

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER'S ORDER NO. 2351

REGULATIONS FOR THE USE OF
TRAPS AND FOR THE TAKING
OF CERTAIN FURBEARERS;
SUPERSEDING COMMISSIONER'S ORDER NO. 2312

Pursuant to authority vested in me by Minn. Stat.

§§ 97B.605, 97B.621, 97B.625, 97B.631, 97B.635, 97B.901-97B.945
and other applicable law, I, Joseph N. Alexander, Commissioner of
Natural Resources, hereby prescribe the following regulations for
the use of traps and for the taking of mink, muskrat, raccoon,
opossum, lynx, bobcat, red fox, gray fox, badger, pine marten,
fisher, beaver and otter. All dates and time periods specified
in this order are inclusive, unless otherwise noted.

Section 1. FURBEARER ZONES.

(a) Forest Furbearer Zone. That portion of the state
lying within the following described boundary shall be known as
the Forest Furbearer Zone.

Beginning on U.S. Highway 59 at the northern
boundary of the state; thence along U.S. Hwy. 59 to
U.S. Hwy. 10; thence along U.S. Hwy. 10 to State Trunk
Highway (STH) 210; thence along STH 210 to STH 18;
thence along STH 18 to U.S. Hwy 169; thence along U.S.
Hwy. 169 to STH 23; thence along STH 23 to STH 65;
thence along STH 65 to STH 70; thence along STH 70 to
the eastern boundary of the state; thence along the
eastern and northern boundary of the state to the point
of beginning.

(b) Farmland Furbearer Zone. That portion of the
state lying outside of the Forest Furbearer Zone shall be known
as the Farmland Furbearer Zone.

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(c) North Mink/Muskrat/Beaver/Otter Zone. That portion of the state lying within the following described boundary shall be known as the North Mink/Muskrat/Beaver/Otter Zone.

Beginning on State Trunk Highway (STH) 200 at the western boundary of the state; thence along STH 200 to U.S. Highway 2; thence along U.S. Hwy. 2 to STH 73; thence along STH 73 to its junction with the Soo Line Railroad in the City of Moose Lake; thence easterly along the Soo Line Railroad to the eastern boundary of the state; thence along the eastern, northern and western boundaries of the state to the point of beginning.

(d) South Mink/Muskrat/Beaver/Otter Zone. That portion of the state lying outside of the North Mink/Muskrat/Beaver/Otter Zone shall be known as the South Mink/Muskrat/Beaver/Otter Zone.

Sec. 2. MINK AND MUSKRATS.

(a) Season in North Mink/Muskrat/Beaver/Otter Zone.
Mink and muskrats may be taken by trapping from 9:00 a.m. on the Saturday nearest October 26 to December 31.

(b) Season in South Mink/Muskrat/Beaver/Otter Zone.
Mink and muskrats may be taken by trapping from 9:00 a.m. on the Saturday nearest October 30 to December 31.

(c) Bag Limits. Mink and muskrats may be taken and possessed without limit.

(d) Special Provisions.

(1) The taking of mink with the use of dogs or by digging in any manner whatsoever is prohibited.

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(2) Traps may be set at natural entrances to muskrat runways and bank burrows.

(3) Openings can be made in any muskrat house for the purpose of trapping provided that they are plugged by replacing all materials removed and wetting said materials down in order to prevent freezing within the structure.

(4) No person may damage any muskrat house, muskrat runway or muskrat bank den, except as herein authorized.

Sec. 3. RACCOON.

(a) Season. Raccoons may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest October 22 to December 31.

(b) Bag Limits. Residents may take and possess raccoons without limit. Nonresidents may not take more than 20 raccoons per season, or possess more than 20 raccoons at any time.

(c) Special Provisions.

(1) A person may use dogs to pursue and tree raccoons without killing or capturing the raccoons from:

(A) January 1 to April 15 and from July 15 to October 14 without a permit; and

(B) From April 16 to July 14 in raccoon dog field trials by special permit issued to the sponsoring organization.

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(2) Each raccoon or, if the pelt is removed, the pelt thereof taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the raccoon or its pelt in the manner prescribed by Sec. 11(b) of this order.

(3) To take raccoons between sunset and sunrise, a person: A) must be on foot; and B) may use an artificial light to locate, attempt to locate, or shoot a raccoon only if the raccoon has been treed or put at bay by dogs.

Sec. 4. RED FOX AND GRAY FOX.

