

1 **Department of Natural Resources**2 **Adopted Permanent Rules Relating to Harmful Exotic Species**3 **6216.0100 PURPOSE.**

4 The purpose of parts 6216.0100 to 6216.0600 is to prevent the spread of harmful exotic
5 species, including prohibited and regulated exotic aquatic plants and wild animals, into
6 and within the state as authorized by Minnesota Statutes, sections 17.497 and 84D.12,
7 while allowing flexibility for conditional possession of harmful exotic species. Parts
8 6216.0100 to 6216.0600 also provide a public process for designation of infested waters
9 and classification and designation of exotic species according to criteria in statute.

10 **6216.0200 DEFINITIONS.**

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

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

21 [For text of subps 2 and 3, see M.R.]

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

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

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

3 (1) waters identified as public waters;

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

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

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

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

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

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

18 Subp. 4. [See repealer.]

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

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

25 Subp. 6. **Person.** "Person" has the meaning given in Minnesota Statutes, section
26 645.44, subdivision 7.

1 Subp. 7. Public waters. "Public waters" means public waters as defined under
2 Minnesota Statutes, section 103G.005, subdivision 15, that have been designated as
3 public waters under the public waters inventory pursuant to Minnesota Statutes, section
4 103G.201.

5 **6216.0230 NOMENCLATURE.**

6 The scientific taxonomic nomenclature used in parts 6216.0100 to 6216.0600 follows
7 the nomenclature assigned by the following sources, which are incorporated by
8 reference. The sources are available through the Minitex interlibrary loan system and
9 are not subject to frequent change:

10 A. The American Fisheries Society, Common and Scientific Names of Fishes from
11 the United States and Canada (fifth edition 1991);

12 B. John J. Mayer and I. Lehr Brisbin, Jr., Wild Pigs in the United States (1991);

13 C. The American Ornithologists' Union, Checklist of North American Birds (sixth
14 edition 1983 and subsequent supplements);

15 D. John T. Kartesz, A Synonymized Checklist of the Vascular Flora of the United
16 States, Canada, and Greenland (second edition 1994); and

17 E. Ronald M. Nowak, Walker's Mammals of the World (fifth edition 1991);

18 F. A.J. Healy and Elizabeth Edgar, Flora of New Zealand, volume III (1980);

19 G. C.J. Webb, W.R. Sykes, and P.J. Garnock-Jones, Flora of New Zealand, volume
20 IV (1988); and

21 H. Flora of North America Editorial Committee, Flora of North America North of
22 Mexico, volume 3 (1997) (for waterlilies only).

23 **6216.0250 PROHIBITED EXOTIC SPECIES.**

24 Subpart 1. **Designation.** The species in subparts 2 to 5 and any hybrids, cultivars, or
25 varieties of the species are designated as prohibited exotic species.

1 Subp. 2. **Aquatic plants.** The following aquatic plants are designated as prohibited
2 exotic species:

- 3 A. African oxygen weed (*Lagarosiphon major*) (Ridley) Moss ex Wagner;
- 4 B. aquarium watermoss or giant salvinia (*Salvinia molesta*) Mitchell;
- 5 C. Australian stonecrop (*Crassula helmsii*) (Kirk) Cockayne;
- 6 D. curly-leaf pondweed (*Potamogeton crispus*) Linnaeus;
- 7 E. Eurasian water milfoil (*Myriophyllum spicatum*) Linnaeus;
- 8 F. European frog-bit (*Hydrocharis morsus-ranae*) Linnaeus;
- 9 G. flowering rush (*Butomus umbellatus*) Linnaeus;
- 10 H. hydrilla (*Hydrilla verticillata*) (Carl von Linnaeus) Royle;
- 11 I. Indian swampweed (*Hygrophila polysperma*) (Roxburgh) T. Anders;
- 12 J. purple loosestrife (*Lythrum salicaria*, *Lythrum virgatum*, or any variety, hybrid, or
13 cultivar thereof) Linnaeus;
- 14 K. water aloe or water soldiers (*Stratiotes aloides*) Linnaeus; and
- 15 L. water chestnut (*Trapa natans*) Linnaeus.

