



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

CR 89-79

BOX 7921
MADISON, WISCONSIN 53707

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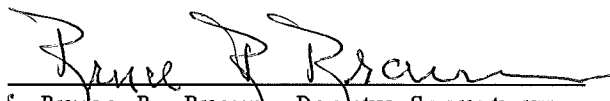
AUG 22 1989
9:50 am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. FM-41-89 was duly approved and adopted by this Department on June 29, 1989. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 21st
day of August, 1989.



Bruce B. Braun, Deputy Secretary

(SEAL)

11-1-89

ORDER OF THE STATE OF WISCONSIN
LAKE MICHIGAN COMMERCIAL FISHING BOARD
RENUMBERING, AMENDING AND CREATING RULES

.
IN THE MATTER OF renumbering s. NR 25.07 .
(2)(b)1., 2. and 3.; amending s. NR 25.07 .
(2)(b)(title), 2.(intro.), c. and d., .
3.c. and 4.; and creating s. NR 25.07(2) . FM-41-89
(b)1. of the Wisconsin Administrative .
Code pertaining to commercial fishing for .
yellow perch on Lake Michigan and Green Bay .
.

Analysis Prepared by the Lake Michigan Commercial Fishing Board

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

Statutes interpreted: ss. 29.085, 29.174(1) and (2) and 29.33(1)
and (7), Stats.

The rules are "housecleaning" revisions needed to correct cross
references, style and format problems and to integrate the
existing rules governing the yellow perch quota allocation for
Green Bay with the new three zone system established by Natural
Resources Board Order FM-40-88 (Clearinghouse Rule 88-173). The
rules also add language in SECTION 1 to clarify that no one may
fish with commercial gear for yellow perch in zone 1 unless the
person has a permit from the department.

No substantive changes are made in the existing criteria for the
allotment of individual licensee catch quotas or for allocation
among individual fishers of yellow perch harvest limits for what
had been "the Wisconsin waters of Green Bay" and is now "zone 1".

SECTION 1. NR 25.07(2)(b)(title) is amended to read:

NR 25.07(2)(b)(title) Yellow perch in zone 1.

SECTION 2. NR 25.07(2)(b)1., 2. and 3. are renumbered 2., 3. and
4., respectively, and NR 25.07(2)(b)2.(intro.), c. and d., 3.c.
and 4., as renumbered, are amended to read:

NR 25.07(2)(b)2.(intro.) ~~Green Bay yellow~~ Yellow perch

fishing permits and individual licensee catch quotas for zone 1 shall be issued to all applicants:

c. Who applied for and received a Green Bay yellow perch fishing permit or a yellow perch fishing permit for zone 1 for the license year preceding the license year for which the permit application is ~~presently~~ being made, unless unavoidable circumstances prevented application for or receipt of that previous permit. Those circumstances shall be reviewed by the Lake Michigan commercial fishing board which ~~in these cases~~ shall approve or deny the pending permit application.

d. Any licensee who fails to apply for and receive a permit under this paragraph is not eligible for future ~~Green-Bay~~ yellow perch fishing permits under this paragraph until the provisions of subd. ~~2.6~~ 3.c. are applicable.

3.c. Any future increase of the total allowable annual commercial harvest as established by s. NR 25.06(2)(b)1. that exceeds 521,285 pounds ~~will~~ shall be divided equally among all licensed commercial fishers who apply for ~~Green-Bay~~ yellow perch fishing permits for zone 1, regardless of past yellow perch harvest records.

4. Fishing under permits issued under subd. ~~1~~ 2. may be done from any boat listed on the permittee's commercial fishing license or through the ice.

SECTION 3. NR 25.07(2)(b)1. is created to read:

NR 25.07(2)(b)1. No person may fish for yellow perch with

commercial gear in zone 1 unless the person has a permit for that zone issued by the department under this paragraph.

The foregoing rules were approved and adopted by the State of Wisconsin Lake Michigan Commercial Fishing Board on June 19, 1989.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on June 29, 1989.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided by s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin August 21, 1989.

STATE OF WISCONSIN
LAKE MICHIGAN COMMERCIAL FISHING BOARD
and
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary
Department of Natural Resources

SEAL



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

August 21, 1989

In Reply Refer to 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

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AUG 22 1989

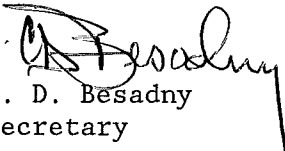
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Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-41-89. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Government Operations and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.