

Chapter NR 23

WISCONSIN-MICHIGAN BOUNDARY WATERS

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Note: Chapter NR 23 as it existed on March 31, 1986 was repealed and a new chapter NR 23 was created effective April 1, 1986.

NR 23.01 Purpose. The provisions of this chapter, along with other applicable rules and statutes, regulate fishing in Wisconsin-Michigan boundary waters.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; CR 08-010: am. Register November 2008 No. 635, eff. 4-1-09.

NR 23.015 License waiver. On the first Saturday and consecutive Sunday in June each year, no fishing license is required to fish the Wisconsin-Michigan boundary waters.

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

NR 23.02 Definitions. The following definitions apply to terms used in this chapter:

(1) "Attached" means, for the purpose of s. NR 23.12, affixed to the sturgeon immediately in front of the tail.

(1m) "Bag limit" or "daily bag limit" has the meaning given in s. NR 20.03 (8).

(2) "Dip net" means a piece of netting suspended from a frame designed to be raised and lowered vertically when fishing.

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

(4) "Length of fish" means the distance measured in a straight line from the tip of the snout of the fish to the end of its tail with the tail or caudal fin fully extended.

(4m) "Menominee river" means the Menominee river, all impoundments downstream to its confluence with Green Bay, and that portion of Green Bay bounded by the mouth of the Menominee river on the west, the "government pier" or breakwall on the

south, the "lighthouse pier" or breakwall on the north, and a line connecting the eastern-most points of those breakwalls on the east.

(5) "Minnow" has the meaning given it in s. 29.001 (54), Stats.

(6) "Open season" means that period of the year established in s. NR 23.04 when a specific species of fish is allowed to be taken.

(7) "Possession limit" has the meaning given in s. NR 20.03 (31).

(8) "Rough fish" has the meaning given it in s. 29.001 (74), Stats., and also includes amur carp (*Ctenopharyngodon idella*).

(8m) "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 and whether a regression model was used.

(8n) "Secretary" means secretary of the department of natural resources.

(9) "Sport fishing" means fishing, when authorized, with hook and line, spearing and the use of a dip net.

(10) "Wisconsin-Michigan boundary waters" means the following waters that form the interstate boundary water between the states of Wisconsin and Michigan:

| Name | Location |
|----------------------------------|--|
| (a) BASIN LAKE | T45N, R43W, Sec. 34 Gogebic co. - Mich. T44N, R7E, Sec. 30 Vilas co. - Wis. |
| (b) BIG LAKE | T44N, R41W, Secs. 16 & 17 Gogebic co. - Mich. T43N, R8E, Secs. 13, 14, 23 & 24 Vilas co. - Wis. |
| (c) BIG BAD WATER LAKE | Dickenson co. - Mich. Florence co. - Wisconsin |
| (d) BIG BATEAU LAKE | T44N, R40W, Secs. 26 & 27 Gogebic co. - Mich. T43N, R10E, Sec. 30 Vilas Co. - Wis. |
| (e) BRULE RIVER | Iron co. - Michigan Florence & Forest cos. - Wisconsin |
| (f) CRAMPTON LAKE | T44N, R41W, Sec. 18 Gogebic co. - Mich. T43N, R8E, Secs. 10, 14 & 15 Vilas co. - Wis. |
| (g) CRYSTAL LAKE | T43N, R39W, Secs. 3 & 4 Gogebic co. - Mich. T43N, R10 & 11E, Secs. 36 & 31 Vilas co. - Wis. |

