

CHAPTER 6212

DEPARTMENT OF NATURAL RESOURCES

LICENSES, PERMITS, AND EXEMPTIONS

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GAME AND FISH LICENSE AGENTS AND SUBAGENTS

6212.0100 APPLICATIONS FOR GAME AND FISH LICENSE SUBAGENTS.

Subpart 1. **Application for license subagents.** County auditors may appoint subagents for the sale of licenses, whether cash or consignment, only upon the receipt of a completed application. The application must be on a form prescribed by the commissioner.

Subp. 2. **Applications must be approved by county auditor.** All applications must be signed by the applicant and approved by the county auditor before licenses are furnished. If applicants wish to sell licenses on consignment, they must include with their application the required surety bond.

Subp. 3. **Applications made in triplicate.** All applications must be made in triplicate. The county auditor must retain the original and must promptly forward one copy to the commissioner. The remaining copy must be retained by the applicant.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

6212.0200 CONSIGNMENT OF GAME AND FISH LICENSES.

The county auditor must issue licenses on a consignment basis to any subagent who has applied and who furnishes a valid corporate surety bond properly issued by a corporation duly licensed to issue such bonds in this state. Bonds must be:

A. in favor of the county;

B. in an amount equal to the maximum total value of licenses, including any surcharge, but excluding the issuing fee, expected to be held on consignment at any one time; and

C. conditioned upon the performance by the subagent of all of the duties of a license subagent.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

6212.0300 COMPLETION OF LICENSE FORMS.

Subpart 1. **Licenses must be completed at place of sale.** County auditors or subagents selling licenses are responsible for the completion of each license form of each license sold at their place of business. Licenses must be completed using a data recorder machine, ball point pen, or indelible pencil, in such manner that all copies are legible.

Subp. 2. **Signature requirements on license.** The applicant and the county auditor or subagent must sign their complete names in the spaces provided so that they appear on all copies. A rubber stamp or other device may not be used in lieu of a signature. County auditors and subagents are responsible for the issuance of licenses; however, employees of county auditors or subagents may sign the name of the county auditor or subagent followed by the initials of the employee.

Subp. 3. **Restriction on issuance of resident license.** A resident license may not be issued to any person unless the county auditor or subagent has ascertained, by personal knowledge or written identification, that the applicant is a resident as defined by Minnesota Statutes, section 97A.015.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

6212.0400 RETURN OF "DNR COPY" OF LICENSES.

Immediately upon issuance, county auditors or subagents must remove and return, to the License Bureau, the "DNR Copy" of each license. Failure to promptly return completed department copies may result in revocation of the subagent's authorization to sell licenses.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

6212.0500 REQUIRED RECORDS, REPORTS, AND PAYMENTS FOR ISSUANCE OF GAME AND FISH LICENSES.

Subpart 1. **Records required of county auditors and subagents.** County auditors must keep a record of all transactions relating to licenses received by them and licenses issued by them to their subagents, including licenses received, sold, or returned for redemption or credit, fees collected, commissions retained, remittances made, and cash on hand or deposited, showing at all times the current status of the county auditor's account and the account of each subagent. Subagents must keep a record of all transactions relating to licenses issued to them in the same manner as county auditors. All such records may be subject to inspection and auditing by the commissioner.

Subp. 2. **Payments and returns of sold licenses by subagents.** Subagents must, on or before the 10th day of each month, return to the auditor each sold-out license book from the previous month. All proceeds from the sale of licenses, except those for which the auditor has previously been paid, will be paid to the auditor at the time the books are returned. Partially sold license books and all proceeds from the sale of licenses from such books must be returned to the auditor no later than March 10 of each year.

Subp. 3. **Retention of sold and unsold licenses by county auditors.** County auditors must preserve all sold and unsold license books, whether sold by the auditor or a subagent, for at least one year after the end of the license year.

