

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

The Wisconsin Natural Resources Board proposes an order to amend NR 20.05(5), (6), 20.09(2), 20.11(1)(a), 20.20(9)(c)1, (13)(c)1, (e)1, (h)1, (16)(d)1, (17)(a)1, (24)(a)1, (33)(c)1, (35)(b)1, (c)1.a., (44)(b)1.a., (55)(bm)1, (57)(f)1.a., 2.a., 20.36(2), (3)(b); and create NR 20.20(35)(b)2. relating to fishing on the inland and outlying waters of Wisconsin.

FH-22-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041 and 227.11(2), Stats.

Statutes interpreted: ss. 29.014(1) and 29.041, Stats.

In this order:

Section 1 eliminates unnecessary wording and redundancy regarding the taking of rough fish in trout streams.

Section 2 clarifies the restrictions on fishing for, possessing, or controlling fish in excess of bag or possession limits by providing reference to administrative code that describes where the Department may modify bag limits, possession limits, or size restrictions.

Section 3 eliminates the sunset on night bowfishing after the three-year trial period. No major law enforcement problems were encountered.

Section 4 clarifies which ice shelters are exempt from needing to have the owner's name and address displayed, and removes the requirement that the name and address be permanently affixed to the ice shelter.

Sections 5 and 13 clarify the minimum length limit for muskellunge for Holcombe flowage, Rusk county. Holcombe flowage is located mostly in Chippewa county, however a portion of the flowage and the boundaries for the 40 inch minimum length limit are located in Rusk county. The same language found currently in Chippewa county is added to Rusk county.

Sections 6, 7 and 8 modify the upstream boundary for the year round open fishing season for Busseyville (Koshkonong) Creek after removal of a dam that used to serve as that boundary.

Section 9 adds Chippewa river to the water bodies in Dunn county where motor trolling is allowed. This water was inadvertently omitted from the Dunn county regulations after a major revision to ch. NR 20.

Section 10 adds Fox river to the water bodies in Green Lake county where motor trolling is allowed. This water was inadvertently omitted from the Green Lake county regulations after a major revision to ch. NR 20.

Section 11 corrects the closing date for the muskellunge fishing season on Yellowstone lake in Lafayette county. The closing date was inadvertently written a March 1 instead of the statewide closing date for muskellunge of November 30 during a major rewrite of ch. NR 20.

Section 12 corrects the season dates for the muskellunge fishing on Deer lake, Nokomis lake, Rice River flowage, and Wisconsin river downstream from Merrill hydro-dam. The season dates were inadvertently written as First Saturday in May to March 1 instead of Saturday nearest Memorial Day to November 30 (the northern muskellunge zone season dates) during a major revision of ch. NR 20.

Sections 14 and 15 correct panfish regulations on the Chippewa flowage. The regulation beginning December 1 was inadvertently placed in the regulations for Christner lake, Moose lake, and Nelson lake instead of the Chippewa flowage during a major revision of ch. NR 20.

Section 16 clarifies that no person may possess fish in excess of the daily bag limit or of any size restriction other than that authorized for that water while fishing waters with adjusted bag limits or size restrictions in response to tribal harvest. In combination with section 2, waters where transportation of fish across waters with more restrictive bag limits and different size restrictions are clearly identified as only those waters where adjustments to bag and size restrictions are made in response to tribal harvest.

SECTION 1. NR 20.05(5) is amended to read:

NR 20.05(5) Fish for any variety of fish in trout streams other than during the open season for trout except that rough fish may be taken by hand ~~at any time in all waters.~~

SECTION 2. NR 20.05(6) is amended to read:

NR 20.05(6) Fish for, possess or control fish in excess of the daily bag limit authorized in s. NR 20.20 for that water while on the waters, banks or shores of waters or while fishing except as authorized on specific waters by s. NR 20.35, 20.36 or 20.37.

SECTION 3. NR 20.09(2) is amended to read:

NR 20.09(2) Use, possess or control any bow, spear or similar device from sunset to sunrise while on the waters or on the banks or shores of any waters except that a bow and arrow may be possessed and used for spearing rough fish on the following inland lakes ~~during 2000, 2001 and 2002~~ at any time during the open season for spearing as specified in s. NR 20.20: Castle Rock and Petenwell flowages, Adams and Juneau counties; Round and Trade lakes, Burnett county; Lake Winnebago, Calumet county; Arbutus and Mead lakes, Clark county; Lake Wisconsin, Mud lake and Park lake, Columbia county; Lakes Monona, Mendota, Kegonsa, Koshkonong and Waubesa, Dane county; Beaver Dam lake, Chub lake, Fox lake, Mud lake, Horicon Marsh and Lake Sinnissippi, Dodge county, Eau Galle lake, Lake Menomin and Tainter lake, Dunn county; Lake Winnebago, Fond du Lac county; Big Green lake, Lake Puckaway and Little Green lake, Green Lake county; Ludden lake, Iowa county; Lake Koshkonong, Jefferson county; Lake Neshonoc, La Crosse county; Yellowstone lake, Lafayette county; Big Eau Pleine flowage, Lake DuBay and McMillan reservoir, Marathon county; Buffalo lake and Grand River Marsh, Marquette county; Cedar and Wappogasset lakes, Polk county; Wisconsin River flowage and Lake DuBay, Portage county; Tichigan and Wind lakes, Racine county; Lake Koshkonong, Rock county; Potato lake, Rusk county; Cedar lake, St. Croix county; Lake Wisconsin, Sauk county; Shawano lake, Shawano county; Delavan, Como and Geneva lakes, Walworth county; Big Muskego lake and Lac LaBelle, Waukesha county; Lake Poygan, Waushara county; Lakes Butte des Morts, Poygan, Winnebago, Winneconne and Rush lake, Winnebago county.

