

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Note: Chapter NR 21 as it existed on February 28, 1979, was repealed and a new chapter NR 21 was created effective March 1, 1979. Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1999, No. 517.

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. 5-1-87; am. (1), Register, April, 1989, No. 400, eff. 5-1-89; 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. (29.041)

(2) "Commercial fish" means rough and detrimental fish as defined by this chapter, shovelnose (hackleback) sturgeon 25 inches long or longer only when taken on setlines, catfish 15 inches long or longer or 12 inches long or longer 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. (29.041, 29.523, 29.526, 29.533, 29.503, 29.516, 29.522)

(4) Commercial fishing licenses are those licenses issued pursuant to ss. 29.523, 29.526, 29.533, Stats. (29.041, 29.503)

(4g) "Constant net attendance" means the continuous presence of a commercial fisher who remains on the water or ice within sight of his or her nets at all times without the aid of vision magnifying devices such as binoculars or spotting telescopes, except that after a net has been drawn, a licensed commercial fisher may temporarily leave the net to transport fish taken from the net to a landing.

(4m) "Daily bag limit" has the meaning given in s. NR 20.03 (8) for fish and for turtles means the maximum number specified

by rule of a turtle species which may be reduced to a person's possession in a single day.

(4p) "Dead set gill net" means a gill net that is set and allowed to catch fish without being moved and without constant net attendance by the operator.

(5) Dressed fish are fish with the head and viscera removed but the tail on. (29.041)

(5e) "Drift net" means a net of any type that is not staked or anchored at one or both ends and is free to drift or move under the influence of wind or water current, whether or not the net has constant net attendance.

(5m) "Drive netting" means a method of operating a net so that the operator is in constant net attendance and uses boats, motors, oars, plungers or other devices to create sound or vibrations in the water so as to chase, move or drive fish in the direction of the net.

(5t) "Drive set gill net" means a gill net that is operated without being moved and has constant net attendance.

(6) "Fisher" means any person engaged in fishing. (29.041)

(6g) "Gill net" has the meaning found in s. 29.522, Stats.

(6m) "Hooking" means, as used in s. NR 21.13, any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(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. (29.041)

(7m) "Lower pool 7" means that part of the Mississippi river bounded on the north by an imaginary line at a compass bearing of 65 1/2 degrees from river mile marker 709.5 to the north end of the Burlington Northern and Santa Fe main railroad track bridge that crosses the Black river; on the east by the Burlington Northern and Santa Fe main railroad tracks; on the south by the U.S. army corps of engineers lock and dam 7 dike; and on the west by the state line boundary between Wisconsin and Minnesota.

(7r) "Lower pool 8" means that part of the Mississippi river bounded on the north by state highway 16; on the east by the Burlington Northern and Santa Fe main railroad tracks; on the south by the U.S. army corps of engineers lock and dam 8 dike; and on the west by the state line boundary between Wisconsin and Minnesota.

(8) Minnows are all species defined as such in s. 29.001, Stats., and bullheads not exceeding 4 inches in length. (29.001)

(9) Mississippi river means all waters from the Burlington Northern and Santa Fe 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 Wis-

consin and Minnesota. Mississippi river includes Lake Onalaska and Lake Pepin.

(10) "Possession limit" has the meaning given in s. NR 20.03 (31) for fish, except in s. NR 21.13 where "possession limit" means the maximum number of a turtle species or group of turtle species set in s. NR 21.13 which may be possessed by a person at any time.

(11) Rough fish are all species defined as such in s. 29.001, Stats., including amur carp which is also known as grass carp (*Ctenopharyngodon idella*). (29.001, 29.041)

(11f) "Seine" has the meaning found in s. 29.522, Stats.

(11m) "Seine haul" means a single setting, retrieval and emptying of a seine, including placement of the net, driving fish in the direction of the net, drawing or lifting the net, or both, to entrap fish by retrieving one or both ends of the net, bagging the fish in the net, sorting and removal of the game fish in the net and removal of all fish from the net. A single seine haul may take more than one day to complete from the time the net is set until all fish have been removed from the net.

