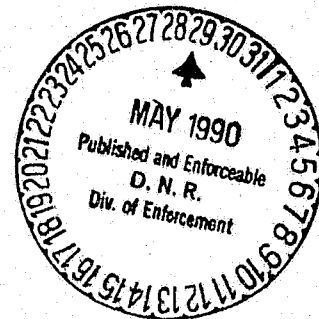


STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

COMMISSIONER'S ORDER NO. 2372

REGULATIONS FOR THE TAKING OF FISH
FROM THE MINNESOTA-WISCONSIN BOUNDARY
WATERS AND THE TRANSPORTING OF SUCH
FISH IN MINNESOTA BY HOLDERS OF
WISCONSIN LICENSES;
SUPERSEDING COMMISSIONER'S ORDER NO. 2337



Pursuant to authority vested in me by Minn. Stat.

§§ 97A.045, 97C.395, 97C.401 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-Wisconsin boundary waters hereinafter described,
and the transporting of such fish in Minnesota by holders of
Wisconsin licenses.

Section 1. Subdivision 1. For the purposes of this
order, the terms defined in this section shall have the meanings
ascribed to them.

Subd. 2. "Boundary waters" means all those
portions of the Mississippi River and Lake Pepin extending from
the mouth of the St. Croix River to the southern boundary of the
State of Minnesota and lying between the Burlington Northern main
railroad tracks on the Wisconsin side and the Chicago, Milwaukee,
St. Paul and Pacific railroad tracks on the Minnesota side,
including all sloughs and backwaters, bays and newly extended
water areas lying between said railroad tracks; all those
portions of Lake St. Croix and the St. Croix River as far as the
same lie along the boundary between the State of Minnesota and

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the State of Wisconsin; and all those portions of the St. Louis River, including St. Louis Bay and Superior Bay, as far as the same line along the boundary between said states downstream to an imaginary line drawn between the northwest bank of the Nemadji River where it forms a junction with Superior Bay and the southwest bank of the Superior entry channel where it forms a junction with Superior Bay.

Subd. 3. "Rough fish" includes carp, dogfish, redhorse, sheepshead, suckers, eelpout, garfish, buffalo fish, quillback, mooneyes, goldeyes, shad, eels, bullheads, amur carp and catfish, except that only catfish 15 inches or over in length when taken under commercial license with commercial fishing gear downstream from the Taylors Falls Dam shall be considered rough fish.

Subd. 4. "Minnows" shall include all members of the minnow family (Cyprinidae) except carp and goldfish; shad, mudminnows, willow cat and all members of the sucker family (Castostomidae) not over 12 inches in length; and bullheads, ciscoes, herring, whitefish, goldeyes and mooneyes not over 7 inches in length.

Subd. 5. "Game fish" means all species and size categories not included as rough fish and minnows, and catfish taken by angling.

Subd. 6. "Commercial operator" means any person properly licensed to take fish in the Minnesota-Wisconsin boundary waters by means of a net, set line, or other legal

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equipment for the purpose of sale.

Subd. 7. "Minimum length" means the length of a fish measured in a straight line from the tip of the nose to the end of the tail fin. When measuring turtles, it means the length of the dorsal surface of the carapace (top shell) measured from side to side across the shell at midpoint.

Sec. 2. The taking and possession of fish of any species covered by this order from the Minnesota-Wisconsin boundary waters is prohibited except as herein permitted or as otherwise expressly authorized pursuant to law.

Sec. 3. SPORT FISHING.

Subdivision 1. Subject to all applicable laws and regulations not inconsistent herewith, the species of fish hereinafter named may be taken in the Minnesota-Wisconsin boundary waters, or such portion thereof as is specified, by angling during the time specified for each species in the following table.

