

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

CR 88-146

RECEIVED

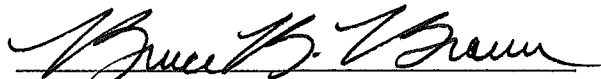
APR 27 1989
11:30 am
Revisor of Statutes
Bureau

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-31-88 was duly approved and adopted by this Department on January 26, 1989. 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 21st
day of April, 1989.


Bruce B. Braun, Deputy Secretary

(SEAL.)

2-1-89

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

.....
IN THE MATTER of amending s. NR 24.09 (1) .
(intro.) and (a) and (2) and creating . FM-31-88
s. NR 24.02 (4m) of the Wisconsin Adminis- .
trative Code pertaining to clamming and .
commercial clamming .
.....

Analysis prepared by Department of Natural Resources

Statutory authority: ss. 23.09 (2) (intro.), 29.175 (1), 29.38 (8)
and 227.11 (2) (a), Stats.

Statutes interpreted: ss. 23.09 (2) (intro.), 29.175 (1), and 29.38
(8), Stats.

The rules change the closing date of the commercial clam shelling
season in Wisconsin-Iowa boundary waters from September 30 to
September 15 for the 1989 season and to August 31, thereafter, thus
eventually shortening the season from 6 months to 5 months in length.

Starting April 1, 1990, the rules increase the minimum legal size for
harvest of the washboard clam by 1/2" from 3-1/2" to 4" and for cooked
washboard clams from 3-1/4" to 3-3/4".

A temporary exception to the new 4" size limit is created for dead
washboard clams. A definition of "dead shell" is added for this
purpose. The current 3-1/2" size limit will continue to apply to dead
washboard clams for the 1990 and 1991 seasons. The exception will
sunset on August 31, 1991.

SECTION 1. NR 24.02 (4m) is created to read:

NR 24.02 (4m) "Dead shell" means a clam which apparently died in
the water of natural causes, contains no meat or soft parts and
exhibits readily notable sediment, algae, vegetation or water stains,
discoloration, soiling, weathering or other visual evidence on its
interior surface which clearly and unambiguously shows that the clam
is not a cooked clam and is not freshly dead.

SECTION 2. NR 24.09 (1) (intro.) and (a) and (2) are amended to read:

NR 24.09 (1) (intro.) Except as provided in ~~sub. (2)~~ subs. (2) and (3), no person may engage in commercial clam shelling except between sunrise and sunset during the open season in waters which are open to commercial clam shelling, for clams of a species which is open to commercial clam shelling and which are of the minimum size or larger, as shown in the following table:

WATERS OPEN TO COMMERCIAL CLAM SHELLING	OPEN SEASON	OPEN SPECIES	MINIMUM SIZE
(a) Wisconsin-Iowa boundary waters	April-1	mapleleaf (Quadrula quadrula)	2 3/4"
	Sept.-30		
	<u>April 1, 1989-Sep. 15, 1989 thereafter,</u>	pigtoe (Fusconaia flava)	2 3/4"
	<u>April 1-Aug. 31</u>	pimpleback (Quadrula pustulosa)	2 3/4"
		threeridge (Amblema plicata)	2 5/8"
	washboard (Megalonaias gigantea)	3 1/2" until Apr. 1, 1990, 4" <u>thereafter</u>	

(2) Notwithstanding the minimum size limits set in sub. (1), the minimum size for cooked clams shall be 2-1/2" for mapleleaf, pigtoe and pimpleback clams, 2-7/16" for threeridge clams and 3-1/4" until April 1, 1990 and 3-3/4" thereafter for washboard clams.

SECTION 3. NR 24.09 (3) is created to read:

NR 24.09 (3) Notwithstanding the minimum size limit set in sub. (1) (a), the minimum size for dead shell shall be 3-1/2" for washboard clams. This subsection shall be in effect April 1, 1990 to August 31, 1991.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on January 26, 1989.

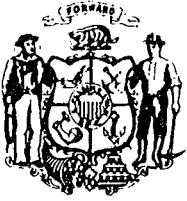
The rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin April 21, 1989

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
1020

April 24, 1989

RECEIVED

APR 27 1989

Revisor of Statutes
Bureau

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-31-88. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining 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.