



NR 22

State of Wisconsin

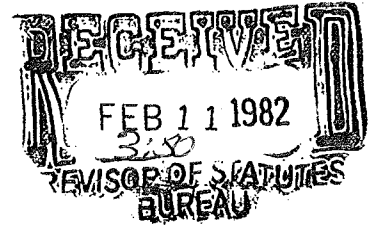
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. F-22-81 was duly approved and adopted by this Department on August 26, 1981 and January 27, 1982. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

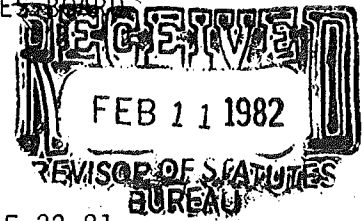
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 11th day of February, 1982.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

4-1-82

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING RULES



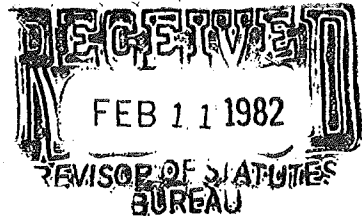
F-22-81

IN THE MATTER of repealing and recreating :
Chapter NR 22 of the Wisconsin :
Administrative Code pertaining to :
Wisconsin-Iowa boundary waters fishing :
regulations :
.....

Analysis Prepared by Department of Natural Resources

Chapter NR 22 defines the commercial, sport and minnow fishery; commercial fishing gear; and sale of commercial and rough fish in the Wisconsin-Iowa boundary waters. Basically, the revisions are of a housekeeping nature and revise the rules to current standards. The chapter has been drafted in five parts for clarity. The major changes in the rule include:

1. Increase the minimum size limit for catfish taken with commercial gear from 13 inches to 15 inches.
2. Allow the sale of bullheads under 4 inches for bait.
3. Reduce the daily sport bag limit on largemouth and smallmouth bass from 10 to 5 fish in aggregate.
4. Provide for a continuous open crayfish season.
5. Require ice fishing permanent shelters be removed from the ice by February 20 instead of March 1 unless otherwise extended by the Department.
6. Increase the width of seines from 6 to 8 feet flat measure for taking minnows.
7. Increase the square or round frame dip net maximum size from 6 feet to 8 feet when taking minnows.
8. Authorize the use of cast nets and crayfish scoops to harvest crayfish, minnows and insect larva.
9. Permit a continuous season for set or bank pole fishing.
10. Restrict the harvest of catfish taken with commercial seines to 100 lbs. from the Saturday nearest October 1 to April 30.
11. Restrict the use of basket traps (slat nets) to 50 nets per licensee or crew.



12. Establish a size limit on snapping turtles and restrict the use of no more than 40 traps per licensee.

13. Agents of commercial crews may only be residents of Wisconsin.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.085, 29.174, 29.175 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby repeals and recreates rules interpreting ss. 29.01, 29.085, 29.09, 29.135, 29.16, 29.174, 29.175, 29.283, 29.30, 29.336, 29.34, 29.343, 29.37 and 29.48, Stats., as follows:

SECTION 1 - Chapter NR 22 is repealed and recreated to read:

Iowa-Wisconsin Boundary Waters

NR 22.01 Purpose
NR 22.02 Definitions

Subchapter 1 SPORT FISHING

NR 22.03 Reciprocity, sport fishing or spearing and dip netting
NR 22.04 Sport fishing: seasons and limits
NR 22.05 Sale of fish
NR 22.06 Sport fishing
NR 22.07 Ice fishing shelters

Subchapter 2 MINNOWS

NR 22.08 Minnow nets and traps
NR 22.09 Carp as bait

Subchapter 3 COMMERCIAL FISHING

NR 22.10 Boundary, commercial fishing
NR 22.11 Commercial fishing
NR 22.12 Commercial fishing gear

Subchapter 4 TURTLES AND TORTOISES

NR 22.13 Turtles and tortoises

Subchapter 5 GENERAL PROVISIONS

NR 22.14 Transportation

NR 22.15 Taking of fish by and for the department

NR 22.16 Conflicting rules

NR 22.17 Severability

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.

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

(2) "Commercial fish" means species of rough fish as defined in this chapter, shovelnose (hackleback) sturgeon 25 inches and over in length, catfish 15 inches or over in length and bullheads having a minimum length of 7 inches dressed with head off and tail on or 9 inches in the round when taken with commercial fishing gear under a commercial fishing license.

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

(4) "Commercial fishing licenses" means those licenses issued under ss. 29.34, 29.343, 29.36 and 29.37, Stats., authorizing commercial fish harvests.

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

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

(7) "Length of fish" means unless otherwise specified, that distance measured in a straight line from the tip of the snout to the outermost end of the tail or caudal fin fully extended.

