

The scope statement for this rule, SS 104-18 was published in Administrative Register 753 A1 on September 4, 2018, was adopted by the Natural Resources Board on September 26, 2018. The final rule was approved by the Governor on November 27, 2018.

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

The Wisconsin Natural Resources Board proposes an order to **amend** NR 20.09(2) and (3), 21.03, 21.04(5), 21.05(1), 21.06(1)(d), 22.05(1), 22.06(1)(d) and 23.05(5); and to **create** NR 20.05 (5m), 20.15 (5) and (6), 20.20 (5)(b) 1. c. and d. and 2. b. and c., 20.20(6)(a) 1. b. and c., 20.20(11)(a) 1. b. and c., 20.20(12)(a) 1. b. and c. and 2. b. and c., 20.20(13)(b) 1. b. and c. and 2. b. and c., 20.20(17)(a) 1. b. and c., 20.20(18)(a) 1. b. and c., 20.20(22)(a) 1. b. and c. and 2. b. and c., 20.20(23)(a) 1. c. and d. and 2. b. and c., 20.20(24)(a) 1. b. and c. and 2. b. and c., 20.20(25)(a) 1. b. and c., 20.20(27)(b) 1. b. and c., 20.20(32)(a) 1. b. and c., 20.20 (33)(a) 1. b. and c., 20.20(39)(b) 1. b. and c. and 2. b. and c., 20.20(42)(a) 1. b. and c., 20.20 (47)(a) 1. b. and c., 20.20(53)(a) 1. b. and c., 20.20(56)(a) 1. b. and c. and 2. b. and c., 20.20 (62)(a) 1. b. and c., 20.20 (73)(b) 1. b. and c., 2. b. and c., 3. b. and c., 4. c. and d., 5. b. and c., and 6. b. and c., 21.06(1)(f), 22.06 (1)(f), 22.11(26), 23.065 and 25.05(3)(h) relating to taking catfish and rough fish by hand or with a bow and arrow or crossbow.

FH-15-18(E)

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted:

Sections 29.014 (1), 29.041 and 29.053 (2), Wis. Stats. have been interpreted as authorizing the department to conserve the fish supply on waters of the state while continuing to provide good opportunities for fishing. Sections 29.405 and 29.406, Wis. Stats have been interpreted as authorizing the department to create rules regulating catfish harvest by bow, crossbow or by hand. Section 29.519 is interpreted as allowing the department to regulate commercial fish harvest.

2. Statutory Authority:

Sections 29.014 (1), 29.041, 29.053 (2), 29.405, 29.406 and 29.519, Wis. Stats. authorize the promulgation of this rule. All rules promulgated under this authority are subject to review under ch. 227, Stats.

3. Explanation of Agency Authority:

The department is pursuing these rules in response to the passage of 2017 Act 297, which legalized the harvest of catfish by bow and arrow, crossbow or by hand.

Under s. 29.014 (1), Stats., “Rule-making for this chapter,” the department is directed 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.

The department is authorized to regulate fishing on and in all interstate boundary waters and outlying waters by s. 29.041, Stats., “Department to regulate hunting and fishing in interstate waters.”

Provisions of s. 29.053 (2), Stats., “Specific open and closed seasons,” provide 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.

Section 29.405, Stats., “Fishing with bow and arrow or crossbow,” describes the conditions under which taking catfish and rough fish by bow and arrow or crossbow are allowed. This section provides that the department’s authority to promulgate rules regulating bow and crossbow seasons, bag limits, length limits, zones and other limitations for catfish and rough fish is not affected. In s. 29.406, “Fishing by hand,” the department is authorized to promulgate similar rules relating to taking catfish or rough fish by hand.

The department has the authority to regulate commercial harvest, including harvest limits, gear restrictions and fishing area restrictions under s. 29.519, Stats., “Commercial fishing in outlying waters.”

4. Related Statutes or Rules:

Ch. NR 26, Wis. Admin. Code, contains fish refuges within the state that are closed to all forms of fishing, including fishing for catfish and rough fish.

A companion permanent rule, FH-16-18, is also in development.

