

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

The statement of scope for this rule, SS 116-14, was approved by the Governor on November 7, 2014, published in Register No. 707A on December 1, 2014, was adopted by the Natural Resources Board on January 27, 2016 and approved by the Governor on January 29, 2016.

The Wisconsin Natural Resources Board proposes an order to amend NR 20.36 (1), (1) (a), and (2), 23.05 (5) (h), and 23.055 (1) and (1) (a); to repeal and recreate NR 20.20 (2) (g), (3) (f), (4) (i), (7) (h), (9) (g), (16) (h), (18) (h), (19) (e), (21) (h), (26) (g), (34) (e), (35) (g), (37) (i), (44) (b) 4., (44) (g), (49) (f), (51) (g), (55) (e), (57) (i), (61) (d), (64) (h), and (66) (g); and to create NR 20.20 (38) (f), (43) (f) and (73) (o) 6m., relating to modifications in walleye harvest management in Ceded Territory waters.

FH-05-16(E)

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: Sections 29.014 (1), 29.041, and 29.053 (2), Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

2. Statutory Authority: ss. 29.014 (1), 29.041, and 29.053 (2), Stats.

3. Explanation of Agency Authority:

Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.053 (2), Stats., provides that the department may establish conditions governing the taking of fish for the state as a whole, for counties or parts of counties, or for waterbodies or parts of waterbodies.

4. Related Statutes or Rules: A permanent rule (FH-18-14) relating to the same subject will take effect on April 1, 2016. Previous plans assumed that FH-18-14 could take effect prior to that date, because an emergency rule (FH-17-14(E)) on this same subject expires on January 26, 2016. This new emergency rule covers the gap in time between the two rules in order to enforce the walleye angling limits during the open season. It differs from FH-17-14(E) by listing boundaries along river systems for which daily bag limits would be enforced and changing length limit regulations on certain waters based on public comments and fish biologist recommendations.

5. Plain Language Analysis: This rule is needed to create consistent walleye daily bag limits in the Ceded Territory of Wisconsin. The department finds that an emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption associated with reductions in walleye bag limits on off-reservation waters.

Pursuant to treaties signed between the six Wisconsin bands of Lake Superior Ojibwe and the United

States and affirmed by *Lac Courte Oreilles v Voigt*, 700 F. 2d 341 (7th Cir. 1983), the bands have the right to harvest fish from off-reservation waters using efficient methods such as spearing and netting. The current model of reducing angling bag limits in response to annual tribal declarations to ensure a sustainable walleye harvest has become increasingly unpredictable in recent fishing seasons, and angling harvest management may be better accomplished with a stable set of regulations that achieve results similar to annual bag limit adjustments.

Under this emergency rule, all lakes, rivers, and streams in the Ceded Territory would have a daily bag limit of 3 walleye (walleye, sauger, or hybrids) with varying size limits. The 3-fish daily bag limit and size limits would be applied to prevent a total harvest (tribal and non-tribal) of more than 35% of the adult walleye population in those waters, which preserves a sustainable walleye fishery.

Walleye in most waters in the Ceded Territory would have a minimum size limit of 15 inches, except walleye between 20 and 24 inches may not be kept and only 1 walleye larger than 24 inches may be kept. Unless a different regulation was requested by the local fisheries biologist to ensure better management of the walleye population in a specific water, lakes would have size limits based on the following table:

If the current regulation is:	→	Then it will become this under the rule:
15" minimum size, 5 fish daily bag limit (general statewide walleye regulations)		15" minimum size, 20-24" protected slot, and 1 fish may be >24", 3 fish daily bag limit
No minimum size, 5 fish daily bag limit		No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, but only 1 fish may be >14", 3 or 5 fish daily bag limit		No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 or 5 fish daily bag limit		No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 fish daily bag limit
18" minimum size, 3 fish daily bag limit		18" minimum size, 3 fish daily bag limit
28" minimum size, 1 fish daily bag limit		28" minimum size, 1 fish daily bag limit

SECTIONS 1 through 4 make the changes noted above in the 30 counties that are completely or partially within the Ceded Territory. SECTION 6 changes the walleye bag limits to 3 fish per day on Wisconsin-Michigan boundary waters within the Ceded Territory, but retains the 15-inch minimum size limit to match the Michigan size limit. No changes are made to Wisconsin-Minnesota boundary waters. The regulation changes follow the Ceded Territory boundary line, not county boundary lines.

