

(7) **REGULAR SEASON DROUGHT RESTRICTIONS FOR TROUT IN CERTAIN WATERS.** (a) *Zero bag limit during regular season.* Notwithstanding the bag limits for trout set out in sub. (5) (c) and Table 1, during the open season beginning May 4, 1991 through September 30, 1991, the daily bag limit for trout is zero fish in the waters of Columbia, Florence, Forest, Grant, Iowa, Lafayette, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Richland, Sauk, Shawano and Vilas counties. All trout caught shall be immediately returned to the water. This paragraph does not apply to Wisconsin - Michigan boundary waters, to streams that flow into Lake Michigan from their mouths upstream to the first dam or lake, or to inland lakes and ponds which contain trout and which are not natural springs or spring ponds.

(b) *Gear restrictions during regular season.* Notwithstanding sub. (5) (e) and Table 1, beginning May 4, 1991 through September 30, 1991 no person may take or catch trout or fish for trout in the waters to which par. (a) applies by any means other than the use of an artificial fly by the method commonly known as "fly fishing" or with the use of artificial lures.

History: 1-2-56; cr. (7), Register, April, 1991, No. 424, eff. 5-1-91.

Note: For a complete history of s. NR 20.03 from 1-2-56 through 10-31-73 see the history note following NR 20.03 as it was printed and released in the October, 1973 Register. For a complete history of s. NR 20.03 from 11-1-73 through 2-28-91 see the history note following NR 20.03 as it was printed and released in the February, 1991 Register.

NR 20.035 Alternate size and bag limits. (1) **PURPOSE.** Notwithstanding any provision of ch. NR 21, 22, 23 or this chapter, for all or part of any inland, boundary or outlying water, the department may apply the alternative size limits, bag limits or both under this section for fish species identified in this section in order to provide for better use and management of the fishery resource of the water to which the proposed alternate limit would apply.

(2) **PROCEDURE.** The department shall follow the procedures in this subsection in applying an alternate size limit or bag limit under this section.

(a) *Notice.* The department shall prepare and distribute a notice of its intent to apply an alternate limit under this section. The notice shall be published as a class 1 notice under ch. 985, Stats., in a general circulation newspaper in the vicinity of the water and, if the proposal has statewide significance, in the official state newspaper. A copy of the notice shall be sent to individuals and organizations which the department believes may be interested in the matter. The notice shall include a description of the water affected, the fish species affected, the alternate limit which will apply, and the date the alternate limit will take effect. The notice shall invite the public to submit written comments and indicate that a public information meeting will be held on the alternate limit if requested in writing within 10 days after the notice is published.

(b) *Public information meeting.* If a public information meeting is requested under par. (a), the department shall conduct the public information meeting in the vicinity of the affected water. At the meeting the department shall describe the factual basis for its intended decision and shall receive comments from the public on the matter.

(c) *Determination.* If, based on facts and information available to it, including comments received in response to the notice and at any public

information meeting which may be held, the department concludes that a condition described in sub. (3) affects fish in a specific water, it shall apply the corresponding alternate limit. The alternate limit shall take effect upon the posting of the notice under par. (d).

(d) *Posting.* The department shall post notice at public access sites on the affected water that an alternate limit applies to a species of fish found in that water. The notice shall set out the name or description of the water or that part of the water to which the proposed alternate limit would apply, the species of fish affected, the corresponding alternate limit and the effective date of the alternate limit.

(e) *List.* The department shall maintain a current list of all waters to which an alternate limit under this section applies. The list shall be available for public inspection at the department's central office during regular office hours.

(3) ALTERNATE LIMIT. (a) *Size limits.* No size limit shall apply to walleye, largemouth bass or smallmouth bass if, for the particular species in a particular water, the department finds:

1. Angler exploitation of the species is less than 15% of the population of fish larger than the original size limit.

2. Total adult mortality for that species is less than 30% of the population.

3. More than 10% of the fish tested of that species in the size range from the originally applicable size limit to 3 inches larger than the originally applicable size limit, in fillets with the skin on, contain .75 parts per million or more mercury, 2 parts per million or more PCB (polychlorinated biphenyl), 5 parts per million or more DDT (dichloro diphenyl trichloroethane), 5 parts per million or more Toxaphene, 0.3 parts per million or more Chlordane, or 0.3 parts per million or more Dieldrin.

