

WISCONSIN LEGISLATIVE COUNCIL STAFF

**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[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 99-023**

AN ORDER to repeal NR 20.20 (1) (f), (6) (f), (9) (e), (11) (i), (18) (f), (29) (f), (37) (g), (47) (f), (50) (f), (57) (h) and (72) (f); to renumber NR 20.20 (33) (a), (55) (b) and (64) (h) 7.; to amend NR 20.15, 20.20 (4) (c), (7) (c), (13) (a) 1., (22) (a) 1., (25) (a) 1., (d) 1., (e) 1. and (h) 1., (26) (d) 2., (53) (a), (57) (e) 2., (64) (c) 1., (70) (b) 1. and 2., (d) 1. and (g) 1., (73) (e) 2. b., (f) 4., (i) and (o) 2. and 3., 21.04 (1) and 23.05 (5) (c); to repeal and recreate NR 20.20 (73) (m); and to create NR 20.06 (3m), 20.20 (2) (dm), (9) (cm), (16) (h) 3., (25) (c) 2., (em) and (h) 3., (33) (a), (55) (b), (bs) and (bw), (64) (h) 7., (65) (dm), (68) (d) 3. and (73) (e) 2g. and 2m., 20.26, 20.33 (5) and 26.26, relating to fishing regulations for inland, outlying and boundary waters and fish refuges.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-10-99 RECEIVED BY LEGISLATIVE COUNCIL.  
03-09-99 REPORT SENT TO AGENCY.

RS:GAA:jal;ksm



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## CLEARINGHOUSE RULE 99-023

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

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

a. In the analysis, reference is made to SEC. 5 of the draft placing Webb Lake in Burnett County in the southern bass zone. No mention is made of the fact that it also appears to remove lower Clam Lake from that zone.

b. In SEC. 43, s. NR 20.26 is created to designate outlying trout and salmon waters. Section 29.191 (5) (a), Stats., contains a definition of "outlying trout and salmon waters" which includes any "outlying waters" and: (1) any river or stream tributary of Lake Michigan or Green Bay from its mouth upstream to the first dam or lake; and (2) any other river or stream tributary of Lake Michigan or Green Bay that is designated by the department. "Outlying waters" is defined by s. 29.001 (63), Stats., as Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor and the Fox River from its mouth up to the dam at DePere.

Under the definition created by the rule, the following are designated as outlying trout and salmon waters: Lake Michigan, Green Bay, Lake Michigan tributaries, Little River from its confluence with the Oconto River upstream to the Highway 141 bridge, all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake and Lake Superior. Because of the inclusion in the designation of outlying trout and salmon waters of Lake Michigan and Lake Superior and Green Bay but not Sturgeon Bay, Sawyer's Harbor and Fox River, the definition is confusing. It is suggested that s. NR 20.26 be amended to include all the waters that are defined, by statute, as "outlying waters" which under s. 29.191 (5) (a), Stats., should be included in the definition of "outlying trout and salmon waters."

WIRTSCHAFTS UNIVERSITÄT WIEN

**4. Adequacy of References to Related Statutes, Rules and Forms**

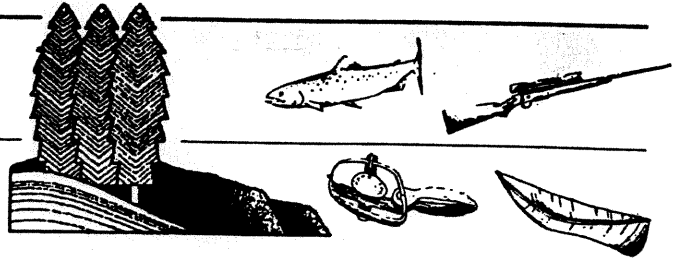
In the analysis, the statutory authority and statutes interpreted provisions include ss. 29.191 and 29.192, Stats. It appears that the operative provisions of those statutes are ss. 29.191 (5) and 29.192 (3) and (4), Stats. It is suggested that these provisions be listed in the statutory authority and statutes interpreted provisions of the rule.

Assembly Committee on

# Natural Resources

State Representative

DuWayne Johnsrud, Chair



George E. Meyer  
Secretary, WDNR  
101 S. Webster Street  
Madison, WI 53707

July 9, 1999

**SUBJECT: Meeting Request on Clearinghouse Rules**

Dear Secretary Meyer,

By this letter, I am requesting a meeting with the Department regarding the following clearinghouse rules:

Clearinghouse Rule 99-024, relating to hunting and trapping

Clearinghouse Rule 99-023, relating to fishing regulations for inland, outlying and boundary waters and fish refuges.

Clearinghouse Rule 99-042, relating to hunting and trapping.

Pursuant to s. 227.19 (4)(b)1. a., this will extend our 30-day review period another 30 days from today's date.

I will contact your office to schedule this meeting.

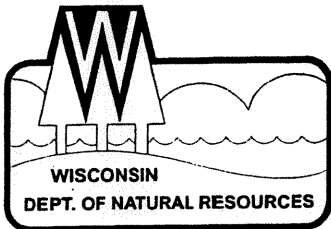
Sincerely,

A handwritten signature in cursive script that reads "DuWayne Johnsrud".

DuWayne Johnsrud  
State Representative  
96<sup>th</sup> Assembly District

Copies to:

Assembly Natural Resources Committee  
Elizabeth Kluesner - AD/5  
Carol Turner - AD/5



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

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TDD 608-267-6897

August 6, 1999

Rep. DuWayne Johnsrud  
323 North  
State Capitol  
Madison, WI 53708

Subject: Clearinghouse Rule 99-023

Dear Rep. Johnsrud:

The Department of Natural Resources agrees to consider the two modifications to Clearinghouse Rule 99-023. Specifically, we will ask the Natural Resources Board to:

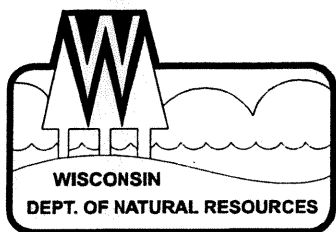
1. Delete "or possessed" from the proposed amendment to s. NR 20.15.
2. Correct the description of the fish refuge on Cox Hollow Lake in proposed s. NR 26.26 (25).

Once the Natural Resources Board acts we will respond to you in writing of their action.

Sincerely,

George E. Meyer  
Secretary

cc. Mike Staggs FM/4



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

**Tommy G. Thompson, Governor**  
**George E. Meyer, Secretary**

**101 S. Webster St.**  
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**Madison, Wisconsin 53707-7921**  
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**TDD 608-267-6897**

August 31, 1999

Honorable DuWayne Johnsrud, Chair  
Assembly Natural Resources Committee  
323 North  
State Capitol,

Honorable Alice Clausing, Chair  
Senate Committee on Agriculture, Environmental  
Resources and Campaign Finance Reform  
319 South  
State Capitol

Subject: Clearinghouse Rule No. 99-023.

