

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Adopted Expedited Emergency Game and Fish Rules: Upper Red Lake Fishing

**AGENCY:** Department of Natural Resources

**REVISOR ID:** R-4796

**MINNESOTA RULES:** Chapter 6264

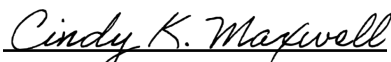
APPROVED AS TO FORM AND LEGALITY.

\_\_\_\_\_  
April 24, 20<sup>23</sup>  
MINNESOTA ATTORNEY GENERAL

BY   
\_\_\_\_\_  
ASSISTANT ATTORNEY GENERAL

Document Number 235985  
Filed June 2, 2023  
Office of the Minnesota  
Secretary of State, Steve Simon

The attached rules are approved as to form

  
Cindy K. Maxwell  
Assistant Deputy Revisor

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules: Upper Red Lake walleye angling regulations

Notice is hereby given that the above entitled rules have been adopted through the process prescribed by Minn. Stat. § 84.027, subd. 13(b). This rule is adopted pursuant to the authority set forth in Minn. Stat. § 97C.005 authorizing the commissioner to set seasons and limits and Minn. Stat. § 97C.401 requiring the commissioner to set walleye limits. This rule is adopted as an emergency rule pursuant to the commissioner's authority set forth in Minn. Stat. § 84.027, subd. 13(b) authorizing the commissioner to use expedited emergency rulemaking authority in a timeframe that does not allow compliance with the rulemaking provisions of Minn. Stat. Ch. 14 or the expedited emergency rulemaking procedures set forth in Minn. Stat. §§ 97A.0451 to 97A.0459.

The conditions that do not allow compliance with Minn. Stat. Ch. 14 and Minn. Stat. §§ 97A.0451 to 97A.0459 are as follows:

1. As a result of the joint efforts of the Minnesota Department of Natural Resources (DNR) and the Red Lake Band of Chippewa (Red Lake Band), the Red Lake walleye fishery has recovered after near collapse in the mid-1990s. Since the fishery's recovery, the DNR, Red Lake Band, and the United States Bureau of Indian Affairs have jointly developed a harvest plan for Upper Red Lake and its tributaries in accordance with the requirements of their 1999 Memorandum of Understanding (MOU), as most recently revised in 2019.
2. The MOU states that both the DNR and the Red Lake Band agree to maintain walleye harvest levels within an annual Target Harvest Range and avoid exceeding an associated Harvest Cap. Walleye possession and size limits for state anglers must be adjusted in accordance with the MOU and harvest plan and cover the harvest year extending from December 1 through November 30.
3. In accordance with the harvest plan, the Target Harvest Range and Harvest Cap are set by the spawning stock biomass of walleye, estimated by fall gill netting conducted in state and tribal waters. On a recurring annual basis, there is not enough time between the conclusion of fall gill netting and the beginning of the winter angling season to set angling regulations following Minn. Stat. Ch. 14. Moreover, a midseason adjustment of open water angling regulations may be necessary to avoid reaching the harvest cap. Midseason adjustments are also incompatible with following the rulemaking process under Minn. Stat. Ch. 14.
4. At least five days prior to the effective date of changes to the fishing regulations as outlined herein, a notice will be posted on the DNR's website and at all public water access sites throughout Upper Red Lake and its tributaries.

Dated: April 14, 2023



Sarah Strommen  
Commissioner of Natural Resources

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Secretary of State, Steve Simon

**Department of Natural Resources**

**Adopted Expedited Emergency Game and Fish Rules: Upper Red Lake Fishing**

**6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.**

*[For text of subparts 1 to 58, see Minnesota Rules]*

**Subp. 59. Upper Red Lake and listed tributaries.**

*[For text of item A, see Minnesota Rules]*

B. This item applies while a person is on or fishing in the waters listed under item C. The angling season for walleye begins May 13, 2023, at 12:01 a.m. and continues to February 25, 2024, at 11:59 p.m. The following daily and possession limits apply:

~~(1) the daily and possession limit for walleye is two fish, of which not more than one walleye shall be over 26 inches in length;~~

~~(2) all walleye in possession must be less than 17 inches or greater than 26 inches in length;~~

~~(3) all walleye that are 17 inches to 26 inches in length, inclusive, must be immediately returned to the water; and~~

~~(4) a person's statewide bag limit shall not include more than two walleye taken from Upper Red Lake and the tributaries listed under item C.~~

(1) beginning at 12:01 a.m. May 13, 2023, the daily and possession limit for walleye is five fish, of which not more than one walleye may be over 17 inches in length. This subitem is effective until 11:59 p.m. October 31, 2023; and

(2) beginning at 12:01 a.m. November 1, 2023, the daily and possession limit for walleye is four fish, of which not more than one walleye may be over 17 inches in length. This subitem is effective until 11:59 p.m. February 25, 2024.

*[For text of item C, see Minnesota Rules]*

2.1 *[For text of subparts 60 to 151, see Minnesota Rules]*

2.2 **REPEALER.** The expedited emergency amendment to Minnesota Rules, part 6264.0400,  
2.3 subpart 59, published in the State Register, volume 46, page 1306, May 9, 2022, is repealed.

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