Chapter NR 25

COMMERCIAL FISHING - OUTLYING WATERS

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Note: Chapter NR 25 as it existed on September 30, 1976, was repealed and a new chapter NR 25 was created effective October 1, 1976.

NR 25.01 Purpose. (1) This chapter, along with other applicable rules and statutes, regulates commercial fishing in the outlying waters.

(2) The rules contained in this chapter are not intended to, nor do they authorize, the sale or introduction into interstate commerce for purposes of human consumption or use fish taken from the outlying waters which fail to meet food and drug administration (FDA) standards.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.02 Definitions. Except as otherwise specifically defined in the statutes, the following terms, for the purposes of this chapter, are defined as follows:

(1) "Closed area" means any area designated as a refuge by rule or statute, or any area where fishing is restricted in any manner by rule.

(2) "Closed season" means that period of the year not embraced within the open season for each species of fish therefor as provided in NR 25.05 (1) during which the taking of the fish species enumerated is prohibited.

(3) "Commercial fish" is any species of game or rough fish for which an open season has been provided in section NR 25.05.

(4) "Commercial fishing" means fishing for fish regulated by this chapter with commercial gear or methods other than those commonly known as hook and line fishing or angling, the taking of smelt pursuant to NR 20.09 or minnows.

(5) "Commercial fishing gear" or "commercial gear" is that equipment identified in or regulated by this chapter, with the exception of hook and line or angling equipment, gear for the taking of smelt pursuant to NR 20.09 or minnows.

(6) "Department" means department of natural resources.

(7) "Final consumer" means the last or ultimate person who obtains a fish for its final use for eating or otherwise.

(8) "Final consumption" means the last or ultimate use of a fish by eating or otherwise.

(9) "Fisher" means any person engaged in fishing.

(10) "Harvest limit", "harvest quota", "total allowable annual commercial harvest", "the total allowable commercial harvest" or "the annual allowable commercial harvest" means the total number or pounds of fish as established in this chapter which may be taken in a license year from the outlying waters or any portion thereof.

(11) "Illegal fish" means any or all fish taken at a time other than the open season, or of sizes other than prescribed in section NR 25.05 or in excess of quotas as prescribed in section NR 25.06, or taken by methods other than those prescribed in this chapter, or of the following species: smallmouth bass, largemouth bass, rock bass, crappie, muskellunge, sturgeon, all species of salmon and trout except as otherwise prescribed in this chapter.

(12) "Illegal nets" mean those nets possessed or used in violation of this chapter or a statute.

(13) "License year" means that period from July 1 through June 30 of the succeeding year.

(14) "Northern and southern Green Bay line" means that line described as a line in Green Bay 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.

(15) "Northern Green Bay" means those waters of Green Bay lying north of the northern and southern Green Bay line.

(16) "Northern Green Bay-Lake Michigan line" means that line 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.

(17) "Purse seine" means a net which consists of a wall or modified wall of net which is used to encircle fish. The top of the net is fitted with floats while the bottom is weighted. A line threaded through rings under the net allows fishers to close the bottom of the net, thus trapping fish in the enclosure so produced.

(18) "Southern Green Bay" means those waters of Green Bay lying south of the northern and southern Green Bay line, including the Fox river as far as the dam at DePere.

(19) "Trap net" means a device constructed of netting, which may employ wings or wings and leads, directing the movement of fish through a tunnel of netting into inner hearts or built-in forebays wherein they are trapped by their own movement. Such nets may be referred to as shallow trap nets, submarine trap nets or deep water trap nets but shall not include drop nets or fyke nets.

(20) "Trawl" means a large conical bag of netting to which are often attached wings of netting, which is towed in the water and captures fish by scooping rather than encircling them. The mouth of the bag is normally kept open laterally by 2 large boards, one on each side so rigged that they serve to spread the entire net, and these boards are secured to towing lines running to the vessel or vessels engaged in towing the net through the water.

(21) "Trawl cast" means the single placement, towing and retrieval of a trawl.

(22) "Stretch measure" means the extension measure of net mesh size whenever the size of mesh of a net is specified. Stretch measure means the distance between the extreme angles of any single mesh.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.03 Commerial fishing licenses. (1) LAKE SUPERIOR. (a) Not more than 21 licenses authorizing commercial fishing in Lake Superior may be issued for each license year except that this section shall not apply to licenses for fishing only for the harvest of rough fish from outlying waters under a contract issued pursuant to s. 29.62 or 29.625, Stats.

