

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 20.20 (3) (f) 2.; to amend NR 20.20 (2) (g), (4) (i), (9) (g), (16) (h), (18) (h) 2., (19) (e), (21) (h), (26) (g), (34) (e), (35) (g), (37) (i), (44) (b) 4., (44) (g), (49) (f), (51) (g), (55) (e), (57) (i), (61) (d), (64) (h), (66) (g), 20.36 (1), (1) (a), and (2), 23.05 (5) (h), and 23.055 (1) and (1) (a); and to create NR 20.20 (38) (f), (43) (f), and (73) (o) 6m., relating to modifications in walleye harvest management in Ceded Territory waters.

FH-17-14(E)

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: Sections 29.014 (1), 29.041, and 29.053 (2), Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

2. Statutory Authority: ss. 29.014 (1), 29.041, and 29.053 (2), Stats.

3. Explanation of Agency Authority:

Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 29.053 (2), Stats., provides that the department may establish conditions governing the taking of fish for the state as a whole, for counties or parts of counties, or for waterbodies or parts of waterbodies.

4. Related Statutes or Rules: The department is promulgating an emergency and permanent rule (FH-18-14) on this same subject. The department is also concurrently proposing a rule, FH-14-14, to change multiple fishing regulations statewide that does not take effect until January and April 2016. The changes in this emergency and permanent rule would supersede those in FH-14-14 if the effective dates overlap.

5. Plain Language Analysis: The department finds that an emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption associated with reductions in walleye bag limits on off-reservation waters. Pursuant to treaties signed between the six Wisconsin bands of Lake Superior Ojibwe and the United States and affirmed by *Lac Courte Oreilles v Voigt*, 700 F. 2d 341 (7th Cir. 1983), the bands have the right to harvest fish from off-reservation waters using efficient methods such as spearing and netting. The current model of reducing angling bag limits in response to annual tribal declarations to ensure a sustainable walleye harvest has become increasingly unpredictable in recent fishing seasons, and angling harvest management may be better accomplished with a stable set of regulations that achieve results similar to annual bag limit adjustments.

Current Methods:

Based on *projected* harvest goals of the Chippewa Bands on off-reservation lakes each year, daily bag limits for sport anglers (typically 5 walleye/day) are adjusted to prevent a total harvest of more than 35% of the adult walleye population. Adjustments to 3, 2, or 1 walleye/day bag limits are typically made in

early spring using safe harvest levels determined by the department on individual waters within the Wisconsin Ceded Territory.

Taking into account *actual* Chippewa harvest of walleye, the department raises the daily bag limit as appropriate using the percent of the safe harvest level expected to be harvested through the first Sunday in March of the following year. These readjustments are typically made in late spring or early summer, after spring spearing and netting harvest has diminished.

Rule Proposal:

This rule would prevent the need to make adjustments to daily bag limits and size limits for walleye in the Wisconsin Ceded Territory. Instead, all lakes, rivers, and streams in the Ceded Territory would have a daily bag limit of 3 walleye (walleye, sauger, or hybrids) with varying size limits. The 3-fish daily bag limit and size limits would be applied to specific waters to prevent a total harvest (tribal and non-tribal) of more than 35% of the adult walleye population in those waters, which preserves a sustainable walleye fishery.

Under this rule, a “Ceded Territory walleye management zone” is being created in addition to a 3 fish daily bag limit. Walleye in most waters in the Ceded Territory would have a minimum size limit of 15 inches, except walleye between 20 and 24 inches may not be kept and only 1 walleye larger than 24 inches may be kept. Unless a different regulation was requested by the local fisheries biologist to ensure better management of the walleye population in a specific water, lakes would have size limits based on the following table:

If the current regulation is:	→	Then it will become this under the rule:
15" minimum size, 5 fish daily bag limit (general statewide walleye regulations)		15" minimum size, 20-24" protected slot, and 1 fish may be >24", 3 fish daily bag limit
No minimum size, 5 fish daily bag limit		No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, but only 1 fish may be >14", 3 or 5 fish daily bag limit		No minimum size, but only 1 fish may be >14", 3 fish daily bag limit
No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 or 5 fish daily bag limit		No minimum size, 14-18" protected slot, and 1 fish may be >18", 3 fish daily bag limit
18" minimum size, 3 fish daily bag limit		18" minimum size, 3 fish daily bag limit
28" minimum size, 1 fish daily bag limit		28" minimum size, 1 fish daily bag limit

SECTIONS 1 through 6 make the changes noted above in the 30 counties that are completely or partially within the Ceded Territory. SECTION 8 changes the walleye bag limits to 3 fish per day on Wisconsin-Michigan boundary waters. No changes are made to Wisconsin-Minnesota boundary waters. The regulation changes follow the Ceded Territory boundary line, not county boundary lines.

