

## Chapter NR 21

## WISCONSIN-MINNESOTA BOUNDARY WATERS

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Note: Chapter NR 21 as it existed on February 28, 1979, was repealed and a new chapter NR 21 was created effective March 1, 1979.

**NR 21.01 Purpose.** (1) This chapter, along with other applicable rules and statutes, regulates fishing in the Wisconsin-Minnesota boundary waters.

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

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.

**NR 21.015 License waiver.** (1) On the first Sunday of June each year, no fishing license is required to fish the Wisconsin-Minnesota 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.

**NR 21.02 Definitions.** Except as otherwise specifically defined in the statutes, the following terms, for the purposes of this chapter, are defined as follows:

(1) Closed season is that period of the year not included in the open season for each species of fish as provided in this chapter. (29.085)

(2) Commercial fish include species of rough and detrimental fish as defined by this chapter, shovelnose (hackleback) sturgeon 25 inches and over in length taken only on setlines, catfish 15 inches or over in length or 12 inches and over dressed and bullheads 9 inches or over in length or 7 inches and over dressed when taken with commercial fishing gear and all taken while fishing under a commercial fishing license on the Mississippi river.

(3) Commercial fishing gear or commercial gear is that equipment specifically authorized for use in commercial fishing by this chapter. (29.085, 29.34, 29.343, 29.37, 29.135, 227.014, 29.30, 29.336)

(4) Commercial fishing licenses are those licenses issued pursuant to ss. 29.34, 29.343 and 29.37, Stats. (29.085, 29.135, 227.014)

(5) Dressed fish are fish with the head and viscera removed but the tail on. (29.085)

(6) Fisher means any person engaged in fishing. (29.085)

(7) Length of fish is, unless otherwise specified, that distance measured in a straight line from the tip of the snout to the outermost end of the tail with the tail or caudal fin fully extended. (29.085)

(8) Minnows are all species defined as such in s. 29.01, Stats., and bullheads not exceeding 4 inches in length. (29.01, 227.014)

(9) Mississippi river includes within its definition those waters also known as Lake Pepin and Lake Onalaska. (29.085)

(10) Possession limit is double the daily bag limit. (29.085)

(11) Rough fish are all species defined as such in s. 29.01, Stats., including amur carp which is also known as grass carp (*Ctenopharyngodon idella*). (29.01, 29.085, 227.014)

(12) Setlines are also known as trotlines. (29.085, 29.37, 227.014)

(13) Sport fishing is any fishing, including the methods commonly known as hook and line fishing or angling, which is conducted without a commercial fishing license and with other than commercial fishing gear, but does not include the taking of turtles and tortoises. (29.085)

(14) Stretch measure is the extension measure of net mesh size when the size of mesh of a net is specified. Stretch measure shall mean the distance between the extreme angles of any single mesh with the mesh fully stretched. (29.085, 29.30, 29.34, 29.343, 227.014)

(15) Supervisor means any department employe assigned or designated to oversee fishing activities conducted under this chapter. (29.085)

(16) Wisconsin-Minnesota boundary waters are those waters known as the Mississippi river lying west of the Burlington Northern railroad main tracks on the east side of the Mississippi river, Lake St. Croix, the St. Croix river from the Burlington Northern 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. (29.085)

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (2) Register, April, 1983, No. 328, eff. 5-1-83.

## Subchapter I — Sport Fishing

**NR 21.03 Reciprocity, sport fishing or spearing and dip netting.** (1) All residents of Wisconsin and Minnesota holding a resident fishing license from their respective states or residents other than Wisconsin and Minnesota holding an angling or sport fishing license issued by either state, may fish in any of the waters of the Mississippi river lying between the Chicago, Burlington Northern 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 normal pool elevation as created by the U.S. department of the army, and in the waters of Lake St. Croix, and the St. Croix river and the St. Louis river as defined in s. NR 21.02 (16). This reciprocity applies only to sport fishing, spearing, dip netting, and the taking of minnows and crayfish for such fishing. (29.085, 29.16, 227.11)

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.

**NR 21.04 Sport fishing; seasons and limits.** All regulations applicable to sport fishing are as follows unless expressly provided elsewhere in this chapter or the law. (23.11, 29.085)

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
<b>(1) LARGEMOUTH AND SMALLMOUTH BASS</b>			
(a) St. Louis river and St. Croix river downstream to the highway #70 bridge	Saturday preceding Memorial Day to March 1	5 in aggregate	12
(b) St. Croix river downstream from the highway #70 bridge to the highway #10 bridge at Prescott	Saturday preceding Memorial Day to March 1.	5 in aggregate	14
(c) Mississippi river	Continuous	5 in aggregate	14
<b>(2) WALLEYE AND SAUGER</b>			
(a) St. Croix river downstream to Prescott	Saturday nearest May 1 to March 1	6 in aggregate	No size limit for sauger, 15 for walleye
(b) Mississippi river, pool 3	Continuous	6 in aggregate	No size limit
(c) Mississippi river except pool 3	Continuous	6 in aggregate	No size limit for sauger, 15 for walleye
(d) St. Louis river	Saturday nearest May 15 to March 1	2 in aggregate	15
<b>(3) NORTHERN PIKE</b>			
(a) St. Croix river downstream to Prescott	Saturday nearest May 1 to March 1	5	No size limit
(b) Mississippi river from Prescott downstream	Continuous	5	No size limit