Dear Committee Chairs:

On August 4, 1999, the Assembly Committee on Natural Resources requested the Department of Natural Resources to make two modifications to Clearinghouse Rule No. 99-023 relating to sport fishing. At its August 25, 1999 meeting, the Natural Resources Board accepted one modification and declined to make the other.

The Natural Resources Board modified s. NR 26.26(25) to include all of the shoreline of Cox Hollow Lake. The modified section will now read:

NR 26.26(25) IOWA COUNTY. (a) That portion of the Cox Hollow lake within 100 feet of the shoreline on the southern arm of the lake that is marked with buoys.

The Natural Resources Board declined to make the modification to s. NR 20.15 relating to the possession of only barbless hooks during the early catch and release season for trout.

Under s. 227.19(4)(b)2., Stats., the Department of Natural Resources refers this action to your Committees for an additional 10 working day review. If the Department does not hear from you within 10 working days of the receipt of the notification, the Department will continue processing this rule.

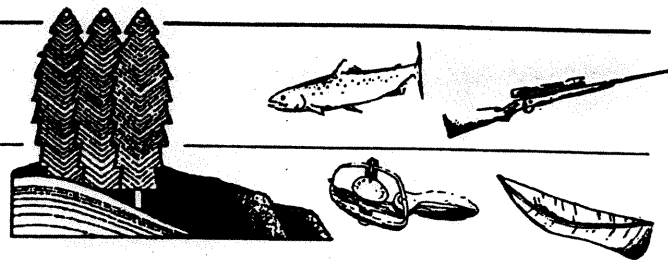
Sincerely,

George E. Meyer  
Secretary

Assembly Committee on

# Natural Resources

State Representative  
DuWayne Johnsrud, Chair



September 1, 1999

Assembly Speaker Scott Jensen  
Inter-departmental  
State Capitol  
211 West

Dear Speaker Jensen:

This letter is to notify you that the Assembly Natural Resources Committee has objected to language in rule-making proposed by the Department of Natural Resources.

The following motion objecting to language in Clearinghouse Rule 99-023 was approved this morning by a vote of ten ayes and zero nays, with two members not present:

MOVED, that the Assembly Committee on Natural Resources objects, pursuant to s. 227.19 (4) (d), Stats., to "or possessed" in the proposed amendment to s. NR 20.15 in Clearinghouse Rule 99-023, on the grounds that the proposed amendment is arbitrary and capricious and imposes an undue hardship.

By way of this letter and as required by 227.19 (4) 5. Stats., I am also notifying the Chair of the appropriate Senate Committee, Senator Alice Clausing.

As always, feel free to give me or talk to my committee clerk if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "DuWayne Johnsrud". The signature is written in a cursive, flowing style.

DuWayne Johnsrud  
State Representative  
96<sup>th</sup> Assembly District

Copies to:

Senator Alice Clausing - 319S  
Elizabeth Kluesner - DNR, GEF-2, AD/5



OCT 07 1999



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
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October 7, 1999

Senator Judy Robson, Co-Chair  
Joint Committee, Review of Administrative Rules  
Room 15 South  
State Capitol  
Madison, WI 53707

Representative Glenn Grothman, Co-Chair  
Joint Committee, Review of Administrative Rules  
Room 15 North  
State Capitol  
Madison, WI 53708

Dear Senator *Judy* Robson and Representative *Glenn* Grothman:

Per the Committee's action on September 22, 1999, I am writing to communicate the Natural Resources Board action on CR 99-023 relating to the possession of barbed hooks during the early trout season.

The Committee asked the Natural Resources Board to re-consider its original position on this issue and delete the words "or possessed" in the administrative rule. The Natural Resources Board declined to change its position on this issue and would prefer to see the language relating to the possession of barbed hooks remain in the rule.

This issue was also considered by the Conservation Congress at the Spring Hearings. The question was:

*"Do you favor allowing the use and possession of barbed hooks during the early catch and release trout season?"*

The vote on this question was: 2800 voting no and 1493 voting yes. 44 counties rejected the question and 25 counties approved the question.

I appreciate the Committee's work on this issue. Please contact Elizabeth Kluesner from my staff if you have additional questions. Elizabeth's phone number is: 264-6266.

Sincerely,

*George*  
George E. Meyer  
Secretary



Quality Natural Resources Management  
Through Excellent Customer Service





SEP 21 1999

Wisconsin Trout Unlimited  
John (Duke) Welter, Chair  
P.O. Box 228  
Eau Claire, Wisconsin 54702-0228  
715-831-9565 (Office)  
715-831-9586 (Fax)  
715-833-7028 (Home)  
jwelter@discover-net.net

State Sen. Judy Robson  
Co-Chair, JCRAR  
15 South, State Capitol  
P. O. Box 7882  
Madison Wisconsin 53707-7887  
ALSO VIA FAX 608-267-5171

State Rep. Glenn Grothman  
Co-Chair, JCRAR  
15 North, State Capitol  
P. O. Box 8952  
Madison Wisconsin 53707-8952  
ALSO VIA FAX 608-282-3659

Re: Barbless Hooks definition

Dear Sen. Robson and Rep. Grothman:

Trout Unlimited is the state's largest organization representing conservationists concerned about our coldwater resources. Our 3,000 members and 21 chapters work hard for trout, restoring and improving habitat and educating people about a variety of issues that affect them. Many of our members also fish for trout, as do over 100,000 other trout anglers in the state.

We have some concern about barbless hooks, which is an issue set for hearing before your committee Wednesday, September 22 at 3 p.m. The issue arises from the early trout season, in which barbless hooks are required to be used. DNR Chief Warden Tom Harelson is scheduled to speak to JCRAR at this hearing, and it may be a good time to clarify just what method DNR wardens are directed to use to determine what constituted a "barbless" hook.

This issue is important because most of the violation citations issued during the early season the past four years have been for violations of the requirement that only barbless hooks be used while fishing for trout. It concerns trout anglers who use flies for their lures because very few of the artificial flies sold commercially are tied on barbless hooks, and not many hooks are manufactured barbless. If an angler wants anything but the most common hook size or shape, it is not available except with a barb. The fly patterns we use in the early season are not often available in shops, so most of the flies used have to be hand-tied. When a fly is tied by hand, it is often tied on a barbed hook and the barb is then pinched down in a vise. It is very difficult to completely remove a barb by hand; most often a small bump remains where the barb was pinched down. As a backup, most anglers carry a small pliers or hemostat to pinch down barbs on the stream. However, this method also simply squeezes the barb down but seldom removes it.

