

6266.0600 MINNESOTA-WISCONSIN BOUNDARY WATERS COMMERCIAL REGULATIONS.

Subpart 1. **Commercial operations and equipment.** Licensed commercial operators may take minnows and rough fish as provided in this part. Commercial gear authorized under a commercial fishing license includes set lines (trot lines), seines, gill nets, and traps when used to take minnows. The commissioner may authorize the use of other gear under contract or permit as may be agreed upon between the states of Minnesota and Wisconsin. Commercial gear, unless otherwise specified, may not be used or operated in Pool 4 of the Mississippi River between Mile Post 780 and 797 from March 1 through May 31.

Subp. 2. **Territorial restrictions for commercial operations.** On Minnesota-Wisconsin boundary waters, a commercial operator may operate only in the territorial waters of the state of licensure.

Subp. 3. **Commercial fishing restrictions.** The following restrictions apply to commercial fishing on Minnesota-Wisconsin boundary waters:

A. Game fish taken in any commercial fishing operation must be returned to the water immediately. Grass carp taken during commercial fishing operations may not be returned to the water.

B. A person other than the license holder or a licensed helper may not tend commercial fishing gear. Commercial nets or set lines may not be used or operated in any waters within 900 feet below any dam on the Mississippi River.

C. The commissioner may require the operator of any seine, set line, or gill net to cease fishing operations when it has been determined that such operations are detrimental to game fish or other protected wildlife.

D. Nets or set lines may not be set, lifted, hauled, or tended in any manner between one-half hour after sunset and one hour before sunrise of the following morning, except when completing an ongoing seine haul with the permission of the commissioner.

E. A licensed commercial operator, any crew member, or any person in the boat may not have in possession any game fish or sport angling equipment while operating licensed commercial gear or while traveling to or from the place of operation of such gear.

F. A person, other than a person selling commercial gear at wholesale or retail, may not have in possession or under control any unlicensed commercial fishing gear or a basket trap (slat net), trammel net, or wooden trap which could be used for the purpose of taking, catching, or killing fish in any of the counties bordering the boundary waters as specified in part 6266.0500.

G. Commercial operators licensed to fish Minnesota-Wisconsin boundary waters must submit monthly reports on forms provided by the commissioner, regardless of whether

fish are taken or whether any fishing operations have taken place. Reports must be sent to the address identified on the form so that they are received by the tenth day of the month following the month that the activity took place.

Subp. 4. **Use of set lines.** Rough fish may be taken from April 1 through October 31 in the Mississippi River and Lake Pepin by licensed commercial operators with the use of set lines. A person may not set or operate more than a total of four set lines, not to exceed 100 hooks attached to each line or 400 hooks in the aggregate, nor place set lines in any manner which obstructs any type of boat travel in more than three-fourths the width of any bay, slough, or channel. A person using set lines may not use any frogs, game fish, bullheads of any size, or their parts for bait. Set lines must have attached the identification tag provided with the license. At one end of every set line there must be a white flag, not less than 16 inches square, the upper end of which must extend at least two feet above the water, which must be legibly numbered with figures at least three inches in height corresponding with the number of the license authorizing the use of the set line, or a nonmetallic buoy of permanent buoyancy and of at least one gallon displacement of white or yellow color bearing the markings described above. Set lines must be lifted and fish removed at least once every 24 hours and must be set or lifted only between one hour before sunrise and one-half hour after sunset.

Subp. 5. **Use of seines.** Rough fish may be taken by commercial operators with the use of seines of any size only in those portions of the Minnesota-Wisconsin boundary waters lying south of the U.S. Highway 8 bridge at St. Croix Falls. From October 1 through April 30, each commercial operator may retain no more than 100 pounds of catfish per day taken incidental to commercial operations. Catfish must have a minimum length of 15 inches. Seine hauls may not be made without the operator first having notified the local conservation officer and area fisheries supervisor of the hauls.

Subp. 6. **Use of gill nets.** The following provisions apply to the use of gill nets in commercial fishing operations on Minnesota-Wisconsin boundary waters:

A. Rough fish may be taken in the Mississippi River and Lake Pepin by commercial operators with the use of gill nets having a mesh measuring 3-1/2 inches or larger, bar or square measure, measured while in use and inside the knots. Gillnetting may not be used as a drag seine or drift net at any time.

B. Gill nets must be attached to an end stake, pole, or anchored buoy bearing a white flag, not less than 16 inches square, the upper end of which must extend at least two feet above the water or ice at all times when the net is set or in operation, which must be legibly numbered with figures at least three inches in height corresponding with the number of the license authorizing the use of such nets.

C. Gill nets must be lifted and emptied of fish at least once every 24 hours when set in open water and at least once every 48 hours when set under the ice, unless otherwise authorized by the commissioner.

D. Gill nets may not be set in such a manner as to obstruct any type of boat travel in more than three-fourths the width of any slough, bay, or channel.

Subp. 7. **Taking of minnows.** The following provisions apply to the commercial taking of minnows on Minnesota-Wisconsin boundary waters:

A. Minnows may not be taken in Minnesota-Wisconsin boundary waters, except in the St. Croix River upstream of the Taylors Falls Dam, by seine, dip net, or trap. Seines may not exceed 50 feet in length or five feet in depth, nor have mesh exceeding one-half inch, stretch measure. Dip net frames may not exceed six feet in diameter nor have a net bag more than four feet deep. A trap may not exceed 24 inches in length or 16 inches in diameter or have an opening at its throat exceeding 1-1/2 inches in diameter. All traps used in taking minnows must have securely attached a label or tag legibly and permanently bearing the name and address of the operator. All minnow traps must be raised and the minnows removed at least once every 24 hours.

B. Live carp fingerlings, except grass carp, may be transported for sale or for bait only by boat or other floating conveyance and only on the boundary waters where taken. Alewife, ruffe, and white perch may not be possessed or used as bait.

Subp. 8. **Taking of turtles.** Turtles may be taken incidental to licensed commercial fishing operations or by persons licensed to take turtles as provided by chapter 6256 and Minnesota Statutes, section 97A.475, and may be possessed and sold as provided by Minnesota Statutes, sections 97C.605 and 97C.611.

Subp. 9. [Repealed, 28 SR 629]

Statutory Authority: *MS s 97A.045; 97C.045*

History: *18 SR 83; 20 SR 2287; 23 SR 348; 28 SR 629*

Published Electronically: *June 11, 2008*