

**SUBJECT:** Request adoption of Board Order FH-03-10, fishing regulation changes proposed and supported at the 2010 Spring Fish and Wildlife Rules Hearings

**FOR:** MAY, 2010 BOARD MEETING

**TO BE PRESENTED BY:** Michael Staggs

**SUMMARY:**

The Department recommends that the revisions to Administrative Code described herein be adopted by the Natural Resources Board. These changes were presented at the Spring Fish and Wildlife Rules Hearings April 12, 2010. These proposals are suggested by the Bureaus of Fisheries Management and Law Enforcement to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters. The Department is proposing four changes of statewide significance, a broad approach to address walleye population concerns on 20 selected waters, and 8 changes of local or regional interest.

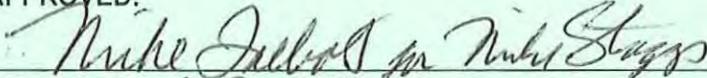
Among the changes of statewide interest are proposals to liberalize ice fishing and panfish harvest regulations on the Chippewa Flowage (Sawyer County), to allow motor trolling county-wide in Ashland and Price Counties, to make consistent rules for sturgeon angling in the St. Croix River where it forms the Wisconsin-Minnesota border and to make consistent rules for bass angling in Wisconsin-Michigan boundary waters. The Department also has identified twenty lakes in Barron, Bayfield, Burnett, Polk, Rusk, Sawyer, and Washburn counties as waters in which walleye are the gamefish species of primary angler and management interest, and in which restoration of natural walleye reproduction has been identified as the primary management objective. Each of these waters has had a walleye population sustained by natural reproduction within the past twenty years, but for unknown reasons that reproduction has failed in recent years and stocking is currently required to maintain a walleye population. An 18-inch minimum harvest restriction is proposed to protect adult walleye from harvest in these lakes. Additionally, to address concerns that largemouth and smallmouth bass (black bass) could potentially inhibit recovery of walleye reproduction, the Department further proposes to remove the minimum length restriction for angler harvest of black bass in each of these lakes. Changes between the rule order taken to hearing and that which is presented for adoption are detailed within the attached memorandum.

**RECOMMENDATION:** Adopt fishing regulation changes proposed and supported at the 2010 Spring Fish and Wildlife Rules Hearings, as presented herein.

**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                                     |          |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/>            | Fiscal Estimate Required                              | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/>            | Attached |
| No | <input type="checkbox"/>            | Background Memo                                       | Yes | <input checked="" type="checkbox"/> | Attached |

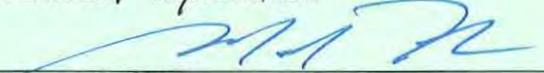
**APPROVED:**

  
Bureau Director, Mike Staggs, FM/4

12.05.2010  
Date

  
Administrator, Todd Ambs, AD/8

5/12/2010  
Date

  
Secretary, Matt Frank

5-12-2010  
Date

- cc: Laurie J. Ross - AD/8
- Mike Staggs, FM/4
- Tim Andryk, LS/8
- Pete Flaherty, LS/8
- Tom Van Haren, LE/8

- Karl Scheidegger, FM/4
- Larry Clagget, FM/4
- Paul Nuemann, MB/8
- Diane Brookbank, CS/1
- Tim Simonson, FM/4

- Fisheries Mgmt. Board (8)
- GLIFWC/Tribes (13)
- IA, MI, MN DNR (3)
- Exec. Comm. Conservation Congress (3)
- Kari Lee-Zimmerman, AD/8

**CORRESPONDENCE/MEMORANDUM**

DATE: May 11, 2010

TO: Natural Resources Board

FROM: Matt Frank 

SUBJECT: Request adoption of Board Order FH-03-10, fishing regulation changes proposed and supported at the 2010 Spring Fish and Wildlife Rules Hearings.

**BACKGROUND**

The Department recommends that the revisions to Administrative Code described herein be adopted by the Natural Resources Board. These changes were presented and supported at the Spring Fish and Wildlife Rules Hearings April 12, 2010. These proposals are suggested by the Bureaus of Fisheries Management and Law Enforcement to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters. The proposals were developed by the Bureaus of Fisheries Management and Law Enforcement with input from the Bureau of Legal Services, and considerable public input. Representatives of both the Conservation Congress Executive Committee and the Great Lakes Indian Fish and Wildlife Commission were part of discussions regarding advancement of these proposals. Many of these proposals have been discussed with committees or county delegations of the Conservation Congress. The department consulted with Conservation Congress delegates at the May 2010 Conservation Congress Annual meeting, and has incorporated modifications several suggestions made by Congress representatives.

**SUMMARY OF THE RULE**

The attached rule order proposes the following modifications to Administrative Code:

**Proposals of statewide and regional interest and significance**

In general, the proposals considered to be of statewide or regional significance are those in which proposed changes to Administrative Code affect boundary or Great Lakes waters or large waters with a high statewide public profile, or where changes represent a broad change in management policy.

1. Motor trolling: This rule would permit motor trolling county-wide in Price and Ashland Counties.
2. Chippewa Flowage angling regulations: This rule would allow fishing from the first Saturday in May to the first Sunday in March for all gamefish species except muskellunge, walleye, and lake sturgeon and change the panfish daily bag limit to 25

for all panfish while creating a year-round open season for all panfish on the Chippewa Flowage.

Currently, fishing for all gamefish is prohibited between November 30 and the first Saturday in May, and panfish daily bag limits are 25 with no more than 15 crappie from the first Saturday in May until November 30, and 15 panfish but no crappie from December 1 to the first Sunday in March.

3. St. Croix River sturgeon: This rule would create a catch-and-release season for Lake Sturgeon on the St. Croix River from October 1 to 15. This section of the St. Croix River is Wisconsin-Minnesota boundary water, and this change would make Wisconsin rules consistent with Minnesota rules.
4. Wisconsin-Michigan bass harvest: This rule would extend the open fishing season for largemouth and smallmouth bass on Wisconsin-Michigan boundary waters from November 30 to December 31. This would make Wisconsin boundary bass harvest rules consistent with Michigan boundary rules.
5. Restoration of waters primarily managed for walleyes: Twenty lakes in Barron, Bayfield, Burnett, Polk, Rusk, Sawyer, and Washburn counties are waters in which restoration of natural walleye reproduction is the primary management objective. Each had a walleye population sustained by natural reproduction within the past twenty years, but for unknown reasons reproduction significantly declined in recent years and stocking is now needed to maintain their fisheries. Naturally reproducing walleye populations generally have an adult population 3-5 times greater than stocked walleye populations. To address this walleye population decline, the department is proposing a three component experimental restoration program, two parts of which involve changes to angling regulations: the department proposes increasing the minimum length restriction for walleye to 18 inches and reducing the daily bag limit from 5 to 3 on these lakes, while eliminating the minimum length restriction for largemouth and smallmouth bass (bag limits will remain at 5 fish/ day). The department will also focus on stocking large fingerling walleye in many of these lakes as a short-term bolster for the population.

The lakes included in the proposal are: Bear, Horseshoe (T36N, R14E, S3, 115 ac.), Lower Turtle, and Upper Turtle (Barron County), Owen (Bayfield County), Big McKenzie and Middle McKenzie (Burnett/ Washburn Counties), Big Butternut, Half Moon, Pipe, and Ward (Polk County), Chain, Clear, Island, and McCann (Island Chain, Rusk County), Nelson, Whitefish, and Sissabagama (Sawyer County) and Long and Nancy (Washburn County).

