

mally 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.

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

(32) "Treaty fisher" means an enrolled tribal member of either the Bad River or Red Cliff bands of Chippewa Indians exercising off-reservation commercial fishing rights in Lake Superior recognized by *State v. Gurnoe*, 53 Wis. 2d 390 (1972).

(33) "Zone 1" means all waters in southern Green Bay.

(34) "Zone 2" means all waters in northern Green Bay and all Lake Michigan waters north of a line running due east from the eastern shore of Door county along 44°40' north latitude to the Wisconsin-Michigan state boundary.

(35) "Zone 3" means all waters of Lake Michigan south of a line running due east from the eastern shore of Door county along 44°40' north latitude to the Wisconsin-Michigan state boundary.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; renum. (6) to (18) to be (7) to (19), (19) to (21) to be (22) to (24), (22) to be (21), cr. (6) and (20), Register, April, 1983, No. 328, eff. 5-1-83; renum. (8) to (14) to be (10) to (16), (15) to be (18), (16) to (18) to be (20) to (22), (19) to (24) to be (24) to (29), cr. (8), (9), (17), (19) and (23), Register, April, 1983, No. 328, eff. 5-1-83; renum. (16) to (29) to be (17) to (30), cr. (16), Register, June, 1985, No. 354, eff. 7-1-85; am. (20), Register, August, 1985, No. 356, eff. 9-1-85; renum. (16) to (30) to be (15) to (31) and cr. (16), Register, February, 1986, No. 362, eff. 3-1-86; emerg. cr. (32), eff. 4-22-86; emerg. cr. (23f), (23i), (23r), (23x), (27i), (27j), (27r), and (27k), eff. 5-5-86; cr. (12m), (12t), (16m), (23m) and (32), Register, October, 1986, No. 370, eff. 11-1-86; cr. (28m), Register, December, 1986, No. 372, eff. 1-1-87; cr. (7g), (7n), (23g), (33) to (35), am. (14), (21) and (25), Register, June, 1989, No. 402, eff. 7-1-89; emerg. r. (12m) and (28m), eff. 4-1-91; r. (12m) and (28m), Register, August, 1991, No. 428, eff. 9-1-91.

NR 25.03 Commercial 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 does not apply to licenses for fishing only for the harvest of rough fish from outlying waters under permit or contract issued under 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 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 Superior during the previous license year unless unavoidable circumstances prevented the applicant from lifting nets. These circumstances shall be reviewed by the Lake Superior commercial fishing board which shall in these cases recommend approval or denial of the license.

3. Any applicant failing to meet the criteria of par. (b) will not be eligible to reapply for such license until the application period for the succeeding license year.

(c) Licenses shall be issued according to the following priorities to applicants otherwise qualified under par. (b):

a. First to individuals who have been licensed commercial fishers on Lake Superior during the preceding license year.

2. Next to individuals who were not licensed the preceding year, but who had been licensed commercial fishers on Lake Superior for at least 2 years.

3. Next to individuals who worked as a licensed crew member on Lake Superior under s. 29.33 (4) (a), Stats., for at least 2 years.

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

5. When the number of qualified applicants for licenses exceed the number of licenses available and those applicants are not affected by the priorities established in par. (c), the licenses shall be awarded on the basis of random selection from all eligible applications.

(d) 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 31 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 any license year shall be limited to the number issued for the previous year. This section does not apply to licenses for fishing only for the harvest of rough fish from outlying waters under a permit or contract issued under s. 29.62 or 29.625, Stats.

(b) 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. The applicant shall show proof of a \$5,000 investment in commercial fishing equipment not to include vehicles other than those directly employed in operating nets.

2. The applicant held a Lake Michigan commercial fishing license throughout the previous license year or received a license by transfer under s. NR 25.04.

3. Beginning with the 1990-1991 license year, the applicant or, where the applicant obtained the license by transfer, the transferor and applicant jointly shall have reported a minimum commercial harvest during the previous license year of yellow perch, menominees, whitefish, chubs or any combination of these species of at least 3,570 total pounds from zone 1, 13,656 total pounds from zone 2 or 19,638 total pounds from zone 3; or shall have reported a minimum commercial harvest of smelt during the previous license year of at least 147,870 total pounds from zone 1 or 76,770 total pounds from zone 3, unless the department determines that unavoidable circumstances prevented the applicant or the transferor from complying with this subdivision.

(3) **APPLICATION.** Application for licenses authorizing commercial fishing in the outlying waters shall be made on forms available from the department and shall be returned to the department no later than April 30 preceding the license year for which application is being made. To be timely, applications, if mailed, must be postmarked no later than April 30 preceding the license year for which application is being made and if submitted to the department other than by mail must be received and stamped with a date stamp of the department indicating receipt no later than April 30 preceding the license year for which application is being made. Late applications for licenses may not be acted upon by the department but shall be returned to the applicant along with the applicant's license fee.

(4) **ROUGH FISH LICENSES.** This section does not apply to licenses for fishing only for the harvest of rough fish from outlying waters under permit or contract issued under s. 29.62 or 29.625, Stats.

