

Minnesota Department of Natural Resources

Fish and Wildlife Division

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Relating to Northern Pike Regulation, *Minnesota Rules*, chapter 6262; Revisor's ID Number R-04408

Introduction. The Department of Natural Resources 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 4:30 p.m. on Monday, November 7, 2016.

Agency Contact Person. You must submit comments or questions on the rules to: Al Stevens at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4020, phone 651-259-5239, or al.stevens@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules replace the existing statewide northern pike fishing regulation possession (bag) limit with a set of three regulations for anglers and a separate set of regulations for dark-house spearkers in three management zones.

The three management zones are the northeast, north-central, and southern areas of the state. The goal is to improve the quality of northern pike fishing by using management zones to set general regulations for taking northern pike.

The zones are shown on the DNR northern pike webpage at <http://www.dnr.state.mn.us/pike/index.html>. Here are descriptions of the boundaries between the three zones:

- U.S. Highway 53, from Duluth to International Falls, divides the North East zone from the North Central zone.
- The North Central zone and the Southern zone are divided by a line that goes from the South Dakota border, from along State Highway 7 to its intersection with State Highway 22 in Litchfield, then along State Highway 22 to its intersection with U. S. Highway 212 in Glencoe, then east along U.S. Highway 212 to its intersection with State Highway 41 in Chaska, then south along State Highway 41 to the Minnesota River, then along the north bank of the Minnesota River and Mississippi Rivers to the Wisconsin border.
- The North Central zone does not include the waters of the Minnesota or Mississippi Rivers where those waters create the southern boundary.

The existing statewide regulation for northern pike is a bag limit of three, with only one over 30" allowed in possession. The proposed rule would replace the existing regulation with the

regulations listed in the table below for each management zone:

Zone	Angling Regulation	Spearing Regulation
North East	2 fish bag limit 30-40” protected slot limit 1 fish allowed over 40”	2 fish bag limit 1 fish allowed over 26”
North Central	10 fish bag limit 22-26” protected slot limit 2 fish allowed over 26”	10 fish bag limit 1 fish between 22-26” and 1 over 26”; or 2 over 26”
Southern	2 fish bag limit Minimum length 24”	Same as angling

The department is proposing separate regulations for darkhouse spearing in the two northerly zones to accommodate the concerns of spearkers for taking northern pike in waters with protected slot limits. The existing special and experimental management waters listed in Minnesota Rules, parts 6264.0300 and 6264.0400, would remain in effect.

The statutory authority to adopt the rules is Minnesota Statutes, section 97C.401, subdivision 1. The statutory authority to adopt the rules under the expedited rulemaking process is Minnesota Statutes, section 84.027, subdivision 13a (b).

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 at:
<http://www.dnr.state.mn.us/input/rules/rulemaking.html>.

Comments. You have until 4:30 p.m. on Monday, November 7, 2016, 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 Department 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.

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 Monday, November 7, 2016. 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 100 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 100, the

agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect 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. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

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 No. 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 agency may adopt the rules at the end of the comment period. The agency will 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.

September 26, 2016

/s/ Tom Landwehr
Commissioner of Natural Resources