Proposals of local interest and significance:

In general, the proposals considered to be of local significance are those in which minor adjustments are made to Administrative Code. These are generally adjustments to angler

daily bag limits and/or rules governing what sizes of fish may be harvested, or opening and closing dates for open seasons within individual water bodies.

The Department proposes to:

6. increase the minimum size restriction for Walleye in Lake Metonga (Forest County) from 15 to 18 inches and decrease the bag limit from 5 to 3;
7. eliminate the following fish refuges: on the Chippewa Flowage for 500 feet below Moose Lake (Sawyer County), on Spider Creek between Spider Lake and State highway 77 (Sawyer County), on Island Creek between Island and Black Dan Lakes (Sawyer County), on Malviney Creek (Sawyer County), on the unnamed tributary of Lake Chetac from Lake Chetac to 1000 feet upstream (Sawyer County), on the Brunet River from Lake Winter to 500 feet downstream (Sawyer County), on the Couderay River from the Grimh (Radisson) Dam to 500 feet downstream (Sawyer County) and on the Little Turtle River and Turtle-Flambeau Flowage 200 feet upstream of Popko's Circle Road until 200 feet downstream of Popko's Circle Road (Iron Co.);
8. prohibit night fishing from September 15 to the first Saturday in May in the section of the Oconto river from the upstream side of the US 141 Bridge to the Stiles dam (Oconto County);
9. replace the current no minimum length limit and 14 to 18 inch protected slot with no minimum length limit but only 1 fish over 14" and increase the daily bag limit from 3 to 5 for walleye on the Three Lakes chain, Oneida County;
10. replace the no minimum length limit but only 1 fish over 14" with a 15" minimum length limit for walleye on Sevenmile lake, Oneida County;
11. make permanent the 45 inch minimum size restriction for muskellunge in Little St. Germain Lake (Vilas County). This regulation was scheduled to expire November 30, 2011;
12. increase the minimum size restriction for northern pike on Big Muskego Lake including Bass Bay (Waukesha County) from 26 inches to 40 inches and reduce the daily bag limit from 2 to 1 fish;
13. increase the minimum size restriction for bass in Marion Pond (Waupaca County) from 14 inches to 18 inches and reduce the daily angler bag limit from 5 to 1 and increase the minimum size restriction for northern pike in Marion Pond from no minimum to 26 inches and reduce the daily angler bag limit from 5 to 2. This rule would expire on April 1, 2016;

14. and to decrease the minimum length restriction on trout in the Waupaca River downstream of River Road to the Waupaca County line (Waupaca County) to 7 inches for all trout from 12 inches for brown trout and rainbow trout, and 8 inches for brook trout. It also increases the daily angler bag from 3 to 5 for trout.

### **POLICY IMPACTS**

The proposed rule will not result in major changes to existing policy.

### **PREVIOUS ACTION**

The Board has not previously taken action on any of the proposed items.

### **HEARING SYNOPSIS**

A public hearing was held in each county of the state on April 12, 2010. Public input was collected through electronic ballots distributed at each meeting, and also through written comments received by the Bureau of Fisheries Management before April 13, 2010. Statewide results of the spring rules hearings are attached; county-by-county results are available at: [http://dnr.wi.gov/org/nrboard/congress/spring\\_hearings/indexresults.htm](http://dnr.wi.gov/org/nrboard/congress/spring_hearings/indexresults.htm) Hearing attendance statewide was 4,360.

Local proposals were recommended for adoption only if the local and regional response was favorable with some exceptions: The department recommends eliminating 4 seasonal fish refuges in Sawyer County despite a lack of support for the proposal among Sawyer County hearing attendees. The refuges are not biologically necessary and unnecessarily restrict anglers and burden law enforcement. The department also recommends proceeding with proposed changes to bass and walleye regulation changes in the Island Chain of Lakes (Rusk County), where 13 of 28 Rusk County hearing attendees supported the measure and 14 did not. Statewide and regional support for the measure was strong and the department's preference is to include the Island Chain in its experimental approach to restoring natural reproduction of walleye in select northwest Wisconsin lakes.

The department initially recommended withdrawing 4 Sawyer County lakes (Chippewa Flowage, Nelson, Sissabagama, and Whitefish) from its walleye recruitment restoration project because of significant opposition among Sawyer County hearing attendees. However, after discussion with the Sawyer County Conservation Congress delegation and with support from the Congress as a whole, the department recommends advancing to proposed rule changes on Nelson, Sissabagama, and Whitefish lakes, but not the Chippewa Flowage. It was the feeling on Sawyer County representative that proposed rule changes were not supported in these 3 lakes only because of significant opposition to the proposed changes in Chippewa Flowage walleye harvest regulations.

The Conservation Congress- Ashland County delegation and the Congress as a whole recommended advancing a rule to open all Ashland County waters to motor trolling

despite a 34-37 hearing result against the measure in Ashland County. Statewide support for the elimination of the restriction was strong.

Several proposals presented at public hearing are not recommended for adoption because of lack of public support. The department is not advancing its proposals to allow motor trolling county-wide in Iron and Sawyer counties. Motor trolling remains a divisive issue in northern Wisconsin. Contrary to the concerns expressed in editorials and letters received by the department regarding this proposal, motor trolling poses absolutely no threats to the health or sustainability of muskellunge or walleye populations, and in the counties where it is permitted causes little conflict between user groups. However, the department recommends leaving the restrictions in place in these counties based on significant public hearing responses opposed to the change in those counties.

Lastly, the department has withdrawn its proposal to consolidate trout regulations in the Wolf River, Langlade County despite support for the proposal in Langlade County. Opposition to the change was strong in surrounding counties, and the Conservation Congress as a whole recommended against advancing these changes at this time. The department recommends deferring this proposal to allow time for northern region staff to develop a better consensus on appropriate rules for these waters as part of its planned trout regulation review (2010-11).

The department has modified its proposal to allow a continuous open season for all panfish with a 10 fish aggregate daily bag limit on the Chippewa Flowage to allow a continuous open season for all panfish with a 25 fish aggregate daily bag limit, based on comments received at public hearing,

Several letters were received expressing concern about the proposed 40-inch minimum size restriction/ 1 fish daily bag limit for northern pike in Big Muskego Lake (Waukesha County), but the proposal was supported at hearing in Waukesha and surrounding counties and the department maintains that a 40-inch minimum is appropriate in situations where biological control of other species (e.g. carp) is desired. Consultation with the Waukesha County Conservation Congress delegation affirmed wide support for the proposed change.

### **RESPONSE TO LEGISLATIVE CLEARINGHOUSE COMMENTS**

All recommendations made in the attached Legislative Clearinghouse report have been incorporated in the final version of the rule.

### **IMPACTS ON THE PUBLIC**

The proposed rules will have minimal impact on members of the public. As with any change in regulation, there will be a requirement for anglers to learn the new rules. The FM Bureau works to notify the public of new regulations via press releases, the Internet, and fishing regulations pamphlets.

**ENVIRONMENTAL ASSESSMENT**

This is a Type III action under Chapter NR 150, Wis. Adm. Code, therefore no EA is required.