In addition, SECTION 5 creates a catch-and-release only walleye fishery in the Minocqua and Tomahawk chains of lakes in Oneida County. Out of mutual concern for the walleye population in these mixed-fishery chains of Ceded Territory lakes, representatives of the Lac Du Flambeau Chippewa Tribe, the Headwaters Basin Chapter of Walleyes for Tomorrow, the Department, and the Great Lakes Indian Fish and Wildlife Commission have collaboratively developed a plan for a cooperative rehabilitation project. It seeks to restore healthy, self-sustaining walleye populations with a density of at least three adult fish per acre in Minocqua and Kawaguesaga lakes, and to improve the age diversity and abundance of walleye in Tomahawk Lake. All parties mentioned have agreed to not harvest walleye in the Minocqua chain of lakes for a period of five years - until March 2020 - at which point limited harvest would be permitted.

SECTIONS 7 and 9 update the language that specifies how modifications in daily bag limits or size limits may be made in response to Chippewa harvest levels in the Ceded Territory, including Wisconsin-Michigan boundary waters.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

7. Comparison with Similar Rules in Adjacent States: Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits, and size limits. Specific seasons and bag and size limits may differ for species among the surrounding states, but the general principles are similar. Michigan, Minnesota, Iowa, and Illinois all have statewide seasons and bag and size limits for fish species, along with special or experimental regulations on individual waters.

In Minnesota, several Bands of Lake Superior Chippewa have harvested walleye and northern pike from Mille Lacs since 2000. Annual allowable total catch quotas are calculated for the lake and apportioned between tribal members and anglers. The State of Minnesota adjusts the size of fish allowed for angler harvest annually (a “harvest slot” limit), based on walleye population size and the age composition of that population.

Off-reservation spear harvest also occurs in Michigan, and the state of Michigan and the Great Lakes Indian Fish and Wildlife Commission use the same model for calculating Safe Harvest that is used in Wisconsin. Michigan has no specific response to tribal harvest in the regulations for state anglers but may consider such adjustments in the near future.

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

The department currently regulates anglers’ harvest of walleye through a combination of daily bag limits, harvest-length restrictions, and season closures. The current statewide base regulation for walleye management is a 15-inch minimum size restriction in conjunction with a 5-fish daily bag limit, but numerous other regulatory combinations are used to manage angling harvest depending upon lake- or river-specific situations.

In the Ceded Territory, a “sliding bag limit system” - where daily bag limits are adjusted during the fishing season to prevent a total harvest of more than 35% of the adult walleye population - has been used since 1991 and has shown to be effective in managing walleye exploitation among all anglers. However, concerns about the system have been expressed by many anglers and business interests in northern Wisconsin, including the annual uncertainty resulting from sliding bag limits that occur between March and May, and the resulting bag limits of 1 or 2 walleye per day. Comments received by the department state that these regulations discourage anglers from fishing on affected lakes to the economic detriment of associated businesses. Public input from both anglers and business interests suggests that a stable daily bag limit of 3 walleye may be a preferable tool for walleye harvest management, even if it means more restrictive size limits would be needed to achieve the same level of angling harvest reduction.

The department investigated the potential impact of various harvest size restrictions in conjunction with a 3-walleye daily bag limit using creel survey data collected from anglers. Creel survey data allows for determination of the proportion of walleye that would be excluded from harvest if a more restrictive harvest regulation were put in place.

In lakes with a 15-inch minimum harvest size restriction, the addition of a 20-24 inch protected slot limit

could potentially more than offset any increased harvest expected from a bag limit increase from 2 to 3 walleye/day. Based on 2013 angling regulations, lakes with 15-inch minimum harvest restrictions account for 71% of all Ceded Territory walleye waters and 46% of mixed fishery waters.

Evaluation of creel survey data illustrates that, on average, changing ‘No minimum size’ regulations to ‘No minimum but only one fish may be greater than 14 inches’ regulations would result in up to a 10.7% reduction in the harvest of adult walleye and up to a 10.8% reduction in the total number of walleye harvested from those waters. These regulations are applied to waters with high walleye recruitment and slow growth due to high population density. The harvest of young and small adult fish is encouraged to ‘thin’ the population, allow for increased growth of remaining fish and increase potential for higher proportions of large fish in the population.

Protected slot regulations can be expected to have a far greater impact in controlling or reducing angler exploitation than ‘1-over’ regulations which allow harvest of one fish larger than a given length in an angler’s daily bag limit. Further, the relative impact of protected slot regulations for fish greater than 20 inches would be limited where harvest of small fish predominates, and greatest where numbers and harvest of large fish is more prevalent.

