

Chapter NR 22

WISCONSIN-IOWA BOUNDARY WATERS

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Note: Chapter NR 22 as it existed on March 31, 1982, was repealed and a new chapter NR 22 was created effective April 1, 1982.

NR 22.01 Purpose. (1) This chapter, along with other applicable rules and statutes, regulates fishing in the Wisconsin-Iowa boundary waters.

(2) The rules contained in this chapter are not intended, nor do they authorize introducing into interstate commerce for purposes of human consumption or use, fish taken from the Wisconsin-Iowa boundary waters which fail to meet or comply with food and drug administration (FDA) standards.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.015 License waiver. (1) On the first Saturday and consecutive Sunday in June and the third Saturday and consecutive Sunday of January each year, no fishing license is required to fish the Wisconsin-Iowa 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; CR 13-001; am. (1) Register August 2013 No. 692, eff. 9-1-13.

NR 22.02 Definitions. Except as otherwise specifically defined in the statutes, the following terms, for the purpose of this chapter, are defined as follows:

(1) "Bait net" means a hoop net that uses bait and does not include a lead or leads.

(2) "Bank pole" means a set or bank pole as defined in s. 29.531, Stats.

(3) "Buffalo net" means a baited or unbaited hoop net and does not include a lead or leads. The net may have one or more internal funnel-shaped throats whose tapered ends are directed inward from the mouth leading to a closed end of net that allows for accumulation of fish in the far end of the net. The closed end is tied off creating a holding place for fish.

(4) "Closed season" means that period of the year not included in the open season for each species of fish as provided in this chapter.

(5) "Commercial fish" means species of rough and detrimental fish as defined in this chapter, shovelnose (hackleback) sturgeon 27 inches and over but less than 34 inches in fork length, catfish 15 inches or over in length or 12 inches or over dressed and bullheads of any length when taken with commercial fishing gear under a commercial fishing license.

(6) "Commercial fishing gear" or "commercial gear" means that equipment specifically authorized for use in commercial fishing by this chapter.

(7) "Commercial fishing licenses" means those licenses issued under ss. 29.523, 29.526, 29.529 and 29.533, Stats., authorizing commercial fish harvests.

(8) "Daily bag limit" has the meaning given in s. NR 20.03 (8) except as used in s. NR 22.13, where it means the maximum number of a turtle species or group of turtle species which may be reduced to a person's possession in a single day.

(9) "Detrimental fish" has the meaning given in s. NR 21.02 (10).

(10) "Dressed fish" means fish with the head and viscera removed but the tail on.

(11) "Drift set" has the meaning given in s. NR 21.02 (12).

(12) "Drive set" has the meaning given in s. NR 21.02 (13).

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

(14) "Fork length" means that distance measured in a straight line from the tip of the snout to the tip of the median caudal fin rays of a fish.

(15) "Frame net" or "fyke net" means a unbaited modified hoop net with no more than two leads of netting attached to the first hoop. The wings are staked out from the net providing a barrier that funnels fish into the hoop portion of the net. Internal funnels within the frame net are designed to lead fish to the fish holding area of the net. Any mesh size is allowed with a front not to exceed four feet by eight feet if rectangular or eight feet in diameter if round.

(16) "Gill net" has the meaning found in s. 29.522 (2) (b), Stats.

(17) "Hooking", as used in s. NR 22.13, means any activity which utilizes a dull-pointed, metal, barbless hook attached to a staff to remove a turtle from a body of water.

(18) "Hoop net" means a net constructed out of multiple round, rectangular or oval hoops covered with a nylon or other stretchable fabric mesh that is not wire. The hoops are made of wood, fiberglass, or steel. Maximum hoop diameter is eight feet for round hoops and four feet by eight feet for rectangular hoops. The netting 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, rectangular or oval in shape. "Hoop net" includes bait nets and buffalo nets.

(19) "Lead" means a length of net strung outward from a fish net or trap that is used to obstruct the path of a fish and cause the fish to follow the lead net toward the fish trap. Leads may have a maximum length of 300 feet and a maximum mesh size of two inches.

