

Report From Agency

REPORT TO LEGISLATURE

NR 20, 21, 22 and 23, Wis. Adm. Code
Fishing on the inland, outlying and boundary waters of Wisconsin

Board Order No. FH-02-08
Clearinghouse Rule No. 08-10

Basis and Purpose of the Proposed Rule

Annually, the Department submits rule change proposals relating to fishing on the inland, outlying and boundary waters of Wisconsin. Citizen input is gathered through the statewide Spring Fish and Wildlife hearings. The proposed order contains the following proposals:

Proposals of statewide interest and significance

1. The Department proposes to move the closing date for the muskellunge open season in waters south of US Highway 10 from November 30 to December 31, to increase fishing opportunities for anglers.
2. The Department proposes several changes to regulations regarding recreational harvest of flathead catfish from Winnebago system waters. These changes include a reduction in daily bag and possession limits from 2 fish to 1 fish and 10 fish to 2 fish, respectively, and implementation of a 30-inch minimum size restriction on harvest of flathead catfish, with harvest of fish between 36-42 inches prohibited.
3. The Department proposes to increase the daily bag limit for sauger in Winnebago system waters from 0 fish to 1 fish, in response to successes seen in rehabilitating the species in that system.
4. The Department proposes to eliminate the continuous open season for northern pike, walleye, and bass in the segment of the Wisconsin River downstream from the St. Regis dam, Rhinelander (Oneida County) to the Grandfather Dam (Lincoln County). Open seasons for these species would instead be governed by the dates of the regular fishing season. This proposal is in response to continued requests from residents of Oneida and Lincoln Counties.
5. The Department proposes to increase the minimum size restriction on harvest of muskellunge in the Chippewa Flowage, Sawyer County, from 45 to 50 inches.
6. The Department proposes to correct inconsistencies in regulations governing walleye harvest in minor Green Bay tributaries. The daily bag limit will be increased from 3 fish to 5 fish and the minimum size restriction for harvest increased from no minimum to 15 inches.
7. The Department proposes to correct inconsistencies in the minimum size restriction for harvest of muskellunge in the Black River in LaCrosse, Monroe, and Trempealeau Counties. The minimum size limit for muskellunge would change from 34 to 40 inches, as it is in bordering counties.
8. The Department proposes clarification of the use of the term "landing net" in Administrative Code, to distinguish net used to land fish caught by hook and line from nets used to legally dip rough fish.

Proposals of local interest and significance:

1. The Department proposes to remove special regulations governing walleye harvest in English Lake, Ashland County, replacing the current restriction of no minimum size restriction but only 1 fish larger than 14 inches allowed with a 15 inch minimum restriction.
2. The Department proposes changes to rules regulating harvest of bass and northern pike in Little and Big Dummy Lakes, Barron County. The proposed regulations implement 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. In addition, the rule also proposes to implement a 2 fish daily bag limit for northern pike, with a 26 inch minimum size restriction.
3. The Department proposes to establish three new urban fishing waters: Manger Lagoon, City of Green Bay; Remington Lake, Langlade County; and Mirror Lake, Lincoln County. The proposed rules stipulate that 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.
4. The Department proposes to remove special regulations governing walleye harvest in Boot, Long, and McDermott Lakes in Iron County, replacing the current restriction of no minimum size restriction but only 1 fish larger than 14 inches allowed with a 15 inch minimum restriction.
5. The Department proposes to change walleye regulations in Enterprise lake, Langlade and Lincoln Counties, by replacing a rule 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 only 1 fish larger than 18 inches may be kept. These sections also reduce the daily bag limit from 5 walleye to 3 walleye in this lake.
6. The Department proposes to increase the minimum size restriction for harvest of muskellunge in Bone Lake, Polk County, from 40 to 50 inches
7. The Department proposes to reduce the minimum harvest size restriction for walleye in Sand Lake, Sawyer County, from 28 inches to 18 inches and increase the daily bag limit for walleye from 1 fish to 3 fish, in response to successful rehabilitation of the species in this Ceded Territory lake.
8. The Department proposes increases to 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 reductions in the aggregate daily bag limit for bass from 5 fish to 1 fish.
9. The Department proposes to continue special regulations governing harvest of muskellunge and walleye in Sparkling Lake, Vilas County. These rules have been in place as part of a research project conducted by the University of Wisconsin- Madison, and the Department and University would like to continue the study. The current rules for muskellunge are set to expire by sunset clause in November, 2008 and the current rules for walleye are set to expire in March, 2009, by sunset clauses. This rule proposes to extend the sunsets to 2013-14.
10. The Department proposes to remove special regulations for trout in Long Lake, Waushara County. This lake has a stocked trout population, and the proposal moves the end of the open season from September 30 to the first Sunday in March.

