

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Note: Chapter NR 25 as it existed on September 30, 1976, was repealed and a new chapter NR 25 was created effective October 1, 1976.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

(3) The following sections of this chapter are applicable to treaty fish-
ers fishing in the Wisconsin waters of Lake Superior:

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- (a) s. NR 25.02
- (b) s. NR 25.05
- (c) s. NR 25.06
- (d) s. NR 25.09
- (e) s. NR 25.10
- (f) s. NR 25.105
- (g) s. NR 25.11
- (h) s. NR 25.12
- (i) s. NR 25.13
- (j) s. NR 25.16
- (k) s. NR 25.17

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; emerg. cr. (3), eff. 4-22-86; cr. (3), Register, October, 1986, No. 370, eff. 11-1-86.

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 s. 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 s. 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 s. 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 s. NR 20.09, or minnows.

(6) "Commercial ice fishing" means the setting and operating of commercial fishing gear through and from the surface of the ice.

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

(8) "Encircling nets" means purse seines as defined in sub. (22), and seines as described in s. 29.336 (3), Stats.

(9) "Entrapping nets" means trap nets as defined in sub. (27), and entrapping nets as described in s. 29.336 (1), Stats.

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

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

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

(12m) "Forage fish" means, when taken by trawl, only chubs which are not sorted for sale for human consumption, alewife, smelt and other rough fish species except carp and means, when taken by other commercial gear, only alewife and smelt.

(12t) "Foreign lake trout tag" means a tag authorized by the department for attachment to lake trout imported into the state.

(13) "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.

(14) "Illegal fish" means any or all fish taken at a time other than the open season, or of sizes other than prescribed in s. NR 25.05 or in excess of quotas as prescribed in s. NR 25.06, or taken by methods other than
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Species	A	B	C
	Green Bay	Lake Michigan	Lake Superior
(a) Lake trout	No open season	No open season	November 28 to September 30, subject to ss. NR 25.06 (1) (a) and 25.07 (1) (a)
(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	November 28 to September 30.
(d) Chubs	No open season	March 1 to January 15, subject to ss. NR 25.06(2)(a), 25.07(2)(a) and 25.09	At all times
(e) Yellow perch	July 1 to April 9 except 1. Gill nets may be used from May 20 to April 9; 2. From January 1 to April 9 only commercial ice fishing is legal; 3. All to be subject to ss. NR 25.06(2)(b) and 25.07(2)(b)	August 1 to April 30	No open season
(f) Northern pike	May 20 to March 9	No open season	No open season
(g) Alewives, bullheads, burbot, catfish, gizzard shad, suckers, menominees, smelt, white bass	At all times	At all times	At all times
(gm) Carp	No open season except by permit issued under s. 29.625, Stats.	No open season except by permit issued under s. 29.625, Stats.	At all times
(h) Lake herring	No open season	No open season	At all times
(i) Walleye, sauger	No open season	No open season	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 may 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.

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Species	A	B	C
	Green Bay	Lake Michigan	Lake Superior
(a) Lake trout			17 inches
(b) Siscowet			No size limit
(c) Whitefish	17 inches	17 inches	17 inches
(d) Yellow perch	8 inches in northern Green Bay, 7½ inches in southern Green Bay	8 inches	
(e) Walleye	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; emerg. am. (2) (b), eff. 7-1-81; am. (2) (b), Register, August, 1981, No. 308, eff. 9-1-81; emerg. am. (1) (i), eff. 5-20-82; am. (1) (d) and (i), (2) (e), Register, October, 1982, No. 322, eff. 11-1-82; am. (1) and (2), Register, April, 1983, No. 328, eff. 5-1-83; emerg. am. (1) (g) and cr. (1) (gm), eff. 6-20-84; am. (1) (d), Register, January, 1985, No. 349, eff. 2-1-85; am. (1) (g) and cr. (1) (gm), Register, March 1985, No. 351, eff. 4-1-85; am. (1) (d), Register, July, 1985, No. 355, eff. 8-1-85; am. (1) (d), Register, February, 1986, No. 362, eff. 3-1-86; emerg. am. (1) (a) and (c), eff. 4-22-86; am. (1) (a), (c), (d) and (e), Register, October, 1986, No. 370, eff. 11-1-86.

NR 25.055 Supervisor presence required. During the 1986-1987 and 1987-1988 license years no person may:

(1) Fish for whitefish in Green Bay or Lake Michigan unless a supervisor is present, or

(2) Fish for perch in Lake Michigan unless a supervisor is present.

