



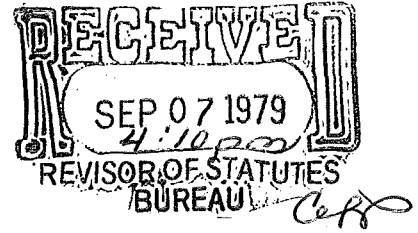
NR 25

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____



STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. F-7-79 was duly approved and adopted by this Department on April 26, 1979. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 31st day of August, 1979.

Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

RENUMBERING, RENUMBERING & AMENDING, AMENDING

REPEALING & RECREATING, AND CREATING RULES

.....
IN THE MATTER of renumbering sections .
NR 25.11, NR 25.12, NR 25.13(3)(a) & (b), .
NR 25.14 & NR 25.16; renumbering and .
amending section NR 25.17; amending .
sections NR 25.05, NR 25.06 & NR 25.08; .
repealing and recreating sections .
NR 25.01, NR 25.02, NR 25.03, NR 25.04, .
NR 25.07 & NR 25.10; and creating section .
NR 25.16 of the Wisconsin Administrative .
Code pertaining to commercial fishing in .
outlying waters .
.....

F-7-79

Analysis Prepared by Department of Natural Resources

The following explanation clarifies the significant changes to the code as it now exists:

- NR 25.01 Purpose: Provides more concise statement of purpose than at present.
- NR 25.02 Definitions: Adds definitions for: closed area; commercial fish; commercial fishing; commercial fishing gear; final consumer; final consumption; harvest limit; illegal fish; illegal nets; license year; northern Green Bay; purse seine; southern Green Bay; trap net; trawl cast. Removes definitions for: fish in the round; dressed fish; filleted fish; rough fish; permit as being unnecessary.
- NR 25.03 Commercial fishing licenses: Repeals existing section entitled Limited Entry; Lake Superior, and creates limited entry provisions for both lakes. Sets number of licenses on Lake Superior at 21, on Lake Michigan at number extant at passage.
- NR 25.04 Transfer of commercial fishing license: Repeals a section on commercial fishing licenses and creates provisions for transfer of licenses to immediate family members or others qualified. Defines immediate family. Provides for approval by commercial fishing board.
- NR 25.05 Open seasons; size limits; possession limits: Opens chub season in Lake Michigan for 2 years; closes walleye season in southern Green Bay for 2 years; closes lake herring season in Green Bay and Lake Michigan. Size limit for yellow perch in southern Green Bay is retained at 7 1/2 inches. Size limit for walleye when the season reopens is set at 18 inches. A possession limit section is added to authorize quotas as possession limits.

NR 25.06 Quotas	Retains provisions relative to Lake Superior quotas. Contains provisions for tagging lake trout and siscowet from Lake Superior. Authorizes chub quota on Lake Michigan.
NR 25.07 Individual licensee catch quotas	Repeals existing section relative to permits; permits will no longer be in general use. Creates interim provisions for lake trout allotments on Lake Superior, pending action by the Lake Superior Commercial Fishing Board. Provides for action by Lake Michigan Commercial Fishing Board to allot chub quotas. Indicates quotas shall be issued on a license year basis. Authorizes quota transfer with commercial fishing board approval.
NR 25.08 Restricted areas and legal commercial fishing gear: legal gear	Amends existing section regarding legal gear to incorporate restricted areas. Removes permit requirement in most instances.
	<p><u>Lake Michigan</u> - Establishes that use of chub nets is restricted in northern Lake Michigan and Green Bay due to failure of stock to recover. Allows use of 4"-4½" gill nets for rough fish and northern pike during closed season for whitefish. Retains provisions relative to 4½" net use restriction due to Department's appeal of lower court decision (pending). Curtails use of rough fish gill nets during closed seasons for whitefish and yellow perch. Restricts number of nights nets may be left in water without lifting, previously on permits. Restricts trap nets to waters 80' or less and curtails their use during closed season for whitefish. Curtails use of drop or fyke nets during closed season for yellow perch. Provides lifting restrictions for trap, pound, fyke and drop nets. Retains provisions permitting trawling.</p>
	<p><u>Lake Superior</u> - Provides seasonal restrictions on use of large mesh gill nets, previously part of permit provisions. Provides lifting restrictions also previously on permits for this gear. Reduces the number of nights entrapping nets may be set without operation from 10 to 7. Retains a permit system for entrapping nets, at the request of the fishery. Authorizes use of purse seines, seines and trawls in Lake Superior.</p>
Restricted areas	<p><u>Lake Michigan</u> - Enlarges Larsens Reef restricted area to prevent walleye, lake trout, yellow perch incidental harvests. Establishes three restricted areas in southern Green Bay to provide for recovery of yellow perch stocks. Two of these</p>

