

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

COMMISSIONER'S ORDER NO. 2367

REGULATIONS FOR THE TAKING OF FISH
FROM LAKE SUPERIOR;
SUPERSEDING COMMISSIONER'S ORDER NO. 2178

Pursuant to authority vested in me by Minn. Stat.

§§ 97A.045, 97C.395, 97C.401, 97C.835 and other applicable law,
I, Joseph N. Alexander, Commissioner of Natural Resources, hereby
prescribe the following regulations for the taking of fish from
the Minnesota waters of Lake Superior.

Section 1. No fish shall be taken in Lake Superior
except as provided in this order or under permit.

Sec. 2. Angling season and daily and possession

limits:

<u>Species</u>	<u>Open Season</u>	<u>Daily and Possession Limits</u>
Trout, including Splake (except Lake Trout)	Continuous	5 In aggregate. Minimum size, 10 inches in length. Not more than 3 may be 16 inches or more except only 1 rainbow trout or steelhead over 16 inches with unclipped fins, clipped fins must show healed scar.
Lake Trout	Dec. 1 - Sept. 30	3
Salmon	Continuous	10 In aggregate. Not more than 1 may be Atlantic salmon, minimum size 10 inches in length.

All other species may be taken by angling, spearing, and archery

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only in accordance with and subject to the provisions of the laws and regulations relating to the taking of such fish in the inland waters of the state.

Sec. 3. Any fish that is hooked or snagged in any part of the body except the mouth shall immediately be unhooked and returned to the water, whether dead or alive.

Sec. 4. All persons licensed to take fish from Lake Superior by angling are permitted to do so by the use of not more than two lines with one bait attached to each line, except that only one line shall be used within 100 yards of the mouth of any flowing stream.

Sec. 5. While on any portion of the Minnesota waters of Lake Superior, no person who possesses an angling license from Minnesota, Wisconsin, Michigan and/or the province of Ontario, shall possess or transport more than the daily limit of fish allowed under any one but not more than one of his or her licenses.

Sec. 6. Fish of the following species may be taken by licensed commercial fishermen in accordance with the following provisions:

(a) Ciscoes, chubs, alewives, whitefish, menominee whitefish, smelt and rough fish may be taken at any time.

(b) Herring may be taken between December 1 and

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October 30, both dates inclusive.

(c) Whitefish may be taken in pound or trap nets at any time but no whitefish less than twenty (20) inches total length may be possessed, bought or sold. Whitefish less than 20 inches total length shall be returned to the water immediately.

(d) Lake trout may not be taken by commercial fishing except by permit and no lake trout less than seventeen (17) inches total length may be possessed, bought or sold. Lake trout legally taken under permit shall be sealed with a tag furnished by the Department of Natural Resources, affixed through the mouth and out the gill. Such tag shall be affixed immediately upon removal from the water and before the boat is brought to shore, and no untagged lake trout may be possessed, bought or sold by licensed commercial fishermen.

(e) Incidental catch of legal sized lake trout taken by commercial fishing and dead when removed from the water may be possessed only if sealed with a tag furnished by the Department of Natural Resources, affixed through the mouth and out the gill. Such tag shall be affixed immediately upon removal from the water and before the boat, if one

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is used, is brought to shore, and no untagged incidentally caught lake trout may be possessed, bought or sold by licensed commercial fishermen. All incidentally caught live lake trout and all untagged dead lake trout shall be returned to the water immediately.

(f) All lake trout under the legal size limit and other species not provided for in this order taken incidental to any commercial fishing operations shall be returned to the water immediately.

(g) Commissioner's Order No. 1365 does not apply to the disposal of fish as specifically addressed by this order.

Sec. 7. Nets for commercial fishing operations are permitted as follows:

(a) Gill nets shall be of mesh size no less than two and one-fourth (2-1/4) inches and no more than two and three-fourths (2-3/4) inches. A metal or plastic tag which is not smaller than two and one-half (2-1/2) inches by five-eighths (5/8) inch bearing in the English language the owner's name and address, shall be attached to one end of the float line near the first float in accordance

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with Commissioner's Order No. 1473.