| Name | Location |
|--|---|
| (h) CYRUS LAKE | T45N, R43W, Sec. 35 T44N, R7E, Sec. 32 Gogebic co. – Mich. Vilas co. – Wis. |
| (i) LAC VIEUX DESERT | T43N, R38 and 39W T42N, R11E, Secs. 4, 10, 11, 12 & 15 Gogebic co. – Mich. Vilas co. – Wis. |
| (j) LITTLE PRESQUE ISLE LAKE | T44N, R42W, Sec. 6 T43N, R7E, Sec. 3 Gogebic co. – Mich. Vilas co. – Wis. |
| (k) MAMIE LAKE | T44N, R41W, Sec. 23 T43N, R9E, Secs. 17, 10 & 21 Gogebic co. – Mich. Vilas co. – Wis. |
| (l) MENOMINEE RIVER | Menominee, Dickinson & Iron cos.– Michigan Florence & Marinette cos. – Wisconsin |
| (m) MILL LAKE | T44N, R40W, Sec. 36 T43N, R10E, Sec. 33. –Gogebic co. – Mich. –Vilas co. – Wis. |
| (n) MONTREAL RIVER (Including the East Fork up to the mouth of Layman Creek) | Gogebic co. – Mich. Iron co. – Wis. |
| (o) NORWOOD LAKE | T43N, R38W, Secs. 23 & 24 T42N, R12E, Sec. 20 Gogebic co. – Mich. Vilas co. – Wis. |
| (p) PLUM LAKE | T44N, R42W, Secs. 11, 12 & 13 T43N, R8E, Sec. 9 Gogebic co. – Mich. Vilas co. – Wis. |
| (q) ROACH LAKE | T44N, R42W, Secs. 3, 4, 9 & 10 T43N, R8E, Sec. 7 Gogebic co. – Mich. Vilas co. – Wis. |
| (r) SMOKY LAKE | T43N, R37W, Secs. 21, 28, 29, 32 & 33 T42N, R12E, Secs. 35 & 36 Gogebic co. – Mich. Vilas co. – Wis. |
| (s) STATE LINE LAKE | T45N, R43W, Secs. 29 & 32 T44N, R6E, Sec. 26 Gogebic co. – Mich. Vilas co. – Wis. |
| (t) TENDERFOOT LAKE | T44N, R42W, Secs. 10 & 11 T43N, R8E, Secs. 7 & 8 Gogebic co. – Mich. Vilas co. – Wis. |
| (u) WEST BAY LAKE | T44N, R41, Secs. 15, 16 & 22 T43N, R8 & 9E, Secs. 13 & 18 Gogebic co. – Mich. Vilas co. – Wis. |

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; emerg. cr. (8m), eff. 5-5-89; cr. (8m) and (8n), Register, November, 1989, No. 407, eff. 12-1-89; correction in (5) and (8) made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1999, No. 517; cr. (4m), am. (10) (l), Register, June, 1999, No. 522, eff. 7-1-99; CR 04-024: am. (1) and (7) Register December 2004 No. 588, eff. 1-1-05; **CR 09-051: renum. (1) to be (1m), cr. (1) Register June 2010 No. 654, eff. 7-1-10.**

NR 23.03 General restriction. Except as specifically allowed by this chapter, fishing in and possession of fishing equipment on the Wisconsin–Michigan boundary waters is prohibited.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86.

NR 23.04 Reciprocity. Residents of Wisconsin and Michigan holding a resident fishing license from their respective states, or residents of other states holding a non–resident fishing license issued by Wisconsin or Michigan, may, in conformity with this chapter, fish by hook and line; spear and use dip nets to take minnows and rough fish in the Wisconsin–Michigan boundary waters.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86.

NR 23.05 Hook and line fishing. (1) No person may use more than 3 hooks, baits or lures. The line or lines shall be attended at all times.

(1m) No person may set, use or operate a landing net for any purpose other than for the purpose of landing fish legally hooked

or to take fish as authorized with the use of dip nets under this chapter or ch. NR 20.

(2) 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.

(3) No person may take fish by snagging or foul hooking unless authorized by s. NR 20.06.

(4) No person may fish for fish of any variety during the closed season for trout in the Brule river upstream from the railroad bridge in section 29, township 42 north, range 34 west, Iron county, Michigan and section 25, township 41 north, range 15 east, Florence county, Wisconsin and in the Montreal river above the Saxon Falls flowage.

