

CHAPTER 97C

FISHING

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FISHING HABITAT

97C.001 EXPERIMENTAL WATERS.

Subdivision 1. **Definition; designation.** (a) Experimental waters are lakes and streams where special regulations are used and evaluated to meet a specific fisheries objective.

(b) The commissioner may designate any waters of the state having free access to the public as experimental waters. The designated experimental waters may not exceed 100

lakes and 25 streams at one time. For all experimental waters, the commissioner shall develop an evaluation plan and specify a termination date. On the termination date, the commissioner shall vacate or extend the experimental waters designation, or designate the experimental waters as special management waters under section 97C.005. The commissioner shall by rule establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated.

(c) Designation of experimental waters under this section is not subject to chapter 14.

Subd. 2. Public notice and meeting. (a) Before the commissioner designates, or vacates or extends the designation of, experimental waters, a public meeting must be held in the county where the largest portion of the waters is located.

(b) At least 90 days before the public meeting and during the open angling season for fish the taking of which is, or is proposed to be, regulated under subdivision 3 on the waters under consideration, notice of the proposed designation, vacation, or extension must be posted at publicly maintained access points on the water.

(c) Before the public meeting, notice of the meeting must be published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the proposed experimental waters are located. The notice must be published at least once between 30 and 60 days before the meeting, and at least once between seven and 30 days before the meeting.

(d) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for the receipt of public comments. The commissioner shall mail a copy of each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner shall consider any public comments received in making a final decision.

(e) If a water to be designated is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area.

Subd. 3. Seasons, limits, and other requirements. The commissioner may, in accordance with the procedures in subdivision 2 or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on experimental waters.

History: 1985 c 248 s 70; 1986 c 386 art 3 s 1; 1992 c 462 s 15

97C.003 SOUTHEASTERN EXPERIMENTAL TROUT STREAMS.

In streams located in Houston, Fillmore, Mower, Dodge, Olmsted, Winona, Wabasha, and Goodhue counties that are subject to experimental regulation under section 97C.001, subdivision 3, relating to the taking of trout, all legal methods of taking fish are allowed, except that barbed hooks are prohibited. A hook from which the barb has been removed by crimping or filing is allowed.

History: 1992 c 469 s 1

97C.005 SPECIAL MANAGEMENT WATERS.

Subdivision 1. Definition; designation. (a) Special management waters are waters that:

(1) have been subject to special regulations that have been evaluated and proven effective under an experimental waters designation under section 97C.001; or

(2) are classified by the commissioner for primary use as trophy lakes, family fishing lakes, designated trout lakes, designated trout streams, special species management lakes, and other designated uses.

(b) The commissioner may designate any waters of the state, including experimental waters, as special management waters. The commissioner shall by rule establish methods and criteria for public participation in the evaluation and designation of waters as special management waters.

(c) Designation of special management waters under this section is not subject to chapter 14.

Subd. 2. Public notice and meeting. (a) Before the commissioner designates special management waters, public comment must be received and, for waters other than those proposed to be designated as trout streams or trout lakes, a public meeting must be held in the county where the largest portion of the waters is located.

(b) For waters previously designated as experimental waters, a proposed change in status to special management waters must be announced before the public meeting by notice published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the waters are located. The notice must be published at least once between 30 and 60 days before the public meeting, and at least once between seven and 30 days before the meeting. If a water proposed to be designated is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area.

(c) For proposed special management waters, other than designated trout lakes and designated trout streams, that were not previously designated as experimental waters, notice of the proposed designation must be given as provided in this paragraph. The notice must be posted at publicly maintained access points at least 90 days before the public meeting and during the open angling season for fish the taking of which on the waters is proposed to be regulated under subdivision 3. Before the public meeting, notice of the meeting must be published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the proposed special management waters are located. The notice must be published at least once between 30 and 60 days before the meeting, and at least once between seven and 30 days before the meeting. If a water to be designated is a lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a public meeting must also be held in the seven-county metropolitan area.

(d) For waters proposed to be designated as trout streams or trout lakes, notice of the proposed designation must be published at least 90 days before the effective date of the designation in a news release issued by the commissioner and in a newspaper of general circulation in the area where the waters are located. In addition, all riparian owners along the waters must be notified at least 90 days before the effective date of the designation.

(e) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for the receipt of public comments. The commissioner shall mail a copy of each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner shall consider any public comments received in making a final decision.

Subd. 3. Seasons, limits, and other rules. The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters.

History: 1986 c 386 art 3 s 2; 1992 c 462 s 16

97C.011 MUSKELLUNGE LAKES.

(a) The commissioner may, after preparing a statement of need and reasonableness and holding a public meeting, designate waters with muskellunge as muskellunge waters.

(b) The commissioner may prescribe rules for each designated muskellunge waters that:

- (1) restrict spearing from a dark house;
- (2) restrict angling from a dark house;
- (3) limit the open season to take fish;
- (4) limit the size of fish that may be kept; and
- (5) limit the number of each species of fish that may be kept.

(c) The commissioner must give notice and hold a hearing before adopting rules under this subdivision. The rules must have a termination date and may only be extended upon a showing by the commissioner, at a hearing, that the muskellunge population in the designated waters has been enhanced.

(d) The provisions of section 97C.385, subdivision 1, requiring the angling season on a lake to be closed in proportion to the spearing season do not apply to designated muskellunge lakes.

(e) The commissioner, in designating a muskellunge water on lakes wholly or partially within an Indian reservation, may not designate a whole lake larger than 29,775 acres in surface area, except that sensitive areas of lakes larger than 29,775 acres may be designated if clause (a) is complied with.

History: 1986 c 386 art 3 s 3; 1988 c 714 s 2

97C.015 MISSISSIPPI RIVER FISH REFUGE.

Subdivision 1. **Establishment.** The portion of the Mississippi river described in subdivision 3 is a fish refuge when the commissioner concludes a fish refuge agreement with the appropriate state authority in Wisconsin. The agreement must require that a similar fish refuge is established in the Wisconsin waters of the Mississippi river described in subdivision 3.

Subd. 2. **Fishing restriction.** A person may not take fish from a fish refuge after it is established under this section.

Subd. 3. **Location.** The location of the fish refuge is the portion of the Mississippi river downstream from lock and dam No. 3 located at milepost 796.9 above the mouth of the Ohio river, to the downstream end of Diamond Island located at milepost 794.8.

History: 1986 c 386 art 3 s 4

97C.021 ANGLING RESTRICTED IN TROUT STREAMS.

A person may only take fish from a designated trout stream during the open season for trout in the stream.

History: 1986 c 386 art 3 s 5

97C.025 FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.

(a) The commissioner may prohibit fishing or the operation of motorboats by posting waters that:

(1) are designated as spawning beds or fish preserves; or

(2) are being used by the commissioner for fisheries research or management activities.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities.

(b) Except as provided in paragraph (c), a person may not take fish or operate a motorboat if prohibited by posting under paragraph (a).

(c) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

History: 1986 c 386 art 3 s 6; 1993 c 231 s 47; 1Sp1995 c 1 s 32

97C.031 LAKES WITH UNBALANCED FISH POPULATIONS.

The commissioner may establish and amend a list of lakes and rivers that have been found by the director to contain an unbalanced fish population, or to contain species of fish that have become stunted from overpopulation. The list may not include more than 100 lakes and rivers, or more than six in a county. The commissioner may, by rule, establish open seasons, limits, and methods of taking fish from lakes and rivers on the list. The rule must be published in each county containing the lake or river.

History: 1986 c 386 art 3 s 7; 1991 c 259 s 23

97C.035 ENDANGERED FISH POPULATIONS.

Subdivision 1. **Conditions.** If the commissioner determines that fish in shallow waters are endangered by lack of oxygen in the winter, or if waters will be restored with the use of piscicides, the commissioner shall rescue the fish under subdivision 2 or allow taking of the fish under subdivision 3.

