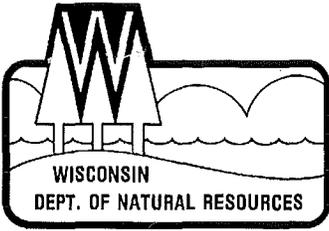


CR 94-103



George E. Meyer
Secretary

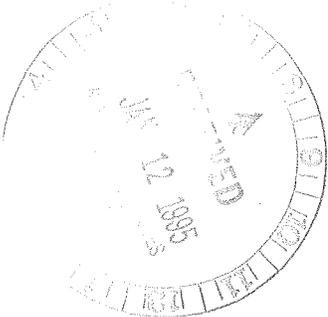
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

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. FM-23-94 was duly approved and adopted by this Department on September 29, 1994. 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 9th day of January, 1995.

George E Meyer
George E. Meyer, Secretary

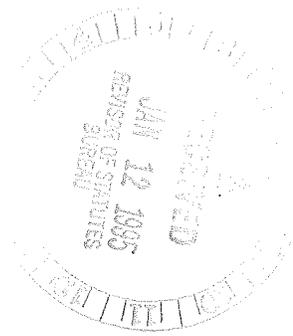
(SEAL)

3-1-95



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ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES



.....
IN THE MATTER of amending ss. NR 25.06(2) .
(a)2., 25.07(2)(a)2.a. and b. and .
25.09(2)(b)2.e. and creating s. NR 25.06(2) .
(c)2. of the Wisconsin Administrative Code .
pertaining to commercial fishing for smelt .
and chubs and the use of trap or pound nets .
on Lake Michigan and Green Bay .
.....

FM-23-94

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 several Lake Michigan commercial fishing rules.

SECTION 1 increases the total allowable annual commercial harvest of chubs in the Lake Michigan northern chub fishing zone from 500,000 pounds to 600,000 pounds.

SECTION 2 adds standard procedures under which the department will notify licensees to halt fishing in the unallocated or "racehorse" smelt fishery upon receipt of information that 85% of the total allowable annual commercial harvest for smelt has been harvested.

SECTION 3 divides the increase in the total allowable annual commercial harvest of chubs in the Lake Michigan northern chub fishing zone between the quota periods of July 1 to September 30 and March 1 to June 30.

SECTION 4 allows the department to deduct excess commercial harvests during quota periods ending September 30 and January 15 from total allowable harvests for subsequent quota periods during the license year. (Existing rules require any uncaught portion of the harvest limit for the first quota period to be added to the harvest limit for the second quota period, and for any uncaught portion of the harvest limit for the second quota period to be added to the harvest limit for the third quota period.)

SECTION 4 also changes, for the quota period of March 1 through June 30, the trigger point at which the department will notify licensees to halt fishing for chubs in the northern chub fishing zone from 85% to 80% of the total allowable annual commercial harvest.

SECTION 5 corrects a typographical error by changing from 44°45'50" north latitude to 44°55'50" north latitude the northern boundary of the area within which pound and trap nets may only be used during the period from the day after Labor Day to June 14. SECTION 5 also eliminates the requirement that those nets be rendered inoperable 2 weeks prior to the date they must be removed from the water and allows the department to grant brief extensions of the removal deadline on account of adverse weather conditions or unanticipated equipment problems.

SECTION 1. NR 25.06(2)(a)2. is amended to read:

NR 25.06(2)(a)2. No more than ~~500,000~~ 600,000 pounds of the total allowable commercial harvest for any license year may be taken in the northern chub fishing zone.

SECTION 2. NR 25.06(2)(c)2. is created to read:

NR 25.06(2)(c)2. The department shall notify all licensed commercial fishers to cease fishing for smelt upon receipt of information that 85% of the period quotas as established in subd. 1. have been harvested except that all nets in the water shall be lifted under s. NR 25.09(2)(a)10., and the legal fish in the nets harvested.

SECTION 3. NR 25.07(2)(a)2.a is amended to read:

NR 25.07(2)(a)2.a. No more than ~~100,000~~ 150,000 pounds of chubs may be harvested during the quota period of July 1 through September 30; no more than 250,000 pounds of chubs may be harvested during the quota period of October 1 through January 15 except that this amount shall be ~~adjusted~~ increased to include the portion of the allowable harvest for the previous period that

is not reported as harvested in that period or decreased by the amount the reported harvest during the previous period exceeded the harvest limit for that period; and no more than ~~150,000~~ 200,000 pounds of chubs may be harvested during the quota period of March 1 through June 30 except that this amount shall be ~~adjusted~~ increased to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period or decreased by the amount the reported harvest during the previous period exceeded the harvest limit for that period.

SECTION 4. NR 25.07(2)(a)2.b. is amended to read:

NR 25.07(2)(a)2.b. ~~The~~ During the quota periods of July 1 through September 30 and October 1 through January 15, the department shall notify all ~~permittees~~ licensed commercial fishers to cease fishing upon receipt of information that 85% of the period quotas as established in subpar. a. have been harvested except that all nets in the water shall be lifted under s. NR 25.09(2)(a)10., and the legal fish harvested. During the quota period of March 1 through June 30, the department shall notify all licensed commercial fishers to cease fishing upon receipt of information that 80% of the period quota as established in subpar. a. has been harvested except that all nets in the water shall be lifted under s. NR 25.09(2)(a)10., and the legal fish harvested.

SECTION 5. NR 25.09(2)(b)2.e is amended to read:

NR 25.09(2)(b)2.e. May be used to take fish in the waters of Lake Michigan lying south of a line extending from the Lake Michigan shoreline along ~~44°45'50"~~ 44°55'50" north latitude only during the period including the day after Labor Day to ~~June 14~~ June 28. ~~Beginning June 15, the fish holding or pot portion shall be rendered inoperable.~~ Unless the department has granted an extension of time, the webbing shall be removed from the water by June 28 and may not be reinstalled until the day after Labor Day. If adverse weather conditions or unanticipated equipment problems prevent removal of the webbing by June 28, a licensee may request and the department may grant a brief extension of time sufficient to allow safe removal.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on September 29, 1994.

The rules contained herein shall take effect December 1, 1994 as provided in s. 227.22(2)(b), Stats.,

Dated at Madison, Wisconsin 1/9/95.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E Meyer
George W. Meyer, Secretary

(SEAL)