	areas are seasonal. Establishes a restricted area to protect chub populations north of the Kewaunee Line.
	<u>Lake Superior</u> - Retains existing restricted areas.
NR 25.09 Measurement of nets	Renumbers section previously NR 25.12
NR 25.10 Handling of illegal fish	Repeals net marking provisions as being unnecessary. They are now in statutes. Provides that illegal fish, whether dead or alive, be returned to the water immediately.
NR 25.11 Processing of fish	Provisions for tagging illegal fish are eliminated. Provisions restricting processing on board vessels are retained.
NR 25.12 Commercial fishing reports	The existing report and inspection section is renumbered. Inspection right is removed as being adequately covered by statute. Provisions regarding reporting are retained.
NR 25.13 Movement of gill nets	Provisions relating to contraband nets and net seizure are removed as being adequately covered by statute. Provisions relating to moving nets are retained and distance and depth requirements are increased.
NR 25.14 Possession of fishing equipment	Renumbers an existing section and removes provisions relative to the possession of nets. Statutes are specific as to net possession, and this section is unnecessary.
NR 25.15 Taking of fish by or for the department	Renumbers existing section which authorizes surveys, etc.
NR 25.16 Severability	Repeals existing contraband net section and creates new section on severability.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.11, 227.014 and chapter 29, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby renumbers, renumbers and amends, amends, repeals & recreates, and creates rules as follows:

NR 25 Wisconsin Administrative Code
Commercial Fishing - Outlying Waters

SECTION 1 - Section NR 25.01 is repealed and recreated to read:

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.

SECTION 2 - Section NR 25.02 is repealed and recreated to read:

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 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 section 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 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 NR 20.09 or minnows.

(6) "Department" means department of natural resources.

(7) "Final consumer" means the last or ultimate person who obtains a fish for its final use for eating or otherwise.

(8) "Final consumption" means the last or ultimate use of a fish by eating or otherwise.

(9) "Fisher" means any person engaged in fishing.

(10) "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.

(11) "Illegal fish" means any or all fish taken at a time other than the open season, or of sizes other than prescribed in section NR 25.05 or in excess of quotas as prescribed in section 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.

(12) "Illegal nets" mean those nets possessed or used in violation of this chapter or a statute.

(13) "License year" means that period from July 1 through June 30 of the succeeding year.

(14) "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.

(15) "Northern Green Bay" means those waters of Green Bay lying north of the northern and southern Green Bay line.

(16) "Northern Green Bay-Lake Michigan line" means that line commencing at the northwest side of the Northport dock where it joins the shoreline in township 32 or 33 north, range 29 east; thence in a northeasterly direction to the range light (signal light) on Plum island; thence along the north and west shore of Plum island to the U. S. coast guard station; thence northerly to the southwesterly point of Shellswick dock, which is located on Lodbell's point on Washington island; thence along this dock to the shoreline of Lodbell's point; thence along the west shore of Washington island to Boyer's Bluff light; thence due north to the Michigan-Wisconsin boundary line.

