

Chapter NR 25

COMMERCIAL FISHING — OUTLYING WATERS

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Note: Chapter NR 25 as it existed on September 30, 1976, was repealed and a new chapter NR 25 was created effective October 1, 1976.

NR 25.01 Purpose. (1) This chapter, along with other applicable rules and statutes, regulates commercial fishing in the outlying waters.

(2) The rules contained in this chapter are not intended to, nor do they authorize, the sale or introduction into interstate commerce for purposes of human consumption or use fish taken from the outlying waters which fail to meet food and drug administration (FDA) standards.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.02 Definitions. Except as otherwise specifically defined in the statutes, the following terms, for the purposes of this chapter, are defined as follows:

(1) "Closed area" means any area designated as a refuge by rule or statute, or any area where fishing is restricted in any manner by rule.

(2) "Closed season" means that period of the year not embraced within the open season for each species of fish therefor as provided in s. NR 25.05 (1) during which the taking of the fish species enumerated is prohibited.

(3) "Commercial fish" is any species of game or rough fish for which an open season has been provided in s. NR 25.05.

(4) "Commercial fishing" means fishing for fish regulated by this chapter with commercial gear or methods other than those commonly known as hook and line fishing or angling, the taking of smelt pursuant to s. NR 20.09, or minnows.

(5) "Commercial fishing gear" or "commercial gear" is that equipment identified in or regulated by this chapter, with the exception of hook and line or angling equipment, gear for the taking of smelt pursuant to s. NR 20.09, or minnows.

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

- (7) "Department" means department of natural resources.
- (8) "Encircling nets" means purse seines as defined in sub. (22), and seines as described in s. 29.336 (3), Stats.
- (9) "Entrapping nets" means trap nets as defined in sub. (27), and entrapping nets as described in s. 29.336 (1), Stats.
- (10) "Final consumer" means the last or ultimate person who obtains a fish for its final use for eating or otherwise.
- (11) "Final consumption" means the last or ultimate use of a fish by eating or otherwise.
- (12) "Fisher" means any person engaged in fishing.
- (13) "Harvest limit", "harvest quota", "total allowable annual commercial harvest", "the total allowable commercial harvest" or "the annual allowable commercial harvest" means the total number or pounds of fish as established in this chapter which may be taken in a license year from the outlying waters or any portion thereof.
- (14) "Illegal fish" means any or all fish taken at a time other than the open season, or of sizes other than prescribed in s. NR 25.05 or in excess of quotas as prescribed in s. NR 25.06, or taken by methods other than those prescribed in this chapter, or of the following species: smallmouth bass, largemouth bass, rock bass, crappie, muskellunge, sturgeon, all species of salmon and trout except as otherwise prescribed in this chapter.
- (15) "Illegal nets" mean those nets possessed or used in violation of this chapter or a statute.
- (16) "License year" means that period from July 1 through June 30 of the succeeding year.
- (17) "Licensed commercial fisher" means a person currently licensed under s. 29.33 (1), Stats.
- (18) "Northern and southern Green Bay line" means that line described as a line in Green Bay 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.
- (19) "Northern chub fishing zone" means those waters of Lake Michigan lying north of a line extending due east from the red navigational buoy marking the entrance of Baileys Harbor, except between April 1, 1983 and July 1, 1985 when it means those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Baileys Harbor on a 135° bearing, and east of a line extending through the marker buoy on Fisherman Shoal on a 23° bearing.
- Note: This definition creates different boundaries for the "northern chub fishing zone" for a period not to extend beyond July 1, 1985. During that period, the fishery in the zone will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.
- (20) "Northern Green Bay" means those waters of Green Bay lying north of the northern and southern Green Bay line.

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 2,500,000 pounds, not including incidental catches allowed elsewhere in this chapter.

2. No more than 300,000 pounds of the total allowable commercial harvest for any license year may be taken in the northern chub fishing zone.

3. No more than 2,100,000 pounds of the total allowable commercial harvest for any license year may be taken in the southern chub fishing zone.

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

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

1. The total allowable commercial harvest in Green Bay for any license year may not exceed 200,000 pounds.

(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.

(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.

(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.

