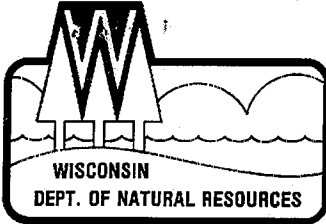


Clearinghouse Rule 95-191

95-191



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FM-3-96 was duly approved and adopted by this Department on January 24, 1996. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 18th day of March, 1996.

George E. Meyer
George E. Meyer, Secretary

(SEAL)

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



.....
The Wisconsin Natural Resources Board adopts an order to
repeal NR 21.11(1)(j), 22.11(11) and 26.01(63)(a); to
amend NR 20.03(1)(a)1.c., d., f., 6., and 9., (4)(g)27.,
20.04(3)(am)13., 20.07(1)(f), 21.06(2), 22.06(3), 23.05(2),
26.08(14)(a) and 26.21(44)(a); and to create NR 20.04(5) and
26.09(63)(a) relating to sport and commercial fishing and fish
refuges
.....

FM-3-96

Analysis prepared by the Department of Natural Resources

Statutory authority: ss. 29.174, 29.155(1h), and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085 and 29.174(2)(a), Stats.

In this order:

Section 1 changes the opening day of the delayed largemouth and smallmouth bass harvest season in northern zone waters from the Saturday nearest June 20 to the third Saturday in June;

Section 2 deletes Lowe Creek pond from the trout table;

Section 3 clarifies the definition of the portions of the Pecatonica river that are open to year around fishing;

Section 4 provides for the transport by the public of certain nonindigenous fishes to a Department office for verification;

Sections 5, 6, 8 and 10 make the "sorting" rule in boundary waters consistent with inland waters, and would now allow the subsequent release of fish taken into possession and counted toward the daily bag limit in boundary waters (currently, once a fish is taken into possession, it cannot be released);

Sections 7 and 9 repeal a provision that requires rough fish to be disposed of by commercial operators. This brings the code into compliance with recent statutory changes;

Sections 11 and 13 change the fish refuge at the Rest Lake dam on the Manitowish river (Vilas county) from a year around closure to an April 1 to May 31 closure;

Section 12 corrects the description of the fish refuge on Beaver Dam creek, Dodge county;

Section 14 corrects the description of the fish refuge on the Tomahawk river, Oneida county.

SECTION 1. NR 20.03(1)(a)1.c., d., f., 6. and 9. are amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(a) LARGEMOUTH AND SMALLMOUTH BASS			
1.			
c. Wilson lake, Iron county; Sawyer lake, Langlade county	First Saturday in May to Friday nearest <u>preceding the third</u> <u>Saturday in June 20</u>	0	--
	<u>Third Saturday after</u> <u>the Friday nearest in</u> June 20 to March 1	5	No minimum length except the possession of fish between 12 and 16 in- ches is prohib- ited
d. Lake Three, Day lake, East Twin lake, Mineral lake and Spillerberg lake, Ashland county; Crooked and Lund lakes, Bayfield county; Crane, Luna, McKinley, Pickerel, Three Johns,	First Saturday in May to Friday nearest <u>preceding the third</u> <u>Saturday in June 20</u>	0	--
Trump and White Deer lakes, Forest county; Evelyn, O'Brien and One Man lakes, Iron county; Bearskin, Crescent, Oneida, Pelican and Shishebogama lakes, Oneida county; Cochran and Bass lakes (T38N, R2W, sec. 18), Price county; Black lake, Sawyer county; and East Ellerson, Gunlock, Little Bass (T40N, R8E, sec. 15), Middle Ellerson, Papoose, Plum (T41N, R42E, sec. 31&32), Salsich, Trout and White Sand (T42N, R7E, sec. 27) lakes, Vilas county	<u>Third Saturday after</u> <u>the Friday nearest</u> <u>in June 20 to March 1</u>	1	18
f. Gates and Loon lakes, Ash- land county; Bass (T46N, R7W, sec. 28&29), East Twin and West Twin lakes, Bayfield county; Gile flowage, Turtle-Flambeau flowage and Upson lake,	First Saturday in May to Friday nearest <u>preceding the third</u> <u>Saturday in June 20</u>	0	--
	<u>Third Saturday after</u>	2	15

Iron county; Blockhouse and Sailor lakes, Price county; South Twin lake, Taylor county; and Wabasso lake, Vilas county

~~the Friday nearest~~
in June 20 to March 1

6. Little Bass lake (T39N, R7E, sec. 15), Oneida county (small-mouth bass) and Wildwood lake, Vilas county (largemouth bass). See also s.NR 20.07(11)

First Saturday in May to Friday ~~nearest~~ preceding the third Saturday in June 20

0 --

Third Saturday after ~~the Friday nearest~~ in June 20 to November 15

5 12

9. All other inland waters north of a line beginning with state hwy. 70 bridge over the St. Croix river, following state hwy. 70 east to its intersection with state hwy. 27, then south following state hwy. 27 to its intersection with state hwy. 64, then east following state hwy. 64 to its terminus in the city of Marinette, then due east to the waters of Green Bay; and all inland waters in Brown, Kewaunee and Door counties north of a line beginning with the state hwy 29 bridge over the Fox river, following state hwy 29 east to its terminus in the city of Kewaunee, then continuing due east to the waters of Lake Michigan. Also, the Peshtigo flowage upstream to state hwy. 64 in Marinette county.

