

waters of Lake Superior. Copies of said permits will be provided to the department at the time of issue.

(e) The department reserves 20% of the total annual allowable commercial harvest of lake trout to be used for special assessment purposes. Harvest shall be under contract with the department. Licensed non-Indian commercial fishers and Indian fishers shall be equally eligible for contracts provided they have the necessary experience and equipment for such special assessment purposes.

(f) All lake trout and siscowet shall be tagged with tags furnished or authorized for each subspecies by the department before being brought to any shore, dock or port when fishing in open water and before being transported when fishing with nets under the ice. Such fish shall be individually tagged.

(g) Untagged lake trout and siscowet shall not be transferred between watercraft.

(h) Tags shall be locked and remain attached to lake trout or siscowet until prepared for final consumption. Tags shall remain with smoked or filleted lake trout or siscowet until sold to final consumers. Commercial fishers of the outlying waters or licensed wholesale fish dealers shall not be considered final consumers and must be in possession of tags for smoked and filleted lake trout or siscowet.

(i) Tags provided or authorized by the department for tagging lake trout and siscowet shall not be transferred.

(2) LAKE MICHIGAN CHUB QUOTAS. (a) The total allowable annual harvest of chubs in Wisconsin waters of Lake Michigan and northern Green Bay shall not exceed 1,500,000 pounds, not to include incidental catches allowed elsewhere in this chapter. No more than 200,000 pounds of the total may be taken in those waters of Lake Michigan north of a line extending due east from the red navigational buoy marking the entrance of Baileys Harbor, this portion to be taken only during the period from July 1 through December 31.

(b) The department reserves 100,000 pounds of the total annual allowable commercial harvest of chubs to be used for special assessment.

(3) HARVEST OF FISH FROM LAKE SUPERIOR FOR HOME USE BY LAKE SUPERIOR CHIPPEWAS. (a) Members of the Bad River and Red Cliff bands of Lake Superior Chippewas may harvest species of fish for which there is an open season therefor, during said season, under home use permits issued by their respective tribal councils.

(b) Home use permits will be issued to the heads of households only, and only one permit will be issued to an individual.

(c) Permittees are restricted to the use of no more than 350 feet of gill net and sale of fish taken pursuant to these permits is prohibited. These fishing activities shall be restricted to waters adjacent to the reservations of the Bad River and Red Cliff bands.

## NR 25

(4) ALLOCATION. The harvest quotas established herein shall be allocated to individual commercial fishing licensees in accordance with s. NR 25.07.

*History:* Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. am., eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (a), Register, May, 1981, No. 305, eff. 7-1-81.

**NR 25.07 Individual licensee catch quotas.** (1) LAKE SUPERIOR. (a) The allotment of catch quotas as established in NR 25.06 to individuals holding licenses authorizing commercial fishing on Lake Superior shall be, pending the establishment of criteria by the Lake Superior commercial fishing board and upon application in accordance with sub. (3), as follows:

1. Each commercial fisher licensed under s. 29.33, Stats., shall receive an individual quota of 2,200 pounds of lake trout; except

2. Each such licensed fisher who fishes with means of pound or trap nets only shall receive a quota of lake trout in the amount of 1,600 pounds.

3. Whenever that quantity of lake trout allocated in subds. 1. and 2. exceeds the total allowable commercial harvest individual allocations shall be reduced on a pro rata basis.

(2) LAKE MICHIGAN. (a) The allotment of catch quotas as established in NR 26.06 to individuals holding licenses authorizing commercial fishing on Lake Michigan and Green Bay shall be by the Lake Michigan commercial fishing board upon application in accordance with sub. (3) and the following criteria:

1. Chubs. a. Lake Michigan chub permits shall be issued to all applicants meeting the following criteria:

- 1) Presently licensed commercial fishers;
- 2) Ownership of a boat of 35 feet in overall length or longer;
- 3) The boat shall be equipped with a powered net lifter.

b. All fishers meeting the criteria in subd. a. shall be eligible for entry upon application with the following limitations;

1) In those waters commonly referred to as the southern chub fishing area, no more than 400,000 pounds of chubs may be harvested during each of the 3-month periods encompassed by the months of July, August and September, the months of October, November and December, and the months of April, May and June respectively.

2) In those waters commonly referred to as the northern chub fishing area, no more than 100,000 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 respectively.

3) Should the remaining allowable harvest as of December 31 exceed  $\frac{1}{2}$  of the annual allowable harvest, the excess portion shall be allotted to all permittees who reported fishing for chubs during the license year on a pro rata basis, based on their individual reported catches during the period July 1 through December 31.

Register, June, 1981, No. 306

4) No more than 3½% of the total quota may be taken by any one vessel or licensee during the license year.

