

Chapter NR 24

CLAMS

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Note: Chapter NR 24 was repealed and recreated as an emergency rule effective May 1, 1986. This emergency rule was amended effective March 27, 1987. Chapter NR 24 as it existed on May 31, 1987 was repealed and a new chapter NR 24 was created effective June 1, 1987.

NR 24.01 Purpose. This chapter regulates clamming, commercial clamming and related activities in inland waters, boundary waters and outlying waters.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 24.02 Definitions. In addition to the definitions contained in s. 29.537 c2d, Stats., the following definitions apply to terms used in this chapter:

c1d XBoundary watersY means those waters which form all or part of the boundary between Wisconsin and Iowa, Michigan or Minnesota.

c2d XBusiness dayY has the meaning given it in s. 421.301 c6d, Stats.

c3d XCooked clamY means a clam which has been processed in a cooker and a rotating drum in order to remove the meat or soft parts of the clam.

c4d XCrow-foot barY means a bar or rod which has hooks or wires attached to it and which may be used to take clams. The hooks or wires may have beads attached or have thickened ends.

c4md XDead shellyY means a clam which apparently died in the water of natural causes, contains no meat or soft parts and exhibits readily notable sediment, algae, vegetation or water stains, discoloration, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows that the clam is not a cooked clam and is not freshly dead.

c5d XInland watersY has the meaning given it in s. 29.001 c45d, Stats., but does not include boundary waters.

c6d XMalicious wasteY means the unreasonable waste, injury, destruction or impairment of any natural resource within the state, in violation of s. 23.095 c1d, Stats.

c7d XOpen seasonY means that period of a year described in s. NR 24.09 or 24.10 when a person may engage in clamming or commercial clam shelling.

c8d XOutlying watersY has the meaning given it in s. 29.001 c63d, Stats.

c9d XResidentY has the meaning given it in s. 29.001 c69d, Stats.

c10d XRingY means a rigid circular band or a circular opening in a piece of solid material which may be used to measure clams.

c11d XWisconsin-Iowa boundary watersY has the meaning given it in s. NR 22.02 c34d.

c12d XWisconsin-Michigan boundary watersY has the meaning given it in s. NR 23.02 c10d.

c13d XWisconsin-Minnesota boundary watersY has the meaning given it in s. NR 21.02 c39d.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; cr. c4md, Register, June, 1989, No. 402, eff. 7-1-89; corrections in cintro.d, c5d, c8d, and c9d were made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551; CR 10-053: am. c11d, c13d Register December 2010 No. 660, eff. 1-1-11.

NR 24.03 General restriction. A person who is engaging in commercial clam shelling under s. NR 24.09, clam buying, clam helping or related activities may not engage in clamming under s. NR 24.10 at the same time.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87.

NR 24.04 Licenses; permits. c1d CLAMMING. No license or permit is required to engage in clamming.

c2d COMMERCIAL CLAMMING. The license requirements of s. 29.537 c3d, Stats., apply to clam buyers, assistant clam buyers, commercial clam shellers and clam helpers, except as provided in subs. c3d and c4d.

c3d EXEMPTION FOR CHILDREN. A resident child under age 16 may not engage in commercial clam shelling without a commercial clam sheller license unless the value of the clams taken, killed, collected or removed by the child does not exceed \$1,000 in any year and the child has a department permit. A permit issued under this subsection is valid from January 1 or the date it is issued, whichever is later, until December 31 or the child's 16th birthday, whichever occurs first.

c4d APPLICATIONS. A person required to have a license or permit under this section or s. 29.537 c3d, Stats., shall apply to the department on forms provided by it. The department shall deny any application for a license which is not accompanied by the appropriate license fee specified by s. 29.563 c7d, Stats. No fee may be charged for a permit.

Note: Forms may be obtained from DNR area offices listed in the note following s. NR 24.07, or by writing: DNR Bureau of Fish Management, P.O. Box 7921, Madison, WI 53707.

c5d DEADLINE. The department shall grant or deny a complete application for a permit or license under this section within 25 business days after it has been received by the department.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; corrections in c2d and c4d were made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

NR 24.05 Reciprocity. The department shall grant reciprocal commercial clamming license privileges in accordance with s. 29.045 c2d, Stats., to residents of Illinois, Iowa, Michigan, Minnesota or Missouri for the Wisconsin-Iowa, Wisconsin-Michigan and Wisconsin-Minnesota boundary waters if it determines that Wisconsin residents have been granted reciprocal rights, privileges and immunities by the other state.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; correction made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551.