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; am. (1) (a), (2) (c) 5. and (3), r. and recr. (1) (b) 2. and 3., (2) (a), r. (2) (b) and (2) (c) 3., renum. (2) (c) (intro.), 1. and 2. to be (2) (b) (intro.) 1. and 2., renum. (1) (b) 4. to be (1) (c) and am., renum. (1) (b) 5. to be (1) (c) 5. and am., renum. (1) (c) to be (1) (d) and am., renum. (2) (c) 4. to be (2) (c) and am., cr. (2) (b) 3., Register, June, 1983, No. 330, eff. 7-1-83; emerg. am. (2) (a), (b) (intro.) and (c) (intro.), cr. (2) (d), (e) and (f), eff. 5-5-86; am. (2) (a) and (b) (intro.), cr. (2) (d) and (e), Register, December, 1986, No. 372, eff. 1-1-87; am. (2) (a), (b) (intro.) and 1., r. (2) (b) 2. intro. and a., (2) (c) to (e), renum. (2) (b) 2. b. to be (2) (b) 2. and am., r. and recr. (2) (b) 3., Register, April, 1988, No. 388, eff. 5-1-88; cr. (2) (b) 4., Register, June, 1989, No. 402, eff. 7-1-89; emerg. r. (2) (b) 2., renum. (2) (b) 3. and 4. to be 2. and 3. and am. 3., am. (3), cr. (4) eff. 4-1-91; r. (2) (b) 2., renum. (2) (b) 3. and 4. to be 2. and 3. and am. 3., am. (3), cr. (4), Register, August, 1991, No. 428, eff. 9-1-91.

NR 25.04 Transfer of commercial fishing licenses. Any licensed commercial fisher may transfer their valid license authorizing commercial fishing in the outlying waters to another person who meets the criteria under s. NR 25.03 and s. 29.33, Stats., for obtaining such a license, subject to the conditions stated in this section.

(1) Application for license transfers shall be made on forms provided by the department.

(2) A licensee may designate on the application for their license authorizing commercial fishing in the outlying waters a person to whom the licensee wishes that license to be transferred in the event of the licensee's death or incapacity. This designation may be changed during the license year as requested in writing by the licensee. The designated person would have to meet the criteria under this section for the transfer to occur.

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

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

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

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

(3) Licenses may not be transferred if the licensee or the transferee is charged with a violation of outlying waters commercial fishing laws under which conviction could cause revocation or suspension of that license. This subsection shall apply from the issuance of the citation or complaint until the matter is adjudicated or dismissed.

(4) Licenses may not be transferred to any person who currently has a license authorizing commercial fishing in the outlying waters under revocation or suspension.

(5) License 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. Such review and approval or denial shall occur no later than the next regular quarterly meeting of the appropriate commercial fishing board.

(6) This section does not apply to the transfer of a license from one boat to another as provided for under s. 29.33 (2) (d), Stats.

(7) Notwithstanding subs. (1) to (6), a licensed commercial fisher may not transfer a license authorizing commercial fishing on Green Bay or Lake Michigan to another person unless:

(a) The person meets the eligibility requirements of subs. (3) and (4) and s. NR 25.03 (2) (b) 1., and

(b) The person is a member of the licensed commercial fisher's immediate family or the person held a non-temporary crew license issued pursuant to s. 29.33 (4) (a), Stats., throughout the previous 2 license years.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; r. and recr. Register, June 1985, No. 354, eff. 7-1-85; emerg. cr. (7), eff. 5-22-86; cr. (7), Register, December, 1986, No. 372, eff. 1-1-87; am. (7) (intro.), Register, April, 1988, No. 388, eff. 5-1-88; emerg. am. (7) (b), eff. 4-1-91; am. (7) (b), Register, August, 1991, No. 428, eff. 9-1-91.

NR 25.05 Open seasons; size limits; possession and harvest 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 may take, catch or kill fish or fish for fish, except as otherwise expressly provided in this chapter.

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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 November 28 to September 30.
(c) Whitefish	December 1 to October 25	December 1 to October 25	At all times
(d) Chubs	No open season except September 1 to January 15 and March 1 to May 31 in that portion of Green Bay in the northern chub fishing zone	March 1 to January 15. From January 16 to the end of February in the southern chub fishing zone in water 60 fathoms deep or deeper, subject to ss. NR 25.06 (2) (a), 25.07 (2) (a) and 25.09	At all times
(e) Yellow perch	July 1 to March 15 except: 1. Gill nets may be used from May 20 to March 15; 2. From January 1 to March 15 only commercial ice fishing is legal; 3. September 15 to April 30 in zone 2; 4. All to be subject to ss. NR 25.06 (2) (b) and 25.07 (2) (b)	September 15 to April 30	No open season
(g) Menominees (round whitefish)	At all times	At all times	At all times
(gm) Carp, bullheads, burbot, catfish, gizzard shad, suckers, white bass, white perch	No open season except by permit or contract issued under s. 29.62, 29.623 or 29.625, Stats.	No open season except by permit or contract issued under s. 29.62, 29.623 or 29.625	At all times
(gn) Smelt	At all times except trawls may be used only from June 15 to September 30 and only from one hour after sunset to one hour before sunrise	At all times except trawls may be used only from Nov. 15 to April 20	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.

Species	A	B	C
	Green Bay	Lake Michigan	Lake Superior
(a) Lake trout			No size limit for gill nets and a maximum of 25 inches for entrapping nets
(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		
(g) Catfish	16 inches	16 inches	
(h) Others	No size limit	No size limit	No size limit

(3) **POSSESSION AND HARVEST LIMITS.** Except as otherwise provided, no person may possess species of fish for which there is no open season. No person, while on the water, may possess species of fish outside of the open season for that species. The harvest 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 harvesting such fish. No person may take, catch or kill more fish than authorized by his or her harvest limit. No person may fish for a species of fish in a zone for which the person has no harvest limit.