**SMALL BUSINESS ANALYSIS**

The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

**FINAL REGULATORY FLEXIBILITY ANALYSIS**

The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Ronald Sklansky  
*Clearinghouse Director*

Richard Sweet  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 10-025

AN ORDER to repeal 20.20 (34) (d) 2. and (57) (b), 26.01 (57) (a) and (b), 26.05 (26), 26.06 (57) (b), (d), and (g), and 26.09 (57) (a) and (b); to amend NR 20.20 (2) (a), (3) (f) 1., (21) (h) 1., (34) (d) 1., (44) (g), (49) (am), (51) (a), (57) (a), (d), (f), 1., and (i) 4., (64) (d) 1m., (66) (g) 3., (69) (f) 3., and (73) (a) 3., 21.04 (7) (a), and 23.05 (5) (d) 1.; to repeal and recreate NR 20.20 (26); and to create NR 20.20 (3) (am) 2., (4) (c) 3., and (i) 4., (7) (c) 2., and (h), (49) (f) 2., 20.20 (51) (b) 2., (e) 3., and (i) 5., (57) (i) 5., (66) (bm), (68) (cm), and (69) (c) 3. and (d) 3, relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-17-2010 RECEIVED BY LEGISLATIVE COUNCIL.

03-16-2010 REPORT SENT TO AGENCY.

RS:LAK

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]  
Comment Attached            YES             NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]  
Comment Attached            YES             NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]  
Comment Attached            YES             NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]  
Comment Attached            YES             NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]  
Comment Attached            YES             NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]  
Comment Attached            YES             NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]  
Comment Attached            YES             NO

**Summary of April 12, 2010 Spring Hearing Voting- Fisheries**  
**These recommendations are those supported by the Department and Conservation Congress.**

2010 Attendance: 4,360

Statewide Department Questions							
Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
24	Motor Trolling in Ashland County	1,834	1,136	Yes	62/10/0	34/37	Advance
25	Motor Trolling in Iron County w/ some exceptions	1,787	1,163	Yes	58/13/1	11/29	No
26	Motor Trolling in Price County	1,809	1,165	Yes	59/12/1	30/10	Advance
27	Motor Trolling in Sawyer County	1,805	1,192	Yes	58/13/1	34/83	No
28	St. Croix River catch & release sturgeon season	1,948	900	Yes	63/6/3		Advance
29	Chippewa Flowage ice fishing & panfish regulations – game fish	1,988	802	Yes	68/3/1	78/42	Advance
30	Chippewa Flowage ice fishing & panfish regulations – panfish	1,991	923	Yes	63/9/0	52/71	Advance, with adjustment to 25 fish/day rather than 10
31	Bass harvest regulations in Wisconsin-Michigan boundary waters	1,962	849	Yes	68/2/2		Advance
32	Walleye & Bass Regulations, Bear Lake, Barron County	1,591	948	Yes	54/13/5	40/6	Advance
33	Walleye & Bass Regulations, Horseshoe Lake, Barron County	1,567	944	Yes	53/18/0	39/6	Advance
34	Walleye & Bass Regulations, Lower Turtle Lake, Barron County	1,571	954	Yes	55/16/0	39/8	Advance
35	Walleye & Bass Regulations, Upper Turtle Lake, Barron County	1,547	950	Yes	53/16/2	38/9	Advance
36	Walleye & Bass Regulations, Lake Owen, Bayfield County	1,585	956	Yes	52/16/3	29/9	Advance
37	Walleye & Bass Regulations, Big MacKenzie Lake, Burnett County	1,466	922	Yes	49/18/4	11/4	Advance
38	Walleye & Bass Regulations, Big Butternut Lake, Polk County	1,442	907	Yes	45/21/5	36/8	Advance

**Statewide Department Questions, continued**

<b>Question Number</b>	<b>Question Description</b>	<b>Yes Votes</b>	<b>No Votes</b>	<b>Statewide Vote</b>	<b>County Vote (Yes/No/Tie)</b>	<b>Local Vote (Yes / No)</b>	<b>Department Recommendation</b>
39	Walleye & Bass Regulations, Half Moon Lake, Polk County	1,432	917	Yes	49/18/4	38/8	Advance
40	Walleye & Bass Regulations, Pipe Lake, Polk County	1,419	920	Yes	46/20/5	38/8	Advance
41	Walleye & Bass Regulations, Ward Lake, Polk County	1,432	916	Yes	50/15/6	38/8	Advance
42	Walleye & Bass Regulations, Island Chain, Rusk County	1,429	912	Yes	49/17/5	13/15	Advance
43	Walleye & Bass Regulations, Chippewa Flowage, Sawyer County	1,418	1,091	Yes	43/22/6	25/98	No. Table for continued work.
44	Walleye & Bass Regulations, Nelson Lake, Sawyer County	1,428	955	Yes	47/18/6	37/72	Advance.
45	Walleye & Bass Regulations, Sissabagama Lake, Sawyer County	1,421	968	Yes	47/20/4	33/75	Advance
46	Walleye & Bass Regulations, Whitefish Lake, Sawyer County	1,402	968	Yes	46/20/5	32/74	Advance
47	Walleye & Bass Regulations, Middle McKenzie Lake, Washburn County	1,401	916	Yes	49/20/2	23/5	Advance
48	Walleye & Bass Regulations, Long Lake, Washburn County	1,395	920	Yes	49/21/1	23/6	Advance
49	Walleye & Bass Regulations, Nancy Lake, Washburn County	1,387	919	Yes	48/21/2	23/3	Advance

Local Department Questions							
Question Number	Question Description	Yes Votes	No Votes	Statewide Vote	County Vote (Yes/No/Tie)	Local Vote (Yes / No)	Department Recommendation
50	Lake Metonga walleye regulations	1,485	846	Yes	57/12/2	37/32 (Forest)	Advance
51	Sevenmile Lake walleye regulations	1,636	673	Yes	63/5/3	38/9 (Forest), 72/30 (Oneida)	Advance
52	Wolf River trout regulations	1,432	802	Yes	54/14/4	29/14 (Langlade)	No. Table for discussion and inclusion in 2011 trout package.
53	Eliminating Fish Refuge in Iron County	1,380	665	Yes	63/6/2	22/14 (Iron)	Advance
54	Oconto River night fishing prohibition	1,412	769	Yes	55/11/5	27/22 (Oconto)	Advance
55	Three Lakes Chain walleye regulations	1,567	600	Yes	64/5/2	82/20 (Oneida)	Advance
56	Eliminating Four Fish Refuges in Sawyer County	1,382	747	Yes	62/7/3	55/65 (Sawyer)	Advance. There Is No Biological Or Social Reason To Retain These Refuge Designations.
57	Little St Germain Lake musky regulation	1,808	461	Yes	69/1/2	62/21 (Vilas)	Advance
58	Big Muskego Lake pike regulations	1,214	783	Yes	48/19/5	87/32 (Waukesha)	Advance
59	Waupaca River trout regulations	1,315	757	Yes	58/6/8	72/20 (Waupaca)	Advance
60	Marion Pond bass & pike regulations	1,386	595	Yes	55/11/6	73/12 (Waupaca)	Advance