(12) Setlines are also known as trotlines. (29.041, 29.533)

(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. (29.041)

(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. (29.041, 29.516, 29.523, 29.526)

(15) Supervisor means any department employee assigned or designated to oversee fishing activities conducted under this chapter. (29.041)

(15m) "Turtle", as used in this chapter, means a reptile having horny, toothless jaws and a body enclosed in a bony or leathery shell into which the head, limbs and tail may be partially or fully withdrawn, and includes parts of turtles and turtle eggs.

(15p) "Upper pool 7" means that part of the Mississippi river bounded on the north by the U.S. army corps of engineers lock and dam 6 dike; on the east by the Burlington Northern and Santa Fe main railroad tracks; on the south by an imaginary line at a compass bearing of 65¹/₂ degrees from river mile marker 709.5 to the north end of the Burlington Northern and Santa Fe main railroad track bridge that crosses the Black river; and on the west by the state line boundary between Wisconsin and Minnesota.

(15v) "Upper pool 8" means that part of the Mississippi river bounded on the north by the U.S. army corps of engineers lock and

dam 7 dike, on the east by the Burlington Northern and Santa Fe main railroad tracks, on the south by state highway 16, and on the west by the state line boundary between Wisconsin and Minnesota.

(16) Wisconsin-Minnesota boundary waters are those waters known as the Mississippi river lying west of the Burlington Northern and Santa Fe railroad main tracks on the east side of the Mississippi river, Lake St. Croix, the St. Croix river from the Burlington Northern and Santa Fe 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 from the north-south Wisconsin-Minnesota boundary line downstream to the Lake Superior beach line in the Superior entry including St. Louis bay, Superior bay, Little Pokegama bay, Pokegama bay upstream to highway 105, Kimballs bay, Howard bay, Allouez bay and all other bays connected to the St. Louis river.

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; cr. (4m), (6m) and (15m), am. (10), Register, February, 1997, No. 494, eff. 3-1-97; am. (2), (4m), (9) and (16) and cr. (4g), (4p), (5e), (5m), (5t), (6g), (7m), (7r), (11f), (11m), (15p) and (15v), Register, October, 1998, No. 514, eff. 11-1-98; am. (16), Register, May, 1999, No. 521, eff. 6-1-99; CR 04-024: am. (4m) and (10) Register December 2004 No. 588, eff. 1-1-05.

Subchapter I — Sport Fishing

NR 21.03 Reciprocity, sport fishing or spearing and dip netting. 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 Burlington Northern and Santa Fe 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. (29.041, 29.045)

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. Register, October, 1998, No. 514, eff. 11-1-98.

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, 29.041)

| Kind of fish and locality | Open season (both dates inclusive) | Daily bag limit | Minimum length (inches) |
|--|---|-----------------|--|
| (1) LARGEMOUTH AND SMALLMOUTH BASS | | | |
| (a) St. Louis river | Saturday preceding Memorial Day to March 1 | 5 in aggregate | 14 |
| (b) St. Croix river upstream from the dam at St. Croix Falls | Saturday preceding Memorial Day to, but not including, the second Monday in September | 5 in aggregate | 14 |
| | Second Monday in September to March 1 | 0 | — |
| (c) St. Croix river downstream from the dam at St. Croix Falls to the highway #10 bridge at Prescott | Saturday preceding Memorial Day to March 1 | 5 in aggregate | 14 |
| (d) Mississippi river | Continuous | 5 in aggregate | 14 |
| (2) WALLEYE AND SAUGER | | | |
| (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 |
| (c) Mississippi river | Continuous | 6 in aggregate | No size limit for sauger, 15 for walleye |

