

## 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Note: Chapter NR 21 as it existed on February 28, 1979, was repealed and a new chapter NR 21 was created effective March 1, 1979.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 Saturday and consecutive 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. 6-1-87; am. (1), Register, April, 1989, No. 400, eff. 6-1-89; am. (1), Register, May, 1995, No. 473, eff. 6-1-95.

**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 of any length 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, 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)

(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)

(9) "Mississippi river" means all waters from the Burlington Northern railroad main tracks on the east side of the Mississippi river extending west from the railroad tracks to that part of the river following the boundary between the states of Wisconsin and Minnesota. "Mississippi river" includes Lake Onalaska and Lake Pepin.

(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)

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

(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 whenever 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)

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(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 Necedah 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; r. and recr. (9), Register, February, 1991, No. 422, eff. 3-1-91; am. (2), Register, December, 1993, No. 456, eff. 1-1-94.

### Subchapter I — Sport Fishing

**NR 21.03 Reciprocity, sport fishing or spearing and dip netting.** (1) All residents of Wisconsin and Minnesota hold-

ing 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)

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 2 weeks prior to the Saturday nearest Memorial Day 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
(c) St. Louis river	Saturday 2 weeks prior to the Saturday nearest Memorial Day to March 1	2	No size limit
<b>(4) WHITE OR YELLOW BASS, CRAPPIES, ROCK BASS, SUNFISH OR BLUEGILLS AND YELLOW PERCH</b>			
(5) CATFISH	Continuous	25 of each	No size limit
(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
<b>(7) LAKE STURGEON</b>			
(a) St. Croix river	First Saturday in September to October 15	1 per season	50 inches
(b) Mississippi river, St. Louis river and St. Croix river upstream from the dam at St. Croix Falls	No open season	—	—
<b>(8) SHOVELNOSE STURGEON</b>			
(a) Mississippi river from the Red Wing dam upstream and the St. Croix and St. Louis rivers	No open season	—	—

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Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(b) Mississippi river from the Red Wing dam downstream	Continuous	10	No size limit
(9) PADDLEFISH (SPOONBILL 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 Memorial Day to March 1	1	36 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, except as provided in s. NR 20.03 (1) (f) 4.b.	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), renum. (1) (b) to be (1) (c), cr. (1) (b), Register, November, 1988, No. 395, eff. 12-1-88; emerg. am. (2), (3) and (11), eff. 4-26-89; 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; am. (7) and (11) (a), Register, February, 1991, No. 421, eff. 3-1-91; am. (2) (d), (3) (e), (7) (b), (8) (a), (11) (a) and (13), Register, December, 1993, No. 456, eff. 1-1-94.

**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)

(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)

**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) Except in Lake Superior, its bays and tributaries, 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; am. (1) (d), Register, November, 1994, No. 467, eff. 1-1-95.

**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 language 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)

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

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## 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 with nets or traps in the

St. Louis river. No person may take minnows or shiners from 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 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.
(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; am. (intro.), Register, December, 1993, No. 456, eff. 1-1-94.

**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)

**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 s. 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 Register, February, 1996, No. 482

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)

(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)

(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 may not be used or operated in the following areas on the Mississippi river unless otherwise specified in s. NR 21.12:

1. Pool 4, between river mile 780 and 797 from March 1 through May 31.

2. In that part of Lake Onalaska, in Pool 7, east of a line extending due north from the most northern tip of French island, from April 15 through October 30; except licensed setlines may be used during the open season described in s. NR 21.12 (1) (a).

3. The Black river, in Pool 8 from the Onalaska 9-foot channel dam to the Soo Line railroad bridge which is immediately south of the Clinton Street bridge; except licensed seines may be used from October 31 through April 14.

4. French lake, in Pool 8, from Lock and Dam 7 dike south to French slough from April 15 through October 30.

5. Bluff slough in Pool 8, from 7th Street downstream to where Bluff slough enters Running slough from April 15 through October 30.