4. Walleye males do not grow to a length of at least 13 inches in 4 years or largemouth bass or smallmouth bass do not grow to a length of at least 12 inches in 5 years in all inland waters lying north of a line beginning at the state highway 70 bridge over the St. Croix river, then east on state highway 70 to its intersection with state highway 27, then south on highway 27 to its intersection with state highway 64, then east along highway 64 to its end, then continuing east to the waters of Green Bay or in inland waters of Brown, Kewaunee or Door counties north of a line beginning with the state highway 29 bridge over the Fox river, then east along state highway 29 to its end, then continuing east to Lake Michigan.

5. Largemouth bass or smallmouth bass do not grow to a length of at least 14 inches in 6 years in inland waters other than those identified in subd. 4.

(b) *Bag limits.* If the department finds under sub. (2) that one or more of the following conditions exists in a particular water, the corresponding alternate bag limit shall apply to the named species of fish in that water.

(4) TERMINATION OF ALTERNATE LIMITS. Any time the department has reason to believe that the condition which led to the application of an alternate limit under this section no longer affects a species of fish in a particular water, it may remove the alternate limit by following the pro-

cedures under sub. (2) (a) to (c). Following its determination to remove an alternate limit the department shall remove or modify the posted notices of alternate limits and the original bag limit or size limit shall then apply.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

NR 20.037 Modifications in daily bag limit and minimum size limit in response to tribal harvest. (1) ADJUSTMENT. In order to prevent a total harvest of more than 35% of the adult walleye population or 27% of the adult muskellunge population, the secretary may lower the daily bag limit on walleye and increase the minimum size limit for muskellunge in specific waters in response to the harvest goals of the Chippewa bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until March 1 of the year following the tribal harvest. The safe harvest levels on individual waters shall be determined by the department.

(a) *Walleyes.* The daily bag limit will be reduced when the department is notified by the Chippewa bands of their harvest goals on individual waters. The extent of the reduction depends upon the percent of the safe harvest they intend to take and the age of the population estimate used to determine the safe harvest or if a regression model was used to determine the safe harvest. The daily bag limits to be used with the different percentages and for various basis of determining the safe harvest are as follows:

Daily bag limit	Reduced daily bag limits for walleye angling		
	% of safe harvest to be speared, trapped or netted		
	current pop. est.	pop. est. made 1-2 yrs. ago	pop. est. made 3 yrs. ago or more or regression model.
4	1-7	1-14	1-20
3	8-18	15-39	21-54
2	19-36	40-76	55-84
1	37-68	77-94	85-94
0	69 or more	95 or more	95 or more

(b) *Muskellunge.* The minimum size limit will be increased when the department is notified by the Chippewa bands that their harvest goal on an individual water is 60% or more of the safe harvest. The minimum size limits to be used with different percentages of the safe harvest are as follows:

Increased minimum size limits for muskellunge angling	
% of safe harvest to be speared, trapped or netted by tribes	Minimum size limit
60-94	45 inches
95 or more	55 inches

(2) **READJUSTMENT.** If the Chippewa bands inform the department that they have completed harvesting and their goal has not been reached, the secretary may raise the daily bag limit or reduce the minimum size limit to the limit specified as appropriate using the percent of the safe harvest level expected to be harvested as indicated in sub. (1). If a new population estimate is made, the safe harvest level shall be changed accordingly and the daily bag limit or minimum size limit shall be adjusted according to the percentage of the new safe harvest level that is expected to be harvested as indicated in sub. (1). The readjusted daily bag and size limits shall be in effect until March 1 of the year following the tribal harvest.

(3) BAG AND POSSESSION LIMITS. (a) Reduced daily bag limits calculated pursuant to this section are individual lake limits and may be combined, but no person may exceed a total daily bag limit of 5 walleyes.

(b) While fishing no person may possess fish on any water in excess of the bag limit or under the size limit for that water.

