

Clearinghouse Rule 99-023
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
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STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FH-6-99 was duly approved and adopted by this Department on May 26, 1999 and August 25, 1999. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 13th day of October, 1999



George E. Meyer
George E. Meyer, Secretary

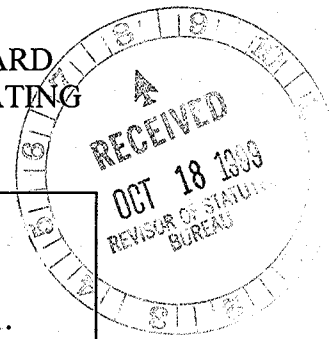
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99-023

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



The Wisconsin Natural Resources Board adopts an order to repeal NR 20.20(1)(f), (6)(f), (9)(e), (11)(i), (18)(f), (29)(f), (37)(g), (47)(f), (50)(f), (56)(h) and (72)(f); to renumber NR 20.20(33)(a), (55)(b) and (64)(h)7.; to amend NR 20.15, 20.20(4)(c), (7)(c), (13)(a)1., (22)(a)1., (25)(a)1., (26)(d)2., (53)(a), (57)(e)2., (64)(c)1., (70)(b)1. and 2., (d)1. and (g)1., (73)(f)4., 21.04(1) and 23.05(5)(c); to repeal and recreate NR 20.20(73)(e)2.b. and (me); and to create NR 20.03(28m), 20.06(3m), 20.20(2)(dm), (4)(i)3., (9)(dm), (16)(h)3., (25)(c)2. and (em), (33)(a), (55)(b), (bs) and (bw), (64)(h)7., (65)(dm), (68)(d)3., (73)(e)2g. and 2m., 20.33(5) and 26.26 relating to fishing regulations for inland, outlying and boundary waters and fish refuges

FH - 6 - 99

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.09(2), 29.014(1), 29.191(5), 29.192(3) and (4), 29.041 and 227.11(2), Stats.

Statutes interpreted: ss. 23.09(2), 29.014(1), 29.191(5) and 29.192(3) and (4), Stats.

Section 1 designates additional reaches of tributaries to Lake Michigan as "Outlying trout and salmon waters" for the purposes of establishing where the Great Lakes Trout and Salmon Stamp is required;

Section 1h prohibits the possession of live bait on waters where only the use of artificial lures is authorized;

Section 2 authorizes an the early catch and release season for trout on trout streams with a restriction on the use of barbed hooks;

Sections 3 and 40 close most waters to shovelnose sturgeon fishing and reduce the daily bag limit for shovelnose sturgeon from 25 to 3 on those waters remaining open;

Section 4 establishes a daily bag limit of 10 for panfish on Lake Galilee, Ashland County;

Section 5 establishes an 18-inch minimum length limit and a daily bag limit of 1 for largemouth and smallmouth bass on Cable and Wiley lakes, Bayfield County;

Section 5m establishes a 20" to 28" protected slot length limit and a daily bag limit of 3, with only 1 longer than 28" allowed, for walleye, sauger and their hybrids on Diamond lake, Bayfield county;

Section 6 places Webb Lake, Burnett County in the southern bass zone;

Section 7 establishes a daily bag limit of 10 for panfish on Long, Herde and Dark Lakes, Chippewa County;

Section 7m allows trolling on all waters of Dane County;

Section 8 removes the minimum length limit for walleye on Beauregard Lake, Douglas County and establishes a daily bag limit of 5, but only 1 may be longer than 14 inches;

Section 9 allows trolling in all waters of Grant County;

Section 10 allows trolling in all waters of Iowa County;

Section 11 establishes catch and release only for largemouth and smallmouth bass on Twin Valley Lake, Iowa County for three years;

Section 14 establishes a daily bag limit of 10 for panfish on Cox Hollow Lake, Iowa County, and eliminates the daily bag limit for panfish on Twin Valley Lake, Iowa County;

Section 17 establishes a daily bag limit of 10 for panfish on Bearskull, Island and Spider Lakes, Iron County;

Sections 18 and 19 allow trolling on all waters of Lafayette County;

Section 20 allows trolling on all waters of Richland County;

Sections 21 and 22 establish a minimum length limit of 18 inches and a daily bag limit of 1 for largemouth and smallmouth bass on Murphy Flowage, Rusk County;

