

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

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. am. (1) (d) and cr. (3), eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (1) (d), Register, May, 1981, No. 305, eff. 7-1-81; emerg., am. (2) (b), eff. 6-24-81; am. (2) (b), Register, August, 1981, No. 308, eff. 9-1-81.

NR 25.06 Quotas. (1) LAKE SUPERIOR LAKE TROUT HARVEST QUOTAS.

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

(b) The total allowable commercial harvest for any license year may not exceed 180,000 pounds of lake trout.

(c) That quantity of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior may not exceed 80,000 pounds annually.

(d) Eligible members of the Red Cliff and Bad River bands of Lake Superior Chippewas as determined by the respective tribal councils may harvest under permits issued by their respective tribal councils 100,000 pounds lake trout from Wisconsin waters of Lake Superior annually. Copies of the permits will be provided to the department at the time of issue.

(f) All lake trout and siscowet shall be tagged with tags furnished or authorized for each subspecies by the department before being brought to any shore when fishing in open water and before being transported when fishing with nets under the ice. Such fish shall be individually tagged. Untagged fish may not be left unattended.

(g) Untagged lake trout and siscowet shall not be transferred between watercraft.

(h) Tags shall be locked and remain attached to lake trout or siscowet until prepared for final consumption. Tags shall remain with smoked or filleted lake trout or siscowet until sold to final consumers. Commercial fishers of the outlying waters or licensed wholesale fish dealers shall not be considered final consumers and must be in possession of tags for smoked and filleted lake trout or siscowet.

(i) Tags provided or authorized by the department for tagging lake trout and siscowet shall not be transferred.

(2) **LAKE MICHIGAN CHUB QUOTAS.** (a) The total allowable annual harvest of chubs in Wisconsin waters of Lake Michigan and northern Green Bay shall not exceed 1,500,000 pounds, not to include incidental catches allowed elsewhere in this chapter. No more than 200,000 pounds of the total may be taken in those waters of Lake Michigan north of a line extending due east from the red navigational buoy marking the entrance of Baileys Harbor, this portion to be taken only during the period from July 1 through December 31.

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

(3) HARVEST OF FISH FROM LAKE SUPERIOR FOR HOME USE BY LAKE SUPERIOR CHIPPEWAS. (a) Members of the Bad River and Red Cliff bands of Lake Superior Chippewas may harvest species of fish for which there is an open season therefor, during said season, under home use permits issued by their respective tribal councils.

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

(c) Permittees are restricted to the use of no more than 350 feet of gill net and sale of fish taken pursuant to these permits is prohibited. These fishing activities shall be restricted to waters adjacent to the reservations of the Bad River and Red Cliff bands.

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

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. am., eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (a), Register, May, 1981, No. 305, eff. 7-1-81; emerg. am. (1) (b) to (d) and (f), r. (1) (e), eff. 6-24-81; am. (1) (b) to (d) and (f), r. (1) (e), Register, August, 1981, No. 308, eff. 9-1-81.

NR 25.07 Individual licensee catch quotas. (1) LAKE SUPERIOR. (a) The allotment of catch quotas as established in s. NR 25.06 to individuals holding licenses authorizing commercial fishing on Lake Superior shall be upon application in accordance with sub. (3), as follows:

1. Each commercial fisher licensed under s. 29.33, Stats., shall receive an individual quota of 4,400 pounds of lake trout; except

2. Each such licensed fisher who fishes with pound or trap nets only shall receive a quota of lake trout in the amount of 3,200 pounds.

3. Whenever that quantity of lake trout allocated in subds. 1. and 2. exceeds the total allowable commercial harvest, individual allocations shall be reduced on a pro rata basis.

