

NR 160

July 30, 1973

Honorable Robert C. Zimmerman
Secretary of State
112 W Capitol
Madison, Wisconsin 53702

Dear Mr. Zimmerman:

Pursuant to section 227.024 (8) of the Wisconsin Statutes, the revisor of statutes is filing a revised version of administrative rules filed by the Department of Natural Resources on July 26, 1973.

The numbering of the chapter has been changed from chapter NR 126 to Chapter NR 160. In addition the internal numbering of the rule has been changed to conform to the style of the administrative rules published in Wisconsin.

Enclosed is a copy of the revised Department of Natural Resources rules.

Sincerely,

Gary L. Poulson
Assistant Revisor

GLP:dm



Received July 24, 1973
3:45 p.m. Larry Paulson

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt
Secretary

BOX 450
MADISON, WISCONSIN 53701

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources, and custodian of the official records of said Department, do hereby certify that the annexed rules and regulations relating to Chapter NR 126 of the Wisconsin Administrative Code were duly approved and adopted by this Department on June 28, 1973.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the City of Madison, this 25th day of July, 1973.

(SEAL)



L. P. Voigt, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

: IN THE MATTER OF creating Chapter
NR 126 of the Wisconsin Administrative : ORDER NO. FA-15-73
Code :

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 144.21, 127.014 and 20.370(5), Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

NR 126.01(1) Point Rating System

In ranking projects for priority for Federal grants the following factors will be considered:

A. Segment Score

The segment score will be determined using the following formula:

$$S = P_p + 10P_T + 10P_{WQ} + P_{GL} + P_{PAB} + 10P_W + P_{SD}$$

P_p = \log_{10} population per square mile based on 1970 census population of communities with sewage treatment plants.

P_T = Number of trout streams (Ref.: DNR "Wisconsin Trout Streams" Publication 213-72) per square mile for the basin within which the segment is located.

P_{WQ} = Percentage difference from maximum observed average (of period of record) of "Water Quality Index" (Ref.: "Social Accounting System for Evaluating Water Resources," by S.H. Dinius, Water Resources Research, Vol. 8, No. 5, October 1972, pp. 1159 ff.) modified and calculated by DNR staff for Wis. DNR 42 monthly manual monitoring station data values. Modification was made to reflect the reduced, not increased, water quality indicated by dissolved oxygen values above saturation.

P_{GL} = 1/2 if the segment is in the Great Lake Basin.
= 0 if the segment is not in the Great Lake Basin.

	<u>Category of Project</u>	<u>Number of Points</u>
(v)	Methods for reducing, storing, treating, separating, or disposing of storm water runoff.	2

(2) Priority Value

The priority value (PV) shall be determined using the following formula:

$$PV = A + B + C + D$$

A = Segment Score

B = Violation Factor

C = Population Factor

D = Category of Project Factor

(3) Project Priority Ranking

Projects will be ranked in order of priority with the highest PV ranked first and the next highest PV ranked second and so on. Exceptions may be made in the following instances:

- (i) Where several mutually required projects, of different ranking are considered for a single discharger the group will be assigned the highest applicable priority value. For projects adjudged by the DNR to be separable, this "group priority" concept will not be applied.
- (ii) Where EPA or DNR enforcement actions (e.g., 180-day notices or pollution abatement orders) are pending, exceptions may be justified in writing by the Department in certifying projects to the U. S. EPA.
- (iii) Where "step three" (construction) grants are not justified, the Department will certify for "step one" (preliminary plans) or "step

two" (plans and specifications) grants. If full step one or step two grants are not justified, grants may be delayed, despite high priority, while miscellaneous requirements are fulfilled pursuant to P.L. 92-500 and the applicable Federal regulations.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 28, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin July 25, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By 

L. P. Voigt, Secretary

(SEAL)

