



CR 82-181

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

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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-31-82 was duly approved and adopted by this Department on November 17, 1982 and February 11, 1983. 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 22nd day of February, 1983.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

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5-1-83

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

.....
IN THE MATTER of repealing s. NR 25.08(6)(b) and
(c); renumbering ss. NR 20.04(3)(c)3. and 4.,
20.04(3)(c)4.j., and 25.02(6) through (22);
renumbering and amending s. NR 20.04(3)(c)1. and
2.; amending ss. 25.05(1) and (2), 25.07(1) and
(2), and 25.08(5); repealing and
recreating ss. NR 20.02(1)(c), and 20.03(1)(k); and
creating ss. NR 25.02(6) and (20), and 25.06 (2)(b)
of the Wisconsin Administrative Code pertaining to
sport and commercial fishing for yellow perch in
outlying waters.
.....

F-31-82

Analysis Prepared by the Department of Natural Resources

The repealing of s. NR 25.08(6)(b) and (c), Wis. Adm. Code, eliminates two restricted areas in southern Green Bay where commercial fishing for yellow perch has been closed on a seasonal basis. These have been found to be ineffective.

The renumbering of s. NR 20.04 (3)(c)3. and 4., Wis. Adm. Code, is necessitated by the renumbering and amending of s. NR 20.04(3)(c)1. and 2. The renumbering of s. NR 20.04(3)(c)4.j., Wis. Adm. Code, restores the alphabetic sequence.

The renumbering of s. NR 25.02(6) through (22), Wis. Adm. Code, creates space for definitions of commercial ice fishing and the Southern Green Bay-Lake Michigan line, and provides for a reordering of definitions in alphabetic order.

The renumbering and amending of s. NR 20.04(3)(c)1. and 2., Wis. Adm. Code, clarifies the upper boundary for those regulations on the Kewaunee River, and creates a closed season for yellow perch in streams tributary to Green Bay.

The amendments to s. NR 25.05(1) and (2), Wis. Adm. Code, restructure the open season and size limit tables into sections dealing specifically and separately with Green Bay, Lake Michigan and Lake Superior. The open season for the commercial harvest of yellow perch is changed to open on July 1 for drop nets on Green Bay, and is restricted to ice fishing from January 1 to April 9. References to other applicable administrative codes are corrected and added where necessary.

The amending of s. NR 25.07(1) and (2), Wis. Adm. Code, restructures these subsections into a more logical system and reduces the numbering divisions as previously recommended by Legislative Council Rules Clearinghouse. The amendment of s. NR 25.07(2)(b), Wis. Adm. Code, establishes the issuance of commercial harvest permits and individual licensee catch quotas for yellow perch in Green Bay, under criteria to be established by the Lake Michigan Commercial Fishing Board. It also requires permit holders to submit weekly fishing reports to the Department, and establishes guidelines for filling those reports out while fishing.

The amendment to s. NR 25.08(5), Wis. Adm. Code, establishes an area closed to commercial fishing along the southeast shore of Green Bay, to reduce sport-commercial fishing conflicts.

The repealing and recreating of s. NR 20.02(1)(c), Wis. Adm. Code, establishes a reduced daily bag limit of 25 for sport fishing for yellow perch in Green Bay. It also clarifies the daily sport fishing bag limit of 50 yellow perch for Lake Michigan.

The repealing and recreating of s. NR 20.03(1)(k), Wis. Adm. Code, creates a closed season and reduced bag limit for yellow perch on streams tributary to Green Bay.

The creating of s. NR 25.02(6) and (20), Wis. Adm. Code, provides definitions of commercial ice fishing and the Southern Green Bay - Lake Michigan line, respectively.