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

NR 25.06 Quotas and catch fees. (1) **LAKE SUPERIOR.** (a) *Lake trout.* The total allowable annual harvest of lake trout by state and tribal commercial fishers and tribal home use fishers under par. (b) during the open season in Wisconsin waters of Lake Superior east of Bark Point 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. No lake trout quota is established for the waters of Lake Superior west of Bark Point for state or tribal commercial and tribal home use fishers. All lake trout harvested by state and tribal commercial and tribal home use fishers in these waters shall be deducted from the lake trout quota established for the waters of Lake Superior east of Bark Point.

1. The total allowable commercial and home use harvest in the waters of Lake Superior east of Bark Point may not exceed 39,000 lake trout during the open season.

2. That number of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior east of Bark Point may not exceed 13,000 lake trout during the open season.

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3. That number of lake trout to be harvested by the Red Cliff and Bad River bands, including both commercial and home use fishers, from the waters of Lake Superior east of Bark Point may not exceed 26,000 lake trout during the open season. The Red Cliff and Bad River bands shall inform the department of the extent and method of the allocation between commercial and home use fishers. If the Red Cliff and Bad River bands do not reach an agreement on the method of allocating the tribal quota between them, the department may divide the quota 26.5% for the Bad River band and 73.5% for the Red Cliff band.

4. All lake trout and siscowet harvested by commercial and home use fishers shall be tagged in accordance with sub. (3).

5. The department may recall tags furnished or authorized in accordance with sub. (3), when necessary to implement a quota reduction.

(b) *Harvest of fish from Lake Superior for home use by Lake Superior Chippewas.* 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 during said season, under home use permits issued by their respective tribal councils.

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

2. Permittees are restricted to the use of no more than 350 feet of gill net and sale of fish 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.

(2) LAKE MICHIGAN AND GREEN BAY. (a) *Chubs.* The total allowable annual commercial harvest of chubs in Wisconsin waters of Lake Michigan shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest for any license year may not exceed 3,500,000 pounds, not including forage fish allowed under par. (c).

2. No more than 400,000 pounds of the total allowable commercial harvest for any license year may be taken in the northern chub fishing zone.

3. No more than 3,000,000 pounds of the total allowable commercial harvest for any license year may be taken in the southern chub fishing zone.

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

(b) *Yellow perch.* The total allowable annual commercial harvest of yellow perch in Wisconsin waters of Green Bay shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest in Green Bay for any license year may not exceed 400,000 pounds.

(c) *Forage fish.* The total allowable annual commercial harvest of forage fish in Wisconsin waters of Lake Michigan and Green Bay shall be

determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest of forage fish by trawls in any license year may not exceed 18,000,000 pounds in Lake Michigan and Green Bay, of which no more than 2,500,000 pounds may be taken from Green Bay.

2. The total allowable commercial harvest of forage fish in Lake Michigan and Green Bay by commercial gear other than trawls may not exceed 500,000 pounds in any license year.

3. This paragraph shall be in effect until May 1, 1988.

(3) TAGGING OF FISH. All fish species or subspecies required to be tagged in accordance with this section shall be tagged with tags furnished or authorized by the department before being brought to any dock or shore when fishing in open water and before being transported when fishing with nets under ice. Such fish shall be individually tagged.

(a) Tags authorized shall be approved in writing by the secretary of the department and shall conform to the following minimum specifications:

1. Tags shall be individually, serially numbered in nonrepeating number series.

2. Tags shall be color-coded by year in a color which does not repeat in the next consecutive year.

3. Tags shall include an appropriate state or tribal identification.

4. Tags shall only be ordered in a number sufficient to limit the harvest to a biologically determined quota.

5. Issuing authorities shall maintain records of tag allotments to individual fishers by tag serial numbers. Tag records shall be open to inspection by state conservation wardens during regular office hours.

6. Tags are valid for use only for the license season.

(b) Untagged fish may not be left unattended.

(c) Untagged fish may not be transferred between watercraft.

(d) Tags shall be locked and remain attached to fish until prepared for final consumption. Tags shall remain with smoked or filleted fish 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 fish.

(e) Tags provided or authorized by the department for tagging fish may not be transferred.

(f) No person may possess or use tags furnished or authorized by the department for tagging fish which have been modified or tampered with.

(g) No treaty fisher may lift nets in Wisconsin waters while in possession of tags issued by a tribe or another state for fish taken in Michigan waters.

