

Chapter NR 22

WISCONSIN-IOWA BOUNDARY WATERS

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Note: Chapter NR 22 as it existed on March 31, 1982, was repealed and a new chapter NR 22 was created effective April 1, 1982.

NR 22.01 Purpose. (1) This chapter, along with other applicable rules and statutes, regulates fishing in the Wisconsin-Iowa boundary waters.

(2) The rules contained in this chapter are not intended, nor do they authorize introducing into interstate commerce for purposes of human consumption or use, fish taken from the Wisconsin-Iowa boundary waters which fail to meet or comply with food and drug administration (FDA) standards.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.015 License waiver. (1) On the first Saturday and consecutive Sunday in June each year, no fishing license is required to fish the Wisconsin-Iowa boundary waters.

(2) The license waiver of sub. (1) does not apply to commercial fishing license requirements.

History: Cr. Register, April, 1987, No. 376, eff. 5-1-87; am. (1), Register, April, 1989, No. 400, eff. 5-1-89; am. (1), Register, May, 1995, No. 473, eff. 6-1-95.

NR 22.02 Definitions. Except as otherwise specifically defined in the statutes, the following terms, for the purpose of this chapter, are defined as follows:

(1) "Closed season" means that period of the year not included in the open season for each species of fish as provided in this chapter.

(2) "Commercial fish" means species of rough and detrimental fish as defined in this chapter, shovelnose (hackleback) sturgeon 25 inches and over in length, catfish 15 inches or over in length or 12 inches or over dressed and bullheads of any length when taken with commercial fishing gear under a commercial fishing license.

(3) "Commercial fishing gear" or "commercial gear" means that equipment specifically authorized for use in commercial fishing by this chapter.

(4) "Commercial fishing licenses" means those licenses issued under ss. 29.34, 29.343, 29.36 and 29.37, Stats., authorizing commercial fish harvests.

(4m) "Daily bag limit" as used in s. NR 22.13, means the maximum number of a turtle species or group of turtle species which may be taken by a person each day.

(5) "Dressed fish" means fish with the head and viscera removed but the tail on.

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

(6m) "Hooking", as used in s. NR 22.13, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(7) "Length of fish" means unless otherwise specified, that distance measured in a straight line from the tip of the snout to the outermost end of the tail or caudal fin fully extended.

(8) "Minnows" mean all species defined as such in s. 29.01(3) (a), Stats., and bullheads not exceeding 4 inches in length.

(9) "Possession limit" means double the daily bag limit, except in s. NR 22.13 where possession limit means the maximum number of a turtle species or group of turtle species set in s. NR 22.13 which may be possessed by a person at any time.

(10) "Rough fish" means all species defined as such in s. 29.01 (3) (a), Stats., including grass carp which is also known as amur carp (*Ctenopharyngodon idella*).

(11) "Sport fishing" means any fishing, including the methods commonly known as hook and line fishing or angling conducted without a commercial fishing license and with other than commercial fishing gear.

(12) "Stretch measure" means the extension measure of net mesh size whenever the size of mesh of a net is specified and is the distance between the extreme angles of any single mesh with the mesh fully stretched. Such measurements shall apply to all nets except basket traps or slat nets.

(13) "Supervisor" means any department employe assigned or designated to oversee fishing activities conducted under this chapter.

(13m) "Turtle", as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

(14) "Wisconsin-Iowa boundary waters" means all waters from the Burlington northern railroad tracks on the east side of the Mississippi river extending west from the railroad tracks to that part of the river following the boundaries between the states of Wisconsin and Iowa.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (2), Register, April, 1983, No. 328, eff. 5-1-83; am. (2), Register, December, 1993, No. 456, eff. 1-1-94; cr. (4m), (6m) and (13m), am. (9), Register, February, 1997, No. 494, eff. 3-1-97.

Subchapter I – Sport fishing

NR 22.03 Reciprocity: sport fishing or spearing and dip netting. Any person holding a hook and line fishing license issued by either Iowa or Wisconsin may fish in waters of the Mississippi river lying between the Chicago, Milwaukee and St. Paul railroad tracks on the Iowa side of the river, and the Burlington northern railroad tracks lying on the Wisconsin 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 when the waters are approximately equal to the normal pool elevation as created by the U.S.

army corps of engineers. This reciprocity applies only to hook and line fishing, spearing, dipnetting, and the taking of minnows and crayfish for such fishing. Spearing and dip netting are prohibited within 200 feet of any U.S. army corps of engineers locks and dams. Residents of either Wisconsin or Iowa may not fish in these boundary waters when the angler's state of residency license has

been revoked.