How wardens will determine a "barbless" hook is a matter of concern, and the fishing public would be well-served by having a consistent investigatory approach used by the wardens. Will they run a fingernail along the inside of the bend of the hook and issue a citation if it catches on the remnant of a barb? Will it be acceptable if the barb shows signs of having been pinched at all? Will wardens run a penknife blade along the inside of the bend and cite the angler if it catches on anything, even the bump of a mostly-flattened barb? Will they poke the hook point through a piece of nylon hose and cite if the remnant of a barb snags on the way out?

If a consistent definition of "barbless" is made available, organizations like Trout Unlimited will be able to relay it to the public as an educational effort. Clearly, if an angler is fishing with a completely barbed hook that shows no sign of an attempt to flatten it, a citation or warning is warranted and appropriate. But in light of the hand-made nature of most early season flies, anglers ought to have some idea of the standard to which they will be held.

I will not be able to attend Wednesday's hearing due to work demands. Your attention to this issue will be appreciated. If you have any questions, please feel free to contact me. Thank you.

Sincerely,

John W. Welter

cc: Sen. Kevin Shibilski

State of Wisconsin  
Department of Natural Resources

NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. FH-6-99

Legislative Council Rules Clearinghouse Number 99-023

Subject of Rules Fishing regulations for inland, outlying and boundary waters and fish refuges.

Date of Transmittal to Presiding Officers June 2, 1999

Send a copy of any correspondence or notices pertaining to this rule to:

Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LC/5, 101 South Webster

266-1959

## REPORT TO LEGISLATURE

NR 20, Wis. Adm. Code  
Fishing regulations for inland, outlying and boundary waters and fish refuges

Board Order No. FH-6-99  
Clearinghouse Rule No. 99-023

### Statement of Need

The proposed revisions to chs. NR 20, 21, 23 and 26, Wis. Adm. Code, include:

1. Six rule change proposals for sturgeon;
2. Reauthorization of the early catch and release season for trout;
3. Prohibiting the possession of live bait on designated artificial lures-only trout streams;
4. Designation of several additional reaches of Lake Michigan tributaries as outlying trout and salmon waters for purposes of the Great Lakes Trout and Salmon Stamp;
5. Moving the northern bass zone line from state highway 70 north to state highway 77 to remove most of Burnett and Washburn counties (and a small portion of Sawyer county) from the early catch and release season for bass;
6. Increasing the minimum length limit for bass on all Wisconsin-Minnesota boundary waters from 12" to 14" and making the season on the upper St. Croix River consistent with Minnesota's inland season.
7. Allowing trolling in all waters of Dane, Grant, Iowa, Lafayette and Richland counties;
8. Various changes to minimum length limits, daily bag limits, or both, on selected waters and creation of a fish refuge for spawning panfish on Cox Hollow Lake, Iowa county.

### Modifications as a Result of Public Hearing

The sunset was removed from the early catch and release season for trout with a restriction on the use of possession of barbed hooks.

Added a 20" to 28" protected slot length limit and a daily bag limit of 3, with only one longer than 28" allowed for walleye, sauger and their hybrids on Diamond Lake, Bayfield County.

Deleted the proposal for an early catch and release season for muskellunge, northern pike and walleye, sauger and hybrids on Twin Valley Lake, Iowa County.

Deleted proposed minimum length limit of 26" and a daily bag limit of 2 for northern pike on Lake Michigan waters south of U.S. highway 10.

Deleted proposal to establish a minimum length limit of 15 inches and a daily bag limit of 5 for walleye, sauger and hybrids on Lake Michigan waters south of U.S. highway 10.

### Appearances at the Public Hearing and Their Position

Public hearings were held in all 72 counties on April 12, 1999. Individual appearance slips were not filed for these hearings. Total attendance at all hearings was 6,756. Individuals did not indicate a preference on all questions.

<i>Topic</i>	<i>Support</i>	<i>Oppose</i>
Bag limit for shovelnose sturgeon	3,113	111
70" minimum length limit for lake sturgeon on Lower Wis.	2,431	382
Closes hook and line lake sturgeon fishing on Lake Michigan	2,000	409
Establishes 2-day sturgeon spearing season	2,444	353
Establishes harvest limit for lake sturgeon	3,449	91
70" minimum length limit for lake sturgeon in Men. River	2,110	292
Live bait on artificial lure only waters	3,343	632
Early catch and release for trout	2,417	2,145
Designating outlying trout and salmon waters	1,752	437
Moving northern bass zone	743	174
Length limit for bass on Wis.-Minn. Boundary waters	682	24
Trolling -		
Dane County waters	685	405
Grant County waters	471	292
Iowa County waters	592	309
Lafayette County waters	414	316
Richland County waters	467	314
Bass regs.		
Bayfield County	324	322
Burnett County	682	24
Douglas County	398	8
Iowa County	219	462
Polk & St. Croix Counties	700	28
Rusk County	438	187
Vilas County	355	180
Washburn County	485	103
Waushara County	494	49
Panfish		
Ashland County	165	139
Chippewa County	480	166
Iowa County - Cox Hollow Lake	435	179
Twin Valley Lake	163	135
Iron County - Bearskull/Spider Lakes	224	91
Island/Pine Lakes	386	95
Walworth County	199	112
Waukesha County	241	142
Walleye		
Bayfield County	187	227
Douglas County	146	50
Vilas County	747	504
Fish refuge - Iowa County	400	80
Muskie regs in Sawyer County	1,200	173

Response to Legislative Council Rules Clearinghouse Report

The recommendations have been accepted.

Final Regulatory Flexibility Analysis

The proposed rules affect individual anglers and do not impact businesses. Therefore, a final regulatory flexibility analysis is not required.

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

The Wisconsin Natural Resources Board adopts an order to repeal NR 20.20(1)(f), (6)(f), (9)(e), (11)(i), (18)(f), (29)(f), (37)(g), (47)(f), (50)(f), (56)(h) and (72)(f); to renumber NR 20.20(33)(a), (55)(b) and (64)(h)7.; to amend NR 20.15, 20.20(4)(c), (7)(c), (13)(a)1., (22)(a)1., (25)(a)1., (26)(d)2., (53)(a), (57)(e)2., (64)(c)1., (70)(b)1. and 2., (d)1. and (g)1., (73)(f)4., 21.04(1) and 23.05(5)(c); to repeal and recreate NR 20.20(73)(e)2.b. and (me); and to create NR 20.03(28m), 20.06(3m), 20.20(2)(dm), (4)(i)3., (9)(dm), (16)(h)3., (25)(c)2. and (em), (33)(a), (55)(b), (bs) and (bw), (64)(h)7., (65)(dm), (68)(d)3., (73)(e)2g. and 2m., 20.33(5) and 26.26 relating to fishing regulations for inland, outlying and boundary waters and fish refuges

FH - 6 - 99

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014(1), 29.191(5), 29.192(3) and (4), 29.041 and 227.11(2), Stats.

