

01-013

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-07-01

Legislative Council Rules Clearinghouse Number CHR 01-013

Subject of Rules Sport fishing, on the inland, outlying and boundary waters and fish refuges on the inland waters of Wisconsin

Date of Transmittal to Presiding Officers May 29, 2001

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

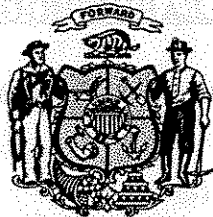
Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LS/5, 101 South Webster

Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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 01-013

AN ORDER to repeal NR 20.20 (8) (a), (20) (a), (24) (b), (39) (b), (45) (b), (58) (b), (69) (b), (70) (a) and (71) (b); to amend NR 20.03 (31), 20.12 (4) (c) and 20.20 (1) (h) 1., (11) (k) 2., (12) (g) 1., (13) (h) 1., (14) (f) 2., (22) (g) 1., (25) (h) 2., (26) (f) 3., (29) (h) 1., (35) (g) 1., (37) (i) 1., (44) (c) 2., (g) 3. and 4., (50) (h) 1., (53) (g) 1., (56) (j) 1., (60) (d) 4., (65) (a) 2. and (72) (h) 1., 26.01 (9) and 26.24 (9); to repeal and recreate NR 20.20 (50) (b) 1.; and to create NR 20.10 (3m) and (3s), 20.20 (11) (k) 3. and 4., (13) (h) 1m., (25) (h) 3., (26) (b) 2. and (f) 2m., (33) (b) 3., (34) (b) 2. and (bm), (35) (g) 1m., (37) (e) 3., (49) (am), (50) (b) 2. and 3., (d) 4m. and (h) 2., (56) (j) 2. and 3., (57) (f) 3. and (i) 3., (64) (c) 7., (d) 1m., 2m. and (h) 9., (66) (dm) and (73) (b) 3m. and 3s. and 26.31 (9), relating to sport fishing on the inland, outlying and boundary waters and fish refuges on the inland waters of Wisconsin.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

02-06-01 RECEIVED BY LEGISLATIVE COUNCIL.
03-02-01 REPORT SENT TO AGENCY.

RS:PS:jal;ksm

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)]

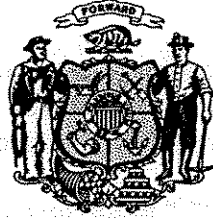
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson
Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 01-013

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. That part of the analysis describing SECTION 16m should end with a period.
- b. In the text of the rule, four SECTION numbers are missing: 20, 28, 50 and 53. Also, two SECTIONS are numbered incorrectly--16m and 29m. Section 1.04 (1), Manual, provides that the text of a rule should be divided into sequentially numbered SECTIONS, denoted as SECTION 1, SECTION 2 and so forth. Thus, the rule SECTIONS should be renumbered to include SECTIONS 20, 28, 50 and 53 and to eliminate SECTIONS 16m and 29m. The analysis should also be updated, since it explains each SECTION.
- c. In s. NR 20.03 (31), the first inserted comma on line 4 should follow, rather than precede, the stricken "and." Section 1.06 (1), Manual, provides that when material is deleted and material is added in the same location, the new underscored material always immediately *follows* the stricken material.
- d. The material in SECTIONS 2 and 3 of the rule could be combined into a single SECTION, since the two SECTIONS contain subsections of the same rule section that are affected by the same treatment. See s. 1.04 (2) (a) 4., Manual. The same comment pertains to the material in SECTIONS 8 and 9, 29m and 30, 33 and 34, 40 and 41, 46 and 47 and 54 and 55.

e. In s. NR 20.12 (4) (c), the word "Lake" on line 2 should not be capitalized, since it is not capitalized in the current rule. Also, for readability, the stricken "and" on line 3 should not be stricken.

f. In the treatment clause to SECTION 17, a period should be inserted after the "2m.," since subdivisions are designated by a number followed by a period, per s. 1.03 (5), Manual. The remainder of the rule should be reviewed for other occurrences of this problem.

g. In s. NR 20.20 (33) (b) 3., the "2." in the second column of text should be a "3."

h. In s. NR 20.20 (57) (f) 3., the "1." in the second column of text should be a "3." Also, for consistency with other provisions, the language should read: "Chetac lake, Birch lake."

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

a. In s. NR 20.10 (3m), it is suggested that the word "from" on line 2 be replaced by the word "beginning."

b. In s. NR 20.20 (26) (f) 2m., the daily bag limit for brook trout is listed in the fifth column as "none" until November 15, 2011. Thus, it appears that *on* November 15, 2011, some brook trout may be caught. However, the final column indicates that brook trout of eight inches may be taken *after* November 15, 2011. To reconcile the two provisions, it appears that the phrase "on or" should be inserted before the word "after" in the final column. The entire rule should be reviewed to ensure that the language clearly indicates the first and last days of specific periods of time.

c. In s. NR 20.20 (35) (g) 1., in the phrase "including sloughs, bayous and flowages," a comma should be inserted and stricken through after the word "bayous" and the word "and" should be underscored. Also, compare this language to the language in s. NR 20.20 (37) (i) 1., where the phrase reads: "including *all* sloughs, bayous and flowages." Is there a reason for the inconsistency. The entire rule should be reviewed for occurrences of this problem.

d. In the treatment clause to SECTION 56, the citation should read: "NR 26.01 (9) (a)." Also, in the text of this provision, the phrase "the old county highway Y bridge" is inserted. On the other hand, in SECTION 58, reference is made to "the old CTH Y bridge" and "the new CTH Y bridge." These two provisions should use consistent terminology to refer to that bridge. Similarly, the town and range descriptions should be expressed in a consistent format.

