

**STATE OF MINNESOTA**

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF FISH AND WILDLIFE**

**IN THE MATTER OF PROPOSED ADOPTION OF**

**AQUATIC WILDLIFE RULES FOR LAKE SUPERIOR AND OTHER**

**MINNESOTA WATERS**

**STATEMENT OF NEED AND REASONABLENESS**

August 1, 2012

## **Minnesota Department of Natural Resources**

### **STATEMENT OF NEED AND REASONABLENESS**

**Proposed Amendment to Rules Relating to Aquatic Wildlife In Lake Superior and Other Minnesota Waters, *Minnesota Rules*, parts 6260.1800, 6262.0200, 6262.0300, 6262.0500, 6262.0600, 6266.0200, 6266.0300, 6266.0400, and 6266.0500.**

### **INTRODUCTION**

#### **Purpose**

The primary purpose of the game and fish rules is to preserve, protect, and propagate desirable species of wild animals and native plant communities while ensuring recreational and commercial opportunities for those who enjoy wildlife-related activities and continued use of these resources.

#### **Scope:**

The proposed rules and amendments to existing rules cover a variety of areas pertaining to aquatic wildlife rules, including commercial and recreational fishing in Lake Superior and its tributaries, recreational fishing in other waters of Minnesota, making boundary waters rules consistent with the bordering state, eliminating obsolete rules, and making rules consistent with legislative changes.

The rules originally listed on the request for comments to designate the Knife River Marina and the McQuade Road Public Access as fish preserves were previously completed using other statutory authorities and rule processes.

The rules originally listed on the request for comments to extend the lake trout season were previously completed using other statutory authorities and rule processes.

#### **Notification to Persons and Classes of Persons Affected by the Proposed Rules**

A “request for comments” was published in the *State Register* on March 30, 2009. This notice described the general areas of the proposed rules, the persons affected by the proposed rules, and the statutory authority for the proposed rules. A copy of the request for comments and a cover letter was sent to persons and associations who have requested to be notified of DNR rulemaking as provided by Minn. Stat., sec. 14.14, subd. 1a. In addition, a copy of the request for comments and a cover letter were sent to individuals and organizations who could be affected by or would have interest in the proposed rules including: fishing, conservation and environmental organizations; commercial fishing operators; charter captains, tribal governments; legislators, states and other agencies with management authority on Lake Superior and border waters. The DNR also published a statewide news release that described major parts of the proposed rule changes with instructions on how to provide comments. The DNR web site described major parts of the proposed rule and was used to take comments directly related to the proposed changes. In addition, meetings were held with the North Shore Commercial Fishing Association (NSCFA) to get input on the proposed changes for commercial fishing.

The extensive outreach done by the DNR produced very little input regarding the proposed rule changes. The comments received during the comment period are summarized as follows.

Changes in brook trout limits from 10 to 5: One person expressed concern that 5 brook trout is not an adequate number to make a meal for the average family. During the public input meetings for the Lake Superior Management Plan, many people expressed support for these changes. People supported this being put into the plan because this change simplifies Lake Superior regulations and has the potential to spread the harvest among more anglers. Seven people were opposed to the reduced possession limit, while 3 were in favor. One person was supportive of reducing the possession limit to 7. Trout Unlimited (TU) and its members were supportive of the reduced possession limit, but were opposed to dropping the aggregate limit. Upon further review by the Lake Superior staff of the issues dealing with the aggregate limit, staff was able to address those concerns and that portion of the rule is no longer being changed.

Extending the lake trout season: The DNR received comments from seven individuals supporting the proposed rule change that extends the lake trout season to include the first full weekend in October. Two individuals and TU were not supportive, because they felt that too many pre-spawning lake trout would be harvested. But as was noted above this portion of the rule was done earlier through a different process.

Gill net restrictions: The most controversial proposal involved providing the DNR the flexibility to restrict the location where gill nets could be set in proximity to marinas and public access areas; and under special permit in Lake Superior. The North Shore Commercial Fishing Association (NSCFA), the Lake County Commissioners and 10 people opposed this proposal, while six people supported it. The NSCFA supported the status quo (¼ mile limit), while sport anglers supported extending the distance gill nets must be set from marinas and public access areas beyond the present ¼ mile distance. After reviewing public comments on proposed changes in net locations near marinas and public access areas, Lake Superior fisheries staff met with officers of the NSCFA in December 2009. At the meeting various options were discussed and the NSCFA agreed to the present language as proposed.

South Dakota Yellow perch: The DNR received comments from two people who supported the change.

## **REVIEW OF DOCUMENTS**

Sources cited in this document may be reviewed on workdays between 8:00 am and 4:30 p.m. in the Section of Fisheries Management office at the DNR headquarters, 500 Lafayette Road, St. Paul, Minnesota.

## **ALTERNATIVE FORMAT**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Linda Erickson-Eastwood at Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4020, e-mail [linda.erickson-eastwood@state.mn.us](mailto:linda.erickson-eastwood@state.mn.us), phone 651-259-5206, and

fax 651-297-4916. TTY users may call the Department of Natural Resources at 1-800-657-3929 or 651-296-5484.

## **STATUTORY AUTHORITY**

General authority to adopt these rules is found in Minnesota Statutes, section 97A.045, subs. 1, 2, 3, 4, and 5. Statutory authority for particular provisions of the proposed rules is listed below.

<u>Rule Part</u>	<u>Statute sections</u>
6260.1800	97C.041, 97C.345, 97A.418, 97C.811, 97C.821, 97C.835, and 97C.836
6262.0200	97C.025, 97C.041, 97C.045, 97C.325, 97C.371, 97C.375, 97C.395, 97C.401, and 97C.415
6262.0300	97C.315, 97C.395, 97C.401, and 97C.811
6262.0500	97A.101, 97C.001, 97C.005, 97C.395, 97C.401, 97C.801
6262.0600	14.388, 97A.045
6266.0200	97C.401
6266.0300	97C.045, 97C.401
6266.0400	97C.045, 97C.395, 97C.401
6266.0500	97A.401, 97C.001, 97C.005, 97C.045, 97C.395

Under these statutes, the Department has the necessary statutory authority to adopt the proposed rules.

During the 2007 legislative session, legislators made technical changes to Minnesota Statutes, section 97C.835, subd.3 that clarified the species names that could be harvested and the locations (Laws 2007, chapter 131, article 1, section 54.). These technical changes did not affect the rules around issuing of special permits for this harvest. So, the 18-month deadline to publish a notice of intent pursuant to Minnesota Statutes, section 14.125, does not apply to the proposed additions in part 6262.1800.

During the 2007 legislative session, legislators made technical changes to Minnesota Statutes, section 97C.835, subd.8 that clarified the species names, liberalized how many could be issued, and removed obsolete language (Laws 2007, chapter 131, article 1, section 54.). These changes did not affect the rules around issuing of special permits for this harvest. These special permits continued to be issued using existing rules found in part 6260.1800 and by establishing permit conditions using Minnesota Statutes, section 97A.418 to manage this harvest. The proposed amendments to part 6262.1800, subp. 8 are being proposed to document and make more visible the permit conditions that have been used as clarifications and adjustments in allowing more flexibility for commercial netters and to meet the legislative intent of Minnesota Statutes, section 97C.836. Minnesota Statutes, section 97A.418 was established in Laws 1993, chapter 231, section 19 and has not been changed since established. So, the 18-month deadline to publish a notice of intent pursuant to Minnesota Statutes, section 14.125, does not apply to the proposed additions in part 6262.1800.

During the 2012 legislative session, legislators made changes to Minnesota Statutes, section 97C.395, subd. 1 that changed the winter season for trout both outside and inside the Boundary Waters Wilderness Canoe Area and gave the Department good cause exemption authority to make the rules consistent with the statute (Laws 2012, chapter 277, article 1, sections 75 and 83). We are using the rule process instead to make these changes, since additional clarification in a letter from Representative David Dill has been provided to the Department on how these changes in rule should

be worded. The 18-month deadline to publish a notice of intent pursuant to Minnesota Statutes, section 14.125, does apply to the proposed changes in part 6262.0200.

All other rules being proposed will amend rules for which the statutory authorities have not been revised in any way by the legislature since 1995 and therefore the 18-month deadline to publish a notice of intent pursuant to Minnesota Statutes, section 14.125, does not apply; or previous rulemaking efforts since 1995 satisfied the requirements of Minnesota Statutes, section 14.125, and thus the department retains such statutory authorities.

This rulemaking includes repeals of rules that can be found in Minnesota Rules, parts 6262.0600, 6266.0500, 6266.0400, 6266.0300, 6266.0200, that deal with making bowfishing consistent with changes in statutes and for obsolete rules in Minnesota Rules, part 6262.0500, subpart 2a; therefore the 18-month deadline to publish a notice of intent pursuant to, Minnesota Statutes, section 14.125, does not apply.

## **REGULATORY ANALYSIS**

### **“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”**

The proposed rules would affect individuals, recreational boaters, bowfishing groups, sport anglers, charter captains, and commercial operators who fish and boat on Lake Superior and other border and inland waters.

### **“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”**

The proposed rules would result in a small increase in the amount of staff time needed to administer the new permit conditions for Lake Superior commercial harvest but cost effective in that it would provide additional management information that would be used in decision making. The DNR would also incur some minimal costs when initially posting or removing signage on stream sections that will be newly opened and/or closed to fishing.

The other proposed rules will not result in additional costs to the DNR or other agencies. Many of the changes are to formalize criteria and standards for permits and programs that are already in place or may be slightly increased. In addition, there is already extensive monitoring of the fish populations that would be affected by the proposed rules and no additional monitoring is planned if the rules are adopted.

There are no significant positive or negative direct impacts anticipated for state revenues as a result of these rules since the DNR already enforces and monitors these laws. All the other proposed rules are not anticipated to have any affects on state revenues.

### **“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”**

There are no less costly methods or alternatives. The small increased cost is necessary if the DNR is to provide more opportunity and flexibility in how the commercial fishery is conducted and essential if anglers are to abide by the laws protecting these important resources.

Most of the proposed rules will not be more intrusive to persons affected by the rules. Sport angler possession limits for brook trout will be reduced from 10 to 5 and commercial operators may be required to move their nets if they are considered hazards to navigation. The new special permit conditions expand the flexibility allowed for commercial fishing. Changes proposed for net marking enhance visibility so recreational boaters and anglers can avoid the nets. Fishing opportunities are expanded in streams by opening presently closed areas.