(a) Season. Red fox and gray fox may be taken statewide with legal firearms, bow and arrow and by trapping from 9:00 a.m. on the Saturday nearest October 22 to the last day in February.

(b) Bag Limits. Residents may take and possess red fox and gray fox without limit. Nonresidents may not take more than an aggregate of five red and gray fox per season, or possess more than an aggregate of five red and gray fox at any time.

(c) Tagging. Each red or gray fox or, if the pelt is removed, the pelt thereof taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the fox or its pelt in the manner prescribed by Sec. 11(b) of this order.

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(d) Special Provisions. Fox may be run without being taken by the use of dogs at any time during the year except from March 1 to July 14. Dogs may be used in taking fox during the open season.

Sec. 5. BADGER AND OPOSSUM.

(a) Season. Badgers and opossums may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest October 22 to the last day in February.

(b) Bag Limits. Badgers and opossums may be taken and possessed without limit.

(c) Special Provisions. Badgers and opossums may be taken by hunting from one-half hour before sunrise to sunset, daily.

Sec. 6. LYNX AND BOBCAT.

(a) Lynx. The taking of lynx is prohibited statewide.

(b) Bobcat. Bobcats may be taken with legal firearms, bow and arrow and by trapping from the Saturday nearest December 1 to the Sunday nearest January 10.

(c) Open Area. Bobcats may be taken only in that area of the state lying north of U.S. Hwy. 10.

(d) Bag Limits. No person may take more than five bobcats per season by either hunting or trapping or both. No person may possess more than five bobcats at any time, except

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that a person may possess additional pelts which he or she lawfully took, tagged and registered during previous seasons.

(e) Tagging. Each bobcat or, if the pelt is removed, the pelt thereof, taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to bobcat or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

(f) Special Provisions. Bobcats may be taken by hunting from one-half hour before sunrise to sunset daily.

Sec. 7. FISHER.

(a) Season. Fisher may be taken only in the Forest Furbearer Zone by trapping from the Saturday nearest December 1 to the Sunday nearest December 16.

(b) Bag Limits. No person may take more than one fisher per season or possess more than one fisher at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(c) Tagging. Each fisher or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All fisher trappers, regardless of age, must use the state-supplied possession tags. No tags will be issued to persons under five years of age. These tags must be obtained

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prior to the season according to the procedure in Sec. 11(a) of this order. These tags must be fastened to fisher or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

Sec. 8. PINE MARTEN.

(a) Season and Zone. Pine marten may be taken by trapping from the Saturday nearest December 1 to the Sunday nearest December 16, only in the following described area:

Beginning at the northern boundary of the state at the point due north of the junction of State Trunk Highway (STH) 11 and STH 72; thence due South to said junction; thence southerly along STH 72 to STH 1; thence easterly along STH 1 to STH 65; thence southerly along STH 65 to U.S. Hwy. 169; thence easterly along U.S. Hwy. 169 to STH 37; thence easterly along STH 37 to U.S. Hwy. 53; thence southerly along U.S. Hwy. 53 to the north shore of Lake Superior; thence along the north shore of Lake Superior to the northern boundary of the state; thence along the northern boundary of the state to the point of beginning.

(b) Bag Limit. No person may take more than two pine marten per season or possess more than two pine marten at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(c) Tagging. Each pine marten or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All marten trappers, regardless of age,

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must use the state-supplied marten possession tags. No tags will be issued to persons under five years of age. These tags must be obtained prior to the season according to the procedure set forth in Sec. 11(a) of this order. These tags must be fastened to the marten or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

Sec. 9. BEAVER AND OTTER.

(a) Beaver.

(1) Season and Bag Limit in North

Mink/Muskrat/Beaver/Otter Zone. Beaver may be taken and possessed without limit by trapping from 9:00 a.m. on the Saturday nearest October 26 to the last day in April.

(2) Season and Bag Limit in South

Mink/Muskrat/Beaver/Otter Zone. Beaver may be taken and possessed without limit by trapping from 9:00 a.m. on the Saturday nearest October 30 to the last day in April.

(b) Otter.

(1) Season in North Mink/Muskrat/Beaver/Otter

Zone. Otter may be taken by trapping from 9:00 a.m. on the Saturday nearest October 26 to the Sunday nearest December 16.

(2) Season in South Mink/Muskrat/Beaver/Otter

Zone. Otter may be taken only in that portion of the zone lying north of U.S. Hwy. 10 by trapping from 9:00 a.m. on the Saturday nearest October 30 to the Sunday nearest December 16.