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

(5) CATCH FEES. Catch fees to be charged for commercial harvest of fish species whose populations are sustained or supplemented through stocking shall be determined and assessed as follows:

(a) The department shall determine catch fees annually for each fish species population subject to this subsection and shall provide this information upon request by February 15 of each year.

(b) The catch fee for a given fish species population shall be equivalent to the department's direct cost in providing those fish for commercial harvest.

(c) Catch fees shall be charged on a per fish harvested basis.

(d) Catch fees shall be collected through the sale of fish tags furnished or authorized by the department in accordance with sub. (3) at offices indicated on the quota applications provided under s. NR 25.07 (3). The total number of tags that may be purchased by an individual licensee shall be equivalent to that licensee's individual catch quota as determined in accordance with s. NR 25.07.

(e) Unused fish tags purchased in accordance with par. (d) shall be returned by the licensee to the department at the office where purchased within 15 days of the end of the open season for that fish species population. The department shall return the catch fees paid by that licensee for those unused fish tags.

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; emerg. am. (1) (b) to (d) and (f), r. (1) (e), eff. 7-1-81; am. (1) (b) to (d) and (f), r. (1) (e), Register, August, 1981, No. 308, eff. 9-1-81; emerg. am. (2) (a), eff. 7-1-82; am. (2) (a), Register, September, 1982, No. 321, eff. 10-1-82; am. Register, October, 1982, No. 322, eff. 11-1-82; am. (2) (a) and cr. (2) (b), Register, April, 1983, No. 328, eff. 5-1-83; am. (2) (a) 1. and (3) (f), renum. (2) (a) 3. to be (2) (a) 4., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83; am. (2) (b) 1., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. to 3., Register, July, 1984, No. 343, eff. 8-1-84; reprinted to correct error in (2) (a) 2., Register, August, 1984, No. 344; emerg. am. (1) (a), eff. 1-2-86; emerg. cr. (3) (a) and (g), eff. 4-22-86; emerg. am. (1) (a) 3, eff. 5-1-86; r. and recr. (1) (a), Register, July, 1986, No. 367, eff. 8-1-86; am. (2) (a) 1. to 3. and (b) 1., cr. (2) (c) and (3) (a) and (g), Register, October, 1986, No. 370, eff. 11-1-86.

NR 25.07 Individual licensee catch quotas. (1) LAKE SUPERIOR. The allotment of harvest quotas as established in s. NR 25.06 (1) to individual licensed commercial fishers on Lake Superior shall be by the Lake Superior commercial fishing board upon application in accordance with sub. (3), and as follows:

(a) *Lake trout*. 1. Each licensed commercial fisher shall receive an equal share of the annual lake trout harvest quota established under s. NR 25.06 (1) (a) 2.

2. Allocation of the lake trout quota to individual licensees shall be by issuance of appropriate tags by the department. The number of tags issued to each individual licensee shall be based on the average dressed weight of individual lake trout commercially harvested during the previous year.

(2) LAKE MICHIGAN AND GREEN BAY. The allotment of harvest quotas as established in s. NR 25.06 (2) to individual licensed commercial fishers on Lake Michigan and Green Bay shall be by the Lake Michigan com-

mercial fishing board upon application in accordance with sub. (3), as follows:

(a) *Chubs*. 1. Chub fishing permits and individual licensee catch quotas shall be issued to all applicants meeting the following criteria:

- a. Presently licensed commercial fishers;
- b. Ownership of a boat of 35 feet in overall length or longer which shall be used by the applicant in fishing under their chub permit;
- c. The boat shall be 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 300,000 pounds of chubs may be harvested during the quota period of July 1 through January 15; 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 based on the reported catch of the previous period within a license year.

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. 1. 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.

3. Any suspension exceeding 7 days shall be reviewed and approved by the department's district director, or their designee, within the first 6 business days of the suspension period. Any revocation, or suspension in excess of 25 days, shall be reviewed by the office of the secretary, or its designee, with opportunity for the permittee to be heard. The revocation or suspension shall be reviewed within 10 business days of receipt of the permittee's request for opportunity to be heard. A permittee is not required to request to be heard by the office of the secretary prior to seeking judicial review.

4. A denial, suspension, or revocation of a permit under this paragraph shall not bar an otherwise qualified applicant from applying for permits for other locations.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.12, Register, October, 1979, No. 286, eff. 11-1-79; r. and recr. Register, June, 1984, No. 342, eff. 7-1-84; renum. from NR 25.09 and am. (4) (intro.) and (5) (b) i.b., Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (1) (b) 1. and 3., eff. 4-22-86; am. (1) (b) 1. and 3., Register, October, 1986, No. 370, eff. 11-1-86.

