

## Chapter NR 25

## OUTLYING WATERS; COMMERCIAL FISHING

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**Note:** Chapter NR 25 as it existed on September 30, 1976, was repealed and a new chapter NR 25 was created effective October 1, 1976.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.** This chapter contains rules necessary to carry out the provisions of department of natural resources policy relative to management of the Great Lakes (Wis. Adm. Code section NR 1.01) and to administer the commercial fishing program on the outlying waters in accordance with the pertinent sections of chapters 23 and 29, Wis. Stats.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.02 Definitions.** The following terms wherever used in this chapter shall be construed to apply as follows. In addition those definitions subscribed to in section 29.01, Wis. Stats., and those descriptions of nets subscribed to in section 29.336, Wis. Stats., shall be applicable.

(1) "Closed seasons" that period of the year not embraced within the open season, for each species of fish therefor as provided in NR 25.05 (1).

(2) "Illegal fish" any or all fish taken at a time other than the open season, or of sizes other than prescribed in NR 25.05 (2) or in excess of quotas as prescribed in 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 prescribed in this chapter.

(3) "Fish in the round" a fish that is entirely intact as it was taken out of the water with no part removed by dressing.

(4) "Dressed fish" a fish with the head and tail attached but the gut or viscera removed.

(5) "Filletted fish" a fish with the entire head, viscera, gills, and some or all of the bones removed.

(6) "Rough fish" those species of fish referred to as rough fish in section 29.01 (3), Wis. Stats.

(7) "Permit" written authorization to engage in commercial fishing in accordance with the provisions set forth in this chapter, and containing conditions pertinent to the fishing operations.

(8) "Stretch measure" stretch measure shall refer to the extension measure of net mesh size whenever the size of mesh of a net is specified. Stretch measure shall mean the distance between the extreme angles of any single mesh.

(9) "Trap net" a device constructed of netting which employs wings or wings and leads directing the movement of fishes 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.

(10) "Trawl" a large conical bag of netting to which are often attached wings of netting, which is towed along the bottom or in mid-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.

(11) "Northern and southern Green Bay line" for the purpose of this chapter, the waters of Green Bay shall be divided in 2 parts and all that area south of the line 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, including the Fox river as far as the dam at DePere, shall be referred to as southern Green Bay, and all waters in Green Bay north of the above described line shall be referred to as northern Green Bay.

(12) "Northern Green Bay-Lake Michigan line" northern Green Bay and Lake Michigan shall be separated as follows: 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.

(13) "Department" whenever used in this chapter, department shall refer to the department of natural resources.

(14) "Fisher" within the meaning of this chapter, any person engaged in fishing.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.03 Limited entry; Lake Superior.** (1) Number of licenses issued: (a) Not more than 20 licenses authorizing commercial fishing in Lake Superior shall be issued and effective pursuant to section 29.33, Wis. Stats., for the licensing period which begins on July 1, 1976 and extends through June 30, 1977, and for each year thereafter.

(2) Each applicant shall be required to meet the following qualifications:

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

(b) To retain eligibility for the second year, the applicant must show proof of:

1. A \$5,000 investment in commercial fishing equipment.
2. At least 50 days of commercial fishing, setting or operating nets on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

(c) To retain eligibility for the third year, the applicant must show proof of:

1. A \$7,500 investment in commercial fishing equipment.
2. Fifty days of commercial fishing, setting or operating nets on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

(d) To retain eligibility for the fourth year the applicant must show proof of:

1. A \$10,000 investment in commercial fishing equipment.
2. Fifty days of fishing experience, setting or operating nets on Lake Superior during the previous year.
3. A catch value of \$3,000 from Lake Superior during the previous year.

(e) To retain eligibility for the fifth year period and thereafter, the applicant must show proof of:

1. A \$10,000 investment in commercial fishing equipment.
2. Seventy-five days of fishing experience, setting or operating nets on Lake Superior during the previous year.
3. A catch value of \$5,000 from Lake Superior during the previous year.

(3) Any licensee failing to meet the qualifications of subsection (2) 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.

(4) 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.

(5) 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 (4) the licenses shall be awarded on the basis of random selection from all eligible applications received.

(6) Applicants for such licenses shall be at least 18 years of age.