(17) "Purse seine" means a net which consists of a wall or modified wall of net which is used to encircle fish. The top of the net is fitted with floats while the bottom is weighted. A line threaded through rings under the net allows fishers to close the bottom of the net, thus trapping fish in the enclosure so produced.

(18) "Southern Green Bay" means those waters of Green Bay lying south of the northern and southern Green Bay line, including the Fox River as far as the dam at DePere.

(19) "Trap net" means a device constructed of netting, which may employ wings or wings and leads, directing the movement of fish through a tunnel of netting into inner hearts or built-in forebays wherein they

are trapped by their own movement. Such nets may be referred to as shallow trap nets, submarine trap nets or deep water trap nets but shall not include drop nets or fyke nets.

(20) "Trawl" means a large conical bag of netting to which are often attached wings of netting, which is towed in the water and captures fish by scooping rather than encircling them. The mouth of the bag is normally kept open laterally by 2 large boards, one on each side so rigged that they serve to spread the entire net, and these boards are secured to towing lines running to the vessel or vessels engaged in towing the net through the water.

(21) "Trawl cast" means the single placement, towing and retrieval of a trawl.

(22) "Stretch measure" means the extension measure of net mesh size whenever the size of mesh of a net is specified. Stretch measure means the distance between the extreme angles of any single mesh.

SECTION 3 - Section NR 25.03 is repealed and recreated to read:

NR 25.03 Commercial fishing licenses. (1) Lake Superior. (a) Not more than 21 licenses authorizing commercial fishing in Lake Superior may be issued for each license year.

(b) Applications for licenses authorizing commercial fishing on Lake Superior which have been filed in accordance with sub. (3) shall be reviewed and approved or denied pursuant to the following criteria:

1. For the first year of eligibility the applicant must show proof of a \$5,000 investment in commercial fishing equipment.

2. To retain eligibility for the second year, the applicant must show proof of:

- a. A \$5,000 investment in commercial fishing equipment.
 - b. At least 50 days of commercial fishing, setting or operating nets on Lake Superior during the previous year.
 - c. A catch value of \$3,000 from Lake Superior during the previous year.
3. To retain eligibility for the third year, the applicant must show proof of:
- a. A \$7,500 investment in commercial fishing equipment.
 - b. Fifty days of commercial fishing, setting or operating nets on Lake Superior during the previous year.
 - c. A catch value of \$3,000 from Lake Superior during the previous year.
4. To retain eligibility for the fourth year the applicant must show proof of:
- a. A \$10,000 investment in commercial fishing equipment.
 - b. Fifty days of fishing experience, setting or operating nets on Lake Superior during the previous year.
 - c. A catch value of \$3,000 from Lake Superior during the previous year.
5. To retain eligibility for the fifth year period and thereafter, the applicant must show proof of:
- a. A \$10,000 investment in commercial fishing equipment.
 - b. Seventy-five days of fishing experience, setting or operating nets on Lake Superior during the previous year.
 - c. A catch value of \$5,000 from Lake Superior during the previous year.
6. Any licensee failing to meet the qualifications of subs. (b) 1. to 5. shall not be eligible to reapply for such license until one year has elapsed since the end of the period in which that person was licensed.

7. Such licenses shall be issued according to the following priorities to applicants otherwise qualified.

a. First to individuals who have been licensed on Lake Superior or worked as crew members setting and operating nets at least 100 days in total during the 2 preceding years.

b. Next to individuals who have held a license on Lake Superior or worked as a member of a crew on Lake Superior for 2 years.

c. Next to other Wisconsin residents and nonresidents residing in states allowing Wisconsin residents similar privileges.

8. When the number of qualified new applicants for such license shall exceed the number of licenses available and such applicants are not affected by the priorities established in (7) the licenses shall be awarded on the basis of random selection from all eligible applications received.

(2) Lake Michigan. (a) The number of licenses authorizing commercial fishing in Lake Michigan and Green Bay issued in each license year shall be limited to no more than the number issued and in effect at the time this rule becomes effective.