16 Subp. 3. **Fish.** The following fish are designated as prohibited exotic species:

- 17 A. bighead carp (*Hypophthalmichthys nobilis*) Richardson;
- 18 B. black carp (*Mylopharyngodon piceus*) (Richardson) Peters;
- 19 C. grass carp (*Ctenopharyngodon idella*) Valenciennes;
- 20 D. round goby (*Neogobius melanostomus*);
- 21 E. rudd (*Scardinius erythrophthalmus*) Linnaeus;
- 22 F. ruffe (*Gymnocephalus cernuus*) Linnaeus;
- 23 G. sea lamprey (*Petromyzon marinus*) Linnaeus;

1 H. silver carp (*Hypophthalmichthys molitrix*) Valenciennes;

2 I. white perch (*Morone americana*) Gmelin; and

3 J. zander (*Stizostedion lucioperca*) Linnaeus.

4 Subp. 4. **Invertebrates.** The following invertebrate is designated as a prohibited exotic
5 species: zebra mussel (*Dreissena* spp.).

6 Subp. 5. **Mammals.** The following mammals are designated as prohibited exotic
7 species:

8 A. Asian raccoon dog, also known as finnraccoon (*Nyctereutes procyonoides*);

9 B. Eurasian swine, European wild boar (*Sus scrofa scrofa*) Linnaeus;

10 C. European rabbit (*Oryctolagus cuniculus*); and

11 D. nutria, any strain (*Myocastor coypu*).

12 **6216.0260 REGULATED EXOTIC SPECIES.**

13 Subpart 1. **Designation.** The species in subparts 2 to 5 are designated as regulated
14 exotic species.

15 Subp. 2. **Aquatic plants.** The following aquatic plants are designated as regulated
16 exotic species:

17 A. Carolina fanwort or fanwort (*Cabomba caroliniana*) A. Gray;

18 B. parrot's feather (*Myriophyllum aquaticum*) (da Conceicao Vellozo) Verdcourt; and

19 C. nonnative waterlilies (*Nymphaea* spp. ~~with flowers other than white~~) Linnaeus,
20 or any variety, hybrid, or cultivar thereof. Native Minnesota waterlilies are: *Nymphaea*
21 *odorata* Aiton subsp. *odorata* Aiton, *N. leibergeii* Morong, and *N. Odorata* Aiton subsp.
22 *tuberosa* (Paine) Wiersema & Hellquist.

23 Subp. 3. **Fish.** The following fish are designated as regulated exotic species:

24 A. alewife (*Alosa pseudoharengus*) Wilson;

1 B. common carp, koi (*Cyprinus carpio*) Linnaeus;

2 C. goldfish (*Carassius auratus*) Linnaeus;

3 D. ~~koi~~ (~~*Carassius auratus* subspecies or selected strains~~);

4 E. rainbow smelt (*Osmerus mordax*) Mitchell; and

5 F. ~~oneochromis, sartheradon~~, E. tilapia (*Tilapia*, *Oneochromis*, *Sartheradon* spp.).

6 Subp. 4. **Invertebrates.** The following invertebrates are designated as regulated exotic
7 species:

8 A. Chinese mystery snail, Japanese trap door snail (*Cipangopaludina* spp.)
9 Hannibal;

10 B. rusty crayfish (*Orconectes rusticus*) Girard; and

11 C. spiny water flea (*Bythotrephes cederstroemi*) Schoedler.

12 Subp. 5. **Birds.** The following birds are designated as regulated exotic species:

13 A. Egyptian goose (*Alopochen aegyptia*) Linne;

14 B. mute swan (*Cygnus olor*) Gmelin; and

15 C. Sichuan pheasant (*Phasianus colchicus strachi*).

16 **6216.0265 PERMITS FOR PROHIBITED AND REGULATED EXOTIC SPECIES.**

17 Subpart 1. **Requirement.** No person may possess, import, purchase, propagate, or
18 transport a prohibited exotic species without a permit from the commissioner issued
19 according to this part, except as authorized by Minnesota Statutes, section 84D.05. No
20 person may introduce a regulated exotic species without a permit from the
21 commissioner issued according to this part, except as authorized in subpart 2. A
22 regulated exotic species permit is not required for a person to possess, import, purchase,
23 propagate, transport, own, or sell a regulated exotic species.

24 Subp. 2. **Exemptions and alternate permits for regulated exotic species.** ~~Permits and~~

1 ~~licenses issued under Minnesota Statutes, sections 17.4981 to 17.4994 and chapter 97C,~~
2 ~~may authorize the introduction of regulated exotic species under the conditions~~
3 ~~specified in the permits. In lieu of an additional permit issued under Minnesota Statutes,~~
4 ~~section 84D.11, permits and licenses issued under Minnesota Statutes, sections 17.4981~~
5 ~~to 17.4994 and chapter 97C, and rules adopted thereunder, may authorize the~~
6 ~~introduction of regulated exotic species, provided that the conditions specified in those~~
7 ~~permits and licenses are in accordance with the conditions specified under this part.~~

8 Subp. 3. **Prohibited exotic species permit limitation.** A person may apply for a
9 permit for prohibited exotic species only for the purposes of disposal, control, research,
10 or education according to Minnesota Statutes, section 84D.11, subdivision 1.

