

Minnesota Department of Natural Resources

Chapters:

Adopted Expedited Emergency Game and Fish Rules:

6216

6254

USING CISCO AND SMELT AS BAIT

6262

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Please see enclosure for text of the expedited emergency game and fish rules package relating to the use of cisco and smelt for bait, and bait preservation.

1.1 **Department of Natural Resources**

1.2 **Adopted Expedited Emergency Game and Fish Rules: Using Cisco and Smelt as Bait**

1.3 **6216.0400 RESTRICTED ACTIVITIES ON INFESTED WATERS; PERMITS.**

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

1.6 A. by permit according to part 6254.0200 and Minnesota Statutes, sections
1.7 84D.03, subdivision 3, and 84D.11, subdivision 2a; ~~and~~

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

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

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

1.17 **6254.0600 REQUIREMENTS TO HOLD AND MOVE MORE THAN 24 DOZEN**
1.18 **MINNOWS.**

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

1.20 Subp. 7. **Live fish transportation, importation, and stocking permit required.** A
1.21 licensed minnow dealer must obtain a state-issued live fish transportation, importation, and
1.22 stocking permit before harvesting and transporting cisco, rainbow smelt, and animals on
1.23 the official list of viral hemorrhagic septicemia susceptible species published by the United
1.24 States Department of Agriculture, Animal and Plant Health Inspection Service. 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 **6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR.**

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

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

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

2.17 B. Notwithstanding Minnesota Statutes, section 84D.03, subdivision 3, and
2.18 as provided in Minnesota Statutes, section 97C.341, paragraph (c), cisco or rainbow
2.19 smelt may be taken for use as bait from Lake Superior or its tributaries below the posted
2.20 boundaries, except those streams listed in part 6262.0300, subpart 4, item C. The cisco
2.21 and rainbow smelt may be used only on Lake Superior or its tributaries below the posted
2.22 boundaries, as fresh, dead, frozen, or preserved bait. Preserved cisco and smelt may be
2.23 used as prescribed in part 6262.0576 on all waters of the state.

2.24 [For text of subp 6, see M.R.]

3.1 **6262.0576 CISCO AND SMELT BAIT RESTRICTIONS.**

3.2 Subpart 1. Possession and use. A person shall not possess or use cisco or smelt, as
3.3 specified under Minnesota Statutes, section 97C.342, subdivision 2, for bait while taking
3.4 wild animals in waters of the state, unless:

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

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

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

3.10 Subp. 2. Required documentation.

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

3.14 (1) for frozen or dead fish, proper labeling as prescribed in Minnesota
3.15 Statutes, section 97C.342, subdivision 7;

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

3.18 (3) for live fish, a transportation permit under Minnesota Statutes, section
3.19 97C.342, subdivision 5, to commercially move fish from a disease-free source.

3.20 B. The person must retain the required labeling until the cisco or smelt are
3.21 no longer in possession.

3.22 Subp. 3. Permit required to preserve cisco and smelt. A person must obtain
3.23 a bait preservation permit issued under part 6262.0577 to preserve cisco and smelt for
3.24 use as bait in waters of the state.

4.1 **6262.0577 BAIT PRESERVATION.**

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

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

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

4.7 (1) cisco and smelt are from waters that have not been certified disease-free,
4.8 except those being used on Lake Superior or its tributaries below the posted boundaries;

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

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

4.14 (4) the bait is a species susceptible to viral hemorrhagic septicemia, as
4.15 published by the United States Department of Agriculture, Animal and Plant Health
4.16 Inspection Service, and has not been harvested from certified disease-free sources.

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

4.20 Subp. 2. Preservation methods. Preservation methods that are permitted include
4.21 use of mineral oil, isopropyl alcohol, or a salt and borax mixture, or other methods
4.22 determined by the commissioner to effectively inactivate the viral hemorrhagic septicemia
4.23 (VHS) virus. Freezing or refrigeration is not an approved preservation method. Methods
4.24 may include a minimum processing time to ensure complete inactivation of the virus.
4.25 A permittee, or out-of-state person working under a permittee under subpart 5, must

5.1 follow all preservation procedures prescribed in the permit and may not distribute or sell
5.2 preserved bait until all permit requirements are met.

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

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

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

5.14 B. lot number; and

5.15 C. date of processing.

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

6.1 **REPEALER.** The expedited emergency amendment to Minnesota Rules, part 6262.0100,
6.2 and Minnesota Rules, part 6262.0576, published in the State Register on October 4, 2010,
6.3 volume 35, page 541, are repealed.

6.4 **EFFECTIVE PERIOD.** The expedited emergency amendments to Minnesota Rules,
6.5 parts 6216.0400, 6254.0600, 6262.0100, and 6262.0300; Minnesota Rules, parts
6.6 6262.0576 and 6262.0577; and the repealer are effective April 5, 2012.