

Chapter WCD 21

WISCONSIN-MINNESOTA BOUNDARY WATERS

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(Sections 29.085 and 29.174, Wis. Stats.)

WCD 21.01 Defining interstate boundary waters on Mississippi river. For the purpose of hook and line fishing in the Mississippi river interstate boundary waters, to apply to residents of Wisconsin and nonresident hook and line fishermen properly licensed under sections 29.09 and 29.14, Wis. Stats., all waters from the Chicago, Burlington and Quincy railroad tracks on the east side of the Mississippi river and extending west from said railroad track to that part of the river following the boundaries between the states of Wisconsin and Minnesota, shall be defined as interstate boundary waters.

History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58.

WCD 21.02 Seasons; limits. There shall be maintained on the interstate boundary waters between the states of Wisconsin and Minnesota, which boundary waters are more particularly described and known as the Mississippi river and Lake Pepin lying west of the Chicago, Burlington and Quincy railroad tracks on the east side of the Mississippi river, except in the city of La Crosse the secondary or switching tracks of the Chicago, Burlington and Quincy railroad shall be the boundary; Lake St. Croix, the St. Croix river from the Chicago, Burlington and Quincy railroad bridge at Prescott, as far in a northerly direction as the St. Croix river forms and acts as boundary waters between the states of Minnesota and Wisconsin, and in the St. Louis river including St. Louis Bay and Superior Bay from the north-south Minnesota-Wisconsin boundary line downstream to an imaginary line drawn between the northwest bank of the Nemadji river where it forms a junction with Superior Bay and the northwest bank of Superior entry channel where it forms a junction with Superior Bay, the following open and closed seasons for the taking of the various varieties and species of fish, bag limits, size limits, possession limits and other regulations as set forth herein. A closed season is established for each variety and species of fish for the entire period of each year except the open season period embraced within the specified dates, both inclusive, and no person or persons shall take, capture, kill or fish for such fish at any time other than the open season therefor,

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nor in excess of the number or quantity designated, nor under the minimum length designated for each fish. The measurement of length shall be taken in a straight line from the tip of the snout to the utmost end of the tail fin.

Kind of fish	Open season	Bag limits	
		Quantity	Minimum length
(1) LARGEMOUTH AND SMALLMOUTH BASS in the St. Croix river and Lake St. Croix and the St. Louis river.....	Saturday nearest June 10-March 1	5 each day	No size limit
In all other waters.....	Saturday nearest May 15-March 1	5 each day	No size limit
(2) WALLEYE AND SAUGER.....	Saturday nearest May 1-March 1	6 each day	No size limit
(3) NORTHERN PIKE.....	Saturday nearest May 1-March 1	5 each day	No size limit
(4) WHITE BASS AND YELLOW BASS (striped).....	Continuous	25 each day	No size limit
(5) CRAPPIES.....	Continuous	25 each day	No size limit
(6) ROCK BASS.....	Continuous	25 each day	No size limit
(7) SUNFISH AND BLUEGILLS.....	Continuous	25 each day	No size limit
(8) PERCH.....	Continuous	25 each day	No size limit
(9) CATFISH.....	Saturday nearest May 1-March 1	25 each day	No size limit
(10) BULLHEADS.....	Continuous	No bag limit	No size limit
(11) HACKLEBACK (SAND OR SHOVEL- NOSED) STURGEON.....	Saturday nearest May 1-October 31	10 each day	25 inches
(12) ROCK STURGEON.....	Saturday nearest May 1-October 31	1 each day	30 inches
(13) PADDLEFISH (SPOONBILL CATFISH) ..	No open season	-----	-----
(14) ROUGH FISH.....	No closed season	No bag limit	-----

(15) SALE PROHIBITED; EXCEPTION. No such fish shall be sold, purchased, bartered, offered for sale or had under control or in possession for the purpose of sale or barter at any time except legally taken and possessed catfish 15 inches or over in length in the round or 12 inches dressed with head off and tail on and hackleback sturgeon during that period of time from the Saturday nearest May 1 to the following October 31.

(16) CRAYFISH SEASON. There shall be an open season for the taking of crayfish from May 1 to March 1, both dates inclusive, with no bag limit and no size limit.

History: 1-2-56; am. (1), (9), (15) and (16), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 21.03 Rough fish. Rough fish, for the purpose of this chapter, shall be defined as follows: carp, dogfish, redhorse, sheepshead, sucker, eel-pout, garfish, buffalo fish, quillback, mooneye, goldeye, shad, and catfish 20 inches or over in length and turtle.

History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58.

