

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4898

(SENATE AUTHORS: HOFFMAN, Pha, Putnam and Hawj)		
DATE	D-PG	OFFICIAL STATUS
03/13/2024	12188	Introduction and first reading
		Referred to Environment, Climate, and Legacy
03/18/2024	12336a	Comm report: To pass as amended and re-refer to State and Local Government and Veterans

- 1.1

A bill for an act
- 1.2

relating to natural resources; providing for native rough fish; making conforming
- 1.3

changes for aquatic farm licenses and taking and possessing fish; authorizing
- 1.4

rulemaking; amending Minnesota Statutes 2022, sections 17.4983, subdivision 2;
- 1.5

17.4984, subdivision 2; 17.4988, subdivision 4; 17.4992, subdivisions 1, 3; 17.4996;
- 1.6

41A.02, subdivision 6; 84B.061; 97A.015, subdivisions 3b, 39, 43; 97A.075,
- 1.7

subdivision 2; 97A.341, subdivision 1; 97A.421, subdivision 2; 97A.425,
- 1.8

subdivision 4; 97A.475, subdivision 39; 97A.551, subdivision 2; 97B.055,
- 1.9

subdivision 2; 97B.106; 97C.025; 97C.035, subdivision 3; 97C.045; 97C.081,
- 1.10

subdivision 3a; 97C.211, subdivision 5; 97C.375; 97C.376, subdivisions 1, 5;
- 1.11

97C.381; 97C.385; 97C.391, subdivision 1; 97C.395, subdivision 2; 97C.505,
- 1.12

subdivision 8; 97C.801, subdivision 2; 97C.805, subdivisions 1, 4; 97C.811,
- 1.13

subdivision 2; 97C.831, subdivision 1; 97C.835, subdivisions 2, 3; 97C.865,
- 1.14

subdivision 1; Minnesota Statutes 2023 Supplement, sections 97B.037; 97C.041;
- 1.15

97C.371, subdivision 1.
- 1.16

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.17

Section 1. Minnesota Statutes 2022, section 17.4983, subdivision 2, is amended to read:
- 1.18

Subd. 2. **Acquisition from state.** (a) The commissioner may sell aquatic life to licensed
- 1.19

facilities at fair wholesale market value. Fair wholesale market value must be determined
- 1.20

by the average market price charged in this state and contiguous states and provinces for
- 1.21

similar quantities.
- 1.22

(b) The commissioner shall establish procedures to make aquatic life available to licensed
- 1.23

facilities if state aquatic life would otherwise die or go to waste, such as in cases of winterkill
- 1.24

lakes, waters where piscicides will be applied, and waters subject to extreme draw-down.
- 1.25

The public must be given angling opportunities if public access is available.

(c) The commissioner shall attempt to provide opportunities to make brood stock available to licensed facilities to reduce reliance on out-of-state sources without causing adverse impacts to game fish and native rough fish populations.

(d) If the commissioner denies approval to obtain aquatic life outside the state, a written notice must be submitted to the applicant stating the reasons for denial, and the commissioner shall:

(1) designate approved sources if available to obtain the desired aquatic life; or

(2) sell the aquatic life from state hatcheries at fair wholesale market value if there is a surplus from state operations.

Sec. 2. Minnesota Statutes 2022, section 17.4984, subdivision 2, is amended to read:

Subd. 2. **Listed waters.** (a) An aquatic farm license must list:

(1) the specific waters of the state that may be used in connection with the licensed aquatic farm and the species approved for each licensed water; and

(2) whether aeration requiring a permit is approved.

Additional waters may not be used until they are approved by the commissioner.

(b) The right to use waters licensed for private fish hatchery or aquatic farm purposes may be transferred between licensees with prior approval by the commissioner if requirements for species to be raised are met. Waters that are continually connected by a permanent watercourse to other waters must not be approved for aquatic farm use, except that connected waters that are isolated from other waters may be licensed as a single water body. Waters that are intermittently connected or may become connected with other waters may be denied, or screening or other measures may be required to prevent passage of aquatic life. Listed waters may be changed on approval by the area fisheries supervisor or the commissioner.

(c) The commissioner shall conduct an inspection of waters to be licensed prior to approving or denying initial licensing of the waters. When artificial tanks, jars, or other containers are added to existing licensed facilities, an additional inspection is not required.