NR 24.06 Clamming methods and equipment. c1d METHODS. cad No person may engage in clamming or commer-

pare a pre-harvest inventory for the water to determine whether any endangered or threatened mussels are present and to set safe harvest limits and alternative minimum size limits for each commercial clam species. The department may temporarily open a water or portion of a water if it determines that:

1. The water or portion of water has adequate public access to accommodate commercial clam shelling,
2. The water or portion of water contains enough clams to withstand commercial clam shelling,
3. The water or portion of water does not contain threatened or endangered mussels, and
4. Commercial clam shelling in the water or portion of water would not otherwise be contrary to the public interest.

ccd To open a water or portion of a water, the department shall issue an order based on its investigation. The order shall include specific findings, describing the water or portion of the water, the species open to harvest, the alternative minimum size limit for each open species, and a safe harvest limit for each open species. The order shall direct that a notice be published 10 days in advance of the opening in the official state paper and be prominently posted at public access points along the affected water. The notice shall identify the water or portion of water temporarily open to commercial clam shelling, the open species, the alternative minimum size limit for each open species and the telephone number for daily reporting required under par. **ced**.

cdd The department shall monitor commercial clam shelling authorized under this subsection and shall close a water or a species to commercial clam shelling when the harvest total approaches 85% of the safe harvest limit. A water may be closed to commercial clam shelling by department removal of the notices

posted along the affected water. Where a water contains more than one open species, a species may be closed by the department posting new notices along the affected water which omit the species from the list of species open to commercial clam shelling in the affected water.

ced In addition to the records and reports required by s. **NR 24.07**, a commercial clam sheller who shells in a water temporarily opened to commercial clam shelling under this subsection shall report his or her daily harvest under his or her license number, in pounds and by clam species, by telephone using the telephone number listed on the notice posted along the open water. A commercial clam sheller shall call in his or her daily harvest reports within one calendar day after each day he or she engages in commercial clam shelling in the affected water.

cf Any person who engages in commercial clam shelling in a closed water, who takes clams of a species not open to commercial clam shelling, or who takes clams smaller than the alternative minimum size limit is in violation of sub. **c1d**.

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; am. c1d cintro.d and cad and c2d, cr. c3d, Register, June, 1989, No. 402, eff. 7-1-89; reprinted to restored dropped copy in c1d cbd, Register, September, 1989, No. 405; emerg. r. and recr. c1d ccd, eff. 6-30-90; am. c1d cbd, r. and recr. c1d ccd, cr. c4d, Register, February, 1991, No. 422, eff. 3-1-91; am. c1d cad to ccd and c2d, r. c3d, renum. c4d to be c3d, Register, December, 1997, No. 504, eff. 1-1-98; am. c1d cad and c2d, Register, March, 1998, No. 507, eff. 4-1-98; CR 05-074: am. c1d cad and cbd Register February 2006 No. 602, eff. 3-1-06; CR 09-018: am. c1d cbd Register February 2010 No. 650, eff. 3-1-10.

NR 24.10 Clamming: size limits; open seasons, species and waters. No person may engage in clamming except between sunrise and sunset during the open season in waters which are open to clamming, for clams of a species which is open to clamming and which are of the minimum size or larger, as shown in the following table:

Waters Open to Clamming	Open Season	Open Species	Minimum Size
All boundary and outlying waters, except the St. Croix River where it forms the boundary between Wisconsin and Minnesota	all year	all except those listed in s. NR 27.03 c2d cgd or c3d cgd	None
St. Croix River where it forms the boundary between Wisconsin and Minnesota	No open season	None, and collection of dead shells is prohibited	None
All inland waters	No open season	None, however, dead shells that are not from endangered or threatened clams may be collected, except that collection of all dead shells is prohibited in all waters within the St. Croix National Scenic Riverway.	None

History: Cr. Register, May, 1987, No. 377, eff. 6-1-87; am. Register, December, 1997, No. 504, eff. 1-1-98; CR 06-011: am. Register September 2006 No. 609, eff. 10-1-06; CR 09-018: am. Register February 2010 No. 650, eff. 3-1-10.