

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

The statement of scope for this rule, SS 114-14, was approved by the Governor on October 31, 2014, published in Register No. 707 on November 15, 2014, and approved by the Natural Resources Board on December 10, 2014. This permanent rule was approved by the Governor on June 23, 2015.

The Wisconsin Natural Resources Board proposes an order to repeal NR 20.16 (1) (a) 2. and 21.04 (11) (b), amend NR 20.03 (31) (a), 20.16 (1) (a) and (a) 1., 20.18 (12) (a), 21.04 (7), (8) (a), (11) (a), and (13) (a), 25.10 (1) (b) 1., 3., and 8., and 25.10 (3); to repeal and recreate NR 20.20 and 26; and to create NR 19.001 (3m), 19.05 (4), and 21.04 (7) (c) relating to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

FH-14-14

Analysis Prepared by the Department of Natural Resources

1. Statutes Interpreted: Sections 23.09 (2) (c), 23.22 (2), 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. 23.09 (2) (c), 23.22 (2), 29.014 (1), 29.041, and 29.053(2), Stats.

3. Explanation of Agency Authority:

Section 23.09 (2) (c), Stats., provides that the department may designate fish refuges to secure the perpetuation and adequate supply of any species of fish and provide safe retreats in which fish may breed and replenish adjacent fishing waters.

Section 23.22 (2), Stats., directs the department to establish a statewide program to control invasive species, which are nonindigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health. The department created ch. NR 40, Wis. Adm. Code, which lists several species of Asian carp as prohibited invasive species.

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. It also allows the department to establish a fishing season on specified bodies of water in certain urban areas to allow fishing only by persons who are under 16 years old or who are disabled, as specified in s. 29.193 (3) (a), (b), or (c), Stats.

4. Related Statutes or Rules:

The department is concurrently proposing a rule (FH-12-14) addressing minor changes to administrative code relating to the regulation of fishing. The rule is being pursued to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The objectives are to remove sections of code that are outdated or have been replaced by other statute or code changes, correct errors that occurred during the drafting of rules, and add or repeal language to clarify intent of original rules. FH-12-14 code changes within s. NR 20.20 are reflected in this rule language.

The department has also concurrently proposed a rule (FH-34-13, CR14-029) to allow trolling statewide. It was effective July 1, 2015. This rule reflects those code changes within s. NR 20.20. The rule was approved by the Governor's Office of Regulatory Compliance in February 2015. Legislative review ended on May 13, 2015.

The department is also concurrently working on a permanent rule (FH-18-14) in which changes are made to walleye daily bag limits and size limits in waters within the Ceded Territory. Changes to NR 20.20 within that rule include and/or supersede any walleye regulation changes in FH-14-14. Both rules are expected to be in effect approximately April 1, 2016. The department will work with the Legislative Reference Bureau to ensure the rules are incorporated correctly into the Administrative Code.

5. Plain Language Analysis:

With this rule, the department will make changes to fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. Fishing regulations are in place to help meet management goals and objectives for waters and their fish species, such as providing a trophy walleye fishery or a bass fishery that maximizes predation on smaller fishes. The regulation proposals included in this rule are based on surveys and analyses conducted by fish biologists and input from local stakeholders and the Wisconsin Conservation Congress.

SECTIONS 1 and 2 create a definition of "Asian carp" and require that all Asian carp transported within or through Wisconsin must have been eviscerated (disemboweled/gutted) or the gills plate completely severed so that the fish cannot be revived under any circumstances. This is another tool to help the department work with other states and federal agencies to prevent Asian carp from becoming established in the Upper Mississippi River and in the Great Lakes.

SECTIONS 3, 4, 5, 6, 7, and 13, along with individual county bag and size limit regulations in SECTION 8, put in place new regulations to manage trout on inland waters statewide, including:

- For all inland lakes and ponds, including put-and-take lakes and ponds stocked with trout, implement a statewide open season from the first Saturday in May to the first Sunday in March, which matches the general game fish open season, and a daily bag and size limit that matches the county base regulation (either 5 trout of any length may be kept per day or 3 trout may be kept per day if they are at least 8 inches). A small number of lakes will have special regulations that differ from their county base regulation.
- Expand seasonal trout fishing opportunities on inland streams and connected springs and spring ponds by:
 - beginning the early catch and release season (on streams where it currently exists) on the first Saturday in January and ending on the Friday preceding the first Saturday in May
 - extending the end of the trout open season by two weeks from September 30 to October 15
- Change the total daily bag limit for trout from inland waters to 5 in total but only 2 may be lake trout, and clarify that the possession limit for trout from inland waters is 10.

- Change inland trout size limits and bag limits in every county of the state, which reduces the number of special regulation types, allows additional harvest opportunities, improves the range of sizes of trout, protects species from harvest in some waters, and expands opportunities to catch trophy-sized trout in other waters.

SECTION 8 repeals and recreates s. NR 20.20, which is the list of most of the fishing regulations throughout the State. Amendments to the table include the trout bag and size limit changes in every county that are mentioned above, as well as the following summary:

- Apply one of the following panfish regulation options to approximately 100 lakes (counts differ if lakes in a chain are counted separately) in order to evaluate angler acceptance and the extent to which each regulation improves panfish average size. All of these regulations will sunset on March 1, 2026.

