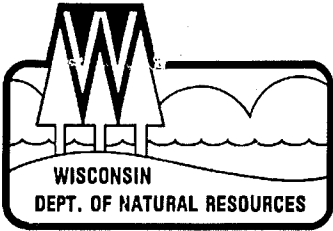


CR 93-9



George E. Meyer  
Secretary

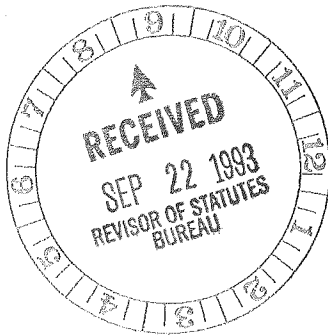
**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

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TDD 608-267-6897

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-41-92 was duly approved and adopted by this Department on June 24, 1993. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 15th  
day of September, 1993.

*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

1-1-94



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

.....  
IN THE MATTER of amending s. NR 20.03(1) and .....  
creating s. NR 20.03(8) of the Wisconsin ..... FM-41-92  
Administrative Code pertaining to season tables; .....  
open and closed seasons, size and bag limits and .....  
measurements. ....  
.....

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 23.09 and 227.11, Stats.  
Statutes interpreted: s. 23.09, Stats.

The order relocates and modifies existing provisions for closing the season for fishing through the ice by posting when closure is found to be necessary for conservation purposes. These provisions are placed in a new, separate subsection pertaining to season closure under unusual conditions. The new subsection also adds provisions for closing the fishing season on waters which have experienced severe water level reductions (such as dam drawdowns) and for closing the fishing season on waters in which the supply of fish has been removed and restocked as part of a fishery rehabilitation program.

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SECTION 1. NR 20.03(1) is amended to read:

NR 20.03(1) The open seasons specified in the following table apply to fishing in open waters and fishing through the ice, ~~except that the department shall close the season for fishing through the ice in any inland waters when it finds after scientific investigation and study that continued fishing through the ice in specified waters would result in a depletion of the supply of game fish and that a closed season is necessary to conserve the fish supply and insure the citizens of this state continued opportunities for good fishing. The closed seasons shall be put into effect by posting a notice on or in the vicinity of the shore of the waters affected. Posting is deemed~~

~~by the department to be the most feasible way of notifying the public that a closed season is in effect. The closed seasons shall remain in full force and effect so long as the waters are covered with ice and so long as posting is continued.~~ The department may also, following scientific investigation and study, establish bag limits and size limits on the individual inland waters when it finds that the taking of fish will aid in management of the fishery and insure the citizens of this state additional opportunities for good fishing. Such special regulations shall become effective only after public informational meetings are held. The department may also establish an urban fishing program by posting the open and closed seasons on specified waters. For open seasons in specified waters see s. NR 20.04. The possession limit for each species of fish, except trout as specified in sub. (5), shall be double the daily bag limit specified in this chapter except that no person may have in possession or under control more than the daily bag limit while on the ice or waters or while fishing in the state of Wisconsin unless the person holds a permit issued by the department under this section and s. NR 19.05 for restocking of fish caught in a fishing tournament or holds a permit or license which authorizes possession of a greater number under s. 29.135, 29.513, 29.52 or 29.535, Stats. The measurement of all fish

taken shall be in a straight line from the tip of the snout to the utmost end of the tail fin fully extended.

SECTION 2. NR 20.03(8) is created to read:

NR 20.03(8) SEASON CLOSURE UNDER UNUSUAL CONDITIONS. (a) Water level reduction. Pursuant to par. (d), the department may close the season for fishing in all or part of any inland water which has experienced sudden water level reduction or where a sudden reduction is imminent as a result of dam failure, drawdown or other loss of water supply. The closed season shall remain in full force and effect until the department determines that the water has been returned to its original level and the season is open pursuant to par. (d)2. The department may close the season when it finds after scientific investigation and study, that:

1. Game fish have been or will be unusually concentrated due to the drop in water level and may, therefore, be more vulnerable to angler harvest;

2. The remaining game fish population structure cannot easily be replaced if subjected to continued angler harvest;

3. Water levels are expected to eventually return to normal;

4. Continued sport fishing may result in a depletion of the game fish supply; and

5. Closure of the season is necessary to conserve the game fish supply until water levels are restored and to insure the citizens of this state continued opportunities for good fishing.

(b) Fish concentrated under ice. Pursuant to par. (d), the department may close the season for fishing through the ice in all or part of any inland water. The closed season shall remain in full force and effect until the water is no longer covered with ice and the season is opened pursuant to par. (d)2. The department may close the season when it finds, after scientific investigation and study, that:

1. The body of water is not expected to experience significant loss of its game fish population due to loss of oxygen;
2. Ice cover has caused an unusual concentration of game fish, increasing their vulnerability to angler harvest;
3. Continued sport fishing would deplete the supply of game fish; and
4. A closed season is necessary to conserve the game fish supply and insure the citizens of this state continued opportunities for good fishing.

(c) Fishery rehabilitation. Pursuant to par. (d), the department may close the season for fishing in all or part of any inland water in which fish have been removed or destroyed as a result of a rehabilitation program, to reestablish a good supply of game fish and insure the citizens of this state future opportunities for good fishing. The closed season shall remain in full force and effect until opened pursuant to par. (d)2., scientific investigation indicates the gamefish population has achieved a harvestable surplus of fish of desirable size, and reopening the season does not conflict with the closed seasons for each species specified in sub. (1).

(d) Closing and reopening seasons. 1. A closed season under par. (a), (b) or (c) shall become effective only after one or more public informational meetings are held by the department. The closed season shall be put into effect by publication of a notice in the state newspaper, posting the notice on or in the vicinity of the shore of the water affected, and by providing any other notice which the department deems reasonable.

2. A closed season under par. (a), (b) or (c) shall be discontinued only after publication of a notice in the state newspaper and removal of the notices posted on or in the vicinity of the shore of the water affected.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 1993.

The rules contained herein 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.

Dated at Madison, Wisconsin September 15, 1993.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

BY George E. Meyer  
George E. Meyer, Secretary

(SEAL)