(4) **ICE FISHING.** Commercial fishing through the ice in Green Bay and Lake Michigan is prohibited after March 15 during each license year.

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; am. (1) (cr), (e), (g) and (gm), r. (1) (f) and (2) (f), cr. (1) (gn) and (4), Register, June, 1989, No. 402, eff. 7-1-89; 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; am. (1) (d), (e), (g) and (gm), r. (1) (f) and (2) (f), cr. (1) (gn) and (4), Register, June, 1989, No. 402, eff. 7-1-89; emerg. am. (2) (a), eff. 11-28-90; emerg. am. (1) (g), (gn) and (3), eff. 4-1-91; am. (2) (a), Register, July, 1991, No. 427, eff. 8-1-91; am. (1) (g), (gn) and (3), Register, August, 1991, No. 428, eff. 9-1-91.

NR 25.055 Supervisor presence required. History: Cr. Register, December, 1986, No. 372, eff. 1-1-87; am. (intro.), Register, April, 1988, No. 388, eff. 5-1-88; emerg. r. eff. 4-1-91; r. Register, August, 1991, No. 428, eff. 9-1-91.

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 wa-
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ters 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 50,600 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, and from the waters of Lake Superior west of Bark Point may not exceed 600 lake trout, during the open season.

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 39,600 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 50% for the Bad River band and 50% for the Red Cliff band.

4. All lake trout caught in gill nets not less than 4½ inch stretch measure set in waters less than 330 feet (55 fathoms) deep shall be kept and tagged. Lake trout caught in gill nets in waters 330 feet (55 fathoms) deep or deeper or in entrapping nets may be returned to the lake or kept and tagged, except that dead lake trout 25 inches or less in length caught in entrapping nets shall be kept and tagged. All lake trout, dead or alive, larger than 25 inches in length caught in entrapping nets shall be returned to the lake. 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 3,600,000 pounds.

2. No more than 500,000 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 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 in zone 1 for any license year may not exceed 400,000 pounds.

2. The total allowable commercial harvest in zone 2 for any license year may not exceed 13,300 pounds.

3. The total allowable commercial harvest in zone 3 for any license year may not exceed 306,700 pounds.

(c) *Smelt.* The total allowable annual commercial harvest of smelt in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

1. During April 1 through June 30, 1991, the total allowable commercial harvest of smelt may not exceed 337,665 pounds in Lake Michigan and Green Bay, of which no more than 137,665 pounds may be taken from Green Bay. Thereafter, the total allowable commercial harvest of smelt in any license year may not exceed 2,358,000 pounds in Lake Michigan and Green Bay, of which no more than 830,000 pounds may be taken from Green Bay.

(d) *Menominees.* 1. The total allowable annual commercial harvest of menominees in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

2. The total allowable commercial harvest of menominees in Lake Michigan and Green Bay may not exceed 75,000 pounds in any license year, with no more than 1,000 pounds to be taken from zone 1, 46,000 pounds from zone 2 and 28,000 pounds from zone 3.

(e) *Whitefish.* 1. The total allowable annual commercial harvest of whitefish in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

2. The total allowable commercial harvest of whitefish in Lake Michigan and Green Bay may not exceed 1,300,000 pounds in any license year, with no more than 118,695 pounds to be taken from zone 1, 1,068,255 pounds from zone 2 and 113,050 pounds from zone 3.

(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; emerg. am. (1) (a) 1. to 3., eff. 3-10-87; am. (1) (a) 1. to 3., Register, December, 1987, No. 384, eff. 1-1-88; am. (2) (c) 3., Register, April, 1988, No. 388, eff. 5-1-88; am. (2) (b) (intro.) and 1., (c) 1., a. (2) (b) 2. and 3., (2) (d) and (e), Register, June, 1989, No. 402, eff. 7-1-89; am. (2) (b) 1., Register, January, 1990, No. 409, eff. 2-1-90; emerg. am. (1) (a) 1. to 4., eff. 11-28-90; emerg. am. (2) (c) (intro.) and 1., r. (2) (c) 2. and 3., eff. 4-1-91; am. (2) (b) 1., Register, June, 1991, No. 426, eff. 7-1-91; am. (1) (a) 1. to 4., Register, July, 1991, No. 427, eff. 8-1-91; am. (2) (c) (intro.) and 1., r. (2) (c) 2. and 3., Register, August, 1991, No. 428, eff. 9-1-91; am. (2) (a) 1. and 2. and (e) 2., Register, March, 1992, No. 435, eff. 4-1-92.

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

(a) *Chubs.* 1. A chub fishing permit shall be issued under this subdivision to each applicant who selects the northern chub fishing zone under sub. (3) (d) and meets the following criteria:

a. Is a licensed commercial fisher;

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

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

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

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

a. Is a licensed commercial fisher;

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

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

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

a. No more than 100,000 pounds of chubs may be harvested during the quota period of July 1 through September 30; no more than 250,000 pounds of chubs may be harvested during the quota period of October 1 through January 15 except that this amount shall be adjusted to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period; and no more than 150,000 pounds of chubs may be harvested during the quota period of March 1 through June 30 except that this amount shall be adjusted to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period.