If angler bag limits are standardized to 3 walleye/day in the Ceded Territory and regulations were modified to add a ‘1 over 14 inch’ component to existing ‘no minimum harvest size’ regulations and a 20 to 24-inch protected slot limit added to existing 15-inch minimum size regulations, the department expects that angler harvest would increase in approximately 33% of Ceded Territory mixed fishery waters, and remain similar or be slightly reduced in approximately 67% of Ceded Territory mixed fishery waters.

Lakes where increased harvest would be expected are those that currently have ‘No minimum size but only one fish >14 inches’ regulation or a ‘14 to 18-inch protected slot limit’ regulation. As previously noted, these regulations are applied to waters with high recruitment and slow walleye growth due to high fish density. The harvest of young fish is encouraged to “thin” the population, allow for increased growth of remaining fish and increase the potential for more large fish in the population. In these cases, some level of additional harvest may improve size structure and quality of the fishery.

The proposed rule is sufficient to control overall angler exploitation of walleye at a sustainable rate that is well within the bounds established by Federal Court rulings, and will not increase angler harvest in the majority of Ceded Territory lakes except as noted above. The rule will potentially allow for development of improved size structure within walleye spawning populations in many fisheries. The rule does not regulate tribal harvest. It is crafted to minimize the risk that total walleye harvest will not exceed 35% of the adult walleye population.

The department ensures the accuracy, integrity, objectivity and consistency of data used in preparing the proposed rule.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report: The rule change would impact sport anglers. Changes in angling regulations enacted to accommodate declared, expected, or realized tribal harvest could potentially alleviate or minimize regional social and economic disruption sometimes associated with reductions in walleye bag limits on off-reservation waters within the Ceded Territory. Exact economic impact of the rule is unknown, but more predictable, stable angling regulations may have a positive indirect impact on fishing-related businesses.

10. Effect on Small Business (initial regulatory flexibility analysis): It is not expected that there will be

any effect on small business directly related to these rule changes. The rule does not impose any reporting requirements on small businesses nor are any design or operational standards contained in the rule.

11. Agency Contact Person:

Steve Hewett, Fisheries Management Section Chief
 Department of Natural Resources
 P.O. Box 7921
 Madison, WI 53707-7921
 Phone: 608-267-7501
 Fax: 608-266-2244
 Steven.Hewett@wisconsin.gov

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to the contact listed above. Written comments may also be submitted to the Department using the Wisconsin Administrative Rules Internet website at <http://adminrules.wisconsin.gov>. Hearing dates and the comment submission deadline are to be determined.

SECTION 1. NR 20.20 (2) (g) is amended to read:

NR 20.20 (2) ASHLAND (for species or waters not listed, including Lake Superior, see sub.

(73))

(g) Walleye, sauger and hybrids	1. Spider lake, Moquah lake <u>Spider-Moquah chain of lakes</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	3. Gordon lake, Lake Galilee , Zielke lake, North Fork Flambeau river and its tributaries upstream to the first dam or lake, Mineral lake, Spillerburg lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14" <u>3 in total</u>	None but only 1 may be longer than 14
	4. All tributaries and connected sloughs to Lake Superior	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 20"	<u>15 but only 1 may be longer than 20</u>
	5. Spillerburg lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None

SECTION 2. NR 20.20 (3) (f) 2. is repealed.

SECTION 3. NR 20.20 (4) (i), (9) (g), (16) (h), (18) (h) 2., (19) (e), (21) (h), (26) (g), (34) (e), (35) (g), and (37) (i) are amended to read:

NR 20.20 (4) BAYFIELD (for species or waters not listed, including Lake Superior, see sub.

(73))

(i) Walleye, sauger and hybrids	1. Bony lake, Jackson lake, Middle Eau Claire lake, Nomekagon lake, Pike Lake chain (includes Buskey Bay lake, Millicent lake, Hart lake, Twin Bear lake, Eagle lake, Flynn lake and McCarry lake <u>combined</u>)	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14" 3 in total	None <u>except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18</u>
	2. All tributaries to Lake Superior and their connected sloughs	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 20"	15 but only 1 may be longer than 20
	3. Diamond lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total but only 1 may be longer than 28"	15, except the possession of fish from 20" to 28" is prohibited
	4. Lake Owen, <u>Lower Eau Claire lake, Upper Eau Claire lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