In addition, SECTION 3 creates a catch-and-release only walleye fishery in the Minocqua and Tomahawk chains of lakes in Oneida County. Out of mutual concern for the walleye population in these mixed-fishery chains of Ceded Territory lakes, representatives of the Lac Du Flambeau Chippewa Tribe, the Headwaters Basin Chapter of Walleyes for Tomorrow, the Department, and the Great Lakes Indian Fish and Wildlife Commission have collaboratively developed a plan for a cooperative rehabilitation project. It seeks to restore healthy, self-sustaining walleye populations with a density of at least three adult fish per acre in Minocqua and Kawaguesaga lakes, and to improve the age diversity and abundance of walleye in Tomahawk Lake. All parties mentioned have agreed to not harvest walleye in the Minocqua chain of lakes for a period of five years - until March 31, 2020 - at which point limited harvest would be permitted.

SECTIONS 5 and 7 update the language that specifies how modifications in daily bag limits or size limits may be made in response to Chippewa harvest levels in the Ceded Territory, including Wisconsin-Michigan boundary waters.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

7. Comparison with Similar Rules in Adjacent States: Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits, and size limits. Specific seasons and bag and size limits may differ for species among the surrounding states, but the general principles are similar. Michigan, Minnesota, Iowa, and Illinois all have statewide seasons and bag and size limits for fish species, along with special or experimental regulations on individual waters.

In Minnesota, several Bands of Lake Superior Chippewa have harvested walleye and northern pike from Mille Lacs since 2000. Annual allowable total catch quotas are calculated for the lake and apportioned between tribal members and anglers. The State of Minnesota adjusts the size of fish allowed for angler harvest annually (a “harvest slot” limit), based on walleye population size and the age composition of that population.

Off-reservation spear harvest also occurs in Michigan, and the state of Michigan and the Great Lakes Indian Fish and Wildlife Commission use the same model for calculating Safe Harvest that is used in Wisconsin. Michigan has no specific response to tribal harvest in the regulations for state anglers but may consider such adjustments in the future.

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

The department currently regulates anglers’ harvest of walleye through a combination of daily bag limits, harvest-length restrictions, and season closures. The current statewide base regulation for walleye management is a 15-inch minimum size restriction in conjunction with a 5-fish daily bag limit, but numerous other regulatory combinations are used to manage angling harvest depending upon lake- or river-specific situations.

In the Ceded Territory, a “sliding bag limit system” - where daily bag limits are adjusted during the fishing season to prevent a total harvest of more than 35% of the adult walleye population - had been used since 1991 and has shown to be effective in managing walleye exploitation among all anglers. However, concerns about the system have been expressed by many anglers and business interests in northern Wisconsin, including the annual uncertainty resulting from sliding bag limits that occur between March and May, and the resulting bag limits of 1 or 2 walleye per day. Comments received by the department state that these regulations discourage anglers from fishing on affected lakes to the economic detriment of associated businesses. Public input from both anglers and business interests suggests that a stable daily bag limit of 3 walleye is a preferable tool for walleye harvest management, even if it means more restrictive size limits would be needed to achieve the same level of angling harvest reduction.

The department investigated the potential impact of various harvest size restrictions in conjunction with a 3-walleye daily bag limit using creel survey data collected from anglers. Creel survey data allows for determination of the proportion of walleye that would be excluded from harvest if a more restrictive harvest regulation were put in place.