5. Plain Language Analysis:

Catfish are a valued Wisconsin game fish, and closed seasons, bag limits, and size limits have been established for fishing with hook and line and bank poles to ensure sustainable use. Under 2017 Act 297, taking catfish by hand is now allowed but no seasons, size or bag limits for this method of take are yet in place. In certain situations, including spawning and overwintering seasons, catfish will be very vulnerable to harvest using these new methods without additional harvest regulations.

The proposed rule creates bowfishing regulations for catfish that are similar to those currently in place for rough fish. The rule also establishes a season for fishing by hand for catfish, subject to bag limits, size limits, gear restrictions and other regulations. Prior to Act 297, Wisconsin did not have any statewide rules allowing the harvest of game fish by bow, crossbow or by hand, but rough fish could be harvested by bow and crossbow in most of the state and by hand on some waters.

This rule will apply on inland and boundary waters of the state. Where special size regulations and closed seasons or refuges exist, anglers will adhere to the regulations on those waters in addition to complying with the bag limits and equipment restrictions described in this rule.

This rule will also prohibit commercial harvest of catfish by bow, crossbow or by hand. While commercial harvest with bow or crossbow would likely be inefficient and not pursued, hand fishing for commercial purposes could quickly deplete local catfish populations during certain times of the year.

This rule will also correct inconsistencies in rough fish regulations between administrative code and the new statutes.

SECTION 1 provides that no person may take catfish with any gear other than bare hands, or with the aid of any type of breathing apparatus.

SECTION 2 adds catfish to the list of species that can be taken with a bow and arrow or crossbow.

SECTION 3 establishes bow and arrow, crossbow and hand fishing as authorized methods for harvesting catfish, and provides exceptions for waters with closed seasons and those that are designated as fish refuges under ch. NR 26, Wis. Admin. Code.

SECTIONS 4 through 24 create seasons, bag limits and size limits for taking catfish with bow and arrow, crossbow or by hand on specific waters throughout the state.

SECTION 25 amends the reciprocity agreement for Wisconsin-Minnesota boundary waters to clarify that it applies to hook and line sport fishing and that alternative methods of harvest for catfish are only allowed in boundary waters within Wisconsin.

SECTION 26 establishes seasons for taking catfish by bow and arrow, crossbow or by hand on Wisconsin-Minnesota boundary waters.

SECTIONS 27 and 30 add bow and arrow, crossbow and hand fishing to the list of methods by which rough fish may be taken on the boundary waters and subsequently sold.

SECTIONS 28 and 31 provide that rough fish may be taken by hand on boundary waters within Wisconsin.

SECTIONS 29, 32 and 35 provide that catfish may be taken with a bow and arrow, crossbow or by hand on boundary waters with Minnesota, Michigan and Iowa.

SECTION 34 adds a cross-reference to SECTION 35, pertaining to harvesting catfish in Wisconsin-Michigan boundary waters.

SECTIONS 33 and 36 prohibit commercial fishing of catfish with bow, crossbow or by hand.

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

No federal regulations apply. States possess inherent authority to manage the fishery and wildlife resources within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register.

7. Comparison with Similar Rules in Adjacent States:

Minnesota and Iowa allow fishing for rough fish with a bow and arrow, but do not allow fishing for catfish with a bow and arrow, crossbow or by hand. Michigan allows rough fish and catfish harvest with a bow and arrow or crossbow, but hand fishing is not legal. In Illinois, all of these methods are legal for harvesting catfish. All neighboring states establish seasons, bag limits, size limits and closed areas for regulating the harvest of game fish.

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

Catfish spawn using cavities in the bank or sheltered areas behind large wood or other structures. During spawning, males will guard the nest, making them susceptible to hand fishing. Catfish are also vulnerable to overharvest during the winter. They exhibit strong site fidelity with individuals returning to the same winter locations for consecutive years. Catfish will congregate in large numbers within these wintering areas and become lethargic and docile, becoming very susceptible to being taken by hand. Season limits

and gear restrictions are necessary to protect wintering populations of catfish. In addition, catfish species can be vulnerable to harvest with the use of bow and arrow at night as they lie in shallow water. Through reduced bag limits, this rule will prevent overharvest of catfish with bow or crossbow or by hand.

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

Economic impacts are expected to be minimal. The regulations proposed in this rule are not expected to present additional costs to anglers; rather, they will provide opportunities for alternative methods of harvest for catfish and rough fish while ensuring that harvest remains sustainable. While commercial fishers will not be able to utilize the new harvest methods, this rule will have no impacts on commercial harvest.