2010 DNR Spring Rule Hearings - WCC County Meetings  
 Summary of Results  
 Statewide by Question

4:43 PM 04/13/2010

Question	Question Description	Votes Yes	Votes No	Majority	Counties Approving	Counties Rejecting	Counties Tie vote	Counties Not Voting
<b>2010 STATEWIDE ATTENDANCE</b>		<b>4,360</b>						
1	Allow the use of atlatls for small game hunting	2,376	1,496	Yes	57	14	1	0
2	Increase the penalty for violating animal damage abatement program requirements	3,294	549	Yes	72	0	0	0
3	Allow the use of colony traps for muskrats	2,413	1,128	Yes	63	8	1	0
4	Establish a single, consistent raccoon season opener for residents & non-residents	2,709	991	Yes	68	4	0	0
5	Allow participation in the youth deer hunting season by 16 & 17 year olds	1,928	2,029	No	31	39	2	0
6	Allow participation in the youth turkey hunting season by 16 & 17 year olds	2,000	1,937	Yes	36	35	1	0
7	Clarify the definition of "novice participant" for learn to hunt programs	2,750	951	Yes	70	2	0	0
8	Allow the use of scopes on muzzleloading firearms	2,140	1,801	Yes	48	22	2	0
9	Void	0	0		0	0	0	72
10	Transportation of deer carcasses from the CWD zone & deer & elk from other states	2,213	1,595	Yes	48	22	2	0
11	Junior firearm deer hunting licenses include an antlerless deer carcass tag	2,212	1,646	Yes	55	14	3	0
12	Allow dividing deer, bear, & elk into five parts prior to registration	2,721	1,175	Yes	70	2	0	0
13	Establish single, consistent opening date for fox hunting & trapping & coyote trapping	3,374	389	Yes	71	0	1	0
14	Allow firearm deer hunting at Nelson Dewey state park, Grant County	2,315	585	Yes	70	1	1	0
15	Establish turkey hunting seasons & zones at Hartman Creek St. Park, Waupaca County	2,424	483	Yes	71	1	0	0
16	Allow muzzleloader deer hunting at Big Bay state park, Bayfield County	2,349	560	Yes	71	0	1	0
17	Allow deer hunting on newly acquired lands at Buckhorn St. Park, Juneau County	2,414	488	Yes	71	0	1	0
18	Eliminate the 2:00 p.m. pheasant hunting closure at Scuppermong River, Waukesha Co.	1,875	818	Yes	70	1	1	0
19	Establish turkey hunting seasons & a zone at Straight Lake State Park, Polk County	2,299	429	Yes	72	0	0	0
20	Eliminate the Rock Prairie Canada Goose Management Subzone, Rock County	2,117	452	Yes	70	0	2	0
21	Eliminate the Burnett County Canada Goose Management Subzone, Burnett County	2,111	507	Yes	71	0	1	0
22	Establish spring turkey hunting at Glacial Heritage Area state parks, Jefferson County	2,374	419	Yes	72	0	0	0
23	Establish deer hunting seasons at Glacial Heritage Area state parks, Jefferson County	2,351	455	Yes	72	0	0	0
24	Motor Trolling in Ashland County	1,834	1,136	Yes	62	10	0	0
25	Motor Trolling in Iron County w/ some exceptions	1,787	1,163	Yes	58	13	1	0
26	Motor Trolling in Price County	1,809	1,165	Yes	59	12	1	0
27	Motor Trolling in Sawyer County	1,805	1,192	Yes	58	13	1	0
28	St. Croix River catch & release sturgeon season	1,948	900	Yes	63	6	3	0
29	Chippewa Flowage ice fishing & panfish regulations -- game fish	1,988	802	Yes	68	3	1	0
30	Chippewa Flowage ice fishing & panfish regulations -- pan fish	1,991	923	Yes	63	9	0	0
31	Bass harvest regulations in Wisconsin-Michigan boundary waters	1,962	849	Yes	68	2	2	0
32	Walleye & Bass Regulations, Bear Lake, Barron County	1,591	948	Yes	54	13	5	0

2010 DNR Spring Rule Hearings - WCC County Meetings: 11:00 AM  
 Summary of Results  
 Statewide by Question

4:43 PM 04/13/2010

Question	Question Description	Votes Yes	Votes No	Majority	Counties Approving	Counties Rejecting	Counties Tie vote	Counties Not Voting
33	Walleye & Bass Regulations, Horseshoe Lake, Barron County	1,567	944	Yes	53	18	0	1
34	Walleye & Bass Regulations, Lower Turtle Lake, Barron County	1,571	954	Yes	55	16	0	1
35	Walleye & Bass Regulations, Upper Turtle Lake, Barron County	1,547	950	Yes	53	16	2	1
36	Walleye & Bass Regulations, Lake Owen, Bayfield County	1,585	956	Yes	52	16	3	1
37	Walleye & Bass Regulations, Big MacKenzie Lake, Burnett County	1,466	922	Yes	49	18	4	1
38	Walleye & Bass Regulations, Big Butternut Lake, Polk County	1,442	907	Yes	45	21	5	1
39	Walleye & Bass Regulations, Half Moon Lake, Polk County	1,432	917	Yes	49	18	4	1
40	Walleye & Bass Regulations, Pipe Lake, Polk County	1,419	920	Yes	46	20	5	1
41	Walleye & Bass Regulations, Ward Lake, Polk County	1,432	916	Yes	50	15	6	1
42	Walleye & Bass Regulations, Island Chain, Rusk County	1,429	912	Yes	49	17	5	1
43	Walleye & Bass Regulations, Chippewa Flowage, Sawyer County	1,418	1,091	Yes	43	22	6	1
44	Walleye & Bass Regulations, Nelson Lake, Sawyer County	1,428	955	Yes	47	18	6	1
45	Walleye & Bass Regulations, Sissabagama Lake, Sawyer County	1,421	968	Yes	47	20	4	1
46	Walleye & Bass Regulations, Whitefish Lake, Sawyer County	1,402	968	Yes	46	20	5	1
47	Walleye & Bass Regulations, Middle McKenzie Lake, Washburn County	1,401	916	Yes	49	20	2	1
48	Walleye & Bass Regulations, Long Lake, Washburn County	1,395	920	Yes	49	21	1	1
49	Walleye & Bass Regulations, Nancy Lake, Washburn County	1,387	919	Yes	48	21	2	1
50	Lake Metonga walleye regulations	1,485	846	Yes	57	12	2	1
51	Sevenmile Lake walleye regulations	1,636	673	Yes	63	5	3	1
52	Wolf River trout regulations	1,432	802	Yes	54	14	4	0
53	Eliminating Fish Refuge in Iron County	1,380	665	Yes	63	6	2	1
54	Oconto River night fishing prohibition	1,412	769	Yes	55	11	5	1
55	Three Lakes Chain walleye regulations	1,567	600	Yes	64	5	2	1
56	Eliminating Fish Refuges in Sawyer County	1,382	747	Yes	62	7	3	0
57	Little St Germain Lake musky regulation	1,808	461	Yes	69	1	2	0
58	Big Muskego Lake pike regulations	1,214	783	Yes	48	19	5	0
59	Waupaca River trout regulations	1,315	757	Yes	58	6	8	0
60	Marion Pond bass & pike regulations	1,386	595	Yes	55	11	6	0
61	Lead reduction in fishing tackle	1,980	1,818	Yes	33	37	2	0
62	Create a free weekend to train hounds on bear without a Class B bear license	1,465	2,170	No	18	52	2	0
63	Training of hounds during the bear harvest season	652	2,995	No	0	71	1	0
64	Raising the age requirement for Class B permits	2,090	1,482	Yes	53	13	6	0
65	Backup shooter for bear hunting	1,464	2,232	No	20	50	2	0