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 individual quota of 4,400 pounds of lake trout; except

2. Each such licensed commercial 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 the total of that quantity of lake trout allocated in subs. 1. and 2. exceeds the total amount established in s. NR 25.06 (1) (a)2., individual allocations shall be reduced on a pro rata basis.

4. Whenever that quantity of lake trout allocated in subs. 1. and 2. does not equal in total the amount provided in s. NR 25.06 (1) (a)2., individual allocations may be increased on a pro rata basis.

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

a. Presently licensed commercial fishers;

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- b. Ownership of a boat of 35 feet in overall length or longer;
- c. The boat shall be equipped with a powered net lifter.

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

a. In the northern chub fishing zone, 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, the months of October, November and December, and for the period from April 1, 1983 to July 1, 1985, the months of April, May and June respectively.

Note: This subpar. allows the harvest of chubs in the northern chub fishing zone during the months of April, May and June for a period not to extend beyond July 1, 1985. During that period, the fishery in the zone will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

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

c. The quota for the following 3-month period shall be adjusted based on the actual reported catch of the previous periods within a given license year, except that no more than 100,000 pounds of chubs may be harvested during the 3-month period encompassed by the months of April, May and June.

3. All permittees under subd. 1. who select the southern chub fishing zone under sub. (3) (a) 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.

2) No permittee may take more than 40% of the maximum established in subpar. b. 1) during any of the 3-month fishing 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.

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.

c. 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 25.08 (2) (a) 9., and the legal fish therein harvested.

4. Each permittee shall submit weekly fishing reports on forms provided by the department. The weekly fishing reports shall be mailed to the department at the address provided on the forms and shall be post-marked no later than the Monday following the weekly report period during the open season. Weekly fishing reports shall be filed by each permittee regardless of whether the permittee fished or not.

(b.) *Yellow perch.* 1. Green Bay yellow perch fishing permits and individual licensee catch quotas 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.

2. 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 license catch quota would be 1,260 pounds.

b. If the number of eligible permittees is inadequate to utilize the total allowable commercial harvest as established by s. NR 25.06 (2) (b) 1. and as allocated under subpar. a., the surplus will be divided among the eligible permittees based on the percentages calculated for each permittee under subpar. a.

c. Any future increases over the 1983-84 total allowable annual commercial harvest as established by s. NR 25.06 (2) (b) 1. that exceed the average annual total reported commercial harvest of yellow perch from the Wisconsin waters of Green Bay during the period from January 1, 1979 through December 31, 1982, will be divided equally among all applicants for Green Bay yellow perch fishing permits, regardless of past yellow perch harvest records.

3. Fishing under permits issued under subd. 1. may be done from any boat listed on the permittee's commercial fishing license or through the ice.

4. Each permittee shall submit weekly fishing reports on forms provided by the department.

a. The weekly fishing reports shall be carried while fishing under the permit and the catch information for that day's fishing shall be recorded on the weekly fishing report before bringing the catch to dock or shore. This requirement does not include the weighed total catch.

b. The weekly fishing reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than the Monday following the weekly report period during the open season. Weekly fishing reports shall be filed by each permittee regardless of whether the permittee fished or not.

5. Based on the information received in the weekly fishing reports, the department shall notify individual permittees when 90% of their catch quota, as allocated under subd. 2., has been harvested.

(3) Applications for individual license year catch quotas shall be made on forms provided by the department. Applications, if mailed, shall be postmarked no later than March 15 preceding the license year for which application is being made. If applications are submitted to the department other than by mail, they shall be received and stamped with a date stamp of the department indicating receipt no later than March 15 preceding the license year for which application is being made.

(a) 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.

(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 s. 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. 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., renun. (2) (a) 3. to be (2) (a) 4. and am., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83.

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 2⅝" 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 that such nets may not be used in fishing for chubs in the following waters:

a. Lake Michigan, other than in the northern and southern chub fishing zones.

b. 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 with a mesh size of not less than 4½" and not more than 6½" stretch measure.

a. In those waters of Lake Michigan lying north of a line extending due east from the red navigational buoy marking the entrance of Baileys Harbor, except between April 1, 1983 and July 1, 1985 when it is in those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Baileys Harbor on a 135° bearing.

