

b. Owns a boat of 35 feet in overall length or longer which shall be used by the applicant in fishing under the applicant's chub permit;

c. The boat is equipped with a powered net lifter; and

d. Held a Lake Michigan chub harvest permit for the northern chub fishing zone for the 1985-1986, 1986-1987 or 1987-1988 license year.

1m. A chub fishing permit and individual licensee catch quota shall be issued under this subdivision to each applicant who selects the southern chub fishing zone under sub. (3) (d) and meets the following criteria:

a. Is a licensed commercial fisher;

b. Owns a boat of 35 feet in overall length or longer which shall be used by the applicant in fishing under the applicant's chub permit; and

c. The boat is equipped with a powered net lifter;

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. No more than 100,000 pounds of chubs may be harvested during the quota period of July 1 through September 30; no more than 200,000 pounds of chubs may be harvested during the quota period of October 1 through January 15 except that this amount shall be adjusted to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period; and no more than 100,000 pounds of chubs may be harvested during the quota period of March 1 through June 30 except that this amount shall be adjusted to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period.

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

3. All permittees under subd. 1m. who select the southern chub fishing zone under sub. (3) (d) shall be subject to the following limitations:

a. In the southern chub fishing zone, 90% of the harvest quota established in s. NR 25.06 (2) (a) 3. shall be allotted to 32 individual permittees as follows:

Fisher Rank	Percent of Allotted Quota
1-5	3.94
6-10	3.64
11-15	3.34
16-20	3.04
21-25	2.74
26-30	2.44
31-32	2.15

1) The fisher rank of each individual permittee shall be based on their individual authorized regular season chub harvest from April 1, 1981 through December 31, 1982. This harvest determination shall be based on the permittee's reported catch during that period adjusted to the legal

amount under subd. 1. b. 4) and 5), Register, June, 1981, No. 306. The highest resulting number shall be assigned the fisher rank of 1, and the following numbers assigned sequential ranks until the 32 individual quota allotments are all assigned. If there are any ties for a given fisher rank, a public drawing will be conducted by the department and the permittee selected will receive that fisher rank. The permittee or permittees not selected will go to the next lower fisher rank. Additional drawings will be conducted as needed to resolve all ties. Any remaining permittees not receiving individual quota allotments shall fish under the provisions of subpar. b.

2) No individual quota allotted under subpar. a. may exceed 70,000 pounds, until each individual allotted quota equals 70,000 pounds. When the quota allotted to an individual permittee reaches 70,000 pounds, any additional harvest quota shall be divided equally among the remaining individual allotted quotas not equalling 70,000 pounds. When all individual allotted quotas each equal 70,000 pounds, for a total of 2,240,000 pounds, any further increases shall be divided equally among the individual quota allotments. Quota allotments shall be made in whole pound increments.

Note: If 90% of the harvest quota established in s. NR 25.06 (2) (a) 3. equaled 1,890,000 pounds, permittees in fisher rank 1-5 would have individual quotas of 74,466 pounds. The excess over 70,000 pounds for each would be totalled, being 22,300 pounds, and divided equally among the remaining 27 individual quotas, 826 pounds each.

3) Whenever a vacancy occurs in the number of permittees allotted an individual quota, those permittees ranking below the vacancy shall automatically advance in rank to fill the vacancy. Any vacancy at fisher rank 32 may be filled by the permittee fishing under the provisions of subpar. b. who has the highest total reported regular season chub harvest for the previous 2 license years.

b. In the southern chub fishing zone, 10% of the harvest quota established in s. NR 25.06 (2) (a) 3. shall be allotted to permittees who do not receive individual allotted quotas under subpar. a.

1) No more than 10% of this allotment may be taken by any one permittee during the license year.

2) No permittee may take more than 40% of the maximum amount established in subpar. b. 1) during any one of the quota periods of July 1 through September 30, October 1 through January 15, or March 1 through June 30.