The proposed rule is sufficient to control overall angler exploitation of walleye at a sustainable rate that is well within the bounds established by Federal Court rulings, and will not increase angler harvest in the majority of Ceded Territory lakes. The rule will potentially allow for development of improved size structure within walleye spawning populations in many fisheries. The rule does not regulate tribal harvest. It is crafted to minimize the risk that total walleye harvest will not exceed 35% of the adult walleye population.

The department ensures the accuracy, integrity, objectivity and consistency of data used in preparing the proposed rule.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report: The rule change would have minimal impact sport anglers. Similar regulations, including the 3-walleye daily bag limit, are already in place through an emergency rule that expires on January 26, 2016. Changes in angling regulations enacted to accommodate declared, expected, or realized tribal harvest could potentially alleviate or minimize regional social and economic disruption sometimes associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory. Exact economic impact of the rule is unknown, but more predictable, stable angling regulations may have a positive indirect impact on fishing-related businesses. The department conducted an economic impact analysis on a permanent rule that takes effect April 1, 2016, to determine if any small businesses will be affected by the rule. No comments were received during the open economic impact comment period from May 18 to June 1, 2015.

10. Effect on Small Business (initial regulatory flexibility analysis): It is not expected that there will be any effect on small business directly related to these rule changes. The rule does not impose any reporting requirements on small businesses nor are any design or operational standards contained in the rule.

11. Agency Contact Person:

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12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at public hearings or by regular mail, fax or email to the contact listed above. A public hearing will be held within 45 days of rule promulgation.

SECTION 1. NR 20.20 (2) (g), (3) (f), (4) (i), (7) (h), (9) (g), (16) (h), (18) (h), (19) (e), (21) (h), (26) (g), (34) (e), (35) (g), and (37) (i) are repealed and recreated to read:

NR 20.20 (2) ASHLAND (for species or waters not listed, including Lake Superior, see sub. (73))

(g) Walleye, sauger and hybrids	1. Spider–Moquah chain (Spider lake and Moquah lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	1 8
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2. Butternut lake (on Price County border), Gordon lake, Zielke lake, North Fork Flambeau river from Upper Park Falls Flowage dam in Price County upstream to the Turtle-Flambeau flowage in Iron County and its 3. All tributaries and connected sloughs to Lake Superior	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14
	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20

NR 20.20 (3) BARRON (for species or waters not listed, see sub. (73))

(f) Walleye, sauger and hybrids	1. Red Cedar lake, Hemlock lake, Beaver Dam lake, Bear lake (on Washburn County border), Horseshoe	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	2. Loon lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14

NR 20.20 (4) BAYFIELD (for species or waters not listed, including Lake Superior, see sub.

(73))

(i) Walleye, sauger and hybrids	1. Bony lake, Middle Eau Claire lake, Pike Lake chain (includes Buskey Bay lake, Millicent lake, Hart lake, Twin Bear lake, Eagle lake, Flynn lake and McCarry lake combined)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	2. All tributaries to Lake Superior and their connected sloughs	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20
	3. Lake Owen, Lower Eau Claire lake, Upper Eau Claire lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	4. Namekagon lake (including Garden lake)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited

NR 20.20 (7) BURNETT (for species or waters not listed see sub. (73))

(h) Walleye, sauger, and hybrids	1. Big McKenzie lake (on Washburn County border), Middle McKenzie	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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NR 20.20 (9) CHIPPEWA (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. The daily bag limit and length restrictions apply separately to each of the following sections of the Chippewa River and its impoundments and tributaries upstream to the first dam or lake: upstream from Dells Pond Dam (including Dells Pond) in Eau Claire County to Chippewa Falls Flowage Dam, upstream from Chippewa Falls Flowage Dam to Lake Wissota Dam, upstream from Lake Wissota Dam (including Lake Wissota) to Old Abe Flowage Dam in Jim Falls including Yellow River upstream to the Suetlik dam at Cadott, upstream from Old Abe Flowage Dam in Jim Falls (including Old Abe Flowage) to Cornell Flowage Dam, upstream from Cornell Flowage Dam (including Cornell Flowage) to Lake Holcombe Dam,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	2. Island chain (Chain lake, Clear lake, Island lake, McCann lake and connecting waters combined on Rusk County border), Long lake (T32N	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