Statutes interpreted: ss. 23.09(2), 29.014(1), 29.191(5) and 29.192(3) and (4), Stats.

Section 1 designates additional reaches of tributaries to Lake Michigan as "Outlying trout and salmon waters" for the purposes of establishing where the Great Lakes Trout and Salmon Stamp is required;

Section 1h prohibits the possession of live bait on waters where only the use of artificial lures is authorized;

Section 2 authorizes an the early catch and release season for trout on trout streams with a restriction on the use and possession of barbed hooks;

Sections 3 and 40 close most waters to shovelnose sturgeon fishing and reduce the daily bag limit for shovelnose sturgeon from 25 to 3 on those waters remaining open;

Section 4 establishes a daily bag limit of 10 for panfish on Lake Galilee, Ashland County;

Section 5 establishes an 18-inch minimum length limit and a daily bag limit of 1 for largemouth and smallmouth bass on Cable and Wiley lakes, Bayfield County;

Section 5m establishes a 20" to 28" protected slot length limit and a daily bag limit of 3, with only 1 longer than 28" allowed, for walleye, sauger and their hybrids on Diamond lake, Bayfield county;

Section 6 places Webb Lake, Burnett County in the southern bass zone;

Section 7 establishes a daily bag limit of 10 for panfish on Long, Herde and Dark Lakes, Chippewa County;

Section 7m allows trolling on all waters of Dane County;

Section 8 removes the minimum length limit for walleye on Beaugard Lake, Douglas County and establishes a daily bag limit of 5, but only 1 may be longer than 14 inches;

Section 9 allows trolling in all waters of Grant County;

Section 10 allows trolling in all waters of Iowa County;

Section 11 establishes catch and release only for largemouth and smallmouth bass on Twin Valley Lake, Iowa County for three years;

Section 14 establishes a daily bag limit of 10 for panfish on Cox Hollow Lake, Iowa County, and eliminates the daily bag limit for panfish on Twin Valley Lake, Iowa County;

Section 17 establishes a daily bag limit of 10 for panfish on Bearskull, Island and Spider Lakes, Iron County;

Sections 18 and 19 allow trolling on all waters of Lafayette County;

Section 20 allows trolling on all waters of Richland County;

Sections 21 and 22 establish a minimum length limit of 18 inches and a daily bag limit of 1 for largemouth and smallmouth bass on Murphy Flowage, Rusk County;

Section 23 establishes a minimum length limit of 26 inches and a daily bag limit of 2 for northern pike on Murphy Flowage, Rusk County;

Section 24 establishes a daily bag limit of 10 for panfish on Murphy Flowage, Rusk County;

Section 25 establishes a minimum length limit of 40 inches for muskellunge on Sissabagama Lake, Sawyer County;

Section 26 establishes catch and release only for largemouth and smallmouth bass on Big Lake, Vilas County;

Sections 27 and 28 establish a minimum length limit of 28 inches and a daily bag limit of 1 for walleye, sauger and hybrids on Kentuck Lake, Vilas County;

Sections 29 and 30 establish a daily bag limit of 10 for panfish on Lulu lake, Walworth County, and Eagle Spring Lake, Waukesha County;

Sections 31, 33 and 34 eliminate the continuous open fishing season for largemouth and smallmouth bass, northern pike and walleye, sauger and hybrids on Irogami (Fish), Pine and Big Twin Lakes, Waushara County;

Section 32 removes the minimum length limit for largemouth and smallmouth bass on Round Lake, Waushara County and establishes a daily bag limit of 3, but no fish from 14 through 18 inches may be kept and only 1 may be longer than 18 inches;

Section 35 establishes a 2-day sturgeon spearing season on Poygan, Winneconne and Butte des Morts lakes on February 12 and 13, 2000, with a 36 inch minimum length limit;

Section 36 establishes a 70 inch minimum length limit for lake sturgeon in even numbered years on the Lower Wisconsin River downstream from the Wisconsin Dells Dam;

Section 37 closes the hook and line lake sturgeon fishing season on Lake Michigan, Green Bay and their tributaries;



Section 38 changes the boundary for the northern bass zone from state highway 70 to state highway 77, Burnett, Sawyer and Washburn Counties;

Section 44 establishes total allowable harvest levels for lake sturgeon and establishes a procedure for closing the sturgeon spearing season on Lake Winnebago system waters when 80% of the total allowable harvest is reached;

Section 45 establishes a 14 inch minimum length limit for largemouth and smallmouth bass on the St. Louis River and connected waters and on the St. Croix River upstream from the dam at St. Croix Falls and establishes a catch and release only season from the Monday following Labor Day to March 1 on the St. Croix River upstream from the dam at St. Croix Falls;

Section 46 establishes a 70 inch minimum length limit for lake sturgeon in even numbered years on the all Wisconsin-Michigan boundary waters; and

Section 47 establishes a fish refuge for spawning panfish on a portion of Cox Hollow Lake, Iowa County, from the third Monday in May for 19 consecutive days.

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SECTION 1. NR 20.03(28m) is created to read:

NR 20.03(28m) "Outlying trout and salmon waters" means those waters designated as outlying trout and salmon waters pursuant to s. 29.191(4), Stats., Lake Michigan tributaries as defined in s. NR 20.03(18), and the Little river from its confluence with the Oconto river upstream to the highway 141 bridge.

SECTION 1h. NR 20.06(3m) is created to read:

NR 20.06(3m) Possess or control any live bait or any other baits, hooks or lures other than artificial lures while on the waters, banks or shores of waters where only the use of artificial lures is authorized in subch. III.

SECTION 2. NR 20.15 is amended to read:

~~NR 20.15 Early catch and release season for trout. Except where specifically restricted in s. NR 20.20, there~~ (1) There is an open season for trout in all trout streams, except as specified in sub. (2), from March 1 at 5:00 a.m. to the Friday immediately preceding the first Saturday in May at ~~6~~ 6:00 p.m. during 1997, 1998 and 1999 but the daily bag limit and possession limit for trout is 0 and only artificial lures with barbless hooks may be used for ~~any species of fish~~ or possessed while fishing for any species of fish on trout streams during this period.

(2) Subsection (1) does not apply to the following streams:

(a) Lake Michigan tributaries, major Green Bay tributaries, all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake.

(b) Portions of tributaries to Lake Superior with a season opening date other than the first Saturday in May as specified in s. NR 20.20.

(c) White river and its tributaries upstream from Pike River road bridge including the South Fork, West Fork and East Fork White river, Bayfield county.

(d) Tomorrow river from old railroad bridge crossing north of Amherst upstream to First street in Nelsonville, Portage County.

(e) Tomorrow river from Clementson road upstream to Poncho creek, Portage county.