- 25/10 - a total of 25 panfish may be kept per day but no more than 10 of any one species

- Spawning season 15/5 – a total of 25 panfish may be kept per day except during May and June when a total of 15 panfish may be kept per day, but no more than 5 of any one species

- 15/5 - a total of 15 panfish may be kept per day, but no more than 5 of any one species year round

- Allow 25 panfish of any size to be kept per day except only 5 or fewer sunfish (bluegill and pumpkinseed) may be over 7 inches on Big Sand Lake, Gunlock Lake, and Shishebogama Lake in Vilas and Oneida Counties and the Cloverleaf Chain of Lakes (Round, Grass, and Pine lakes) in Shawano County

- Make regulations consistent between the connected Jackson and Namekagon lakes and clarify in Administrative Code and the regulations book that Garden Lake is part of Namekagon Lake in Bayfield County

- Amend regulations for all species on Long, Herde, and Dark lakes in Chippewa County so that they will be applied to the lake chain as a whole (Long Lake Chain), and now allow largemouth bass of any length to be kept and maintain an 18-inch minimum length limit for smallmouth bass with a combined bag limit of 5 fish, but only 1 may be smallmouth bass on Long Lake Chain

- Allow only 3 walleye to be kept and they must be at least 18 inches, and allow 5 largemouth and smallmouth bass of any length to be kept in the following waters: Upper and Lower Eau Claire lakes in Bayfield and Douglas counties; Sand Lake in Chippewa County; Squash Lake in Oneida County; Balsam Lake in Polk County; Pulaski Lake in Rusk County, and Durphee and Osprey lakes in Sawyer County

- Allow both largemouth and smallmouth bass of any length to be kept and maintain a combined daily bag limit of 5 on the following waters:

- Beaver Lake in Ashland County

- McDermott Lake in Iron County

- Julia Lake (near Rhinelander) in Oneida County

- Riley Lake and Twin Lake in Price County

- Blueberry Lake, Smith Lake, and Spider Lake Chain (Big Spider Lake, Little Spider Lake, Clear Lake, Fawn Lake, and North Lake) in Sawyer County

- Kathryn Lake, North Twin Lake, South Twin Lake, and Spruce Lake in Taylor County

- Osseo Club Pond in Trempealeau County

- Crooked Lake, Pence Lake, Rogers Lake, Saul Spring, and Townline Lake (T33N R10E S6) in Langlade County and Ament Lake, Henson Lake, Larson Lake, Moraine Lake, and Tahoe Lake in Lincoln County

- Allow 5 largemouth and smallmouth bass of any size to be kept per day except all bass from 14 to 18 inches must be released and only 1 fish may be greater than 18 inches on the following waters:

- Round Lake in Chippewa County

- Spread Eagle Chain of Lakes, Keyes Lake, and Halsey Lake, Florence County

- Turtle-Flambeau Flowage and Trude Lake in Iron County

- Gunlock Lake and Shishebogama Lake in Oneida and Vilas Counties
- Allow largemouth bass of any length to be kept, retain the 14-inch minimum length limit for smallmouth bass, and maintain a combined daily bag limit of 5 on Chippewa Flowage and Quiet Lakes Chain (Lost Land Lake, Teal Lake, and Teal River Flowage) in Sawyer County
 - Allow largemouth bass of any length to be kept, establish an 18-inch minimum length limit for smallmouth bass, and maintain a combined daily bag limit of 5 bass, of which only 1 could be a smallmouth bass on Lac Courte Oreilles Chain (Lac Courte Oreilles, Little Lac Courte Oreilles, and Billy Boy Flowage) and Round Lake Chain (Round Lake and Little Round Lake at T41N-R8W-S36) in Sawyer County
 - Allow 5 walleye of any size to be kept, except only one walleye 14 inches or longer may be harvested per day in the following waters:
 - Spillerberg Lake in Ashland County
 - Pike Chain of Lakes (Amik, Pike, Round, and Turner lakes) in Price and Vilas counties
 - 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), Grassy Lake, Solberg Lake (including its tributaries upstream to the 1st dam and all of Squaw Creek), and Lac Sault Dore (a.k.a. Soo Lake) in Price County
 - Moose Lake and West Fork Chippewa River upstream to FR 174 in Sawyer County
- Allow only 3 walleye to be kept per day and they must be at least 18 inches on the following waters:
 - Sea Lion Lake and the Spread Eagle Chain of Lakes in Florence County
 - Archibald, Bass, Boot, Maiden, and Wheeler Lakes in Oconto County
 - Shawano Lake (including Washington Lake, Shawano Lake Outlet Channel, Wolf River Pond, and Wolf River upstream to Balsam Row Dam) in Shawano County
 - Deerskin Lake in Vilas County
 - Nagawicka Lake, Pine Lake and Pewaukee Lake in Waukesha County
 - Big Cedar Lake and Gilbert Lake in Washington County
- Allow only 1 walleye to be kept per day and it must be at least 28 inches on Lac LaBelle in Waukesha County
- Allow only 10 panfish to be kept per day on Hodge Lake in Chippewa County
- Require that kept muskellunge be at least 40 inches on the Spider Lake Chain (includes Big Spider, Little Spider, Clear, Fawn, and North lakes), the Tiger Cat Chain (includes McClaine, Upper Twin, Lower Twin, Tiger Cat Flowage, Burns, and Placid), Mud/Callahan lakes, and North Fork Chief River from the Tiger Cat Dam downstream to Mud Lake in Sawyer County
 - Allow only 1 northern pike to be kept per day and it must be at least 40 inches on Lake Ellwood in Florence County
 - Allow only 2 northern pike to be kept per day and they must be at least 26 inches on Caroline Pond in Shawano County
 - Allow only 1 northern pike to be kept per day and it must be at least 32 inches on the following lakes in Waukesha and Walworth counties:
 - Lac LaBelle
 - Pewaukee Lake
 - Eagle Spring Lake, Lulu Lake (Walworth County) and connecting portions of the Mukwonago River
- Remove the regulation sunset and continue to allow only 2 northern pike to be kept per day and they must be at least 26 inches on Marion Millpond in Waupaca County
- Allow 5 northern pike of any size to be kept per day on Alpine Lake in Waushara County and Sharon Lake in Marquette County
- Add Wiedenbach Park Pond in Washington County to the urban fishing program
- Remove special regulations and use the general statewide or countywide length and bag limits for certain species on 25 waters in 8 counties

