



CR 86-234

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

File Ref:

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

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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-67-86 was duly approved and adopted by this Department on March 26, 1987. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 12th
day of November, 1987.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

2-1-88

ORDER OF THE STATE OF WISCONSIN LAKE MICHIGAN COMMERCIAL
FISHING BOARD AND NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating s. NR 25.07(2)(c) : FM-67-86
of the Wisconsin Administrative Code pertaining :
to allocation of the commercial fishing harvest :
of forage fish for Lake Michigan and Green Bay :
.....

Analysis Prepared by Department of Natural Resources

The rules are promulgated under the authority of ss. 29.085, 29.174(3), 29.33(1) and 227.11(2)(a), Stats., and interpret ss. 29.174(1) and (2)(a) and 29.33(1), and (2)(d) and (7), Stats.

Under s. 29.33(7), Stats., the Lake Michigan commercial fishing board "...shall establish criteria for the allotment of individual licensee catch quotas...." These criteria are implemented and set out in rules of the department of natural resources under s. 29.33(1), Stats.

The rules establish special provisions until May 1, 1988, governing the allocation of the total allowable commercial harvest of forage fish from Green Bay and Lake Michigan. Only licensed commercial fishers who reported forage fish harvest by trawls between January 1, 1984 and December 31, 1985 may receive permits to harvest forage fish by trawl. Any licensed commercial fisher who applies will be issued a permit to harvest forage fish by commercial gear other than trawls. The total allowable harvest of forage fish will not be divided by individual allocations between fishers. Instead, the rule creates a "racehorse" fishery which the department will close as the reported catch approaches the annual maximum.

SECTION 1. NR 25.07(2)(c) is created to read:

NR 25.07(2)(c) Forage fish. 1. No person may fish for forage fish with commercial gear in Lake Michigan or Green Bay unless the person has a permit from the department issued under this paragraph.

2. Lake Michigan and Green Bay forage fish trawling permits shall be issued to all applicants who:

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

b. Reported a commercial harvest of forage fish by trawls legally taken from the Wisconsin waters of Green Bay or Lake Michigan between January 1, 1984 and December 31, 1985, while operating under a commercial fishing license issued under s. 29.33, Stats.

3. A Lake Michigan and Green Bay permit to harvest forage fish by commercial gear other than trawls shall be issued to all applicants holding a valid commercial fishing license issued under s. 29.33, Stats.

4. The total allowable commercial harvest of forage fish by trawls and by other commercial gear established under s. NR 25.06(2)(c) shall be treated as total allowable catch without individual allocation between fishers.

5. a. Each permittee shall submit weekly fishing reports on forms provided by the department.

b. 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.

c. The weekly fishing reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than 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.

6. The department shall notify all permittees to cease fishing upon receipt of information that 85% of the quota as established in s. NR 25.06(2)(c) has been harvested except that all nets in the water shall be lifted under s. NR 25.09(2)(a)10., and the legal fish harvested.

The foregoing rules are based on criteria established by the State of Wisconsin Lake Michigan Commercial Fishing Board on February 11, 1987.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 26, 1987.

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

Dated at Madison, Wisconsin November 12, 1987

STATE OF WISCONSIN LAKE MICHIGAN COMMERCIAL FISHING BOARD AND
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: Carroll D. Besadny
Carroll D. Besadny, Secretary
Department of Natural Resources

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

November 12, 1987

File Ref: 1020

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NOV 19 1987

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Revisor of Statutes
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-67-86. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Tourism and Conservation pursuant to s. 227.19, Stats. A summary 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.