2010 DNR Spring Rule Hearings - WCC County Meetings  
 Summary of Results  
 Statewide by Question

4:43 PM 04/13/2010

Question	Question Description	Votes Yes	Votes No	Majority	Counties Approving	Counties Rejecting	Counties Tie vote	Counties Not Voting
66	Elimination of the Class B bear license back tag	1,258	2,257	No	7	62	3	0
67	Captive cervid farm owners to reimburse DNR for expenses	2,864	739	Yes	71	1	0	0
68	Allow group bowhunting for antlerless deer in the CWD zone	2,262	1,334	Yes	60	10	2	0
69	Increase statewide overwinter deer herd goal by 25%	2,709	989	Yes	68	4	0	0
70	No change to deer management units	2,580	912	Yes	71	1	0	0
71	Concept to support antler restrictions	1,405	2,273	No	10	58	4	0
72	Legalize rifles for deer hunting in Waupaca County	2,397	660	Yes	72	0	0	0
73	Requiring Secondary Gates on Cervid Farms	2,878	567	Yes	71	1	0	0
74	Identification of ice fishing shelters using DNR Customer Numbers	2,988	666	Yes	72	0	0	0
75	Legalize pistol rounds for deer hunting in shotgun zones	2,256	1,184	Yes	64	8	0	0
76	Allow the Hunting of Predators over Bait	2,681	1,009	Yes	69	3	0	0
77	Closing the Spring Beaver Season	1,872	1,338	Yes	47	23	2	0
78	Preseason Marking of Trap Sites	2,284	846	Yes	69	2	1	0
79	Applications for Fisher and Otter Harvest Permits	2,540	667	Yes	70	2	0	0
80	Funds for Great Lakes Fisheries	2,985	248	Yes	72	0	0	0
81	General Purpose Revenue (GPR) to fund our Commercial Fishing industry	2,056	885	Yes	67	4	1	0
82	Appointment of the DNR Secretary	3,337	407	Yes	72	0	0	0
83	Allow Sports License to be issued for Gun or Bow Deer Hunting	3,106	519	Yes	72	0	0	0
84	Legalize 8 gauge shotguns with 10 gauge chamber inserts for waterfowl hunting	1,716	1,413	Yes	47	22	3	0
85	Allow harvest & use of bait on Mississippi River & tributaries	1,917	925	Yes	65	7	0	0
86	Lower Crossbow Eligibility to Age 55	2,014	1,767	Yes	42	25	5	0
87	Extension of the Inland Trout Season	1,757	1,519	Yes	41	28	3	0
88	Opening of the Wisconsin Inland Trout Season	1,420	1,737	No	27	42	3	0
89	Moving Sawyer County into the southern bass management zone	1,131	870	Yes	43	23	5	1
90	Managing smallmouth & largemouth as separate species in Sawyer County	1,350	737	Yes	55	11	6	0
91	Overharvest of walleye on silver lake	1,471	777	Yes	53	16	3	0
92	Managing panfish as separate species	1,722	1,467	Yes	42	27	3	0
93	Removal of trophy muskie designation for Pelican Lake, Oneida County	1,318	1,216	Yes	45	23	4	0
94	50" minimum length size limit for muskies on Whitefish Lake, Sawyer County	1,465	957	Yes	52	18	2	0
95	Lower bag limit on Crappies north of Hwy. 8	1,755	1,203	Yes	48	21	3	0
96	Muskie size limit on Lake Redstone, Sauk County	1,412	866	Yes	49	22	1	0
97	Pattern Lake Walleye Regulations, Florence County	1,658	410	Yes	70	1	1	0

**Fiscal Estimate — 2009 Session**

<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Updated	LRB Number	Amendment Number if Applicable
<input type="checkbox"/> Corrected	<input type="checkbox"/> Supplemental	Bill Number	Administrative Rule Number FH-03-10

**Subject**  
 Request for adoption of fishing regulation changes proposed and supported at the 2010 Spring Fish and Wildlife Rules Hearings.

**Fiscal Effect**  
 State:  No State Fiscal Effect  
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs — May be possible to absorb within agency's budget. <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Decrease Costs	

**Local:**  No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected Chapter 20 Appropriations</b>
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**Assumptions Used in Arriving at Fiscal Estimate**

The proposed rule package includes four changes of statewide significance, a broad approach to address walleye population concerns on 20 selected waters, and changes of local or regional interest.

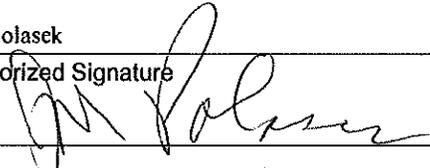
Among the changes of statewide interest are proposals to:

1. Liberalize ice fishing and panfish harvest regulations on the Chippewa Flowage (Sawyer County)
2. Allow motor trolling county-wide in Ashland and Price Counties
3. Establish consistent rules for sturgeon angling in the St. Croix River where it forms the Wisconsin-Minnesota border
4. Establish consistent rules for bass angling in Wisconsin-Michigan boundary waters

The Department also has identified lakes in Barron, Bayfield, Burnett, Polk, Rusk, Sawyer, and Washburn counties as waters in which walleye are the gamefish species of primary angler and management interest, and in which restoration of natural walleye reproduction has been identified as the primary management objective. Each of these waters has had a walleye population sustained by natural reproduction within the past twenty years, but for unknown reasons that reproduction has failed in recent years and stocking is currently required to maintain a walleye population. An 18-inch minimum harvest restriction is proposed to protect adult walleye from harvest in these lakes. Additionally, to address concerns that largemouth and smallmouth bass (black bass) could potentially inhibit recovery of walleye reproduction, the Department further proposes to remove the minimum length restriction for angler harvest of black bass in each of these lakes.

Finally, the rule package includes 9 changes of local interest and significance which involve minor adjustments Administrative Code. The changes generally involve adjustments to angler daily bag limits and/or rules governing what sizes of fish may be harvested, or opening and closing dates for open seasons within individual water bodies.

**Long-Range Fiscal Implications**

<b>Prepared By:</b> Joe Polasek	<b>Telephone No.</b> 266-2794	<b>Agency</b> Department of Natural Resources
<b>Authorized Signature</b> 	<b>Telephone No.</b> 266-2794	<b>Date (mm/dd/ccyy)</b> 05-13-10

**Fiscal Estimate — 2009 Session**

**Page 2 Assumptions Narrative  
Continued**

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number FH-03-10

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Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Estimate:

None of the proposed changes are expected to have fiscal impacts.

### Fiscal Estimate Worksheet — 2009 Session

Detailed Estimate of Annual Fiscal Effect

- Original       Updated  
 Corrected       Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number FH-03-10

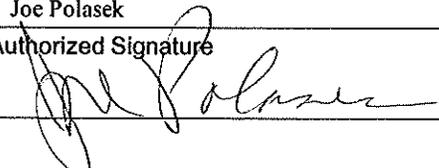
**Subject**  
 Request for adoption of fishing regulation changes proposed and supported at the 2010 Spring Fish and Wildlife Rules Hearings

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations — Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE )	( FTE )
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>Total State Costs by Category</b>	<b>\$</b>	<b>\$ -</b>
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>Total State Revenues</b>	<b>\$</b>	<b>\$ -</b>

#### Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$ _____	\$ _____
Net Change in Revenues	\$ _____	\$ _____

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	05-13-10



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Ronald Sklansky  
*Clearinghouse Director*

Richard Sweet  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 10-025

#### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The rule preface should indicate the date by which public comments should be submitted. [See s. 1.02 (2) (a) 12., Manual.]

b. The text shown in the proposal after the repeal and recreation of s. NR 20.20 (26) includes a number of changes not described in the rule analysis (such as changes to the list of lakes to which the special bag limit requirements apply for walleye). If it is the department's intent to make these changes, they should be described in the rule analysis.

c. In s. NR 20.20 (26) (i) 3. a., does the department intend that the reference to one walleye longer than 14 inches should replace the current reference to one walleye longer than 20 inches?

d. In s. NR 20.20 (44) (g), changes are made to the existing code that are not indicated by strikethroughs and underscoring. Any such changes that are intended should be so described and should also be included in the rule summary.

e. Section NR 20.20 (49) (f) 2. already exists in the administrative code, and therefore cannot be created. It appears that the department's intent is to add Big Butternut, Half Moon, Pipe, and Ward Lakes to the existing provision for Big Round Lake under subd. 2.

f. The subsection that should be referenced in SECTIONS 16 and 17 is "(55)."