Subd. 2. **Rescue of fish.** If the commissioner rescues fish endangered by lack of oxygen in the winter, the fish may be transferred to other waters, sold, or otherwise disposed of.

Subd. 3. **Taking of fish.** (a) The commissioner may authorize residents to take fish:

- (1) in any quantity;
- (2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and
- (3) for personal use only, except rough fish may be sold.

(b) The commissioner may authorize the taking of fish by posting notice conspicuously along the shore of the waters and publishing a news release in a newspaper of general circulation in the area where the waters are located.

History: 1986 c 386 art 3 s 8; 1991 c 259 s 23; 1996 c 410 s 41

97C.041 COMMISSIONER MAY REMOVE ROUGH FISH.

The commissioner may take rough fish, lake whitefish, and rainbow smelt with seines, nets, and other devices. The commissioner may hire or contract persons, or issue permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work.

History: 1986 c 386 art 3 s 9

97C.045 REMOVAL OF ROUGH FISH FROM BOUNDARY WATERS.

The commissioner may enter into agreements with North Dakota, South Dakota, Wisconsin, and Iowa, relating to the removal of rough fish in boundary waters. The agreements may include:

- (1) contracting to remove rough fish;
- (2) inspection of the work;
- (3) the division of proceeds; and
- (4) regulating the taking of rough fish.

History: 1986 c 386 art 3 s 10

97C.051 SPECIAL PERMITS TO USE PISCICIDES.

Subdivision 1. **Permit.** (a) The commissioner may issue a special permit, without a fee, to apply piscicides to restore waters at the permittee's expense. The commissioner may by rule prescribe insurance requirements for permit applicants.

(b) A permit under this section may be issued to an individual, a group of riparian owners, or a lake improvement association. The permit may only be issued if all riparian owners have consented in writing.

Subd. 2. **Taking of fish.** The commissioner may set special open seasons, limits, and methods to take fish before the piscicides are applied. The commissioner must post the special provisions at or near the waters.

History: 1986 c 386 art 3 s 11; 1993 c 231 s 48

97C.055 DEAD FISH REMOVAL.

The commissioner shall remove and dispose of dead fish that accumulate in or upon the shores of public waters in quantities that are a public nuisance or are detrimental to game fish.

History: 1986 c 386 art 3 s 12

97C.061 DRAGGING A WEIGHT OR AN ANCHOR THROUGH VEGETATION.

A person may not use a motorboat to drag an anchor or other weight through aquatic vegetation, except by commissioner's rule.

History: 1986 c 386 art 3 s 13; 1991 c 259 s 23

97C.065 POLLUTANTS IN WATERS.

A person may not dispose of any substance in state waters, or allow any substance to enter state waters, in quantities that injure or are detrimental to the propagation of wild animals or taint the flesh of wild animals. Each day of violation is a separate offense. An occurring or continuous violation is a public nuisance. An action may be brought by the attorney general to enjoin and abate nuisance upon request of the commissioner. This section does not apply to chemicals used for pest control for the general welfare of the public.

History: 1986 c 386 art 3 s 14

97C.071 PERMIT REQUIRED FOR STRUCTURE IN PUBLIC WATERS.

A person may not construct or maintain a dam or other obstruction, except a boat pier, in or over public waters without a permit from the commissioner. The commissioner may establish permit conditions for the construction or modification of a fishway around or over a dam or obstruction.

History: 1986 c 386 art 3 s 15

97C.075 FISH SCREENS IN FLOWING WATERS.

A person may not obstruct a creek, stream, or river to prevent the passage of fish with a rack or screen without the permission of the commissioner. The person that erected the obstruction, or the owner of the land where the obstruction is located, must immediately remove the obstruction upon order of the commissioner.

History: 1986 c 386 art 3 s 16

97C.077 FISH SCREENS IN LAKES.

Subdivision 1. Lake in one county. If all or a major part of a navigable lake is located within a single county and has been stocked with fish by the United States government, the county board, in order to maintain fish in the lake and prevent their escape from the lake, may erect and maintain screens at the inlets and outlets of the lake. The county board may appropriate from the county treasury money for the erection and maintenance of the screens.

Subd. 2. Lake in more than one county. If a lake is located in more than one county, the county boards of the affected counties may jointly provide for the erection and maintenance of screens. The expense of the screens and maintenance must be paid equally between the counties, and the county boards must appropriate money from the county treasury of their respective counties to pay the expenses of the screens and maintenance.

History: 1990 c 391 art 8 s 26

97C.081 FISHING CONTESTS.

Subdivision 1. Restrictions. A person may not conduct a fishing contest on waters except as provided in this section.

Subd. 2. Contests without a permit. A person may conduct a fishing contest with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less, without a permit from the commissioner.

Subd. 3. Contests authorized by commissioner. The commissioner may, by rule or permit, allow fishing contests with entry fees over \$10 per person or total prizes valued at more than \$2,000.

If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision;
or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted.

Subd. 4. **Restrictions.** The commissioner may by rule establish restrictions on fishing contests to protect fish and fish habitat and for the safety of contest participants.

Subd. 5. **Ice fishing contest in conjunction with raffle.** An organization that is permitted under this section and licensed by the lawful gambling control board to conduct raffles may conduct a raffle in conjunction with an ice fishing contest. The organization may sell a combined ticket for a single price for the ice fishing contest and raffle, provided that the combined ticket states in at least eight-point type the amount of the price that applies to the ice fishing contest and the amount that applies to the raffle. All other provisions of sections 349.11 to 349.23 apply to the raffle.

History: 1986 c 386 art 3 s 17; 1991 c 259 s 23; 1993 c 231 s 49–51; 1993 c 269 s 25; 1Sp1995 c 1 s 33

97C.085 PERMIT REQUIRED FOR TAGGING FISH.

A person may not tag or otherwise mark a live fish for identification without a permit from the commissioner.

History: 1993 c 231 s 52

PROPAGATION

97C.201 STATE FISH STOCKING PROHIBITED WITHOUT PUBLIC ACCESS.

The commissioner and state agencies may only stock fish in waters where there is public access. The commissioner may stock fish in any stream within privately owned lands where the public is granted free access to and use of the stream for fishing purposes.

History: 1986 c 386 art 3 s 18; 1986 c 424 s 2

97C.203 DISPOSAL OF STATE HATCHERY EGGS OR FRY.

The commissioner shall dispose of game fish eggs and fry according to the following order of priorities:

- (1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing;
- (2) transfer to other government agencies or private fish hatcheries in exchange for fish to be stocked in waters of the state for recreational fishing;
- (3) sale of fish eggs and fry to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates; and
- (4) transfer to other government agencies for fish management and research purposes.

History: 1987 c 318 s 3; 1992 c 566 s 18; 1993 c 226 s 16; 1996 c 410 s 42

97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.

- (a) The commissioner may adopt rules to regulate:
 - (1) the transportation of fish and fish eggs from one body of water to another; and
 - (2) the stocking of waters with fish or fish eggs.
- (b) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:
 - (1) prescribe methods to acquire brood stock for the ponds by seining public waters;
 - (2) allow the sporting organizations to own and use seines and other necessary equipment; and
 - (3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.
- (c) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie,

bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length.

History: 1986 c 386 art 3 s 19; 1993 c 231 s 53; 1996 c 410 s 43

97C.209 [Repealed, 1992 c 566 s 23]

97C.211 PRIVATE FISH HATCHERIES.

Subdivision 1. License required. A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish, including minnows, for sale, stocking waters, angling, or processing.

Subd. 2. Rules for operation. The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish. The commissioner shall establish and assess a fee to cover the cost of inspection and disease certification of private hatcheries.