(20) "Length" for the purposes of measuring a fish, unless otherwise specified, means the distance measured in a straight line

from the tip of the snout to the outermost end of the tail or caudal fin fully extended.

(21) "Minnows" mean all species defined as such in s. 29.001 (54), Stats., and bullheads not exceeding 4 inches in length.

(22) "Mississippi River" means all waters lying between the Chicago, Milwaukee, St. Paul and Pacific railroad tracks on the Iowa side of the river, and the Burlington Northern and Santa Fe railroad tracks lying on the Wisconsin side of the river.

(23) "Possession limit" has the meaning given in s. NR 20.03 (31), except in s. NR 22.13 where "possession limit" means the maximum number of a turtle species or group of turtle species set in s. NR 22.13 which may be possessed by a person at any time.

(24) "Rough fish" means all species defined as such in s. 29.001 (74), Stats., and detrimental fish including grass carp which is also known as amur carp (*Ctenopharyngodon idella*).

(25) "Seine" has the meaning found in s. 29.522 (3), Stats.

(26) "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.

Note: 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.

(27) "Setline" has the meaning given in s. NR 20.03 (36) and is also known as a trotline.

(28) "Slat net" or "basket trap" means a fish trap made of wood slats. The slat net may not be more than 6 feet in length and not more than 72 inches in circumference. A slat net will have square or round ends with a funnel made of wood slats on one end, one or more wood slat funnels inside the trap leading to a fish accumulation area and cotton or nylon webbing at the closed end of the net to hold the fish in the net.

(29) "Sport fishing" or "angling" means any fishing, including the methods commonly known as hook and line fishing or angling conducted without a commercial fishing license and with other than commercial fishing gear.

(30) "Stretch measure" means the extension measure of net mesh size whenever the size of mesh of a net is specified and is the distance between the extreme angles of any single mesh with the mesh fully stretched. Such measurements shall apply to all nets except basket traps or slat nets.

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

(32) "Trammel net" has the meaning found in s. 29.522 (2) (a), Stats.

(33) "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.

(34) "Wisconsin-Iowa boundary waters" for sport fishing purposes, means all waters of the Mississippi River as defined under this section. For the purpose of taking turtles or commercial fishing, "Wisconsin-Iowa boundary waters" means all waters from the Burlington Northern and Sante Fe railroad tracks on the east side of the Mississippi River in Wisconsin extending west to the state line between Wisconsin and Iowa.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (2), Register, April, 1983, No. 328, eff. 5-1-83; am. (2), Register, December, 1993, No. 456, eff. 1-1-94; cr. (4m), (6m) and (13m), am. (9), Register, February, 1997, No. 494, eff. 3-1-97; am. (14), Register, October, 1998, No. 514, eff. 11-1-98; corrections in (4), (8), and (10) were made under s. 13.93 (2m) (b) 7., Stats., Register November 2001 No. 551; CR 04-024: am. (4m) and (9) Register December 2004 No. 588, eff. 1-1-05; CR 06-105: am. (2), cr. (6g), Register August 2007 No. 620, eff. 9-1-07; CR 10-053: r. and recr. Register December 2010 No. 660, eff. 1-1-11; correction in (27) made under s. 13.92 (4) (b) 7., Stats., Register December 2010 No. 660.

Subchapter I — Sport fishing

NR 22.03 Reciprocity: sport fishing or spearing and dip netting. All residents of Wisconsin and Iowa holding a resident fishing license from their respective states or residents other than Wisconsin and Iowa holding an angling license or sport fishing license issued by either state may fish in waters of the Mississippi river lying between the Chicago, Milwaukee, St. Paul and Pacific railroad tracks on the Iowa side of the river, and the Burlington Northern and Sante Fe railroad tracks lying on the Wisconsin 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 when the waters are approximately equal to the normal pool elevation as created by the U.S. army corps of engineers. This reciprocity applies only to hook and line fishing, spearing, dipnetting, and the taking of minnows and crayfish for such fishing. Spearing and dip netting are prohibited within 200 feet of any U.S. army corps of engineers locks and dams. Residents of either Wisconsin or Iowa may not fish in these boundary waters when the angler's state of residency license has been revoked.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, October, 1998, No. 514, eff. 11-1-98; CR 09-051: am. Register June 2010 No. 654, eff. 7-1-10.

