



CR 83-4

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

RECEIVED

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

MAY 11 1983
3:35 pm
Revisor of Statutes
Bureau

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-50-82 was duly approved and adopted by this Department on March 23, 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 10th day of May, 1983.

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)

2023J

7-1-83

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 25.03(2)(b) and
(c)3.; renumbering s. NR 25.03(2)(c)(intro.), 1.
and 2.; renumbering and amending s. NR
25.03(1)(b)4. and 5.; (1)(c), and (2)(c)4.;
amending s. NR 25.03(1)(a), (2)(c)5. and (3); and
repealing and recreating s. NR 25.03(1)(b)2. and
3. and (2)(a); and creating s. NR 25.03(2)(b)3. of
the Wisconsin Administrative Code pertaining to
issuance of commercial fishing licenses for
outlying waters.
.....

F-50-82

RECEIVED

MAY 11 1983

Revisor of Statutes
Bureau

Analysis Prepared by the Department of Natural Resources

The repealing of s. NR 25.03(2)(b), Wis. Adm. Code, is possible because the currently applicable wording of this paragraph is incorporated in the repealing and recreating of paragraph (2)(a).

The renumbering of s. NR 25.03(2)(c), Wis. Adm. Code, is necessitated by the repealing of paragraph (2)(b).

The renumbering and amending of s. NR 25.03(1)(b)4. and (2)(c)4., Wis. Adm. Code, is done to update and clarify the priorities for issuance of commercial fishing licenses.

In the renumbering and amending of s. NR 25.03(1)(b)5., Wis. Adm. Code, it is made a part of paragraph (c) dealing with the priorities in issuing licenses, and the language is changed to correct the reference to renumbered subdivision (1)(b)4. and to bring the wording in conformation with that used for Lake Michigan in subsection (2)(c)5.

Section NR 25.03(1)(c), Wis. Adm. Code, is renumbered and amended to accommodate the renumbering of subdivision (b)4., and to allow more time for license application review by the Lake Superior Commercial Fishing Board.

The amendment to s. NR 25.03(1)(a), Wis. Adm. Code, includes the reference to permits to bring the administrative code in line with statutory language in s. 29.625, Stats.

The amending of s. NR 25.03(2)(c)5., Wis. Adm. Code, corrects the reference to renumbered subdivision (2)(c)4.

Section NR 25.03(3), Wis. Adm. Code, is amended to require a postmark or acknowledged receipt by the Department of no later than April 30 to meet the application deadline.

Section NR 25.03(1)(b)2. and 3., Wis. Adm. Code, are repealed and recreated to provide conformity with the criteria applied in the issuance of commercial fishing licenses on Lake Michigan, and to make the period for ineligibility for reapplication for a license effective for all applicants, not just licensees.

The repealing and recreating of s. NR 25.03(2)(a), Wis. Adm. Code, removes date references which no longer apply, incorporates the appropriate language from repealed paragraph (2)(b) to confirm the current method for determining the maximum number of licenses to be issued on Lake Michigan, and brings the language into conformity with that applied to Lake Superior in paragraph (1)(a).

In the repeal of s. NR 25.03(2)(c)3., Wis. Adm. Code and the creation of s. NR 25.03(2)(b)3., Wis. Adm. Code, the period for ineligibility for reapplication for a commercial fishing license is made effective for all applicants, not just licensees.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.085, 29.174, 29.33, 227.014 and 227.02(1)(e), 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 25.03(1)(a) is amended to read:

(a) Not more than 21 licenses authorizing commercial fishing in Lake Superior may be issued for each license year except that this section ~~shall~~ does not apply to licenses for fishing only for the harvest of rough fish from outlying waters under a permit or contract issued ~~pursuant to~~ under s. 29.62 or 29.625, Stats.

Section 2. NR 25.03(1)(b)2. and 3. are repealed and recreated to read:

2. To retain eligibility for the second year and thereafter, the applicant shall show proof of:

a. A \$5,000 investment in commercial fishing equipment not to include vehicles other than those directly employed in operating nets.

b. At least 30 days lifting nets on Lake Superior during the previous license year unless unavoidable circumstances prevented the applicant from lifting nets. These circumstances shall be reviewed by the Lake Superior commercial fishing board which shall in these cases recommend approval or denial of the license.

