



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

CR 89-82

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

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AUG 22 1989
9:50 am
Revisor of Statutes
Bureau

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-39-89 was duly approved and adopted by this Department on June 29, 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 August, 1989.

Bruce B Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

11-1-89

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

.....
IN THE MATTER OF creating s. NR 25.07 .
(2)(d) and (e) of the Wisconsin Admin- .
istrative Code pertaining to commercial .
fishing for menominee and whitefish on .
Lake Michigan and Green Bay .
.....

FM-39-89

Analysis Prepared by the Lake Michigan Commercial Fishing Board

Statutory authority: ss. 29.174(3), 29.33(7) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085, 29.174(1) and (2) and 29.33(1) and (7), Stats.

The rules establish criteria for the allotment of individual licensee catch quotas and for allocation among individual fishers of harvest limits established by the department by Natural Resources Board Order FM-40-88 (Clearinghouse Rule 88-173).

Paragraph (d) establishes criteria by which a fisher may qualify for a menominee fishing permit in each of the three zones of Lake Michigan and Green Bay and establishes formulas for allotment of the menominee harvest limits.

Paragraph (e) establishes criteria by which a fisher may qualify for a whitefish fishing permit in zone 1 and establishes a formula for allotment of the zone 1 whitefish harvest limit.

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

NR 25.07(2)(d) Menominees. 1. No person may fish for menominees with commercial gear in zone 1, 2 or 3 unless the person has a permit for that zone issued by the department under this paragraph.

2. A menominee fishing permit and individual licensee catch quota for zone 1, 2 or 3, respectively, shall be issued to each

applicant who:

- a. Holds a commercial fishing license issued under s. 29.33, Stats.,
- b. Effective July 1, 1990, applied for and received a menominee fishing permit for the respective zone for the license year preceding the license year for which the permit application is being made; and
- c. Reported a commercial harvest of menominees legally taken from zone 1 between January 1, 1979 and December 31, 1988, from zone 2 between January 1, 1983 and December 31, 1987, or from zone 3 between January 1, 1984 and December 31, 1988.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of menominees assigned as a percentage of the harvest limit established by s. NR 25.06(2)(d)2. Each individual licensee catch quota shall be determined as follows:

- a. In zone 1, by dividing the total menominee commercial harvest from zone 1 during the period from January 1, 1979 to December 31, 1988 reported under that license by the total reported commercial harvest of menominee from zone 1 during that period, and multiplying the result by 100.

- b. In zone 2, by dividing the total menominee commercial harvest from zone 2 during the period from January 1, 1983 to December 31, 1987 reported under that license by the total reported commercial harvest of menominee from zone 2 during that period, and multiplying the result by 100, or

c. In zone 3, by dividing the total menominee commercial harvest from zone 3 during the period from January 1, 1984 to December 31, 1988 reported under that license by the total reported commercial harvest of menominee from zone 3 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(e) Whitefish in zone 1. 1. No person may fish for whitefish with commercial gear in zone 1 unless the person has a permit for that zone issued by the department under this paragraph.

2. A whitefish fishing permit and individual licensee catch quota for zone 1 shall be issued to each applicant who:

a. Holds a commercial fishing license issued under s. 29.33, Stats.,

b. Effective July 1, 1990, applied for and received a whitefish fishing permit for zone 1 for the license year preceding the license year for which the permit application is being made; and

c. Reported a commercial harvest of whitefish legally taken from zone 1 between January 1, 1979 and December 31, 1988.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of whitefish assigned as a percentage of the harvest limit established by s. NR

25.06(2)(e)2. Each individual licensee catch quota shall be determined by dividing the total whitefish commercial harvest from zone 1 during the period from January 1, 1979 to December 31, 1988, reported under that license by the total reported commercial harvest of whitefish from zone 1 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

The foregoing rules were approved and adopted by the State of Wisconsin Lake Michigan Commercial Fishing Board on June 19, 1989.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on June 29, 1989.

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

Dated at Madison, Wisconsin August 21, 1989.

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

August 21, 1989

In Reply Refer to 1020

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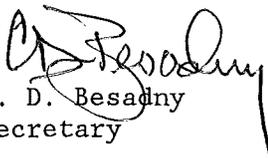
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-39-89. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Government Operations 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.