SECTIONS 9, 10, 11, and 12 apply new regulations on Wisconsin-Minnesota boundary waters that will make the regulations consistent between the Wisconsin and Minnesota waters of the Mississippi, St. Croix and St. Louis rivers, reducing angler confusion and improving ease of enforcement:

- Establish a uniform open season (from the Saturday nearest Memorial Day to November 30) and require that kept muskellunge be at least 50 inches on the Mississippi, St. Croix and St. Louis rivers and the Nemadji River, Douglas County
- Allow catch and release angling for lake sturgeon in the Mississippi River upstream of Red Wing Dam and the St. Croix River from Prescott to the Dam at the Gordon Flowage from June 16 through March 1; and allow catch and release angling for lake sturgeon on the St. Louis River, Nemadji River in Douglas County, and Mississippi River downstream from Red Wing Dam from June 16 through April 14
- Open a catch and release only season for shovelnose sturgeon from June 16 to March 1 on waters of the Mississippi, St. Croix, and St. Louis rivers upstream of Red Wing Dam, with a closed season March 2 to June 15

SECTIONS 14 and 15 update references to ch. NR 26 within ch. NR 25.

SECTION 16 repeals and recreates ch. NR 26, the list of fish refuges throughout the State. This proposal removes or modifies 51 of the 140 existing fish refuges, resulting in 110 inland fish refuges. No changes were made to refuges in Lake Superior. This list is the result of discussions between fish biologists and wardens. No new refuges are added.

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.

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

The general policy behind fishing regulations is to protect and enhance fish populations while providing diverse fishing opportunities throughout the State. That policy will be continued and enhanced by these rule changes.

The accuracy, integrity, objectivity, and consistency of data in all rule change proposals submitted by fish biologists was insured through peer-review of proposals by Fisheries Management supervisors and the Bureau Director, species management teams, and the Bureaus of Law Enforcement and Legal Services. Proposals were discussed with Wisconsin Conservation Congress members and with fisheries biologists employed by the Great Lakes Indian Fish and Wildlife Commission. They were presented at the Spring Fish and Wildlife Public Hearings that occurred in every county of the State on April 13, 2015. Proposals that reduce regulation complexity or eliminate a special regulation in favor of a statewide one were given preference.

Not making the proposed rule changes would result in less than optimal management of fish populations in the waterbodies and reduced fishing opportunities for resident and visiting anglers. However, existing regulations would remain in place to provide some level of continued protection of fish resources.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

It is not expected that there will be any economic impact or change directly related to these rule changes. The proposed rule will primarily affect sport anglers. Regulations are already in place and this rule is intended to continue protection and enhancement of the State's fish resources. One result of the rule may be maintenance of the general economic impact of fishing throughout Wisconsin.

The department conducted an economic impact analysis in March 2015 to determine if any individuals, businesses, local governments, or other entities expect to be adversely affected economically by the rule. No comments were submitted to the department. The proposed rule does not impose any reporting requirements on small businesses nor are any design or operational standards contained in the rule.

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 proposed 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:

Kate Strom Hiorns, Fisheries Policy Specialist
Department of Natural Resources
P.O. Box 7921, 101 S. Webster St., Madison, WI 53707-7921
Phone: 608-266-0828 or 266-5206
Fax: 608-266-2244
Email: kathryn.stromhiorns@wisconsin.gov

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

Written comments were submitted at the public hearings, or by regular mail, fax or email to the contact person listed above. No written comments were submitted to the Department using the Wisconsin Administrative Rules website at <http://adminrules.wisconsin.gov>. Public hearings took place on April 13, 2015, which was also the comment submission deadline.

SECTION 1. NR 19.001 (3m) is created to read:

NR 19.001 (3m) "Asian carp" means bighead carp (*Hypophthalmichthys nobilis*), black carp (*Mylopharyngodon piceus*), grass carp (*Ctenopharyngodon idella*), silver carp (*Hypophthalmichthys molitrix*), and all other non-native carp species except common carp (*Cyprinus carpio*), goldfish (*Carassius auratus*), and koi carp (*Cyprinus carpio*).

SECTION 2. NR 19.05(4) is created to read:

NR 19.05 (4) Except as authorized under permits pursuant to ch. NR 40 and 50 CFR 16.22, no person may transport Asian carp over land within or through Wisconsin unless the Asian carp have been

eviscerated or the gills plate completely severed so that the fish cannot be revived under any circumstances.

SECTION 3. NR 20.03 (18) is amended to read:

NR 20.03 (18) “Lake Michigan tributaries” means the Pike river and its tributaries, Kenosha and Racine counties; Kewaunee river and its tributaries excluding Little Scarboro, Scarboro, Roger and Casco creeks, Kewaunee county; Milwaukee river upstream to the Grafton dam in the village of Grafton and tributaries to the Milwaukee river upstream to the first dam or lake; Menomonee river upstream to the Lepper dam in the village of Menomonee Falls and tributaries to the Menomonee river upstream to the first dam or lake; Sheboygan river and its tributaries excluding Unnamed tributary (locally known as Willow creek), Sheboygan county; and all other tributaries to Lake Michigan upstream to the first dam or lake.

SECTION 4. NR 20.03 (31) (a) is amended to read:

NR 20.03 (31) (a) The possession limit for trout from inland waters is 10, ~~of which no more than 5 may be a combined total of brown and rainbow trout.~~

SECTION 5. NR 20.16 (1) (a) and (a) 1. are amended to read:

NR 20.16 (1) (a) *Open season and waters.* Except as specified in sub. (2), there is an open season for trout from 5:00 a.m. on the first Saturday in ~~March~~ January through the ~~Sunday preceding the first Saturday in May~~ Friday preceding the first Saturday in May on the following waters:

1. All streams in Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Price, Racine, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Sheboygan, Taylor, Trempealeau, Vernon, Walworth, Washburn, Washington, Waukesha and Wood counties.

SECTION 6. NR 20.16 (1) (a) 2. is repealed.

