

Chapter NR 25

OUTLYING WATERS; COMMERCIAL FISHING

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(Section 29.085, Wis. Stats.)

NR 25.01 Measurement of nets. (1) Whenever the size of mesh of any gill net is specified, the size shall be determined by extension measure. The measurement shall be made of meshes irrespective of where the gill net or gill netting is found, whether in the water, on boat, on reel, on dock, or in any other place on land. Extension measure shall mean the distance between the extreme angles of any single mesh, and such measurements shall be taken between and inside the knots with a flexible steel gauge constructed and used as prescribed by the national bureau of standards as hereinafter defined. All measurements of the mesh of gill nets or gill netting shall be made by inserting in the mesh parallel with the selvage, a gauge made of spring steel, free from rust, of a length equal to the number of inches prescribed in this chapter for the mesh measured. The ends of the gauge shall be free of sharp edges or burrs. The gauge shall be straight and shall not be graduated, and any necessary markings shall be placed near the ends of the gauge. The length of the straight gauge, measured parallel with the long edge, shall not at any point exceed nor be less than the prescribed length by more than one-thousandth (.001) of an inch. Its width at any point shall not exceed 9/16 of an inch nor be less than 7/16 of an inch. Its thickness shall be such that when it is set vertically on a solid anvil with its upper end loaded with a dead weight between 7½ and 8½ ounces, the gauge shall deflect at its middle 1/10 of its length. The gauges to be used for measuring the mesh of gill nets or gill netting as provided by this chapter shall be certified and approved by the national bureau of standards.

(2) In gauging a mesh, the flexible gauge shall be held only by the ends and bent between thumb and forefinger, the bent rule shall be then inserted in the mesh parallel with the selvage and with the collapsed mesh, and finger pressure shall be released immediately, not gradually. If the gauge does not straighten out completely under its own tension within 2 seconds after it is released in the mesh, without slipping a knot or breaking the twine, the mesh shall be considered

unlawful; and if the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the gill net or from the entire gill net or from any gill netting being gauged are found to be unlawful, the gill net or gill netting shall be seized and held subject to the order of the court. The meshes to be gauged shall be at least three meshes removed from the selvage or side lines, shall not be stretched or manipulated in any way prior to or after the insertion of the gauge, and the same mesh shall not be gauged more than once.

(3) Whenever and wherever the size of the mesh of gill nets or gill netting is prescribed in this order it shall be the size of the mesh throughout the entire life of the gill net or gill netting.

History: 1-2-56; renum. WCD 25.01 to be NR 25.01, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.02 Reserve waters. The following waters are reserve waters and except as otherwise expressly provided no nets of any kind or set hooks shall be used, set, placed or operated therein.

(1) Allouez Bay, Superior Bay, St. Louis Bay, the St. Louis river and Chequamegon Bay beginning at the Houghton Point signal light proceeding in a southerly direction following the mainland shoreline to the city of Ashland and continuing along to Chequamegon Point and on across the cut, if present, thence along the south or west shore of Long Island to the signal light on the extreme northwest point of Long Island, thence westerly to the Houghton Point light, the place of beginning.

(2) All waters in Lake Superior within $\frac{1}{4}$ mile of any harbor, pier or breakwater from April 15 through November 30 or from the mouth of any stream flowing into Lake Superior.

(4) All waters of Lake Michigan, northern Green Bay and southern Green Bay within one-half mile from any harbor, pier or breakwater or one-fourth mile from the mouth of any navigable stream flowing into Lake Michigan, northern Green Bay or southern Green Bay.

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

(6) All waters in the following bays or harbors in Door county; Sturgeon bay, Sawyer's Harbor, Little Sturgeon bay, Riley's bay, Egg Harbor, Fish Creek Harbor, Eagle Harbor, Bailey's Harbor, Moonlight (Mud) bay, North bay, Rowley's bay, Washington Harbor, Jackson Harbor, Detroit Harbor, West Harbor and Engleson Harbor.

(7) No gill net of any kind shall be used, set, placed or operated in the waters of Lake Michigan, northern Green Bay or southern Green Bay within $\frac{1}{4}$ mile of any shoreline in Door county.

(8) No nets of any kind shall be used, set, placed or operated from June 1 to September 30 of each year in that portion of southern Green Bay lying south or east of a line commencing at the most northerly point of Snake Island in Section 30, township 28 north, range 25 east, Door County, thence northeasterly to the bell buoy off Sherwood Point, thence easterly to the Sherwood Point light.

(9) No nets of any kind except those listed under Wisconsin Statutes 29.145 shall be used, set, placed or operated within one mile of the mainland shoreline of Lake Superior beginning at the point on the mainland shore at which an east-west line intersecting the southern end of Basswood island touches the shoreline and extending

southward along the mainland shore to the reserve waters of Chequamegon bay.

(1) No nets of any kind shall be used, set, placed or operated in that portion of southern Green Bay lying north or east of a line commencing at the end of Ogden Street in the city of Marinette and running southeasterly to the most southwesterly point of Seagull Bar, thence along the shoreline of Seagull Bar to the public boat landing located in section 16, T30N, R24E, Marinette county.