Summary of Public Comments

The attached table shows the votes case for each proposal at the public hearings.

Modifications Made

Two changes mandated by s. 29.426, Stats., were not supported by the public, and are not included in this rule order: 1) To create a catch-and-release muskellunge fishing season in waters north of U.S. Highway 10, with a restriction that anglers fishing this season use only artificial lures with barbless hooks; and 2) To require that anglers fishing catch-and-release bass seasons use only artificial lures with barbless hooks.

The proposal to re-implement restrictive trout fishing regulations on a 5-mile stretch of the Prairie River in Lincoln County based on lack of local support for managing this stretch of river for anything other than a consumptive fishery has also been deleted.

Appearances at the Public Hearing

Statewide attendance at the spring hearings was 6,407.

Changes to Rule Analysis and Fiscal Estimate

The analysis was modified to remove reference to the provisions no longer included in the rule. No changes were required to the fiscal estimate.

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.

Statewide Questions

| Question | Yes Votes | No Votes | Majority | Counties Approving | Counties Against | Counties Tied | Local County |
|---|--------------|-------------|----------|-----------------------|---------------------|------------------|-----------------|
| 12 Do you favor moving the opening day for the regular musky season in waters north of US Highway 10 to the first Saturday in May? The current closed season (First Saturday in May through the Friday preceding Memorial Day) for musky would be eliminated. | 1801 | 3232 | No | 14 | 57 | 1 | 0 |
| 13 If not, do you favor creating a catch-and-release season for muskellunge in waters north of US Highway 10, during which musky anglers would be restricted to using artificial lures with barbless hooks, beginning the first Saturday in May and ending on the day immediately preceding the regular musky season opening day, which is currently the Saturday preceding Memorial Day? | 1202 | 1367 | No | 3 | 68 | 1 | 0 |
| 14 Do you favor eliminating the northern zone early bass catch-and-release season by moving the opening day in that zone to the first Saturday in May? | 1891 | 2909 | No | 20 | 51 | 1 | 0 |
| 15 Do you favor eliminating the northern zone early bass catch-and-release season and having the regular bass season open the third Saturday in June? | 1587 | 3068 | No | 7 | 62 | 3 | 0 |
| 16 Do you favor the current season structure, with a catch-and-release season beginning the first Saturday in May and ending on the day before the third Saturday in June, and the regular bass season beginning the third Saturday in June? Bass anglers would be restricted to using artificial lures with barbless hooks during the catch-and-release season. | 1813 | 2849 | No | 16 | 54 | 2 | 0 |

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| 17 | Do you favor changing the open season for flathead catfish in Winnebago System waters from a continuous season to one that would open on the first Saturday of May and close on September 30 of each year? | 2392 | 1341 | Yes | 63 | 8 | 1 | 0 |
| 18 | Do you favor implementation of a 30 inch minimum size limit for flathead catfish in Winnebago system waters, with possession of fish between 36-42 inches prohibited, and a 1 fish daily bag limit (anglers could keep 1 flathead between 30-36 inches, or 1 larger than 42 inches) ? There is currently a 2 fish daily bag limit for flathead catfish in Winnebago system waters, with no minimum size limit. | 2161 | 1558 | Yes | 52 | 16 | 4 | 0 |
| 19 | Do you favor changing the ending date of the muskellunge open season in the waters south of U.S. Hwy 10 from November 30 until December 31? The opening date of the season would remain the first Saturday in May. | 2371 | 1817 | Yes | 55 | 15 | 2 | 0 |
| 20 | Do you favor changing the current 0 daily bag limit for sauger and walleye/sauger hybrids on Winnebago system waters to a combined daily bag limit for walleye, sauger, and walleye/sauger hybrids of 5 in total of which no more than 1 may be a sauger or walleye/sauger hybrid? | 2866 | 918 | Yes | 69 | 3 | 0 | 0 |
| 21 | Do you favor making the open season on the Wisconsin River system from Kings Dam (Lake Alice) upstream to the St. Regis Dam (Rhineland Paper Mill) consistent with the general inland open season in northern Wisconsin? For largemouth bass, smallmouth bass, northern pike, and walleye, this would change the open season from | 2279 | 1251 | Yes | 63 | 8 | 1 | 0 |