First Saturday in May to the Friday ~~nearest~~ preceding the third Saturday in June 20

None may be kept -

Third Saturday after ~~the Friday nearest~~ in June 20 to March 1

5 of each 12

SECTION 2. NR 20.03(4)(g)27. is amended to read:

County	Water name	Portion	Regulation Category	Gear Restrictions. Size limits. Daily Bag Limits, and Daily Bag and Size Limits for Category 5 Waters, and Open Seasons Exceptions for Other Categories (Open Seasons Include Both Dates)
27. Jackson	All waters not listed		2	
	Allen creek	All	4	
	Beaver creek (north fork)	All	4	
	Buffalo river (north fork)	All	4	
	Buffalo river (south fork)	All	4	
	Clear creek (south branch Robinson)	All	3	
	Curran Coulee creek	All	3	
	Douglas creek (Shake Hollow creek)	Upstream from Douglas pond	4	
	Halls creek (south fork)	All	4	
	Halls creek (Stockwell creek)	Upstream from GB&W railroad crossing (S22, T23N, R4W)	4	
	Halls creek (west fork)	All	4	
	Hoffman pond	All	2	
	Lake Lee	All	2	
	Lake Wazee	All	5	Daily bag limit: 2 trout in total. Size limit: 12"
	Levis creek	Downstream from west line of S14, T21N, R3	4	
	Lowe Creek pond	All	2	
	Oxbow ponds	All	2	
	Pigeon creek (Millston)	All	3	
	Pigeon creek (Northfield)	All	3	
	Robinson creek	Upstream from STH 27	3	
	Shake Hollow (N. branch)	All	4	

(Cr. 30-15)

Shamrock creek	All	3
Squaw creek	All	3
Stony creek	All	3
Tank creek	All	4
Trempealeau river	Davis road upstream to Lincoln road	5
Trempealeau river	Trempealeau co. line upstream to confluence of west, north, and south branches	4
Trempealeau river (N. branch)	Upstream from Cain road	4
Trempealeau river (N. branch)	Downstream from Cain road	5
Trempealeau river (S. branch)	All	4
Vosse Coulee creek	All	4

Gear restrictions: only artificial lures may be used
 Daily bag limit: 2 trout in total, only 1 may be a brown trout. Size limit: brown trout 18", brook and rainbow trout 10"

Gear restrictions: only artificial lures may be used
 Daily bag limit: 2 trout in total, only 1 may be a brown trout. Size limit: brown trout 18", brook and rainbow trout 10"

SECTION 3. NR 20.04(3)(am)13. is amended to read:

NR 20.04(3)(am)13. Pecatonica river, including the East branch upstream to the state highway 39 bridge and the West branch upstream to the U.S. highway 151 bridge, in Iowa, Lafayette and Green counties.

SECTION 4. NR 20.04(5) is created to read:

NR 20.04(5) Notwithstanding ss. NR 20.02(1)(fg) and (fh) and 20.03(1)(t) and (u), a person may kill and possess one of each of the following for immediate delivery to a department office: ruffe, white perch and goby.

SECTION 5. NR 20.07(1)(f) is amended to read:

NR 20.07(1)(f) Any fish taken ~~into actual and retained in possession,~~ unless that is not released freely into the water immediately, after capture shall be ~~included as~~ considered part of the angler's daily bag limit.

SECTION 6. NR 21.06(2) is amended to read:

NR 21.06(2) ~~Sorting.~~ Any fish taken and retained in possession that is not released freely into the water immediately after capture shall be considered part of the ~~fisher's~~ angler's daily bag limit ~~and shall not be released after such possession.~~

SECTION 7. NR 21.11(1)(j) is repealed.

SECTION 8. NR 22.06(3) is amended to read:

NR 22.06(3) Any fish taken and retained in possession that is not released freely into the water immediately after capture shall be considered part of the ~~fisher's~~ angler's daily bag limit ~~and may not be released after such possession.~~

SECTION 9. NR 22.11(11) is repealed.

SECTION 10. NR 23.05(2) is amended to read:

NR 23.05(2) ~~Unless immediately released,~~ Any fish taken and retained in possession that is not released freely into the water immediately after capture shall be included as considered part of the angler's daily bag limit.

SECTION 11. NR 26.01(63)(a) is repealed.

SECTION 12. NR 26.08(14)(a) is amended to read:

NR 26.08(14)(a) Beaver Dam creek. That portion of Beaver Dam creek from county highway G bridge in the NW1/4 of the NE1/4, section 17, township 12

north, range 13 east, ~~upstream~~ downstream to the mouth at Beaver Dam lake ~~outlet~~ in the SW1/4 of the SW1/4, section 9, township 12 north, range 13 east.

SECTION 13. NR 26.09(63) (a) is created to read:

NR 26.09(63) VILAS COUNTY. (a) Manitowish river. Beginning at the dam across the Manitowish river located in section 9, township 42 north, range 5 east, commonly known as the Rest Lake dam, and extending downstream for a distance of 500 feet.

SECTION 14. NR 26.21(44) (a) is amended to read:

NR 26.21(44) (a) Tomahawk river. That part of the Tomahawk river beginning from the ~~Cedar Falls dam~~ Wisconsin Valley Improvement Company bridge in the NE1/4 of the NE1/4, section 27, township 38 north, range 5 east, downstream ~~from said dam~~ for a distance of 500 feet.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 24, 1996.

The rule shall take effect the first day of the month following publication as provided in s. 227.22(2) (intro.), Stats.

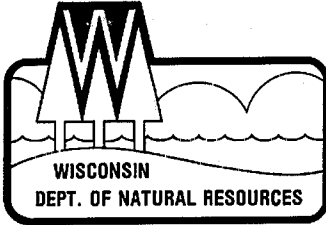
Dated at Madison, Wisconsin,

March 18, 1996

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(Seal)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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March 19, 1996



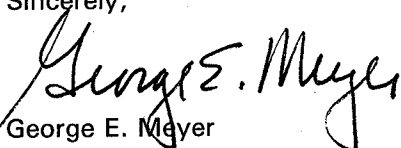
Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-3-96. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

Enc.