Wisconsin river including sloughs, bayous and flowages south of U.S. hwy. 10.	a. Hook and line	First Saturday in May to November 30 <u>December 31</u>	1	45
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SECTION 36. NR 20.20(56)(e) is amended to read:

(56) SAUK (for species or waters not listed, see sub. (73))

(e) Muskellunge	1. Redstone Lake	a. Hook and line	First Saturday in May to November 30 <u>December 31</u>	1	40
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SECTION 37. NR 20.20(57)(e) is amended to read:

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

(e) Muskellunge	1. <u>Chippewa flowage</u> , Grindstone lake, Lac Courte Oreilles lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	50
	2. Brunet river from state hwy. 70 downstream to the	a. Hook and line.	Saturday nearest Memorial day to November 30	1	40

Chippewa river including Winter flowage, Big Sissabagama lake, Moose lake

3. Black lake, Mud a. Hook Saturday nearest 1 28
and Callahan lakes, and line Memorial day to
Tiger Cat flowage November 30
and chain of lakes
(T41N R7W), north
fork Chief river
downstream to Mud
lake (T41N R7W)

4. ~~Chippewa~~ a. Hook First Saturday in May 1 45
~~flowage, Chippewa~~ and line to November 30
river from the
Chippewa flowage
dam (Winter dam)
downstream to and
including the
Raddison flowage
and all tributaries
upstream to the first
dam or lake

SECTION 38. NR 20.20(57)(i) is amended to read:

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

(i) 1. Grindstone lake, a. Hook First Saturday in May 5 in total but only 1 may be None but the
Walleye, Chippewa river and line. to the first Sunday in longer than 18 possession of
sauger downstream from March fish from 14
and Radisson flowage including all through 18
hybrids tributaries upstream inches is
to the first dam or prohibited
lake, Winter lake and
Brunet river
upstream from
Winter lake to the
Lake Loretta dam

2. Flambeau river, a. Hook First Saturday in May 5 in total but only 1 may be None
north fork Flambeau and line. to the first Sunday in longer than 14
river and south fork March
Flambeau river
including their
tributaries upstream
to the first dam or
lake

3. Black Dan lake, a. Hook First Saturday in May 1 in total 28

Clear lake, Island and line. to the first Sunday in
lake (T39N R5W March
S2), ~~Sand lake~~

4. Sand lake a. Hook First Saturday in May 3 18
and line. to the first Sunday in
March

SECTION 39. NR 20.20(62)(am) is created to read:

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

(am) Muskellunge 1. Black river a. Hook and First Saturday in 1 40
line. May to December
31

SECTION 40. NR 20.20(64)(c)2, is amended to read:

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

(c) Largemouth 2. Averill lake, Big Portage lake, Big a. Hook First Saturday 0 --
and smallmouth Muskellunge lake, East Ellerson lake, Forest and in May to
bass lake, Gunlock lake, Little Bass lake (T40N, line. Friday
R8E, S15), Kentuck lake, Middle Ellerson lake, preceding third
Papoose lake, Plum lake, Presque Isle lake, Saturday in
Salsich lake, Star lake, Trout lake, Van Vliet June
lake, Wabasso lake, West Plum lake, White
Sand lake (T42N, R7E, S27), Whitney lake

Third Saturday 1 in total 18
in June to the
first Sunday in
March

SECTION 41. NR 20.20(64)(d)2m. is amended to read:

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

(d) Muskellunge 2m. Sparkling lake a. Hook Saturday 1 40 until
and line. nearest November 30,
Memorial day 2008 2013
to November when it
30 becomes 34

SECTION 42. NR 20.20(64)(h)9. is amended to read:

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

(h) Walleye, 9. Sparkling lake a. Hook First Saturday 1 until 28 until March
sauger and in May to the March ~~1,~~ 1, 2009 3, 2014
hybrids first Sunday in 2009 3, when it

March 2014 becomes 15
when it
becomes
5

SECTION 43. NR 20.20(70)(f)4. is amended to read:

(70) WAUSHARA (for species or waters not listed, see sub. (73))

