



NR 25, 26

State of Wisconsin

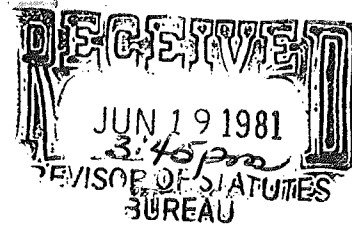
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. F-40-80 was duly approved and adopted by this Department on April 23, 1981. 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 General Executive Facility #2 in the City of Madison, this 19th day of June, 1981.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

7-1-81

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

.....
 IN THE MATTER of repealing sections NR 25.06(1)(e) and
 NR 25.08(5)(a)(3); renumbering section NR 25.08(5)(b);
 amending sections NR 25.05(2)(b), NR 25.06(1)(b),
 NR 25.06(1)(c), NR 25.06(1)(d), NR 25.06(1)(f),
 NR 25.07(1)(a)1, NR 25.07(1)(a)2 and NR 26.23(1);
 repealing and recreating sections NR 25.08(3)(a)4 and
 NR 26.23(2); and creating section NR 25.08(5)(b)
 pertaining to lake trout management for Lake Superior
 commercial fisheries

F-40-80

Analysis Prepared by Department of Natural Resources

This rule increases allowable harvest levels for lake trout and relaxes restrictions on siscowet in Lake Superior, providing greater opportunities for harvesting by both Indian and non-Indian commercial fishers. It creates refuges and restricted fishing areas affording protection for lake trout in critical areas and at critical times, permitting rehabilitation of self-sustaining lake trout stocks. It provides areas in which sport fisheries can occur without direct competition from net fishers.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09(2)(c), 29.085, 29.174, 29.33 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals, renumbers, amends, repeals and recreates and creates rules interpreting sections 23.09(2)(c) and 29.33, Wisconsin Statutes, as follows:

SECTION 1 - Section NR 25.05(2)(b) is amended to read:

	A	B	C
Species	Lake Michigan and Northern Green Bay	Southern Green Bay	Lake Superior
(b) Siscowet			17-inches <u>No size limit</u>

SECTION 2 - Section NR 25.06(1)(b) is amended to read:

(b) The total allowable commercial harvest for any license year shall may not exceed ~~400,000~~ 180,000 pounds of lake trout.

SECTION 3 - Section NR 25.06(1)(c) is amended to read:

(c) That quantity of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior shall may not exceed 40%-by ~~weight-of-the-total-annual-allowable-commercial-harvest~~ 80,000 pounds annually.

SECTION 4 - Section NR 25.06(1)(d) is amended to read:

(d) Eligible members of the Red Cliff and Bad River bands of Lake Superior Chippewas as determined by the respective tribal councils may harvest under permits issued by their respective tribal councils ~~40%-of-the-annual-allowable-commercial-harvest~~ 100,000 pounds of lake trout from Wisconsin waters of Lake Superior annually. Copies of said the permits will be provided to the department at the time of issue.

SECTION 5 - Section NR 25.06(1)(e) is repealed.

SECTION 6 - Section NR 25.06(1)(f) is amended to read:

(f) All lake trout and siscowet shall be tagged with tags furnished or authorized for each subspecies by the department before being brought to any shore, ~~deck-or-port~~ when fishing in open water and before being transported when fishing with nets under the ice. Such fish shall be individually tagged. Untagged fish may not be left unattended.

SECTION 7 - Section NR 25.07(1)(a) is amended to read:

(a) The allotment of catch quotas as established in s. NR 25.06 to individuals holding licenses authorizing commercial fishing on Lake Superior shall be, ~~pending the establishment of criteria by the Lake Superior commercial fishing board and~~ upon application in accordance with sub. (3), as follows:

1. Each commercial fisher licensed under s. 29.33, Stats., shall receive an individual quota of ~~2,200~~ 4,400 pounds of lake trout; except

2. Each such licensed fisher who fishes with ~~means of~~ pound or trap nets only shall receive a quota of lake trout in the amount of ~~1,600~~ 3,200 pounds.

3. Whenever that quantity of lake trout allocated in subds. 1. and 2. exceeds the total allowable commercial harvest, individual allocations shall be reduced on a pro rata basis.

SECTION 8 - Section NR 25.08(3)(a)4. is repealed and recreated to read:

4. Gill nets with a mesh size of not less than 4 1/2" stretch measure and not more than 30 meshes in depth only when set on the bottom.

a. Each licensed fisher may use not more than 10,000 feet of the nets at depths less than 55 fathoms and only from December 1 through September 30.

b. Each licensed fisher may use not more than 20,000 feet of the nets in depths of more than 55 fathoms at any time.

SECTION 9 - Section NR 25.08(5)(a)3 is repealed.

SECTION 10 - Section NR 25.08(5)(b) is renumbered NR 25.08(5)(c).