**“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”**

Alternatives to what is being proposed would be to leave these rules unchanged resulting in a lack of flexibility for commercial harvest, and for the DNR in making decisions that affect the public without having the best information available. If left unchanged, some rules could make boat travel on Lake Superior less safe, and the potential for commercial and sport angler interactions with gear types could increase. Reducing the brook trout possession limit would greatly simplify the sport fishing regulations for Lake Superior and for tributary streams to Lake Superior. Standardizing the rules on the other border regulations also greatly simplifies the sport fishing regulations on those border waters.

**“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”**

The proposed changes to net marking would require some commercial operators to purchase the required net marking material to conform to the new rules. It is anticipated that the cost would not exceed \$100/gill net and \$25/trap net. The potential to move nets further away from marinas and public access areas would increase both time and fuel costs of commercial netters to reach the nets. There may be a slight increase in time spent by commercial operators on required reporting, but it is anticipated to be minimal.

The proposed rules do not involve any new regulatory, permit, or license fees or any other charges to the public. Minnesota Statutes, section 16A.1285, does not apply because the rules do not set or adjust fees or charges.

**“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”**

The probably consequences of not adopting these rules is the inability of the Department to be able to successfully manage and protect the natural resources under our jurisdiction and to provide the best fishing and commercial opportunities possible.

**“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”**

The proposed rules cover areas that are not addressed by federal law; therefore, this consideration is not applicable for those portions of the rule.

## **PERFORMANCE-BASED RULES**

The agency's objective with regard to recreational fishing and commercial fishing is to provide for resource conservation, public safety, and equitable use, while maintaining flexibility for anglers and businesses to participate in a variety of opportunities for use and enjoyment of the aquatic resources consistent with state and federal law. To the extent possible, the DNR attempts to maintain simplicity and understandability of regulations, balanced against the demand for more specialized regulations to protect resources and provide additional opportunities for use of these resources. The agency also attempts to balance the economic and social impacts against the biological requirements necessary to meet goals that conserve and protect the aquatic resources.

In developing the proposed rules, the agency sought to make the rules less restrictive and more business friendly where resource conservation, safety, and equitable use were not compromised. A primary objective of the proposed rules regarding commercial fishing permits is to provide more flexibility and clarity for the DNR, and the commercial operators who could be issued these permits. The proposed rules also provide flexibility in addressing the concerns about the placement of commercial fishing nets near marinas and public access area. By formalizing decision-making criteria in rule regarding net location the DNR will achieve greater consistency in program administration and the public will be in a better position to meet DNR requirements. In many cases the proposed rules allow the DNR to be more flexible and to consider multiple standards and criteria to administer program areas that benefit the resource and its' user groups.

The proposed changes for the decrease in the brook trout possession limit simplifies and clarifies the regulation for trout caught in tributaries to Lake Superior.

The proposed changes for closing and opening stream areas to angling in general provide the public with greater angling opportunity, while at the same time protecting those areas where fish are most vulnerable to harvest.

## **ADDITIONAL NOTICE**

Additional notice on the proposed rules will be provided to persons or classes of persons who could be affected, using the following methods:

- Sending the notice of intent to adopt rules with or without a public hearing to all those previously mentioned groups who have a role or interest in these areas being adopted.
- Sending information to a number of parties: angling groups, other environmental and social organizations, businesses, individuals, state legislators who have an interest in these areas, and staff from bordering states that are responsible for rule making.
- Sending the notice of intent to adopt rules with or without a public hearing to all those who filed comments on the proposed rules in response to the Request for Comments.
- News releases that detail the major parts of the rule will be issued statewide.
- Using DNR web site to inform the public of our intent to adopt rules and take requests for hearings.

Our Notice Plan also includes giving notice required by statute as follows:

- We will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Department’s rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a.
- We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

Our Notice Plan does not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

Our Notice Plan does not include notifying the state Council on Affairs of Chicano/Latino People because the rules do not have their primary effect on Chicano/Latino people per Minnesota Statutes, section 3.922.

**CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

The proposed rules are not anticipated to have any impact on local government units.

As required by Minnesota Statutes, section 14.131, the Department will consult with the Minnesota Management and Budget (MMB). We will do this by sending the MMB copies of the documents that we send to the Governor’s Office for review and approval on the same day we send them to the Governor’s office. We will do this before the Department’s publishing the Notice of Intent to Adopt. The documents will include: the Governor’s Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Department will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

**DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Department has determined that they do not because the authority for implementing and enforcing these laws is part of the Department’s mandate.

**COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

**Agency Determination of Cost**

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

**LIST OF WITNESSES**

If these rules go to public hearing, the witnesses below may testify on behalf of the DNR in support of the need and reasonableness of the rules. The witnesses will be available to answer questions about the development and content of the rules. The witnesses for the Department of Natural Resources include:



Linda Erickson- Eastwood and Neil Vanderbosch  
DNR Division of Fish and Wildlife, Section of Fisheries  
500 Lafayette Road  
St. Paul, MN 55155-4025

Donald Schreiner  
DNR Division of Fish and Wildlife, Section of Fisheries  
Lake Superior Area  
5351 North Shore Drive  
Duluth, Minnesota 55804

Norm Haukos  
DNR Division of Fish and Wildlife, Section of Fisheries  
Ortonville Area  
811 Pine Avenue  
Ortonville, Minnesota 56278

## **RULE-BY-RULE ANALYSIS**

### **6260.1800 COMMERCIAL FISHING ON LAKE SUPERIOR**

Many of the Lake Superior commercial fishing rule proposals originated in the *Fisheries Management Plan for the Minnesota Waters of Lake Superior - 2006* (LSMP) (Schreiner et al. 2006). A Lake Superior Advisory Group made up of representatives from various fishing and environmental organizations along with many interested citizens provided input into the plan. The reasons for the changes were discussed and debated at length with the Advisory Group and citizens, in addition three public meetings were held in different locations to discuss the proposed changes outlined in the plan. Justifications for the changes are described in the final plan.

A number of the changes are being proposed to help clarify rules already being implemented in permits and or make them consistent with other rules. A number of technical changes are needed because the common name for lake herring has been changed to cisco.

**Subpart 1, items A and B.** Whitefish and round whitefish are being proposed to be moved from Subpart 1A into Subpart 1B to clarify that a special permit is needed to harvest these fish. The minimum size requirement for whitefish is being proposed for elimination and will instead be addressed under permit conditions. By requiring a special permit operators may be allowed the opportunity to fish for lake and round whitefish using gill nets, which are presently not allowed for these species. These changes are necessary and reasonable because they will help manage the fishery which is comprised of a low abundance of whitefish in Minnesota waters of Lake Superior. To effectively manage and monitor the fishery it is necessary and reasonable to require information on harvest method and information on the fish harvested be provided.

**Subpart 1, item C.** The proposed change adds siscowet (the deep water form of lake trout) as a fish species that can be commercially harvested under special permit. In addition, redundant wording that addresses how to tag lake trout and siscowet caught under special permit was removed. This proposed change is reasonable and necessary to provide an opportunity for

controlled commercial harvest of siscowet in Lake Superior which under present rule there is no mechanism to allow for this harvest.

**Subparts 2.** A number of technical changes are needed in the rule because the common name for lake herring has been changed to cisco. The name change was made by the American Fisheries Society and is now formally recognized as the common name for lake herring. This is the first subpart where cisco has been changed from lake herring, but for consistency the name has been changed in subpart 5 as well. It is necessary and reasonable to make changes that provide for consistency with common name recognitions.

**Subpart 3.** This proposed change clarifies the description and dimensions of trap nets so commercial operators are consistent in what they are calling a trap net. It would also require commercial operators to display one linear foot of reflective material immediately below the net flag on a buoy staff so the trap net markings are more visible at night. This proposed change is reasonable and necessary so there is more consistency among trap nets and so boaters can better locate and avoid nets and buoys during hours of darkness. These changes are reasonable in that they should not cost the commercial angler very much to implement and will help protect their nets from damage by boaters.

**Subpart 4.** These proposed changes refer to gill net marking. One change would require commercial operators to display one linear foot of reflective material immediately below the flag staff on a buoy marking each end of a gill net so the net markings are more visible at night. The second proposed change is to require buoys used to support each end of a suspended gill net should be of PVC, high density foam or vinyl material measuring a minimum of 15 inches in diameter and be red or florescent orange in color. These net marking proposals are necessary and reasonable because they should provide better standardized net markings so boaters can recognize the markers as commercial nets and make the nets more visible so boaters can avoid the nets. These changes are reasonable in that they should not cost the commercial angler very much to implement and will help protect their nets from damage by boaters.

**Subpart 5, item A.** The proposed changes are technical changes. These are necessary and reasonable because the common name for lake herring has been changed to cisco. The name change was made by the American Fisheries Society and is now formally recognized as the common name for lake herring. It is necessary and reasonable to make changes that provide for consistency with common name recognitions.

**Subpart 5, item B.** The proposed changes are being done to standardize gear allocation and reduce the total amount of chub net that can be licensed by 20,000 feet and the amount allocated to an individual license holder by 2,000 feet. This proposal is necessary and reasonable because chub populations have declined dramatically and no operator has licensed over 10,000 feet in the last 20 years. By reducing the total amount of net that can be licensed to 100,000 feet it becomes consistent with the cisco net allocation and by allowing a maximum of 10,000 feet per operator it allows at least 10 operators to fish for chub if each operator requests the maximum amount of net.

**Subpart 5, item C.** This proposal restricts the number and location of pound nets that can be commercially fished for rainbow smelt in Lake Superior. Some anglers have advocated closing the smelt fishery entirely; however, there is one commercial operator that continues to fish for smelt on a very limited basis. The Department of Natural Resources supports this small fishery on a limited scale as the information generated by this fishery is critical to being able to

monitor the trend in smelt abundance. This proposal is necessary and reasonable since the abundance of smelt has decreased to less than five percent of its historical high based on commercial harvest statistics.

**Subpart 6.** This proposal restricts where gill nets can be set under special permit, and provides seasonal restrictions on where nets can be set in the proximity of marinas and public access areas. This proposal is reasonable because it separates sport anglers, recreational boaters, and commercial netters in areas of high boat traffic during the busiest summer months. It is necessary because it will minimize the chance that sport anglers will entangle their gear in commercial nets and also protects the commercial nets from inadvertent damage by sport anglers and/or recreational boaters. It is also reasonable because it does not unduly restrict the area where commercial operators may set nets during the most important months of the commercial netting season.

**Subpart 7.** This proposal requires that under special permit more detailed reporting may be required during the November cisco fishery. This is reasonable as the November cisco fishery is much more regulated than the fishery that occurs during the rest of the year. The additional reporting is necessary to allocate the catch among commercial operators and determine when the maximum fish harvest limits have been reached. These management actions are reasonable because they will allow a regulated commercial fishing for cisco during a season (spawning) that has historically been closed, but will still protect the cisco fishery from overharvest if the harvest limits are adhered to.