(b) Applications for licenses authorizing commercial fishing on Lake Superior which have been filed in accordance with sub. (3) shall be reviewed and approved or denied pursuant to the following criteria:

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

2. To retain eligibility for the second year and each consecutive year period thereafter, the applicant must show proof of:

a. A $5,000 investment in commercial fishing equipment.

b. At least 50 days of commercial fishing, setting or operating nets on Lake Superior during the previous year.

3. Any licensee failing to meet the qualifications of par. (b) 1. and 2. shall not be eligible to reapply for such license until one year has elapsed since the end of the period in which that person was licensed.

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

a. First to individuals who have been licensed on Lake Superior or worked as crew members setting and operating nets at least 100 days in total during the 2 preceding years.

b. Next to individuals who have held a license on Lake Superior or worked as a member of a crew on Lake Superior for 2 years.

c. Next to other Wisconsin residents and nonresidents residing in states allowing Wisconsin residents similar privileges.

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 priorities established in subd. 4. the licenses shall be awarded on the basis of random selection from all eligible applications received.

(c) The Lake Superior commercial fishing board shall review applications for licenses and recommend approval or denial of licenses to the department no later than May 20 preceding the license year for which application is being made.

(2) LAKE MICHIGAN. (a) The number of licenses authorizing commercial fishing in Lake Michigan issued for the licensing period which begins on July 1, 1981 and extends through June 30, 1982, shall be limited to no more than the number issued during the preceding license year.

(b) Following the license year of 1981-82, the number of licenses issued for any license year shall be limited to the maximum number issued for either of the immediately preceding 2 license years.

(c) Applications for licenses authorizing commercial fishing in Lake Michigan which have been filed in accordance with sub. (3) shall be reviewed and approved or denied pursuant to the following criteria:

1. For the first year of eligibility the applicant shall show proof of a $5,000 investment in commercial fishing equipment.

2. To retain eligibility for the second year and thereafter, the applicant shall show proof of:

a. A $5,000 investment in commercial fishing equipment not to include vehicles other than those directly employed in operating nets.

b. At least 30 days lifting nets on Lake Michigan during the previous license year unless unavoidable circumstances prevented the applicant from lifting nets. These circumstances shall be reviewed by the Lake Michigan commercial fishing board which shall in these cases recommend approval or denial of the license.

3. Any licensee failing to meet the qualifications of par. (b) 1. and 2. shall not be eligible to reapply for such license until one year has elapsed since the end of the period in which that person was licensed.

4. Licenses shall be issued according to the following priorities to applicants otherwise qualified.

a. First to individuals who have been licensed on Lake Michigan or worked as crew members setting and operating nets at least 60 days in total during the 2 preceding years.

b. Next to individuals who have held a license on Lake Michigan or worked as a member of a crew on Lake Michigan for 2 years.

c. Next to other Wisconsin residents and nonresidents residing in states allowing Wisconsin residents similar licensing privileges.

5. When the number of qualified new applicants for licenses shall exceed the number of licenses available and applicants are not affected by

the priorities established in subd. 4., the licenses shall be awarded on the basis of random selection from all eligible applications in the single lowest priority category under which licenses will be awarded.

(3) APPLICATION. Application for licenses authorizing commercial fishing in the outlying waters shall be made on forms provided by the department. Applications shall be submitted to and received by the department no later than April 30 preceding the license year for which application is being made.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; am. (1), Register, August, 1980, No. 296, eff. 9-1-80; am. (1) (a), (2) (a) and (3), cr. (2) (b) and (c), Register, March, 1981, No. 303, eff. 4-1-81.

NR 25.04 Transfer of commercial fishing licenses. (1) (a) A valid license authorizing commercial fishing in the outlying waters may be transferred by a licensee complying with this section to a member of the licensee's immediate family.

(b) For purposes of this section the immediate family means the spouse, parent, sibling or children by birth or adoption who are eligible to apply for a commercial fishing license under s. NR 25.03.

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(2) A valid license authorizing commercial fishing in the outlying waters may be transferred by a licensee complying with this section to another person meeting the qualifications in s. NR 25.03 (1) for commercial fishing on Lake Superior or NR 25.03 (2) for commercial fishing on Lake Michigan.

(3) Licenses shall not be transferred under sub. (2) or (3) if the licensee is charged with a violation of outlying waters commercial fishing laws. This provision shall apply during the period from the issuance of a citation or complaint until the matter is adjudicated or dismissed.