Subp. 4. **Payments and reports by county auditors.** County auditors must, on or before the 15th day of each month, mail or deliver a complete written report to the commissioner, either on forms provided for such purpose or in a prescribed format, covering all licenses issued and sold by the county auditor or subagents during the preceding calendar month together with a warrant on the county treasury for license fees as provided by Minnesota Statutes, sections 97A.475 and 97A.485. If no license fees were received during a preceding month, a written report so stating must be made to the commissioner. If a county auditor fails to submit these monthly reports within the specified time period, the commissioner may withhold further consignments of licenses to the county auditor until the report is received. An immediate and complete accounting of all licenses consigned to the county auditor during the current licensing year may be required.

Subp. 5. **Final reports of unsold licenses.** The following provisions apply to final reports of unsold licenses and partially sold books:

A. Each subagent who has purchased or taken on consignment licenses for resale must, not later than March 10 of each year, return all unsold licenses and partially sold license books to the county auditor, except that all unsold licenses to take deer either by archery, firearm, or muzzleloader must be returned to the auditor on the first business day after the last day during which each type of license may be sold. The county auditor must give to each subagent a cash refund for unsold licenses or credit in the case of consignment.

B. No later than April 15, county auditors must prepare a final report which will show the total number of unsold, void, and no fee licenses to be credited toward their account and must contain a list of the sequential numbers of such licenses. Any unsold licenses not so reported for redemption or credit by the date prescribed will be presumed to have been sold, and the county auditor and subagent will be accountable.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

6212.0600 ISSUANCE OF DUPLICATE LICENSES.

Subpart 1. **Duplicate license eligibility.** A licensee whose license is lost or destroyed may obtain a duplicate license upon submission to the License Bureau of an affidavit signed under oath by the licensee.

Subp. 2. **Duplicate deer licenses.** Duplicate firearms and archery deer licenses may be obtained from county auditors by licensees whose licenses have been lost or destroyed. Deer license duplicates may be provided from a separate license book designated for that purpose. Before a duplicate license is received, applicants must submit to the county auditor an affidavit in the form prescribed by the department.

Subp. 3. **Duplicate licenses exempt from number restriction.** Except for duplicate licenses, a person may not obtain more than one trapping or big game license of each kind in a license year unless authorized by the commissioner.

Statutory Authority: *MS s 97A.405; 97A.415; 97A.485*

History: *18 SR 83*

6212.0700 PROHIBITIONS AND PENALTIES ON ISSUANCE OF GAME AND FISH LICENSES.

Subpart 1. **Restrictions on sale price of licenses.** A county auditor or subagent may not offer licenses free or at a nominal, reduced, or increased fee, except as provided by Minnesota Statutes, sections 97A.475 and 97A.485. A county auditor or subagent may not waive all or part of the issuing fee or use licenses in connection with a drawing, raffle, giveaway, or sales promotion.

Subp. 2. **Restriction on issuance of licenses from a single book.** All licenses within a license book must be issued in consecutive order.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

CROSS COUNTRY SKI PASSES

6212.0800 APPLICATIONS FOR AGENCIES TO SELL CROSS COUNTRY SKI PASSES.

Subpart 1. **Appointment of agents.** County auditors may appoint agents for the sale of cross country ski passes, whether cash or consignment, only upon the receipt of a completed application on a form provided by the commissioner.

Subp. 2. **Applications must be approved.** All applications must be signed by the applicant and approved by the county auditor, or in the case of an application made by a state agency, approved by the commissioner before passes are furnished. Applicants, other than state agencies, requesting to sell passes on consignment must include with their application the surety bond required by part 6212.0900.

Subp. 3. **Applications made in triplicate.** All applications must be made in triplicate. The county auditor must retain the original and promptly forward one copy to the commis-

sioner. When receiving an application from a state agency, the commissioner must retain the original and one copy. The remaining copy must be retained by the applicant.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

6212.0900 CONSIGNMENT OF CROSS COUNTRY SKI PASSES.

Subpart 1. **Surety bond required.** A county auditor may issue passes on a consignment basis to a subagent who has applied and who furnishes a valid corporate surety bond properly issued by a corporation duly licensed to issue bonds in this state. The surety bond must be:

- A. in favor of the county;
- B. in an amount equal to the maximum total value, excluding the issuing fee, of pass blanks expected to be held on consignment at any one time; and
- C. conditioned upon the performance by the agent of all of the duties of a pass agent.