Section 23 establishes a minimum length limit of 26 inches and a daily bag limit of 2 for northern pike on Murphy Flowage, Rusk County;

Section 24 establishes a daily bag limit of 10 for panfish on Murphy Flowage, Rusk County;

Section 25 establishes a minimum length limit of 40 inches for muskellunge on Sissabagama Lake, Sawyer County;

Section 26 establishes catch and release only for largemouth and smallmouth bass on Big Lake, Vilas County;

Sections 27 and 28 establish a minimum length limit of 28 inches and a daily bag limit of 1 for walleye, sauger and hybrids on Kentuck Lake, Vilas County;

Sections 29 and 30 establish a daily bag limit of 10 for panfish on Lulu lake, Walworth County, and Eagle Spring Lake, Waukesha County;

Sections 31, 33 and 34 eliminate the continuous open fishing season for largemouth and smallmouth bass, northern pike and walleye, sauger and hybrids on Irogami (Fish), Pine and Big Twin Lakes, Waushara County;

Section 32 removes the minimum length limit for largemouth and smallmouth bass on Round Lake, Waushara County and establishes a daily bag limit of 3, but no fish from 14 through 18 inches may be kept and only 1 may be longer than 18 inches;

Section 35 establishes a 2-day sturgeon spearing season on Poygan, Winneconne and Butte des Morts lakes on February 12 and 13, 2000, with a 36 inch minimum length limit;

Section 36 establishes a 70 inch minimum length limit for lake sturgeon in even numbered years on the Lower Wisconsin River downstream from the Wisconsin Dells Dam;

Section 37 closes the hook and line lake sturgeon fishing season on Lake Michigan, Green Bay and their tributaries;

Section 38 changes the boundary for the northern bass zone from state highway 70 to state highway 77, Burnett, Sawyer and Washburn Counties;

Section 44 establishes total allowable harvest levels for lake sturgeon and establishes a procedure for closing the sturgeon spearing season on Lake Winnebago system waters when 80% of the total allowable harvest is reached;

Section 45 establishes a 14 inch minimum length limit for largemouth and smallmouth bass on the St. Louis River and connected waters and on the St. Croix River upstream from the dam at St. Croix Falls and establishes a catch and release only season from the Monday following Labor Day to March 1 on the St. Croix River upstream from the dam at St. Croix Falls;

Section 46 establishes a 70 inch minimum length limit for lake sturgeon in even numbered years on the all Wisconsin-Michigan boundary waters; and

Section 47 establishes a fish refuge for spawning panfish on a portion of Cox Hollow Lake, Iowa County, from the third Monday in May for 19 consecutive days.

SECTION 1. NR 20.03(28m) is created to read:

NR 20.03(28m) "Outlying trout and salmon waters" means those waters designated as outlying trout and salmon waters pursuant to s. 29.191(4), Stats., Lake Michigan tributaries as defined in s. NR 20.03(18), and the Little river from its confluence with the Oconto river upstream to the highway 141 bridge.

SECTION 1h. NR 20.06(3m) is created to read:

NR 20.06(3m) Possess or control any live bait or any other baits, hooks or lures other than artificial lures while on the waters, banks or shores of waters where only the use of artificial lures is authorized in subch. III.

SECTION 2. NR 20.15 is amended to read:

~~NR 20.15 Early catch and release season for trout. Except where specifically restricted in s. NR 20.20, there~~ (1) There is an open season for trout in all trout streams, except as specified in sub. (2), from March 1 at 5:00 a.m. to the Friday immediately preceding the first Saturday in May at 6:00 p.m. during 1997, 1998 and 1999 but the daily bag limit and possession limit for trout is 0 and only artificial lures with barbless hooks may be used ~~for any species of fish~~ while fishing for any species of fish on trout streams during this period.

(2) Subsection (1) does not apply to the following streams:

(a) Lake Michigan tributaries, major Green Bay tributaries, all other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake.

(b) Portions of tributaries to Lake Superior with a season opening date other than the first Saturday in May as specified in s. NR 20.20.

(c) White river and its tributaries upstream from Pike River road bridge including the South Fork, West Fork and East Fork White river, Bayfield county.

(d) Tomorrow river from old railroad bridge crossing north of Amherst upstream to First street in Nelsonville, Portage County.