10. Effect on Small Business (initial regulatory flexibility analysis):

Impacts on small businesses as a result of this rule will be minimal, as the proposed regulations will continue to allow catfish and rough fish to be harvested through the new methods and will not significantly impact current hook and line fishing. These rules are mainly applicable to individual anglers and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

11. Agency Contact Person:

Meredith Penthorn, Meredith.Penthorn@wisconsin.gov, 608-316-0080

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:

Meredith Penthorn

Department of Natural Resources

P.O Box 7921, Madison, WI 53707

608-316-0080

Meredith.Penthorn@wisconsin.gov

Written comments may also be submitted to the Department at

DNRAAdministrativeRulesComments@wisconsin.gov.

Hearing dates and the comment submission deadline are to be determined.

SECTION 1. NR 20.05 (5m) is created to read:

20.05 General restrictions. (5m) Take catfish by hand with the aid of or while in possession of artificial nests or spawning boxes, ropes, gaffes, hooks, grapples or similar equipment for snagging catfish, or breathing devices including but not limited to snorkeling or SCUBA gear.

SECTION 2. NR 20.09 (2) and (3) are amended to read:

20.09 Spearing restrictions. (2) Use, possess, or control any bow, spear, or similar device from sunset to sunrise while on the waters or on the banks or shores of any waters except as authorized in s. NR 20.20, and that a bow and arrow or crossbow may be possessed and used for spearing rough fish or catfish from sunset to sunrise during the open season for spearing rough fish, except on waters with a closed season for taking catfish.

(3) Spear any game fish except that flathead and channel catfish may be taken with a bow and arrow or crossbow during the open season for taking catfish with a bow and arrow or crossbow on waters specified in s. NR 20.20, and white bass, yellow bass, rock bass, panfish and bullheads may be speared while skin diving or scuba diving during the open season for rough fish spearing on waters specified in s. NR 20.20, provided that the season for white bass, yellow bass, rock bass, panfish and bullheads is also open on the same water. Daily bag limits and size restrictions specified in s. NR 20.20 for catfish, white bass, yellow bass, rock bass, panfish and bullheads also apply.

SECTION 3. NR 20.15 (5) and (6) are created to read:

20.15 Authorized methods. (5) Take catfish with a bow and arrow or crossbow during the open season for spearing rough fish on waters specified in s. NR 20.20, except that catfish may not be taken on those waters with closed seasons or those waters established as fish refuges under ch. NR 26.

(6) Take catfish by hand from June 1 through August 31 on all waters except those waters with closed seasons or those waters established as fish refuges under ch. NR 26.

SECTION 4. NR 20.20 (5) (b) 1. c. and d. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(5) BROWN (For species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73)).					
(b) Catfish	1. Fox river upstream from DePere dam	c. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		d. By hand	June 1 to August 31	5 channel, 1 flathead	None

2. All other waters except Green Bay and its tributaries	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
	c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 5. NR 20.20 (6)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(6) BUFFALO (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Buffalo river from the state highway 37 bridge and the Chippewa river downstream to the Burlington Northern and Santa Fe railroad tracks	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 6. NR 20.20 (11)(a) 1. b. and c. are created to read:

20.20 County and statewide table.

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(11) COLUMBIA (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Lower Wisconsin river from the Prairie du Sac dam to the	b. Bow and arrow, crossbow	First Saturday in May to November 30	5 channel, 1 flathead	None

railroad bridge at Sauk
City

c. By hand	June 1 to August 31	5 channel, 1 flathead	None
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SECTION 7. NR 20.20 (12)(a) 1. b. and c. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(12) CRAWFORD (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Kickapoo river from 200 feet below the Gays Mills dam downstream to the Wisconsin river, Lower Wisconsin river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None
	2. Lower Wisconsin river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 8. NR 20.20 (13)(b) 1. b. and c. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE
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					RESTRICTIONS (INCHES)
(13) DANE (For species or waters not listed, see sub. (73)).					
(b) Catfish	1. Lower Wisconsin river from the Prairie du Sac dam downstream to the railroad bridge at Sauk City	b. Bow and arrow, crossbow	First Saturday in May to November 30	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None
	2. Lower Wisconsin river downstream from the railroad bridge at Sauk City	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 9. NR 20.20 (17) (a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(17) DUNN (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Chippewa river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 10. NR 20.20 (18)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(18) EAU CLAIRE (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Chippewa river downstream from the dam in Eau Claire	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 11. NR 20.20 (22)(a) 1. b. and c. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(22) GRANT (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Lower Wisconsin river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None
	2. Blue river from the state highway 133 bridge downstream to the Wisconsin river, Grant river from Porters bridge on state highway 35 downstream to the Burlington Northern and Santa Fe railroad tracks,	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None