11 Subp. 4. **Eligibility; prohibited exotic species permit.** An applicant for a prohibited
12 exotic species permit must:

13 A. have experience in ~~or demonstrate~~ the skills necessary for handling potentially
14 harmful species, including:

15 (1) knowledge of precautions necessary to prevent spread through handling; or
16 (2) previous experience handling harmful exotic species without allowing
17 escapes;

18 B. maintain a facility or transportation equipment that prevents the escape of
19 exotic species;

20 C. if the applicant is an individual, be at least 18 years of age at the time the
21 application is received by the department; and

22 D. if the applicant is a corporation, limited partnership, or other business entity, be
23 qualified to do business in Minnesota as shown by a certificate of authority to transact
24 business in Minnesota or a certificate of limited partnership from the Minnesota
25 Secretary of State.

1 Subp. 5. **Permit application.**

2 A. Written application for a permit for a prohibited or regulated exotic species
3 shall be made on a form prescribed by the commissioner and shall contain the
4 following:

5 (1) the legal name, address, daytime and evening telephone numbers, and, if an
6 individual, date of birth of the applicant;

7 (2) the scientific and common names of either the prohibited exotic species that
8 the applicant desires to propagate, possess, import, purchase, or transport or the
9 regulated exotic species that the applicant desires to introduce;

10 (3) a detailed description of the activity the applicant will be undertaking;

11 (4) a detailed description of the facilities or transportation equipment to be used
12 and an explanation of how the equipment is sufficient to prevent an unauthorized
13 introduction of a prohibited exotic species;

14 (5) a description of the applicant's experience in handling the same or similar
15 species;

16 (6) a written contingency plan for eradication or recapture in the event of an
17 unauthorized introduction of a the prohibited exotic species ~~for which the permit~~
18 ~~application is submitted~~; and

19 (7) an agreement to comply with the requirements of parts 6216.0100 to
20 6216.0600.

21 B. The commissioner may request additional information from the applicant in
22 writing after the application is received if necessary to evaluate the potential risk to the
23 state's resources.

24 C. The commissioner shall review the permit applications and respond to the
25 applicant within 30 days of receipt of the application or the additional information
26 requested in item B.

1 Subp. 6. **Inspection of facilities or equipment.** After receipt of an application for a
2 prohibited exotic species permit, and a determination by the commissioner that the
3 applicant has satisfied all the initial requirements for a permit as described in this part,
4 the commissioner may inspect the applicant's holding facilities or other containment or
5 transportation equipment. Facilities holding prohibited exotic species under permit are
6 subject to inspection by the commissioner at any reasonable time.

7 Subp. 7. **Transferability.** A permit issued under this part is not transferable.

8 Subp. 8. **Expiration date and renewal.** All prohibited exotic species and regulated
9 exotic species permits expire at midnight on December 31 of each year, unless otherwise
10 specified in the permit. Applications for renewal of permits shall be made by October 1
11 of the year the permit expires. Applications for renewal shall describe any changes to
12 the information initially required in subpart 5.

13 Subp. 9. **Revocation of permit.**

14 A. The commissioner may revoke all or part of a permit issued under this part
15 when:

16 (1) the commissioner determines that a permittee has failed to comply with
17 parts 6216.0100 to 6216.0600; or

18 (2) it is necessary to protect the interests of the public, to protect native plant
19 and animal populations in the state, or to otherwise protect the state's natural resources.

20 B. Except in an emergency situation when delay would threaten the state's natural
21 resources, the commissioner shall, at least 14 days prior to the effective date of the
22 revocation, inform the permit holder in writing of the nature of the revocation and of
23 the conditions that, in the commissioner's opinion, require revocation.

24 C. Within 30 days of receipt of a notice of revocation, the permit holder may apply
25 for an amendment to the permit or request a hearing before the commissioner to contest
26 the revocation, to support the permit holder's proposed amendment, or both.

1 D. The permit shall be revoked on the date stated on the revocation notice until
2 such time that the decision is reversed or modified.