(d) Waters containing ~~game~~ fish of significant public value, including game fish and native rough fish, may be denied licensing unless the applicant can demonstrate exclusive riparian control.

(e) Waters containing ~~game~~ fish of significant public value, including game fish and native rough fish, may be denied licensing unless the game fish and native rough fish of significant public value are, at the commissioner's option, and taking into consideration the

recommendation of the licensed applicant, sold to the licensee, or removed by the Department of Natural Resources or disposed of as provided in writing by the commissioner.

(f) Waters licensed under an aquatic farm license may be aerated during open water periods without a separate aeration permit.

(g) Common carp and bullheads may be removed from licensed waters, and transported and disposed of by the licensee.

Sec. 3. Minnesota Statutes 2022, section 17.4988, subdivision 4, is amended to read:

Subd. 4. **Aquarium facility.** (a) A person operating a commercial aquarium facility must have a commercial aquarium facility license issued by the commissioner if the facility contains species of aquatic life that are for sale and that are present in waters of the state. The commissioner may require an aquarium facility license for aquarium facilities importing or holding species of aquatic life that are for sale and that are not present in Minnesota if those species can survive in waters of the state. The fee for an aquarium facility license is \$90.

(b) Game fish and native rough fish transferred by an aquarium facility must be accompanied by a receipt containing the information required on a shipping document by section 17.4985, subdivision 3, paragraph (b).

Sec. 4. Minnesota Statutes 2022, section 17.4992, subdivision 1, is amended to read:

Subdivision 1. **Acquisition and purchase.** Game fish and native rough fish sperm, viable game fish and native rough fish eggs, or live game fish and native rough fish may not be taken from public waters for aquaculture purposes, but may be purchased from the state or acquired from aquatic farms.

Sec. 5. Minnesota Statutes 2022, section 17.4992, subdivision 3, is amended to read:

Subd. 3. **Acquisition of fish for brood stock.** (a) Game fish brood stock and native rough fish brood stock may be sold to private fish hatcheries or aquatic farms by the state at fair wholesale market value. For brood stock development, up to 20 pair of adults of each species requested may be provided to a licensee once every three years, if available, by the state through normal operations.

(b) If brood stock is not available by the June 1 following the request under paragraph (a) and a permit to take brood stock by angling is requested by the licensee, within 30 days of the request, the commissioner may issue a permit to the licensee to take, by angling, up

to 20 pairs of each species requested. Game and fish laws and rules relating to daily limits, seasons, and methods apply to the taking of fish by angling pursuant to a permit issued under this paragraph.

Sec. 6. Minnesota Statutes 2022, section 17.4996, is amended to read:

17.4996 WHITE EARTH INDIAN RESERVATION.

Until the commissioner reaches an agreement with the White Earth Indian Reservation regarding the acquisition and sale of aquatic life from public waters, an aquatic farm licensee may acquire and transport native rough fish, as defined in section 97A.015, subdivision 43, and yellow perch lawfully acquired and possessed by a tribal member for sale under tribal laws and regulations on the White Earth Reservation. Transportation of yellow perch off the reservation must be accompanied by documentation showing the source and number of the yellow perch.

Sec. 7. Minnesota Statutes 2022, section 41A.02, subdivision 6, is amended to read:

Subd. 6. **Agricultural resource project; project.** "Agricultural resource project" or "project" means (1) any facility, or portion of a facility, located in the state which is operated or to be operated primarily for the production from agricultural resources of marketable products, (2) buildings, equipment, and land used for the commercial production of turkeys or turkey products, (3) a facility or portion of a facility used for the commercial production of fish or of products made from commercially produced fish or native rough fish, as defined in section 97A.015, subdivision 43, or common carp that are not commercially produced, or (4) real or personal property used or useful in connection with a revenue-producing enterprise, or a combination of two or more revenue-producing enterprises engaged in a business, that is not used for the production of livestock, other than poultry, or for the production of crops, plants, or milk. The land in clause (2) is limited to land on which buildings and equipment are situated and immediately surrounding land used for storage, waste disposal, or other functions directly related to the commercial production of turkeys or turkey products at that project site. The land in clause (2) does not include land used for the growing or raising of crops or the grazing of livestock other than poultry. A project includes a facility or portion of a facility for mixing or producing substances to be mixed with other substances for use as a fuel or as a substitute for petroleum or petrochemical feedstocks.

