



Minnesota Department of Natural Resources (DNR)

Commissioner's Order #1 ML 2019

Amending walleye limits to manage fisheries in the 1837 Ceded Territory (Mille Lacs)

Date: September 3, 2019

Statutory authority: *Minnesota Statutes*, section 97C.005, subd. 3

Supersedes: The possession and size limits for walleye in part 6264.0400, subp. 4, item F, of Expedited Emergency Game and Fish Rule: Mille Lacs Lake Fishing as published in the May 6, 2019, State Register (43 SR 1297).

BACKGROUND

Each year a harvest surplus is set for walleye in Mille Lacs Lake by a joint management process between the state of Minnesota (State) and the eight Chippewa Bands (Bands). The harvest surplus is the volume of fish that can safely be removed from Mille Lacs Lake while ensuring sufficient remaining walleye in the lake for a healthy fishery. The harvest surplus is then divided between the State and the Bands. The harvest surplus for the 2019 fishing season (December 1, 2018 through November 30, 2019) was set at 150,000 pounds. The State's allocation was 87,800 pounds, with the Bands receiving the remaining balance. Negotiations with the Bands also allowed for a 10% overage, meaning that an additional 8,780 pounds could be taken by State anglers, bringing the State's maximum total take to 96,580 pounds.

During the winter walleye season and through the month of May (December 1, 2018 through May 31, 2019), regulations allowed for limited harvest. Beginning June 1, 2019, regulations for walleye changed to catch and release only. Through June 15, 2019, the harvest rate (which includes fish caught and removed from the lake, as well as fish that were caught,

released, and then died) was consistently near predicted levels. Based upon those results, the total harvest was expected to be below the State's 87,800-pound allocation for the twelve-month period from December 1, 2018 to November 30, 2019.

The State's creel report by the Minnesota Department of Natural Resources (DNR) estimates walleye harvest, releases, and mortality for two periods per month. Beginning with the June 15 through June 30, 2019 period, creel reports showed dramatic increases in the harvest rate due to higher than expected angling pressure and walleye catch rates. Angling pressure and walleye catch rates have remained higher than predicted throughout the summer. These factors—combined with higher mortality rates for fish caught and released when water temperatures are warm—have led to a higher than predicted harvest.

As a result, the State is now approaching its annual harvest allocation of 87,800 pounds. The State is committed to not exceed the allocation plus overage amount of 96,580 pounds. Pursuant to the United States Supreme Court decision in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999), the State is legally required to abide by the limit agreed upon with the Bands for each year.

ORDER

Now, Therefore, It is hereby ordered that:

1. The Mille Lacs Lake state recreational walleye fishery will close at 12:01 a.m. on September 6, 2019, and remain closed through 12:01 a.m. on December 1, 2019. The DNR will provide public notice of the walleye fishing closure on Mille Lacs Lake by issuing a statewide news release, posting notices at access points, and posting information on the DNR's website at least 24 hours before initiating the closure.

2. The existing regulations for all other species, including muskellunge, northern pike, bass, perch, and panfish continue unaffected by this order.

/s/ SARAH STROMMEN
Sarah Strommen, Commissioner

Date: August 26, 2019