NR 20.20 (9) (g) CHIPPEWA (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. Chippewa river and its impoundments and tributaries upstream to the first dam or lake including Yellow river upstream to the Suetlik dam at Cadott and its tributaries upstream to the first dam or lake, Long lake (T32N R8W) including Herde lake, Dark lake (T32N R8W), Jump river and its tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5, but only 1 may be longer than 18 inches 3 in total	No minimum length, <u>except the possession of fish from 14" through 18" is prohibited</u> None except the <u>possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18</u>
	2. <u>Long lake (T32N R8W) including Herde lake and Dark lake, Sand lake</u>	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	3 in total	18

NR 20.20 (16) (h) DOUGLAS (for species or waters not listed, including Lake Superior, see **sub.**

(73)). Note: Allouez bay, Little Pokegama bay, Kimballs bay and Pokegama bay are considered part of the St. Louis river, a Wisconsin–Minnesota boundary water. See ch. NR 21. The Nemadji river is an

inland water that is contiguous with these Wisconsin–Minnesota boundary waters but is regulated under this subsection.

(h) Walleye, sauger and hybrids	1. Nemadji river	a. Hook and line	Saturday 2 weeks prior to the Saturday nearest Memorial day to March 1	2 in total	15
	2. Tributaries to Lake Superior and their connected sloughs upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 20"	15, <u>but only 1 may be longer than 20</u>
	3. Beauregard lake , Minong flowage including Cranberry lake and upstream to the confluence of Totagatic river and Bergen creek in Washburn county	a. Hook and line	First Saturday in May to the first Sunday in March	5 3 in total	None, but only 1 may be longer than 14
	4. <u>Amnicon lake</u> , Lake Nebagamon, <u>Lower Eau Claire lake</u> , <u>Red Lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

NR 20.20 (18) EAU CLAIRE (for species or waters not listed see sub. (73))

(h) Walleye, sauger and hybrids	2. Chippewa river upstream from Dells Pond dam including sloughs, bayous, flowages and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total, but only 1 may be longer than 18 inches 3 in total	No minimum length, except the possession of fish from 14" through 18" is prohibited <u>None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18</u>
---------------------------------	--	------------------	--	--	--

NR 20.20 (19) FLORENCE (for species or waters not listed, see sub. (73))

(e) Walleye, sauger and hybrids	1. Keyes lake, <u>Sea Lion lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
---------------------------------	-------------------------------------	------------------	--	------------	----

NR 20.20 (21) FOREST (for species or waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	1. Crane <u>lake</u> , <u>Franklin lake</u> , <u>Hilbert lake</u> , <u>Jungle lake</u> , <u>Lucerne lake</u> , <u>Metonga lake</u> , and <u>Pickerel lakes lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
---------------------------------	---	------------------	--	------------	----

2. Butternut and Franklin lakes	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18"	None except the possession of fish from 14" through 18" is prohibited
--	------------------	--	--	---

NR 20.20 (26) IRON (for species or waters not listed, including Lake Superior, see sub. (73))

(g) Walleye, sauger and hybrids	1. Grand Portage lake, Mercer lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	3. Catherine lake, Cedar lake, Echo lake, Gile flowage, Island lake, Little Oxbow lake, Oxbow lake, Pine lake, Randall lake, Sherman lake, Spider lake, North Fork Flambeau river and its tributaries, West Branch Montreal river, Turtle river upstream from Echo lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 3 in total	None, but only 1 may be longer than 14
	4. Tributaries to Lake Superior and their connected sloughs	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15, but only 1 fish may be longer than 20
	5. Wilson lake, Bear river, Flambeau river upstream of Turtle-Flambeau flowage, Little Turtle river, Manitowish river (including Benson lake, Sturgeon lake, and Vance lake), Trude lake, Turtle-Flambeau flowage	a. Hook and line	First Saturday in May to the first Sunday in March	5 3 in total	None
	6. <u>Sherman lake</u>	<u>a. Hook and line</u>	<u>Continuous</u>	<u>None</u>	<u>None</u>

NR 20.20 (34) LANGLADE (for species or waters not listed see sub. (73))

(e) Walleye, sauger and hybrids	1. <u>Jessie lake, Pickerel lake, Rolling Stone lake, Rose lake, Sawyer lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	2. Jesse lake, Rose lake, Sawyer lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14"	None
	3. <u>Enterprise lake</u>	<u>a. Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total but only 1 may be longer than 18"</u>	<u>None but the possession of fish from 14 through 18 inches is prohibited</u>

