

(c) All permits must contain the dates when the permit is valid and a description of the waters which may be fished;

(d) Permits will be issued for a specified size and amount of fishing gear;

(e) Permits will specify the number of nights the fishing gear will be fished;

(f) Permits will specify the procedures for disposition of illegal fish;

(g) Permits will specify allowable harvest quotas of lake trout to be taken from Wisconsin waters of Lake Superior pursuant to NR 25.06 (2) (b).

(4) When a permit is required for the use of commercial fishing gear the application for said permit must be made in writing on a form provided by the department.

(5) Unless so authorized by the department, no permittee shall conduct fishing operations on any boats other than those designated on the license.

(6) This section shall not apply to Lake Superior Chippewa Indians. Authority is granted to the tribal councils for issuance of permits to eligible Indian fishers.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.08 Legal commercial fishing gear.** (1) INTRODUCTION. The following are legal commercial fishing gear in the outlying waters when used in accordance with the provisions set forth in this chapter.

(2) LAKE MICHIGAN AND GREEN BAY. (a) Gill nets may be used under permit only.

1. Gill nets with a mesh equal to or less than 1- $\frac{3}{4}$ " stretch measure may be used for the taking of smelt only.

2. Gill nets of 2- $\frac{3}{8}$ " to 2 $\frac{1}{2}$ " stretch measure may be used in the waters of southern Green Bay only.

3. Gill nets of 2 $\frac{1}{2}$ " to 2- $\frac{3}{4}$ " stretch measure may be used in these waters.

4. Gill nets of 2- $\frac{3}{4}$ " stretch measure or less shall not exceed 60 meshes in depth.

5. Gill nets of mesh size exceeding 4 $\frac{1}{2}$ " stretch measure and less than 6 $\frac{1}{2}$ " stretch measure may be used only in the waters of Green Bay and of Lake Michigan north of a line running due east from the red navigational buoy marking the entrance of Baileys Harbor. Such gill nets shall not exceed 30 meshes in depth, except  $\frac{1}{2}$  can be 50 meshes deep on request only until July 1, 1978.

6. Gill nets with a mesh of not less than 6 $\frac{1}{2}$ " stretch measure and not more than 12 meshes deep may be used for taking rough fish as defined in section 29.01 (3), Wis. Stats.

7. The maximum amount of gill nets of 4 $\frac{1}{2}$ " stretch mesh or larger to be employed by any one permittee shall not exceed 12,000 lineal feet in the water at any one time. Each licensee may have only one permit for each gear type in effect at any one time.

(b) Entrapping nets and seines may be used under permit only. 1. Pound nets may be used in these waters; however, no pound net may be used, set, placed or operated in more than 80 feet of water. All pound nets shall be removed from the water or shall have the fish holding or pot portion thereof rendered inoperable at the end of the open season for whitefish, said nets to remain inoperable during the closed season.

2. Trap nets may be used in these waters only when set, placed or operated in not more than 80 feet of water. Such nets shall not be more than 30 feet in depth and the pot shall be square or rectangular. This includes any portion of the leads, heart or crib.

3. Drop and fyke nets may be used in these waters.

4. Seines not less than 75 feet in length with mesh not less than 3 inch stretch measure may be used in these waters.

5. Each licensed fisher shall not employ more than 12 pound nets and not more than 30 drop or fyke nets, that number to be the maximum number of cribs or pots authorized.

(c) Trawls may be used under permit only. 1. Trawls may be used in the waters of southern Green Bay, and in Lake Michigan south of a line extending due east from the Sturgeon Bay coast guard station.

a. In southern Green Bay trawls may be used only for the taking of fish for which there is no minimum size limit. Trawls may not be used south of a line from the southernmost point of Little Tail Point to the Green Bay entrance light or in waters less than 24 feet deep.

b. In those waters of Lake Michigan wherein trawling is permitted, with the exception of reserve waters, trawls may be used for the taking of fish for which there is no minimum size limit. Not to exceed one percent of the trawl catch by weight may be composed of fish which are considered legal in other commercial fishing gear.

c. Trawls may be used in reserve waters to harvest rough or detrimental fish only. Permits for such use of trawls shall contain provisions to protect recently planted fish and concentrations of illegal fish.

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

(3) LAKE SUPERIOR. (a) Gill nets with a mesh of not more than 1-¾" stretch measure may be used at all times.

(b) Gill nets with a mesh of not less than 2-¾" and not more than 2-¾" stretch measure and not to exceed 35 meshes in depth may be used in depths of water from 2 to 15 fathoms and 35 fathoms and deeper. Gill nets of this mesh size and not to exceed 60 meshes deep may be used provided the bottom maitre cord or lead line shall not be nearer than one fathom to the bottom of the lake.

(c) Gill nets with a mesh size of over 2-¾" and not more than 3" stretch measure may be used from November 15 through March 31 only under permit.

(d) Gill nets with a mesh of not less than 4½" stretch measure and not more than 30 meshes in depth may be used only under permit, and only from December 1 through September 30.

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

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

(e) Entrapping nets may be used only under permit. 1. Entrapping nets may be used, placed, or operated in waters of not more than 80 feet.

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

3. Entrapping nets must be lifted no less often than once each 10 nights.

(f) Seines over 75 feet in length and trawls may be used only under permit.

(g) Gill nets being set and lifted through ice cover must be lifted no less often than once each 5 nights. Gill nets used in open water in 15 fathoms or less must be lifted no less often than once each 3 nights; in 16 to 34 fathoms no less often than once each 5 nights; in 35 fathoms and deeper no less often than once each 10 nights.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.09 Crew identification.** (1) No person shall be authorized to participate in commercial fishing operations unless he/she is duly licensed as a commercial fisher, or is accompanied by a licensed fisher, when fishing in open water, or has on his/her person an identification card or license required pursuant to section 29.33 (2) (a) 1., Wis. Stats., when fishing with nets under the ice or in open water.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.10 Marking of nets in accordance with section 29.30(2) (d), Wis. Stats.** (1) Any gill net or gang of gill nets or the leads of any drop net, fyke net, pound net or submarine trap nets with the float line at a depth greater than 6 feet below the surface of the water shall be marked by buoys with staffs and flags at both ends of the net or gang. Where the float line of such net is set at a depth less than 6 feet 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.

(3) (a) All buoy staffs shall 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.

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

(c) Upon the bowl of such buoys, there shall be maintained in plain figures the license number authorizing the use of such nets.

(4) When gill nets, 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 feet above the surface of the ice a board or similar material which shall bear the license number authorizing the use of such nets.

(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, September, 1976, No. 249, eff. 10-1-76.

**NR 25.11 Taking of fish by or for the department.** (1) Nothing in this chapter shall prohibit the department or its agents from taking fish or authorizing by special permit as prescribed in section 29.51 (2), Wis. Stats., the taking of fish for purposes of obtaining spawn for fish propagation or by contract for studies, investigations, and surveys in accordance with section 23.09 (2), Wis. Stats.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.12 Measurement of nets.** (1) Whenever the size of mesh of any net is specified in this chapter the size shall be referred to as stretch measure. Such measurement shall be made of meshes in a wet condition.

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

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

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

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.13 Handling and disposition of fish.** (1) **TAGGING AND DISPOSITION OF ILLEGAL FISH.** (a) All dead illegal fish and lake trout taken pursuant to section NR 25.06 shall be tagged with tags furnished by the department before being brought to any shore, dock or port when fishing in open water and before being transported when fishing with nets under the ice. Untagged illegal fish shall not be transferred between watercraft. Such fish shall be individually tagged and such