



CR 85-123

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-23-85 was duly approved and adopted by this Department on November 20, 1985. 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 22nd day of January, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

6290J

RECEIVED

JAN 23 1986
1115 pm
Revisor of Statutes
Bureau

4-1-86

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

.....
IN THE MATTER of amending s. NR 20.07 (1)(a) (as
affected by Natural Resources Board Order
No. F-75-84); and repealing and recreating
ch. NR 23 of the Wisconsin Administrative Code
pertaining to fishing on the Wisconsin-Michigan
boundary waters.
.....

F-23-85

Analysis Prepared by Department of Natural Resources

Twenty-one waters form a boundary between the states of Wisconsin and Michigan. Michigan and Wisconsin district fish and law enforcement personnel engaged in joint meetings to discuss differences in fish rules on these waters. In an effort to have similar regulations on the Wisconsin-Michigan boundary waters, seven significant rule changes are set out in this order. The specific changes are:

1. The trout fishing season will open on the last Saturday in April rather than the first Saturday in May.
2. The muskellunge season in all boundary lakes of Iron, Forest, Florence and Marinette counties is extended to March 1 rather than the November 30 season end.
3. Year-round fishing for all warmwater species other than lake sturgeon is authorized on boundary rivers and impoundments of the Menominee River.
4. Motor trolling on all Iron, Forest, Florence and Marinette county boundary waters is authorized.
5. The rough fish spearing season from May 1 to May 31 in the Menominee river above the Nathan Bridge is repealed.
6. The cisco and whitefish spearing season from October 15 to December 31 in Smoky lake is repealed.
7. Permit the use of no more than 3 hooks, baits or lures to fish in all boundary waters rather than the 2 line, 4 hook combination.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 23.09(2)(intro.), 29.085, 29.174(2)(a), and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby amends, and repeals and recreates rules interpreting ss. 23.09(2)(intro.), 29.085, and 29.174(2)(a), Stats., as follows:

SECTION 1. S. NR 20.07 (1)(a) (as affected by Natural Resources Board Order No. F-75-84) is amended to read:

NR 20.07 (1)(a) No person may take, catch, or kill fish or fish for fish of any kind with more than 3 hooks, baits or lures ~~except up to 2 lines with a total of 4 hooks may be used in the Wisconsin-Michigan boundary waters.~~

SECTION 2. Chapter NR 23 is repealed and recreated to read:

Chapter NR 23

WISCONSIN-MICHIGAN BOUNDARY WATERS

NR 23.01 Purpose	NR 23.07 Dip nets
NR 23.02 Definitions	NR 23.08 Minnows
NR 23.03 General restriction	NR 23.09 Motor trolling
NR 23.04 Reciprocity	NR 23.10 Ice fishing
NR 23.05 Hook and line fishing	NR 23.11 Fishing near dams
NR 23.06 Spear fishing	NR 23.12 Conflicting rules

NR 23.01 PURPOSE. The provisions of this chapter regulate fishing in Wisconsin-Michigan boundary waters.

NR 23.02 DEFINITIONS. The following definitions apply to terms used in this chapter:

(1) "Bag limit" or "daily bag limit" means the maximum number of a fish species which may be reduced to a person's possession in one day.

(2) "Dip net" means a piece of netting suspended from a frame designed to be raised and lowered vertically when fishing.

(3) "Fisher" means any person engaged in fishing.

(4) "Length of fish" means the distance measured in a straight line from the tip of the snout of the fish to the end of its tail with the tail or caudal fin fully extended.

(5) "Minnow" has the meaning given it in s. 29.01(5), Stats.

(6) "Open season" means that period of the year established in s. NR 23.04 when a specific species of fish is allowed to be taken.

(7) "Possession limit" means the maximum number of a fish species which may be possessed by a person at any time.

(8) "Rough fish" has the meaning given it in s. 29.01(5), Stats., and also includes amur carp (*Ctenopharyngodon idella*).

(9) "Sport fishing" means fishing, when authorized, with hook and line, spearing and the use of a dip net.

