

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER'S ORDER NO. 2339

REGULATIONS FOR THE TAKING OF FISH IN LAKE
OF THE WOODS BY LICENSED COMMERCIAL FISHERMEN;
SUPERSEDING COMMISSIONER'S ORDER NO. 2195

Pursuant to authority vested in me by Minn. Stat. § 97C.825 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of fish in Lake of the Woods by licensed commercial fishermen.

Section 1. SPECIES AND SEASONS.

(a) Species. The following species of fish may be taken in Lake of the Woods by licensed commercial fishermen during the seasons described.

(1) Inland commercial fish, as defined by Minn. Stat. § 97C.811, subd. 2, including carp, bowfin, burbot, cisco, goldeye, rainbow smelt, black bullhead, brown bullhead, yellow bullhead, lake whitefish; members of the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and members of the gar family, Lepisosteidae.

(b) Seasons. The commercial fishing season shall be January 1 through December 31.

139438

COMMISSIONER'S ORDER NO. 2339

(c) All fish taken that do not otherwise meet the requirements of this order shall immediately be returned to the water, dead or alive.

Sec. 2. COMMERCIAL FISHING PROHIBITED.

Unless specifically provided by permit, commercial fishing is prohibited in the following described areas:

- (a) Within 500 feet of the mouth of any stream;
- (b) Within two (2) miles of the lakeside shoreline of Pine Island; and
- (c) In Four Mile Bay and Zippel Bay.

Sec. 3. NETS.

Licensed commercial fishermen shall take fish by means of nets in accordance with the following provisions. No commercial fishermen shall use any type of net except as specified in his or her license. No commercial fishermen shall set nets or otherwise operate in any area except as specified in his or her license.

- (a) Fyke nets, staked trap nets, and pound nets. No licensee shall operate more than ten (10) fyke nets and ten (10) staked trap nets. The aggregate total of fyke nets and staked trap nets allowed on Lake of the Woods is 80. No licensee shall operate more than six (6) pound nets. The aggregate total of pound nets allowed on Lake of the Woods is 50. Fyke, staked trap and pound nets shall have no depth limitation, shall be set only in areas specified in the license, and shall not be set in

COMMISSIONER'S ORDER NO. 2339

strings of more than two (2) without written authorization from the local Area Fisheries Supervisor.

(1) Fyke nets. Fyke nets shall comply with the following requirements: The size of the mesh in the crib shall be not less than two and one-half (2-1/2) inches or more than four (4) inches, stretch measure. The wings shall not exceed 100 feet in length and the lead shall not exceed 300 feet in length. The hoops shall not exceed six (6) feet in height.

(2) Staked trap nets. Staked trap nets shall comply with the following requirements: The crib shall not exceed 22 feet on any side with the top open and breaching the water surface. The size of the mesh in the crib shall be not less than two and one-half (2-1/2) inches or more than four (4) inches, stretch measure. The lead shall not exceed 400 feet in length.

(3) Pound nets. Pound nets shall comply with the following requirements: There shall be no limitation on the size of the crib. The mesh of the crib shall be of a size not less than two and one-half (2-1/2) inches, stretch measure. The crib shall have an opening at the top breaching the water surface. The lead shall not exceed 825 feet in length.

(b) Submerged trap nets. No licensee shall operate more than eight (8) submerged trap nets and the aggregate total allowed on Lake of the Woods is 160. Submerged trap nets shall comply with the following requirements: the heart and crib shall

COMMISSIONER'S ORDER NO. 2339

be of mesh size not less than two and one-half (2-1/2) inches or more than three (3) inches, stretch measure. The height of any part of the heart, crib or lead shall not exceed 12 feet. The length of the lead shall not exceed 300 feet. In Muskeg Bay from June 20 to October 14, both dates inclusive, no portion of a net shall be in water less than 15 feet deep. Along the southern shoreline of Big Traverse Bay from June 1 to October 14, both dates inclusive, no portion of a net shall be in water less than 15 feet deep. Submerged trap nets shall be set only in areas specified in the license, and shall not be set in strings of more than two (2) without written authorization from the local conservation officer. No submerged trap net shall be placed in Northwest Angle Inlet west of a line from a point on the international boundary midway between Buckets Island and Magnuson Island; thence southeasterly to the easterly shore of Magnuson Island; thence southerly and westerly along said shore to the line between Section 23 and Section 24, Township 168 North, Range 34 West; thence south to the shore of the mainland in Section 26, Township 168 North, Range 34 West. Submerged trap nets shall contain a buoy at each end of each net and each buoy shall be marked with a yellow or blaze orange flag displaying not less than one square foot of surface, rising not less than three feet above the water. Attached to the staff of each buoy shall be an identification tag. The tag shall be of metal or other permanent material and the minimum size shall be two and one-half (2-1/2)

COMMISSIONER'S ORDER NO. 2339

inches by five-eighths (5/8) inch. Each tag shall bear the operator's name and license number engraved upon it.