(7) Applications for such licenses shall be filed with the department not later than April 30 of the preceding license year on forms provided by the department.

(8) An individual holding a current license shall be allowed to transfer the license to another individual who meets the required qualifications of this section for such a license, or to a member of the immediate family upon notification and review by the department.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.04 Commercial fishing license.** (1) A commercial fishing license shall be issued only upon compliance with the following:

(a) An applicant shall meet all of the eligibility and qualification requirements contained in this chapter.

(b) Application shall be made on forms provided by the department.

(c) An applicant shall not have been found in violation of section 29.30 (2) (e), Wis. Stats., by a court, within 2 years immediately preceding July 1 following the date of application.

(d) An applicant shall not have been convicted of more than one violation of any statute or rule relating to commercial fishing and also have been found by the department after hearing, or a right thereto, to have engaged in a pattern of conduct which will or has the potential to overexploit or harm the commercial fishery.

(e) An applicant shall have submitted all necessary fishing reports as required pursuant to NR 25.14.

(2) A person found by a court of law to have violated section 29.30 (2) (e), Wis. Stats., or alleged to have been engaged in pattern of conduct which will or has the potential to overexploit or harm the commercial fishery or the fishery resource may request a hearing on the matter within 30 days of written notification of the allegation. A request for hearing shall be submitted in writing to the secretary of the department. Such hearing shall be held within 60 days from the request and shall be conducted in accordance with Wis. Adm. Code chapter NR 2.

(3) A commercial fishing license shall be effective from July 1 until June 30 of the succeeding year.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.05 Open seasons; size limits.** (1) **OPEN SEASONS.** In the outlying waters there shall be an open season 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 pursuant to NR 25.06 (2)
(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	No open season	No open season	At all times
(e) Yellow perch	June 11 to April 9	May 20 to April 9	June 2 to April 14
(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
(g) Alewives, bullheads, burbor, carp, catfish, gizzard shad, lake herring, suckers, menominees, smelt, white bass	At all times	At all times	At all times
(h) 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. 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.

Species	A	B	C
	Lake Michigan and Northern Green Bay	Southern Green Bay	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 inches	15 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

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**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, based upon recommendations from the U.S. fish and wildlife service and the great lakes fishery commission, subject to confirmation by the natural resources board. The total allowable annual commercial harvest shall be 100,000 pounds of lake trout.

(b) 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) 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) 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 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.

(2) **HARVEST OF FISH 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.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.07 Permits for commercial fishing.** (1) Permits constitute identification of fishers employing legal fishing gear at such times and in such areas as are prescribed in this chapter. Whenever a commercial fishing licensee is required to have in possession a permit for the use of commercial fishing gear in accordance with provisions of this chapter in order to engage in commercial fishing operations such permit will be issued by the department and shall specify such conditions in accordance with the statutes and rules of the department as will assure the development and protection of the fish resources in the outlying waters.

(2) Permits issued in accordance with this chapter shall not extend or be valid beyond the dates contained therein.

(3) When a permit is required for the use of commercial fishing gear said permit shall contain the following provisions:

(a) All persons fishing under the permit must comply with all provisions of this chapter:

(b) All permits issued must be on board the fishing vessel when fishing in open water and in possession of the permittee when fishing under the ice;

(c) All permits must contain the dates when the permit is valid and a description of the waters which may be fished;

(d) Permits will be issued for a specified size and amount of fishing gear;

(e) Permits will specify the number of nights the fishing gear will be fished;

(f) Permits will specify the procedures for disposition of illegal fish;

(g) Permits will specify allowable harvest quotas of lake trout to be taken from Wisconsin waters of Lake Superior pursuant to NR 25.06 (2) (b).

(4) When a permit is required for the use of commercial fishing gear the application for said permit must be made in writing on a form provided by the department.

(5) Unless so authorized by the department, no permittee shall conduct fishing operations on any boats other than those designated on the license.

(6) This section shall not apply to Lake Superior Chippewa Indians. Authority is granted to the tribal councils for issuance of permits to eligible Indian fishers.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.08 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.

(2) LAKE MICHIGAN AND GREEN BAY. (a) Gill nets may be used under permit only.

1. Gill nets with a mesh equal to or less than 1- $\frac{3}{4}$ " stretch measure may be used for the taking of smelt only.

