

NR 20,26



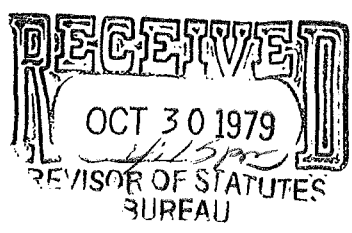
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, 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. F-39-79 was duly approved and adopted by this Department on June 28, 1979. 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 General Executive Facility #2 in the City of Madison, this 25TH day of October, 1979.

Anthony S. Earl

Anthony S. Earl, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING, AMENDING AND CREATING RULES

.....
IN THE MATTER of repealing section NR 20.04 .
(3)(c)4.i.; amending sections NR 20.03(1)(c), .
(1)(f)2. & 3., (1)(p)1.a., NR 20.04(3)(c)4.b., .
NR 20.07(1)(a) & (4)(b) & (c), NR 20.15(1)(b) .
& (c), NR 21.12(1)(c) & NR 26.23(1); and .
creating sections NR 20.04(8)(c), NR 20.07 .
(5)(b)1. & NR 26.13(15)(c) of the Wisconsin .
Administrative Code pertaining to the 1980 .
fishing regulations .
.....

F-39-79

Analysis Prepared by Department of Natural Resources

In summary, the following regulation changes are made for the 1980 general fishing season:

1. The Department recommends removal of minimum walleye size limits on several occasions. There will be only four counties that have a walleye minimum size limit next year.
2. Sport trolling will be prohibited in the Lake Superior Gull Island Shoal fish refuge. Previously sport anglers would fish in the refuge in waters that were 35 fathoms or deeper. Illegal sport trolling in the shallower areas occurred and enforcement was difficult. Better protection for the native lake trout will result in this code amendment.
3. Bullheads in Marathon and Langlade County waters will be classified as detrimental fish. This will enable the Department to have these small, slow-growing fish removed under contract from problem waters.
4. An experimental trout management study will be initiated on McGee Lake, Langlade County. The study is to be made by the DNR Bureau of Research. A daily bag limit of two fish with no size limit will be in effect.
5. Dead set gill nets will be prohibited in a portion of Pool 6 (Blacksmith Slough) of the Mississippi River during open water. This will provide protection for the double-crested cormorant. Many of these birds become entangled and drown in these nets set in open water. No adverse effect is anticipated by allowing these nets to be set under the ice.
6. Spearing rough fish in Waukau Creek will be restricted to a period from April 21 to the following March 1. Previously there was no closed season and northern pike were being illegally speared during the period which will now be closed.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 29.085, 29.174 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals, amends and creates rules as follows:

SECTION 1 - Section NR 20.03 (1) (c) is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(c) Walleye and sauger			
In all waters of Barron, Burnett, Polk, and Sawyer and Washburn counties	First Saturday in May to March 1	5 in aggregate	13
In all other waters (See also section NR 20.04)	First Saturday in May to March 1	5 in aggregate	No size limit

SECTION 2 - Section NR 20.03 (1) (f) 2. is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
2. There shall be a special extended open season for trout and salmon in the following waters	Saturday nearest April 1 to, but not including the first Saturday in May and October 1 to November 15	5 in aggregate	10
Ashland county: Bad river from its mouth upstream to Copper falls; Potato river from its mouth upstream to Guernev falls; White river from its mouth upstream to White river dam; Brunsweller and Marengo rivers upstream to highway 13.			
Bayfield county: Cranberry river from its mouth upstream to the Lenawee road (T50N, R7W, sec. 28); Fish creek (T47N, R5W, sec. 1) from its mouth upstream to the junction of Pine creek (T47N, R6W, sec. 13); Flag river from its mouth upstream to the junction with the Little Flag river (T49N, R8W, sec. 2); Iron river from its mouth upstream to Orienta dam; Sioux river from its mouth upstream to Big Rock falls (T49N, R4W, sec. 19); Siskowitt river from its mouth upstream to second bridge (T41N, R6W, sec. 35).			

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
Iron county: Graveyard creek from its mouth upstream to U.S. highway #2; Oronto creek from its mouth upstream to its source; Parker creek from its mouth upstream to its source.			