| Kind of fish and locality | Open season (both dates inclusive) | Daily bag limit | Minimum length (inches) |
|---|--|--|--|
| (d) St. Louis river | Saturday 2 weeks prior to the Saturday nearest Memorial Day to March 1 | 2 in aggregate | No size limit for sauger, 15 for walleye |
| (3) NORTHERN PIKE | | | |
| (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 |
| (4) WHITE OR YELLOW BASS, CRAPPIES, ROCK BASS, SUNFISH OR BLUEGILLS 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 river | First Saturday in September to September 30 | 1 per season | 60 inches |
| | Note: Sub. (7) (a) is shown as amended eff. 1-1-09. Prior to 1-1-09 the open season is "First Saturday in September to October 15" and the minimum length is "50 inches". | | |
| (b) Mississippi river, St. Louis river and St. Croix river upstream from the dam at St. Croix Falls | No open season | — | — |
| (8) SHOVELNOSE STURGEON | | | |
| (a) Mississippi river from the Red Wing dam upstream and the St. Croix and St. Louis rivers | No open season | — | — |
| (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 | 40 inches |
| (b) St. Louis river | Saturday nearest Memorial Day to March 1 | 1 | 50 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 20.20 (16) (g) 1. | 5 in aggregate of which only 2 may be brown trout exceeding 15" 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 ch. NR 20 apply | | |

(15) No person may have in possession or under control more than the daily bag limit of fish or turtles while on the ice, waters, bank or shore of the Wisconsin–Minnesota boundary waters.

(16) A person may not possess or have under control more than 2 times the daily bag limit of fish, or more than the possession limit of turtles when not on the waters or ice during the open season for each species.

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. 4–25–89; 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; am. (7) and (11) (a), Register, February, 1991, No. 421, eff. 3–1–91; am. (2) (d), (3) (c), (7) (b), (8) (a), (11) (a) and (13), Register, December, 1993, No. 456, eff. 1–1–94; am. (11), Register, December, 1996, No. 492, eff. 4–1–97; r. and recr. (15), Register, October, 1998, No. 514, eff. 10–1–98; r. (2) (b), am. (2) (c), Register, January, 1999, No. 517, eff. 4–1–99; am. (1), Register, December, 1999, No. 528, eff. 4–1–00; CR 01–012: am. (2) (a) and (3) (a), Register November 2001 No. 551, eff. 4–1–02; correction in (13) was made under s. 13.93 (2m) (b) 7., Stats., Register November 2001 No. 551; CR 04–024: am. (16) Register December 2004 No. 588, eff. 1–1–05; CR 06–011: am. (2) (a) and (d) and (3) (a) Register September 2006 No. 609, eff. 4–1–07; CR 07–014: am. (11) (b) Register January 2008 No. 625, eff. 4–1–08; CR 08–012: am. (7) (a) Register August 2008 No. 632, eff. 1–1–09.

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, 29.503, 29.539)

(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, 29.503, 29.539)

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: (29.041)

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

(b) May use landing nets and a gaff only for the purpose of landing a fish that is legally hooked. However, landing nets may be used to remove winterkilled fish in those areas and at those times designated by the department by posting, and to net fish as authorized with the use of dip nets under this chapter or ch. NR 20.

Note: Par. (b) is shown as amended eff. 4–1–09 by CR 08–010. Prior to 4–1–09 it reads:

(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 and landing 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 and landing 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.

Note: Par. (d) is shown as amended eff. 4–1–09 by CR 08–010. Prior to 4–1–09 it reads:

(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) 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) 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.

(4) No person may fish by snagging, foul hooking or attempting to hook fish other than in the mouth. Possessing, retaining or failing to immediately release fish hooked other than in the mouth is prohibited.

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; am. (2), Register, May, 1996, No. 485, eff. 6–1–96; CR 01–012: cr. (4), Register November 2001 No. 551, eff. 4–1–02; CR 08–010: am. (1) (b) and (d) Register November 2008 No. 635, eff. 4–1–09.

NR 21.065 Fishing near dams. Notwithstanding ss. NR 21.11 and 21.15, which remain in effect, no person may fish within 200 feet of any fishway, lock or dam by any means other than hook and line.

History: CR 01–012: cr. Register November 2001 No. 551, eff. 4–1–02.

