

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 Relating to Netting Whitefish and Ciscoes, Minnesota Rules, chapter 6262; Revisor's ID Number R-04747

Introduction. The Minnesota Department of Natural Resources (DNR) intends to adopt rules under the expedited 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 May 26, 2023.

Agency Contact Person. Submit comments, questions, or a request for hearing on the rules to Shannon Fisher, Populations and Regulations Manager at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4025, telephone 651-259-5260, or email shannon.fisher@state.mn.us.

Subject of the Expedited Rules. The proposed expedited rules modify the seasons and lakes associated with whitefish and cisco netting as follows:

1. Changing the name of the chapter from "Open Seasons for ~~Taking~~ Whitefish and Ciscoes" to "Open Seasons for Netting Whitefish and Ciscoes."
2. Removing Ely, Green, and Mille Lacs from Schedule I and removing Big Bass and Jack from Schedule II.
3. Moving Big Balsam, Greenwood, Ida, Nashwauk, Rachel, Side, and South Sturgeon lakes to Schedule II.
4. Changing the open dates denoted for Season "A" from the "~~Second~~ Friday of October through the ~~first~~ Sunday of December" to the "Third Friday of October through the second Sunday of December."
5. Combining Wilson Bay and Gull Lake Gull Lake.
6. Adding Welch Lake to Schedule II.
7. Correcting the spelling of Lake Vermilion in Schedule I.

Statutory Authority. The statutory authority to adopt the rules is Laws 2021, 1st Special Session, chapter 6, article 2, section 77, and Minnesota Statutes, section 97C.805, subdivision 2. The statutory authority to use the expedited rulemaking process under Minnesota Statutes, section 14.389, is Minnesota Statutes, sections 84.027, subd. 13a (b). A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed

expedited rules may be viewed on the [DNR rulemaking webpage](http://www.dnr.state.mn.us/input/rules/rulemaking.html) at www.dnr.state.mn.us/input/rules/rulemaking.html.

Comments. You have until 4:30 p.m. on Friday, May 26, 2023, to submit written comments in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comments 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 agency encourages you to participate in the rulemaking process.

Public Data. All information you submit in a public comment during formal rulemaking proceedings is public data, including your name and contact information.

Requests 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 Friday, May 26, 2023. 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 agency 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 valid written requests 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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect achieve the withdrawal, and ask for written comments on this action. If the agency is required to hold a public hearing, it will follow the procedures in Minnesota Statutes, section 14.131 to 14.20.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency 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 agency 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 agency 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 agency 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. The agency may adopt the rules at the end of the comment period. The agency 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 agency 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date

Sarah Strommen, Commissioner of Natural Resources