

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3319

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DATE	D-PG	OFFICIAL STATUS
03/14/2018	6487	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/26/2018	6994	Author stricken Gazelka

1.1 A bill for an act

1.2 relating to game and fish; prohibiting new muskellunge waters; authorizing counties

1.3 to limit fish stocking within their jurisdiction; providing for taking muskellunge

1.4 in nonmuskellunge waters; imposing moratorium on stocking muskellunge in Otter

1.5 Tail County; requiring rulemaking; requiring a report; appropriating money;

1.6 amending Minnesota Statutes 2016, section 97C.371, subdivisions 1, 2, by adding

1.7 a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97C.

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

1.9 Section 1. **[97C.008] NEW MUSKELLUNGE WATERS PROHIBITED.**

1.10 Until August 1, 2022, the commissioner must not introduce muskellunge to additional

1.11 waters or stock muskellunge in waters not previously stocked with muskellunge. Any savings

1.12 realized as a result must be used for walleye stocking.

1.13 Sec. 2. **[97C.202] COUNTY STOCKING RESOLUTIONS.**

1.14 Subdivision 1. **Resolution.** A county board may by resolution request the commissioner

1.15 to do any of the following with respect to some or all waters located wholly within the

1.16 county:

1.17 (1) stock waters with only particular species of fish;

1.18 (2) limit stocking of particular fish species to a given amount or percentage of total

1.19 stocking; and

1.20 (3) refrain from stocking waters with any fish.

1.21 Subd. 2. **Compliance.** Upon receiving from a county a resolution adopted under

1.22 subdivision 1, the commissioner must comply with the requests set forth in the resolution.

2.1 Nothing in this section shall be construed to require the commissioner to stock fish in waters
2.2 or in amounts greater than the commissioner would have otherwise.

2.3 Sec. 3. Minnesota Statutes 2016, section 97C.371, subdivision 1, is amended to read:

2.4 Subdivision 1. **Species allowed.** Only rough fish, catfish, lake whitefish, muskellunge
2.5 on nonmuskellunge waters, and northern pike may be taken by spearing.

2.6 Sec. 4. Minnesota Statutes 2016, section 97C.371, subdivision 2, is amended to read:

2.7 Subd. 2. **Dark houses required for certain species.** Catfish, lake whitefish, muskellunge
2.8 on nonmuskellunge waters, and northern pike may be speared only from dark houses.

2.9 Sec. 5. Minnesota Statutes 2016, section 97C.371, is amended by adding a subdivision to
2.10 read:

2.11 Subd. 6. **Definition; nonmuskellunge waters.** For the purpose of this section,
2.12 "nonmuskellunge waters" means waters where muskellunge are not indigenous or stocked
2.13 by the commissioner.

2.14 Sec. 6. **MUSKELLUNGE MINIMUM SIZE LIMIT; NONMUSKELLUNGE**
2.15 **WATERS; RULEMAKING.**

2.16 By July 1, 2018, the commissioner of natural resources must amend Minnesota Rules,
2.17 part 6262.0200, to provide that the minimum size limit for muskellunge, including
2.18 muskellunge-northern pike hybrids, is 20 inches in all nonmuskellunge waters, as defined
2.19 in Minnesota Statutes, section 97C.371, subdivision 6. The commissioner may use the good
2.20 cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to
2.21 adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply, except
2.22 as provided under Minnesota Statutes, section 14.388.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.24 Sec. 7. **MUSKELLUNGE STOCKING IN OTTER TAIL COUNTY;**
2.25 **APPROPRIATION.**

2.26 Subdivision 1. **Moratorium.** Until August 1, 2023, the commissioner of natural resources
2.27 must not stock muskellunge in waters wholly located in Otter Tail County.

2.28 Subd. 2. **Stakeholder group.** The commissioner of natural resources must convene a
2.29 stakeholder group to examine the effect of muskellunge on the environment, waters, and

3.1 native fish of Otter Tail County. The stakeholder group must examine existing scientific
3.2 research and must determine whether additional research is necessary. If the stakeholder
3.3 group determines that muskellunge do not pose a threat to the environment, waters, or native
3.4 fish of Otter Tail County, the stakeholder group may recommend that the legislature repeal
3.5 or adjust the moratorium imposed under subdivision 1.

3.6 Subd. 3. **Study; appropriation.** \$50,000 in fiscal year 2019 is appropriated from the
3.7 game and fish fund to the Board of Regents of the University of Minnesota to study the
3.8 effect of muskellunge stocking on the environment, waters, and native fish of Otter Tail
3.9 County. The study must be conducted independently of the Department of Natural Resources.
3.10 The Board of Regents must report the results of the study to the chairs and ranking minority
3.11 members of the legislative committees with jurisdiction over environment and natural
3.12 resources finance no later than March 1, 2020.

3.13 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day after
3.14 the Otter Tail County Board of Commissioners and its chief clerical officer timely complete
3.15 their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.