

6262.0576 BAIT RESTRICTIONS.

Subpart 1. **Definitions.** For purposes of this part:

- A. "cisco" means all *Coregonus*, including lake herring and tullibee;
- B. "restricted bait" means fresh, live, dead, frozen, or preserved cisco, smelt, or VHS susceptible species;
- C. "smelt" means all *Osmerus*, *Spirincus*, *Hypomesus*, and *Allosmerus*; and
- D. "VHS susceptible species" means all species on the official list of viral hemorrhagic septicemia (VHS) susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services.

Subp. 2. **Possession and use.**

A. A person may take, possess, and use restricted bait on Lake Superior or its tributaries below the posted boundaries.

B. A person shall not take, possess, or use restricted bait in water bodies other than Lake Superior or its tributaries below the posted boundaries unless:

(1) the restricted bait is being used on the same body of water where caught and while still on that water body. The restricted bait must not be transported off the water body, alive or dead, for any purpose;

(2) the water body where the restricted bait originated is listed on the department's website as having no presence of VHS in all species in the last year or the person has in the person's immediate possession:

(a) a valid fish health certification for the source water body showing no presence of VHS in the last year; or

(b) labeling as specified in subpart 3, item B, for frozen restricted bait;

(3) the restricted bait is preserved and labeled according to part 6262.0577 or as further prescribed by the commissioner in a permit. The labeling must be in the person's immediate possession;

(4) the restricted bait was purchased from a licensed minnow dealer or minnow retailer;
or

(5) cisco or smelt are being transported dead or on ice for personal consumption only.

C. Item B does not apply to licensed minnow dealers, aquatic farms, or private fish hatcheries when taking, possessing, or transporting minnows in compliance with Minnesota Statutes, section 97C.342.

Subp. 3. Labeling requirements.

A. Restricted bait harvested for personal use does not require labeling until it leaves the source water body.

B. Restricted bait harvested by a person for personal use as dead or frozen bait must be labeled with:

(1) the name and Department of Natural Resources certified water body number for the source water body;

(2) the date of harvest from the source water body;

(3) the date of packaging and labeling; and

(4) the disease-free certification date for the source water body.

C. Restricted bait harvested under a minnow dealer license for use as dead or frozen bait must be labeled according to Minnesota Statutes, section 97C.342, subdivision 7.

D. Preserved restricted bait must be labeled according to part 6262.0577, subpart 4.

E. A person must retain the required labeling until the restricted bait is no longer in the person's possession.

Subp. 4. Permit required to preserve cisco and smelt. A person must obtain a bait preservation permit under part 6262.0577 to preserve cisco and smelt for use as bait in waters of the state.

Subp. 5. Cisco or smelt for consumption. Notwithstanding part 6262.0300, subpart 5, and Minnesota Statutes, sections 84D.03, subdivision 3, 84D.11, subdivision 2a, and 97C.341, cisco or smelt may be taken and transported dead for personal consumption.

Statutory Authority: *MS s 97A.045; 97C.341*

History: *39 SR 1619*

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