NR 20.20 (35) LINCOLN (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. Wisconsin river upstream from Grandfather dam to Kings dam including sloughs, bayous and flowages upstream to the first dam or highway bridge, except the boundary of the Wisconsin and Somo rivers is the Tomahawk Railway Railroad bridge on the west side of lake Mohawksin, the boundary of the Wisconsin and Tomahawk rivers is the Canadian National Railroad bridge nearest Baymill road, and the boundary of the Wisconsin and Spirit rivers is the confluence of the Spirit river with the Wisconsin river located one mile south of the Spirit river dam	a. Hook and line	Continuous	5 <u>3</u> in total	15 <u>except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>
	1g. Wisconsin river upstream from Kings dam including sloughs, bayous, and flowages upstream to the first dam or highway bridge	a. Hook and line	First Saturday in May to the First Sunday in March	5 <u>3</u> in total	15 <u>except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>
	1m. Wisconsin river downstream from Grandfather dam including sloughs, bayous and flowages upstream to the first dam or highway bridge	a. Hook and line	Continuous	5 <u>3</u> in total	15 <u>except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28</u>
	2. Pesobie lake	a. Hook and line	First Saturday in May to the First Sunday in March	5 in total but only 1 fish may be longer than 14	None
	2. Rice River Flowage chain (Bridge lake, Deer lake, Nokomis lake, and Rice lake combined)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 <u>except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>

NR 20.20 (37) MARATHON (for species or waters not listed see sub. (73))

(i) Walleye, sauger and hybrids	1. Wisconsin river <u>downstream of the Wausau dam (in Wausau) including sloughs, bayous and flowages upstream to the first dam or highway bridge except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the south-bound lane of Interstate 39, Eau Claire river downstream from the Schofield dam and the eastern boundary of the Wisconsin river and the Eau Claire river is the Schofield dam</u>	a. Hook and line	Continuous	5 in total	15 minimum, but except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28
	2. <u>Wisconsin river upstream of the Wausau dam (in Wausau) including sloughs, bayous and flowages upstream to the first dam or highway bridge</u>	a. Hook and line	Continuous	3 in total	15 <u>except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28</u>
	3. <u>Big Eau Pleine reservoir (upstream from Dam road)</u>	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	3 in total	15 <u>except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>
	2-4. Big Rib river downstream from highway 29, Johnson creek, Little Eau Claire river, Little Eau Pleine river, Peplin creek	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	15 minimum, but except the possession of fish from 20 to 28 is prohibited and only 1 fish may be longer than 28

SECTION 4. NR 20.20 (38) (f) and (43) (f) are created to read:

NR 20.20 (38) MARINETTE (for species or waters not listed, including Green Bay and its tributaries, see sub. (73))

(f) Walleye, sauger and hybrids	1. Big Newton lake, Eagle lake, Hilbert lake, Little Newton lake, Oneonta lake, Thunder lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
---------------------------------	--	------------------	--	------------	----

NR 20.20 (43) OCONTO (for species or waters not listed, including Green Bay and its tributaries, see sub. (73))

(f) Walleye, sauger and hybrids	1. Archibald lake, Bass lake, Bear lake, Boot lake, Chain lake, Crooked lake, Horn lake, John lake, Maiden lake, Munger lake, Reservoir pond, Surprise lake, Townsend flowage, Waubee lake, Wheeler lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
---------------------------------	--	------------------	--	------------	----

SECTION 5. NR 20.20 (44) (b) 4., (44) (g), (49) (f), (51) (g), (55) (e), (57) (i), (61) (d), (64) (h), and (66) (g) are amended to read:

NR 20.20 (44) ONEIDA (for species or waters not listed see sub. (73))

(b) Largemouth and smallmouth bass	4. <u>Minocqua chain (includes Jerome, Kawaguesaga, Little Tomahawk, Mid, Minocqua, and Mud, and Tomahawk lakes, Minocqua Thoroughfare, Tomahawk Thoroughfare, and connecting waters), Tomahawk chain (includes Little Tomahawk lake and Tomahawk lake)</u>	a. Hook and line	First Saturday in May to Friday preceding the third Saturday in June	0 for smallmouth bass, 5 for largemouth bass	None for largemouth bass only
			Third Saturday in June to the first Sunday in March	5 in total	None

