

6216.0500 TRANSPORTATION AND APPROPRIATION OF WATER FROM INFESTED WATERS.

Subpart 1. [Repealed, 32 SR 724]

Subp. 1a. Diversion, appropriation, and transportation.

A. Water from designated infested waters may not be diverted to other waters, transported on a public road, or transported or appropriated off property riparian to infested waters except:

- (1) in emergencies that threaten human safety or property;
- (2) as specified in a water appropriation or public waters work permit issued by the commissioner according to Minnesota Statutes, chapter 103G; or
- (3) under a permit issued according to this part.

B. For newly designated infested waters or infested waters that are newly designated with an additional invasive species, the commissioner shall review active water appropriation or public waters work permits issued under Minnesota Statutes, chapter 103G, and may amend permits to include conditions that prevent the spread of invasive species.

C. The following conditions may be included in permits issued under this part or Minnesota Statutes, chapter 103G, to prevent the spread of invasive species:

- (1) seasonal or other timing restrictions;
- (2) requirements to treat water, including chemical, ultraviolet, heat, filtering, or other treatment; and
- (3) requirements for discharge or disposal of water.

Subp. 2. Disposition of water used to transport wild animals from infested waters. Water used to transport wild animals from infested waters, including water from waters or facilities permitted to hold fish from infested waters, may be disposed of only at sites approved in writing by the commissioner.

Subp. 3. Persons leaving select infested waters. A person leaving infested waters designated as having populations of zebra mussel or spiny water flea must drain bait containers, other boating-related equipment holding water excluding marine sanitary systems, and livewells and bilges by removing the drain plug before transporting the watercraft and associated equipment on public roads.

Subp. 4. [Repealed, 32 SR 724]

Subp. 5. Fish hatchery or aquatic farm operations in infested waters.

A. Natural lakes or wetland basins that are designated as infested waters will not be licensed by the department pursuant to Minnesota Statutes, section 17.4984, for aquatic farms or pursuant to Minnesota Statutes, section 97C.211, as private fish hatcheries.

B. Artificial water basins that have populations of prohibited or regulated invasive species may be used for aquatic farm or private hatcheries under license by the department. After notifying a licensee that an artificial water basin has a prohibited or regulated invasive species, the commissioner may require that nets, traps, buoys, stakes, and lines that have been used in such artificial water basins must be dried for a minimum of ten days, or frozen for a minimum of two days, before they are used in noninfested waters. All aquatic plants must be removed from nets and other equipment that are removed from the artificial water basins.

C. The commissioner may license aquatic farm or private fish hatchery facilities to use infested waters as a source for the facilities' water. The commissioner may require that the waters be treated to eliminate prohibited or regulated invasive species.

D. Fish raised in artificial water basins that have populations of prohibited or regulated invasive species, or in any facility using infested water as a source, must be sold directly to a wholesale buyer for processing, except:

(1) the commissioner may by permit allow the stocking or transport of such fish where the receiving waters contain populations of the same prohibited or regulated invasive species as the source facility's waters; or

(2) the commissioner may by permit allow the stocking or transport of such fish in water bodies that do not contain populations of prohibited or regulated invasive species if the source facility uses adequate treatment to remove the prohibited or regulated invasive species from the facility.

Subp. 6. Infested waters diversion or transportation permits. Applications for permits issued pursuant to this part, to divert or transport water from infested waters, shall be made on forms obtained from the commissioner and shall contain information as the commissioner may prescribe. The department shall act upon the application within 90 days of receipt. Failure on the part of the department to act upon the permit within the required time shall not be construed as approval of the application. Permits shall state all the conditions and limitations upon which they are based. A permit may be modified at any time by the department.

Statutory Authority: *MS s 84.9691; 84D.12*

History: *20 SR 2292(NO. 43); L 1996 c 385 art 2 s 7; 22 SR 2076; 24 SR 1849; L 2004 c 243 s 40; 32 SR 724*

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