NR 22.04 Sport fishing: seasons and limits. All regulations applicable to sport fishing are as follows unless expressly provided elsewhere in this chapter.

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(1) Largemouth and smallmouth bass	Continuous	5 in aggregate	14
(2) Walleye and sauger			
(a) Mississippi river	Continuous	6 in aggregate but none may be from 20" to 27" and only 1 walleye may be longer than 27" until April 1, 2009 when there are no size restrictions for walleye 15" or over	No size limit for sauger, 15 for walleye
Pool 12			
(b) All other waters	Continuous	6 in aggregate	No size limit for sauger, 15 for walleye
(3) Northern pike	Continuous	5	No size limit
(4) Panfish			
(a) White and yellow bass	Continuous	25 in total	No size limit
(b) Crappies	Continuous	25	No size limit
(c) Rock bass	Continuous	25	No size limit
(d) Bluegill and sunfish	Continuous	25 in total	No size limit
(e) Yellow perch	Continuous	25	No size limit

Kind of fish and locality	Open season (both dates inclusive)	Daily bag limit	Minimum length (inches)
(6) Catfish	Continuous	No bag limit	No size limit
(7) Bullhead	Continuous	No bag limit	No size limit
(8) Hackleback (sand or shovelnose)	Continuous	No bag limit	No size limit
(9) Lake sturgeon	No open season	—	—
(10) Paddlefish (spoonbill catfish)	No open season	—	—
(11) Rough fish	Continuous	No bag limit	No size limit
(12) Crayfish	Continuous	No bag limit	No size limit
(13) Other species apply	Inland regulations of adjoining counties as contained in ch. NR 20 apply		

(14) A person may possess or control only the daily bag limit while fishing on the ice or waters of the Wisconsin–Iowa boundary waters.

(15) A person may possess or control the possession limit when not on the waters or ice during the open season for each species.

History: Cr. Register, March, 1982, No. 315, eff. 4–1–82; am. (1) and (2), Register, December, 1989, No. 408, eff. 1–1–90; am. (2), Register, December, 1991, No. 432, eff. 1–1–92; r. and recr. (4), r. (5), Register, September, 2000, No. 537, eff. 4–1–2001; CR 03–014: r. and recr. (2) Register November 2003 No. 575, eff. 4–1–04.

NR 22.05 Sale of fish. **(1)** Only rough fish legally taken during the open season by hook and line, spear, or bow and arrow may be sold, purchased, bartered, offered for sale, or under the control or possession of any person for the purpose of sale or barter.

(2) A wholesale fish dealer’s license is required if the fish are sold to any person other than the final consumer.

History: Cr. Register, March, 1982, No. 315, eff. 4–1–82; CR 10–053: am. (1) Register December 2010 No. 660, eff. 1–1–11.

NR 22.06 Sport fishing. **(1)** Except as otherwise expressly provided, only the following methods or manners of fishing shall be lawful. Any person may:

- (a) Fish for fish with no more than 3 hooks, baits or lures.
- (b) 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 distressed fish in winterkill waters 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.
- (c) Take, catch, kill or fish for fish by means of trolling from a motor–driven boat, sailboat or other boats.
- (d) Take rough fish by means of a spear, bow and arrow, cross-bow, or landing net or dip nets not to exceed 24 inches in diameter or square from sunrise to sunset only, and bow and arrow or cross-bow may be possessed and used for spearing rough fish from sunset to sunrise during the open season for spearing rough fish.
- (e) Fish with a line or lines only while they are attended.

(2) Any fish taken by snagging or foul hooking shall be immediately returned to the water.

(3) 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.

(4) No spear, spring gaff or bow and arrow may be possessed in an ice fishing shelter during the ice fishing season.

History: Cr. Register, March, 1982, No. 315, eff. 4–1–82; am. (1) (a), Register, December, 1985, No. 360, eff. 1–1–86; am. (3), Register, May, 1996, No. 485, eff.

