

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee For
Review of Administrative
Rules (JCR-AR)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ 97hrJCR-AR_Crule_98-095

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

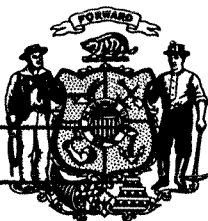
NR 25 FH 14-98 / 26-98-
COMMERCIAL FISHING - SUZY Q

JUN 20 1998

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

ROUTE TO:



David J. Stute, Director
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(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

BOB _____ BF _____
LW _____ ML _____
FILE _____ TOSS _____
RETURN _____

One E. Main St., Ste. 401
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Madison, WI 53701-2536
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-095

AN ORDER to amend NR 25.02 (25) and 25.05 (1) (d), relating to commercial fishing for chubs on Lake Michigan.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

06-30-98 RECEIVED BY LEGISLATIVE COUNCIL.
07-14-98 REPORT SENT TO AGENCY.

RS:DLL;jt;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES

NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES

NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES

NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached

YES

NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES

NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES

NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES

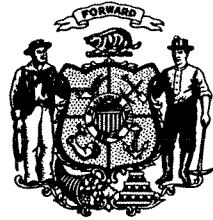
NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-095

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the definition of "southern chub fishing zone," the word "and," at the beginning of the underscored material, should be replaced by the phrase "except that."

b. In s. NR 25.05 (1) (d), the rule is inconsistent in referring to "water" versus "waters."

ORDER OF
THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

.....
The Wisconsin Natural Resources Board .
adopts an order to amend NR 25.02(25) . FH-44-98
and 25.05(1)(d) relating to commercial .
fishing for chubs on Lake Michigan .
.....

Analysis Prepared by Department of Natural Resources

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

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

Under current rules no commercial chub fishing may occur at depths less than 60 fathoms during the winter fishing period, January 16 through the end of February. This rule revision opens waters of the northern chub fishing zone shallower than 60 fathoms but deeper than 55 fathoms to chub fishing during the winter period of license years 1998-1999 and 1999-2000.

This rule revision also expands the area open to chub fishing to the north of the current southern chub fishing zone during the 1998-1999 and 1999-2000 license years. By revising the definition of the southern chub fishing zone, it allows chub fishing during the winter periods of those years in water 60 fathoms deep or deeper north of the current southern chub fishing zone but south of a line extending east of the entrance of Algoma harbor.

SECTION 1. NR 25.02(25) is amended to read:

NR 25.02(25) "Southern chub fishing zone" means those waters of Lake Michigan lying south of a line extending east from the entrance of Kewaunee harbor to its intersection with the 45 fathom (270 feet) depth contour, then proceeding northerly along the 45 fathom depth contour to its intersection with 44°32' north latitude, then proceeding east along 44°32' north latitude to its intersection with the Wisconsin-Michigan state line and, from January 16 to the end of February during the 1998-1999 and 1999-

2000 license years, "southern chub fishing zone" means those waters of Lake Michigan lying south of a line extending east from the entrance of Kewaunee harbor to its intersection with the 45 fathom (270 feet) depth contour, then proceeding northerly along the 45 fathom depth contour to its intersection with a line extending east from the entrance of Algoma harbor, then proceeding east along a line from the entrance of Algoma harbor to its intersection with the Wisconsin-Michigan state line.

SECTION 2. NR 25.05(1)(d) is amended to read:

	A	B	C
Species	Green Bay	Lake Michigan	Lake Superior
(d) Chubs	No open season	<u>In the northern and southern chub fishing zones from March 1 to January 15. From In the northern and southern chub fishing zones from January 16 to the end of February in water 60 fathoms deep or deeper subject to ss. NR 25.06(2)(a), 25.07(2)(a) and 25.09. From January 16 to the end of February in the 1998-1999 and 1999-2000 license years, a) in the northern chub fishing zone in waters 55 fathoms deep or deeper and b) in the southern chub fishing zone in water 60 fathoms deep or deeper.</u>	At all times

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on _____.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are: 3

Natural Resources Board Order No. FH-44-98

Legislative Council Rules Clearinghouse Number 98-095

Subject of Rules Commercial fishing for Chubs on
Lake Michigan

Date of Transmittal to Presiding Officers _____

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 25.02 and 25.50, Wis. Adm. Code
Commercial fishing for chubs on Lake Michigan

Board Order No. FH-44-98
Clearinghouse Rule No. 98-095

Statement of Need

Under current rules no commercial chub fishing may occur at depths less than 60 fathoms during the winter fishing period, January 16 through the end of February. This rule opens waters of the northern chub fishing zone shallower than 60 fathoms but at least 55 fathoms deep to chub fishing during the winter period of license years 1998-1999 and 1999-2000. This rule also expands the area open to chub fishing to the north of the current southern chub fishing zone during the 1998-1999 and 1999-2000 license years. By revising the definition of the southern chub fishing zone, it allows chub fishing during the winter periods of those years in water 60 fathoms deep or deeper north of the current southern chub fishing zone but south of a line extending east of the entrance of Algoma harbor.

Current chub fishing zone boundaries and depth restrictions are designed to protect lake trout from excessive incidental harvest. Under current regulations, the incidental lake trout kill is high, exceeding 35,000 fish annually, but probably consistent with the lakewide lake trout restoration objectives adopted by the four states on Lake Michigan. The expanded fishing opportunities provided by the proposed rule change would result in an additional loss of lake trout of only a few hundred fish, at most.

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

August 18, 1998 - Sturgeon Bay

In support:

Charles Henriksen, Henriksen Fisheries, 1597 Birch Road, Baileys Harbor, WI 54202
Mark Warecki, Southern Wis. Commercial Fishing Assn., 809 Quincy Street, Sturgeon Bay, WI
Andrew L. LaFond, LaFond Fisheries, E5763 Jefferson Road, Algoma, WI 54207

In opposition:

Richard Becker, Manitowoc Co. Fish & Game, 8633 STH 42, Two Rivers, WI

As interest may appear - none

August 18, 1998 - Milwaukee

In support:

Edward P. Rewolinski, Wis. Conservation Congress, 4212 South Pine Avenue, Milwaukee, WI

In opposition - none

As interest may appear - none

Response to Legislative Council Rules Clearinghouse Report

The recommendation was accepted.

Final Regulatory Flexibility Analysis

This rule would directly affect commercial fishers by expanding winter chub fishing opportunities.

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THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

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1999-2000 license years, "southern chub fishing zone" means those waters of Lake Michigan lying south of a line extending east from the entrance of Kewaunee harbor to its intersection with the 45 fathom (270 feet) depth contour, then proceeding northerly along the 45 fathom depth contour to its intersection with a line extending east from the entrance of Algoma harbor, then proceeding east along a line from the entrance of Algoma harbor to its intersection with the Wisconsin-Michigan state line.

SECTION 2. NR 25.05(1)(d) is amended to read:

Species	A Green Bay	B Lake Michigan	C Lake Superior
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The foregoing rules were approved by the State of Wisconsin Natural Resources Board on September 23, 1998.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)