SECTION 4. NR 20.11(1)(a) is amended to read:

NR 20.11(1)(a) The name and residential address in the English language of the person owning or using the fishing shelter is legibly painted or ~~permanently~~ otherwise affixed on the outside of the fishing shelter with block lettering a minimum of one inch square and in contrasting colors. Fishing shelters that are ~~removed from the ice daily or when not~~ occupied or otherwise in use are exempt from this requirement.

SECTION 5. NR 20.20(9)(c)1. is amended to read:

(c) Muskellunge	1. Holcombe flowage including the Chippewa river to CTH D (<u>Rusk co.</u>), Main creek to STH 194 (<u>Rusk co.</u>) and Jump river to CTH G (<u>Rusk co.</u>)	a. Hook and line	Saturday nearest Memorial day to November 30	1	40
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SECTION 6. NR 20.20(13)(c)1. is amended to read:

(13) DANE (for species and waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. Koshkonong lake, lower Wisconsin river, Busseyville (Koshkonong) creek downstream from Rockdale millpond dam <u>CTH B</u>	a. Hook and line	Continuous	5 in total	14
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SECTION 7. NR 20.20(13)(e)1. is amended to read:

(13) DANE (for species and waters not listed, see sub. (73))

(e) Northern pike	1. Koshkonong lake, lower Wisconsin river, Busseyville (Koshkonong) creek downstream from Rockdale millpond dam <u>CTH B</u>	a. Hook and line	Continuous	2	26
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SECTION 8. NR 20.20(13)(h)1. is amended to read:

(13) DANE (for species and waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	1. Koshkonong lake, Busseyville (Koshkonong) creek downstream from Rockdale millpond dam <u>CTH B</u>	a. Hook and line	Continuous	5 in total	15
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SECTION 9. NR 20.20(17)(a)1. is amended to read:

(17) DUNN (for species and waters not listed, see sub. (73))

(a) All species	1. <u>Chippewa river</u> , Menomin lake, Tainter lake	a. Motor trolling is permitted	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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SECTION 10. NR 20.20(24)(a)1. is amended to read:

(24) GREEN LAKE (for species and waters not listed, see sub. (73))

(a) All species	1. Big Green lake, <u>Fox river</u> , Maria lake, Puckaway lake	a. Motor trolling is permitted. No person may fish through the ice using minnows (dead or alive or as cut bait) in water 50 or more feet deep in Big Green lake.	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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SECTION 11. NR 20.20(33)(c)1. is amended to read:

(33) LAFAYETTE (for species or waters not listed, see sub. (73))

(c) Muskellunge	1. Yellowstone lake	a. Hook and line	First Saturday in May to March 4 <u>November 30</u>	0	-
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SECTION 12. NR 20.20(35)(c)1.a. is amended to read:

(35) LINCOLN (for species and waters not listed, see sub. (73))

(c) Muskellunge	1. Deer lake, Nokomis lake, Rice River flowage, Wisconsin river downstream from Merrill hydro-dam	a. Hook and line	First Saturday in May Saturday nearest Memorial Day to March 4 <u>November 30</u>	1	40
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SECTION 13. NR 20.20(55)(bm)1. is amended to read:

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

(bm) Muskellunge	1. Dairyland flowage, <u>Holcombe flowage including the Chippewa river to CTH D, Main creek to STH 194 and Jump river to CTH G,</u> Potato lake,	a. Hook and line	Saturday nearest Memorial day to November 30	1	40
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SECTION 14. NR 20.20(57)(f)1.a. is amended to read:

(57) SAWYER (for species and waters not listed, see sub. (73))

(f) Panfish	1. Chippewa flowage	a. Hook and line	First Saturday in May to November 30	25 in total but no more than 15 may be crappie	None
			<u>December 1 to March 1</u>	<u>15 in total but none may be crappie</u>	<u>None</u>

SECTION 15. NR 20.20(57)(f)2.a. is amended to read:

(57) SAWYER (for species and waters not listed, see sub. (73))

(f) Panfish	2. Christner lake, Moose lake, Nelson lake	a. Hook and line	Continuous	10 in total	None
			December 1 to March 1	15 in total but none may be crappie	None

SECTION 16. NR 20.36(3)(b) is amended to read:

NR 20.36(3)(b) While fishing any waters with adjusted size or bag limits calculated pursuant to the provisions of this section, no person may possess fish ~~on any water~~ in excess of the bag limit or ~~under the of any size limit other than authorized~~ for that water.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The foregoing rules shall take effect upon publication in the Wisconsin administrative register as provided in s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)