(8) "Minnows" mean all species defined as such in s. 29.01(3)(a), Stats., and bullheads not exceeding 4 inches in length.

(9) "Possession limit" means double the daily bag limit.

(10) "Rough fish" means all species defined as such in s. 29.01(3)(a), Stats., including grass carp which is also known as amur carp (*Ctenopharyngodon idella*).

(11) "Sport fishing" 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.

(12) "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.

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

(14) "Wisconsin-Iowa boundary waters" means all waters from the Burlington northern railroad tracks on the east side of the Mississippi river extending west from the railroad tracks to that part of the river following the boundaries between the states of Wisconsin and Iowa.

SUBCHAPTER I SPORT FISHING

NR 22.03 RECIPROCITY: SPORT FISHING OR SPEARING AND DIP NETTING. Any person holding a hook and line fishing license issued by either Iowa or Wisconsin may fish in waters of the Mississippi river lying between the Chicago, Milwaukee and St. Paul railroad tracks on the Iowa side of the river, and the Burlington northern 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, dip netting, 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.

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	Daily bag limit	Minimum length inches
(1) Largemouth and smallmouth bass	Continuous	5 in aggregate	No size limit
(2) Walleye and sauger	Continuous	10 in aggregate	No size limit
(3) Northern pike	Continuous	5	No size limit
(4) White bass and yellow bass	Continuous	No bag limit	No size limit
(5) Crappie, rock bass, pumpkinseed (sunfish), bluegill and perch	Continuous	No bag limit	No size limit
(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	Inland regulations of adjoining counties as contained in ch. NR 20, Wis. Adm. Code, 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.

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 or offered for sale.

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

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 2 hooks, baits or lures in open water or 3 hooks, baits or lures while fishing through the ice.

(b) 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 distressed fish in winterkill waters in those areas and at those times designated by the department by posting.

(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 or dip nets not to exceed 24 inches in diameter or square from sunrise to sunset only.

(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 fisher's bag limit and may not be released after such possession.

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

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. The name and residential address of the person owning such enclosure or shelter shall 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 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.

SUBCHAPTER 2 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 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.

Type of gear	Period may be used	Specifications	Restrictions
(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.

NR 22.09 CARP AS BAIT. Live carp taken and possessed for the purpose bait shall only be transported by boat while in possession on Wisconsin-Iowa boundary waters and by vehicle on and including state highway 35 and roads west from Victory, Vernon county, south to the Wisconsin-Illinois state line.

SUBCHAPTER 3 COMMERCIAL FISHING

NR 22.10 BOUNDARY, COMMERCIAL FISHING. For the purpose of fishing under a commercial fishing license, taking turtles or tortoises, or clamming, the Wisconsin-Iowa boundary waters are as defined in s. NR 22.02(14).

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 taken with any net, setline or other commercial gear shall be immediately returned to the water as soon as they appear in the operation.

(2) All licensed commercial fishers shall obtain a license issued under ss. 29.34, 29.343 or 29.37, Stats., before conducting commercial fishing operations. Agents of the licensee must be residents of Wisconsin.

(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 contraband and will be seized and held subject to order of the court.

(7) Nets of any kind, setlines, set or bank poles may not be set, lifted, hauled or operated in any manner between one half hour after sunset and one hour before sunrise of the following day, except for the purpose of completing a seine haul 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 the boat may not have in possession any game fish while operating licensed commercial gear or when traveling to or from the operation of such gear while on the waters.

(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.

(10) All fishers licensed under the provisions of ss. 29.34 and 29.37, 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 fished.

(11) Rough fish taken by commercial gear may not be returned to the waters but shall be lawfully disposed of.

(12) Commercial fish taken by commercial gear under this chapter may be sold by the commercial fisher.

(13) Metal identification tags will be furnished by the department at a cost of 25¢ per tag, unless they are for a buffalo, frame, slat or trammel net where the cost is 50¢ per tag.

(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 and tortoises taken incidental to license commercial fishing operations may be possessed and sold.