3) Whenever the total amount of chubs allocated under subpar. b. 1) does not equal the amount provided in subpar. b., the surplus shall be divided equally among permittees under subpar. b.

c. No more than the amount of one maximum individual quota allotted under subpar. a.1) and 2) may be taken on any one boat in the southern chub zone during the license year except as provided under subpar. d. If it is necessary to transfer a chub fishing permit to another boat, this limit shall be applied in total on the boats involved.

d. Any permittee with an individual chub quota allotment under subpar. a. 1) and 2) may transfer up to 50% of their allotted chub quota to another permittee with an individual chub quota allotment under subpar. a. 1) and 2).

1) A quota transfer under this subparagraph shall be in effect only during the current license year, and shall be subject to sub. (6).

2) The total amount of chubs harvested from the boat designated under subd. 2. b. by the transfer may not exceed the amount remaining in that individual chub quota allotment after this transfer.

e. The department shall notify permittees to cease fishing upon receipt of information that 85% of their allotment as established in subds. 3.a. and b. 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.

(b) *Yellow perch in zone 1.* 1. No person may fish for yellow perch with commercial gear in zone 1 unless the person has a permit for that zone issued by the department under this paragraph.

2. Yellow perch fishing permits and individual licensee catch quotas for zone 1 shall be issued to all applicants:

a. Holding a valid commercial fishing license issued under s. 29.33, Stats., and

b. Who reported a commercial harvest of yellow perch legally taken while operating under their commercial fishing license issued under s. 29.33, Stats., from the Wisconsin waters of Green Bay between January 1, 1979 and December 31, 1982, and

c. Who applied for and received a Green Bay yellow perch fishing permit or a yellow perch fishing permit for zone 1 for the license year preceding the license year for which the permit application is being made, unless unavoidable circumstances prevented application for or receipt of that previous permit. Those circumstances shall be reviewed by the Lake Michigan commercial fishing board which shall approve or deny the pending permit application.

d. Any licensee who fails to apply for and receive a permit under this paragraph is not eligible for future yellow perch fishing permits under this paragraph until the provisions of subd. 3.c. are applicable.

3. The individual licensee catch quota issued to each permittee shall be determined as follows:

a. Each permittee shall receive a percentage of the total allowable annual commercial harvest as established by s. NR 25.06 (2) (b) 1. That percentage shall be calculated by dividing the total commercial harvest of yellow perch from the Wisconsin waters of Green Bay reported under that license during the period from January 1, 1979 through December 31, 1982, by the overall total reported commercial harvest of yellow perch from those waters during that period, and multiplying the result by 100. The resulting percentage shall be rounded off to 2 decimal places or to hundredths of a percent. Any resulting percentage of less than 0.01% shall be considered 0.01% for allocation of an individual licensee catch quota. The individual licensee catch quotas will be allocated in whole pound increments.

Note: If during the base catch period (January, 1979 — December 1982), a permittee reported catching a total of 20,200 pounds of perch and the overall total reported perch harvest was 1,600,000 pounds, that permittee's individual license catch quota percentage would be 1.26%. If the total allowable annual commercial harvest was set at 100,000 pounds, that permittee's individual licensee catch quota would be 1,260 pounds.

b. If the number of eligible permittees is inadequate to utilize the total allowable commercial harvest as established by s. NR 25.06 (2) (b) 1. and as allocated under subpar. a., the surplus will be divided among the eligible permittees based on the percentages calculated for each permittee under subpar. a.

c. Any future increase of the total allowable annual commercial harvest as established by s. NR 25.06 (2) (b) 1. that exceeds 521,285 pounds shall be divided equally among all licensed commercial fishers who apply for yellow perch fishing permits, regardless of past yellow perch harvest records.

4. Fishing under permits issued under subd. 2. may be done from any boat listed on the permittee's commercial fishing license or through the ice.

(bg) *Yellow perch in zone 2.* 1. No person may fish for yellow perch with commercial gear in zone 2 unless the person has a permit for that zone issued by the department under this paragraph.