Subp. 2. **Issuance of passes to state agency on consignment basis.** The commissioner may issue passes on a consignment basis to a state agency that has been appointed by the commissioner.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

6212.1000 COMPLETION OF PASS FORMS AND RETURN OF DEPARTMENT COPIES.

Passes must be filled out using a data recorder machine, a ball point pen, or an indelible pencil so that all copies are legible. Passes that are not filled out at the time of purchase must be fully completed prior to use. Appropriate copies must be promptly returned to the commissioner by the passholder.

Statutory Authority: *MS s 85.41*

History: *18 SR 83*

6212.1100 REQUIRED RECORDS, REPORTS, AND PAYMENTS FOR ISSUANCE OF CROSS COUNTRY SKI PASSES.

Subpart 1. **Required records.** County auditors or state agencies must keep a record of all transactions relating to passes received by them and passes issued by them to their subagents. The record must include passes received, sold, or returned for redemption or credit, fees collected, commissions retained, remittances made, and cash on hand or deposited showing at all times the current status of the county auditor's or state agency's account and, in the case of the county auditor, the account of each subagent. Subagents must keep a record of all transactions relating to passes issued to them in the same manner as county auditors. All records may be subject to inspection and auditing by the commissioner.

Subp. 2. **Required payments and return of sold passes.** Subagents must, on or before the tenth day of each month, return to the auditor each sold-out pass book from the previous month. All proceeds from the sale of passes, except those for which the auditor has previously been paid, will be paid to the auditor at the time the books are returned. Partially sold pass books and all proceeds from the sale of passes from such books must be returned to the auditor no later than July 10 of each year.

Subp. 3. **Retention of sold passes.** The county auditor or state agency must preserve all stubs of sold passes, whether sold by the auditor, subagent, or state agency for at least one year after the end of the pass year.

Subp. 4. **Payments and reports by county auditors.** County auditors and state agencies must, on or before the 15th day of each month, mail or deliver to the license bureau a complete written report to the license bureau pertaining to all cross country ski passes issued and sold. Reports must either be on forms provided by the commissioner or in a prescribed format. County auditors must include a warrant for 96 percent of all the pass fees, excluding issuing fees, collected through their or their subagents' sales. State agencies must include a warrant for 100 percent of all the pass fees collected through their sales. If a county auditor or

state agency fails to submit monthly reports within the specified time period, the commissioner may withhold further consignments of passes until the report is received. An immediate accounting of all passes consigned to the county auditor or state agency during the current cross country pass year may be required.

Subp. 5. Final report of unsold passes and partially sold books. The following provisions apply to final reports of unsold cross country ski passes and partially sold books:

A. Each subagent who has taken on consignment passes for resale must, not later than July 10, return all unsold passes and partially sold pass books to the county auditor. The county auditor must give to each subagent a cash refund for unsold passes or credit in the case of consignment.

B. No later than August 15, county auditors or state agencies must prepare a final report that will show the total number of unsold and void passes to be credited toward their account and must contain a list of sequential numbers of such passes. Any unsold or void passes not reported for redemption or credit by the date prescribed will be presumed to have been sold and the county auditor and subagent or the state agency will be accountable.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

6212.1200 ISSUANCE OF DUPLICATE CROSS COUNTRY SKI PASSES.

Subpart 1. Eligibility for a duplicate pass. A passholder whose pass is lost or destroyed may obtain a duplicate pass upon submitting to the license bureau an affidavit of loss signed under oath by the passholder.

Subp. 2. Duplicate pass fee. The fee for a duplicate pass is \$2.

Statutory Authority: *MS s 85.41*

History: *18 SR 83*

6212.1300 PROHIBITIONS AND PENALTIES ON ISSUANCE OF CROSS COUNTRY SKI PASSES.

Subpart 1. Restriction on sale price of passes. Cross country ski passes must be offered for sale by state agencies, county auditors, or agents only at the fee defined under Minnesota Statutes, section 85.42.

Subp. 2. Restriction on issuance of passes from a single book. Cross country ski passes must be issued in consecutive order within a single book.