NR 25.105 Exemptions. Notwithstanding the provisions of this chapter:

(1) From June 1 through March 31, treaty fishers using boats less than 18 feet in length may harvest perch and walleye from the waters of Chequamegon Bay within one mile of the mainland shoreline in Ashland county between the easternmost boundary of the Bad River reservation on Chequamegon Point and a line extending due north from the westernmost boundary of the Bad River reservation as authorized by the department. Only one authorized boat may fish in this area at a time.

(2) From ice out to the Friday before Memorial day, treaty fishers may fish for whitefish and harvest 1,462 incidentally-caught lake trout in those waters defined in s. NR 25.10 (1) (b) 1. The 1,462 lake trout harvested in this area shall be allocated as part of the quota defined in s. NR 25.06 (1) (a) 3. The department may require distinctive tags for this harvest.

History: Cr. Register, October, 1986, No. 370, eff. 11-1-86.

NR 25.11 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; renum. from NR 25.10, Register, January, 1985, No. 349, eff. 2-1-85.

NR 25.12 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

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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; renum. from NR 25.11, Register, January, 1985, No. 349, eff. 2-1-85.

NR 25.13 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; renum. from NR 25.12, Register, January, 1985, No. 349, eff. 2-1-85.

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; renum. from NR 25.14, Register, June, 1984, No. 342, eff. 7-1-84; renum. from NR 25.13, Register, January, 1985, No. 349, eff. 2-1-85.

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; renum. from NR 25.15, Register, June, 1984, No. 342, eff. 7-1-84; renum. from NR 25.12, Register, January, 1985, No. 349, eff. 2-1-85.

NR 25.15 Severability. History: Cr. Register, October, 1979, No. 286, eff. 11-1-79; renum. from NR 25.16, Register, June, 1984, No. 342, eff. 7-1-84; r. under s. 13.93 (2m) (b) 16., Stats., Register, January, 1985, No. 349.

NR 25.16 Lake trout tagging. (1) **IMPORTING UNTAGGED LAKE TROUT.** (a) No licensed wholesale fish dealer or producer of fish including treaty fishers may import untagged lake trout without the dealer or producer or his or her agent providing the department with the identity of the transporter in addition to the information required by s. 29.135 (5) (b), Stats. The information shall be given to a department office.

(b) Upon receipt of 12 or more hours notice of the date, time and location of arrival at the state line of untagged lake trout, the department shall meet the transporter at the date, time and location designated by the licensed wholesale fish dealer or producer of fish or identified trans-

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porter. If the notice is provided less than 12 hours before the anticipated arrival, the department and the licensed wholesale fish dealer or producer of fish or identified transporter shall establish a mutually acceptable time and location where the lake trout shipment may be tagged. If the wholesale fish dealer or producer of fish or transporter has informed the department of the time and location at which untagged lake trout will be crossing the border and the quantity of untagged lake trout, and if the department's representative is not at the border to meet the transporter, then the transporter shall wait ½ hour after the designated time. The transporter may then proceed to deliver the lake trout to the wholesaler's place of business or the place of business listed on the invoice. The wholesaler shall notify the department immediately upon receipt of the lake trout from the transporter. No wholesaler may process or market the lake trout until they have been tagged with individual or package tags.

(c) Shipments of lake trout presented for tagging at the state line under s. 29.135 (5) (b), Stats., which contain boxes of lake trout destined for different locations within the state may be sealed on a box-by-box basis. Box seals may not be removed prior to delivery.

(d) Each shipment of lake trout sealed at the state line by a single seal for the entire shipment or on a box-by-box basis shall be inspected by the department at the wholesale fish dealer's or producer's place of business or place of storage. Each fish shall be tagged by the department with a foreign lake trout tag or smoked/fileted lake trout package tags shall be provided to the wholesale fish dealer or producer of fish under sub. (2) (c).

(e) Foreign lake trout tags may be attached to frozen lake trout by inserting the tag through a hole punched in the caudal fin.

(f) All foreign lake trout tags and all commercial fish tags issued or authorized by the department or by a governmental agency of another state or country, when severed from the lake trout are considered state property and may be claimed by the department within one year of the date they were severed.

(2) FILETED, PORTIONED OR SMOKED LAKE TROUT. (a) Lawfully possessed lake trout which are intended for smoking, portioning or fileting may have the tags removed immediately prior to smoking. Except as set forth in par. (b), the department shall issue to wholesale fish dealers, who are actively selling lake trout, sufficient adhesive smoked/fileted lake trout package tags necessary for no more than one month's processing. The package tags shall be used when the initial tags are removed from the lake trout for smoking, portioning or fileting, according to par. (e). Immediately after smoking, fileting or portioning and packaging, each individual package of smoked, portioned or fileted lake trout shall be tagged with smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package.

