

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:

Natural Resources Board Order No. FH-50-98

Legislative Council Rules Clearinghouse Number 98-178

Subject of Rules Sport fishing for yellow perch in
portions of tributaries to Lake Michigan defined
as outlying trout and salmon waters

Date of Transmittal to Presiding Officers March 26, 1999

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 20.20(73)(j)4., Wis. Adm. Code
Sport fishing for yellow perch in portions of tributaries to
Lake Michigan defined as outlying trout and salmon waters

Board Order No. FH-50-98
Clearinghouse Rule No. 98-178

Statement of Need

Sport fishing regulations for yellow perch caught in Lake Michigan differ from those for yellow perch caught in tributaries. For Lake Michigan we have a June closure and a 5-fish daily bag limit during the remainder of the year. These rules were designed to limit the harvest of yellow perch until the populations recovers from its current low level of abundance. In the tributaries, inland regulations apply, with no closed season and a 25-fish bag limit. Statutory definitions of inland and outlying waters do not identify specific boundaries at the mouths of tributaries to Lake Michigan. To address this ambiguity for law enforcement purposes, the Department has established specific operations boundaries for each tributary. Few Lake Michigan yellow perch are caught by anglers in tributaries, but, because the fish move freely across the boundaries established at river mouths to separate inland and outlying waters, problems of overharvest may arise in some tributaries.

Modifications as a Result of Public Hearing

No modifications were made as a result of public hearing. However, the administrative code number is different to reflect the adoption of Clearinghouse Rule No. 98-148 which repealed and recreated ch. NR 20.

Appearances at the Public Hearing and Their Position

No one appeared at the public hearing.

Response to Legislative Council Rules Clearinghouse Report

No comments or recommendations were received.

Final Regulatory Flexibility Analysis

This rule will apply only to sport fishers and will not directly affect small businesses.

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

.....
 The Wisconsin Natural Resources Board adopts a .
 permanent order to amend s. NR 20.20(73)(j)4, .
 relating to sport fishing for yellow perch in .
 portions of tributaries to Lake Michigan defined .
 as outlying trout and salmon waters .

FH-50-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.053(2) and 227.11(2)(a), Stats.
 Statutes interpreted: ss. 29.014(1) and 29.053(2), Stats.

The order affects sport fishing rules on tributaries to Lake Michigan. It modifies the sport fishing rules for yellow perch in portions of inland waters that are tributary streams of Lake Michigan (but not Green Bay). The affected waters will be closed to perch fishing during June and will have a daily bag limit of 5 for the remainder of the year.

SECTION 1. NR 20.20(73)(j)4., as affected by Clearinghouse Rule 98-148, is amended to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)					
(j) Panfish	4. Lake Michigan, <u>Lake Michigan tributaries</u>	a. Hook and line.	Continuous, but the open season for yellow perch is July 1 to May 31	25 in total but only 5 may be yellow perch	None

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on March 24, 1999.

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)