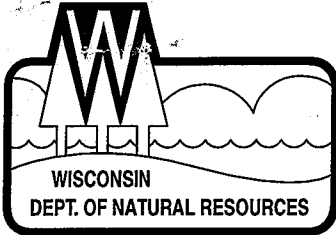


98-086

# Clearinghouse Rule 98-086

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor  
George E. Meyer, Secretary

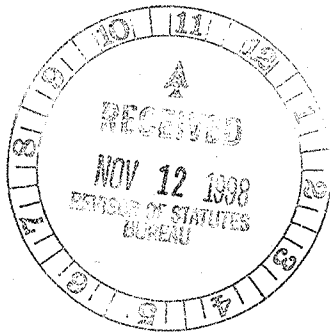
Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
TELEPHONE 608-266-2621  
FAX 608-267-3579  
TDD 608-267-6897

STATE OF WISCONSIN )  
 ) ss  
DEPARTMENT OF NATURAL RESOURCES )

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. FH-41-98 was duly approved and adopted by this Department on September 23, 1998. 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 6th day of November, 1998



*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

2-1-99

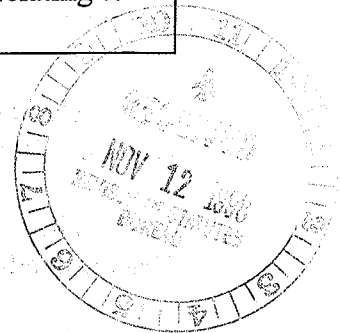
ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 20.037(2) relating to readjustment of daily bag limits for walleye in response to tribal harvest

FH-41-98

Analysis prepared by the Department of Natural Resources

Statutory authority: ss. 29.174(3) and 227.11(2)(a), Stats.  
Statutes interpreted: s. 29.174(1) and (2), Stats.



This order allows the secretary to readjust the daily bag limits for walleye or the minimum size limits for muskellunge after the spring spearfishing season, based on anticipated tribal harvest. If the actual tribal walleye harvest subsequently exceeds anticipated levels, the daily bag limit or minimum size limit will be adjusted the next year to reflect both the actual harvest from the previous year and the harvest goal for the next year.

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,~~ After May 30 of each year, 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 through March 1 of the next year as indicated in sub. (1). If the actual harvest subsequently exceeds the expected harvest level, the daily bag limit for walleye may be reduced or the minimum size limit for muskellunge may be increased the following year to reflect the actual harvest for that year and the harvest goals of the Chippewa bands for the next year. 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 according to the 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.

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The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 23, 1998

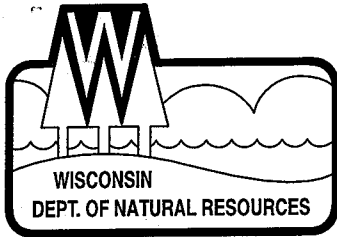
The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin, November 6, 1998.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

Box 7921  
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November 6, 1998

Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
131 West Wilson Street - Suite 800  
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FH-41-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George E. Meyer  
Secretary

Enc.