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

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 IN THE MATTER OF repealing Chapters NR 20.04(2); :
 amending NR 20.03(1)(a)(c)(d)(e) and (f), NR 20.03(1)(q) :
 3., NR 20.04(3)(c) 2. 3. 4., NR 20.04(4)(a) 5., NR 20.06(1): Order F-16-73
 (b), NR 20.12(9), NR 20.13(4), NR 21.03, NR 21.03(1), :
 NR 21.03(9), NR 21.09(4), NR 21.13, and NR 23.02(6); :
 repealing and recreating NR 20.16(64)(d), and NR 21.03(11) :
 (12)(a) and (b); and creating NR 20.04(3)(am) 4. a., and :
 NR 20.04(3)(am) 17. h. of the Wisconsin Administrative :
 Code. :
 -----: :

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by Sections 29.085 and 29.174, Wis. Stat., the Natural Resources Board hereby adopts, amends, repeals and creates rules as follows:

SECTION 1. NR 20.03(1)(a)(c)(d)(e)(f) of the Wisconsin Administrative Code are amended to read:

NR 20.03(1)

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
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(a) LARGEMOUTH AND SMALLMOUTH BASS

In all waters of Ashland, Bayfield, Burnett, Iron, Price, Sawyer and Washburn counties-----

Saturday nearest May 1 to March 1	5 of each	10
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In all other waters-----

Saturday nearest May 1 to March 1	5 of each	No size limit
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(c) WALLEYE AND SAUGER

In all waters of Ashland, Barron, Bayfield, Burnett, Polk, Sawyer, Taylor and Washburn counties-----

Saturday nearest May 1 to March 1	5 in aggregate	13
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In all other waters (See also section NR 20.04)----- Saturday nearest May 1 to March 1 5 in aggregate No size limit

(d) NORTHERN PIKE (See also Section NR 20.04)

In all waters of Dane, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Racine, Rock, Sauk and Walworth counties----- Saturday nearest May 1 to March 1 2 (except that there is a daily bag limit of 5 and no minimum length in Wisconsin River in Dane, Sauk, and Iowa counties) 22

In all waters of Ashland, Barron, Bayfield, Burnett, Polk, Sawyer, Taylor and Washburn counties----- Saturday nearest May 1 to March 1 5 18

Shawano lake in Shawano county and all waters in Menominee county----- No closed season 25 No size limit

In all other waters----- Saturday nearest May 1 to March 1 5 No size limit

(e) MUSKELLUNGE (Includes hybrid muskellunge)- Saturday nearest May 1 to November 30 1 30

(f) 1. TROUT AND SALMON (any variety except splake and lake trout) (Bag limit means total of all)----- Saturday nearest May 1 at 5 a.m. to but not including June 1 5 in aggregate 6
 June 1 to September 30 10 in aggregate 6

2. There shall be a special extended open season for trout and salmon in the following waters-----

Saturday 5, of 10
nearest which only
April 1 to, 2 may be
but not in- rainbow
cluding the trout or
Saturday salmon
nearest May 1
and October 1
to November 15

Ashland county:
Bad river from its mouth upstream to Copper falls; Potato river from its mouth upstream to Guerney falls; White river from its mouth upstream to White river dam;
Bayfield county:
Cranberry river from its mouth upstream to the Lenawee road (T50N, R7W, Sec. 28); Fish river and Fish creek from its mouth upstream to the junction of Pine creek (T47N, R6W, Sec. 13); Flag river from its mouth upstream to the junction with the Little Flag river (T49N, R8W, Sec. 2); Iron river from its mouth upstream to Orienta dam; Sioux river from its mouth upstream to Big Rock falls (T49N, R4W, Sec. 19); Siskowitt river from its mouth upstream to second bridge (T41N, R6W, Sec. 35);
Douglas county:
Brule river from its mouth upstream to U.S. Highway #2;
Iron county:
Graveyard creek from its mouth upstream to U.S. Highway #2;
Oronto creek from its mouth upstream to its source; Parker creek from its mouth upstream to its source.

