

## Minnesota Department of Natural Resources

### Division of Fish and Wildlife

#### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Fishing Regulations for Lake Superior and Tributaries, *Minnesota Rules*, part 6262.0300; Revisor's File Number R-4872

**Introduction.** The Department of Natural Resources (DNR) intends to adopt rules under the expedited permanent rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until Thursday, May 8, 2025.

**Agency Contact Person.** Submit comments, questions, or a request for hearing on the rules to Bethany Bethke, Rules and Regulations Coordinator, at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155, telephone 651-259-5266, or email [bethany.bethke@state.mn.us](mailto:bethany.bethke@state.mn.us).

**Subject of the Expedited Rules.** The proposed expedited rules adjust Minnesota's fishing regulations for inland waters.

1. *Stream trout and splake* – *Minnesota Rules*, part 6262.0300, subp. 6.A-C. rule changes address separate season start and end dates in rainbow trout, brook trout, splake, and brown trout rules for Lake Superior tributaries above and below posted boundaries. For brook trout and splake below barriers and all these species above barriers, this rulemaking:
  - a. changes the season opening date to the second Saturday in April rather than the second Saturday in April;
  - b. brings the season close date to the same date of September 30; and
  - c. replaces “to” with “through” to describe the extent of the season, which makes clear that the season close date is included in the season.

The brown trout and rainbow trout season will remain continuous below barriers. Based on the available population and harvest data, the proposed changes will not have a biological impact on the populations in the affected areas.

2. *Salmon* – *Minnesota Rules*, part 6262.0300, subp. 6.E. states only one of the five salmon allowed in possession may be an Atlantic salmon. The proposal is to remove the limit that only one salmon in possession may be an Atlantic salmon. Minnesota's Atlantic salmon stocking program was discontinued years ago, and the DNR is not concerned if anglers harvest Atlantic salmon. This simplification will have no impact on Lake Superior salmonid management.

3. *Boundary waters clarification* – Minnesota Rules, part 6262.0300, subp. 6 states that all other species not specified in items A through H may be taken in Lake Superior as allowed by inland regulations. However, the rule does not specify that a portion of the connected waters of the St. Louis River falls under the Minnesota-Wisconsin boundary water rules. Proposed language clarifies inland rules apply for all other species, except for the in the St. Louis River downstream of the Minnesota Highway 23 bridge, where Wisconsin-Minnesota boundary water rules apply.

**Statutory Authority.** The statutory authorities to adopt these rules are:

- Minnesota Statutes, section 97A.045, subd. 1, which directs the commissioner to do all things necessary to “preserve, protect, and propagate desirable species” of wildlife, including fish, and to make special provisions for the management of fish to ensure recreational opportunities for anglers.
- Minnesota Statutes, section 97A.045, subd. 4, which authorizes the commissioner to regulate the “taking, possession and transportation” of fish in boundary waters by setting special seasons and bag limits.
- Minnesota Statutes, section 97C.401, subd. 1, which directs the commissioner to adopt rules prescribing “the limits on the number of species of fish that may be taken in any one day and the number that may be possessed.”
- Minnesota Statutes, section 97C.415, subd. 2, which provides that “the commissioner may prescribe the open season and conditions for taking brook trout, brown trout, rainbow trout, steelhead trout, and salmon in any portion of a stream that flows into Lake Superior.”

Minnesota Statutes, section 84.027, subd. 13a (b), provides that the commissioner of natural resources may use the expedited permanent process to adopt rules authorized under chapters 97A, 97B, and 97C, subject to a requirement to hold a public hearing if 50 or more persons submit a written request for a hearing. The DNR is using the expedited permanent rulemaking procedure to complete the rules changes before the opening of Minnesota’s spring fishing season on March 1, 2026, and to include the changes in the 2026 fishing regulations handbook that goes into production in the fall of 2025.

**Publication of proposed rules.** A copy of the proposed rules is published in the State Register and attached to this notice as mailed. A free copy of the rules is available upon request from the Agency Contact Person listed above. The proposed expedited rules may be viewed on the [DNR rulemaking webpage](https://mndnr.gov/input/rules) at [mndnr.gov/input/rules](https://mndnr.gov/input/rules).

**Comments.** You have until 4:30 p.m. on Thursday, May 8, 2025, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the Agency Contact Person by the due date. The DNR encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have

on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the DNR encourages you to participate in the rulemaking process.

**Request for Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the Agency Contact Person must receive it by 4:30 p.m. on Thursday, May 8, 2025. Your written request must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the DNR cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 50 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 50, the DNR must give written notice of this to all persons who requested a hearing, explain the action the DNR took to effect the withdrawal, and ask for written comments on this action. If the DNR is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

**Modifications.** The DNR may modify the proposed expedited rules using either of two avenues: The DNR may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the DNR may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the DNR will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the DNR must publish a copy of the changes in the State Register.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Agency Contact Person at the address or telephone number listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption and Review of Expedited Rules.** If no hearing is required, the DNR may adopt the rules at the end of the comment period. The DNR will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the DNR submits the rules. If you want to be so notified or want to

receive a copy of the adopted rules or want to register with the DNR to receive notice of future rule proceedings, submit your request to the Agency Contact Person listed above.

DATE: 3/10/2025

/s/ SARAH STROMMEN

Sarah Strommen, Commissioner of Natural Resources