Subd. 2a. Acquisition of fish. (a) A private fish hatchery may not obtain fish outside of the state unless the fish or the source of the fish are approved by the commissioner. The commissioner may apply more stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waters, except as provided in section 97C.515, subdivision 4. A request may be for annual acquisition.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or
- (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Subd. 3. Fishing license not required for persons to take fish. A person may take fish by angling without a fishing license at a licensed private fish hatchery or an artificial pool containing only fish purchased from a private fish hatchery, if the operator of the hatchery or pool furnishes each person catching fish a certificate prescribed by the commissioner. The certificate must state the number and species of the fish caught and other information as prescribed by the commissioner. A person without a fishing license may possess, ship, and transport within the state the fish caught in the same manner as fish taken by a resident with a fishing license.

Subd. 4. License required to take sucker eggs. A person may not take sucker eggs from public waters for a private fish hatchery without a license to do so.

Subd. 5. Price of walleye fry. The commissioner may not sell walleye fry for less than fair market value, defined as the average price charged by private walleye fry wholesalers located in Minnesota.

History: 1986 c 386 art 3 s 20; 1987 c 318 s 5-7; 1987 c 404 s 134; 1988 c 588 s 11,12

97C.215 SPECIAL PERMITS FOR UNITED STATES AGENTS.

The commissioner may issue a special permit, without a fee, to an authorized agent of the United States to conduct fish culture operations, rescue work, and related fishery operations.

History: 1986 c 386 art 3 s 21

FISHING METHODS

97C.301 LICENSE REQUIRED TO TAKE FISH.

Subdivision 1. Requirement. Unless exempted under section 97A.445, 97A.451, or 97A.465, subdivision 1, a person must have a license to take fish as provided in this section.

Subd. 2. **Angling.** A person may not take fish without an angling license.

Subd. 3. **Spearing.** A person may not take fish by spearing from a dark house without a dark house spearing license and an angling license.

Subd. 4. **Netting.** A person may not take fish by netting without the required license to net fish and an angling license.

Subd. 5. **Aquatic farms.** An aquatic farm licensee may take aquatic life under the aquatic farm license and its endorsements as authorized without additional licenses under the game and fish laws.

History: 1986 c 386 art 3 s 22; 1992 c 566 s 19

97C.305 TROUT AND SALMON STAMP.

Subdivision 1. **Requirement.** Except as provided in subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession to:

(1) take fish by angling in:

(i) a stream designated by the commissioner as a trout stream;

(ii) a lake designated by the commissioner as a trout lake; or

(iii) Lake Superior; or

(2) possess trout or salmon taken in the state by angling.

Subd. 2. **Exception.** A trout and salmon stamp is not required to take fish by angling or to possess trout and salmon if:

(1) the person:

(i) possesses a license to take fish by angling for a period of 24 hours from the time of issuance under section 97A.475, subdivision 6, clause (5), or subdivision 7, clause (5), and

(ii) is taking fish by angling, or the trout or salmon were taken by the person, during the period the license is valid; or

(2) the person is taking fish, or the trout or salmon were taken by the person, as authorized under section 97C.035.

History: 1986 c 386 art 3 s 23; 1988 c 437 s 5; 1995 c 220 s 90; 1Sp1995 c 1 s 34; 1996 c 410 s 44

97C.311 LAKE SUPERIOR FISHING GUIDE LICENSE.

Subdivision 1. **License required.** A person may not operate a charter boat and guide anglers on Lake Superior for compensation without a Lake Superior fishing guide license.

Subd. 2. **Rules.** The commissioner shall adopt rules for:

(1) issuance of the licenses, including qualifications for licensees; and

(2) record keeping and reporting by licensees.

Subd. 3. **Federal requirements.** A person may not use a watercraft for activities authorized under this section unless the watercraft complies with all applicable licensing and safety requirements of the United States Coast Guard.

History: 1986 c 386 art 3 s 24; 1993 c 231 s 54

97C.315 ANGLING LINES AND HOOKS.

Subdivision 1. **Lines.** An angler may not use more than one line except:

(1) two lines may be used to take fish through the ice; and

(2) the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior.

Subd. 2. **Hooks.** An angler may not have more than one hook on a line, except:

(1) three artificial flies may be on a line used to take largemouth bass, smallmouth bass, trout, crappies, sunfish, and rock bass; and

(2) a single artificial bait may contain more than one hook.

History: 1986 c 386 art 3 s 25; 1991 c 259 s 23

97C.317 FISHING AS A PARTY.

While two or more persons are taking fish by angling as a party, the total number of fish taken and the total number of fish possessed by the party may not exceed the limit of the number of persons in the party that may take and possess fish by angling. For the purpose of this section a party means, for persons who are not on the water that the persons are maintaining unaided visual and vocal contact, and for persons who are on the water that the persons are angling from a single watercraft.

History: 1989 c 153 s 3

97C.321 RESTRICTIONS ON UNATTENDED LINES.

Subdivision 1. General prohibition. A person may not take fish by angling with a set line or an unattended line except as provided in this section and section 97C.801.

Subd. 2. Ice fishing. A person may use an unattended line to take fish through the ice if:

- (1) the person is within sight of the line; or
- (2) a tip-up is attached to the line and the person is within 200 feet of the tip-up.

History: 1986 c 386 art 3 s 26; 1Sp1995 c 1 s 35

97C.325 PROHIBITED METHODS OF TAKING FISH.

(a) Except as specifically authorized, a person may not take fish with:

(1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;

(2) substances or devices that kill, stun, or affect the nervous system of fish;

(3) nets, traps, trot lines, or snares; or

(4) spring devices that impale, hook, or capture fish.

(b) If a person possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section.

(c) The commissioner may, by rule, allow the use of a nonmotorized device with a recoil mechanism to take fish through the ice.

History: 1986 c 386 art 3 s 27; 1994 c 623 art 1 s 39

97C.327 MEASUREMENT OF FISH LENGTH.

For the purpose of determining compliance with size limits for fish in this chapter or in rules of the commissioner, the length of a fish must be measured from the tip of the nose to the tip of the tail when fully extended.

History: 1993 c 231 s 55

97C.331 SNAGGING FISH PROHIBITED.

Subdivision 1. General prohibition. A person may not:

(1) intentionally take fish by snagging; or

(2) use a snagline, snagpole, snaghook, or cluster of fish hooks, designed to be placed in or drawn through the water to hook the body of a fish.

Subd. 2. Prohibition on Lake Superior tributaries. On tributaries to Lake Superior below the posted boundaries, and on tributaries to Lake Superior with no posted boundaries, a fish that is hooked in any part of the body except in the mouth must be immediately unhooked and returned to the water.

History: 1986 c 386 art 3 s 28; 1993 c 231 s 56; 1994 c 460 s 1

97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.

A person may not use artificial lights to lure or attract fish, or to see fish in the water while spearing.

History: 1986 c 386 art 3 s 29

97C.341 CERTAIN FISH PROHIBITED FOR BAIT.

A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait.

History: 1986 c 386 art 3 s 30

97C.345 RESTRICTIONS ON USE AND POSSESSION OF NETS AND SPEARS.

Subdivision 1. **Period when use prohibited.** Except as specifically authorized, a person may not take fish from the third Monday in February to April 30 with a spear, fish trap, net, dip net, seine, or other device capable of taking fish.

Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the third Sunday in February.

Subd. 3. **Dip nets.** A person may possess and use a dip net between one hour before sunrise and one hour after sunset from May 1 to the third Sunday in February.

Subd. 4. **Exceptions.** Subdivisions 1 to 3 do not apply to:

- (1) nets used to take rainbow smelt during the open season;
- (2) nets used to land game fish taken by angling;
- (3) seines or traps used for the taking of minnows for bait;
- (4) nets, seines, or traps possessed and used under an aquatic farm license; and
- (5) angling equipment.

Subd. 5. **Rules.** The commissioner may adopt rules to regulate the use of nets to take fish.