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. (29.404, 29.041)

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 20.20 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 as follows and operated in the manner specified may be used for the taking of minnows:

Note: For the reference to s. NR 20.20, see (73) (L) 5. of that table.

| 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; CR 04-024: am. (intro.) Register December 2004 No. 588, eff. 1-1-04; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register December 2004 No. 588.

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, 29.509)

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

Subchapter III — Commercial Fishing

NR 21.10 Boundary water restriction. For the purpose of fishing under a commercial fishing license or the taking of turtles, licensed persons are restricted to the state boundaries of the state they are licensed under. The operation of any commercial fishing gear or turtle traps beyond the state line boundaries of the state in which the license was issued is prohibited.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; r. and recr., Register, October, 1998, No. 514, eff. 10-1-98.

NR 21.11 Commercial fishing restrictions. (1) GENERAL RESTRICTIONS. No person may conduct commercial fishing operations unless he or she has first obtained the appropriate license or licenses required under s. 29.523, 29.526 and 29.533, Stats. A commercial fisher shall carry each license with him or her at all times while engaged in any part of commercial fishing and shall exhibit the license to the department or its wardens on demand.

(a) All game fish that are not commercial fish and all fish that are listed in ch. NR 27 as endangered or threatened species that are taken with any net or setline shall be immediately returned to the water with as little injury as possible as soon as they appear in the operation. Seines may not be bagged in a manner that causes either game fish that are not commercial fish or fish that are listed in ch. NR 27 as endangered or threatened species to die while bagged in the net. The presence of dead game fish that are not commercial fish or dead fish that are listed in ch. NR 27 as endangered or threatened species in a seine bag shall be prima facie evidence of a violation of this paragraph.

(b) Each commercial fisher shall be present at all times when any of his or her nets or setlines are set, placed, tended or operated.

(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. (29.041, 29.516, 29.522)

(cf) No person may mark or tag a net or setline with his or her license number or metal tag if the net or setline is already marked or tagged by another licensed commercial fisher.

(cm) No person may set, place, tend or operate any net or setline that is marked or tagged with the license number or metal tag of another person, except for crew members acting under the direction of the licensee while the licensee is present.

(d) There are no bag limits for any commercial species other than are expressly provided in this chapter. (29.041)

(e) Improperly placed or tagged commercial fishing gear is a public nuisance and will be seized and held by the department subject to order of the court.

(g) No licensed commercial fisher or any member of his or her crew or any person with the commercial fisher or crew may possess any game fish that are not commercial fish while operating commercial gear on the ice or in the open waters of the state or when traveling to or from the operation of the gear.

(h) No person may possess or control commercial fishing gear not authorized for use in the Wisconsin-Minnesota boundary waters by this chapter while on the ice or the open waters of the state or while engaged in a fishing operation involving those waters.

(i) All fishers required to be licensed under the provisions of ss. 29.523 and 29.533, Stats., shall complete and submit monthly reports on forms available from the department. All reports shall be submitted to the department by the 10th of the month following each month the commercial fisher is required to be licensed. Each monthly report shall be signed by the commercial fisher. Each commercial fisher shall report all fish sold, whether these fish were legally or illegally taken or obtained.

(k) Commercial fish taken by commercial gear pursuant to this chapter may be sold only by the licensed commercial fisher whose gear was used to take the fish. A commercial fisher may not sell fish taken under the authority of another fisher's license, unless he or she sells the other fisher's fish under the authority of a wholesale fish dealers license.

(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, 29.523, 29.526, 29.533)

(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. (29.041)

(q) The department by its agents, employees 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, 29.516)

(f) 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.

(2) GILL NETS; SEASONS, CLOSED AREAS, GILL NET RESTRICTIONS. In the Wisconsin–Minnesota boundary waters, no person may conduct commercial fishing operations with the use of gill nets, drive netting, deadset gill nets or drive set gill nets except in the manner prescribed as follows:

(a) Gill nets may be used year round on the Mississippi river, except for the areas listed in pars. (b) and (c). No person may engage in drive netting of fish from the closed areas listed in par. (b).