Subp. 3. Revocation of a state agency's authorization to sell passes. The commissioner may revoke the authorization to sell cross country ski passes of any state agency or subagent found in violation of any provision of law or rule relating to the sale and handling of passes or the required reporting.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

POSSESSION PERMITS

6212.1400 GENERAL RESTRICTIONS FOR POSSESSION PERMITS.

Subpart 1. Permit requirements. Permits for the taking, transportation, disposal, or possession of protected wild animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by parts 6212.1400 to 6212.1700. Applications for permits from individuals or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

Subp. 2. Issuance of permits. Permits may be issued only upon written application made by individuals or institutions currently conducting research or educational programs in the fields of biology or natural history, and that have appropriate and adequate facilities for the care, exhibition, or storage of the specimens sought to be taken, acquired, or possessed. A permit may not be issued unless the commissioner has first determined that the permitted act will not be detrimental to the species.

Subp. 3. Permits for taking. Permits for the taking of protected wild animals or their parts may be issued only to named individuals. Permits for taking are valid only for the

named permittees and are not transferable. Permits solely for possession, transportation, propagation, or disposal may be issued in the name of an institution or individual.

Subp. 4. Sale or transfer of specimens. Specimens held under permit may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit.

Subp. 5. Offspring. Offspring of any specimen possessed under a permit will be subject to parts 6212.1400 to 6212.1700 and to all the terms and conditions set forth in the permit.

Subp. 6. Reports. Before January 31 of each year, each permittee who has taken a protected wild animal, or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.

Subp. 7. Possession of permit. Individual permittees must have their permit available for inspection by the commissioner while doing an act authorized by the permit. Permits issued in the names of institutions must be available for inspection during regular business hours.

Subp. 8. Expiration, cancellation, and revocation of collector permits. All permits issued as provided by parts 6212.1400 to 6212.1700 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.

All permits issued as provided by parts 6212.1400 to 6212.1700 are subject to immediate cancellation by the commissioner upon determination that such cancellation is necessary for the conservation of the natural resources of this state, for the welfare of particular specimens, or is in the public interest.

Violation of any of the provisions of parts 6212.1400 to 6212.1700 or the terms of any permit issued under those parts may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.

Subp. 9. Permits for pets. Permits are not issued for the taking or possession of protected wild animals as pets, except deer as provided by part 6212.1700.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6212.1500 SCIENTIFIC, EXHIBITION, PROPAGATION, AND EDUCATIONAL PERMITS.

Permits may be issued for scientific, education, propagation, and exhibition purposes only to individuals or institutions currently conducting programs of research or education in the fields of biology or natural history.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6212.1600 REHABILITATION PERMITS.

Subpart 1. Permit criteria. Permits for rehabilitation of protected wild animals will be issued under the following criteria:

A. Individuals or institutions wishing to care for and rehabilitate injured, disabled, or orphaned specimens of protected wild animals must make written application to the commissioner.

B. An inspection of the applicant's premises will be conducted to determine whether the applicant's competence and facilities are adequate for the care and rehabilitation of endangered or threatened species or protected wild animals.

C. Upon the commissioner's determination that the applicant's competence and facilities are adequate for care and rehabilitation and that a need exists for additional rehabilitation permittees, a rehabilitation permit will be issued. Permits may be issued to an individual or an institution. A permit will not be issued unless the commissioner has determined that the permitted act will not be detrimental to the species.

Subp. 2. Receipt of specimens. Permittees may receive specimens for care and rehabilitation only from or with the approval of the commissioner, or in such other manner as may

be provided in the permit. Specimens otherwise received must be reported to a conservation officer within 48 hours and surrendered, if so requested.

Subp. 3. **Release of specimens.** Specimens may be possessed by permittees only for care and rehabilitation purposes. Specimens must be released into the wild as soon as feasible. If rehabilitation and eventual release are not feasible and no valid scientific or educational purpose will be served by keeping the specimen alive, it must be surrendered to the commissioner upon request or disposed of as may be provided by the permit. Pet purposes are not considered a valid purpose to keep a specimen alive.