(4) Transfers shall be reviewed and approved or denied by the commercial fishing board of the body of water for which the license authorizes commercial fishing.

(5) Applications for transfer shall be made and submitted as designated on forms provided by the department.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.05 Open seasons; size limits; possession limits. (1) OPEN SEASONS. In the outlying waters there shall be an open season subject to other conditions established in this chapter and by statute on the various species of fish embraced within specified dates, both inclusive, as follows. During any time other than the open season no person shall take, catch or kill fish or fish for fish, except as otherwise expressly provided in this chapter.

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(a) Lake trout	No open season	No open season	Dec. 1 to Sept. 30 subject to NR 25.06 (1)
(b) Siscowet	No open season	No open season	At all times in waters greater than 55 fathoms in depth
(c) Whitefish	December 1 to October 25	December 1 to October 25	Dec. 1 to Sept. 30.
(d) Chubs	April 1 to December 31, subject to NR 25.06 (2), 25.07 (2) (a) 1. and 25.08	No open season	At all times
(e) Yellow perch	June 11 to April 9	May 20 to April 9	No open season
(f) 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
(g) Alewives, bullheads, burbot, carp, catfish, gizzard shad, suckers, menominees, smelt, white bass	At all times	At all times	At all times
(h) Lake herring	No open season	No open season	At all times

(i) Walleye, sauger	No open season in Lake Michigan, open May 20 to March 9 in northern Green Bay commencing May 20, 1982	Open May 20 to March 9 commencing May 20, 1982	No open season
(j) Others	No open season	No open season	No open season

(2) SIZE LIMITS. Except as otherwise expressly provided in this chapter, no fish of a length or size less than that specified for each variety of any of the following varieties shall be possessed or under control. 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. The measurement of length shall apply without allowance made for the shrinkage of the fish.

Species	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(a) Lake trout			17 inches
(b) Siscowet			17 inches
(c) Whitefish	17 inches	17 inches	17 inches
(d) Yellow perch	8 inches	7½ inches	
(e) Walleye and sauger	18 inches	18 inches	
(f) Northern pike	20 inches	20 inches	
(g) Catfish	16 inches	16 inches	
(h) Others	No size limit	No size limit	No size limit

(3) POSSESSION LIMITS. Except as otherwise provided, no person may possess species of fish for which there is no open season. The possession limit for species of fish for which an open season is provided and a quota has been established shall be the individual quota established by commercial fishing boards for the person possessing such fish.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. am. (1) (d) and cr. (3), eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (1) (d), Register, May, 1981, No. 305, eff. 7-1-81.

NR 25.06 Quotas. (1) LAKE SUPERIOR LAKE TROUT HARVEST QUOTAS. (a) The total allowable annual harvest of lake trout by commercial methods during the open season in Wisconsin waters of Lake Superior shall be determined by the natural resources board based upon recommendations from the department, the U.S. fish and wildlife service and the Great Lakes fishery commission.

(b) The total allowable commercial harvest for any license year shall not exceed 100,000 pounds of lake trout.

(c) That quantity of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior shall not exceed 40% by weight of the total annual allowable commercial harvest.

(d) Eligible members of the Red Cliff and Bad River bands of Lake Superior Chippewas as determined by the respective tribal councils may harvest under permits issued by their respective tribal councils 40% of the annual allowable commercial harvest of lake trout from Wisconsin

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.

(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 ⅓ 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.

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 1¾″ stretch measure for the taking of smelt only.

2. Gill nets with a mesh size of 2⅜″ 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-

able harvest limit has been established. Not to exceed one percent of the catch from each trawl cast by weight may be composed of fish which are considered legal in other commercial fishing gear.

3. Trawls may be used in restricted areas to harvest rough or detrimental fish only. Trawling pursuant to this subsection shall not commence until 72 hours have elapsed following acknowledged notification of department. Operations must be halted when determined by the department to be necessary to protect recently planted fish and concentrations of illegal fish.

(3) LAKE SUPERIOR. (a) Gill nets:

1. Gill nets with a mesh size of not more than 1¾″ stretch measure.

2. Gill nets with a mesh size of not less than 2⅜″ and not more than 2¾″ stretch measure and not to exceed 35 meshes in depth in depths of water from 2 to 15 fathoms and 35 fathoms and deeper. Gill nets of this mesh size and not to exceed 60 meshes deep may be used provided the bottom maitre cord or lead line shall not be nearer than one fathom to the bottom of the lake.