History: 1-2-56; am. (5), Register, December, 1957, No. 24, eff. 1-1-58; am. (2) and (5), Register, June, 1959, No. 42, eff. 7-1-59; am. (4) and (8), Register, December, 1961, No. 72, eff. 1-1-62; cr. (9), Register, February, 1968, No. 146, eff. 3-1-68; renum. WCD 25.02 to be NR 25.02; am. (8), Register, December, 1970, No. 180, eff. 1-1-71; am. (5), Register, July, 1972, No. 199, eff. 8-1-72; am. (2) and (9) and r. (3), Register, May, 1973, No. 209, eff. 6-1-73; cr. (10), Register, June, 1974, No. 222, eff. 7-1-74.

NR 25.03 Closed seasons. A closed season is established for each variety of fish and crayfish named in this chapter extending during all the time of the year except the open season period embraced within specified dates, both inclusive, and except as otherwise expressly provided no person shall take, catch or kill fish of any variety in excess of the daily bag limit and no person shall take, catch or kill fish or fish for fish by means other than as specified in this chapter, nor at any time other than the open season therefor, nor have in his possession or under his control any fish or crayfish in excess of the possession limit or below the minimum size therefor during the open season. Wherever a period of time is specified by dates in this chapter the first and last dates so specified are included in such period of time unless the context specifically provides otherwise.

History: 1-2-56; r. and recr. Register, December, 1961, No. 72, eff. 1-1-62; am. Register, September, 1966, No. 129, eff. 10-1-66; renum. WCD 25.03 to be NR 25.03, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.04 Open seasons; size limits. (1) **OPEN SEASONS.** In the outlying waters there shall be an open season on the various species of fish as follows:

| Species | A | B | C |
|---|---|-----------------------------|------------------------------|
| | Lake Michigan and Northern Green Bay | Southern Green Bay | Lake Superior |
| (b) WHITEFISH | December 1 to October 25 | December 1 to October 25 | November 26 to October 24 |
| (c) CHUBS | April 1 to December 31, pursuant to NR 25.04 (3), Wis. Adm. Code | NO OPEN SEASON | AT ALL TIMES |
| (d) HERRING OR BLUEFIN | AT ALL TIMES | AT ALL TIMES | AT ALL TIMES |
| (e) YELLOW PERCH | June 11 to April 9 | May 20 to April 9 | June 2 to April 14 |
| (f) SUCKERS | AT ALL TIMES | AT ALL TIMES | AT ALL TIMES |
| (g) WALLEYE AND SAUGER | NO OPEN SEASON IN LAKE MICHIGAN May 20 to March 9 in Northern Green Bay | May 20 to March 9 | NO OPEN SEASON |
| (h) NORTHERN PIKE | NO OPEN SEASON IN LAKE MICHIGAN May 20 to March 9 in Northern Green Bay | May 20 to March 9 | NO OPEN SEASON |
| (j) OTHERS (Except as listed above and otherwise specified in NR 20.02 and NR 25.06) | AT ALL TIMES | AT ALL TIMES | AT ALL TIMES |

(2) **SIZE LIMITS.** No fish of any of the following varieties taken in gear or equipment authorized by this chapter, shall be retained, sold, or transported of the length or size less than that specified for each variety. The following method of measuring shall apply: 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. A "fish in the round" shall be deemed to be a fish that is entirely intact as it was taken out of the water with no part removed by dressing; a "dressed fish" shall be deemed a fish with the head and tailfin attached but the entire gut or viscera (stomach, liver, intestine, gonads) removed; and a "filleted fish" shall be deemed to be a fish with the entire head, gut or viscera, gills, bones, scales and all of the fins removed. The measurement of length and weight shall apply without any allowance made for the shrinkage of the fish.

| Species | A | B | C |
|--|---|--|---|
| | Lake Michigan and Northern Green Bay | Southern Green Bay | Lake Superior |
| (b) WHITEFISH..... | 17 inches | 17 inches | 17 inches |
| (e) YELLOW PERCH..... | 8 inches in the round or dressed 5¼ inches with head and tail off 6" headless | 7½ inches in the round or dressed 5¼ inches with head and tail off 6" headless | 8 inches in the round or dressed 5¼ inches with head and tail off 6" headless |
| (f) SUCKERS | No size limit | No size limit | No size limit |
| (g) WALLEYE AND SAUGER | 15 inches | 15 inches | _____ |
| (h) NORTHERN PIKE | 20 inches | 20 inches | _____ |
| (k) BUFFALO | 18 inches | 18 inches | _____ |
| (l) CATFISH | 16 inches in the round | 16 inches in the round | _____ |
| (m) OTHERS (except smelt, menominees, herring, chubs, sheepshead, carp and alewife for which there is no size limit) | 8 inches | 8 inches | 8 inches |

(3) QUOTAS. (a) The total allowable harvest of chubs by commercial methods during the open season in Wisconsin waters of Lake Michigan and northern Green Bay shall be 120,000 pounds taken annually.