5) In those waters commonly referred to as the southern chub fishing area no permittee may take more than 40% of the maximum established in subpar. b. 4) during any 3-month fishing period.

c. Each permit holder shall submit weekly reports on forms provided by the department. The weekly reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than the following Monday during the open season.

d. The department shall notify all permit holders to cease fishing upon receipt of information that 85% of the 3-month quota as established in subd. b. 1) and 2) has been harvested except that all nets in the water shall be lifted under s. NR 25.08 (2) (a) 9., and fish therein harvested.

e. The quota for the following 3-month period shall be adjusted based on the actual reported catch of the previous 3-month period.

(3) Applications for individual license year catch quotas shall be made on forms provided by the department and filed with it as designated on those forms no later than March 15 preceding the license year for which a quota is requested; except applications for the remainder of the 1978-1979 license year and the 1979-1980 license year for Lake Michigan individual quotas shall be filed in a manner as directed by the Lake Michigan commercial fishing board by certified letter to all commercial fishers on Lake Michigan licensed under s. 29.33, Stats.

(4) The harvest quota established by the department from which individuals may be allotted quotas shall not include that poundage reserved for assessment purposes in NR 25.06.

(5) Individual catch quotas determined and issued in accordance with this section shall be issued on a license year basis and be valid only during the open season for the species of fish subject to a harvest quota and only for so long as the applicant holds a valid license authorizing commercial fishing in the waters to which the applicant's quota applies.

(6) Individual catch quotas may not be transferred to another valid licensee authorized to engage in commercial fishing in the waters to which the applicant's quota applies without review and approval of the commercial fishing board which allotted the quota to the applicant.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. r. and recr. and cr. (2) (a) 1. eff. 5-16-79; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; r. and recr. (2) (a) 1., Register, June, 1981, No. 306, eff. 7-1-81.

**NR 25.08 Restricted areas and legal commercial fishing gear.** (1) The following are legal commercial fishing gear when used in the manner provided and areas designated.

(2) LAKE MICHIGAN AND GREEN BAY. (a) Gill nets:

1. Gill nets with a mesh size of not more than 1¼" stretch measure for the taking of smelt only.

2. Gill nets with a mesh size of 2¾" to 2½" stretch measure in the water of southern Green Bay only.

3. Gill nets with a mesh size of 2½" to 2¾" stretch measure except such nets may not be used for the taking of chubs in those waters of Lake Michigan lying between a line running due east from the entrance of Kewaunee harbor and a line running due east from the red navigational buoy marking the entrance of Baileys Harbor and in northern Green Bay.

4. Gill nets of 2¾" stretch measure or less shall not exceed 60 meshes in depth.

5. Gill nets with a mesh size of 4" to 4½" stretch measure in the waters of southern Green Bay for the taking of rough fish and northern pike in water less than 30 feet in depth from May 20 to March 9, except during the closed season for whitefish. Such nets shall not exceed 30 meshes in depth.

6. Gill nets of mesh size exceeding 4½" stretch measure and less than 6½" stretch measure may be used only in the waters of Green Bay and of Lake Michigan north of a line running due east from the red navigational buoy marking the entrance of Baileys Harbor. Such gill nets shall not exceed 30 meshes in depth, except ½ can be 50 meshes deep.

7. Gill nets with a mesh size of not less than 6½" stretch measure and not more than 12 meshes deep for taking rough fish except during the closed seasons for whitefish and yellow perch.

8. The maximum amount of gill nets of 4" stretch mesh or larger to be employed by any one commercial fishing licensee shall not exceed 12,000 lineal feet in the water at any one time.

9. Gill nets used in open water shall be lifted a minimum of once every 24 hours, except nets fished for chubs in waters deeper than 30 fathoms a minimum of once every 120 hours. Gill nets fished under the ice shall be lifted a minimum of once every 48 hours.

(b) Entrapping nets:

1. Pound nets only when set, placed or operated in not more than 80 feet of water. All pound nets shall be removed from the water or shall have the fish holding or pot portion thereof rendered inoperable at the end of the open season for whitefish, said nets to remain inoperable during the closed season.

2. Trap nets only when the pot is set, placed or operated in not more than 80 feet of water except during the closed season for whitefish. Such nets shall be removed from the waters prior to the closed season for whitefish.

3. Drop and fyke nets, except during the closed season for yellow perch.

4. Seines not less than 75 feet in length with a mesh size of not less than 3 inch stretch measure.

5. Each licensed commercial fisher shall not employ more than 12 pound nets and not more than 30 drop or fyke nets, that number to be the maximum number of cribs or pots authorized.

6. Trap and pound nets shall be lifted a minimum of once every 120 hours.

7. Drop and fyke nets shall be lifted a minimum of once every 72 hours.

(c) Trawls in the waters of southern Green Bay and in Lake Michigan south of a line extending due east from the Sturgeon Bay coast guard station.

1. In southern Green Bay trawls may be used only for the taking of fish for which there is no minimum size limit. Trawls may not be used south of a line from the southernmost point of Little Tail Point to the Green Bay entrance light or in waters less than 24 feet deep.

2. In those waters of Lake Michigan, except restricted areas, wherein trawling is permitted, trawls may be used for the taking of fish for which there is no minimum size limit except those species for which an allow-