2. A yellow perch fishing permit and individual licensee catch quota for zone 2 shall be issued to each applicant who holds a commercial fishing license issued under s. 29.33, Stats., reported a commercial harvest of yellow perch legally taken from zone 2 between January 1, 1983 and December 31, 1987 and, effective July 1, 1990, applied for and received a yellow perch fishing permit for zone 2 for the license year preceding the license year for which the permit application is being made, unless unavoidable circumstances prevented application for or receipt of that previous year's permit. Those circumstances shall be reviewed by the Lake Michigan commercial fishing board which shall approve or deny the pending permit application.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of yellow perch assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (b) 2. Each individual licensee catch quota shall be determined by dividing the total commercial harvest of yellow perch from zone 2 during the period from January 1, 1983 to December 31, 1987, reported under that license by the total reported commercial harvest of yellow perch from zone 2 during that period, and multiplying the result by 100.

4. If the number of eligible permittees for zone 2 is inadequate to utilize the harvest limit established by s. NR 25.06 (2) (b) 2., and allocated by subd. 3., the surplus shall be divided among the eligible permittees based on the percentages calculated for each permittee under subd. 3.

5. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(br) *Yellow perch in zone 3.* 1. No person may fish for yellow perch with commercial gear in zone 3 unless the person has a permit for that zone issued by the department under this paragraph.

2. A yellow perch fishing permit and individual licensee catch quota for zone 3 shall be issued to each applicant who holds a commercial fishing license issued under s. 29.33, Stats., reported a commercial harvest of yellow perch legally taken from zone 3 between January 1, 1984 and De-

ember 31, 1988 and, effective July 1, 1990, applied for and received a yellow perch fishing permit for zone 3 for the license year preceding the license year for which the permit application is being made, unless unavoidable circumstances prevented application for or receipt of that previous year's permit. Those circumstances shall be reviewed by the Lake Michigan commercial fishing board which shall approve or deny the pending permit application.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of yellow perch assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (b) 3. Each individual licensee catch quota shall be determined by dividing the total commercial harvest of yellow perch from zone 3 during the period from January 1, 1984 to December 31, 1988, reported under that license by the total reported commercial harvest of yellow perch from zone 3 during that period, and multiplying the result by 100.

4. If the number of eligible permittees for zone 3 is inadequate to utilize the harvest limit established by s. NR 25.06 (2) (b) 3., and allocated by subd. 3., the surplus shall be divided among the eligible permittees based on the percentages calculated for each permittee under subd. 3.

5. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(c) *Menominees*. 1. No person may fish for menominees with commercial gear in zone 1, 2 or 3 unless the person has a permit for that zone issued by the department under this paragraph.

2. A menominee fishing permit and individual licensee catch quota for zone 1, 2 or 3, respectively, shall be issued to each applicant who:

a. Holds a commercial fishing license issued under s. 29.33, Stats.,

b. Effective July 1, 1990, applied for and received a menominee fishing permit for the respective zone for the license year preceding the license year for which the permit application is being made; and

c. Reported a commercial harvest of menominees legally taken from zone 1 between January 1, 1979 and December 31, 1988, from zone 2 between January 1, 1983 and December 31, 1987, or from zone 3 between January 1, 1984 and December 31, 1988.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of menominees assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (d) 2. Each individual licensee catch quota shall be determined as follows:

a. In zone 1, by dividing the total menominee commercial harvest from zone 1 during the period from January 1, 1979 to December 31, 1988 reported under that license by the total reported commercial harvest of menominee from zone 1 during that period, and multiplying the result by 100.

b. In zone 2, by dividing the total menominee commercial harvest from zone 2 during the period from January 1, 1983 to December 31, 1987 reported under that license by the total reported commercial har-

vest of menominee from zone 2 during that period, and multiplying the result by 100, or

c. In zone 3, by dividing the total menominee commercial harvest from zone 3 during the period from January 1, 1984 to December 31, 1988 reported under that license by the total reported commercial harvest of menominee from zone 3 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(d) *Whitefish in zone 1*. 1. No person may fish for whitefish with commercial gear in zone 1 unless the person has a permit for that zone issued by the department under this paragraph.

2. A whitefish fishing permit and individual licensee catch quota for zone 1 shall be issued to each applicant who:

a. Holds a commercial fishing license issued under s. 29.33, Stats.,

b. Effective July 1, 1990, applied for and received a whitefish fishing permit for zone 1 for the license year preceding the license year for which the permit application is being made; and

c. Reported a commercial harvest of whitefish legally taken from zone 1 between January 1, 1979 and December 31, 1988.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of whitefish assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (e) 2. Each individual licensee catch quota shall be determined by dividing the total whitefish commercial harvest from zone 1 during the period from January 1, 1979 to December 31, 1988, reported under that license by the total reported commercial harvest of whitefish from zone 1 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(e) *Whitefish in zone 2*. 1. No person may fish for whitefish with commercial gear in zone 2 unless the person has a permit for that zone issued by the department under this paragraph.