NR 20.20 (16) DOUGLAS (for species or waters not listed, including Lake Superior, see **sub.**

(73)). Note: Allouez bay, Little Pokegama bay, Kimballs bay and Pokegama bay are considered part of the St. Louis river, a Wisconsin–Minnesota boundary water. See ch. NR 21. The Nemadji river is an inland water that is contiguous with these Wisconsin–Minnesota boundary waters but is regulated under this subsection.

(h) Walleye, sauger and hybrids	1. Nemadji river	a. Hook and line	Saturday 2 weeks prior to the Saturday	2 in total	15
	2. Tributaries to Lake Superior and their connected sloughs upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20
	3. Lyman lake, Minnesuing lake, Minong flowage including Cranberry lake and upstream to the confluence of	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None, but only 1 may be longer than 14
	4. Amnicon lake, Lake Nebagamon, Lower Eau Claire	a. Hook and line	First Saturday in May to the first Sunday in	3 in total	18

NR 20.20 (18) EAU CLAIRE (for species or waters not listed see sub. (73))

(h) Walleye, sauger and hybrids	1. Chippewa river downstream from Dells Pond dam including sloughs, bayous, flowages and tributaries upstream to the first highway or railroad bridge; Eau	a. Hook and line	Continuous	5 in total	15
	2. Chippewa river upstream from Dells Pond dam upstream to Chippewa Falls Flowage Dam in Chippewa County	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18

3. Eau Claire river upstream from Altoona dam (including Altoona lake) to Lake Eau Claire dam including sloughs.	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24
4. Eau Claire river upstream from Lake Eau Claire dam (including Lake Eau Claire) including sloughs,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer

NR 20.20 (19) FLORENCE (for species or waters not listed, see sub. (73))

(e) Walleye, sauger and hybrids	1. Keyes lake, Sea Lion lake, Spread Eagle chain of lakes (Bass, East, Long, Middle	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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NR 20.20 (21) FOREST (for species or waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	1. Crane lake, Franklin lake, Hilbert lake (on Marinette County border), Jungle lake,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	1 8
	2. Julia lake (on Oneida County border)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14

NR 20.20 (26) IRON (for species or waters not listed, including Lake Superior, see sub. (73))

(g) Walleye, sauger and hybrids	1. Grand Portage lake, Mercer lake	a. Hook and line	First Saturday in May to the first Sunday in	3 in total	18
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2. Gile flowage, Island lake (connected to Montreal river), Pine lake, Randall lake, North Fork Flambeau river from Upper Park Falls Flowage dam in Price County upstream to the	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14
3. Tributaries to Lake Superior and their connected	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 but only 1 may be longer than 20
4. Bear river, Flambeau river upstream of Turtle-Flambeau flowage (at Murray's Landing), Little Turtle river,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None
5. Sherman lake	a. Hook and line	Continuous	None	None

NR 20.20 (34) LANGLADE (for species or waters not listed see sub. (73))

(e) Walleye, sauger and hybrids	1. Jessie lake, Pickerel lake (on Forest County	a. Hook and line	First Saturday in May to the first Sunday in	3 in total	18
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NR 20.20 (35) LINCOLN (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids

1. The boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam;

The daily bag limit and length

2. Wisconsin river upstream from Kings dam to the Hat Rapids dam in Oneida county including Lake Alice and sloughs,

3. The daily bag limit and length restrictions apply separately to each of the following sections of the Wisconsin River and its sloughs, bayous, flowages, and tributaries upstream to the first dam or highway bridge:

a. Hook and line

Continuous

3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

a. Hook and line

First Saturday in May to the First Sunday in March

3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

a. Hook and line

Continuous

3 in total

15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28

4. Rice Reservoir chain (including Bridge lake, Deer lake, Lake Nokomis, and Rice	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish
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NR 20.20 (37) MARATHON (for species or waters not listed see sub. (73))

