

CR 93-93



George E. Meyer
Secretary

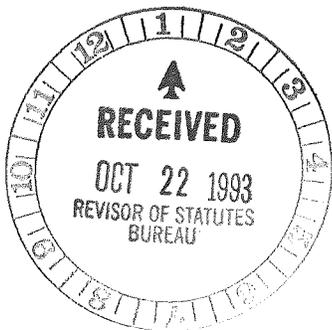
State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-14-93 was duly approved and adopted by this Department on July 29, 1993. 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 17th
day of October, 1993.

George E. Meyer
George E. Meyer, Secretary

(SEAL)

18-1-93



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

.....
IN THE MATTER of amending ss. NR 25.03(1)
(b)2., 25.07(1)(a)2. and 25.09(1) of
the Wisconsin Administrative Code per-
taining to commercial fishing on Lake
Superior
.....



Analysis prepared by the Department of Natural Resources

Statutory authority: Sections 23.09, 29.085, 29.174(3), 29.33(1)
and 227.11(2)(a), Stats.

Statutes interpreted: Sections 29.085 and 29.174(2)(a), Stats.

The order affects several Lake Superior commercial fishing rules. SECTION 1 eliminates the requirement that applicants show proof of at least 30 days of net lifting during the previous year in order to be relicensed.

SECTION 2 eliminates obsolete wording that stated that the number of tags issued to each individual licensee shall be based on the average dressed weight of individual lake trout commercially harvested during the previous year.

SECTION 3 makes several changes to the gear restrictions set out in s. NR 25.09(1), Wis. Adm. Code. These changes modify allowable net mesh sizes, net size or height (in number of meshes), water depth of net sets, and other allowable gear and practices. The order:

a. Changes the allowable net mesh sizes, mesh depth, depth of set and time period that gill nets can be set in order to allow gill nets with mesh sizes of 2 3/8" to 3":

1. To be used in waters of 12 to 60 feet deep or 210 to 330 feet deep only from January 16 through November 9,

2. To be used in water 60 to 330 feet deep only from November 10 through January 15, or

3. To be used at any time at any depth if the net is not more than 60 meshes in depth and if the bottom maitre cord or lead line is at least 6 feet above the lake bottom;

b. Changes the allowable mesh sizes, mesh depth, depth of set and time period that gill nets can be set to allow gill nets

during each period.

3) The following catch-per-unit-of-efforts (CPEs) shall be used for the lake trout open season of November 28, 1993 to September 30, 1994:

period 1 - 15.9

period 2 - 11.9

period 3 - 4.6.

4) After September 30, 1994, 3-year average catch-per-unit-of-efforts (CPEs) shall be calculated by the department as the average of the monitored catch-per-unit-of-efforts (CPEs) for the corresponding periods of the preceding 3 lake trout open seasons using data from department-monitored net lifts, except that if the monitored catch-per-unit-of-effort (CPE) determined under subpar. bm.2) for the corresponding period of the most recent lake trout open season exceeds the 3-year average for that period by more than 50%, the period's monitored CPE for the most recent lake trout open season shall be used for the corresponding period in the following lake trout open season in place of the 3-year average catch-per-unit-of-effort (CPE).

5) No commercial fisher may set more than his or her allowable gill net effort during each period of the lake trout open season. The department shall use the following formula to determine each commercial fisher's allowable gill net effort in feet of net:

period 1 allowable gill net effort:

$$\frac{\text{Individual Lake Trout Quota}}{\text{Period 1 CPE}} \times 1,000$$

period 2 allowable gill net effort:

$$\frac{[\text{Unused Effort Period 1}] [\text{Period 1 CPE}]}{\text{Period 2 CPE}}$$

period 3 allowable gill net effort:

$$\frac{[\text{Unused Effort Period 2}] [\text{Period 2 CPE}]}{\text{Period 3 CPE}}$$

6) Allowable gill net effort limitations for period 1 shall be made available by November 1 of each year. If a commercial fisher's allowable gill net effort has not been used by the end of period 1 or 2 and is reported by the commercial fisher according to s. NR 25.13(1), the remaining balance of allowable gill net effort in feet of net shall be carried over to succeeding periods within the lake trout open season but not carried over to the next lake trout open season. Allowable gill net effort limitations for periods 2 and 3 shall be determined by the department within 5 working days after the start of periods 2 and 3 using remaining allowable gill net effort reported according to s. NR 25.13(1).