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

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

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

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

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

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

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

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

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

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

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

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

d. Any permittee with an individual chub quota allotment under subpar. a. 1) and 2) may transfer up to 100% of his or her allotted chub quota to another permittee with an individual chub quota allotment under subpar. a. 1) and 2). A quota transfer under this subparagraph shall be in effect only during the current license year, and shall be subject to sub. (6).

e. Any permittee with an individual chub quota allotment under subpar. a. may temporarily transfer, for the remainder of the current license year, all or part of his or her individual chub quota allotment to a person who holds a permit under subpar. b., subject to s. NR 25.08 (intro.), (1), (4) and (5). However, a quota transfer approved under s. NR 25.08 (5) is not valid and may not be fished until either of the following occurs:

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1) The transferee reaches his or her limit under subpar. b. 1) upon taking 10% of the "racehorse" allotment made under subpar. b. during the license year; or

2) The department, acting under subpar. f., has closed the southern chub zone "racehorse" fishery by notifying permittees fishing under subpar. b. to cease fishing; all of the transferee's nets in the water have been lifted and the legal fish in the nets harvested; and one calendar day has passed.

f. The department shall notify permittees to cease fishing upon receipt of information that 85% of their allotment as established in subds. 3.a. and b. has been harvested except that all nets in the water shall be lifted under s. NR 25.09 (2) (a) 9., and the legal fish therein harvested.

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

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

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

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

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

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

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

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

Note: If during the base catch period (January, 1979 — December 1982), a permittee reported catching a total of 20,200 pounds of perch and the overall total reported perch harvest

was 1,600,000 pounds, that permittee's individual license catch quota percentage would be 1.26%. If the total allowable annual commercial harvest was set at 100,000 pounds, that permittee's individual licensee catch quota would be 1,260 pounds.

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

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

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

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

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

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

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

2. A yellow perch fishing permit and individual licensee catch quota for zone 3 shall be issued to each applicant who holds a commercial fishing license issued under s. 29.33, Stats., reported a commercial harvest of yellow perch legally taken from zone 3 between January 1, 1984 and December 31, 1988 and, effective July 1, 1990, applied for and received a yellow perch fishing permit for zone 3 for the license year preceding the license year for which the permit application is being made, unless unavoidable circumstances prevented application for or receipt of that previous year's permit. Those circumstances shall be reviewed by the Lake Michigan commercial fishing board which shall approve or deny the pending permit application.

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

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

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

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

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

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

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

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

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

b. In zone 2, by dividing the total menominee commercial harvest from zone 2 during the period from January 1, 1983 to December 31, 1987 reported under that license by the total reported commercial harvest of menominee from zone 2 during that period, and multiplying the result by 100, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) **REALLOCATION OF SURPLUS TOTAL ALLOWABLE COMMERCIAL HARVEST.** If the number of eligible permittees is inadequate to utilize a total allowable commercial harvest established by s. NR 25.06 (2) (a) 3., (b), (d) or (e) and allocated under sub. (2) (a) 3. a., (b), (bg), (br), (d), (e), (f) or (g), the surplus shall be divided permanently among the remaining eligible permittees based on the percentage calculated for each permittee under sub. (2) (a) 3. a., (b), (bg), (br), (d), (e), (f) or (g), respectively.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. r. and recr. and cr. (2) (a) 1. eff. 5-16-79; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; r. and recr. (2) (a) 1., Register, June, 1981, No. 306, eff. 7-1-81; emerg. am. (1) (a), eff. 7-1-81; am. (1) (a), Register, August, 1981, No. 308, eff. 9-1-81; emerg. cr. (2) (a) 1. b. 6., eff. 1-2-82; am. (2) (a) (intro.) Register, April, 1982, No. 316, eff. 5-1-82; emerg. am. (2) (a) 1. b. and c., eff. 7-1-82; am. (2) (a) 1. b. and c. and (3), Register, September, 1982, No. 321, eff. 10-1-82; cr. (2) (a) 1. b. 6., Register, February, 1983, No. 326, eff. 3-1-83; am. (1) and (2), Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. (2) (a) 2., (2) (b) and (3), r. (2) (a) 4. and 5., renum. (2) (a) 3. to be (2) (a) 4. and am., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83; am. (1) (b) 1., (2) (b) 2. c. and 5., cr. (2) (b) 1. c. and d., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. b. and 2. a., renum. (2) (a) 3. c. to be 3. d., cr. (2) (a) 3. c., Register, July, 1984, No. 343, eff. 8-1-84; am. (2) (a) 2, intro. and b., 3. intro. and d., r. and recr. (3) to (6), Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (2) (a) 3. b. 2., eff. 3-15-85; am. (2) (a) 3. c., renum. (2) (a) 3. d. to be 3. e., cr. (2) (a) 3. d., Register, May, 1985, No. 353, eff. 6-1-85; am. (1) (a), Register, June, 1985, No. 354, eff. 7-1-85; am. (2) (a) 3. b. 2., Register, July, 1985, No. 355, eff. 8-1-85; am. (2) (a) 2. a., Register, August, 1985, No. 356, eff. 9-1-85; am. (1) (d), Register, February, 1986, No. 362, eff. 3-1-86; emerg. am. (2) (a) 3. d., eff. 5-5-86; am. (2) (a) 2. a. and b., r. (2) (a) 2. c., Register, October, 1986, No. 370, eff. 11-1-86; r. and recr. (2) (a) 3. d., Register, December, 1986, No. 372, eff. 1-1-87; cr. (2) (c), Register, January, 1988, No. 385, eff. 2-1-88; am. (2) (a) 3. b., Register, July, 1988, No. 391, eff. 8-1-88; r. (2) (a) 3. d. 3., am. (2) (a) 1. and 3. intro., cr. (2) (a) 1m., r. and recr. (2) (a) 2. a., Register, January, 1989, No. 397, eff. 7-1-89, except (2) (a) 3. d. 3., eff. 2-1-89; r. (2) (a) 4., (b) 4. and (c) 5., am. (2) (b) 5., Register, June, 1989, No. 402, eff. 7-1-89; emerg. renum. (2) (b) 1. to 3. to be 2. to 4. and am. 2. intro., c. and d., 3. c. and 4., cr. (2) (b) 1., (bg) and (d) to (g), eff. 7-1-89; renum. (2) (b) 1. to 3. to be 2. to 4. and am. (2) (b) 2. intro., c. and d., 3. c. and 4., cr. (2) (b) 1., (bg), (br) and (d) to (g), Register, October, 1989, No. 406, eff. 11-1-89; emerg. r. (2) (b) 5. and (c), renum. (2) (d) to (g) to be (2) (c) to (f), am. (3) (a) and (b), eff. 4-1-91; r. (2) (b) 5. and (c), renum. (2) (d) to (g) to be (2) (c) to (f), am. (3) (a) and (b), Register, August, 1991, No. 428, eff. 9-1-91; r. (2) (a) 3. b. 2) and c., (b) 3. b., (bg) 4. and (br) 4., am. (2) (a) 3. d., renum. (2) (a) 3. e., (b) 3. c., (bg) 5. and (br) 5. to be (2) (a) 3. l., (b) 3. b., (bg) 4. and (br) 4., cr. (2) (a) 3. e. and (7), Register, November, 1991, No. 431, eff. 12-1-91; am. (2) (a) 2. a., Register, March, 1992, No. 435, eff. 4-1-92; reprinted to correct error in (2) (a) 2. a., Register, May, 1993, No. 449.

