



CR 86-43

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. LE-17-86 was duly approved and adopted by this Department on July 24, 1986. 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 9th day of September, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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SEP 11 1986

5:50 p.m.
Revisor of Statutes
Bureau

11-26

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER OF creating ss. NR 25.02(12m),
(16m), (23m) and 25.16 and 25.17 of the
Wisconsin Administrative Code pertaining
to tagging of lake trout and wholesale
fish dealers reports
.....

LE-17-86

Analysis Prepared by the Department of Natural Resources

Chapter NR 25, Wis. Adm. Code, implements and interprets the provisions of ss. 29.135, Stats. The current changes are designed to implement recent state law changes. The significant rule changes include:

1. A procedure for tagging lawfully possessed untagged lake trout which are imported into Wisconsin.
2. A package tagging system for smoked and fileted lake trout.
3. A prohibition on the re-use of lake trout tags.
4. A clarification of the requirement to submit transaction reports to the department.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by s. 227.11(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 29.135(5) and (6), Stats., as repealed and recreated by 1985 Wisconsin Act 29 as follows:

SECTION 1. NR 25.02(12m), (23m) and (16m) are created to read:

NR 25.02(12m) "Foreign lake trout tag" means a tag authorized by the department for attachment to lake trout imported into the state.

(16m) "Import" includes the transport of fish by a common carrier or out of state fish dealer or producer into the state, or at the request of a licensed wholesale fish dealer, but does not include fish being transported through the state to a destination in another state.

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(23m) "Smoked/fileted lake trout package tag" means an adhesive tag authorized by the department for attachment to packages of smoked, portioned or fileted lake trout.

SECTION 2. NR 25.16 and 25.17 are created to read:

NR 25.16 LAKE TROUT TAGGING. (1) IMPORTING UNTAGGED LAKE TROUT. (a) No licensed wholesale fish dealer or producer of fish including treaty fishers may import untagged lake trout without the dealer or producer or his or her agent providing the department with the identity of the transporter in addition to the information required by s. 29.135(5)(b), Stats. The information shall be given to a department office.

(b) Upon receipt of 12 or more hours notice of the date, time and location of arrival at the state line of untagged lake trout, the department shall meet the transporter at the date, time and location designated by the licensed wholesale fish dealer or producer of fish or identified transporter. If the notice is provided less than 12 hours before the anticipated arrival, the department and the licensed wholesale fish dealer or producer of fish or identified transporter shall establish a mutually acceptable time and location where the lake trout shipment may be tagged. If the wholesale fish dealer or producer of fish or transporter has informed the department of the time and location at which untagged lake trout will be crossing the border and the quantity of untagged lake trout, and if the department's representative is not at the border to meet the transporter, then the transporter shall wait 1/2 hour after the designated time. The transporter may then proceed to deliver the lake trout to the wholesaler's place of business or the place of business

listed on the invoice. The wholesaler shall notify the department immediately upon receipt of the lake trout from the transporter. No wholesaler may process or market the lake trout until they have been tagged with individual or package tags.

(c) Shipments of lake trout presented for tagging at the state line under s. 29.135(5)(b), Stats., which contain boxes of lake trout destined for different locations within the state may be sealed on a box-by-box basis. Box seals may not be removed prior to delivery.

(d) Each shipment of lake trout sealed at the state line by a single seal for the entire shipment or on a box-by-box basis shall be inspected by the department at the wholesale fish dealer's or producer's place of business or place of storage. Each fish shall be tagged by the department with a foreign lake trout tag or smoked/fileted lake trout package tags shall be provided to the wholesale fish dealer or producer of fish under sub. (2)(c).

(e) Foreign lake trout tags may be attached to frozen lake trout by inserting the tag through a hole punched in the caudal fin.

(f) All foreign lake trout tags and all commercial fish tags issued or authorized by the department or by a governmental agency of another state or country, when severed from the lake trout are considered state property and may be claimed by the department within one year of the date they were severed.

(2) FILETED, PORTIONED OR SMOKED LAKE TROUT. (a) Lawfully possessed lake trout which are intended for smoking, portioning or fileting may have the tags removed immediately prior to smoking. Except as set forth in par. (b), the department shall issue to wholesale fish dealers, who are actively selling lake trout, sufficient adhesive smoked/fileted lake trout package tags necessary for no more than one month's processing. The package tags shall be

used when the initial tags are removed from the lake trout for smoking, portioning or fileting, according to par. (e). Immediately after smoking, fileting or portioning and packaging, each individual package of smoked, portioned or fileted lake trout shall be tagged with smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package.