(b) Participation in the chub fishery is limited to licensed fishermen operating under contracts issued for assessment of chub populations in these waters. Prior to January 1, 1976 there shall be no more than 6 such contracts issued annually. The ports adjacent to the areas in which such contract fishing shall occur and the maximum assessment catch by port are designated in the following table:

1975 Chub Quota - Lake Michigan

| Ports | Quota |
|-----------------|--------------|
| Kenosha | 13,000 lbs. |
| Racine | 27,000 lbs. |
| Milwaukee | 41,000 lbs. |
| Port Washington | 6,000 lbs. |
| Sheboygan | 27,000 lbs. |
| Other Waters | 6,000 lbs. |
| Total | 120,000 lbs. |

(c) During the open season commencing April 1, 1976, and thereafter, there shall be no more than 7 such contracts issued annually. The total allowable harvest to be taken annually shall be divided equally among contract fishermen operating in waters of Lake Michigan and northern Green Bay designated by the department. Such contract fishing shall occur in waters generally adjacent to the following ports or areas: Kenosha, Racine, Milwaukee, Port Washington, Sheboygan, Manitowoc and waters adjoining Door and Kewaunee counties.

(d) Contracts shall be awarded based on the following criteria:

1. Experience in the commercial chub fishery;
2. Adequacy of fishing gear;
3. Knowledge of the area in which fishery is to occur;

4. Financial responsibility;
5. Demonstrated reliability.

(e) Such contracts shall contain provisions regarding:

1. Sale of catch through Wisconsin licensed wholesale fish dealers;
2. Provisions for quantity and type of gear allowed;
3. Designation of areas in which fishing is allowed;
4. Individual quota and provisions for reporting catch;
5. Compensation to the contractor. Criteria to be considered in determining compensation includes but are not limited to:
 - a. Operating costs;
 - b. Value of catch;
 - c. Reasonable profit;
 - d. Area to be fished;
 - e. Time of year.
6. Examination of the catch;
7. Performance bond;
8. Contract revocation.

*Emergency
am. (1)(c)
& r. (3)
eff. 4-26-76*

History: 1-2-56; am. (1) (a) and (b) and (2) (m), Register, December, 1957, No. 24, eff. 1-1-58; am. (2) (e), Register, June, 1959, No. 42, eff. 7-1-59; r. and recr. (1), am. (2) (m), Register, December, 1961, No. 72, eff. 1-1-62; am. (1) (a), (2) (a), Register, June, 1962, No. 78, eff. 7-1-62; am. (1) (b), Register, November, 1964, No. 107, eff. 12-11-64; am. (1) (a), (b), (g) and (h) and (2) (a), Register, December, 1965, No. 120, eff. 1-1-66; renum. WCD 25.04 to be NR 25.04; am. (1) (b), Register, December, 1970, No. 180, eff. 1-1-71; r. (1) (a) and (2) (a), Register, July, 1972, No. 199, eff. 8-1-72, emerg. am. (1) and cr. (3), eff. 6-2-75, am. (1) and cr. (3), Register, February, 1976, No. 242, eff. 3-1-76.

NR 25.05 Illegal fish. (1) (a) All illegal fish caught in nets which cannot be returned alive or unharmed to the water shall be tagged with tags furnished by the department of natural resources as soon as possible after removal from the water. Such tags shall remain attached to the fish until prepared for final consumption, and no such fish or part thereof other than offal shall be transported in any manner without such tag or tags attached thereto.

(b) A record of tagged fish shall be kept on forms furnished by the department of natural resources and shall be submitted to the department as prescribed in NR 25.15.

History: 1-2-56; am. Register, February, 1968, No. 146, eff. 3-1-68; am. Register, November, 1970, No. 179, eff. 1-1-71; renum. from WCD 25.05 to be NR 25.05 and am., Register, December, 1970, No. 180, eff. 1-1-71; r. and recr., Register, November, 1972, No. 203, eff. 1-1-73; am. (1) (a), Register, June, 1974, No. 222, eff. 7-1-74.

NR 25.06 Protected fish. All black bass, rock bass, crappie, muskellunge, sturgeon, salmon, illegal whitefish, all species of trout and all other illegal fish caught or taken alive and unharmed in any licensed fishing gear shall be immediately and carefully returned to the water alive. When found dead in such gear, they shall be turned over to the department of natural resources or its authorized agents.

History: 1-2-56; am. Register, February, 1968, No. 146, eff. 3-1-68; renum. from WCD 25.06 to be NR 25.06, and am., Register, December, 1970, No. 180, eff. 1-1-71; am. Register, July, 1972, No. 199, eff. 8-1-72.

NR 25.07 Crayfish. (1) (a) There shall be an open season on crayfish or crabs in all of the outlying waters from June 16 to the last day of February of the next year and except during this season it shall be unlawful for any person to take, capture or kill, or have in possession or under control any crayfish or crab taken from outlying waters.

(b) During the open season crayfish or crabs may be taken in all outlying waters by the following means only: By hand, by use of minnow seines and minnow dip nets, and by crayfish or crab traps with the entrance to the trap not to exceed 1½ inches in diameter, except that it shall be unlawful to use any crayfish or crab trap in the waters of Sturgeon Bay in Door county.