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(3) No person may take more than three otter per season, or possess more than three otter at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(4) Each otter or, if the pelt is removed, the pelt thereof must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All otter trappers, regardless of age, must use the state-supplied possession tags. No tags will be issued to persons under five years of age. These tags must be obtained according to the procedure set forth in Sec. 11(a) of this order. These tags must be fastened to otter or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts are subject to the provisions of Sec. 11(c) of this order.

(c) Special Provisions.

(1) No traps of any kind may be set inside any beaver house or above the water line upon the outside of any beaver house.

(2) No person may molest or damage any beaver house or dam.

(3) Snowmobiles and all-terrain vehicles may be used statewide to transport or check beaver or otter traps and to transport beaver or otter carcasses.

(4) Beaver and otter may be taken within wildlife management areas in the respective open areas of the state by

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licensed trappers provided they have a permit issued by the appropriate state wildlife manager.

(5) No person may take beaver and otter in any state park or other areas under the administration of the Division of Parks and Recreation.

(6) Federal Waterfowl Production Areas which are located in the open zones of the state are open to the trapping of beaver.

(7) Within the Agassiz, Minnesota Valley, Rice Lake, Sherburne, Tamarac and Upper Mississippi National Wildlife Refuges, beaver may be taken by licensed trappers provided they have a permit issued by the appropriate refuge manager. All other National Wildlife Refuges are closed to beaver trapping. All National Wildlife Refuges are closed to otter trapping.

Sec. 10. USE OF TRAPS.

(a) Tagging. A person may not place, set, operate, possess or transport any trap in the field unless the following information is etched legibly onto the trap or onto a metal tag no less than 30 gauge (0.012 inch) in thickness that is welded, brazed or soldered to the trap or affixed to the trap with a tightly twisted wire or solid metal ring: (1) the person's name and Minnesota driver's license number; or (2) the person's name and mailing address sufficiently complete to individually identify the person.

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(b) Trap-tending Hours. No person shall set or tend any trap for any wild animals between the hours of 7:00 p.m. and 5:00 a.m.

(c) Use of Lights. During legal trap-tending hours, a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a bow and arrow or a firearm other than a handgun of .22 caliber with .22 short, long or long rifle rimfire ammunition.

(d) Trap-tending Interval: Non-drowning Sets. Any trap capable of capturing a protected wild animal and not capable of drowning the animal must be tended at least once each calendar day and any animal captured must be removed from the trap.

(e) Trap-tending Interval: Drowning Sets. Except for traps set under the ice, any trap capable of drowning the captured animal must be tended at least once each third calendar day and any animal captured must be removed from the trap.

(f) Placement.

(1) No person may set or maintain any leghold trap within 20 feet of bait located in such a manner that it may be seen by soaring birds. Bait is defined as any animal or parts thereof, including live or dead fish, except that small aggregates of fur and feathers may be used for flagging purposes.

(2) No person may set, place, or operate, except as a waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than seven and one-

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half inches measured from the inside edges of the body-gripping portions of the jaws.

(3) No person may set, place, or operate in or within three feet of a culvert, except as a completely submerged waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than six and one-half inches measured from the inside edges of the body-gripping portions of the jaws.

(4) A waterset is defined as any body-gripping trap or snare set in which the body-gripping portion of the jaws or the snare loop, when set, is at least half-submerged in water. A completely submerged waterset is any set in which the body-gripping portions of the jaws or the snare loop, when set, is completely submerged in water.

(5) The setting of any trap within 50 feet of any water other than temporary surface water within 30 days prior to the open season for trapping mink and muskrat in the respective zones is prohibited, except by permit issued by the Commissioner.

(6) No person may set, place, or operate any leghold trap that has a maximum jaw opening, when set, of greater than eight and three-quarter inches measured from the inside edges of the jaws.

(g) Multiple - Catch Traps. Traps capable of taking more than one animal at a time may not be used.

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(h) Pre-emption. Prior to the opening of the trapping season for any protected species of wild animal, no trap, either set or un-set, may be placed or staked and no flag, stake or other device may be placed for the purpose of marking or pre-empting a trapping site.

(i) Picking Up Traps. No trap placed for a protected wild animal may be left in place, either set or un-set, after the close of the applicable trapping season.

(j) Dogs. No person may be accompanied by a dog or dogs while engaged in tending or setting traps for protected wild animals, unless such dog or dogs are harnessed and attached to a sled or securely tethered to a tree or other permanent device with a leash of no more than 15 feet in length.