<u>Species and Open Season</u>	<u>Daily & Possession Limits</u>
Large and Small Mouthed Bass	5 in aggregate
St. Louis River and St. Croix River	12 inch minimum size
Saturday preceding Memorial Day to March 1	limit St. Louis River and St. Croix River upstream of Highway 70 near Pine City.
Mississippi River and Lake Pepin	14 inch minimum
Continuous	downstream of Highway 70 and Mississippi River including Lake Pepin.
Walleye and Sauger	6 of either or
St. Louis River and St. Croix River	both in aggregate,
Saturday nearest May 1 to	except in St. Louis River

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March 1 Mississippi River and Lake Pepin Continuous	2 walleye. 15 inch minimum size limit for walleye on the St. Louis, St. Croix, Mississippi Rivers, and Lake Pepin except no size limit in Pool 3 of the Mississippi River between the Red Wing Dam and Hastings.
Northern Pike St. Louis River and St. Croix River Saturday nearest May 1 to March 1 Mississippi River and Lake Pepin Continuous	5, except St. Louis River 2 northern pike
Catfish Continuous	10
Sturgeon All waters above the Red Wing Dam (minimum size limit - 45 inches) Saturday nearest May 1 to October 31	1
All waters below the Red Wing Dam Rock (Lake) Sturgeon (minimum size limit - 45 inches) Saturday nearest May 1 to October 31	1
Shovelnose (Hackleback) Sturgeon (no minimum size limit) Continuous	10
White Bass and Yellow Bass Continuous	25
Crappies Continuous	25
Rock Bass Continuous	25

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Sunfish and Bluegills Continuous	25
Perch Continuous	25
Bullheads Continuous	No limits
Paddlefish (Spoonbill Catfish)	No open season
Rough fish Continuous	No limits
Muskellunge (minimum size limit - 36 inches) Saturday nearest Memorial Day to March 1	1
All other species	Governed by inland regulations of state in which taken

Subd. 2. Any species of fish not specified in this order may be taken and possessed only as authorized for the inland waters of the state in which taken.

Subd. 3. Except as hereinafter provided, no person shall use or operate more than two lines or two poles with one line attached to each pole, one line or one pole with more than two baits, or a single treble hook, or fish with an unattended line, or take fish by snagging. Any fish hooked (snagged) in any part of the body except the mouth shall immediately be unhooked and returned to the water. It shall be lawful to take fish by trolling from a motor driven boat,

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sailboat or other boat while such boat is in motion and by use of two tip-ups not more than 400 feet from the angler.

Subd. 4. No person shall buy or sell or offer to buy or sell any fish taken by angling in the Minnesota-Wisconsin boundary waters, except that rough fish may be bought and sold at any time.

Subd. 5. No person shall fish from any point or from any boat within the area from the Taylors Falls (St. Croix Falls) dam on the St. Croix River to 50 feet downstream from the pier in the center of the river. Such closed areas shall be marked with suitable signs or buoys designating the closed areas.

Subd. 6. Buildings, vehicles, tents, fish houses or similar enclosures may be used on the ice for fishing purposes on the boundary waters. All such enclosures or shelters shall be removed from the ice on or before March 1 of each year. Portable shelters may be used after March 1 by persons actively engaged in fishing, but such shelters shall be removed daily when not in use. The door of any such enclosure or shelter shall be equipped with a latch which will permit the door to be readily opened from the outside at all times while the enclosure or shelter is occupied. Residents of Minnesota and Wisconsin may angle bank-to-bank from fish houses, shelters or enclosures and shall comply with the law and regulations of their respective states relating to licensing and identification of fish houses. Residents of other states shall comply with the law and regulations of the state in which they hold nonresident licenses.

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Subd. 7. No person shall use a spear, dip net, or bow and arrow in any manner at any time for the purpose of taking any game fish, or have in possession or under control any fish spear, spring gaff, or similar device in a fish house. Rough fish may be taken by means of a spear, dip net not to exceed 24 inches in diameter, or bow and arrow except crossbow, from sunrise to sunset only, from the Saturday nearest May 1 to March 1. No person shall have in possession on the water or immediate banks of the water any spear except during the open season for spearing.

Subd. 8. Any fish taken and not released freely into the water immediately after capture shall be considered to be in possession and part of the bag limit, and may not be released after such possession.

