

Chapter NR 20

FISHING: INLAND WATERS; OUTLYING WATERS

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(Sections 29.085 and 29.174, Stats.)

NR 20.01 Purpose; general restriction. Seasons, bag limits, possession limits and other regulations for fishing in Wisconsin waters are established in this chapter. No person may take, catch, kill or fish for fish of any variety in excess of the daily bag limit, by means other than hook and line, during other than the open season or possess or control any fish in excess of the possession limit or below the minimum size limit, except as expressly provided in this chapter.

History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58; renum. from WCD 20.01 to be NR 20.01, Register, November, 1970, No. 179, eff. 1-1-71; reprinted to correct error, Register, April, 1984, No. 340; r. and recr. Register, November, 1986, No. 371, eff. 12-1-86.

NR 20.0125 License waiver. (1) On the first Sunday of June each year, no fishing license is required to fish the inland or outlying 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 20.015 Definitions. For the purpose of this chapter, the following terms are defined as follows:

(1) "Artificial fly" means a single hook dressed with fur, feathers, hair, silk, tinsel, thread or similar material to imitate the natural food of trout.

(2) "Artificial lure" means a bait designed to attract fish which does not include any natural bait.

(2d) "Attached", for the purpose of s. 29.148 (4), Stats., means affixed to the sturgeon carcass immediately in front of the tail.

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(2g) "Backtrolling" means to fish from a motor-driven boat while operating the boat in such a way that the boat is progressing toward the rear.

(2m) "Business day" has the meaning given it in s. 421.301 (6), Stats.

(2r) "Current validated sturgeon carcass tag", for the purpose of s. 29.148 (4), Stats., means an unused tag of the current year validated according to the requirements of s. NR 20.18 (2).

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

(4) "Fishing" includes taking, capturing or killing fish or fishing for fish of any variety at any time in the waters of the state.

(4a) "Muskellunge" means fish of the species *Esox masquinongy* and includes muskellunge - northern pike hybrids.

(5) "Green Bay" means those waters of Lake Michigan located to the west of the Green Bay-Lake Michigan line.

(6) "Green Bay-Lake Michigan line" means a line commencing at the northwest side of the Northport dock where it joins the shoreline in section 33, T33N, R29E; then running northeasterly to the range light (signal light) on Plum island; then running along the north and west shore of Plum island to the U.S. coast guard station; then running northerly to the southwesterly point on Shellswick dock, which is located on Lobdell's point on Washington island; then running along Shellswick dock to the shoreline of Lobdell's point; then running along the west shore of Washington island to Boyer's Bluff light; then running north to its terminus at the Wisconsin-Michigan boundary line.

(7) "Lake Michigan" means those waters of Lake Michigan located east of the Green Bay-Lake Michigan line.

(8) "Openly exposed" means open to view by a person in a passing vehicle.

(9) "Safe harvest" means a level of harvest that incorporates an appropriate margin of safety, estimates of the population and acceptable exploitation rates which will reasonably prevent harvest of more than 35% of the population of adult walleyes or 27% of the population of adult muskellunge. The margin of safety assures that the true safe harvest is not exceeded in more than 1 of 40 cases. For waters where a population estimate has not been made, a regression model based upon population estimates from other waters will be used. The margin of safety used depends upon the age of the population estimate was made and whether a regression model was used.

(10) "Secretary" means secretary of the department of natural resources.

(11) "Setline" means a line with one or more hooks fastened to it and designed to be set or left unattended in the water for the purpose of taking fish.

(12) "Set or bank pole" means a pole equipped with line with one or more hooks fastened to it, designed to be used for fishing from the banks of lakes or rivers and set or left unattended.

(4) (a) No person may as prescribed in sub. (2) take, catch or kill fish in the counties of Ashland (except in the Bad river as provided in par. (e)), Bayfield, Iron, Oconto (in that portion of the county west of highway #141 only), Oneida, Pierce, Price, Sawyer and Vilas counties, except that rough fish may be taken sunrise to sunset with bow and arrow from the Saturday nearest May 20 to July 1 each year in Iron and Sawyer counties.