SECTION 7. NR 20.18 (12) (a) is amended to read:

NR 20.18 (12) (a) Inland waters ~~to 5 in total of which no more than 5 may be a combined total of brown and rainbow trout~~ 40 5 in total of which no more than 5 may be a lake trout but only 2 may be lake trout

SECTION 8. NR 20.20 County and state wide table is repealed and re created to read:

See attached table NR 20.20

SECTION 9. NR 21.04 (7) is amended to read:

NR 21.04 (7) LAKE STURGEON

(a) St. Croix river <u>downstream from the dam at St. Croix Falls</u>	First Saturday in September to September 30	1 per season	60 inches
	October 1 to October 15 <u>June 16 to Friday preceding the first Saturday in September and October 1 to March 1</u>	0 (Catch and release only)	—
(b) Mississippi river <u>downstream from the Red Wing dam, St. Louis river and St. Croix river upstream from the dam at St. Croix Falls</u>	No open season <u>June 16 to April 14</u>	<u>0, Catch and release only</u>	—

SECTION 10. NR 21.04 (7) (c) is created to read:

NR 21.04 (7) LAKE STURGEON

<u>(c) Mississippi river from the</u>	<u>June 16 to March 1</u>	<u>0, Catch and</u>	<u>—</u>
<u>Red Wing dam upstream, St.</u>		<u>release only</u>	
<u>Croix river upstream from the</u>			
<u>dam at St. Croix Falls (to the</u>			
<u>dam at Gordon flowage in</u>			
<u>Douglas county)</u>			

SECTION 11. NR 21.04 (8) (a) and (11) (a) are amended to read:

NR 21.04 (8) SHOVELNOSE STURGEON

<u>(a) Mississippi river from the</u>	No open season <u>June 16 to</u>	<u>0, Catch and</u>	<u>—</u>
<u>Red Wing dam upstream and</u>	<u>March 1</u>	<u>release only</u>	
<u>the St. Croix and St. Louis</u>			
<u>ivers</u>			

NR 21.04 (11) MUSKELLUNGE

<u>(a) St. Croix river and, St.</u>	<u>Saturday nearest Memorial</u>	<u>1</u>	<u>40 50 inches</u>
<u>Louis river, Mississippi river</u>	<u>Day to March 1 <u>November</u></u>		
<u>from Prescott downstream</u>	<u>30</u>		

SECTION 12. NR 21.04 (11) (b) is repealed.

SECTION 13. NR 21.04 (13) (a) is amended to read:

NR 21.04 (13) TROUT AND SALMON

<u>(a) St. Louis river - see NR 20.20 (16) (g) 1.</u>	First Saturday in May at 5:00 a.m. to September 30, except as provided in s. NR 20.20 (16) (g) 1.	5 in aggregate of which only 2 may be brown trout exceeding 15" and only 1 of which may be rainbow trout	Brook trout 8 brown trout 10 rainbow trout 12 salmon 12
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SECTION 14. NR 25.10 (1) (b) 1., 3., and 8. are amended to read:

NR 25.10 (1) (b) 1. All waters bounded by a line beginning at the mouth of Graveyard creek in section 3, township 47 north, range 1 west, extending north to the Gull Island Shoals refuge south boundary as described in s. NR ~~26.23 (1) (a)~~ 26.02, then east to the Wisconsin-Michigan state line, then southerly along the state line to the shore at the mouth of the Montreal river in section 7, township 47 north, range 1 east, all in Iron county, except from November 15 through December 15 in water 84 feet (14 fathoms) deep or deeper, when and where gill nets with a mesh size of not less than 2½ inch and not more than 3 inch stretch measure may be used for taking lake herring.

NR 25.10 (1) (b) 3. All waters bounded by a line beginning at the signal light on the western end of Long island in section 13, township 48 north, range 4 west at N46°43.708', W90°48.587', then extending northeasterly to the southernmost point of Madeline island in section 6, township 49 north, range 4 west at N46°45.150', W90°34.500', then due east to the western boundary of Gull Island Shoals refuge as described in s. NR ~~26.23 (1) (a)~~ 26.02, then southerly along the refuge boundary to latitude N46°40' at N46°400', W90°37.910', then due west to the mainland shoreline commonly known as Long Island, then northwesterly along the shoreline to the point of beginning, all in Ashland county, except waters within 1½ miles of the mainland shoreline in Ashland county.

NR 25.10 (1) (b) 8. All waters lying east of Madeline island bounded by a line extending due east from the southernmost tip of Madeline island in section 6, township 49 north, range 4 west at N46°45.150', W90°47.241' to the western boundary of the Gull Island Shoals refuge at N46°45.150', W90°34.500', as described in s. NR ~~26.23 (1) (a)~~ 26.02, and a line extending from the east end of Hagen road along latitude N46°47.274' on Big Bay point on Madeline island in sections 19 and 30, township 50 north, range 2 west, to that same western boundary of the Gull Island Shoals refuge at N46°47.274', W90°33.071', all in Ashland county, from June 1 through August 31.

SECTION 15. NR 25.10 (3) is amended to read:

NR 25.10 (3) FISH REFUGES-OUTLYING WATERS. No commercial fishing gear of any kind may be used, set, placed or operated at any time in or on those water areas in Lake Superior, Lake Michigan and Green Bay as described in ~~s. NR 26.23~~ ch. NR 26.

SECTION 16. Chapter NR 26 is repealed and recreated to read:

Chapter NR 26

FISH REFUGES

NR 26.01 Fish refuges. The following areas are created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill, or fish for fish in any manner at any time listed, including the start and end dates, each year in, on, or along the following described water areas.