Subd. 9. Any person permitted by law to take fish by angling may take, possess, and transport turtles and tortoises for personal use in any manner except by explosives, drugs, poisons, lime and other deleterious substances or by the use of traps, turtle hooks and nets other than landing nets, except that snapping turtles of the species Chelydra serpentina may not be possessed in excess of a limit of 3 nor of a size where the width including the curvature measured from side to side across the shell at the midpoint is less than 10 inches.

Subd. 10. No person shall fish in the St. Louis River from Fond du Lac Dam downstream approximately one-half mile to the Minnesota-Wisconsin boundary cable at any time. No person

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shall fish in the St. Louis River from the Minnesota-Wisconsin boundary cable downstream to the Highway 23 bridge from March 1 through May 18 each year.

Sec. 4. MINNOWS.

Subdivision 1. Subject to all other applicable laws and regulations not inconsistent herewith, minnows may be taken in the Minnesota-Wisconsin boundary waters except the St. Louis River by seine, dip net, cast net or trap, and may not be possessed in excess of 12 dozen, except that holders of a minnow dealer's license (Minn. Stat. § 97A.475, subd. 26) may possess minnows without limit and holders of commercial set line licenses may possess dead minnows without limit for set line bait purposes. The taking of minnows for bait purposes is prohibited in the St. Louis River.

Subd. 2. No person shall take minnows with any seine exceeding 50 feet in length or 5 feet in depth, nor any seine which has mesh exceeding one-half inch, stretch measure, nor any cast net which exceeds 7 feet in diameter or has mesh exceeding one-half inch, stretch measure.

Subd. 3. No person shall take minnows with any dip net which has a frame exceeding 6 feet in diameter or 6 feet on each side, or which has a net more than 4 feet deep.

Subd. 4. No person shall take any minnows with any trap exceeding 24 inches in length or 16 inches in diameter, or with a trap which has an opening at its throat exceeding 1-1/2 inches in diameter. All traps used in taking minnows shall have

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securely attached thereto a metal label or tag bearing in the English language the name and address of the operator thereof. All minnow traps shall be raised and the minnows removed therefrom at least once every 24 hours.

Subd. 5. Carp minnows may be transported for sale or for bait only by boat or other floating conveyance and only on the boundary waters where taken.

Sec. 5. SET LINES.

Subdivision 1. Subject to all other applicable laws and regulations not inconsistent herewith, rough fish may be taken from April 1 to October 31, both dates inclusive, in the Mississippi River and Lake Pepin by licensed commercial operators with the use of set lines or trot lines.

Subd. 2. No person shall set or operate more than 4 set lines (trot lines), with not to exceed 100 hooks attached to each line or 400 hooks in the aggregate, nor set set lines in any manner which obstructs any type of boat travel in more than three-fourths the width of any bay, slough or channel.

Subd. 3. No person using set lines (trot lines) shall use any frogs, game fish, or bullheads of any size, or parts thereof, for bait.

Subd. 4. All set lines (trot lines) shall have attached the metal identification tag provided with the license. At one end of every set line (trot line) there shall be a white flag, not less than 16 inches square, the upper end of which shall extend at least two feet above the water, which shall be

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legibly numbered with figures at least 3 inches in height corresponding with the number of the license authorizing the use of such set line, or a non-metallic buoy of permanent buoyancy and of at least one gallon displacement of white or yellow color bearing the markings described above.

Subd. 5. Set lines shall be lifted and fish removed at least once every 24 hours and shall be set or lifted only between one hour before sunrise and one-half hour after sunset.

Sec. 6. SEINES.

Subdivision 1. Subject to all other applicable laws and regulations not inconsistent herewith, rough fish may be taken by commercial operators with the use of seines of any size, only in those portions of the Minnesota-Wisconsin boundary waters lying south of the U. S. Highway 8 bridge at St. Croix Falls.