There shall be a special extended open season for trout and salmon in the following water:

Douglas county:

Brule river from its mouth upstream to U.S. highway #2	Saturday nearest April 1 to, but not including the first Saturday in May and October 1 through December 31	5 in aggregate	10
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SECTION 3 - Section NR 20.03 (1) (f) 3. is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
3. There shall be an extended open season for trout and salmon on the following waters:			
	October 1 to November 15	5 in aggregate	6
Risk creek pond in Adams county; Gilmanton pond in Buffalo county; Banach lake in Burnett county; Anderson lake in Douglas county; Sand lake (sec. 13, T39N, R18E) in Florence county; Bug, Logger and Valley lakes in Forest county; Hoffman, Lowe Creek pond, Trout Run SCS, Trout Run Church and Oxbow ponds in Jackson county; McGee, Pence, Rogers and Townline lakes in Langlade county; Ament, Hanson, Larsen, Morgan, Moraine, and Tahoe lakes in Lincoln county; Horseshoe lake in Manitowoc county, Cataract, Evans, Hans Biegel, Kickapoo Spring and Pinnacle Rock ponds in Monroe county; Bass lake (sec. 15, T39N, R7E) in Oneida county; Silverthorn lake in Sawyer county; Quarry lake in Sheboygan county; Eleva pond in Trempealeau county; Esofea and Timber Coulee			

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
ponds in Vernon county; Blue-gill, Firefly, Weber, Little John, Jr., Otto Mielke and Pauto lakes in Vilas county; Lannon Park pond in Waukesha county; and Keller lake, Waupaca county.			

SECTION 4 - Section NR 20.03 (1) (p) 1. is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
1. Chippewa river below the <u>Eau-Claire-dam I-94 bridge, Eau Claire county</u>	No closed season	25	No size limit
a. Chippewa river above the <u>Eau-Claire-dam I-94 bridge, Eau Claire county</u>	No open season	--	--

SECTION 5 - Section NR 20.04 (3) (c) 4. b. is amended to read:

b. Door county - Sturgeon Bay ship canal, excluding areas within 500 feet of Strawberry creek, from the Lake Michigan shoreline westerly to a line extending from the Hills Point light north to the point at which Gordon road intersects with the north shore of Sturgeon Bay.

SECTION 6 - Section NR 20.04 (3) (c) 4. i. is repealed.

SECTION 7 - Section NR 20.04 (8) (c) is created to read:

(c) In McGee lake, Langlade county, there shall be an open season for trout from the first Saturday in May at 5:00 a.m. to and including September 30. A daily bag limit of 2 trout with a no size limit shall be in effect. The use of minnows is prohibited.

SECTION 8 - Section NR 20.07 (1) (a) is amended to read:

(a) It shall be unlawful other than ice fishing for any person to take, catch, or kill fish or fish for fish of any variety with more than 2 lines or 2 poles with 1 line attached to each pole and with 1 hook or bait to each line except in Lake Michigan, Sturgeon Bay and Green Bay where 2 lines with no more than 2 hooks or lures attached to each line may be used.

SECTION 9 - Section NR 20.07 (4) (b) and (c) are amended to read:

(b) It shall be lawful to take rough fish by means of spear or spear fishing by the method commonly known as skin diving or bow and arrow from April 21 to March 1, inclusive, sunrise to sunset in the inland waters or from shores of inland waters of Brown, Buffalo, Calumet (except during a sturgeon spearing season in any specified water), Clark, Door, Dunn, Eau Claire, Florence, Fond du Lac (except during a sturgeon spearing season in any specified water), Forest, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Langlade, Lincoln, Manitowoc, Marathon (except that spearing is prohibited in the Big Eau Pleine flowage from the dam upstream to highway 97 from November 1 to April 20), Marinette, Monroe, Oconto (in that portion of the county east of highway 141 only), Outagamie (except during the sturgeon spearing season in any specified water), Pepin, Portage, St. Croix, Shawano, Trempealeau, Winnebago (except ~~Waukau-creek-and~~ during a sturgeon spearing season in any specified water), and Wood.