(1) Gill nets, when set, shall be attached at each end to fluorescent orange or fluorescent red marker buoys constructed such that a minimum of eighteen (18) inches of buoy surface is visible above water in the absence of current and/or weight of nets and lines. The number of the owner's Lake Superior commercial fishing license shall be plainly marked on each end marker buoy in black. Each end marker buoy shall be marked with a fluorescent orange or fluorescent red flag one foot square attached to the top of a flag staff at least five (5) feet long, and the buoy shall be constructed such that the flag staff is supported in a vertical position. In addition, the marker buoy attached to the shoreward (or westerly) end of each set shall have a one foot square white flag positioned immediately below the fluorescent orange or fluorescent red flag. No other buoys employed in gill net sets shall be marked with fluorescent orange or fluorescent red flags. All buoys and floats used in gill net sets shall be constructed of styrofoam, plastic, rubber or other materials nonhazardous to navigation.

(2) Herring nets for purposes of these regulations are gill nets as described above which are weighted to fish in a floating or suspended position, off the bottom.

(3) Cisco or chub nets for purposes of these regulations are gill nets as described above which are weighted

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to fish on the bottom.

(4) No more than 100,000 feet of herring net shall be licensed in Minnesota waters of Lake Superior and no more than 2,000 feet of herring net shall be allocated to an individual licensee except as provided by Minn. Stat. § 97C.835, subd. 7.

(5) No more than 120,000 feet of cisco or chub net shall be licensed in Minnesota waters of Lake Superior and no more than 12,000 feet of cisco or chub net shall be allocated to an individual licensee except as provided by Minn. Stat. § 97C.835, subd. 7.

(b) Pound or trap nets may be of any dimensions or mesh size. Each pound or trap net must be marked with a metal or plastic tag which is not smaller than two and one-half (2-1/2) inches by five-eighths (5/8) inch bearing in the English language the owner's name and address and attached to the top rope of the backside of the pound or crib in accordance with Commissioner's Order No. 1473. Trap nets set with anchors shall have attached to the end farthest from shore one fluorescent orange or fluorescent red marker buoy constructed such that a minimum of eighteen (18) inches of buoy surface is visible above water in the absence of current and/or weight of nets and

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line. The number of the owner's Lake Superior commercial fishing license shall be plainly marked on the marker buoy in black. The marker buoy shall be marked with a fluorescent orange or fluorescent red flag one foot square attached to the top of a flag staff at least five (5) feet long, and the buoy constructed such that the flag staff is supported in a vertical position. All buoys and floats used in pound or trap net sets shall be constructed of styrofoam, plastic, rubber, or other materials nonhazardous to navigation.

(c) Mesh size for purposes of these regulations shall mean the interior distance between the extreme opposite knots or corners of a single mesh, taken between the thumbs and forefingers and applying enough pressure laterally to allow the opposite sides of the mesh to meet.

Sec. 8. The placement of nets shall conform to the following restrictions:

(a) No gill nets shall be set within one-quarter mile of the shore in the area extending from the Superior entrance to Pigeon River except under permit. Gill nets set on the bottom shall

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not be in water shallower than 40 fathoms except under permit.

(b) Pound and trap nets may be used for the taking of whitefish, menominee whitefish, herring, ciscoes, chubs, alewives, smelt and rough fish. Such nets may be set only in areas approved by the commissioner or his authorized agent.

Sec. 9. No licensed commercial fisherman or any member of the crew or any person in the boat shall have in possession any sport angling equipment while lifting or traveling to and from net sets.

Sec. 10. Each commercial fishing licensee shall submit to the Area Fisheries Manager, 10029 North Shore Drive, Duluth, Minnesota 55804, a record of their commercial fishing operations for each month of the calendar year. These reports shall be submitted within ten (10) days after the end of the month for which the report is made. Such reports shall be made on forms supplied by the Department of Natural Resources and shall be made regardless of whether fish are taken, and regardless of whether any fishing has been done.

Sec. 11. The Director of the Division of Fish and Wildlife may issue permits for experimental commercial fishing operations and assessment netting of fish populations.


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Sec. 12. Any fish that is hooked (snagged) in any part of the body except the mouth shall immediately be unhooked and returned to the water, whether dead or alive.

Sec. 13. Commissioner's Order No. 2178 is hereby superseded.

Dated at Saint Paul, Minnesota, this 7 day of


May, 1990.


STEVEN G. THORNE, Deputy Commissioner
Department of Natural Resources

APPROVED AS TO FORM AND EXECUTION

HUBERT H. HUMPHREY, III
Attorney General


C. PAUL FARACI
Deputy Attorney General

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DEPARTMENT OF STATE
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Secretary of State