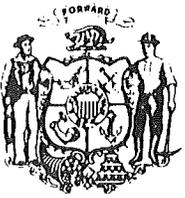


86-82

CR 86-82



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. FM-32-86 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 9<sup>th</sup> day of September, 1986.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

7303J

RECEIVED  
SEP 11 1986  
0:50 p  
Revisor of Statutes  
Bureau

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

.....  
IN THE MATTER of renumbering and amending .  
s. NR 20.02(1)(d)3.; amending ss. NR 25.01 .  
(Title), 25.05(1)(a) and (c), 25.09(1)(a)4.b., .  
25.10(1)(b)1. and 3., and 26.23(1)(a) and .  
and (b) and (2)(a), and creating .  
ss. NR 25.01(3), 25.02(32), 25.06(3)(a) .  
and (g), and 25.105 of the Wisconsin .  
Administrative Code pertaining to sport and .  
commercial fishing for lake trout on .  
Lake Superior. .  
.....

F-32-86

Analysis Prepared by Department of Natural Resources

The proposed rules revise the hook and line season, size, bag limits and tagging requirements for lake trout, the commercial fishing seasons for lake trout and whitefish, restricted commercial fishing areas, and refuges on Lake Superior. These rules will establish a comprehensive management plan to encompass all users of Lake Superior and are necessitated by a breakdown in negotiations between the Department and the Red Cliff and Bad River bands of Lake Superior Chippewas. The specific changes are:

1. Change the hook and line lake trout daily bag limit to 3, the minimum size limit to 17 inches, and the open season to December 1 through Labor Day, annually, on Lake Superior.

2. Define the applicability of specific sections of ch. NR 25 to treaty fishers and create a definition of treaty fishers.

3. Change the large mesh gill net commercial lake trout and whitefish seasons to November 28 to September 30 of each year in Lake Superior.

4. Define the authorization procedure and specifications for an authorized tagging system.

5. Modify the boundaries of the Saxon Harbor and Sand Cut reef restricted commercial fishing areas in Lake Superior.

6. Define the exemptions to ch. NR 25 applicable to treaty fishers.

7. Modify the boundaries of fish refuges in Lake Superior.

---

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.174(3) and 227.11(2)(a), Stats., the State of Wisconsin

Natural Resources Board hereby renumbers, amends, and creates rules interpreting ss. 23.09(2)(c), 29.085, and 29.174(2)(a), Stats., as follows:

SECTION 1. NR 20.02(1)(d)3. is renumbered 20.02(1)(d)2.c. and amended to read:

Species	Area	Open season	Daily bag limit	Minimum length (in.)
<del>37-Lake-trout</del>	<u>c.</u> Lake Superior	December 1 to <del>September-30</del> <u>Labor day</u>	<del>5</del> 3 in aggregate with trout	<del>10</del> <u>17</u>

SECTION 2. NR 25.01(Title) is amended to read:

NR 25.01 PURPOSE AND APPLICABILITY.

SECTION 3. NR 25.01(3) is created to read:

NR 25.01(3) The following sections of this chapter are applicable to treaty fishers fishing in the Wisconsin waters of Lake Superior:

- (a) s. NR 25.02
- (b) s. NR 25.05
- (c) s. NR 25.06
- (d) s. NR 25.09
- (e) s. NR 25.10
- (f) s. NR 25.105
- (g) s. NR 25.11
- (h) s. NR 25.12
- (i) s. NR 25.13
- (j) s. NR 25.16
- (k) s. NR 25.17

SECTION 4. NR 25.02(32) is created to read:

NR 25.02(32) "Treaty fisher" means an enrolled tribal member of either the Bad River or Red Cliff bands of Chippewa Indians exercising off-reservation commercial fishing rights in Lake Superior recognized by State v. Gurnoe, 53 Wis. 2d 390 (1972).

SECTION 5. NR 25.05(1)(a) and (c) are amended to read:

---

Species	A Green Bay	B Lake Michigan	C Lake Superior
(a) Lake trout	No open season	No open season	<del>December-1</del> November 28 to September 30, subject to ss. NR 25.06(1)(a) and 25.07(1)(a)
(c) Whitefish	December 1 to October 25	December 1 to October 25	<del>December-1</del> November 28 to September 30

---

SECTION 6. NR 25.06(3)(a) and (g) are created to read:

NR 25.06(3)(a) Tags authorized shall be approved in writing by the secretary of the department and shall conform to the following minimum specifications:

1. Tags shall be individually, serially numbered in nonrepeating number series.
2. Tags shall be color-coded by year in a color which does not repeat in the next consecutive year.
3. Tags shall include an appropriate state or tribal identification.
4. Tags shall only be ordered in a number sufficient to limit the harvest to a biologically determined quota.

5. Issuing authorities shall maintain records of tag allotments to individual fishers by tag serial numbers. Tag records shall be open to inspection by state conservation wardens during regular office hours.

6. Tags are valid for use only for the license season.

(3)(g) No treaty fisher may lift nets in Wisconsin waters while in possession of tags issued by a tribe or another state for fish taken in Michigan waters.

SECTION 7. NR 25.09(1)(a)4.b. is amended to read:

NR 25.09(1)(a)4.b. No more than 10,000 feet of these nets may be used by each licensed commercial fisher in water less than 330 feet (55 fathoms) deep and then only from ~~December 7~~ November 28 through September 30.