Sec. 8. Minnesota Statutes 2022, section 84B.061, is amended to read:

**84B.061 STATE JURISDICTION OVER RAINY LAKE AND OTHER
NAVIGABLE WATERS; DUTIES OF GOVERNOR, ATTORNEY GENERAL, AND
OTHER PUBLIC OFFICERS.**

As required by this chapter and the act of Congress authorizing Voyageurs National Park, the state of Minnesota donated in excess of 35,000 acres of state and other publicly owned land for the park, roughly one-fourth of the land area of the park, at a cost of over \$5,000,000 to the state. More than 24,000 acres of this land was state trust fund land which the state condemned before making its donation. Pursuant to section 84B.06, lands donated by the state, along with other lands acquired by the National Park Service for the park, were made subject to concurrent jurisdiction by the state and the United States under section 1.041. In making these donations, none of the navigable waters within the park and the lands under them have been donated to the United States. These navigable waters include the following: Rainy, Kabetogama, Namakan, Sand Point, and Crane Lakes. Pursuant to applicable federal and state law, navigable waters and their beds are owned by the state. Ownership of and jurisdiction over these waters and their beds has not been ceded by the state, either expressly or implicitly, to the United States. Unlike section 1.044 relating to the Upper Mississippi Wildlife and Fish Refuge, where the state expressly granted its consent and jurisdiction to the United States to acquire interests in water, as well as land, the consent granted by the state in section 84B.06 to acquisitions by the United States for Voyageurs National Park is limited to land, only. In the discharge of their official duties, the governor, attorney general, other constitutional officers, and other public officials, such as the commissioner of natural resources, shall vigorously assert and defend, in all forums, the state's ownership of and jurisdiction over these waters and their beds and related natural resources, together with associated rights of the state and its citizens arising from the state's ownership and jurisdiction. In discharging their duties, the governor, attorney general, other constitutional officers, and other public officials shall, additionally, be especially cognizant of the free rights of travel afforded to citizens of Minnesota and others under the Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty (proclaimed May 13, 1910) on international and associated boundary waters. Also, in furtherance of duties under this section, the commissioner of natural resources shall continue in effect the commercial removal of native rough fish, as defined in section 97A.015, subdivision 43, from these waters, together with any rights to do so possessed by any person on January 1, 1995, so long as the commissioner determines that such taking is desirable to the management of the native fishery.

Sec. 9. Minnesota Statutes 2022, section 97A.015, subdivision 3b, is amended to read:

Subd. 3b. **Bow fishing.** "Bow fishing" means taking native rough fish and common carp by archery where the arrows are tethered or controlled by an attached line.

Sec. 10. Minnesota Statutes 2022, section 97A.015, subdivision 39, is amended to read:

Subd. 39. **Protected wild animals.** "Protected wild animals" means big game, small game, game fish, native rough fish, minnows, leeches, ~~alewives, ciscoes,~~ chubs, ~~lake whitefish and the subfamily Coregoninae, rainbow smelt,~~ frogs, turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.

Sec. 11. Minnesota Statutes 2022, section 97A.015, subdivision 43, is amended to read:

Subd. 43. **Native rough fish.** "Native rough fish" means ~~carp, buffalo, sucker, sheepshead, bowfin, gar, goldeye, and bullhead,~~ Amiidae (bowfin), Catostomidae (bigmouth, smallmouth, and black buffalo; white, blue, spotted, and longnose sucker; northern hogsucker; quillback; river and highfin carpsucker; and black, river, shorthead, golden, silver, and greater redhorse), Hiodontidae (goldeye and mooneye), Ictaluridae (black, brown, and yellow bullhead), Lepisosteidae (longnose and shortnose gar), and Sciaenidae (freshwater drum), except for any fish species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134.

Sec. 12. Minnesota Statutes 2022, section 97A.075, subdivision 2, is amended to read:

Subd. 2. **Minnesota migratory-waterfowl stamp.** (a) Ninety percent of the revenue from the Minnesota migratory-waterfowl stamps must be credited to the waterfowl habitat improvement account and is appropriated to the commissioner only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, ~~rough fish~~ common carp barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) the promotion of waterfowl habitat development and maintenance, including promotion and evaluation of government farm program benefits for waterfowl habitat.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific management activities under paragraph (a), clause (2).

