Minnesota Department of Natural Resources
Division of Fish and Wildlife

ORDER ADOPTING RULES

Adoption of Rules Governing Aquatic Wildlife and Permits, *Minnesota Rules*, parts 6212.1400, 6262.0100, 6262.0500,
Repeal of Rules Governing Aquatic Wildlife, *Minnesota Rules*, parts 6212.1500 and 6212.1700

BACKGROUND INFORMATION

1. The Department of Natural Resources has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. The agency received 52 written comments and submissions on the rules. Four persons requested a public hearing. Therefore, there are not 25 or more requests for a public hearing. The agency received no requests for notice of submission to the Office of Administrative Hearings.

3. Part 6262.0100, subpart 5, Item D, was modified to clarify the existing language and ensure that it is clear when disposal of the carcass is legal and when a carcass must be kept for the purposes of this rule, and to add an effective date of November 1, 2011, for the rule amendments.

   a. These modifications to the proposed rule do not make the rule substantially different because the difference is within the scope of establishing requirements for keeping fish carcasses when preparing a meal of fish and is in character with the issues as announced in the notice of intent to adopt rules.

   b. The modifications are a logical outgrowth of the notice of intent to adopt rules and the comments submitted in response to the notice. Many comments indicated that the original proposed language was vague and open to misinterpretation, which could result in unhealthy and unsafe conditions if people kept the carcasses for a long time when on houseboats or camping in the wilderness. The modifications make the proposed rule's intent for how long the carcass needs to be kept clearer and provides a technical change that clarifies that keeping a carcass is not needed when packaged by a licensed fish packer.

   c. Finally, the modifications do not diminish the fair warning that the outcome of that rulemaking proceeding could be the rule in question.

4. The rules are needed and reasonable.

ORDER

The above-named rules, in the form set forth in the attached copy dated June 10, 2011, are adopted under my authority in Minnesota Statutes, sections 84D.11; 97A.045, subd. 2; 97A.401; 97A.418, 97A.551; 97C.001, subd. 3; 97C.005, subd. 3; 97C.205, 97C.315; 97C.325 paragraph (d), and 97C.401, subd. 1.

September 6, 2011

/s/ Tom Landwehr, Commissioner
Department of Natural Resources