6–1–96; CR 08–010: am. (1) (b) and (d) Register November 2008 No. 635, eff. 4–1–09; CR 09–051: am. (1) (d) Register June 2010 No. 654, eff. 7–1–10; CR 13–001: am. (1) (d) Register August 2013 No. 692, eff. 9–1–13.

NR 22.065 Fishing near dams. Except as otherwise provided by ss. NR 22.11 and 22.15, no person may fish within 200 feet of any fishway, lock or dam by any means other than hook and line.

History: CR 10–053: cr. Register December 2010 No. 660, eff. 1–1–11.

NR 22.066 Bank poles. Bank poles may be used year round by persons holding a license issued under s. 29.531, Stats., for sport fishing purposes only and only for the taking rough fish, catfish and turtles in accordance with bag limits, size limits and seasons established under ss. NR 22.04 and 22.13 and in accordance with the rules regulating the use of bank poles under s. NR 20.12.

History: CR 10–053: cr. Register December 2010 No. 660, eff. 1–1–11.

NR 22.07 Ice fishing shelters. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing purposes on the Mississippi river from the time the ice forms; provided, however, that all such enclosures or shelters shall be removed from the ice on or before February 20 of each year unless otherwise extended by the department. The door of any enclosure or shelter shall 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. Fishing shelters that are not occupied or otherwise in use shall have the name and residential address of the person owning such enclosure or shelter 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 Iowa angling from a fish shelter shall comply with the law of their respective states relative to licensing and identification of fish shelters. Residents of states other than Wisconsin or Iowa 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 shelters.

History: Cr. Register, March, 1982, No. 315, eff. 4–1–82; CR 13–001: am. Register August 2013 No. 692, eff. 9–1–13.

Subchapter II — Minnows

NR 22.08 Minnow nets and traps. 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 taking of minnows.

Type of gear	Period may be used	Specifications	Restrictions
(1) Seine	All year	Seines may not exceed 50 feet in length and 8 feet in width flat measure and may not contain mesh which exceeds one-half inch stretch measure	None
(2) 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 vertical direction.
(3) Traps	All year	Traps may 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 shall have a label or tag securely attached bearing the name 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.
(4) Cast net	All year	Cast nets may not exceed 7 feet in diameter or mesh of more than one-half inch stretch measure	
(5) 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 insect larva only.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.09 Carp as bait. Live carp taken and possessed for the purpose of bait shall only be transported live by boat or other floating conveyance while in possession on Wisconsin-Iowa boundary waters.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; CR 10-053: am. Register December 2010 No. 660, eff. 1-1-11.

Subchapter III — Commercial Fishing

NR 22.10 Boundary water, commercial fishing restriction. For the purpose of fishing under a commercial fishing license or the taking of turtles, licensed commercial fishers and agents of the licensees are restricted to the state boundaries of the state they are licensed under. No person may operate any commercial fishing gear or turtle traps beyond the state line boundaries of the state in which the person's license was issued.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; CR 10-053: am. Register December 2010 No. 660, eff. 1-1-11.

NR 22.11 Commercial fishing. All commercial fishing in the Wisconsin-Iowa boundary waters shall be conducted in accordance with this chapter, all other applicable statutes and rules, including the following:

(1) 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, setline or other commercial gear 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 subsection.

(2) No person may conduct commercial fishing operations unless he or she has first obtained the appropriate license or licenses required under ss. 29.523, 29.526, 29.529, 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. Each commercial fishing licensee must be a resident of Wisconsin. Commercial fish helpers and crew members are not

required to hold a license but a commercial fisher using helpers or crew members who do not hold a Wisconsin commercial fishing license shall submit to the department a list of all unlicensed helpers' or crew members' names and addresses along with the fisher's application for a license or before the helper or crew member begins to assist the licensee. Commercial fishers whose commercial fishing approvals or privileges have been revoked may not act as a helper or crew member for another licensee.

Note: Names and addresses of fish helpers and crew members may be submitted with the fisher's application for a license to the Department of Natural Resources, Mississippi River License application — CS/1, P.O. Box 7924, Madison, WI 53707-7924 or along with a licensee's monthly catch report required by s. NR 22.11 (10).

