

Department of Natural Resources

Chapters:

Expedited Emergency Game and Fish Rules

6216

6254

**WILDLIFE DISEASE PREVENTION AND CONTROL PERTAINING
TO VIRAL HEMORRHAGIC SEPTICEMIA (VHS) TRANSMISSION
FROM BAIT**

6262

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Please see enclosure for text of this expedited emergency game and fish rules package relating to wildlife disease prevention and control relating to VHS transmission from bait used for angling and taking fish.

1.1 **Department of Natural Resources**

1.2 **Adopted Expedited Emergency Game and Fish Rules: Wildlife Disease Prevention**
1.3 **and Control Pertaining to Viral Hemorrhagic Septicemia (VHS) Transmission from**
1.4 **Bait**

1.5 **6216.0400 RESTRICTED ACTIVITIES ON INFESTED WATERS; PERMITS.**

1.6 Subpart 1. **Taking bait from infested waters.** The taking of wild animals from
1.7 infested waters for bait or aquatic farm purposes is prohibited, except:

1.8 A. by permit according to part 6254.0200 and Minnesota Statutes, sections
1.9 84D.03, subdivision 3, and 84D.11, subdivision 2a; ~~and~~

1.10 B. harvest for bait purposes from waters that are designated as infested waters
1.11 solely because they contain Eurasian water milfoil is allowed for noncommercial personal
1.12 use; and

1.13 C. harvest of rainbow smelt or cisco for bait purposes from Lake Superior or its
1.14 tributaries below the posted boundaries, except those streams listed in part 6262.0300,
1.15 subpart 4, item C, for use as fresh, dead, frozen, or preserved bait only on Lake Superior
1.16 or its tributaries below the posted boundaries, in accordance with Minnesota Statutes,
1.17 section 97C.341, paragraph (c).

1.18 [For text of subps 1a to 4, see M.R.]

1.19 **6254.0600 REQUIREMENTS TO HOLD AND MOVE MORE THAN 24 DOZEN**
1.20 **MINNOWS.**

1.21 [For text of subps 1 to 6, see M.R.]

1.22 Subp. 7. **Live fish transportation, importation, and stocking permit required.** A
1.23 licensed minnow dealer must obtain a state-issued live fish transportation, importation,
1.24 and stocking permit before harvesting and transporting cisco, rainbow smelt, and animals
1.25 on the viral hemorrhagic septicemia-susceptible species list published by the United
1.26 States Department of Agriculture, Animal and Plant Health Inspection Services. A live

2.1 fish transportation, importation, and stocking permit may be used for multiple shipments
2.2 within the term of the permit only if the source and the destination remain the same.

2.3 **6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.**

2.4 [For text of subps 1 to 6, see M.R.]

2.5 Subp. 7. **Use of cisco and smelt as bait.** Cisco and smelt, as specified under
2.6 Minnesota Statutes, section 97C.342, subdivision 2, shall not be taken, possessed, or used
2.7 for bait, in accordance with Minnesota Statutes, sections 84D.03, subdivision 3, and
2.8 84D.11, subdivision 2a, except as provided in parts 6262.0300, subpart 5, and 6262.0576,
2.9 and Minnesota Statutes, section 97C.341, paragraph (c).

2.10 Subp. 8. **Recreational angler bait restrictions.** A licensed angler or persons
2.11 exempt from licensing shall not possess or use bait as defined under part 6262.0576 and
2.12 Minnesota Statutes, section 97C.341, paragraph (b), or bait on the viral hemorrhagic
2.13 septicemia-susceptible species list published by the United States Department of
2.14 Agriculture, Animal and Plant Health Inspection Services while taking wild animals in
2.15 waters of the state, unless:

2.16 A. the bait was purchased from a licensed minnow dealer or minnow retailer;

2.17 B. the bait was taken from a water body with a valid fish health certification
2.18 showing no presence of viral hemorrhagic septicemia within the past year; or

2.19 C. the bait is preserved according to part 6262.0577 and as further prescribed
2.20 by the commissioner in a permit.

2.21 **6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR AND**
2.22 **TRIBUTARIES.**

2.23 [For text of subps 1 to 4, see M.R.]

2.24 **Subp. 5. Prohibition on taking fish for bait purposes.**

3.1 A. Taking fish for bait purposes from all Minnesota waters of Lake Superior
3.2 and all waters of the St. Louis River downstream of the Fond du Lac Dam in St. Louis
3.3 and Carlton Counties, including any and all outflows, estuaries, streams, creeks, or waters
3.4 adjacent to or flowing into these waters, is prohibited, except as provided in item B.