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Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(c) St. Louis river	Saturday nearest May 15 to March 1	2	No size limit
(4) WHITE-OR YELLOW BASS, CRAPPIES, ROCK BASS, SUNFISH OR BLUE-GILLS AND YELLOW PERCH	Continuous	25 of each	No size limit
(5) CATFISH			
(a) St. Louis river and St. Croix river downstream to the highway #10 bridge at Prescott	Continuous	10 in aggregate	No size limit
(b) Mississippi river from Prescott downstream	Continuous	25 in aggregate	No size limit
(6) BULLHEADS	Continuous	No bag limit	No size limit
(7) LAKE STURGEON			
(a) St. Croix and Mississippi rivers	Saturday nearest May 1 to October 31	1 per season	45 inches
(b) St. Louis river	No open season	—	—
(8) SHOVELNOSE STURGEON			
(a) Mississippi river from the Red Wing dam upstream and the St. Croix and St. Louis rivers	Saturday nearest May 1 to October 31	1 per season	45 inches
(b) Mississippi river from the Red Wing dam downstream	Continuous	10	No size limit
(9) PADDLEFISH (SPOON-BILL CATFISH)	No open season	—	—
(10) ROUGH FISH	Continuous	No bag limit	No size limit
(11) MUSKELLUNGE			
(a) St. Croix river and Mississippi river from Prescott downstream	Saturday nearest May 1 to March 1	1	30 inches
(b) St. Louis river	Saturday nearest Memorial Day to March 1	1	36 inches
(12) CRAYFISH (29.415 - new)	May 1 to March 1	No bag limit	No size limit
(13) TROUT AND SALMON St. Louis river	First Saturday in May at 5:00 a.m. to September 30	5 in aggregate of which only 2 may be brown trout exceeding 15 inches and only 1 of which may be rainbow trout	Brook trout 8 brown trout 10 rainbow trout 12 salmon 12
(14) OTHER SPECIES	Inland regulations of adjoining counties as contained in NR 20, apply.		

(15) A person shall not possess or have under control more than the daily bag limit while fishing on the ice or in the waters of the Wisconsin-Minnesota boundary waters. (29.085)

(16) A person shall not possess or have under control more than 2 times the daily bag limit when not on the waters or ice during the open season for each species. (29.085)

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (7) (a) and cr. (7) (b), Register, December, 1987, No. 384, eff. 1-1-88; am. (1) (a), renun. (1) (b) to be (1) (c), cr. (1) Register, December, 1989, No. 408

(b), Register, November, 1988, No. 395, eff. 12-1-88; emerg. am. (2), (3) and (11), eff. 4-25-89; am. (1) (c), (2) to (4) and (11), renum, (13) to (15) to be (14) to (16), cr. (13), Register, December, 1989, No. 408, eff. 1-1-90.

**NR 21.05 Sale of fish.** (1) Fish, other than rough fish during the open season, taken by hook and line, spear or bow and arrow shall not be sold, purchased, bartered, offered for sale, or under control or in possession for the purpose of sale or barter. (23.11, 29.135, 29.48, 227.11)

(2) Rough fish taken by other than commercial gear may be bought and sold during the open season. A wholesale fish dealer's license is required if such fish are sold to any person other than the final consumer. (23.11, 29.135, 29.48, 227.11)

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.

**NR 21.06 Sport fishing restrictions.** (1) Except as otherwise expressly provided, only the following methods or manners of fishing shall be lawful. Any person: (29.085)

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

(b) May 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 winterkilled fish in those areas and at those times designated by the department by posting.

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

(d) May take rough fish by means of spear, bow and arrow or dip nets not to exceed 24 inches in diameter or square only from sunrise to sunset from the Saturday nearest April 21 to March 1, except that the use of dip nets not to exceed 24 inches in diameter or 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.

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

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

(3) Possession of illegal equipment. No spear, spring gaff or bow and arrow shall be possessed in a fish house (shanty). No person shall have in possession on the water or immediate banks of the water any spear, bow and arrow or similar device except during the open season.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (a), Register, December, 1985, No. 360, eff. 1-1-86.

**NR 21.07 Ice fishing shelters.** Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing purposes on the Mississippi river, Lake St. Croix, the St. Croix river and St. Louis river as defined in s. NR 21.02 (16) 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 must 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 shelter or enclosure must be painted or permanently affixed in the English lan-

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guage on the outside of the structure with lettering a minimum of one inch square. 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 must comply with the law of the issuing state relative to the licensing and identification of fish houses. (29.283, 29.085, 227.11)

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79.