3 Subp. 10. **Disclaimer of liability.** A prohibited exotic species permit or regulated
4 exotic species permit issued under this part is permissive only. No liability is incurred
5 assumed by the state or any of its officers, agents, or employees by issuing a prohibited
6 or regulated exotic species permit or by any acts or operations of the permittee or any
7 prohibited or regulated exotic species in possession of the permittee. ~~A prohibited exotic
8 species or regulated exotic species permittee is solely responsible for damage or injury
9 to persons, domestic or wild animals, plants, and any real or personal property of any
10 kind, resulting from any activities undertaken pursuant to the permit.~~

11 Subp. 11. **Effective date.** A person possessing, importing, purchasing, selling,
12 propagating, transporting, or introducing a prohibited exotic species on the effective
13 date of parts 6216.0250 to 6216.0265 must apply for a permit within 60 days of the
14 effective date of parts 6216.0250 to 6216.0265.

15 **6216.0270 UNREGULATED EXOTIC SPECIES.**

16 Subpart 1. **Designation.** The species in subparts 2 to 5 are designated as unregulated
17 exotic species. These exotic species are not subject to regulation under Minnesota
18 Statutes, chapter 84D.

19 Subp. 2. **Fish.** The following fish are designated as unregulated exotic species:

20 A. Atlantic salmon (*Salmo salar*) Linnaeus;

21 B. brown trout (*Salmo trutta*) Linnaeus;

22 C. coho salmon (*Oncorhynchus kisutch*) Walbaum;

23 D. Chinook salmon (*Oncorhynchus tshawytscha*) Walbaum;

24 E. pink salmon (*Oncorhynchus gorbuscha*) Walbaum;

25 F. rainbow trout (*Oncorhynchus mykiss*) Walbaum; and

1 G. subtropical, tropical, and saltwater fish, except anadromous species.

2 Subp. 3. **Invertebrates.** The following invertebrates are designated as unregulated
3 exotic species: subtropical, tropical, and saltwater invertebrates.

4 Subp. 4. **Mammals.** The following ~~mammals~~ mammal is designated as an
5 unregulated exotic species:

6 ~~A. ass, burro, donkey (*Equus asinus*);~~

7 ~~B. camel (*Camelus bactrianus* and *C. dromedarius*);~~

8 ~~C. cat, all domestic breeds (*Felis catus*);~~

9 ~~D. cattle (*Bos taurus* and *Bos indicus*);~~

10 ~~E. chinchilla (*Chinchilla laniger*);~~

11 ~~F. dog, all domestic breeds (*Canis familiaris*);~~

12 ~~G. farmed cervidae, as defined in Minnesota Statutes, section 17.451, subdivision 2;~~

13 ~~H. gerbil, all species;~~

14 ~~I. Guinea pig (*Cavia porcellus*);~~

15 ~~J. hamster (*Mesocricetus auratus*);~~

16 ~~K. horse (*Equus caballus*);~~

17 ~~L. llamas, alpaca (*Lama* spp.);~~

18 ~~M. mouse, house mouse (*Mus musculus*);~~

19 ~~N. mule, hinney (*Equus asinus* x *E. caballus*);~~

20 ~~O. rat (*Rattus norvegicus* and *Rattus rattus*);~~

21 ~~P. sheep (*Ovis aries*); and~~

22 ~~Q. swine (*Sus scrofa domestica*).~~

23 Subp. 5. **Birds.** The following birds are designated as unregulated exotic species:

1 A. ~~chicken (*Gallus gallus*) Gray;~~

2 B. ~~chuckar partridge (*Alectoris chuckar*) Gray;~~

3 C. ~~domestic ducks, including Peking duck and Muscovy duck (*Cairina moschata*)~~
4 ~~Linnaeus;~~

5 D. B. ~~helmeted Guinea fowl (*Numida meleagris*) Linnaeus;~~

6 E. C. ~~house sparrow (*Passer domesticus domesticus*) Linnaeus;~~

7 F. D. ~~Hungarian partridge, gray partridge (*Perdix perdix*) Linnaeus;~~

8 G. E. ~~peafowl (*Pavo cristatus*) Linnaeus;~~

9 H. F. ~~pigeon or rock dove (*Columba livia*) Gmelin;~~

10 I. ~~ostriches, emus, rheas, and other members of the ratitae family;~~

11 J. G. ~~ring-necked pheasant (*Phasianus colchicus*) Linnaeus; and~~

12 K. H. ~~starling (*Sturnus vulgaris vulgaris*) Linnaeus; and~~

13 L. ~~turkey, domestic (*Melagris gallopavo*) Linnaeus, morphologically distinct from~~
14 ~~wild turkey.~~

15 **6216.0280 ESCAPE OF EXOTIC SPECIES.**

16 Subpart 1. **Reporting.** To report an unauthorized introduction of prohibited,
17 regulated, or unlisted exotic animal species, in compliance with Minnesota Statutes,
18 section 84D.10, a person shall notify the department's area or regional conservation
19 officer or the exotic species program staff in the department's St. Paul office by
20 telephone within 48 hours after learning of the unauthorized introduction.