History: Cr Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.04 Sport fishing: seasons and limits. All regulations applicable to sport fishing are as follows unless expressly provided elsewhere in this chapter.

| Kind of fish and locality | Open season (both dates inclusive) | Daily bag limit | Minimum length (inches) |
|---|--|--|--|
| (1) Largemouth and smallmouth bass | Continuous | 5 in aggregate | 14 |
| (2) Walleye and sauger | Continuous | 10 in aggregate of which no more than 6 may be walleye | No size limit for sauger, 15 for walleye |
| (3) Northern pike | Continuous | 5 | No size limit |
| (4) White bass and yellow bass | Continuous | No bag limit | No size limit |
| (5) Crappie, rock bass, pumpkinseed (sunfish), bluegill and perch | Continuous | No bag limit | No size limit |
| (6) Catfish | Continuous | No bag limit | No size limit |
| (7) Bullhead | Continuous | No bag limit | No size limit |
| (8) Hackleback (sand or shovelnose) | Continuous | No bag limit | No size limit |
| (9) Lake sturgeon | No open season | — | — |
| (10) Paddlefish (spoonbill catfish) | No open season | — | — |
| (11) Rough fish | Continuous | No bag limit | No size limit |
| (12) Crayfish | Continuous | No bag limit | No size limit |
| (13) Other species apply | Inland regulations of adjoining counties as contained in ch. NR 20 apply | | |

(14) A person may possess or control only the daily bag limit while fishing on the ice or waters of the Wisconsin-Iowa boundary waters.

(15) A person may possess or control the possession limit when not on the waters or ice during the open season for each species.

History: Cr Register, March, 1982, No. 315, eff. 4-1-82; am (1) and (2), Register, December, 1989, No. 408, eff. 1-1-90; am (2), Register, December, 1991, No. 432, eff. 1-1-92.

NR 22.05 Sale of fish. (1) Only rough fish legally taken during the open season by hook and line, spear or bow and arrow may be sold, purchased, bartered or offered for sale.

(2) A wholesale fish dealer's license is required if the fish are sold to any person other than the final consumer.

History: Cr Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.06 Sport fishing. (1) Except as otherwise expressly provided, only the following methods or manners of fishing shall be lawful. Any person may:

(a) Fish for fish with no more than 3 hooks, baits or lures.

(b) Use dip nets 3 feet or less in diameter and a gaff only for the purpose of landing fish legally hooked. However, such dip nets may be used to remove distressed fish in winterkill waters in those areas and at those times designated by the department by posting.

(c) Take, catch, kill or fish for fish by means of trolling from a motor-driven boat, sailboat or other boats.

(d) Take rough fish by means of a spear, bow and arrow or dip-nets not to exceed 24 inches in diameter or square from sunrise to sunset only.

(e) Fish with a line or lines only while they are attended.

(2) Any fish taken by snagging or foul hooking shall be immediately returned to the water.

(3) Any fish taken and retained in possession that is not released freely into the water immediately after capture shall be considered part of the angler's daily bag limit.

(4) No spear, spring gaff or bow and arrow may be possessed in an ice fishing shelter during the ice fishing season.

History: Cr Register, March, 1982, No. 315, eff. 4-1-82; am (1) (a), Register, December, 1985, No. 360, eff. 1-1-86; am (3), Register, May, 1996, No. 485, eff. 6-1-96.

NR 22.07 Ice fishing shelters. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing purposes on the Mississippi river from the time the ice forms; provided, however, that all such enclosures or shelters shall be removed from the ice on or before February 20 of each year unless otherwise extended by the department. The door of any 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 residential address of the person owning such enclosure or shelter shall be painted or permanently affixed in the English language on the outside of the structure with lettering a minimum of one inch square. Residents of Wisconsin or Iowa angling from a fish shelter shall comply with the law of their respective states relative to licensing and identification of fish shelters. Residents of states other than Wisconsin or Iowa who hold a nonresident fishing license from either state must comply with the law of the issuing state relative to the licensing and identification of fish shelters.

