

**NR 21.09 Carp as bait.** Live carp taken and possessed for the purpose of bait shall only be transported by boat or other floating conveyance while in possession on Wisconsin-Minnesota boundary waters and by vehicle on and including state highway 35 and roads west from Victory, Vernon county to junction with federal highway 63 Pierce county. (23.11, 29.137, 227.11)

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

### Subchapter III — Commercial Fishing

**NR 21.10 Reciprocity.** For the purpose of fishing under a commercial fishing license or taking turtles or tortoises, licensed persons from either Wisconsin or Minnesota shall have the privilege of fishing commercial gear or taking turtles between the banks of the channel of the Mississippi river containing the state line, Lake St. Croix and the St. Croix river. They may land their nets and setlines on the banks. The operation of commercial fishing gear in the bayous and sloughs beyond the banks of the channel of the Mississippi river which contains the state line, or the banks of Lake St. Croix and the St. Louis river as defined in section NR 21.02 (16) shall be limited to the licensed commercial fishers and those persons taking turtles or tortoises in the waters of their state of license only. (29.085, 29.16)

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

**NR 21.11 Commercial fishing restrictions.** (1) All commercial fishing in the Wisconsin-Minnesota boundary waters shall be conducted in accordance with this chapter, all other applicable statutes and rules, and the following:

(a) All game fish taken with any net or setline must be immediately returned to the water as soon as they appear in the operation. (29.085, 29.30, 227.014)

(b) All commercial fishers must obtain a license issued pursuant to ss. 29.34, 29.343 or 29.37, Stats., before conducting commercial fishing operations.

(c) Measurement 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. (29.085, 29.30, 29.336)

(d) There are no bag limits for any commercial species other than are expressly provided in this chapter. (29.085)

(e) Improperly placed or tagged commercial fishing gear is considered contraband and will be seized and held subject to order of the court. (23.11, 29.03, 29.085, 29.34, 29.343, 29.37)

(f) Nets of any kind or setlines shall not be set, lifted, hauled or operated in any manner between 1/2 hour after sunset and one hour before sunrise of the following day, 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. (29.085)

(g) A licensed commercial fisher or any member of the crew or any person in or on the boat shall 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. (29.085, 29.30)

Register, December, 1989, No. 408

(h) Commercial fishing gear not authorized for use in the Wisconsin-Minnesota boundary waters by this chapter shall not be in possession or under control while on those waters or engaged in a fishing operation involving those waters. (29.085)

(i) All fishers licensed under the provisions of ss. 29.34 and 29.37, Stats., must complete and submit monthly reports on forms available from the department. All reports must be submitted by the 10th of the month following each month fished. (23.11, 29.34, 29.37)

(j) Rough fish taken by commercial gear shall not be returned to the waters but must be lawfully disposed of. (23.11, 29.30)

(k) Commercial fish taken by commercial gear pursuant to this chapter may be sold by the commercial fisher. (23.11, 29.135)

(l) Metal identification tags will be furnished by the department at a cost of 25 cents per tag, unless they are for a buffalo, frame, slat or trammel net where the cost is 50 cents per tag. (23.11, 29.34, 29.343, 29.37)

(m) Commercial gear shall not be used or operated at any time in the following waters: within 900 feet below any U.S. corps of engineers lock or dam on 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; Goose lake lying in Pierce county; and the Trempealeau lakes, known as Second, Third and Round lakes, lying in Trempealeau county. (29.085)

(n) Commercial gear unless otherwise specified may not be used or operated in Pool 4, Mississippi river between mile posts 780 and 797 from March 1 through May 31, or in the following closed areas from April 15 to October 30, both dates inclusive: 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, except set lines may be used during the open season as described in s. NR 21.12 (1) (a); the 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 Shelby street in the city of La Crosse southeasterly to where it enters Running Slough. (29.085)

(o) Gill nets may not be used or operated in all backwaters of that portion of Pool 8 of the Mississippi river located north of the Chicago, Milwaukee, St. Paul and Pacific railroad, east of the east channel, south of Smith slough and including French slough as the east boundary from March 1 through April 31 or at any time in the following waters; Black river from the Onalaska nine-foot channel dam to its confluence with the Mississippi river; Joe Lynn slough from the Chicago, Milwaukee, St. Paul and Pacific railroad bridge to its confluence with the Black river; French slough from the Chicago, Milwaukee, St. Paul and Pacific railroad bridge to its confluence with Joe Lynn slough; 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 Seventh street in the city of La Crosse southeasterly to where it enters Running Slough. (29.085)

(p) 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 wild animal. (29.085)

(q) The department by its agents, employes or wardens may in the absence of the licensee, at any time, raise any commercial fishing gear with as little damage as may be for inspection. (23.11, 29.30)

(r) The use or operation of all commercial gear except those authorized in this chapter is prohibited in the Wisconsin-Minnesota boundary waters with the exception of such nets as may be authorized by the department. The specifications for the nets operated under contract with the department must be agreed upon between the states of Wisconsin and Minnesota.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (n), Register, December, 1981, No. 312, eff. 1-1-82; am. (1) (n) and (o), Register, December, 1989, No. 408, eff. 1-1-90.