



CR 81-223

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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MADISON, WISCONSIN 53707

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

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-56-81 was duly approved and adopted by this Department on November 18, 1981. 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 20th day of January, 1983.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

3-1-83

CREATING RULES

JAN 24 1983

Revisor of Statutes
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.....
IN THE MATTER of creating s. NR 25.07(2)(a)1.b.6) .
of the Wisconsin Administrative Code to allow a .
saleable 1% incidental daily catch of chubs in .
legal gear fished for smelt .
.....

F-56-81

Analysis Prepared by Department of Natural Resources

Lake Michigan commercial fishers fishing for smelt with trawls and gill nets harvest chubs incidental to their smelt fishing. This occurs when the chub season is closed and the chubs which cannot be legally landed must be sorted from the catch and returned to the water. Since chubs are intermixed with hundreds of pounds of alewife, this sorting is difficult, time consuming and costly to the fishers. These problems are further complicated by the cold air temperatures and heavy seas encountered during winter.

This rule creates s. NR 25.07(2)(a)1.b.6) which allows commercial fishers to keep a saleable incidental chub catch of up to 1% of their total daily catch when fishing for smelt. The rule will allow fishers to obtain a chub harvest permit, sort and sell incidentally caught chubs during the closed season, and charge the pounds harvested to their quota.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.085, 29.174, 29.33, 227.014 and 227.02(1)(e), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 29.33, Stats., as follows:

SECTION 1 - NR 25.07 (2) (a) 1. b. 6) is created to read:

6) Licensees possessing a valid chub permit issued under this section may, during the closed season for chubs, possess incidentally caught chubs. A maximum of 1% of the total daily catch by weight may be brought to shore and sold. Such incidental catch may only be taken in gear authorized by this chapter and used for taking smelt. Such saleable incidentally caught chubs will be applied against the chub quota allotted to the permittee and will be reported as required in subpar. c. All nonsaleable chubs will be accounted for and tagged according to written procedures provided by the department.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 18, 1981

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

Dated at Madison, Wisconsin January 20, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)