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WCD 21.04 Hook and line fishing. (1) It shall be unlawful for any person to use or operate more than two lines or two poles with one line attached to each pole and with one bait to each line except that fly fishermen may use 2 flies on one line, or with any fish line or lines unattended or by snagging or fouling with any hook, or by means other than angling or trolling except as otherwise provided by the Wisconsin Statutes or by commission order. It shall be unlawful for any person to take game fish of any variety at any time by any means other than with hook and line, except as specified in this section. Tip-ups are permitted during the open season for hook and line angling.

(2) It shall be lawful for any person to take, catch or kill or fish for fish by means of trolling from a motor driven boat, sailboat or other boat while such boat is in motion.

History: 1-2-56; am. (1), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 21.05 Minnow nets and traps. (1) No person shall set, use or operate any minnow seine, minnow dip net or minnow trap other than as specified herein.

(2) The following described gear only may be used for the taking of minnows for bait.

(a) *Minnow seines.* Minnow seines shall not exceed 50 feet in length, 5 feet in depth, and shall contain mesh not to exceed one-half inch stretch measure.

(b) *Minnow dip nets.* Minnow dip nets used for taking, catching or killing minnows shall be defined as follows: a piece of netting suspended from a square or round frame not exceeding 6 feet in diameter or 6 feet square and making a bag when lifted not more than 4 feet deep. It shall be unlawful to use dip nets in any manner other than raising and lowering vertically when fishing.

(c) *Minnow traps.* Minnow traps shall be of a length not greater than 24 inches and a diameter of not more than 16 inches with an opening in the throat of the trap not larger than one and one-half inches in diameter. Such traps shall have securely attached to them a label or tag clearly bearing in the English language the name and address of the operator. All minnow traps shall be raised and the minnows removed from them at least once in every 24 hours.

(3) There shall be no bag or possession limit on minnows so taken.

(4) Carp minnows may be transported for sale or for bait, only by boat or other floating conveyance on boundary waters where taken.

WCD 21.06 Set lines (Trot lines). (1) It shall be unlawful for any person to set or operate more than four set lines (trot lines), with not to exceed 100 hooks attached to each line and not to exceed a total of 400 hooks in the aggregate, for the taking, catching, killing, or fishing for catfish 15 inches or over, hackleback sturgeon, sheeps-head, buffalo fish, carp, sucker, dogfish, and eel only; size limits, except catfish, shall conform to the provisions of section WCD 21.02; in such fishing it shall be unlawful to use any frog, game fish, or part thereof for bait in the Mississippi river and Lake Pepin. The operation of legal set lines is permitted in the waters of the Mississippi river and Lake Pepin only and it shall be unlawful for any person to set, use, place or operate any set line in the boundary waters of the St. Croix river, Lake St. Croix and the St. Louis river as defined in section WCD 21.02.

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(2) Such set lines (trot lines) may be used from May 1 to October 31, inclusive, and shall be equipped with a metal tag as prescribed in section 29.37, Wis. Stats. Licenses for such set lines (trot lines) shall be obtained pursuant to section 29.37, Wis. Stats.

(3) At one end of every licensed set line (trot line) there shall be placed and maintained a white flag, not less than 16 inches square, with the upper end of the staff extending at least two feet above the water and numbered with figures at least 3 inches in height corresponding with the number of the license authorizing the use of such set line.

(4) Set lines shall be lifted and fish removed at least once every 48 hours.

History: 1-2-56; am. (1), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 21.07 Use of spears. It shall be unlawful for any person to use a spear or bow and arrow in any manner at any time for the purpose of taking, catching, or killing any game fish of any variety, or to have in possession or under control any fish spear or spring gaff in a fish house (shanty). Rough fish may be taken by means of spears in the daytime only. It shall be unlawful for any person to take fish by means of spears or bow and arrow or to have in his possession on the water or immediate banks of the water any spear between March 2 and April 30.

WCD 21.08 Use of nets. (1) (a) It shall be lawful for any person who is properly licensed under the provisions of section 29.34, Wis. Stats., to use a seine with a mesh of any size and such net may be of any dimension for the purpose of taking, catching, killing or fishing for rough fish throughout the year in the boundary waters of the Mississippi river, Lake Pepin, Lake St. Croix and the St. Croix river downstream from the U. S. highway 8 bridge in St. Croix Falls. Commercial fishing operations, except set lines and gill nets shall be prohibited on Sundays and legal holidays recognized by federal authority, except by permission of the conservation commission.

(b) All game fish taken with any net shall be returned to the water as soon as they appear in the operation.