NR 25.08 Transfer of individual licensee catch quotas. Individual licensee catch quotas allotted under s. NR 25.07 (1) (a) or (2) (a) 3. a., (b), (bg), (br), (d), (e), (f) or (g) may be transferred by the licensee receiving the quota allocation to another valid licensee authorized to engage in commercial fishing in the waters to which the quota applies, who meets all criteria for receiving such a quota other than previous fishing history, subject to the conditions stated in this section.

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

(2) All or part of an individual licensee catch quota allotted under s. NR 25.07 (2) (a) 3.a., (b), (bg), (br), (d), (e), (f) or (g) may be permanently or temporarily transferred by the quota holder.

(2m) A northern chub fishing zone permit issued under s. NR 25.07 (2) (a) 1., or a forage fish trawling permit issued under s. NR 25.07 (2) (c) 2., may be permanently transferred by the permit holder only in conjunction with the transfer of the permit holder's valid license authorizing commercial fishing in the outlying waters under s. NR 25.04.

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

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

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

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

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

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

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

(5) Individual licensee catch quota transfers shall be reviewed and approved or denied by the commercial fishing board of the body of water for which the quota applies. Such review and approval or denial shall occur

no later than the next regular quarterly meeting of the appropriate commercial fishing board.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (intro.), eff. 7-1-89, am. (intro.), Register, October, 1989, No. 406, eff. 11-1-89; am. (intro.) and (2), cr. (2m), Register, November, 1991, No. 431, eff. 12-1-91.

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

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

1. With a mesh size of not more than 1¾" stretch measure.
2. With a mesh size of not less than 2⅝" and not more than 2¾" stretch measure.
 - a. Not more than 35 meshes in depth in water 12 to 90 feet (2 to 15 fathoms) deep or 210 feet (35 fathoms) and deeper.
 - b. Not more than 60 meshes in depth may be used provided the bottom maitre cord or lead line is at least 6 feet (1 fathom) above the lake bottom.
3. With a mesh size of not less than 2½ inch and not more than 3 inch stretch measure:
 - a. Only in water 60 feet (10 fathoms) deep or deeper.
 - b. Only from November 15 through March 31.
4. With a mesh size of not less than 4½ inch stretch measure:
 - a. Not more than 30 meshes in depth and only when set on the bottom of the lake, except that treaty fishers may use a mesh size of not less than 4¼ inch stretch measure and not more than 50 meshes deep until November 28, 1991.
 - b. No more than 10,000 feet of these nets may be used by each licensed commercial fisher in water less than 330 feet (55 fathoms) deep and then only from November 28 through September 30.
 - bm. In water less than 330 feet (55 fathoms) deep: 1) No more than 1,000 total feet of these nets may be set by each licensed commercial fisher over the entire time period of November 28 through March 31 for every 18 lake trout tags issued to the fisher under s. NR 25.07 (1) and obtained by transfer prior to November 28 under s. NR 25.08;
 - 2) No more than X total feet of these nets may be set by each licensed commercial fisher over the entire time period of April 1 through May 31, where X = 1.636 multiplied by the feet of net allowed but not set under subpar. bm. 1); and
 - 3) No more than Y total feet of these nets may be set by each licensed commercial fisher over the entire time period of June 1 through September 30, where Y = 3.67 multiplied by the number of feet of net allowed but not set under subpar. bm. 2).
 - c. May be used in water more than 330 feet (55 fathoms) deep at any time.

d. May not be set in water less than 330 feet (55 fathoms) deep for the remainder of the lake trout open season by a licensed commercial fisher upon use of all tags issued for lake trout to the fisher under s. NR 25.07 (1) (a), or upon use of the total number of feet of gill net permitted to be set in any time period under subpar. bm.