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

The Wisconsin Natural Resources Board adopts an order to repeal NR 20.20(8)(a), (20)(a), (24)(b), (39)(b), (45)(b), (58)(b), (69)(b), (70)(a) and (71)(b); amend NR 20.03(31), NR 20.12(4)(c) and NR 20.20(1)(h)1, (11)(k)2, (12)(g)1, (13)(h)1, (14)(f)2, (22)(g)1, (25)(h)2, (26)(f)3, (29)(h)1, (35)(g)1, (37)(i)1, (42)(f), (44)(c)2, (g)3 and 4; (50)(h)1, (53)(g)1, (56)(j)1, (60)(d)4, (65)(a)2, (72)(h)1 and NR 26.24(9); repealing and recreating NR 20.20(50)(b)1; and creating NR 20.10(3m) and (3s), NR 20.20(11)(k)3 and 4, (13)(h)1m, (25)(h)3, (26)(b)2. and (f)2m, (33)(b)3, (34)(b)2 and (bm), (35)(g)1m, (37)(e)3, (49)(am), (50)(b)2 and 3, (d)4m and (h)2, (56)(j)2 and 3, (57)(f)3 and (i)3, (64)(c)7, (d)1m, 2m and (h)9, (66)(dm), (73)(b)3m and 3s and NR 26.14 relating to sport fishing on the inland, outlying and boundary waters and fish refuges on the inland waters of Wisconsin

FH-07-01

Analysis Prepared by Department of Natural Resources

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

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

Section 1 establishes a possession limit of 10 for flathead catfish on the Lake Winnebago system for 10 years.

Section 2 prohibits the use or possession of artificial lights to shine any waters open to sturgeon spearing during the period from 48 hours before and continuing through the open sturgeon spearing season and prohibits the use of ice holes larger than 48 square feet for sturgeon spearing.

Section 3 prohibits the sale of flathead catfish taken by set or bank poles and setlines from the Lake Winnebago system and prohibits the sale of both channel and flathead catfish from the Fox river downstream from Lake Winnebago to the DePere dam.

Sections 4, 6, 7, 18, 22, 23, 25, 25m, 34, 35, 37, 38 and 49 establish a protected slot limit from 20" to 28", with only 1 > 28" for walleye, sauger and hybrids on the Wisconsin river from the Prairie du Sac dam, Columbia and Sauk counties, upstream to the Grandfather dam, Lincoln county and on the Yellow River upstream to the dam in Dexterville, Wood county and the Lemonwier river, for 5 years, when it reverts back to a 15" minimum length limit.

Sections 5, 50 and 51 establish a daily bag limit of 2 for flathead catfish on the Lake Winnebago system whether taken on hook and line, set or bank poles, or setlines for 10 years, when it reverts back to twice the daily bag limit.

Sections 8, 9, 10, 11, 12, 13, 14, 36 and 39 increase the minimum length limit for walleye from 15" to 18" and reduce the daily bag limit from 5 in total to 3 in total for walleye, sauger, and

hybrids on the lower Wisconsin river from the Prairie du Sac dam, located in Columbia and Sauk counties, downstream to its mouth.

Section 11m increases the minimum length limit from 15" to 18" and reduces the daily bag limit from 5 in total to 3 in total for walleye, sauger, and hybrids on Beaver Dam lake, Dodge county for 5 years.

Section 15 reduces the minimum length limit for muskellunge from 34" to 28" on Owl lake, Iron county.

Sections 16 and 17 establish catch-and-release only for brook trout on Graveyard creek, Iron county for 10 years.

Section 19 establishes catch-and-release only for largemouth and smallmouth bass on the Yellowstone river upstream from CTH F, Lafayette county for 5 years, when it reverts back to a 14" minimum length limit and a daily bag limit of 5.

Section 20 eliminates the minimum length limit for bass on McGee lake, Langlade county.

Section 21 establishes a 26" minimum length limit and a daily bag limit of 2 for northern pike on Post lake (upper and lower), Langlade county.

Section 24 establishes a 26" minimum length limit and a daily bag limit of 2 for northern pike on Pike lake, Marathon county.

Section 26 increases the minimum length for muskellunge from 34" to 40" on Buckskin lake, Oneida county.

