

CHAPTER 6254
DEPARTMENT OF NATURAL RESOURCES
MINNOWS

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6254.0100 PERMITTED ACTIVITIES FOR TAKING MINNOWS.

Subpart 1. **Minnow retailer's license required for retail purposes.** A person possessing a valid minnow retailer's license, as provided by Minnesota Statutes, section 97C.501, may buy and possess any amount of minnows, for the purpose of reselling them at retail, and may transport minnows from the place of wholesale purchase to an established, stationary place of business located in the state and owned or operated by the licensee, where the minnows are sold at retail, or to a licensed private fish hatchery or aquatic farm.

Subp. 2. **Required vehicle licenses.** The provisions in items A and B apply to license requirements on vehicles used to transport minnows.

A. A vehicle may not be used to contain or transport more than 12 dozen minnows in this state unless it is licensed for that purpose by the commissioner, except as provided by Minnesota Statutes, section 97C.501, subdivision 3. Vehicle licenses must be kept in the vehicle and must be available for inspection by the commissioner at all reasonable times. Minnow dealers and retailers may obtain vehicle licenses only for vehicles registered in this state. A motor vehicle licensed as a common carrier is not required to be licensed under the game and fish laws to transport minnows for another person.

B. Each vehicle licensed for the transport of minnows must be identified with the licensee's name and town of residence as it appears on the retailer's, dealer's, exporter's, or hauler's license. Required vehicle identification must be displayed so that it is readily visible from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and with a three-eighths inch wide stroke. Required vehicle identification may be permanently affixed to vehicles or displayed on removable plates or placards placed on opposite doors of the vehicle or on tanks carried on the vehicle. In addition, vehicle identification for vehicles used to transport minnows out of the state must bear the exporting dealer's or hauler's license number.

Subp. 3. **Angling license requirement exemption.** A properly endorsed aquatic farm or private fish hatchery license allows the licensee to conduct activities provided by subparts 1 and 2 and exempts the licensee from angling license requirements when conducting activities specified under this part.

Statutory Authority: *MS s 97C.505; and others at 19 SR 6*

History: *19 SR 484*

6254.0200 WATERS OPEN TO TAKING MINNOWS; PERMITS.

Subpart 1. **Waters open to taking.** Minnows may be taken from all waters of the state, except as otherwise specified in this part, part 6254.0300, and Minnesota Statutes, section 84D.03, subdivision 3.

Subp. 2. **Permits.** Minnows may be taken from the waters described in items A to E only if a person possesses a permit issued by the commissioner:

A. waters within the boundaries of wildlife management areas when taking for commercial purposes;

- B. waters within the boundaries of state parks;
- C. within 50 yards of any site where loons are nesting;
- D. designated trout waters as provided by Minnesota Statutes, section 97C.505, subdivision 5; and
- E. infested waters as provided by part 6216.0400, subpart 1a, pursuant to Minnesota Statutes, sections 84D.03, subdivision 3, and 84D.11, subdivision 2a.

Statutory Authority: *MS s 84D.12; 97C.505; and others at 19 SR 6*

History: *19 SR 484; 19 SR 2222; 22 SR 292; 24 SR 1849*

6254.0300 WATERS CLOSED TO COMMERCIAL TAKING OF MINNOWS.

Subpart 1. **Closed waters.** The waters described in this part are closed to commercial taking of minnows:

	Lake	Location	County
A.	Amber	T.102, R.30	Martin
B.	Armstrong	T.108, R.29, S.17,18,19,20	Blue Earth
C.	Budd	T.102, R.30	Martin
D.	Eagle	T.108, R.25, S.6,7; T.108, R.26, S.1,12; T.109, R.25, S.31; T.109, R.26, S.35,36	Blue Earth
E.	Elysian	T.108, R.24; T.109, R.24	Le Sueur, Waseca
F.	Fox	T.102, R.32; T.103, R.32	Martin
G.	George	T.102, R.30	Martin
H.	Hall	T.102, R.30	Martin
I.	Lydia	T.121, R.32, S.33	Meeker
J.	Lieberg	T.108, R.29, S.15,16,21	Blue Earth
K.	Martha	T.33, R.20, S.6; T.33, R.21, S.1	Chisago
L.	Okabena	T.102, R.40	Nobles
M.	Sandshore	T.34, R.24, S.25,26	Anoka
N.	Scotch	T.110, R.25, S.22,23,24,26,27	Le Sueur
O.	Silver, So.	T.101, R.30	Martin
P.	Sisseton	T.102, R.30	Martin
Q.	Warren	T.105, R.36, Area--Lake and 100 feet below dam	Cottonwood

