

activities shall be restricted to waters adjacent to the reservations of the Bad River and Red Cliff bands.

(2) LAKE MICHIGAN AND GREEN BAY. (a) *Chubs*. The total allowable annual commercial harvest of chubs in Wisconsin waters of Lake Michigan shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest for any license year may not exceed 3,000,000 pounds, not including incidental catches allowed elsewhere in this chapter.

2. No more than 3,500,000 pounds of the total allowable commercial harvest for any license year may be taken in the northern chub fishing zone.

3. No more than 2,550,000 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 350,000 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; am. (2) (b) 1., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. to 3., Register, July, 1984, No. 343, eff. 8-1-84.

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:

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- a. Presently licensed commercial fishers;
- b. Ownership of a boat of 35 feet in overall length or longer which shall be used by the applicant in fishing under their chub permit;
- 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 125,000 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, and for the period from April 1, 1983 to July 1, 1985, 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.

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 per-

mittee 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. No more than the amount of one maximum individual quota allotted under subpar. a. 1) and 2) may be taken on any one boat in the southern chub zone during the license year. If it is necessary to transfer a chub fishing permit to another boat, this limit shall be applied in total on the boats involved.

d. 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

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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, and

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

d. Any licensee who fails to apply for and receive a permit under this paragraph is not eligible for future Green Bay yellow perch fishing permits under this paragraph until the provisions of subd. 2.c. are applicable.

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 licensee 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 increase of the total allowable annual commercial harvest as established by s. NR 25.06 (2) (b) 1. that exceeds 521,285 pounds will be divided equally among all licensed commercial fishers who apply 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 75% 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., renum. (2) (a) 3. to be (2) (a) 4. and am., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83; am. (1) (b) 1., (2) (b) 2. c. and 5., cr. (2) (b) 1. c. and d., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. b. and 2. a., renum. (2) (a) 3. c. to be 3. d., cr. (2) (a) 3. c., Register, July, 1984, No. 343, eff. 8-1-84.

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NR 25.08 Commercial fishing gear. Licensed commercial fishers conducting commercial fishing operations may only use the following gear subject to the conditions stated in this section and in the areas designated:

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

1. With a mesh size of not more than 1¾" stretch measure.