

CR 85-100

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, Bruce B. Braun, Deputy 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-6-85 was duly approved and adopted by this Department on December 18, 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.

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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 22nd day of January, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

6290J

3-1-86

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

.....
IN THE MATTER of renumbering s. NR 25.02(16) :
to (29); amending ss. NR 25.05(1)(d) and :
25.07(2)(a)2.; and creating s. NR 25.02(16) : F-6-85
of the Wisconsin Administrative Code :
pertaining to commercial chub fishing season :
opening date for Lake Michigan :
.....

Analysis Prepared by the Department of Natural Resources

Renumbering of s. NR 25.02(16) to (29), Wis. Adm. Code, is required to make room for created s. NR 25.02(16), Wis. Adm. Code, while retaining the alphabetic order of the "Definitions" section.

The amending of s. NR 25.05(1)(d), Wis. Adm. Code, changes the opening of the chub season in Lake Michigan from April 1 to March 15. Department studies have shown that this can be done without damaging chub stocks or reproduction. This earlier opening would be financially beneficial to the commercial fishers as it will allow them to take advantage of the Lenten market.

Section NR 25.07(2)(a)2., Wis. Adm. Code, is amended to make the periods described conform to the new chub season outlined in amended s. NR 25.05(1)(d), Wis. Adm. Code.

The creating of s. NR 25.02(16), Wis. Adm. Code, provides a definition of "Incapacity" as used in proposed s. NR 25.04(2), Wis. Adm. Code, (NR Order F-6-84; Clearinghouse Rule 84-236) and in s. NR 25.08(3), Wis. Adm. Code. Such a definition was requested by the Legislative Council Rules Clearinghouse in their comments on NR Order F-6-84 (Clearinghouse Rule 84-236). This NR Order (F-6-85) is the first opportunity to provide that definition.

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) and 227.02(1)(e), 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 25.02(16) to (29) are renumbered NR 25.02 (17) to (30), respectively.

SECTION 2. NR 25.02(16) is created to read:

NR 25.02(16) "Incapacity" means the inability to communicate in any manner or an adjudication of incompetency as defined in s. 880.01(4), Stats.

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

	A	B	C
Species	Green Bay	Lake Michigan	Lake Superior
(d) Chubs	No open season	April 1 to December 31 in the northern chub fishing zone, and March 15 to December 31 in the southern chub fishing zone subject to ss. NR 25.06(2)(a), 25.07(2)(a) and 25.09	At all times

SECTION 4. NR 25.07(2)(a)2. is amended to read:

NR 25.07(2)(a)2. All permittees under subd. 1. who select the northern chub fishing zone under sub. (3)(d) shall be subject to the following limitations:

a. ~~In the northern chub fishing zone, no~~ No more than 125,000 pounds of chubs may be harvested during each of the 3-month quota periods encompassed by the months of July 1, August and through September 30, and the months of October 1, November and through December 31; 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 quota period encompassed by the months of April, May and March 15 through June 30.

~~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.

b. The department shall notify all permittees to cease fishing upon receipt of information that 85% of the 3-month period quota as established in subpar. a. has been harvested except that all nets in the water shall be lifted under s. NR 25.09(2)(a)9., and the legal fish therein harvested.

c. The period quota for the following 3-month period shall be adjusted based on the actual reported catch of the previous quota periods within a given license year, except that no more than 100,000 pounds of chubs may be harvested during the 3-month quota period encompassed-by-the-months of April, May-and March 15 through June 30.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 18, 1985.

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

Dated at Madison, Wisconsin

January 21, 1986

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
2720M



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

January 21, 1986

IN REPLY REFER TO: 1020

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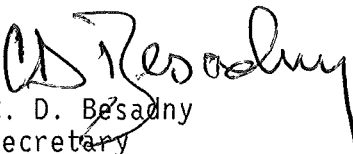
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-6-85. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity 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.

6290J