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NR 25, WCA 25



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt  
Secretary

November 18, 1970

BOX 450  
MADISON, WISCONSIN 53701

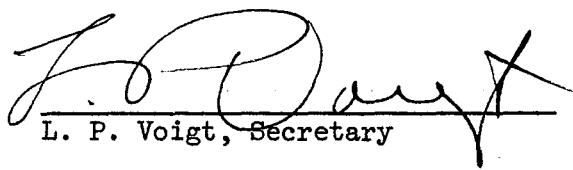
STATE OF WISCONSIN )  
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DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources, and custodian of the official records of said department, do hereby certify that the annexed rules and regulations relating to commercial fishing regulations on outlying waters were duly approved and adopted by this department on November 10, 1970.

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 Pyare Square Building in the City of Madison, this 20 day of November, 1970.

  
L. P. Voigt, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

IN THE MATTER of renumbering WCD 25.01, WCD 25.02, WCD 25.03, WCD 25.04, WCD 25.07, WCD 25.08, WCD 25.09, WCD 25.10, WCD 25.13, WCD 25.14, WCD 25.18, WCD 25.19, WCD 25.20; renumbering and amending WCD 25.05, WCD 25.06, WCD 25.11, WCD 25.12, and WCD 25.15; amending NR 25.02, NR 25.04 (1) (b), NR 25.08 (1) (b) and (c), NR 25.08 (5) (a), (7) (a) and (8) (b) and NR 25.14 (1) and (2); repealing and recreating WCD 25.075 and WCD 25.08 (1) (a); and creating NR 25.08 (1) (r), NR 25.21, and NR 25.22 of the Wisconsin Administrative Code relating to commercial fishing regulations on outlying waters.

Order No. F-13-70

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

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 29.085, 29.174, and 29.33 Wisconsin Statutes, the Natural Resources Board hereby adopts, amends, repeals and creates rules as follows:

Section 1. WCD 25.01 is renumbered to NR 25.01.

Section 2. WCD 25.02 is renumbered to NR 25.02.

Section 3. NR 25.02 (8) is amended to read:

NR 25.02 (8) No nets of any kind shall be used, set, placed or operated from 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.

Section 4. WCD 25.03 is renumbered to NR 25.03.

Section 5. WCD 25.04 is renumbered to NR 25.04.

Section 6. NR 25.04 (1) (b) is amended to read:

NR 25.04 (1)

	A	B	C
Species	Lake Michigan and Northern Green Bay	Southern Green Bay	Lake Superior
(b) Whitefish	December 1 to October 25	December 1 to October 25	November 26 to October 24

Section 7. WCD 25.05 is renumbered NR 25.05 and amended to read:

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.

Section 8. WCD 25.06 is renumbered to NR 25.06 and amended to read:

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.

Section 9. WCD 25.07 is renumbered to NR 25.07.

Section 10. WCD 25.075 is repealed and recreated to read:

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 1 July of 1971 and extends through 30 June, 1972.

(b) Following the license year of 1972 the number of licenses issued shall be the maximum number of licenses issued during the previous two 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 \$5,000.00 investment in commercial fishing equipment.

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

1. a \$5,000.00 investment in commercial fishing equipment
2. at least fifty days of commercial fishing on Lake Superior during the previous year
3. a catch value of \$3,000.00 from Lake Superior during the previous year

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

1. a \$7,500.00 investment in commercial fishing equipment
2. fifty days of commercial fishing on Lake Superior during the previous year
3. a catch value of \$3,000.00 during the previous year

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

1. a \$10,000.00 investment in commercial fishing equipment
2. fifty days of fishing experience on Lake Superior during the previous year
3. a catch value of \$3,000.00 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 \$10,000.00 investment in commercial fishing equipment
2. seventy-five days of fishing experience on Lake Superior during the previous year
3. a catch value of \$5,000.00 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 three 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 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.

(d) No license shall be issued to nonresidents residing in states which do not allow Wisconsin residents similar privileges.

7. Applicants for such licenses shall be at least 21 years of age.

8. Applications for such licenses shall be filed with the department not later than April 30 of the preceding license year on forms provided by the department.

Section 11. WCD 25.08 is renumbered to NR 25.08.

