

CR 85-38

State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

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-67-84 was duly approved and adopted by this Department on May 22, 1985. 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.

RECEIVED

JUL 16 1985  
3:45 PM  
Revisor of Statutes  
Bureau

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 15th day of July, 1985.

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

(SEAL)

5527J

9-1-85

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD AMENDING RULES

.....  
IN THE MATTER of amending ss. NR 25.02(19), .  
25.07(2)(a)2.a., and 25.09(2)(a)6.a. of .  
the Wisconsin Administrative Codes . F-67-84  
pertaining to commercial fishing in .  
northern Lake Michigan. .  
.....

Analysis by the Department of Natural Resources

Each of the three rules proposed for amendment, ss. NR 25.02(19), 25.07(2)(a)2.a., and 25.09(2)(a)6.a., Wis. Adm. Code, were adopted as part of an experimental management proposal on May 1, 1983. These rules changed the description of the northern chub fishing zone in northern Lake Michigan; established a spring (April-June) chub season in the northern chub fishing zone; and moved the "Bailey's Harbor line" (the southern limit of the northern chub fishing zone, and of the area where large-mesh gill nets may be used on Lake Michigan) from a due-easterly to a south-easterly bearing.

These rules were written with a "sunset clause", ending them on July 1, 1985, and a note that the Department would closely monitor and evaluate the resulting fisheries and would propose appropriate amendments prior to July 1, 1985 if necessary. The evaluation of the 1983 and 1984 seasons have been completed and the Department's recommendation is that these rules be made permanent. The proposed amendments accomplish that by deleting reference to the "sunset clause".

The evaluation by Lake Michigan biologists confirmed the original premise that incidental lake trout catch in small mesh gill nets decreases as the water depth where the nets are set increases, out to about 30 to 35 fathoms. However, in the experimental rules and in this proposed rule change an effective depth restriction is only applied in the southern 12 miles of the 34-mile long north-south bearing line (23° through Fisherman Shoal). The reason for this divergence is to accommodate commercial fishing interests in an area viewed to have marginal lake trout rehabilitation value under the current management program. The existing large mesh gill net fishery for lake whitefish in these waters, and the potential for tribal gill net fisheries in Michigan state waters immediately to the north of this area are the primary factors leading to a deferral of lake trout rehabilitation efforts there.

The decision not to apply a 35 fathom depth restriction over the whole length of the north-south bearing line may result in a higher incidental lake trout mortality in commercial fishing gear. This is a tradeoff to less restrictive commercial regulations. Should lake trout rehabilitation outside this area be adversely affected because of this additional mortality, or the status of the area in question be changed from one of deferred lake trout rehabilitation to active rehabilitation, it may be necessary to move this "chub fishing line" to deeper waters.

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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(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby amends rules interpreting 29.085, 29.174 and 29.33, Stats., as follows:

SECTION 1. NR 25.02(19) is amended to read:

NR 25.02(19) "Northern chub fishing zone" means those waters of Lake Michigan lying north of a line extending due east from the red navigational buoy marking the entrance of Bailey's Harbor, except between April 1, 1983 and July 1, 1985 when it means those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Baileys Harbor on a 135° bearing, and east of a line extending through the marker buoy on Fisherman Shoal on a 23° bearing.

Note:--This definition creates different boundaries for the "northern chub fishing zone" for a period not to extend beyond July 1, 1985. During that period, the fishery in the zone will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

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

NR 25.07(2)(a)2.a. In the northern chub fishing zone, no more than 125,000 pounds of chubs may be harvested during each of the 3-month periods encompassed by the months of July, August and September, and the months of October, November and December, and for the period from April 1, 1983 to July 1, 1985, no more than 100,000 pounds of chubs may be harvested during the 3-month period encompassed by the months of April, May and June.

Note:--This subpar. allows the harvest of chubs in the northern chub fishing zone during the months of April, May and June for a period not to extend beyond July 1, 1985. During that period, the fishery in the zone will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

SECTION 3. NR 25.09(2)(a)6.a. is amended to read:

NR 25.09(2)(a)6.a. In those waters of Lake Michigan lying north of a line extending due east from the red navigational buoy marking the entrance of Bailey's Harbor, except between April 1, 1983 and July 1, 1985 when it is in those waters of Lake Michigan lying north of a line extending from the midchannel marker buoy of Bailey's Harbor on 135° bearing.

Note:--This subparagraph allows the use of gill nets with a mesh size of not less than 4 1/2 inch and not more than 6 1/2 inch stretch measure in a larger area of northern Lake Michigan for a period not to extend beyond July 1, 1985. During that period, the fishery will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on May 22, 1985.

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

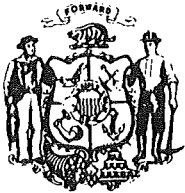
Dated at Madison, Wisconsin July 15, 1985

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besaghy  
Carroll D. Besaghy, Secretary

(SEAL)

3369L



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

July 15, 1985

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

RECEIVED

JUL 16 1985

Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-67-84. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,

  
C. D. Besadny  
Secretary

Enc.

5527J