COUNTY	WATERS	REFUGE BOUNDARIES	START DATE	END DATE
(3) Barron	(a) Beaver Dam lake inlets	Cumberland ditch (unnamed, SW ¼ of the NE ¼, section 5, T35N, R13W) upstream to Riebe lake (unnamed, SW ¼ of the NW ¼, section 4, T36N, R13W)	April 1	Friday preceding first Saturday in May
	(b) Granite lake inlet	Unnamed stream in SW ¼ of the NW ¼, T36N, R13W upstream to U.S. highway 63 (SW ¼ of the SE ¼, section 18, T36N, R13W)	April 1	Friday preceding first Saturday in May
	(c) Hemlock creek	That part of Hemlock creek in the NW ¼ of the NE ¼, section 36, T36N, R10W) upstream 500 feet	April 1	Friday preceding first Saturday in May
	(d) Rice creek	From 100 feet north of state highway 8 to 100 feet south of state highway 8	April 1	Friday preceding first Saturday in May

	(e) Spring creek	From 100 feet north of county highway M to 100 feet south of county highway M	April 1	Friday preceding first Saturday in May
	(f) Turtle creek	From Upper Turtle lake downstream to Lower Turtle lake	April 1	Friday preceding first Saturday in May
(4) Bayfield	(a) Bayfield hatchery outlet ditch	Bayfield hatchery downstream to the outlet ditch confluence with Pike's creek	July 15	October 31
	(b) Eau Claire chain of lakes	That part of the Eau Claire river system connecting the Eau Claire chain of lakes in Barnes township	April 15	May 15
	(c) Pikes creek	Structure commonly known as Red dam downstream 100 feet (section 28, T50N, R4W)	April 1	May 31
	(d) Sioux river	"Big Rock Hole" downstream 200 feet (section 19, T49N, R4W)	September 1	May 31
(5) Brown	(a) Fox river	Beginning at the DePere dam in the city of DePere (T23N, R20E) downstream to the downstream side of the Wisconsin Public Service power lines from the east shore of the river and extending parallel to the power lines in a southwesterly direction to the northeast corner of the Nicolet Paper Company	March 1	Friday preceding first Saturday in May
	(b) Sensiba wildlife area discharge area to the Suamico river	From the dike to the south end of the culvert under Sunset Beach road (section 24, T25N, R20E)	March 1	Friday preceding first Saturday in May
(9) Chippewa	(a) Chippewa river	Jim Falls Dam at section 29, T30N, R7W downstream 1000 feet	Continuous	Continuous
	(b) Chippewa river	From 1,000 feet below the Jim Falls dam (section 20, T30N, R7W) downstream to county highway Y bridge (section 30, T30N, R7W)	First Saturday in September	October 15
	(c) Otter creek	Otter lake dam (section 11, T30N, R5W) downstream 300 feet	March 1	May 15

	(d) Yellow river	Cadott (Svetlik) dam (section 31, T29N, R6W) downstream to the Main street (also known as 257th street) bridge in Cadott when posted closed to fishing with department signs	March 1	May 15
(10) Clark	(a) Eau Claire river (South Fork)	Mead Lake dam downstream 500 feet	March 1	Friday preceding first Saturday in May
(13) Dane	(a) University of Wisconsin Arboretum	All springs, spring holes, streams, potholes and lagoons lying within the boundaries of the University of Wisconsin Arboretum located in section 9, township 6 north, range 9 east, town of Madison, and in sections 26, 27, 28, 32, 33, and 35, township 7 north, range 9 east, town of Fitchburg	Continuous	Continuous
	(b) Wingra creek	Entire spillway of Wingra lake and downstream from spillway to the Arboretum drive bridge	March 1	May 15
	(c) Yahara river, city of Madison	Tenney locks (section 12, T7N, R9E) downstream 900 feet	March 1	Friday preceding first Saturday in May
	(d) Yahara river, village of McFarland	From Exchange street bridge (sections 3 and 10, T6N, R10E) downstream 600 feet and upstream to the lock and dam	March 1	Friday preceding first Saturday in May
	(e) Yahara river, village of McFarland	Beginning 400 feet upstream from the Dyreson road bridge (section 14 T6N, R10E) upstream 1,000 feet	March 1	Friday preceding first Saturday in May
	(f) Yahara river (Dunkirk dam)	Dunkirk dam (section 20, T5N, R11E) downstream to county highway N (section 21, T5N, R11E)	March 1	May 15
(14) Dodge	(a) Beaver Dam creek	County highway G bridge (NW ¼ of the NE ¼, section 17, T12N, R13E) downstream to the mouth at Beaver Dam lake (SW ¼ of the SW ¼, section 9, T12N, R13E)	March 1	Friday preceding first Saturday in May
	(b) Mill creek	Fox Lake dam (SW ¼ of the NE ¼, section 26, T13N, R13E) downstream to Beaver Dam lake (SW ¼ of the SW ¼, section 3, T12N, R13E)	March 1	Friday preceding first Saturday in May

	(c) Rock river (Hustisford dam)	Hustisford dam, in the village of Hustisford, downstream 725 feet	March 1	Friday preceding first Saturday in May
(15) Door	(a) Ahnapee river	Forestville dam (section 29, T26N, R25E) downstream 500 feet	March 1	May 15
	(b) Samuelsons creek	From Samuelsons creek mouth at the Sturgeon Bay ship canal upstream to its source	Continuous	Continuous
	(c) Strawberry creek	Sturgeon Bay ship canal upstream to the source of Strawberry creek (SE ¼ of the SE ¼, section 16, T27N, R26E)	September 1	December 31
	(d) Sturgeon Bay ship canal	Canal area within 500 feet of Strawberry creek in the SE ¼ of the SE ¼, section 16, T22N, R26E	September 1	December 31
(16) Douglas	(a) Brule river	100 feet upstream and 100 feet downstream from "Box Car Hole" (section 2, T47N, R10W)	July 15	October 31
	(b) Brule river	From the upper falls downstream to the upstream end of the island - area known as Skid Mays or Mays Ledges section 15, T48N, R10W	September 1	May 31
	(c) St. Louis river	State highway 23 bridge (section 8, T48N, R15W) upstream to the Wisconsin-Minnesota border	March 1	May 18
(17) Dunn	(a) Red Cedar river	Cedar Falls dam located at section 6, township 28 north, range 12 west downstream 4,300 feet	January 1	Friday preceding first Saturday in May
(18) Eau Claire	(a) Eau Claire river	Altoona dam (NW ¼ SW ¼, section 14, T27N, R9W) downstream 500 feet	March 1	Friday preceding first Saturday in May
(20) Fond Du Lac	(a) Silver creek	County highway NN (old state highway 23) downstream to the Green Lake-Fond du Lac county line	March 1	Friday preceding first Saturday in May
(23) Green	(a) Sugar river	Albany dam downstream 500 feet	March 1	Friday preceding first Saturday in May

