

CHAPTER 6258

DEPARTMENT OF NATURAL RESOURCES

MUSSELS

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6258.0100 SEASON FOR HARVESTING MUSSELS FOR PERSONAL USE.

During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 live whole or 48 shell halves of freshwater mussels. Mussels may be harvested in waters of the state where fish may be taken by angling. Mussels must be harvested by hand picking only and may not be purchased or sold.

Statutory Authority: *MS s 97A.045; 97C.701*

History: *18 SR 83*

6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

Statutory Authority: *MS s 97A.045; 97C.701*

History: *18 SR 83*

6258.0300 PERMITS FOR COMMERCIAL HARVEST OF MUSSELS.

Subpart 1. **Harvest permit required.** A person may not take or possess more than 24 live whole or 48 shell halves of freshwater mussels without first obtaining a written permit, from the commissioner, to commercially harvest mussels.

Subp. 2. **Harvest permit issuance.** Commercial harvest permits may be issued subject to the following criteria:

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Harvest permit duration.** A permit to harvest mussels may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Harvest permit termination to protect resource.** The commissioner may terminate a permit to harvest mussels upon 48 hours written notice to protect aquatic resources.

Statutory Authority: *MS s 97A.045; 97C.701*

History: *18 SR 83*

6258.0400 SPECIES FOR COMMERCIAL HARVEST.

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial harvest permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a 2-3/4 inch diameter hole.

Statutory Authority: *MS s 97A.045; 97C.701*

History: *18 SR 83*

6258.0500 HARVEST SITES FOR PERMITTEES.

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee or crew member from a place outside the permitted harvest site is prohibited.

Statutory Authority: *MS s 97A.045; 97C.701*

History: *18 SR 83*

6258.0600 HARVEST GEAR FOR PERMITTEES.

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

Statutory Authority: *MS s 97C.701*

History: *18 SR 83*

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subpart 1. **Notice of harvest operations.** The permittee must inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates will require an additional notification.

Subp. 2. **Required attendance of permittee.** The permittee must be in attendance at all mussel harvest operations.

Subp. 3. **Limitation on size of a harvesting crew.** A mussel harvesting crew is limited to four persons, including the permittee. Helpers' names must be listed on the permit and the helpers must be Minnesota residents possessing a license to take fish by angling or be exempted from licensing.

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

Statutory Authority: *MS s 97C.701*

History: *18 SR 83*

6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports must be submitted by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

Statutory Authority: *MS s 97C.701*

History: *18 SR 83* •

6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a

shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.

Statutory Authority: *MS s 97C.701*

History: *18 SR 83*