History: 1986 c 386 art 3 s 31; 1987 c 149 art 1 s 52,53; 1992 c 566 s 20; 1993 c 231 s 57,58; 1Sp1995 c 1 s 36-38

97C.347 [Repealed, 1988 c 588 s 17]

97C.351 FISH NETS MUST HAVE TAG ATTACHED.

A person may not possess a fish net unless specifically authorized or a tag is attached bearing the name and address of the owner when the net is not in use and the name and address of the operator when the net is in use, as prescribed by the commissioner. This section does not apply to minnow nets, landing nets, dip nets, and nets in stock for sale by dealers.

History: 1986 c 386 art 3 s 32; 1992 c 462 s 17

97C.355 DARK HOUSES AND FISH HOUSES.

Subdivision 1. **Identification required.** All shelters on the ice of state waters, including dark houses and fish houses, must have the name and address or driver's license number of an owner legibly painted on the exterior with characters at least three inches high.

Subd. 2. **License required.** A person may not take fish from a dark house or fish house unless the house is licensed and has a durable license tag attached to the exterior as prescribed by the commissioner, except as provided in this subdivision. The commissioner must issue a durable tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The durable tag must be marked with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Subd. 3. **Door must open from outside.** A person may not use a dark house or fish house unless the door is constructed so that it can be opened from the outside when it is in use.

Subd. 4. **Distance between houses.** A person may not erect a dark house or fish house within ten feet of an existing dark house or fish house.

Subd. 5. **Burning of structures.** A person may not burn a structure on the ice of state waters without permission of the commissioner. The commissioner may allow burning only after determining that the structure cannot be removed from the ice by another reasonable manner. The owner must remove the remains of the burned structure from the ice.

Subd. 6. **Restrictions for nonresidents.** A nonresident may obtain a license for a fish house but the house may not be unattended.

Subd. 7. Dates and times houses may remain on ice. (a) A fish house or dark house may not be on the ice between 12:00 a.m. and one hour before sunrise after the following dates:

(1) February 28, for state waters south of a line starting at the Minnesota–North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota–Wisconsin border; and

(2) March 15, for other state waters.

A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

Subd. 8. Confiscation of unlawful structures. Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

History: 1986 c 386 art 3 s 33; 1989 c 199 s 1; 1991 c 84 s 1; 1991 c 259 s 23; 1993 c 172 s 57; 1995 c 65 s 1; 1Sp1995 c 1 s 39,40; 1996 c 403 s 1

97C.361 RESTRICTIONS ON FISH HOUSES AND DARK HOUSES IN THE BOUNDARY WATERS CANOE AREA.

A person may only use a portable fish house or dark house within the boundary waters canoe area. The house must be removed from the waters and collapsed or disassembled each night. The house may not remain in the boundary waters canoe area if the person leaves the boundary waters canoe area.

History: 1986 c 386 art 3 s 34

97C.365 SPEARS PROHIBITED WHILE ANGLING IN FISH HOUSE OR DARK HOUSE.

A person may not have a spear within a dark house or fish house while angling.

History: 1986 c 386 art 3 s 35

97C.371 SPEARING FISH.

Subdivision 1. Species allowed. Only rough fish, catfish, lake whitefish, and northern pike may be taken by spearing.

Subd. 2. Dark houses required for certain species. Catfish, lake whitefish, and northern pike may be speared only from dark houses.

Subd. 3. Restrictions while spearing from dark house. A person may not take fish by angling or the use of tip-ups while spearing fish in a dark house.

Subd. 4. Open season. The open season for spearing through the ice is December 1 to the third Sunday in February.

History: 1986 c 386 art 3 s 36; 1Sp1995 c 1 s 41

97C.375 TAKING ROUGH FISH BY SPEARING OR ARCHERY.

A resident or nonresident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner.

History: 1986 c 386 art 3 s 37; 1993 c 269 s 26

97C.381 HARPOONING ROUGH FISH.

A resident or nonresident may use a rubber powered gun, spring gun, or compressed air gun to take rough fish by harpooning. The harpoon must be fastened to a line not more than

20 feet long. The commissioner may prescribe the times, the waters, and the manner for harpooning rough fish.

History: 1986 c 386 art 3 s 38; 1994 c 467 s 1

97C.385 COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.

Subdivision 1. **Summer angling season to be closed in same proportion.** If the commissioner closes the statutory open season for the spearing of a game fish species in any waters, the commissioner must, in the same rule, close the following statutory open season for angling for the same species in the waters in the same proportion.

Subd. 2. **Summer angling limits must be same as spearing.** If the commissioner reduces the limit of a species of game fish taken by spearing in any waters under section 97A.045, subdivision 2, the commissioner must reduce the limit for taking of the species by angling in the waters during the following open season for angling.

Subd. 3. **Closing lakes and streams in a county.** The commissioner may not close the open season for taking game fish through the ice on more than 50 percent of the named lakes or streams of a county under section 97A.045, subdivision 2.

History: 1986 c 386 art 3 s 39; 1991 c 259 s 23

97C.391 BUYING AND SELLING FISH.

Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish excluding ciscoes;
- (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;
- (4) fish taken under licensed commercial fishing operations;
- (5) fish that are private aquatic life; and
- (6) fish lawfully taken and subject to sale from other states and countries.

Subd. 2. **Restrictions on certain game fish.** Largemouth bass, smallmouth bass, rock bass, muskellunge, and sunfish may be bought or sold by a private hatchery or aquatic farm, or as prescribed by the commissioner.

History: 1986 c 386 art 3 s 40; 1987 c 318 s 8; 1992 c 566 s 21; 1993 c 231 s 59

97C.395 OPEN SEASONS FOR ANGLING.

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the third Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

(4) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black crappie, yellow perch, catfish, rock bass, white bass, lake whitefish, and rough fish, the open season is continuous.

History: 1986 c 386 art 3 s 41; 1989 c 242 s 2; 1991 c 259 s 23; 1Sp1995 c 1 s 42

97C.401 LIMITS.

Subdivision 1. **Commissioner authorized to prescribe limits.** Unless otherwise provided in this chapter, the commissioner shall, by rule, prescribe the limits on the number of each species of fish that may be taken in one day and the number that may be possessed.

Subd. 2. **Walleye; northern pike.** (a) Except as provided in paragraphs (b) and (c), a person may take no more than one walleye larger than 24 inches and one northern pike larger than 30 inches daily.

(b) The restrictions in paragraph (a) do not apply to boundary waters.

(c) On Lake of the Woods, a person may take no more than one walleye larger than 19.5 inches and one northern pike larger than 36 inches daily.

History: 1986 c 386 art 3 s 42; 1991 c 259 s 23; 1993 c 185 s 2; 1994 c 523 s 1

97C.402 [Repealed, 1988 c 588 s 17]

97C.403 RAINY RIVER WALLEYE RESTRICTIONS.

Subdivision 1. **Possession limit.** The possession limit for walleyes taken from the Rainy River is six per day.

Subd. 2. **Size limit.** (a) Except as provided in paragraph (b), only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.

(b) From March 1 until April 14, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches.

Subd. 3. **Open season.** The open season for walleye in the Rainy River is from May 15 until April 14.

Subd. 4. **Commissioner's restrictions.** The commissioner shall attempt to negotiate an agreement with the province of Ontario for walleye seasons and limits that substantially comply with subdivisions 1, 2, and 3, and make every effort to bilaterally close the Rainy River during the spawning season between March 1 and April 14. If an agreement is made, the commissioner may, by rule, set different limits and seasons for taking walleyes from the Rainy River in accordance with the agreement, provided the size limits in subdivision 2 are not exceeded.

History: 1988 c 588 s 10; 1989 c 46 s 1; 1991 c 259 s 23

97C.405 MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than 40 inches long, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of trunk highway No. 210 where muskellunge less than 40 inches, but not less than 30 inches long, may be retained.

History: 1986 c 386 art 3 s 43; 1993 c 231 s 60

97C.411 STURGEON AND PADDLEFISH.