(f) White river (west branch), Waushara county.

Note: The early catch and release ~~seasons during 1997, 1998 and 1999~~ season does not apply to spring ponds, ponds or lakes.

SECTION 3. NR 20.20(1)(f), (6)(f), (9)(e), (11)(i), (18)(f), (29)(f), (37)(g), (47)(f), (50)(f), (56)(h) and (72)(f) are repealed.

SECTION 4. NR 20.20(2)(dm) is created to read:

(2) ASHLAND (for species and waters not listed, see sub. (73))

(dm) Panfish	1. Lake Galilee	a. Hook and line.	Continuous	10 in total	None
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SECTION 5. NR 20.20(4)(c) is amended to read:

(4) BAYFIELD (for species and waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. <u>Cable and Wiley lakes, Crooked lake, Lund lake</u>	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to March 1	1 in total	18

SECTION 5m. NR 20.20(4)(i)3. is created to read:

(4) BAYFIELD (for species and waters not listed, see sub. (73))

(i) Walleye, sauger and hybrids	3. Diamond lake	a. Hook and line.	First Saturday in May to March 1	3 in total but only 1 may be longer than 28"	15, except the possession of fish from 20" to 28" is prohibited
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SECTION 6. NR 20.20(7)(c) is amended to read:

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

(c) Largemouth and smallmouth bass	1. <del>Lower Clam lake (T30N R6E S34&amp;35)</del> <u>Webb lake</u>	a. Hook and line.	First Saturday in May to March 1	5 in total	14
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SECTION 7. NR 20.20(9)(dm) is created to read:

(9) CHIPPEWA (for species and waters not listed, see sub. (73))

(dm) Panfish	1. Long, Herde and Dark lakes	a. Hook and line.	Continuous	10 in total	None
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SECTION 7m. NR 20.20(13)(a)1. is amended to read:

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

(a) All species	1. <del>Crystal lake, Kegonsa lake, Koshkonong lake, Mendota lake, Monona lake, Waubesa lake, lower Wisconsin river</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 8. NR 20.20(16)(h)3. is created to read:

(16) DOUGLAS (for species and waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	3. Beaugard lake	a. Hook and line.	First Saturday in May to March 1	5 in total but only 1 may be longer than 14"	None
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SECTION 9. NR 20.20(22)(a)1. is amended to read:

(22) GRANT (for species and waters not listed, see sub. (73))

(a) All species	1. <del>Lower Wisconsin river</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 10. NR 20.20(25)(a)1. is amended to read:

(25) IOWA (for species and waters not listed, see sub. (73))

(a) All species	1. <del>Lower Wisconsin river</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 11. NR 20.20(25)(c)2. is created to read:

(25) IOWA (for species and waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	2. Twin Valley lake, from first Saturday in May of 2000 through March 1, 2003	a. Hook and line.	First Saturday in May to March 1	0	--
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SECTION 14. NR 20.20(25)(em) is created to read:

(25) IOWA (for species and waters not listed, see sub. (73))

(em) Panfish	1. Cox Hollow lake	a. Hook and line.	Continuous	10 in total	None
	2. Twin Valley lake	a. Hook and line.	Continuous	None	None

SECTION 17. NR 20.20(26)(d)2. is amended to read:

(26) IRON (for species and waters not listed, see sub. (73))

(d) Panfish	2. Pine lake, <u>Bearskull lake, Island lake, Spider lake</u>	a. Hook and line	Continuous	10 in total	None
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SECTION 18. NR 20.20(33)(a) is renumbered to NR 20.20(33)(am).

SECTION 19. NR 20.20(33)(a) is created to read:

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

(a) All species	1. All waters	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 20. NR 20.20(53)(a) is amended to read:

(53) RICHLAND (for species and waters not listed, see sub. (73))

(a) All species	1. <del>Lower Wisconsin river</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 21. NR 20.20(55)(b) is renumbered NR 20.20(55)(bm).

SECTION 22. NR 20.20(55)(b) is created to read:

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

(b) Largemouth and smallmouth bass	1. Murphy flowage	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
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			Third Saturday in June to March 1	1 in total	18
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SECTION 23. NR 20.20(55)(bs) is created to read:

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

(bs) Northern pike	1. Murphy flowage	a. Hook and line.	First Saturday in May to March 1	2	26
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SECTION 24. NR 20.20(55)(bw) is created to read:

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

(bw) Panfish	1. Murphy flowage	a. Hook and line.	Continuous	10 in total	None
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SECTION 25. NR 20.20(57)(e)2. is amended to read:

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

(e) Muskellunge	2. Brunet river from state hwy. 70 downstream to the Chippewa river including Winter flowage, Chippewa river from the Chippewa flowage dam (Winter dam) downstream to and including Radisson flowage, <u>Big Sissabagama lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40
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SECTION 26. NR 20.20(64)(c)1. is amended to read:

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

(c) Largemouth and smallmouth bass	1. <u>Big lake (T42N R6E S4), Bittersweet lake, Oberlin lake, Prong lake, Smith lake</u>	a. Hook and line.	First Saturday in May to March 1	0	--
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SECTION 27. NR 20.20(64)(h)7. is renumbered NR 20.20(64)(h)8.

SECTION 28. NR 20.20(64)(h)7. is created to read:

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

(h) Walleye, sauger and hybrids	7. Kentuck lake	a. Hook and line.	First Saturday in May to March 1	1 in total	28
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SECTION 29. NR 20.20(65)(dm) is created to read:

(65) WALWORTH (for species and waters not listed, see sub. (73))

(dm) Panfish	1. Lulu lake	a. Hook and line.	Continuous	10 in total	None
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SECTION 30. NR 20.20(68)(d)3. is created to read:

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

(d) Panfish	3. Eagle Spring lake	a. Hook and line.	Continuous	10 in total	None
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SECTION 31. NR 20.20(70)(b)1. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	1. <del>Irogami (Fish) lake, Beans lake, Pine lake (at Hancock), Big Twin lake</del>	a. Hook and line	Continuous	5 in total	14
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SECTION 32. NR 20.20(70)(b)2. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	2. Round lake (T20N R11E S35)	a. Hook and line.	First Saturday in May to March 1	<del>5 in total</del> <u>3 in total, only 1 may be longer than 18"</u>	<del>18</del> <u>No minimum length but the possession of fish from 14" through 18" is prohibited</u>
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SECTION 33. NR 20.20(70)(d)1. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(d) Northern pike	1. <del>Irogami (Fish) lake, Beans lake, Pine lake (at Hancock), Big Twin lake</del>	a. Hook and line.	Continuous	2	26
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SECTION 34. NR 20.20(70)(g)1. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73)) .