(2) LAKE MICHIGAN. (a) The allotment of catch quotas as established in NR 25.06 to individuals holding licenses authorizing commercial fishing on Lake Michigan and Green Bay shall be by the Lake Michigan commercial fishing board upon application in accordance with sub. (3) and the following criteria:

1. Chubs. a. Lake Michigan chub permits shall be issued to all applicants meeting the following criteria:

- 1) Presently licensed commercial fishers;
- 2) Ownership of a boat of 35 feet in overall length or longer;
- 3) The boat shall be equipped with a powered net lifter.

b. All fishers meeting the criteria in subd. a. shall be eligible for entry upon application with the following limitations;

1) In those waters commonly referred to as the southern chub fishing area, no more than 400,000 pounds of chubs may be harvested during each of the 3-month periods encompassed by the months of July, August

and September, the months of October, November and December, and the months of April, May and June respectively.

2) In those waters commonly referred to as the northern chub fishing area, no more than 100,000 pounds of chubs may be harvested during each of the 3-month periods encompassed by the months of July, August and September, and the months of October, November and December respectively.

3) Should the remaining allowable harvest as of December 31 exceed $\frac{1}{2}$ of the annual allowable harvest, the excess portion shall be allotted to all permittees who reported fishing for chubs during the license year on a pro rata basis, based on their individual reported catches during the period July 1 through December 31.

4) No more than 3 $\frac{1}{2}$ % of the total quota may be taken by any one vessel or licensee during the license year.

5) In those waters commonly referred to as the southern chub fishing area no permittee may take more than 40% of the maximum established in subpar. b. 4) during any 3-month fishing period.

c. Each permit holder shall submit weekly reports on forms provided by the department. The weekly reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than the following Monday during the open season.

d. The department shall notify all permit holders to cease fishing upon receipt of information that 85% of the 3-month quota as established in subd. b. 1) and 2) has been harvested except that all nets in the water shall be lifted under s. NR 25.08 (2) (a) 9., and fish therein harvested.

e. The quota for the following 3-month period shall be adjusted based on the actual reported catch of the previous 3-month period.

(3) Applications for individual license year catch quotas shall be made on forms provided by the department and filed with it as designated on those forms no later than March 15 preceding the license year for which a quota is requested; except applications for the remainder of the 1978-1979 license year and the 1979-1980 license year for Lake Michigan individual quotas shall be filed in a manner as directed by the Lake Michigan commercial fishing board by certified letter to all commercial fishers on Lake Michigan licensed under s. 29.33, Stats.

(4) The harvest quota established by the department from which individuals may be allotted quotas shall not include that poundage reserved for assessment purposes in NR 25.06.

(5) Individual catch quotas determined and issued in accordance with this section shall be issued on a license year basis and be valid only during the open season for the species of fish subject to a harvest quota and only for so long as the applicant holds a valid license authorizing commercial fishing in the waters to which the applicant's quota applies.

(6) Individual catch quotas may not be transferred to another valid licensee authorized to engage in commercial fishing in the waters to

which the applicant's quota applies without review and approval of the commercial fishing board which allotted the quota to the applicant.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. r. and recr. and cr. (2) (a) 1. eff. 5-16-79; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; r. and recr. (2) (a) 1., Register, June, 1981, No. 306, eff. 7-1-81; emerg. am. (1) (a), eff. 6-24-81; 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.

NR 25.08 Restricted areas and legal commercial fishing gear. (1)
The following are legal commercial fishing gear when used in the manner provided and areas designated.

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

1. Gill nets with a mesh size of not more than 1¾" stretch measure for the taking of smelt only.

2. Gill nets with a mesh size of 2¾" to 2½" stretch measure in the water of southern Green Bay only.

3. Gill nets with a mesh size of 2½" to 2¾" stretch measure except such nets may not be used for the taking of chubs in those waters of Lake Michigan lying between a line running due east from the entrance of Kewaunee harbor and a line running due east from the red navigational buoy marking the entrance of Baileys Harbor and in northern Green Bay.

4. Gill nets of 2¾" stretch measure or less shall not exceed 60 meshes in depth.

5. Gill nets with a mesh size of 4" to 4½" stretch measure in the waters of southern Green Bay for the taking of rough fish and northern pike in water less than 30 feet in depth from May 20 to March 9, except during the closed season for whitefish. Such nets shall not exceed 30 meshes in depth.