The creating of s. NR 25.06(2)(b), Wis. Adm. Code, institutes a harvest quota for the commercial yellow perch fishery on Green Bay.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.085, 29.174, 29.33 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, renumbers and amends, amends, repeals and recreates, and creates rules interpreting ss. 29.085, 29.174 and 29.33, Stats., as follows:

SECTION 1. NR 20.02(1)(c) is repealed and recreated to read:

| Species | Area | Open season | Daily bag limit | Minimum length (in.) |
|------------------|---------------|-------------|-----------------|----------------------|
| (c) Yellow perch | Green Bay | Continuous | 25 | No size limit |
| | Lake Michigan | Continuous | 50 | No size limit |
| | Lake Superior | Continuous | 50 | No size limit |

SECTION 2. NR 20.03(1)(k) is repealed and recreated to read:

| Kind of fish and locality | Open season (both dates inclusive) | Daily bag limit | Minimum length (in.) |
|--|------------------------------------|-----------------|----------------------|
| (k) Bluegill, crappie, pumpkinseed (sunfish), yellow perch (in all waters except Green Bay tributary streams up to the first dam or lake). | No closed season | 50 in aggregate | No size limit |
| Yellow perch in Green Bay tributary streams up to the first dam or lake. | No closed season | 25 | No size limit |

SECTION 3. NR 20.04(3)(c)1. and 2. are renumbered 20.04(3)(c) and (d) and are amended to read:

(c) Except as provided in ~~the following subds. 2, 3, and 4,~~ subd. 1, and except for ~~posted~~ streams posted pursuant to ch. NR 26, there shall be no closed season for hook and line fishing for any species of fish except sturgeon, smallmouth bass and largemouth bass ~~in waters of Lake Michigan, Green Bay and~~ on any stream tributary to Lake Michigan or Green Bay, upstream to the first dam or lake ~~on any stream which is a tributary to Lake Michigan~~

er-Green-Bay, except the Kewaunee River where this rule applies upstream to the third county highway "C" bridge.

1. During the period from April 10 to May 19, both dates inclusive, there shall be a closed season for yellow perch on all streams tributary to Green Bay, upstream to the first dam or lake.

(d) During the period from the first Saturday in May to September 30, Except as provided in subs. 1. and 2., the bag limits, the minimum size limits and regulations governing fish trout and salmon fishing as set forth in this chapter apply to the waters of Lake Michigan, Green Bay and any stream which is tributary to Lake Michigan or Green Bay, upstream to the first dam or lake on any stream which is tributary to Lake Michigan or Green Bay except the Kewaunee River where this rule applies upstream to the third county highway "C" bridge.

SECTION 4. NR 20.04(3)(c)3. and 4. are renumbered NR 20.04(3)(d)1. and 2., respectively.

SECTION 5. NR 20.04(3)(c)4.j. is renumbered 20.04(3)(d)2.i.

SECTION 6. NR 25.02(6) through (18) are renumbered NR 25.02 (7) through (19) respectively.

NR 25.02(19) through (21) are renumbered NR 25.02(22) through (24) respectively.

NR 25.01(22) is renumbered NR 25.02(21).

SECTION 7. NR 25.02(6) and (20) are created to read:

(6) "Commercial ice fishing" means the setting and operating of commercial fishing gear through and from the surface of the ice.

(20) "Southern Green Bay - Lake Michigan line" means that line commencing at a point on the southwest shore of the Sturgeon Bay ship canal directly beneath the center of the Wisconsin public service company power line and extending in a northeasterly direction directly beneath and parallel to the center of the power line to a point on the northeast shore of the ship canal, all located in NE1/4 NW1/4, section 22, township 27 north, range 26 east, Door county.

SECTION 8. NR 25.05(1) and (2), are amended to read:

(1) OPEN SEASONS. In the outlying waters there shall be an open season subject to other conditions established in this chapter and by statute on the various species of fish embraced within specified dates, both inclusive, as follows. During any time other than the open season no person shall may take, catch or kill fish or fish for fish, except as otherwise expressly provided in this chapter.