SECTION 8. NR 25.10(1)(b)1. and 3. are amended to read:

NR 25.10(1)(b)1. All waters bounded by a line beginning at the mouth of Graveyard creek in section 3, township 47 north, range 1 west, extending north to the Gull Island Shoals refuge south boundary as described in s. NR 26.23(1)(a), then east to the Wisconsin-Michigan state line, then southerly along the state line to the shore at the mouth of the Montreal river in section 7, township 47 north, range 1 east, all in Iron county, except from November 15 through December 15 in water 84 feet (14 fathoms) deep or deeper, when and where gill nets with a mesh size of not less than 2 1/2 inch and not more than 3 inch stretch measure may be used for taking lake herring.

3. All waters bounded by a line beginning at the signal light on the western end of Long island in section 13, township 48 north, range 4 west, then extending northeasterly to the southernmost point of Madeline island in

section 6, township 49 north, range 4 west, then due east to the western boundary of Gull Island Shoals refuge as described in s. NR 26.23(1)(a), then southerly along the refuge boundary ~~the-mouth-of-the-Bad-river-in-section 17, township-48-north, range-2-west~~ latitude 46°40', then due west to the mainland shoreline, then northwesterly along the shoreline to the point of beginning, all in Ashland county, except waters within ~~one-mile~~ 1 1/2 miles of the mainland shoreline in Ashland county.

SECTION 9. NR 25.105 is created to read:

NR 25.105 EXEMPTIONS. Notwithstanding the provisions of this chapter:

(1) From June 1 through March 31, treaty fishers using boats less than 18 feet in length may harvest perch and walleye from the waters of Chequamegon Bay within one mile of the mainland shoreline in Ashland county between the easternmost boundary of the Bad River reservation on Chequamegon Point and a line extending due north from the westernmost boundary of the Bad River reservation as authorized by the department. Only one authorized boat may fish in this area at a time.

(2) From ice out to the Friday before Memorial day, treaty fishers may fish for whitefish and harvest 1,462 incidentally-caught lake trout in those waters defined in s. NR 25.10(1)(b)1. The 1,462 lake trout harvested in this area shall be allocated as part of the quota defined in s. NR 25.06(1)(a)3. The department may require distinctive tags for this harvest.

SECTION 10. NR 26.23(1)(a) and (b) and (2)(a) are amended to read:

NR 26.23(1)(a) From the southernmost point of Outer island in a straight line and a southerly direction to the Gull island light and then south to the northernmost point of Michigan island proceeding in a southerly direction

following the shoreline of Michigan island to the Michigan island light, then southerly ~~to~~ towards the center of the mouth of the Bad river in Ashland county to latitude 46°40'; then due east to the Michigan state line; then northerly along the state line to a point due east of the southerly tip of Outer island; from that point due west to the southernmost point of Outer island, the place of beginning excluding those waters within 2 miles of Outer island and within one mile of the mainland shoreline of Ashland county; except that licensed commercial fishers may fish all that area within these external boundaries wherein the lake bottom lies at a depth of 35 fathoms (210 feet) or more; and except in those included waters less than 7 fathoms in depth which immediately adjoin Michigan island, gill nets with a mesh size of 2 3/4" or less stretch measure may be used from November 5 to December 5 for the taking of Menominee whitefish.

(b) All waters wherein the bottom lies at a depth of less than 35 fathoms northerly from a line beginning 2 miles north of the Outer island light and extending westerly to the north end of North Twin island, then along the shoreline to the south end of North Twin island, then southwesterly to the north end of South Twin island, then northerly to the north end of Rocky island, then along the north shoreline to the northwest point of Rocky island, then northwesterly to the south end of Devils island, then along the shoreline to the north end of Devils island, then ~~north-one-mile,-then-due-west-5-miles as-well-as-these-waters-lying-north-of-a-line-running-northwesterly-from-the north-end-of-Devils-island,-except-that-in-these-waters-south-of-the-line running-northwesterly-from-the-north-end-of-Devils-island,-gill-nets-of-mesh size-of-3-inches-stretch-measure-or-less-may-be-used-from-November-15-to-~~ January-15-for-the-taking-of-herring westerly to a point 2 1/2 miles north of the York Island Shoal bell buoy.

(2)(a) Cat Island Shoal is defined as all waters bounded by a line extending from a point 2 miles north of the Outer island light to the northern end of North Twin island, along the shoreline to the southernmost end of North Twin island, then southwest to the north end of South Twin island, along the shoreline to the southernmost end of South Twin island, then easterly to the north end of Cat island, then along the shoreline to the easternmost point of Cat island, then northeasterly to the Outer island light, then due north to the place of beginning, September 1 to November ~~30~~ 28.

The foregoing rules were promulgated 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)

7892H



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

September 9, 1986

IN REPLY REFER TO: 1020

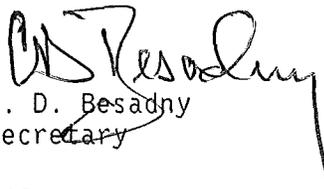
Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 904  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-32-86. 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.  
7303J

RECEIVED

SEP 11 1986

Revisor of Statutes  
Bureau