continuous to the first Saturday in May through the first Sunday in March. In addition, the daily bag limit for largemouth and smallmouth bass would be 0 (catch and release only) from the first Saturday in May through the Friday before the third Saturday in June.

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| 22 | Do you favor changing the muskellunge regulations on the Lower Black River and its tributaries upstream to the first dam or lake from a 34 inch minimum size limit and daily bag of 1 fish in La Crosse, Monroe, and Trempealeau Counties to a 40 inch minimum length limit and daily bag of 1 fish in those counties? | 2326 | 1049 | Yes | 64 | 5 | 3 | 0 |
| 23 | Do you favor replacing the current regulation of a 3 walleye daily bag limit and no minimum length restriction to a 5 fish daily bag limit with a 15 inch minimum size restriction in minor Green Bay tributaries, to bring consistency to walleye regulations in Green Bay and all of its tributaries? | 2944 | 758 | Yes | 71 | 0 | 1 | 0 |
| 24 | Do you favor increasing the minimum length limit for muskellunge from 45 inches to 50 inches on the Chippewa Flowage in Sawyer County | 2175 | 1805 | Yes | 47 | 23 | 2 | 0 |
| 25 | Do you favor the creation of a definition of a landing net, clarifying that landing nets are legal to possess and use while fishing with hook and line equipment? | 4152 | 594 | Yes | 72 | 0 | 0 | 0 |
| 26 | Do you favor allowing the use of landing nets to take rough fish when and where the harvest of rough fish is allowed with the use of a dip net? | 4069 | 676 | Yes | 72 | 0 | 0 | 0 |

Local Questions

| | Question | Yes Votes | No Votes | Majority | Counties Approving | Counties Against | Counties Tied | Local County | Yes Votes | No Votes |
|----|--|--------------|-------------|----------|-----------------------|---------------------|------------------|-----------------|--------------|-------------|
| 27 | Do you favor changing from the 14- to 18-inch protected slot limit (with only one fish greater than 18 inches) to the statewide 15-inch minimum length limit (and regular bag limits based in part on tribal harvest declarations) on McDermott, Boot, and Long Lakes in Iron County and English Lake in Ashland County? | 1630 | 786 | Yes | 68 | 3 | 1 | Ashland | 28 | 15 |
| 28 | Do you support replacing the current no minimum length limit, daily bag of 5 fish for northern pike on Big and Little Dummy Lakes in Barron County, with a 26 inch minimum length limit and daily bag of 2? | 1460 | 687 | Yes | 58 | 6 | 8 | Barron | 69 | 16 |
| 29 | Do you support replacing the current 14 inch minimum length limit and 5 fish daily bag limit for bass on Big and Little Dummy Lakes in Barron County with a no minimum length limit, with a 14-18 inch protected slot and a 3 fish total daily bag limit, where only one bass harvested may be longer than 18 inches? | 1335 | 747 | Yes | 53 | 7 | 12 | Barron | 62 | 21 |
| 30 | Do you favor adding Manger Lagoon to the DNR urban fishing program, with daily bag limits as 3 trout, one gamefish, and 10 panfish, with no size limit on any species? Fishing would be open year round, but restricted to youth and disabled anglers only. | 1817 | 525 | Yes | 69 | 1 | 2 | Brown | 132 | 6 |