Sec. 13. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild animal in violation of the game and fish laws is liable to the state for the value of the wild animal as provided in this section. Species afforded protection include members of the following groups as defined by statute or rule: game fish, native rough fish, game birds, big game, small game, fur-bearing animals, minnows, and threatened and endangered animal species. Other animal species may be added by rule of the commissioner as determined after public meetings and notification of the chairs of the environment and natural resources committees in the senate and house of representatives.

Sec. 14. Minnesota Statutes 2022, section 97A.421, subdivision 2, is amended to read:

Subd. 2. **Issuance after conviction; buying and selling wild animals.** A person may not obtain a license to take any wild animal or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, for a period of three years after being convicted of buying or selling game fish, native rough fish, big game, or small game, and the total amount of the sale is \$300 or more.

Sec. 15. Minnesota Statutes 2022, section 97A.425, subdivision 4, is amended to read:

Subd. 4. **Rules.** The commissioner may adopt rules, not inconsistent with subdivisions 1 to 3 3a, governing record keeping, reporting, and marking of specimens by taxidermists.

Sec. 16. Minnesota Statutes 2022, section 97A.475, subdivision 39, is amended to read:

Subd. 39. **Fish packer.** The fee for a license to prepare dressed game fish or native rough fish for transportation or shipment is \$40.

8.1 Sec. 17. Minnesota Statutes 2022, section 97A.551, subdivision 2, is amended to read:

8.2 Subd. 2. **Fish transported through state.** A person may not transport game fish or
8.3 native rough fish taken in another state or country through the state during the closed season
8.4 or in excess of the possession limit unless the fish are:

8.5 (1) transported by common carrier; or

8.6 (2) tagged, sealed, or marked as prescribed by the commissioner.

8.7 Sec. 18. Minnesota Statutes 2023 Supplement, section 97B.037, is amended to read:

8.8 **97B.037 CROSSBOW HUNTING.**

8.9 (a) Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer,
8.10 bear, turkey, common carp, or native rough fish by crossbow during the respective regular
8.11 archery seasons. The transportation requirements of section 97B.051 apply to crossbows
8.12 during the regular archery deer, bear, turkey, common carp, or native rough fish season.
8.13 Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking
8.14 deer, bear, turkey, common carp, or native rough fish by crossbow under this section must
8.15 have a valid license to take the respective game.

8.16 (b) This section expires June 30, 2025.

8.17 Sec. 19. Minnesota Statutes 2022, section 97B.055, subdivision 2, is amended to read:

8.18 Subd. 2. **Restrictions related to motor vehicles.** (a) A person may not take a wild
8.19 animal with a firearm or by archery from a motor vehicle except as permitted in this section.

8.20 (b) A person may not shoot at a decoy of a wild animal that is placed by a licensed peace
8.21 officer by:

8.22 (1) discharging a firearm from a motor vehicle; or

8.23 (2) discharging an arrow from a bow from a motor vehicle.

8.24 (c) Notwithstanding section 97B.091, a person may transport a bow uncased while in a
8.25 motorized watercraft and may take native rough fish and common carp while in the boat as
8.26 provided in section 97C.376, subdivision 3.

9.1 Sec. 20. Minnesota Statutes 2022, section 97B.106, is amended to read:

9.2 **97B.106 CROSSBOW PERMITS FOR HUNTING AND FISHING.**

9.3 Subdivision 1. **Eligibility.** (a) The commissioner may issue a special permit, without a
9.4 fee, to take big game, small game, or native rough fish with a crossbow to a person that is
9.5 unable to hunt or take native rough fish by archery because of a permanent or temporary
9.6 physical disability. A crossbow permit issued under this section also allows the permittee
9.7 to use a bow with a mechanical device that draws, releases, or holds the bow at full draw
9.8 as provided in section 97B.035, subdivision 1, paragraph (a).

9.9 (b) To qualify for a crossbow permit under this section, a temporary disability must
9.10 render the person unable to hunt or fish by archery for a minimum of two years after
9.11 application for the permit is made. The permanent or temporary disability must be established
9.12 by medical evidence, and the inability to hunt or fish by archery for the required period of
9.13 time must be verified in writing by (1) a licensed physician, licensed advanced practice
9.14 registered nurse, or licensed physician assistant; or (2) a licensed chiropractor. A person
9.15 who has received a special permit under this section because of a permanent disability is
9.16 eligible for subsequent special permits without providing medical evidence and verification
9.17 of the disability.