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	All year	Each licensee is limited to 8 setlines with not to exceed a total of 50 hooks on each line or 4 setlines with not to exceed 100 hooks on each line, either not to exceed a total of 400 hooks in the aggregate.	<p>Frogs or game fish, or any part of, whether dead or alive, may not be used as bait in the Mississippi river.</p> <p>Lines shall be equipped with a metal tag stamped to designate the number of the license covering it attached to a buoy or stake at one end of the setline so it will be visible above the surface of the water.</p> <p>At one end of every licensed setline there shall be placed and maintained a white flag, not less than 16 inches square, with the upper end of the shaft extending at least 2 feet above the water</p>

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(2) Set or bank poles	All year	Not to exceed 5 set or bank poles.	<p>and numbered with 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 figures at least 3 inches in height corresponding with the number of the license authorizing the use of such setlines.</p> <p>Lines must 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>Additional restrictions are contained in s. NR 22.11.</p> <p>Frogs or game fish, or any part of, whether dead or alive, may not be used as bait in the Mississippi river.</p>

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(3) Seine	All year	No size restriction	Each set or bank pole shall have securely attached a metal tag stamped with the number of the license covering the pole. Additional restrictions are contained in s. NR 22.02(2). Licensees may not take more than 100 lbs. plus one fish of catfish per day, 15 inches or over in length from the Saturday nearest October 1 to April 30. Additional restrictions are contained in s. NR 22.11.
(4) Gill nets	All year	Only gill nets with a mesh of 7 inches stretch or larger used.	Gill nets may not be used as a drag seine or drift net at any time. 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

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
			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. Additional restrictions are contained in s. NR 22.11.
(5) Buffalo net	All year	No size restriction.	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. Additional restrictions are contained in s. NR 22.11.
(6) Bait net	All year	Any size mesh not over 4 foot hoop front. Lead or leads not allowed.	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. Additional restrictions are contained in s. NR 22.11.

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(7) Frame net	Sept. 15 thru May 15	Any size mesh not to exceed 4 x 8 foot front with a single lead.	Shall be raised and emptied once each 2-day period unless a longer period is authorized by the department or its agents. Additional restrictions are contained in s. NR 22.11.
(8) Basket traps (Slat nets)	Saturday nearest May 1 thru Oct. 31	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	Each net shall have attached a metal tag stamped to designate the kind of net and the number of the license. Restricted to the use of 50 nets per licensee. 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.

Type of gear	Period of year may be used dates inclusive	Specifications	Restrictions
(9) Trammel net (Drift)	All year	Not more than 300 feet in length. No mesh size restriction.	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. 29.05 and 29.343, Stats. Additional restrictions are contained in s. NR 22.11.
(10) Trammel net (Drive set)	All year	Not more than 300 feet in length with a mesh of 7 inches stretch or larger.	May be used in a drifting manner only. Additional restrictions are contained in s. NR 22.11. Licensed commercial fisher or crew shall be in attendance when net is fished. The harvest of catfish with a dead set trammel net is illegal. Additional restrictions are contained in s. NR 22.11.

SUBCHAPTER 4 TURTLES AND TORTOISES

NR 22.13 TURTLES AND TORTOISES. All turtles taken with commercial gear or traps may be possessed and sold only upon compliance with the following conditions.

(1) A small game license or commercial fishing license shall be possessed to take, possess or have under control a turtle or tortoise.

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

(3) Turtle traps constructed of webbing shall be of mesh size at least 6 inches stretch measure. Traps constructed of wire mesh shall have at least one square opening in the top panel measuring at least 4 inches on a side and one of the same dimensions near the bottom of each of the side panels.

(4) Turtle traps may be set in shallow waters only; tops of traps must extend a minimum of 2 inches above the water surface.

(5) Turtle traps shall be checked and turtles shall be removed at least one day following the day set.

(6) No individual may operate more than 40 traps.

(7) When in use, each turtle trap shall have the name of the owner attached or printed on the trap visible from above, bearing the address of the owner or operator. Such inscription shall be of dimensions no less than 2 1/2 inches in length and 5/8 inches in width.

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

SUBCHAPTER 5 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.

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.

NR 22.16 CONFLICTING RULES. Where there are differences in elements of the boundary waters regulations of Iowa and Wisconsin, anglers and commercial fishers shall comply with the regulations of the state in whose territorial waters they are fishing.

NR 22.17 SEVERABILITY. Should any section or portion of this chapter be declared invalid or unconstitutional for any reason, the remainder of the chapter shall not be affected thereby.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 26, 1981 and January 27, 1982.

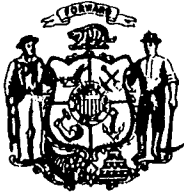
The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin February 11, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

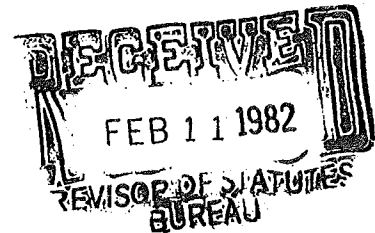
Carroll D. Besadny
Secretary

February 11, 1982

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L




Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-22-81. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. Modifications were made at the request of the Assembly Committee on Tourism and Recreation.

You will note that this order takes effect following publication. The Department would like to have this rule effective April 1, 1982.

Sincerely,


C. D. Besadny
Secretary

Enc.