21 Subp. 2. **Information required.** The following information shall be provided to the
22 department about the unauthorized introduction:

23 A. the quantity and species;

24 B. the location of the introduction;

1 C. the date and time the introduction occurred or was discovered;

2 D. the last known location of the species; and

3 E. the reporter's address and daytime and evening telephone numbers.

4 **6216.0290 PROCESS FOR REVIEW OF PROPOSED INTRODUCTIONS OF**
5 **UNLISTED EXOTIC SPECIES.**

6 **Subpart 1. Applications and information required.**

7 A. A person who seeks to introduce an unlisted exotic species in the state
8 according to Minnesota Statutes, section 84D.06, shall submit an application on a form
9 prescribed by the commissioner. The form shall request the following information:

10 (1) the name, address, and telephone number of the applicant;

11 (2) the scientific and common names, family, and reference used for the
12 scientific name of the unlisted exotic species proposed for introduction;

13 (3) the number of individual plants or animals proposed for introduction;

14 (4) the reason and need for the proposed introduction;

15 (5) the potential to use native species for the same purpose;

16 (6) the location for the proposed introduction;

17 (7) scientific-based information about the native range of the unlisted exotic
18 species;

19 (8) the source of the actual individual organisms proposed to be introduced;

20 (9) scientific-based information about the ability of the unlisted exotic species to
21 naturalize, displace native species, and harm natural resources or their use in similar
22 climates and latitudes; and

23 (10) an assessment of the potential adverse impacts on native Minnesota species
24 and ecosystems, including scientific-based information about:

1 (a) the potential to introduce disease or parasites to native fish or wildlife
2 populations;

3 (b) the potential for interbreeding or hybridizing with native fish or wildlife;

4 (c) the potential predation on native fish or wildlife; and

5 (d) any possible competition with native fish, wildlife, or aquatic plants for
6 food, habitat, water, or other resources.

7 B. The commissioner may request additional information in writing after the
8 application is received if necessary to assess the potential impacts of an introduction.

9 Subp. 2. **Application review.** The commissioner shall reject an application within ten
10 working days after receipt of the application if the application does not contain the
11 information required in subpart 1.

12 Subp. 3. **Review period.** Within 60 days of receipt of an application that contains the
13 information in subpart 1, the commissioner shall assess the apparent risk of the
14 introduction in the state and classify the species according to Minnesota Statutes, section
15 84D.04, subdivision 2. If the commissioner determines during the 60-day period that
16 there should be a public comment period for the proposed introduction, or the
17 commissioner determines that additional information is necessary to adequately
18 evaluate the proposed introduction, the commissioner may extend the review period
19 and state the basis of the extension in writing to the applicant. The review period may
20 be extended to a date 30 days from the end of the public comment period or receipt by
21 the department of the additional information requested from the applicant.

22 Subp. 4. **Review process.** Prior to classification of an unlisted exotic species and
23 making a final assessment on a proposed introduction, the commissioner may:

24 A. seek information and opinions from technical experts;

25 B. solicit public comment and hold public hearings on the proposed introduction;

1 C. consult with other potentially affected jurisdictions; and

2 D. in the case of an animal species, request a certificate of veterinary inspection or
3 other appropriate certification that the animal is pathogen-free.

4 Subp. 5. **Comment period and comments.** If the commissioner determines that a
5 public comment period is necessary on the proposed introduction, the commissioner
6 shall promptly proceed to publish a notice in the EQB Monitor, which is published by
7 the Environmental Quality Board. A 30-day period for review and comment begins the
8 day a notice of the public comment period is published in the EQB Monitor. Written
9 comments to the commissioner during the public comment period may address the
10 accuracy and completeness of material contained in the application, additional
11 information regarding the proposed introduction that is not contained in the
12 application, or potential impacts that may warrant further investigation before the
13 commissioner acts on the proposed introduction.

14 Subp. 6. **Designation and notification.** After completion of the review of a proposal
15 to introduce an unlisted exotic species and making a determination of the appropriate
16 classification, the commissioner shall designate the species and notify the applicant as
17 required under Minnesota Statutes, section 84D.06.

