

Chapter WCD 25

OUTLYING WATERS; COMMERCIAL FISHING

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(Section 29.085, Wis. Stats.)

WCD 25.01 Measurement of nets. (1) Whenever the size of mesh of any gill net is specified, the size shall be determined by extension measure. The measurement shall be made of meshes irrespective of where the gill net or gill netting is found, whether in the water, on boat, on reel, on dock, or in any other place on land. Extension measure shall mean the distance between the extreme angles of any single mesh, and such measurements shall be taken between and inside the knots with a flexible steel gauge constructed and used as prescribed by the national bureau of standards as hereinafter defined. All measurements of the mesh of gill nets or gill netting shall be made by inserting in the mesh parallel with the selvage, a gauge made of spring steel, free from rust, of a length equal to the number of inches prescribed in this chapter for the mesh measured. The ends of the gauge shall be free of sharp edges or burrs. The gauge shall be straight and shall not be graduated, and any necessary markings shall be placed near the ends of the gauge. The length of the straight gauge, measured parallel with the long edge, shall not at any point exceed nor be less than the prescribed length by more than one-thousandth (.001) of an inch. Its width at any point shall not exceed 9/16 of an inch nor be less than 7/16 of an inch. Its thickness shall be such that when it is set vertically on a solid anvil with its upper end loaded with a dead weight between 7½ and 8½ ounces, the gauge shall deflect at its middle 1/10 of its length. The gauges to be used for measuring the mesh of gill nets or gill netting as provided by this chapter shall be certified and approved by the national bureau of standards.

(2) In gauging a mesh, the flexible gauge shall be held only by the ends and bent between thumb and forefinger, the bent rule shall be then inserted in the mesh parallel with the selvage and with the collapsed mesh, and finger pressure shall be released immediately, not gradually. If the gauge does not straighten out completely under its own tension within 2 seconds after it is released in the mesh, without slipping a knot or breaking the twine, the mesh shall be considered unlawful; and if the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the gill net or

from the entire gill net or from any gill netting being gauged are found to be unlawful, the gill net or gill netting shall be seized and held subject to the order of the court. The meshes to be gauged shall be at least three meshes removed from the selvage or side lines, shall not be stretched or manipulated in any way prior to or after the insertion of the gauge, and the same mesh shall not be gauged more than once.

(3) Whenever and wherever the size of the mesh of gill nets or gill netting is prescribed in this order it shall be the size of the mesh throughout the entire life of the gill net or gill netting.

WCD 25.02 Reserve waters. The following waters are reserve waters and except as otherwise expressly provided no nets of any kind or set hooks shall be used, set, placed or operated therein. (1) Allouez Bay, Superior Bay, St. Louis Bay, the St. Louis river and Chequamegon Bay beginning at the Houghton Point signal light proceeding in a southerly direction following the mainland shoreline to the city of Ashland and continuing along to Chequamegon Point and on across the cut, if present, thence along the south or west shore of Long Island to the signal light on the extreme northwest point of Long Island, thence westerly to the Houghton Point light, the place of beginning.

(2) All waters in Lake Superior within $\frac{1}{4}$ mile from any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Superior except that no net, nets or set hooks shall be used, set, placed or operated within one mile from the mouth of the Brule river in Douglas county, the Bad river in Ashland county and the Sioux river in Bayfield county, or within $\frac{1}{4}$ mile of the shoreline in that area lying between the reserve waters at the mouths of the Onion and Sioux rivers in Bayfield county.

(3) All waters in Lake Superior within $\frac{1}{4}$ mile from the entry to the channel between Wisconsin Point and Minnesota Point.

(4) All waters in Lake Michigan, northern Green Bay and southern Green Bay within $\frac{1}{4}$ mile from any harbor, pier or breakwater or from the mouth of any stream flowing into Lake Michigan, northern Green Bay or southern Green Bay.

(5) All waters in Lake Michigan within one half-mile from any harbor, pier or breakwater in Milwaukee County, or within one-half mile from the shoreline of Milwaukee County.

(6) All waters in the following bays or harbors in Door county; Sturgeon bay, Sawyer's Harbor, Little Sturgeon bay, Riley's bay, Egg Harbor, Fish Creek Harbor, Eagle Harbor, Bailey's Harbor, Moonlight (Mud) bay, North bay, Rowley's bay, Washington Harbor, Jackson Harbor, Detroit Harbor, West Harbor and Engleson Harbor.

