

Chapter NR 25

OUTLYING WATERS; COMMERCIAL FISHING

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(Section 29.085, Wis. Stats.)

NR 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 $7\frac{1}{2}$ and $8\frac{1}{2}$ 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.

History: 1-2-56; renum. WCD 25.01 to be NR 25.01, Register, December, 1970, No. 180, eff. 1-1-71.

NR 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 of 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 of the shoreline beginning one mile west of the mouth of the Poplar river in Douglas county on the west and ending one mile east of the Iron river in Bayfield county on the east and within one mile of the mouth of 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 of Lake Michigan, northern Green Bay and southern Green Bay within one-half mile from any harbor, pier or breakwater or one-fourth mile from the mouth of any navigable stream flowing into Lake Michigan, northern Green Bay or southern Green Bay.

(5) All waters in Lake Michigan within $\frac{1}{2}$ mile from any harbor, pier or breakwater in Milwaukee county or within $\frac{1}{2}$ mile from the shoreline of Milwaukee county, and within $\frac{1}{2}$ mile of any harbor, pier or breakwater in Racine county or within $\frac{1}{2}$ mile from the shore of that portion of Racine lying between Wind Point Light and the south boundary of the J. I. Case-Clausen works.

(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

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June 1 to September 30 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 to the bell buoy off Sherwood Point, thence easterly to the Sherwood Point light.

(9) No nets of any kind, except those listed under Wis. Stats. 29.145 or set hooks shall be used, set, placed or operated from April 1 to October 24, within one mile of the mainland shoreline of Lake Superior beginning at the mouth of the Amnicon river and extending easterly to the Wisconsin-Michigan state line nor within one mile of the shore of Long Island except under permit issued pursuant to section NR 25.14.

History: 1-2-56; am. (5), Register, December, 1957, No. 24, eff. 1-1-58; am. (2) and (5), Register, June, 1959, No. 42, eff. 7-1-59; am. (4) and (8), Register, December, 1961, No. 72, eff. 1-1-62; cr. (9), Register, February, 1968, No. 146, eff. 3-1-68; renum. WCD 25.02 to be NR 25.02; am. (8), Register, December, 1970, No 180, eff. 1-1-71.

NR 25.03 Closed seasons. A closed season is established for each variety of fish and crayfish named in this chapter extending during all the time of the year except the open season period embraced within specified dates, both inclusive, and except as otherwise expressly provided no person shall take, catch or kill fish of any variety in excess of the daily bag limit and no person shall take, catch or kill fish or fish for fish by means other than as specified in this chapter, nor at any time other than the open season therefor, nor have in his possession or under his control any fish or crayfish in excess of the possession limit or below the minimum size therefor during the open season. Wherever a period of time is specified by dates in this chapter the first and last dates so specified are included in such period of time unless the context specifically provides otherwise.

History: 1-2-56; r. and recr. Register, December, 1961, No. 72, eff. 1-1-62; am. Register, September, 1966, No. 129, eff. 10-1-66; renum. WCD 25.03 to be NR 25.03, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.04 Open seasons; size limits. (1) OPEN SEASONS. In the outlying waters there shall be an open 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.....	NO OPEN SEASON	NO OPEN SEASON	NO OPEN SEASON
(b) WHITEFISH.....	December 1 to October 25	December 1 to October 25	November 26 to October 24
(c) CHUBS.....	AT ALL TIMES	AT ALL TIMES	AT ALL TIMES
(d) HERRING OR BLUEFIN...	AT ALL TIMES	AT ALL TIMES	AT ALL TIMES
(e) YELLOW PERCH.....	June 11 to April 9	May 20 to April 9	June 2 to April 14
(f) SUCKERS.....	AT ALL TIMES	AT ALL TIMES	AT ALL TIMES
(g) WALLEYE AND SAUGER ..	NO OPEN SEASON IN LAKE MICHIGAN	May 20 to March 9	NO OPEN SEASON
	May 20 to March 9 in Northern Green Bay		

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(h) NORTHERN PIKE.....	NO OPEN SEASON IN LAKE MICHIGAN ----- May 20 to March 9 in Northern Green Bay	May 20 to March 9	NO OPEN SEASON
(j) OTHERS (Except as listed above and otherwise specified in NR 20.02 and NR 25.06.....)	AT ALL TIMES	AT ALL TIMES	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 tailfin 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

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Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(a) LAKE TROUT.....			
(b) WHITEFISH.....	17 inches	17 inches	17 inches
(c) YELLOW PERCH.....	8 inches in the round or dressed 5¼ inches with head and tail off 6" headless	7½ inches in the round or dressed 5¼ inches with head and tail off 6" headless	8 inches in the round or dressed 5¼ inches with head and tail off 6" headless
(f) SUCKERS.....	No size limit	No size limit	No size limit
(g) WALL EYE 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 (except smelt, menominees, herring, chubs, sheepshead, carp and alewife for which there is no size limit).....	8 inches	8 inches	8 inches

of the fins removed. The measurement of length and weight shall apply without any allowance made for the shrinkage of the fish.

