

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), 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), 22.06(1)(b) and (d), 23.01, and 23.06(1); and to create NR 20.03(19m), 20.13(9), 20.20(27)(d), (32)(cm),(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, 29.426, 29.428 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, 3, 45, 46, 47, 48, and 49 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.

Sections 2 and 42 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 4, 8, 9, 10, 11, 12, 14, 15, 16, 18, 25, 30, 31, 34, 39, and 41 extend the end of the open season for muskellunge in waters south of US highway 10 from November 30 to December 31.

Section 5 removes special regulations for walleye in English lake, Ashland county.

Section 6 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 6m implements a 2 fish daily bag limit for northern pike, with a 26 inch minimum size restriction.

Section 7 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 13 removes special regulations for walleye in Boot, Long, and McDermott lakes, Iron county.

Sections 16, 25, and 34 simplify muskellunge regulations on the Black river in LaCrosse, Monroe, and Trempealeau counties by increasing the minimum length restriction to 40 inches.

Section 17 increases the maximum allowable size for catfish in Yellowstone lake, Lafayette county, from 18 to 24 inches.

Section 19 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 20 and 24 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 21 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 22, 23, 24, 26, 27, and 28 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 29 increases the minimum size restriction for muskellunge harvest from 40 to 50 inches in Bone lake, Polk county.

Section 32 increases the minimum size restriction for muskellunge harvest from 45 to 50 inches in the Chippewa flowage, Sawyer county.

Section 33 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. This section will take effect on the first day of the month following publication in the Administrative Register.

Section 35 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 36 and 37 extend the sunset clause on special regulations for muskellunge and walleye in Sparkling lake, Vilas county from 2008-09 to 2013-14.

Section 38 extends the open season for trout in Long lake (Town of Saxeville), Waushara county.

Section 42 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. This section will take effect on the first day of the month following publication in the Administrative Register.

Section 42 also increases the daily bag limit for sauger in Lake Winnebago system waters from 0 fish to 1 fish. This section will take effect on the first day of the month following publication in the Administrative Register.

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.

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 to 23.

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

(1) ADAMS (for species or waters not listed, 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 <u>December 31</u>	1	45
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SECTION 5. NR 20.20(2)(g)2. is repealed.

SECTION 6. NR 20.20(3)(am) is created 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 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
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SECTION 6m. NR 20.20(3)(c) is amended to read:

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

(c) Northern pike	1. Prairie lake, Chetek lake, Pokegama lake, Mud lake, Ten Mile lake, Staples lake, Bass lake (T33N R10W S34), Horseshoe lake (T34N R14W S7), <u>Big Dummy lake</u> , <u>Little Dummy lake</u>	a. Hook and line.	First Saturday in May to the first Sunday in March	2	26
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SECTION 7. NR 20.20(5) is repealed and recreated to read:

(5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, 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	1	50

to November 30

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

(10) CLARK (for species or waters not listed, 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 9. NR 20.20(11)(f) is amended to read:

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

(f) Muskellunge	1. Park, Silver, Spring and Swan lakes	a. Hook and line	First Saturday in May to November 30 <u>December 31</u>	1	40
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SECTION 10. NR 20.20(13)(d) is amended to read:

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

(d) Muskellunge	1. Wingra lake, Monona lake, Waubesa lake, Upper Mud lake, Yahara river from Tenney locks downstream to Babcock dam, Nine Springs creek, Swan creek, Wingra creek, Starkweather creek	a. Hook and line.	First Saturday in May to November 30 <u>December 31</u>	1	45
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SECTION 11. NR 20.20(24)(d) is amended to read:

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

(d) Muskellunge	1. Big Green lake	a. Hook and line	First Saturday in May to November 30 <u>December 31</u>	1	40
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SECTION 12. NR 20.20(25)(d) is amended to read:

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

(d) Muskellunge	1. Twin Valley lake	a. Hook and line.	First Saturday in May to November 30 <u>December 31</u>	1	40
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SECTION 13. NR 20.20(26)(g)2. is repealed.