History: Cr Register, March, 1982, No. 315, eff. 4-1-82.

Subchapter II - Minnows

NR 22.08 Minnow nets and traps. Only those minnow seines, minnow dip nets, cast nets, minnow traps or crayfish scoops described below and operated in the manner specified may be used for taking of minnows.

| Type of gear | Period may be used | Specifications | Restrictions |
|--------------------|--------------------|--|---|
| (1) Seine | All year | Seines may not exceed 50 feet in length and 8 feet in width flat measure and may not contain mesh which exceeds one-half inch stretch measure | None |
| (2) Dip net | All year | Dip nets shall consist of a square or round frame not to exceed 8 feet in diameter or square with netting suspended from it which when lifted makes a bag not to exceed 4 feet deep. | Dip nets may only be used by the method of raising or lowering them in vertical direction. |
| (3) Traps | All year | Traps may not exceed 24 inches in length and 16 inches in diameter with an opening in the throat of the trap no larger than one and one-half inches in diameter. | Traps shall have a label or tag securely attached bearing the name of the owner in the English language. Traps must be raised and the minnows removed at least once a day between one hour before sunrise and one hour after sunset. |
| (4) Cast net | All year | Cast nets may not exceed 7 feet in diameter or mesh of more than one-half inch stretch measure | |
| (5) Crayfish scoop | All year | A metal frame covered with hardware cloth not to exceed 4 feet in length, 2 feet in width and 18 inches in depth. A handle of any length may be attached | May be used to harvest crayfish, minnows and insect larva only. |

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.09 Carp as bait. Live carp taken and possessed for the purpose [of] bait shall only be transported by boat while in possession on Wisconsin-Iowa boundary waters and by vehicle on and including state highway 35 and roads west from Victory, Vernon county, south to the Wisconsin-Illinois state line.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Subchapter III - Commercial Fishing

NR 22.10 Boundary, commercial fishing. For the purpose of fishing under a commercial fishing license, taking turtles or tortoises, or clamming, the Wisconsin-Iowa boundary waters are as defined in s. NR 22.02 (14).

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.11 Commercial fishing. All commercial fishing in the Wisconsin-Iowa boundary waters shall be conducted in accordance with this chapter, all other applicable statutes and rules, including the following:

(1) All game fish taken with any net, setline or other commercial gear shall be immediately returned to the water as soon as they appear in the operation.

(2) All licensed commercial fishers shall obtain a license issued under s. 29.34, 29.343 or 29.37, Stats., before conducting commercial fishing operations. Agents of the licensee must be residents of Wisconsin.

(3) Measurements of mesh size is by stretch measure. Such measurements apply to net meshes when in use and no allowance will be made for the shrinkage due to any cause.

(4) There are no bag limits for any commercial species other than expressly provided in this chapter.

(5) There are no size limits for any commercial fish other than are expressly provided in this chapter.

(6) Improperly placed or tagged commercial fishing gear is considered contraband and will be seized and held subject to order of the court.

(7) Nets of any kind, setlines, set or bank poles may not be set, lifted, hauled or operated in any manner between one half hour after sunset and one hour before sunrise of the following day, except for the purpose of completing a seine haul with prior per-

mission from the department nor shall any net be used in drifting manner other than expressly provided in this chapter.

(8) A licensed commercial fisher or any member of the crew or any person in or on the boat may not have in possession any game fish while operating licensed commercial gear or when traveling to or from the operation of such gear while on the waters.

(9) Commercial fishing gear not authorized for use in the Wisconsin-Iowa boundary waters by this chapter may not be in possession or under control while on those waters.

(10) All fishers licensed under the provisions of ss. 29.34 and 29.37, Stats., shall complete and submit monthly reports on forms available from the department. All reports shall be submitted by the 10th of the month following each month fished.

(12) Commercial fish taken by commercial gear under this chapter may be sold by the commercial fisher.

(13) Metal identification tags will be furnished by the department at a cost of 25¢ per tag, unless they are for a buffalo, frame, slat or trammel net where the cost is 50¢ per tag.