(f) Trout and salmon	4. Gilbert lake, Johns lake, <u>Long lake (Town of Saxeville)</u> , Pearl lake, Pine lake, Spring lake, White River pond (west branch), Wild Rose millpond	a. Hook and line	First Saturday in May at 5:00 a.m. to the first Sunday in March	5 in total	7
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SECTION 44. NR 20.20(72)(cm) is amended to read:

(72) WOOD (for species or waters not listed, see sub. (73))

(cm) Muskellunge	1. Wisconsin river including sloughs, bayous and flowages	a. Hook and line.	First Saturday in May to November 30 <u>December 31</u>	1	45
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SECTION 45. NR 20.20(73)(b)3m. is amended to read:

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

(b) Catfish	3m. Lake Winnebago system waters	a. Hook and line.	Continuous-First Saturday in May to September 30 <u>March 31, 2012</u>	25 in total	None except for flathead catfish, which is 30 but the possession of flathead catfish <u>to 42 is prohibited</u>
		b. Set or bank pole and setline 500 feet or more from any dam	Saturday nearest May 20 to September 30	None but until March 31, 2012 only <u>2 1</u> may be a	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36

flathead to 42 is
 catfish prohibited
 regardless
 of
 whether
 caught on
 hook and
 line, set
 or bank
 pole, or
 setline

SECTION 46. NR 20.20(73)(g)3. is amended to read:

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

(g)	3. All other waters south of U.S. hwy. 10 not listed in subs. (1) to (72) or this paragraph	a. Hook and line.	First Saturday in May to November 30 <u>December 31</u>	1	34
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SECTION 47. NR 20.20(73)(o)4. and 5. are amended to read:

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

(o) Walleye, sauger and hybrids	4. All other tributary streams and ditches to Green Bay upstream to the first dam or lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 <u>5</u> in total	None <u>15</u>
	6. Lake Winnebago system waters	a. Hook and line	Continuous	5 walleye, 0 <u>1</u> sauger and hybrids	None

SECTION 48. NR 21.06 (1)(b) and (d) are amended to read:

NR 21.06(1)(b) May use ~~dip landing nets 3 feet or less in diameter~~ and a gaff only for the purpose of landing a fish that is legally hooked. However, ~~such dip landing nets may be used to remove winterkilled fish in those areas and at those times designated by the department by posting, and to net fish as authorized with the use of dip nets under this chapter or ch. NR 20.~~

(d) Except in Lake Superior, its bays and tributaries, may take rough fish by means of spear, bow and arrow or dip nets and landing nets not to exceed 24 inches in diameter or square only from sunrise to sunset from the Saturday nearest April 21 to March 1, except that the use of dip nets and landing nets not to exceed 24 inches in diameter or square for the taking of rough fish in the St. Croix river downstream to the St. Croix Falls dam is permitted from the Saturday nearest May 15 to June 30 each year.

SECTION 49. NR 22.06 (1)(b) and (d) are amended to read:

NR 22.06(1)(b) Use ~~dip landing nets 3 feet or less in diameter~~ and a gaff only for the purpose of landing a fish that is legally hooked. However, ~~such dip landing nets may be used to remove distressed fish in winterkill waters in those areas and at those times designated by the department by posting, and to net fish as authorized with the use of dip nets under this chapter or ch. NR 20.~~

(d) Take rough fish by means of a spear, bow and arrow, or landing net or dip nets not to exceed 24 inches in diameter or square from sunrise to sunset only.

SECTION 50. NR 23.01 is amended to read:

NR 23.01 Purpose. The provisions of this chapter, along with other applicable rules and statutes, regulate fishing in Wisconsin-Michigan boundary waters.

SECTION 51. NR 23.05(1m) is created to read:

NR 23.05(1m) No person may set, use or operate a landing net for any purpose other than for the purpose of landing fish legally hooked or to take fish as authorized with the use of dip nets under this chapter or ch. NR 20.

SECTION 52. NR 23.06(1) is amended to read:

NR 23.06 (1) Dip nets and landing nets may be used for taking suckers, redhorse, carp, smelt and lawyers or burbot from April 1 to May 14, in the Menominee river except in that portion from the upstream side of the Hattie Street Bridge in Marinette-Menominee upstream to the next dam and within 200 feet below dams on the river.

SECTION 53. EFFECTIVE DATE. This rule shall take effect on April 1, 2009, except Sections 37 and 47, 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 54. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)