Subp. 4. **Disposition.** A specimen may not be intentionally tamed or kept longer than necessary for restoration of its health. Specimens may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit. Specimens that die while in the custody of the permittee must be reported to a conservation officer within 48 hours and surrendered, if so requested.

Subp. 5. **Inspection of facilities and specimens.** Conservation officers or other agents of the commissioner may at reasonable hours make periodic checks and inspections of permittees' facilities and the specimens kept. Specimens may be removed from the custody of the permittee if necessary for the welfare of the specimen.

Subp. 6. **Offspring.** Offspring of any specimen possessed under a rehabilitation permit must be returned to the wild as soon as feasible, unless otherwise provided in the permit. While in possession, such offspring are subject to parts 6212.1400 to 6212.1700 and to all the terms and conditions set forth in the permit.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6212.1700 PERMITS FOR DEER AS PETS.

Special permits for the possession of wild native deer as pets may be issued under the following criteria:

A. Permits may be issued only for the care and rehabilitation of injured, disabled, or orphaned wild native deer.

B. Persons possessing an injured, disabled, or orphaned deer must notify the local conservation officer within 48 hours of obtaining the animal and request a permit. The conservation officer or other agent of the commissioner must examine the deer and determine whether it is injured, disabled, or orphaned so that it cannot reasonably be expected to survive in the wild. If the applicant's competence and facilities are reasonably suited to caring for and restoring the deer, a permit for possession of the deer may be issued.

C. Permits may be issued for a duration of time anticipated by the conservation officer or agent of the commissioner to be sufficient to restore the deer to the point where it can be released back into the wild in a healthy and able condition, except that no permit may be issued for a period exceeding one year. Upon expiration of the permit, the permittee must release the deer back into the wild in accordance with instructions provided by the permit. Permittees who believe that the deer is not yet able to survive in the wild may notify the conservation officer and apply for renewal of their permit in accordance with the procedure for original issuance.

D. Offspring of deer possessed under a permit must be returned to the wild as soon as feasible and may not be kept after the mother is released. Offspring are subject to all the terms and conditions of the permit that apply to the mother until release.

E. Permittees no longer able to care for deer in their possession must immediately notify the conservation officer or agent and surrender the deer.

F. Permittees must notify the conservation officer or agent within 48 hours after the death of a deer possessed under permit.

Statutory Authority: *MS s 97A.401*

History: *18 SR 83*

6212.1750 PERMITS FOR USE OF CONTRACEPTIVE CHEMICALS.

Subpart 1. **Contraceptive chemicals defined.** "Contraceptive chemicals" are any drugs, vaccines, steroids, or other chemicals that, when administered to individual wild ani-

imals within a target species' population, produce a state of infertility or prevent the production of progeny, either temporarily or permanently.

Subp. 2. Application requirements. Permits may be issued by the commissioner for the administration of contraceptive chemicals to noncaptive wild animals under the conditions in items A and B.

A. Permits may only be issued to federal, state, or local government agencies, universities or colleges, or their agents.

B. A written request for the permit must be submitted prior to the planned application of the contraceptive chemical treatment. The request must be accompanied by a proposed management plan or research proposal that:

- (1) is approved by the landowner or land manager responsible for the site;
- (2) for a research proposal, is approved by the federal, state, or local government agency, university, or college responsible for the actions of the research investigator;
- (3) includes a clear statement of the objectives of the management or research project including population objectives for management projects;
- (4) includes an assessment of the anticipated effect of the chemical treatment on each target species' population on each site and on individual animals within each target population;
- (5) documents potential impacts to nontarget wild animal populations;
- (6) documents potential threats to human health and safety;
- (7) includes a description of all planned or completed management actions and an evaluation of the costs, efficiency, effectiveness, and safety of alternative methods for managing each target species' population on each site; and
- (8) includes a plan for monitoring short-term and long-term effects of the contraceptive chemical treatments on treated individual wild animals and each target species' population on each site.

The commissioner may request additional information if needed to determine the applicant's qualifications or to evaluate the proposed management plan or research proposal.