**Subpart 8.** This rule proposal clarifies the criteria for special permit conditions for taking of siscowet, lake whitefish, and round whitefish; the November quota harvest of cisco; and the expanded assessment harvest of lake trout. The Department is also proposing permit reporting requirements to monitor the harvest. These changes are necessary to ensure compliance with the expanded lake trout assessment and to address the recommendations agreed to in the 2006 LSMP. Specifically this would clarify the regulated fishery for siscowet, the regulated harvest of cisco in November, and potential experimental fishing for lake and round whitefish. This proposal is reasonable because it increases the opportunity for commercial harvest of the species listed above while not allowing overfishing. Therefore, the proposal is reasonable in that it allows commercial angling while the long-term health of the fish stocks is protected. The criteria clarified in this subpart is reasonable because it gives both the commercial operator and the Department of Natural Resources the flexibility that is required to manage these fisheries. The proposal is necessary for future lake trout harvest management.

## **6262.0200 FISHING REGULATIONS FOR INLAND WATERS.**

**Subpart 1, items B1, B2, C1, C2, D1, D2, F.** The proposed changes repeal language and move it from the inland rules to the Lake Superior and its tributaries found in Chapter 6262.0300. This is reasonable and necessary so that the rules for Lake Superior and its tributaries are consolidate into one place in the law books for easier access.

**Subpart 1, items B5, C5, D5.** The proposed changes eliminate the exceptions listed for the Boundary Waters Canoe Area Wilderness Area language and change the opening dates of the trout seasons. This is reasonable and necessary because these exceptions are no longer necessary for the management of trout in these waters. The changes in trout season are necessary and reasonable to be consistent with 2012 legislative language changes (Laws 2012, chapter 277,

article 1, sections 75 and 8). We also have additional clarification in a letter from State Representative David Dill dated June 9, 2009 that clarified how the opener should be worded and our changes are consistent with that request. The modifications as proposed by Representative Dill are reasonable in that they do provide additional fishing opportunities and do achieve the goal of starting the seasons on a Saturday to allow the most anglers possible to participate in the season opener.

**Subpart 1, item E.** The proposed changes eliminate the exceptions listed for the Boundary Waters Canoe Area Wilderness Area language and move the streams and rivers language to 6262.0300. This is reasonable and necessary because the Boundary Waters Canoe Area Wilderness Area exceptions are no longer necessary for the management of trout in these waters. It is also reasonable and necessary so that the rules for Lake Superior and its tributaries are consolidate into one place in the law books for easier access.

### **6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR AND ITS TRIBUTARIES**

Many of the Lake Superior proposed sport fishing rules originated in the *Fisheries Management Plan for the Minnesota Waters of Lake Superior - 2006* (LSMP) (Schreiner et al. 2006). A Lake Superior Advisory Group made up of representatives from various fishing and environmental organizations along with many interested citizens provided input into the plan. The reasons for the changes were discussed and debated at length with the Advisory Group and citizens. In addition, three public input meetings were held in different locations to discuss the proposed changes outlined in the plan. Justifications for the changes are described in the final plan.

**Subp. 6, items A, B, and C.** The proposed changes in these reduce the possession limit for brook trout from 10 to 5. They also reduce the possession limit for brook and brown trout from 10 to 5 in all tributaries to Lake Superior above the posted boundaries. This proposed change greatly simplifies the regulations for stream trout above the posted boundary, and except for rainbow trout makes the regulations identical to other inland trout streams. The proposed regulation also has the potential to spread the catch of brook trout among more anglers and protect small vulnerable populations from overharvest among a few dedicated anglers. The present regulations provide the highest harvest limits of any trout species in Minnesota and a number of anglers and angling groups have requested the limit be consistent with the rest of the state regulations for brook trout, especially given the very low productivity of streams tributary to Lake Superior. It is necessary and reasonable to reduce the brook trout possession limit from 10 to 5 to simplify regulations and potentially spread the catch out among more anglers.

**Subpart 6, item D.** This proposed change makes the season and possession limit the same in Lake Superior as in tributary streams below the posted boundary. This regulation is necessary and reasonable because lake trout below the posted boundaries in streams tributary to Lake Superior are part of the Lake Superior population and should be managed with the same regulations.

**Subpart 6, items E, G, and H.** The proposed changes are technical in nature. They simply either are moving the language from 6262.0200 or repeat the language throughout the subpart in these items. This is reasonable and necessary so that the rules for Lake Superior and its tributaries are consolidate into one place in the law books for easier access. It is also necessary to ensure that anglers and enforcement staff are clear on where these rules apply.

**Subpart 7.** This proposed change establishes a definition for the verbiage “only a single hook”. This terminology has been used in these rules for many years. Anglers have been confused based on the wide variety of interpretations that have been proposed by the public, and the definition of a “single hook”. The proposed change is necessary and reasonable to clarify the current rule.

## **6262.0500 WATERS CLOSED TO TAKING FISH**

**Subpart 1, items Q2 and Q3.** The proposed regulation adds two short stream reaches in North Shore tributaries to the list of waters permanently closed to fishing. These areas are the Lester River Falls (St. Louis Co; ~100 feet lake-ward from the Superior Street Bridge) and the area 100 feet downstream of the second Knife River falls in St. Louis Co. In both areas the intent of the proposed regulation is to protect spawning fish where they concentrate in pools just below the falls and/or in small pools as they ascend the falls on the Lester River. This change is reasonable and necessary because these migratory fish expend great energy to move into these areas during their spawning run, and while resting before they continue upstream are very vulnerable to harvest. Even if the fish are not harvested, the increased stress that they experience when being caught and handled increases the risk of mortality and may interfere with the spawning process and success. In addition, by creating a permanent closure below the second falls on the Knife River it makes the regulation consistent with the permanent closure below the first falls on the Knife, standardizing regulations for anglers on the Knife River.

**Subpart 2, item B2.** The proposed language changes the starting date on the seasonal closure in the extreme western arm of Lake Superior from September 30 to the end of the first full weekend in October. This change is reasonable and necessary so it is consistent with the extended sport-fishing season for lake trout in Lake Superior.

**Subpart 2, items D1, D2 and E.** The proposed language is to remove the seasonal closures on the Little Knife River (St. Louis Co.) and the Knife River between the cables and above Co Road 9 (St. Louis and Lake Counties). These closures were intended to protect spawning steelhead from harvest. However, rules were changed that now allow only catch and release for wild steelhead, therefore, they are already protected and the seasonal closures are no longer needed. The proposed change is necessary and reasonable because it will simplify regulations for anglers and allow increased opportunity for brook trout angling in these areas.

**Subpart 2a. item B.** The proposed language eliminates the Otter Tail River (Ottetail Co.) smallmouth fishing closure that expired in 2008. This is necessary and reasonable to eliminate obsolete rules.

## **6266.0200 TAKING OF FISH ON MN-IA BOUNDARY WATERS**

**Subp 4.** The proposed language eliminates archery from this subpart. This language is necessary and reasonable to make it consistent with the language found in Minnesota Statutes 97C.376.

## **6266.0300 TAKING OF FISH ON MN-ND BOUNDARY WATERS**

**Subp 3.** The proposed language eliminates archery from this subpart. This language is necessary and reasonable to make it consistent with the language found in Minnesota Statutes 97C.376.

## **6266.0400 TAKING OF FISH ON MN-SD BOUNDARY WATERS**

**Subp. 2, item H.** The proposed language changes the perch limit from 25 to 15 daily and 30 in possession. In meeting with South Dakota to go over the perch population data, it was determined that yellow perch population could be managed under a different possession limit. The reduced daily limit is being proposed to protect quality yellow perch populations from over harvest and redistribute harvest of “quality” fish among anglers. South Dakota has already made these changes for perch. The Department is proposing that we also adopt this reduced daily bag to be consistent with South Dakota. By adopting the same regulations, we can reduce angler confusion regarding yellow perch bag and possession limits on the MN/SD border waters. This change is necessary and reasonable in that it makes the perch limits on the boundary waters between the states consistent. This provides for better compliance by the anglers and easier enforcement of the laws.

**Subps 3 and 4.** The proposed language eliminates archery from these subparts. This language is necessary and reasonable to make it consistent with the language found in Minnesota Statutes 97C.376.

## **6266.0500 TAKING OF FISH ON MN-WI BOUNDARY WATERS**

**Subp 1.** The proposed language is technical in nature. The railroad was bought and the name was changed by the owners. The change in the railroad name is necessary and reasonable to ensure that it is consistent with current ownership and how it is referred to by others.

**Subp. 8.** The proposed language eliminates archery from this subpart. This language is necessary and reasonable to make it consistent with the language found in Minnesota Statutes 97C.376

### **Repealer Summary**

**6262.0600, subp 2. Night Bowfishing.** This language repeals the entire subpart. It is necessary and reasonable to repeal these laws since they are not consistent with Minnesota Statute 97C.376.

## **CONCLUSION**

Based on the foregoing, the proposed rules are both needed and reasonable.

August 1, 2012

/s/ Tom Landwehr, Commissioner

## **NON-PUBLISHED REFERENCES CITED IN THE STATEMENT OF NEED AND REASONABLENESS**

June 9, 2009 correspondence from State Representative David Dill to DNR Commissioner Mark Holsten providing further clarification on trout seasons

July 20, 2009 correspondence from Fish and Wildlife Director, David Schad to Representative Dill acknowledging request and our actions

### **LITERATURE CITED:**

Nelson, J.S., E.J. Crossman, H. Espinosa-Perez, L.T. Findley, C.R. Gilbert, R.N. Lea and J.D. Williams. 2004. Common and scientific names of fishes from the United States, Canada, and Mexico, 386p. Special Publication 29, American Fisheries Society, Bethesda, MD.

Schreiner, D.R., J.J. Ostazeski, T.N. Halpern, and S.A. Geving. 2006. Fisheries management plan for the Minnesota waters on Lake Superior. Minnesota Department of Natural Resources, Section of Fisheries Special Publication 163, St. Paul, MN.

