

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.

(c) *Forage fish.* 1. No person may fish for forage fish with commercial gear in Lake Michigan or Green Bay unless the person has a permit from the department issued under this paragraph.

2. Lake Michigan and Green Bay forage fish trawling permits shall be issued to all applicants who:

a. Hold a valid commercial fishing license issued under s. 29.33, Stats., and

b. Reported a commercial harvest of forage fish by trawls legally taken from the Wisconsin waters of Green Bay or Lake Michigan between January 1, 1984 and December 31, 1985, while operating under a commercial fishing license issued under s. 29.33, Stats.

3. A Lake Michigan and Green Bay permit to harvest forage fish by commercial gear other than trawls shall be issued to all applicants holding a valid commercial fishing license issued under s. 29.33, Stats.

4. The total allowable commercial harvest of forage fish by trawls and by other commercial gear established under s. NR 25.06(2)(c) shall be treated as total allowable catch without individual allocation between fishers.

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

b. 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.

c. The weekly fishing reports shall be mailed to the department at the address provided on the forms and shall be postmarked no later than 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.

6. The department shall notify all permittees to cease fishing upon receipt of information that 85% of the quota as established in s. NR 25.06(2)(c) has been harvested except that all nets in the water shall be lifted under s. NR 25.09(2)(a)10., and the legal fish harvested.

(3) APPLICATION. (a) Applications for individual licensee catch quotas and fishing permits under this section shall be made annually on forms provided by the department.

(b) Applications, if mailed, shall be postmarked no later than April 30 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 as indicated by a date stamp of the department, no later than April 30 preceding the license year for which application is being made.

(c) The applications shall be reviewed by the department and approved or denied no later than June 15 preceding the license year for which application is being made, unless there are circumstances that may prevent the applicant from being a licensed commercial fisher on July 1 of the license year for which application is being made. In those cases, the applicant shall be notified of the approval or denial of the application in conjunction with the notice of approval or denial of the license authorizing commercial fishing on the outlying waters.

(d) 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 as the zone they wish to fish chubs in.

(4) ASSESSMENT QUOTA. Fish harvested under contract for the department for assessment purposes may not be considered part of nor deducted from an individual licensee catch quota.

(5) PERIOD OF VALIDITY. Individual licensee catch quotas and fishing permits determined and issued in accordance with this section shall be issued on a license year basis. They shall be valid only during the open season for the species of fish subject to the harvest quota and only while the quota holder or permittee holds a valid license authorizing commercial fishing in the waters to which the quota applies.

(6) REINSTATEMENT OF QUOTA RIGHTS. If the commercial fishing license of a quota holder is revoked under s. 29.33, Stats., the right to that quota and ranking, if any, shall be reinstated upon reinstatement of the revoked license and upon proper application.

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-Register, January, 1988, No. 385

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; am. (2) (a) 2, intro. and b., 3, intro. and d., r. and recr. (3) to (6), Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (2) (a) 3. b. 2), eff. 3-15-85; am. (2) (a) 3. c., renum. (2) (a) 3. d. to be 3. e., cr. (2) (a) 3. d., Register, May, 1985, No. 353, eff. 6-1-85; am. (1) (a), Register, June, 1985, No. 354, eff. 7-1-85; am. (2) (a) 3. b. 2), Register, July, 1985, No. 355, eff. 8-1-85; am. (2) (a) 2.a., Register, August, 1985, No. 356, eff. 9-1-85; am. (1) (d), Register, February, 1986, No. 362, eff. 3-1-86; emerg. am. (2) (a) 3. d., eff. 5-5-86; am. (2) (a) 2. a. and b., r. (2) (a) 2. c., Register, October, 1986, No. 370, eff. 11-1-86; r. and recr. (2) (a) 3. d., Register, December, 1986, No. 372, eff. 1-1-87; cr. (2) (c), Register, January, 1988, No. 385, eff. 2-1-88.

NR 25.08 Transfer of individual licensee catch quotas. Individual licensee catch quotas allotted under s. NR 25.07 (1) (a), (2) (a) 3.a., and (2) (b) may be transferred by the licensee receiving the quota allocation to another valid licensee authorized to engage in commercial fishing in the waters to which the quota applies, who meets all criteria for receiving such a quota other than previous fishing history, subject to the conditions stated in this section.

(1) Application for individual licensee catch quota transfers shall be made on forms provided by the department.

(2) All or part of an individual licensee catch quota allotted under s. NR 25.07 (2) (a) 3.a. and (2) (b) may be permanently transferred by the quota holder. Such a transfer may occur in conjunction with the transfer of the quota holder's valid license authorizing commercial fishing in the outlying waters under s. NR 25.04.

(3) A licensee may designate on the application for their individual licensee catch quota a person to whom the licensee wishes that quota to be transferred in the event of the licensee's death or incapacity. This designation may be changed during the license year as requested in writing by the licensee. The designated person shall meet the criteria under this section for the transfer to occur.

(a) In the absence of such a designation, or a qualified transferee, or a transferee capable of accepting the transfer under this section, members of the immediate family of the licensee who meet the eligibility requirements of this section shall be offered the quota. The offer shall be made by the department in the following order:

1. Spouse;
2. Children, eldest first, then in order of age;
3. Parents;
4. Siblings, eldest first, then in order of age.

(b) Any transferee under this subsection who relies on commercial fishing gear of a deceased licensee to meet the eligibility criteria of this chapter, but such gear has not been distributed or assigned in accordance with appropriate probate procedures shall have 2 years from the date of acceptance of the transfer to meet those eligibility requirements. During that time, the quota shall be held in abeyance by the department.

(c) All offers of transfer under this subsection shall be accepted within 30 days from the date of offer or be considered refused.

(d) The provisions of this subsection shall apply to quotas granted for license year July 1, 1983 to June 30, 1984 and subsequent license years.

(4) Individual licensee catch quotas may not be transferred if the quota holder or the recipient are charged with a violation of outlying waters commercial fishing laws under which conviction could cause revocation or suspension of their respective commercial fishing license. This subsection shall apply from issuance of the citation or complaint until the matter is adjudicated or dismissed.

(5) Individual licensee catch quota transfers shall be reviewed and approved or denied by the commercial fishing board of the body of water for which the quota applies. Such review and approval or denial shall occur no later than the next regular quarterly meeting of the appropriate commercial fishing board.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.

NR 25.09 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.
2. With a mesh size of not less than 2¾" and not more than 2¾" stretch measure.
 - a. Not more than 35 meshes in depth in water 12 to 90 feet (2 to 15 fathoms) deep or 210 feet (35 fathoms) and deeper.
 - b. Not more than 60 meshes in depth may be used provided the bottom maitre cord or lead line is at least 6 feet (1 fathom) above the lake bottom.
3. With a mesh size of not less than 2½ inch and not more than 3 inch stretch measure:
 - a. Only in water 60 feet (10 fathoms) deep or deeper.
 - b. Only from November 15 through March 31.
4. With a mesh size of not less than 4½ inch stretch measure:
 - a. Not more than 30 meshes in depth and only when set on the bottom of the lake.
 - b. No more than 10,000 feet of these nets may be used by each licensed commercial fisher in water less than 330 feet (55 fathoms) deep and then only from November 28 through September 30.

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