(g) Walleye, sauger and hybrids	1. <del>Irogami (Fish) lake, Beans lake, Pine lake (at Hancock), Big Twin lake</del>	a. Hook and line.	Continuous	5 <u>in total</u>	15
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SECTION 35. NR 20.20(73)(e)2.b. is repealed and recreated to read:

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

(e) Lake sturgeon	2. Lake Winnebago system waters	b. Spearing on Poygan lake, Winneconne lake, Butte des Morts lake.	February 12 and February 13, 2000	1 per season, regardless of the water in which speared	36
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SECTION 36. NR 20.20(73)(e)2g. is created to read:

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

(e) Lake sturgeon	2g. Lower Wisconsin river downstream from Wisconsin Dells dam	a. Hook and line. Tag required (see s. NR 20.07)	First Saturday in September to October 15	1 per season	50 in odd numbered years, 70 in even numbered years
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SECTION 37. NR 20.20(73)(e)2m. is created to read:

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

(e) Lake sturgeon	2m. Lake Michigan, Lake Michigan tributaries, Green Bay, Green Bay's tributary streams, rivers and ditches upstream to the first dam or lake	a. None.	No open season	--	--
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SECTION 38. NR 20.20(73)(f)4. is amended to read:

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

(f) Largemouth and smallmouth bass

4. All waters not listed in subs. (1) to (72) or this paragraph north of a line following STH ~~70~~ 77 from its bridge over the St. Croix river east to STH 27, south on STH 27 to STH 64, east on STH 64 to its terminus in the city of Marinette and continuing due east to the shore of Green Bay and all waters north of STH 29 from its bridge over the Fox river east to its terminus in the city of Kewaunee and continuing due east to the shore of Lake Michigan

a. Hook and line.

First Saturday in May to Friday preceding the third Saturday in June

0

--

Third Saturday in June to March 1

5 in total

14

SECTION 40. NR 20.20(73)(me) is repealed and recreated to read:

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

(me) Shovelnose sturgeon

1. Chippewa river downstream from interstate highway 94 bridge at Eau Claire including its tributaries upstream to the first dam or lake, lower Wisconsin river downstream from Prairie du Sac dam

a. Hook and line

Continuous

3

None

2. All other waters not listed in subs. (1) to (72)

a. None.

No open season

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SECTION 44. NR 20.33(5) is created to read:

NR 20.33(5) SPECIAL CLOSURE OF THE STURGEON SPEARING SEASON. (a) *Conditions for season closure.* The department shall close the season for spearing sturgeon on Lake Winnebago if the actual harvest on the Lake Winnebago system meets or exceeds 80% of the total allowable annual harvest of adult female sturgeon, juvenile female sturgeon or male sturgeon, as determined by the department. The total allowable annual harvest shall be based on an average annual harvest or exploitation rate of 5% of the estimated population of adult female sturgeon, 5% of the estimated population of juvenile female sturgeon and 5% of the estimated population of male sturgeon.

(b) *Announcement and notice of season closure.* The season closure shall be announced by a department press release to local media and to the official state newspaper on the day that actual harvest meets or exceeds 80% of the total allowable annual harvest, based upon the registration of harvested sturgeon pursuant to s. NR 20.10(10). The department shall post notice of the closure in the vicinity of Lake Winnebago and provide other notice deemed reasonable by the department.

(c) *Effective date of season closure.* The season closure shall take effect at 6:00 p.m. on the day following issuance of the department press release announcing the season closure in par. (b).

SECTION 45. NR 21.04(1) is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (in.)
(1) LARGEMOUTH AND SMALLMOUTH BASS			
(a) <del>St. Louis river and St. Croix river downstream to the highway #70 bridge</del>	Saturday preceding Memorial day to March 1	5 in aggregate	<del>12</del> 14
(b) <u>St. Croix river upstream from the dam at St. Croix Falls</u>	<u>Saturday preceding Memorial day to, but not including, the second Monday in September</u>	<u>5 in aggregate</u>	<u>14</u>
	<u>Second Monday in September to March 1</u>	<u>0</u>	<u>--</u>
(b) (c) <u>St. Croix river downstream from the highway #70 bridge the dam at St. Croix Falls to the highway #10 bridge at Prescott</u>	Saturday preceding Memorial day to March 1	5 in aggregate	14
(c) (d) <u>Mississippi river</u>	Continuous	5 in aggregate	14

SECTION 46. NR 23.05(5)(c) is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Possession and daily bag limit	Minimum length (in.)
(c) LAKE STURGEON in all boundary waters	First Saturday in September to November 1	1 per season	50 in odd numbered years, <u>70 in even numbered years</u>

SECTION 47. NR 26.26 is created to read:

**NR 26.26 Panfish spawning refuges.** The following described areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from the third Monday in May and continuing for 19 consecutive days, both dates inclusive, in on or along the following described water areas:

(25) IOWA COUNTY. (a) That portion of the Cox Hollow lake within 100 feet of the north shoreline on the southern arm of the lake that is marked with buoys.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 26, 1999.

The foregoing rules shall take effect on April 1, 2000 except sections 2, 35 and 44, which shall take effect on January 1, 2000 as provided in s. 227.22(2)(b), Stats.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)



SENATOR JUDITH B. ROBSON  
Co-CHAIR  
PO Box 7882  
MADISON, WI 53707-7882  
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN  
Co-CHAIR  
PO Box 8952  
MADISON, WI 53708-8952  
(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

### *Motion Form*

*Last Modified September 1999*

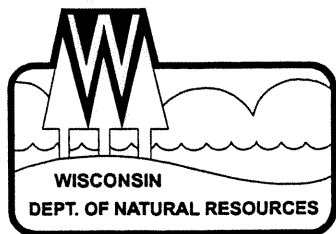
Date 9/22/99 Location Rm 201 SE, State Capitol  
Moved by Gunderson, Seconded by Sen Welch

THAT, pursuant to § 227. \_\_\_\_\_, *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules

CR 99-023 Request DNR Agency modify rule  
by deleting words "or possessed" and notify  
write by 5 pm on 10/8/99. If notice not received,  
portion of rule containing words "or possessed" is suspended!

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON			✓
2. Senator GROBSCHMIDT	✓		
3. Senator SHIBLISKI			✓
4. Senator WELCH	✓		
5. Senator DARLING	✓		
6. Representative GROTHMAN	✓		
7. Representative GUNDERSON	✓		
8. Representative SERATTI	✓		
9. Representative KREUSER	✓		
10. Representative BLACK	✓		
Totals	8		2

Motion Carried  Motion Failed



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TDD 608-267-6897

September 22, 1999

### STATEMENT OF THE DEPARTMENT OF NATURAL RESOURCES REGARDING REQUESTED MODIFICATIONS OF SENATE CLEARINGHOUSE RULE 99-023 POSSESSION OF BARBED HOOKS DURING THE EARLY TROUT SEASON

During the legislative review of clearinghouse rule 99-023, our package of fishing regulation changes resulting from the 1999 statewide spring fish and game hearings, the Assembly Natural Resources committee objected to a specific provision that would prohibit the possession of barbed hooks during the early trout season. The Department continues to support maintaining this prohibition and requests the committee to allow the rule to advance as currently written.

