

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

The Wisconsin Natural Resources Board adopts an order to repeal NR 25.06(2)(c)2. and 25.10(2)(e), amend NR 25.05(1)(d), 25.09(2)(b)2.a. and e. and 25.10(2)(b) and create NR 25.09(1)(b)10., relating to commercial fishing in Lake Superior and Lake Michigan

FH-30-01

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.041, 29.014(1), 29.519(1)(b) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 29.041, 29.014(1) and 29.519(1)(b), Stats.

The order affects Great Lakes commercial fishing rules.

SECTIONS 1., 2., 3. and 5., respectively, are housekeeping corrections needed to correctly express the intent of FH-26-00, adopted in 2000; to remove language that became irrelevant with the adoption of FM-18-94 in 1995; to restore language inadvertently repealed in 1997 with the adoption of FM-51-96; and to correctly express the rule's intent.

SECTION 4. increases the maximum allowable depth at which trap nets and pound nets may be used in Lake Michigan and Green Bay from 90 feet to 150 feet, and, along with SECTION 6., opens Whitefish Bay, on the eastern shore of Door County, to commercial trap nets

SECTION 1. NR 25.05(1)(d) is amended to read:

	Species	A Green Bay	B Lake Michigan	C Lake Superior
(d)	Chubs	No open season	In the northern and southern chub fishing zones from March 1 to January 15. <u>From March 1 to January 15, a) in the northern chub fishing zone and b) in the southern chub fishing zone south of 44°32' north latitude.</u> From January 16 to the end of February, a) in the northern chub fishing zone in waters 55 fathoms deep or deeper and b) in the southern chub fishing zone in water 60 fathoms deep or deeper.	At all times

SECTION 2. NR 25.06(2)(c)2. is repealed.

SECTION 3. NR 25.09(1)(b)10. is created to read:

NR 25.09(1)(b)10. May not be placed or operated within 1 mile of a designated trout stream.

SECTION 4. NR 25.09(2)(b)2.a. and e. are amended to read:

NR 25.09(2)(b)2.a. Only when the pot or crib is set, placed or operated in water not more than ~~78 feet (13 fathoms) deep, except that from July 1, 1999 through June 30, 2003, the pot or crib may be set, placed or operated in water not more than 90 feet (15 fathoms) deep~~ 150 feet (25 fathoms) deep.

e. May be used to take fish in the waters of Lake Michigan lying south of a line extending from the Lake Michigan shoreline along ~~44°55'50"~~ 44° 52'30" north latitude only during the period including the day after Labor Day to June 28. Unless the department has granted an extension of time, the webbing shall be removed from the water by June 28 and may not be reinstalled until the day after Labor Day. If adverse weather conditions or unanticipated equipment problems prevent removal of the webbing by June 28, a licensee may request and the department may grant a brief extension of time sufficient to allow safe removal.

SECTION 5. NR 25.10(2)(b) is amended to read:

NR 25.10(2)(b) No commercial fishing gear of any kind except entrapping nets authorized by permit issued under sub. (4) for the taking of rough or detrimental fish, perch, whitefish or menominee may be used, set, placed or operated in the waters of Lake Michigan lying south of a line extending from mid-channel marker buoy of Baileys Harbor on a 135° bearing, ~~or~~ and north of a line extending east from the entrance of Kewaunee harbor to its intersection with a line that follows a the 45 fathom (270 feet) depth contour, then proceeding north along the 45 fathom (270 feet) depth contour to its intersection with 44° 32' north latitude, then proceeding east along 44° 32' north latitude to the Wisconsin-Michigan state line, except as provided under pars. (c), (d), (e), (f) and (g).

SECTION 6. NR 25.10(2)(e) is repealed.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on December 5, 2001.

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 _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)