3. There shall be an extended open season for trout and salmon on the following waters----

October 1 5 in 6
to November 15 aggregate

Risk creek pond in Adams county;
Cammerer lake in Ashland county;
Anderson lake, Balsam pond, Beaver lake, Blaisdell lake, Little Hidden, Little Star, Mimi and Nymphia lakes in Bayfield county; Stewart lake and Salmo

pond in Dane county; Anderson lake in Douglas County; Lions Club Youth pond in Eau Claire county; Sand lake (sec. 13, T39N, R18E) in Florence county; Bug, Logger and Valley lakes in Forest county; Upper Zander lake in Green county; Birch lake in Iowa county; Hoffman, Lowe creek pond, Trout Run SCS, Trout Run Church and Oxbow ponds in Jackson county; Pence and Townline lakes in Langlade county; Ament, Hanson, Horgan, Moraine and Tahoe lakes in Lincoln county; Horseshoe lake in Manitowoc county; Cataract, Evans and Hans Biegel ponds in Monroe county; Bass lake (Sec. 15, T39N, R7E) in Oneida county; Kinnickinnic and River Falls ponds in Pierce county; Patterson lake in Price county; Camp Smith lake in Sawyer county; Quarry lake in Sheboygan county; North Twin and Spruce lake in Taylor county; Elewa-Osseo Club and Ettrick ponds in Trempealeau county; Esofea and Timber Coulee ponds in Vernon county; Bluegill, Firefly (Web-er), Little John, Jr., Otto Mielke and Pauto lakes in Vilas county; Sawmill lake in Washburn county; Lannon Park pond in Waukesha county and Keller lake, Waupaca county.

4. There shall be an extended open season for trout and salmon on all other lakes containing trout or salmon except natural spring and spring ponds-----

October 1	5 in	6
to March 1	aggregate	

SECTION 2. NR 20.03(1)(q) 3. of the Wisconsin Administrative Code is amended to read:

NR 20.03(1)(q)

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
3. Lake Winnebago-----	Second Saturday in February	The bag limit on speared	45

to March 1 sturgeon
is one (1)
per season
regardless
of the
water in
which
speared

SECTION 3. NR 20.04(2) of the Wisconsin Administrative Code is repealed.

SECTION 4. NR 20.04(3)(am) 4.a. of the Wisconsin Administrative Code is created to read:

NR 20.04(3)(am) 4.

a. Eau Galle river beginning at the Lake Eau Galle dam in Dunn county downstream to its confluence with the Chippewa river, Pepin county.

SECTION 5. NR 20.04(3)(am) 17. h. of the Wisconsin Administrative Code is created to read:

NR 20.04(3)(am) 17.

h. Waterloo (Maunasha) creek beginning at the dam (Malthouse) at Waterloo in Jefferson county downstream to its confluence with the Crawfish river, Dodge county.

SECTION 6. NR 20.04(3)(c) 2. 3. 4. of the Wisconsin Administrative Code are amended to read:

NR 20.04(3)(c)

2. During the period from the Saturday nearest May 1 to September 15, bag limits, minimum sizes and other regulations governing fish and fishing as set forth in this chapter apply to these streams.

SECTION 7. NR 20.04(4)(a) 5. of the Wisconsin Administrative Code is amended to read:

NR 20.04(4)(a)

5. There is a continuous open season with no daily bag limit or size limit for all species of fish contained in these waters except in Nebish lake there shall be a daily bag limit of 10 trout in aggregate.

SECTION 8. NR 20.06(1)(b) of the Wisconsin Administrative Code is amended to read:

NR 20.06(1)

(b) Trolling. It shall be unlawful for any person to take, capture or kill fish or fish for fish of any variety at any time in the inland waters of the state from a motor-driven boat when the motor is running or from any boat in tow of a motor-driven boat when the motor is running or from any sailboat when in motion; or by means of shutting or drawing off water for that purpose. The restrictions in this paragraph do not apply to the waters of Barron, Bayfield, Burnett, Douglas, Polk, Racine, Rusk and Washburn counties and the following named lakes and rivers including their flowages and sloughs:

Adams County	Jefferson County	Sawyer County
Mason	Koshkonong	Chetac
	Rock	Grindstone
Ashland County	Juneau County	Lac Court Oreilles
Kakagon Slough	Kilburn Flowage	Nelson
Chippewa County	Kenosha County	Price Flowage
Chain	Elizabeth	Round
Holcombe Flowage		Whitefish
Long 32-8	LaCrosse County	Windigo
Clark County	Neshonoc	Shawano County
Arbutus		Shawano
Dane County	Langlade County	Sheboygan County
Crystal	Post (Lower)	Sheboygan Marsh
Kegonsa	Post (Upper)	
Koshkonong	Rollingstone	Taylor County
Mendota	Lincoln County	Chequamegon
Monona	Mohawksin	Mondeaux Flowage
Waubesa	Spirit R. Flowage	Vilas County