(i) Walleye, sauger and hybrids	1. Wisconsin river downstream of the Wausau dam (in Wausau) including sloughs, bayous, tributaries, and flowages upstream to the first dam or highway bridge except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the south-bound lane of	a. Hook and line	Continuous	5 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
	2. Wisconsin river upstream of the Wausau dam to the Merrill dam in Lincoln County including Wausau Dam lake in Wausau and sloughs, bayous, tributaries, and	a. Hook and line	Continuous	3 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
	3. Big Eau Pleine reservoir (upstream from Dam road)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 28
	4. Big Rib river downstream from highway 29, Johnson creek downstream from county highway X, Little Eau Claire river downstream from county highway X, Little Eau Pleine river downstream from state highway	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
	5. Big Rib river upstream from highway 29, Johnson creek upstream from county highway X, Little Eau Claire river upstream from county highway X, Little Eau Pleine river upstream from state highway 34,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28

SECTION 2. NR 20.20 (38) (f) and (43) (f) are created to read:

NR 20.20 (38) MARINETTE (for species or waters not listed, including Green Bay and its tributaries, see sub. (73))

(f) Walleye, sauger and hybrids	1. Big Newton lake, Eagle lake, Hilbert lake (on Forest County border), Little Newton lake, Oneonta lake,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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NR 20.20 (43) OCONTO (for species or waters not listed, including Green Bay and its tributaries, see sub. (73))

(f) Walleye, sauger, and hybrids	Archibald lake, Bass lake (T32N R15E S9), Bear lake (including Munger lake combined), Boot lake, Cham lake, Crooked lake, John lake, Maiden lake, Reservoir pond (including Horn lake, Explosion lake, and Little Horn lake combined), Surprise	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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SECTION 3. NR 20.20 (44) (b) 4., (44) (g), (49) (f), (51) (g), (55) (e), (57) (i), (61) (d), (64) (h), and (66) (g), are repealed and recreated to read:

NR 20.20 (44) ONEIDA (for species or waters not listed see sub. (73))

(b) Largemouth and smallmouth bass	4. Minocqua chain (includes Jerome lake, Kawaguesaga lake, Little Tomahawk lake, Mid lake, Minocqua lake, Mud lake, Tomahawk lake, Minocqua	a. Hook and line	First Saturday in May to Friday preceding the third Saturday in June	0 for smallmouth bass, 5 for largemouth bass	None for largemouth bass only
			Third Saturday in June to the first Sunday in	5 in total	None

(g) Walleye, sauger and hybrids	1. Bearskin lake, Buckskin lake (on Vilas County border), Crescent lake (near Rhineland), Diamond lake, George lake, Hasbrook lake, Julia lake (on Forest County border), Katherine lake, Mercer lake, Oneida lake, Squaw lake (on Vilas County border), Squirrel lake, Three lakes chain (includes Big,	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None, but only 1 may be longer than 14
	2. Bird lake, Maple lake, North Nokomis lake, Shishebogama lake (on Vilas County border), Squash lake (near Rhineland).	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	3. Minocqua chain (Jerome lake, Kawaguesaga lake, Mid lake, Minocqua lake, Mud lake, Minocqua thoroughfare, Tomahawk	a. Hook and line	First Saturday in May to the first Sunday in March	0, catch and release only, until April 1, 2020, when it becomes 2 in total	On April 1, 2020, the size limit becomes 18