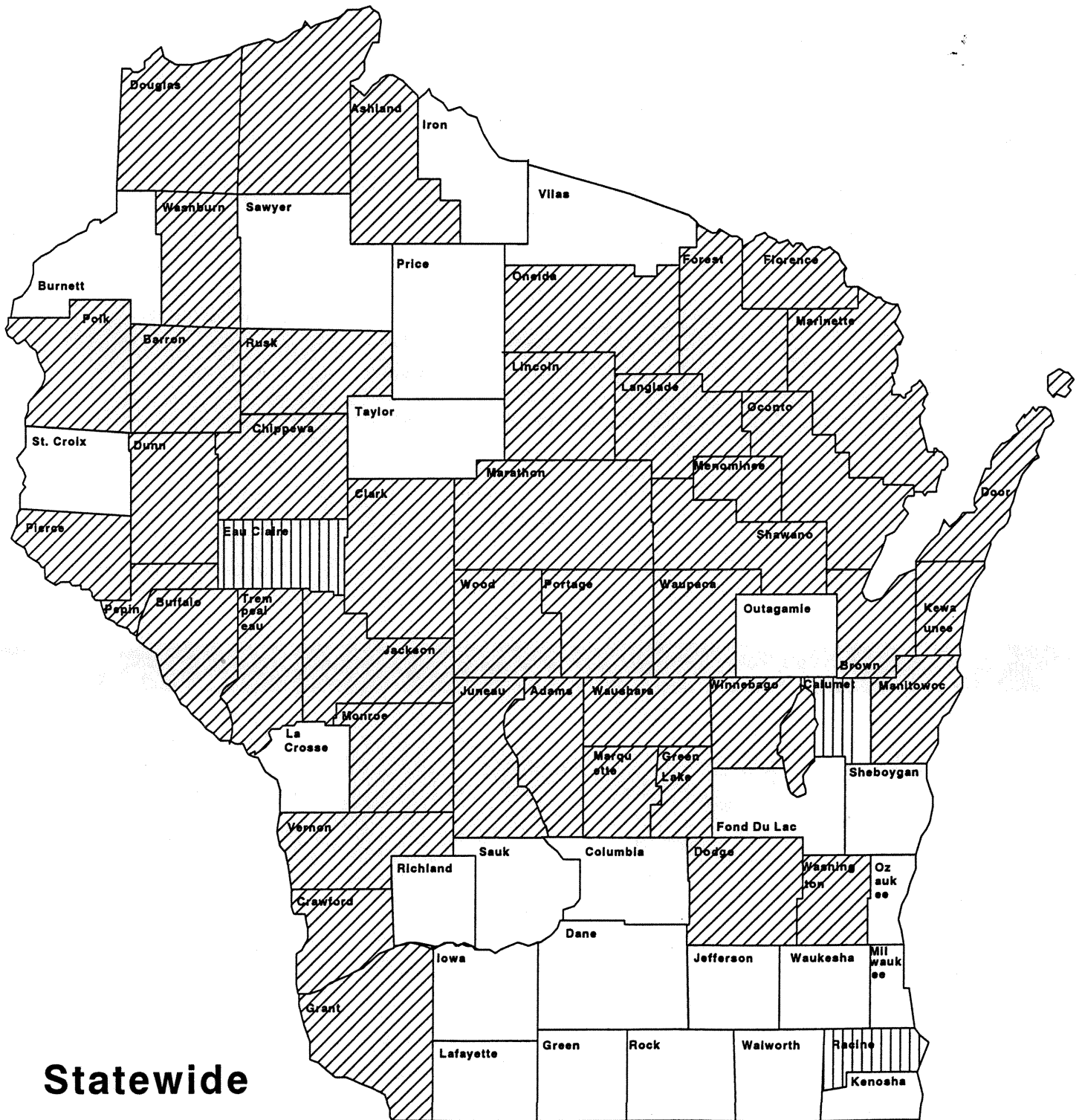
The intent of this rule is to allow for effective enforcement of a provision that prohibits anglers from using hooks with barbs during the early trout season. Currently the trout season opens on most inland streams on March 1<sup>st</sup> – but anglers may fish only with artificial lures and barbless hooks, and must release all trout caught until the general fishing opener on the 1<sup>st</sup> Saturday in May. This controversial early season was originally adopted for a three year trial period in 1997. The purpose of the barbless hook and artificial lure restrictions is to minimize hooking mortality of released trout.

After reviewing the results from the trial period, Department law enforcement staff felt the barbed hook restriction was unenforceable as long as anglers could possess barbed hooks among the tackle they carried on the stream. The most common citation issued during the trial period was for anglers fishing with barbed hooks. Accordingly the public was asked at the 1999 spring fish and game hearings whether they favored allowing the use and possession of barbed hooks during the early season. The answer was an overwhelming endorsement of continuing the restriction on the use of barbed hooks and extending the rule to prohibit the possession of barbed hooks (see attached map). The statewide vote was 2800 to 1493 against allowing the use and possession of barbed hooks. The county vote was 44-25.

The Natural Resources Board considered the objection of the Natural Resources Committee at its August meeting, but based on the strong statewide support for adding this additional level of protection for the trout resources expressed at the public hearings, they declined to remove the provision. Accordingly, the Department asks that you affirm the judgment of the Natural Resources Board that there is widespread public support and acceptance for prohibiting the possession of barbed hooks and allow this rule to go forward.

If the committee is inclined to sustain this objection, we would ask that your actions be at least confined to the specific provision concerning possession of barbed hooks, and allow the rest of the rules package to be promulgated.

**8. Do you favor allowing the use and possession of barbed hooks during the early catch-and-release trout season (1999)?**



**Statewide**

- YES (1,493; 25 counties)
- NO (2,800; 44 counties)
- TIE or NO VOTE (3 counties)



SENATOR JUDITH B. ROBSON  
CO-CHAIR  
PO BOX 7882  
MADISON, WI 53707-7882  
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REPRESENTATIVE GLENN GROTHMAN  
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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 24, 1999

Mr. George Meyer  
Secretary, Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921

Dear Secretary Meyer:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing on September 22, 1999. At that meeting, JCRAR received public testimony regarding **Clearinghouse Rule 99-023**, a proposed amendment to s. NR 20.15, relating to fishing regulations for inland, outlying and boundary waters and fish refuges.

As you know, a portion of this rule was objected to by the Assembly Committee on Natural Resources on September 1, 1999.