(e) Tomorrow river from Clementson road upstream to Poncho creek, Portage county.

(f) White river (west branch), Waushara county.

~~Note: The early catch and release seasons during 1997, 1998 and 1999 do~~ season does not apply to spring ponds, ponds or lakes.

SECTION 3. NR 20.20(1)(f), (6)(f), (9)(e), (11)(i), (18)(f), (29)(f), (37)(g), (47)(f), (50)(f), (56)(h) and (72)(f) are repealed.

SECTION 4. NR 20.20(2)(dm) is created to read:

(2) ASHLAND (for species and waters not listed, see sub. (73))

(dm) Panfish	1. Lake Galilee	a. Hook and line.	Continuous	10 in total	None
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SECTION 5. NR 20.20(4)(c) is amended to read:

(4) BAYFIELD (for species and waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. <u>Cable and Wiley lakes, Crooked lake, Lund lake</u>	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to March 1	1 in total	18

SECTION 5m. NR 20.20(4)(i)3. is created to read:

(4) BAYFIELD (for species and waters not listed, see sub. (73))

(i) Walleye, sauger and hybrids	3. Diamond lake	a. Hook and line.	First Saturday in May to March 1	3 in total but only 1 may be longer than 28"	15, except the possession of fish from 20" to 28" is prohibited
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SECTION 6. NR 20.20(7)(c) is amended to read:

(7) BURNETT (for species and waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. Lower Clam lake (T39NR6E S34&35) <u>Webb lake</u>	a. Hook and line.	First Saturday in May to March 1	5 in total	14
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SECTION 7. NR 20.20(9)(dm) is created to read:

(9) CHIPPEWA (for species and waters not listed, see sub. (73))

(dm) Panfish	1. Long, Herde and Dark lakes	a. Hook and line.	Continuous	10 in total	None
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SECTION 7m. NR 20.20(13)(a)1. is amended to read:

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

(a) All species	1. Crystal lake, Kegonsa lake, Koshkonong lake, Mendota lake, Monona lake, Waubesa lake, lower Wisconsin river <u>All waters</u>	a. Motor trolling is permitted.	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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SECTION 8. NR 20.20(16)(h)3. is created to read:

(16) DOUGLAS (for species and waters not listed, see sub. (73))

(h) Walleye, sauger and hybrids	3. Beaugard lake	a. Hook and line.	First Saturday in May to March 1	5 in total but only 1 may be longer than 14"	None
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SECTION 9. NR 20.20(22)(a)1. is amended to read:

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

(a) All species	1. Lower Wisconsin river <u>All waters</u>	a. Motor trolling is permitted.	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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SECTION 10. NR 20.20(25)(a)1. is amended to read:

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

(a) All species	1. Lower Wisconsin river <u>All waters</u>	a. Motor trolling is permitted.	As specified in this subsection or sub.(73)	As specified in this subsection or sub.(73)	As specified in this subsection or sub.(73)
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SECTION 11. NR 20.20(25)(c)2. is created to read:

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

(c) Largemouth and smallmouth bass	2. Twin Valley lake, from first Saturday in May of 2000 through March 1, 2003	a. Hook and line.	First Saturday in May to March 1	0	--
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SECTION 14. NR 20.20(25)(em) is created to read:

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

(em) Panfish	1. Cox Hollow lake	a. Hook and line.	Continuous	10 in total	None
	2. Twin Valley lake	a. Hook and line.	Continuous	None	None

SECTION 17. NR 20.20(26)(d)2. is amended to read:

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

(d) Panfish	2. Pine lake, Bearskull lake, Island lake, Spider lake	a. Hook and line	Continuous	10 in total	None
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SECTION 18. NR 20.20(33)(a) is renumbered to NR 20.20(33)(am).

SECTION 19. NR 20.20(33)(a) is created to read:

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

(a) All species	1. All waters	a. Motor trolling is permitted.	As specified in this subsection or sub.(73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub.(73)
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SECTION 20. NR 20.20(53)(a) is amended to read:

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

(a) All species	1. Lower Wisconsin river <u>All waters</u>	a. Motor trolling is permitted.	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
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SECTION 21. NR 20.20(55)(b) is renumbered NR 20.20(55)(bm).