<p>4. Rice Reservoir Chain (including Bridge lake, Deer lake, Lake Nokomis, and Rice River flowage combined), Moen chain (Moen lake, Second lake, Third lake, Fourth lake, Fifth lake and connecting waters combined), Sugar Camp chain (Dam lake, Sand lake, Echo lake, Chain lake, Stone lake (T39N R9E S32) and connecting waters combined); The daily bag limit and length restrictions apply separately to each of the following sections of the Wisconsin River and its impoundments, sloughs, and tributaries upstream to the first dam or highway bridge: Otter Rapids dam (in Vilas county) downstream to Rainbow flowage,</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total</p>	<p>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</p>
<p>5. Cranberry lake which is part of the Eagle chain on the Vilas County border (includes Catfish, Cranberry, Duck, Eagle, Lynx, Otter, Scattering Rice, Voyageur, Watersmeet including Wisconsin river from Otter Rapids dam to</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total</p>	<p>None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18</p>

NR 20.20 (49) POLK (for species or waters not listed see sub. (73))

(f) Walleye, sauger and hybrids	1. Cedar lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and 18
	2. Balsam lake, Big Round lake, Big Butternut lake, Half Moon lake, Pipe and North Pine lakes	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	

NR 20.20 (51) PRICE (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. Thompson lake, Whitcomb lake, Jump river and its tributaries upstream to the first dam or	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 inches is prohibited and only 1 fish may be longer than
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<p>2. Butternut lake (on Ashland County border), Long (Boyd's) lake, Pike chain of lakes (Amik lake, Pike lake, Round lake, Turner lake and connecting waters combined), Solberg lake (including its tributaries upstream to the first dam or highway bridge and Squaw Creek upstream to the first dam); The daily bag limit and length restrictions apply separately to each of the following sections of the Elk river and its impoundments, sloughs, and tributaries upstream to the first dam or lake: Elk river upstream from the Lac Sault Dore dam (including Lac Sault Dore and Grassy lake) to Jobes dam, Elk river upstream from Jobes dam to Musser Flowage dam (including Phillips chain of lakes: Duroy, Elk, Long, Wilson lakes, and connecting waters and Squaw creek upstream to Solberg dam); The daily bag limit and length restrictions apply separately to each of the following sections of the North Fork Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam, lake, or fish refuge: Upper Park Falls Flowage dam upstream to the Turtle-Flambeau flowage in Iron County, Lower Park Falls Flowage dam upstream to Upper Park Falls Flowage dam, Pixley Flowage dam upstream to</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total</p>	<p>None but only 1 may be longer than 14</p>
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3. Elk river from Musser Flowage dam upstream (including Musser flowage) and its impoundments, sloughs, and tributaries upstream

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer

NR 20.20 (55) RUSK (for species or waters not listed see sub. (73))

(e) Walleye, sauger and hybrids

1. Chippewa river from Lake Holcombe dam in Chippewa County upstream to the Arpin dam in Sawyer County and all its tributaries upstream to the first dam or lake including Flambeau river

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18

2. The daily bag limit and length restrictions apply separately to each of the following sections of the Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake: Big Falls Flowage dam (Flambeau river) upstream to Crowley Flowage dam (North Flambeau river) in Price County, Dairyland Reservoir dam upstream to Big Falls Flowage dam, Ladysmith Flowage dam upstream to

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

None but only 1 may be longer than 14

3. Island chain (Chain lake, Clear lake, Island lake, McCann lake and connecting waters combined on

a. Hook and line

First Saturday in May to the first Sunday in March

3 in total

18

NR 20.20 (57) SAWYER (for species or waters not listed see sub. (73))

(i) Walleye, sauger and hybrids	1. Grindstone lake, Chippewa river downstream from Arpin dam to the Lake Holcombe dam in Chippewa County including all tributaries upstream to the first dam or lake and the Flambeau river	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	2. West Fork Chippewa river upstream to FR 174, Moose lake, Sand lake including Sissabagama creek upstream to Sand lake road, Windigo lake, Flambeau river and its impoundments, sloughs, and tributaries upstream to the first dam or lake from Big Falls Flowage dam (Flambeau river) in Rusk County upstream to Crowley Flowage dam (North Flambeau river) in Price County, South Fork Flambeau river	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except only 1 may be longer than 14
	4. Big Chetac lake, Birch lake (on Washburn County border), Black Dan lake, Durphee lake, Island lake (T39N R5W S2), Osprey lake, Nelson lake, Sissabagama lake, and Whitefish lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	5. Chippewa flowage (and all connected waters within T39N R6, T39N R7, T39N R8, T40N R6, T40N R7, T40N R8 including the Chippewa river downstream from the Chippewa flowage	a. Hook and line	First Saturday in May to November 30	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24