# Minnesota Department of Natural Resources

## Division of Fish and Wildlife

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received**

**Proposed Amendments to Rules Relating to Aquatic Regulation, *Minnesota Rules*, parts 6260.1800, 6262.0200, 6262.0300, 6262.0500, 6266.020, 6266.0400, and 6266.0500**

**Proposed Repeal of Rules Relating to Aquatic Regulation, *Minnesota Rules*, part 6262.0600, subpart 2**

**Introduction.** The Department of Natural Resources intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, November 15, 2012, the Department will hold a public hearing starting at 6:30 p.m. on Tuesday, November 27, 2012, at the following locations:

In person: 6<sup>th</sup> Floor Main Conference Room, DNR Central Office, 500 Lafayette Road, Saint Paul, Minnesota 55155-4010; and

Video-conference sites:

DNR Brainerd Area Office, 1601 Minnesota Drive, Brainerd, Minnesota 56401

DNR Southern Regional Office, 261 Highway 15 South, New Ulm, MN 56073

To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person or check online at <http://www.dnr.state.mn.us/input/rules/rulemaking.html> after November 15, 2012, and before November 27, 2012.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Linda Erickson-Eastwood at Fisheries Section, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4020, 651-259-5206, [linda.erickson-eastwood@state.mn.us](mailto:linda.erickson-eastwood@state.mn.us). TTY users may call the Department of Natural Resources at 651-296-5484 or 1-800-657-3929.

**Subject of Rules and Statutory Authority.** The proposed amendments to existing rules cover a variety of areas pertaining to aquatic wildlife rules, including commercial and recreational fishing in Lake Superior and its tributaries, recreational fishing in other waters of Minnesota, making boundary waters rules consistent with the bordering state, eliminating obsolete rules, and making rules consistent with legislative changes. The statutory authorities to adopt the rules are the following *Minnesota Statutes*:

<u>Rule Part</u>	<u>Statute sections</u>
6260.1800	97C.041, 97C.345, 97A.418, 97C.811, 97C.821, 97C.835, and 97C.836
6262.0200	97C.025, 97C.041, 97C.045, 97C.325, 97C.371, 97C.375, 97C.395, 97C.401, and 97C.415
6262.0300	97C.315, 97C.395, 97C.401, and 97C.811
6262.0500	97A.101, 97C.001, 97C.005, 97C.395, 97C.401, 97C.801
6262.0600	14.388, 97A.045
6266.0200	97C.401



6266.0300 97C.045, 97C.401  
6266.0400 97C.045, 97C.395, 97C.401  
6266.0500 97A.401, 97C.001, 97C.005, 97C.045, 97C.395

A copy of the proposed rules is published in the *State Register*, posted on the DNR website at <http://www.dnr.state.mn.us/input/rules/rulemaking.html>, and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, November 15, 2012, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, November 15, 2012. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for November 27, 2012, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-259-5073 after Thursday, November 15, 2012, or check the DNR website at <http://www.dnr.state.mn.us/input/rules/rulemaking.html> to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-3617842 and FAX 651-361-7936.

**Hearing Procedure.** If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or checking the DNR website <http://www.dnr.state.mn.us/input/rules/rulemaking.html>,

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make

this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

September 6, 2012

/s/ Tom Landwehr, Commissioner

1.1 **Department of Natural Resources**1.2 **Proposed Permanent Game and Fish Rules: Aquatic Regulation**1.3 **6260.1800 COMMERCIAL FISHING ON LAKE SUPERIOR.**

1.4 Subpart 1. **Species, seasons, and limits.** The species of fish in this subpart may be  
1.5 taken in Lake Superior by licensed commercial operators according to this subpart.

1.6 A. Chubs, alewives, ~~lake whitefish and round whitefish~~, smelt, and rough fish  
1.7 may be taken at any time. Ciscoes may be taken from December 1 through October  
1.8 31, except that ciscoes may be taken from November 1 through November 30 under a  
1.9 special permit approved by the commissioner.

1.10 B. Lake whitefish and round whitefish may be taken in gill, pound, or trap nets  
1.11 ~~at any time but no whitefish less than 20 inches total length may be possessed, bought, or~~  
1.12 ~~sold. Whitefish less than 20 inches in length must be returned to the water immediately~~  
1.13 under a special permit approved by the commissioner. Incidental catch of lake and round  
1.14 whitefish in other commercial fishing operations may be possessed but must be reported  
1.15 on forms provided by the commissioner.

1.16 C. Lake trout and siscowet may not be taken by commercial fishing except by  
1.17 special permit. Lake trout and siscowet legally taken under permit ~~must be sealed with~~  
1.18 ~~a tag, provided by the commissioner, affixed through the mouth and out the gill. The~~  
1.19 ~~tag must be affixed immediately upon removal from the water and before the boat is~~  
1.20 ~~brought to shore. No untagged lake trout may be possessed, bought, or sold by licensed~~  
1.21 ~~commercial operators. Lake trout or~~ incidentally taken to commercial operations and dead  
1.22 when removed from the water may be possessed only if sealed with a tag, provided by the  
1.23 commissioner, affixed through the mouth and out the gill. Untagged ~~incidentally taken~~  
1.24 lake trout and siscowet may not be possessed, bought, or sold by licensed commercial  
1.25 operators. All incidentally taken live lake trout and all untagged dead lake trout must be  
1.26 returned to the water immediately.

2.1 Subp. 2. **Use of gill nets.** While used on Lake Superior, a tag which is not smaller  
2.2 than 2-1/2 inches by five-eighths inch permanently bearing the owner's name and address  
2.3 must be attached to one end of the gill net float line near the first float.

2.4 While used on Lake Superior, ~~herring~~ cisco nets are considered gill nets which are  
2.5 weighted to fish in a floating or suspended position off the bottom, and ~~cisco~~ or chub nets  
2.6 are gill nets which are weighted to fish on the bottom.

2.7 Subp. 3. **Use of pound or trap nets.** Hoops and center leads of pound ~~or trap~~ nets  
2.8 used on Lake Superior may be of any length and diameter. A trap net may not exceed six  
2.9 feet in height and a hoop may not exceed six feet in diameter. The webbing for pound  
2.10 or trap nets, including leads, may not exceed 2-1/2 inch stretch measure, or be of twine  
2.11 size less than 9 gauge or 70 pound strength. Pound or trap nets may not be set within  
2.12 one-quarter mile of the mouth of any stream unless approved by the commissioner. Pound  
2.13 or trap nets may not be set in harbors from May 25 through March 31, except for St.  
2.14 Louis Bay downstream (east) of the U.S. Highway 53 bridge, unless approved by the  
2.15 commissioner. Commercial operators must notify the Lake Superior Fisheries Office  
2.16 within 48 hours if they are unable to lift and empty pound or trap nets at least once every  
2.17 48 hours. All net stakes, lines, and anchors must be removed from the lake bed within  
2.18 ten days of removing pound and trap nets. Commercial operators must notify the Lake  
2.19 Superior Fisheries Office prior to setting pound or trap nets and at the beginning of each  
2.20 week that pound or trap nets are used. The commissioner may deny the use of pound  
2.21 or trap nets during periods when such use would conflict with fisheries management  
2.22 activities. Pound or trap nets must be marked with a tag which is at least 2-1/2 inches by  
2.23 five-eighths inch permanently bearing the owner's name and address and attached to the  
2.24 top rope of the back side of the pound or crib. Trap nets set with anchors must have  
2.25 attached to the end farthest from shore one fluorescent orange or fluorescent red marker  
2.26 buoy constructed so that a minimum of 18 inches of buoy surface is visible above water in  
2.27 the absence of current or under the weight of nets and line. The number of the owner's

3.1 Lake Superior commercial fishing license must be plainly marked, in black, on the marker  
3.2 buoy. The marker buoy must be marked with a fluorescent orange or fluorescent red flag,  
3.3 at least one foot square, attached to the top of a ~~flag-staff~~ flagstaff at least five feet long,  
3.4 and the buoy constructed so that the ~~flag-staff~~ flagstaff is supported in a vertical position.  
3.5 Each flagstaff must display one linear foot of reflective surface material immediately  
3.6 below the flag. All buoys and floats used in pound or trap net sets must be constructed of  
3.7 styrofoam, plastic, rubber, or other materials nonhazardous to navigation.

3.8 Subp. 4. **Required net markings.** Gill nets, when set in Lake Superior, must be  
3.9 attached at each end to fluorescent orange or fluorescent red marker buoys constructed  
3.10 such that a minimum of 18 inches of buoy surface is visible above water in the absence of  
3.11 current or under the weight of nets and lines. The number of the owner's Lake Superior  
3.12 commercial fishing license must be plainly marked, in black, on each end marker buoy.  
3.13 Each end marker buoy must be marked with a fluorescent orange or fluorescent red  
3.14 flag, at least one foot square, attached to the top of a ~~flag-staff~~ flagstaff at least five feet  
3.15 long, and the buoy must be constructed so that the ~~flag-staff~~ flagstaff is supported in a  
3.16 vertical position. Each flagstaff must display one linear foot of reflective surface material  
3.17 immediately below the flag. In addition, the marker buoy attached to the shoreward (or  
3.18 westerly) end of each set must have a one foot square white flag positioned immediately  
3.19 below the fluorescent orange or fluorescent red flag. No other ~~buoys~~ staffs or flags  
3.20 employed in gill net sets may be marked with fluorescent orange or fluorescent red flags.  
3.21 Float or trip buoys used to support suspended nets for fishing cisco must be of vinyl or  
3.22 PVC material measuring a minimum of 15 inches in diameter of fluorescent red or orange  
3.23 color. All buoys and floats used in gill net sets must be constructed of styrofoam, plastic,  
3.24 rubber, or other materials nonhazardous to navigation.

3.25 Subp. 5. **Net limits for individual operators.**

4.1 A. No more than 100,000 feet of ~~herring cisco~~ net may be licensed in Minnesota  
4.2 waters of Lake Superior and no more than 2,000 feet of ~~herring cisco~~ net may be allocated  
4.3 to an individual licensee, except as provided by Minnesota Statutes, section 97C.835.

4.4 B. No more than ~~120,000~~ 100,000 feet of ~~cisco or~~ chub net may be licensed  
4.5 in Minnesota waters of Lake Superior and no more than ~~12,000~~ 10,000 feet of ~~cisco or~~  
4.6 chub net may be allocated to an individual licensee, except as provided by Minnesota  
4.7 Statutes, section 97C.835.

4.8 C. No more than five pound nets shall be licensed in Minnesota waters for  
4.9 taking smelt. Taking smelt by commercial gear is allowed only in Minnesota's Lake  
4.10 Superior management zone 1, referenced as "MN1" on the map posted on the Department  
4.11 of Natural Resources' Web site.

4.12 Subp. 6. **Net locations.** Gill nets may not be set within one-quarter mile of the shore  
4.13 in the area extending from the Superior entrance to Pigeon River, except under permit  
4.14 issued by the commissioner. From June 1 through Labor Day, gill nets not under permit  
4.15 must be at least one-half mile from the entrance of marinas or public accesses. Gill nets  
4.16 set on the bottom may not be in water shallower than 50 fathoms if closer than one mile  
4.17 from the Minnesota shore and 40 fathoms if farther than one mile from the Minnesota  
4.18 shore except under permit.