2. A whitefish fishing permit and individual licensee catch quota for zone 2 shall be issued to each applicant who:

a. Holds a commercial fishing license issued under s. 29.33, Stats.,

b. Effective July 1, 1990, applied for and received a whitefish fishing permit for zone 2 for the license year preceding the license year for which the permit application is being made; and

c. Reported a commercial harvest of whitefish legally taken from zone 2 between January 1, 1980 and December 31, 1988.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of whitefish assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (d) 2. Each individual licensee catch quota shall be determined by dividing the total whitefish commercial harvest from zone 2 during the period from January 1, 1980 to December 31, 1988 reported under that license by the total reported commercial harvest of whitefish from zone 2 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(f) *Whitefish in zone 3.* 1. No person may fish for whitefish with commercial gear in zone 3 unless the person has a permit for that zone issued by the department under this paragraph.

2. A whitefish fishing permit and individual licensee catch quota for zone 3 shall be issued to each applicant who:

a. Holds a commercial fishing license issued under s. 29.33, Stats.,

b. Effective July 1, 1990, applied for and received a whitefish fishing permit for zone 3 for the license year preceding the license year for which the permit application is being made; and

c. Reported a commercial harvest of whitefish legally taken from zone 3 between January 1, 1984 and June 30, 1989.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of whitefish assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (d) 2. Each individual licensee catch quota shall be determined by dividing the total whitefish commercial harvest from zone 3 during the period from January 1, 1984 to June 30, 1989 reported under that license by the total reported commercial harvest of whitefish from zone 3 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(3) APPLICATION. (a) Applications for individual licensee catch quotas and fishing permits under this section shall be made annually on forms available from the department and shall be returned to the department no later than April 30 preceding the license year for which application is being made.

(b) To be timely, applications, if mailed, must be postmarked no later than April 30 preceding the license year for which application is being made and if submitted to the department other than by mail must be received and stamped with a date stamp of the department indicating receipt no later than April 30 preceding the license year for which application is being made. Late applications for individual licensee catch quotas and fishing permits may not be acted upon by the department but shall be returned to the applicant.

(c) The applications shall be reviewed by the department and approved or denied no later than June 15 preceding the license year for which application is being made, unless there are circumstances that may prevent the applicant from being a licensed commercial fisher on July 1 of the license year for which application is being made. In those cases, the applicant shall be notified of the approval or denial of the application in conjunction with the notice of approval or denial of the license authorizing commercial fishing on the outlying waters.

(d) Applicants for Lake Michigan chub fishing permits and individual licensee catch quotas under sub. (2) (a) 1. shall select and designate on their application either the northern chub fishing zone or the southern chub fishing zone as the zone they wish to fish chubs in.

(4) **ASSESSMENT QUOTA.** Fish harvested under contract for the department for assessment purposes may not be considered part of nor deducted from an individual licensee catch quota.

(5) **PERIOD OF VALIDITY.** Individual licensee catch quotas and fishing permits determined and issued in accordance with this section shall be issued on a license year basis. They shall be valid only during the open season for the species of fish subject to the harvest quota and only while the quota holder or permittee holds a valid license authorizing commercial fishing in the waters to which the quota applies.

(6) **REINSTATEMENT OF QUOTA RIGHTS.** If the commercial fishing license of a quota holder is revoked under s. 29.33, Stats., the right to that quota and ranking, if any, shall be reinstated upon reinstatement of the revoked license and upon proper application.