NR 20.20 (44) ONEIDA (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	<p>1. Three lakes chain (includes Big, Big Fork, Big Stone, Crystal, Deer, Dog, Fourmile, Island, Laurel, Little Fork, Long, Medicine, Moccasin, Planting Ground, Rangeline, Round, Spirit, Townline, Virgin and Whitefish lakes, all connecting waters and Eagle river downstream to Vilas county line the Long Lake (Burnt Rollways) dam), Alva, Bearskin lake, Buckskin lake, Buffalo, Crescent lake, Diamond, George lake, Hasbrook lake, Katherine lake, Lost (T38N R9E S24), Mercer lake, Moen chain including Moen, Second, Third, Fourth, Fifth lakes and connecting waters, Muskellunge, Oneida lake, Pine (T37N R9E S4), Soo, Squash and Squirrel lakes and Sugar Camp chain including Dam, Sand, Echo, Chain and Stone (T39N R9E S32) lakes and connecting waters Squirrel lake</p>	a. Hook and line	First Saturday in May to the first Sunday in March	<p>5 in total but only 1 may be longer than 14"</p> <p>3 in total</p>	<p>None except only 1 fish may be longer than 14</p>
	<p>2. Maple lake, Minocqua chain (includes Kawaguesaga, Little Tomahawk, Mid, Minocqua Mud, and Tomahawk lakes and connecting waters), North Nokomis lake, Sevenmile lake, Shishebogama lake, Squash lake, Stella lake, Thunder lake, Two Sisters lake</p>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
	<p>3. Shishebogama lake</p>	a. Hook and line	First Saturday in May to the first Sunday in March	<p>3 in total unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>	<p>18 unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>
	<p>4. Minocqua chain (includes Jerome, Kawaguesaga, Mid, Minocqua, and Mud lakes, Minocqua Thoroughfare, Tomahawk Thoroughfare, and connecting waters), Tomahawk chain (includes Little Tomahawk lake and Tomahawk lake)</p>	a. Hook and line	First Saturday in May to the first Sunday in March	<p>0, catch and release only</p>	—
	<p>5. Diamond lake</p>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	<p>None except the possession of fish from 14 to 18 is prohibited and only 1 fish may be longer than 18</p>

<u>6. Rice River Flowage chain (Bridge lake, Deer lake, Nokomis lake, and Rice lake combined)</u>	a. <u>Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>
---	-------------------------	---	-------------------	---

NR 20.20 (49) POLK (for species or waters not listed see sub. (73))

(f) Walleye, sauger and hybrids	1. Cedar lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total but only 1 may be larger than 18	None except the possession of fish from 14 to 18 is prohibited and only <u>1 fish may be longer than 18</u>
	2. <u>Balsam lake, Big Round lake, Big Butternut lake, Half Moon lake, Pipe and North Pipe lakes combined, Ward lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	<u>3 in total</u>	18

NR 20.20 (51) PRICE (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. North Spirit lake, Spirit lake, Thompson lake, Whitcomb lake, Jump river and its tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18" <u>3 in total</u>	None but <u>except the possession of fish from 14 to 18 inches is prohibited and only 1 fish may be longer than 18</u>
	2. North Fork Flambeau river and South Fork Flambeau river including their impoundments and tributaries upstream to the first dam or lake, <u>Elk river from Musser flowage dam downstream to its confluence with South Fork Flambeau river including the Phillips chain of lakes (Duroy, Elk, Long, and Wilson lakes combined), Butternut lake, Grassy lake, Lac Sault Dore, Pike chain of lakes (Amik, Pike, Round, and Turner lakes combined), Solberg lake (including its tributaries upstream to the first dam or highway bridge and all of Squaw Creek)</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14" <u>3 in total</u>	None but <u>only 1 fish may be longer than 14</u>

NR 20.20 (55) RUSK (for species or waters not listed see sub. (73))

(e) Walleye, sauger and hybrids	1. Chippewa river and all tributaries upstream to the first dam or lake, Flambeau river upstream to the Thornapple flowage dam including all tributaries upstream to the first dam or lake, Jump river and its tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18" <u>3 in total</u>	None but except the possession of fish from 14 to 18 inches is prohibited <u>and only 1 fish may be longer than 18</u>
	2. Flambeau river upstream from the Thornapple flowage dam including impoundments and tributaries upstream to the first dam or lake, south fork Flambeau river and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14" <u>3 in total</u>	None <u>but only 1 fish may be longer than 14</u>
	3. Chain, Clear, Island, McCann lakes (Island chain of lakes), and connecting waters, <u>Pulaski lake, Sand lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

NR 20.20 (57) SAWYER (for species or waters not listed see sub. (73))

(i) Walleye, sauger and hybrids	1. Grindstone lake, Chippewa river downstream from Radisson flowage including all tributaries upstream to the first dam or lake, Winter lake and Brunet river upstream from Winter lake to the Lake Loretta dam	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18" <u>3 in total</u>	None but except the possession of fish from 14 to 18 inches is prohibited <u>and only 1 fish may be longer than 18</u>
	2. Flambeau river, north fork Flambeau river and south fork Flambeau river including their tributaries upstream to the first dam or lake, <u>West Fork Chippewa river upstream to FR 174, Moose lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 14" <u>3 in total</u>	None <u>but only 1 fish may be longer than 14</u>
	3. Clear lake	a. Hook and line	First Saturday in May to the first Sunday in March	1	28
	4. Big Chetac lake, Birch lake, Black Dan lake, <u>Durphee lake</u> , Island lake (T39N R5W S2), <u>Osprey lake</u> , Sand lake, including Sissabagama creek upstream to Sand lake road, Nelson lake, Sissabagama lake, and Whitefish lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