4.19 Subp. 7. **Required reporting.** Commercial fishing operators must submit a record of  
4.20 their commercial fishing operations for each month of the calendar year on forms provided  
4.21 by the commissioner. These reports must be submitted to the address identified on the  
4.22 form so that they are received within ten days after the end of the month for which the  
4.23 report is made. Reports must be made regardless of whether fish are taken and regardless  
4.24 of whether any fishing operations have taken place. Separate records must be kept for  
4.25 each pound or trap net used in Lake Superior and St. Louis Bay. Reports for pound or trap  
4.26 nets must include the number of game fish kept and released, and must be submitted to the

5.1 Lake Superior Office by the tenth day of each month for the preceding month, whether or  
5.2 not pound or trap nets were fished. Special permits may require more detailed reporting  
5.3 as described in subpart 8 or as a condition of the permit.

5.4 Subp. 8. Permits for taking lake trout, siscowet, cisco, lake whitefish, and round  
5.5 whitefish.

5.6 A. Only individuals currently licensed as commercial operators on Lake  
5.7 Superior may apply for permits to take lake trout, siscowet, cisco, lake whitefish, and  
5.8 round whitefish. Applicants must apply in writing on forms provided by the commissioner.  
5.9 Applications must be completed in full and returned by April 15 of each year for lake trout  
5.10 and by October 15 of each year for cisco to the address specified on the application.  
5.11 Applications for lake whitefish, round whitefish, and siscowet may be submitted at any  
5.12 time.

5.13 B. The permittee must be present on the vessel when setting, lifting, and  
5.14 processing fish. The permittee must provide, on forms provided by the commissioner:

5.15 (1) monthly records of harvest for lake trout;

5.16 (2) weekly records of harvest for cisco;

5.17 (3) records for lake whitefish, round whitefish, and siscowet as specified  
5.18 in the permit; and

5.19 (4) other records or information as specified in the permits.

5.20 Harvest reports from the previous year must be received before any new permits are issued  
5.21 the next year. Noncompliance of reporting may result in revocation or denial of permits.

5.22 C. The number of permits within an area (zone and grid) and harvest are  
5.23 limited as follows:

5.24 (1) for lake trout:



6.1                   (a) no more than ten permits per zone per season shall be issued with  
6.2 no more than two permits allowed per statistical grid as identified in a grid map. The  
6.3 commissioner shall conduct a lottery if more than ten applications are received for a  
6.4 specific zone or more than two applications are received for a specific grid;

6.5                   (b) no more than two gill net gangs shall be authorized per permit and  
6.6 the gill net gangs must be set only during the time period identified on the permit;

6.7                   (c) no more than 1,000 lake trout may be taken under an individual  
6.8 permit; and

6.9                   (d) no more than 1,000 lake trout may be taken in a grid; and

6.10                  (2) for cisco:

6.11                   (a) by October 15 of each year, the commissioner shall review cisco  
6.12 population and harvest data and establish a cisco harvest allocation for each zone and  
6.13 for each permit; and

6.14                   (b) no more than three permits per statistical grid shall be authorized.

6.15                  D. The commissioner may specify conditions for permits to protect the species,  
6.16 including:

6.17                   (1) when authorized activities may be conducted, including days of the  
6.18 week or other time restrictions;

6.19                   (2) where net sets may be located;

6.20                   (3) how authorized activities are conducted, including harvest methods;

6.21                   (4) monthly or annual limits on the number or pounds of fish species that  
6.22 may be removed in the permitted zones and grids; and

6.23                   (5) the number and length of gill nets.

7.1 E. The commissioner shall consider the following criteria when making a  
7.2 decision on specifying conditions for a permit:

7.3 (1) whether the applicant is qualified to conduct the activities authorized  
7.4 by the permit;

7.5 (2) whether the activity will advance knowledge, understanding,  
7.6 interpretation, or management of a fish species, fish community, or water body;

7.7 (3) impacts to spawning fish, spawning areas, critical habitat, or fish  
7.8 communities;

7.9 (4) whether the activity is detrimental or helps achieve management  
7.10 objectives for the specific water body;

7.11 (5) whether water temperature, water quality conditions, or pathogens  
7.12 would lead to undue mortality or spread of diseases or invasives; and

7.13 (6) whether the activities during high-use periods are anticipated to cause  
7.14 user conflicts.

7.15 **6262.0200 FISHING REGULATIONS FOR INLAND WATERS.**

7.16 Subpart 1. **General inland fishing regulations.** Fish may be taken in inland waters  
7.17 by angling during the time specified for each of the following species, however, certain  
7.18 waters of the state are subject to experimental regulations, special regulations, or are  
7.19 closed for the taking and possession of fish. When the closing date of a season falls on a  
7.20 Saturday, the season will extend through the following Sunday.

7.21 Species and Open Season Daily and Possession Limits

7.22 A. Largemouth and smallmouth bass. 6 in aggregate.

8.1 (1) In all waters lying east and north of U.S.  
 8.2 Highway 53 from Duluth to International  
 8.3 Falls and Pelican and Ash Lakes, St.  
 8.4 Louis County.  
 8.5 Saturday two weeks prior to the Saturday  
 8.6 of Memorial Day weekend to the last  
 8.7 Sunday in February.  
 8.8 From the second Monday in September  
 8.9 to the end of the season, angling for  
 8.10 smallmouth bass shall be limited to  
 8.11 catch and release only. Any smallmouth  
 8.12 bass must be immediately returned to  
 8.13 the water and it shall be unlawful for  
 8.14 anyone to have in possession, regardless  
 8.15 of where taken, any smallmouth bass  
 8.16 while on or fishing in inland waters.

8.17 (2) In all other waters.  
 8.18 Saturday of Memorial Day weekend to  
 8.19 the last Sunday in February.  
 8.20 From the second Monday in September  
 8.21 to the end of the season, angling for  
 8.22 smallmouth bass shall be limited to  
 8.23 catch and release only. Any smallmouth  
 8.24 bass must be immediately returned to  
 8.25 the water and it shall be unlawful for  
 8.26 anyone to have in possession, regardless  
 8.27 of where taken, any smallmouth bass  
 8.28 while on or fishing in inland waters.

8.29 B. Brown trout.

<p>8.30 (1) <del>All streams and rivers from Lake</del>        8.31 <del>Superior upstream to the posted</del>        8.32 <del>boundaries, including the St. Louis River</del>        8.33 <del>upstream to the Minnesota-Wisconsin</del>        8.34 <del>boundary cable, and Lake Superior</del>        8.35 <del>tributaries with no posted boundaries.</del>        8.36</p>	<p><del>5 in aggregate with rainbow and brook</del>  <del>trout and splake, except the aggregate</del>  <del>limit on Carlton County streams is 10</del>  <del>with no more than 5 brown trout. Not</del>  <del>more than 1 may be over 16 inches in</del>  <del>length and minimum size limit is 10</del>  <del>inches in length.</del></p>
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9.1 ~~Open continuously.~~  
 9.2 ~~Only a single hook may be used for~~  
 9.3 ~~angling, except in the Pigeon River,~~  
 9.4 ~~Cook County, and the St. Louis River,~~  
 9.5 ~~St. Louis and Carlton Counties.~~

9.6 ~~(2) In all streams of the Lake Superior~~  
 9.7 ~~watershed in St. Louis, Lake, Carlton,~~  
 9.8 ~~and Cook Counties above the posted~~  
 9.9 ~~boundaries and their tributaries, except~~  
 9.10 ~~the St. Louis River and its tributaries~~  
 9.11 ~~upstream of the Fond du Lac Dam.~~  
 9.12 ~~Saturday nearest April 15 to September~~  
 9.13 ~~30.~~

~~10 in aggregate with rainbow and brook  
 trout and splake. No more than 1 may be  
 over 16 inches in length. No more than 5  
 may be brown trout.~~

9.14 ~~(3)~~ In all streams in Houston, Fillmore,  
 9.15 (1) Mower, Dodge, Olmsted, Winona,  
 9.16 Wabasha, and Goodhue Counties.  
 9.17 April 1 to September 30.

5 in aggregate with rainbow and brook  
 trout and splake. No more than 1 may be  
 over 16 inches in length. No harvest of  
 trout is allowed from April 1 up to but  
 not including the Saturday nearest April  
 15 and from September 15 to September  
 30. During these time periods, all trout  
 must be immediately returned to the  
 water and all hooks must be barbless.

9.23 ~~(4)~~ In all other streams, except those in  
 9.24 (2) part 6262.0300, subpart 6, item C, for  
 9.25 St. Louis, Lake, Carlton, and Cook  
 9.26 Counties.  
 9.27 Saturday nearest April 15 to September  
 9.28 30.

5 in aggregate with rainbow and brook  
 trout and splake. No more than 1 may be  
 over 16 inches in length.

9.29 ~~(5)~~ In lakes only:  
 9.30 (3)  
 9.31  
 9.32 Statewide.

5 in aggregate with rainbow and brook  
 trout and splake. No more than 3 may be  
 over 16 inches in length.

10.1 Saturday two weeks prior to Saturday  
10.2 of Memorial Day weekend to October  
10.3 31.

10.4 All lakes entirely within the Boundary  
10.5 Waters Canoe Area Wilderness ~~except~~  
10.6 ~~Ram Lake.~~

10.7 ~~Saturday nearest January 1, except~~  
10.8 ~~when January 1 falls on a Sunday,~~  
10.9 ~~Monday, or Tuesday, then opening day~~  
10.10 ~~is the preceding Saturday (Saturday~~  
10.11 ~~nearest January 1), to March 31.~~

10.12 All lakes entirely or partly outside  
10.13 the Boundary Waters Canoe Area  
10.14 Wilderness ~~and exceptions.~~

10.15 Saturday nearest January 15 to March  
10.16 ~~15~~ 31.

10.17 ~~Lakes lying partly outside the~~  
10.18 ~~Boundary Waters Canoe Area~~  
10.19 ~~Wilderness and exceptions include~~  
10.20 ~~Ram, Meditation, and Lizz Lakes.~~

10.21 Lakes in Becker, Beltrami, Cass, Crow  
10.22 Wing, and Hubbard Counties, except  
10.23 Blue Lake in Hubbard County.