(7) No gill net of any kind shall be used, set, placed or operated in the waters of Lake Michigan, northern Green Bay or southern Green Bay within $\frac{1}{4}$ mile of any shoreline in Door county.

(8) No nets of any kind shall be used, set, placed or operated from June 15th to September 15th of each year in that portion of southern Green Bay, lying south or east of a line commencing at the most northerly point of Snake Island in section 30, township 28 north, range 25 east, Door county, thence northeasterly approximately one

mile to a stake or buoy placed by the Wisconsin conservation department, thence easterly to the Sherwood Point light.

History: 1-2-56; am. (5), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 25.03 Dates inclusive. All dates specified in this chapter include the first and last dates specified.

WCD 25.04 Closed seasons; size limits. (1) **CLOSED SEASONS.** In the outlying waters there shall be a closed season on the various species of fish as follows:

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(a) Lake trout	October 1 to December 10	October 1 to December 10	October 1 to November 5
(b) Whitefish	October 1 to December 10	October 1 to December 10	October 25 to November 25
(c) Chubs	No closed season	No closed season	No closed season
(d) Herring or bluefin	No closed season	No closed season	No closed season
(e) Yellow perch	April 10 to May 31	April 10 to May 19	April 15 to June 1
(f) Suckers	No closed season	No closed season	No closed season
(g) Walleye and sauger ..	Closed at all times in Lake Michigan. In northern Green Bay waters—April 1 to May 31	April 1 to May 19	Closed at all times
(h) Northern pike	Closed at all times in Lake Michigan waters. In north- ern Green Bay waters—April 1 to May 31	April 1 to May 19	Closed at all times
(j) Sturgeon	Closed at all times	Closed at all times	Closed at all times
(k) Brown trout	Closed at all times	Closed at all times	Closed at all times

(2) **SIZE LIMITS.** No fish of any of the following varieties taken in gear or equipment authorized by this chapter, shall be retained, sold, or transported of a length or size less than that specified for each variety. The following method of measuring shall apply: The measurement of the length of a fish within the meaning of this chapter shall be taken in a straight line in a natural position without manipulation from the tip of the snout to the end of the fully extended tail-fin. A "fish in the round" shall be deemed to be a fish that is entirely intact as it was taken out of the water with no part removed by dressing; a "dressed fish" shall be deemed a fish with the head and tail-fin attached but the entire gut or viscera (stomach, liver, intestine, gonads) removed; and a "filleted fish" shall be deemed to be a fish with the entire head, gut or viscera, gills, bones, scales and all of the fins removed. The measurement of length and weight shall apply without any allowance made for the shrinkage of the fish.

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Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(a) Lake trout.....	17 inches	17 inches	17 inches
(b) Whitefish.....	17 inches	17 inches	17 inches
(c) Yellow perch.....	8 inches in the round or dressed	7½ inches in the round or dressed	8 inches in the round or dressed
	5¼ inches with head and tail off	5¼ inches with head and tail off	5¼ inches with head and tail off
	6" headless	6" headless	6" headless
	1¼ ounces filleted	1¼ ounces filleted	1¼ ounces filleted
(f) Suckers.....	No size limit	No size limit	No size limit
(g) Walleye and sauger ..	15 inches	15 inches	-----
(h) Northern pike.....	20 inches	20 inches	-----
(k) Buffalo.....	18 inches	18 inches	-----
(l) Catfish.....	16 inches in the round	16 inches in the round	-----
(m) Others Any variety of fish except smelt, herring, chubs, sheeps- head, carp and alewife	8 inches	8 inches	8 inches

History: 1-2-56; am. (1) (a) and (b) and (2) (m), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 25.05 Illegal fish. All illegal fish which are taken and cannot be returned alive or unharmed to the water shall be turned over to the state conservation commission or its duly authorized agents. No person shall at any time throw into the outlying waters any dead fish or part thereof, but each fisherman shall bring to shore at his base of operations all such dead fish and parts thereof.

WCD 25.06 Protected fish. All black bass, rock bass, crappie, muskellunge, sturgeon, rainbow or steelhead trout, brook trout, brown trout and all illegal lake trout and whitefish, and all other illegal fish caught or taken alive in any licensed fishing gear shall be immediately and carefully returned to the water alive. When found dead in such gear they shall be turned over to the conservation commission or its authorized agents.