3. Gill nets with a mesh size of over 2¾″ and not more than 3″ stretch measure from November 15 through March 31.

4. Gill nets with a mesh size of not less than 4½″ stretch measure and not more than 30 meshes in depth only from December 1 through September 30. No nets may be set in grid 1409 and within one mile of the mainland shore from the last Friday in May through the first Monday in September. No nets may be set within one mile of the Madeline Island shoreline in grids 1309, 1310, and north of the LaPointe dock in grid 1409 on the northwest side of the island; within one mile of the south half of the shoreline of Hermit island from January 1 through March 31.

a. Each licensed fisher may use not more than 10,000 feet of such nets at depths less than 55 fathoms.

b. Each licensed fisher may use not more than 20,000 feet of such nets in depths of more than 55 fathoms.

5. Gill nets being set and lifted through ice cover shall be lifted a minimum of once every 120 hours. Gill nets used in open water in 15 fathoms or less shall be lifted a minimum of once every 72 hours; in 16 to 34 fathoms a minimum of once every 120 hours; in 35 fathoms and deeper a minimum of once every 10 nights.

(b) Entrapping nets:

1. Entrapping nets if placed or operated in waters of not more than 80 feet.

2. Each licensed fisher may use not more than 10 such nets, that number to be the maximum number of cribs or pots authorized.

3. Entrapping nets shall be lifted a minimum of once every 7 nights.

4. Entrapping nets may be set, placed, or operated only under permit in that part of Lake Superior east of the harbor entrance at Cornucopia extending to the mouth of the Bad river in Ashland county and including all of the Apostle Islands area.

(c) Purse seines, seines, and trawls may be used for the taking of fish for which there is no minimum size limit.

1. Not to exceed one percent of the catch from each seine haul or trawl cast by weight may be composed of fish which are considered legal in other commercial fishing gear.

(4) No nets of any kind except entrapping nets and seines used for the taking of rough or detrimental fish or entrapping gear used for the taking of whitefish or gill nets fished for rough fish under contract may be used, set, placed or operated in the following waters of Lake Michigan:

(a) All waters of Lake Michigan and 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 or Green Bay.

(b) All waters of Lake Michigan within one-half mile from the shoreline of Ozaukee, Milwaukee, Racine and Kenosha counties.

(c) All waters in the following bays or harbors in Door county: Sturgeon Bay, including 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, all as described in s. 29.015, Stats.

(d) All waters of Lake Michigan or Green Bay within one-quarter mile of any shoreline in Door, Kewaunee, Manitowoc, and Sheboygan counties.

(e) That portion of southern Green Bay lying south or east of a line commencing at the silo west of Little Sturgeon Bay on 87°35'W in the SE ¼ SE ¼ section 33, township 28 north, range 24 east, thence northeasterly 7.75 statute miles on a 54° bearing through the bell buoy off Sherwood point and 0.37 statute miles beyond to 44°55'N, then due east on 44°55'N, 2.75 statute miles to the shoreline in section 12, township 28 north, range 25 east.

(f) That portion of southern Green Bay lying north or east of a line commencing at the end of Ogden street in the city of Marinette and running southeasterly to the most southwesterly point of Seagull Bar, thence along the shoreline of Seagull Bar to the public boat landing located in section 16, township 30 north, range 24 east, Marinette county.

(g) That portion of southern Green Bay lying south and west of a line following the south shore of Longtail point to where the navigation channel intersects 44°35'N, thence southerly along the west shore of the navigational channel for 3.5 statute miles to the Wisconsin public service Pulliam plant outlet on the west bank of the Fox river.

(h) That portion of southern Green Bay lying south of a line extending due west from the mouth of the Red river at 44°40'N, 87°45'W, from November 1 to the following May 19, except that gill nets in accordance with this chapter may be used to take whitefish in these waters.

(i) That portion of southern Green Bay lying south of a line extending from the village of Red Banks in NW¼SW¼, section 29, township 25 north, range 22 east westerly on a bearing of 277° to the point at which it

intersects the Green Bay navigational channel at a bell buoy at 44°37'N, 87°56'W, thence northwesterly on a bearing of 328° to the point immediately adjoining Little Tail point at 44°40'N thence due west to the shoreline from September 1 to the following May 19, except that gill nets in accordance with this chapter may be used to take whitefish in these waters.