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|----|--|------|------|-----|----|----|----|-----------|-----|----|
| 31 | Do you favor increasing the harvest slot size limit for channel and flathead catfish from the current 15 – 18 inch harvest slot to a 15 - 24 inch harvest slot size limit on Yellowstone Lake (including the Yellowstone River from the lake upstream to Co. Hwy F), Lafayette County? | 1386 | 717 | Yes | 62 | 7 | 3 | Lafayette | 31 | 1 |
| 32 | Do you favor changing the muskellunge regulations on Enterprise Lake from a 34 inch minimum size limit and daily bag of 1 fish to the following: 50 inch minimum length limit and daily bag of 1 fish? | 1449 | 1053 | Yes | 43 | 22 | 7 | Langlade | 30 | 45 |
| 33 | Do you favor changing the walleye regulations on Enterprise Lake from no minimum size limit but only 1 fish over 14 inches to no minimum length limit, but with a protected slot size of 14-18 inches and daily bag of 3 fish with only 1 per day over 18 inches? | 1638 | 698 | Yes | 57 | 3 | 12 | Langlade | 47 | 30 |
| 34 | Do you favor adding Remington Pond to the DNR urban fishing program, with daily bag limits as 3 trout, one gamefish, and 10 panfish, with no size limit on any species? Fishing would be open year round, but restricted to youth and disabled anglers only. | 1616 | 572 | Yes | 68 | 2 | 2 | Langlade | 61 | 21 |
| 35 | Do you favor adding Mirror Lake to the DNR urban fishing program, with daily bag limits as 3 trout, one gamefish, and 10 panfish, with no size limit on any species? Fishing would be open year round, but restricted to youth and disabled anglers only. | 1668 | 599 | Yes | 67 | 3 | 2 | Lincoln | 122 | 27 |

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| 36 | Do you favor Category 5 trout regulations (aggregate daily bag limit of 1 trout; 18" minimum size limit on brown trout; 12" minimum size limit on brook and rainbow trout; artificial lures only) on the Prairie River in Lincoln County from R & H Road downstream to STH 17 (5 miles) through the 2010 season? At that time the Natural Resources Board can determine whether to permanently institute these Category 5 regulations based on results of the evaluation, or begin an evaluation of the Category 4 alternative. This will allow a full evaluation of the regulation and the capacity of this stretch of river to grow larger trout. | 2024 | 1494 | Yes | 47 | 25 | 0 | Lincoln | 36 | 135 |
| 37 | Do you support increasing the muskellunge minimum length limit from 40 to 50 inches with a daily bag of 1 on Bone Lake? | 1470 | 1084 | Yes | 47 | 22 | 3 | Polk | 41 | 23 |
| 38 | Do you favor decreasing the minimum length limit for walleye from 28 inches to 18 inches and increasing the daily bag limit from 1 fish to 3 fish on Sand Lake in Sawyer County? | 1878 | 590 | Yes | 70 | 0 | 1 | Sawyer | 81 | 9 |
| 39 | Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on Big Portage Lake, Vilas County? | 1266 | 828 | Yes | 41 | 24 | 6 | Vilas | 56 | 18 |
| 40 | Do you favor maintaining the restrictive regulations for largemouth and smallmouth bass, walleye, and muskellunge on | 1471 | 611 | Yes | 63 | 5 | 3 | Vilas | 60 | 16 |

Sparking Lake, Vilas County, for 5 additional years?

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|----|---|------|-----|-----|----|----|----|----------|----|----|
| 41 | Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on the Presque Isle Chain of Lakes, including Presque Isle, Van Vliet, and Averill Lakes, Vilas County? | 1249 | 842 | Yes | 44 | 21 | 6 | Vilas | 55 | 21 |
| 42 | Do you favor increasing the minimum length limit from 14 inches to 18 inches and reducing the daily bag limit from 5 to 1 in total for bass on Star Lake, Vilas County? | 1260 | 864 | Yes | 40 | 21 | 10 | Vilas | 60 | 23 |
| 43 | Do you support extending the open season for trout, on Long Lake in the Town of Saxeville, Waushara County, from the first Saturday in May through the first Sunday in March? | 1528 | 737 | Yes | 64 | 5 | 3 | Waushara | 42 | 4 |