Chapter WCD 21

WISCONSIN–MINNESOTA BOUNDARY WATERS

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(Sections 29.085 and 29.174, Wis. Stats.)

WCD 21.01 Mississippi river and boundary waters defined. For the purpose of hook and line fishing in the Mississippi river and interstate boundary waters to apply to the residents of Wisconsin and nonresident hook and line fishermen properly licensed under sections 29.09 and 29.14, Wis. Stats., all waters known as the Mississippi river and Lake Pepin lying west of the Chicago, Burlington and Quincy railroad main tracks on the east side of the Mississippi river, 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 Wisconsin and Minnesota, and the St. Louis river including St. Louis bay and Superior bay from the north-south Wisconsin-Minnesota 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, shall be defined as interstate boundary waters.

History: 1–2–56; am. Register, December, 1957, No. 24, eff. 1–1–58; am. Register, December, 1959, No. 48, eff. 1–1–60; am. Register, December, 1961, No. 72, eff. 1–1–62.

WCD 21.02 Seasons; limits. (1) There shall be established and maintained on the interstate boundary waters between the states of Wisconsin and Minnesota, which boundary waters are more particularly described under section WCD 21.01, the open and closed seasons for the taking of the various varieties and species of fish, bag limits, size limits, possession limits, and other rules and regulations as set forth herein.

(2) A closed season is established for each variety and species of fish named herein extending for the entire period of each year except the open season period embraced within the specified dates, both inclusive; and except as otherwise expressly provided, no person or persons shall take, catch, kill or fish for fish, crayfish and frogs of any variety at any time other than the open season therefor, nor have in possession or under control any fish, crayfish and frogs in excess of

the daily bag limit or possession limit, nor below the minimum size limit therefor at any time during the open season as provided in this chapter.

(3) The measurement of length of fish shall be taken in a straight line from the tip of the snout to the utmost end of the tail fin fully extended.

History: 1-2-56; am. (1), (9), (15) and (16), Register, December, 1957, No. 24, eff 1-1-58; am. Register, December, 1959, No. 48, eff. 1-1-60; am. (2), Register, December, 1961, No. 72, eff. 1-1-62.

WCD 21.03 Hook and line fishing. The following seasons, bag limits and other rules and regulations for hook and line fishing are established. The possession limit for each species shall be the same as the daily bag limit.

Kind of Fish and Locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(1) LARGEMOUTH AND SMALLMOUTH BASS			
In the St. Louis river and in the St. Croix river downstream to the highway #64 bridge at Houlton	Saturday nearest June 7 to March 1	5 in aggregate	No size limit
From the highway #64 bridge at Houlton downstream to Prescott	Saturday nearest May 1 to March 1	5 in aggregate	No size limit
Mississippi river from Prescott downstream	Continuous	5 in aggregate	No size limit
(2) WALLEYE AND SAUGER			
In the St. Louis river and in the St. Croix river downstream to Prescott	Saturday nearest May 1 to March 1	6 in aggregate	No size limit
Mississippi river from Prescott downstream	Continuous	6 in aggregate	No size limit
(3) NORTHERN PIKE			
In the St. Louis river and in the St. Croix river downstream to Prescott	Saturday nearest May 1 to March 1	5	No size limit
Mississippi river from Prescott downstream	Continuous	5	No size limit
(4) WHITE BASS AND YELLOW BASS (STRIPED)	Continuous	25 each	No size limit
(5) CRAPPIES	Continuous	25 in aggregate	No size limit
(6) ROCK BASS	Continuous	25	No size limit
(7) SUNFISH AND BLUEGILLS	Continuous	25 in aggregate	No size limit
(8) PERCH	Continuous	No bag limit	No size limit
(9) CATFISH			
In the St. Croix river downstream to the St. Croix Falls dam	Saturday nearest May 1 to March 1	5 in aggregate	No size limit
The St. Croix river downstream to Prescott	Saturday nearest May 1 to March 1	25 in aggregate	No size limit