Lake sturgeon, shovelnose sturgeon, and paddlefish may not be taken, bought, sold, transported or possessed except as provided by rule of the commissioner. The commissioner may only allow the taking of these fish in waters that the state boundary passes through and in tributaries to the St. Croix river.

History: 1986 c 386 art 3 s 44; 1991 c 259 s 23; 1996 c 410 s 45

97C.415 TROUT AND SALMON.

Subdivision 1. **Hours for taking trout restricted.** A person may not take trout, except lake trout, between 11:00 p.m. and one hour before sunrise.

Subd. 2. **Lake Superior streams.** The commissioner may prescribe the open season and conditions for taking brook trout, brown trout, rainbow trout, steelhead trout, and salmon in any portion of a stream that flows into Lake Superior.

Subd. 3. **Salmon.** The commissioner may prescribe, by rule, the method of taking and possessing salmon.

History: 1986 c 386 art 3 s 45; 1991 c 259 s 23

MINNOWS

97C.501 MINNOW LICENSES REQUIRED.

Subdivision 1. **Minnow retailers.** (a) A person may not be a minnow retailer without a minnow retailer license except as provided in subdivision 3.

(b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business, except as provided in subdivision 3. A minnow retailer is not required to obtain a minnow retailer's vehicle license if minnows are being transported by common carrier and information is provided that allows the commissioner to find out the location of the shipment in the state.

Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's helper license for each person employed to take, buy, sell, or transport minnows by the minnow dealer. The minnow dealer may transfer a helper's license from a former helper to a new helper.

(c) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(d) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

Subd. 3. **License exemption for minors selling leeches.** A resident under age 18 may take leeches, sell leeches at retail, and transport leeches without a minnow retailer or dealer license.

Subd. 4. **Nonresident minnow haulers.** (a) A nonresident may not transport minnows in a motor vehicle without an exporting minnow hauler license.

(b) A nonresident must obtain an exporting minnow hauler's vehicle license for the motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(c) Only one nonresident motor vehicle license may be issued to an exporting minnow hauler.

History: 1986 c 386 art 3 s 46; 1990 c 502 s 4

97C.505 MINNOWS.

Subdivision 1. **Authority to take, possess, buy, and sell.** (a) Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this chapter and in rules adopted by the commissioner under paragraph (b). A person may not take, possess, or sell minnows except for use as bait or for ornamental or aquacultural purposes.

(b) The commissioner may adopt rules for the taking, possession, purchase, sale, and transportation of minnows.

Subd. 2. **Continuous open season.** The open season for taking minnows is continuous, except as provided in subdivisions 3 and 4.

Subd. 3. **Closing waters.** The commissioner may close any state waters for commercially taking minnows if a survey is conducted and the commissioner determines it is necessary to close the waters to prevent depletion or extinction of the minnows.

Subd. 4. [Repealed, 1Sp1995 c 1 s 48]

Subd. 5. **Restrictions on taking from trout waters.** A person may not take minnows from designated trout lakes or trout streams without a special permit issued by the commissioner.

Subd. 6. **Approved equipment required.** A person must use equipment approved by the commissioner to possess or transport minnows for sale. This subdivision does not apply to licensed aquatic farms.

History: 1986 c 386 art 3 s 47; 1992 c 566 s 22; 1993 c 231 s 61

97C.511 MINNOW SEINES.

Subdivision 1. **Size restrictions.** Except as provided in subdivision 2, a person may not take minnows with a seine longer than 25 feet, and deeper than:

- (1) 148 meshes of 1/4 inch bar measure;
- (2) 197 meshes of 3/16 inch bar measure; or
- (3) four feet of material of less than 3/16 inch bar measure.

Subd. 2. **Licensed minnow dealers.** A minnow dealer may take minnows with a seine that is not longer than 50 feet, and not deeper than:

- (1) 222 meshes of 1/4 inch bar measure;
- (2) 296 meshes of 3/16 inch bar measure; or
- (3) six feet of material of less than 3/16 inch bar measure.

History: 1986 c 386 art 3 s 48

97C.515 IMPORTED MINNOWS.

Subdivision 1. **General prohibition.** A person may not bring live minnows into the state except as provided in this section.

Subd. 2. **Permit for transportation.** A person may transport minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued.

Subd. 3. **Use in home aquariums allowed.** A person may bring live minnows into the state for home aquariums.

Subd. 4. **Private fish hatchery or aquatic farm.** A person with a private fish hatchery or aquatic farm license may transport minnows from contiguous states to the private fish hatchery or aquatic farm, provided the minnows are used for processing or feeding hatchery fish. The commissioner may require inspection of minnows transported from outside the state.

Subd. 5. **Special permits.** (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license to import minnows from other states for export. A permit under this subdivision is not required for importation authorized under subdivision 4.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

History: 1986 c 386 art 3 s 49; 1988 c 588 s 13; 1993 c 226 s 17,18; 1993 c 269 s 27

97C.521 TRANSPORTATION OF CARP FINGERLINGS PROHIBITED.

A person may not transport live carp fingerlings.

History: 1986 c 386 art 3 s 50

97C.525 RESTRICTIONS ON TRANSPORTATION OF MINNOWS.

Subdivision 1. **Applicability.** This section does not apply to the transportation of 24 dozen minnows, or less, or to transportation with a permit issued under section 97C.515, subdivision 2.

Subd. 2. **Transporting out of the state.** A person may not transport minnows out of the state, except as provided in this section.

Subd. 3. **Minnow dealers and haulers.** A resident minnow dealer or a nonresident exporting minnow hauler may transport minnows out of the state. A nonresident exporting

minnow hauler must possess a bill of lading issued by a minnow dealer with an exporting minnow dealer's license. The bill of lading must be on a form furnished by the commissioner and must state the exporting minnow hauler's name and address, the route through the state, number and species of minnows, and the time it was issued.

Subd. 4. Minnow retailers. A minnow retailer transporting minnows from a place of wholesale purchase to the retailer's place of business must use the most reasonably direct route.

Subd. 5. Out-of-state vehicles. The exporting minnow hauler must transport the minnows out of the state within 24 hours of the time of issuance stated on the bill of lading. A person may not transport minnows in a motor vehicle licensed in another state without an exporting minnow hauler's vehicle license.

Subd. 6. Common carrier. An exporting minnow dealer may transport minnows by common carrier and must provide on request by the commissioner information pertaining to product, quantity, and destination.

History: 1986 c 386 art 3 s 51; 1990 c 502 s 5; 1993 c 226 s 19

AMPHIBIANS

97C.601 FROGS.

Subdivision 1. Season. The open season for frogs is May 16 to March 31. The commissioner may, by rule, establish closed seasons in specified areas.

Subd. 2. License required. (a) A person may not take or possess frogs without an angling license if the person is required to have an angling license to take fish.

(b) A person may not purchase, possess, and transport frogs for purposes other than bait without a license to purchase, possess, and transport frogs.

(c) A person may not take, possess, transport, and sell frogs for purposes other than bait without a license to take, possess, transport, and sell frogs.

Subd. 3. Taking with cloth screens prohibited. A person may not use cloth screens or similar devices to take frogs.

Subd. 4. Taking with artificial lights. The commissioner may issue permits to take frogs with the use of artificial lights in waters designated in the permit.

Subd. 5. Limits. (a) A person may possess frogs, up to six inches long, without limit if the frogs are possessed, bought, sold, and transported for bait.

(b) Unless the commissioner prescribes otherwise, a person may possess frogs over six inches long and:

- (1) transport the frogs, except by common carrier; and
- (2) sell the frogs in any quantity during the open season.

(c) The length of a frog is measured from the tip of the nose to the tip of the hind toes, with the legs fully extended.

Subd. 6. Rules. The commissioner shall prescribe rules for taking, buying, selling, possessing, importing, and transporting frogs for purposes other than bait.