Section 27 rearranges the waters listed under special walleye regulations by lake chains, rather than listing the waters individually, and includes "connecting" waters between the listed lakes. This section also omits Hat Rapids flowage from the list of waters under this special walleye regulation for consistency with other connected waters;

Section 28 increases the minimum length limit from 15" to 18" and reduces the daily bag limit from 5 in total to 3 in total for walleye, sauger, and hybrids on Maple lake, Oneida county.

Section 29 authorizes the harvest of 1 largemouth or smallmouth bass < 14" on Big Round lake and Balsam lake, Polk county for 10 years, when it reverts back to a 14" minimum length limit.

Section 30 increases the minimum length limit from 14" to 18" and reduces the daily bag limit from 5 in total to 1 for largemouth and smallmouth bass on the Wisconsin river from Stevens Point flowage dam to Al-Tech Park spillway, Portage county.

Sections 31 and 32 increase the minimum length limit from 14" to 18" and reduce the daily bag limit from 5 in total to 1 for largemouth and smallmouth bass on Jacqueline lake, Portage county.

Section 35 establishes a 32" minimum length limit and a daily bag limit of 1 for northern pike on Jacqueline lake, Portage county.

Sections 40 and 48 establish a daily bag limit of 10 for bluegill on Chetac and Birch lakes, Sawyer and Washburn counties.

Section 41 increases the minimum length limit from 15" to 28" and reduces the daily bag limit from 5 in total to 1 in total for walleye, sauger, and hybrids on Sand lake, Sawyer county.

Section 42 increases the daily bag limit for trout from 1 to 3, reduces the minimum length limit from 16" to 12" for brown and rainbow trout and from 16" to 8" for brook trout, and eliminates the requirement for artificial lures on the Willow river downstream from Willow falls including Little Falls lake and Lake Mallalieu, and Race branch, St. Croix county.

Sections 43, 45 and 46 establish restrictive harvest regulations for largemouth and smallmouth bass, muskellunge and walleye on Sparkling lake, Vilas county for 7 years when they revert back to the existing regulations.

Section 44 increases the minimum length for muskellunge to 45" on Little Saint Germain lake, Vilas county, for 10 years, when it reverts back to 34".

Section 47 establishes Millpond Park pond, Walworth county, as an urban fishing water.

Section 52 creates a seasonal fish refuge from the first Saturday in September to October 15 on the Chippewa river from a point 1,000 feet below the Jim Falls dam and extending downstream to the new CTH Y bridge, Chippewa county.

Section 53 creates a seasonal fish refuge when posted from March 1 through May 15 on the Yellow river from the dam in Cadott downstream to the Main street bridge in Cadott, Chippewa county.

SECTION 1. NR 20.03(31) is amended to read:

NR 20.03(31) "Possession limit" means the maximum number of a fish species that a person may possess, which is twice the daily bag limit specified in this chapter except the possession limit for trout is 10 of which no more than 5 may be a combined total of brown and rainbow trout ~~and~~, the possession limit for minnows is specified in s. NR 20.14, and the possession limit for flathead catfish from the Lake Winnebago system is 10 until March 31, 2012, when it reverts back to twice the daily bag limit.

SECTION 2. NR 20.10(3m) and (3s) are created to read:

NR 20.10(3m) Use or possess any artificial light in order to illuminate any waters open to sturgeon spearing during the period beginning 48 hours before and continuing through the open season for sturgeon spearing.

(3s) Cut, use or maintain ice holes larger than 48 square feet for sturgeon spearing pursuant to s. NR 20.11(2).

SECTION 3. NR 20.12(4)(c) is amended to read:

NR 20.12(4)(c) ~~Catfish~~ Channel catfish taken from lakes Winnebago, Butte des Morts, Little Butte des Morts, Winneconne, Poygan, ~~the Fox river downstream from lake Butte des Morts to the DePere dam,~~ and the Wolf river from 500 feet below the Shawano dam downstream to its mouth.

SECTION 4. NR 20.20(1)(h)1. is amended to read:

(1) **ADAMS** (for species or waters not listed, see sub.(73))

(h) Walleye, sauger and hybrids	1. Wisconsin river including sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until	15
				<u>March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"</u>	

SECTION 5. NR 20.20(8)(a), (20)(a), (24)(b), (39)(b), (45)(b), (58)(b), (69)(b), (70)(a) and (71)(b) are repealed.

SECTION 6. NR 20.20(11)(k)2. is amended to read:

(11) **COLUMBIA** (for species or waters not listed, see sub.(73))

(k) Walleye, sauger and hybrids	2. Columbia lake, Baraboo river, Fox river downstream from the westerly crossing of highway #33 at Portage, Crawfish river, lower Wisconsin river	a. Hook and line.	Continuous	5 in total	15

SECTION 7. NR 20.20(11)(k)3. is created to read:

(11) **COLUMBIA** (for species or waters not listed, see sub.(73))

(k) Walleye, sauger and hybrids	3. Lower Wisconsin river upstream from the Prairie du Sac dam	a. Hook and line.	Continuous	5 in total but until	15
				<u>March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"</u>	

SECTION 8. NR 20.20(11)(k)4. is created to read:

(11) COLUMBIA (for species or waters not listed, see sub.(73))

(k) Walleye, sauger and hybrids	4. Lower Wisconsin river downstream from the Prairie du Sac dam	a. Hook and line.	Continuous	3 in total	Sauger and hybrids 15, walleye 18
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SECTION 9. NR 20.20(12)(g)1. is amended to read:

(12) CRAWFORD (for species or waters not listed, see sub.(73))

(g) Walleye, sauger and hybrids	1. Lower Wisconsin river	a. Hook and line.	Continuous	5 3 in total	15 Sauger and hybrids 15, walleye 18
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SECTION 10. NR 20.20(13)(h)1. is amended to read:

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

(h) Walleye, sauger and hybrids	1. Koshkonong lake, lower Wisconsin river , Busseyville (Koshkonong) creek downstream from Rockdale millpond dam	a. Hook and line.	Continuous	5 in total	15
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SECTION 11. NR 20.20(13)(h)1m. is created to read:

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

(h) Walleye, sauger and hybrids	1m. Lower Wisconsin river	a. Hook and line.	Continuous	3 in total	Sauger and hybrids 15, walleye 18
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SECTION 11m. NR 20.20(14)(f)2. is amended to read:

(14) DODGE (for species or waters not listed, see sub.(73))

(f) Walleye, sauger and hybrids	2. Fox lake, <u>Beaver Dam lake until March 1, 2007</u>	a. Hook and line.	First Saturday in May to March 1	3 in total	18
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SECTION 12. NR 20.20(22)(g)1. is amended to read:

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

(g) Walleye, sauger and hybrids	1. Lower Wisconsin river	a. Hook and line.	Continuous	5 <u>3</u> in total	<u>15</u> Sauger and hybrids <u>15</u> , walleye <u>18</u>
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SECTION 13. NR 20.20(25)(h)2. is amended to read:

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

(h) Walleye, sauger and hybrids	2. East branch Pecatonica river downstream from STH 39, lower Wisconsin river	a. Hook and line.	Continuous	5 in total	15
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SECTION 14. NR 20.20(25)(h)3. is created to read:

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

(h) Walleye, sauger and hybrids	3. Lower Wisconsin river	a. Hook and line.	Continuous	3 in total	Sauger and hybrids 15, walleye 18
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SECTION 15. NR 20.20(26)(b)2. is created to read:

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

(b) Muskellunge	2. Owl lake	a. Hook and line	Saturday nearest Memorial day to November 30	1 in total	28
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SECTION 16. NR 20.20(26)(f)2m. is created to read:

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

(f) Trout and salmon	2m. Graveyard creek downstream from U.S. hwy. 2	a. Hook and line.	Last Saturday in March to November 15	5 in total but only 2 may be brown trout longer than 15", only 1 may be a rainbow trout, and none may be brook trout until November 15, 2011	Brown trout 10, salmon 12, rainbow trout 26, brook trout 8 on or after November 15, 2011
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SECTION 17. NR 20.20(26)(f)3. is amended to read:

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

(f) Trout and salmon	3. Graveyard creek downstream from U.S. hwy. 2, Oronto creek, Parker creek	a. Hook and line.	Last Saturday in March to November 15	5 in total but only 2 may be brown trout longer than 15" and only 1 may be a rainbow trout	Brook trout 8, brown trout 10, salmon 12, rainbow trout 26
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SECTION 18. NR 20.20(29)(h)1. is amended to read:

(29) JUNEAU (for species or waters not listed, see sub.(73))

(h) Walleye, sauger and hybrids	1. Yellow river and its sloughs, bayous and flowages, Lemonweir river and its sloughs, bayous and flowages, Wisconsin river and its sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until <u>March 31, 2007</u> none may be from <u>20" to 28"</u> and only <u>1 may be > 28"</u>	15
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SECTION 19. NR 20.20(33)(b)3. is created to read:

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

(b) Largemouth and smallmouth bass	3. Yellowstone river upstream from county highway F	a. Hook and line.	First Saturday in May to March 1	0 until March 1, 2007, when it becomes 5 in total	14 after March 1, 2007
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SECTION 20. NR 20.20(34)(b)2. is created to read:

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

(b) Largemouth and smallmouth bass	2. McGee lake	a. Hook and line, only artificial lures may be used.	First Saturday in May at 5:00 a.m. to September 30	5 in total	None
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SECTION 21. NR 20.20(34)(bm) is created to read:

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

(bm) Northern pike	1. Post lake (upper and lower)	a. Hook and line.	First Saturday in May to March 1	2	26
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SECTION 22. NR 20.20(35)(g)1. is amended to read:

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

(g) Walleye, sauger and hybrids	1. Wisconsin river upstream from <u>Grandfather dam</u> including sloughs, bayous, and flowages	a. Hook and line.	Continuous	5 in total	15
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SECTION 23. NR 20.20(35)(g)1m. is created to read:

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

(g) Walleye, sauger and hybrids	1m. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"	15
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SECTION 24. NR 20.20(37)(e)3. is created to read:

(37) MARATHON (for species or waters not listed, see sub.(73))

(e) Northern pike	3. Pike lake	a. Hook and line.	First Saturday in May to March 1	2	26
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SECTION 25. NR 20.20(37)(i)1. is amended to read:

(37) MARATHON (for species or waters not listed, see sub.(73))

(i) Walleye, sauger and hybrids	1. Wisconsin river including <u>all</u> sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until <u>March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"</u>	15
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SECTION 25m. NR 20.20(42)(f) is amended to read:

(42) MONROE (for species or waters not listed, see sub.(73))

(f) Walleye, sauger and hybrids	1. Lemonweir river including all connecting flowages, bays, sloughs and bayous, east fork Lemonwier river upstream to highway 173 bridge, south fork Lemonweir river upstream to Tomah dam	a. Hook and line.	Continuous	5 in total but until <u>March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"</u>	15
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SECTION 26. NR 20.20(44)(c)2. is amended to read:

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

(c) Muskellunge	2. Bridge lake, <u>Buckskin lake</u> , Katherine lake, Nokomis lake upstream to Prairie Rapids road, Rainbow flowage, Rice River flowage, Stella lake, Two Sisters lake	a. Hook and line.	Saturday nearest Memorial day to November 30	1	40
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SECTION 27. NR 20.20(44)(g)3. is amended to read:

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

(g) Walleye, Sauger and hybrids	3. Alva, Bearskin, Buckskin, Buffalo, Chain , Crescent, Dam , Diamond, East Horsehead, Echo , Fifth , Fourth , George, Hasbrook, Hat Rapids , Katherine, Lost (T38N R9E S24), Manson, Mercer, Moen <u>chain including Moen, Second, Third, Fourth, Fifth lakes and connecting waters</u> , Muskellunge, Oneida, Pelican, Pine (T37N R9E S4), Sand , Second , Sevenmile, Soo, Squash, and Squirrel, Stone (T39N R9E S32) and Third lakes and Sugar Camp chain including Dam, Sand, Echo, Chain and Stone (T39N R9E S32) lakes and connecting waters	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 28. NR 20.20(44)(g)4. is amended to read:

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

(g) Walleye, sauger and hybrids	4. <u>Maple lake</u> , Stella lake, Thunder lake	a. Hook and line.	First Saturday in May to March 1	3 in total	18
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SECTION 29. NR 20.20(49)(am) is created 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 March 1	5 in total but only 1 may be less than 14" until March 1, 2012	None until March 1, 2012, when it becomes 14
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SECTION 30. NR 20.20(50)(b)1. is repealed and recreated to read:

(50) PORTAGE (for species or waters not listed, see sub.(73))

(b) Largemouth and smallmouth bass	1. Wisconsin river including sloughs bayous and flowages from Stevens Point Flowage dam to Al-Tech Park spillway	a. Hook and line.	Continuous	1 in total	18
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SECTION 31. NR 20.20(50)(b)2. is created to read:

(50) PORTAGE (for species or waters not listed, see sub.(73))

(b) Largemouth and smallmouth bass	2. Jacqueline lake	a. Hook and line.	First Saturday in May to March 1	1 in total	18
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SECTION 32. NR 20.20(50)(b)3. is created to read:

(50) PORTAGE (for species or waters not listed, see sub.(73))

(b) Largemouth and smallmouth bass	3. Bass lake, Pleasant lake, portions of the Wisconsin river not listed in this paragraph, including sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total	14
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SECTION 33. NR 20.20(50)(d)4m. is created to read:

(50) PORTAGE (for species or waters not listed, see sub.(73))

(d) Northern pike	4m. Jacqueline lake	a. Hook and line.	First Saturday in May to March 1	1	32
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SECTION 34. NR 20.20(50)(h)1. is amended to read:

(50) PORTAGE (for species or waters not listed, see sub.(73))

(h) Walleye, sauger and hybrids	1. Bass lake, Pleasant lake, Wisconsin river including all sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total	15
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SECTION 35. NR 20.20(50)(h)2. is created to read:

(50) PORTAGE (for species or waters not listed, see sub.(73))

(h) Walleye, sauger and hybrids	2. Wisconsin river including sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total but until March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"	15
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SECTION 36. NR 20.20(53)(g)1. is amended to read:

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

(g) Walleye, sauger and hybrids	1. Lower Wisconsin river	a. Hook and line.	Continuous	5 <u>3</u> in total	15 <u>Sauger and hybrids 15, walleye 18</u>
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SECTION 37. NR 20.20(56)(j)1. is amended to read:

(56) SAUK (for species or waters not listed, see sub.(73))

(j) Walleye, sauger and hybrids	1. Baraboo river, lower Wisconsin river	a. Hook and line.	Continuous	5 in total	15
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SECTION 38. NR 20.20(56)(j)2. is created to read:

(56) SAUK (for species or waters not listed, see sub.(73))