	(b) Sugar river	Decatur dam downstream 500 feet	March 1	Friday preceding first Saturday in May
	(c) Sugar river	Old Brodhead power house site spillway downstream 500 feet	March 1	Friday preceding first Saturday in May
(24) Green Lake	(a) Silver creek	Fond du Lac-Green Lake county line downstream to the Spaulding bridge (SE ¼ of the SE ¼, section 23, T16N, R13E)	March 1	Friday preceding first Saturday in May
(25) Iowa	(a) Cox Hollow lake	Within 100 feet of the shoreline on the southern arm of the lake that is marked with buoys	Third Monday of May	19 days later
(26) Iron	(a) Fisher and Catherine lakes	That part of the connecting inlets and outlets between the lakes in section 2, T43N, R4E for 200 feet on either side of Fisher Lake road	April 1	May 14
	(b) Flambeau river	Turtle-Flambeau dam downstream to the U.S. government gaging station (part of the Flambeau river located in the SW ¼ of the SE ¼ and SE ¼ of the SW ¼ of section 34, township 42 north, range 2 east, and the NE ¼ of the NW ¼ and the NW ¼ of the NE ¼ of section 3, township 41 north, range 2 east, beginning at the dam in and across the Flambeau river in section 34, township 42 north, range 2 east, commonly known as the Turtle-Flambeau dam and extending downstream from said dam to the U.S. government gaging station of said river in the NE ¼ of the NW ¼ of said section 3)	Continuous	Continuous
	(c) Gile flowage at Junk Shop Dike (Dirt Dike)	200 feet upstream and downstream from Junk Shop Dike on Knight road where it crosses the flowage (between section 36, township 46 north, range 2 east, and section 1, township 45 north, range 2 east)	April 1	May 14
	(d) Gile Flowage at county highway C	200 feet upstream and downstream from county highway C (SW ¼ of the NW ¼, and in the NW ¼ of the SW ¼, section 1, township 45 north, range 2 east)	April 1	May 14

	(e) Manitowish river	Bridge at state highway 47 (section 9, T42N, R4E) upstream to the Vilas county line	First Saturday in May	June 1
	(f) Mercer creek	Between Mercer lake and Grand Portage lake (section 36, T43N, R3E)	April 1	May 14
	(g) Turtle Flambeau river (Seifert's Point)	Within 200 feet of the shoreline of the peninsula in section 5, T41N, R3E, commonly known as Seifert's Point	April 1	May 14
	(h) Turtle river	Lake of the Falls dam (in section 6, township 42 north, range 3 east) downstream 1,000 feet	April 1	May 14
(29) Juneau	(a) Meadow Valley flowage	That part of the Meadow Valley flowage beginning at a point in the E ½ of section 10, township 20 north, range 2 east, where the drainage ditch intersects the Meadow Valley flowage road; then northerly along the east spoil bank of said ditch to the junction of a brushed line at the approximate interior quarter corner of section 3, township 20 north, range 2 east; then west along said brushed line to its junction with the east-west drainage ditch; then westerly along the north spoil bank of said ditch to its junction with the main north-south drainage ditch; then south along the west spoil bank of said ditch to its point of intersection with the Meadow Valley flowage road; then east along said Meadow Valley road to the point of beginning	Beginning of migratory waterfowl hunting open season	End of migratory waterfowl hunting open season
	(b) Meadow Valley flowage	That part of the Meadow Valley flowage lying in the following described area: Township 20 north, range 2 east. Section 1 - W ½ Sections 2, 3, 4, 5 and 6 - Entire sections Section 7 - N ½ Section 8 - N ½ Section 9 - N ½ Section 10 - N ½ Section 11 - All that part lying north of the Meadow Valley flowage road and west of state highway 173.	March 1	June 30
(31) Kewaunee	(a) Flume of Kewaunee Nuclear power plant		Continuous	Continuous

	(b) Kewaunee river	From county highway F bridge upstream 500 feet past the fish return pipe of the Kewaunee river coho salmon spawning facility (W ½ of section 14, township 23 north, range 24 east, town of West Kewaunee)	Continuous	Continuous
(34) Langlade	(a) Wolf river	Post lake dam downstream 75 feet to the bottom of the first rapids	April 1	May 31
(35) Lincoln	(a) Little Somo river	Dam in section 27, T35N, R5E downstream 900 feet	March 1	Friday preceding first Saturday in May
	(b) Tomahawk river	Jersey dam in section 28, T35N, R6E downstream to the railroad trestle	March 1	Friday preceding first Saturday in May
(36) Manitowoc	(a) Flume of Point beach Nuclear power plant		Continuous	Continuous
(38) Marinette	(a) Peshtigo river	Badger Paper Mill dam in the city of Peshtigo (section 19, T30N, R23E) downstream 300 feet	March 1	May 31
(39) Marquette	(a) Grand river	Grand River wildlife dam located in the NW ¼ of the NW ¼ of section 1, township 14 north, range 10 east downstream 50 feet	Continuous	Continuous
	(b) Grand river	Beginning 50 feet downstream from the Grand river wildlife area dam (NW ¼ NW ¼, sec. 1, T14N, R10E) extending downstream 300 feet	March 1	Friday preceding first Saturday in May
	(c) Montello river	Lake Montello dam (NE ¼ SE ¼, sec. 8, T15N, R10E) downstream to the first bridge crossing	March 1	Friday preceding first Saturday in May
(44) Oneida	(a) Little Rice creek	Oneida lake dam (NE ¼ of the NE ¼, section 8) downstream to Hancock lake	April 10	Friday preceding first Saturday in May
	(b) Pelican river	The 5th lake dam of the Moen lake chain (SE ¼, section 4, T36N, R10E) downstream 500 feet	April 10	Friday preceding first Saturday in May