(3) Application for licenses authorizing commercial fishing in the outlying waters shall be made and submitted as designated on forms provided by the department no later than April 30 preceding the license year for which application is being made.

SECTION 4 - Section NR 25.04 is repealed and recreated to read:

NR 25.04 Transfer of commercial fishing licenses. (1) (a) A valid license authorizing commercial fishing in the outlying waters may be

transferred by a licensee complying with this section to a member of the licensee's immediate family.

(b) For purposes of this section the immediate family means the spouse, parent, sibling or children by birth or adoption who are eligible to apply for a commercial fishing license under section NR 25.03

(2) A valid license authorizing commercial fishing in the outlying waters may be transferred by a licensee complying with this section to another person meeting the qualifications in section NR 25.03(1) for commercial fishing on Lake Superior or NR 25.03(2) for commercial fishing on Lake Michigan.

(3) Licenses shall not be transferred under sub. (2) or sub. (3) if the licensee is charged with a violation of outlying waters commercial fishing laws. This provision shall apply during the period from the issuance of a citation or complaint until the matter is adjudicated or dismissed.

(4) Transfers shall be reviewed and approved or denied by the commercial fishing board of the body of water for which the license authorizes commercial fishing.

(5) Applications for transfer shall be made and submitted as designated on forms provided by the department.

SECTION 5 - Section NR 25.05 is amended to read:

NR 25.05 Open seasons; size limits; possession limits. (1) Open seasons. In the outlying waters there shall be an open season subject to other conditions established in this chapter and by statute on the various species of fish embraced within specified dates, both inclusive, as follows. During any time other than the open season no person shall take, catch or kill fish or fish for fish, except as otherwise expressly provided in this chapter.

Species	A	B	C
	Lake Michigan and Northern Green Bay	Southern Green Bay	Lake Superior
(a) Lake trout	No open season	No open season	Dec. 1 to Sept 30 subject to NR 25.06(2)(1)
(b) Siscowet	No open season	No open season	At all times in waters greater than 55 fathoms in depth
(c) Whitefish	December 1 to October 25	December 1 to October 25	Dec. 1 to Sept. 30
(d) Chubs	<u>No open season</u> <u>April 1 to</u> <u>December 31, 1979 and</u> <u>April 1 to December 31,</u> <u>1980, and April 1 to</u> <u>June 30, 1981 subject to</u> <u>sections NR 25.06(2) and</u> <u>25.08</u>	No open season	At all times
(e) Yellow perch	June 11 to April 9	May 20 to April 9	<u>June 2 to April 14</u> <u>No open season</u>
(f) Walleye, sauger and northern pike	No open season in Lake Michigan May 20 to March 9 in northern Green Bay	May 20 to March 9	No open season
<u>(f)</u> Northern Pike	<u>No open season in</u> <u>Lake Michigan, May 20</u> <u>to March 9 in Northern</u> <u>Green Bay</u>	<u>May 20 to March 9</u>	<u>No open season</u>
<u>(g)</u> Alewives, bullheads, burbot, carp, catfish, gizzard shad, lake herring, suckers, menominees, smelt, white bass	At all times	At all times	At all times
<u>(h)</u> Lake herring	<u>No open season</u>	<u>No open season</u>	<u>At all times</u>
<u>(i)</u> Walleye, sauger	<u>No open season</u> <u>in Lake Michigan,</u> <u>Open May 20 to</u> <u>March 9, in northern</u> <u>Green Bay commencing</u> <u>May 20, 1982</u>	<u>Open May 20 to</u> <u>March 9 commencing</u> <u>May 20, 1982</u>	<u>No open season</u>
<u>(j)</u> Others	No open season	No open season	No open season

(2) Size limits. Except as otherwise expressly provided in this chapter, no fish of a length or size less than that specified for each variety of any of the following varieties taken in gear or equipment authorized by this chapter, shall be retained, sold or transported possessed or under control. The measurement of the length of a fish within the meaning of this chapter shall be taken in a straight line in a natural position without manipulation from the tip of the snout to the end of the fully extended tail fin. The measurement of length shall apply without allowance made for the shrinkage of the fish.