(2m) No person may remove roe from a commercial fish while on the water, ice, bank or shore. Commercial fish shall remain intact until the fish reaches the final processing facility or place of business of the commercial fisher.

(3) Measurements 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.

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

(5) There are no size limits for any commercial fish other than are expressly provided in this chapter.

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

(7) Nets of any kind and setlines may not be set, lifted, hauled or operated in any manner between one hour after sunset and one hour before sunrise of the following day, except with prior permission from the department nor shall any net be used in drifting manner other than expressly provided in this chapter.

(8) A licensed commercial fisher or any member of the crew or any person in or on a boat may not have in possession any game fish while operating licensed commercial gear or bank poles, or when traveling to or from the operation of such gear while on the waters or ice.

(9) Commercial fishing gear not authorized for use in the Wisconsin-Iowa boundary waters by this chapter may not be in possession or under control while on those waters or ice of these waters.

(10) All fishers licensed under the provisions of ss. 29.523, 29.526, 29.529, and 29.533, Stats., shall complete and submit monthly reports on forms available from the department. All reports shall be submitted 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 and shall include complete and accurate information on all fish sold or kept whether these fish were legally or illegally taken or obtained, the buyers name, address and phone number, and all other information requested on the report form.

(12) Commercial fish taken by commercial gear under 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 dealer's license.

(14) Commercial gear may not be used or operated at any time within 900 feet below any U.S. army corps of engineers lock or dam on the Mississippi river.

(15) 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 wildlife.

(16) The department by its agents, employees or wardens may in the absence of the licensee, at any time, raise any commercial fishing gear. Care will be taken to minimize damage to such gear.

(17) The use or operation of all commercial gear except those authorized in this chapter is prohibited in the Wisconsin-Iowa boundary waters with the exception of such nets operated under contract with the department.

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

(19) 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, except that up to two commercial fishers may each place one of their net tags on the same net and may lift or operate this net when it is agreed to by both commercial fishers. Only one net flag with one number may be displayed on a net at any time and only the commercial fisher whose flag is attached to the net may set, place, tend, operate or lift the net.

(20) 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 commercial fishing licensee while the licensee is present, unless specifically authorized in advance by a conservation warden.

(21) Each person required to hold a commercial fishing license shall be present at all times when any of his or her nets, setlines or other commercial gear are set, placed, tended or operated. The licensee does not need to be present when fish are removed from a bagged seine or crib while the licensee transports commercial fish on the water or ice or is tending to the loading of commercial fish at a boat landing.

(22) All nets shall be equipped with a metal tag stamped to designate the number of the license issued to the commercial fisher using the net as described in s. 29.523, Stats. Gill nets, setlines, and frame nets, that are left unattended shall have the metal tag attached next to a stake or buoy located on at least one end of the net so it will be visible above the surface of the water. If a stake is used, the stake shall extend at least three feet above the surface of the water and upon the upper end of the stake there shall be a white flag at least ten inches square. The flag shall be numbered with legible figures at least three inches in height corresponding with the number of the license authorizing the use of such net. A buoy may be placed in lieu of a stake and flag, providing the buoy or buoys are numbered with legible figures at least three inches in height corresponding with the number of the license authorizing the use of such nets. On gill nets set through the ice there shall be maintained on each end of the gang a board or similar material which is readily identifiable and which shall bear the license number authorizing the use of the net.

(23) No person required to hold a license under s. 29.523, 29.526 or 29.529, Stats., may join his or her net to that of any other person.

(24) No person may use bait in any commercial net except bait nets, buffalo nets and slat nets.

(25) No person may hobble, double or overlay the webbing of any net upon itself, or make other net modifications that alter the functioning of a net that would otherwise be lawful.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. (11), Register, May, 1996, No. 485, eff. 6-1-96; corrections in (2) and (10) were made under s. 13.93 (2m) (b) 7., Stats., Register November 2001 No. 551; CR 06-105: cr. (2m), Register August 2007 No. 620, eff. 9-1-07; CR 10-053: am. (1), (2), (2m), (6) to (10), (12), (18), r. (13), cr. (19) to (25) Register December 2010 No. 660, eff. 1-1-11.