Section 12. NR 25.08 (1) (a) is repealed and recreated to read:

NR 25.08 Permitted nets. (1) Gill nets. (a) No gill nets or set hooks may be used in the waters of Lake Michigan and northern Green Bay inside of 20 fathoms, except under permit issued pursuant to section WCD 25.14. No gill nets with a mesh greater than 2 3/4" or set hooks may be used in the waters of Lake Michigan, northern Green Bay and southern Green Bay except under permit issued pursuant to section WCD 25.14.

Section 13. NR 25.08 (1) (b) and (c) are amended to read:

NR 25.08 (1) (b) Gill nets with a mesh of not less than 2 1/2" nor more than 2 3/4", and not to exceed 60 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 WCD 25.08 (1) (d). The setting or placing of such nets in water less than 15 fathoms is prohibited for a period of 5 days just prior to the opening of the perch season.

(c) During the period from October 26 to November 30 in each year, no set hooks or gill nets other than gill nets with a mesh of not less than 2 1/2" or not more than 2 3/4", shall be set, placed or operated in the waters of Lake Michigan or northern Green Bay except under permit from the department or its duly authorized agents.

Section 14. NR 25.08 (1) (r) is created to read:

NR 25.08 (1) (r) In the waters of Lake Michigan, northern Green Bay and southern Green Bay no person shall set or lift any commercial fishing gear except seines, trawls, and pound nets which are less than 15 feet in depth, during the period of 1/2 hour after sunset to 1/2 hour before sunrise.

Section 15. NR 25.08 (5) (a) is amended to read:

NR 25.08 (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 department or its agents.

Section 16. NR 25.08 (7) (a) is amended to read:

NR 25.08 (7) Trawls. (a) Trawls may be used in the waters of Lake Michigan, northern and southern Green Bay for the taking of all species of fish for which there is no minimum size limit thereon. No trawl may be operated unless a permit has first been obtained from the department or its agents. The permit specifies the conditions under which it may be operated.

Section 17. NR 25.08 (8) (b) is amended to read:

NR 25.08 (8) (b) Whenever any gill net set in outlying water shall take illegal 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 department 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.

Section 18. WCD 25.09 is renumbered to NR 25.09.

Section 19. WCD 25.10 is renumbered to NR 25.10.

Section 20. WCD 25.11 is renumbered to NR 25.11 and amended to read:

NR 25.11 Nets for rough fish. Gill nets with a mesh of not less than 6 1/2", extension measure, and not more than 12 meshes deep may be used for taking carp and such other rough fish, which are found to be detrimental to game fish, in any of the reserve or closed waters of Lake Michigan, northern Green Bay, and southern Green Bay, including the following bays or harbors in Door county, to wit: 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, and Washington Harbor, Jackson Harbor, Detroit Harbor, West Harbor, and Engleson Harbor in Washington Island. Such fishing shall be carried on pursuant to a contract granted by the department and under the direct supervision of said department and under such terms and conditions as it may specify.

Section 21. WCD 25.12 is renumbered and amended to read:

NR 25.12 Possession; transportation. No person shall transport or cause to be transported, deliver, receive, offer to deliver or receive for transportation, have in possession or under control, sell, trade or barter, or offer to sell, trade, or barter any fish of the varieties mentioned in section NR 25.06 unless tagged as required by this chapter.

Section 22. WCD 25.13 is renumbered to NR 25.13.

Section 23. WCD 25.14 is renumbered to NR 25.14.

Section 24. NR 25.14 (1) and (2) are amended to read:

NR 25.14 Setting of nets by department; issuance of permits. (1) Nothing in this chapter shall prohibit the department or its agents from the setting or operating of nets, or authorizing the setting or operating of nets for the purpose of obtaining spawn for any state fish propagation project or program and for the purpose of scientific investigations and in aid of the fishing industry in the outlying waters during the closed season for the various species of fish. All lake trout taken under permit or by authorized agents of the department shall be tagged with tags furnished by the department before being brought to port or removed from licensed boat and such tag shall remain attached to the fish until prepared for final consumption.

(2) All persons engaged in fishing for lake trout and whitefish shall strip all ripe fish of such species, both male and female, save all of the spawn, properly impregnate it, and deliver it to the department or its duly authorized agents, or otherwise dispose of it in such manner as directed by the department or its duly authorized agents.