(4) NOTICE. Adjustments and readjustments of bag limits and minimum size limits under subs. (1) and (2) shall become effective upon publication of the adjustment or readjustment in the official newspaper in the area affected.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89

NR 20.04 Open seasons in specified waters. (3) SPECIAL WATERS-LAKES. (a) There shall be no closed season for hook and line fishing for any species of fish except muskellunge, sturgeon and trout in the following described waters; all bag limits, minimum size limits and other regulations governing fish and fishing as set forth in this chapter shall remain in full force and effect:

8. Calumet county-Winnebago
11. Columbia county-Columbia
13. Dane county-Koshkonong
14. Dodge county-Lost and Sinissippi
17. Dunn county-Dunville bottoms
20. Fond du Lac county-Mullet and Winnebago
24. Green Lake county-Big Green, Maria and Puckaway
28. Jefferson county-Bean, Goose, Hahms, Koshkonong, Red Cedar and Mud (at Koshkonong)
39. Marquette county-Buffalo
50. Portage county-Bass and Pleasant
54. Rock county-Koshkonong
60. Sheboygan county-Sheboygan marsh
69. Waupaca county-Campbell, Crystal, Cynco (Rice), Kinney, Partridge and Partridge Crop
70. Waushara county-Fish (at Wautoma), Beans, Pine (at Hancock), Poygan and Big Twin
71. Winnebago county-Butte des Morts, Little Butte des Morts, Poygan, and Winneconne, and Winnebago

(am) SPECIAL WATERS-RIVERS AND STREAMS. There shall be no closed season for hook and line fishing for any species of fish except muskellunge, sturgeon and trout in the following described rivers, streams, and impoundments thereon; all bag limits, minimum size limits and other regulations governing fish and fishing as set forth in this chapter shall remain in full force and effect:

1. Baraboo river in Sauk and Columbia counties.

3. Chippewa river including sloughs, bayous and flowages from the Holcombe dam in Chippewa county downstream to the Burlington Northern railroad bridge in Buffalo and Pepin counties, and streams flowing into this part of the Chippewa river from their mouths up to the first highway or railroad bridge.

a. Yellow river from Lake Wissota upstream to the Suetlik dam at Cadott in Chippewa county.

4. Eau Claire river including sloughs and bayous in Eau Claire county from the Altoona dam downstream to its confluence with the Chippewa river.

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

5. Embarrass river beginning at the dam at Pella in Shawano county downstream to the Wolf river in Outagamie county.

6. Fond du Lac river within the city limits of Fond du Lac in Fond du Lac county.

7. Fox river downstream from the westerly crossing of highway #33 at Portage in Columbia county and in Marquette, Green Lake, Waushara, Winnebago and Outagamie counties downstream to the dam at De Pere in Brown county.

a. Puckyan river in Green Lake county.

8. Fox river in Kenosha county and upstream in Racine county to the Waterford dam.

9. Grand river from the Grand River wildlife area dam downstream to the Fox river, all in Marquette county.

10. La Crosse river including Lake Neshonoc sloughs and bayous from the Perch lake dam at Sparta downstream to the Mississippi river.

11. Lemonweir river including all connecting flowages, bays, sloughs and bayous in Juneau and Monroe counties and the East Fork Lemonweir upstream to the highway #173 bridge and the South Fork Lemonweir upstream to the Tomah dam.

12. Little Wolf river in Waupaca county beginning at the dam at Manawa downstream to the Wolf river.

13. Pecatonica river in Iowa, Lafayette and Green counties.

14. Pine river in Waushara county beginning at the dam at Poysippi downstream to Lake Poygan.

15. Pumpkinseed creek in Winnebago county from county trunk "D" bridge downstream to Lake Poygan.

16. Red Cedar river including all connecting sloughs and bayous in Dunn county from its confluence with the Chippewa river to the Lake Menomin Northern States Power Dam.

