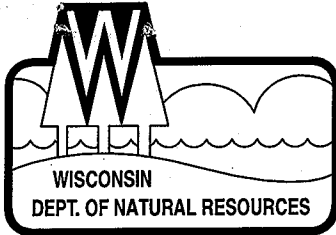


Clearinghouse Rule 96-189

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

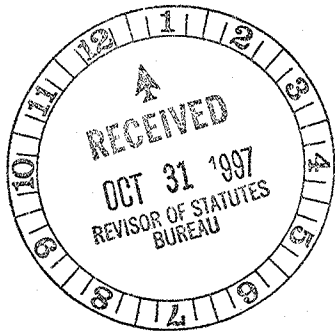
Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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. FM-2-97 was duly approved and adopted by this Department on June 25, 1997. 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 the Natural Resources Building in the City of Madison, this 29 day of October, 1997.



(SEAL)

George E Meyer
George E Meyer, Secretary

96-189

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



.....
The Wisconsin Natural Resources Board .
adopts an order to repeal NR 24.09 .
(3), renumber NR 24.09 (4) and amend .
NR 24.09 (1) (a) to (c) and (2) and .
24.10 relating to commercial clamming .
on the Wisconsin-Minnesota and .
Wisconsin-Iowa boundary waters and .
clamming on all waters .
.....

FM-2-97

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.174 (3) and 227.11 (2) (a), Stats.

Statutes interpreted: ss. 29.085 and 29.174 (2) (a), Stats.

SECTION 1. deletes obsolete wording; reduces the open season for commercial clamming on that portion of the Wisconsin-Minnesota boundary waters open to commercial clamming by one month from the current April 1 - September 30 season to April 1 - August 31; increases the minimum size limit for threeridge mussels from 2-5/8" to 3"; and updates internal cross-references.

SECTION 2. increases the minimum size for cooked threeridge mussels from 2-7/16" to 2-13/16";

SECTION 3. repeals an obsolete 3-1/2" dead shell size limit exemption for washboard mussels that expired after the 1990-1991 season.

SECTION 4. renumbers a subsection in light the effect of SECTION 3.

SECTION 5. corrects cross-reference errors.

SECTION 1. NR 24.09 (1) (a) to (c) are amended to read:

WATERS OPEN TO COMMERCIAL CLAM SHELLING	OPEN SEASON	OPEN SPECIES	MINIMUM SIZE
(a) Wisconsin-Iowa boundary waters	April 1, 1989 Sept. 15, 1989 thereafter, April 1- Aug. 31	mapleleaf (<i>Quadrula quadrula</i>)	2-3/4"
		pigtoe (<i>Fusconaia flava</i>)	2-3/4"
		pimpleback (<i>Quadrula pustulosa</i>)	2-3/4"
		threeridge (<i>Amblyma plicata</i>)	2-5/8" 3"
		washboard (<i>Megalonaias gigantea</i>)	3-1/2" until Apr. 1, 1990, 4" there- after 4"
(b) Wisconsin-Minnesota boundary waters except Lake St. Croix, the St. Croix river, and the St. Louis river	Apr 1- Sep 30 <u>Apr. 1-</u> <u>Aug. 31</u>	mapleleaf (<i>Quadrula quadrula</i>)	2-3/4"
		pigtoe (<i>Fusconaia flava</i>)	2-3/4"
		pimpleback (<i>Quadrula pustulosa</i>)	2-3/4"
		threeridge (<i>Amblyma plicata</i>)	2-5/8" 3"
(c) Inland waters and Wisconsin-Michigan boundary water: none, except as provided in sub. (4) <u>sub. (3)</u>	No open season, except as provided in sub. (4) <u>sub. (3)</u>	None, except as provided in sub. (4) <u>sub. (3)</u>	12", except as pro- vided in sub. (4) <u>sub. (3)</u>

SECTION 2. NR 24.09 (2) is amended to read:

NR 24.09 (2) Notwithstanding the minimum size limits set in sub. (1), the minimum size for cooked clams shall be 2-1/2" for mapleleaf, pigtoe and pimpleback clams, ~~2-7/16"~~ 2-13/16" for threeridge clams and ~~3-1/4" until April 1, 1990 and~~ 3-3/4" thereafter for washboard clams.

SECTION 3. NR 24.09 (3) is repealed.

SECTION 4. NR 24.09 (4) is renumbered NR 24.09 (3).

SECTION 5. NR 24.10 is amended to read:

NR 24.10 Clamming: size limits; open seasons, species and waters. No person may engage in clamming except between sunrise and sunset during the open season in waters which are open to clamming, for clams of a species which is open to clamming and which are of the minimum size or larger, as shown in the following table:

WATERS OPEN TO CLAMMING	OPEN SEASON	OPEN SPECIES	MINIMUM SIZE
(1) All boundary, inland all year and outlying waters		all except those listed in s. NR 27.03(2)(f) or (3)(f) <u>s. NR 27.03(2)(g) or (3)(g)</u>	none

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 25, 1997.

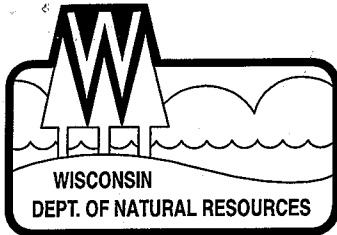
The rules contained herein shall take effect on January 1, 1998, pursuant to authority granted by s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin 10/29/97

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer Secretary

(SEAL)



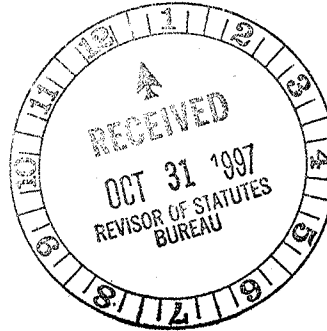
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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George E. Meyer, Secretary

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October 28, 1997

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Dear Mr. *Gary* Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FM-2-97. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

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

Sincerely,

George
George E. Meyer
Secretary

Enc.