(5) LAKE SUPERIOR PERMITS. (a) No nets of any kind except those under permit for the taking of rough or detrimental fish or entrapping gear also under permit used for the taking of whitefish may be used, set, placed or operated in the following waters of Lake Superior:

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, thence westerly to the Houghton point light, the place of beginning.

2. All waters in Lake Superior within one-quarter mile of any harbor, pier or breakwater from April 15 through November 30 or from the mouth of any stream flowing into Lake Superior.

3. Within one mile of the mainland shoreline beginning at the point on the mainland shore at which an east-west line intersecting the southern end of Basswood Island touches the shoreline and extending southward along the mainland shore to the reserve waters of Chequamegon bay.

(b) Permits shall be issued in a manner and contain such provisions and conditions as will assure the development and protection of the fish resources in Lake Superior.

(6) The net lifting requirements of this section shall apply except during extreme adverse weather conditions which would place a fisher in danger of serious injury or death.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. (2) (b) 2., Register, November, 1977, No. 263, eff. 12-1-77; am. (2) (a) 5., Register, June, 1978, No. 270, eff. 7-1-78; emerg. am (1), (2) (a) (intro.), 3. and 9., eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (a) 3., Register, May, 1981, No. 305, eff. 7-1-81.

NR 25.09 Measurement of nets. (1) Whenever the size of mesh of any net is specified in this chapter the size shall be referred to as stretch measure. Such measurement shall be made of meshes in a wet condition.

(a) Size of mesh shall be determined by exerting not more than one pound strain on a mesh and measuring the mesh immediately above that on which the strain is applied while such strain is on it from the inside edge of the knot at one end to the inside edge of the knot on the other end. Measurement shall be made by inserting the measuring device at the uppermost knot in the mesh and reading at the lowermost knot.

(b) The weight to be used in the stretching of meshes of nets and the measuring device to be used shall be tested, approved and certified by the Wisconsin department of agriculture, or other governmental entity authorized to so certify.

(c) 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 net are found to be unlawful the net or netting shall be considered illegal and shall be seized and held subject to the order of the court.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.09, Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.10 Handling of illegal fish. All illegal fish taken during commercial fishing operations on the outlying waters shall be immediately returned to the water, except that a department employe on board a vessel or otherwise accompanying fishers engaged in such commercial fishing operations may retain illegal fish taken.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.11 Processing of fish. (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 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 and measurement of the individual fish are impossible.

History: Renum. from NR 25.13 (3) (a) and (b), Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.12 Commercial fishing reports. (1) All commercial fishing reports shall be signed by the commercial fishing licensee under whose license the fish were taken.

(2) On or before the 10th day of each month each person licensed pursuant to s. 29.33, Stats., or fishing as an eligible member of the Red Cliff and Bad River bands of Lake Superior Chippewas, shall report for the preceding calendar month to the department in writing on forms provided for this purpose by said department such information relative to their fishing activities as may be deemed necessary by the department for management of the fishery, and to prevent depletion of the fish supply.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.14 and am. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.13 Movement of gill nets. Whenever any gill nets in outlying waters shall catch illegal fish of any species in an amount equal to more than 10% by weight of that total catch, the nets shall be immediately removed from the water. Such nets may not be reset, placed, replaced or operated during the same day unless all parts of the nets are either moved a distance of at least 3 miles or to a depth such that no part of the net is less than 5 fathoms greater than or less than that at which they were found to exceed the 10% figure.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.16 and am. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.14 Possession of fishing equipment. (1) No licensed commercial fisher or any member of the crew or any person aboard the boat shall have in possession any game fish or sport angling equipment while

operating commercial fishing gear or while traveling to or from the operation of such gear in any of the outlying waters.

(2) No person shall have in possession any commercial fishing gear while on the outlying waters unless in possession of a valid license issued pursuant to s. 29.33, Stats. or otherwise authorized by the department.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.17 and am. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.15 Taking of fish by or for the department. Nothing in this chapter shall prohibit the department or its agents from taking fish or authorizing by special permit as prescribed in s. 29.51 (2), Stats., the taking of fish for purposes of obtaining spawn for fish propagation or by contract for studies, investigations, and surveys in accordance with s. 23.09 (2), Stats.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.11, Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.16 Severability. Should any section or portion of this chapter be declared invalid or unconstitutional for any reason, the remainder of the chapter shall not be affected thereby.

History: Cr. Register, October, 1979, No. 286, eff. 11-1-79.