(14) Commercial gear may not be used or operated at any time within 900 feet below any U.S. army corps of engineers lock or dam on the Mississippi river.

(15) The department or its agents may require any operator of any commercial fishing gear to cease the fishing operations when the department finds these operations are destructive to game fish or they will endanger any other species of wildlife.

(16) The department by its agents, employes or wardens may in the absence of the licensee, at any time, raise any commercial fishing gear. Care will be taken to minimize damage to such gear.

(17) The use or operation of all commercial gear except those authorized in this chapter is prohibited in the Wisconsin-Iowa boundary waters with the exception of such nets operated under contract with the department.

(18) Except where otherwise expressly provided, turtles and tortoises taken incidental to licensed commercial fishing operations may be possessed and sold.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. (11), Register, May, 1996, No. 485, eff. 6-1-96.

NR 22.12 Commercial fishing gear. Only commercial fishing gear as described and operated in the manner prescribed below may be used by commercial fishers in the Wisconsin-Iowa boundary waters.

| Type of gear | Period of year may be used dates inclusive | Specifications | Restrictions |
|------------------------------|---|--|--|
| (1) Setline | All year | Each licensee is limited to 8 setlines with not to exceed a total of 50 hooks on each line or 4 setlines with not to exceed 100 hooks on each line, either not to exceed a total of 400 hooks in the aggregate. | <p>Frogs or game fish, or any part of, whether dead or alive, may not be used as bait in the Mississippi river</p> <p>Lines shall be equipped with a metal tag stamped to Additional restrictions are contained in s. NR 22.11. designate the number of the license covering it attached to a buoy or stake at one end of the setline so it will be visible above the surface of the water.</p> <p>At one end of every licensed setline there shall be placed and maintained a white flag, not less than 16 inches square, with the upper end of the shaft extending at least 2 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. It shall be lawful to use buoys in lieu of flags providing that same are numbered with figures at least 3 inches in height corresponding with the number of the license authorizing the use of such setlines</p> <p>Lines shall be lifted and fish removed at least once each day following the day set unless a longer period is granted by the department or its agents.</p> <p>Additional restrictions are contained in s. NR 22.11.</p> |
| (2) Set or bank poles | All year | Not to exceed 5 set or bank poles. | <p>Frogs or game fish, or any part of, whether dead or alive, may not be used as bait in the Mississippi river.</p> <p>Each set or bank pole shall have securely attached a metal tag stamped with the number of the license covering the pole.</p> |
| (3) Seine | All year | No size restriction | <p>Licensees may not take more than 100 lbs. plus one fish of catfish per day, 15 inches or over in length from the Saturday nearest October 1 to April 30.</p> <p>Additional restrictions are contained in s. NR 22.02 (2).</p> |
| (4) Gill nets | All year | Only gill nets with a mesh of 7 inches stretch or larger used. | <p>Gill nets may not be used as a drag seine or drift net at any time</p> <p>All gill nets shall be lifted and emptied of fish at least once each day between May 1 and September 1, at least once each 2-day period when set during the remaining open water period and at least once each 4 days when set under ice, unless a longer period is granted by the department or its agents.</p> <p>Additional restrictions are contained in s. NR 22.11</p> |
| (5) Buffalo net | All year | No size restriction | <p>Shall be raised and emptied except for bait once each 4-day period unless a longer period is granted by the department or its agents.</p> <p>Additional restrictions are contained in s. NR 22.11</p> |
| (6) Bait net | All year | Any size mesh not over 4 foot hoop front. Lead or leads not allowed. | <p>Shall be raised and emptied except for bait once each 4-day period unless a longer period is granted by the department or its agents.</p> <p>Additional restrictions are contained in s. NR 22.11</p> |
| (7) Frame net | Sept. 1 thru June 1 | Any size mesh not to exceed 4 x 8 foot front with a single lead | <p>Shall be raised and emptied once each 2-day period unless a longer period is authorized by the department or its agents.</p> <p>Additional restrictions are contained in s. NR 22.11.</p> |
| (8) Basket traps (Slat nets) | Saturday nearest May 1 thru Oct. 31 | Not more than 6 feet in length and not more than 72 inches in circumference, over-all dimensions and with one end closed with webbing of a mesh not less than one and one-fourth inches bar or square measure. Such webbing shall be attached in such a manner that the length, depth or width of each mesh is not decreased | <p>Each net shall have attached a metal tag stamped to designate the kind of net and the number of the license</p> <p>Restricted to the use of 50 nets per licensee</p> <p>All traps shall be lifted at least once every 2-day period, unless a longer period is granted by the department or its agents. Nets may not be set within 100 feet of any muskrat or beaver house.</p> <p>Any slat net found in the waters during the closed season and any slat net found on the Wisconsin banks or shores without a tag showing evidence of being used in the last 5 months shall be seized and held subject to the order of the court or judge under ss. 29.05 and 29.343, Stats.</p> |