	A Lake Michigan and Northern Green Bay	B Southern Green Bay	C Lake Superior
(a) Lake trout			17 inches
(b) Siscowet			17 inches
(c) Whitefish	17 inches	17 inches	17 inches
(d) Yellow perch	8 inches	7½ inches	8 inches
(e) Walleye and sauger	15 18 inches	15 18 inches	
(f) Northern pike	20 inches	20 inches	
(g) Catfish	16 inches	16 inches	
(h) Others	No size limit	No size limit	No size limit

(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.

non-Indian commercial fishers and Indian fishers shall be equally eligible for contracts provided they have the necessary experience and equipment for such special assessment purposes.

(f) All lake trout and ciscowet shall be tagged with tags furnished or authorized for each subspecies by the department before being brought to any shore, dock or port when fishing in open water and before being transported when fishing with nets under the ice. Such fish shall be individually tagged.

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

(h) Tags shall be locked and remain attached to lake trout or ciscowet until prepared for final consumption. Tags shall remain with smoked or filleted lake trout or ciscowet 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 ciscowet.

(i) Tags provided or authorized by the department for tagging lake trout and ciscowet 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 1,000,000 pounds, not to include incidental catches allowed elsewhere in this chapter.

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

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

SECTION 7 - Section NR 25.07 is repealed and recreated to read:

NR 25.07 Individual licensee catch quotas. (1) Lake Superior. (a) The allotment of catch quotas as established in NR 25.06 to individuals holding licenses authorizing commercial fishing on Lake Superior shall be, pending the establishment of criteria by the Lake Superior commercial fishing board and 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 2,200 pounds of lake trout; except

2. Each such licensed fisher who fishes with means of pound or trap nets only shall receive a quota of lake trout in the amount of 1,600 pounds.

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

SECTION 6 - Section NR 25.06 is amended to read:

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 ~~subject to confirmation by the natural resources board.~~

(b) The total allowable commercial harvest for any license year shall not exceed 100,000 pounds of lake trout.

~~(b)~~(c) That quantity of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior shall not exceed 40% by weight of the total annual allowable commercial harvest. ~~The total quota shall be divided among licensed commercial fishers. Individual quotas shall be specified in permits issued for the use of commercial fishing gear pursuant to NR 25.07. Such quotas shall be based on the type of fishing gear employed and shall constitute an allowed incidental catch.~~

~~(c)~~(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 40% of the annual allowable commercial harvest of lake trout from Wisconsin waters of Lake Superior. Copies of said permits will be provided to the department at the time of issue.

~~(d)~~(e) The department reserves 20% of the total annual allowable commercial harvest of lake trout to be used for special assessment purposes. Harvest shall be under contract with the department. Licensed

(2) Lake Michigan. (a) The allotment of catch quotas as established in NR 26.06 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 must be equipped with a powered net lifter.

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

1) No more than 1/3 of the annual chub quota shall be harvested during the months of July, August and September.

2) No more than 1/3 of the annual chub quota shall be harvested during the months of October, November and December.

3) No more than 1/3 of the annual chub quota shall be harvested during the months of April, May and June.

4) No more than 5% of the total quota may be taken by any one vessel or licensee during the license year.

c. Weekly reports on forms provided by the department shall be required of each permit holder.

d. The department shall notify all permit holders to cease fishing upon receipt of information that 90% of the 3-month quota has been harvested except that all nets in the water shall be lifted 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.

SECTION 8 - Section NR 25.08 is amended to read:

NR 25.08 Restricted areas and legal commercial fishing gear. (1)

~~Introduction.~~ The following are legal commercial fishing gear in the outlying waters when used in accordance with the provisions set forth in this chapter the manner provided and areas designated.

