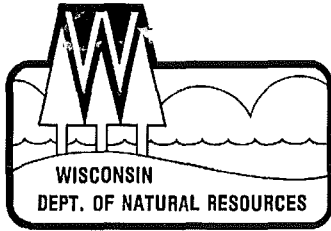


CR 94-4



George E. Meyer
Secretary

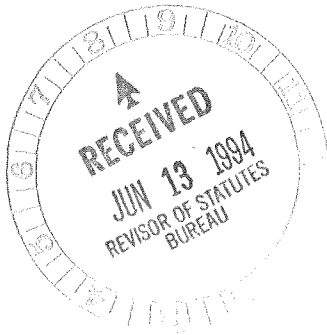
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

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-4-94 was duly approved and adopted by this Department on April 28, 1994. 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 hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 9th day of June, 1994.

George E Meyer
George E. Meyer, Secretary

(SEAL)

8-1-94



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

IN THE MATTER of amending s. NR 20.037(2) of the
Wisconsin Administrative Code pertaining to
readjustment of daily bag limits for walleye in
response to current year population estimates

FM-4-94

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.174(3) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 29.085 and 29.174(2)(a), Stats.

This order changes the conditions under which walleye daily bag limits are readjusted in mid-season. Rather than being mandated by any current year population estimate data collected during a season, the readjustment is made only under those circumstances where the readjustment is consistent with the safety factors established by the Chippewa off-reservation treaty rights litigation. This will limit the number of changes to be made each year. Mid-season readjustments can still be made if walleye abundance is low relative to the number of fish harvested by spearing, and the population is in danger of overharvest.

SECTION 1. NR 20.037(2) is amended to read:

NR 20.037(2) READJUSTMENT. If the Chippewa bands inform the department that they have completed harvesting and their goal has not been reached, the secretary may raise the daily bag limit or reduce the minimum size limit to the limit specified as appropriate using the percent of the safe harvest level expected to be harvested as indicated in sub. (1). If a new population estimate is made, the safe harvest level shall be changed accordingly and the secretary may adjust the daily bag limit or minimum size limit ~~shall be adjusted~~ according to the ~~percent~~ percentage of the new safe harvest level that is expected to be harvested as indicated in sub. (1), where deemed necessary to remain consistent with the safety factors established under *Lac Courte Oreilles v. State of Wis.*, 707 F. Supp. 1034 (W. D. Wis. 1989). The readjusted daily bag and size limits shall be in effect until March 1 of the year following the tribal harvest.

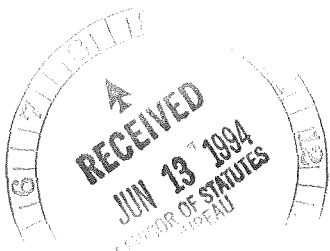
The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 1994.

The rule 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

6-9-94

(SEAL)



STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E Meyer
George E Meyer, Secretary