WCD 25.07 Crayfish. (a) There shall be a closed season on crayfish, or crabs in all of the outlying waters from March 1 to June 15, inclusive, of each year. During this period it shall be unlawful for any person to take, capture or kill, or have in possession or under control any crayfish or crab taken from outlying waters.

(b) During the open season crayfish or crabs may be taken in all outlying waters by the following means only: By hand, by use of minnow seines and minnow dip nets, and by crayfish or crab traps with the entrance to the trap not to exceed 1½ inches in diameter, except that it shall be unlawful to use any crayfish or crab trap in the waters of Sturgeon Bay in Door county.

WCD 25.08 Nets: Permitted nets; size of mesh, prohibited nets.
(1) **GILL NETS.** (a) Gill nets not more than 30 meshes deep and with Register, December, 1957, No. 24.

a mesh of not less than $4\frac{1}{2}$ inches may be used for the taking of all species of fish during the open season therefor in the waters of Lake Michigan and northern Green Bay.

(b) Gill nets with a mesh of not less than $2\frac{1}{2}$ inches nor more than $2\frac{3}{4}$ inches, and not to exceed 35 meshes deep, may be used for the taking of herring, chubs, perch, menominees, and smelt in the waters of Lake Michigan and northern Green Bay, except that smelt may be taken as specified under section WCD 25.08 (1) (p), and herring under the ice as set forth in section WCD 25.08 (1) (d).

(c) During the period from November 1 to November 30, in each year, no set hooks or gill nets other than gill nets with a mesh of not less than $2\frac{1}{2}$ inches or not more than $2\frac{3}{4}$ inches, shall be set, placed or operated in the waters of Lake Michigan or northern Green Bay except under permit from the Wisconsin Conservation Commission or its duly authorized agents.

(d) In the waters of southern Green Bay and northern Green Bay, gill nets, not more than 60 meshes deep and with a mesh of not less than $2\frac{1}{4}$ nor more than $2\frac{3}{4}$ inches flexible rule measure may be used at all times for the purpose of taking herring only, provided that the bottom maitre or lead lines will be at least 1 fathom (6 ft.) from the bottom. During the period from September 1 to January 20 each year, such nets may be set on the bottom.

(e) In the waters of southern Green Bay, gill nets not more than 30 meshes deep and with a mesh of not less than 4 inches may be used for the taking of all species of fish during the open season therefor in those waters south or west of a line drawn from the outer end of the south pier at the entrance of the Menominee river at Marinette to Limekiln Bluff in Door county; north or east of said line, gill nets so used shall be not less than $4\frac{1}{2}$ inch mesh and not more than 30 meshes deep.

(f) In the waters of southern Green Bay, the size of mesh of all new gill nets and new gill netting used for the purpose of taking herring, chubs, perch, menominees, and smelt shall be not less than $2\frac{1}{2}$ inches and not more than $2\frac{3}{4}$ inches. In actual fishing operations, gill nets having a mesh of not less than $2\frac{3}{8}$ inches and not more than $2\frac{3}{4}$ inches, and not to exceed 60 meshes deep, may be used or possessed for the purpose of taking herring, chubs, perch, menominees, and smelt from the waters of southern Green Bay, except that smelt may be taken as specified under section WCD 25.08 (1) (p) and herring under the ice as set forth in section WCD 25.08 (1) (d).

(g) In the waters of southern Green Bay during the period from April 10 to May 19, no set hooks or gill nets of any kind may be used, set, placed or operated except as provided in section WCD 25.08 (d) for the taking of herring and section WCD 25.08 (p) for the taking of smelt except that in the waters north or east of a line drawn from the outer end of the south pier at the entrance of the Menominee River at Marinette to Limekiln Bluff in Door County, gill nets not more than 30 meshes deep and with a mesh of not less than $4\frac{1}{2}$ inches may be used for the purpose of taking fish for which there is an open season thereon.

(h) In the waters of Lake Superior, gill nets with a mesh of not less than $4\frac{1}{2}$ inches may be used for the taking of all species of fish during the open season therefor. The depth or width of such nets shall be not more than 30 meshes.

(j) In the waters of Lake Superior, gill nets with a mesh of not less than $2\frac{3}{8}$ inches and not more than $2\frac{1}{4}$ inches may be used for the taking of herring, menominees, smelt, perch, or longjaws; except that gill nets with a mesh of any size may be used for the taking of longjaws, herring, smelt and menominees from November 1 to December 31. The depth or width of such nets shall be not more than 35 meshes, except as provided for herring float nets.