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In SECTION 8 of the rule preface, the word "a" should be inserted before the phrase "regional director."

b. The rule preface describes changes to "Horseshoe" lake while the text of the proposed rule refers to "Horsehead" lake. [See s. NR 20.20 (3) (am) 2.]

c. In addition to the description in the rule preface, s. NR 20.20 (66) (bm) appears to allow a five bass bag limit throughout the hook and line season on Long and Middle McKenzie Lakes. If this is correct, this change should be added to the plain language analysis in the rule preface.

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

The Wisconsin Natural Resources Board proposes an order to repeal 20.20(57)(b), 26.01(57)(a) and (b), 26.05(26), 26.06(57)(b), (d) and (g) and 26.09(57)(a) and (b); to amend 20.20(2)(a), (3)(f)1., (7)(c)2., (21)(h)1., (44)(g), (49)(am), (49)(f)2., (51)(a), (57)(d), (f)1., and (i)4., (64)(d)1m., (66)(g)3., (69)(f)3. and (73)(a)3., 21.04(7)(a) and 23.05(5)(d)1.; and to create NR 20.20(3)(am)2., (4)(c)3. and (i)4., (7)(h), (57)(b)2. and (e)3., (57)(i)5., (66)(bm), (68)(cm) and (69)(c)3. and (d)3., relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

FH-03-10

Analysis Prepared by the Department of Natural Resources

- 1. Statutes Interpreted:** In promulgating this rule, ss. 29.014(1), 29.039, 29.041, 29.053, 29.531 and 29.533, Stats., which authorize fishing, have been interpreted as giving the department the authority to make changes to fishing regulations on inland and boundary waters of Wisconsin.
- 2. Statutory Authority:** Sections 29.014(1), 29.039, 29.041, 29.053 and 227.11(2)(a), Stats.
- 3. Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority:** Sections 29.014(1), 29.039, 29.041, 29.053 and 29.531, Stats., grant rule making authority to the department to establish and maintain open and closed seasons for fish and any bag limits, size limits, rest days and conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing; grant that the department may establish limitations relating to taking, possession, transportation, processing, and sale or offer for sale, of nongame species; and provide that the department may regulate fishing on and in all interstate boundary waters, and outlying waters. Section 227.11(2)(a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

**4. Related Rule or Statute:** None.

**5. Plain Language Rule Analysis:**

Section 1 permits motor trolling in Ashland county.

Section 2 of the Order eliminates the minimum size restriction for largemouth and smallmouth bass in Bear, Horseshoe, and Upper and Lower Turtle lakes (Barron county).

Section 3 increases the minimum size restriction for walleye in Bear, Horseshoe (T36N, R14E, S3, 115 ac.), and Upper and Lower Turtle lakes (Barron county) from 15 to 18 inches and decreases the daily bag limit for walleye from 5 fish to 3 fish.

Section 4 eliminates the minimum size restriction for largemouth and smallmouth bass in Lake Owen (Bayfield county).

Section 5 increases the minimum size restriction for walleye in Lake Owen (Bayfield County) from 15 to 18 inches and decreases the daily bag limit for walleye from 5 fish to 3 fish.

Section 6 eliminates the minimum size restriction for largemouth and smallmouth bass in Big McKenzie lake (Burnett/ Washburn counties).

Section 7 increases the minimum size restriction for walleye in Big McKenzie lake (Burnett/ Washburn counties) from 15 to 18 inches and decreases the daily bag limit for walleye from 5 fish to 3 fish.

Section 8 increases the minimum size restriction for walleye in Metonga lake (Forest county) from 15 to 18 inches and decreases the daily bag limit for walleye from 5 fish to 3 fish. This rule would take effect on the first day of the month following publication.

Section 9 replaces the current no minimum size restriction and 14 to 18 inch protected slot with no minimum size restriction but only one fish over 14 inches in length and increases the daily bag limit from 3 to 5 for walleye in the Three Lakes chain and replaces the no minimum size restriction but only one fish over 14 inches in length with a 15 inch minimum size restriction on Sevenmile lake, Oneida county.

Section 10 eliminates the minimum size restriction for largemouth and smallmouth bass in Half Moon, Pipe, and Ward lakes (Polk county), and increases the bag limit for bass from 3 fish to 5 fish/ day in Pipe lake

Section 11 increases the minimum size restriction for walleye in Big Butternut, Half Moon, Pipe, and Ward lakes (Polk county) from 15 to 18 inches and reduces the daily bag limit for walleye from 5 fish to 3 fish.

Section 12 permits motor trolling in Price county.

Section 13 eliminates the minimum size restriction for largemouth and smallmouth bass in Chain, Clear, Island, and McCann lakes (Island chain of lakes, Rusk county).

Section 14 increases the minimum size restriction for walleye in Chain, Clear, Island, and McCann lakes (Island chain of lakes, Rusk county) from 15 to 18 inches and reduces the daily bag limit for walleye from 5 fish to 3 fish.

Sections 15 and 19 extend the season on Chippewa flowage (Sawyer county) from the first Saturday in May to the first Sunday in March for all species except muskellunge, walleye, and lake sturgeon.

Section 16 eliminates the minimum size restriction for largemouth and smallmouth bass in Whitefish and Sissabagama lakes (Sawyer county).

Section 17 changes the panfish daily bag limit to a 25-fish daily bag limit for all panfish all year on the Chippewa flowage, and creates a continuous open season for panfish. The previous panfish bag limits were 25 with no more than 15 crappie from the first Saturday in May until November 30 but no crappie from December 1 to the first Sunday in March, with fishing for panfish prohibited between the first Sunday in March and the first Saturday in May.

Section 18 increases the minimum size restriction for walleye in Nelson, Sissabagama and Whitefish lakes from 15 to 18 inches and reduces the daily bag limit for walleye from 5 fish to 3 fish.

Section 20 makes permanent the 45 inch minimum size restriction for muskellunge in Little St. Germain lake (Vilas county). The current 45-inch minimum regulation is scheduled to expire November 30, 2011.

Section 21 eliminates the minimum size restriction for largemouth and smallmouth bass in Middle McKenzie (Washburn/ Burnett counties), Nancy and Long lakes (Washburn county). The daily bag limit is unchanged at 5 fish/ day, aggregate.

Section 22 increases the minimum size restriction for walleye in Middle McKenzie (Washburn/ Burnett counties), Nancy and Long lakes (Washburn county) from 15 to 18 inches and reduces the daily bag limit for walleye from 5 fish to 3 fish.

Section 23 increases the minimum size restriction for northern pike on Big Muskego lake including Bass bay (Waukesha county) from 26 inches to 40 inches and reduces the daily bag limit from 2 to 1 fish.

Section 24 increases the minimum size restriction for bass in Marion Pond (Waupaca county) from 14 to 18 inches and reduces the daily angler bag limit from 5 to 1. This rule will expire on April 1, 2016.

Section 25 increases the minimum size restriction for northern pike in Marion pond (Waupaca county) from no minimum to 26 inches and reduces the daily angler bag limit from 5 to 2. This rule will expire April 1, 2016.