18 **6216.0300 DESIGNATION, NOTICE, AND MARKING OF INFESTED WATERS**
19 **AND LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.**

20 Subpart 1. **Designation of infested waters and notice.** The commissioner shall
21 designate infested waters. The commissioner shall publish the names of designated
22 water bodies in the State Register before May 1 of each year and provide notice through
23 other available means where practical. The department shall post signs describing the
24 infestation at all public accesses to designated water bodies. At any time the
25 commissioner may designate additional water bodies or remove from designation those
26 water bodies which no longer are infested waters.

1 Subp. 2. **Designation of limited infestations of Eurasian water milfoil and notice.**

2 The commissioner shall designate water bodies having limited infestations of Eurasian
3 water milfoil as defined in Minnesota Statutes, section 84.967, subdivision 3. The
4 commissioner shall publish the names of designated water bodies in the State Register
5 before May 1 of each year and provide notice through other available means where
6 practical. The department shall post signs describing the infestation at all public
7 accesses to designated water bodies. At any time the commissioner may designate
8 additional water bodies or remove from designation those water bodies which no longer
9 have limited infestations.

10 Subp. 3. **Delineation and markers for limited infestations of Eurasian water milfoil.**

11 Areas of infestation of Eurasian water milfoil where control is planned in water bodies
12 designated as having limited infestations shall be marked by the commissioner, or other
13 persons authorized by the commissioner, using buoys or signs as specified in part
14 6110.1500, subpart 7. A minimum of three buoys or signs must be used to delineate an
15 infested area, and placed at intervals of not more than 300 feet apart. In addition, at least
16 two buoys or signs shall be placed at or near the shoreline to delineate an infested area if
17 adjacent to shore. Buoys or signs shall be removed after control actions are completed
18 and ~~water use restrictions have expired~~ the posting requirements specified in Minnesota
19 Rules, part 6280.0600, subpart 2, have been met.

20 **6216.0350 DESIGNATED INFESTED WATERS.**

21 Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following
22 water bodies are designated by the commissioner as infested with Eurasian water
23 milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0100
24 to 6216.0600, Minnesota Statutes, section 84D.13, and other applicable laws.

	Name	DNR Protected Waters Inventory Number
	A. Anoka County	

1	(1) Cenaiko Lake	02-0654
2	(2) Crooked Lake	02-0084
3	(3) Otter Lake	02-0003
4	(4) Unnamed lake in	
5	Springbrook Nature Center	02-0688
6		
7	B. Carver County	
8	(1) Ann Lake	10-0012
9	(2) Auburn Lake	10-0044
10	(3) Bavaria Lake	10-0019
11	(4) Firemen's Lake	10-0226
12	(5) Lotus Lake	10-0006
13	(6) Lake Minnewashta	10-0009
14	(7) Pierson Lake	10-0053
15	(8) Riley Lake	10-0002
16	(9) Schutz Lake	10-0018
17	(10) Stone Lake	10-0056
18	(11) Lake Virginia	10-0015
19	(12) Lake Waconia	10-0059
20	(13) Lake Zumbra	10-0041
21		
22	C. Chisago County	
23	(1) Green Lake	13-0041
24	(2) Rush Lake	13-0069
25		
26	D. Crow Wing County	
27	(1) Bay Lake	18-0034
28	(2) Ruth Lake	18-0212
29		
30	E. Dakota County	
31	(1) Crystal Lake	19-0027
32	(2) Lac Lavon	19-0347
33	(3) Twin Lakes	19-0028
34		
35	F. Douglas County	
36	(1) Oscar Lake	21-0257
37		

1 G. Hennepin County

2	(1) Arrowhead Lake	27-0045
3	(2) Brownie Lake	27-0038
4	(3) Bryant Lake	27-0067
5	(4) Bush Lake	27-0047
6	(5) Lake Calhoun	27-0031
7	(6) Cedar Lake	27-0039
8	(7) Christmas Lake	27-0137
9	(8) Dutch Lake	27-0181
10	(9) Eagle Lake	27-0111
11	(10) Fish Lake	27-0118
12	(11) Forest Lake	27-0139
13	(12) Lake Harriet	27-0016
14	(13) Hiawatha Lake	27-0018
15	(14) Lake Independence	27-0176
16	(15) Lake of the Isles	27-0040
17	(16) Libbs Lake	27-0085
18	(17) Little Long Lake	27-0179
19	(18) Long Lake	27-0160
20	(19) Medicine Lake	27-0104
21	(20) Minnehaha Creek	27-0000
22	(21) Lake Minnetonka	27-0133
23	(22) Niccum's Pond	private
24	(23) Lake Nokomis	27-0019
25	(24) Parker's Lake	27-0107
26	(25) Lake Rebecca	27-0192
27	(26) Rice Lake	27-0116
28	(27) Round Lake	27-0071
29	(28) Lake Sarah	27-0191
30	(29) Schmidt Lake	27-0102
31	(30) Swan Lake	27-0000
32	(31) Whaletail Lake	27-0184
33	(32) Wirth Lake	27-0037