(b) It shall be lawful to take rough fish by means of spear or spear fishing by the method commonly known as skin diving or bow and arrow from April 21 to March 1, inclusive, sunrise to sunset in the inland waters or from shores of inland waters of Brown, Buffalo, Calumet (except during a sturgeon spearing season in any specified water), Clark, Door, Dunn, Eau Claire, Florence, Fond du Lac (except during a sturgeon spearing season in any specified water), Forest, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Langlade, Lincoln, Manitowoc, Marathon (except that spearing is prohibited in the Big Eau Pleine flowage from the dam upstream to highway 97 from November 1 to April 20), Marinette, Monroe, Oconto (in that portion of the county east of highway 141 only), Outagamie (except during the sturgeon spearing season in any specified water), Pepin, Portage, St. Croix, Shawano, Trempealeau, Winnebago (except during a sturgeon spearing season in any specified water), and Wood.

(c) It shall be lawful for any person to take rough fish by means of spears or by spear fishing by the method commonly known as skin diving or bow and arrow at any time of the year, sunrise to sunset, in the inland waters or from shores of inland waters of the counties of Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Marquette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk (except it is illegal to spear fish while skin diving or with bow and arrow in Devil's lake), Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca and Waushara (except during a sturgeon spearing season in any specified water).

(d) It is lawful to take white bass, yellow bass (striped), rock bass, crappie, bluegill, perch, pumpkinseed (sunfish) and bullheads with the use of spears and spearguns by skin diving and scuba diving in all waters where spearing for rough fish is permitted subject to the same seasons prescribed in sub. (4)(a), (b), (c) and (e) and subject to bag limits prescribed in s. NR 20.03.

(e) It shall be lawful for any person to take rough fish by means of spears or by spear fishing by the method commonly known as skin diving or bow and arrow, sunrise to sunset, from the Saturday nearest May 20 to November 1, inclusive, on the inland waters or from shores of inland waters in the counties of Burnett, Chippewa, Douglas, Rusk, Taylor, Washburn, Polk and Barron. Burbot (but no other species) may also be speared from sunset to sunrise in the Amnicon and Nemadji rivers and the Black river upstream to the Minneapolis, St. Paul and Sault Ste. Marie railroad bridge from December 15 to January 31, inclusive, in Douglas county and the Bad river, Ashland county.

(5) (a) The possession or use of a gun, bow and arrow, spear or similar device for the taking, catching or killing of fish in or on any designated trout stream is prohibited at all times except as indicated in pars. (b) and (c).

(b) Suckers and carp may be speared, sunrise to sunset only, from Saturday nearest March 15 to, but not including the Saturday nearest May 1, in the following trout waters in Waushara county:

1. White river below the junction of the main and west branches in SE¼ NE¼, sec. 10, township 18 north, range 10 east, town of Dakota, downstream to the White river flowage in sec. 13 of Dakota township.

2. Willow creek between the point where the two branches of said stream unite in section 12, township 18 north, range 11 east, town of Marion and the dam in Auroraville.

3. The Pine river between the point where the said stream crosses the highway in section 3, township 19 north, range 12 east, town of Leon to the dam in Poyssippi.

(7) It shall be unlawful to use goldfish or alewife in any form or manner for bait or to have goldfish or alewife in possession on the inland, boundary or Lake Superior waters of the state. Alewife but not goldfish may be possessed and used for bait in Lake Michigan waters.

(8) No person shall, except as otherwise expressly provided, set, place, use, operate or have in possession or under control any snag line or snag pole, snaghook or parts thereof or cluster of fish hooks that might be attached to same designed to be placed in or drawn through the water for the purpose of catching or drawing such hooks into the body of fish or used for that purpose; except that carp, but no other species or variety fish, may be taken by means of a gaff hook through the ice, sunrise to sunset, in the outlying and reserve water of Lake Michigan and Green Bay.

(9) No person shall use or have in possession or under his or her control or maintenance in any of the inland waters of this state, any live box, crib or similar device except receptacles carried by or with the fisher to contain a catch while fishing, that might be used for the keeping of fish unless he or she shall have securely attached thereto in such a manner as to be readable and legible at all times a tag of permanent material bearing the name and address of the owner or user.

(10) No person may fish for trout in inland waters without an inland waters trout stamp or fish for trout or salmon in the outlying trout and salmon waters without a Great Lakes trout and salmon stamp of current issue with the signature of the licensee written in ink across its face and firmly affixed by its own adhesive to the back of the person's valid fishing or sports license.