7) The department shall calculate the allowable gill net effort for the overall state commercial and tribal effort in the same manner as described in subpar. bm. 5), except that the state or tribal lake trout quota shall be used instead of the fisher's individual quota.

8) State commercial and tribal fisheries' allowable gill net effort for period 1 for each lake trout open season shall be determined by the department and made available by November 1 of each year.

~~e. May be used in water more than 330 feet (55 fathoms) deep at any time.~~

d c. May not be set in water less than 330 feet (55 fathoms) deep for the remainder of the lake trout open season by a licensed commercial fisher upon use of all tags issued for lake trout to the fisher under s. NR 25.07(1)(a), or upon use of the total number of feet of gill net permitted to be set in any time period under subpar. bm.

e d. Shall be tagged by the licensed commercial fisher using the gill net with an informational tag, supplied by the department, on each buoy line 10 feet below the water's surface. Each tag shall state the time and date upon which the gill net was set, the length of the gang of nets, the license number and the licensee's initials.

f e. May not be placed in the waters of Lake Superior from a boat or watercraft from January 15 through March 31.

g f. May not be set or placed within 1/4 mile shoreward of the pot and lead of any entrapping net, except that if a trap net is set within 1/4 mile of a gill net, that gill net may continue to be lifted and reset in the same location.

4. With no restrictions on mesh size or the number of meshes in depth at any time during the year only in water more than 330

feet (55 fathoms) deep and only when set on the bottom.

5. Shall be lifted a minimum of:

a. Once every 72 hours (3 days) in open water less than 96 feet (16 fathoms) deep.

b. Once every 120 hours (5 days) in open water 96 to 210 feet (16 to 35 fathoms) deep.

c. Once every 240 hours (10 days) in open water more than 210 feet (35 fathoms) deep.

d. Once every 120 hours (5 days) in commercial ice fishing.

(b) Entrapping nets:

1. Only when the pot or crib is set, placed or operated in water not more than ~~78 feet (13 fathoms)~~ 90 feet (15 fathoms) deep.

2. May be set, placed or operated only by permit issued under s. NR 25.10(4) in that part of Lake Superior lying between a line extending due north from the harbor entrance at Cornucopia in section 34, township 51 north, range 6 west, Bayfield county, and a line extending due north from the mouth of the Bad river in section 17, township 48 north, range 2 west, Ashland county, and including all of the Apostle Islands area.

3. May be used up to 10 such nets by each licensed commercial fisher, that being the maximum number of pots or cribs allowed.

4. Shall be lifted a minimum of once every 168 hours (7 days).

5. ~~Shall be removed from the water or shall have the fish holding or pot portion rendered inoperable during the closed seasons for whitefish and lake trout, on pound nets and trap nets~~

and shall have the webbing removed from the water within 14 days after the close of the lake trout season.

6. May not be placed within 1/2 mile of any other entrapping net.

7. May not be placed or operated in the waters of Lake Superior during the months of April, May, June, July, August, and September after March 31, 1994, if the twine covering the hearts of submarine trap nets exceeds a minimum of 14" stretch.

8. May not be placed or operated in the waters of Lake Superior from a boat or water craft from November 28 through March 31.

(c) Encircling nets and trawls: Only for taking fish species for which there is no minimum size limit and which are legal in other commercial fishing gear. Encircling nets and trawls are prohibited.

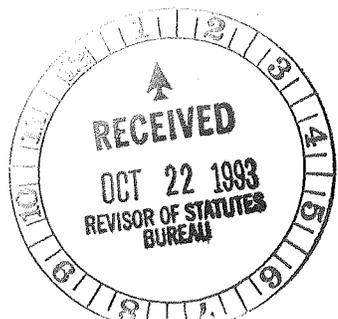
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on July 29, 1993.

The rules contained herein 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 October 11, 1993.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary



(SEAL)