Subp. 3. Chemicals. Contraceptive chemicals used must have all required federal and state licensing, registration, or approvals for use on each noncaptive wild animal species for each site requested.

Subp. 4. Permit conditions. Authorized contraceptive chemicals, treatment methods, application devices and equipment, individual animal and population monitoring requirements, reporting requirements, and other applicable restrictions must be specified as conditions of the permit.

Statutory Authority: *MS s 97A.501*

History: *19 SR 2222*

THREATENED AND ENDANGERED SPECIES

6212.1800 GENERAL RESTRICTIONS FOR PERMITS TO POSSESS THREATENED AND ENDANGERED SPECIES.

Subpart 1. Permit requirements. A person may not take, import, transport, purchase, sell, dispose, or possess a threatened or endangered species of plant or animal without a permit from the commissioner. Permits for the taking, importation, transportation, purchase, sale, disposal, or possession of threatened or endangered species of plants or animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by parts 6212.1800 to 6212.2300 and 6242.1200. Applications for permits from individuals or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

Subp. 2. Issuance of permits. Permits may be issued only upon written application made by individuals or institutions currently conducting research or educational programs in the fields of biology or natural history, and that have appropriate and adequate facilities for the care, exhibition, or storage of the specimens sought to be taken, acquired, or possessed. A permit may not be issued unless the commissioner has first determined that the permitted act will not be detrimental to the species.

Subp. 3. **Permits for taking.** Permits for the taking of endangered or threatened species or their parts may be issued only to named individuals. Permits for taking are valid only for the named permittees and are not transferable. Permits solely for possession, importation, transportation, propagation, sale, or disposal may be issued in the name of an institution or individual.

Subp. 4. **Sale or transfer of specimens.** Specimens held under permit may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit.

Subp. 5. **Offspring.** Offspring of any specimen possessed under a permit will be subject to parts 6212.1800 to 6212.2300 and to all the terms and conditions set forth in the permit.

Subp. 6. **Reports.** Before January 31 of each year, each permittee who has taken any endangered or threatened species or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.

Subp. 7. **Possession of permit.** Individual permittees must have their permit available for inspection by the commissioner while doing any act authorized by the permit. Permits issued in the names of institutions must be available for inspection during regular business hours.

Subp. 8. **Expiration, cancellation, and revocation of threatened and endangered permits.** All permits issued as provided by parts 6212.1800 to 6212.2300 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.

All permits issued as provided by parts 6212.1800 to 6212.2300 are subject to immediate cancellation by the commissioner upon determination that such cancellation is necessary for the conservation of the natural resources of this state, for the welfare of particular specimens, or is in the public interest.

Violation of any of the provisions of parts 6212.1800 to 6212.2300 or the terms of any permit issued under those parts may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83; 19 SR 2222*

6212.1900 REHABILITATION PERMITS.

Subpart 1. **Permit criteria.** Permits for rehabilitation of endangered or threatened species will be issued under the following criteria:

A. Individuals or institutions wishing to care for and rehabilitate injured, disabled, or orphaned specimens of endangered or threatened species must make written application to the commissioner.

B. An inspection of the applicant's premises will be conducted to determine whether the applicant's competence and facilities are adequate for the care and rehabilitation of endangered or threatened species.

C. Upon the commissioner's determination that the applicant's competence and facilities are adequate for care and rehabilitation and that a need exists for additional rehabilitation permittees, a rehabilitation permit will be issued. Permits may be issued to an individual or an institution. A permit will not be issued unless the commissioner has determined that the permitted act will not be detrimental to the species.

Subp. 2. **Receipt of specimens.** Permittees may receive specimens for care and rehabilitation only from or with the approval of the commissioner, or in such other manner as may be provided in the permit. Specimens otherwise received must be reported to a conservation officer within 48 hours and surrendered, if so requested.

Subp. 3. **Release of specimens.** Specimens may be possessed by permittees only for care and rehabilitation purposes. Specimens must be released into the wild as soon as feasible. If rehabilitation and eventual release are not feasible and no valid scientific or educational purpose will be served by keeping the specimen alive, it must be surrendered to the commissioner upon request or disposed of as may be provided by the permit.