(2) Lake Michigan and Green Bay. (a) Gill nets may be used under permit only:

1. Gill nets with a mesh size equal to or less of not more than 1-3/4" stretch measure may be used for the taking of smelt only.

2. Gill nets with a mesh size of 2-3/8" to 2-1/2" stretch measure may be used in the water of southern Green Bay only.

3. Gill nets with a mesh size of 2-1/2" to 2-3/4" stretch measure may be used in these waters except such nets may not be used for the taking of chubs in those waters of Lake Michigan north of a line running due east from the entrance of Kewaunee Harbor and in northern Green Bay.

4. Gill nets of 2-3/4" stretch measure or less shall not exceed 60 meshes in depth.

5. Gill nets with a mesh size of 4" to 4-1/2" 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.

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

6-7. Gill nets with a mesh size of not less than 6-1/2" stretch measure and not more than 12 meshes deep may be used for taking rough fish except during the closed seasons for whitefish and yellow perch. as defined in section 29-01(3), Wis. Stats.

7-8. The maximum amount of gill nets of 4-1/2" 4" stretch mesh or larger to be employed by any one permittee commercial fishing licensee shall not exceed 12,000 lineal feet in the water at any one time. Each licensee may have only one permit for each gear type in effect at any one time.

9. Gill nets used in open water shall be lifted a minimum of once every 24 hours, except nets fished for chubs in waters deeper than 30 fathoms 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 and seines may be used under permit only:

1. Pound nets may be used in these waters; however, no pound nets may be used 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 may be used in these waters 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 prior to the closed season for whitefish.

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

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.

~~(e) Trawls may be used under permit only.~~

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

~~a~~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.

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

~~e~~3. Trawls may be used in restricted areas ~~reserve waters~~ 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. Permits for such use of trawls shall contain provisions Operations must be halted when determined by the department to be necessary to protect recently planted fish and concentrations of illegal fish.

~~(d)~~ In the waters of Lake Michigan and Green Bay no person shall set or lift any commercial fishing gear except seines, trawls, and pound nets which are set in water less than 15 feet in depth, during the period of 1/2 hour after sunset to 1/2 hour before sunrise.

(3) Lake Superior. (a) Gill nets:

~~(a)~~1. Gill nets with a mesh size of not more than 1-3/4" stretch measure may be used at any time.

~~(b)~~2. Gill nets with a mesh size of not less than 2-3/8" and not more than 2-3/4" stretch measure and not to exceed 35 meshes in depth may be used in depths of water from 2 to 15 fathoms and 35 fathoms and deeper. Gill nets of this mesh size and not to exceed 60 meshes deep may be used provided the bottom maitre cord or lead line shall not be nearer than one fathom to the bottom of the lake.

~~(c)~~3. Gill nets with a mesh size of over 2-3/4" and not more than 3" stretch measure from November 15 through March 31 only under permit.

~~(d)~~4. Gill nets with a mesh size of not less than 4-1/2" stretch measure and not more than 30 meshes in depth may be used only under permit, and only from December 1 through September 30. No nets may be set in grid 1409 and within one mile of the mainland shore from the last Friday in May through the first Monday in September. No nets may be set within one mile of the Madeline Island shoreline in grids 1309, 1310, and north of the LaPointe dock in grid 1409 on the northwest side of the island; within one mile of the south half of the shoreline of Hermit island from January 1 through March 31.

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

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

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

~~(g)~~5. Gill nets being set and lifted through ice cover ~~must~~ shall be lifted ~~no less often than~~ a minimum of once each 5 nights every 120 hours. Gill nets used in open water in 15 fathoms or less ~~must~~ shall be lifted ~~no less often than~~ a minimum of once each 3 nights every 72 hours; in 16 to 34 fathoms ~~no less often than~~ a minimum of once each 5 nights every 120 hours; in 35 fathoms and deeper ~~no less often than~~ a minimum of once each every 10 nights.

