

Subject Native Rough Fish

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## Overview

This bill makes a number of changes pertaining to native rough fish based on recommendations from the Department of Natural Resources (DNR) in its recent *Native Fish Conservation Report* which was required by law last session (see Minnesota Laws 2023, ch. 60, art. 4, § 104). One of the recommendations was to change the definition of “rough fish” in statute to “native rough fish” and remove carp from the definition and further define the list of native rough fishes. A number of provisions need updating to accommodate this change.

## Summary

Section	Description
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| 1 | <b>Acquisition from state.</b><br>Requires the DNR, when providing opportunities to make brood stock available to aquatic farms, to not cause adverse impacts to native rough fish (this is currently required for game fish). |
| 2 | <b>Listed waters.</b><br>Allows the DNR to deny an aquatic farm license for waters containing native rough fish of significant public value under certain circumstances (this is currently allowed for game fish).             |
| 3 | <b>Aquarium facility.</b><br>Requires native rough fish transferred by an aquarium facility to be accompanied by a receipt containing certain information (this is currently required for game fish).                          |
| 4 | <b>Acquisition and purchase.</b><br>Prohibits live native rough fish or their viable sperm or eggs from being taken from public waters for aquaculture purposes (this is prohibited for game fish under current law).          |

<b>Section</b>	<b>Description</b>
5	<b>Acquisition of fish for brood stock.</b> Allows the state to sell native rough fish brood stock to private fish hatcheries and aquatic farms as is allowed for game fish.
6	<b>White Earth Indian Reservation.</b> Modifies a provision allowing an aquatic farm to acquire and transport rough fish from a Tribal member of the White Earth Reservation to limit it to native rough fish.
7	<b>Agricultural resource project; project.</b> Modifies the definition of “agricultural resource project” for purposes of provisions related to the Minnesota Agricultural and Economic Development Board under chapter 41A to accommodate the new definition of native rough fish.
8	<b>State jurisdiction over Rainy Lake and other navigable waters; duties of governor, attorney general, and other public officers.</b> Technical.
9	<b>Bow fishing.</b> Modifies the definition of “bow fishing” to mean the taking of native rough fish and common carp to accommodate the new definition for native rough fish.
10	<b>Protected wild animals.</b> Modifies the definition of “protected wild animals” to accommodate the new definition of native rough fish.
11	<b>Native rough fish.</b> Modifies the definition of “rough fish” by changing it to “native rough fish,” eliminating carp, and further define the list of native rough fish.
12	<b>Minnesota migratory-waterfowl stamp.</b> Clarifies that migratory-waterfowl stamp revenues may be used for common carp barriers in response to the new definition of native rough fish.
13	<b>Liability for restitution.</b> Adds native rough fish to the list of species that a person is liable to the state for when killing, injuring, or possession them in violation of the game and fish laws.
14	<b>Issuance after conviction; buying and selling wild animals.</b> Adds convictions for buying or selling native rough fish to the list of convictions making a person ineligible to hunt or fish for three years.

<b>Section</b>	<b>Description</b>
15	<b>Rules.</b> Technical provision not needed.
16	<b>Fish packer.</b> Establishes a fee for a license to prepare dressed native rough fish of \$40 (the same as the fee for game fish).
17	<b>Fish transported through state.</b> Prohibits native rough fish taken in another state or country transported during the closed season or in excess of possession limits unless they are transported by common carrier or tagged/sealed/marked as required by the DNR.
18	<b>Crossbow hunting.</b> Modifies crossbow hunting provisions to accommodate the new definition of native rough fish.
19	<b>Restrictions related to motor vehicles.</b> Modifies provisions related to transporting a bow for bow fishing to accommodate the new definition of native rough fish.
20	<b>Crossbow permits for hunting and fishing.</b> Modifies a provision allowing the DNR to issue crossbow permits to those with a disability to allow it for native rough fish instead of rough fish.
21	<b>Fishing and motorboats restricted in certain areas.</b> Requires DNR to consider the presence of native rough fish when determining whether to prohibit or restrict taking fish or operating a motorboat on waters licensed under a private fish hatchery or aquatic farm license.
22	<b>Taking fish.</b> Modifies a provision allowing the DNR to authorize taking fish when fish are in danger to allow common carp taken to be sold (under current law rough fish were allowed to be sold).
23	<b>Commissioner may remove native rough fish.</b> Modifies a provision allowing the DNR to take certain fish with seines, nets, and other devices to accommodate the new definition of native rough fish.

