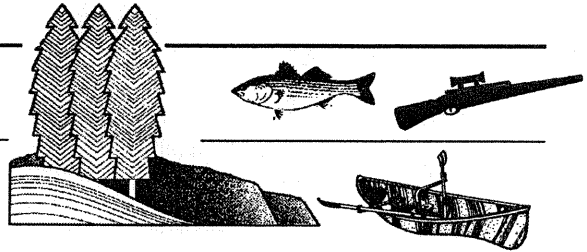


Assembly Committee on:

# Natural Resources

State Representative

DuWayne Johnsrud, Chair



## MEMORANDUM

DATE: June 6, 1995  
TO: Members, Assembly Natural Resources Committee  
FROM: DuWayne Johnsrud, Chair  
RE: rule referral

The following Rules have been referred to our committee:

Clearinghouse Rule 95-029	Relating to hunting. Submitted by Department of Natural Resources.
Clearinghouse Rule 95-023	Relating to sport fishing for yellow perch on Lake Michigan and commercial fishing for yellow perch in zones 2 and 3 on Lake Michigan and Green Bay. Submitted by Department of Natural Resources.

Our current review period extends through July 6, 1995. Copies of each rule summary are enclosed. Please contact my office if you would like a copy of any rule.

## REPORT TO LEGISLATURE

NR 20.02 and 25.06, Wis. Adm. Code  
Sport fishing for yellow perch on Lake Michigan and  
commercial fishing for yellow perch in zones 2 and 3 on Lake Michigan and Green Bay

Board Order No. FM-2-95  
Clearinghouse Rule No. 95-023

### Statement of Need

The proposed rule will reduce the daily bag limit for yellow perch caught in Lake Michigan from 50 to 25 and close during June the sport fishing season for yellow perch on Lake Michigan. The proposed rule will also reduce the annual total allowable commercial harvest of yellow perch from zones 2 and 3 by 65% (from 13,300 pounds to 4,655 pounds in zone 2 and from 306,700 pounds to 107,345 pounds in zone 3).

Five consecutive years of poor reproduction by yellow perch in Lake Michigan have resulted in a reduced population of mature fish. Measures to protect the remaining adult population from excessive sport and commercial harvests are needed to improve the likelihood and rapidity of a recovery of the yellow perch population.

On December 10, 1994, Department biologists met with their counterparts from the other states and approximately 150 sport and commercial fishers from the states of Illinois, Indiana, Michigan and Wisconsin to discuss the yellow perch situation. On January 18, 1995, the Directors of Fisheries for Illinois, Indiana, Michigan and Wisconsin met to discuss the final form of a joint strategy to protect the yellow perch of Lake Michigan. This proposed rule represents Wisconsin's part of that joint strategy. The strategy will apply to the southern and central portions of Lake Michigan. Under this plan commercial harvests will be reduced by 65%, a common bag limit of 25 will be established in all states except Michigan where the bag limit will be 50, and all sport and commercial harvests of yellow perch will be prohibited during the month of June. The higher bag limit in Michigan is appropriate because there is no commercial yellow perch fishery in that state.

### Modifications as a Result of Public Hearing

No modifications were made as a result of public hearing.

### Appearances at the Public Hearings and Their Position

March 13, 1995 - Sturgeon Bay

In support:

Gary Nault, 711 Hickory, Sturgeon Bay, WI 54235  
Paul Linke, 4011 County T, Sturgeon Bay, WI 54235

In opposition:

Rick Johnson, Johnson Fishery, 850 Hwy. 42, Ellison Bay, WI 54210  
Daniel Schwarz, 4399 Hwy. 57, Sturgeon Bay, WI 54235

As interest may appear:

Neil F. Teskie, Teskie Fisheries, 12266 Hwy. 42, Ellison Bay, WI  
Charles W. Henriksen, President, Wis. Commercial Fisheries Assn., 1597 Birch Road, Baileys Harbor, WI 54202  
Mark Warecki, 1824 Florida Street, Sturgeon Bay, WI 54235

March 14, 1995 - Sheboygan

In support:

Gerald Niebner, Manitowoc Co. Fish & Game, 1617 South 11 Street, Manitowoc, WI  
Robert J. Dumovich, 627 Huron Avenue, Sheboygan, WI 53081  
David H. Vogt, 409 Paw Paw Street, Paw Paw, Michigan 49079  
Eddie Lanmichl, Sr., 4538 Winchester, Lyons, IL