(2) The following minimum size limits are hereby established for rough fish taken by licensed commercial fishermen: buffalo fish, 15 inches; catfish, 20 inches except as otherwise herein provided; all other species of rough fish, no size limit or bag limit.

(3) It shall be lawful for any person who is properly licensed under the provisions of section 29.34, Wis. Stats., to use a seine with a mesh of any size and such net may be of any dimension for the purpose of taking, catching, and killing not to exceed 200 pounds of catfish per day in the waters of the Mississippi river and Lake Pepin only from the first day of August to the 30th day of September, both dates inclusive, of each year. Such catfish shall be of a length of 15 inches or longer.

(4) Gill nets with a mesh of three and one-half inches or larger, bar or square measure, while in use and measured inside the knots, without any stretch of twine or web, may be used at all times for the taking of rough fish only, in the waters of the Mississippi river and Lake Pepin only. No gill netting with mesh of under three and one-half inches bar or square measure shall be used as a drag seine. No gill net shall be used as a drive net or drift net at any time.

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(a) Every gill net shall be attached to an end stake, pole, or anchored buoy bearing a white flag not less than 16 inches square, with the upper end of the staff extending at least two feet above the water or ice at all times when the net is set or in operation and numbered with the figures at least 3 inches in height corresponding with the number of the license authorizing the use of such nets.

(b) All gill nets shall be lifted and emptied of fish at least once in every 48-hour period when set in open water and at least once in every 96-hour period when set under the ice, unless a longer period is granted by the Wisconsin conservation commission or its agents.

(c) No gill net shall be set in such a manner as to block off to any type of boat travel more than three-fourths the width of any slough, bay or channel.

(5) No net or nets, including set lines, may be used or operated in any waters within 900 feet below any dam on the Mississippi river or in any of the following closed areas unless a contract or a permit is issued by the conservation commission: Lake Onalaska, the entire body of water created by the nine-foot channel dam at Onalaska, the lake extending northward from the dam to Brice Prairie and the extreme northern point of French island; Black river from Onalaska nine-foot channel dam to the Chicago, Milwaukee, St. Paul and Pacific railroad bridge immediately south of Copeland park in the city of La Crosse; French lake, which is located on French island, lying opposite the city of La Crosse, between the Black river and East channel of the Mississippi river; Lagoon, which is located on Pettibone island within the corporate limits of the city of La Crosse, the closed area to include also the waterway connecting the Lagoon proper with the Mississippi river; Gravel pit and entire Bank Slough area from 13th place in the city of La Crosse southeasterly to where it enters Running Slough; Goose lake, lying in Pierce county and the Trempealeau lakes, known as Second, Third, and Round lakes, lying in Trempealeau county.

(6) No net or nets may be used or operated in any manner in the boundary waters described in this chapter except under the direct supervision of the state conservation commission of Wisconsin, its agents or conservation wardens. Said commission may require the operators of such nets to pay for supervision individually or in groups in the manner they deem advisable and said commission shall fix the amount to be paid each supervising warden but it shall not exceed 8 dollars per day and actual and necessary expenses in any instance.

(7) The state conservation commission or its agents may require any operator of any seine or gill net to cease the fishing operations when said commission finds these operations are destructive to game fish or for any other valid reason.

(8) The use or operation of all other nets except those hereinbefore mentioned in this chapter is prohibited in such boundary waters at all times with the exception of such nets as may be authorized by the conservation commission under contract or permit with the operator of the same. The specifications for the nets operated under contract or permit shall be agreed upon between the states of Wisconsin and Minnesota.

(9) No net or nets of any kind or set lines shall be set, lifted, hauled or operated in any manner between $\frac{1}{2}$ hour after sunset and one hour before sunrise of the following morning, except for the pur-

pose of completing a seine haul with the permission of the supervisor, nor shall any net be used in a drifting manner.

(10) No licensed commercial fisherman or any member of his crew or any person in his boat shall have in his possession any game fish or sport angling equipment while operating licensed commercial gear including set lines or while traveling to or from the operation of such gear.

(11) No person shall have in his possession or under his control any basket trap (slat net), trammel net or wooden traps which might be used for the purpose of taking, catching or killing fish in any of the counties north of the southern boundary line of the state of Minnesota extended bordering the boundary waters as specified in this chapter.

(12) All fishermen licensed under the provisions of sections 29.34 and 29.37, Wis. Stats., shall report to the conservation commission on blanks to be furnished by the commission, detailed information regarding their activities which shall include the number of pounds and varieties of fish taken, amounts returned to the water, and any other information pertaining to the commercial fishing activities required by the conservation commission.

