



CR 82-210

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

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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-43-82 was duly approved and adopted by this Department on February 23, 1983 and May 25, 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 6th day of June, 1983.

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)

7-1-83

ORDER OF THE STATE OF WISCONSIN LAKE MICHIGAN COMMERCIAL FISHING BOARD
REPEALING AND RECREATING RULES

.....
IN THE MATTER of repealing and .
recreating s. NR 25.07(2)(b) of the .
Wisconsin Administrative Code .
pertaining to commercial fishing in .
outlying waters. .
.....

F-43-82

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Analysis Prepared by the Department of Natural Resources

This order repeals and recreates s. NR 25.07(2)(b), Wis. Adm. Code, which was created in the amending of s. NR 25.07(2), Wis. Adm. Code, in Section 6 of NR Board Order F-31-82.

The rule is based on a resolution adopted by the Lake Michigan Commercial Fishing Board on September 9, 1982, pursuant to their authority under s. 29.33(7), Stats., and s. NR 25.07(2)(a), Wis. Adm. Code. It establishes the criteria for the allotment of individual licensee catch quotas for the commercial yellow perch fishery in Green Bay, and establishes a system for allotting the total allowable commercial harvest catch quota among qualified licensees.

Pursuant to the authority vested in the Lake Michigan Commercial Fishing Board by s. 29.33(7), Stats., the State of Wisconsin Lake Michigan Commercial Fishing Board hereby repeals and recreates rules interpreting s. 29.33, Stats., as follows.

SECTION 1. NR 25.07(2)(b) is repealed and recreated to read:

(b) Yellow perch. 1. Green Bay yellow perch fishing permits and individual licensee catch quotas shall be issued to all applicants:

a. Holding a valid commercial fishing license issued under s. 29.33, Stats., and

b. Who reported a commercial harvest of yellow perch legally taken while operating under their commercial fishing license issued under s. 29.33, Stats., from the Wisconsin waters of Green Bay between January 1, 1979 and December 31, 1982.

2. The individual licensee catch quota issued to each permittee shall be determined as follows:

a. Each permittee shall receive a percentage of the total allowable annual commercial harvest as established by s. NR 25.06(2)(b)1. That percentage shall be calculated by dividing the total commercial harvest of yellow perch from the Wisconsin waters of Green Bay reported under that license during the period from January 1, 1979 through December 31, 1982, by the overall total reported commercial harvest of yellow perch from those waters during that period, and multiplying the result by 100. The resulting percentage shall be rounded off to 2 decimal places or to hundredths of a percent. Any resulting percentage of less than 0.01% shall be considered 0.01% for allocation of an individual licensee catch quota. The individual licensee catch quotas will be allocated in whole pound increments.

Note: If during the base catch period (January, 1979 - December 1982), a permittee reported catching a total of 20,200 pounds of perch and the overall total reported perch harvest was 1,600,000 pounds, that permittee's individual license catch quota percentage would be 1.26%. If the total allowable annual commercial harvest was set at 100,000 pounds, that permittee's individual licensee catch quota would be 1,260 pounds.

b. If the number of eligible permittees is inadequate to utilize the total allowable commercial harvest as established by s. NR 25.06(2)(b)1. and as allocated under subpar. a., the surplus will be divided among the eligible permittees based on the percentages calculated for each permittee under subpar. a.

c. Any future increases over the 1983-84 total allowable annual commercial harvest as established by s. NR 25.06(2)(b)1. that exceed the average annual total reported commercial harvest of yellow perch from the Wisconsin waters of Green Bay during the period from January 1, 1979 through December 31, 1982, will be divided equally among all applicants for Green Bay yellow perch fishing permits, regardless of past yellow perch harvest records.

3. Fishing under permits issued under subd. 1. may be done from any boat listed on the permittee's commercial fishing license or through the ice.

4. Each permittee 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 permittee regardless of whether the permittee fished or not.

5. Based on the information received in the weekly fishing reports, the department shall notify individual permittees when 90% of their catch quota, as allocated under subd. 2, has been harvested.

The foregoing rules were approved and adopted by the State of Wisconsin Lake Michigan Commercial Fishing Board on January 20, 1983.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 23, 1983 and May 25, 1983.

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

Dated at Madison, Wisconsin June 6, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)