

**6262.0577 BAIT PRESERVATION.****Subpart 1. Permit required to preserve bait.**

A. For purposes of this part, "bait" has the meaning given under Minnesota Statutes, section 97C.341, paragraph (b).

B. A person must obtain a bait preservation permit to preserve bait for use in waters of the state if the bait is:

(1) cisco or smelt that are from waters that have not been certified disease free according to Minnesota Statutes, section 97C.342, except those being used on Lake Superior or its tributaries below the posted boundaries;

(2) from known positive viral hemorrhagic septicemia waters, except cisco and smelt being used on Lake Superior or its tributaries below the posted boundaries;

(3) imported bait that does not have a valid fish health certification showing no presence of viral hemorrhagic septicemia; or

(4) a species on the VHS-susceptible-species list, as defined in Minnesota Statutes, section 17.4982, subdivision 21b.

C. Only persons with a minnow dealer, minnow retailer, aquatic farm, private fish hatchery, commercial netting of fish, fish packer, or Lake Superior fishing guide license issued by the commissioner are eligible for a bait preservation permit.

**Subp. 2. Preservation methods.** Preservation methods that are permitted include use of isopropyl alcohol, a salt and borax mixture, or other methods determined by the commissioner to effectively inactivate the viral hemorrhagic septicemia (VHS) virus. Freezing or refrigeration is not an approved preservation method. Methods may include a minimum processing time to ensure complete inactivation of the virus. A permittee, or out-of-state person working under a permittee under subpart 5, must follow all preservation procedures prescribed in the permit and may not distribute or sell preserved bait until all permit requirements are met.

**Subp. 3. Reporting requirements.** A holder of a bait preservation permit must maintain records within the state on forms provided by the commissioner for each lot of fish preserved. The records must include the method of preservation, the lot number for each batch of fish preserved, the source water body of the fish preserved, and other information as specified on the reporting form. A permittee must enter required records into forms within 24 hours of processing each lot of fish. A permittee must retain records for three years following the date of creation. All records required to be retained must be open to inspection by the commissioner at any reasonable time.

**Subp. 4. Labeling requirements.** A bait preservation permittee must label each container or package of preserved bait with the following information:

A. Department of Natural Resources bait preservation permit number;

B. lot number; and

C. date of processing.

Subp. 5. **Out-of-state preservation.** Persons located outside the state may preserve bait for use in Minnesota waters only under a permit held by a Minnesota resident age 16 years or older. Complete preservation records must be created for each lot of fish preserved. The records must be transferred to the permit holder prior to or along with shipment of the product. The permit holder must retain the records as provided in subpart 3. A permittee is responsible for ensuring that all persons working under the permittee's permit preserve, report, and label as prescribed by the bait preservation permit.

**Statutory Authority:** *MS s 14.388; 97C.341*

**History:** *39 SR 1619; 50 SR 175*

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