5. Chippewa flowage and all connected waters within T39N R6, T39N R7, T39N R8, T40N R6, T40N R7, T40N R8 except the Chippewa river downstream from the Chippewa flowage (Winter) dam	a. Hook and line	First Saturday in May to November 30	5 3 in total	None <u>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>
--	------------------	--------------------------------------	-------------------------	---

NR 20.20 (61) TAYLOR (for species or waters not listed see sub. (73))

(d) Walleye, sauger and hybrids	1. Diamond lake, North Harper lake, Sackett lake, South Harper lake, Jump river and tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18" <u>3 in total</u>	None but except the possession of fish from 14 to 18 inches is prohibited <u>and only 1 fish may be longer than 18</u>
---------------------------------	--	------------------	--	--	---

NR 20.20 (64) VILAS (for species or waters not listed see sub. (73))

(h) Walleye, sauger and hybrids	1. Trout lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15
	2. Eagle chain (includes Catfish, Cranberry, Duck, Eagle, Lynx, Otter, Scattering Rice, Voyageur, Watersmeet including Wisconsin river from Otter Rapids dam to county highway G, Yellow birch lake, all connecting waters and Eagle river upstream to <u>Oneida county line the Long Lake (Burnt Rollways) dam in Oneida county); Big Portage lake, Forest lake, Lost Canoe lake, Plum lake, West Plum lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total but only 1 may be longer than 18"	None except the possession of fish from 14" through 18" <u>14 to 18 is prohibited and only 1 fish may be longer than 18</u>
	3. Anvil, Big Portage, Forest, Lost Canoe, and Plum lakes	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total but only 1 may be longer than 18"	None except the possession of fish from 14" through 18" <u>is prohibited</u>

<p>4. Alder, Averill, Big(T42N R6E S4), Big Arbor Vitae, Big Muskellunge, Birch, Boulder, Buckskin, Clear, Crab, Emily, Fawn(T42N R5E S11), Fishtrap, Harris, High, Kentuck, Ike Walton, Island, Laura, Little Arbor Vitae, Little Star, Manitowish, North Crab, North Turtle, Oxbow, Presque Isle chain (includes Averill, Presque Isle, and Van Vliet lakes combined), Rest, Rock, Rush, South Turtle, Spider, Squaw, Star, Stone, Van Vliet, and Wild Rice lakes, Big Crooked lake (T42N R6E S12), Jenny lake, Sanford lake, Pike chain of lakes (Amik, Pike, Round, and Turner lakes combined) on the Price county border</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>5 in total but only 1 may be longer than 14" 3 in total</p>	<p>None but only 1 fish may be longer than 14</p>
<p>5. Big Crooked (T42N R6E S12), Jenny lake, Sanford lake, Bear river, Manitowish river (including Benson lake, Sturgeon lake, and Vance lake)</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>5 3 in total</p>	<p>None</p>
<p>6. Big Crooked lake (T41N R5E S22), Gunlock lake, Lac du Flambeau Chain (includes Big Crawling Stone, Little Crawling Stone, Little Sand, Fence, Flambeau, Long Interlaken, Moss, North Placid, Pokegama, South Placid, To To Tom, White Sand(T41N R5E S27) and Whitefish lakes and all connecting waters) and Little Trout lake</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>	<p>18 unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>
<p>8. All other waters wholly within the area commonly known as the Lac du Flambeau reservation</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>	<p>15 unless otherwise posted at public boat landings pursuant to s. NR 20.37</p>
<p>9. Sparkling lake</p>	<p>a. Hook and line</p>	<p>First Saturday in May to the first Sunday in March</p>	<p>3 in total</p>	<p>18</p>
<p>10. Escanaba lake</p>	<p>a. Hook and line. Daily permit required. (see s. 20.14 41)</p>	<p>Continuous</p>	<p>1 in total</p>	<p>28</p>

11. <u>Deerskin lake, Found lake, Gunlock lake, Little Trout lake, Long lake, Dead Pike lake, Shishebogama lake, Sparkling lake, and White Sand (T42 N R7E S27) lakes</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
12. Sherman lake	a. Hook and line	Continuous	None	None
13. <u>Nebish lake, Palette lake, Mystery lake, Spruce lake</u>	a. <u>Hook and line</u>	<u>Continuous</u>	<u>5 in total</u>	<u>15</u>
14. <u>North and South Twin lakes combined</u>	a. <u>Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	<u>3 in total</u>	<u>15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24</u>

