

6256.0500 TAKING TURTLES.

Subpart 1. **Scope.** This part applies to individuals possessing a turtle seller's, turtle seller's apprentice, or recreational turtle license or an angling license. The following turtle species may be taken: western painted turtle (*Chrysemys picta bellii*), snapping turtle (*Chelydra serpentina*), and spiny softshell (*Apalone spinifera*). A person possessing or selling turtles or turtle eggs under this part must also comply with other state and federal laws that regulate these activities.

Subp. 2. **Equipment.** Turtles may be taken by a person possessing a turtle seller's, turtle seller's apprentice, or recreational turtle license by means of floating or submerged turtle traps, turtle hooks, and other commercial fishing gear authorized by the commissioner. Traps must not exceed five feet in width, four feet in height, and eight feet in length.

Subp. 2a. **Submerged turtle traps.** Submerged traps must be constructed of either flexible webbing or wire. Flexible webbing traps must be of mesh size not less than 3-1/2 inches bar measure or seven inches stretch measure. Wire traps must be of mesh size not less than two inches by four inches bar measure and must have at least one square opening in the top panel measuring at least four inches on a side and two of the same dimension on each of the side panels near the top of the trap. A trap must be set in water shallow enough so that the top of the trap is at least level with the water surface.

Subp. 2b. **Floating turtle traps.** Floating traps must have: (1) one or more openings above the water surface that measure at least ten inches by four inches; and (2) a mesh size of not less than one-half inch bar measure.

Subp. 3. [Repealed, 28 SR 629]

Subp. 4. **Operation of turtle trap.** Each submerged trap must be checked and emptied at intervals not exceeding 48 hours and each floating trap must be checked and emptied at intervals not exceeding 120 hours. A turtle seller licensee or turtle seller's apprentice operating under a turtle seller's license may not operate more than 40 submerged turtle traps. A turtle seller's apprentice is not entitled to any traps in addition to those of the turtle seller. A recreational turtle licensee may not operate more than three turtle traps.

Subp. 5. **Required marking of turtle traps.**

A. When in use, each turtle trap must have affixed on it a tag of permanent material visible from above, legibly bearing the name, address, and license number of the operator. This information must be recorded in an indelible manner on the tag. The tag must be of dimensions not less than 2-1/2 inches in length by five-eighths inch in width.

B. The commissioner shall issue 40 submerged turtle trap identification tags to a turtle seller licensee and three recreational turtle trap identification tags to a recreational turtle licensee. Tags must be attached to submerged and recreational traps at all times. Lost

tags must be reported within 48 hours to the local conservation officer or the commercial fisheries program consultant. The commissioner may reissue tags upon request.

Subp. 6. **Turtles taken incidental to other operations.** Turtles listed in subpart 1 that are taken incidental to other commercial fishing operations may be possessed, transported, and sold, provided the operator is a holder of a turtle seller's license.

Subp. 7. **Required reporting by turtle seller; record keeping.**

A. A holder of a turtle seller's license must submit reports, on forms provided by the commissioner, to the address identified on the form by the tenth day of each month for the preceding month for the months of March through November, whether or not any equipment was used to take turtles.

B. In the report required in item A, the licensee must record daily operations, including separate entries for each water body. The records must include water body location, equipment used, numbers and pounds of each species of turtles taken, numbers of each species of turtles released at that water body, and other information about the operation as specified on the form provided by the commissioner. The records must be kept current within 48 hours of the last daily operation.

C. A license shall not be renewed until all of the licensee's monthly reports for the previous calendar year are submitted and received at the address identified on the form.

Subp. 8. **Report on buying turtles for resale.** A licensee who buys turtles for resale or for processing and resale must keep a correct and complete book record of all transactions and activities covered in the license, not inconsistent with Minnesota Statutes, section 97A.425. Copies of the shipping documents for turtles being sent out of state must be part of and included with the monthly reports required under subpart 7.

Subp. 9. **Size limits.** A turtle seller, turtle seller's apprentice, or recreational turtle licensee or a person harvesting turtles under an angling license is restricted to taking and possessing sizes of turtles as specified in items A to C. The turtle size is determined by measuring the top shell length (carapace, not including the curvature) from above the neck to above the tail.

A. Spiny softshells (*A. spinifera*) must be greater than 12 inches in shell length.

B. Snapping turtles (*Chelydra serpentina*) must be greater than 12 inches in shell length.

C. Western painted turtles (*Chrysemys picta*) must be 5-1/2 inches or smaller in shell length, except persons acting under Minnesota Statutes, section 97C.605, subdivision 2c, clause (4), may take and possess western painted turtles of any length greater than four inches.

Subp. 10. Turtle nests and eggs.

A. A person may not collect turtle eggs from natural nests, except under a permit issued by the commissioner.

B. A person with a turtle seller's license may not possess or sell turtle eggs, except as provided in item C. A person must have an aquatic farm license with a turtle endorsement or a private fish hatchery license with a turtle endorsement to possess or sell turtle eggs, as allowed by federal law, or to keep turtles for propagation.

C. A person with a turtle seller's license may take the eggs from legally harvested gravid turtles and must place the eggs back into man-made nests in the wild within 48 hours of taking the eggs.

Statutory Authority: *MS s 97C.605*

History: *18 SR 83; 23 SR 348; 28 SR 629; 28 SR 1127; 32 SR 1039*

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