(o) Gill nets may not be used or operated in the following areas, of Pool 8 of the Mississippi river, unless otherwise specified:

1. Within the area north of the Soo Line railroad tracks, east of the East Channel, south of the Smith slough and west of the east bank of French slough from March 1 through April 30.

2. At any time in the Black river from the Onalaska 9-foot channel dam to its confluence with the Main Channel, and all of the area south of the Soo Line Railroad tracks, east of the East Channel and north of Taylor island.

3. At any time in French lake, from Lock and Dam 7 dike, south to French slough.

4. At any time in Bluff slough, from 7th Street downstream to where Bluff slough enters Running slough.

(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; r. and recr. (1) (n) and (o), Register, October, 1991, No. 430, eff. 11-1-91.

**NR 21.12 Commercial fishing gear.** (1) Only commercial fishing gear as described and operated in the manner prescribed below may be used by commercial fishers in the Wisconsin-Minnesota boundary waters. (23.11, 29.085, 29.174, 29.34, 29.343, 29.37)

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Type of Gear	Period Gear May Be Used Dates Inclusive	Specifications	Restrictions
(a) Setlines	The Saturday nearest April 1 to October 31	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 designate the number of the license covering it attached to a buoy or stake at one end of the setline so that it will be visible above the surface of the water.</p> <p>At each end of every setline, there shall be a buoy on each end of the gang. The buoys shall have a staff extending at least 3 feet above the surface of the water. Upon the upper end of the staff there shall be a flag at least 10 inches square. Upon the bowl of the buoys there shall be maintained in plain figures the license number of the licensee.</p> <p>Lines shall be lifted and fish removed at least once each day following the day set in open water only between one hour before sunrise and one-half hour after sunset, unless a longer period is granted by the department or its agents.</p> <p>Lines may not be set in a manner which blocks off to any type of boat travel more than <math>\frac{1}{4}</math> the width of any slough, bay or channel.</p> <p>Shovelnose (hackleback) sturgeon 25" and over in length may be taken.</p> <p>Additional restrictions are contained in s. NR 21.11.</p>
(b) Seines	All year	No size restriction	<p>Seines may only be used in the Mississippi river, Lake St. Croix and the St. Croix river downstream from the U.S. Hwy. 8 bridge located in St. Croix Falls, Wisconsin.</p> <p>Licensees may not take more than 100 lbs. of catfish per day, 15 inches or over in length from the Saturday nearest October 1 to April 30 in seines.</p> <p>Shovelnose (hackleback) sturgeon shall not be taken.</p> <p>Seines shall not be lifted or operate in any manner between <math>\frac{1}{2}</math> -hour after sunset and <math>\frac{1}{2}</math> -hour before sunrise of the following day without permission of the department.</p> <p>Additional restrictions are contained in s. NR 21.11.</p>
(c) Gill Nets	All year in the waters of the Mississippi river, except that portion of Pool 6, between mile posts 719 and 723, Trempealeau county, known as Blacksmith slough in which dead set gill nets are prohibited during open water. During the open season, drive netting is permitted sunrise to sunset only provided there is continuous net attendance.	Only gill nets with a mesh of 7 inches stretch measure or larger may be used.	<p>Gill nets may not be used as a drag seine or drift net at any time.</p> <p>At each end of every gill net, there shall be a buoy on each end of the gang. The buoys shall have a staff extending at least 3 feet above the surface of the water. Upon the upper end of the staff there shall be a flag at least 10 inches square. Upon the bowl of the buoys there shall be maintained in plain figures the license number of the licensee.</p> <p>On gill nets set through the ice there shall be maintained on each end of the gang a board or similar material which shall bear the license number authorizing the use of the net.</p>