(b) In lieu of the procedure set forth in par. (a), the department, if any of the conditions in subds. 1 to 3 are met, may require that the wholesale fish dealer notify the department prior to removing the initial tag from lake trout which are intended for smoking, portioning or fileting. The initial tags shall be exchanged for adhesive smoked/fileted lake trout package tags in denominations which account for an equivalent weight of lake trout less shrinkage for the portioning, smoking or fileting process

according to par. (e). Immediately after smoking, portioning or fileting and packaging, each individual package of smoked or fileted lake trout shall be tagged with smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package. A wholesale fish dealer may be subject to this paragraph if the wholesale fish dealer either:

1. Has been convicted in Wisconsin of any violation resulting in a penalty under s. 29.99 (1) (b), Stats., within the last 2 years, has been convicted of any violation resulting in a penalty under s. 29.99 (1) (c), Stats., within the last 5 years, or has been convicted of any violation resulting in a license revocation under s. 29.99 (1) (e), Stats., within the last 5 years. Convictions prior to July 1, 1985, shall be evaluated according to the standard of s. 29.99, Stats., (1985). This section shall also be applicable to violations that have occurred in any other state or any Canadian province. Such violations shall also be evaluated according to the standard of s. 29.99, Stats., (1985);

2. Is under formal investigation for specific violations relating to the possession or sale of illegal lake trout. Verification that a formal investigation for specific violations is ongoing may be obtained from the investigating officer's supervisor. If the investigation does not result in the issuance of a citation within one year, or the filing of a criminal complaint within 2 years, then package lake trout tags shall be issued under the provisions of par. (a). The system of issuing package lake trout tags set forth in par. (a) may be withheld for a longer period of time, under extenuating circumstances, upon approval by the secretary; or

3. Has within the past 2 years mishandled the tag account system.

(c) Shipments, or boxes in a shipment, of lawfully possessed untagged lake trout which were sealed at the state line by a department representative need not be individually tagged if all the lake trout in the shipment or box are intended for smoking or fileting. The department shall promptly issue adhesive smoked/fileted lake trout package tags to the consignee in denominations which represent the weight of the shipment or box less shrinkage for the fileting or smoking process. Immediately after smoking or fileting and packaging, each individual package of smoked or fileted lake trout shall be tagged with smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package.

(d) No wholesale fish dealer or producer of fish may sell, buy, barter, trade, possess, control or transport any smoked or fileted lake trout unless each individual package of smoked or fileted lake trout is tagged with department smoked/fileted lake trout package tags in denominations which represent the weight of the contents of the package.

(e) The department shall issue adhesive smoked/fileted lake trout package tags in an amount equal to a percentage of the weight of the whole, dressed lake trout. The following percentages shall be used:

1. For fileting, portioning and smoking — 65%
2. For smoking whole — 85%

(3) USED TAGS. (a) When lawfully possessed, lake trout which were tagged with a commercial fish tag issued or authorized by the department or by a governmental agency of another state or country and im-

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ported into this state are sold at retail or to a retail outlet, the wholesale fish dealer shall remove and retain the commercial fish tags. The department may reclaim such tags within one year at the wholesale fish dealer's place of business.

(b) No person may reuse any foreign lake trout tag, smoked/fileted lake trout package tag or any commercial fish tag issued or authorized by the department or by a governmental agency of another state or country.

History: Cr. Register, October, 1986, No. 370, eff. 11-1-86.

NR 25.17 Wholesale fish dealer reports. (1) Licensed wholesale fish dealers who purchase fish outside of Wisconsin for sale within this state, are subject to the reporting requirements of s. 29.135 (6), Stats.

(2) Licensed wholesale fish dealers who make no purchases within a calendar month shall submit a report to the department under s. 29.135 (6), Stats., indicating that they made no purchases for that reporting month.

History: Emerg. cr. eff. 4-22-86; cr. Register, October, 1986, No. 370, eff. 11-1-86.

NR 25.18 Landing of fish. Fish and fish parts caught in commercial fishing operations and kept by Wisconsin licensed commercial fishers for sale or other use shall be brought to shore in Wisconsin unless otherwise authorized in writing by the department.

History: Cr. Register, October, 1986, No. 370, eff. 11-1-86.