(5) The seasons, size limits and bag and possession limits for hook and line fishing in the Wisconsin–Michigan boundary waters for the species listed in this subsection, except as provided in s. NR 23.06, are as follows:

| Kind of fish and locality | Open season (both dates inclusive) | Possession and daily bag limit | Minimum length (in.) |
|---|---|---|---------------------------------|
| (a) BLUEGILLS, CRAPPIES, PERCH, WHITE AND YELLOW BASS AND SUNFISH in all boundary waters | No closed season | 25 in total | No size limit |
| (b) All other species not listed in this subsection in all boundary waters | No closed season | No limit | No size limit |
| (c) LAKE STURGEON | | | |
| 1. Menominee river, upstream from Hattie St. dam | First Saturday in September to September 30 | 1 per season | 60 |
| 1m. Menominee river, downstream from Hattie St. dam | First Saturday in September to September 30 | 0 (catch-and-release only) | Harvest prohibited |
| 2. All other boundary waters | No open season | — | — |
| (d) LARGEMOUTH BASS AND SMALLMOUTH BASS | | | |
| 1. All boundary waters | First Saturday in May to November 30 | 0, beginning the first Saturday in May to the Friday preceding the third Saturday in June | — |
| | | 5 in total for the third Saturday in June to November 30 | 14 |
| (e) MUSKELLUNGE | | | |
| 1. Menominee river from the Hattie Street dam in the city of Marinette downstream to the eastern end of the breakwalls in Green Bay | May 15 to November 30 | 1 | 50 |
| 2. All other boundary waters | May 15 to November 30 | 1 | 40 |
| (f) NORTHERN PIKE | First Saturday in May to March 1 | 5 | No size limit |
| (g) TROUT AND SALMON | | | |
| 1. All boundary waters except as otherwise provided in this paragraph | Last Saturday in April to September 30 | 5 | 7 |
| 2. Montreal and Menominee rivers from their mouths upstream to the first dam and Smokey Lake | No closed season | 5 | 10 |
| 3. Brule river upstream from U.S. hwy. 2 | Last Saturday in April to September 30 | 5 in total | brook trout 8 brown trout 12 |
| (h) WALLEYE AND SAUGER | | | |
| 1. In lakes | First Saturday in May to March 1 | 5 in total | 15 |

| Kind of fish and locality | Open season (both dates inclusive) | Possession and daily bag limit | Minimum length (in.) |
|----------------------------------|--|--------------------------------|----------------------|
| 2. In rivers & impoundments | March 2 to the Friday before the first Saturday in May | 1 in total | 15 |
| | First Saturday in May to March 1 | 5 in total | 15 |
| (i) RUFFE in all boundary waters | No open season | — | — |
| (j) CATFISH | No closed season | 10 | No size limit |

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; am. (5) (d), Register, November, 1988, No. 395, eff. 12-1-88; am. (5) (h), cr. (5) (i), Register, December, 1989, No. 408, eff. 1-1-90; am. (5) (g), Register, January, 1991, No. 421, eff. 2-1-91; am. (1) (c), Register, March, 1992, No. 435, eff. 4-1-92; am. (5) (intro.), (a) and (b), r. and recr. (5) (d), (e), (f) and (h), cr. (5) (j), Register, November, 1993, No. 455, eff. 1-1-94; am. (2), Register, May, 1996, No. 485, eff. 6-1-96; am. (5) (d) 1., r. (5) (d) 2., Register, January, 1999, No. 517, eff. 4-1-99; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1999, No. 522; am. (5) (c), Register, December, 1999, No. 528, eff. 4-1-00; reprinted to correct error in (5) (d) 1., Register November 2001 No. 551; CR 03-014: r. and recr. (5) (c) Register November 2003 No. 575, eff. 4-1-04; CR 04-012: am. (5) (intro.) and (e) Register December 2004 No. 588, eff. 4-1-05; CR 06-011: am. (5) (c) 1. Register September 2006 No. 609, eff. 10-1-06; CR 08-010: cr. (1m) Register November 2008 No. 635, eff. 4-1-09; **CR 09-051: cr. (5) (c) 1m. Register June 2010 No. 654, eff. 7-1-10.**

