

6216.0200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 6216.0100 to 6216.0600, the terms used have the meanings given to them in Minnesota Statutes, section 84D.01, unless otherwise noted in this part.

Subp. 1a. **Applicant.** "Applicant" means a person who applies for a Minnesota Department of Natural Resources prohibited invasive species permit or regulated invasive species permit according to part 6216.0265, a water appropriation permit or public works permit according to Minnesota Statutes, chapter 103G, or an infested water permit according to part 6216.0500, subpart 6, or who requests a determination of the appropriate classification of an unlisted nonnative species for introduction according to Minnesota Statutes, section 84D.06.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources of Minnesota or the commissioner's designated representative.

Subp. 3. **Department.** "Department" means the Minnesota Department of Natural Resources.

Subp. 3a. **Free-living state.** "Free-living state" means to be unconfined or outside the control of a person, and:

A. in the case of animals other than fish, includes the ability to fly, walk, or swim out of human control;

B. in the case of a fish or aquatic plants, the following locations shall be considered to be in a free-living state:

(1) waters identified as public waters;

(2) natural or artificial waters that are continually or intermittently connected to public waters; or

(3) water-using facilities, such as fish hatcheries, aquatic farms, zoos, and minnow retail or wholesale operations, with outflows that provide direct access for species to enter public waters; and

C. in the case of a fish or aquatic plant, the following locations are not considered a free-living state:

(1) artificial ponds such as water gardens that have no outlet to public waters;

(2) waters whose shorelines are entirely within the land owned by a person, not continually or intermittently connected to public waters, and not identified by the department as public waters; or

(3) water-using facilities, such as fish hatcheries, aquatic farms, zoos, and minnow retail or wholesale operations, with outflows that do not provide direct access for species to enter public waters.

Subp. 4. [Repealed, 22 SR 2076]

Subp. 4a. **Introduction.** "Introduction" has the meaning given in Minnesota Statutes, section 84D.01, subdivision 9. Introduction does not include the immediate return of a nonnative species to waters of the state from which it was removed. "Introduce" means the act of introduction.

Subp. 5. **Littoral area.** "Littoral area" means any part of a body of water 15 feet deep or less.

Subp. 6. **Person.** "Person" has the meaning given in Minnesota Statutes, section 645.44, subdivision 7.

Subp. 7. **Public waters.** "Public waters" means public waters as defined under Minnesota Statutes, section 103G.005, subdivision 15, that have been designated as public waters under the public waters inventory pursuant to Minnesota Statutes, section 103G.201.

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; L 2004 c 243 s 40*

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