

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 25.09(1)(am)3.c.; to amend NR 25.06(1)(a)1. to 3. and 25.09(1)(ah)3.; and to create NR 25.09(1)(as) relating to commercial fishing in Lake Superior

FH-10-02

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.014(1), 29.041, 29.519(1)(b) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 29.014(1), 29.041, 29.516(2) and 29.519(1)(b), Stats.

SECTION 1. changes the total allowable commercial and home use harvest of lake trout from Lake Superior. SECTION 2 establishes a minimum depth beneath the surface for the top maitre cord of 2-3/8 inch gill nets used throughout the year in any depth water in Lake Superior. SECTION 3 repeals an obsolete provision. SECTION 4 establishes a requirement that the floats or leads of each gill net used in Lake Superior be marked with the license number of the commercial fisher to whom it belongs.

SECTION 1. NR 25.06(1)(a)1. to 3. are amended to read:

NR 25.06(1)(a)1. The total allowable commercial and home use harvest in waters of Lake Superior east of Bark Point may not exceed ~~59,540~~ 74,438 lake trout. The total allowable commercial and home use harvest in waters of Lake Superior west of Bark Point may not exceed ~~4,430~~ 2,472 lake trout.

2. That number of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior east of Bark Point may not exceed ~~5,710~~ 7,088 lake trout, and from the waters of Lake Superior west of Bark Point may not exceed ~~4,430~~ 1,772 lake trout.

3. That number of lake trout to be harvested by the Red Cliff and Bad River bands, including both commercial and home use fishers, from the waters of Lake Superior east of Bark Point may not exceed ~~53,800~~ 67,350 lake trout. That number of lake trout to be harvested by the Red Cliff and Bad River bands, including both commercial and home use fishers, from the waters of Lake Superior west of Bark Point may not exceed ~~3,000~~ 700 lake trout. If the Red Cliff and Bad River bands do not reach an agreement on the method of allocating the tribal quota between them, the department may divide the quota 50% for the Bad River band and 50% for the Red Cliff band, or by any other equitable method.

SECTION 2. NR 25.09(1)(ah)3. is amended to read:

NR 25.09(1)(ah)3. Not more than 60 meshes in depth in water of any depth and during any time of the year may be used provided the bottom maitre cord or lead line is at least 6 feet (1 fathom) above the lake bottom and the top maitre cord or float line is at least 12 feet (2 fathoms) below the surface of the water.

SECTION 3. NR 25.09(1)(am)3.c. is repealed.

SECTION 4. NR 25.09(1)(as) is created to read:

NR 25.09(1)(as) *Gill net marking requirements*. Shall be legibly marked on each float or on each lead with the license number of the commercial fishing license holder to whom it belongs.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 23, 2002.

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 _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)