(10) "Wisconsin-Michigan boundary waters" means the following waters that form the interstate boundary water between the states of Wisconsin and Michigan:

Name	Location
(a) BASIN LAKE	T45N, R43W, Sec. 34 Gogebic co.-Mich. T44N, R7E, Sec. 30 Vilas co.-Wis.
(b) BIG LAKE	T44N, R41W, Secs. 16 & 17 Gogebic co.-Mich. T43N, R8E, Secs. 13, 14, 23 & 24 Vilas co.-Wis.
(c) BIG BAD WATER	
LAKE	Dickinson co.-Michigan Florence co.-Wisconsin
(d) BIG BATEAU LAKE	T44N, R40W, Secs. 26 & 27 Gogebic co.-Mich. T43N, R10E, Sec. 30 Vilas co.-Wis.
(e) BRULE RIVER	Iron co.-Michigan Florence & Forest cos.-Wisconsin
(f) CRAMPTON LAKE	T44N, R41W, Sec. 18 Gogebic co.-Mich. T43N, R8E, Secs. 10, 14 & 15 Vilas co.-Wis.
(g) CRYSTAL LAKE	T43N, R39W, Secs. 3 & 4 Gogebic co.-Mich. T43N, R10 & 11E, Secs. 36 & 31 Vilas co.-Wis.

- (h) CYRUS LAKE T45N, R43W, Sec. 35 Gogebic co.-Mich.
T44N, R7E, Sec. 32 Vilas co.-Wis.
- (i) LAC VIEUX DESERT . T43N, R38 & 39W Gogebic co.-Mich.
T42N, R11E, Secs. 4, 10, 11, 12 & 15 Vilas co.-Wis.
- (j) LITTLE PRESQUE ISLE
LAKE T44N, R42W, Sec. 6 Gogebic co.-Mich.
T43N, R7E, Sec. 3 Vilas co.-Wis.
- (k) MAMIE LAKE T44N, R41W, Sec. 23 Gogebic co.-Mich.
T43N, R9E, Secs. 17, 20 & 21 Vilas co.-Wis.
- (l) MENOMINEE RIVER
(including all
impoundments
downstream to the
confluence with
Green Bay) Menominee, Dickinson & Iron cos.-Michigan
Florence & Marinette cos.-Wisconsin
- (m) MILL LAKE T44N, R40W, Sec. 36 Gogebic co. Mich.
T43N, R10E, Sec. 33 Vilas co.-Wis.

- (n) MONTREAL RIVER . . . Gogebic co.-Mich.
(Including the Iron co.-Wis.
East Fork up to
the mouth of
Layman creek)
- (o) NORWOOD LAKE . . . T43N, R38W, Secs. 23 & 24 Gogebic co.-Mich.
T42N, R12E, Sec. 20 Vilas co.-Wis.
- (p) PLUM LAKE T44N, R42W, Secs. 11, 12 & 13 Gogebic co.-Mich.
T43N, R8E, Sec. 9 Vilas co.-Wis.
- (q) ROACH LAKE T44N, R42W, Secs. 3, 4, 9 & 10 Gogebic co.-Mich.
T43N, R8E, Sec. 7 Vilas co.-Wis.
- (r) SMOKY LAKE T43N, R37W, Secs. 21, 28, 29, 32 & 33 Gogebic co.-Mich.
T42N, R12E, Secs. 35 & 36 Vilas co.-Wis.
- (s) STATE LINE LAKE . . T45N, R43W, Secs. 29 & 32 Gogebic co.-Mich.
T44N, R6E, Sec. 26 Vilas co.-Wis.
- (t) TENDERFOOT LAKE . . T44N, R42W, Secs. 10 & 11 Gogebic co.-Mich.
T43, R8E, Secs. 7 & 8 Vilas co.-Wis.
- (u) WEST BAY LAKE . . . T44N, R41W, Sec. 15, 16 & 22 Gogebic co.-Mich.
T43N, R8 & 9E, Secs. 13 & 18 Vilas co.-Wis.
-

NR 23.03 GENERAL RESTRICTION. Except as specifically allowed by this chapter, fishing in and possession of fishing equipment on the Wisconsin-Michigan boundary waters is prohibited.

NR 23.04 RECIPROCITY. Residents of Wisconsin and Michigan holding a resident fishing license from their respective states, or residents of other states holding a non-resident fishing license issued by Wisconsin or Michigan, may, in conformity with this chapter, fish by hook and line; spear and use dip nets to take minnows and rough fish in the Wisconsin-Michigan boundary waters.

NR 23.05 HOOK AND LINE FISHING. (1) No person may use more than 3 hooks, baits or lures. The line or lines shall be attended at all times.

(2) Unless immediately released, fish taken shall be included as part of the daily bag limit.