Section 25. WCD 25.15 is renumbered and amended to read:

NR 25.15 Reports. On or before the tenth day of each month each person licensed pursuant to section 29.33, Wis. Stats., shall report for the preceding calendar month to the department in writing, on blanks furnished by said department, the number of his license, the number of pounds of each kind of fish taken, the kind and amount of fishing gear employed, the length of time (number of nights) each unit was fished without being lifted, and such other data as the department may require to follow the trend of the fisheries. Such report shall be made each month regardless of whether or not any fish were taken or any fishing done

during the preceding month, and if no fish were taken the fact shall be so noted. Failure to file such reports as specified shall be considered a violation of the provisions of this chapter.

Section 26. WCD 25.18 is renumbered to NR 25.18.

Section 27. WCD 25.19 is renumbered to NR 25.19.

Section 28. WCD 25.20 is renumbered to NR 25.20.

Section 29. NR 25.21 is created to read:

NR 25.21 Marking of nets addition to numbering. (1) Any gill net or gang of gill nets or the leads of any drop net, fyke net, pound net or submarine trap nets set within two miles of any shore with the float line at a depth greater than 6' below the surface of the water shall be marked by buoys with staffs and flags at both ends of the net or gang. The staff on the inshore buoy shall have two flags and that on the offshore buoy, one. Where the float line of such net is set at a depth less than 6' below the water surface the nets shall be similarly marked but intervals between markers along the net shall not exceed 200 feet.

(2) Pound nets and fyke nets when set with stakes shall be marked with a staff and flag attached to two outer corner pilings. The height above water, size and color of such staffs and flags shall be the same as those specified in (3). Buoys with staffs and flags shall be attached to the inshore ends of each lead and at intervals not to exceed 200 feet along each lead. The inshore staff shall have two flags.

(3) (a) All buoy staffs shall be not less than two (2) inches incircumference and extend not less than five (5) feet above the water. At the upper end of each staff shall be maintained a flag of high visibility material, or treated with high visibility paint not less than sixteen (16) inches square of any color, except orange. The buoy and staff shall be painted with horizontal stripes four (4) inches in width, alternately black and white.

(b) All buoys, staffs and flags shall be maintained in an upright position and in good condition.

(4) When gill nets, set hooks, fyke nets, drop nets, pound nets or submarine trap nets are set through the ice, there shall be maintained on each end of the gang or net on a stake at least 3' above the surface of the ice a board or similar material which shall bear the license number authorizing the use of such nets or set hooks.

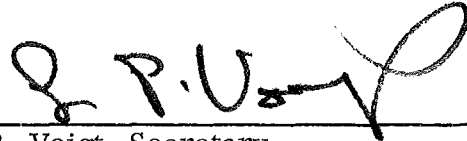
(5) On drop nets, fyke nets and submarine trap nets when set below the surface of the water, there shall be a buoy attached to the pot rope. Buoy marking shall be the same as specified in para. (3).

Section 30. NR 25.22 is created to read:

NR 25.22 Possession of fishing equipment. No person, except licensed commercial fishermen and authorized net dealers, shall have in his possession or under his control at any time any trammel, gill or hoop net, or any other kind of net, nets, or fish trap that might take, catch or kill fish in Ashland, Bayfield, Douglas or Iron counties, except minnow nets and minnow traps, whitefish and cisco nets, dip nets, pound nets, crab traps and turtle traps as provided by board order, unless such nets are sealed with locking seals by the department.

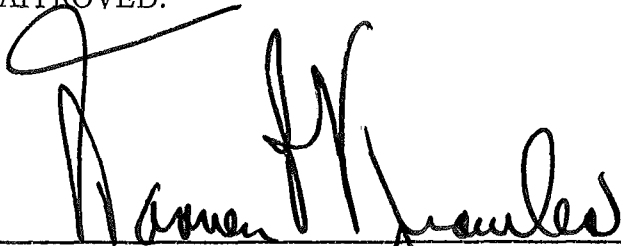
DATED: \_\_\_\_\_

STATE OF WISCONSIN DEPARTMENT OF  
NATURAL RESOURCES BOARD



\_\_\_\_\_  
L. P. Voigt, Secretary

APPROVED:



\_\_\_\_\_  
GOVERNOR

\_\_\_\_\_  
DATE

11-20-70  
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