Subp. 4. **Disposition.** A specimen may not be intentionally tamed or kept longer than necessary for restoration of its health. Specimens may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit. Specimens that die while in the custody of the permittee must be reported to a conservation officer within 48 hours and surrendered, if so requested.

Subp. 5. **Inspection of facilities and specimens.** Conservation officers or other agents of the commissioner may at reasonable hours make periodic checks and inspections of permittees' facilities and the specimens kept. Specimens may be removed from the custody of the permittee if necessary for the welfare of the specimen.

Subp. 6. **Offspring.** Offspring of any specimen possessed under a rehabilitation permit must be returned to the wild as soon as feasible, unless otherwise provided in the permit. While in possession, such offspring are subject to parts 6212.1800 to 6212.2300 and to all the terms and conditions set forth in the permit.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

6212.2000 PERMITS FOR PREVIOUSLY ACQUIRED SPECIMENS.

Permits for specimens of endangered or threatened species, including parts, may be issued to persons who have lawfully acquired such specimens under the following conditions:

- A. before May 30, 1985; or
- B. before they were listed as endangered or threatened.

These permits may be issued upon the applicant's submission of proof of having lawfully acquired the specimens before such date or before listing occurred.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

6212.2100 OTHER PERMITS.

Permits for the taking, possession, importation, transportation, purchase, sale, or disposal of endangered or threatened species of animals, plants, or insects may be issued on prescribed conditions when the commissioner has determined that:

- A. the permitted act enhances the propagation or survival of the affected species;
- B. the permitted act prevents injury to persons or property, including livestock, provided that a specimen causing this injury may be killed only after all other alternatives have been evaluated and rejected; or
- C. the social and economic benefits of the permitted act outweigh the harm caused by it, provided that the killing of a specimen for these purposes will be permitted only after all other alternatives have been evaluated and rejected.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

6212.2200 PROCESSED SPECIMENS OF ENDANGERED OR THREATENED SPECIES.

The tanned, mounted, or processed furs, skins, feathers, or other parts of endangered or threatened species, including such parts that have been incorporated into manufactured goods, may be possessed, imported, transported, purchased, sold, or otherwise disposed of without a permit, provided the specimens were in a tanned or processed condition and lawfully acquired under the following conditions:

- A. before May 30, 1985;
- B. before they were listed as endangered or threatened; or
- C. before they were brought into Minnesota.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

6212.2300 EMERGENCY TAKING.

Within 48 hours after the taking of a threatened or endangered animal that has threatened human life, the entire carcass, including the hide, must be surrendered to the commissioner.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

FISHING CONTESTS**6212.2400 PERMIT REQUIREMENTS FOR FISHING CONTESTS.**

Issuance of permits for fishing contests is provided for by Minnesota Statutes, section 97C.081. Permits may also be required, as provided by Minnesota Statutes, section 86B.121, by the sheriff of the county in which the contest is held. Application to obtain a permit must be made a minimum of 14 days prior to the contest on forms provided by the commissioner. Application information includes name of contest, name and address of permittee, name of sponsor, name and location of contest waters, public accesses to be used, fish species included in the contest, weigh-in stations, estimated number of participants, contest dates and hours, entry fee, and prize values. Contest rules must be attached to the application. Application forms may be obtained from department fisheries offices. Completed applications must be submitted to the department regional office responsible for the management of the contest waters or the department's Saint Paul office if the contest includes waters in more than one region.

Statutory Authority: *MS s 97C.081*

History: *18 SR 83*

6212.2500 PERMIT CONDITIONS.

Subpart 1. **Permittee requirements.** The contest permittee must be an individual and a resident of this state. The permittee is responsible for conducting the contest and may not delegate responsibility to another party.

Subp. 2. **Tagged and marked fish.** Permits will be denied for contests involving tagged or marked fish for identification for special rewards.

Subp. 3. **Trout waters.** Permits may be denied when the proposed contest water is managed for trout.

Subp. 4. **Limitation on number of boats.** Contest participation will be limited to not more than one boat for each ten acres of contest water.

Subp. 5. **High use periods.** Permits may be denied for opening day, holidays, or other high use periods.