10.24 Closed for the winter season.

10.25 C. Brook trout and splake.

10.26 ~~(1) All streams and rivers from Lake Superior upstream to the posted boundaries, including the St. Louis River upstream to the Minnesota-Wisconsin boundary cable, and Lake Superior tributaries with no posted boundaries, except for Lake Superior tributaries in Carlton County.~~ ~~5 in aggregate with brown and rainbow trout. The aggregate limit for brook trout and splake is 1 and the minimum size limit is 20 inches in length.~~

10.34 ~~Saturday nearest April 15 to Labor Day.~~

11.1 ~~Only a single hook may be used for~~  
 11.2 ~~angling, except in the Pigeon River,~~  
 11.3 ~~Cook County, and the St. Louis River,~~  
 11.4 ~~St. Louis and Carlton Counties.~~

11.5 ~~(2) In all streams of the Lake Superior 10 in aggregate with brown and rainbow~~  
 11.6 ~~watershed in St. Louis, Lake, and Cook trout. No more than 1 may be over 16~~  
 11.7 ~~Counties above the posted boundaries inches in length.~~  
 11.8 ~~and their tributaries; and the entire length~~  
 11.9 ~~of Carlton County streams, except the St.~~  
 11.10 ~~Louis River and its tributaries upstream~~  
 11.11 ~~of the Fond du Lac Dam.~~  
 11.12 ~~Saturday nearest April 15 to September~~  
 11.13 ~~30.~~

11.14 ~~(3)~~ In all streams in Houston, Fillmore, 5 in aggregate with rainbow and brown  
 11.15 (1) Mower, Dodge, Olmsted, Winona, trout and splake. No more than 1 may be  
 11.16 Wabasha, and Goodhue Counties. over 16 inches in length. No harvest of  
 11.17 April 1 to September 30. trout is allowed from April 1 up to but  
 11.18 not including the Saturday nearest April  
 11.19 15 and from September 15 to September  
 11.20 30. During these time periods, all trout  
 11.21 must be immediately returned to the  
 11.22 water and all hooks must be barbless.

11.23 ~~(4)~~ In all other streams, except those in 5 in aggregate with brown and rainbow  
 11.24 (2) part 6262.0300, subpart 6, item B, for trout. No more than 1 may be over 16  
 11.25 St. Louis, Lake, Carlton, and Cook inches in length.  
 11.26 Counties.  
 11.27 Saturday nearest April 15 to September  
 11.28 30.

11.29 ~~(5)~~ In lakes only: 5 in aggregate with brown and rainbow  
 11.30 (3) trout. No more than 3 may be over 16  
 11.31 inches in length.

11.32 Statewide.  
 11.33 Saturday two weeks prior to Saturday  
 11.34 of Memorial Day weekend to October  
 11.35 31.

12.1 All lakes entirely within the Boundary  
 12.2 Waters Canoe Area Wilderness ~~except~~  
 12.3 ~~Ram Lake.~~

12.4 Saturday nearest January 1, except  
 12.5 when January 1 falls on a Sunday,  
 12.6 Monday, or Tuesday, then opening day  
 12.7 is the preceding Saturday (Saturday  
 12.8 nearest January 1), to March 31.

12.9 All lakes entirely or partly outside  
 12.10 the Boundary Waters Canoe Area  
 12.11 Wilderness ~~and exceptions.~~

12.12 Saturday nearest January 15 to March  
 12.13 ~~±5 31.~~

12.14 ~~Lakes lying partly outside the~~  
 12.15 ~~Boundary Waters Canoe Area~~  
 12.16 ~~Wilderness and exceptions include~~  
 12.17 ~~Ram, Meditation, and Lizz Lakes.~~

12.18 Lakes in Becker, Beltrami, Cass, Crow  
 12.19 Wing, and Hubbard Counties, except  
 12.20 Blue Lake in Hubbard County.

12.21 Closed for the winter season.

12.22 D. Rainbow trout, including steelhead.

12.23 ~~(1) All streams and rivers from Lake~~  
 12.24 ~~Superior upstream to the posted~~  
 12.25 ~~boundaries, including the St. Louis River~~  
 12.26 ~~upstream to the Minnesota-Wisconsin~~  
 12.27 ~~boundary cable, and Lake Superior~~  
 12.28 ~~tributaries with no posted boundaries.~~  
 12.29 ~~Open continuously.~~  
 12.30 ~~Only a single hook may be used for~~  
 12.31 ~~angling, except in the Pigeon River,~~  
 12.32 ~~Cook County, and the St. Louis River,~~  
 12.33 ~~St. Louis and Carlton Counties.~~

~~3-clipped rainbow trout. The minimum~~  
~~size limit for clipped rainbow trout is~~  
~~16 inches in length. Clipped rainbow~~  
~~trout have their adipose fin removed and~~  
~~must show a healed scar. No harvest~~  
~~of unclipped rainbow trout is allowed.~~  
~~All unclipped rainbow trout must be~~  
~~returned to the water immediately and~~  
~~it is unlawful for anyone to have in~~  
~~possession, regardless of where taken,~~  
~~any unclipped rainbow trout while on or~~  
~~fishing in the listed waters.~~

13.1 ~~(2) In all streams of the Lake Superior~~ No harvest of rainbow trout is allowed.  
 13.2 ~~watershed in St. Louis, Lake, Carlton,~~ All rainbow trout must be returned to the  
 13.3 ~~and Cook Counties above the posted~~ water immediately and it is unlawful for  
 13.4 ~~boundaries and their tributaries.~~ anyone to have in possession, regardless  
 13.5 ~~Saturday nearest April 15 to September~~ of where taken, any rainbow trout while  
 13.6 ~~30.~~ on or fishing in the listed waters.

13.7 ~~(3)~~ In all streams in Houston, Fillmore, 5 in aggregate with brown and brook  
 13.8 (1) Mower, Dodge, Olmsted, Winona, trout and splake. No more than 1 may be  
 13.9 Wabasha, and Goodhue Counties. over 16 inches in length. No harvest of  
 13.10 April 1 to September 30. trout is allowed from April 1 up to but  
 13.11 not including the Saturday nearest April  
 13.12 15 and from September 15 to September  
 13.13 30. During these time periods, all trout  
 13.14 must be immediately returned to the  
 13.15 water and all hooks must be barbless.

13.16 ~~(4)~~ In all other streams, except those in 5 in aggregate with brook and brown  
 13.17 (2) part 6262.0300, subpart 6, item A, for trout and splake. No more than 1 may be  
 13.18 St. Louis, Lake, Carlton, and Cook over 16 inches in length.  
 13.19 Counties.  
 13.20 Saturday nearest April 15 to September  
 13.21 30.

13.22 ~~(5)~~ In lakes only: 5 in aggregate with brook and brown  
 13.23 (3) trout and splake. No more than 3 may be  
 13.24 over 16 inches in length.

13.25 Statewide.  
 13.26 Saturday two weeks prior to Saturday  
 13.27 of Memorial Day weekend to October  
 13.28 31.

13.29 All lakes entirely within the Boundary  
 13.30 Waters Canoe Area Wilderness ~~except~~  
 13.31 ~~Ram Lake.~~



14.1 ~~Saturday nearest January 1, except~~  
 14.2 ~~when January 1 falls on a Sunday,~~  
 14.3 ~~Monday, or Tuesday, then opening day~~  
 14.4 ~~is the preceding Saturday (Saturday~~  
 14.5 ~~nearest January 1), to March 31.~~

14.6 All lakes entirely or partly outside  
 14.7 the Boundary Waters Canoe Area  
 14.8 Wilderness ~~and exceptions.~~

14.9 Saturday nearest January 15 to March  
 14.10 ~~±5 31.~~

14.11 ~~Lakes lying partly outside the~~  
 14.12 ~~Boundary Waters Canoe Area~~  
 14.13 ~~Wilderness and exceptions include~~  
 14.14 ~~Ram, Meditation, and Lizz Lakes.~~

14.15 Lakes in Becker, Beltrami, Cass, Crow  
 14.16 Wing, and Hubbard Counties, except  
 14.17 Blue Lake in Hubbard County.

14.18 Closed for the winter season.

14.19 E. Lake trout. 2  
 14.20 Statewide.

14.21 Saturday two weeks prior to Saturday  
 14.22 of Memorial Day weekend to  
 14.23 September 30.

14.24 All lakes entirely within the Boundary  
 14.25 Waters Canoe Area Wilderness ~~except~~  
 14.26 ~~Saganaga and Ram Lakes.~~

14.27 ~~Saturday nearest January 1, except~~  
 14.28 ~~when January 1 falls on a Sunday,~~  
 14.29 ~~Monday, or Tuesday, then opening day~~  
 14.30 ~~is the preceding Saturday (Saturday~~  
 14.31 ~~nearest January 1), to March 31.~~

14.32 All lakes lying entirely or partly outside  
 14.33 the Boundary Waters Canoe Area  
 14.34 Wilderness ~~and exceptions.~~

15.1 Saturday nearest January 15 to March  
15.2 ~~15 31.~~

15.3 ~~Lakes partly outside the Boundary~~  
15.4 ~~Waters Canoe Area Wilderness~~  
15.5 ~~and exceptions include Snowbank,~~  
15.6 ~~Magnetic, Ram, Seagull, Clearwater,~~  
15.7 ~~East Bearskin, and Saganaga.~~

15.8 ~~All streams and rivers from Lake~~  
15.9 ~~Superior upstream to the posted~~  
15.10 ~~boundaries, including the St. Louis River~~  
15.11 ~~upstream to the Minnesota-Wisconsin~~  
15.12 ~~boundary cable and Lake Superior~~  
15.13 ~~tributaries with no posted boundaries.~~

15.14 ~~December 1 through the first full~~  
15.15 ~~weekend in October.~~

15.16 ~~F. Chinook, coho, Atlantic, and pink~~ 5 in aggregate. All must be at least 10  
15.17 ~~salmon.~~ inches in length. No more than 1 may be  
15.18 ~~Continuous.~~ an Atlantic salmon.

15.19 ~~G. F.~~ F. Walleye and sauger. 6 in aggregate.  
15.20 Saturday two weeks prior to the Saturday  
15.21 of Memorial Day weekend to the last  
15.22 Sunday in February.

15.23 ~~H. G.~~ G. Northern pike. 3  
15.24 Saturday two weeks prior to the Saturday  
15.25 of Memorial Day weekend to the last  
15.26 Sunday in February.  
15.27 The limit also applies to the taking by  
15.28 dark house spearing.

15.29 ~~I. H.~~ H. Muskellunge (including  
15.30 muskellunge-northern pike hybrid).  
15.31 The first Saturday in June to December 1.  
15.32 (1) In all inland waters not listed in subitem 1 in aggregate. The minimum size  
15.33 (2). limit is 48 inches in length.