NR 20.20 (66) WASHBURN (for species or waters not listed see sub. (73))

(g) Walleye, sauger and hybrids	1. Bass (Patterson) lake, Minong flowage upstream to the confluence of Totagatic river and Bergen creek, <u>Shell lake</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 <u>3</u> in total	None, but only 1 may be longer than 14
	2. Shell lake	a. <u>Hook and line</u>	<u>First Saturday in May to the first Sunday in March</u>	5 in total	None
	3. Balsam lake, Birch lake, Red Cedar lake, Long lake, Middle McKenzie lake, Nancy lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

SECTION 6. NR 20.20 (73) (o) 6m. is created to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(o) Walleye, sauger and walleye-sauger hybrids	6m. All waters wholly within and lakes partially within the Ceded Territory as defined in NR 13.02(1)	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	15 except the possession of fish from 20 to 24 is prohibited and only 1 fish may be longer than 24
--	---	------------------	--	------------	--

SECTION 7. NR 20.36 (1), (1) (a), and (2) are amended to read:

NR 20.36 (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 or adjust size limits for walleye or muskellunge ~~and increase the minimum size limit for muskellunge~~ in specific waters in response to the harvest goals or actual harvest of the Chippewa ~~bands~~ Bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until the first Sunday in March 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~~ may be reduced ~~when the department is notified by the Chippewa bands of their harvest goals on individual waters.~~ in response to harvest by the Chippewa Bands' spear, net, or trap fisheries. The extent of the reduction depends upon the percent of the safe harvest ~~they intend to take~~ taken 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:

<u>Reduced Daily Bag Limits for Walleye Angling</u> <u>Percent of safe harvest speared, trapped or netted</u>			
Daily bag limit	Current population estimate	Population estimate made 1-2 years ago	Population estimate made 3 years 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

NR 20.36 (2) READJUSTMENT. In response to actual tribal harvest, 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 through the first Sunday in March of the next year as indicated in sub. (1). If actual harvest subsequently exceeds the expected harvest level, the daily bag limit ~~for walleye may be reduced~~ or the minimum size limit ~~for muskellunge may be increased~~ adjusted the

following year to reflect actual harvest for that year and harvest goals of the Chippewa ~~bands~~ Bands for the next year. If a new population estimate is made, the safe harvest level shall be changed accordingly and the secretary may adjust the daily bag limit or minimum size limit according to the percentage of the new safe harvest level that is expected to be harvested as indicated in sub. (1), where deemed necessary to remain consistent with the safety factors established under *Lac Courte Oreilles v. State of Wis.*, 707 F. Supp. 1034 (W. D. Wis. 1989). The readjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest.

SECTION 8. NR 23.05 (5) (h) is amended to read:

NR 23.05 (5) (h) WALLEYE AND SAUGER

1. In lakes	First Saturday in May to March 1	5 <u>3</u> in total	15
2. In rivers & impoundments	March 2 to the Friday before the first Saturday in May	1 in total	15
	First Saturday in May to March 1	5 <u>3</u> in total	15

SECTION 9. NR 23.055 (1) and (1) (a) are amended to read:

NR 23.055 (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 or adjust size limits for walleye or muskellunge ~~and increase the minimum size limit for muskellunge~~ in specific waters in response to the harvest goals or actual harvest of the Chippewa ~~bands~~ Bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until the first Sunday in March 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~~ may be reduced ~~when the department is notified by the Chippewa bands of their harvest goals on individual waters.~~ in response to harvest by the Chippewa Bands' spear, net, or trap fisheries. The extent of the reduction depends upon the percent of the safe

harvest ~~they intend to take~~ taken 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:

Reduced Daily Bag Limits for Walleye Angling % of safe harvest to be speared, trapped or netted			
Daily bag limit	<u>Current pop. est. population estimate</u>	<u>pop. est. made 1-2 yrs. ago Population estimate made 1-2 years ago</u>	<u>pop. est. made 3 yrs. ago Population estimate made 3 years ago or more or regression model</u>
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

SECTION 10. STATEMENT OF EMERGENCY. The department finds that an emergency rule is needed to promote the preservation and protection of public peace, health, safety, and welfare in the Ceded Territory of Wisconsin by minimizing regional social and economic disruption associated with reductions in walleye bag limits on off-reservation waters.

SECTION 11. EFFECTIVE DATE. This rule shall take effect on May 2, 2015, after publication in the official state newspaper, as provided in s. 227.24(1)(d), Stats..

SECTION 13. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 8, 2015.