(b) In lieu of the procedure set forth in par. (a), the department, if any of the conditions in subds. 1 to 3 are met, may require that the wholesale fish dealer notify the department prior to removing the initial tag from lake trout which are intended for smoking, portioning or fileting. The initial tags shall be exchanged for adhesive smoked/fileted lake trout package tags in denominations which account for an equivalent weight of lake trout less shrinkage for the portioning, smoking or fileting process according to par. (e). Immediately after smoking, portioning or fileting and packaging, each individual package of smoked or fileted lake trout shall be tagged with smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package. A wholesale fish dealer may be subject to this paragraph if the wholesale fish dealer either:

1. Has been convicted in Wisconsin of any violation resulting in a penalty under s. 29.99(1)(b), Stats., within the last 2 years, has been convicted of any violation resulting in a penalty under s. 29.99(1)(c), Stats., within the last 5 years, or has been convicted of any violation resulting in a license revocation under s. 29.99(1)(e), Stats., within the last 5 years. Convictions prior to July 1, 1985, shall be evaluated according to the standard of s. 29.99, Stats. (1985). This section shall also be

applicable to violations that have occurred in any other state or any Canadian province. Such violations shall also be evaluated according to the standard of s. 29.99, Stats. (1985);

2. Is under formal investigation for specific violations relating to the possession or sale of illegal lake trout. Verification that a formal investigation for specific violations is ongoing may be obtained from the investigating officer's supervisor. If the investigation does not result in the issuance of a citation within one year, or the filing of a criminal complaint within 2 years, then package lake trout tags shall be issued under the provisions of par. (a). The system of issuing package lake trout tags set forth in par. (a) may be withheld for a longer period of time, under extenuating circumstances, upon approval by the secretary; or

3. Has within the past 2 years mishandled the tag account system.

(c) Shipments, or boxes in a shipment, of lawfully possessed untagged lake trout which were sealed at the state line by a department representative need not be individually tagged if all the lake trout in the shipment or box are intended for smoking or fileting. The department shall promptly issue adhesive smoked/fileted lake trout package tags to the consignee in denominations which represent the weight of the shipment or box less shrinkage for the fileting or smoking process. Immediately after smoking or fileting and packaging, each individual package of smoked or fileted lake trout shall be tagged with smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package.

(d) No wholesale fish dealer or producer of fish may sell, buy, barter, trade, possess, control or transport any smoked or fileted lake trout unless each individual package of smoked or fileted lake trout is tagged with department smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package.

(e) The department shall issue adhesive smoked/fileted lake trout package tags in an amount equal to a percentage of the weight of the whole, dressed lake trout. The following percentages shall be used:

1. For fileting, portioning and smoking - 65%
2. For smoking whole - 85%

(3) USED TAGS. (a) When lawfully possessed, lake trout which were tagged with a commercial fish tag issued or authorized by the department or by a governmental agency of another state or country and imported into this state are sold at retail or to a retail outlet, the wholesale fish dealer shall remove and retain the commercial fish tags. The department may reclaim such tags within one year at the wholesale fish dealer's place of business.

(b) No person may reuse any foreign lake trout tag, smoked/fileted lake trout package tag or any commercial fish tag issued or authorized by the department or by a governmental agency of another state or country.

NR 25.17 WHOLESALE FISH DEALER REPORTS. (1) Licensed wholesale fish dealers who purchase fish outside of Wisconsin for sale within this state, are subject to the reporting requirements of s. 29.135(6), Stats.

(2) Licensed wholesale fish dealers who make no purchases within a calendar month shall submit a report to the department under s. 29.135(6), Stats., indicating that they made no purchases for that reporting month.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on July 24, 1986.

The rules contained herein shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin September 9, 1986

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

4889I



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

September 9, 1986

IN REPLY REFER TO: 1020

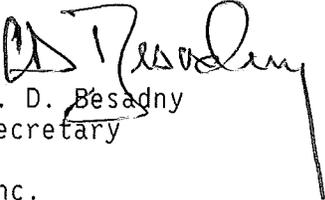
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-17-86. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.
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SEP 11 1986

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