9.18 (c) The person must obtain the appropriate license.

9.19 Subd. 2. **Equipment requirements.** (a) A crossbow used for hunting under the provisions
9.20 of this section must:

9.21 (1) be fired from the shoulder;

9.22 (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;

9.23 (3) have a working safety; and

9.24 (4) be used with arrows or bolts at least ten inches long.

9.25 (b) An arrow or bolt used to take big game or turkey under the provisions of this section
9.26 must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

9.27 (c) An arrow or bolt used to take native rough fish with a crossbow under the provisions
9.28 of this section must be tethered or controlled by an attached line.

10.1 Sec. 21. Minnesota Statutes 2022, section 97C.025, is amended to read:

10.2 **97C.025 FISHING AND MOTORBOATS RESTRICTED IN CERTAIN AREAS.**

10.3 (a) The commissioner may prohibit or restrict the taking of fish or the operation of
10.4 motorboats by posting waters that:

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

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

10.7 or

10.8 (3) are licensed by the commissioner as a private fish hatchery or aquatic farm under
10.9 section 17.4984, subdivision 1, or 97C.211, subdivision 1.

10.10 An area may be posted under this paragraph if necessary to prevent excessive depletion of
10.11 fish or interference with fisheries research or management activities or private fish hatchery
10.12 or aquatic farm operations.

10.13 (b) The commissioner will consider the following criteria in determining if waters
10.14 licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

10.15 (1) the waters contain game fish brood stock or native rough fish brood stock and the
10.16 brood stock ~~that are~~ is vital to the private fish hatchery or aquatic farm operation;

10.17 (2) game fish or native rough fish are present in the licensed waters only as a result of
10.18 aquaculture activities by the licensee; and

10.19 (3) no public access to the waters existed when the waters were first licensed.

10.20 (c) A private fish hatchery or aquatic farm licensee may not take fish or authorize others
10.21 to take fish in licensed waters that are posted under paragraph (a), except as provided in
10.22 section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of
10.23 fish under special restrictions, licensees and others who can legally access the waters may
10.24 take fish under those special restrictions.

10.25 (d) Before March 1, 2003, riparian landowners adjacent to licensed waters on April 30,
10.26 2002, and riparian landowners who own land adjacent to waters licensed after April 30,
10.27 2002, on the date the waters become licensed waters, plus their children and grandchildren,
10.28 may take two daily limits of fish per month under an angling license subject to the other
10.29 limits and conditions in the game and fish laws.

10.30 (e) Except as provided in paragraphs (c), (d), and (f), a person may not take fish or
10.31 operate a motorboat if prohibited by posting under paragraph (a).

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

11.4 (g) Postings for water bodies designated under paragraph (a), clause (1), or being used
11.5 for fisheries research or management under paragraph (a), clause (2), are not subject to the
11.6 rulemaking provisions of chapter 14, and section 14.386 does not apply.

11.7 Sec. 22. Minnesota Statutes 2022, section 97C.035, subdivision 3, is amended to read:

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

11.9 (1) in any quantity;

11.10 (2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and

11.11 (3) for personal use only, except ~~rough fish~~ common carp may be sold.

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

11.15 Sec. 23. Minnesota Statutes 2023 Supplement, section 97C.041, is amended to read:

11.16 **97C.041 COMMISSIONER MAY REMOVE NATIVE ROUGH FISH.**

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

11.24 Sec. 24. Minnesota Statutes 2022, section 97C.045, is amended to read:

11.25 **97C.045 REMOVING COMMON CARP AND NATIVE ROUGH FISH FROM**
11.26 **BOUNDARY WATERS.**

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

11.30 (1) contracting to remove common carp and native rough fish;

12.1 (2) inspection of the work;

12.2 (3) the division of proceeds; and

12.3 (4) regulating the taking of common carp and native rough fish.

12.4 Sec. 25. Minnesota Statutes 2022, section 97C.081, subdivision 3a, is amended to read:

12.5 Subd. 3a. **No permit required.** A person may conduct a fishing contest without a permit
12.6 from the commissioner if:

12.7 (1) the contest is not limited to specifically named waters;

12.8 (2) the contest is limited to ~~rough fish~~ common carp and participants are required to fish
12.9 with a hook and line; or

12.10 (3) the total prize value is \$500 or less.

