

6260.1800 COMMERCIAL FISHING ON LAKE SUPERIOR.

Subpart 1. **Species, seasons, and limits.** The species of fish in this subpart may be taken in Lake Superior by licensed commercial operators according to this subpart.

A. Chubs, alewives, smelt, and rough fish may be taken at any time. Ciscoes may be taken from December 1 through October 31, except that ciscoes may be taken from November 1 through November 30 under a special permit approved by the commissioner.

B. Lake whitefish and round whitefish may be taken in gill, pound, or trap nets under a special permit approved by the commissioner. Incidental catch of lake and round whitefish in other commercial fishing operations may be possessed but must be reported on forms provided by the commissioner.

C. Lake trout and siscowet may not be taken by commercial fishing except by special permit. Lake trout and siscowet legally taken under permit or incidentally taken to commercial operations and dead when removed from the water may be possessed only if sealed with a tag, provided by the commissioner, affixed through the mouth and out the gill. Untagged lake trout and siscowet may not be possessed, bought, or sold by licensed commercial operators. All incidentally taken live lake trout and all untagged dead lake trout must be returned to the water immediately.

Subp. 2. **Use of gill nets.** While used on Lake Superior, a tag which is not smaller than 2-1/2 inches by five-eighths inch permanently bearing the owner's name and address must be attached to one end of the gill net float line near the first float.

While used on Lake Superior, cisco nets are considered gill nets which are weighted to fish in a floating or suspended position off the bottom, and chub nets are gill nets which are weighted to fish on the bottom.

Subp. 3. **Use of pound or trap nets.** Hoops and center leads of pound nets used on Lake Superior may be of any length and diameter. A trap net may not exceed six feet in height and a hoop may not exceed six feet in diameter. The webbing for pound or trap nets, including leads, may not exceed 2-1/2 inch stretch measure, or be of twine size less than 9 gauge or 70 pound strength. Pound or trap nets may not be set within one-quarter mile of the mouth of any stream unless approved by the commissioner. Pound or trap nets may not be set in harbors from May 25 through March 31, except for St. Louis Bay downstream (east) of the U.S. Highway 53 bridge, unless approved by the commissioner. Commercial operators must notify the Lake Superior Fisheries Office within 48 hours if they are unable to lift and empty pound or trap nets at least once every 48 hours. All net stakes, lines, and anchors must be removed from the lake bed within ten days of removing pound and trap nets. Commercial operators must notify the Lake Superior Fisheries Office prior to setting pound or trap nets and at the beginning of each week that pound or trap nets are used. The commissioner may deny the use of pound or trap nets during periods when such use would conflict with fisheries management activities. Pound or trap nets must be marked with a tag which is at least 2-1/2 inches by five-eighths inch permanently bearing the owner's name and address and attached to the top rope of the back side of the pound or crib. Trap nets set with anchors must have attached to the end farthest from shore one fluorescent orange or fluorescent red marker buoy constructed so that a minimum of 18 inches of buoy surface is visible above water in the absence

of current or under the weight of nets and line. The number of the owner's Lake Superior commercial fishing license must be plainly marked, in black, on the marker buoy. The marker buoy must be marked with a fluorescent orange or fluorescent red flag, at least one foot square, attached to the top of a flagstaff at least five feet long, and the buoy constructed so that the flagstaff is supported in a vertical position. Each flagstaff must display one linear foot of reflective surface material immediately below the flag. All buoys and floats used in pound or trap net sets must be constructed of styrofoam, plastic, rubber, or other materials nonhazardous to navigation.

Subp. 4. **Required net markings.** Gill nets, when set in Lake Superior, must be attached at each end to fluorescent orange or fluorescent red marker buoys constructed such that a minimum of 18 inches of buoy surface is visible above water in the absence of current or under the weight of nets and lines. The number of the owner's Lake Superior commercial fishing license must be plainly marked, in black, on each end marker buoy. Each end marker buoy must be marked with a fluorescent orange or fluorescent red flag, at least one foot square, attached to the top of a flagstaff at least five feet long, and the buoy must be constructed so that the flagstaff is supported in a vertical position. Each flagstaff must display one linear foot of reflective surface material immediately below the flag. In addition, the marker buoy attached to the shoreward (or westerly) end of each set must have a one foot square white flag positioned immediately below the fluorescent orange or fluorescent red flag. No other staffs or flags employed in gill net sets may be marked with fluorescent orange or fluorescent red flags. Float or trip buoys used to support suspended nets for fishing cisco must be of vinyl or PVC material measuring a minimum of 15 inches in diameter of fluorescent red or orange color. All buoys and floats used in gill net sets must be constructed of styrofoam, plastic, rubber, or other materials nonhazardous to navigation.