Section 26 decreases the minimum length restriction to 7 inches for all trout in the Waupaca river downstream of River road. Current regulations are 12 inches for brown trout and rainbow trout, and 8 inches for brook trout. It also increases the daily angler bag from 3 trout to 5 trout.

Section 27 prohibits night fishing from September 15 to the first Saturday in May in the section of the Oconto river from the upstream side of the US 141 Bridge to the Stiles dam (Oconto county).

Section 28 adds a catch-and-release season for Lake Sturgeon on the St. Croix river from October 1 to 15. This section of the St. Croix river is a Wisconsin-Minnesota boundary water, and this section will make Wisconsin rules consistent with Minnesota rules.

Section 29 extends the largemouth and smallmouth bass fishing season on Wisconsin-Michigan boundary waters from November 30 to December 31. This will make Wisconsin and Michigan rules consistent.

Sections 30, 31, 32, and 33 eliminate the following fish refuges: on the Chippewa flowage for 500 feet below Moose lake (Sawyer county), on Spider creek between Spider lake and State highway 77 (Sawyer county), on Island creek between Island and Black Dan lakes (Sawyer county), on Malviney creek (Sawyer county), on the unnamed tributary of Lake Chetac from Lake Chetac to 1000 feet upstream (Sawyer county), on the Brunet River from Lake Winter to 500 feet downstream (Sawyer county), on the Couderay river from the Grimh (Radisson) dam to 500 feet downstream (Sawyer county) and on the Little Turtle river and Turtle-Flambeau flowage 200 feet upstream of Popko's Circle road until 200 feet downstream of Popko's Circle road (Iron county).

**6. Summary of and Comparison with Existing or Proposed Federal Regulations:** None known.

**7. Comparison of 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, bag and size limits may differ for species across the surrounding states, but the general principles are similar. Michigan, Minnesota, Iowa and Illinois all have statewide seasons, bag and size limits for fish species, along with special or experimental regulations on individual waters.

**8. Summary of Factual Data and Analytical Methodologies Used in Support of the Rule:** Rule proposals were developed by fisheries and law enforcement staff to address management and enforcement concerns. Proposals were reviewed for need and adequacy, and approved by a fish team or law enforcement team supervisor and forwarded to a regional director for approval. Proposals approved by the regions were forwarded to the Fisheries Management Bureau Director, who conducted a review with the Fisheries Management Board, law enforcement, legal services, the Wisconsin Conservation Congress, and the Great Lakes Indian Fish and Wildlife Commission. Only proposals approved by the Fisheries Management Bureau Director are included.

**9. Analysis and Documentation Used in Support of the Agency's Determination Under s. 227.114, Stats., (Small Business Impact):** The proposed rules do not apply directly to businesses, but to sport anglers.

**10. Effect on Small Business, Including How the Rule Will Be Enforced:** The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. The rules will be enforced by Conservation Wardens who have arrest powers and may use citations.

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11. Agency contact person: Joseph Hennessy, FM/4 , 101 South Webster Street, Madison, WI 53707-7921; email: Joseph.Hennessy@wisconsin.gov; phone: 608.267.9427.

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Section 1. NR 20.20(2)(a) is amended to read:

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

(a) All species	1. <del>Kakagon river and sloughs</del> <u>All waters</u>	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 2. NR 20.20(3)(am)2. is created to read:

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

(am) Largemouth and smallmouth bass	2. Bear, Horseshoe (T36N, R14E, S3, 115 ac.), Lower Turtle and Upper Turtle lakes	a. Hook and line.	First Saturday in May to the first Sunday in March	5	None
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Section 3. NR 20.20(3)(f) is amended to read:

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

(f) Walleye, sauger and hybrids	1. <del>Red Cedar lake, Hemlock lake, Beaver Dam lake,</del> <u>Bear, Horseshoe, (T36N, R14E, S3, 115 ac.), Lower Turtle, and Upper Turtle lakes</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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Section 4. NR 20.20(4)(c)3. is created to read:

(4) BAYFIELD (for species or waters not listed, including Lake Superior, see sub. (73))

(c) Largemouth and smallmouth bass	3. Lake Owen	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5	None

Section 5. NR 20.20(4)(i)4. is created to read:

(4) BAYFIELD (for species or waters not listed, including Lake Superior, see sub. (73))

(i) Walleye, sauger and hybrids	4. Lake Owen	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total	18
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Section 6. NR 20.20(7)(c)2. is amended to read:

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

(c) Largemouth and smallmouth bass	2. <del>Twenty-Six lake, and Big</del> <u>McKenzie lakes</u>	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total	None
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Section 7. NR 20.20(7)(h) is created to read:

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

(h) Walleye, sauger, and hybrids	1. Big McKenzie lake	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total	18
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Section 8. NR 20.20(21)(h)1. is amended to read:

(21) FOREST (for species or waters not listed, including Lake Superior, see sub. (73))

(h) Walleye, sauger and hybrids	1. Crane, Lucerne, <u>Metonga</u> and Pickerel lakes	a. Hook and line.	First Saturday in May to the first Sunday in March	3 in total	18
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Section 9. NR 20.20(44)(g) is amended to read:

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

(g) Walleye, sauger and hybrids	1. Three lakes chain (includes Big, Big Fork, Big Stone, Crystal, Deer, Dog, Fourmile, Island, Laurel, Little Fork, Long, Medicine, Moccasin, Planting Ground, Rangeline, Round, Spirit, Townline, Virgin and Whitefish lakes, all connecting waters and Eagle river downstream to Vilas county line), <u>Alva, Bearskin, Buckskin, Buffalo, Crescent, Diamond, George, Hasbrook, Katherine, Lost (T38N</u>	a. Hook and line.	First Saturday in May to the first Sunday in March	<del>3 in total but only 1 may be longer than 181</del> <u>5 in total but only 1 may be longer than 14 inches</u>	None except the possession of fish from <del>14<sup>2</sup> through 18<sup>2</sup> is prohibited</del>
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R9E S24), Mercer, Moen chain including Moen, Second, Third, Fourth, Fifth lakes and connecting waters, Muskellunge, Oneida, Pine (T37N R9E S4), Soo, Squash and Squirrel lakes and Sugar Camp chain including Dam, Sand, Echo, Chain and Stone (T39N R9E S32) lakes and connecting waters

<p>2. Alva, Bearskin, Buckskin, Buffalo, Crescent, Diamond, George, Hasbrook, Katherine, Lost (T38N R9E S24), Mercer, Moen chain including Moen, Second, Third, Fourth, Fifth lakes and connecting waters, Muskellunge, Oneida, Pine (T37N R9E S4), Sevenmile, Soo, Squash and Squirrel lakes and Sugar Camp chain including Dam, Sand, Echo, Chain and Stone (T39N R9E S32) lakes and connecting waters-</p>	<p>a. Hook and line-</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>5 in total but only 4 may be longer than 14 inches-</p>	<p>None-</p>
<p>3 2. Maple lake, Stella lake, Thunder lake</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>18</p>
<p>4 3. Shishebogama lake</p>	<p>a. Hook and line.</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total posted at public boat landings pursuant to s. NR 20.37</p>	<p>18 unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>

Section 10. NR 20.20(49)(am) is amended to read:

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

(am) Largemouth and smallmouth bass 1. Big Round lake, Balsam lake a. Hook and line. First Saturday in May to the first Sunday in March 5 in total but only 1 may be less than 14 until March 1, 2012, when it becomes 14 None until March 1, 2012, when it becomes 14