Platte river,
from the state
highway 81
bridge
downstream to
the Burlington
Northern and
Santa Fe
railroad tracks.

c. By hand	June 1 to August 31	5 channel, 1 flathead	None
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SECTION 12. NR 20.20 (23)(a) 1. c. and d. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(23) GREEN (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Pecatonica river	c. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		d. By hand	June 1 to August 31	5 channel, 1 flathead	None
	2. All other waters	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 13. NR 20.20 (24)(a) 1. b. and c. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
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(24) GREEN LAKE (For species or waters not listed, see sub. (73)).

(a) Catfish	1. All waters	b. Bow and arrow, crossbow	Saturday nearest May 20 to September 30	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.
	2. Fox river 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive only	b. Bow and arrow, crossbow	Saturday nearest May 20 to September 30	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.

SECTION 14. NR 20.20 (25)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
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(25) IOWA (For species or waters not listed, see sub. (73)).

(a) Catfish	1. Lower Wisconsin river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 15. NR 20.20 (27) (b) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(27) JACKSON (For species or waters not listed, see sub. (73)).					
(b) Catfish	1. Black river from the U.S. highway 12 bridge in the city of Black River Falls downstream	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 16. NR 20.20 (32)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(32) LA CROSSE (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Black river downstream to the Burlington Northern and Santa Fe railroad tracks	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 17. NR 20.20 (33)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(33) LAFAYETTE (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. East Branch Pecatonica river, Pecatonica river (west branch) downstream from U.S. highway 151	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 18. NR 20.20 (39)(b) 1. b. and c. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(39) MARQUETTE (For species or waters not listed, see sub. (73)).					
(b) Catfish	1. All waters	b. Bow and arrow, crossbow	Saturday nearest May 20 to September 30	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.
	2. Fox river 500 feet above the first dam upstream from Princeton to Wicks	b. Bow and arrow, crossbow	Saturday nearest May 20 to September 30	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36

Landing at
Fox River
Drive in Green
Lake county

to 42 is
prohibited.

c. By hand

June 1 to
August 31

5 channel, 1
flathead

None except for
flathead catfish,
which is 30 but
the possession
of flathead
catfish from 36
to 42 is
prohibited.

SECTION 19. NR 20.20 (42)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(42) MONROE (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Black River	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 20. NR 20.20 (47)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(47) PEPIN (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Chippewa river downstream to the Burlington Northern and Santa Fe railroad tracks	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None

c. By hand	June 1 to August 31	5 channel, 1 flathead	None
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SECTION 21. NR 20.20 (53)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(53) RICHLAND (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Lower Wisconsin river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 22. NR 20.20 (56)(a) 1. b. and c. and 2. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(56) SAUK (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Lower Wisconsin river from the Prairie du Sac dam downstream to the railroad bridge at Sauk City	b. Bow and arrow, crossbow	First Saturday in May to November 30	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None
	2. Lower Wisconsin river downstream	b. Bow and arrow, crossbow	During the open season	5 channel, 1 flathead	None

from railroad
bridge at Sauk
City

for spearing
rough fish

c. By hand

June 1 to
August 31

5 channel, 1
flathead

None

SECTION 23. NR 20.20 (62)(a) 1. b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(62) TREMPEALEAU (For species or waters not listed, see sub. (73)).					
(a) Catfish	1. Black river	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
		c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 24. NR 20.20 (73)(b) 1. b. and c., 2. b. and c., 3. b. and c., 4. c. and d., 5 b. and c. and 6 b. and c. are created to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) to (72)					
(b) Catfish	1. Duck creek downstream from the first dam above the Pamperin park foot bridge in the village of Howard excluding its tributaries,	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None