(j) Walleye, sauger and hybrids	2. Lower Wisconsin river upstream from the Prairie du Sac dam	a. Hook and line.	Continuous	5 in total but until March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"	15
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SECTION 39. NR 20.20(56)(j)3. is created to read:

(56) SAUK (for species or waters not listed, see sub.(73))

(j) Walleye, sauger and hybrids	3. Lower Wisconsin river downstream from the Prairie du Sac dam	a. Hook and line.	Continuous	3 in total	Sauger and hybrids 15, walleye 18
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SECTION 40. NR 20.20(57)(f)3. is created to read:

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

(f) Panfish	3. Chetac lake, Birch lake	a. Hook and line.	Continuous	25 in total but only 10 may be bluegill	None
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SECTION 41. NR 20.20(57)(i)3. is created to read:

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

(i) Walleye, sauger and hybrids	3. Sand lake	a. Hook and line.	First Saturday in May to March 1	1 in total	28
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SECTION 42. NR 20.20(60)(d)4. is amended to read:

(60) ST. CROIX (for species or waters not listed, see sub.(73))

(d) Trout and salmon	4. Willow river and downstream from Willow falls including Little Falls lake and Lake Mallalieu, Race branch (Mounds Pond dam downstream to Lake Mallalieu (excluding Little Falls flowage))	a. Hook and line, only artificial lures may be used, except other baits are allowed from the top of Little Falls dam.	First Saturday in May at 5:00 a.m. to September 30	4 3	16 Brown and rainbow trout 12, brook trout 8
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SECTION 43. NR 20.20(64)(c)7. is created to read:

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

(c) Largemouth and smallmouth bass	7. Sparkling lake	a. Hook and line.	First Saturday in May to Friday preceding the third Saturday in June	0	
			Third Saturday in June to March 1	1 until March 1, 2009, when it becomes 5 in total	18 until March 1, 2009, when it becomes 14

SECTION 44. NR 20.20(64)(d)1m. is created 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 November 30, 2011 when it becomes 34
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SECTION 45. NR 20.20(64)(d)2m. is created to read:

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

(d) Muskellunge	2m. Sparkling lake	a. Hook and line.	Saturday nearest Memorial day to November 30	1	40 until November 30, 2008 when it becomes 34
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SECTION 46. NR 20.20(64)(h)9. is created to read:

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

(h) Walleye, sauger and hybrids	9. Sparkling lake	a. Hook and line.	First Saturday in May to March 1	1 until March 1, 2009 when it becomes 5	28 until March 1, 2009 when it becomes 15
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SECTION 47. NR 20.20(65)(a)2. is amended to read:

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

(a) All species	2. The following posted urban waters: Ceylon lagoon, Congdon park pond, <u>Millpond park pond</u>	a. Hook and line.	Continuous but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None
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SECTION 48. NR 20.20(66)(dm) is created to read:

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

(dm) Panfish	1. Birch lake	a. Hook and line.	Continuous	25 in total but only 10 may be bluegill	None
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SECTION 49. NR 20.20(72)(h)1. is amended to read:

(72) WOOD (for species or waters not listed, see sub.(73))

(h) Walleye, sauger and hybrids	1. Yellow river including <u>all</u> sloughs, bayous and flowages from the highway 54 dam at Dexterville downstream, Wisconsin river including <u>all</u> sloughs, bayous and flowages	a. Hook and line.	Continuous	5 in total <u>but until March 31, 2007 none may be from 20" to 28" and only 1 may be > 28"</u>	15
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SECTION 50. NR 20.20(73)(b)3m. is created to read:

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

(b) Catfish	3m. Lake Winnebago system waters	a. Hook and line.	Continuous	25 in total but until March 31, 2012 only 2 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None
		b. Set or bank pole and setline 500 feet or more from any dam.	Saturday nearest May 20 to September 30	None but until March 31, 2012 only 2 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None

SECTION 51. NR 20.20(73)(b)3s. is created to read:

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

(b) Catfish	3s. All other waters of Calumet, Fond du Lac, Green Lake, Marquette, Outagamie, Shawano, Waupaca, Waushara and Winnebago counties	a. Hook and line.	Continuous	25 in total	None
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SECTION 52. NR 26.14 is created to read:

NR 26.14 Fish Refuges. The following areas are hereby created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from the first Saturday in September to October 15, both dates inclusive, in, on or along the following described areas:

(9) CHIPPEWA COUNTY. That part of the Chippewa river from a point beginning 1,000 feet below the Jim Falls dam located in section 20, township 30 north, range 7 west, and extending downstream to the new CTH Y bridge in section 30, township 30 north, range 7 west.

SECTION 53. NR 26.24(9) is amended to read:

NR 26.24(9) CHIPPEWA COUNTY. (a) That portion of Otter creek from the Otter lake dam in section 11, township 30 north, range 5 west, downstream from a distance of 300 feet.

(b) That portion of the Yellow river from the Cadott (Svetlik) dam in section 31, township 29 north, range 6 west, downstream to the Main Street (also known as 257th street) bridge in Cadott when posted closed to fishing with department signs.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2001.