35 H. Kanabec County

36	(1) Knife Lake	33-0028
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38 I. Olmsted County

39	(1) George Lake	55-0008
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1		
2	J. Pope County	
3	(1) Gilchrist Lake	61-0072
4		
5	K. Ramsey County	
6	(1) Bald Eagle Lake	62-0002
7	(2) Lake Gervais	62-0007
8	(3) Island Lake	62-0075
9	(4) Keller Lake	62-0010
10	(5) Phalen Lake	62-0013
11	(6) Round Lake	62-0012
12	(7) Silver Lake	62-0001
13	(8) Sucker Lake	62-0028
14	(9) Lake Vadnais	62-0038
15	(10) Lake Wabasso	62-0082
16		
17	L. Scott County	
18	(1) Lower Prior Lake	70-0026
19		
20	M. Todd County	
21	(1) Sauk Lake	77-0150
22		
23	N. Washington County	
24	(1) White Bear Lake	82-0167
25	(2) St. Croix River	82-0001
26		
27	O. Wright County	
28	(1) Augusta Lake	86-0284
29	(2) Beebe Lake	86-0023
30	(3) Clearwater Lake	86-0252
31	(4) Lake Mary	86-0156
32	(5) Little Waverly Lake	86-0106
33	(6) Lake Pulaski	86-0053
34	(7) Rock Lake	86-0182
35	(8) Sugar Lake	86-0233
36	(9) Waverly Lake	86-0114
37		

1 P. Multiple Counties

2 (1) Mississippi River,
3 downstream of St. Anthony Falls
4

5 Subp. 2. **Listing of waters infested with round goby.** The following water bodies are
6 designated by the commissioner as infested with round goby (*Neogobius melanostomus*).
7 Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes,
8 section 84D.13, and other applicable laws.

9		DNR Protected Waters
10	Name	Inventory Number
11	Multiple Counties	

12	(1) Lake Superior	16-0001
13	(2) St. Louis River,	
14	downstream of the	
15	Fond du Lac dam	
16		

17 Subp. 3. **Listing of waters infested with ruffe.** The following water bodies are
18 designated by the commissioner as infested with ruffe (*Gymnocephalus cernuus*).
19 Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes,
20 section 84D.13, and other applicable laws.

21		DNR Protected Waters
22	Name	Inventory Number
23	Multiple Counties	

24	(1) Lake Superior	16-0001
25	(2) St. Louis River,	
26	downstream of the	
27	Fond du Lac dam	
28		

29 Subp. 4. **Listing of waters infested with spiny water flea.** The following water
30 bodies are designated by the commissioner as infested with spiny water flea
31 (*Bythotrephes cederstroemi*). Activities at these waters are subject to parts 6216.0100 to
32 6216.0600, Minnesota Statutes, section 84D.13, and other applicable laws.

DNR Protected Waters
Inventory Number

1		
2	Name	
3	A. St. Louis County	
4	(1) Fish Lake	69-0491
5	(2) Island Lake	69-0372
6		
7	B. Multiple Counties	
8	(1) Lake Superior	16-0001
9	(2) Cloquet River from	
10	Island Lake to the	
11	St. Louis River	
12	(3) St. Louis River, downstream	
13	of the Cloquet River	
14		

15 **Subp. 5. Listing of waters infested with white perch.** The following water bodies are
 16 designated by the commissioner as infested with white perch (*Morone americana*).
 17 Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes,
 18 section 84D.13, and other applicable laws.

DNR Protected Waters
Inventory Number

19		
20	Name	
21	Multiple Counties	
22	(1) Lake Superior	16-0001
23	(2) St. Louis River,	
24	downstream of the	
25	Fond du Lac dam	
26		

27 **Subp. 6. Listing of waters infested with zebra mussels.** The following water bodies
 28 are designated by the commissioner as infested with zebra mussels (*Dreissena* spp.).
 29 Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes,
 30 section 84D.13, and other applicable laws.

