



CR 82-102

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. F-18-82 was duly approved and adopted by this Department on June 24, 1982. 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 General Executive Facility #2 in the City of Madison, this 18<sup>th</sup> day of August, 1982.

*Carroll D. Besadny*  
Carroll D. Besadny, Secretary

(SEAL)

11-1-82

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

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IN THE MATTER of renumbering ss. NR 25.08(5)\*  
and (6); amending ss. NR 20.02(1)(a), \*  
25.05(1)(d) and (i), 25.05(2)(e) and 25.06; \*  
and creating ss. and 25.08(5) of the \*  
Wisconsin Administrative Codes pertaining to\*  
sport and commercial fishing in outlying \*  
waters. \*  
\*\*\*\*\*

F-18-82

Analysis Prepared by the Department of Natural Resources

The renumbering of ss. NR 25.08(5) and (6), Wis. Adm. Code, provides space for created s. NR 25.08(5), Wis. Adm. Code.

The amending of s. NR 20.02(1)(a), Wis. Adm. Code, reduces the hook and line sport fishing daily bag limit for walleye and sauger in Green Bay from 5 to 3. The amending of s. NR 25.05(1)(d), Wis. Adm. Code, corrects the reference to amended s. NR 25.06(2)(a), Wis. Adm. Code. The amending of s. NR 25.05(1)(i), Wis. Adm. Code, removes the reference to sauger, retains the closed commercial fishing season for walleye in Lake Michigan, northern Green Bay and southern Green Bay. The amending of s. NR 25.05(2)(e), Wis. Adm. Code, removes the reference to sauger. The amending of s. NR 25.06, Wis. Adm. Code, provides a reordering of the parts of this section in a more logical sequence and broadens the application of requiring tags for specified quota-controlled commercial fisheries. It also codifies s. 29.33(2)(h), Stats., relating to the application of catch fees to specified commercial fisheries.

The creating of s. NR 25.08(5), Wis. Adm. Code, closes the Fox River in Brown County from the Pulliam generating plant at the mouth of the Fox River to the DePere Dam to commercial fishing except for rough fish under contracts.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.085, 29.174, 29.33, and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby renumbers, amends and creates rules interpreting ss. 29.085, 29.174 and 29.33, Stats., as follows:

SECTION 1. NR 20.02(1)(a) is amended to read:

Species	Area	Open Season	Daily Bag Limit	Minimum Length(in.)
(a) Walleye and Sauger (Bag limit means total of all)	Lake Michigan and Green Bay	At all times	-5- <u>3</u>	No size limit
	Lake Superior	At all times	5	No size limit

SECTION 2. NR 25.05(1)(d) is amended to read:

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(d) Chubs	April 1 to December 31, subject to <u>ss.</u> NR 25.06(2)(a), 25.07(2)(a) and 25.08.	No open season	At all times

SECTION 3. NR 25.05(1)(i) is amended to read:

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(i) Walleye, sauger	No open season in Lake Michigan, open May-20 to March-9 in northern-Green-Bay commencing-May-20 1982	No open season Open-May-20 to March-9, commencing May-20, 1982	No open season

SECTION 4. NR 25.05(2)(e) is amended to read:

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(e) Walleye and-sauger	18 inches	18 inches	

SECTION 5. NR 25.06, as amended by NR Board Order F-10-82, is amended to read:

NR 25.06 QUOTAS AND CATCH FEES. (1) LAKE SUPERIOR. (a) Lake trout. The total allowable annual harvest of lake trout by commercial methods during the open season in Wisconsin waters of Lake Superior shall be determined by the natural resources board based upon recommendations from the department, the U.S. fish and wildlife service and the Great Lakes fishery commission.

{b} 1. The total allowable commercial harvest for any license year may not exceed 180,000 pounds of lake trout.

{e} 2. That quantity of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior may not exceed 80,000 pounds annually.

{d} 3. Eligible members of the Red Cliff and Bad River bands of Lake Superior Chippewas as determined by the respective tribal councils may harvest under permits issued by their respective tribal councils 100,000 pounds of lake trout from Wisconsin waters of Lake Superior annually. Copies of the permits will be provided to the department at the time of issue.

{f} 4. All lake trout and siscowet shall be tagged ~~with-tags-furnished or-authorized-for-each-subspecies-by-the-department-before-being-brought-to-any shore-when-fishing-in-open-water-and-before-being-transported-when-fishing-with-nets-under-the-ice~~ in accordance with sub. (3). ~~Such-fish-shall-be individually-tagged.--Untagged-fish-may-not-be-left-unattended.~~

{g} ~~Untagged-lake-trout-and-siscowet-shall-not-be-transferred-between watercraft.~~

{h} ~~Tags-shall-be-locked-and-remain-attached-to-lake-trout-or-siscowet until-prepared-for-final-consumption.--Tags-shall-remain-with-smoked-or~~

~~filleted lake trout or siscowet until sold to final consumers. Commercial fishers of the outlying waters or licensed wholesale fish dealers shall not be considered final consumers and must be in possession of tags for smoked and filleted lake trout or siscowet.~~

~~(i) Tags provided or authorized by the department for tagging lake trout and siscowet shall not be transferred.~~

(b) Harvest of fish from Lake Superior for home use by Lake Superior Chippewas. Members of the Bad River and Red Cliff bands of Lake Superior Chippewas may harvest species of fish for which there is an open season during said season, under home use permits issued by their respective tribal councils.

