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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3422

- 03/08/2018 Authored by Fabian
- The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
- 03/19/2018 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/14/2018 Calendar for the Day
- Read for the Third Time
- Passed by the House and transmitted to the Senate
- 05/18/2018 Returned to the House as Amended by the Senate
- Refused to concur and a Conference Committee was appointed

1.1 A bill for an act

1.2 relating to game and fish; modifying bait and equipment requirements for infested

1.3 waters; amending Minnesota Statutes 2016, section 97C.345, subdivision 3a;

1.4 Minnesota Statutes 2017 Supplement, section 84D.03, subdivisions 3, 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended

1.7 to read:

1.8 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested

1.9 waters for bait or aquatic farm purposes is prohibited except as provided in paragraph (b),

1.10 (c), or (d) and section 97C.341.

1.11 (b) In waters that are listed as infested waters, except those listed as infested with

1.12 prohibited invasive species of fish or certifiable diseases of fish, as defined under section

1.13 17.4982, subdivision 6, taking wild animals may be permitted for:

1.14 (1) commercial taking of wild animals for bait and aquatic farm purposes as provided

1.15 in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

1.16 (2) bait purposes for noncommercial personal use in waters that contain Eurasian

1.17 watermilfoil, when the infested waters are listed solely because they contain Eurasian

1.18 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not

1.19 exceeding 16 inches in diameter and 32 inches in length.

1.20 (c) In streams or rivers that are listed as infested waters, except those listed as infested

1.21 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest

1.22 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by

1.23 hook and line for noncommercial personal use is allowed as follows:

2.1 (1) fish taken under this paragraph must be used on the same body of water where caught
2.2 and while still on that water body. Where the river or stream is divided by barriers such as
2.3 dams, the fish must be caught and used on the same section of the river or stream;

2.4 (2) fish taken under this paragraph may not be transported live from or off the water
2.5 body;

2.6 (3) fish harvested under this paragraph may only be used in accordance with this section;

2.7 (4) any other use of wild animals used for bait from infested waters is prohibited;

2.8 (5) fish taken under this paragraph must meet all other size restrictions and requirements
2.9 as established in rules; and

2.10 (6) all species listed under this paragraph shall be included in the person's daily limit as
2.11 established in rules, if applicable.

2.12 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River
2.13 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors
2.14 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota
2.15 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for
2.16 noncommercial personal use as bait for angling, as provided in a permit issued under section
2.17 84D.11, is allowed as follows:

2.18 (1) nontarget species must immediately be returned to the water;

2.19 (2) gizzard shad taken under this paragraph must be used on the same body of water
2.20 where caught and while still on that water body. Where the river is divided by barriers such
2.21 as dams, the gizzard shad must be caught and used on the same section of the river;

2.22 (3) gizzard shad taken under this paragraph may not be transported off the water body;
2.23 and

2.24 (4) gizzard shad harvested under this paragraph may only be used in accordance with
2.25 this section.

2.26 ~~This paragraph expires December 1, 2017.~~

2.27 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued
2.28 under paragraph (b) may not be transported to, or used in, any waters other than waters
2.29 specified in the permit.

2.30 (f) Bait intended for sale may not be held in infested water after taking and before sale,
2.31 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

3.1 **EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

3.2 Sec. 2. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended
3.3 to read:

3.4 Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and**
3.5 **turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines
3.6 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
3.7 is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes
3.8 other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must
3.9 be tagged with tags provided by the commissioner, as specified in the commercial licensee's
3.10 license or permit. Tagged gear must not be used in water bodies other than those specified
3.11 in the license or permit. The license or permit may authorize department staff to remove
3.12 tags after the from gear is that has been decontaminated according to a protocol specified
3.13 by the commissioner if the use of decontaminated gear in other water bodies would not pose
3.14 an unreasonable risk of harm to natural resources or the use of natural resources in the state.
3.15 This tagging requirement does not apply to commercial fishing equipment used in Lake
3.16 Superior.

3.17 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
3.18 frog, or crayfish harvesting in an infested water that is listed solely because it contains
3.19 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum
3.20 of two days before they are used in any other waters, except as provided in this paragraph.
3.21 Commercial licensees must notify the department's regional or area fisheries office or a
3.22 conservation officer before removing nets or equipment from an infested water listed solely
3.23 because it contains Eurasian watermilfoil and before resetting those nets or equipment in
3.24 any other waters. Upon notification, the commissioner may authorize a commercial licensee
3.25 to move nets or equipment to another water without freezing or drying, if that water is listed
3.26 as infested solely because it contains Eurasian watermilfoil.

3.27 (c) A commercial licensee must remove all aquatic macrophytes from nets and other
3.28 equipment before placing the equipment into waters of the state.

3.29 (d) The commissioner shall provide a commercial licensee with a current listing of listed
3.30 infested waters at the time that a license or permit is issued.

3.31 Sec. 3. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

3.32 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard
3.33 shad for use as bait for angling:

4.1 (1) from July 1 to November 30; and

4.2 (2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream
4.3 of St. Anthony Falls₂ and the St. Croix River downstream of the dam at Taylors Falls,
4.4 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,
4.5 part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under
4.6 section 84D.03, subdivision 3.

4.7 (b) Cast nets used under this subdivision must be monofilament and may not exceed
4.8 ~~seven~~ five feet in ~~diameter~~ radius, and mesh size must be from three-eighths to five-eighths
4.9 inch bar measure. No more than two cast nets may be permitted at one time.

4.10 ~~(c) This subdivision expires December 1, 2017. The commissioner must report to the~~
4.11 ~~chairs and ranking minority members of the house of representatives and senate committees~~
4.12 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~
4.13 ~~of permits issued, conservation impacts from the use of cast nets, and recommendations for~~
4.14 ~~any necessary changes in statutes or rules.~~

4.15 **EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.