History: 1-2-56; am. (1) (d), (4) (a), (b) (c) and (e) and (7), cr. (1) (ea) and (g), Register, November, 1975, No. 239, eff. 12-1-75; emerg. am. (2), renum. (3) (a), to (e) to be (4) (a) to (e) and am. eff. 4-30-76; r. (1) (ff) and (5) (b) 1, r. and recr. (2) and (3), Register, December, 1976, No. 252, eff. 1-1-77; am. (1) (c), (4) (b) and (e), (5) (a), Register, December, 1977, No. 264, eff. 1-1-78; cr. (10), Register, June, 1978, No. 270, eff. 7-1-78; r. and recr. (1) (g), Register, December, 1978, No. 276, eff. 1-1-79; am. (1) (a) and (4) (b) and (c) and cr. (5) (b) 1, Register, December, 1979, No. 288, eff. 1-1-80; am. (1) (a), Register, December, 1980, No. 300, eff. 1-1-81; renum. (2) to be (2) (a) and cr. (2) (b), Register, December, 1981, No. 312, eff. 1-1-82; cr. (11), Register, December, 1982, No. 324, eff. 1-1-83; r. (5) (c) and (11), Register, June, 1984, No. 342, eff. 7-1-84; r. and recr. (1) (d), am. (4) (a), Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. (1) (a), r. (1) (b) and (c), renum. (1) (d) to (g) to be (b) to (f), am. (2) (a), Register, December, 1985, No. 360, eff. 1-1-86; am. (1) (a), Register, March, 1986, No. 363, eff. 4-1-86; r. and recr. (1) (b), cr. (1) (g), Register, October, 1991, No. 430, eff. 11-1-91; cr. (1) (h), Register, December, 1991, No. 432, eff. 1-1-92; am. (10), Register, March, 1992, No. 435, eff. 4-1-92; corrections in (9) made under s. 13.93 (2m) (b) 5, Stats, Register, March, 1994, No. 459.

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Note: For a complete history of NR 20.07, see the history as it appeared in January, 1975, Administrative Register.

NR 20.08 Fishing tournaments. (1) DEFINITIONS. (a) "Fishing tournament" means any organized fishing activity, on any water of the state at any time, where competition is the primary intent, where prizes are awarded which, in total, have a value of more than \$500, where the total number of participants is greater than 40 individuals or 20 boats, where the waters to be fished are identified by name by the sponsor, and where participants are required to fish on the same dates.

(b) "Person" means any individual, partnership, association, organization and body politic and corporate.

(c) "Sponsor" means a person who advances, conducts, directs, establishes, organizes, promotes or otherwise is responsible for the operation of a fishing tournament, but does not include a person who only assists in advertising or publicizing another person's fishing tournament. "Sponsor" also means to advance, conduct, direct, establish, organize, promote or otherwise be responsible for the operation of a fishing tournament.

(2) **PERMIT REQUIRED.** No person may sponsor a fishing tournament without first obtaining a permit from the department.

(3) **APPLICATION.** A person who wishes to sponsor a fishing tournament shall apply to the department for a permit on forms available from the department. The application shall be submitted no sooner than one calendar year before the starting date of the tournament and no later than 30 days before the starting date of the tournament.

Note: Application forms may be obtained at no charge from the department's district offices and the central office in Madison.

(4) **ACTION ON APPLICATIONS.** (a) The department shall act on fishing tournament permit applications no later than 10 business days following receipt of a complete application.

(b) Permits shall be granted unless the sponsor's privilege has been revoked pursuant to sub. (9).

(5) **COMPLIANCE.** All participants in a permitted tournament shall comply with all provisions of the permit. In the event that a participant clearly fails to comply with the permit, the violating participant shall promptly be disqualified or expelled from the tournament by the sponsor. The department may impose penalties under sub. (9) and take other appropriate enforcement action against the violating participant.

(6) **GENERAL PROVISIONS AND PERMIT CONDITIONS.** (a) No person may sponsor fishing tournaments on the same body of water with starting dates separated by less than 2 weeks.

(b) No person may sponsor a fishing tournament for a particular species of fish on the opening weekend of any fishing season for that species on any water subject to the opening.

(c) All permits for fishing tournaments shall:

1. Identify areas where competitive fishing is prohibited for the following reasons:

a. To protect critical habitat, including areas designated by local ordinance for aquatic vegetation preservation or areas where habitat enhancement activity is underway and

b. To protect public rights, interests or safety, including designated swimming areas, mooring areas, access areas, navigational channels, staging areas, beaches or other special use areas.