3. Any applicant failing to meet the criteria of par. (b) will not be eligible to reapply for such license until the application period for the succeeding license year.

Section 3. NR 25.03(1)(b)4. is renumbered 25.03(1)(c) and amended to read:

(c) ~~Such licenses~~ Licenses shall be issued according to the following priorities to applicants otherwise qualified under par. (b):

1. First to individuals who have been licensed commercial fishers on Lake Superior ~~or worked as crew members setting and operating nets at least 100 days in total~~ during the 2 preceding years license year.

2. Next to individuals who ~~have held a license on Lake Superior or worked as a member of a crew~~ were not licensed the preceding year, but who had been licensed commercial fishers on Lake Superior for at least 2 years.

3. Next to individuals who worked as a licensed crew member on Lake Superior under s. 29.33(4)(a), Stats., for at least 2 years.

4. Next to other Wisconsin residents and nonresidents residing in states allowing Wisconsin residents similar privileges.

Section 4. NR 25.03(1)(b)5. is renumbered 25.03(1)(c)5. and amended to read:

5. When the number of qualified new applicants for ~~such license~~ licenses shall exceed the number of licenses available and ~~such~~ those applicants are not affected by the priorities established in ~~subd. 4.~~ par. (c), the licenses shall be awarded on the basis of random selection from all eligible applications received.

Section 5. NR 25.03(1)(c) is renumbered (d) and amended to read:

(d) The Lake Superior commercial fishing board shall review applications for licenses and recommend approval or denial of licenses to the department no later than May 20 31 preceding the license year for which application is being made.

Section 6. NR 25.03(2)(a) is repealed and recreated to read:

(a) The number of licenses authorizing commercial fishing in Lake Michigan issued for any license year shall be limited to the maximum number issued for either of the immediately preceding 2 license years, except that this section does not apply to licenses for fishing only for the harvest of rough fish from outlying waters under a permit or contract issued under s. 29.62 or 29.625, Stats.

Section 7. NR 25.03(2)(b) is repealed.

Section 8. NR 25.03(2)(b)3. is created to read:

3. Any applicant failing to meet the criteria of par. (b) will not be eligible to reapply for such license until the application period for the succeeding license year.

Section 9. NR 25.03(2)(c)(intro.), 1. and 2. are renumbered (b)(intro.), 1. and 2.

Section 10. NR 25.03(2)(c)3. is repealed.

Section 11. NR 25.03(2)(c)4. is renumbered 25.03(2)(c) and amended to read:

(c) ~~Such licenses~~ Licenses shall be issued according to the following priorities to applicants otherwise qualified ~~under par. (b):~~

1. First to individuals who have been licensed commercial fishers on Lake Michigan ~~or worked as crew members setting and operating nets at least 60 days in total~~ during the 2 preceding years license year.

2. Next to individuals who ~~have held a license on Lake Michigan or worked as a member of a crew~~ were not licensed the preceding year, but who had been licensed commercial fishers on Lake Michigan for at least 2 years.

3. Next to individuals who worked as a licensed crew member on Lake Michigan under s. 29.33(4)(a), Stats., for at least 2 years.

4. Next to other Wisconsin residents and nonresidents residing in states allowing Wisconsin residents similar licensing privileges.

Section 12. NR 25.03(2)(c)5. is amended to read:

5. When the number of qualified new applicants for licenses shall exceed the number of licenses available and those applicants are not affected by the priorities established in ~~subd. 4,~~ par. (c), the licenses shall be awarded on the basis of random selection from all eligible applications ~~in the single lowest-priority category under which licenses will be awarded.~~

Section 13. NR 25.03(3) is amended to read:

(3) APPLICATION. Application for licenses authorizing commercial fishing in the outlying waters shall be made on forms provided by the department. Applications, if mailed, shall be ~~submitted to and received by the department~~ postmarked no later than April 30 preceding the license year for which application is being made. If applications are submitted to the department other than by mail, they shall be received and stamped with a date stamp of the department indicating receipt no later than April 30 preceding the license year for which application is being made. This section does not apply to licenses for fishing only for the harvest of rough fish from outlying waters under permit or contract issued under s. 29.62 or 29.625, Stats.

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

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

Dated at Madison Wisconsin May 10, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
1505L