(c) It shall be lawful for any person to take rough fish by means of spears or by spear fishing by the method commonly known as skin diving or bow and arrow at any time of the year, sunrise to sunset, in the inland waters or from shores of inland waters of the counties of Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Marquette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk (except it is illegal to spear fish while skin

diving or with bow and arrow in Devil's lake), Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, and Waushara (except during a sturgeon spearing season in any specified water), ~~and in Waukau creek in Winnebago county.~~

SECTION 10 - Section NR 20.07 (5) (b) 1. is created to read:

1. White river below the junction of the main and west branches in SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 10, township 18 north, range 10 east, town of Dakota, downstream to the White river flowage in sec. 13 of Dakota township.

SECTION 11 - Section NR 20.15 (1) (b) and (c) are amended to read:

(b) ~~Enterprise-lake~~ All waters in Langlade county

(c) ~~Lake-Du-Bay~~ All waters in Marathon county

SECTION 12 - Section NR 21.12 (1) (c) is amended to read:

Type of gear	Period gear may be used Dates inclusive	Specifications	Restrictions
(c) Gill nets	All year in the waters of the Mississippi river, <u>except that portion of Pool 6, between mile posts 719 and 723, Trempealeau county, known as Blacksmith slough in which dead set gill nets are prohibited during open water. During the open season, drive netting is permitted sunrise to sunset only provided there is continuous net attendance.</u>	Only gill nets with a mesh of 7 inches stretch measure or larger may be used	Gill nets may not be used as a drag seine or drift net at any time. At each end of every gill net, there shall be a buoy on each end of the gang. The buoys shall have a staff extending at least 3 feet above the surface of the water. Upon the upper end of the staff there shall be a flag at least 10 inches square. Upon the bowl of the buoys there shall be maintained in plain figures the license number of the licensee.
	Under the ice only in Lake St. Croix from the Hwy. 64 bridge at Houlton, Wisconsin, downstream to its confluence with the Mississippi river.		

Type of gear	Period gear may be used Dates inclusive	Specifications	Restrictions
			On gill nets set through the ice there shall be maintained on each end of the gang a board or similar material which shall bear the license number authorizing the use of the net.
			All gill nets must be lifted and emptied of fish at least once each day following the day set, only between one hour before sunrise and one-half hour after sunset when set in open water and at least once every 2 days following the day set, only between one hour before sunrise and one-half hour after sunset when set under ice, unless a longer period is granted by the department or its agents.

SECTION 13 - Section NR 26.13 (15) (c) is created to read:

(c) That portion of the Sturgeon Bay ship canal within 500 feet of Strawberry creek in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, section 16, township 22 north, range 26 east.

SECTION 14 - Section NR 26.23 (1) is amended to read:

(1) In order to prevent substantial depletion of the fish supply, the following described spawning areas and nursery areas in Lake Superior are hereby created and established as fish refuges and it shall be unlawful for any person to take, catch, capture, kill or fish for fish in any manner at any one time in, on or along the following described water area: from the southernmost point of Outer Island in a straight line and a southerly direction to the Gull Island

light and then south to the northernmost point of Michigan Island proceeding in a southerly direction following the shoreline of Michigan Island to the Michigan Island light, thence southerly to the center of the mouth of the Bad river in Ashland county; thence due east to the Michigan state line; thence northerly along the state line to a point due east of the southerly tip of Outer Island; from that point due west to the southernmost point of Outer Island, the place of beginning excluding those waters within one-half mile of the mainland shoreline of Ashland county; except that licensed commercial fishers may fish all that area within these external boundaries where the lake bottom lies at a depth of greater than 35 fathoms (210 feet) ~~or less~~.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 28, 1979.

The rules contained herein shall take effect on January 1, 1980.

Dated at Madison, Wisconsin

25 October 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By



Anthony S. Earl, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

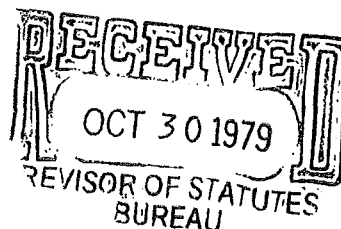
Anthony S. Earl
Secretary

October 26, 1979

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L



Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-39-79. These rules were submitted to the Assembly Tourism, Recreation and Economic Development Committee and the Senate Natural Resources Committee pursuant to sec. 227.018, Stats. There were no objections.

You will note that this order takes effect upon publication. Kindly publish it in the Administrative Code effective January 1, 1980.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Anthony S. Earl', written over the typed name.

Anthony S. Earl
Secretary

Enc.