History: 1-2-56; am. (1) (a), Register, December, 1961, No. 72, eff. 1-1-62; renum. from WCD 25.07 to be NR 25.07, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.075 Limited entry; Lake Superior. (1) Number of licenses issued: (a) Not more than 58 licenses authorizing commercial fishing in Lake Superior shall be issued and effective pursuant to section 29.33, Wis. Stats., for the period which begins on July 1, 1971 and extends through June 30, 1972.

(b) Following the license year of 1972 the number of licenses issued shall be the maximum number of licenses issued during the previous 2 years.

(2) Such licenses shall be effective for a one-year period.

(3) No applicant shall be eligible for such a license unless he shall have held a state of Wisconsin commercial fishing license during each of the 2-year licensing periods immediately preceding and ending June 30 of the year in which he applies, or unless he shall have been a member or partner in a fishing crew operating in the waters of Lake Superior under a state of Wisconsin commercial fishing license during each of the previous 5-year licensing periods immediately preceding and ending June 30 of the year in which he applies.

(4) In addition each applicant shall be required to meet the following qualifications:

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

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

1. A \$5,000 investment in commercial fishing equipment.
2. At least 50 days of commercial fishing on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

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

1. A \$7,500 investment in commercial fishing equipment.
2. Fifty days of commercial fishing on Lake Superior during the previous year.
3. A catch value of \$3,000 during the previous year.

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

1. A \$10,000 investment in commercial fishing equipment.
2. Fifty days of fishing experience on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

(e) To retain eligibility for the fifth year period and thereafter, the applicant must show proof of:

1. A \$10,000 investment in commercial fishing equipment.
2. Seventy-five days of fishing experience on Lake Superior during the previous year.
3. A catch value of \$5,000 from Lake Superior during the previous year.

(f) All applicants shall comply with the navigation standards set by the U. S. Coast Guard and be so certified by the U. S. Coast Guard.

1. Any licensee failing to meet the qualifications of subsection 3 shall not be eligible to re-apply for such license until 3 years have elapsed since the end of the period in which he was licensed.

2. When the number of qualified new applicants for such license shall exceed the number of licenses available and such applicants are not affected by the residence priorities the licenses shall be awarded on the basis of the earliest postmarked application.

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

a. First to residents of counties bordering Lake Superior.

b. Next to residents of other counties.

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

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

4. Applicants for such licenses shall be at least 18 years of age.

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

History: Emerg. cr. eff. 3-30-68; cr. Register, May, 1968, No. 149, eff. 6-1-68; r. and recr. (1), (2) and (5), Register, July, 1969, No. 163, eff. 8-1-69; r. and recr., Register, December, 1970, No. 180, eff. 1-1-71; am. (4) (f) 4, Register, January, 1975, No. 229, eff. 2-1-75.

NR 25.08 Permitted nets. (1) GILL NETS. (a) No gill nets or set hooks may be used in the waters of Lake Michigan and northern Green Bay inside of 20 fathoms, except under permit issued pursuant to section NR 25.14. No gill nets with a mesh greater than 2¾"

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or set hooks may be used in the waters of Lake Michigan, northern Green Bay and southern Green Bay except under permit issued pursuant to section NR 25.14.

(b) Gill nets with a mesh of not less than $2\frac{1}{2}$ " nor more than $2\frac{3}{4}$ ", and not to exceed 60 meshes deep, may be used for the taking of herring, chubs, perch, menominees and smelt in the waters of Lake Michigan and northern Green Bay, except that smelt may be taken as specified under section NR 25.08 (1) (p) and herring under the ice as set forth in NR 25.08 (1) (d). The setting or placing of such nets in water less than 15 fathoms is prohibited for a period of 5 days just prior to the opening of the perch season.

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

(d) In the waters of southern Green Bay and northern Green Bay, gill nets, not more than 60 meshes deep and with a mesh of not less than $2\frac{1}{4}$ " nor more than $2\frac{3}{4}$ " inches flexible rule measure may be used at all times for the purpose of taking herring only, provided that the bottom maitre or lead lines will be at least 1 fathom (6 ft.) from the bottom. During the period from September 1 to January 20 each year, such nets may be set on the bottom.

(f) In the waters of southern Green Bay, the size of mesh of all new gill nets and new gill netting used for the purpose of taking herring, chubs, perch, menominees, and smelt shall be not less than $2\frac{1}{2}$ " inches and not more than $2\frac{3}{4}$ " inches. In actual fishing operations, gill nets having a mesh of not less than $2\frac{3}{8}$ " inches and not more than $2\frac{3}{4}$ " inches, and not to exceed 60 meshes deep, may be used or possessed for the purpose of taking herring, chubs, perch, menominees, and smelt from the waters of southern Green Bay, except that smelt may be taken as specified under section NR 25.08 (1) (p) and herring under the ice as set forth in section NR 25.08 (1) (d).

(g) In the waters of southern Green Bay during the period from April 10 to May 19 no set hooks or nets of any kind may be used, set, placed or operated except under permit or as provided in section NR 25.08 (1) (d) for the taking of herring and section NR 25.08 (1) (p) for the taking of smelt.