(k) In the waters of Lake Superior, during that period each year extending from the time the ice goes out until July 14, gill nets with a mesh of not less than $2\frac{3}{8}$ inches nor more than $2\frac{1}{4}$ inches and not more than 35 meshes deep may be used, set, placed or operated only in waters of a depth not less than 40 fathoms for the purpose of taking longjaws and herring.

(m) In the waters of Lake Superior, no person shall use, set, place, or operate any gill net or gill nets with a mesh of less than $4\frac{1}{2}$ inches, from July 15 to September 1 of each year, except that bait nets may be used to obtain bait for set hooks and float nets as provided in section WCD 25.08 (1) (n).

(n) In the waters of Lake Superior, gill nets with meshes of any size and not more than 60 meshes deep may be used for the taking of herring only, provided, however, that the bottom maitre cord or lead line shall be not nearer than one fathom to the bottom of the lake. Such nets shall be known as herring float nets and may be used at any time of the year.

(o) During that period extending from January 15 to March 1 of each year, the operation of gill nets and set hooks with or from a boat is prohibited in the waters of Lake Superior.

(p) In the waters of Lake Superior, Lake Michigan, northern Green Bay and southern Green Bay, with the exception of bounded bays and reserve waters, gill nets with a mesh of not more than $1\frac{1}{4}$ inches flexible rule measure may be used at all times for the taking of smelt.

(q) No person shall during any one year be licensed to use in the aggregate more than 150,000 feet of gill nets, and in addition thereto not more than 3 gangs of hooks with not more than 3,000 hooks to each gang.

(2) BAIT NETS. Each set hook licensee may use or operate in the waters of Lake Michigan, northern Green Bay, and Lake Superior not more than 5,000 feet of gill net with a mesh of not less than $1\frac{3}{8}$ inches nor more than $1\frac{1}{2}$ inches and not to exceed 11 feet deep, except in reserve waters, for the purpose of taking bloaters for bait to be used on set hooks only. Any fish taken in such nets shall not be sold, traded, or bartered in any manner.

(3) POUND NETS. (a) Pound nets may be used in the waters of Lake Michigan, northern Green Bay, southern Green Bay and Lake Superior for the taking of all species of fish during the open seasons therefor, except during the period from April 10 to May 19 no pound net exceeding 15 feet in depth may be used in the waters of southern Green Bay.

(b) No pound net may be used, set, placed or operated in more than 80 feet of water.

(c) During the closed season for lake trout and whitefish no pound nets of any kind shall be used, set, placed, or operated in the waters of Lake Superior.

(4) DROP AND FYKE NETS. (a) Drop and fyke nets may be used in the waters of Lake Michigan and northern Green Bay and southern Green Bay for the taking of all species of fish during the open season therefor, except that no drop or fyke nets may be set, placed or operated in the waters of southern Green Bay during the period from April 10 to May 19 of each year.

(b) Drop and fyke nets may be set under the ice in water not more than 50 feet in depth. The lifting of such nets shall be done in fishing shanties only. All live illegal fish shall be returned to the water immediately and must be lowered to a point at or near the bottom of the bay by the use of sink nets or frames.

(c) It shall be unlawful for any person to use, set, place or operate any fyke or drop net of any description, except the legal submarine trap net, in any of the waters of Door county.

(d) It shall be unlawful to use, set, place or operate any fyke or drop net, or any submarine trap set in the waters of Lake Superior.

(5) SUBMARINE TRAP NETS: (a) Submarine trap nets may be used in the waters of Lake Michigan, northern Green Bay and southern Green Bay for the taking of all species of fish during the open season therefor except that the use of submarine trap nets in Door county waters is prohibited unless a permit has first been obtained from the conservation commission or its agents.

(b) Submarine trap nets may be used, set, placed or operated in not more than 50 feet of water.

(c) Submarine trap nets shall not be used, set, placed or operated in Lake Superior.

(d) Submarine trap nets shall be not more than 30 feet in depth and the pot shall be square or rectangular. This includes any portion of the leads, hearts and crib.

(e) Submarine trap nets shall not be set, placed or operated in the waters of southern Green Bay during the period from April 10 to May 19 of each year.

(6) SEINES. (a) It shall be unlawful to use any seine with a mesh of less than 3 inches except as otherwise expressly provided.