(3) No person may take fish by snagging or foul hooking unless authorized by s. NR 20.04(3)(d)2.f.

(4) No person may fish for fish of any variety during the closed season for trout in the Brule river upstream from the railroad bridge in section 29, township 42 north, range 34 west, Iron county, Michigan and section 25, township 41 north, range 15 east, Florence county, Wisconsin and in the Montreal river above the Saxon Falls flowage.

(5) The seasons, size limits and bag and possession limits for hook and line fishing in the Wisconsin-Michigan boundary waters for the species listed in this subsection, except as provided in ss. NR 23.06 and 23.07 are as follows. Fishing for species not listed in this subsection is subject to ch. NR 20.

Kind of fish & locality	Open season (both dates inclusive)	Possession and daily bag limit	Minimum length (in.)
(a) BLUEGILLS, CRAPPIES, PERCH, ROCK BASS, AND SUNFISH in all boundary waters	No closed season	No limit	No size limit
(b) BULLHEAD, ROUGH FISH, AND MINNOWS in all boundary waters	No closed season	No limit	No size limit
(c) LAKE STURGEON in all boundary waters	First Saturday in September to November 1	2 per season	50
(d) LARGEMOUTH BASS AND SMALLMOUTH BASS			
1. In lakes	First Saturday in May to March 1	5 in aggregate	No size limit
2. In river & impoundments	No closed season	5 in aggregate	No size limit
(e) MUSKELLUNGE			
1. In Iron, Forest, Florence and Marinette county lakes	First Saturday in May to March 1	1	30
2. In Vilas county lakes	First Saturday in May to November 30	1	30
3. In rivers & impoundments	No closed season	1	30
(f) NORTHERN PIKE			
1. In lakes	First Saturday in May to March 1	5	No size limit
2. In rivers & impoundments	No closed season	5	No size limit

(g) TROUT AND SALMON

1. All boundary waters except the Montreal river from Lake Superior upstream to the Superior Falls dam and the Menominee river upstream to the first dam

Last Saturday 10 6
in April to
September 30

2. Montreal and Menominee rivers—from their mouths upstream to the first dam and Smoky lake

No closed 5 10
season

(h) WALLEYE

a. In lakes

First Saturday 5 13
in May to
March 1

b. In rivers & impoundments

No closed 5 13
season

NR 23.06 SPEAR FISHING. A spear may be possessed or used to take northern pike, redhorse, sucker and carp through the ice during January and February on the Menominee and Brule rivers and their impoundments, subject to the bag and possession limits in s. NR 23.05.

NR 23.07 DIP NETS. (1) Dip 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.

(2) Dip nets used for taking, catching, and killing rough fish and smelt may not exceed 9 feet square or 9 feet in diameter with a bag not more than 4 feet deep when lifted.

(3) No person may use or operate any dip net in any manner other than by raising and lowering it vertically when fishing.

NR 23.08 MINNOWS. No person may sell, trade or barter minnows taken from Wisconsin-Michigan boundary waters.

NR 23.09 MOTOR TROLLING. Fishing from a motor-driven boat when the motor is running or from any boat in tow of a motor-driven boat when the motor is running is authorized on all Wisconsin-Michigan boundary waters except Vilas county waters.

NR 23.10 ICE FISHING. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing in the Wisconsin-Michigan boundary waters.

(1) The door of any enclosure or shelter shall be unlocked and readily opened from the outside at all times while the enclosure or shelter is occupied.

(2) All shelters shall be removed from the ice on or before March 15, or prior to that time if ordered by the department when it determines the ice has become unsafe for travel.

(3) All buildings, tents, fish shanties and similar enclosures or shelters maintained, occupied, or used for fishing on the ice of any Wisconsin-Michigan boundary waters shall have the name and address of the person owning or using it printed in the English language on the outside of it so the name is readily visible at all times.

NR 23.11 FISHING NEAR DAMS. No person may fish by any means other than with hook and line within 200 feet below any dam.

NR 23.12 CONFLICTING RULES. Where regulations of Michigan and Wisconsin differ, fishers shall comply with the regulations of the state in whose territorial waters they are fishing.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 20, 1985.

The rules contained herein shall take effect on April 1, 1986.

Dated at Madison, Wisconsin

January 21, 1986

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

January 21, 1986

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

RECEIVED

JAN 23 1986

Revisor of Statutes
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-23-85. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,

C. D. Besadny
Secretary

Enc.

6290J