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 22, 1999 and adopted the following motion:

1. The Joint Committee for the Review of Administrative Rule (JCRAR), pursuant to s. 227.19 (5) (b) 2., *Stats.*, requests the Department of Natural Resources to modify Clearinghouse Rule 99-23 by deleting the phrase "or possessed" from the Department's amendment to s. NR 20.15.
2. If the Department of Natural Resources, prior to 5:00 p.m. on October 8, 1999, agrees in writing to make the modification requested in item 1., JCRAR nonconcurrs in the objection of the Assembly Committee on Natural Resources to Clearinghouse Rule 99-23.
3. If the Department of Natural Resources, prior to 5:00 p.m. on October 8, 1999, does not agree in writing to make the modification requested in item 1., JCRAR, pursuant to s. 227.19 (4) (d) 6., *Stats.*, objects to the phrase "or possessed" in the Department's amendment to s. NR 20.15

on the grounds that the rule is arbitrary and capricious and imposes an undue hardship.

Ayes: (8) Senators Grobschmidt, Welch, and Darling\*; Representatives Grothman, Seratti, Gunderson, Kreuser, and Black

Noes: (0)

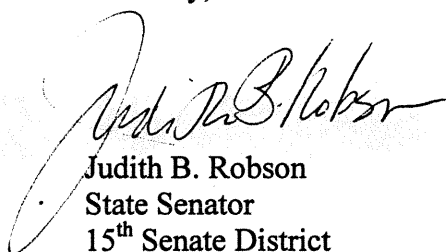
Absent: (2) Senators Robson and Shibilski. \*Roll held open, voted by phone.

**Motion Carried:**

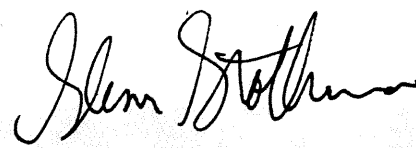
8 Ayes, 0 Noes, 2 Absent.

Please let us know in writing prior to 5:00 p.m. on October 8, 1999 whether the Department of Natural Resources will modify Clearinghouse Rule 99-23 by deleting the phrase "or possessed" from the Department's amendment to s. NR 20.15.

Sincerely,



Judith B. Robson  
State Senator  
15<sup>th</sup> Senate District



Glenn Grothman  
State Representative  
59<sup>th</sup> Assembly District

JBR:da

*Thurmond*

**7. REAUTHORIZE THE EARLY CATCH AND RELEASE TROUT SEASON (effective with the March 2000 season).**

The current early catch and release trout season began in 1997 and is scheduled to sunset after the 1999 season. This proposal would establish the early catch and release trout season as a permanent rule. Two minor changes requested by the public have already been made to the early season, so if reauthorized: 1) the early season will end at 6:00 p.m. on the Friday preceding the first Saturday in May, and 2) artificial lures will be required while fishing for any species of fish in trout streams during the early season. The Department did not find any damaging biological effects during a one-year study of the early season. Use of the early season has varied statewide depending on weather and stream conditions. The early season has accomplished its goals of providing additional recreational opportunities while not damaging the resource.

**DO YOU FAVOR RE-AUTHORIZING THE EARLY CATCH AND RELEASE TROUT SEASON TO MAKE IT A PERMANENT RULE?**

7. YES 81 NO 9

**8. ALLOW THE USE AND POSSESSION OF BARBED HOOKS DURING THE EARLY CATCH AND RELEASE TROUT SEASON (effective with the March 2000 season).**

The current early catch and release trout season began in 1997 with the requirement that only artificial lures with barbless hooks be used. A summary of nation-wide studies, including a recent study in Wisconsin, has shown that barbless hooks are not necessary to reduce hooking mortality. The removal of barbless hooks-only restriction should reduce confusion over the use and possession of barbed hooks, simplify the regulation for anglers, and allow anglers to use and possess with their normal barbed flies and lures, with no adverse impact to trout populations. It would also make the early season consistent with other seasons, species, and locations by allowing the use of barbed hooks.

In addition, wardens have had problems enforcing the barbless hook requirement during the early catch and release trout season. If the early catch and release trout season is reauthorized and the barbless-hooks only restriction is retained, it will be necessary to prohibit the possession of barbed hooks on trout streams during the early season in order to effectively enforce this regulation. *says who?*

**DO YOU FAVOR ALLOWING THE USE AND POSSESSION OF BARBED HOOKS DURING THE EARLY CATCH AND RELEASE TROUT SEASON?**

8. YES 64 NO 47

*statewide YES 1,493 NO 2,200*

**9. PROHIBIT THE POSSESSION OF LIVE BAIT ON DESIGNATED CATEGORY 5 TROUT STREAMS THAT REQUIRE THE USE OF ARTIFICIAL LURES.**

The Department has designated certain streams as only open to fishing with artificial lures. Wardens have encountered anglers using live bait, as well as anglers who are practiced at hiding and or stripping the hook of this bait prior to in-hand checking by the warden. The use of live bait can cause higher mortality than artificial lures. This proposal will make it easier for wardens to enforce the artificial lures only restriction by prohibiting the possession of any live bait on designated artificial lures-only trout streams.

**DO YOU FAVOR PROHIBITING THE POSSESSION OF ANY BAITS OTHER THAN ARTIFICIAL LURES ON DESIGNATED CATEGORY 5 TROUT STREAMS?**

9. YES        NO       

*noted on this*

*not this*

**J.C.R.A.R HEARING SLIP**  
(Please Print Plainly)

DATE: 9-22-99  
CHR-NO. Clearinghouse 99-023  
OR  
SUBJECT \_\_\_\_\_

Michael Staggs  
(NAME)  
Box 7921  
(Street Address or Route Number)  
Madison WI 53707  
(City and Zip Code)  
Wis DNR  
(Representing)

Speaking in Favor of Rule:   
(i.e. against objection or the rule suspension)  
Speaking Against the Rule:   
(i.e. in favor of objection or suspension)  
Registering in Favor:   
but not speaking:   
Registering Against:   
but not speaking:   
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.  
Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**J.C.R.A.R HEARING SLIP**  
(Please Print Plainly)

DATE: 9/22/99  
CHR-NO. NR 99-023  
OR  
SUBJECT \_\_\_\_\_

Dwayne Johnsrud  
(NAME)  
(Street Address or Route Number)  
State Rep  
(City and Zip Code)  
Representing)

Speaking in Favor of Rule:   
(i.e. against objection or the rule suspension)  
Speaking Against the Rule:   
(i.e. in favor of objection or suspension)  
Registering in Favor:   
but not speaking:   
Registering Against:   
but not speaking:   
Speaking for information only; Neither for nor against:

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Johnsrud -

- ① no difference in fish mortality, barbed v. barbless
- ② shouldn't ban possession b/c fishermen not sure what flies going to use - unfair to require barbless on all