Dodge County	Marathon County	Big Portage
Beaver Dam	Big Eau Pleine Reservoir	Black Oak
Fox		Kentuck
Sinnissippi	Marinette County	Laura
	Chalk Hills Flowage	Smoky
Door County	High Falls Reservoir	Stormy
Clarks	Noquebay	Walworth County
Kangaroo		Beulah
	Marquette County	Como
Dunn County	Buffalo	Delavan
Menomin		Geneva
Tainter	Monroe County	Whitewater
	Monroe County Flowage	
Eau Claire County	Oconto County	Washington County
Altoona	Christy	Big Cedar
Big Dells Pond	Machickanee (Stiles Pond)	Pike
Eau Claire	White Potato	
		Waukesha County
Florence County	Oneida County	Big Muskego
Halsey	Columbus	Lac LaBelle
Twin Falls Flowage	Katherine	Little Muskego
	Rainbow Flowage	Nagawicka
Forest County	Rice R. Flowage	Oconomowoc
Butternut	Sugar Camp	Okauchee
Franklin	Thunder	Pewaukee
Kentuck	Willow Flowage	Pine
Lucerne		
Metonga	Portage County	Waupaca County
Pickeral	L. Eau Pleine Flowage	Partridge
Pine		White
Wabicon	Price County	
	Pike	Winnebago County
Green Lake County	Round	Butte des Morts
Green		L. Butte des Morts
Maria	Rock County	Poygan
Puckaway	Koshkonong	Rush
		Winnebago
Jackson County	St. Croix County	Winneconne
Arbutus	Cedar	
	Sauk County	
	Redstone	

Wisconsin river from County Trunk A east of Tomahawk, Lincoln County, downstream, the Chippewa river from Holcombe downstream and the Fox river from Buffalo lake downstream to the dam at DePere.

SECTION 9. NR 20.12(9) of the Wisconsin Administrative Code is amended to read:

NR 20.12

(9) Set lines equipped with not more than 25 hooks and set or bank poles may be used from the Saturday nearest May 20 to September 30 in the following waters: The Wolf river from 500 feet below the dam at Shawano in Shawano county downstream to the mouth of the Rat river in Winnebago county; the Waupaca river in Waupaca county beginning 500 feet below the dam at Weyauwega downstream to the Wolf river; the Embarrass river beginning 500 feet below the dam at Pella in Shawano county downstream to the Wolf river in Waupaca county; the Shioc river in Outagamie county; the Fox river from mile post #63, sometimes known as Johnson creek in Green Lake county downstream to the Eureka dam in Winnebago county. On such set lines it shall be unlawful to use any frog, crayfish or fish or part thereof except that a square chunk cut from fish and live bait of a minimum size of five inches or larger may be used. The bag and size limit established in the season tables shall apply except that there shall be no bag limit on catfish in these waters. In the Wolf river only, catfish shall not be construed to be game fish and may be sold.

SECTION 10. NR 20.13(4) of the Wisconsin Administrative Code is amended to read:

NR 20.13

(4) NAME OF OWNER. All buildings, tents, fish shanties and similar enclosures or shelters maintained, occupied or used for fishing purposes on the ice of any inland waters and outlying waters where so authorized by the Department of Natural Resources or by statute shall have in the English language the name and residential address of the person owning or using the same painted or permanently affixed on the outside thereof with lettering a minimum of one inch square.

SECTION 11. NR 20.16(64)(d) is repealed and recreated to read:

NR 20.16(64)

(d) Spring Creek Sec. 33, T43N, R9E.

SECTION 12. NR 21.03 of the Wisconsin Administrative Code is amended to read:

NR 21.03

Hook and line fishing. The following seasons, bag limits and other rules and regulations for hook and line fishing are established. The possession limit for each species shall be double the daily bag limit.