~~(e)~~(b) Entrapping nets may be used ~~only~~ under permit:

1. Entrapping nets may be used, 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 ~~must~~ shall be lifted ~~no less often than~~ a minimum of once each every 10 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 section 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 1/4 SE 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°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.

(g) 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.

(h) 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.

(i) 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.

(5) 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.

3. Within one mile of the mainland shoreline beginning at the point on the mainland shore at which an east-west line intersecting the southern the southern end of Basswood Island touches the shoreline and extending southward along the mainland shore to the reserve waters of Chequamegon bay.

(b) 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.

(6) 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.

SECTION 9 - Section NR 25.12 is renumbered to be Section NR 25.09
SECTION 10 - Section NR 25.10 is repealed and recreated to read:

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.

SECTION 11 - Section NR 25.11 is renumbered to Section NR 25.15.

SECTION 12 - Subsections NR 25.13(3)(a) and (b) are renumbered to be Subsections NR 25.11(1) and (2).

SECTION 13 - Section NR 25.14 is renumbered to NR 25.12 and is amended to read:

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

~~(1)~~(2) On or before the 10th day of each month each person licensed pursuant to section 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 all 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.

~~(2)~~ Conditions intended to assure full protection of the fishery shall include reasonable right of inspection of all fishing operations conducted pursuant to this chapter for purposes of obtaining information necessary to manage the fishery.

SECTION 14 - Section NR 25.16 is renumbered to NR 25.13 and is amended to read:

NR 25.13 ~~Contraband~~ Movement of gill nets. ~~(1)~~ All nets possessed or used in violation of this chapter are illegal and ~~contraband~~. Such nets may be seized and held subject to the order of the court whenever found in any prohibited waters or on any vessel, dock, reef, or fishing premises wherein possession may be prohibited by this chapter. Any such ~~contraband net or nets~~, so found shall be deemed sufficient evidence of the use of such net or nets by the owner, owners, or

operators thereof, who shall be subject to the same penalties as provided for other offenses mentioned in this chapter.

(2)(1) Whenever any set of gill nets in outlying waters shall take catch illegal fish of any species in an amount equal to more than 10% by weight of the that total catch, ~~the entire quantity of legal fish in that lift shall be confiscated along with its containers~~ and the nets shall be considered contraband unless immediately removed from the water. Such nets may not be reset, placed, replaced or operated during the same day unless they all parts of the nets are either moved a distance of at least 2 3 miles or to a depth such that no part of the net is less than 2 5 fathoms greater than or less than that at which they were found to exceed the 10% figure allowed incidental catch.

SECTION ~~15~~ - Section NR 25.17 is renumbered to Section NR 25.14 and is amended to read:

NR 25.14 Possession of fishing equipment. ~~(a)~~(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 ~~commercial fishing~~ license issued pursuant to section 29.33, Stats. or as otherwise authorized by the department.

~~(3)~~ No person except licensed ~~commercial~~ fishers and authorized net dealers shall have in possession or under control at any time

any trammel, gill or hoop net, or any other kind of net, netter, or fish trap that might take, catch or kill fish in Ashland, Bayfield, Douglas or Iron counties, except minnow nets and minnow traps, legal nets for the sport harvest of whitefish and eisco dip nets, crab traps and turtle traps as provided by administrative rule, unless such nets are sealed with locking seals by the department.

(4) No person shall have in possession in or on the waters of Lake Michigan or Green Bay any gill nets with a mesh greater than 2-3/4" stretch measure unless having first obtained and has on his/her person a valid permit for the use of such nets and is in or on the waters designated in the permit.

SECTION 16 - Section NR 25.16 is created to read:

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.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 26, 1979.

The rules contained herein shall take effect upon publication as provided in section 227.026, Stats.

Dated at Madison, Wisconsin

31 August 1979

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl

Anthony S. Earl, Secretary

(SEAL)