

CHAPTER 84D

HARMFUL EXOTIC SPECIES

84D.01	Definitions.	84D.09	Aquatic macrophytes.
84D.02	Harmful exotic species management program.	84D.10	Prohibited act; watercraft.
84D.03	Infested waters; restricted activities.	84D.11	Permits.
		84D.12	Rules.

84D.01 DEFINITIONS.

[For text of subd. 1, see M.S.1998]

Subd. 2. **Aquatic macrophyte.** "Aquatic macrophyte" means a macroscopic non-woody plant, either a submerged, floating leafed, floating, or emergent plant that naturally grows in water.

[For text of subds. 3 to 9, see M.S.1998]

Subd. 10. [Repealed, 1999 c 92 s 11]

[For text of subds. 11 to 22, see M.S.1998]

History: 1999 c 92 s 2

84D.02 HARMFUL EXOTIC SPECIES MANAGEMENT PROGRAM.

[For text of subds. 1 to 3, see M.S.1998]

Subd. 4. **Inspection of watercraft.** The commissioner shall authorize personnel to inspect, for a minimum of 20,000 hours during the open water season, watercraft and associated equipment, including weed harvesters, that leave or are removed from waters of the state.

[For text of subds. 5 and 6, see M.S.1998]

History: 1999 c 92 s 3

84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.

Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall designate a water of the state as an infested water if the commissioner determines that the water contains a harmful exotic species that could spread to other waters if use of the water and related activities are not regulated to prevent this.

(b) When determining which harmful exotic species comprise infested waters, the commissioner shall consider:

- (1) the extent of a species distribution within the state;
- (2) the likely means of spread for a species; and
- (3) whether regulations specific to infested waters containing a specific species will effectively reduce that species' spread.

(c) The presence of common carp and curly-leaf pondweed shall not be the basis for designating a water as infested.

Subd. 2. [Repealed, 1999 c 92 s 11]

Subd. 3. **Bait harvest from infested waters.** (a) The taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b).

(b) In waters that are designated as infested waters, except those designated because they contain prohibited exotic species of fish, the taking of wild animals may be permitted for:

- (1) commercial taking of wild animals for bait and aquatic farm purposes according to a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

(2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil:

History: 1999 c 92 s 4,5

84D.09 AQUATIC MACROPHYTES.

[For text of subd 1, see M.S.1998]

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport aquatic macrophytes:

- (1) that are duckweeds in the family Lemnaceae;
- (2) for disposal as part of a harvest or control activity conducted under an aquatic plant management permit pursuant to section 103G.615, under permit pursuant to section 84D.11, or as specified by the commissioner;
- (3) for purposes of constructing shooting or observation blinds in amounts sufficient for that purpose, provided that the aquatic macrophytes are emergent and cut above the waterline;
- (4) when legally purchased or traded by or from commercial or hobbyist sources for aquarium, wetland or lakeshore restoration, or ornamental purposes;
- (5) when harvested for personal or commercial use if in a motor vehicle;
- (6) to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying a species or reporting the presence of a species;
- (7) when transporting a commercial aquatic plant harvester to a suitable location for purposes of cleaning any remaining aquatic macrophytes;
- (8) that are wild rice harvested under section 84.091; or
- (9) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season.

History: 1999 c 92 s 6

84D.10 PROHIBITED ACT; WATERCRAFT.

Subdivision 1. **Launching prohibited.** A person may not place or attempt to place into waters of the state a watercraft, a trailer, or plant harvesting equipment that has aquatic macrophytes, zebra mussels, or prohibited exotic species attached except as provided in this section.

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may place into the waters of the state a watercraft or trailer with aquatic macrophytes:

- (1) that are duckweeds in the family Lemnaceae;
- (2) for purposes of shooting or observation blinds in amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut above the waterline;
- (3) that are wild rice harvested under section 84.091; or
- (4) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season.

Subd. 3. **Removal and confinement.** A conservation officer or other licensed peace officer may order:

- (1) the removal of aquatic macrophytes or prohibited exotic species from a trailer or watercraft before it is placed into waters of the state;
- (2) confinement of the watercraft at a mooring, dock, or other location until the watercraft is removed from the water; and
- (3) removal of a watercraft from waters of the state to remove prohibited exotic species if the water has not been designated by the commissioner as being infested with that species.

History: 1999 c 92 s 7

84D.11 PERMITS.

[For text of subds 1 and 2, see M.S.1998]

Subd. 2a. **Harvest of bait from infested waters.** The commissioner may issue a permit to allow the harvest of bait from waters that are designated as infested waters, except those

designated because they contain prohibited exotic species of fish. The permit shall include conditions necessary to avoid spreading harmful exotic species. Before receiving a permit, a person annually must satisfactorily complete harmful exotic species-related training provided by the commissioner.

[For text of subds 3 and 4, see M.S.1998]

History: 1999 c 92 s 8

84D.12 RULES.

Subdivision 1. **Required rules.** The commissioner shall adopt rules:

- (1) designating infested waters, prohibited, regulated, and unregulated exotic species;
- (2) governing the application for and issuance of permits under this chapter, which rules may include a fee schedule; and
- (3) governing notification under section 84D.08.

[For text of subd 2, see M.S.1998]

Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027, subdivision 13, that designate:

- (1) prohibited exotic species;
- (2) regulated exotic species;
- (3) unregulated exotic species; and
- (4) infested waters.

History: 1999 c 92 s 9,10