SECTION 13. NR 21.03(1) of the Wisconsin Administrative Code is amended to read:

NR 21.03

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
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(1) LARGEMOUTH AND SMALLMOUTH BASS			
St. Louis river and St. Croix river downstream to the High- way #10 bridge at Prescott-----	Saturday preceding Memorial Day to March 1	5 in aggregate	No size limit
Mississippi river from Prescott downstream-----	Continuous	5 in aggregate	No size limit

SECTION 14. NR 21.03(9) of the Wisconsin Administrative Code is amended to read:

NR 21.03

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
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(9) CATFISH			
St. Louis river and St. Croix river downstream to the High- way #10 bridge at Prescott-----	Continuous	10 in aggregate	No size limit
Mississippi river from Prescott downstream-----	Continuous	25 in aggregate	No size limit

SECTION 15. NR 21.03(11)(12)(a)(b) of the Wisconsin Administrative Code are repealed and recreated to read:

NR 21.03

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(11) STURGEON (LAKE, ROCK)			
St. Croix, St. Louis and Mississippi rivers -----	Saturday nearest May 1 to October 31	1 per season	40
(12) STURGEON (SHOVELNOSE)			
(a) The Mississippi river from the Red Wing dam upstream and the St. Croix and St. Louis rivers-----	Saturday nearest May 1 to October 31	1 per season	40
(b) The Mississippi river from the Red Wing dam downstream-----	Continuous	10	No size limit

SECTION 16. NR 21.09(4) of the Wisconsin Administrative Code is amended to read:

NR 21.09

(4) Gill nets with a mesh of seven inches stretch measure or larger may be used at all times for the taking of rough fish only, in the water of the Mississippi River and Lake Pepin only; and for taking rough fish under the ice in Lake St. Croix from Highway 64 bridge at Houlton, St. Croix county, downstream to its confluence with the Mississippi river, Pierce county. No gill netting shall be used as a drag seine or drift net at any time.

(a) Every gill net shall be attached to an end stake, pole, or anchored buoy bearing a white flag not less than 16 inches square, with the upper end of the staff extending at least two feet above the water or ice at all times when the net is set or in operation and numbered with the figures at least 3 inches in height corresponding with the number of the license authorizing the

use of such nets.

(b) All gill nets shall be lifted and emptied of fish at least once in every 48-hour period when set in open water and at least once in every 96-hour period when set under the ice, unless a longer period is granted by the department or its agents.

(c) No gill net shall be set in such a manner as to block off to any type of boat travel more than three-fourths the width of any slough, bay or channel.

(d) It is unlawful for any person to set any gill net in the Wisconsin-Minnesota boundary waters of the Mississippi River or Lake Pepin within 300 feet of the mouth of any tributary stream to such boundary waters or to set any gill net in such tributary stream.

SECTION 17. NR 21.13 of the Wisconsin Administrative Code is amended to read:

NR 21.13

Ice fishing shelters. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing purposes on the Mississippi river and Lake Pepin, Lake St. Croix, the St. Croix river and the St. Louis river as defined in section NR 21.01 from the time the ice forms; provided, however, that all such enclosures or shelters shall be removed from the ice on or before March 1 of each year. The door of any such enclosure or shelter shall be equipped with a latch which will permit the door to be readily opened from the outside at all times while the enclosure or shelter is occupied. The name and residential address of the person owning such shelter or enclosure shall be painted or permanently affixed in the English language on the outside thereof with lettering a minimum of one inch square. Residents of Wisconsin or Minnesota angling from a fish house shall comply with the law of their respective states relative to licensing and identification of fish houses. Residents of states other than Wisconsin and Minnesota who hold a nonresident fishing

license from either state shall comply with the law of the issuing state relative to the licensing and identification of fish houses.

SECTION 18. NR 23.02(6) of the Wisconsin Administrative Code is amended to read:

NR 23.02

Kind of fish and locality	Open season (both dates inclusive)	Bag and possession limit	
		Number each day	Minimum length (in.)
(6) ROCK OR LAKE STURGEON	First Saturday in September to November 1	2 per season	50

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 16, 1973.

The rules contained herein shall take effect on January 1, 1974.

Dated at Madison, Wisconsin, this 6th day of September, A.D., 1973.

(Department Seal)

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
By



L. P. Voigt, Secretary

APPROVED:



GOVERNOR

Date