

(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; renum. from WCD 21.07 to be NR 21.07, Register, April, 1971, No. 184, eff. 6-1-71.

NR 21.08 Setlines (trot lines). (1) It shall be unlawful for any person to set or operate more than 8 setlines (trot lines) with not to exceed a total of 50 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 NR 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 setlines 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 setline in the boundary waters of the St. Louis river, the St. Croix river and Lake St. Croix as defined in section NR 21.01.

(2) Such setlines (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 setlines (trot lines) shall be obtained pursuant to section 29.37, Wis. Stats.

(3) At one end of every licensed setline (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 setline.

(4) Setlines 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; renum. from WCD 21.08 to be NR 21.08, and am. (1), Register, April, 1971, No. 184, eff. 5-1-71; am. (1), Register, December, 1976, No. 252, eff. 1-1-77.

NR 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 setlines and gill nets shall be prohibited on Sundays and legal holidays recognized by federal authority, except by permission of the department. 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 immediately to the water.

(2) The following minimum size limit is hereby established for rough fish taken by licensed commercial fishermen: 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 7 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; and for taking rough fish under the ice in Lake St. Croix from highway #64 bridge at Houlton, St. Croix county, downstream to its confluence with the Mississippi river, Pierce county. 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 2 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 department or its agents.

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(c) No gill net shall be set in such a manner as to block off to any type of boat travel more than $\frac{1}{4}$ 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 on 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 except that gill nets may be used from May 15 to October 15 in Pool 7, Mississippi river, in that area north and easterly of the east bank of the main channel. Drive netting during daylight hours requiring net attendance is allowed during the remainder of the open water season. No nets may be used or operated during periods of ice cover unless a permit or contract is issued by the department. The terms set forth in NR 21.09 (5) shall apply.

(5) No nets or setlines 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 department: Lake Onalaska; in Pool 7, Mississippi river, more specifically described as all that part east of a line extending from the northernmost tip of French island due north to Brice Prairie; 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 department; 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 department; 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 department, its agents or conservation wardens. Said department may require the operators of such nets to pay for supervision individually or in groups in the manner they deem advisable and said department 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 department or its agents may require any operator of any seine, gill net or setline to cease the fishing operations when said

department 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 department 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 setlines 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 setlines 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 department on blanks to be furnished by the department, 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 department.

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; am. (2), Register, December, 1967, No. 144, eff. 1-1-68; renum. WCD 21.09 to be NR 21.09 and am. (1) (a), (4) (b), (5), (6), (7), (8) and (12), Register, April, 1971, No. 184, eff. 5-1-71; am. (4), Register, October, 1973, No. 214, eff. 1-1-74; am. (4) (d) and (5), Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (b), Register, December, 1977, No. 264, eff. 1-1-78.

NR 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; renum. from WCD 21.10 to be NR 21.10, Register, April, 1971, No. 184, eff. 5-1-71.

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