| Species | A Lake-Michigan-and and-Northern Green Bay | B Southern Green-Bay Lake Michigan | C Lake Superior |
|----------------|---|---|--|
| (a) Lake trout | No open season | No open season | Dec. <u>December 1 to Sept. September 30,</u> subject to <u>ss. NR 25.06(1)(a) and 25.07(1)(a)</u> |

| | | | |
|--|---|---|--|
| (b) Siscowet | No open season | No open season | At all times in waters greater than 55 fathoms in depth |
| (c) Whitefish | December 1 to October 25 | December 1 to October 25 | Dec. <u>December 1 to Sept.</u> <u>September 30</u> |
| (d) Chubs | April 1 to December 31, subject to ss. NR-25.06(2)(a), 25.07(2)(a) 1- and 25.08 <u>No open season</u> | No open season <u>April 1 to December 31,</u> subject to ss. NR 25.06(2)(a) <u>25.07(2)(a) and 25.08</u> | At all times |
| (e) Yellow perch | June 11 <u>July 1 to April 9</u> <u>except:</u> | May-20 <u>June 11 to April 9</u> | No open season |
| | <p><u>1. Commencing May 20, 1984, gill nets may be used from May 20 to April 9;</u></p> <p><u>2. From January 1 to April 9 only commercial ice fishing is legal;</u></p> <p><u>3. All to be subject to ss. NR 25.06(2)(b) and 25.07(2)(b)</u></p> | | |
| (f) Northern pike | No open season in Lake Michigan; May 20 to March 9 in Northern Green-Bay | May-20 to March-9 <u>No open season</u> | No open season |
| (g) Alewives, bullheads, burbot, carp, catfish, gizzard shad, suckers, menominees, smelt, white bass | At all times | At all times | At all times |
| (h) Lake herring | No open season | No open season | At all times |
| (i) Walleye | No open season | No open season | No open season |
| (j) Others | No open season | No open season | No open season |

(2) SIZE LIMITS. Except as otherwise expressly provided in this chapter, no fish of a length or size less than that specified for each variety of any of the following varieties shall may be possessed or under control. The measurement of the length of a fish within the meaning of this chapter shall be taken in a straight line in a natural position without manipulation from the tip of the snout to the end of the fully extended tail fin. The measurement of length shall apply without allowance made for the shrinkage of the fish.

| Species | A | B | C |
|-------------------|--|---|---------------|
| | Lake-Michigan and-Northern Green Bay | Southern Green-Bay <u>Lake Michigan</u> | Lake Superior |
| (a) Lake trout | | | 17 inches |
| (b) Siscowet | | | No size limit |
| (c) Whitefish | 17 inches | 17 inches | 17 inches |
| (d) Yellow perch | 8 inches in northern <u>Green Bay,</u> <u>7 1/2 inches in</u> <u>southern Green Bay</u> | 7-1/2 <u>8</u> inches | |
| (e) Walleye | 18 inches | 18 -inches | |
| (f) Northern pike | 20 inches | 20 inches | |
| (g) Catfish | 16 inches | 16 inches | |
| (h) Others | No size limit | No size limit | No size limit |

SECTION 9. NR 25.06(2)(b) is created to read:

(b) Yellow perch. The total allowable annual commercial harvest of yellow perch in Wisconsin waters of Green Bay shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest in Green Bay for any license year may not exceed 200,000 pounds.

SECTION 10. NR 25.07(1) and (2) are amended to read:

NR 25.07 INDIVIDUAL LICENSEE CATCH QUOTAS. (1) LAKE SUPERIOR. (a) The allotment of ~~each~~ harvest quotas as established in s. NR 25.06 (1) to ~~individuals holding licenses authorizing commercial fishing~~ individual licensed commercial fishers on Lake Superior shall be by the Lake Superior commercial fishing board upon application in accordance with sub. (3), and as follows:

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

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

3. Whenever the total of that quantity of lake trout allocated in subs. 1. and 2. exceeds the total allowable commercial harvest amount established in s. NR 25.06(1)(a)2., individual allocations shall be reduced on a pro rata basis.

4. Whenever that quantity of lake trout allocated in subds. 1. and 2. does not equal in total the amount provided in s. NR 25.06(1)(a)2., individual allocations may be increased on a pro rata basis.