Subd. 7. For human consumption. The commissioner may issue permits for importing, raising, and selling frogs for human consumption.

History: 1986 c 386 art 3 s 52; 1991 c 259 s 23; 1993 c 231 s 62

REPTILES

97C.605 TURTLES.

Subdivision 1. License required. A person may not take, possess, buy, sell, or transport turtles without an angling license.

Subd. 2. Sales license. A person may not take, possess, transport, or purchase turtles for sale without a turtle seller's license. A turtle seller's license is not required to buy turtles for retail sale to consumers:

(1) at a location licensed by the department of agriculture or health for sale or preparation of food;

(2) of a person licensed by the department of agriculture or health for sale or preparation of food; or

(3) of a person buying turtle at a retail outlet.

Subd. 3. Taking; methods prohibited. (a) Except as allowed in paragraph (b), a person may take turtles in any manner, except by use of:

(1) explosives, drugs, poisons, lime, and other harmful substances;

(2) traps; or

(3) nets other than anglers' fish landing nets.

(b) A person with a turtle seller's license may take turtles with a floating turtle trap that:

(1) has one or more openings above the water surface that measure at least ten inches by four inches; and

(2) has a mesh size of not less than one-half inch, bar measure.

The commissioner may prescribe additional regulations for taking turtles for sale.

Subd. 4. Artificial lights. The commissioner may issue permits to take turtles with the use of artificial lights in designated waters.

History: 1986 c 386 art 3 s 53; 1989 c 266 s 2,3; 1Sp1995 c 1 s 43

97C.611 SNAPPING TURTLES; LIMITS.

A person may not possess more than three snapping turtles of the species *Chelydra serpentina* without a turtle seller's license. A person may not take snapping turtles of a size less than ten inches wide including curvature, measured from side to side across the shell at mid-point.

History: 1986 c 386 art 3 s 54; 1989 c 266 s 4

97C.615 [Repealed, 1989 c 266 s 5]

97C.621 AREAS MAY BE CLOSED TO TAKING TURTLES.

The commissioner may prohibit the taking of turtles from state waters where operations are being conducted to aid fish propagation.

History: 1986 c 386 art 3 s 56

MUSSELS AND CLAMS

97C.701 TAKING MUSSELS.

Subdivision 1. Commissioner's authority. The commissioner may by rule set size limits and prescribe conditions for the taking, possession, transportation, sale, and purchase of mussels.

Subd. 1a. Hand-picking required. A person may only harvest mussels by hand-picking.

Subd. 2. [Repealed, 1993 c 269 s 32]

Subd. 3. [Repealed, 1993 c 269 s 32]

Subd. 4. [Repealed, 1993 c 269 s 32]

Subd. 5. [Repealed, 1993 c 269 s 32]

Subd. 6. Possession, sale, and transportation. Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

History: 1986 c 386 art 3 s 57; 1993 c 269 s 28,29

97C.705 MUSSEL SEASONS.

Subdivision 1. Open seasons. (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

History: 1986 c 386 art 3 s 58; 1993 c 269 s 30

97C.711 UNDERSIZED MUSSELS.

A person must return undersized mussels to the water without injury.

History: 1986 c 386 art 3 s 59; 1993 c 269 s 31

NETTING AND COMMERCIAL FISHING

97C.801 TAKING ROUGH FISH ON MISSISSIPPI AND MINNESOTA RIVERS.

Subdivision 1. **Rough fish on Minnesota and Mississippi rivers.** (a) A license is required to take rough fish by set line in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix junction.

(b) A person may use only one set line to take rough fish in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix river junction, and the set line must:

- (1) have not more than ten hooks;
- (2) be set only in the flowing waters of the river;
- (3) staked only at one end; and
- (4) remain at the location designated in the application for license unless approval of the commissioner has been given to change the location.

(c) Notwithstanding section 97C.391, subdivision 1, rough fish taken under this subdivision may not be bought or sold.

Subd. 2. **Commercial fish netting and set lines on Mississippi river.** (a) A license is required to commercially take rough fish with seines and set lines in the Mississippi river from the St. Croix river junction to St. Anthony Falls.

(b) A person may take rough fish in the Mississippi river, from the St. Croix river junction to St. Anthony Falls, only with the following equipment and methods:

- (1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;
- (2) only one set line may be used that has an identification tag and not more than 100 hooks;
- (3) seines may be used only as prescribed by the commissioner;
- (4) seines must be hauled to a landing immediately after being placed;
- (5) two seines may not be joined together in the water;
- (6) a net may not be raised, laid out, or landed, between sunset and sunrise; and
- (7) the location of a net or seine may not be changed from the place specified in the license application without notifying the commissioner of the proposed change.

History: 1986 c 386 art 3 s 60

97C.805 NETTING OF LAKE WHITEFISH AND CISCOES.

Subdivision 1. **Open season.** (a) The commissioner shall, by rule, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may open specific lakes and waters that are otherwise closed if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins.

(b) The commissioner may close specific lakes and waters that are otherwise open under this subdivision if the commissioner posts notice of the closing at a minimum of three

sites on the shore of the waters, including all public water access sites. Before closing waters under this paragraph, the commissioner shall determine that the closure is necessary to protect game fish populations.

Subd. 2. Restrictions. (a) The netting of lake whitefish and ciscoes is subject to the restrictions in this subdivision.

(b) A person may not use:

- (1) more than two nets;
- (2) a net more than 100 feet long; or
- (3) a net more than three feet wide.

(c) The mesh size of the nets may not be less than:

- (1) 1-3/4 inches, stretch measure, for nets used to take ciscoes; and
- (2) 3-1/2 inches, stretch measure, for all other nets.

(d) A net may not be set in water, including ice thickness, deeper than six feet.

(e) The commissioner may designate waters where nets may be set so that portions of the net extend into water deeper than six feet under conditions prescribed by the commissioner to protect game fish. A pole or stake must project at least two feet above the surface of the water or ice at one end of each net.

(f) A net may not be set within 50 feet of another net.

(g) A person may not have angling equipment in possession while netting lake whitefish or ciscoes.

Subd. 3. Fish may not be sold. Notwithstanding section 97C.391, subdivision 1, lake whitefish and ciscoes taken under this section may not be bought or sold.

Subd. 4. No limit on rough fish netted. Lake whitefish and ciscoes taken under this section may be taken and possessed without limit. Rough fish caught while netting may be retained. All other fish taken while netting must be returned to the water immediately.

History: 1986 c 386 art 3 s 61; 1988 c 588 s 14; 1991 c 259 s 22; 1993 c 231 s 63-65

97C.811 COMMERCIAL FISHING IN INLAND WATERS.

Subdivision 1. Inland waters defined. For the purposes of this section and section 97A.475, subdivision 30, "inland waters" means all waters entirely located within the boundaries of the state and the border waters between Minnesota and North Dakota, South Dakota and Iowa, excluding those waters described in section 97C.801.

Subd. 2. Commercial fish defined. For purposes of this section and section 97A.475, subdivision 30, "commercial fish" are carp; bowfin; burbot; cisco; goldeye; rainbow smelt; black bullhead, brown bullhead, and 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.

Subd. 3. Regulation. The commissioner shall, by rule, regulate the taking, possession, transportation, and sale of commercial fish, and the licensing of commercial fishing operators in inland waters.

Subd. 4. Licenses required. A person may not commercially fish inland waters without a commercial fishing license. Nonresidents may only be licensed to fish waters not previously assigned to residents. In the license application the applicant must list the number of feet of seine of each depth to be licensed.

Subd. 5. Season. Licenses to net commercial fish in inland waters are issued to residents and nonresidents annually subject to this section and shall be valid for commercial fishing during the open season for commercial fishing in inland waters from the day after Labor Day to the day before the open season for walleye.