Kind of Fish and Locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
Mississippi river from Prescott downstream	Continuous	25 in aggregate	No size limit
(10) BULLHEADS	Continuous	No bag limit	No size limit
(11) ROCK STURGEON	Saturday nearest May 1 to October 31	1	40 inches
(12) SHOVELNOSE (SAND OR HACKLEBACK) STURGEON			
(except in the St. Louis river and in the St. Croix river downstream to the St. Croix Falls dam)	Continuous	10	No size limit
In the St. Louis river and in the St. Croix river downstream to the St. Croix Falls dam	No open season		
(13) PADDLEFISH (SPOONBILL CATFISH)	No open season		
(14) ROUGH FISH	Continuous	No bag limit	No size limit

History: 1-2-56; am. (1), Register, December, 1957, No. 24, eff. 1-1-58; renum. from WCD 21.04 and am. Register, December, 1959, No. 48, eff. 1-1-60; r. and recr. Register, December, 1960, No. 60, eff. 1-1-61; r. and recr. Register, December, 1961, No. 72, eff. 1-1-62; am. Register, December, 1966, No. 132, eff. 1-1-67.

WCD 21.04 Rough fish. Rough fish, for the purpose of this chapter shall be defined as follows: catfish 20 inches or over in length except above the dam at St. Croix Falls, carp, dogfish, redhorse, sheepshead, sucker, eel, eelpout, garfish, buffalo fish, quillback, mooneye, goldeye, shad and turtle.

History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58; renum. from WCD 21.03 and am. Register, December, 1959, No. 48, eff. 1-1-60; am. Register, December, 1960, No. 60, eff. 1-1-61.

WCD 21.05 Use of hook and line. (1) It shall be unlawful for any person to use or operate more than 2 lines or 2 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 provided in this chapter. Tip-ups are permitted during the open season for hook and line angling.

(2) It shall be lawful for any person to take, catch, 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: Cr. Register, December, 1959, No. 48, eff. 1-1-60.

WCD 21.06 Use of spears. (1) It shall be unlawful for any person to use a spear, similar device 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, spring gaff or similar device in a fish house (shanty). Rough fish may be taken by means of spears or bow and arrow in the daytime only.

(2) 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 or similar device from March 2 to, but not including, the Saturday nearest April 20.

History: 1–2–56; renum. from WCD 21.07 and am. Register, December, 1959, No. 48, eff. 1–1–60; am. (2), Register, December, 1961, No. 72, eff. 1–1–62.

WCD 21.07 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 and 6 feet in width flat measure 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) It shall be unlawful for any person except bait dealers licensed pursuant to section 29.137, Wis. Stats., to have in possession or under control more than 600 minnows at any time.

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

History: 1–2–56; renum. from WCD 21.05 and am. Register, December, 1959, No. 48, eff. 1–1–60; r. and recr. (3), Register, December, 1960, No. 60, eff. 1–1–61; r. and recr. (2) (a), Register, November, 1965, No. 119, eff. 1–1–66.

WCD 21.08 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 a total of 100 hooks 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 in length, hackleback sturgeon 25 inches or over in length, bullheads and rough fish only; size limits, except catfish, shall conform to the provisions of section WCD 21.03; in such fishing it shall be unlawful to use any frog or game fish, or part thereof either dead or alive as 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. Louis river, the St. Croix river and Lake St. Croix as defined in section WCD 21.01.

(2) Such set lines (trot lines) may be used from the Saturday nearest 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; renum. from WCD 21.06 and am. Register, December, 1959, No. 48, eff. 1-1-60.

WCD 21.09 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. Whenever the size of mesh is mentioned, the measurement shall be made by stretch measure. Such measurements shall apply to net meshes when in use and no allowance shall be made for the shrinkage due to any cause.

(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 seven inches stretch measure or larger 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 shall be used as a drag seine or drift net at any time.

(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.

(d) It is unlawful for any person to set any gill net in the Wisconsin–Minnesota boundary waters of the Mississippi River or Lake Pepin within 300 feet of the mouth of any tributary stream to such boundary waters or to set any gill net in such tributary stream.

(5) No nets or set lines may be used or operated at any time within 900 feet below any dam on the Mississippi river; nor in the following closed areas from April 15 to the next following October 31 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; Gravel pit and entire Bank Slough area from 13th Place in the city of La Crosse southeasterly to where it enters Running Slough; nor in the following closed areas at any time unless a contract or a permit is issued by the conservation commission: 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; Goose lake, lying in Pierce county; and the Trempealeau lakes, known as Second, Third and Round lakes, lying in Trempealeau county; nor shall any gill nets be used or operated at any time in the following waters unless a contract or permit is issued by the conservation commission: Black river from the 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; Gravel pit and the entire Bank Slough area from 13th Place in the city of La Crosse southeasterly to where it enters Running Slough.