17. Rock river waters.

- a. Rock river in Fond du Lac, Dodge, Jefferson and Rock counties and all waters in the Horicon marsh.
- b. Crawfish river in Columbia, Dodge and Jefferson counties.
- c. Beaver Dam river beginning at the dam in the city of Beaver Dam in Dodge county downstream to the Crawfish river.
- d. Scuppernong river beginning at the dam at Palmyra in Jefferson county downstream to the Bark river.
- e. Bark river beginning at the dam at Hebron in Jefferson county downstream to the Rock river.
- f. Yahara river beginning at the dam at Fulton in Rock county downstream to the Rock river.
- g. Busseyville creek in Dane and Jefferson counties beginning at the Rockdale dam downstream to Lake Koshkonong.
- h. Waterloo (Maunessa) creek beginning at the dam (Malthouse) at Waterloo in Jefferson county downstream to its confluence with the Crawfish river, Dodge county.
18. Rubicon river in Dodge county.
19. Shioc river in Outagamie county.
20. Waupaca river in Waupaca county beginning at the dam at Weyauwega downstream to the Wolf river.
21. White river below dam at Burlington to Fox river in Racine county.
22. Wildcat river in Dodge county.
23. Willow river in Waushara county beginning at the dam at Auroraville downstream to Lake Poygan.
24. Wisconsin river including all sloughs, bayous and flowages from the St. Regis dam in Rhinelander, Oneida county, downstream to the Burlington Northern railroad bridge in Crawford and Grant counties and streams in Columbia county flowing into the Wisconsin river from their mouths upstream to the first highway bridge, except the Baraboo river which has the year round season for its entire length.
25. Wolf river in Winnebago, Waupaca and Outagamie counties and in Shawano county upstream to the dam in the city of Shawano.
26. Yellow river including all sloughs, bayous and flowages from the highway 54 dam at Dexterville, Wood county, downstream to its confluence with the Castle Rock flowage in Juneau county.
27. Yellowstone river from the dam downstream in Lafayette county.

(b) The department shall open the season for fishing with dip nets in any waters when it finds after scientific investigation and study that the fish populations in such waters are threatened with imminent mortality because of depletion of dissolved oxygen or other adverse habitat conditions under which fish will not survive. During such open season all species of fish may be taken by means of dip nets not more than 3 feet in diameter or 3 feet square, but no person shall have more than 25 pounds

and one fish of any species of game fish of any size so taken in his possession. No person shall fish with more than one such dip net. Such open season shall be put into effect by posting a notice thereof on or in the vicinity of the shore of the waters affected, such posting being deemed by the department to be the most feasible way of notifying the public that such open season for fishing with dip nets is in effect. Such open season shall remain in full force and effect only so long as such waters are covered with ice and so long as such posting is continued.

(c) Except for streams posted pursuant to ch. NR 26, there is no closed season for hook and line fishing for any species of fish except lake trout, muskellunge, sturgeon, smallmouth bass and largemouth bass on any stream tributary to Lake Michigan or Green Bay, upstream to the first dam or lake except the Kewaunee river where this rule applies upstream to the third county highway "C" bridge.

(d) During the period of October 1 to but not including the first Saturday in May of the following May, annually, upstream to the first dam or lake on any stream tributary to Lake Michigan or Green Bay, except the Kewaunee river where this paragraph applies upstream to the third county hwy. "C" bridge, hook and line fishing is restricted to baits using a hook with a maximum gape size of one-half inch from point to shank. During this period, fishing with hook and line is prohibited between one-half hour after sunset and one-half hour before sunrise on all streams tributary to Lake Michigan and Green Bay except the Menominee river, Oconto river and its tributaries and the Fox river.

(4) EXPERIMENTAL WATERS; PERMITS; REPORTS. (a) It shall be unlawful for any person to take, catch or kill fish or fish for fish in the waters of Nebish, Spruce, Mystery, Escanaba and Palette lakes situated in sections 34 and 35, township 42 north, range 7 east, and sections 1, 2, 3, 10, 11 and 12, township 41 north, range 7 east, Vilas county except under the following conditions:

1. Fishing in such waters is authorized only under permit, which may be secured at the checking stations indicated by posted signs in the immediate area.

2. Fishing in such waters is restricted to hook and line or rod and reel with fishing in Spruce lake further restricted to the use of artificial lures only and except that cisco may be taken in Palette lake by means of dip nets or seines described under s. NR 20.11 (2).

3. The provisions of this section shall apply to such waters throughout the year.

4. All permits are valid only for the date issued and shall be turned in at the checking stations at the termination of each day's fishing activities by the fisher.

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 for the following: In Nebish lake, no person may take smallmouth bass from 9 to 12 inches long and there is a daily bag limit of 5 for smallmouth bass; in Palette lake, no person may take smallmouth bass less than 16 inches long, there is a daily bag limit of 2 for smallmouth bass and there is no open season through 1991 for lake trout; and in Spruce lake, no person may take largemouth bass less than 12 inches long and there is a daily bag limit of 2 for largemouth bass.

6. All fish taken pursuant to this section shall be exhibited to the department or its agents at the checking station for examination, identification and marking.