NR 23.055 Modifications in daily bag limit and minimum size limit in response to tribal harvest. (1) ADJUSTMENT. In order to prevent a total harvest of more than 35% of the adult walleye population or 27% of the adult muskellunge population, the secretary may lower the daily bag limit on walleye and increase the minimum size limit for muskellunge in specific waters in response to the harvest goals of the Chippewa bands for their spear, net or trap fisheries. The adjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest. The safe harvest levels on individual

waters shall be determined by the department.

(a) *Walleyes.* The daily bag limit will be reduced when the department is notified by the Chippewa bands of their harvest goals on individual waters. The extent of the reduction depends upon the percent of the safe harvest they intend to take and the age of the population estimate used to determine the safe harvest or if a regression model was used to determine the safe harvest. The daily bag limits to be used with the different percentages and for various basis of determining the safe harvest are as follows:

Reduced daily bag limits for walleye angling

| Daily bag limit | % of safe harvest to be speared, trapped or netted | | |
|-----------------|--|-----------------------------|---|
| | current pop. est. | pop. est. made 1-2 yrs. ago | pop. est. made 3 yrs. ago or more or regression model |
| 4 | 1-7 | 1-14 | 1-20 |
| 3 | 8-18 | 15-39 | 21-54 |
| 2 | 19-36 | 40-76 | 55-84 |
| 1 | 37-68 | 77-94 | 85-94 |
| 0 | 69 or more | 95 or more | 95 or more |

(b) *Muskellunge.* The minimum size limit will be increased when the department is notified by the Chippewa bands that their harvest goal on an individual water is 60% or more of the safe harvest. The minimum size limits to be used with different percentages of the safe harvest are as follows:

Increased minimum size limits for muskellunge angling

| % of safe harvest to be speared, trapped or netted by tribes | Minimum size limit |
|--|--------------------|
| 60-94 | 45 inches |
| 95 or more | 55 inches |

(2) READJUSTMENT. After the third Monday in May, the secretary may raise the daily bag limit or reduce the minimum size limit to the limit specified as appropriate using the percent of the safe harvest level expected to be harvested as indicated in sub. (1). If a new population estimate is made, the safe harvest level shall be changed accordingly and the daily bag limit or minimum size limit shall be adjusted according to the percentage of the new safe harvest level that is expected to be harvested as indicated in sub. (1).

The readjusted daily bag and size limits shall be in effect until the first Sunday in March of the year following the tribal harvest.

(3) BAG AND POSSESSION LIMITS. (a) Reduced daily bag limits calculated pursuant to this section are individual lake limits and may be combined, but no person may exceed a total daily bag limit of 5 walleyes.

(b) While fishing no person may possess fish on any water in excess of the bag limit or under the size limit for that water.

(4) NOTICE. Adjustments and readjustments of bag limits and minimum size limits under subs. (1) and (2) shall become effective upon publication of the adjustment or readjustment in the official newspaper in the area affected.

History: Emerg. cr. eff. 5-5-89; cr. Register, November, 1989, No. 407, eff. 12-1-89; **CR 09-051: am. (1) (intro.) and (2) Register June 2010 No. 654, eff. 7-1-10.**

NR 23.06 Dip nets. (1) Dip nets and landing nets may be used for taking suckers, redbhorse, carp, smelt and lawyers or burbot from April 1 to May 14, in the Menominee river except in that portion from the upstream side of the Hattie Street Bridge in Marinette-Menominee upstream to the next dam and within 200 feet below dams on the river.