(k) Snares. Snares may be used for taking protected furbearers pursuant to this order and the provisions of Commissioner's Order No. 2352 or superseding orders to the extent that such provisions are consistent with this order.

(l) Authorized Agent. A trapper may authorize, in writing, an agent who possesses all necessary licenses to check, pick up, or reset at the same set, traps set by the trapper. The agent may remove trapped animals and, if any animal removed from the trap is required to be tagged as specified in Sec. 11(b) of this order, the agent must affix his or her own tag to the animal as prescribed. Furbearer tags are not transferable.

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Sec. 11. PELT TAGGING AND REGISTRATION.

(a) Possession Tag Application.

(1) Application for fisher, otter, or pine marten possession tags must be made on an official possession tag application form. No person who has reached his or her 13th birthday by the Friday nearest October 29 may apply for possession tags without first purchasing a valid trapping license. A person who has not yet reached his or her 13th birthday by the Friday nearest October 29 may apply for possession tags by supplying his or her birth date in lieu of trapping license number, except that no possession tags will be issued to persons born less than five years prior to the application deadline.

(2) No person may submit more than one application for a legal allotment of fisher, otter, and pine marten possession tags. Any application that is not completed in accordance with the instructions on the application may be rejected.

(3) Completed applications must be either mailed or delivered to:

License Bureau
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4026

(4) Applications that are mailed must be postmarked no later than the Friday nearest October 29.

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Applications that are delivered must be delivered no later than 4:30 p.m. on the Friday nearest October 29.

(5) The possession tag application stub will be completed by the Department of Natural Resources and returned to the applicant. This stub is a part of the trapper's licensing to take fisher, otter and pine marten and must be in the trapper's possession while taking or transporting these species. This stub must be presented on request of any Department of Natural Resources Enforcement Officer.

(b) Possession Tagging. Any possession tag or seal required by this order to be affixed to a pelt at the time and place where taken must be fastened through the mouth and one eye opening. Any seal furnished by the Commissioner must be affixed so that such seal cannot be removed without breaking the lock.

(c) Registration. The pelt of each bobcat, fisher, pine marten and otter and the whole carcass of each bobcat and pine marten must be presented, by the person taking it, to a conservation officer for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes. The entire carcass of bobcat and pine marten and the lower jaw or head of fisher must be surrendered to the conservation officer. The pelt of bobcat, fisher and pine marten must have been removed from the carcass.

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(d) No person may affix any tag, seal or label required by this order to the pelt or carcass of any animal which he or she did not take.

(e) Any possession and registration tags or seals required by this order must remain affixed to the raw pelt until the pelt is tanned or mounted.

Sec. 12. GENERAL PROVISIONS.

(a) Possession of Live Animals Prohibited. All animals taken pursuant to this order must be killed before being removed from the site where taken.

(b) Accidental Captures - Possession and Transport.

(1) No person may possess or transport a fisher, otter, pine marten, fox, bobcat, lynx or timber wolf which was accidentally killed or was lawfully killed while causing or threatening injury or damage until such person notifies the local conservation officer, other authorized department employee, or regional enforcement office, of the killing and receives authorization to possess, transport, or pelt the animal.

(2) A person may possess or transport mink, muskrat, beaver, badger, opossum or raccoon accidentally killed or lawfully killed while causing or threatening injury or damage only if the local conservation officer or other authorized employee of the Department is notified within 24 hours of such killing and before any pelting is begun.

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(3) Regulations governing payment of pelting fees are set forth in Commissioner's Order No. 2117 or superseding orders.

(c) Electronic Devices. No person shall use any unattended electronic device for the purpose of taking wild animals.

(d) Handguns. Except as provided in Sec. 10(c), all species of small game which may lawfully be taken with a rifle may also be taken with a handgun, subject to the same caliber restrictions that apply to rifles.

(e) Red/Orange Requirement. A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

(f) None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(g) This order shall not be construed to limit the number of any furbearing animals that may lawfully be possessed, transported or sold by any licensed fur dealer.


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(h) This order shall remain in effect until amended, superseded or rescinded.

Sec. 13. Commissioner's Order No. 2312 is hereby superseded.


Dated at Saint Paul, Minnesota, this 12 day of

Sept, 1989.


JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

APPROVED AS TO FORM AND EXECUTION

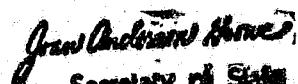
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STATE OF MINNESOTA
DEPARTMENT OF STATE
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Secretary of State

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