(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 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, gill net or set line 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 ½ hour after sunset and one hour before sunrise of the following morning, except for the purpose 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 section 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; renum. from WCD 21.08, and am. Register, December, 1959, No. 48, eff. 1–1–60; r. and recr. (5), Register, December, 1960, No. 60, eff. 1–1–61; am. (4) intro. par. Register, December, 1961, No. 72, eff. 1–1–62; am. (5), Register, December, 1962, No. 84, eff. 1–1–63; cr. (4) (d), Register, April, 1964, No. 100, eff. 5–1–64.

WCD 21.10 Turtle traps. Hoop net turtle traps with a mesh of not less than 6 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 a 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.

History: 1–2–56; renum. from WCD 21.09 and am. Register, December, 1959, No. 48, eff. 1–1–60; am. Register, December, 1966, No. 132, eff. 1–1–67.

WCD 21.11 Carp. No carp taken in any manner in hook and line or commercial fishing shall be returned to the water.

History: 1–2–56; renum. from WCD 21.10 and am. Register, December, 1959, No. 48, eff. 1–1–60.

WCD 21.12 History. 1–2–56; renum. from WCD 21.11 and am. Register, December, 1959, No 48, eff. 1–1–60; r. Register, November, 1965, No. 119, eff. 1–1–66.

WCD 21.13 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 21.01 from the time the ice forms; provided, however, that all such en-

closures 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. Residents of Wisconsin or Minnesota angling from a fish house shall comply with the law of their respective states relative to licensing and identification of fish houses. Residents of states other than Wisconsin and Minnesota who hold a nonresident fishing license from either state shall comply with the law of the issuing state relative to the licensing and identification of fish houses.

History: 1–2–56; renum. from WCD 21.12 and am. Register, December, 1959, No. 48, eff. 1–1–60; am. Register, December, 1961, No. 72, eff. 1–1–62.

WCD 21.14 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; renum. from WCD 21.13, and am. Register, December, 1959, No. 48, eff. 1–1–60.

WCD 21.15 Reciprocity, hook and line fishing. (1) 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 21.01. This reciprocity applies only to hook and line fishing, spearing, and the taking of minnows and crayfish for such fishing.

(2) No setline, commercial fishing or turtle trapping reciprocity shall be authorized except as provided in section WCD 21.14.

History: 1–2–56; renum. from WCD 21.14 and am. Register, December, 1959, No. 48, eff. 1–1–60; r. and recr. (2), Register, December, 1961, No. 72, eff. 1–1–62.

WCD 21.16 Transportation. (1) Any properly licensed resident or nonresident 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.

(2) 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 state highway #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; renum. from WCD 21.15 and am. Register, December, 1959, No. 48, eff. 1-1-60.

WCD 21.17 History: Cr. Register, December, 1959, No. 48, eff. 1-1-60; r. Register, December, 1961, No. 72, eff. 1-1-62.

WCD 21.18 Unspecified species. Any species of fish and frogs not specified in this chapter shall be governed by the inland regulations.

History: Cr. Register, December, 1960, No. 60, eff. 1-1-61; am. Register, December, 1961, No. 72, eff. 1-1-62.

WCD 21.19 Dip nets. The use of dip nets not more than 2 feet in diameter or 2 feet square for the taking of rough fish in the St. Croix river downstream to the St. Croix Falls dam is permitted from the Saturday nearest May 15 to June 30 each year.

History: Cr. Register, December, 1960, No. 60, eff. 1-1-61; am. Register, December, 1961, No. 72, eff. 1-1-62.

WCD 21.20 Closed areas. It shall be unlawful for any person to take, catch, disturb, kill or fish for fish of any variety on any area of water so posted with conservation department signs, the same being located within the exterior limits of the following waters.

(32) LA CROSSE COUNTY. (a) Onalaska dam downstream.

(48) POLK COUNTY. (a) St. Croix Falls dam downstream.

History: Cr. Register, December, 1960, No. 60, eff. 1-1-61; am. Register, December, 1961, No. 72, eff. 1-1-62.