Subd. 6. License invalidation. (a) A license to take commercial fish is void upon:

- (1) the licensee's death;
- (2) cessation of commercial fishing operations within an assigned area, except as provided by paragraph (c);

(3) conviction of two or more violations of inland commercial fishing laws within a license period; or

(4) failure to apply for a new or renewal license prior to June 15 of any year.

(b) A commercial inland fishing license is not subject to the license revocation provisions of section 97A.421. Commercial fishing rights and area assignments covered by a license that becomes void reverts to the commissioner for reassignment.

(c) A person possessing a valid inland commercial fishing license may apply to the commissioner for transfer of an assigned commercial fishing area to another person. Upon receipt of the application, the commissioner shall notify the applicant that the application for transfer has been received and shall determine if other people are interested in the assigned area by:

(1) notifying the inland commercial fish trade association in writing; and

(2) publishing notice in a newspaper of general circulation in the vicinity of the assigned area.

These notices must allow interested persons 30 days to notify the commissioner of their interest in the assigned area. Within 60 days after publishing notice, the commissioner shall review the qualifications of all interested persons and approve or deny the transfer based on the criteria in section 97C.815, subdivision 2. If the transfer is denied, the licensee may retain the license or request that it become void.

Subd. 7. Monthly reports. A licensed inland commercial fishing operator shall submit a report on the licensed activities the operator was engaged in to the commissioner each month. The report must be on a form provided by the commissioner and submitted prior to the 15th day of the following month. The report shall be submitted whether fishing activity took place unless the operator has a written release from this obligation signed by the commissioner.

History: 1986 c 386 art 3 s 62; 1991 c 259 s 23; 1996 c 410 s 46

97C.815 COMMERCIAL FISHING AREAS.

Subdivision 1. Designation. The commissioner shall specify inland commercial fishing areas, taking into account the amount, size, and proximity of waters specified, the species to be removed, and the type and quantity of fishing gear and equipment necessary to provide an adequate removal effort. The commissioner may change inland commercial fishing area boundaries by rule prior to a new licensing period.

Subd. 2. Assignment. The commissioner shall assign licensed inland commercial fishing operators to commercial fishing areas and each operator shall be obligated to fish in the area that the commissioner has assigned to them. The commissioner's assignment shall be valid as long as the assigned operator continues to purchase a license, continues to provide an adequate removal effort in a good and professional manner, and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the operator assignment, the commissioner shall consider the proximity of the operator to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well.

Subd. 3. Unused areas. If an area is not assigned, or the operator licensed for the area is not fishing that area, the commissioner may issue a special inland commercial fishing permit for the area. The permit may be issued to an individual holding a valid inland commercial fishing license. The permit must describe the specific waters involved, the county, the species to be removed, the equipment to be used, and the time period of the total operation.

Subd. 4. Inland commercial fishing trade association; license problems. The commissioner shall consult with representatives of the inland commercial fishing trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, transfers of licenses, area assignments, and the entry of new commercial fishing operators into the inland commercial fishery.

History: 1986 c 386 art 3 s 63; 1991 c 259 s 23; 1996 c 410 s 47

97C.821 POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain exotic species.

History: 1986 c 386 art 3 s 64; 1Sp1995 c 1 s 44

97C.825 LAKE OF THE WOODS AND RAINY LAKE FISHING.

Subdivision 1. New commercial fishing licenses prohibited. The commissioner may not issue a new commercial fishing license that allows netting of game fish on Lake of the Woods and Rainy Lake.

Subd. 2. Restrictions on fish and nets. The following rules and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake unless otherwise changed by rule of the commissioner under authority of section 97A.045, subdivision 4:

(a) Any fish, except largemouth bass, smallmouth bass, rock bass, muskellunge, crappies, sturgeon, and sunfish, may be taken subject to all other restrictions contained in the game and fish laws.

(b) Pound net mesh and staked trap net mesh may not be less than 2-1/2 inches nor more than four inches stretch measure in the pound or crib.

(c) Gill net mesh may not be less than four inches stretch measure, and may not be more than 30 meshes in width.

(d) Fyke net mesh may not be less than 2-1/2 inches nor more than four inches stretch measure in the pot or crib. Fyke nets may not have a hoop or opening more than six feet in height, wings more than 100 feet in length, nor a lead more than 400 feet in length.

(e) Submerged trap net mesh may not be less than 2-1/2 inches nor more than three inches stretch measure in the heart, pot, or crib. A submerged trap net may not have a pot or crib exceeding 150 square feet in area, a lead exceeding 300 feet in length, nor a pot or lead exceeding 12 feet in depth.

Subd. 3. Net limits for individual operators. A person may not operate more than six pound nets, 4,000 feet of gill nets, eight submerged trap nets, ten fyke or staked trap nets, or one pound net station.

Subd. 4. Net location. Nets may only be set at a place consented to by the commissioner.

Subd. 5. Net limits for Lake of the Woods and Rainy Lake. The maximum amount of nets permitted to be licensed shall be:

(a) In Lake of the Woods, 50-pound nets, 80,000 feet of gill nets or 160 submerged trap nets, and 80 fyke or staked trap nets. Licenses for submerged trap nets may be issued instead of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed.

(b) In Rainy Lake, 20-pound nets and 20,000 feet of gill nets.

(c) When a licensee has had a license revoked or surrendered, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under the revoked or surrendered license.

(d) Commercial fishing may be prohibited in the Minnesota portions of international waters when it is prohibited in the international waters by Canadian authorities.

(e) The commissioner may adopt rules to limit the total amount of game fish taken by commercial fishing operators in Lake of the Woods in any one season and shall apportion the amount to each licensee in accordance with the number and length of nets licensed.

Subd. 6. Walleye limits, Lake of the Woods. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Lake of the Woods in any one season on the following schedule:

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| YEAR | SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS |
|------|---|
| 1984 | 164,000 |
| 1985 | 150,000 |
| 1986 | 135,000 |
| 1987 | 120,000 |
| 1988 | 100,000 |
| 1989 | 80,000 |
| 1990 | 60,000 |
| 1991 | 30,000 |
| 1992 | 0 |

The allocation of walleye poundage among the licensees shall be determined by rule of the commissioner.

Subd. 7. Walleye limits; Rainy Lake. The commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishing operators in Rainy Lake in any one season on the following schedule:

| YEAR | SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS |
|------|---|
| 1984 | 14,500 |
| 1985 | 12,500 |
| 1986 | 10,500 |
| 1987 | 8,500 |
| 1988 | 6,500 |
| 1989 | 4,500 |
| 1990 | 2,500 |
| 1991 | 1,000 |
| 1992 | 0 |

The seasonal commercial walleye take in pounds in Rainy Lake shall be allocated among the licensees by rule of the commissioner.

Subd. 8. Gill nets; Lake of the Woods and Rainy Lake. Gill net licenses on Lake of the Woods and Rainy Lake shall be canceled after the 1987 license year. A gill net licensee whose license is canceled as provided in this subdivision retains the walleye quota held at the time of cancellation, subject to the quota phase-out schedule in subdivision 6 or 7. Notwithstanding subdivision 1, the licensee may be issued a pound or trap net license for the netting of game fish in accordance with the quota of the licensee.

Subd. 9. Walleye quotas; sale, transfer. An existing licensee may transfer the walleye quota allocated to the licensee under subdivision 6 or 7 to any other existing licensee or, after July 1, 1985, the licensee may sell the quota to the state. If a licensee sells the quota to the state, the licensee must sell the quota for all years remaining in the quota schedule as provided in subdivision 6 or 7. A sale to the state shall be at the present wholesale value of the quota as determined assuming the following:

(1) an allocation to the licensee of the same proportion of the total remaining walleye quota as allocated in the year of sale; and

(2) a walleye wholesale price in the round of \$1.15 per pound. A licensee may elect to receive payment for a sale to the state in a lump sum or in up to four annual installments. A quota sold to the state cancels and is not available for reallocation to another licensee. When a walleye quota is sold to the state and canceled, the gill net license of the licensee is canceled.