SECTION 22. NR 20.20(55)(b) is created to read:

(55) RUSK (for species and waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	1. Murphy flowage	a. Hook and line.	First Saturday in May to Friday preceding third Saturday in June	0	--
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Third Saturday in June to March 1 1 in total 18

SECTION 23. NR 20.20(55)(bs) is created to read:

(55) RUSK (for species and waters not listed, see sub. (73))

(bs) Northern pike 1. Murphy flowage a. Hook and line First Saturday in May to March 1 2 26

SECTION 24. NR 20.20(55)(bw) is created to read:

(55) RUSK (for species and waters not listed, see sub. (73))

(bw) Panfish 1. Murphy flowage a. Hook and line Continuous 10 in total None

SECTION 25. NR 20.20(57)(e)2. is amended to read:

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

(e) Muskellunge 2. Brunet river from state hwy. 70 downstream to the Chippewa river including Winter flowage, Chippewa river from the Chippewa flowage dam (Winter dam) downstream to and including Radisson flowage, Big Sissabagama lake a. Hook and line Saturday nearest Memorial day to November 30 1 40

SECTION 26. NR 20.20(64)(c)1. is amended to read:

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

(c) Largemouth and smallmouth bass 1. Big lake (T42N R6E S4), Bittersweet lake, Oberlin lake, Prong lake, Smith lake a. Hook and line First Saturday in May to March 1 0 --

SECTION 27. NR 20.20(64)(h)7. is renumbered NR 20.20(64)(h)8.

SECTION 28. NR 20.20(64)(h)7. is created to read:

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

(h) Walleye, sauger and hybrids 7. Kentuck lake a. Hook and line First Saturday in May to March 1 1 in total 28

SECTION 29. NR 20.20(65)(dm) is created to read:

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

(dm) Panfish 1. Lulu lake a. Hook and line Continuous 10 in total None

SECTION 30. NR 20.20(68)(d)3. is created to read:

(68) WAUKESHA (for species and waters not listed, see sub. (73))

(d) Panfish 3. Eagle Spring lake a. Hook and line Continuous 10 in total None

SECTION 31. NR 20.20(70)(b)1. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	1. Irogami (Fish) lake, Beans lake, Pine lake (at Hancock), Big Twin lake	a. Hook and line	Continuous	5 in total	14
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SECTION 32. NR 20.20(70)(b)2. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	2. Round lake (T20N R11E S35)	a. Hook and line.	First Saturday in May to March 1	5 in total <u>3 in total, only 1 may be longer than 18"</u>	18 <u>No minimum length but the possession of fish from 14" through 18" is prohibited</u>
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SECTION 33. NR 20.20(70)(d)1. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(d) Northern pike	1. Irogami (Fish) lake, Beans lake, Pine lake (at Hancock), Big Twin lake	a. Hook and line.	Continuous	2	26
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SECTION 34. NR 20.20(70)(g)1. is amended to read:

(70) WAUSHARA (for species and waters not listed, see sub. (73))

(g) Walleye, sauger and hybrids	1. Irogami (Fish) lake, Beans lake, Pine lake (at Hancock), Big Twin lake	a. Hook and line.	Continuous	<u>5 in total</u>	15
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SECTION 35. NR 20.20(73)(e)2.b. is repealed and recreated to read:

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

(e) Lake sturgeon	2. Lake Winnebago system waters	b. Spearing on Poygan lake, Winneconne lake, Butte des Morts lake.	February 12 and February 13, 2000	1 per season, regardless of the water in which speared	36
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SECTION 36. NR 20.20(73)(e)2g. is created to read:

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

(e) Lake sturgeon	2g. Lower Wisconsin river downstream from Wisconsin Dells dam	a. Hook and line. Tag required (see s. NR 20.07)	First Saturday in September to October 15	1 per season	50 in odd numbered years, 70 in even numbered years
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SECTION 37. NR 20.20(73)(e)2m. is created to read:

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

(e) Lake sturgeon	2m. Lake Michigan, Lake Michigan tributaries, Green Bay, Green Bay's tributary streams, rivers and ditches upstream to the first dam or lake	a. None.	No open season	--	--
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SECTION 38. NR 20.20(73)(f)4. is amended to read:

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

(f) Largemouth and smallmouth bass	4. All waters not listed in subs. (1) to (72) or this paragraph north of a line following STH 70 77 from its bridge over the St. Croix river east to STH 27, south on STH 27 to STH 64, east on STH 64 to its terminus in the city of Marinette and continuing due east to the shore of Green Bay and all waters north of STH 29 from its bridge over the Fox river east to its terminus in the city of Kewaunee and continuing due east to the shore of Lake Michigan	a. Hook and line.	First Saturday in May to Friday preceding the third Saturday in June	0	--
			Third Saturday in June to March 1	5 in total	14

SECTION 40. NR 20.20(73)(me) is repealed and recreated to read:

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

(me) Shovelnose sturgeon	1. Chippewa river downstream from interstate highway 94 bridge at Eau Claire including its tributaries upstream to the first dam or lake, lower Wisconsin river downstream from Prairie du Sac dam	a. Hook and line	Continuous	3	None
	2. All other waters not listed in subs. (1) to (72)	a. None.	No open season	--	--

SECTION 44. NR 20.33(5) is created to read:

NR 20.33(5) SPECIAL CLOSURE OF THE STURGEON SPEARING SEASON. (a) *Conditions for season closure.* The department shall close the season for spearing sturgeon on Lake Winnebago if the actual harvest on the Lake Winnebago system meets or exceeds 80% of the total allowable annual harvest of adult female sturgeon, juvenile female sturgeon or male sturgeon, as determined by the department. The total allowable annual harvest shall be based on an average annual harvest or exploitation rate of 5% of the estimated population of adult female sturgeon, 5% of the estimated population of juvenile female sturgeon and 5% of the estimated population of male sturgeon.

(b) *Announcement and notice of season closure.* The season closure shall be announced by a department press release to local media and to the official state newspaper on the day that actual harvest meets or exceeds 80% of the total allowable annual harvest, based upon the registration of harvested sturgeon pursuant to s. NR 20.10(10). The department shall post notice of the closure in the vicinity of Lake Winnebago and provide other notice deemed reasonable by the department.

(c) *Effective date of season closure.* The season closure shall take effect at 6:00 p.m. on the day following issuance of the department press release announcing the season closure in par. (b).

SECTION 45. NR 21.04(1) is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (in.)
(1) LARGEMOUTH AND SMALLMOUTH BASS			
(a) St. Louis river and St. Croix river downstream to the highway #70 bridge	Saturday preceding Memorial day to March 1	5 in aggregate	12 14
(b) <u>St. Croix river upstream from the dam at St. Croix Falls</u>	<u>Saturday preceding Memorial day to, but not including, the second Monday in September</u>	<u>5 in aggregate</u>	<u>14</u>
-	<u>Second Monday in September to March 1</u>	<u>0</u>	<u>--</u>
(b) (c) <u>St. Croix river downstream from the highway #70 bridge the dam at St. Croix Falls to the highway #10 bridge at Prescott</u>	Saturday preceding Memorial day to March 1	5 in aggregate	14
(e) (d) Mississippi river	Continuous	5 in aggregate	14

SECTION 46. NR 23.05(5)(c) is amended to read:

Kind of fish and locality	Open season (both dates inclusive)	Possession and daily bag limit	Minimum length (in.)
(c) LAKE STURGEON in all boundary waters	First Saturday in September to November 1	1 per season	50 <u>in odd numbered years, 70 in even numbered years</u>

SECTION 47. NR 26.26 is created to read:

NR 26.26 Panfish spawning refuges. The following described areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from the third Monday in May and continuing for 19 consecutive days, both dates inclusive, in on or along the following described water areas:

(25) IOWA COUNTY. (a) That portion of the Cox Hollow lake within 100 feet of the shoreline on the southern arm of the lake that is marked with buoys.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 26, 1999 and August 25, 1999.

The foregoing rules shall take effect on April 1, 2000 except sections 2, 35 and 44, which shall take effect on January 1, 2000 as provided in s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin,

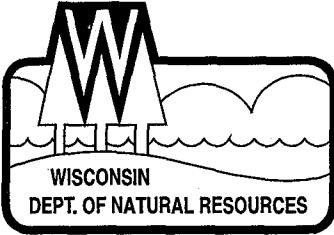
October 13, 1999

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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October 12, 1999

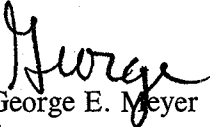
Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FH-6-99. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

Enc.