Fox river
downstream
from DePere
dam, Suamico
river
downstream
from county
highway HS,
East river
downstream
from Hoffman
road (county
highway XX),
Brown county

c. By hand June 1 to
August 31 5 channel, 1
flathead None

2. All other b. Bow and First Saturday 5 channel, 1 None
tributary arrow, in May to the flathead
streams, rivers crossbow first Sunday in
and ditches to March
Green Bay in
Brown county
upstream to
the first
dam or lake,
Brown county

c. By hand June 1 to
August 31 5 channel, 1
flathead None

3. All other b. Bow and First Saturday 5 channel, 1 None
tributaries, arrow, in May to the flathead
streams, crossbow first Sunday in
rivers and March
ditches to
Green Bay
upstream to
the first dam
or lake

c. By hand June 1 to
August 31 5 channel, 1
flathead None

4. Lake c. Bow and Saturday 5 channel, 1 None except for
Winnebago arrow, nearest May flathead flathead catfish,
system waters crossbow 20 to which is 30 but
September 30 the possession
of flathead
catfish from 36

				to 42 is prohibited.
	d. By hand	June 1 to August 31	5 channel, 1 flathead	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited.
5. All other waters of Calumet, Fond du Lac, Outagamie, Shawano, Waupaca, Waushara and Winnebago counties	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
	c. By hand	June 1 to August 31	5 channel, 1 flathead	None
6. All waters not listed in subs. (1) to (72) or this paragraph	b. Bow and arrow, crossbow	During the open season for spearing rough fish	5 channel, 1 flathead	None
	c. By hand	June 1 to August 31	5 channel, 1 flathead	None

SECTION 25. NR 21.03 is amended to read:

21.03 Reciprocity, sport fishing or spearing and dip netting. All residents of Wisconsin and Minnesota holding a resident fishing license from their respective states or residents other than Wisconsin and Minnesota holding an angling or sport fishing license issued by either state, may fish in any of the waters of the Mississippi river lying between the Burlington Northern and Santa Fe railroad tracks on the Wisconsin side of the river and the Chicago, Milwaukee, St. Paul and Pacific railroad tracks on the Minnesota side of the river, including all sloughs and backwaters, bays and newly-extended water areas connected with the main channel of the Mississippi river by a channel which is navigable at periods when the water is approximately equal to normal pool elevation as created by the U.S. department of the army,

and in the waters of Lake St. Croix, and the St. Croix river and the St. Louis river as defined in s. NR 21.02 (39). This reciprocity applies only to ~~sport fishing~~ hook and line fishing, spearing, dip netting, and the taking of minnows and crayfish for such fishing. Catfish may only be taken by bow and arrow, crossbow or by hand in boundary waters within Wisconsin.

SECTION 26. NR 21.04 (5) is amended to read:

21.04 Sport fishing; seasons and limits.

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(5) CATFISH			
(a) St. Louis River and St. Croix River downstream to the highway #10 bridge at Prescott			
1. <u>Hook and line</u>	Continuous	10 in aggregate	No size limit
2. <u>Bow and arrow, crossbow</u>	<u>During the open season for spearing rough fish</u>	<u>5 channel, 1 flathead</u>	<u>No size limit</u>
3. <u>By hand</u>	<u>June 1 to August 31</u>	<u>5 channel, 1 flathead</u>	<u>No size limit</u>
(b) Mississippi River from Prescott downstream			
1. <u>Hook and line</u>	Continuous	25 in aggregate	No size limit
2. <u>Bow and arrow, crossbow</u>	<u>During the open season for spearing rough fish</u>	<u>5 channel, 1 flathead</u>	<u>No size limit</u>
3. <u>By hand</u>	<u>June 1 to August 31</u>	<u>5 channel, 1 flathead</u>	<u>No size limit</u>

SECTION 27. NR 21.05 (1) is amended to read:

21.05 Sale of fish. (1) Fish, other than rough fish taken during the open season, ~~taken~~ by hook and line, spear, bow and arrow, crossbow or by hand, shall not be sold, purchased, bartered, offered for sale, or under control or in possession for the purpose of sale or barter. (23.11, 29.503, 29.539).