(b) Seines of any size mesh not more than 75 feet in length and not more than 6 feet in depth, and dip nets not exceeding 8 feet in diameter or 8 feet square, may be used for the taking of smelt and suckers only in any of the waters, including reserve waters of Lake Superior and Lake Michigan, northern Green Bay and southern Green Bay, up to 1500 feet below the dam at DePere, from April 1 to May 25, except that such dip nets may be used for the taking of smelt only in the waters of the Fox river up to 50 feet below the railroad bridge in the city of DePere from April 1 to June 1. It shall be unlawful to use any seine in the waters of southern Green Bay during the period from April 10 to May 19 of each year except as expressly provided.

(c) Minnow seines not exceeding 75 feet in length and 6 feet in depth and minnow dip nets not exceeding 6 feet in diameter and 6 feet square may be used in any of the waters, including reserve

waters of Lake Superior, Lake Michigan, northern Green Bay, southern Green Bay, Sturgeon Bay, and in that part of the Fox river extending from the mouth up to, but not within, 1500 feet of the dam at DePere, for taking, catching, or killing minnows for bait only.

(d) It shall be unlawful for any person to take, capture, kill or have in possession or under control, or cause to be taken, captured, or killed, or had in possession or under control, from any harbor or dock on or bordering Lake Superior or the outlying waters in Door County, more than 300 minnows daily for bait or any other purpose or purposes.

(7) **CONTRABAND NETS.** (a) All nets or set hooks used in violation of this chapter are contraband and shall be seized and held subject to the order of the court whenever found in any prohibited waters or on any vessel, dock, reel, or fishing premises, or in any port or landing places bordering on such waters. Any such contraband net or nets, set hook or hooks so found shall be deemed sufficient evidence of the use of such net or nets, set hook, or hooks by the owner, owners, or operators thereof, who shall be subject to the same penalties as provided for other offenses mentioned in this chapter.

(b) Whenever any gill net set in the waters of Lake Michigan, northern Green Bay, and southern Green Bay for the purpose of catching herring, chubs, perch, menominees and smelt, and any gill net set in the waters of Lake Superior shall take undersized fish of any species, in an amount equal to more than 10% by weight of the total catch or lift, they shall be deemed illegally set and shall be seized and held for the order of the court by the state conservation commission or its deputies, and the owners or operators thereof shall be subject to the penalties in section 29.63 (1) (h), Wis. Stats., unless such nets are immediately removed from such fishing grounds.

History: 1-2-56; am. (1) (c), (d), (g), (p); (3) (a); (4) (a); (6) (b) and (d); cr. (5) (e), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 25.09 Fish grinders or choppers. (1) It shall be unlawful for any person operating any fishing boat or boats or any other conveyance on the outlying waters to carry or transport on board such boat or boats or any other conveyance used at any time in the transportation of fish or fishing gear, any grinder or chopper or any other instrument or device by which fish can be ground up or so mutilated that identification of the species and measurement of the individual fish are impossible.

(2) It shall be unlawful for any person operating on the outlying waters to have in possession or under control on such waters or to bring to shore any fish ground up or so mutilated that identification of the species and measurement of the individual fish are impossible.

WCD 25.10 Defining Green Bay line. For the purpose of this chapter, the waters of Green Bay shall be divided in two parts and all that area south of the line drawn from the most northerly point of Friedmann's Point at Fish creek, located in the southwest quarter of section 29, township 31 north, range 27 east, Door county; thence northwesterly to the most southeasterly point of Chambers island; thence along the southwest shoreline to the most southwesterly point of Chambers island; thence due west to the Wisconsin-Michigan boundary line, including the Fox river as far as the dam at DePere, shall be

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referred to as southern Green Bay, and all waters in Green Bay north of the above described line shall be referred to as northern Green Bay. Northern Green Bay and Lake Michigan shall be separated as follows: Commencing at the northwest side of the Northport dock where it joins the shoreline in township 32 or 33 north, range 29 east; thence in a northeasterly direction to the range light (signal light) on Plum island; thence along the north and west shore of Plum island to the U. S. coast guard station; thence northerly to the southwesterly point of Shellswick dock, which is located on Lodbell's point on Washington island; thence along this dock to the shoreline of Lodbell's point; thence along the west shore of Washington island to Boyer's Bluff light; thence due north to the Michigan-Wisconsin boundary line.

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