SECTION 11 - Section NR 25.08(5)(b) is created to read:

(b) No nets of any kind except those under permit for the taking of rough or detrimental fish may be used, set, placed or operated in the following waters of Lake Superior.

1. All waters bounded by a line beginning at the mouth of Graveyard creek extending north to Gull Island Shoals refuge south boundary, then east to the Wisconsin-Michigan state line, then southerly along the state line to the shore at the mouth of the Montreal river, then westerly along the shore to the point of beginning.

2. All waters of Siskiwit bay bounded by the shoreline and a line extending from Quarry point to Squaw point.

3. All waters from a line extending due north from the mouth of the Cranberry river at Herbster, easterly to the northernmost point of Quarry Point wherein the bottom lies at a depth of less than 12 fathoms, except Bark bay which shall be open from April 1 through May 30.

4. All waters from a line extending due north from the mouth of the Iron river, easterly to a line extending due north from the mouth of the Cranberry river at Herbster, wherein the bottom lies at a depth of less than 15 fathoms.

5. All waters from a line extending due north from the mouth of the Iron river, westerly to the Wisconsin-Minnesota state line wherein the bottom lies at a depth of less than 35 fathoms, except that from November 15 through December 30 gill nets of 3" or less stretch measure may be used in that portion greater than 15 fathoms in depth east of a line extending due north from the mouth of the Brule river.

6. All waters from a line extending due east from the breakwall light at Port Superior, southerly along the shoreline to Houghton point, wherein the bottom lies at a depth of less than 9 fathoms, and those waters within one mile of the mouth of any stream along this shoreline except from June 1 through August 15.

7. All waters bounded by a line beginning at the Chequamegon point light on the western end of Long island extending northeasterly to the southernmost point of Madeline island, then due east to the western boundary of Gull Island Shoals refuge, then southerly along the refuge boundary to the mouth of the Bad river, then northwesterly along the shoreline to the place of beginning, except within one mile of the mainland shoreline in Ashland county.

8. All waters east of Madeline island between a line extending due east from the southernmost tip of Madeline island to the western boundary of the Gull Island Shoals refuge and a line extending from the east end of Hagen road to the western boundary of the Gull Island Shoals refuge from June 1 through August 31.

SECTION 12 - Section NR 26.23(1) is amended to read:

(1) In order to prevent substantial depletion of the fish supply, the following described spawning areas and nursery areas in Lake Superior are hereby created and established as fish refuges and ~~it shall be unlawful for~~ any no person ~~to~~ may take, catch, capture, kill or fish for fish in any manner at any one time in, on or along the following described water areas:

(a) ~~from~~ From the southernmost point of Outer island in a straight line and a southerly direction to the Gull island light and then south to the northernmost point of Michigan island proceeding in a southerly direction following the shoreline of Michigan island to the Michigan island light, then southerly to the center of the mouth of the Bad river in Ashland county; then due east to the Michigan state line; then northerly along the state line to a point due east of the southerly tip of Outer island; from that point due west to the southernmost point of Outer island, the place of beginning excluding those waters within 2 miles of Outer island and within one-half one mile of the mainland shoreline of Ashland county; 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 3/4" or less stretch measure may be used from November 5 to December 5 for the taking of Menominee whitefish.

(b) All waters wherein 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 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 north one mile, then due west 5 miles as well as those waters lying north of a line running northwesterly from the north end of Devils island; except that in those waters south of the line running northwesterly from the north end of Devils island, gill nets of a mesh size of 3 inches stretch measure or less may be used from November 15 to January 15 for the taking of herring.

SECTION 13 - Section NR 26.23(2) is repealed and recreated to read:

(2) In order to prevent substantial depletion of the fish supply, the following described spawning area in Lake Superior is hereby created and established as a fish refuge and no person may take, catch, capture, kill or fish for fish in any manner in, on or along the following described area during the prescribed period, both dates inclusive:

(a) Cat Island Shoal defined as all waters bounded by a line extending from a point 2 miles north of the Outer island light to the northern end of North Twin island, along the shoreline to the southernmost end of North Twin island, then southwest to the north end of South Twin island, along the shoreline to the southernmost end of South Twin island, then easterly to the north end of Cat island, then along the shoreline to the easternmost point of Cat island, then northeasterly to the Outer island light, then due north to the place of beginning, September 1 to November 30.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 23, 1981.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin June 18, 1981.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

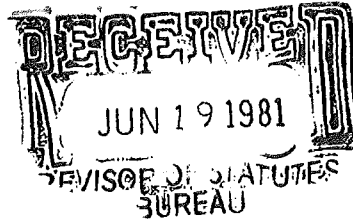
Carroll D. Besadny
Secretary

June 19, 1981

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L




Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-40-80. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. There were no comments.

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

Sincerely,


C. D. Besadny
Secretary

Enc.