



CR 82-243

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

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STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

MAY 11 1983  
3:35  
SS Revisor of Statutes  
Bureau

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-49-82 was duly approved and adopted by this Department on February 23, 1983. 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 10<sup>th</sup> day of May, 1983.

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

(SEAL)

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ORDER OF THE STATE OF WISCONSIN LAKE MICHIGAN  
COMMERCIAL FISHING BOARD REPEALING, RENUMBERING AND AMENDING  
REPEALING AND RECREATING, AND CREATING RULES

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MAY 11 1983

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IN THE MATTER of repealing s. NR 25.07(2)(a)4. and 5.;  
renumbering and amending s. NR 25.07(2)(a)3.; repealing  
and recreating s. NR 25.07(2)(a)2. and (3); and creating  
s. NR 25.07(2)(a)3. of the Wisconsin Administrative Code  
pertaining to the allocation of the commercial chub  
harvest in Lake Michigan.  
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..... Revisor of Statutes  
..... Bureau  
..... F-49-82  
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Analysis Prepared by the Department of Natural Resources

The repealing of s. NR 25.07(2)(a)4. and 5., Wis. Adm. Code is possible because they are incorporated in the repeal and recreation of s. NR 25.07(2)(a)2.

Section NR 25.07(2)(a)3., Wis. Adm. Code, was renumbered 25.07(2)(a)4. to make room for created s. NR 25.07(2)(a)3., and amended to use the prevalent term for licensees receiving permits.

The repealing and recreating of s. NR 25.07(2)(a)2., Wis. Adm. Code, establishes rules for the allocation of the northern zone chub fishery.

The repeal and recreation of s. NR 25.07(3), Wis. Adm. Code, clarifies the determination of timely permit applications, and provides the requirement that permit applicants select the northern or southern chub fishing zone.

Creating s. NR 25.07(2)(a)3., Wis. Adm. Code, establishes the rules for the allocation of the southern zone chub fishery.

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Pursuant to the authority vested in the Lake Michigan Commercial Fishing Board by s. 29.33(7), Stats., the State of Wisconsin Lake Michigan Commercial Fishing Board hereby repeals, rennumbers and amends, repeals and recreates, and creates rules interpreting s. 29.33, Stats., as follows:

SECTION 1. NR 25.07(2)(a)2., as created by NR Board Order F-31-82, is repealed and recreated to read:

no later than the Monday following the weekly report period during the open season. Weekly fishing reports shall be filed by each ~~permit-holder~~ permittee regardless of whether the ~~permit-holder~~ permittee fished or not.

SECTION 3. NR 25.07(2)(a)3. is created to read:

3. All permittees under subd. 1. who select the southern chub fishing zone under sub. (3)(a) shall be subject to the following limitations:

a. In the southern chub fishing zone, 90% of the harvest quota established in s. NR 25.06(2)(a)3. shall be allotted to 32 individual permittees as follows:

<u>Fisher Rank</u>	<u>Percent of Allotted Quota</u>
1-5	3.94
6-10	3.64
11-15	3.34
16-20	3.04
21-25	2.74
26-30	2.44
31-32	2.15

1) The fisher rank of each individual permittee shall be based on their individual authorized regular season chub harvest from April 1, 1981 through December 31, 1982. This harvest determination shall be based on the permittee's reported catch during that period adjusted to the legal amount under s. NR 25.07(2)(a)1.b. 4) and 5), Register, June, 1981, No. 306. The highest resulting number shall be assigned the fisher rank of 1, and the following numbers assigned sequential ranks until the 32 individual quota allotments are all assigned. If there are any ties for a given fisher rank, a public drawing will be conducted by the department and the permittee selected

will receive that fisher rank. The permittee or permittees not selected will go to the next lower fisher rank. Additional drawings will be conducted as needed to resolve all ties. Any remaining permittees not receiving individual quota allotments shall fish under the provisions of subpar. b.

2) No individual quota allotted under subpar. a. may exceed 70,000 pounds, until each individual allotted quota equals 70,000 pounds. When the quota allotted to an individual permittee reaches 70,000 pounds, any additional harvest quota shall be divided equally among the remaining individual allotted quotas not equalling 70,000 pounds. When all individual allotted quotas each equal 70,000 pounds, for a total of 2,240,000 pounds, any further increases shall be divided equally among the individual quota allotments. Quota allotments shall be made in whole pound increments.

Note: If 90% of the harvest quota established in s. NR 25.06(2)(a)3. equaled 1,890,000 pounds, permittees in fisher rank 1-5 would have individual quotas of 74,466 pounds. The excess over 70,000 pounds for each would be totalled, being 22,300 pounds, and divided equally among the remaining 27 individual quotas, 826 pounds each.

3) Whenever a vacancy occurs in the number of permittees allotted an individual quota, those permittees ranking below the vacancy shall automatically advance in rank to fill the vacancy. Any vacancy at fisher rank 32 may be filled by the permittee fishing under the provisions of subpar. b. who has the highest total reported regular season chub harvest for the previous 2 license years.

b. In the southern chub fishing zone, 10% of the harvest quota established in s. NR 25.06(2)(a)3. shall be allotted to permittees who do not receive individual allotted quotas under subpar. a.

1) No more than 10% of this allotment may be taken by any one permittee

during the license year.

2) No permittee may take more than 40% of the maximum established in subpar. b.1) during any of the 3-month fishing periods encompassed by the months of July, August and September, the months of October, November and December, and the months of April, May and June respectively.

3) Whenever the total amount of chubs allocated under subpar. b.1) does not equal the amount provided in subpar. b., the surplus shall be divided equally among permittees under subpar. b.

c. The department shall notify permittees to cease fishing upon receipt of information that 85% of their allotment as established in subds. 3.a. and b. has been harvested except that all nets in the water shall be lifted under s. NR 25.08(2)(a)9., and the legal fish therein harvested.

SECTION 5. NR 25.07(3) is repealed and recreated to read:

(3) Applications for individual license year catch quotas shall be made on forms provided by the department. Applications, if mailed, shall be postmarked no later than March 15 preceding the license year for which application is being made. If applications are submitted to the department other than by mail, they shall be received and stamped with a date stamp of the department indicating receipt no later than March 15 preceding the license year for which application is being made.

(a) Applicants for Lake Michigan chub fishing permits and individual licensee catch quotas under sub. (2)(a)1. shall select and designate on their application either the northern chub fishing zone or the southern chub fishing zone.

The foregoing rules were approved and adopted by the State of Wisconsin Lake Michigan Commercial Fishing Board on January 20, 1983.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on February 23, 1983.

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

Dated at Madison, Wisconsin May 10, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

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