SECTION 28. NR 21.06 (1) (d) is amended to read:

21.06 Sport fishing restrictions. (1) (d) Except in Lake Superior, its bays and tributaries, may take rough fish by means of spear, bow and arrow, crossbow, by hand, or dip nets and landing nets not to exceed 24 inches in diameter or square only from sunrise to sunset from the Saturday nearest April 21 to March 1, except that the use of dip nets and landing nets not to exceed 24 inches in diameter or square for the taking of rough fish in the St. Croix river downstream to the St. Croix Falls dam is permitted from the Saturday nearest May 15 to June 30 each year, and bow and arrow or crossbow may be possessed and used for spearing rough fish from sunset to sunrise during the open season for spearing rough fish.

SECTION 29. NR 21.06 (1) (f) is created to read:

21.06 Sport fishing restrictions. (1) (f) May take, catch, kill or fish for flathead or channel catfish with a bow and arrow, crossbow or by hand in boundary waters within Wisconsin.

SECTION 30. NR 22.05 (1) is amended to read:

22.05 Sale of fish. (1) Only rough fish legally taken during the open season by hook and line, spear, ~~or~~ bow and arrow, crossbow or by hand may be sold, purchased, bartered, offered for sale, or under the control or possession of any person for the purpose of sale or barter.

SECTION 31. NR 22.06 (1) (d) is amended to read:

22.06 Sport fishing. (1) (d) Take rough fish by means of a spear, bow and arrow, crossbow, by hand or landing net or dip nets not to exceed 24 inches in diameter or square from sunrise to sunset only, and bow and arrow or crossbow may be possessed and used for spearing rough fish from sunset to sunrise during the open season for spearing rough fish.

SECTION 32. NR 22.06 (1) (f) is created to read:

22.06 Sport fishing. (1) (f) May take, catch, kill or fish for flathead or channel catfish with a bow and arrow, crossbow or by hand in boundary waters within Wisconsin.

SECTION 33. NR 22.11 (26) is created to read:

22.11 Commercial fishing. (26) No person may harvest catfish by hand or with a bow and arrow or crossbow under the authority of a commercial fishing license or for commercial purposes.

SECTION 34. NR 23.05 (5) is amended to read:

23.05 Hook and line fishing. (5) The seasons, size limits and bag and possession limits for hook and line fishing in the Wisconsin-Michigan boundary waters for the species listed in this subsection, except as provided in ~~s. ss.~~ NR 23.06 and 23.065, are as follows:

SECTION 35. NR 23.065 is created to read:

23.065 Taking catfish by hand or with a bow and arrow or crossbow.

(1) Flathead and channel catfish may be taken by hand, bow and arrow or crossbow in boundary waters within Wisconsin subject to the season dates, daily bag limits and size limits established in s. NR 20.20.

(2) No person may take catfish by hand with the aid of or while in possession of artificial nests or spawning boxes, ropes, gaffes, hooks, grapples or similar gear for snagging catfish, or breathing devices including but not limited to snorkeling and SCUBA gear.

SECTION 36. NR 25.05 (3) (h) is created to read:

25.05 Open seasons; size limits; possession and harvest limits. (3) POSSESSION AND HARVEST LIMITS. (h) Take catfish with a bow and arrow, crossbow or by hand.

SECTION 38. STATEMENT OF EMERGENCY. An emergency rule is necessary to preserve the public welfare by continuing to provide opportunities for good fishing while maintaining sustainable catfish populations. Catfish are a game fish and existing regulations aim to provide quality hook and line fishing experiences to Wisconsin anglers. Establishing season dates, size limits, bag limits and equipment restrictions for harvesting catfish with a bow, crossbow or by hand will help protect catfish from overharvest as they move into their wintering habitat. This emergency rule is necessary in order to have these regulations in place during the winter while a companion permanent rule is still in development.

SECTION 40. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 24, 2018.

SECTION 39. EFFECTIVE DATE. This rule takes effect upon publication in the official state newspaper, as provided in s. 227.24(1)(c), Stats.

Dated at Madison, Wisconsin _____12/10/18_____.

STATE OF Wisconsin DNR

DEPARTMENT OF NATURAL RESOURCES

BY _____Ed Eberle_____

for Daniel L. Meyer, Secretary

(SEAL)