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e. Shall be tagged by the licensed commercial fisher using the gill net with an informational tag, supplied by the department, on each buoy line 10 feet below the water's surface. Each tag shall state the time and date upon which the gill net was set, the length of the gang of nets, the license number and the licensee's initials.

f. May not be placed in the waters of Lake Superior from a boat or watercraft from January 15 through March 31.

g. May not be set or placed within $\frac{1}{4}$ mile of any entrapping net.

5. Shall be lifted a minimum of:

a. Once every 72 hours (3 days) in open water less than 96 feet (16 fathoms) deep.

b. Once every 120 hours (5 days) in open water 96 to 210 feet (16 to 35 fathoms) deep.

c. Once every 240 hours (10 days) in open water more than 210 feet (35 fathoms) deep.

d. Once every 120 hours (5 days) in commercial ice fishing.

(b) *Entrapping nets:*

1. Only when the pot or crib is set, placed or operated in water not more than 78 feet (13 fathoms) deep.

2. May be set, placed or operated only by permit issued under s. NR 25.10 (4) in that part of Lake Superior lying between a line extending due north from the harbor entrance at Cornucopia in section 34, township 51 north, range 6 west, Bayfield county, and a line extending due north from the mouth of the Bad river in section 17, township 48 north, range 2 west, Ashland county, and including all of the Apostle Islands area.

3. May be used up to 10 such nets by each licensed commercial fisher, that being the maximum number of pots or cribs allowed.

4. Shall be lifted a minimum of once every 168 hours (7 days).

5. Shall be removed from the water or shall have the fish holding or pot portion rendered inoperable during the closed seasons for whitefish and lake trout, on pound nets and trap nets.

6. May not be placed within $\frac{1}{2}$ mile of any other entrapping net.

(c) *Encircling nets and trawls:* Only for taking fish species for which there is no minimum size limit and which are legal in other commercial fishing gear.

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

1. With a mesh size of not more than $1\frac{3}{4}$ inch stretch measure not exceeding 60 meshes in depth in Green Bay and 30 meshes in depth in Lake Michigan for taking smelt only.

2. With a mesh size of not less than $2\frac{3}{8}$ inch and not more than $2\frac{1}{2}$ inch stretch measure not exceeding 60 meshes in depth in southern Green Bay only.

3. With a mesh size of not less than 2½ inch and not more than 2¾ inch stretch measure, and not less than 24 meshes and not more than 60 meshes in height, only in the southern chub fishing zone in water more than 150 feet (25 fathoms) deep.

4. With a mesh size of not less than 2½ inch and not more than 2¾ inch stretch measure:

a. For chubs in Lake Michigan and Green Bay, in the northern chub fishing zone only.

b. For other legal fish species in Lake Michigan and Green Bay.

c. May not exceed 18 meshes in depth when set in waters less than 150 feet (25 fathoms) deep in Lake Michigan outside the northern chub fishing zone.

d. May not exceed 60 meshes in depth when set in Green Bay, or in waters 150 feet (25 fathoms) deep or deeper in Lake Michigan, or within the northern chub fishing zone.

6. With a mesh size of not less than 4 inch and not more than 4½ inch stretch measure:

a. Only in southern Green Bay in water less than 30 feet (5 fathoms) deep.

c. From May 20 to March 9, except during the closed season for whitefish.

d. Not more than 30 meshes in depth.

7. With a mesh size of not less than 4½ inch and not more than 6½ inch stretch measure:

a. In those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Bailey's Harbor on 135° bearing.

b. In Green Bay.

c. Only during the open season for whitefish.

d. May not exceed 30 meshes in depth for one-half of the total length of these nets set at any time by a licensed commercial fisher, and the remaining half may not exceed 50 meshes in depth.

8. With a mesh size of not less than 6½" stretch measure:

b. Only during the open seasons for whitefish and yellow perch.

c. Not more than 12 meshes in depth.

9. With a mesh size of 4 inch or larger stretch measure, not to exceed 12,000 feet may be used by each licensed commercial fisher at any one time.

10. Shall be lifted a minimum of:

a. Once every 24 hours (1 day) in open water less than 150 feet (25 fathoms) deep for all mesh sizes in Green Bay and Lake Michigan except as provided in subpar. d.

b. Once every 120 hours (5 days) in open water 150 feet (25 fathoms) deep or deeper for mesh sizes of not more than 2¾ inch stretch measure in Lake Michigan.

c. Once every 48 hours (2 days) in commercial ice fishing.

d. Once every 120 hours (5 days) in open water less than 150 feet (25 fathoms) deep for mesh sizes of not more than 2-3/4 inch stretch measure in Lake Michigan.

(b) *Entrapping nets:*

1. Drop nets and fyke nets:

a. Only during the open season for yellow perch, except by permit issued under s. NR 25.10 (4).

b. May be used up to 30 drop nets or fyke nets in aggregate by each licensed commercial fisher, that being the maximum number of pots allowed.

c. Shall be lifted a minimum of once every 72 hours (3 days).