(2) LAKE MICHIGAN AND GREEN BAY. (a) The allotment of catch harvest quotas as established in s. NR 25.06 (2) to individuals-holding-licenses authorizing-commercial-fishing individual licensed commercial fishers on Lake Michigan and Green Bay shall be by the Lake Michigan commercial fishing board upon application in accordance with sub. (3), and the-following-criteria as follows:

1. (a) Chubs. a. 1. Lake-Michigan-chub Chub fishing permits and individual licensee catch quotas shall be issued to all applicants meeting the following criteria:

1) a. Presently licensed commercial fishers;

2) b. Ownership of a boat of 35 feet in overall length or longer;

3) c. The boat shall be equipped with a powered net lifter.

b. 2. All fishers-meeting-the-criteria-in-subd. a. shall-be-eligible-for entry-upon-application-with permittees under subd. 1. shall be subject to the following limitations;

1) a. In those waters commonly referred to as the southern chub fishing area, no more than 450,000 pounds of chubs may be harvested during each of the 3-month periods encompassed by the months of July, August and September, the months of October, November and December, and the months of April, May and June respectively.

2) b. In those waters commonly referred to as the northern chub fishing area, no more than 100,000 pounds of chubs may be harvested during each of the 3-month periods encompassed by the months of July, August and September, and the months of October, November and December respectively.

3) c. Should the remaining allowable harvest as of December 31 exceed 1/3 of the ~~annual~~ allowable annual harvest, the excess portion shall be allotted to all permittees who reported fishing for chubs during the license year on a pro rata basis, based on their individual reported catches during the period July 1 through December 31.

4) d. No more than 3 1/2% of the total harvest quota may be taken by any one vessel or licensee during the license year.

5) e. In those waters commonly referred to as the southern chub fishing area, no permittee may take more than 40% of the maximum established in subpar. ~~b-4~~ d. during any 3-month fishing period.

~~e-3.~~ 3. Each permit holder shall submit weekly fishing reports on forms provided by the department. The weekly fishing reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than the Monday following the weekly report period during the open season. Weekly fishing reports shall be filed by each permit holder regardless of whether the permit holder fished or not.

~~d-4.~~ 4. The department shall notify all permit holders to cease fishing upon receipt of information that 85% of the 3-month quota as established in subd. ~~b-1~~ and-2 2.a. and b. has been harvested except that all nets in the water shall be lifted under s. NR 25.08(2)(a)9., and fish therein harvested.

e+ 5. The quota for the following 3-month period shall be adjusted based on the actual reported catch of the previous 3-month period.

(b) Yellow perch. 1. Green Bay yellow perch commercial harvest permits and individual licensee catch quotas will be issued to applicants meeting specific criteria as established by the Lake Michigan commercial fishing board.

2. Each permit holder shall submit weekly fishing reports on forms provided by the department.

a. The weekly fishing reports shall be carried while fishing under the permit and the catch information for that day's fishing shall be recorded on the weekly fishing report before bringing the catch to dock or shore. This requirement does not include the weighed total catch.

b. The weekly fishing reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than the Monday following the weekly report period during the open season. Weekly fishing reports shall be filed by each permit holder regardless of whether the permit holder fished or not.

3. The department shall notify all permit holders to cease fishing upon receipt of information that 85% of the harvest quota as established in s. NR 25.06(2)(b)1. has been harvested, except that all nets in the water shall be lifted and removed, and the legal fish therein harvested.

SECTION 11. NR 25.08(5), is amended to read:

(5) No nets of any kind except those under contract for the taking of rough fish may be used, set, placed or operated in the following waters of Lake Michigan and Green Bay:

(a) Fox river including all connecting sloughs, bayous, and tributaries from the DePere dam downstream to its mouth lying south of a line commencing at the Wisconsin public service Pulliam plant and running easterly across the Fox river to the outlet of the Green Bay metropolitan sewerage district plant outfall in Brown county.

(b) That portion of southern Green Bay lying south or east of a line commencing at the mouth of Renard creek located in SW1/4 NW1/4, section 21, township 26 north, range 23 east, Door county, and running southwesterly to the east end of the concrete sea wall located at the end of Point Comfort road in SW1/4 SE1/4, section 20, township 25 north, range 22 east, Brown county.

SECTION 12. NR 25.08(6)(b) and (c), are repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 17, 1982 and February 11, 1983.

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

Dated at Madison, Wisconsin February 22, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)