(b) No person may set or use gill nets in the following areas:

1. Within 900 feet below any U.S. corps of engineers lock or dam on the Mississippi river.
2. Goose lake lying in Pierce county.
3. All of upper pool 8.
4. Trempealeau lakes known as Second, Third and Round lakes lying in Trempealeau county.
5. In the Mississippi river within 300 feet of the mouth of any stream tributary to the Mississippi river.
6. In lower pool 8, Bluff Slough from 7th Street downstream to where Bluff Slough enters Running Slough.

(c) No person may set or use the types of gill nets listed in this paragraph in the following areas, during the periods indicated:

1. Open water gill net sets are prohibited in Lake St. Croix from the highway 64 bridge at Houlton, downstream to its confluence with the Mississippi river at all times.
2. Dead set gill nets and drive set gill nets may not be used in pool 4, between river mile 780 and 797 from March 1 through May 31.
3. Dead set gill nets may not be used in all of lower pool 7 at any time.

(d) *Additional gill net restrictions.* 1. Only gill nets with a mesh of 7 inches stretch measure or larger may be used.

2. Gill nets may not be used as a drift net and may not be used as or in place of a seine.

3. At each end of every gill net set in open water 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. 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.

4. Each gill net set in open water shall be lifted and emptied of all fish at least once each day following the day set. Each gill net set under the ice shall be lifted and emptied of fish at least once every 2 days following the day set.

5. Gill nets may not be set, drawn, lifted or operated in any manner between one–half hour after sunset and one hour before sunrise without prior permission of the department.

Note: Contact a local department conservation warden or fish manager to request prior permission.

6. Gill nets may not be set in a manner that will shut–off more than one–half the width of any channel, bay or slough.

7. A gill net may not be set within 1,000 feet of any other net.

8. Shovelnose (hackleback) sturgeon may not be taken in gill nets.

9. Game fish that are not commercial fish and other fish that are listed in ch. NR 27 as endangered or threatened species which are taken by gill nets shall be immediately returned, carefully and

with as little injury as possible to the water from which they were taken.

10. No licensee may join his or her net to that of any other licensee.

(3) SEINES; SEASONS, CLOSED AREAS, SEINE RESTRICTIONS. In the Wisconsin–Minnesota boundary waters, no person may conduct commercial fishing operations with the use of seines except in the manner prescribed as follows:

(a) Seines of any size may be used year round in the waters of the Mississippi river, Lake St. Croix and the St. Croix river downstream from the U.S. highway 8 bridge located in St. Croix Falls, except for the closed areas listed in pars. (b) and (c). No person may use drive netting techniques including the use of airboats, boats, plungers or other sound producing devices to drive fish from the closed areas listed in pars. (b) and (c).

(b) *Permanently closed areas.* 1. Within 900 feet below any U.S. corps of engineers lock and dam on the Mississippi river.

2. Goose lake lying in Pierce county.

3. Trempealeau lakes known as Second, Third and Round lakes lying in Trempealeau county.

4. Lagoon, which is located on Barron island within the corporate limits of the city of LaCrosse, as well as the connecting waterway south to state highway 16.

(c) *Seasonally closed areas.* 1. Pool 4, between river mile 780 and 797, closed from March 1 through May 31.

2. In upper pool 8, the Black river from the Onalaska 9–foot spillway dam downstream to the Soo Line railroad bridge, closed from April 15 through October 30.

3. In lower pool 8, Bluff Slough from 7th Street downstream to where Bluff Slough enters Running Slough, closed from April 15 through October 30.

(d) A commercial fisher and his or her crew members may not remove more than 100 pounds of catfish per seine haul from the Saturday nearest October 1 to April 30.

(e) A commercial fisher and his or her crew members may not take more than 100 pounds of catfish per day in seines regardless of the number of seine hauls done in one day, from the Saturday nearest October 1 through April 30.