2. Pound nets and trap nets:

a. Only when the pot or crib is set, placed or operated in water not more than 78 feet (13 fathoms) deep.

b. May be used up to 12 pound nets or trap nets in aggregate by each licensed commercial fisher, that being the maximum number of pots or cribs allowed.

c. Shall be lifted a minimum of once every 120 hours (5 days).

d. Shall have the fish holding or pot portion rendered inoperable during the closed season for whitefish and shall have the webbing removed from the water within 14 days after the close of the whitefish season.

e. May be used to take fish in the waters of Lake Michigan lying south of a line extending from the Lake Michigan shoreline along 44°45'50" north latitude only during the period including the day after Labor Day to June 14. Beginning June 15, the fish holding or pot portion shall be rendered inoperable. The webbing shall be removed from the water by June 28 and may not be reinstalled until the day after Labor Day.

(c) *Seines:*

1. With a mesh size of not less than 3 inch stretch measure.

2. Not less than 75 feet in length.

(d) *Trawls:*

1. In southern Green Bay:

a. Only for taking smelt under s. NR 25.06 (2) (c).

b. Only in water more than 65 feet deep.

c. Only north of a line from the southernmost point of Little Tail point to the Green Bay navigation channel entrance light.

d. When used to harvest smelt in Green Bay, diverters with openings no larger than $\frac{1}{8}$ inch wide shall be used.

2. In Lake Michigan:

a. Only in waters 60 feet (10 fathoms) deep or deeper bounded by a line beginning at a point where $44^{\circ} 30'$ north latitude intersects with the Wisconsin shore of Lake Michigan, then proceeding east along $44^{\circ} 30'$ north latitude, to its intersection with $87^{\circ} 10'$ west longitude, then proceeding south along $87^{\circ} 10'$ west longitude to its intersection with $44^{\circ} 10'$ north latitude then proceeding west along $44^{\circ} 10'$ north latitude to its intersection with $87^{\circ} 20'$ west longitude, then proceeding south along $87^{\circ} 20'$ west longitude to its intersection with $43^{\circ} 50'$ north latitude, then proceeding west along $43^{\circ} 50'$ north latitude to its intersection with $87^{\circ} 40'$ west longitude, then proceeding north along $87^{\circ} 40'$ west longitude to its intersection with $44^{\circ} 00'$ north latitude, then proceeding west along $44^{\circ} 00'$ north latitude to the Wisconsin shore of Lake Michigan and then north along the shore to the point of beginning. This area can also be described as all of grids 1105, 1205, 1304, 1403 and 1404, and part of grids 1104, 1204 and 1303.

b. Only for taking smelt as provided in s. NR 25.06 (2) (c) except chubs may be harvested during the trawling season for smelt, subject to s. NR 25.07 (2) (a).

c. Beginning July 1, 1991, when used to harvest smelt in Lake Michigan, diverters with openings no larger than $1\frac{1}{2}$ inch wide shall be used.

(3) NET OPERATING REQUIREMENT. (a) Nets do not have to be lifted on Sunday, except as required by notice issued under s. NR 25.07.

(b) The 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.

(4) NET MESH MEASUREMENT. Whenever the size of mesh of any net is specified in this chapter, the size shall be considered stretch measure.

(a) Stretch measure shall be determined by exerting a one pound strain on a mesh knot and measuring the mesh opening immediately above that knot on which the strain is applied from the inside edge of that knot to the inside edge of the knot directly opposite. 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 and measuring devices to be used under par. (a) shall be tested, approved and certified by the Wisconsin department of agriculture, trade and consumer protection, or other governmental entity authorized to do so.

(c) Measurement shall be made of meshes in a wet condition.

(d) If the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the net are found to be illegal, the entire net shall be considered illegal and shall be seized and held subject to the order of the court.

(5) MOVEMENT OF COMMERCIAL FISHING GEAR. Whenever any gill nets, encircling nets or trawls catch illegal fish of any species in an amount equal to 10% or more by weight or numbers of the total legal catch, those

nets shall be immediately removed from the water, and may not be reset, placed, replaced, recast or operated during that same day unless:

(a) All parts of the net are moved a distance of at least 3 miles from that site; or

(b) Moved to a water depth where no part of the net is within 30 feet (5 fathoms) in depth of the water depth at which the catch of illegal fish was made.

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; emerg. r. and recr. (3) (a) 4., r. (5) (a) 3., renum. (5) (b) to be (5) (c), cr. (5) (b), eff. 7-1-81; r. and recr. (3) (a) 4., r. (5) (a) 3., renum. (5) (b) to be (5) (c), cr. (5) (b), Register, August, 1981, No. 308, eff. 9-1-81; renum. (5) and (6) to be (6) and (7), renum. (4) (g) to be (5) (a), renum. (4) (h) and (i) to be (5) (b) and (c) and am., cr. (5) (intro.), Register, November, 1981, No. 311, eff. 12-1-81; am. (2) (a) 9. and (2) (b) 2., Register, April, 1982, No. 316, eff. 5-1-82; renum. (5) and (6) to be (6) and (6m), cr. (5), Register, October, 1982, No. 322, eff. 11-1-82; am. (2) (a) 2. and (5) and r. (6) (b) and (c), Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, June, 1984, No. 342, eff. 7-1-84; renum. from NR 25.08 and am. (1) (b) 2. and (2) (b) 1.a., Register, January, 1985, No. 349, eff. 2-1-85; am. (2) (a) 6.a., Register, August, 1985, No. 356, eff. 9-1-85; emerg. am. (1) (a) 4. b., eff. 4-22-86; am. (1) (a) 4. b., renum. (2) (a) 3. to 9. to be 4. to 10. and am. 5. and 10. a. and b., cr. (2) (a) 3., 4. c. and d., r. and recr. (2) (d) 2., Register, October, 1986, No. 370, eff. 11-1-86; am. (2) (d) 2. c., Register, April, 1988, No. 388, eff. 5-1-88; am. (2) (a) 10. a., cr. (2) (a) 10. d., Register, July, 1988, No. 391, eff. 8-1-88; am. (2) (a) 1. and 2., 4.a., c. and d., (b) 2.d., r. and recr. (2) (a) 3., r. (2) (a) 5., 6.b. and 8.a., cr. (2) (b) 2.c. and (d) 1.d., Register, June, 1989, No. 402, eff. 7-1-89; emerg. am. (1) (a) 4. a., (2) (b) 2. e., (d) 1. a., b. and d., 2. b., cr. (1) (a) 4. bm. and d. to g., (b) 6., r. and recr. (2) (d) 2. c., eff. 4-1-91; am. (1) (a) 4. a., cr. (1) (a) 4. bm., d. to g. and (b) 6., Register, July, 1991, No. 427, eff. 8-1-91; am. (2) (b) 2. e., (2) (d) 1. a., b. and d., 2. b., r. and recr. (2) (d) 2. c., Register, August, 1991, No. 428, eff. 9-1-91.