Subd. 2. From October 1 to April 30, both dates inclusive, not more than 100 pounds of catfish of a length not less than 15 inches may be taken in any day with the use of seines.

Subd. 3. No seine haul shall be made without the operator first having notified the local conservation officer and area fisheries supervisor of the intent to do so.

Sec. 7. GILL NETS.

Subdivision 1. Subject to all other applicable laws and regulations not inconsistent herewith, rough fish may be taken in the Mississippi River and Lake Pepin by commercial

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operators with the use of gill nets having a mesh measuring 3-1/2 inches or larger, bar or square measure, measured while in use and inside the knots. No gill netting shall be used as a drag seine or drift net at any time.

Subd. 2. Every gill net shall be attached to an end stake, pole, or anchored buoy bearing a white flag, not less than 16 inches square, the upper end of which shall extend at least 2 feet above the water or ice at all times when the net is set or in operation, which shall be legibly numbered with figures at least 3 inches in height corresponding with the number of the license authorizing the use of such nets.

Subd. 3. All gill nets shall be lifted and emptied of fish at least once every 24 hours when set in open water and at least once every 48 hours when set under the ice, unless otherwise authorized by the Commissioner of Natural Resources or authorized agent.

Subd. 4. No gill net shall be set in such a manner as to obstruct any type of boat travel in more than three-fourths the width of any slough, bay or channel.

Sec. 8. All fish nets are subject to tagging requirements as set forth in Commissioner's Order No. 1473.

Sec. 9. No person other than the license holder or a licensed helper shall tend commercial fishing gear.

Sec. 10. No commercial net or set line may be used or operated in any waters within 900 feet below any dam on the Mississippi River.

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Sec. 11. All game fish taken in any commercial fishing operation shall be returned to the water immediately when they appear in the fishing operation. The provisions of Commissioner's Order No. 1365 shall not apply.

Sec. 12. The Commissioner of Natural Resources or an authorized agent may require any operator of any seine, set line, or gill net to cease the fishing operations when it has been determined that such operations are detrimental to game fish or other protected wildlife. Commercial gear, unless otherwise specified, may not be used or operated in Pool 4 of the Mississippi River between Mile Post 780 and 797 from March 1 through May 31, both dates inclusive.

Sec. 13. The Director of the Division of Fish and Wildlife may authorize the use of such other nets under contract or permit as may be agreed upon between the States of Minnesota and Wisconsin.

Sec. 14. No net or set line shall be set, lifted, hauled or operated in any manner between one-half hour after sunset and one hour before sunrise of the following morning, except for the purpose of completing a seine haul with the permission of the Commissioner of Natural Resources or an authorized agent.

Sec. 15. No licensed commercial operator or any crew member or any person in the boat shall have in possession any game fish or sport angling equipment while operating licensed commercial gear or while traveling to or from the place of

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operation of such gear.

Sec. 16. No person shall have in possession or under control any unlicensed commercial fishing gear or a basket trap (slat net), trammel net, or wooden trap which might be used for the purpose of taking, catching or killing fish in any of the counties bordering the boundary waters as specified in this order.

Sec. 17. All commercial operators required to make reports under the law shall report to the Commissioner of Natural Resources, on forms to be furnished by the Commissioner of Natural Resources, such information pertaining to the commercial fishing activities as may be required by the commissioner.

Sec. 18. TURTLES AND TORTOISES.

Turtles and tortoises taken incidental to licensed commercial fishing operations or by persons possessing traps as permitted by Minn. Stat. § 97A.475, subd. 36 may be possessed and sold without limit subject to the following restrictions.

Subdivision 1. Snapping turtles (*Chelydra serpentina*) may not be possessed if the width including the curvature measured from side to side across the shell at the midpoint is less than 10 inches.

Subd. 2. Traps constructed of webbing shall be of mesh size not less than 3 inches bar measure or 6 inches extension measure. Traps constructed of wire mesh shall have at least one square opening in the top panel measuring at least 4 inches on a side and one of the same dimension near the bottom in

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each of the side panels.