History: 1-2-56; am. (1) (a) and (b) and (2) (m), Register, December, 1957, No. 24, eff. 1-1-58; am. (2) (e), Register, June, 1959, No. 42, eff. 7-1-59; r. and recr. (1), am. (2) (m), Register, December, 1961, No. 72, eff. 1-1-62; am. (1) (a), (2) (a), Register, June, 1962, No. 78, eff. 7-1-62; am. (1) (b), Register, November, 1964, No. 107, eff. 12-11-64; am. (1) (a), (b), (g) and (h) and (2) (a), Register, December, 1965, No. 120, eff. 1-1-66; renum. WCD 25.04 to be NR 25.04; am. (1) (b), Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.05 Illegal fish. No person shall at any time throw into the outlying waters any dead fish or part thereof, but each fisherman shall bring into shore at his base of operations all such dead fish and parts thereof. All illegal fish, caught in nets or on set hooks, which cannot be returned alive and unharmed to the water shall be tagged with tags furnished by the department of natural resources prior to being brought to port or removed from licensed boat. Such tags shall remain attached to the fish until prepared for final consumption and no such fish or part thereof, other than offal, shall be transported in any manner without such tag or tags attached thereto.

History: 1-2-56; am. Register, February, 1968, No. 146, eff. 3-1-68; am. Register, November, 1970, No. 179, eff. 1-1-71; renum. from WCD 25.05 to be NR 25.05 and am., Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.06 Protected fish. All black bass, rock bass, crappie, muskellunge, sturgeon, salmon, illegal whitefish, all species of trout except lawfully taken and possessed lake trout, and all other illegal fish caught or taken alive and unharmed 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 department of natural resources or its authorized agents.

History: 1-2-56; am. Register, February, 1968, No. 146, eff. 3-1-68; renum. from WCD 25.06 to be NR 25.06, and am., Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.07 Crayfish. (1) (a) There shall be an open season on crayfish or crabs in all of the outlying waters from June 16 to the last day of February of the next year and except during this season 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.

History: 1-2-56; am. (1) (a), Register, December, 1961, No. 72, eff. 1-1-62; renum. from WCD 25.07 to be NR 25.07, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.075 Limited entry; Lake Superior. (1) Number of licenses issued: (a) Not more than 58 licenses authorizing commercial fishing in Lake Superior shall be issued and effective pursuant to section 29.33, Wis. Stats., for the period which begins on July 1, 1971 and extends through June 30, 1972.

(b) Following the license year of 1972 the number of licenses issued shall be the maximum number of licenses issued during the previous 2 years.

(2) Such licenses shall be effective for a one-year period.

(3) No applicant shall be eligible for such a license unless he shall have held a state of Wisconsin commercial fishing license during each of the 2-year licensing periods immediately preceding and ending June 30 of the year in which he applies, or unless he shall have been a member or partner in a fishing crew operating in the waters of Lake Superior under a state of Wisconsin commercial fishing license during each of the previous 5-year licensing periods immediately preceding and ending June 30 of the year in which he applies.

(4) In addition each applicant shall be required to meet the following qualifications:

(a) For the first year of eligibility the applicant must show proof of a \$5,000 investment in commercial fishing equipment.

(b) To retain eligibility for the second year the applicant must show proof of:

1. A \$5,000 investment in commercial fishing equipment
2. At least 50 days of commercial fishing on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

(c) To retain eligibility for the third year the applicant must show proof of:

1. A \$7,500 investment in commercial fishing equipment.
2. Fifty days of commercial fishing on Lake Superior during the previous year.
3. A catch value of \$3,000 during the previous year.

(d) To retain eligibility for the fourth year the applicant must show proof of:

1. A \$10,000 investment in commercial fishing equipment.
2. Fifty days of fishing experience on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

(e) To retain eligibility for the fifth year period and thereafter, the applicant must show proof of:

1. A \$10,000 investment in commercial fishing equipment.
2. Seventy-five days of fishing experience on Lake Superior during the previous year.
3. A catch value of \$5,000 from Lake Superior during the previous year.

(f) All applicants shall comply with the navigation standards set by the U. S. Coast Guard and be so certified by the U. S. Coast Guard.

4. Any licensee failing to meet the qualifications of subsection 3 shall not be eligible to re-apply for such license until 3 years have elapsed since the end of the period in which he was licensed.

5. When the number of qualified new applicants for such license shall exceed the number of licenses available and such applicants are not affected by the residence priorities the licenses shall be awarded on the basis of the earliest postmarked application.

6. Such licenses shall be issued according to the following residence priorities to applicants otherwise qualified.

(a) First to residents of counties bordering Lake Superior.

(b) Next to residents of other counties.

(c) Next to nonresidents residing in states allowing Wisconsin residents similar privileges.