<b>Section</b>	<b>Description</b>
24	<p><b>Removing common carp and native rough fish from boundary waters.</b></p> <p>Modifies a provision that allows the DNR to enter into agreements with neighboring states for purposes of removing rough fish to accommodate the new definition of native rough fish.</p>
25	<p><b>No permit required.</b></p> <p>Modifies a provision exempting fish contests from permit requirements to limit the existing rough fish exemption to common carp only.</p>
26	<p><b>Price of game fish fry and eggs.</b></p> <p>Allows the DNR to sell or barter native fish fry and eggs for no less than the cost associated with their production (this currently applies to game fish only).</p>
27	<p><b>Species allowed.</b></p> <p>Modifies the species allowed to be taken by spear to accommodate the new definition of native rough fish.</p>
28	<p><b>Taking native rough fish by spearing.</b></p> <p>Modifies the rough fish spearing season to limit it to native rough fish and change the dates for the season (moves it from the last Saturday in April to the last Sunday in February to May 1 through the last day in February).</p>
29	<p><b>Season.</b></p> <p>Modifies the dates for the bow-fishing season (moves it from the last Saturday in April to the last Sunday in February to May 1 through the last day in February).</p>
30	<p><b>Returning native rough fish and common carp to waters.</b></p> <p>Modifies provisions prohibiting rough fish taken by bow from being returned to the water or left on the water bank to accommodate the new native rough fish definition.</p>
31	<p><b>Harpooning native rough fish.</b></p> <p>Modifies a provision allowing the harpooning of rough fish to accommodate the new definition of native rough fish.</p>
32	<p><b>Commissioner's authority to regulate winter fishing.</b></p> <p>Requires the DNR to close the corresponding angling season for any waters the DNR closes for spearing for any native rough fish species as well as make the same possession limit reductions made for spearing for the next angling season (this is currently required for game fish). Restricts the DNR from closing more than 50 percent of a county's lakes and streams from spearing of native rough fish.</p>

<b>Section</b>	<b>Description</b>
33	<p><b>General restrictions.</b></p> <p>Modifies an exemption from the ban on a person selling fish taken from state waters to allow only common carp to be sold (not all rough fish as currently allowed).</p>
34	<p><b>Continuous season for certain species.</b></p> <p>Modifies a provision establishing a continuous season to take fish to provide a continuous season for native rough fish instead of rough fish as is currently allowed.</p>
35	<p><b>Possession of minnow dealers.</b></p> <p>Modifies a provision exempting fish under four inches incidentally taken with lawfully set nets and traps by minnow dealers from possession restrictions to add native rough fish.</p>
36	<p><b>Commercial fish netting on Mississippi River.</b></p> <p>Modifies a provision requiring a commercial fishing license to take rough fish with seines on a portion of the Mississippi River and that limits how a person can take rough fish so that the provisions apply to taking native rough fish.</p>
37	<p><b>Open season.</b></p> <p>Allows the DNR to close waters for netting lake whitefish and ciscoes if necessary to protect native rough fish (this is currently allowed for game fish).</p>
38	<p><b>No limit on native rough fish netted.</b></p> <p>Allows native rough fish netted while taking lake whitefish and ciscoes to be retained. Current law allows all rough fish.</p>
39	<p><b>Commercial fish defined.</b></p> <p>Modifies the definition of commercial fishing for purposes of inland commercial fishing provisions to mean common carp and native rough fish, excluding bowfin.</p>
40	<p><b>Lake whitefish and native rough fish.</b></p> <p>Modifies a provision allowing rough fish to be taken from Namakan Lake and Sand Point Lake by licensed commercial fishing operator so that it applies to native rough fish.</p>
41	<p><b>Types of fish permitted.</b></p> <p>Modifies a provision allowing commercial fishing of Lake Superior to allow native rough fish to be taken (rather than rough fish as allowed under current law).</p>

Section	Description
42	<b>Pound nets and trap nets.</b> Modifies a provision allowing certain nets to be used to take fish from Lake Superior to apply to native rough fish (instead of rough fish as allowed under current law).
43	<b>License required; records.</b> Requires a person engaged in business providing services to people fishing to have a fish packer's license to prepare dressed native rough fish for shipment (this is required for dressed game fish).
44	<b>Required rulemaking.</b> Allows the DNR to use the good cause exemption from rulemaking to adopt rules to conform with this act.
45	<b>Revisor instruction.</b> Instructs the revisor of statutes to renumber certain statutes to incorporate changes in the game and fish definitions in this bill to keep them in alphabetical order.



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