Subd. 3. Traps must be set in water shallow enough to place the top no deeper than 3 inches below the water surface.

Subd. 4. Traps shall be checked and serviced at intervals not exceeding 48 hours.

Subd. 5. No licensee may operate more than 40 traps.

Subd. 6. When in use, each trap shall have affixed a metal or plastic tag, visible from above, bearing in the English language the name, address and license number of the operator. Such tags shall be of metal or plastic and shall be of dimensions no less than 2-1/2 inches in length by 5/8 inches in width.

Sec. 19. No carp or amur carp taken in commercial fishing shall be returned to the water.

Sec. 20. Commercial operators licensed in either Minnesota or Wisconsin may land their nets, set lines or turtle traps on either the Minnesota or Wisconsin banks of those parts of Lake Pepin, the Mississippi River, Lake St. Croix and the St. Croix River in which the particular nets or set lines landed are permitted under this order. No commercial operator shall operate in the bayous and sloughs beyond the banks of the Mississippi River, Lake Pepin, Lake St. Croix or the St. Croix River, except in the state of residence.

Sec. 21. Crayfish and mussels shall be taken from

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Minnesota-Wisconsin boundary waters in accordance with inland regulations.

Sec. 22. Subdivision 1. Residents of Minnesota and Wisconsin holding resident angling licenses from their respective states, and residents of states other than Minnesota and Wisconsin holding nonresident angling licenses from either state, may fish in the Minnesota-Wisconsin boundary waters. Only one angling license and the limits allowed on that license are valid on Minnesota-Wisconsin boundary waters. Commercial operators must have appropriate licenses as required by law.

Subd. 2. Where regulations differ between states, the exercise of the more liberal regulations is limited to persons licensed by the more liberal state and confined to the territorial waters of the more liberal state. The provisions of this subdivision do not apply to fish houses, which are subject to Sec. 3, subd. 6 of this order.

Sec. 23. Any lawful holder of a resident or nonresident angling license or commercial fishing license from the State of Wisconsin, having lawfully taken fish in the Minnesota-Wisconsin boundary waters, may land therewith on the Minnesota side of said waters, subject to the provisions of Sections 20 and 22 hereof, and may transport such fish to the State of Wisconsin by the most convenient, practicable route over the following described highways or roads in the State of Minnesota or any part thereof:

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Beginning at the intersection of the south line of the state with State Trunk Highway (STH) 26; thence northerly on STH 26 to the junction thereof with U.S. Hwy. 16; thence northerly on U.S. Hwy. 16 to the junction thereof with U.S. Hwy. 61; thence northerly on U.S. Hwy. 61 to the junction thereof with STH 95; thence northerly on STH 95 to the junction thereof with U.S. Hwy. 8; thence easterly on U.S. Hwy. 8 to the St. Croix River at Taylors Falls; also all highways or roads lying between the above-described route and said boundary waters.

All highways or roads reaching any bridge, ferry or landing on the St. Croix River at or north of Taylors Falls or on the St. Louis River where said rivers, respectively, form part of said boundary waters, and lying within 2 miles of any part of said rivers.

Sec. 24. Commissioner's Order No. 2337 is hereby superseded.

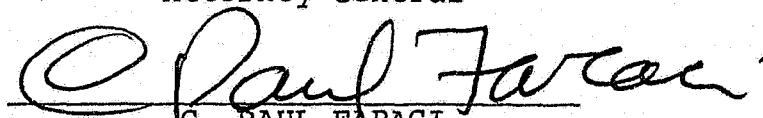
Dated at St. Paul, Minnesota, this 7 day of

May, 1990.


STEVEN G. THORNE, Deputy Commissioner
Department of Natural Resources

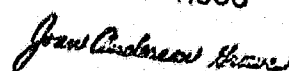
APPROVED AS TO FORM AND EXECUTION

HUBERT H. HUMPHREY, III
Attorney General


C. PAUL FARACI
Deputy Attorney General

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DEPARTMENT OF STATE
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MAY 8 - 1990


Secretary of State