SECTION 14. 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 30 <u>December 31</u>	1	40
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SECTION 15. 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 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 16. 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 17. 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 18. 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 19. NR 20.20(34)(a) is amended to read:

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

(a) All species	1. Lower Post lake, Rolling Stone lake, Upper Post lake	a. Motor trolling 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</u>	<u>a. Hook and line.</u>	<u>Continuous but only persons</u>	<u>1 largemouth bass.</u>	<u>None</u>

waters: Remington lake

under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish 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

SECTION 20. 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. <u>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 through 18 inches is prohibited</u>

SECTION 21. NR 20.20(35)(a)2. is created to read:

(35) LINCOLN (for species or waters not listed, 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
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SECTION 22. 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
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	21. 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 23. NR 20.20(35)(d) is repealed.

SECTION 24. 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 to <u>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 through 18 inches is prohibited</u>

SECTION 25. 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 line.	First Saturday in May to December 31	1	40
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SECTION 26. 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 Rhineland	a. Hook and line.	Continuous	5 in total	14
	21. 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
	32. 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 27. NR 20.20(44)(d) is repealed.

SECTION 28. 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 29. 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
	2. <u>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 30. 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 31. 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 32. 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
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2. Brunet river from state hwy. 70 downstream to the Chippewa river including Winter flowage, Big Sissabagama lake, Moose lake	a. Hook and line.	Saturday nearest Memorial day to November 30	1	40
3. Black lake, Mud and Callahan lakes, Tiger Cat flowage and chain of lakes (T41N R7W), north fork Chief river downstream to Mud lake (T41N R7W)	a. Hook and line	Saturday nearest Memorial day to November 30	1	28
4. Chippewa flowage , Chippewa 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	a. Hook and line	First Saturday in May to November 30	1	45

SECTION 33. NR 20.20(57)(i) is amended to read:

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

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

to the first dam or lake

3. Black Dan lake, Clear lake, Island lake (T39N R5W S2), Sand lake	a. Hook and line.	First Saturday in May to the first Sunday in March	1 in total	28
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<u>4. Sand lake, including Sissabagama creek upstream to Sand lake road</u>	<u>a. Hook and line.</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3</u>	<u>18</u>
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SECTION 34. NR 20.20(62)(ae) is created to read:

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

(ae) Muskellunge	1. Black river	a. Hook and line.	First Saturday in May to December 31	1	40
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SECTION 35. NR 20.20(64)(c)2. is amended to read:

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

(c) Largemouth and smallmouth bass	2. <u>Averill lake, Big Portage lake, Big Muskellunge lake, East Ellerson lake, Forest lake, Gunlock lake, Little Bass lake (T40N, R8E, S15), Kentuck lake, Middle Ellerson lake, Papoose lake, Plum lake, <u>Presque Isle lake</u>, Salsich lake, <u>Star lake</u>, Trout lake, <u>Van Vliet lake</u>, Wabasso lake, West Plum lake, White Sand lake (T42N, R7E, S27), Whitney lake</u>	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

SECTION 36. 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 and line.	Saturday nearest Memorial day to November 30	1	40 until November 30, 2008 <u>2013</u> when it becomes 34
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SECTION 37. NR 20.20(64)(h)9. is amended to read:

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

(h) Walleye, sauger and hybrids	9. Sparkling lake	a. Hook and line.	First Saturday in May to the first Sunday in March	1 until March 4, 2009 3, 2014	28 until March 4, 2009 3, 2014 when it becomes 15
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SECTION 38. 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 39. 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 40. NR 20.20(73)(b)3m. is amended to read:

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

(b) Catfish waters	3m. Lake Winnebago system	a. Hook and line.	Continuous-First Saturday in May to September 30	25 in total but until March 31, 2012 only <u>2 1</u> may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None except for <u>flathead catfish, which is 30 but the possession of flathead catfish from 36 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 flathead catfish	None except for <u>flathead catfish, which is 30 but the possession of flathead</u>

regardless of catfish from 36
 whether caught to 42 is
 on hook and prohibited
 line, set or
 bank pole, or
 setline

SECTION 41. 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 42. 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>	None sauger and hybrids

SECTION 43. 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 44. 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 45. 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 46. 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 47. 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 48. EFFECTIVE DATE. This rule shall take effect on April 1, 2009, except Sections 33 and 42, which shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 49. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 25, 2008.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)