NR 20.20 (61) TAYLOR (for species or waters not listed see sub. (73))

(d) Walleye, sauger and hybrids	1. Jump river and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 inches is prohibited and
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NR 20.20 (64) VILAS (for species or waters not listed see sub. (73))

(h) Walleye, sauger and hybrids	1. Big Portage lake, Eagle chain (includes Catfish lake, Cranberry lake, Duck lake, Eagle lake, Lynx lake, Otter lake, Scattering Rice lake, Voyageur lake, Watersmeet lake including Wisconsin river from Otter Rapids dam to county highway G, Yellow Birch lake, and all connecting waters and Eagle river unstream to the	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18
	2. Alder lake, Big lake (T42N R6E S4), Big Arbor Vitae lake, Big Crooked lake (T42N R6E S12), Big Muskellunge lake, Birch lake, Boulder lake, Buckskin lake (on Oneida County border), Clear lake (T42N R5E S12), Crab lake, Fawn lake (T42N R5E S11), Harris lake, Ike Walton lake, Island lake, Jenny lake, Laura lake, Little Arbor Vitae lake, Little Star lake, Manitowish lake, North Crab lake, North Turtle lake, Oxbow lake, Pike Lake chain (Amik lake, Pike lake, Round lake, and Turner lake combined on the Price County border). Presque Isle	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14
	3. Bear river, Manitowish river (including Benson lake, Sturgeon lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None
	4. Dead Pike lake, Deerskin lake, Found lake, Gunlock lake, Little Trout lake, Long lake, Shishebogama lake (on Oneida	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

5. Escanaba lake	a. Hook and line. Daily permit	Continuous	1 in total	28
6. Mystery lake, Nebish lake, Palette lake, Sherman lake,	a. Hook and line	Continuous	None	None
7. North and South Twin lakes combined	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish

NR 20.20 (66) WASHBURN (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. Bass (Patterson) lake, Minong flowage including Cranberry lake in Douglas County upstream to the confluence of	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	None but only 1 may be longer than 14
	2. Balsam lake, Bear lake (on Washburn County border), Big McKenzie lake (on Burnett County border), Birch lake (on Sawyer County border), Red Cedar lake, Long lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

SECTION 4. NR 20.20 (73) (o) 6m. is created to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(o) Walleye, sauger and walleye-sauger hybrids	6m. All waters wholly within and lakes partially within the Ceded Territory as	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish
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SECTION 5. NR 20.36 (1), (1) (a), and (2) are amended to read:

NR 20.36 (1) ADJUSTMENT. In order to prevent a total harvest of more than 35% of the adult walleye population or 27% of the adult muskellunge population, the secretary may lower the daily bag limit on walleye or adjust size limits for walleye or muskellunge ~~and increase the minimum size limit for muskellunge~~ in specific waters in response to the harvest goals or actual harvest of the Chippewa ~~bands~~ Bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest. The safe harvest levels on individual waters shall be determined by the department.

(a) *Walleyes*. The daily bag limit ~~will~~ may be reduced ~~when the department is notified by the Chippewa bands of their harvest goals on individual waters.~~ in response to harvest by the Chippewa Bands' spear, net, or trap fisheries. The extent of the reduction depends upon the percent of the safe harvest ~~they intend to take~~ taken and the age of the population estimate used to determine the safe harvest or if a regression model was used to determine the safe harvest. The daily bag limits to be used with the different percentages and for various basis of determining the safe harvest are as follows:

Reduced Daily Bag Limits for Walleye Angling <u>Percent of Safe Harvest Speared, Trapped or Netted</u>			
Daily bag limit	Current population estimate	Population estimate made 1-2 years ago	Population estimate made 3 years ago or more or regression model
4	1-7	1-14	1-20
3	8-18	15-39	21-54
2	19-36	40-76	55-84
1	37-68	77-94	85-94
0	69% or more	95% or more	95% or more

NR 20.36 (2) READJUSTMENT. In response to actual tribal harvest, the secretary may raise the daily bag limit or reduce the minimum size limit to the limit specified as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the next year as indicated in sub. (1). If actual harvest subsequently exceeds the expected harvest level, the daily bag limit ~~for walleye may be reduced~~ or the minimum size limit ~~for muskellunge may be increased~~ adjusted the following year to reflect actual harvest for that year and harvest goals of the Chippewa ~~bands~~ Bands for

the next year. If a new population estimate is made, the safe harvest level shall be changed accordingly and the secretary may adjust the daily bag limit or minimum size limit according to the percentage of the new safe harvest level that is expected to be harvested as indicated in sub. (1), where deemed necessary to remain consistent with the safety factors established under *Lac Courte Oreilles v. State of Wis.*, 707 F. Supp. 1034 (W. D. Wis. 1989). The readjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest.

SECTION 6. NR 23.05 (5) (h) is amended to read:

NR 23.05 (5) (h) WALLEYE AND SAUGER

1. In lakes <u>outside the Ceded Territory as</u>	First Saturday in May to	5 in total	15
2. In rivers & impoundments <u>outside the Ceded Territory as</u>	March 2 to the Friday before the First Saturday in May to	1 in total	15
3. In lakes <u>within the Ceded Territory as</u>	<u>First Saturday in May to</u>	<u>3 in total</u>	<u>15</u>
4. In rivers & impoundments <u>within the Ceded Territory as</u>	<u>March 2 to the Friday before the First Saturday in May to</u>	<u>1 in total</u>	<u>15</u>
5. In lakes <u>within the Ceded Territory as</u>	<u>First Saturday in May to</u>	<u>3 in total</u>	<u>15</u>

SECTION 7. NR 23.055 (1) and (1) (a) are amended to read:

NR 23.055 (1) ADJUSTMENT. In order to prevent a total harvest of more than 35% of the adult walleye population or 27% of the adult muskellunge population, the secretary may lower the daily bag limit on walleye or adjust size limits for walleye or muskellunge ~~and increase the minimum size limit for muskellunge~~ in specific waters in response to the harvest goals or actual harvest of the Chippewa ~~bands~~ Bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until

the first Sunday in March of the year following the tribal harvest. The safe harvest levels on individual waters shall be determined by the department.

(a) *Walleyes*. The daily bag limit ~~will~~ may be reduced ~~when the department is notified by the Chippewa bands of their harvest goals on individual waters. in response to harvest by the Chippewa Bands' spear, net, or trap fisheries.~~ The extent of the reduction depends upon the percent of the safe harvest ~~they intend to take~~ taken and the age of the population estimate used to determine the safe harvest or if a regression model was used to determine the safe harvest. The daily bag limits to be used with the different percentages and for various basis of determining the safe harvest are as follows:

Reduced Daily Bag Limits for Walleye Angling % of safe harvest to be speared, trapped or netted <u>Percent of Safe Harvest Speared, Trapped or Netted</u>			
Daily bag limit	Current pop. est. population estimate	pop. est. made 1-2 yrs. ago Population estimate <u>made 1-2 years ago</u>	pop. est. made 3 yrs. ago Population estimate <u>made 3 years ago or more or regression model</u>
4	1-7	1-14	1-20
3	8-18	15-39	21-54
2	19-36	40-76	55-84
1	37-68	77-94	85-94
0	69% or more	95% or more	95% or more

SECTION 8. EFFECTIVE DATE. This rule shall take effect upon publication in the official state newspaper, as provided in s. 227.24(1)(d), Stats., and shall expire on March 31, 2016.

SECTION 9. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on January 27, 2016.