The foregoing rules shall take effect on April 1, 2002 except section 2, which shall take effect on December 31, 2001, as provided in s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)

REPORT TO LEGISLATURE

NR 20 and 26, Wis. Adm. Code
Sport fishing on the inland, outlying and boundary waters
and fish refuges on the inland waters of Wisconsin

Board Order No. FH-07-01
Clearinghouse Rule No. 01-013

Statement of Need

The following proposed rules were recommended by field and central office staff and were reviewed by the Department and the Great Lakes Indian Fish and Wildlife Commission. The numbers by each proposed change are the vote tallies from the spring fish and game hearings held statewide.

1. Prohibit the use or possession of artificial lights to shine any waters open to sturgeon spearing during the period from 48 hours before and continuing through the open sturgeon spearing season (4,452 - 868).

2. Prohibit the use of ice holes larger than 48 square feet for sturgeon spearing (5,327 - 406).

3. Prohibit the sale of flathead catfish taken by set or bank poles and setlines from the Lake Winnebago system (4,079 - 564) and prohibit the sale of both channel and flathead catfish from the Fox River downstream from Lake Winnebago to the DePere dam (4,075 - 515).

4. Establish a daily bag limit of 2 (3,496 - 1,001) and a possession limit of 10 (3,293 - 923) for flathead catfish on the Lake Winnebago system, whether taken on hook and line, set or bank poles, or setlines, for 10 years.

5. Establish a protected slot limit from 20" to 28", with only 1 > 28" for walleye, sauger and hybrids on the Wisconsin River from the Prairie du Sac dam, Columbia and Sauk Counties, upstream to the Grandfather dam, Lincoln County and on the Yellow River upstream to the dam in Dexterville, Wood County and the Lemonwier river, for 5 years (4,505 - 788).

6. Increase the minimum length limit for walleye from 15" to 18" and reduce the daily bag limit from 5 in total to 3 in total for walleye, sauger, and hybrids on the lower Wisconsin River from the Prairie du Sac dam in Columbia and Sauk Counties downstream to its mouth (3,045 - 1,994).

The following proposals of primarily local interest, which were supported based on local, statewide and regional summaries, respectively, of the voting, are also contained in the attached rule order:

1. Create a seasonal fish refuge from March 1 through May 15 on the Yellow River from the dam in Cadott downstream to the Main Street bridge in Cadott, Chippewa County (78 - 73).

2. Reduce the minimum length limit for muskellunge from 34" to 28" on Owl Lake, Iron County (15 - 2).

3. Establish catch-and-release only for brook trout on Graveyard Creek, Iron County for 10 years (10 - 3).

4. Establish catch-and-release only for largemouth and smallmouth bass on the Yellowstone River upstream from CTH F, Lafayette County for 10 years (56 - 0).

5. Eliminate the minimum length limit for bass on McGee Lake, Langlade County (77 - 0).

6. Establish a 26" minimum length limit and a daily bag limit of 2 for northern pike on Post Lake (upper and lower), Langlade County (47 - 9).

7. Establish a 26" minimum length limit and a daily bag limit of 2 for northern pike on Pike Lake, Marathon County (78 - 7).

8. Increase the minimum length for muskellunge from 34" to 40" on Buckskin Lake, Oneida County (68 - 9).

9. Establish a 15" minimum length limit and daily bag limit of 5 for walleye, sauger, and hybrids on Hat Rapids Flowage, Oneida County, and eliminate the restriction on taking only 1 over 14" (82 - 1).

10. Increase the minimum length limit from 15" to 18" and reduce the daily bag limit from 5 in total to 3 in total for walleye, sauger, and hybrids on Maple Lake, Oneida County (71 - 2).

11. Authorize the harvest of 1 largemouth or smallmouth bass < 14" on Big Round Lake and Balsam Lake, Polk County for 10 years (78 - 1).

12. Increase the minimum length limit from 14" to 18" and reduce the daily bag limit from 5 in total to 1 for largemouth and smallmouth bass on the Wisconsin River from Stevens Point Flowage dam to Al-Tech Park Spillway, Portage County (204 - 0).

13. Increase the minimum length limit from 14" to 18" and reduce the daily bag limit from 5 in total to 1 for largemouth and smallmouth bass and establish a 32" minimum length limit and a daily bag limit of 1 for northern pike on Jacqueline Lake, Portage County (184 - 1).

14. Establish a daily bag limit of 10 for bluegill on Chetac and Birch Lakes, Sawyer and Washburn Counties (83 - 3; 51 - 1, respectively).

15. Increase the minimum length limit from 15" to 28" and reduce the daily bag limit from 5 in total to 1 in total for walleye, sauger, and hybrids on Sand Lake, Sawyer County (82 - 2).

16. Increase the daily bag limit for trout from 1 to 3, reduce the minimum length limit from 16" to 12" for brown and rainbow trout and from 16" to 8" for brook trout, and eliminate the requirement for artificial lures on the Willow River downstream from Willow Falls including Little Falls Lake and Lake Mallalieu and Race Branch, St. Croix County (58 - 0).