2. Specify the method for fish holding and release for tournaments where fish are reduced to possession, usually for purposes of recording, and live fish are then released to the water from which they came.

Note: NR 20.03 (1) provides for permits for restocking.

3. Contain provisions for other than live release of fish when the department determines that weather conditions and water temperature are not conducive to survival of fish intended for release and the release may constitute malicious waste of natural resources under the provisions of s. 23.095 (1), Stats.

4. Prohibit the use of tagged fish, except when approved by the department to enhance collection of data for management purposes as part of a scientific study, or when tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the department under s. 29.535, Stats., and s. NR 19.05.

(d) Pursuant to s. NR 20.07 (1) (f) any fish taken into actual possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.

(e) The time limitations upon the length of a fishing tournament under this section do not include fishing activities by tournament participants carried out prior to the time when the tournament begins.

(f) Except for tournaments on the Great Lakes, the fishing portion of any tournament may not run for more than 10 consecutive hours each day or more than 3 consecutive days.

(g) The fishing portion of tournaments on the Great Lakes is not limited.

(8) REPORTING. Each sponsor shall report the results of the sponsor's tournament and other information which the department deems necessary on forms available from the department no later than 30 days following the last day of the tournament.

Note: Reporting forms will be issued with permits.

(9) PENALTIES. In addition to any penalties provided by law, the department shall, for a period of 2 years from the date of violation, deny any tournament fishing permit application submitted by a person it determines failed to comply with a tournament fishing permit or with a rule relating to tournament fishing.

(10) SUNSET. This section shall remain in effect until December 31, 1996.

History: Cr. Register, March, 1994, No. 459, eff. 4-1-94.

NR 20.09 Dip nets and seines in inland and outlying waters. (1) GENERAL RESTRICTIONS. Except as provided in this section and in ss. NR 20.04, 20.10 and 20.11 no person shall set, use or operate any dip net in any of Register, March, 1994, No. 459

the inland or outlying waters of the state for taking, catching or killing any variety of fish. No person, while operating a dip net for rough fish, shall fish for fish in any other manner at that time and no person shall fish with hook and line from any boat that has a dip net attached. Only one dip net per person is permitted for the taking of smelt and minnows. Such dip net must be attended at all times while in use and such nets shall only be raised and lowered vertically when fishing.

(a) It is unlawful to sell, barter or trade in any manner any suckers taken pursuant to this section.

(2) **USE OF DIP NETS.** (a) *Definition.* Dip nets used for taking, catching, or killing rough fish shall be defined as follows: a piece of netting suspended from a round or square frame not exceeding 8 feet in diameter or 8 feet square.

(b) *Marinette and Oconto counties.* Not more than one dip net per person may be used at any time for the taking, catching, or killing of rough fish in Marinette and Oconto counties in all the streams and rivers flowing into Green Bay from a point 200 feet upstream from the mouth, and extending a distance of 15 miles inland in a straight line.

(c) *Brown, Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine and Sheboygan counties.* One dip net per person may be used all year for the taking, catching and killing of rough fish in all the nontrout designated streams and rivers, excluding lakes, flowing into Lake Michigan and Green Bay and in the counties of Brown, Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine and Sheboygan in that part of each such stream or river beginning at the mouth and extending upstream to a point 500 feet below the first dam located on such stream or river.

(d) *Fond du Lac county.* One dip net per person may be used, sunrise to sunset, from May 1 to March 15, for taking, catching or killing rough fish, except suckers, in that part of the Fond du Lac river in Fond du Lac county beginning at its mouth and extending upstream three miles.

(e) *Dodge and Jefferson counties.* One dip net per person may be used sunrise to sunset for the taking, catching or killing of rough fish all year in the following waters:

1. In the Rock river in Dodge, Jefferson and Rock counties.
2. In the Crawfish river in Jefferson county.
3. In Beaver Dam lake in Dodge county.
4. In the Beaver Dam, Crawfish and Wildcat rivers in Dodge county.
5. In the Bark river and tributaries to Hebron dam and in creeks and tributaries of the Rock and Crawfish rivers in Jefferson county.

(f) *Calumet county.* One dip net per person may be used from April 25 to May 31, both dates inclusive for the removal of rough fish from that part of Lake Winnebago within a distance of 500 feet from the shoreline of Calumet county.