Subp. 2. **Waters in southwestern counties.** All streams, stream tributaries, sidechannels, oxbows, backwaters, or other seasonally or permanently connected waters of the Missouri River Watershed that are in Lincoln, Pipestone, Murray, Rock, or Nobles County and that lie south of U.S. Highway 14 to the Iowa border and west of U.S. Highway 59 to the South Dakota border are closed to commercial taking of minnows, except that a licensed minnow dealer, aquatic farm licensee, private fish hatchery licensee, or commercial crayfish permittee who is in possession of a federal endangered species incidental take permit allowing the taking of Topeka shiners (*Notropis topeka*) as authorized under United States Code, title 16, section 1539, may take minnows in that area. These waters include, but are not limited to, Medary Creek, Flandreau Creek, East Branch Flandreau Creek, Willow

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Creek, Pipestone Creek, North Branch Pipestone Creek, Split Rock Creek, Beaver Creek, Little Beaver Creek, Springwater Creek, Rock River, East Branch Rock River, Ask Creek, Little Rock River, Little Rock Creek, Kanaranzi Creek, Norwegian Creek, East Branch Kanaranzi Creek, Elk Creek, Champepadan Creek, Mound Creek, Poplar Creek, Chanarambie Creek, North Branch Chanarambie Creek, and Mud Creek.

Subp. 3. **Waters in southeastern counties.** All streams, stream tributaries, side channels, oxbows, backwaters, or other seasonally or permanently connected waters that are in Dodge, Freeborn, or Mower County are closed to commercial taking of tadpole madtoms (*Noturus gyrinus*) or stonecats (*Noturus flavus*), except by special permit.

Statutory Authority: *MS s 97A.045; 97A.501; 97C.505*

History: *18 SR 83; 28 SR 629; 32 SR 1039*

6254.0400 [Repealed, 22 SR 292]

**6254.0500 DEFINITIONS, EXEMPTIONS, AND IDENTIFICATION
REQUIREMENTS FOR TAKING MINNOWS IN TRAPS AND NETS.**

Subpart 1. **Scope.** Minnows may be taken in traps and nets subject to the conditions in this part and part 6254.0510.

Subp. 2. **Definitions.**

A. A "minnow trap" is any device, other than a hoop net or trap net, used for the capture of minnows or leeches.

B. A "hoop net" is a cylindrical or conical net distended by two or more hoops, and may have one or two wings or a leader of webbing attached.

C. A "trap net" is a modified hoop net that has a framed rectangular opening with one or two wings or a leader of webbing attached.

Subp. 3. **Exemptions.** The provisions of part 6254.0510 do not apply to aquatic farm or private fish hatchery licensees taking minnows in waters listed on their aquatic farm or private fish hatchery licenses.

Subp. 4. **Ownership required to be displayed.**

A. Minnow traps of persons not licensed as minnow dealers or aquatic farm or private fish hatchery operators must display the name, full street address, and town of residence of the person to whom they belong.

B. Minnow traps, hoop nets, and trap nets used by persons licensed as minnow dealers or aquatic farm or private fish hatchery operators must display the name, town of residence, and minnow dealer, aquatic farm, or private fish hatchery license number of the licensee.

C. Required information must be legible and must be displayed on a waterproof tag securely attached to the trap, or be branded or stamped into a permanent portion of the trap. Identification on nonsubmerged minnow traps, hoop nets, and trap nets must be unobscured and located above the water surface.

Statutory Authority: *MS s 97C.505; and others at 19 SR 6*

History: *19 SR 484; 19 SR 2222*

6254.0510 USE OF MINNOW TRAPS, HOOP NETS, AND TRAP NETS.

Subpart 1. **Setting minnow traps, hoop nets, and trap nets.**

A. A minnow trap, string of minnow traps, hoop net, or trap net, including the wings or leads, may not extend across more than one-half the width of any stream.

B. A person may not set a minnow trap, hoop net, or trap net, including the wings or lead, within 50 feet in any direction of any portion of another person's minnow trap, hoop net, or trap net.

C. A person setting their own minnow traps, single string of minnow traps, hoop nets, or trap nets is subject to the provisions in subitems (1) and (2):

(1) A hoop net, trap net, or single string of minnow traps attached together, including the wings or leads, may be set at intervals of not less than 50 feet in any direction of any portion of another hoop net or trap net or single string of minnow traps.

(2) An individual minnow trap, including the lead, may be set at intervals of not less than 20 feet in any direction of any portion of another minnow trap, single string of minnow traps, trap net, or hoop net, except that submerged minnow traps may be set up to four at one site, side by side, within 12 inches of one another.