17. Establish restrictive harvest regulations for largemouth and smallmouth bass, muskellunge and walleye on Sparkling Lake, Vilas County for 7 years (29 - 8).

18. Increase the minimum length for muskellunge from 34" to 45" on Little Saint Germain Lake, Vilas County, for 10 years (60 - 0).

19. Establish Millpond Park Pond, Walworth County, as an urban fishing water (65 - 5).

Modifications in Response to Public Hearing Comments

The following proposals were modified in response to public comment and are recommended for adoption, as amended:

1. ~~Extend the year-around~~ Create a seasonal fish refuge on the Chippewa River below the Jim Falls Dam from a point 1,000 feet below the dam to the old CTH Y Bridge and create a seasonal fish refuge downstream to the new CTH Y Bridge, Chippewa County, from the last Sunday in August to the first Saturday in May first Saturday in September to October 15 on the Chippewa River from the old CTH Y Bridge downstream to the new CTH Y Bridge, Chippewa County (Chippewa County vote on the two original proposals: 18 - 139 and 21 - 127). We recommend combining the two proposed refuges into one area and establishing a uniform seasonal fish refuge only during the hook and line sturgeon fishing season to address concerns with over-harvest of sturgeon and also to address comments that the extended nature of the refuges in the original proposals would unduly restrict legitimate fishing opportunities within the affected area during other times of the year. A

2. Increase the minimum length limit from 15" to 18" and reduce the daily bag limit from 5 in total to 3 in total for walleye, sauger, and hybrids on Beaver Dam Lake, Dodge County for 5 years (77-105; NOT supported in Dodge County, but the Department recommends advancing this proposal as modified to include a 5 year sunset). X

The following proposal was dropped from further consideration based on lack of substantial public support at the hearings:

1. Increase the minimum length limit from 15" to 28" and reduce the daily bag limit from 5 in total to 1 in total for walleye, sauger, and hybrids on Black Dan, Island, and Winter Lakes, Sawyer County (22 - 43). X

In addition, the Natural Resources Board made the following changes:

1. Section 19 - The 10-year sunset on the catch and release regulations for largemouth and smallmouth bass from the Yellowstone River, Lafayette County, is reduced to a 5-year sunset to accommodate public comments and concerns raised at the hearing related to confusion over the duration of the sunset.

2. Section 53 - Adoption of the fish refuge on the Yellow River is deferred to accommodate the development of a citizen-initiated "sturgeon guard" to address public comments at the hearing related to the loss of shore fishing opportunities for kids in the spring. The rule is modified to allow the Department to put the fish refuge into effect without additional hearings at any time simply by posting if the sturgeon guard is not effective at deterring the ongoing harassment of spawning sturgeon in the area. Conversely, the refuge will not be in effect if it is not posted.

3. Change the effective date of section 2 (sturgeon spearing rules) to be December 31, 2001 to include the upcoming season in February 2002.

Appearances at the Public Hearings and Their Position

Public hearings were held in all 72 counties on April 9, 2001. The vote on each proposed change in indicated above where each proposed change is described.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rules regulate individuals. Therefore, a final regulatory flexibility analysis is not required.

Fiscal Estimate — 1999 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 20

Subject
 Fishing Regulation Changes Proposed for the 2001 Spring Hearings

Fiscal Effect

State: No State Fiscal Effect

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

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.
 Yes No

Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory
 3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

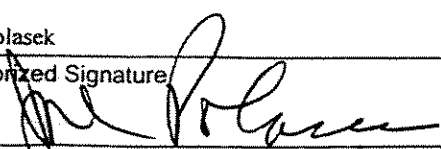
Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF RULE: The Department is proposing a variety of fishing regulation changes for the 2001 Spring Hearings questionnaire, including: Prohibiting the use or possession of artificial lights to shine sturgeon during (and just prior to) the open sturgeon spearing season; prohibiting ice holes larger than 48 square feet for sturgeon spearing; prohibiting the sale of flathead catfish from the Lake Winnebago system; establishing a a 2 daily bag limit and a possession limit of 10 for flathead catfish on the Lake Winnebago system for 10 years; establishing a protected slot limit for walleye, sauger and hybrids from 20" to 28", with only 1 > 28" on the Wisconsin River from the Prairie du Sac dam, Columbia and Sauk Counties, upstream to the Grandfather dam, Lincoln County for 5 years; and increasing the minimum length limit for walleye to 18" and reducing the daily bag limit to 3 in total for walleye, sauger, and hybrids on the lower Wisconsin River downstream from the Prairie du Sac dam, Columbia and Sauk Counties. Also included are 20 fishing regulation changes of primarily local interest and 3 fish refuges to protect sturgeon on the Chippewa and Yellow Rivers, Chippewa County.

FISCAL EFFECT: None.

Long-Range Fiscal Implications

None.

Prepared By:	Telephone No.	Agency
Joe Polasek	608/266-2794	Department of Natural Resources
Authorized Signature: 	Telephone No.	Date (mm/dd/ccyy)
	608/266-2794	11/29/2000