(h) In the waters of Lake Superior gill nets with a mesh greater than $2\frac{3}{4}$ " may be used only under permit pursuant to section NR 25.14 for the taking of all species of fish during the open season therefor. The depth or width of such nets shall be not more than 30 meshes.

(j) In the waters of Lake Superior gill nets with a mesh of not less than $2\frac{3}{8}$ " inches and not more than $2\frac{3}{4}$ " inches and not to exceed 35 meshes deep may be used for the taking of all species of fish during the open season therefor. The setting or placing of such nets in waters less than 40 fathoms is prohibited except as provided for herring float nets or except under permit.

(n) In the waters of Lake Superior gill nets with meshes not to exceed $2\frac{3}{4}$ " and not more than 60 meshes deep may be used for the taking of herring only, provided however, that the bottom maitre cord or lead line shall be not nearer than one fathom to the bottom of the lake. Such nets shall be known as herring float nets and may be used at any time of the year.

(p) In the waters of Lake Superior, Lake Michigan, northern Green Bay and southern Green Bay, with the exception of bounded bays and reserve waters, gill nets with a mesh of not more than 1¾ inches flexible rule measures may be used at all times for the taking of smelt.

(r) In the waters of Lake Michigan, northern Green Bay and southern Green Bay no person shall set or lift any commercial fishing gear except seines, trawls, and pound nets which are less than 15 feet in depth, during the period of ½ hour after sunset to ½ hour before sunrise.

(3) POUND NETS. (a) Pound nets may be used in the waters of Lake Michigan, northern Green Bay and southern Green Bay for the taking of all species of fish during the open seasons therefor except during the period from April 10 to May 19 no pound net exceeding 15 feet in depth may be used in the waters of southern Green Bay. Pound nets may be used in the waters of Lake Superior for the taking of all species of fish during the open seasons therefor only under permit.

(b) No pound net may be used, set, placed or operated in more than 80 feet of water.

(c) During the closed season for whitefish, no pound nets of any kind shall be used, set, placed or operated in the waters of Lake Michigan, northern Green Bay or southern Green Bay except under permit.

(4) DROP AND FYKE NETS. (a) Drop and fyke nets may be used in the waters of Lake Michigan and northern Green Bay and southern Green Bay for the taking of all species of fish during the open season therefor, except that no drop or fyke nets may be set, placed or operated in the waters of southern Green Bay during the period from April 10 to May 19 of each year.

(b) Drop and fyke nets may be set under the ice in water not more than 50 feet in depth. The lifting of such nets shall be done in fishing shanties only. All live illegal fish shall be returned to the water immediately and must be lowered to a point at or near the bottom of the bay by the use of sink nets or frames.

(c) It shall be unlawful for any person to use, set, place or operate any fyke or drop net of any description, except the legal submarine trap net, in any of the waters of Door county.

(d) It shall be unlawful to use, set, place or operate any fyke or drop net except under permit in the waters of Lake Superior.

(5) SUBMARINE TRAP NETS. (a) Submarine trap nets may be used in the waters of Lake Michigan, northern Green Bay and southern Green Bay for the taking of all species of fish during the open season therefor except that the use of submarine trap nets in Door county waters is prohibited unless a permit has first been obtained from the department or its agents.

(b) Submarine trap nets may be used, set, placed or operated in not more than 50 feet of water.

(c) Submarine trap nets shall not be used, set, placed or operated in Lake Superior except under permit.

(d) Submarine trap nets shall be not more than 30 feet in depth and the pot shall be square or rectangular. This includes any portion of the leads, hearts and crib.

(e) Submarine trap nets shall not be used, set, placed or operated in the waters of southern Green Bay during the period of April 10 to May 19 of each year, or in the waters of southern Green Bay, Lake Michigan and northern Green Bay during the closed season for whitefish except under permit.

(6) SEINES. (a) It shall be unlawful to use any seine with a mesh of less than 3 inches except as otherwise expressly provided.

(b) Seines of any size mesh not more than 75 feet in length and not more than 6 feet in depth, and one dip net not exceeding 8 feet in diameter or 8-foot square, may be used for the taking of smelt and suckers only in any of the outlying waters, including reserve waters, and in the Fox river up to 1,500 feet below the dam at De Pere, from April 1 to May 25, except that such a dip net may be used for the taking of smelt only in the waters of the Fox river up to 500 feet below the dam in the city of De Pere from April 1 to June 1. It shall be unlawful to use any seine in the waters of southern Green Bay during the period from April 10 to May 19 of each year except as expressly provided. Dip nets must be attended at all times while in use.

(c) Minnow seines not exceeding 75 feet in length and 6 feet in width flat measure and one minnow dip net not exceeding 6 feet in diameter or 6 feet square may be used in any of the outlying waters, including reserve waters, and in that part of the Fox river extending from the mouth up to, but not within 1,500 feet of the dam at DePere, for taking, catching or killing minnows for bait only. Dip nets must be attended at all times while in use.