| Type of gear | Period of year may be used dates inclusive | Specifications | Restrictions |
|------------------------------|---|--|--|
| (9) Trammel net (Drift) | All year | Not more than 300 feet in length. No mesh size restriction | Additional restrictions are contained in s. NR 22.11 May be used in a drifting manner only. |
| (10) Trammel net (Drive set) | All year | Not more than 300 feet in length with a mesh of 7 inches stretch or larger | Additional restrictions are contained in s. NR 22.11 Licensed commercial fisher or crew shall be in attendance when net is fished. The harvest of catfish with a dead set trammel net is illegal. Additional restrictions are contained in s. NR 22.11 |

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, November, 1981, No. 371, eff. 12-1-86; am. (7), Register, December, 1993, No. 456, eff. 1-1-94.

Subchapter IV – Turtles

NR 22.13 Turtles. (1) APPLICABILITY. This section applies to the taking and possession of turtles in the Wisconsin-Iowa boundary waters.

(2) SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take turtles on the Wisconsin-Iowa boundary waters except during the open season established in sub. (4). For the purpose of Wisconsin-Iowa boundary water turtle harvest, the possession limits are the same as the daily bag limits.

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval issued under s. 29.095, 29.10, 29.11, 29.112, 29.147 or 29.1475, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.095, 29.14, 29.145, 29.146, 29.147, 29.1475, 29.34, 29.343 or 29.344, Stats., which authorizes fishing.

(b) Take turtles by methods other than hoop net turtle traps that comply with par. (c), hand, hook and line, hooking or incidental to commercial fishing authorized under this chapter by a fisher possessing a valid license issued under s. 29.34, 29.343 or 29.344, Stats.

(c) Use a hoop net turtle trap to trap turtles, except when taken by a licensed commercial fisher under s. 29.34, Stats., incidental

to fishing authorized under those licenses, unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02 (28).

2. The net is nylon or other stretchable fabric. Wire may not be used.

3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.

4. It is designed and set so the closed sides sit horizontal in the water.

Note: There is no restriction on the size of the trap itself or the number of hoops used in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 10 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(4) SEASONS AND LIMITS:

| Turtle species | Open seasons (both dates inclusive) | Daily bag and possession limit | Size limit |
|--|--|-----------------------------------|---|
| (a) Snapping turtle | July 15 to Nov. 30 | 10 | 12 inch minimum 16 inch maximum top shell measured from front to back |
| (b) Softshell turtle | July 15 to Nov. 30 | 5 | None |
| (c) All other turtles not listed as threatened or endangered in ch. NR 27 | July 15 to Nov. 30 | 5 in total | None |
| (d) Turtles incidentally taken in licensed commercial fishing operations | Continuously | None | None |

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and recr. Register, February, 1997, No. 494, eff. 3-1-97.

Subchapter V – General Provisions

NR 22.14 Transportation. Any properly licensed resident or nonresident holder of an angling or commercial fishing license from the state of Iowa having lawfully taken fish or turtles in the boundary waters described in this chapter during the open season may land on the Wisconsin side of the boundary waters and personally transport fish to the state of Iowa by the most direct practicable route.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.15 Taking of fish by and for the department.

Nothing in this chapter prohibits the department by contract or otherwise from carrying out its management of the boundary waters as required by the law or department policy.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.16 Conflicting rules. Where there are differences in elements of the boundary waters regulations of Iowa and Wisconsin, anglers and commercial fishers shall comply with the regulations of the state in whose territorial waters they are fishing.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.