In opposition:

Dan Schwarz, 4399 Hwy. 57, Sturgeon Bay, WI 54235  
Phillip Anderson, N1967 Rangeline Road, Kewaunee, WI 54216  
Mark Nelson, 1415 Camelot Blvd., Sheboygan, WI 53081  
Roy Berres, President, Northeast Wisconsin Great Lakes Sports Fishermen, 1439 North 8th St., Manitowoc, WI 54220  
Drew Garczynski, 1715 North 6th Street, Sheboygan, WI 53081  
Patrick Clark, 8953 Hwy. 57, Baileys Harbor, WI 54202

As interest may appear:

Edgar F. Koeser, 723 Madison Avenue, Howards Grove, WI 53083  
Frank Bazaitis [no address given]  
Wallace J. Leonhard, 4005 N. 45th Street, Sheboygan, WI 53083  
Allen L. Cornell, 3717 N. 46th Street, Sheboygan, WI 53083

March 15, 1995 - Racine

In support:

Jim Muleski, Salmon Unlimited, 4512 Durand Avenue, Racine, WI 53405  
Robert J. Sus, 2018 Russet Street, Racine, WI 53405  
Louis S. Kowieski, Wis. Conservation Congress Great Lakes Committee, 719 South 97th Street, West Allis, WI 53214  
Jim Butterbrodt, 4824 22nd Avenue, Kenosha, WI 53140  
Charles Lambert, South Milwaukee 1400 Fishing Hunting Club, 120 16th Avenue, South Milwaukee, WI 53172  
Fred Herzberg, 8880 South 11th Avenue, Oak Creek, WI 53154  
Wayne Brofka, P.O. Box 113, Somers, WI 53171  
Steven R. Robillard, 1765 15th Avenue, #8, Kenosha, WI 53140  
Bill Moldenauer, 3819 Linda Lane, Racine, WI 53405  
James Engel, 2627 Jacato Drive, Apt. 26, Racine, WI 53404

In opposition:

Jeff Petro, P.O. Box 1707, Racine, WI  
Donald J. Bertelson, 1728 Orchard Street, Racine, WI 53405

Robert O. Schmidt, 1903 19th Avenue, Kenosha, WI 53140  
Joseph Petrouske, 5203 62nd Street, Kenosha, WI 53142  
Ken Fredrickson, 2002 26th Street, Kenosha, WI  
Gene Breiling, 6303 50th Avenue, Kenosha, WI 53142  
Frank J. Duffin, 5503 43rd Avenue, Kenosha, WI 53144  
[No name given], 6635 37th Avenue, Kenosha, WI 53142  
Donald H. Piehl, 6552 49th Avenue, Kenosha, WI 53142

As interest may appear:

Larry Butschli, 8014 14th Avenue, Kenosha, WI  
Cyril J. Quella, Jr., 1410 Buchanan Street, Racine, WI  
Dan Rasmussen, 1813 North Wisconsin Street, Racine, WI 53402  
Jay Multhauf, 832 E. Wilbur Avenue, Milwaukee, WI 53207  
Russ Herschlein, Lakeshore Fisherman Club, 3455 S. Clement Avenue, Milwaukee, WI 53207  
Carrol Schwer, 2716 24th Avenue, Kenosha, WI 53142  
Steve Haas, 8251 25th Street, [no city given]  
William Muszynski, 1820 28th Street, Kenosha, WI  
Tim Hansen, 1502 Laura Avenue, Racine, WI 53406  
Robert G. Thomas, 6032 33rd Avenue, Kenosha, WI 53142  
James A. Dvoracek, 2203 Mt. Pleasant Street, Racine, WI 53404  
Robert Wedeines, 1425 22nd Street, Kenosha, WI 53140  
John L. Wolfe, 541 Southtowne Road, Apt. R102, South Milwaukee, WI 53172  
Ron Straszewski, 3325 27th Avenue, Kenosha, WI 53140  
Chester J. Frye, 2811 64th Street, Kenosha, WI 53143  
James Thomson, Lakeshore Fishing Club, 4148 South 2nd Street, Milwaukee, WI 53207  
Tom Lukas, 10206 Dunkelow Road, Franksville, WI 53126  
Allen Walek, 3355 N. Elmwood Drive, Racine, WI 53405  
Charles Kamakian, 5348 5 Mile Road, Racine, WI 53402  
Robert Coles, 2116 Indiana Street, Racine, WI 53405

Response to Legislative Council Rules Clearinghouse Report

There were no comments or recommendations.