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

(8) CONTRABAND NETS. (a) All nets or set hooks used in violation of this chapter are contraband and shall be seized and held subject to the order of the court whenever found in any prohibited waters or on any vessel, dock, reel, or fishing premises, or in any port or landing places bordering on such waters. Any such contraband net or nets, set hook or hooks so found shall be deemed sufficient evidence of the use of such net or nets, set hook, or hooks by the owner, owners, or operators thereof, who shall be subject to the same penalties as provided for other offenses mentioned in this chapter.

(b) Whenever any gill net set in outlying water shall take illegal fish of any species, in an amount equal to more the 10% by weight of the total catch or lift, they shall be deemed illegally set and shall be seized and held for the order of the court by the department or its deputies, and the owners or operators thereof shall be subject to the penalties in section 29.63 (1) (h), Wis. Stats., unless such nets are immediately removed from such fishing grounds.

History: 1-2-56; am. (1) (c), (d), (g), (p); (3) (a); (4) (a); (6) (b) and (d); cr. (5) (e), Register, December, 1957, No. 24, eff. 1-1-58; r. (6) (d), Register, October, 1958, No. 34, eff. 1-1-59; am. (1) (b) and (6) (b) and (c); renum. (7) (a) and (b) to be (8) (a) and (b); cr. (7) (a), Register, December, 1961, No. 72, eff. 1-1-62; am. (3) (c) and (8) (b), Register, June, 1962, No. 78, eff. 7-1-62; am. (1) (c), Register, November, 1964,

No. 107, eff. 1-1-64; am. (6) (c), Register, November, 1965, No. 119, eff. 1-1-66; am. (1) (c), Register, September, 1966, No. 129, eff. 10-1-66; am. (1) (a); r. (1) (e); am. (1) (g), (h), (n) and (8) (b), Register, February, 1968, No. 146, eff. 3-1-68; renum. WCD 25.08 to be NR 25.08; r. and rec. (1) (a); am. (b) and (c), and cr. (r); am. (5) (a), (7) (a) and (8) (b), Register, December, 1970, No. 180, eff. 1-1-71; r. (1) (k), (m), (o) and (q), (2) and (3) (c); am. (1) (j), (3) (a), (4) (d) and (5) (c), Register, May, 1973, No. 209, eff. 6-1-73; cr. (3) (c) and am. (5) (c), Register, June, 1974, No. 222, eff. 7-1-74.

NR 25.09 Fish grinders or choppers. (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 grinder or chopper or any other instrument or device by which fish can be ground up or so mutilated that identification of the species and measurement of the individual fish are impossible.

(2) It shall be unlawful for any person operating on the outlying waters to have in possession or under control on such waters or to bring to shore any fish ground up or so mutilated that identification of the species and measurement of the individual fish are impossible.

History: 1-2-56; renum. WCD 25.09 to be NR 25.09, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.10 Defining Green Bay line. For the purpose of this chapter, the waters of Green Bay shall be divided in two parts and all that area south of the line drawn from the most northerly point of Friedmann's Point at Fish creek, located in the southwest quarter of section 29, township 31 north, range 27 east, Door county; thence northwesterly to the most southeasterly point of Chambers island; thence along the southwest shoreline to the most southwesterly point of Chambers island; thence due west to the Wisconsin-Michigan boundary line, including the Fox river as far as the dam at DePere, shall be referred to as southern Green Bay, and all waters in Green Bay north of the above described line shall be referred to as northern Green Bay. Northern Green Bay and Lake Michigan shall be separated as follows: Commencing at the northwest side of the Northport dock where it joins the shoreline in township 32 or 33 north, range 29 east; thence in a northeasterly direction to the range light (signal light) on Plum island; thence along the north and west shore of Plum island to the U. S. coast guard station; thence northerly to the southwesterly point of Shellswick dock, which is located on Lodbell's point on Washington island; thence along this dock to the shoreline of Lodbell's point; thence along the west shore of Washington island to Boyer's Bluff light; thence due north to the Michigan-Wisconsin boundary line.

History: 1-2-56; renum. WCD 25.10 to be NR 25.10, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.11 Nets for rough fish. Gill nets with a mesh of not less than $6\frac{1}{2}$ ", extension measure, and not more than 12 meshes deep may be used for taking carp and such other rough fish, which are found to be detrimental to game fish, in any of the reserve or closed waters of Lake Michigan, northern Green Bay, and southern Green Bay, including the following bays or harbors in Door County, to wit: Sturgeon Bay, Sawyer's Harbor, Little Sturgeon Bay, Riley's Bay, Egg Harbor, Fish Creek Harbor, Eagle Harbor, Bailey's Harbor, Moonlight (Mud) Bay, North Bay, Rowley's Bay, and Washington

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Harbor, Jackson Harbor, Detroit Harbor, West Harbor, and Engleson Harbor in Washington Island. Such fishing shall be carried on pursuant to a contract granted by the department and under the direct supervision of said department and under such terms and conditions as it may specify.

History: 1-2-56; renum. from WCD 25.11 to be NR 25.11 and am., Register, December, 1970, No. 180, eff. 1-1-71.

