

CR 87-147

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

File Ref:

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APR 6 1988

1:00 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES)

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-28-87 was duly approved and adopted by this Department on January 28, 1988. 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 5th
day of April, 1988

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

5-1-88

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

.....
IN THE MATTER of repealing s. NR 25.03(2)(b)2. .
(intro.) and a. and (c) to (e); renumbering and .
amending s. NR 25.03(2)(b)2.b.; amending ss. .
NR 25.03(2)(a) and (b)(intro.) and 1., .
25.04(7)(intro.), 25.055(intro.), 25.06(2)(c)3. and . FM-28-87
25.09(2)(d)2.c.; and repealing and recreating .
s. NR 25.03(2)(b)3. of the Wisconsin Administrative .
Code pertaining to commercial fishing in Green Bay .
and Lake Michigan .
.....

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 29.174(3), 29.33(1) and 227.11(2)(a),
Stats.

Statutes interpreted: ss. 29.085, 29.174(2)(a) and 29.33(1), Stats.

By repealing "sunset" clauses, the order indefinitely extends rules that limit Great Lakes commercial fishing license availability, limit license transfers and require experienced fishers present as supervisors during fishing operations. Existing rules that establish forage base harvest quotas and limit commercial trawling to specific areas in Lake Michigan 60 feet or deeper have their "sunset" dates extended by three years to May 1, 1991.

The Order also deletes provisions of the code that listed priorities according to which licenses were issued to various classes of applicants. These provisions are no longer needed because there is now only one class of applicants who may receive a license -- individuals who held a license the previous year.

SECTION 1. NR 25.03(2)(a) and (b)(intro.) and 1. are amended to read:

NR 25.03(2) LAKE MICHIGAN. (a)

~~Except as provided in par. (d),~~ the 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~~ the previous year. 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.

(b)(intro.) ~~Except-as-provided-in-par.--(c),~~ applications 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:

1. ~~For-the-first-year-of-eligibility-the~~ The applicant shall show proof of a \$5,000 investment in commercial fishing equipment not to include vehicles other than those directly employed in operating nets.

SECTION 2. NR 25.03(2)(b)2.(intro.) and a. are repealed.

SECTION 3. NR 25.03(2)(b)2.b. is renumbered NR 25.03(2)(b) 2. and amended to read:

NR 25.03(2)(b)2. ~~At~~ To retain eligibility for the second year and thereafter, the applicant shall show proof of at least 30 days lifting nets on Lake Michigan during the previous license year unless unavoidable circumstances prevented the applicant from 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 license.

SECTION 4. NR 25.03(2)(b)3. is repealed and recreated to read:

NR 25.03(2)(b)3. The applicant held a Lake Michigan commercial fishing license throughout the previous license year or received a license by transfer under s. NR 25.04.

SECTION 5. NR 25.03(2)(c) to (e) are repealed.

SECTION 6. NR 25.04(7)(intro.) is amended 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-and-1987-1988-license-year~~ unless:

SECTION 7. NR 25.055(intro.) is amended to read:

NR 25.055 SUPERVISOR PRESENCE REQUIRED.

~~During-the-1986-1987-and-1987-1988-license-years-no~~ No person may:

SECTION 8. NR 25.06(2)(c)3. is amended to read:

NR 25.06(2)(c)3. This paragraph shall be in effect until May 1, ~~1988~~ 1991.

SECTION 9. NR 25.09(2)(d)2.c. is amended to read:

NR 25.09(2)(d)2.c. This subdivision shall be in effect until May 1, ~~1988~~ 1991.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 28, 1988.

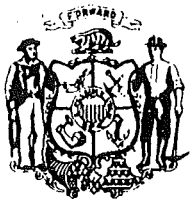
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin April 5, 1988.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

April 5, 1988

File Ref: 1020

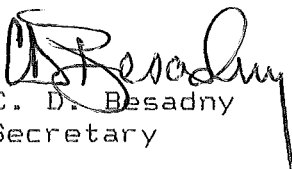
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-28-87. 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.