12.11 Sec. 26. Minnesota Statutes 2022, section 97C.211, subdivision 5, is amended to read:

12.12 Subd. 5. **Price of game fish fry and eggs.** The commissioner may sell or barter game
12.13 fish or native rough fish fry or eggs for not less than the cost associated with the production
12.14 of eggs or fry.

12.15 Sec. 27. Minnesota Statutes 2023 Supplement, section 97C.371, subdivision 1, is amended
12.16 to read:

12.17 Subdivision 1. **Species allowed.** Only common carp, native rough fish, catfish, lake
12.18 whitefish, cisco (tulibee), and northern pike may be taken by spearing.

12.19 Sec. 28. Minnesota Statutes 2022, section 97C.375, is amended to read:

12.20 **97C.375 TAKING NATIVE ROUGH FISH BY SPEARING.**

12.21 (a) A resident or nonresident may take native rough fish by spearing according to
12.22 paragraph (b) and during the times, in waters, and in the manner prescribed by the
12.23 commissioner.

12.24 (b) Suckers may be taken by spearing from ~~the last Saturday in April~~ May 1 through the
12.25 last ~~Sunday~~ day in February.

13.1 Sec. 29. Minnesota Statutes 2022, section 97C.376, subdivision 1, is amended to read:

13.2 Subdivision 1. **Season.** (a) The regular bow-fishing season for residents and nonresidents
13.3 is from ~~the last Saturday in April to~~ May 1 through the last ~~Sunday~~ day in February at any
13.4 time of the day.

13.5 (b) The early bow-fishing season for residents and nonresidents is open only south of
13.6 State Highway 210 from ~~the Monday after the last Sunday in February to the Friday before~~
13.7 March 1 through the last ~~Saturday~~ day in April at any time of the day. During the early
13.8 season, a person may bow fish:

13.9 (1) only from a boat; and

13.10 (2) only while on a lake or on the Mississippi, Minnesota, or St. Croix River.

13.11 Sec. 30. Minnesota Statutes 2022, section 97C.376, subdivision 5, is amended to read:

13.12 Subd. 5. **Returning native rough fish and common carp to waters.** Native rough fish
13.13 and common carp taken by bow fishing ~~shall~~ must not be returned to the water, and native
13.14 rough fish and common carp may not be left on the banks of any water of the state.

13.15 Sec. 31. Minnesota Statutes 2022, section 97C.381, is amended to read:

13.16 **97C.381 HARPOONING NATIVE ROUGH FISH.**

13.17 A resident or nonresident may use a rubber powered gun, spring gun, or compressed air
13.18 gun to take native rough fish and common carp by harpooning. The harpoon must be fastened
13.19 to a line not more than 20 feet long. The commissioner may prescribe the times, the waters,
13.20 and the manner for harpooning native rough fish and common carp.

13.21 Sec. 32. Minnesota Statutes 2022, section 97C.385, is amended to read:

13.22 **97C.385 COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.**

13.23 Subdivision 1. **Effect on summer angling season.** If the commissioner closes the
13.24 statutory open season for ~~the spearing of a game fish or~~ native rough fish species in any
13.25 waters, the commissioner must, in the same rule, close the following statutory open season
13.26 for angling for the same species in the waters in the same proportion.

13.27 Subd. 2. **Effect on summer angling limits.** If the commissioner reduces the limit of a
13.28 species of game fish or native rough fish taken by spearing in any waters under section
13.29 97A.045, subdivision 2, the commissioner must reduce the limit for taking ~~of~~ the species
13.30 by angling in the waters during the following open season for angling.

14.1 Subd. 3. **Limiting closures by county.** The commissioner may not close the open season
14.2 for taking game fish or native rough fish through the ice on more than 50 percent of the
14.3 named lakes or streams of a county under section 97A.045, subdivision 2.

14.4 Sec. 33. Minnesota Statutes 2022, section 97C.391, subdivision 1, is amended to read:

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

14.7 (1) minnows;

14.8 (2) ~~rough fish~~ common carp;

14.9 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

14.10 (4) fish taken under licensed commercial fishing operations;

14.11 (5) fish that are private aquatic life; and

14.12 (6) fish lawfully taken and subject to sale from other states and countries.