### Subchapter II — Minnows

**NR 21.08 Minnow nets and traps.** Except as provided in ss. NR 20.09 (2) (g) and (3) and 21.06 (1) (d), no person may take fish other than smelt and shiners with nets or traps in the St. Louis river. 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 the taking of minnows: (23.11, 29.137, 29.085)

Type of Gear	Period Gear May Be Used	Specifications	Restrictions
(a) Seine	All year	Seines shall not exceed 50 feet in length and 8 feet in width flat measure and shall not contain mesh which exceeds one-half inch stretch measure.	
(b) 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 a vertical direction.
(c) Traps	All year	Traps shall 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 must have securely attached to them a label or tag bearing the name and address  Traps must be raised and the minnows removed at least once a day between one hour before sunrise and one hour after sunset.
(d) Cast Net	All year	Cast nets shall not exceed 7 feet in diameter or mesh of more than one-half inch stretch measure.	
(e) 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 dragon fly larva.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; emerg. am. (intro.), eff. 4-25-89; am. (intro.), Register, December, 1989, No. 408, eff. 1-1-90.

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is taken while commercial clam shelling or in the table of s. NR 24.10 if the clam is taken while clamming.

(2) **WEIGHT.** For purposes of this chapter and s. 29.38, Stats., the weight of clams shall be determined on a wet or fresh basis if their condition permits it.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

**NR 24.09 Commercial clamming: size limits; open seasons, species and waters.** (1) Except as provided in subs. (2) and (3), no person may engage in commercial clam shelling except between sunrise and sunset during the open season in waters which are open to commercial clam shelling, for clams of a species which is open to commercial clam shelling and which are of the minimum size or larger, as shown in the following table:

WATERS OPEN TO COMMERCIAL CLAM SHELLING	OPEN SEASON	OPEN SPECIES	MINIMUM SIZE
(a) Wisconsin-Iowa boundary waters	April 1, 1989- Sept. 15, 1989 thereafter, April 1- Aug. 31	mapleleaf ( <i>Quadrula quadrula</i> )	2-¾"
		pigtoe ( <i>Fusconaia flava</i> )	2-¾"
		pimpleback ( <i>Quadrula pustulosa</i> )	2-¾"
		threeridge ( <i>Amblema plicata</i> )	2-5/8"
		washboard ( <i>Megaloniaias gigantea</i> )	3-½" until Apr. 1, 1990, 4" thereafter
		(b) Wisconsin-Michigan and Wisconsin-Minnesota boundary waters except the St. Croix river	Apr 1- Sep 30
(c) Inland waters: All except the Ashippun river (Dodge, Jefferson, Washington and Waukesha counties), Cedar creek (Ozaukee and Washington counties), Kelly brook (Oconto County), Little Peshigo river (Marinette and Oconto counties), Little Suamico river (Oconto, Shawano and Brown counties), east, north and west branches of the Milwaukee river (Fond du Lac, Ozaukee, Sheboygan and Washington counties), Mukwonago river (Waukesha county), Namekagon river upstream and inclusive of the SW ¼ of the NE ¼ of section 8, township 43N, range 6W (Burnett,	Apr 1- Sep 30	pigtoe ( <i>Fusconaia flava</i> )	2-¾"
		pimpleback ( <i>Quadrula pustulosa</i> )	2-¾"
		threeridge ( <i>Amblema plicata</i> )	2-5/8"
		all others except those listed in s. NR 27.03 (2) (f) or (3) (f)	none
		mapleleaf ( <i>Quadrula quadrula</i> )	2-¾"

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Washburn, Sawyer and Bayfield counties), Onion river (Sheboygan county), St. Croix river upstream to the Gordon dam (Burnett and Douglas counties), Suamico river (Brown and Outagamie counties), Sugar creek (Racine and Walworth counties), and the Wisconsin river upstream to the dam at Prairie du Sac

(2) Notwithstanding the minimum size limits set in sub. (1), the minimum size for cooked clams shall be 2-1/2" for mapleleaf, pigtoe and pimpleback clams, 2-7/16" for threeridge clams and 3-1/4" until April 1, 1990 and 3-3/4" thereafter for washboard clams.

(3) Notwithstanding the minimum size limit set in sub. (1) (a), the minimum size for dead shell shall be 3-1/2" for washboard clams. This subsection shall be in effect April 1, 1990 to August 31, 1991.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; am. (1) (intro.) and (a) and (2), cr. (3), Register, June, 1989, No. 402, eff. 7-1-89; reprinted to restored dropped copy in (1) (b), Register, September, 1989, No. 405.

**NR 24.10 Clamming: size limits; open seasons, species and waters.** No person may engage in clamming except between sunrise and sunset during the open season in waters which are open to clamming, for clams of a species which is open to clamming and which are of the minimum size or larger, as shown in the following table:

WATERS OPEN TO CLAMMING	OPEN SEASON	OPEN SPECIES	MINIMUM SIZE
(1) All boundary, inland and outlying waters	all year	all except those listed in s. NR 27.03 (2) (f) or (3) (f)	none

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.