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; emerg. am. (1) (a), eff. 7-1-81; am. (1) (a), Register, August, 1981, No. 308, eff. 9-1-81; emerg. cr. (2) (a) 1. b. 6), eff. 1-2-82; am. (2) (a) (intro.) Register, April, 1982, No. 316, eff. 5-1-82; emerg. am. (2) (a) 1. b. and c., eff. 7-1-82; am. (2) (a) 1. b. and c. and (3), Register, September, 1982, No. 321, eff. 10-1-82; cr. (2) (a) 1. b. 6), Register, February, 1983, No. 326, eff. 3-1-83; am. (1) and (2), Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. (2) (a) 2., (2) (b) and (3), r. (2) (a) 4. and 5., renum. (2) (a) 3. to be (2) (a) 4. and am., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83; am. (1) (b) 1., (2) (b) 2. c. and 5., cr. (2) (b) 1. c. and d., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. b. and 2. a., renum. (2) (a) 3. c. to be 3. d., cr. (2) (a) 3. c., Register, July, 1984, No. 343, eff. 8-1-84; am. (2) (a) 2, intro. and b., 3. intro. and d., r. and recr. (3) to (6), Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (2) (a) 3. b. 2), eff. 3-15-85; am. (2) (a) 3. c., renum. (2) (a) 3. d. to be 3. e., cr. (2) (a) 3. d., Register, May, 1985, No. 353, eff. 6-1-85; am. (1) (a), Register, June, 1985, No. 354, eff. 7-1-85; am. (2) (a) 3. b. 2), Register, July, 1985, No. 355, eff. 8-1-85; am. (2) (a) 2. a., Register, August, 1985, No. 356, eff. 9-1-85; am. (1) (d), Register, February, 1986, No. 362, eff. 3-1-86; emerg. am. (2) (a) 3. d., eff. 5-5-86; am. (2) (a) 2. a. and b., r. (2) (a) 2. c., Register, October, 1986, No. 370, eff. 11-1-86; r. and recr. (2) (a) 3. d., Register, December, 1986, No. 372, eff. 1-1-87; cr. (2) (c), Register, January, 1988, No. 385, eff. 2-1-88; am. (2) (a) 3. b., Register, July, 1988, No. 391, eff. 8-1-88; r. (2) (a) 3. d. 3), am. (2) (a) 1. and 3. intro., cr. (2) (a) 1m., r. and recr. (2) (a) 2. a., Register, January, 1989, No. 397, eff. 7-1-89, except (2) (a) 3. d. 3), eff. 2-1-89; r. (2) (a) 4., (b) 4. and (c) 5., am. (2) (b) 5., Register, June, 1989, No. 402, eff. 7-1-89; emerg. renum. (2) (b) 1. to 3. to be 2. to 4. and am. 2. intro., c. and d., 3. c. and 4., cr. (2) (b) 1., (bg) and (d) to (g), eff. 7-1-89; renum. (2) (b) 1. to 3. to be 2. to 4. and am. (2) (b) 2. intro., c. and d., 3. c. and 4., cr. (2) (b) 1., (bg), (br) and (d) to (g), Register, October, 1989, No. 406, eff. 11-1-89; emerg. r. (2) (b) 5. and (c), renum. (2) (d) to (g) to be (2) (c) to (f), am. (3) (a) and (b), eff. 4-1-91; r. (2) (b) 5. and (c), renum. (2) (d) to (g) to be (2) (c) to (f), am. (3) (a) and (b), Register, August, 1991, No. 428, eff. 9-1-91.

NR 25.08 Transfer of individual licensee catch quotas. Individual licensee catch quotas allotted under s. NR 25.07 (1) (a) and (2) (a) 3.a., and (b) to (g) may be transferred by the licensee receiving the quota allocation to another valid licensee authorized to engage in commercial fishing in the waters to which the quota applies, who meets all criteria for Register, August, 1991, No. 428

receiving such a quota other than previous fishing history, subject to the conditions stated in this section.

(1) Application for individual licensee catch quota transfers shall be made on forms provided by the department.

(2) All or part of an individual licensee catch quota allotted under s. NR 25.07 (2) (a) 3.a. and (2) (b) may be permanently transferred by the quota holder. Such a transfer may occur in conjunction with the transfer of the quota holder's valid license authorizing commercial fishing in the outlying waters under s. NR 25.04.