DNR Protected Waters
Inventory Number

31		
32	Name	
33	Multiple Counties	

- 1 (1) Lake Superior 16-0001
 2 (2) Mississippi River,
 3 downstream of St.
 4 Anthony Falls
 5 (3) St. Louis River,
 6 downstream of the
 7 Fond du Lac dam
 8

9 **6216.0400 RESTRICTED ACTIVITIES ON INFESTED WATERS AND WATERS**
 10 **WITH LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.**

11 Subpart 1. **Prohibition of taking bait from infested waters.** The taking of wild
 12 animals from infested waters for bait or aquatic farm purposes is prohibited.

13 Subp. 2. **Prohibition of sport gill netting for whitefish and ciscoe in infested**
 14 **waters.** If the commissioner designates waters that are open to sport gill netting for
 15 whitefish and ciscoe as infested waters, the commissioner may close the gill netting
 16 season for the designated water body or require that gill nets used in the infested waters
 17 not be used in other water bodies. The commissioner shall publish the names of
 18 designated water bodies and new requirements or closures in the State Register and
 19 provide notice through media releases and other available means where practical. In
 20 addition, the commissioner shall post notice of the restrictions at public access points to
 21 designated water bodies.

22 [For text of subp 3, see M.R.]

23 Subp. 4. **Entry into delineated areas prohibited.**

24 [For text of items A and B, see M.R.]

25 **6216.0500 TRANSPORTATION AND APPROPRIATION OF WATER FROM**
 26 **INFESTED WATERS.**

27 Subpart 1. **Transporting water and live fish from infested waters.** Water from
 28 infested waters may not be used to transport fish except as provided in subpart 4. Live
 29 fish taken under a commercial fishing license may be transported from infested waters

6216.0500

1 to other waters or holding facilities from May 1 to October 31 with a transportation
2 permit issued by the department pursuant to Minnesota Statutes, section 17.4985.

3 [For text of subp 2, see M.R.]

4 Subp. 3. **Persons leaving select infested waters.** A person leaving infested waters
5 designated as having populations of zebra mussel or spiny water flea must drain bait
6 containers, other boating-related equipment holding water excluding marine sanitary
7 systems, and livewells and bilges by removing the drain plug before transporting the
8 watercraft and associated equipment on public roads.

9 [For text of subp 4, see M.R.]

10 Subp. 5. **Fish hatchery or aquatic farm operations in infested waters.**

11 A. Natural lakes or wetland basins that are designated as infested waters will not
12 be licensed by the department pursuant to Minnesota Statutes, section 17.4984, for
13 aquatic farms or pursuant to Minnesota Statutes, section 97C.211, as private fish
14 hatcheries.

15 B. Artificial water basins that have populations of prohibited or regulated exotic
16 species may be used for aquatic farm or private hatcheries under license by the
17 department. After notifying a licensee that an artificial water basin has a prohibited or
18 regulated exotic species, the commissioner may require that nets, traps, buoys, stakes,
19 and lines that have been used in such artificial water basins must be dried for a
20 minimum of ten days, or frozen for a minimum of two days, before they are used in
21 noninfested waters. All aquatic plants must be removed from nets and other equipment
22 that are removed from the artificial water basins.

23 C. The commissioner may license aquatic farm or private fish hatchery facilities to
24 use infested waters as a source for the facilities' water. The commissioner may require
25 that the waters be treated to eliminate prohibited or regulated exotic species.

26 [For text of item D, see M.R.]

1 [For text of subp 6, see M.R.]

2 **6216.0600 VIOLATIONS; CONFISCATIONS.**

3 Unless a different penalty is prescribed, a violation of parts 6216.0265, 6216.0280 to
4 6216.0290, or 6216.0400 to 6216.0500 is a misdemeanor as set forth in Minnesota Statutes,
5 section 84D.13. Where a violation has occurred, the department may confiscate the
6 prohibited, regulated, or unlisted exotic species immediately upon discovery wherever
7 found and, at the department's discretion, destroy it. Where infested water is being
8 appropriated, or diverted or transported without a permit, or otherwise contrary to the
9 provisions of parts 6216.0100 to 6216.0600, the department may order that the activities
10 cease. Any expense or loss in connection with enforcement of the order shall be borne by
11 the permittee or responsible person.

12 **SUPERSEDING PERMANENT RULE; REPEALER.** Minnesota Rules, part 6216.0350,
13 as permanently adopted by these rules, supersedes the expedited emergency rule
14 adopted effective August 4, 1997, and published in the State Register, volume 22, page
15 199. The expedited emergency rule, Minnesota Rules, part 6216.0350, is repealed.
16 Minnesota Rules, part 6216.0200, subpart 4, is repealed.