

**Protocol For Permitted Incidental Take  
Broad Incidental Take Permit for Common Activities for: Commercial Fishing  
Activities on the Mississippi River and connected waters and  
State Threatened Paddlefish (*Polyodon spathula*), Black Buffalo (*Ictiobus  
niger*), Blue Sucker (*Cypleptus elongates*), and River Redhorse (*Moxostoma  
carinatum*)**

Background Information:

Commercial Fishing Permittees must adhere to the following conservation measures in addition to all requirements in NR 21 and NR 22, Wis. Adm. Code, in order to be compliant with this permit. These measures are intended to minimize the incidental take (catching or killing) of threatened species while conducting commercial fishing activities in the Mississippi River and its connected waters of St. Croix River and Lake St. Croix.

This permit applies to a holder of any license that authorizes the use of gear allowed for commercial fishing, including:

- Gill nets, which may be used year round in the Mississippi River except specific locations where prohibited in law and under this permit (NR 21.11 (2)(a) and 22.12 (4))
- Seines, which may be used year round in the Mississippi River, Lake St. Croix, and the St. Croix River downstream from the U.S. highway 8 bridge in St. Croix Falls except specific locations where prohibited in law (NR 21.11 (3)(a) and 22.12 (3))
- Setlines, which may be used in the Mississippi River from April 1 to October 31 along the WI-MN boundary and year round along the WI-IA boundary except specific locations where prohibited in law (NR 21.11 (4)(a) and 22.12 (1))
- Buffalo nets, bait nets, and trammel nets (drift set or drive set), which may be used year round in the Mississippi River along the WI-IA boundary except specific locations where prohibited in law (NR 22.12 (5), (8), and (9))
- Frame nets or fyke nets, which may be used September 1 through June 1 in the Mississippi River along the WI-IA boundary except specific locations where prohibited in law (NR 22.12 (6))
- Slat nets, which may be used from the Saturday nearest May 1 through October 31 in the Mississippi River along the WI-IA boundary except specific locations where prohibited in law (NR 22.12 (7))
  - NR 21.02 (25): Mississippi River means all waters lying between the Chicago, Milwaukee, St. Paul and Pacific railroad tracks on the Minnesota side of the river, and the Burlington Northern and Santa Fe railroad tracks lying on the Wisconsin side of the river. Mississippi River includes Lake Onalaska and Lake Pepin.
  - NR 22.02 (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.

Failure to comply with the conditions of this permit when taking a threatened species (listed above) is a violation of s. 29.604(4)(a), Wis. Stats., subject to a **maximum forfeiture penalty of \$4,162.50 and 3 year revocation** of natural resource approvals, **including commercial fishing licenses**. Intentional violations constitute a crime

punishable by a **maximum fine of \$5,000 and imprisonment not to exceed 9 months, or both.**

Conservation Measures required for coverage under this Permit:

**1. Gill nets may not be used on Lake Pepin at any time**, whether drive set or dead set, except dead set gill nets may be used year-round on bays in the upper portions of Lake Pepin commonly known as Wacouta Bay and Catherine's Pass. (See attached map for boundary lines.)

**2. Lifting gill nets:**

- Along the WI-MN boundary: Each gill net set in open water shall be lifted and emptied of all fish at least once each day, and each gill net set under the ice shall be lifted and emptied of fish at least once every 2 days. (NR 21.11 (2) (d) 4.)
- Along the WI-IA boundary: Each gill net set in open water shall be lifted and emptied of all fish at least once each day between May 1 and September 1, at least once every 2 days when set during the remaining open water period, and at least once every 4 days when set under the ice. (NR 22.12 (4) (a) 1. b.)

**Live threatened species caught in commercial fishing nets or setlines must be immediately returned to the water with as little injury as possible.**

**3. Call to report:** Report all mortally injured or dead threatened fish species immediately or when returning to shore by calling 1-800-TIP-WDNR (1-800-847-9367). The mortal injury or death of a threatened species constitutes incidental take.

**4. Bring the carcass to the Department:** Dead threatened fish species must be kept on ice and brought to a local fisheries biologist or warden at the nearest Department of Natural Resources office within 24 hours of being taken into possession or by the next business day.

**5. Record the catch on reporting forms:** Any capture or take of threatened species must be recorded using the commercial catch reporting form (Form 3600-029b or 3600-29c) and submitted to the Department under requirements listed on the form.

Note: Although not required under this permit, the Department requests that **Special Concern species (Lake Sturgeon and American Eel)** caught in commercial fishing nets and setlines also be reported and that mortally injured or dead fish be brought to a Department office following the same procedures noted above.

Special Concern fish species and game fish populations may also be impacted by commercial fishing activities. The above-listed requirements for threatened species, although only required for threatened species, will also serve to protect Special Concern and game fish species.

The following conservation measures are also included in NR 21 and NR 22, Wis. Adm. Code, and in addition to measures #1-5 serve to further minimize take of the threatened species covered under this incidental take permit:

6. Seines may not be bagged in a manner that causes endangered or threatened species to die while bagged in the net.
7. Nets of any kind and setlines may not be set, lifted, hauled, or operated in any manner between one half hour after sunset and one half hour before sunrise except with prior permission from the Department.
8. 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.
9. All restrictions on mesh size, marking, length, number, and use of nets and setlines noted in NR 21 and NR 22, Wis. Adm. Code, are still in effect and must be followed to be in compliance with this permit as these measures will further minimize take of the threatened species covered under this incidental take permit.

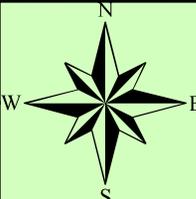
# Commercial Fishing Boundary



No Commercial Gill Netting East of this Point

Catherine Pass

Wacouta Bay



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 0.225 0.45 0.9 1.35 1.8 Miles