



CR 82-214

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

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-44-82 was duly approved and adopted by this Department on January 26, 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 11th day of March, 1983.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

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6-1-83

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

* * * * *
IN THE MATTER of renumbering s. NR 25.02(8) *
through (24); amending ss. NR 25.06(2)(a) and *
25.07(2)(a)2.; repealing and recreating *
s. NR 25.08 (2)(a)3. and 6.; and creating *
s. NR 25.02(8), (9), (17), (19) and (23) of *
the Wisconsin Administrative Code pertaining *
to an experimental spring season for chubs *
in northern Lake Michigan *
* * * * *

F-44-82

Analysis Prepared by the Department of Natural Resources

The renumbering of s. NR 25.02(8) through (24), Wis. Adm. Code, creates space for definitions of encircling nets, entrapping nets, licensed commercial fisher, northern chub fishing zone and southern chub fishing zone.

The amendments to ss. NR 25.06(2)(a) and 25.07(2)(a)2., Wis. Adm. Code, increase the total allowable annual commercial harvest quota for Lake Michigan chubs by 100,000 pounds, bringing it to 1,750,000 pounds; allocate that increase to the northern chub fishing zone; and create a Spring season, from April through June, during which it can be harvested. This Spring season is experimental and scheduled to end July 1, 1985.

The repealing and recreating of s. NR 25.08(2)(a)3., Wis. Adm. Code, changes the area where 2 1/2 inch to 2 3/4 inch mesh gill nets are legal for chub fishing in northern Lake Michigan. The repealing and recreating of s. NR 25.08(2)(a)6., Wis. Adm. Code, changes the description of the southern boundary of, and expands the Lake Michigan waters where the use of 4 1/2 inch to 6 1/2 inch mesh gill nets is legal. This expansion is experimental and scheduled to end July 1, 1985.

The creating of s. NR 25.02(8), (9), (17), (19) and (23), Wis. Adm. Code, provide definitions for encircling nets, entrapping nets, licensed commercial fisher, northern chub fishing zone, and southern chub fishing zone, respectively.

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

SECTION 1. NR 25.02 (8) through (24), as renumbered by NR Board Order F-31-82, are renumbered as follows:

NR 25.02(8) through (14) are renumbered (10) through (16) respectively.

NR 25.02(15) is renumbered (18).

NR 25.02(16) through (18) are renumbered (20) through (22) respectively.

NR 25.02(19) through (24) are renumbered (24) through (29) respectively.

SECTION 2. NR 25.02(8), (9), (17), (19) and (23) are created to read:

(8) "Encircling nets" means purse seines as defined in sub. (22), and seines as described in s. 29.336(3), Stats.

(9) "Entrapping nets" means trap nets as defined in sub. (27), and entrapping nets as described in s. 29.336(1), Stats.

(17) "Licensed commercial fisher" means a person currently licensed under s. 29.33(1), Stats.

(19) "Northern chub fishing zone" means those waters of Lake Michigan lying north of a line extending due east from the red navigational buoy marking the entrance of Baileys Harbor, except between April 1, 1983 and July 1, 1985 when it means those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Baileys Harbor on a 135° bearing, and east of a line extending through the marker buoy on Fisherman Shoal on a 23° bearing.

Note: This definition creates different boundaries for the "northern chub fishing zone" for a period not to extend beyond July 1, 1985. During that period, the fishery in the zone will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

(23) "Southern chub fishing zone" means those waters of Lake Michigan lying south of a line running due east from the entrance of Kewaunee harbor.

SECTION 3. NR 25.06(2)(a), ~~as amended by NR Board Order F-18-82,~~ is amended to read:

(2) LAKE MICHIGAN AND GREEN BAY. (a) Chubs. The total allowable annual commercial harvest of chubs in Wisconsin waters of Lake Michigan ~~and northern Green-Bay~~ shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest for any license year may not exceed ~~1,650,000~~ 1,750,000 pounds, not including incidental catches allowed elsewhere in this chapter.

2. No more than ~~200,000~~ 300,000 pounds of the total allowable commercial harvest for any license year may be taken in ~~these waters of Lake Michigan north of a line extending due east of the red navigational buoy marking the entrance of Baileys Harbor~~ the northern chub fishing zone. ~~This portion may be taken only during the period from July 1 through December 31.~~

3. The department reserves 100,000 pounds of the total allowable annual commercial harvest of chubs to be used for special assessment.

SECTION 4. NR 25.07(2)(a)2., as amended by NR Board Order F-31-82, is amended to read:

2. All permittees under subd. 1. shall be subject to the following limitations:

a. In ~~these waters commonly referred to as~~ the southern chub fishing area zone, 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.

b. In ~~these waters commonly referred to as~~ the northern chub fishing area zone, 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, and for the period from April 1, 1983 to July 1, 1985, the months of April, May and June respectively.

Note: This subparagraph allows the harvest of chubs in the northern chub fishing zone during the months of April, May, and June for a period not to extend beyond July 1, 1985. During that period, the fishery in the zone will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

c. Should the remaining allowable harvest as of December 31 exceed 1/3 of the 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.

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.

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

SECTION 5. NR 25.08(2)(a)3. and 6. are repealed and recreated to read:

3. Gill nets with a mesh size of 2 1/2" to 2 3/4" stretch measure, except that such nets may not be used in fishing for chubs in the following waters:

a. Lake Michigan, other than in the northern and southern chub fishing zones.

b. Northern Green Bay.

6. Gill nets with a mesh size of not less than 4 1/2" and not more than 6 1/2" stretch measure.

a. In those waters of Lake Michigan lying north of a line extending due east from the red navigational buoy marking the entrance of Baileys Harbor, except between April 1, 1983 and July 1, 1985 when it is in those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Baileys Harbor on a 135° bearing.

Note: This subparagraph allows the use of gill nets with a mesh size of not less than 4 1/2" and not more than 6 1/2" stretch measure in a larger area of northern Lake Michigan for a period not to extend beyond July 1, 1985. During that period, the fishery will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

b. In Green Bay.

c. Only during the open season for whitefish.

d. One half of the total length of these nets set at any time by a licensed commercial fisher may not exceed 30 meshes in depth, and the remaining half may not exceed 50 meshes in depth.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 26, 1983.

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

Dated at Madison, Wisconsin March 11, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)