Final Regulatory Flexibility Analysis

The proposed rule changes will directly affect only commercial fishers. Indirect effects will be felt by sport fishers of Lake Michigan, commercial fish wholesalers, restaurants, sport fishing bait and tackle shops and others. No additional compliance or reporting requirements will be imposed as a result of these proposed rule changes.

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
AMENDING RULES

FM-2-95

The Wisconsin Natural Resources Board adopts  
an order to amend ss. NR 20.02(1)(c) and 25.06(2)(b)  
2. and 3. relating to sport fishing for yellow perch . FM-2-95  
on Lake Michigan and commercial fishing for yellow  
perch in zones 2 and 3 on Lake Michigan and Green Bay .

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.085, 29.174(3), 29.33(1) and (7) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085 and 29.174(2)(a), Stats.

The order affects Lake Michigan sport fishing rules and Green Bay and Lake Michigan commercial fishing rules. SECTION 1 decreases the sport fishing daily bag limit for yellow perch taken from Lake Michigan from 50 to 25 fish and closes the sport fishing season for yellow perch in Lake Michigan during June. SECTION 2 decreases the total allowable annual commercial harvests of yellow perch from zones 2 and 3 of Green Bay and Lake Michigan. For zone 2 the commercial yellow perch harvest limit is reduced from 13,300 pounds to 4,655 pounds and for zone 3 the harvest limit is reduced from 306,700 pounds to 107,345 pounds.

SECTION 1. NR 20.02(1)(c) is amended to read:

Species	Area	Open season	Daily bag limit	Minimum length(in.)
(c) YELLOW PERCH	Green Bay	Continuous	25	No size limit
	Lake Michigan	<del>Continuous</del>	<del>50</del>	No size limit
		<u>July 1 to May 31</u>	<u>25</u>	
Lake Superior	Continuous	50	No size limit	

SECTION 2. NR 25.06(2)(b)2. and 3. are amended to read:

NR 25.06(2)(b)2. The total allowable commercial harvest in zone 2 for any license year may not exceed ~~13,300~~ 4,655 pounds.

3. The total allowable commercial harvest in zone 3 for any



ORIGINAL

UPDATED

CORRECTED

SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

FM-2-95

Amendment No. if Applicable

**FISCAL ESTIMATE**  
DOA-2048 (R 11/90)

**Subject**

Adoption of order FM-2-95, pertaining to sport fishing in Lake Michigan and commercial fishing in Green Bay and Lake Michigan

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

- Increase Existing Appropriation  Increase Existing Revenues
- Decrease Existing Appropriation  Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive  Mandatory
- 2.  Decrease Costs
  - Permissive  Mandatory

- 3.  Increase Revenues
  - Permissive  Mandatory
- 4.  Decrease Revenues
  - Permissive  Mandatory

5. Types of Local Governmental Units Affected:
- Towns  Villages  Cities
  - Counties  Others
  - School Districts  VTAE Districts

**Fund Sources Affected**

- GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

Order FM-44-94 will contain changes to existing commercial fishing rules approved by the Natural Resources Board. The modifications to the rules will have no fiscal impact on either state or local units of government.

The following assumptions were used in arriving at the fiscal estimate for these fishing rule changes.

1. The proposed rules do not affect relations with local units of government nor other state agencies.
2. No additional liability or revenue fluctuations are envisioned.
3. No additional staffing is required by state of local units of government.
4. State DNR law enforcement officers will enforce the rules in their normal course of duty.
5. No fee collection is involved in these rule changes.

**Long-Range Fiscal Implications**

None

Agency/Prepared by: (Name & Phone No.)

Bill Horns, Bureau of Fisheries Mgmt,  
Department of Natural Resources, 6-8782

Authorized Signature/Telephone No.

*Joe Clark/MS*

6-2794

Date

12/21/94