	(c) Squirrel river	Squirrel lake dam downstream 500 feet (NW ¼ of the NE ¼, section 30, T39N, R5E)	April 10	May 10
	(d) Tomahawk river	Wisconsin Valley Improvement Company bridge (NE ¼ of the NE ¼, section 27, T38N, R5E) downstream 500 feet	April 10	May 20
	(e) Willow river	Upstream end of the rapids (NE ¼ of the NE ¼, section 15, T37N, R4E) downstream 2,000 feet	April 10	May 20
	(f) Wisconsin river	Rainbow flowage dam (at county highway D, SW ¼ of the SW ¼, section 30, T39N, R8E) downstream 500 feet	April 10	Friday preceding first Saturday in May
(46) Ozaukee	(a) Milwaukee river	Fishway at the Thiensville-Mequon Dam: 750 feet around the dam located at river mile 20	Continuous	Continuous
(49) Polk	(a) Balsam branch	Wapogasset lake (NE ¼ of the NW ¼, section 14, T33N, R17W) upstream to the dam at Kennedy's Mill (SE ¼ of the SE ¼, section 10, T33N, R17W)	April 1	Friday preceding first Saturday in May
	(b) Butternut creek	Between Big Butternut lake and Little Butternut lake in Luck township	April 1	Friday preceding first Saturday in May
	(c) Harder creek	Between Balsam lake and Half Moon lake in Milltown township	April 1	Friday preceding first Saturday in May
	(d) Horse creek	Horse creek in NW¼ of the SE ¼, section 27, T32N, R18W (Cedar lake inlet) upstream 1,000 feet	April 1	Friday preceding first Saturday in May
	(e) Sucker creek	From the outlet of Lake Wapogasset downstream to the county highway F bridge (section 26, T33N, R17W)	April 1	Friday preceding first Saturday in May
(51) Price	(a) Flambeau river (North Fork)	Upper Park Falls dam downstream to the state highway 182 bridge	Continuous	Continuous
	(b) Schnur creek	From west shore of Schnur lake to its mouth on the east shore of Butternut lake (SE ¼ of NE ¼, section 5, T40N, R1W)	April 1	May 31

	(c) Spirit river	Spirit lake dam downstream 500 feet	April 1	May 31
(52) Racine	(a) Root river	At Lincoln Park in the city of Racine, from 200 feet downstream from the fish ladder and extending 100 feet past the instream fish barrier of the Root river steelhead facility	August 1	Friday preceding first Saturday in May
	(b) Root river	At Lincoln Park in the city of Racine, from 100 feet downstream from the fish return pipe and extending upstream to 100 feet past the fish return pipe of the Root river steelhead facility	August 1	Friday preceding first Saturday in May
(55) Rusk	(a) Flambeau river	Any part of the river within 200 feet of all hydroelectric dams (closed to all fishing during the muskellunge closed season)	End muskellunge season (Northern zone)	Start muskellunge season (Northern zone)
	(b) Thornapple river	Confluence with Chippewa river in section 4, T34N, R7W upstream to the Thornapple road crossing in section 33, T35N, R1W	April 25	May 14
(57) Sawyer	(a) Chief river	From 200 feet upstream from the county highway B bridge upstream to the dam at the outlet of Callahan lake (sections 34 and 35, T41N, R7W)	April 15	June 1
	(b) Chippewa river	Arpin Dam located in section 23, T38N, R7W downstream 500 feet	Continuous	Continuous
	(c) Chippewa river	Winter dam (the gate of the reservoir dam, in government lots 1 and 9 in section 2, T39 N, R6W) downstream 1,000 feet	April 15	June 1
	(d) Connor creek	Between Lake of the Pines (Pickerel lake) and Connor lake (section 22, T38N, R3W)	April 1	May 14
	(e) Knuteson creek	Between Chetac lake (section 9, T37N, R9W) and Knuteson lake (section 10, R37N, R9W)	April 1	May 14
	(f) Squaw creek	From Chetach lake upstream 1,000 feet (section 33, T38N, R9W)	April 1	May 14
	(g) Totogatic river	From Nelson lake (in section 2 T42N, R9W) upstream to Seeley Fire Lane road crossing (section 2, T42N, R9W)	April 1	May 14
	(h) Whitefish creek	Whitefish lake to Lac Courte Oreilles (sections 11 and 12, T39N, R9W)	April 15	June 1