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

History: 1-2-56; am. Register, February, 1968, No. 146, eff. 3-1-68; renum from WCD 25.12 to be NR 25.12, and am., Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.13 Trout and whitefish; transportation and possession of. It shall be unlawful for any person, persons, firm or corporation to sell, purchase or barter, or offer for sale, purchase, or barter, or have in possession or under control, or to smoke or salt any undersized lake trout or whitefish, irrespective of how, when or where taken or caught, except as provided under section 29.06, Wis. Stats.

History: 1-2-56; renum. from WCD 25.13 to be NR 25.13, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.14 Setting of nets by department: issuance of permits.

(1) Nothing in this chapter shall prohibit the department or its agents from the setting or operating of nets or authorizing by permit the setting or operating of nets for the purpose of obtaining spawn for any state fish propagation project or program and for the purpose of scientific investigations and in aid of the fishing industry in the outlying waters. All illegal fish taken under permit shall be tagged and turned over to the department or its agents as specified in section NR 25.05.

(a) Permits are required for the use of:

1. All gill nets over 2¾ inch stretch measure;
2. All gill nets between 2½ and 2¾ inch stretch measure set inside 20 fathoms of water in northern Green Bay and Lake Michigan;
3. All trawls;
4. All submarine trap nets set in Lake Superior and Door county waters;
5. Fishing during restricted hours;
6. All fyke nets and seines fished during the closed season;
7. All types of fishing gear used in reserve waters;
8. Gill nets with a mesh size between 2⅜ inch and 2¾ inch fished in less than 40 fathoms of water in Lake Superior, except float nets fished pursuant to NR 25.08 (1) (n); and
9. Drop or fyke nets fished in waters of Lake Superior.

(b) All applications for permits must be in writing.

(c) Provisions of permit:

1. All persons fishing under a permit must comply with all provisions of this chapter;
2. All permits issued must be on board the fishing vessel when fishing in open water and in possession of the permittee when fishing under the ice;
3. All permits must contain the dates when the permit is valid and a description of the waters which may be fished;
4. Permits will be issued for a specified size and amount of fishing gear;
5. Permits will specify the number of nights the fishing gear will be fished; and
6. Permits may specify the procedures for the disposition of illegal fish in a manner pursuant to section 29.06, Wis. Stats.

(2) Pursuant to section NR 25.14 (1) lake trout may be harvested under permit by licensed commercial fishermen. That quantity of lake trout to be harvested by such permittees is not to exceed 40% by weight of the total annual allowable commercial harvest of lake trout in waters of Lake Superior as determined pursuant to section NR 25.17.

(3) Pursuant to section NR 25.14 (1) the department of natural resources reserves 20% of the total annual allowable commercial harvest of lake trout as determined pursuant to section NR 25.17 to be used for special assessment purposes. Harvest shall be under contract with the department of natural resources, and licensed commercial fishermen and Indian fishermen shall be equally eligible for contracts provided they have the necessary experience and equipment for such special assessment purposes.

History: 1-2-56; am. (1), Register, February, 1968, No. 146, eff. 3-1-68; renum. WCD 25.14 to be NR 25.14; am. (1) and (2), Register, December, 1970, No. 180, eff. 1-1-71; r. and recr. (2), and cr. (3), Register, May, 1973, No. 209, eff. 6-1-73; am. (1), Register, June, 1975, No. 234, eff. 7-1-75.

NR 25.15 Reports. **History:** 1-2-56; renum. WCD 25.15 to be NR 25.15 and am. Register, December, 1970, No. 180, eff. 1-1-71; r. Register, May, 1973, No. 209, eff. 6-1-73.

NR 25.15 Harvest of lake trout by Lake Superior Chippewas under permit. (1) Pursuant to NR 25.14 (1) eligible members of the Red Cliff and Bad River bands of Lake Superior Chippewas as determined by the respective tribal councils may harvest under permits issued by their respective tribal councils 40% of the annual allowable commercial harvest of lake trout from Wisconsin waters of Lake Superior as established pursuant to section NR 25.17. Copies of said permits will be provided to the department of natural resources at the time of issue.

(2) Members of the Bad River and Red Cliff bands of Lake Superior Chippewas may harvest species of fish for which there is an open season therefor under home use permits issued by the Red Cliff and Bad River tribal councils. Said permits to be issued to the heads of households only. Permittees are restricted to the use of no more than 350 feet of gill net and sale of fish taken pursuant to these permits is prohibited. These fishing activities shall be restricted to

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waters adjacent to the reservations of the Bad River and Red Cliff bands of the Lake Superior Chippewas.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.

WCD 25.16 History: 1-2-56; r. Register, October, 1969, No. 166, eff. 1-1-70.

NR 25.16 Reports. On or before the 10th day of each month each person licensed pursuant to section 29.33, Wis. Stats., or fishing as provided in section NR 25.15, Wis. Adm. Code, shall report for the preceding calendar month to the department in writing on blanks furnished 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. Conditions intended to assure full protection of the fishery shall include reasonable right of inspection for purposes of obtaining information necessary to manage the fishery.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.