(3) A licensee may designate on the application for their individual licensee catch quota a person to whom the licensee wishes that quota to be transferred in the event of the licensee's death or incapacity. This designation may be changed during the license year as requested in writing by the licensee. The designated person shall meet the criteria under this section for the transfer to occur.

(a) In the absence of such a designation, or a qualified transferee, or a transferee capable of accepting the transfer under this section, members of the immediate family of the licensee who meet the eligibility requirements of this section shall be offered the quota. The offer shall be made by the department in the following order:

1. Spouse;
2. Children, eldest first, then in order of age;
3. Parents;
4. Siblings, eldest first, then in order of age.

(b) Any transferee under this subsection who relies on commercial fishing gear of a deceased licensee to meet the eligibility criteria of this chapter, but such gear has not been distributed or assigned in accordance with appropriate probate procedures shall have 2 years from the date of acceptance of the transfer to meet those eligibility requirements. During that time, the quota shall be held in abeyance by the department.

(c) All offers of transfer under this subsection shall be accepted within 30 days from the date of offer or be considered refused.

(d) The provisions of this subsection shall apply to quotas granted for license year July 1, 1983 to June 30, 1984 and subsequent license years.

(4) Individual licensee catch quotas may not be transferred if the quota holder or the recipient are charged with a violation of outlying waters commercial fishing laws under which conviction could cause revocation or suspension of their respective commercial fishing license. This subsection shall apply from issuance of the citation or complaint until the matter is adjudicated or dismissed.

(5) Individual licensee catch quota transfers shall be reviewed and approved or denied by the commercial fishing board of the body of water for which the quota applies. Such review and approval or denial shall occur no later than the next regular quarterly meeting of the appropriate commercial fishing board.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (intro.), eff. 7-1-89, am. (intro.), Register, October, 1989, No. 406, eff. 11-1-89.

NR 25.09 Commercial fishing gear. Licensed commercial fishers conducting commercial fishing operations may only use the following gear subject to the conditions stated in this section and in the areas designated:

(1) LAKE SUPERIOR. (a) *Gill nets*:

1. With a mesh size of not more than 1¾" stretch measure.
2. With a mesh size of not less than 2¾" and not more than 2¾" stretch measure.
 - a. Not more than 35 meshes in depth in water 12 to 90 feet (2 to 15 fathoms) deep or 210 feet (35 fathoms) and deeper.
 - b. Not more than 60 meshes in depth may be used provided the bottom maitre cord or lead line is at least 6 feet (1 fathom) above the lake bottom.
3. With a mesh size of not less than 2½ inch and not more than 3 inch stretch measure:
 - a. Only in water 60 feet (10 fathoms) deep or deeper.
 - b. Only from November 15 through March 31.
4. With a mesh size of not less than 4½ inch stretch measure:
 - a. Not more than 30 meshes in depth and only when set on the bottom of the lake, except that treaty fishers may use a mesh size of not less than 4¼ inch stretch measure and not more than 50 meshes deep until November 28, 1991.
 - b. No more than 10,000 feet of these nets may be used by each licensed commercial fisher in water less than 330 feet (55 fathoms) deep and then only from November 28 through September 30.
 - bm. In water less than 330 feet (55 fathoms) deep: 1) No more than 1,000 total feet of these nets may be set by each licensed commercial fisher over the entire time period of November 28 through March 31 for every 18 lake trout tags issued to the fisher under s. NR 25.07 (1) and obtained by transfer prior to November 28 under s. NR 25.08;
 - 2) No more than X total feet of these nets may be set by each licensed commercial fisher over the entire time period of April 1 through May 31, where X = 1.636 multiplied by the feet of net allowed but not set under subpar. bm. 1); and
 - 3) No more than Y total feet of these nets may be set by each licensed commercial fisher over the entire time period of June 1 through September 30, where Y = 3.67 multiplied by the number of feet of net allowed but not set under subpar. bm. 2).
 - c. May be used in water more than 330 feet (55 fathoms) deep at any time.
 - d. May not be set in water less than 330 feet (55 fathoms) deep for the remainder of the lake trout open season by a licensed commercial fisher upon use of all tags issued for lake trout to the fisher under s. NR 25.07 (1) (a), or upon use of the total number of feet of gill net permitted to be set in any time period under subpar. bm.