(g) A dip net not exceeding 8 feet in diameter or 8 feet square may be used in all other waters except designated trout streams at any time of

the year, sunrise to sunset, for the taking of rough fish with no bag or possession limit.

(3) SMELT. (a) Dip nets not exceeding 8 feet in diameter or 8 feet square may be used at any time for the taking, catching or killing of smelt in Lake Michigan and all the streams and rivers flowing into Lake Michigan and the northern and southern parts of Green Bay, in that part of each of such streams beginning at or in the bay or lake and extending upstream to a point 500 feet below the first dam located on any such stream or a distance of 5 miles inland on any of such streams where no dam is located within 5 miles of the mouth.

(b) Dip nets not exceeding 8 feet in diameter or 8 feet square, may be used from April 1 to May 25 for the taking, catching, or killing of smelt and suckers in Lake Superior and all streams flowing into Lake Superior in Bayfield, Ashland and Iron counties and the Brule river in Douglas county from a point beginning at their mouths and extending inland for a distance of one-half mile in a straight line. Zoning does not apply on Bear creek, Bluff creek and Nemadji river, the St. Louis river and the other non-trout streams in Douglas county and in the waters of the Chippewa, Bad, and White rivers in Ashland county not inhabited by trout, or on streams where active sea lamprey control structures are located. The taking of rough fish by dip netting is permitted from April 1 to July 15 below the posted portion of a stream on which such an active lamprey control structure is located.

(c) Seines not more than 75 feet in length and not more than 6 feet in depth may be used from April 1 to May 25 for the taking, catching and killing of smelt and suckers in all the outlying waters except that portion of the Fox river in Brown county upstream from 1,500 feet below the dam in the city of DePere. Seines of this dimension may also be used in St. Louis bay, Superior bay, Allouez bay and from the mouth of the St. Louis river upstream to the north 28th st. landing in Douglas county.

(d) It shall be unlawful for any person to leave dip nets or seines unattended within 25 feet of the edge of waters named in pars. (a), (b) and (c) of this section.

(e) Dip nets not exceeding 8 feet in diameter or 8 feet square may be used for the taking, catching or killing of smelt in Lake Lucerne, Forest county and the Flambeau lake chain, Vilas county, including thoroughfares and tributary streams 200 feet upstream and downstream from the lake basins and Beaver Dam lake west of hwy 63, Barron county. The open and closed seasons shall be at the directive of the district director.

History: 1-2-56; am. (2) (b), (d) and (e), and (3) (b), Register, December, 1957, No. 24, eff. 1-1-58; am. (1) intro. par. and (2) (a), Register, October, 1958, No. 34, eff. 1-1-59, am. (2) (f), Register, December, 1959, No. 48, eff. 1-1-60; am. (2) (c), Register, December 1960, No. 60, eff. 1-1-61; am. (1) intro. par.; (2) (c), (3) (a) and (c), Register, December, 1961, No. 72, eff. 1-1-62; cr. (2) (g), Register, December, 1962, No. 84, eff. 1-1-63; am. (2) (g), Register, December, 1964, No. 108, eff. 1-1-65; r. and recr. (1) (a) and (2) (g), Register, November, 1965, No. 119, eff. 1-1-66; am. (2) (b) and (c), Register, December, 1968, No. 156, eff. 1-1-69; cr. (3) (d), Register, October, 1969, No. 166, eff. 1-1-70; renum. WCD 20.09 to be NR 20.09, am. (1) (intro. par.), Register, November, 1970, No. 170, eff. 1-1-71; am. (1) (e) and (1) (e) 1., Register, November, 1975, No. 239, eff. 12-1-75; am. (1), (2) (b), (c) and (g) and cr. (3) (e), Register, December, 1977, No. 264, eff. 1-1-78; am. (3) (a) and (b), Register, December, 1978, No. 276, eff. 1-1-79; am. (3) (e), Register, December, 1980, No. 300, eff. 1-1-81; am. (3) (c), Register, December, 1984, No. 348, eff. 1-1-85; am. (2) (g), Register, November, 1986, No. 371, eff. 12-1-86.

NR 20.10 Minnow nets, traps, and seines. (1) USE LIMITED. No person may set, use, or operate any minnow seine, minnow dip net or minnow traps in any of the inland waters of this state for taking, catching, or killing fish of any variety, other than as specified in this section.

(b) 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

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