

CR 86-117

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

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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-43-86 was duly approved and adopted by this Department on October 23, 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 12th day of November, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

8720H

1-1-87

ORDER OF THE STATE OF WISCONSIN

NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

.
. IN THE MATTER of amending s. NR 25.03(2)(a), .
. (b)(intro.) and (c)(intro.); and creating ss. .
. NR 25.02(28m), 25.03(2)(d) and (e), 25.04(7), .
. 25.055 and 25.07(2)(a) 3.d. of the Wisconsin .
. Administrative Code pertaining to perch .
. and whitefish fishing in Green Bay and Lake .
. Michigan, commercial fishing licenses and .
. transfer of commercial chub quotas. .
.

FM-43-86

Analysis Prepared by Department of Natural Resources

The rules are promulgated under the authority of ss. 23.09(2)(intro), 23.11(1), 29.085, 29.174(2)(a), 29.33(1) and 227.11(2)(a), Stats., and interpret ss. 23.09(1), 29.174(1) and 29.33(1) and (2)(d), Stats.

The rules establish special provisions for the next two license years governing the number of commercial fishing licenses available for Green Bay and Lake Michigan and revising license application criteria. Generally, only fishers licensed during the 1985-1986 license year may be licensed in the following two years except where a license is obtained by transfer. License transfers are restricted during the 2-year period so that only members of a licensee's immediate family or a person who has held a crew license prior to July 1, 1985 may receive a commercial fishing license by transfer. The provisions will reduce the total number of licenses from the current formula.

The rules also require that a "supervisor" be present during nonquota perch or whitefish fishing operations.

Finally, the rules temporarily restore a repealed code provision which allowed partial transfer of chub quota permits to other permit holders. The original provision was subject to a January 1, 1986 "sunset" clause. The new sunset date is July 1, 1988.

SECTION 1. NR 25.02(28m) is created to read:

NR 25.02(28m) "Supervisor" means any person who has a current commercial fishing license for Lake Michigan and Green Bay or who was licensed as a crew member of a Lake Michigan and Green Bay commercial fisher prior to July 1, 1985.

SECTION 2. NR 25.03(2)(a) and (b)(intro) are amended to read:

NR 25.03(2)(a) The Except as provided in par. (d), 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.~~ This section does not apply to licenses for the harvest of rough fish from outlying waters under a permit or contract issued under s. 29.62 or 29.625, Stats.

(b)(intro) ~~Applications.~~ Except as provided in par. (e), applications for licenses authorizing commercial fishing in Lake Michigan which have been filed in accordance with sub. (3) shall be reviewed and approved or denied pursuant to the following criteria:

SECTION 3. NR 25.03(2)(d) and (e) are created to read:

NR 25.03(2)(d) For the license years 1986-87 and 1987-1988, the number of licenses is limited to the minimum number necessary to fill applications from persons who qualify under par. (e).

(e) For the license years 1986-1987 and 1987-1988, applications for licenses authorizing commercial fishing in Lake Michigan which have been filed in accordance with sub. (3) shall be reviewed by the department and approved or denied pursuant to the following criteria:

1. The applicant shows proof of a \$5,000 investment in commercial fishing equipment,
2. The applicant held a Lake Michigan commercial fishing license during the previous license year, and

3. The applicant reported at least 30 days lifting nets on Lake Michigan during the previous license year unless unavoidable circumstances prevented the applicant from reporting at least 30 days lifting nets. These circumstances shall be reviewed by the Lake Michigan commercial fishing board which shall in these cases recommend approval or denial of the application.

SECTION 4. NR 25.04(7) is created to read:

NR 25.04(7) Notwithstanding subs. (1) to (6), a licensed commercial fisher may not transfer a license authorizing commercial fishing on Green Bay or Lake Michigan to another person during the 1986-1987 or the 1987-1988 license year unless:

(a) The person meets the eligibility requirements of subs. (3) and (4) and s. NR 25.03(2)(b)1., and

(b) The person is a member of the licensed commercial fisher's immediate family or the person held a crew license prior to July 1, 1985.

SECTION 5. NR 25.055 is created to read:

NR 25.055 SUPERVISOR PRESENCE REQUIRED. During the 1986-1987 and 1987-1988 license years no person may:

(1) Fish for whitefish in Green Bay or Lake Michigan unless a supervisor is present, or

(2) Fish for perch in Lake Michigan unless a supervisor is present.

SECTION 6. NR 25.07(2)(a)3.d. is created to read:

NR 25.07(2)(a)3.d. Any permittee with an individual chub quota allotment under subpar. a.1) and 2) may transfer up to 50% of their allotted chub quota to another permittee with an individual chub quota allotment under subpar. a.1) and 2).

- 1) A quota transfer under this subparagraph shall be in effect only during the current license year, and shall be subject to sub. (6).
- 2) The total amount of chubs harvested from the boat designated under subd. 2.b. by the transfer may not exceed the amount remaining in that individual chub quota allotment after this transfer.
- 3) This subparagraph shall be in effect until July 1, 1988 and shall be reviewed while in effect by the Lake Michigan commercial fishing board.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 23, 1986

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

Dated at Madison, Wisconsin

November 17, 1986

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besa
Carroll D. Besa, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

November 18, 1986

IN REPLY REFER TO: 1020

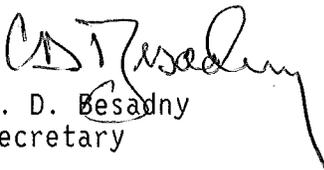
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-43-86. These rules were reviewed by the Assembly Committee on Environmental Resources 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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