Subp. 2. **Tending minnow traps, hoop nets, and trap nets.** Minnow traps, hoop nets, and trap nets must be lifted and emptied of fish as frequently as necessary to prevent the loss of minnows or other fish, provided that under no circumstances may they be emptied less frequently than once every 72 hours from April 1 to October 31, and once every seven days from November 1 to March 31. All minnow traps, hoop nets, and trap nets, and any associated gear, must be removed from the water immediately upon ceasing operations. A licensee shall not leave traps on public or private land without permission from the managing body or owner. The openings of traps that are left on the shore must be blocked to prevent nontarget animals from entering or must allow escapement of nontarget animals.

Subp. 3. **Minnow trap specifications for persons not licensed as minnow dealers.**

A. A person not licensed as a minnow dealer may use minnow traps not exceeding 30 inches in width or length or 15 inches in height. The diameter or width of the opening must not exceed 1-1/2 inches and mesh size may not exceed one-half inch bar mesh.

B. A person not licensed as a minnow dealer may not use minnow traps with leads.

Subp. 4. **Minnow trap, hoop net, and trap net specifications for licensed minnow dealers.**

A. Licensed minnow dealers may take minnows using minnow traps not exceeding four feet in width, four feet in height, and eight feet in length. The traps must have no more than two throats per entrance. The outermost throat may be split into two sections by a center structure. The diameter or width of the innermost throat opening may not exceed 1-1/2 inches and mesh size may not exceed one-half inch bar mesh. The top of the outermost throat must allow escapement of nontarget species, if it is possible for the nontarget species to be caught within the throat. Leads used in conjunction with minnow traps may not exceed 50 feet in length.

B. Licensed minnow dealers may take minnows with hoop nets or trap nets. Trap net frames may not exceed four feet in height and six feet in width, and hoops for hoop nets and trap nets may not exceed four feet in diameter. The length of hoop nets or trap nets from the front of the entrance to the rear of the net (cod end) may not exceed 25 feet. Leads used in conjunction with hoop nets or trap nets may not exceed 50 feet in length. Mesh size for hoop nets and trap nets may not exceed three-fourths inch bar measure. Trap nets or hoop nets used to take minnows must have a screen with openings not exceeding 1-1/2 inches placed across the entrance of the net.

C. A licensed minnow dealer must notify the area fisheries supervisor or local conservation officer 24 hours prior to setting any trap nets or hoop nets.

Statutory Authority: *MS s 97C.505*

History: *19 SR 2222; 28 SR 629*

6254.0600 REQUIREMENTS TO HOLD AND MOVE MORE THAN 24 DOZEN MINNOWS.

Subpart 1. **Restrictions apply to quantities of minnows in excess of 24 dozen.** This part applies only to quantities of minnows in excess 24 dozen.

Subp. 2. **Water volume for handling and transporting minnows.** After being taken, minnows may not be moved in less water than the volume that will sustain them in good condition.

Subp. 3. **Oxygen content and temperature requirements.** All containers used to hold minnows other than for transport must be provided with aerating equipment or with a continuous flow of water which at all times maintains sufficient dissolved oxygen to sustain the minnows in good condition, except that containers so equipped are not required for holding leeches. Leeches may not be held in any container in which the dissolved oxygen in the water or the temperature is not maintained at a level that will sustain the leeches in good condition. Minnows, including leeches, may be transported only in containers in which the dissolved oxygen in the water is maintained at a level that will sustain the minnows in good condition.

Subp. 4. **Inspection of minnow containers.** Minnows must be transported only in containers that permit inspection of the minnows by the commissioner at any time.

Subp. 5. **Required reporting.** Minnow dealers and exporting minnow dealers must report, on forms provided by the commissioner, for the previous calendar year. Reports must be submitted to the address identified on the form so that they are received prior to February 15 of each year. A minnow dealer's license or exporting minnow dealer's license may not be renewed until the yearly report has been received.

Subp. 6. **Exemption from water volume, oxygen, and temperature requirements.** Subparts 2 and 3 do not apply to persons licensed as aquatic farm or private fish hatchery operators.

Statutory Authority: *MS s 97C.505; and others at 19 SR 6*

History: *19 SR 484; 23 SR 348*

6254.0700 PRIVATE HATCHERY LICENSE EXEMPTIONS.

Minnow dealers are not required to obtain an aquatic farm, as defined by Minnesota Statutes, section 17.4982, subdivision 4, or private fish hatchery license when holding minnows in ponds for bait purposes, provided that no more than three ponds are used and no pond exceeds one acre.

Statutory Authority: *MS s 97C.211*

History: *18 SR 83*

6254.0800 TAKING MINNOWS ON LEECH LAKE INDIAN RESERVATION.

A person may not take minnows for commercial purposes within the boundaries of the Leech Lake Indian Reservation without having obtained the prior permission of the Leech Lake Band of Chippewa Indians in a manner and form the band requires.

Statutory Authority: *MS s 97A.151*

History: *18 SR 83*