- 16.1 (2) In the following lakes in Carver, 1 in aggregate. The minimum size  
 16.2 Dakota, Hennepin, Ramsey, Scott, and limit is 40 inches in length.  
 16.3 Washington Counties:
- | 16.4  | Lake:     | County:    |
|-------|-----------|------------|
| 16.5  | Bryant    | Hennepin   |
| 16.6  | Bush      | Hennepin   |
| 16.7  | Calhoun   | Hennepin   |
| 16.8  | Cedar     | Hennepin   |
| 16.9  | Cedar     | Scott      |
| 16.10 | Clear     | Washington |
| 16.11 | Crystal   | Dakota     |
| 16.12 | Crystal   | Hennepin   |
| 16.13 | Eagle     | Carver     |
| 16.14 | Elmo      | Washington |
| 16.15 | Gervais   | Ramsey     |
| 16.16 | Island    | Ramsey     |
| 16.17 | Isles     | Hennepin   |
| 16.18 | Johanna   | Ramsey     |
| 16.19 | Nokomis   | Hennepin   |
| 16.20 | Orchard   | Dakota     |
| 16.21 | Phalen    | Ramsey     |
| 16.22 | Pierson   | Carver     |
| 16.23 | Silver    | Ramsey     |
| 16.24 | Wasserman | Carver     |
| 16.25 | Weaver    | Hennepin   |
- 16.26 ~~F. I.~~ Rock bass. 30
- 16.27 Continuous.
- 16.28 ~~K. J.~~ White (striped) bass. 30
- 16.29 Continuous.

- 17.1 ~~E.~~ K. Crappies. 10  
 17.2 Continuous.
- 17.3 ~~M.~~ L. Sunfish. 20  
 17.4 Continuous.
- 17.5 ~~N.~~ M. Flathead and channel catfish. 5 in aggregate. No more than 1 may be  
 17.6 Continuous. over 24 inches and no more than 2 may  
 17.7 be flathead catfish.
- 17.8 ~~O.~~ N. Perch. 100 to November 30, 2000.  
 17.9 Continuous. 20 daily, 50 in possession, December 1,  
 17.10 2000, to November 30, 2001.  
 17.11 20 daily, 40 in possession, December 1,  
 17.12 2001, and thereafter.
- 17.13 ~~P.~~ O. Bullheads. 100  
 17.14 Continuous.
- 17.15 ~~Q.~~ P. Sturgeon. 0  
 17.16 Closed.
- 17.17 ~~R.~~ Q. Carp, bowfin, redhorse, sheepshead, No limits.  
 17.18 suckers, burbot, gar, whitefish, goldeyes,  
 17.19 tullibeas, buffalo, smelt.  
 17.20 Continuous.

17.21 [For text of subp 2, see M.R.]

17.22 **6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR AND**  
 17.23 **TRIBUTARIES.**

17.24 [For text of subps 1 to 4, see M.R.]

- 17.25 Subp. 5. **Prohibition on taking fish for bait purposes.** ~~The~~ Taking of fish for bait  
 17.26 purposes from all Minnesota waters of Lake Superior and all waters of the St. Louis River  
 17.27 downstream of the Fond du Lac Dam in St. Louis and Carlton Counties, including any

18.1 and all outflows, estuaries, streams, creeks, or waters adjacent to or flowing into these  
18.2 waters, is prohibited.

18.3 Subp. 6. **Lake Superior and tributaries open season, daily and possession limits.**

18.4 Angling season and daily and possession limits for Lake Superior are as follows:

18.5	Species	Open Season	Daily and Possession Limits
18.6 18.7	A. Rainbow trout, including steelhead	Continuous	5 in aggregate with brown and brook trout and splake. No more than 3 may be clipped rainbow trout, including steelhead. The minimum size limit for clipped rainbow trout is 16 inches in length. Clipped rainbow trout have their adipose fin removed and must show a healed scar. No harvest of unclipped rainbow trout is allowed. All unclipped rainbow trout must be returned to the water immediately and it is unlawful for anyone to have in possession, regardless of where taken, any unclipped rainbow trout while on or fishing in Lake Superior.
18.8 18.9 18.10 18.11 18.12 18.13 18.14 18.15 18.16 18.17 18.18 18.19	<u>All streams and rivers from Lake Superior upstream to the posted boundaries, including the St. Louis River upstream to the Highway 23 bridge, and Lake Superior tributaries with no posted boundaries. Only a single hook may be used for angling, except in the Pigeon River (Cook County), and the St. Louis River (St. Louis and Carlton Counties).</u>	<u>Saturday nearest April 15 to September 30</u>	<u>No harvest of rainbow trout is allowed. All rainbow trout must be returned to the water immediately. It is unlawful for anyone to have in possession, regardless of where taken, any rainbow trout while on or fishing in the listed waters.</u>
18.20 18.21 18.22 18.23 18.24 18.25 18.26 18.27 18.28 18.29 18.30 18.31	<u>In all streams of the Lake Superior watershed in St. Louis, Lake, Carlton, and Cook Counties above the posted boundaries and their tributaries.</u>		

18.32  
18.33  
18.34 B. Brook trout and splake

19.1 All streams and rivers from Saturday nearest  
 19.2 Lake Superior upstream to the April 15 through  
 19.3 posted boundaries, including Labor Day  
 19.4 the St. Louis River upstream  
 19.5 to the Highway 23 bridge, and  
 19.6 Lake Superior tributaries with  
 19.7 no posted boundaries. 5 in aggregate with brown and rainbow trout. The aggregate limit for brook trout and splake is 1 and the minimum size limit is 20 inches in length.

19.8 Only a single hook may be  
 19.9 used for angling, except in the  
 19.10 Pigeon River (Cook County),  
 19.11 and the St. Louis River (St.  
 19.12 Louis and Carlton Counties).

19.13 In all streams of the Lake Saturday nearest  
 19.14 Superior watershed in St. April 15 to  
 19.15 Louis, Lake, Carlton, and September 30  
 19.16 Cook Counties above the  
 19.17 posted boundaries and their  
 19.18 tributaries. 5 in aggregate with brown trout. No more than 1 may be over 16 inches in length.

19.19 C. Brown trout

19.20 All streams and rivers from Continuous  
 19.21 Lake Superior upstream to the  
 19.22 posted boundaries, including  
 19.23 the St. Louis River upstream  
 19.24 to the Highway 23 bridge, and  
 19.25 Lake Superior tributaries with  
 19.26 no posted boundaries. Only a  
 19.27 single hook may be used for  
 19.28 angling, except in the Pigeon  
 19.29 River (Cook County), and the  
 19.30 St. Louis River (St. Louis and  
 19.31 Carlton Counties). 5 in aggregate with rainbow and brook trout and splake. ~~Not~~ No more than 1 may be over 16 inches and the minimum size limit is 10 inches in length.

19.32 In all streams of the Lake Saturday nearest  
 19.33 Superior watershed in St. April 15 to  
 19.34 Louis, Lake, Carlton, and September 30  
 19.35 Cook Counties above the  
 19.36 posted boundaries and their  
 19.37 tributaries. 5 in aggregate with brook trout and splake. No more than 1 may be over 16 inches in length.

20.1 D. Lake trout

20.2 All streams and rivers from December 1 3  
 20.3 Lake Superior upstream to the through the first  
 20.4 posted boundaries, including full weekend in  
 20.5 the St. Louis River upstream October  
 20.6 to the Highway 23 bridge, and  
 20.7 Lake Superior tributaries with  
 20.8 no posted boundaries.

20.9 E. Chinook, coho, Atlantic, and Continuous 5 in aggregate. All must be at  
 20.10 pink salmon least 10 inches in length. Only 1  
 20.11 may be an Atlantic salmon.

20.12 F. Smelt Continuous Smelt may be possessed without  
 20.13 limit and may be bought or sold  
 20.14 at any time.

20.15 G. Walleye

20.16 All streams and rivers from Saturday two weeks 2. All must be at least 15 inches  
 20.17 Lake Superior upstream to the prior to Saturday in length.  
 20.18 posted boundaries, including of Memorial Day  
 20.19 the St. Louis River upstream weekend through  
 20.20 to the Highway 23 bridge, and March 1  
 20.21 Lake Superior tributaries with  
 20.22 no posted boundaries.

20.23 H. Northern pike

20.24 All streams and rivers from Saturday two weeks 2  
 20.25 Lake Superior upstream to the prior to Saturday  
 20.26 posted boundaries, including of Memorial Day  
 20.27 the St. Louis River upstream weekend through  
 20.28 to the Highway 23 bridge, and March 1  
 20.29 Lake Superior tributaries with  
 20.30 no posted boundaries.

20.31 All other species may be taken as allowed by inland regulations. When the closing  
 20.32 date of the season falls on a Saturday, the season extends to the following Sunday.

21.1 Subp. 7. **Single hook restrictions.** Only a single hook per rod may be used for  
 21.2 angling below the barrier in tributaries to Lake Superior, except in the Pigeon River (Cook  
 21.3 County), and the St. Louis River (St. Louis and Carlton Counties). "Single hook" does not  
 21.4 include a treble or double hook, stinger hook, or lure with multiple single hooks or more  
 21.5 than one hook on any type of drop line or at the end of the line.

21.6 **6262.0500 WATERS CLOSED TO TAKING FISH.**

21.7 Subpart 1. **Waters permanently closed to taking fish.** The following waters or  
 21.8 designated portions are closed to the taking of all fish at all times, except by permit  
 21.9 according to part 6260.0300, subpart 1, and Minnesota Statutes, section 97C.041:

21.10 [For text of items A to P, see M.R.]

21.11 Q. St. Louis County:

21.12 (1) French River, between Lake Superior and the new Highway 61, S.17,  
 21.13 T.52, R.12.

21.14 (2) Knife River, S.25, T.52, R.12, from the top of the second falls 100  
 21.15 feet downstream.

21.16 (3) Lester River, immediately downstream of the Superior Street bridge  
 21.17 to the bottom of the first falls. The pool downstream of the first falls remains open. S.8,  
 21.18 T.50, R.13.

21.19 [For text of items R to W, see M.R.]

21.20 Subp. 2. **Waters seasonally closed to taking fish.** The following waters in the  
 21.21 portions designated are closed to the taking of all fish during the periods specified:

21.22 [For text of item A, see M.R.]

21.23 B. St. Louis and Carlton Counties:

21.24 [For text of subitem (1), see M.R.]