6. Gill nets of mesh size exceeding 4½" stretch measure and less than 6½" stretch measure may be used only in the waters of Green Bay and of Lake Michigan north of a line running due east from the red navigational buoy marking the entrance of Baileys Harbor. Such gill nets shall not exceed 30 meshes in depth, except ½ can be 50 meshes deep.

7. Gill nets with a mesh size of not less than 6½" stretch measure and not more than 12 meshes deep for taking rough fish except during the closed seasons for whitefish and yellow perch.

8. The maximum amount of gill nets of 4" stretch mesh or larger to be employed by any one commercial fishing licensee shall not exceed 12,000 lineal feet in the water at any one time.

9. Gill nets used in open water shall be lifted a minimum of once every 24 hours, except nets need not be lifted on Sunday. Nets fished for chubs in waters deeper than 30 fathoms shall be lifted a minimum of once every 120 hours. Gill nets fished under the ice shall be lifted a minimum of once every 48 hours.

(b) Entrapping nets:

1. Pound nets only when set, placed or operated in not more than 80 feet of water. All pound nets shall be removed from the water or shall

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have the fish holding or pot portion thereof rendered inoperable at the end of the open season for whitefish, said nets to remain inoperable during the closed season.

2. Trap nets only when the pot is set, placed or operated in not more than 80 feet of water except during the closed season for whitefish. Such nets shall be removed from the waters or shall have the fish holding or pot portion thereof rendered inoperable prior to the closed season for whitefish.

3. Drop and fyke nets, except during the closed season for yellow perch.

4. Seines not less than 75 feet in length with a mesh size of not less than 3 inch stretch measure.

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

6. Trap and pound nets shall be lifted a minimum of once every 120 hours.

7. Drop and fyke nets shall be lifted a minimum of once every 72 hours.

(c) Trawls in the waters of southern Green Bay and in Lake Michigan south of a line extending due east from the Sturgeon Bay coast guard station.

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

2. In those waters of Lake Michigan, except restricted areas, wherein trawling is permitted, trawls may be used for the taking of fish for which there is no minimum size limit except those species for which an allowable harvest limit has been established. Not to exceed one percent of the catch from each trawl cast by weight may be composed of fish which are considered legal in other commercial fishing gear.

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

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

1. Gill nets with a mesh size of not more than 1 $\frac{1}{4}$ " stretch measure.

2. Gill nets with a mesh size of not less than 2 $\frac{3}{4}$ " and not more than 2 $\frac{3}{4}$ " stretch measure and not to exceed 35 meshes in depth in depths of water from 2 to 15 fathoms and 35 fathoms and deeper. Gill nets of this mesh size and not to exceed 60 meshes deep may be used provided the bottom maitre cord or lead line shall not be nearer than one fathom to the bottom of the lake.

3. Gill nets with a mesh size of over 2¼" and not more than 3" stretch measure from November 15 through March 31.

4. Gill nets with a mesh size of not less than 4½" stretch measure and not more than 30 meshes in depth only when set on the bottom.

a. Each licensed fisher may use not more than 10,000 feet of the nets at depths less than 55 fathoms and only from December 1 through September 30.

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

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

(b) Entrapping nets:

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

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

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

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

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

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

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

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

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

(c) All waters in the following bays or harbors in Door county: Sturgeon Bay, including Sawyer's Harbor, Little Sturgeon Bay, Riley's Bay, Egg Harbor, Fish Creek Harbor, Eagle Harbor, Bailey's Harbor, Moonlight (Mud) Bay, North Bay, Rowley's Bay, Washington Harbor, Jackson Harbor, Detroit Harbor, West Harbor and Engleson Harbor, all as described in s. 29.015, Stats.

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

(e) That portion of southern Green Bay lying south or east of a line commencing at the silo west of Little Sturgeon Bay on $87^{\circ}35'W$ in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 33, township 28 north, range 24 east, thence northeasterly 7.75 statute miles on a 54° bearing through the bell buoy off Sherwood point and 0.37 statute miles beyond to $44^{\circ}55'N$, then due east on $44^{\circ}55'N$, 2.75 statute miles to the shoreline in section 12, township 28 north, range 25 east.