NR 25.10 Restricted commercial fishing areas. The following restrictions apply to the use of the specified commercial fishing gear in the indicated areas:

(1) **LAKE SUPERIOR.** (a) No commercial fishing gear of any kind except nets by permit issued under sub. (4) for the taking of rough or detrimental fish, or entrapping nets by permit issued under sub. (4) for the taking of whitefish may be used, set, placed or operated in the following waters:

1. Allouez bay, Superior bay, and St. Louis bay, all in Douglas county and as described in s. 29.015, Stats.

2. All waters within one-fourth mile of the mouth of any navigable stream flowing into Lake Superior.

3. All waters within one-fourth mile of any harbor, pier or breakwater from April 15 through November 30.

4. That portion of Chequamegon bay lying south of a line beginning at the easternmost point of Houghton point in section 27, township 49 north, range 4 west, Bayfield county, then proceeding northeasterly to the signal light on the western end of Long island in section 13, township 48 north, range 4 west, Ashland county, then along the south or west shore of Long island and on across the cut, if present, along the south or west shore of Chequamegon point to where Chequamegon point joins the mainland in section 1 or 12, township 48 north, range 3 west, Ashland county.

(b) No commercial fishing gear of any kind except nets by permit issued under sub. (4) for the taking of rough or detrimental fish may be used, set, placed or operated in the following waters:

1. All waters bounded by a line beginning at the mouth of Graveyard creek in section 3, township 47 north, range 1 west, extending north to the Gull Island Shoals refuge south boundary as described in s. NR 26.23 (1) (a), then east to the Wisconsin-Michigan state line, then southerly along the state line to the shore at the mouth of the Montreal river in section 7, township 47 north, range 1 east, all in Iron county, except from November 15 through December 15 in water 84 feet (14 fathoms) deep or deeper, when and where gill nets with a mesh size of not less than 2½ inch and not more than 3 inch stretch measure may be used for taking lake herring.

2. That portion of Siskiwit bay lying south of a line extending from Roman (Quarry) point in section 29, township 50 north, range 6 west, to Squaw point in section 22, township 50 north, range 6 west, all in Bayfield county.

3. All waters bounded by a line beginning at the signal light on the western end of Long island in section 13, township 48 north, range 4 west, then extending northeasterly to the southernmost point of Madeline island in section 6, township 49 north, range 4 west, then due east to the western boundary of Gull Island Shoals refuge as described in s. NR 26.23 (1) (a), then southerly along the refuge boundary latitude 46° 40', then due west to the mainland shoreline, then northwesterly along the shoreline to the point of beginning, all in Ashland county, except waters within 1½ miles of the mainland shoreline in Ashland county.

4. All waters less than 90 feet (15 fathoms) deep lying between a point extending due north from the mouth of the Iron river in section 34, township 50 north, range 9 west, and a line extending due north from the mouth of the Cranberry river at Herbster in section 5, township 50 north, range 7 west, all in Bayfield county.

5. All waters less than 210 feet (35 fathoms) deep lying between a line extending due north from the mouth of the Iron river in section 34, township 50 north, range 9 west, Bayfield county, and the Wisconsin-Minnesota state line, except all waters more than 90 feet (15 fathoms) deep lying between a line extending due north from the mouth of the Iron river and a line extending due north from the mouth of the Bois Brule river in section 10, township 49 north, range 10 west, Douglas county, where gill nets with a mesh size of 3 inches or less stretch measure may be used from November 15 through December 31.

6. All waters less than 72 feet (12 fathoms) deep lying between a line extending due north from the mouth of the Cranberry river at Herbster in section 5, township 50 north, range 7 west, and a line extending due north from the northernmost point of Roman (Quarry) point in section 29, township 50 north, range 6 west, all in Bayfield county, except that portion of Bark bay lying southwesterly of a line beginning at Roman (Quarry) point and extending northwesterly to Bark point in section 24, township 50 north, range 7 west, all in Bayfield county, which shall be open from April 1 through May 31.

7. All waters less than 54 feet (9 fathoms) deep or within one mile of the mouth of any stream flowing into Lake Superior, lying between a line extending due east from the breakwall light at Port Superior in Pikes bay in section 27, township 50 north, range 4 west, and a line extending due east from the easternmost point of Houghton point in section 27, town-