(f) A commercial fisher and his or her crew members may only take 100 pounds of catfish from a seine haul even if the seine haul takes more than one day to complete.

(g) Shovelnose (hackleback) sturgeon may not be taken in seines.

(h) Seines may not be drawn, lifted or operated in any manner between one–half hour after sunset and one–half hour before sunrise without permission of the department.

Note: Contact a local department conservation warden or fish manager to request prior permission.

(i) A seine may not be used as a drift net at any time.

(j) All game fish that are not commercial fish and all fish that are listed in ch. NR 27 as endangered or threatened species that are taken in seines shall be immediately returned to the water with as little injury as possible as soon as they appear in the operation. Seines may not be bagged in a manner that causes either game fish that are not commercial fish or fish that are listed in ch. NR 27 as endangered or threatened species to die while bagged in the net. The presence of dead game fish that are not commercial fish or dead fish that are listed in ch. NR 27 as endangered or threatened species in a seine bag shall be prima facie evidence of a violation of this paragraph. Rough fish that are not listed in ch. NR 27 as endangered or threatened species and commercial fish that are bagged as part of a seine haul may not be held in any bag, seine or other type of live box for more than 24 hours without prior permission from the department.

Note: Contact a local department conservation warden or fish manager to request prior permission.

(k) Seines may not be set or operated in a manner that will shut-off more than one-half the width of any channel, bay or slough.

(L) No seine may be set or operated within 1,000 feet of any other net.

(m) No licensee or crew member may join a net to that of any other licensee.

(4) SETLINES; SEASONS, CLOSED AREAS, SETLINE RESTRICTIONS. In the Wisconsin–Minnesota boundary waters, no person may conduct commercial fishing operations with the use of setlines except in the manner prescribed as follows:

(a) Setlines may be used in the waters of the Mississippi river from the Saturday nearest April 1 to October 31, except for the closed areas listed in pars. (b) and (c).

(b) *Permanently closed areas.* 1. Within 900 feet below any U.S. corps of engineers lock or dam on the Mississippi river.

2. Goose lake lying in Pierce county.

3. Trempealeau lakes known as Second, Third and Round Lakes lying in Trempealeau county.

4. Lagoon, which is located on Barron island within the corporate city limits of LaCrosse, as well as the connecting waterway south to state highway 16.

5. In upper pool 8, the Black river from the Onalaska 9-foot spillway dam downstream to the Soo Line railroad bridge.

(c) *Seasonally closed areas.* 1. Pool 4, between river mile 780 and 797, closed from March 1 through May 31.

2. In lower pool 8, Bluff Slough from 7th Street downstream to where Bluff Slough enters Running Slough, closed from April 15 through October 30.

(d) 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.

(e) No person may use frogs or game fish, whether dead or alive, or any part of a frog or game fish as bait on a setline in the Mississippi river.

(f) There shall be a buoy at each end of every setline. The buoys shall have a staff extending at least 3 feet above the surface of the water. Upon the upper end of each staff there shall be a flag at least 10 inches square. Upon the bowl of each buoy there shall be maintained in plain figures the license number of the licensee.

(g) Setlines shall be marked by a metal tag which is stamped to designate the number of the license issued to the commercial fisher using the setline. The tag shall be attached to the buoy or staff at one end of the setline so that the tag will be visible above the surface of the water.

(h) Setlines set in open water shall be lifted and all fish removed at least once each day following the day set.

(i) Setlines may not be set, lifted, hauled or operated in any manner between one-half hour after sunset and one hour before sunrise without prior permission of the department.

Note: Contact a local department conservation warden or fish manager to request prior permission.

(j) Setlines may not be set in a manner which blocks off more than $\frac{3}{4}$ the width of any slough, bay or channel to any type of boat traffic.

(k) Shovelnose (hackleback) sturgeon 25 inches and over in length may be taken.

(L) Game fish and other fish that are listed in ch. NR 27 as endangered or threatened species which are taken by setline shall be immediately returned, carefully and with as little injury as possible to the water from which they were taken.