NR 22.12 Commercial fishing gear. Only commercial fishing gear as described and operated in the manner prescribed below may be used by commercial fishers in the Wisconsin-Iowa boundary waters.

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(1) Setline	(a) All year	1. Each licensee is limited to 12 setlines with not to exceed a total of 50 hooks on each line or 6 setlines with not to exceed 100 hooks on each line, either not to exceed a total of 600 hooks in the aggregate.	<p>a. Frogs or game fish, or any part of, whether dead or alive, may not be used as bait in the Mississippi river.</p> <p>b. 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 it will be visible above the surface of the water.</p> <p>c. At one end of every licensed setline there shall be placed and maintained a white flag, not less than 10 inches square, with the upper end of the stake extending at least 3 feet above the water and numbered with legible figures at least 3 inches in height corresponding with the number of the license authorizing the use of such setline. It shall be lawful to use buoys in lieu of flags providing that same are numbered with legible figures at least 3 inches in height corresponding with the number of the license authorizing the use of such setlines.</p> <p>d. Lines shall be lifted and fish removed at least once each day following the day set unless a longer period is granted by the department or its agents.</p> <p>e. Setlines may not be set in a manner which blocks off more than 1/2 the width of any slough, bay or channel to any type of boat traffic.</p> <p>f. Additional restrictions are contained in s. NR 22.11.</p>

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(3) Seine	(a) All year	1. No size restriction	<p>a. A commercial fisher and his or her crew members may not take more than 100 lbs. plus one fish of catfish per day with seines regardless of the number of seine hauls made in one day, from the Saturday nearest October 1 to April 30.</p> <p>b. A commercial fisher and his or her crew members may only take 100 pounds plus one fish of catfish from any single seine haul even if the seine haul takes more than one day to complete.</p> <p>c. 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 subparagraph. 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.</p> <p>d. Shovelnose (hackleback) sturgeon may not be taken in seines.</p> <p>e. Notwithstanding s. NR 22.11 (7), 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.</p> <p>f. Seines may not be used as a drift net or be attached to another net at any time.</p> <p>g. 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.</p> <p>h. No seine may be set or operated within 1,000 feet of any other commercial fisher's gill net, frame net or seine.</p> <p>i. Seines must be actively attended until the fish are bagged for removal within 24 hours.</p> <p>j. Additional restrictions are contained in s. NR 22.11.</p>
(4) Gill nets	(a) All year	1. Only gill nets with a mesh of 7 inches stretch or larger used.	<p>a. Gill nets may not be used as a drag seine or drift net at any time.</p> <p>b. All gill nets shall be lifted and emptied of fish at least once each day between May 1 and September 1, at least once each 2-day period when set during the remaining open water period and at least once each 4 days when set under ice, unless a longer period is granted by the department or its agents.</p> <p>c. 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.</p> <p>d. A gill net may not be set within 1,000 feet of any other commercial fisher's gill net or frame net.</p> <p>e. A gill net may not be hobbled, doubled or overlapped on itself or with another net to reduce the effective size of the mesh with a second layer of net.</p> <p>f. Additional restrictions are contained in s. NR 22.11</p>
(5) Buffalo and Bait nets	(a) All year	1. No size restriction. Any size mesh with a maximum not over 4 x 8 foot rectangular front or 8 foot round hoop front.	<p>a. Shall be raised and emptied except for bait once each 4-day period unless a longer period is granted by the department or its agents.</p> <p>b. May not be used with any lead or wings.</p> <p>c. Only commercial species of fish, cheese, blood, soybeans or other nonfish materials may be used as bait.</p> <p>d. Additional restrictions are contained in s. NR 22.11</p>
(6) Frame net or fyke net	(a) Sept. 1 thru June 1	1. Any size mesh not to exceed 4 x 8 foot front if rectangular or 8 foot diameter front if round, with a one or two leads.	<p>a. Shall be raised and emptied once each 2-day period unless a longer period is authorized by the department or its agents.</p> <p>b. May not contain any bait.</p> <p>c. Additional restrictions are contained in s. NR 22.11.</p>

