

6216.0400 RESTRICTED ACTIVITIES ON INFESTED WATERS; PERMITS.

Subpart 1. **Taking bait from infested waters.** The taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited, except:

A. by permit according to part 6254.0200 and Minnesota Statutes, sections 84D.03, subdivision 3, and 84D.11, subdivision 2a;

B. harvest for bait purposes from waters that are designated as infested waters solely because they contain Eurasian water milfoil is allowed for noncommercial personal use; and

C. harvest of rainbow smelt or cisco for bait purposes from Lake Superior or its tributaries below the posted boundaries, except those streams listed in part 6262.0300, subpart 4, item C, for use as fresh, dead, frozen, or preserved bait only on Lake Superior or its tributaries below the posted boundaries, in accordance with Minnesota Statutes, section 97C.341, paragraph (c).

Subp. 1a. Permit application.

A. Written application for a permit to harvest wild animals from infested waters for bait or aquatic farm purposes shall be made on a form provided by the commissioner and shall contain:

(1) the applicant's legal name, business name, license number, address, and daytime and evening telephone numbers;

(2) the names of the waters and counties where the applicant desires to harvest wild animals for bait or aquatic farm purposes; and

(3) a description of the harvest and transportation equipment to be used, including boats, motors, and trailers.

B. An application for a permit according to part 6254.0200 and Minnesota Statutes, sections 84D.03, subdivision 3, and 84D.11, subdivision 2a, must be mailed or delivered to the Minnesota DNR-Commercial Fisheries Program Coordinator, 500 Lafayette Road, St. Paul, MN 55155-4012.

C. An application for a permit under this part must be submitted by March 1 to be considered for permits that are effective on April 10 of the same year.

Subp. 1b. Expiration; renewal; transferability. Permits issued under this part expire at midnight on April 9 of each year, unless otherwise specified in the permit. An application for renewal shall describe any changes to the information submitted in the prior year. A permit issued under this part is not transferable.

Subp. 1c. Revocation of permit.

A. When the commissioner determines that a permittee has failed to comply with conditions of the permit, the commissioner may issue a warning or, if deemed necessary for the protection of the aquatic resources, revoke all or part of a permit. The commissioner may revoke the permit if deemed necessary for the protection of the aquatic resources. When it is determined that a third offense has occurred, the commissioner must revoke the permit.

B. Except in an emergency situation when delay would threaten the state's natural resources, the commissioner shall, at least seven days before the effective date of the revocation, inform the permit holder in writing of the nature of the revocation and of the conditions that, in the commissioner's opinion, require revocation.

C. Upon notice of revocation, the permit holder may apply for an amendment to the permit or request a contested case hearing to contest the revocation. The permit is revoked on the date stated in the revocation notice until such time that the decision is reversed or modified.

Subp. 2. Restrictions on sport gill netting for whitefish and cisco in infested waters. If the commissioner lists waters that are open to sport gill netting for whitefish and cisco as infested waters, the commissioner may close the gill netting season for the listed water body, require that gill nets used in the infested waters not be used in other water bodies, or require that nets used in infested waters must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in noninfested waters. The commissioner shall publish the names of listed water bodies and new requirements or closures in the State Register and provide notice through media releases and other available means where practical. In addition, the commissioner shall post notice of the restrictions at public access points to listed water bodies.

Subp. 3. [Repealed, L 2004 c 243 s 41]

Subp. 4. [Repealed, 24 SR 1849]

Statutory Authority: *MS s 84.9691; 84D.12; 97A.045; 97C.341*

History: 20 SR 2292(NO. 43); 22 SR 2076; 24 SR 1849; L 2004 c 243 s 41; L 2014 c 289 s 69; 39 SR 1619

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