History: 1-2-56; am. (3) (a) 28.56 and 71, (3) (am) 7, cr. (3) (am) 3 a, 7 a and 24 a and r. (4) (c) 1 and 2, Register, January, 1975, No. 229, eff. 2-1-75; am. (3) (c) 2, 3, and 4, Register, October, 1975, No. 238, eff. 11-1-75; am. (3) (am) (intro.), (c) 2, 3, and 4, r. (4) (c) Register, November, 1975, No. 239, eff. 12-1-75; am. (4), r. (5) (a) 3 and cr. (7) and (8), Register, December, 1976, No. 252, eff. 1-1-77; am. (7) (a) and (b), Register, March, 1977, No. 255, eff. 4-1-77; am. (3) (c) 2 to 4, Register, December, 1977, No. 264, eff. 2-1-78; am. (3) (a) 69, (am) 3, and 24, (b), (4) (a) 5, Register, December, 1978, No. 276, eff. 1-1-79; r. (3) (c) 4.1, cr. (8) (c) and am. (3) (c) 4.b., Register, December, 1979, No. 288, eff. 1-1-80; emerg. cr. (7) (e), eff. 4-1-80; cr. (7) (e), Register, October, 1980, No. 298, eff. 11-1-80; am. (7) (e) and r. (8) (a) 1. a., Register, December, 1980, No. 300, eff. 1-1-81; reprinted to correct error, Register, April, 1981, No. 304; am. (2) (c) 4. c., Register, August, 1981, No. 308, eff. 9-1-81; am. (3) (a) 14., (3) (c) 4. d., (4) (a) 2, and 5., Register, December, 1981, No. 312, eff. 1-1-82; am. (3) (c) 3, and 4, intro., b., d. and f., r. and recr. (7) (e), renum. (8) to be (9), cr. (8), Register, December, 1982, No. 324, eff. 1-1-83; renum. (3) (c) 1, and 2, to be (3) (c) and (d) and am., renum. (3) (c) 3, and 4, to be (3) (d) 1, and 2., renum. (3) (c) 4. j. to be 2.1, Register, April, 1983, No. 328, eff. 5-1-83; am. (3) (d) 1, and 2, intro. and h., (4) (a) 5., r. (3) (d) 2.a., r. and recr. (7) and (8), renum. (9) to be (8) and am. (8) (b), cr. (8) (d), Register, December, 1983, No. 336, eff. 1-1-84; am. (3) (d) 2. e., Register, September, 1984, No. 345, eff. 10-1-84; am. (3) (d) 2, intro. (4) (a) 2, and 5., (7) (d) and (8) (b), cr. (7) (e), Register, December, 1984, No. 348, eff. 1-1-85; r. (3) (d) 2. i., Register, September, 1985, No. 357, eff. 10-1-85; cr. (7) (f) and (g), am. (8) (a), (b) and (c), Register, December, 1985, No. 360, eff. 1-1-86; renum. (3) (am) 26. to be 27., cr. (3) (a) 11, and (3) (am) 26., r. and recr. (3) (am) 3, and 24., Register, November, 1986, No. 371, eff. 12-1-86; am. (4) (a) 5., Register, April, 1987, No. 376, eff. 5-1-87; r. and recr. (3) (d), Register, June, 1987, No. 378, eff. 7-1-87; r. (3) (a) 56., am. (3) (am) 13., cr. (7) (h), Register, December, 1987, No. 384, eff. 1-1-88; am. (3) (c), Register, July, 1988, No. 391, eff. 8-1-88; r. and recr. (4) (a) 5., Register, June, 1989, No. 402, eff. 7-1-89; emerg. cr. (4m) eff. 8-4-89; r. (5) to (8), Register, December, 1989, No. 408, eff. 1-1-90; am. (3) (a) 14., Register, September, 1990, No. 417, eff. 10-1-90; am. (3) (c), Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (a) 69, and (3) (am) 9., r. (3) (am) 2., Register, February, 1991, No. 422, eff. 3-1-91.

Note: For a complete history of NR 20.04 see the history note for NR 20.04 as it appeared in the December, 1974 Administrative Register.

NR 20.06 Prohibited fishing under particular conditions. (1) (a) *IWaters and methods.* No person shall take, capture, or kill fish of any variety or fish for fish during the closed season for trout in streams and creeks containing trout except that rough fish may be taken by hand.

(b) *Trolling.* No person may fish 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 unless the person is backtrolling. Casting and immediate re-