2. Gill nets of 2- $\frac{3}{8}$ " to 2 $\frac{1}{2}$ " stretch measure may be used in the waters of southern Green Bay only.

3. Gill nets of 2 $\frac{1}{2}$ " to 2- $\frac{3}{4}$ " stretch measure may be used in these waters.

4. Gill nets of 2- $\frac{3}{4}$ " stretch measure or less shall not exceed 60 meshes in depth.

5. Gill nets of mesh size exceeding 4 $\frac{1}{2}$ " stretch measure and less than 6 $\frac{1}{2}$ " 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  $\frac{1}{2}$  can be 50 meshes deep.

6. Gill nets with a mesh of not less than 6 $\frac{1}{2}$ " stretch measure and not more than 12 meshes deep may be used for taking rough fish as defined in section 29.01 (3), Wis. Stats.

7. The maximum amount of gill nets of 4 $\frac{1}{2}$ " stretch mesh or larger to be employed by any one permittee 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.

(b) Entrapping nets and seines may be used under permit only. 1. Pound nets may be used in these waters; however, no pound net may be used, set, placed or operated in 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 set, placed or operated in not more than 80 feet of water.

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

4. Seines not less than 75 feet in length with mesh not less than 3 inch stretch measure may be used in these waters.

5. Each licensed 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.

(c) Trawls may be used under permit only. 1. 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. 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. In those waters of Lake Michigan 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. Not to exceed one percent of the trawl catch by weight may be composed of fish which are considered legal in other commercial fishing gear.

c. Trawls may be used in reserve waters to harvest rough or detrimental fish only. Permits for such use of trawls shall contain provisions 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 ½ hour after sunset to ½ hour before sunrise.

(3) LAKE SUPERIOR. (a) Gill nets with a mesh of not more than 1-¾" stretch measure may be used at all times.

(b) Gill nets with a mesh of not less than 2-¾" and not more than 2-¾" 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) Gill nets with a mesh size of over 2-¾" and not more than 3" stretch measure may be used from November 15 through March 31 only under permit.

(d) Gill nets with a mesh of not less than 4½" stretch measure and not more than 30 meshes in depth may be used only under permit, and only from December 1 through September 30.



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

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

(e) Entrapping nets may be used only under permit. 1. Entrapping nets may be used, 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 be lifted no less often than once each 10 nights.

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

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

**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.

**NR 25.09 Crew identification.** (1) No person shall be authorized to participate in commercial fishing operations unless he/she is duly licensed as a commercial fisher, or is accompanied by a licensed fisher, when fishing in open water, or has on his/her person an identification card or license required pursuant to section 29.33 (2) (a) 1., Wis. Stats., when fishing with nets under the ice or in open water.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.10 Marking of nets in accordance with section 29.30 (2) (d), Wis. Stats.** (1) Any gill net or gang of gill nets or the leads of any drop net, fyke net, pound net or submarine trap nets with the float line at a depth greater than 6 feet below the surface of the water shall be marked by buoys with staffs and flags at both ends of the net or gang. Where the float line of such net is set at a depth less than 6 feet below the water surface the nets shall be similarly marked but intervals between markers along the net shall not exceed 200 feet.

(2) Pound nets and fyke nets when set with stakes shall be marked with a staff and flag attached to 2 outer corner pilings. The height above water, size and color of such staffs and flags shall be the same as those specified in subsection (3). Buoys with staffs and flags shall be attached to the inshore ends of each lead and at intervals not to exceed 200 feet along each lead.

(3) (a) All buoy staffs shall extend not less than 5 feet above the water. At the upper end of each staff shall be maintained a flag of high visibility material, or treated with high visibility paint not less than 16 inches square of any color, except orange.

(b) All buoys, staffs and flags shall be maintained in an upright position and in good condition.

(c) Upon the bowl of such buoys, there shall be maintained in plain figures the license number authorizing the use of such nets.

Register, June, 1978, No. 270

(4) When gill nets, fyke nets, drop nets, pound nets or submarine trap nets are set through the ice, there shall be maintained on each end of the gang or net on a stake at least 3 feet above the surface of the ice a board or similar material which shall bear the license number authorizing the use of such nets.