2012

	2. Big Butternut, <u>Half Moon, Pipe, and Ward lakes</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5	None
	<del>3. Pipe lake-</del>	<del>a. Hook and line-</del>	<del>First Saturday in May to the first Sunday in March-</del>	<del>3 in total but only 1 may be larger than 18-</del>	<del>None except the possession of fish from 14 through 18 is prohibited-</del>

Section 11. NR 20.20(49)(f)2. is amended to read:

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

(f) Walleye, sauger and hybrids	2. Big Round, <u>Big Butternut, Half Moon, Pipe, and Ward lakes</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3	18
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Section 12. NR 20.20(51)(a) is amended to read:

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

(a) All species	1. <del>Pike lake, Round lake</del> <u>All waters</u>	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 13. NR 20.20(55)(b)2. is created to read:

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

(b) Largemouth and smallmouth bass	2. Chain, Clear, Island, McCann lakes (Island chain of lakes), and connecting waters	a. Hook and line.	First Saturday in May to the first Sunday in March	5	None
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Section 14. NR 20.20(55)(e)3. is created to read:

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

(e) walleye, sauger, and hybrids	3. Chain, Clear, Island, McCann lakes (Island chain of lakes), and connecting waters	a. Hook and line.	First Saturday in May to the first Sunday in March	3	18
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Section 15. NR 20.20(57)(b) is repealed.

Section 16. NR 20.20(57)(d) is amended to read:

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

(d) Largemouth and smallmouth bass	1. Black lake, Christner lake	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	1 in total	18
	2. <u>Nelson and Whitefish lakes,</u>	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5 in total	None
	3. <u>Sissabagama lake</u>	a. Hook and line.	First Saturday in May to the first Sunday in March	5 in total	None

Section 17. NR 20.20(57)(f)1. is amended to read:

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

(f) Panfish	1. <u>Chippewa flowage and all connected waters within T39N R6, T39N R7, T39N R8, T40N R6, T40N R7 and T40N R8 except the Chippewa river downstream from the Chippewa flowage (Winter) dam</u>	a. Hook and line.	<del>First Saturday in May to November 30</del> <u>Year round</u>	25 in total but no more than 15 may be crappie	None
			December 1 to the first Sunday in March	15 in total but none may be crappie	None

Section 18. NR 20.20(57)(i)4. is amended to read:

(i) Walleye, sauger	4. Sand lake, including	a. Hook and	First Saturday in	3 in total	18
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and hybrids                      Sissabagama creek                      line.                      May to the first  
 upstream to Sand lake                      Sunday in  
 road, Nelson,                      March  
Sissabagama, and  
Whitefish lakes

Section 19. 20.20(57)(i)5. is created to read:

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

(i) Walleye, sauger, and hybrids	5. Chippewa flowage and all connected waters within T39N R6, T39N R7, T39N R8, T40N R6, T40N R7 and T40N R8 except the Chippewa river downstream from the Chippewa flowage (Winter) dam	a. Hook and line.	First Saturday in May to November 30	5 in total	None
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Section 20. NR 20.20(64)(d)1m. is amended to read:

(64) VILAS (for species or waters not listed, see sub. (73))

(d) Muskellunge	1m. Little St. Germain lake	a. Hook and line.	Saturday nearest Memorial day to November 30	1	45 until <del>November</del> <del>30, 2011</del> when it becomes 34
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Section 21. NR 20.20(66)(bm) is created to read:

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

(bm) Largemouth and smallmouth bass	1. Nancy lake	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5 in total	None
	2. Long and Middle McKenzie lakes	a. Hook and line.	First Saturday in May first Sunday in March	5 in total	None

Section 22. NR 20.20(66)(g)3. is amended to read:

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

(g) Walleye, sauger and hybrids	3. Balsam lake, Red Cedar lake, Long, Middle McKenzie and Nancy lakes	a. Hook and line.	First Saturday in May to the first Sunday in March	3	18
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Section 23. NR 20.20(68)(cm) is created to read:

(68) WAUKESHA (for species or waters not listed, see sub. (73))

(cm) Northern Pike	1. Big Muskego lake including Bass bay	a. Hook and line.	First Saturday in May to first Sunday in March	1	40
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Section 24. NR 20.20(69)(c)3. is created to read:

(69) WAUPACA (for species or waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	3. Marion pond	a. Hook and line.	First Saturday in May to first Sunday in March	1 until April 1, 2016 when it becomes 5	18 until April 1, 2016 when it becomes 14
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Section 25. NR 20.20(69)(d)3. is created to read:

(69) WAUPACA (for species or waters not listed, see sub. (73))

(d) Northern pike	3. Marion pond	a. Hook and line.	First Saturday in May to first Sunday in March	2 until April 1, 2016 when it becomes 5	26 until April 1, 2016 when it becomes None
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Section 26. NR 20.20(69)(f)3. is amended to read:

(69) WAUPACA (for species or waters not listed, see sub. (73))

(f) Trout and salmon	3. Comet creek, Little Wolf river (north branch) except portion described above; <del>Waupaca river except portion described above</del>	a. Hook and line.	First Saturday in May at 5:00 a.m. to September 30	3 in total	Brown and rainbow trout 12, brook
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Section 27. NR 20.20(73)(a)3. is amended to read:

(73)

(a) All species	3. Lake Michigan tributaries; Peshtigo river upstream from the first railroad bridge to the first dam, Marinette county; Little river downstream from highway 141, Oconto county; <u>Oconto river upstream from the upstream side of the highway 141 bridge to the first dam, Oconto county;</u> and all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake	a. In addition to the restrictions under pars. (b) to (o), all of the following restrictions apply: Motor trolling is permitted in Lake Michigan tributaries of Racine county. From September 15 to the first Saturday in May only hooks with a one-half inch gap or less may be used and hook and line fishing is prohibited from one-half hour after sunset to one-half hour before sunrise. From September 15 to December 31, fishing by any method is prohibited from one-half hour after sunset to one-half hour before sunrise.	As specified in this subsection	As specified in this subsection	As specified in this subsection
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Section 28. NR 21.04(7)(a) is amended to read:

NR 21.04 Sport fishing; seasons and limits. All regulations applicable to sport fishing are as follows unless expressly provided elsewhere in this chapter or the law. (23.11, 29.041)

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
<b>7) LAKE STURGEON</b>			
(a) St. Croix river	First Saturday in September to September 30	1 per season	60 inches
	<u>October 1 to October 15</u>	<u>0 (Catch-and-release only)</u>	=

Section 29. NR 23.05(5)(d)1. is amended to read:

NR 23.05(5)

(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 s. NR 23.06, are as follows:

Kind of fish and locality	Open season (both dates inclusive)	Possession and daily bag limit	Minimum length (in.)
(d) Largemouth bass and Smallmouth bass			

1. All boundary waters	First Saturday in May to <del>November 30</del> <u>December 31</u>	0, beginning the first Saturday in May to the Friday preceding the third Saturday in June 5 in total for the third Saturday in June to <del>November 30</del> <u>December 31</u>	--      14
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Section 30. NR 26.01(57)(a) and (b) are repealed.

Section 31. NR 26.05(26) is repealed.

Section 32. NR 26.06(57)(b), (d) and (g) are repealed.

Section 33. NR 26.09(57)(a) and (b) are repealed.

Section 34. EFFECTIVE DATE. This rule shall take effect April 1, 2011 except Sections 8, 15, 17, 19, 27, 28, 29, 30, 31, 32, and 33 which shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Section 35. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

Dated at Madison, Wisconsin, \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

**Matthew J. Frank, Secretary**

(SEAL)