Subp. 6. **Limitation on number of contests per lake.** Permits may be denied if more than one contest of seven days or less would be in progress on any one water body on the same day.

Subp. 7. **Game fish spawning periods.** Permits may be denied if contests coincide with game fish spawning periods.

Subp. 8. **Live release tournaments.** Permits for live release tournaments may be denied when anticipated environmental conditions may cause increased mortality of released fish.

Subp. 9. **Limitation on number of contests per year.** The maximum number of contests that may be held annually on any one water body may be limited.

Subp. 10. **Limitations on contest length.** Permits may be denied for contests exceeding eight hours in length during any contest day.

Subp. 11. **Restrictions on live bait use.** Permits may be denied for live release contests where use of live bait may cause increased mortality.

Subp. 12. **Restrictions on research waters.** Permits may be denied for contests on waters where research projects are being conducted.

Subp. 13. **Restrictions on negative impact.** Permits may be denied for contests that the commissioner determines will have excessive negative impact on natural resources or that pose unacceptable safety risks for participants.

Statutory Authority: *MS s 97C.081*

History: *18 SR 83*

6212.2600 POSSESSION OF FISH.

Subpart 1. **Possession limits.** Possession limits for contest waters apply to all contest participants at all times except that the total number of fish killed by a contest participant may not exceed one possession limit per event.

Subp. 2. **Restrictions on sorting.** Once a limit of fish has been reduced to possession, no culling or live well sorting of that species is allowed.

Subp. 3. **Authority to hold and release fish.** In contests where fish may be returned to the contest water, the permittee may be authorized to hold healthy fish and release them immediately following weigh-in. Suitable release sites may be specified in the permit.

Statutory Authority: *MS s 97C.081*

History: *18 SR 83*

6212.2700 CONTEST OPERATION.

Subpart 1. **Restriction on use of public accesses.** No contest may preempt use of a boat ramp or parking spaces at public access to contest waters.

Subp. 2. **Removal of debris.** The permittee will be responsible for removal of all debris, rubbish, trash, or dead fish resulting from the contest.

Subp. 3. **Inspection and removal of exotic organisms.** Inspection and removal of exotic organisms including, but not limited to, species such as zebra mussels or Eurasian water milfoil, as provided by Minnesota Statutes, section 18.317, from boats and trailers entering and leaving water accesses is required.

Subp. 4. **Restriction on lotteries.** No contest or any drawing or raffle conducted in conjunction with the contest may constitute an illegal lottery as provided by Minnesota Statutes, section 609.75, or violate the provisions of the lawful gambling law as provided by Minnesota Statutes, sections 349.11 to 349.23.

Statutory Authority: *MS s 97C.081*

History: *18 SR 83*

6212.2800 FISHING CONTEST REPORTING REQUIREMENT.

The permittee must submit a report of contest activities on forms provided by the commissioner within 30 days after completion of the contest. All information requested on the report must be provided. Failure to submit a report as required may render the permittee ineligible for future permits.

Statutory Authority: *MS s 97C.081*

History: *18 SR 83*

FISH TOXICANTS

6212.2900 INSURANCE POLICY REQUIRED WITH RELEASE OF FISH TOXICANTS.

If the public has lawful access to a body of water to which fish toxicants will be applied, a permit for release of fish toxicants may not be issued until the commissioner has received a certificate of insurance evidencing the coverage from a company authorized to do business in this state. The certificate of insurance must show coverage for general liability for bodily injury and property damage. The amount of insurance coverage required shall be determined by the commissioner, but cannot exceed \$1,000,000 per occurrence or be less than \$100,000 per occurrence. The certificate of insurance must show that the policy cannot be canceled or terminated, except upon ten days' written notice to the commissioner.

Statutory Authority: *MS s 97C.051*

History: *19 SR 2222*

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6212.3000 CANCELLATION OR TERMINATION OF FISH TOXICANT PERMIT.

The commissioner may cancel or terminate a permit to release fish toxicants at any time for any violation of its provisions or of part 6212.2900.

Statutory Authority: *MS s 97A.418*

History: *19 SR 2222*