History: 1-2-56; am. (4) (b), (7), (9), (10) and (11), Register, December, 1957, No. 24, eff. 1-1-58.

WCD 21.09 Turtle traps. Hoop net turtle traps with a mesh of not less than 7 inch stretch measure providing such traps are so set that not less than 2 inches of the hoops extend above the surface of the water, and float and tank type turtle traps not exceeding 4 feet square or 4 feet in diameter may be used for trapping turtles. Each such trap while in use shall have attached thereto in such manner as to be visible and legible at all times, a metal tag bearing the name and address of the operator of such trap and it shall be unlawful for any other person to tend or operate such trap.

WCD 21.10 Carp. No carp taken in any manner in hook and line or commercial fishing shall be returned to the water.

WCD 21.11 Fishing near dams. It shall be unlawful for any person or persons to fish from any point or from any boat inside the area within 300 feet below or above any fishway, lock or dam, in the Mississippi river, except that from December 1 to May 1 the closed area below the Red Wing dam shall be extended to a point 1,000 feet from said dam. Such closed areas will be marked with suitable signs or buoys designating the closed area.

WCD 21.12 Ice fishing shelters. Buildings, vehicles, tents, fish shanties, or similar enclosures may be used on the ice for fishing purposes on the Mississippi river and Lake Pepin, Lake St. Croix, the St. Croix river and the St. Louis river as defined in section WCD 21.02 from the time the ice forms; provided, however, that all such enclosures or shelters shall be removed from the ice on or before March 1 of each year. The door of any such enclosure or shelter shall be equipped with a latch which will permit the door to be readily opened from the outside at all times while the enclosure or shelter is occupied. The name and address of the person owning such shelter or enclosure shall be painted on the outside thereof in such manner as to be readily seen and read at all times. All such shelters or enclosures must have at least two windows with clean, clear glass or openings not less than 10 inches by 12 inches in size. The use of dark houses is prohibited.

WCD 21.13 Reciprocity, commercial fishing. For the purpose of this chapter the boundary waters of the Mississippi river, Lake Pepin, Lake St. Croix, and the St. Croix river for commercial fishing, including set lines, shall be designated as that part of the river following the boundaries between the states of Wisconsin and Minnesota. Licensed commercial fishermen from either Wisconsin or Minnesota shall have the privilege of landing their nets or set lines on either the Wisconsin or Minnesota banks of Lake Pepin, the Mississippi river, Lake St. Croix and the St. Croix river. The operation of commercial fishing gear in the bayous and sloughs beyond the banks of the Mississippi river or the banks of Lake Pepin, Lake St. Croix and the St. Croix river shall be limited to the licensed commercial fishermen in the waters of their state of residence only.

History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58.

WCD 21.14 Reciprocity, hook and line fishing. All residents of Wisconsin and Minnesota holding a resident fishing license from their respective states, or residents of states other than Wisconsin and Minnesota holding an angling license issued by either state, may fish in any of the waters of the Mississippi river and Lake Pepin lying between the Chicago, Burlington and Quincy railroad tracks on the Wisconsin side of the river and the Chicago, Milwaukee, St. Paul and Pacific railroad tracks on the Minnesota side of the river, including all sloughs and backwaters, bays and newly-extended water areas connected with the main channel of the Mississippi river by a channel which is navigable at periods when the water is approximately equal to the normal pool elevation as created by the war department, and in the waters of Lake St. Croix, and St. Croix river and the St. Louis river as defined in section WCD 21.02. This reciprocity applies only to hook and line fishing, spearing, and the taking of minnows and crayfish for such fishing. No set line, commercial fishing, turtle trapping, fish house or shelter house reciprocity shall be authorized except as provided in section WCD 21.13.

WCD 21.15 Transportation. Any properly licensed resident or non-resident holder of an angling or commercial fishing license from the State of Minnesota having lawfully taken fish in the boundary waters described in this chapter during the open season therefor, may land on the Wisconsin side of the said boundary waters and may transport such fish with him to the State of Minnesota by the most convenient, practicable route over the following described highways or roads in the State of Wisconsin or any part thereof:

(1) Beginning at the village of Victory (Vernon County) on state highway 35; thence northerly on said highway to its junction with state highway 54; thence northwesterly along state highway 35 to its junction with U. S. highway 8 and state highway 87 at St. Croix Falls; thence northerly along state highway 87 to its junction with state highway 48; thence northerly along state highway 48 to its junction with state highway 70 thence easterly on #70 to its junction with state highway 35; thence northerly along state highway 35 to its junction with the main boundary.

History: Cr. Register, December, 1957, No. 24, eff. 1-1-58.

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