(c) Mesh measurement. Mesh measurement for the purposes of this order shall mean the distance between the extreme opposite knots or corners of a single mesh, taken between the thumb and forefingers and applying enough pressure laterally to allow the opposite sides of the mesh to meet. For the purposes of this order, any entire net or lot of netting shall be deemed to be of the same mesh size as the majority of ten or more meshes in any part of the net or lot at least three meshes removed from the selvage or side lines selected at random and measured as herein prescribed by a conservation officer or other officer authorized to enforce the laws relating to wild animals.

(d) All nets shall be lifted and emptied of fish at least once in every 48-hour period, unless a longer period is granted by the commissioner or his authorized agent.

(e) Within ten days after removing nets each commercial fisherman shall remove from the lake bed all net stakes set by him.

Sec. 4. SPECIAL PROVISIONS.

(a) All licensed commercial fishermen shall report to the commissioner on forms furnished by him accurate, detailed information regarding their activities. Such information shall include the number of pounds and varieties of fish taken, amounts returned to the water, and any other information pertaining to

COMMISSIONER'S ORDER NO. 2339

the commercial fishing activities required by the commissioner. Monthly reports must be submitted by the 10th day of the following month to: Area Fisheries Headquarters, Route 1, Box 1193, Baudette, MN 56623.

(b) Except as provided by paragraph (c) of this section the following priority for commercial fishing on Lake of the Woods is hereby established:

(1) First priority shall go to holders of Lake of the Woods commercial fishing licenses for the preceding year whose applications for new licenses are received at least 30 days before the opening of the next fishing season.

(2) The Director of the Division of Fish and Wildlife may, in his discretion, give second priority to new applicants who have received and submitted the written endorsement of licensees who have surrendered their licenses prior to the expiration of the season covered thereby.

(3) Remaining priority shall go to all other applicants, in order of receipt of applications up to the maximum number allowed.

(c) In the event of a reduction or the elimination of any or all of the licenses available, nothing in this order shall give any priority among the current license holders or their assignees in any manner except as provided in paragraph (b) of this section.

COMMISSIONER'S ORDER NO. 2339

(d) No person shall hold both a master and helper commercial fishing license during the same license year.

(e) In case of the death of a licensed commercial fisherman during the fishing season, his legal representative or successor in interest shall succeed to the rights of the deceased license holder, and may continue operations under the license until the expiration thereof.

(f) Helper's license shall be transferred only upon written approval of a conservation officer or agent of the Director of the Division of Fish and Wildlife. No person shall be issued more than one helper's license unless he is the holder of a commercial fishing master license.

(g) The Director of the Division of Fish and Wildlife may issue permits for the removal of inland commercial fish at such time and under such conditions as he may deem necessary. The Director of the Division of Fish and Wildlife may issue experimental fishing permits under such conditions as he may deem desirable.

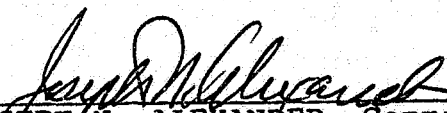
(h) Employees of the Division of Fish and Wildlife are hereby authorized and empowered to enter and inspect at all reasonable times the premises, including boats and other vehicles, whereby licensed commercial fishing operations involving Lake of the Woods are being conducted.

Sec. 5. Commissioner's Order No. 2195 is hereby superseded.

COMMISSIONER'S ORDER NO. 2339

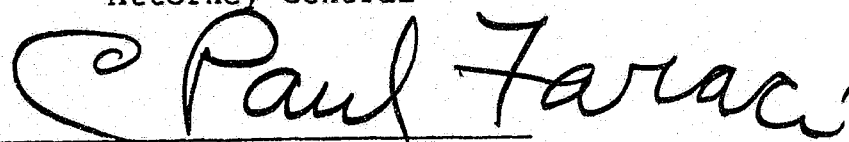
Dated at Saint Paul, Minnesota, this 4 day of

Aug, 1989.


JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

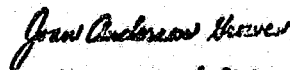
APPROVED AS TO FORM AND EXECUTION

HUBERT H. HUMPHREY, III
Attorney General


C. PAUL FARACI
Deputy Attorney General

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 10 1989


Secretary of State

1394/38