Subd. 10. Taking eggs for propagation; commissioner's rule. The commissioner may require a person licensed to take fish for commercial purposes in the waters covered by this section to take eggs for propagation purposes when it can be done in connection with the licensed commercial fishing. The eggs must be taken under rules prescribed by the commissioner.

History: 1985 c 248 s 70; 1986 c 386 art 3 s 65; 1991 c 259 s 23

97C.827 LAKE OF THE WOODS; COMMERCIAL FISHING OF ROUGH FISH.

Subdivision 1. **Promotion.** The commissioner shall promote and encourage taking rough fish from Lake of the Woods.

Subd. 2. **Issuance of licenses.** The commissioner shall issue commercial fishing licenses to take rough fish on Lake of the Woods. The issuance of the commercial fishing licenses may not be restricted because a person holds other licenses under the game and fish laws or operates particular kinds of businesses.

History: 1990 c 502 s 6

97C.831 NAMAKAN AND SAND POINT LAKES; COMMERCIAL FISHING.

Subdivision 1. **Lake whitefish and rough fish.** Lake whitefish and rough fish may be taken by licensed commercial fishing operators unless otherwise changed by rule of the commissioner, under section 97C.805, subdivision 1, from Namakan Lake and Sand Point Lake.

Subd. 2. **Gill nets prohibited on Sand Point Lake.** Gill nets may not be used in Sand Point Lake.

Subd. 3. **Maximum amount of nets in Sand Point Lake.** The maximum amount of nets permitted to be licensed in Sand Point Lake shall be 12 pound, fyke, or submerged trap nets.

Subd. 4. **Maximum amount of nets in Namakan Lake.** The maximum amount of nets that may be licensed in Namakan Lake shall be (1) 7,000 feet of gill net, with a mesh not less than four inches stretch measure, and (2) 12 pound, fyke, or submerged trap nets.

History: 1986 c 386 art 3 s 66; 1991 c 259 s 23

97C.835 LAKE SUPERIOR COMMERCIAL FISHING.

Subdivision 1. **Commercial fishing license for Lake Superior.** (a) A license to fish commercially in Lake Superior shall be issued to a maximum of 50 residents. To qualify for licensing, a resident must have landed fish in the previous year with a value of at least \$1,500, and must have engaged in commercial fishing for at least 30 days of the previous year. An applicant may be issued a license, at the discretion of the commissioner, if failure to meet the requirements for the dollar value of fish landed or number of days fished resulted from illness or other mitigating circumstances, or the applicant has reached the age of 65 and has been licensed at least five of the previous ten years.

(b) A license may be issued to a resident who has not previously fished commercially on Lake Superior and has not been convicted of a game and fish law violation in the preceding three years, if the applicant:

(1) shows a bill of sale indicating the purchase of gear and facilities connected with an existing license;

(2) shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) has served at least two years as an apprentice in a Minnesota Lake Superior licensed commercial fishing operation.

Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish, round whitefish, pygmy whitefish, rainbow smelt, and rough fish may be taken by licensed commercial fishing operators from Lake Superior, in accordance with this section.

Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay, under the rules prescribed by the commissioner.

Subd. 4. **Gill nets; lake trout and lake whitefish.** Gill nets for taking lake trout and lake whitefish may not be less than 4-1/2 inch extension measure mesh. The commissioner may prescribe rules to limit the total amount of gill net to be licensed for the taking of lake trout and lake whitefish and may limit the amount of net to be operated by each licensee.

Subd. 5. **Gill nets; ciscoes.** Gill nets for taking ciscoes and chubs may not be less than 2-1/4 inch extension measure mesh and may not exceed 2-3/4 inch extension measure mesh except that smaller or larger mesh sizes may be used under a permit issued by the commissioner.

Subd. 6. **Maximum amount of gill net in Lake Superior.** The amount of gill net licensed in Minnesota waters of Lake Superior may not exceed 300,000 feet of net weighted to fish in a floating or suspended position off the bottom and 300,000 feet of net weighted to fish on the bottom.

Subd. 7. **Maximum amount of gill net for each Lake Superior licensee.** A licensee may not operate more than 6,000 feet of gill net weighted to fish in a floating or suspended position off the bottom or 25,000 feet of gill net weighted to fish on the bottom. The commissioner may authorize gill net footage in excess of the individual limits when the commissioner determines that all of the gill net footage permitted for Minnesota waters of Lake Superior would not otherwise be allocated in a license year. The commissioner must allocate this excess gill net footage equitably among the licensees who have applied for it.

Subd. 8. **Special permits.** The commissioner may issue special permits to duly licensed commercial fishing operators not exceeding 20 in number, for the purpose of taking trout and lake whitefish spawn during the closed season for the propagation of trout in Lake Superior and adjacent waters under rules prescribed by the commissioner.

History: 1986 c 386 art 3 s 67; 1996 c 410 s 48,49

97C.841 APPRENTICE LICENSE.

A person with a commercial fishing license may list one person as an apprentice on the license. A person acting as an apprentice for a commercial fishing licensee must have an apprentice license. The commercial fishing licensee or the apprentice listed on the license must be present at all commercial fishing operations including going to and from fishing locations, or in setting or lifting nets, or removing fish from nets. A person possessing an angling license may assist the holder of a master's or apprentice license in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets.

An apprentice license is transferable to another by the holder of a master's license applying to the commissioner.

History: 1986 c 386 art 3 s 68; 1996 c 410 s 50

97C.845 INTERFERENCE WITH COMMERCIAL FISHING.

A person may not:

- (1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed commercial fishing operation;
- (2) remove fish from nets licensed under the game and fish laws; or
- (3) knowingly damage, disturb, or interfere with commercial fishing nets.

History: 1986 c 386 art 3 s 69

97C.851 COMMERCIAL FISHING IN INTERNATIONAL WATERS; RESORT OWNERS.

A license to buy or sell fish or to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line may not be issued to a person engaged in the business of conducting a summer resort, or to a member of the person's household or to an employee of the person.

History: 1986 c 386 art 3 s 70

97C.855 UPPER AND LOWER RED LAKE AND NETT LAKE; TRANSPORTATION, SALE, AND DISPOSAL.

The commissioner may, by rule, allow the transportation, sale, and disposal of fish taken within the Red Lake Indian Reservation on Upper Red Lake and Lower Red Lake and from waters within the Nett Lake Indian Reservation also known as Bois Forte Indian Reservation.

History: 1986 c 386 art 3 s 71; 1991 c 259 s 23

97C.861 FISH VENDOR REQUIREMENTS.

Subdivision 1. **License required.** A person may not sell fish with the use of a motor vehicle without a fish vendor's license.

Subd. 2. Misrepresentation of fish. (a) A licensed fish vendor or the vendor's employee may not misrepresent a species of fish to be sold. If a licensed fish vendor or employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked, and the licensee is not eligible to obtain a fish vendor's license for one year after revocation.

(b) Misrepresentation includes the designation of fish by a name other than its common name in:

- (1) the state; and
- (2) in the locality where it was taken if it is not generally known by any common name in the state.

History: 1986 c 386 art 3 s 72

97C.865 FISH PACKERS.

Subdivision 1. License required; records. (a) A person engaged in a business providing services to a person taking fish may not prepare dressed game fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:

- (1) the name, address, and license number of the shipper;
- (2) the name and address of the consignee; and
- (3) the number of each species and net weight of fish in the shipment.

(b) The records of the fish packer must be made available to an enforcement officer upon request.

Subd. 2. Rules. The commissioner may adopt rules establishing requirements for labeling and packing fish under a fish packer's license.

History: 1986 c 386 art 3 s 73; 1993 c 231 s 66

97C.871 CRAYFISH.

The commissioner may adopt rules, including record keeping requirements, for taking, importing, buying, selling, possessing, and transporting crayfish.

History: 1993 c 231 s 67