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(7) Slat nets	(a) Saturday nearest May 1 thru Oct. 31	1. Not more than 6 feet in length and not more than 72 inches in circumference, over-all dimensions and with one end closed with webbing of a mesh not less than one and one-fourth inches bar or square measure. Such webbing shall be attached in such a manner that the length, depth or width of each mesh is not decreased	a. Each net shall have attached a metal tag stamped to designate the kind of net and the number of the license. b. May contain bait. c. Restricted to the use of 50 nets per licensee. d. All traps shall be lifted at least once every 2-day period, unless a longer period is granted by the department or its agents. Nets may not be set within 100 feet of any muskrat or beaver house. e. Any slat net found in the waters during the closed season and any slat net found on the Wisconsin banks or shores without a tag showing evidence of being used in the last 5 months shall be seized and held subject to the order of the court or judge under ss. 29.931 and 29.934, Stats. f. Additional restrictions are contained in s. NR 22.11
(8) Trammel net (Drift set)	(a) All year	1. Not more than 300 feet in length. No mesh size restriction.	a. May be used in a drifting manner only. b. No person may fish with a dead set trammel net. c. Trammel nets may not be left unattended. d. Additional restrictions are contained in s. NR 22.11.
(9) Trammel net (Drive set)	(a) All year	1. Not more than 300 feet in length with a mesh of 7 inches stretch or larger.	a. Licensed commercial fisher or crew shall be in attendance when net is fished. b. No person may fish with a dead set trammel net. c. Additional restrictions are contained in s. NR 22.11

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (1), Register, November, 1981, No. 371, eff. 12-1-86; am. (7), Register, December, 1993, No. 456, eff. 1-1-94; CR 10-053; am. Register December 2010 No. 660, eff. 1-1-11.

Subchapter IV — Turtles

NR 22.13 Turtles. (1) APPLICABILITY. This section applies to the taking and possession of turtles in the Wisconsin-Iowa boundary waters.

(2) SEASONS; POSSESSION AND DAILY BAG LIMITS. No person may take turtles on the Wisconsin-Iowa boundary waters except during the open season established in sub. (4). For the purpose of Wisconsin-Iowa 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 which authorizes the hunting of small game or which authorizes fishing, unless otherwise exempt under ch. 29, Stats., from the need to possess one of more of these approvals to hunt or fish.

(b) Take turtles by methods other than hoop net turtle traps that comply 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 or 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 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.

(i) Place, set or use a hoop net turtle trap within 200 feet of any fishway, lock or dam.

(j) Place, set or use any hook and line, setline or bank pole for taking turtles in a manner or at any time during which these methods are not allowed for taking fish under ss. NR 20.06 and NR 20.12.

(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
(bm) Blanding's turtle	None	0	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	Continuously	None	None

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; r. and recr. Register, February, 1997, No. 494, eff. 3-1-97; corrections in (3) (a), (b), and (c) were made

under s. 13.93 (2m) (b) 7., Stats., Register November 2001 No. 551; CR 09-051: cr. (3) (i) and (j) Register June 2010 No. 654, eff. 7-1-10; CR 10-053: am. (3) (a) Register December 2010 No. 660, eff. 1-1-11; **CR 14-025: cr. (4) (bm) Register May 2015 No. 713, eff. 6-1-15.**

Subchapter V — General Provisions

NR 22.14 Transportation. Any properly licensed resident or nonresident holder of an angling or commercial fishing license from the state of Iowa having lawfully taken fish or turtles in the boundary waters described in this chapter during the open season may land on the Wisconsin side of the boundary waters and personally transport fish to the state of Iowa by the most direct practicable route.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.15 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 the boundary waters as required by the law or department policy.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

NR 22.16 Conflicting rules. Where there are differences in elements of the boundary waters regulations of Iowa and Wisconsin, anglers, commercial fishers, and persons taking turtles shall comply with the regulations of the state in whose territorial waters they are fishing or taking turtles.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; CR 10-053: am. Register December 2010 No. 660, eff. 1-1-11.