Subp. 5. **Net limits for individual operators.**

A. No more than 100,000 feet of cisco net may be licensed in Minnesota waters of Lake Superior and no more than 2,000 feet of cisco net may be allocated to an individual licensee, except as provided by Minnesota Statutes, section 97C.835.

B. No more than 100,000 feet of chub net may be licensed in Minnesota waters of Lake Superior and no more than 10,000 feet of chub net may be allocated to an individual licensee, except as provided by Minnesota Statutes, section 97C.835.

C. No more than five pound nets shall be licensed in Minnesota waters for taking smelt. Taking smelt by commercial gear is allowed only in Minnesota's Lake Superior management zone 1, referenced as "MN1" on the map posted on the Department of Natural Resources' website.

Subp. 6. **Net locations.** Gill nets may not be set within one-quarter mile of the shore in the area extending from the Superior entrance to Pigeon River, except under permit issued by the commissioner. From June 1 through Labor Day, gill nets not under permit must be at least one-half mile from the entrance of marinas or public accesses. Gill nets set on the bottom may not be in water shallower than 50 fathoms if closer than one mile from the Minnesota shore and 40 fathoms if farther than one mile from the Minnesota shore except under permit.

Subp. 7. **Required reporting.** Commercial fishing operators must submit a record of their commercial fishing operations for each month of the calendar year on forms provided by the

commissioner. These reports must be submitted to the address identified on the form so that they are received within ten days after the end of the month for which the report is made. Reports must be made regardless of whether fish are taken and regardless of whether any fishing operations have taken place. Separate records must be kept for each pound or trap net used in Lake Superior and St. Louis Bay. Reports for pound or trap nets must include the number of game fish kept and released, and must be submitted to the Lake Superior Office by the tenth day of each month for the preceding month, whether or not pound or trap nets were fished. Special permits may require more detailed reporting as described in subpart 8 or as a condition of the permit.

Subp. 8. Permits for taking lake trout, siscowet, cisco, lake whitefish, and round whitefish.

A. Only individuals currently licensed as commercial operators on Lake Superior may apply for permits to take lake trout, siscowet, cisco, lake whitefish, and round whitefish. Applicants must apply in writing on forms provided by the commissioner. Applications must be completed in full and returned by April 15 of each year for lake trout and by October 15 of each year for cisco to the address specified on the application. Applications for lake whitefish, round whitefish, and siscowet may be submitted at any time.

B. The permittee must be present on the vessel when setting, lifting, and processing fish. The permittee must provide, on forms provided by the commissioner:

- (1) monthly records of harvest for lake trout;
 - (2) weekly records of harvest for cisco;
 - (3) records for lake whitefish, round whitefish, and siscowet as specified in the permit;
- and
- (4) other records or information as specified in the permits.

Harvest reports from the previous year must be received before any new permits are issued the next year. Noncompliance of reporting may result in revocation or denial of permits.

C. The number of permits within an area (zone and grid) and harvest are limited as follows:

- (1) for lake trout:
 - (a) no more than ten permits per zone per season shall be issued with no more than two permits allowed per statistical grid as identified in a grid map. The commissioner shall conduct a lottery if more than ten applications are received for a specific zone or more than two applications are received for a specific grid;
 - (b) no more than two gill net gangs shall be authorized per permit and the gill net gangs must be set only during the time period identified on the permit;
 - (c) no more than 1,000 lake trout may be taken under an individual permit; and
 - (d) no more than 1,000 lake trout may be taken in a grid; and
- (2) for cisco:

(a) by October 15 of each year, the commissioner shall review cisco population and harvest data and establish a cisco harvest allocation for each zone and for each permit; and

(b) no more than three permits per statistical grid shall be authorized.

D. The commissioner may specify conditions for permits to protect the species, including:

(1) when authorized activities may be conducted, including days of the week or other time restrictions;

(2) where net sets may be located;

(3) how authorized activities are conducted, including harvest methods;

(4) monthly or annual limits on the number or pounds of fish species that may be removed in the permitted zones and grids; and

(5) the number and length of gill nets.

E. The commissioner shall consider the following criteria when making a decision on specifying conditions for a permit:

(1) whether the applicant is qualified to conduct the activities authorized by the permit;

(2) whether the activity will advance knowledge, understanding, interpretation, or management of a fish species, fish community, or water body;

(3) impacts to spawning fish, spawning areas, critical habitat, or fish communities;

(4) whether the activity is detrimental or helps achieve management objectives for the specific water body;

(5) whether water temperature, water quality conditions, or pathogens would lead to undue mortality or spread of diseases or invasives; and

(6) whether the activities during high-use periods are anticipated to cause user conflicts.

Statutory Authority: *MSs 14.388; 97A.045; 97A.418; 97C.041; 97C.345; 97C.811; 97C.821; 97C.835; 97C.836*

History: *18 SR 83; 20 SR 2287; 23 SR 348; 32 SR 1044; 37 SR 1664*

Published Electronically: *September 10, 2018*