(2) Dip nets used for taking, catching, and killing rough fish and smelt may not exceed 9 feet square or 9 feet in diameter with a bag not more than 4 feet deep when lifted.

(3) No person may use or operate any dip net in any manner other than by raising and lowering it vertically when fishing.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; renum. from NR 23.07, Register, November, 1993, No. 455, eff. 1-1-94; CR 08-010: am. (1) Register November 2008 No. 635, eff. 4-1-09.

NR 23.07 Minnows. No person may sell, trade or barter minnows taken from Wisconsin-Michigan boundary waters. No person may take fish other than smelt with nets or traps in the Montreal river downstream from the Superior Falls dam.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; emerg. am. eff. 4-25-89; am. Register, December, 1989, No. 408, eff. 1-1-90; renum. from NR 23.08 and am. Register, November, 1993, No. 455, eff. 1-1-94; am., Register, November, 1995, No. 479, eff. 4-1-96.

NR 23.08 Motor trolling. Fishing from a motor-driven boat when the motor is running or from any boat in tow of a motor-driven boat when the motor is running is authorized on all Wisconsin-Michigan boundary waters except Vilas county waters.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; renum. from NR 23.09, Register, November, 1993, No. 455, eff. 1-1-94.

NR 23.09 Ice fishing. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing in the Wisconsin-Michigan boundary waters.

(1) The door of any enclosure or shelter shall be unlocked and readily opened from the outside at all times while the enclosure or shelter is occupied.

(2) All shelters shall be removed from the ice on or before March 15, or prior to that time if ordered by the department when it determines the ice has become unsafe for travel.

(3) All buildings, tents, fish shanties and similar enclosures or shelters maintained, occupied, or used for fishing on the ice of any Wisconsin-Michigan boundary waters shall have the name and address of the person owning or using it printed in the English language on the outside of it so the name is readily visible at all times.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; renum. from NR 23.10, Register, November, 1993, No. 455, eff. 1-1-94.

NR 23.10 Fishing near dams. No person may fish by any means other than with hook and line within 200 feet below any dam.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; renum. from NR 23.11, Register, November, 1993, No. 455, eff. 1-1-94.

NR 23.11 Conflicting rules. Where regulations of Michigan and Wisconsin differ, fishers shall comply with the regulations of the state in whose territorial waters they are fishing.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; renum. from NR 23.12, Register, November, 1993, No. 455, eff. 1-1-94.

NR 23.12 Special sturgeon hook and line fishing restrictions. No person who catches a lake sturgeon may do any of the following:

(1) Possess a lake sturgeon taken by hook and line and not immediately release it, unless a hook and line lake sturgeon tag belonging to the person who caught the lake sturgeon is immediately validated as required by the department and attached to the lake sturgeon by immediately affixing the tag to the sturgeon in front of the fish's tail, and the tagged lake sturgeon is registered at a department lake sturgeon registration station by 6:00 p.m. on the day after it was taken.

Note: Hook and line lake sturgeon tags will be available at department service centers and regional offices each year prior to the open season. Department service centers may be located by viewing <http://www.dnr.wisconsin.gov>.

(2) Remove the registration tag attached to the fish by the department until the carcass is prepared for final consumption. The hook and line lake sturgeon registration tag shall be retained by the person taking the lake sturgeon until the fish is consumed.

(3) Transport any lake sturgeon in or on any motor-driven vehicle from the time the lake sturgeon is taken to the time it is lawfully registered pursuant to sub. (1) unless the lake sturgeon is carried openly exposed and in a manner so that the lake sturgeon tag attached to the lake sturgeon cannot be handled or manipulated by any occupant of the vehicle.

(4) Transport any lake sturgeon in or on any boat from the time the lake sturgeon is taken to the time it is lawfully registered pursuant to sub. (1) unless the lake sturgeon is tagged and carried openly exposed.

History: CR 09-051: cr. Register June 2010 No. 654, eff. 7-1-10.