Note: This subparagraph allows the use of gill nets with a mesh size of not less than 4½" and not more than 6½" stretch measure in a larger area of northern Lake Michigan for a period not to extend beyond July 1, 1985. During that period, the fishery will be closely monitored and evaluated. If found necessary, the department will propose appropriate amendments prior to July 1, 1985.

b. In Green Bay.

c. Only during the open season for whitefish.

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

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 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 1¼" stretch measure.

2. Gill nets with a mesh size of not less than 2¾" and not more than 2¾" 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 2¾" 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 fath-

oms 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°35'W in the SE ¼ SE ¼ 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°55'N, then due east on 44°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 those under contract for the taking of rough fish may be used, set, placed or operated in the following waters of Lake Michigan and Green Bay:

(a) Fox river including all connecting sloughs, bayous, and tributaries from the DePere dam downstream to its mouth lying south of a line commencing at the Wisconsin public service Pulliam plant and running easterly across the Fox river to the outlet of the Green Bay metropolitan sewerage district plant outfall in Brown county.

(b) That portion of southern Green Bay lying south or east of a line commencing at the mouth of Renard creek located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, section 21, township 26 north, range 23 east, Door county, and running southwesterly to the east end of the concrete sea wall located at the end of Point Comfort road in SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 20, township 25 north, range 22 east, Brown county.

(6) 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°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.

(6m) 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. 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.

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NR 25.09 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; renum. from NR 25.09, Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.10 Handling of illegal fish. All illegal fish taken during commercial fishing operations on the outlying waters shall be immediately returned to the water, except that a department employe on board a vessel or otherwise accompanying fishers engaged in such commercial fishing operations may retain illegal fish taken.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.11 Processing of fish. (1) It shall be unlawful for any person operating any fishing boat or boats or any other conveyance on the outlying waters to carry or transport on board such boat or boats or any other conveyance used at any time in the transportation of fish or fishing gear, any instrument or device by which fish can be ground up or so mutilated that identification of the species and measurement of the individual fish are impossible.

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

History: Renum. from NR 25.13 (3) (a) and (b), Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.12 Commercial fishing reports. (1) All commercial fishing reports shall be signed by the commercial fishing licensee under whose license the fish were taken.

(2) On or before the 10th day of each month each person licensed pursuant to s. 29.33, Stats., or fishing as an eligible member of the Red Cliff and Bad River bands of Lake Superior Chippewas, shall report for the preceding calendar month to the department in writing on forms provided for this purpose by said department such information relative to their fishing activities as may be deemed necessary by the department

for management of the fishery, and to prevent depletion of the fish supply.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.14 and am. Register, October, 1979, No. 286, eff. 11-1-79

NR 25.13 Movement of gill nets. Whenever any gill nets in outlying waters shall catch illegal fish of any species in an amount equal to more than 10% by weight of that total catch, the nets shall be immediately removed from the water. Such nets may not be reset, placed, replaced or operated during the same day unless all parts of the nets are either moved a distance of at least 3 miles or to a depth such that no part of the net is less than 5 fathoms greater than or less than that at which they were found to exceed the 10% figure.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.16 and am. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.14 Possession of fishing equipment. (1) No licensed commercial fisher or any member of the crew or any person aboard the boat shall have in possession any game fish or sport angling equipment while operating commercial fishing gear or while traveling to or from the operation of such gear in any of the outlying waters.

(2) No person shall have in possession any commercial fishing gear while on the outlying waters unless in possession of a valid license issued pursuant to s. 29.33, Stats. or otherwise authorized by the department.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.17 and am. Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.15 Taking of fish by or for the department. Nothing in this chapter shall prohibit the department or its agents from taking fish or authorizing by special permit as prescribed in s. 29.51 (2), Stats., the taking of fish for purposes of obtaining spawn for fish propagation or by contract for studies, investigations, and surveys in accordance with s. 23.09 (2), Stats.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; renum. from NR 25.11, Register, October, 1979, No. 286, eff. 11-1-79.

NR 25.16 Severability. Should any section or portion of this chapter be declared invalid or unconstitutional for any reason, the remainder of the chapter shall not be affected thereby.

History: Cr. Register, October, 1979, No. 286, eff. 11-1-79.