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

(5) No nets of any kind except entrapping nets with a minimum mesh size of not less than 3" stretch measure between at least 2 hoops in the pot and seines with a minimum mesh size of not less than 3" stretch measure used for the taking of rough or detrimental fish, or entrapping gear with a minimum mesh size of not less than 3" stretch measure used for the taking of whitefish, or gill nets fished for rough fish under contract may be used, set, placed, or operated in the following waters of Lake Michigan:

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

(b) That portion of southern Green Bay lying south of a line extending due west from the mouth of the Red river at $44^{\circ}40'N$, $87^{\circ}45'W$, from November 1 to the following May 19, except that gill nets in accordance with this chapter may be used to take whitefish in these waters and smelt pound nets may be fished after March 1.

(c) That portion of southern Green Bay lying south of a line extending from the village of Red Banks in NW $\frac{1}{4}$ SW $\frac{1}{4}$, section 29, township 25 north, range 22 east westerly on a bearing of 277° to the point at which it intersects the Green Bay navigational channel at a bell buoy at $44^{\circ}37'N$, $87^{\circ}56'W$, thence northwesterly on a bearing of 328° to the point immediately adjoining Little Tail point at $44^{\circ}40'N$ thence due west to the shoreline from September 1 to the following May 19, except that gill nets in accordance with this chapter may be used to take whitefish in these waters and smelt pound nets may be fished after March 1.

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

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

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

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

(b) No nets of any kind except those under permit for the taking of rough or detrimental fish may be used, set, placed or operated in the following waters of Lake Superior.

1. All waters bounded by a line beginning at the mouth of Graveyard creek extending north to Gull Island Shoals refuge south boundary, then east to the Wisconsin-Michigan state line, then southerly along the state line to the shore at the mouth of the Montreal river, then westerly along the shore to the point of beginning.

2. All waters of Siskiwit bay bounded by the shoreline and a line extending from Quarry point to Squaw point.

3. All waters from a line extending due north from the mouth of the Cranberry river at Herbster, easterly to the northernmost point of Quarry Point wherein the bottom lies at a depth of less than 12 fathoms, except Bark bay which shall be open from April 1 through May 30.

4. All waters from a line extending due north from the mouth of the Iron river, easterly to a line extending due north from the mouth of the Cranberry river at Herbster, wherein the bottom lies at a depth of less than 15 fathoms.

5. All waters from a line extending due north from the mouth of the Iron river, westerly to the Wisconsin-Minnesota state line wherein the bottom lies at a depth of less than 35 fathoms, except that from November 15 through December 30 gill nets of 3" or less stretch measure may be used in that portion greater than 15 fathoms in depth east of a line extending due north from the mouth of the Brule river.

6. All waters from a line extending due east from the breakwall light at Port Superior, southerly along the shoreline to Houghton point, wherein the bottom lies at a depth of less than 9 fathoms, and those waters within one mile of the mouth of any stream along this shoreline except from June 1 through August 15.

7. All waters bounded by a line beginning at the Chequamegon point light on the western end of Long island extending northeasterly to the southernmost point of Madeline island, then due east to the western boundary of Gull Island Shoals refuge, then southerly along the refuge boundary to the mouth of the Bad river, then northwesterly along the shoreline to the place of beginning, except within one mile of the mainland shoreline in Ashland county.

8. All waters east of Madeline island between a line extending due east from the southernmost tip of Madeline island to the western boundary of the Gull Island Shoals refuge and a line extending from the east end of Hagen road to the western boundary of the Gull Island Shoals refuge from June 1 through August 31.

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

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

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. (2) (b) 2., Register, November, 1977, No. 263, eff. 12-1-77; am. (2) (a) 5., Register, June, 1978, No. 270, eff. 7-1-78; emerg. am (1), (2) (a) (intro.), 3. and 9., eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (a) 3., Register, May, 1981, No. 305, eff. 7-1-81; emerg. r. and recr. (3) (a) 4., r. (5) (a) 3., renum. (5) (b) to be (5) (c), cr. (5) (b), eff. 6-24-81; 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.