WCD 25.17 History: 1-2-56; am. Register, December, 1960, No. 60, eff. 1-1-61; am. Register, June, 1962, No. 78, eff. 7-1-62; r. Register, October, 1969, No. 166, eff. 1-1-70.

NR 25.17 Allowable harvest of lake trout by commercial methods. The total allowable harvest of lake trout by commercial methods in the Wisconsin waters of Lake Superior shall be determined annually, based upon recommendations from the U.S. bureau of sport fisheries and wildlife and the great lakes fishery commission subject to confirmation by the natural resources board. The present total allowable annual commercial harvest shall be 100,000 pounds of lake trout.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.

NR 25.18 Snag lines. No person shall set, place, use, have in possession or under control in or on the waters of Lake Michigan and Green Bay any snag line or snag pole, snag hook or parts thereof or cluster of fishhooks that might be attached to same designed to be placed in or drawn through the water for the purpose of catching or drawing such hooks into the body of fish; except that carp may be

taken by means of a gaff hook through the ice from sunrise to sunset in the outlying and reserve waters of Lake Michigan and Green Bay.

History: 1-2-56; renum WCD 25.18 to be NR 25.18, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.19 Use of certain nets prohibited. (1) No person shall have in possession or under control, or place, set or operate in any manner in the outlying waters any trammel net, trawl, long tunnel pound or any other net of the pound net variety except the legal fyke or drop net, submarine trap net and the short tunnel pound net whose tunnel is placed wholly and within the pot, crib or pound of such net and whose pot, crib or pound is totally uncovered at the top and the hearts of which are totally uncovered at the top and bottom.

(2) In the waters of southern Green Bay, northern Green Bay and Lake Michigan (except Door county waters) it shall be lawful to use, set, place or operate drop nets the hoods and hearts of which are covered in any manner on the top or bottom, but no tunnel of any drop net used, set, placed or operated in such waters shall be more than 15 feet in length. The depth of the pot of any drop or fyke net shall be not more than 5 feet in diameter. The hearts of such nets shall not be covered for a length greater than 6 feet.

(3) No licensed commercial fisherman or any member of his crew or any person aboard his boat shall have in his possession any game fish or sport angling equipment while operating licensed commercial gear including setlines or while traveling to or from the operation of such gear in any of the outlying waters. Nor shall any person while on the outlying waters for the purpose of sport fishing carry with him or have in his possession any commercial fishing gear.

History: 1-2-56; cr. (3), Register, February, 1968, No. 146, eff. 3-1-68; renum. WCD 25.19 to be NR 25.19, Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.20 Icing and refrigeration. It shall be unlawful from April 15 to September 30 of each year for any person holding a license to conduct commercial fishing operations on any of the outlying waters pursuant to section 29.33, Wis. Stats., to conduct such fishing operations with a boat unless he carries on such boat a supply of ice sufficient to properly ice and chill all such fish taken for human consumption, or unless such boat is adequately equipped with mechanical refrigeration to properly chill all fish taken for human consumption.

History: Cr. Register, November, 1964, No. 107, eff. 12-11-64; renum. WCD 25.20 to be NR 25.20, Register, December, 1970, No. 180, eff. 1-1-71; am., Register, June, 1974, No. 222, eff. 7-1-74.

NR 25.21 Marking of nets addition to numbering. (1) Any gill net or gang of gill nets or the leads of any drop net, fyke net, pound net or submarine trap nets set within 2 miles of any shore with the float line at a depth greater than 6' below the surface of the water shall be marked by buoys with staffs and flags at both ends of the net or gang. The staff on the inshore buoy shall have 2 flags and that on the offshore buoy, one. Where the float line of such net is set at a depth less than 6' below the water surface the nets shall be similarly marked but intervals between markers along the net shall not exceed 200 feet.

(2) Pound nets and fyke nets when set with stakes shall be marked with a staff and flag attached to 2 outer corner pilings. The height above water, size and color of such staffs and flags shall be the same

as those specified in subsection (3). Buoys with staffs and flags shall be attached to the inshore ends of each lead and at intervals not to exceed 200 feet along each lead. The inshore staff shall have 2 flags.

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

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

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

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

History: Cr. Register, December, 1970, No. 180, eff. 1-1-71.

NR 25.22 Possession of fishing equipment. (1) No person except licensed commercial fishermen and authorized net dealers shall have in his possession or under his control at any time any trammel, gill or hoop net or any other kind of net, nets, or fish trap that might take, catch or kill fish in Ashland, Bayfield, Douglas or Iron counties, except minnow nets and minnow traps, whitefish and cisco nets, dip nets, pound nets, crab traps and turtle traps as provided by board order, unless such nets are sealed with locking seals by the department.

(2) No person shall have in his possession in or on the waters of Lake Michigan or Green Bay any gill nets with a mesh greater than 2¾ inch stretch measure unless he has first obtained and has on his person a valid permit for the use of such nets and is in or on the waters designated in his permit.

History: Cr. Register, December, 1970, No. 180, eff. 1-1-71; am. (1) and cr. (2), Register, June, 1974, No. 222, eff. 7-1-74.