3.5 B. Notwithstanding Minnesota Statutes, section 84D.03, subdivision 3, and
3.6 as provided in Minnesota Statutes, section 97C.341, paragraph (c), cisco or rainbow
3.7 smelt may be taken for use as bait from Lake Superior or its tributaries below the posted
3.8 boundaries, except those streams listed in subpart 4, item C. The cisco and rainbow smelt
3.9 may be used only on Lake Superior or its tributaries below the posted boundaries, as fresh,
3.10 dead, frozen, or preserved bait. Preserved cisco and smelt may be used as prescribed in
3.11 part 6262.0576 on all waters of the state.

3.12 [For text of subps 6 and 7, see M.R.]

3.13 **6262.0576 CISCO AND SMELT BAIT RESTRICTIONS.**

3.14 Subpart 1. **Definitions.** For purposes of this part:

3.15 A. "cisco" means all Coregonus, including lake herring and tullibee; and

3.16 B. "smelt" means all Osmerus, Spirincus, Hypomesus, and Allosmerus.

3.17 Subp. 2. **Possession and use.** A person shall not possess or use cisco or smelt, as
3.18 specified under Minnesota Statutes, section 97C.342, subdivision 2, for bait while taking
3.19 wild animals in waters of the state, unless:

3.20 A. the cisco or smelt are being used on Lake Superior;

3.21 B. the cisco or smelt are taken from a water body certified as disease free
3.22 according to Minnesota Statutes, section 97C.342; or

3.23 C. the cisco or smelt are preserved according to part 6262.0577 and as further
3.24 prescribed by the commissioner in a permit.

4.1 Subp. 3. **Required documentation.**

4.2 A. Except when legally harvesting cisco or smelt for consumption or when on
4.3 Lake Superior, a person on, or taking wild animals in, waters of the state shall not possess
4.4 cisco or smelt unless the person has in possession:

4.5 (1) for frozen or dead fish, labeling according to Minnesota Statutes,
4.6 section 97C.342, subdivision 7;

4.7 (2) for preserved fish, preservation labeling according to part 6262.0577,
4.8 subpart 4; or

4.9 (3) for live fish, a live fish importation, transportation, and stocking permit
4.10 under Minnesota Statutes, section 97C.342, subdivision 5, to commercially move fish
4.11 from a disease-free source.

4.12 B. A person must retain the required labeling until the cisco or smelt are no
4.13 longer in possession.

4.14 Subp. 4. **Permit required to preserve cisco and smelt.** A person must obtain a bait
4.15 preservation permit under part 6262.0577 to preserve cisco and smelt for use as bait in
4.16 waters of the state.

4.17 **6262.0577 BAIT PRESERVATION.**

4.18 Subpart 1. **Permit required to preserve bait.**

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

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

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

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

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

5.8 (4) a species on the viral hemorrhagic septicemia-susceptible species list
5.9 published by the United States Department of Agriculture, Animal and Plant Health
5.10 Inspection Service, and has not been harvested from certified disease-free sources.

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

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

5.22 Subp. 3. **Reporting requirements.** A holder of a bait preservation permit must
5.23 maintain records within the state on forms provided by the commissioner for each lot of
5.24 fish preserved. The records must include the method of preservation, the lot number
5.25 for each batch of fish preserved, the source water body of the fish preserved, and other
5.26 information as specified on the reporting form. A permittee must enter required records

6.1 into forms within 24 hours of processing each lot of fish. A permittee must retain records
6.2 for three years following the date of creation. All records required to be retained must be
6.3 open to inspection by the commissioner at any reasonable time.

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

6.6 A. Department of Natural Resources bait preservation permit number;

6.7 B. lot number; and

6.8 C. date of processing.

6.9 Subp. 5. **Out-of-state preservation.** Persons located outside the state may preserve
6.10 bait for use in Minnesota waters only under a permit held by a Minnesota resident age
6.11 16 years or older. Complete preservation records must be created for each lot of fish
6.12 preserved. The records must be transferred to the permit holder prior to or along with
6.13 shipment of the product. The permit holder must retain the records as provided in subpart
6.14 3. A permittee is responsible for ensuring that all persons working under the permittee's
6.15 permit preserve, report, and label as prescribed by the bait preservation permit.

6.16 **REPEALER.** The expedited emergency amendments to Minnesota Rules, parts
6.17 6216.0400, subpart 1; 6254.0600, subpart 7; 6262.0100, subpart 7; 6262.0300, subpart
6.18 5; 6262.0576; and 6262.0577, published in the State Register, April 2, 2012, volume 36,
6.19 page 1155, are repealed.