(5) BUFFALO AND FRAME NETS. No person may use buffalo or frame nets.

(6) SLAT AND TRAMMEL NETS. No person may use slat or trammel nets.

(7) INCIDENTAL TURTLE CATCH. Turtles taken incidental to licensed commercial fishing operations may be possessed and sold.

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, r. (1) (j), Register, May, 1996, No. 485, eff. 6–1–96; r. and recr. (1) (intro.), (b) and (f), am. (1) (a), (g), (h), (i) and (k), cr. (1) (cf), (cm), (e) and (2) to (7), r. (1) (m), (n) and (o), Register, October, 1998, No. 514, eff. 11–1–98; CR 01–012: am. (2) (a), Register November 2001 No. 551, eff. 4–1–02.

Subchapter IV — Turtles

NR 21.13 Turtles. (1) APPLICABILITY. This section applies to the taking and possession of turtles in the Wisconsin–Minnesota boundary waters.

(2) SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take turtles on the Wisconsin–Minnesota boundary waters except during the open season established in sub. (4). For the purpose of Wisconsin–Minnesota boundary water turtle harvest, the possession limits are the same as the daily bag limits.

(3) ADDITIONAL RESTRICTIONS. No person may do any of the following:

(a) Take, possess or control a turtle unless the person is in possession of a valid approval issued under s. 29.624, 29.161, 29.204, 29.207, 29.231 or 29.235, Stats., which authorizes the hunting of small game, or an approval issued under s. 29.624, 29.228, 29.219, 29.231, 29.235, 29.523, 29.526, 29.529, Stats., which authorizes fishing.

(b) Take turtles by methods other than hoop net turtle traps complying with par. (c), hand, hook and line, hooking or incidental to commercial fishing authorized under this chapter by a fisher possessing a valid license issued under s. 29.523, 29.526, 29.529, Stats.

(c) Use a hoop net turtle trap to trap turtles, except when taken by a licensed commercial fisher under s. 29.523, Stats., incidental to fishing authorized under those licenses, unless it complies with all of the following criteria:

1. It is constructed with no less than 6 inch stretch measure mesh net as defined in s. NR 25.02 (28).

2. The net is nylon or other stretchable fabric. Wire may not be used.

3. It is constructed with a funnel entrance at one or both ends which are tied off to the sides or the opposite ends. The opening in the funnel may be round or oval.

4. It is designed and set so the closed sides sit horizontal in the water.

Note: There is no restriction on the size of the trap itself or the number of hoops used in its construction.

(d) Use a hoop net turtle trap unless it is placed on the bed of the stream, river, lake or pond so that a minimum of 2 inches of the trap is above the water's surface.

(e) Use a hoop net turtle trap unless it is checked and the entrapped contents removed at least once each day.

(f) Place, use or tend more than 10 hoop net turtle traps.

(g) Use a hoop net turtle trap unless a stamped or engraved metal tag, bearing the name and address of the operator of the trap in the English language, is attached in a manner that is visible above water and legible at all times.

(h) Place, use or tend a hoop net turtle trap or remove its entrapped contents unless that person is the operator identified on the trap tag.

(4) SEASONS AND LIMITS:

| Turtle species | Open seasons (both dates inclusive) | Daily bag and possession limit | Size limit |
|--|--|-----------------------------------|---|
| (a) Snapping turtle | July 15 to Nov. 30 | 10 | 12 inch minimum 16 inch maximum top shell measured from front to back |
| (b) Softshell turtle | July 15 to Nov. 30 | 5 | None |
| (c) All other turtles not listed as threatened or endangered in ch. NR 27 | July 15 to Nov. 30 | 5 in total | None |
| (d) Turtles incidentally taken in licensed commercial fishing operations | Continuous | None | None |

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; r. and recr. Register, February, 1997, No. 494, eff. 3-1-97.

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, 29.041, 29.045)

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 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, 29.401, 29.421, 29.424, 29.417)

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, 29.041, 29.045)

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