1. Home use permits will be issued to the heads of households only, and only one permit will be issued to an individual.

2. Permittees are restricted to the use of no more than 350 feet of gill net and sale of fish taken pursuant to these permits is prohibited. These fishing activities shall be restricted to waters adjacent to the reservations of the Bad River and Red Cliff bands.

(2) LAKE MICHIGAN AND GREEN BAY. (a) Chubs. The total allowable annual commercial harvest of chubs in Wisconsin waters of Lake Michigan and northern Green Bay shall ~~not exceed 1,500,000 pounds, not to include incidental catches allowed elsewhere in this chapter. No more than 200,000 pounds of the total may be taken in these waters of Lake Michigan north of a line extending due east from the red navigational buoy marking the entrance of Bailey's Harbor, this portion to be taken only during the period from July 1 through December 31~~ be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest for any license year may not exceed 1,650,000 pounds, not including incidental catches allowed elsewhere in this chapter.

2. No more than 200,000 pounds of the total allowable commercial harvest for any license year may be taken in those waters of Lake Michigan north of a line extending due east from the red navigational buoy marking the entrance of Bailey's Harbor. This portion may be taken only during the period from July 1 through December 31.

~~(b)~~ 3. The department reserves 100,000 pounds of the total annual allowable annual commercial harvest of chubs to be used for special assessment.

(3) TAGGING OF FISH. (a) Members-of-the-Bad-River-and-Red-Cliff bands-of-Lake-Superior-Chippewas-may-harvest-species-of-fish-for-which-there is-an-open-season-therefor,-during-said-season,-under-home-use-permits-issued by-their-respective-tribal-councils. All fish species or subspecies required to be tagged in accordance with this section shall be tagged with tags furnished or authorized by the department before being brought to any dock or shore when fishing in open water and before being transported when fishing with nets under the ice. Such fish shall be individually tagged.

(b) Home-use-permits-will-be-issued-to-the-heads-of-households-only,-and only-one-permit-will-be-issued-to-an-individual. Untagged fish may not be left unattended.

(c) Permittees-are-restricted-to-the-use-of-no-more-than-350-feet-of-gill net-and-sale-of-fish-taken-pursuant-to-these-permits-is-prohibited.--These fishing-activities-shall-be-restricted-to-waters-adjacent-to-the-reservations of-the-Bad-River-and-Red-Cliff-bands. Untagged fish may not be transferred between watercraft.

(d) Tags shall be locked and remain attached to fish until prepared for final consumption. Tags shall remain with smoked or filleted fish until sold to final consumers. Commercial fishers of the outlying waters or licensed wholesale fish dealers shall not be considered final consumers and must be in possession of tags for smoked and filleted fish.

(e) Tags provided or authorized by the department for tagging fish may not be transferred.

(f) Tags furnished or authorized by the department for tagging fish may not be modified or tampered with.

(4) ALLOCATION. The harvest quotas established herein shall be allocated to individual commercial fishing licensees in accordance with s. NR 25.07.

(5) CATCH FEES. Catch fees to be charged for commercial harvest of fish species whose populations are sustained or supplemented through stocking shall be determined and assessed as follows:

(a) The department shall determine catch fees annually for each fish species population subject to this subsection and shall provide this information upon request by February 15 of each year.

(b) The catch fee for a given fish species population shall be equivalent to the department's direct cost in providing those fish for commercial harvest.

(c) Catch fees shall be charged on a per fish harvested basis.

(d) Catch fees shall be collected through the sale of fish tags furnished or authorized by the department in accordance with sub. (3) at offices indicated on the quota applications provided under s. NR 25.07(3). The total number of tags that may be purchased by an individual licensee shall be equivalent to that licensee's individual catch quota as determined in accordance with s. NR 25.07.

(e) Unused fish tags purchased in accordance with par. (d) shall be returned by the licensee to the department at the office where purchased within 15 days of the end of the open season for that fish species population. The department shall return the catch fees paid by that licensee for those unused fish tags.

SECTION 6. NR 25.08(5) and (6) are renumbered NR 27.08(6) and (7). <sup>(6m)</sup>

*CRP*  
*8/26/82*

SECTION 7. NR 25.08(5) is created to read:

(5) No nets of any kind except those under contract for the taking of rough fish may be used, set, placed or operated in the following waters of Lake Michigan and Green Bay: Fox River including all connecting sloughs, bayous, and tributaries from the DePere dam downstream to its mouth lying south of a line commencing at the Wisconsin public service Pulliam plant and running easterly across the Fox river to the outlet of the Green Bay metropolitan sewerage district plant outfall in Brown county.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 1982.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin August 18, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)