(58) Shawano	(a) Embarrass river	County highway M bridge (SE 1/4 section 9, T26N, R14E) downstream to Rangeline road (SE 1/4, section 13, T26N, R14E)	April 1	Friday preceding first Saturday in May
	(b) Wolf river	Shawano Paper Mill dam downstream to the Shawano county highway M bridge (SW 1/4, section 36, T27N, R15E)	April 1	Friday preceding first Saturday in May
(61) Taylor	(a) Otter creek	County highway H, on the Chippewa-Taylor county line, upstream to the north boundary of section 19, T30N, R4W	March 1	May 15
(64) Vilas	(a) Allequash creek	County highway M (NW 1/4 of the NW 1/4, section 20, T41N, R7E) downstream to Trout lake and into Trout lake for a distance of 100 feet in all directions	April 10	May 15
	(b) Big Arbor Vitae lake outlet	From the lake outlet (NE 1/4 of the SE 1/4, section 30, T40N, R7E) downstream 500 feet	April 10	May 10
	(c) Helen creek	Entire creek from Mamie lake (SE 1/4 of the NW 1/4, section 20, T43N, R9E) upstream to the creek source (NW 1/4 of the SW 1/4, section 31, T43N, R9E)	April 10	May 10
	(d) Little Arbor Vitae lake outlet	Little Arbor Vitae lake dam downstream to Carrol lake, except unannamed lakes (NE 1/4 of the SE 1/4, section 33, T40N, R7E)	April 10	May 10
	(e) Little St. Germain lake	From the lake outlet (SW 1/4 of the SE 1/4, section 35, T40N, R8E) downstream 500 feet	April 10	May 15
	(f) Manitowish river	From the dam across the Manitowish river located in section 9, T42N, R5E (Rest Lake dam) downstream 500 feet	April 1	May 31
	(g) Manitowish river	From the Iron county line (section 7, T42N, R5E) upstream to U.S. highway 51 (section 7, T42N, R5E) excluding the lake basins of Vance, Sturgeon and Benson lakes	First Saturday in May	June 1
	(h) Spring creek	From Mamie lake (NE 1/4 of the SW 1/4, section 21, T43N, R9E) upstream to the Spring lake outlet (NE 1/4 of the NW 1/4, section 27, T43N, R9E)	April 10	May 10
	(i) Trilby lake	Entire lake located in sections 11, 12, 13 and 14, T40N R6E	Continuous	Continuous

(66) Washburn	(a) Balsam lake outlet	200 feet upstream and downstream of state highway 48 (between Balsam lake and Red Cedar lake, section 34, T37N, R10W)	April 1	Friday preceding first Saturday in May
(67) Washington	(a) Cedar creek	Dam which is the outlet of Big Cedar lake downstream to the Kettle of Little Cedar lake (sections 32 and 33, T11N, R19E)	March 1	Friday preceding first Saturday in May
(68) Waukesha	(a) Bark river	The inlet to Upper Nemahbin lake upstream to Lake Nagawicka dam	March 1	Friday preceding first Saturday in May
	(b) Oconomowoc river	Inlet to Okauchee lake (SE ¼, section 19, T8N, R18E) upstream to the North lake outlet (SE ¼, section 17, T8N, R18E)	March 1	Friday preceding first Saturday in May
	(c) Oconomowoc river	Oconomowoc lake inlet upstream to Okauchee lake dam	April 1	Friday preceding first Saturday in May
(69) Waupaca	(a) Little Wolf river	From the dam in and across the Little Wolf river in the village of Manawa (section 15, T23N, R13E) downstream 500 feet	April 1	Friday preceding first Saturday in May
	(b) Little Wolf river	300 feet upstream and 300 feet downstream of the state highway 54 bridge (NE ¼ of section 1, T22N, R13E)	April 1	April 15
	(c) Little Wolf river	900 feet upstream and 1,300 feet downstream of the Ostrander road bridge (SW ¼ of section 8, T22N, R14E)	April 1	April 15
	(d) Little Wolf river	1,350 feet upstream and 150 feet downstream of county highway X bridge (SE ¼ of section 8, T22N, R14E)	April 1	April 15
(71) Winnebago	(a) Fox river	200 feet downstream from Eureka dam upstream 400 feet past the Eureka dam	March 1	Friday preceding first Saturday in May

NR 26.02 Lake Superior fish refuges. In order to prevent substantial depletion of the fish supply, the following spawning areas and nursery areas in Lake Superior are created and established as

fish refuges and no person may take, catch, capture, kill, or fish for fish in any manner at any time in, on, or along the following described water areas:

(1) All waters bounded by a line from the Gull island light south to the northernmost point of Michigan island and then proceeding in a southerly direction following the shoreline of Michigan island to the Michigan island light, then southerly towards the center of the mouth of the Bad river in Ashland county to latitude $46^{\circ} 40'$, then due east to the Michigan state line; then northerly along the state line to latitude $46^{\circ} 59.3'$; from that point due west to longitude $90^{\circ} 26.5'$ and then due south to the Gull island light; except that licensed commercial fishers may fish all that area within these external boundaries wherein the lake bottom lies at a depth of 35 fathoms (210 feet) or more; and, except in those included waters less than 7 fathoms in depth which immediately adjoin Michigan island, gill nets with a mesh size of $2\frac{3}{4}$ " or less stretch measure may be used from November 5 to December 5 for the taking of menominee whitefish. Float nets with a maximum stretch measure of 3 inches may be fished in this area for lake herring from November 1 to December 15 out to a bottom depth of 25 fathoms. The nets shall be a minimum of 2 fathoms from the bottom.

(2) All waters in which the bottom lies at a depth of less than 35 fathoms northerly from a line beginning 2 miles north of the Outer island light and extending westerly to the north end of North Twin island, then along the shoreline to the south end of North Twin island, then southwesterly to the north end of South Twin island, then northerly to the north end of Rocky island, then along the north shoreline to the northwest point of Rocky island, then northwesterly to the south end of Devils island, then along the shoreline to the north end of Devils island, then westerly to a point $2\frac{1}{2}$ miles north of the York Island Shoal bell buoy. The area within the refuge south of a line running northwesterly from the north tip of Devils Island to the refuge's western boundary, then due south to the southwest corner of the refuge and back to the north tip of Devils Island shall be open to sport and commercial fishing during period 3 (June 1 to September 30).

(3) From the outlet of the cooling water discharge of the Northern States Power Company in the city of Ashland to a line located 50 feet in all directions from the outlet, from March 1 to May 15.

SECTION 17. EFFECTIVE DATE. This rule shall take effect on April 1, 2016, except for sections 1, 2, 5, 6, 14, 15, and 16 that shall take effect on January 1, 2016, following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2), Stats.

SECTION 18. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 27, 2015.