22.1 (2) Lake Superior from the mainland to a line that runs from the mouth  
 22.2 of Chester Creek, S.23, T.50N, R.14W, to the outermost portion of the north/west arm  
 22.3 of the Duluth ship canal, S.27, T.50N, R.14W. The dates of closure are from the day  
 22.4 after the first full weekend in October † to November 30. When November 30 falls on  
 22.5 a Saturday, the closure extends to the following Sunday. Fishing is allowed only from  
 22.6 shore in this area during the dates of closure.

22.7 [For text of item C, see M.R.]

22.8 ~~D. St. Louis County:~~

22.9 ~~(1) Little Knife River, S.17,21-23,26-28,35,36, T.52, R.12, from the weir~~  
 22.10 ~~upstream to the source. The dates of the closure are September 1 through May 31, and~~

22.11 ~~(2) Knife River, S.25, T.52N, R.12W, between the cables. The dates of~~  
 22.12 ~~closure are September 1 to May 31.~~

22.13 ~~E. Lake County: Knife River and tributaries, S.4,5, T.52, R.11, upstream of~~  
 22.14 ~~Lake County Road 9 are closed from October 1 through May 14.~~

22.15 F.D. Cass County: the Gull River from the United States Army Corps of  
 22.16 Engineers dam (Government Lot 1, S.20, T.134N, R.29W) downstream 250 feet. The  
 22.17 closure is from the Saturday two weeks prior to the Saturday of Memorial Day weekend to  
 22.18 the Friday before Memorial Day.

22.19 G.E. Goodhue County:

22.20 (1) Mississippi River, within 300 feet below Lock and Dam 3 at Red Wing,  
 22.21 S.10, T.113, R.15. The closure is from March 1 to April 30; and

22.22 (2) Cannon River and Hay Creek floodplain, S.10,11,13,14,15,23,24,25,26,  
 22.23 T.113, R.15, and S.19, T.113, R.14, includes floodplain lakes and streams in the area  
 22.24 bounded on the northwest by the Vermillion River, on the south and southwest by

23.1 Canadian Pacific Railroad track, and on the north and east by the Mississippi River. The  
23.2 dates of closure are April 1 through May 15.

23.3 ~~H.F.~~ Wabasha County: Mississippi River, within 300 feet below Lock and Dam  
23.4 4 at Alma, Wisconsin, S.17,20, T.110, R.9. The closure is from March 1 to April 30.

23.5 Subp. 2a. **Waters closed to possession of fish.** The following waters have  
23.6 restrictions on the possession of fish:

23.7 A. Mink Lake in Wright County: S.23-25, T.121, R.27, and Somers Lake in  
23.8 Wright County, S.24-25, T.121, R.27, are closed to the possession of all fish through  
23.9 February 28, 1998, except that the daily and possession limit for sunfish is five. Possession  
23.10 and use of minnows as bait, except processed minnows in a dried, frozen, or pickled  
23.11 condition, is prohibited.

23.12 ~~B. The Otter Tail River from the Wilkin County Road 19 crossing in S.26,  
23.13 T.132, R.45 to the Friberg Dam in S.31, T.134, R.42, including the Orwell, Dayton  
23.14 Hollow, Pisgah, Central, and Diversion impoundments, S.25,26,35,36, T.132, R.45, in  
23.15 Wilkin County and S. Various, T.132-134, R.42-44, in Otter Tail County, is closed to the  
23.16 possession of smallmouth bass until March 1, 2008.~~

23.17 ~~E.B.~~ Annie Battle inlet and outlets in Otter Tail County: The inlet stream  
23.18 (T.133N, R.40W, S.24) beginning at the northeast exit point of Molly Stark Lake to the  
23.19 confluence with Annie Battle Lake and the outlet stream (T.133N, R.40W, S.12) beginning  
23.20 at the northwest exit of Annie Battle to Blanche Lake are closed to the possession of  
23.21 northern pike and largemouth bass. The daily and possession limit for sunfish is five.

23.22 ~~D.C.~~ Eagle Creek in Scott County: S.7,18, T.115N, R.21W, and S.13, T.115N,  
23.23 R.22 (south of State Highway 101 to the source of the east and west branches that are west  
23.24 of State Highway 13) is closed to the possession of trout.

23.25 ~~E.D.~~ [Repealed, 27 SR 1313]

24.1 F.E. Crawford Lake in Wright County: S.20, T.119N, R.25W, is closed to the  
 24.2 possession of largemouth bass. The daily and possession limit for sunfish is five, for  
 24.3 crappie is five, for walleye is two, and for yellow perch is ten.

24.4 [For text of subps 3 and 4, see M.R.]

24.5 **6266.0200 TAKING OF FISH ON MINNESOTA-IOWA BOUNDARY WATERS.**

24.6 [For text of subps 1 to 3, see M.R.]

24.7 Subp. 4. **Spearing and archery restrictions.** The taking of fish by spearing ~~or~~  
 24.8 ~~archery~~ is prohibited on Minnesota-Iowa boundary waters, except that carp, buffalo,  
 24.9 sheepshead, bowfin, gar, and quillback may be taken by spearing ~~or archery~~ from May 1  
 24.10 through February 15 between sunrise and sunset and possessed without limit.

24.11 [For text of subps 5 to 7, see M.R.]

24.12 **6266.0300 TAKING OF FISH ON MINNESOTA-NORTH DAKOTA BOUNDARY**  
 24.13 **WATERS.**

24.14 [For text of subps 1 and 2, see M.R.]

24.15 Subp. 3. **Spearing and archery restrictions.** The taking of fish by spearing ~~or~~  
 24.16 ~~archery~~ is prohibited on Minnesota-North Dakota boundary waters, except that carp,  
 24.17 buffalo, sheepshead, suckers, redhorse, bowfin, and gar may be taken by spearing ~~or~~  
 24.18 ~~archery~~ from May 1 through December 31 between sunrise and sunset each day. There  
 24.19 is no possession limit on the listed species of fish. A person may not have in possession  
 24.20 on or near the water or ice of Minnesota-North Dakota boundary waters a spear ~~or~~  
 24.21 ~~bow and arrow~~ at any time, except during the open season for spearing ~~and archery~~.  
 24.22 Possession includes personal possession and possession in a vehicle. The taking of fish  
 24.23 by spearing from or within a darkhouse or fish house is prohibited on Minnesota-North  
 24.24 Dakota boundary waters.

24.25 [For text of subps 4 to 7, see M.R.]

25.1 **6266.0400 TAKING OF FISH ON MINNESOTA-SOUTH DAKOTA BOUNDARY**  
25.2 **WATERS.**

25.3 [For text of subp 1, see M.R.]

25.4 Subp. 2. **Species, seasons, and limits on Minnesota-South Dakota boundary**  
25.5 **waters.** The following applies to the species, seasons, and limits for taking fish on  
25.6 Minnesota-South Dakota boundary waters:

25.7 25.8 25.9	Species	Open Season	Daily and Possession Limits
25.10 25.11 25.12 25.13	A. Walleye and sauger	Saturday closest to April 21 through last day in February.	4; with only one walleye over 20 inches.
25.14 25.15	B. Northern pike	Saturday closest to April 21 through last day in February.	6
25.16 25.17	C. Small and large mouth bass	Saturday closest to April 21 through last day in February.	6
25.18	D. Crappie	Continuous.	10
25.19	E. Sunfish and bluegill	Continuous.	10
25.20	F. Rock bass	Continuous.	20
25.21	G. Bullhead	Continuous.	100
25.22 25.23	H. Perch	Continuous.	<u>25 15 daily, 30 in possession.</u>
25.24 25.25 25.26	I. Catfish	Continuous.	5 with only 1 over 24 inches.
25.27	J. Sturgeon	Closed.	0

26.1 K. Carp, buffalo, sheepshead, Continuous. No limits.  
 26.2 sucker, redhorse, bowfin,  
 26.3 burbot, gar, and white  
 26.4 (striped) bass

26.5 When the closing falls on a Saturday, the season will extend through the following  
 26.6 Sunday.

26.7 Subp. 3. ~~Spearing and archery~~ restrictions. The taking of fish by spearing ~~or~~  
 26.8 ~~archery~~ is prohibited on Minnesota-South Dakota boundary waters, except that carp,  
 26.9 buffalo, sheepshead, suckers, redhorse, bowfin, burbot, and gar may be taken by spearing  
 26.10 ~~or archery~~ and possessed without limit from the last Saturday in April through November  
 26.11 30 between sunrise and sunset each day. When the 30th falls on a Saturday, the season  
 26.12 will extend through the following Sunday.

26.13 Subp. 4. **Restricted equipment.** A person may not have in possession on or near the  
 26.14 water or ice of Minnesota-South Dakota boundary waters a spear, or spring gaff, ~~or bow~~  
 26.15 ~~and arrow~~ at any time, except during the open season for spearing ~~and archery~~.

26.16 [For text of subps 5 to 14, see M.R.]

26.17 **6266.0500 TAKING OF FISH ON MINNESOTA-WISCONSIN BOUNDARY**  
 26.18 **WATERS.**

26.19 Subpart 1. **Specified waters.** The provisions of this part apply to the following  
 26.20 described Minnesota-Wisconsin boundary waters:

26.21 A. Mississippi River and Lake Pepin extending from the mouth of the St. Croix  
 26.22 River at the U.S. Highway 10 bridge at Prescott, Wisconsin to the southern boundary of  
 26.23 this state and lying between the Burlington Northern main railroad tracks on the Wisconsin  
 26.24 side and the ~~Chicago, Milwaukee,~~ Canadian Pacific, St. Paul, and Pacific Railroad tracks  
 26.25 on the Minnesota side, including all sloughs, backwaters, bays, and newly extended water  
 26.26 areas lying between the railroad tracks.

27.1 [For text of items B and C, see M.R.]

27.2 [For text of subps 2 to 7, see M.R.]

27.3 Subp. 8. **Restricted equipment.** No more than two tip-ups may be used for ice  
27.4 fishing on Minnesota-Wisconsin boundary waters. Tip-ups may not be more than 400 feet  
27.5 from the angler. A person may not use a spear, dip net, or bow and arrow in any manner at  
27.6 any time for the purpose of taking game fish or have in possession or under control any  
27.7 fish spear, spring gaff, or similar device in a fish house. Rough fish may be taken by means  
27.8 of a spear or dip net not to exceed 24 inches in diameter, ~~or bow with tethered arrow~~  
27.9 ~~except crossbow~~, from sunrise to sunset only, from the Saturday nearest May 1 through  
27.10 March 1. A person may not have in possession on the water or immediate banks of the  
27.11 water a spear, except during the open season for spearing.

27.12 [For text of subps 9 and 10, see M.R.]

27.13 **REPEALER.** Minnesota Rules, part 6262.0600, subpart 2, is repealed.