14.13 Sec. 34. Minnesota Statutes 2022, section 97C.395, subdivision 2, is amended to read:

14.14 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
14.15 crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee),
14.16 lake whitefish, and native rough fish, the open season is continuous.

14.17 Sec. 35. Minnesota Statutes 2022, section 97C.505, subdivision 8, is amended to read:

14.18 Subd. 8. **Possession for minnow dealers.** When nets and traps are lawfully set and
14.19 tended, minnows ~~and~~ ² incidentally taken game fish under four inches in length, and
14.20 incidentally taken native rough fish that are not classified as minnows ~~are not~~ must be
14.21 removed from the nets and traps to the extent practicable but shall not be considered to be
14.22 in possession ~~until the minnows or game fish are placed on a motor~~ if inadvertently brought
14.23 to a holding tank ~~vehicle or trailer for transport on land.~~

14.24 Sec. 36. Minnesota Statutes 2022, section 97C.801, subdivision 2, is amended to read:

14.25 Subd. 2. **Commercial fish netting on Mississippi River.** (a) A license is required to
14.26 commercially take native rough fish with seines in the Mississippi River from the St. Croix
14.27 River junction to St. Anthony Falls.

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

15.1 (1) operations shall be conducted only in the flowing waters of the river and in tributary
15.2 backwaters prescribed by the commissioner;

15.3 (2) seines may be used only as prescribed by this section and rules adopted by the
15.4 commissioner;

15.5 (3) seines must be hauled to a landing immediately after being placed;

15.6 (4) two seines may not be joined together in the water; and

15.7 (5) a seine may not be landed between sunset and sunrise.

15.8 Sec. 37. Minnesota Statutes 2022, section 97C.805, subdivision 1, is amended to read:

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

15.14 (b) The commissioner may close specific lakes and waters that are otherwise open under
15.15 this subdivision if the commissioner posts notice of the closing at a minimum of three sites
15.16 on the shore of the waters, including all public water-access sites. Before closing waters
15.17 under this paragraph, the commissioner shall determine that the closure is necessary to
15.18 protect game fish or native rough fish populations.

15.19 Sec. 38. Minnesota Statutes 2022, section 97C.805, subdivision 4, is amended to read:

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

15.23 Sec. 39. Minnesota Statutes 2022, section 97C.811, subdivision 2, is amended to read:

15.24 Subd. 2. **Commercial fish defined.** For purposes of this section and section 97A.475,
15.25 subdivision 30, "commercial fish" are common carp; bowfin; burbot; cisco; goldeye; rainbow
15.26 smelt; black bullhead, brown bullhead, and yellow bullhead; lake whitefish; members of
15.27 the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and
15.28 smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and
15.29 members of the gar family, Lepisosteidae and native rough fish, except for bowfin.

16.1 Sec. 40. Minnesota Statutes 2022, section 97C.831, subdivision 1, is amended to read:

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

16.6 Sec. 41. Minnesota Statutes 2022, section 97C.835, subdivision 2, is amended to read:

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

16.10 Sec. 42. Minnesota Statutes 2022, section 97C.835, subdivision 3, is amended to read:

16.11 Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake whitefish,
16.12 round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, and native rough
16.13 fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under
16.14 the rules prescribed by the commissioner.

16.15 Sec. 43. Minnesota Statutes 2022, section 97C.865, subdivision 1, is amended to read:

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

16.20 (1) the name, address, and license number of the shipper;

16.21 (2) the name and address of the consignee; and

16.22 (3) the number of each species and net weight of fish in the shipment.

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

16.25 Sec. 44. **REQUIRED RULEMAKING.**

16.26 The commissioner of natural resources may use the good cause exemption under
16.27 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules to conform with
16.28 this act. Minnesota Statutes, section 14.386, does not apply to rules adopted under this
16.29 section except as provided under Minnesota Statutes, section 14.388.

17.1 Sec. 45. **REVISOR INSTRUCTION.**

17.2 The revisor of statutes must renumber Minnesota Statutes, section 97A.015, subdivision
17.3 32b, as Minnesota Statutes, section 97A.015, subdivision 32d, and must renumber Minnesota
17.4 Statutes, section 97A.015, subdivision 43, as Minnesota Statutes, section 97A.015,
17.5 subdivision 32c.