(5) On drop nets, fyke nets and submarine trap nets when set below the surface of the water, there shall be a buoy attached to the pot rope. Buoy marking shall be the same as specified in subsection (3).

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.11 Taking of fish by or for the department.** (1) Nothing in this chapter shall prohibit the department or its agents from taking fish or authorizing by special permit as prescribed in section 29.51 (2), Wis. Stats., the taking of fish for purposes of obtaining spawn for fish propagation or by contract for studies, investigations, and surveys in accordance with section 23.09 (2), Wis. Stats.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.12 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.

**NR 25.13 Handling and disposition of fish.** (1) **TAGGING AND DISPOSITION OF ILLEGAL FISH.** (a) All dead illegal fish and lake trout taken pursuant to section NR 25.06 shall be tagged with tags furnished 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. Untagged illegal fish shall not be transferred between watercraft. Such fish shall be individually tagged and such

tags shall be sealed and remain attached to the fish until prepared for final consumption, and no such fish or part thereof other than offal shall be transported in any manner without such tag or tags attached thereto. All such dead illegal fish shall be turned over to the department or its authorized agents properly tagged.

(b) All live illegal fish shall be immediately returned to the water alive.

(c) Tags provided by the department for the purpose of identifying illegal fish and lake trout taken pursuant to NR 25.06 shall not be transferable.

(2) **POSSESSION AND TRANSPORTATION OF ILLEGAL FISH.** (a) No person shall transport or cause to be transported, deliver, receive, offer to deliver or receive for transportation, have in possession or under control, sell, trade or barter, or offer to sell, trade or barter, or to smoke or salt any illegal fish, irrespective of how, when or where taken or caught except as authorized by the department.

(3) **PROCESSING OF FISH.** (a) 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.

(b) 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.

(4) **COMPENSATION FOR HANDLING ILLEGAL FISH.** Whenever a licensed commercial fisher shall properly handle illegal fish in accordance with the provisions of this chapter, he/she shall receive as compensation for such illegal fish as are dressed, packed in ice and turned over to the department and determined to be fit for human consumption in accordance with the rules and regulations of the Wisconsin department of agriculture, those handling expenses which he/she verifies not to exceed 15 cents per pound of such dressed fish.

(5) **DISPOSITION OF FISH BY THE DEPARTMENT.** All dead fish turned over to the department pursuant to this chapter, which are fit for human consumption, shall be sold by the department or its authorized representatives for the highest price obtainable through licensed wholesale fish dealers or otherwise. After deduction of expenses for collection, preparation and sale of such fish, the net proceeds shall be paid into the conservation fund.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.14 Reports and inspection.** (1) On or before the 10th day of each month each person licensed pursuant to section 29.33, Wis. 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.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.15 Reserve waters.** The following waters are reserve waters and no nets of any kind except entrapping nets fished for whitefish shall be used, set, placed or operated therein, except such as may be authorized under permit for the purposes of taking rough fish or detrimental species.

(1) **LAKE SUPERIOR.** (a) Allouez bay, Superior bay, St. Louis bay, all described in section 29.015, Wis. Stats., 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 to the signal light on the extreme northwest point of Long Island, thence westerly to the Houghton Point light, the place of beginning.

(b) 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.

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

(2) **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, Wis. 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 most northerly point of Snake Island in section 30, township 28 north, range 25 east, Door county, thence northeasterly to the bell buoy off Sherwood Point, thence easterly to the Sherwood Point light.

(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 south-easterly 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.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.16 Contraband nets.** (1) All nets possessed or used in violation of this chapter are contraband. Such nets shall be seized and held subject to the order of the court whenever found in any prohibited waters or on any vessel, dock, reel, 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) Whenever any set of gill nets in outlying waters shall take illegal fish of any species in an amount equal to more than 10% by weight of the total catch, the entire quantity of illegal 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, or operated during the same day unless they are either moved a distance of at least 2 miles or to a depth such that no part of the net is less than 2 fathoms greater than or less than that at which they were found to exceed the allowed incidental catch.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 25.17 Possession of fishing equipment.** (a) 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.

(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, nets, 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 cisco dip nets, crab traps and turtle traps as provided by administrative order, 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- $\frac{3}{4}$ " 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.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.