Type of Gear	Period Gear May Be Used Dates Inclusive	Specifications	Restrictions
(d) Buffalo and Frame Nets	None		All gill nets must be lifted and emptied of fish at least once each day following the day set, only between one hour before sunrise and one-half hour after sunset when set in open water and at least once every 2 days following the day set, only between one hour before sunrise and one-half hour after sunset when set under ice, unless a longer period is granted by the department or its agents.  Gill nets shall not be set in the waters of the Mississippi river within 300 feet of the mouth of any tributary stream to such boundary water or in such tributary stream except that gill nets may be used from May 15 to October 15 in Pool 7 of the 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.  Gill nets shall not be set in a manner that will shut-off more than 1/4 of any channel, bay or slough to any type of boat travel or set within 1,000 feet of any other net. (See 29.30 (2) (b) )  Shovelnose (hackleback) sturgeon shall not be taken.  Additional restrictions are contained in s. NR 21.11.
(e) Slat and Trammel Nets	None		

(2) Except where otherwise expressly provided, turtles and tortoises taken incidental to licensed commercial fishing operations may be possessed and sold. (29.415)

**History:** Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (c), Register, January, 1980, No. 289, eff. 2-1-80; am. (1) (a), Register, November, 1986, No. 371, eff. 12-1-86.

#### Subchapter IV — Turtles and Tortoises

**NR 21.13 Turtles and tortoises.** (1) All turtles taken with commercial gear or traps may be possessed and sold only upon compliance with the following conditions: (29.415)

(a) A small game license must be possessed to take, possess or have under control a turtle or tortoise. (29.09)

(b) Snapping turtles (*Chelydra serpentina*) with a dorsal surface of the carapace or shell which measures less than 10 inches in length shall not be possessed.

(c) Turtle traps constructed of webbing shall be of a mesh size not less than 6 inch stretch measure. Traps constructed of wire mesh shall have at least one square opening in the top panel measuring at least 4 inches on a side and one of the same dimensions near the bottom in each of the side panels.

(d) Turtle traps must be set in water shallow enough to place the top no less than 2 inches above the water surface.

(e) Turtle traps shall be checked and serviced at intervals not exceeding 48 hours.

(f) No individual may operate more than 40 traps in aggregate.

(g) When in use, each turtle trap must have affixed a metal or plastic tag, visible from above, bearing the name and address of the operator and owner. Such tags shall be of dimensions no less than 2 1/2 inches in length and 5/8 inches in width.

(h) No person other than the operator or owner identified on the trap tag may tend or operate a turtle trap or remove a turtle from it. (29.415)

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

#### Subchapter V — General Provisions

**NR 21.14 Transportation of fish and turtles.** (1) Any properly licensed resident or nonresident holder of an angling or commercial fishing license from the state of Minnesota having lawfully taken fish or turtles in the boundary waters described in this chapter during the open season therefor, may land on the Wisconsin side of the said boundary waters and shall transport such fish with him to the state of Minnesota by the most convenient, practicable route. (23.11, 29.085, 29.16)

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

**NR 21.15 Fish refuges.** (1) No person may take, catch, disturb, kill or fish for fish of any variety in any manner from March 15 through April 25 both dates inclusive, in, on or along the following described water areas: (23.09)

(a) La Crosse county. (No. 32) That part of the Mississippi river beginning at the Onalaska dam, in the city of

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Onalaska, and extending downstream for a distance of 300 feet.

(2) No person may taken, catch, disturb, kill or fish for fish of any variety from March 1 to April 30 within 300 feet below the following structures unless posted open with department signs:

- (a) Buffalo county. (No. 6) Dam 4 at Alma.
- (b) Pierce county. (No. 48) Dam 3 at Red Wing.

**History:** Cr. Register, February, 1979, No. 278, eff. 3-1-79; emerg. cr. (3) (a), eff. 4-5-80.

**NR 21.16 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 these boundary waters as required by the law or department policy. (23.09, 29.286, 29.62, 29.623, 29.625)

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

**NR 21.17 Conflicting rules.** Where there are differences in elements of the boundary waters regulations of Minnesota and Wisconsin, anglers and commercial fishers must comply with the regulations of the state whose territorial waters they are fishing in. (23.11, 29.085, 29.16)

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