

CHAPTER 6212
DEPARTMENT OF NATURAL RESOURCES
LICENSES AND PERMITS

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GAME AND FISH LICENSES

6212.0100 APPLICATIONS FOR GAME AND FISH LICENSE SUBAGENTS.

Subpart 1. **Application for license subagents.** County auditors may appoint subagents for the sale of licenses, whether cash or consignment, only upon the receipt of a completed application. The application must be on a form prescribed by the commissioner.

Subp. 2. **Applications must be approved by county auditor.** All applications must be signed by the applicant and approved by the county auditor before licenses are furnished. If applicants wish to sell licenses on consignment, they must include with their application the required surety bond.

Subp. 3. **Applications made in triplicate.** All applications must be made in triplicate. The county auditor must retain the original and must promptly forward one copy to the commissioner. The remaining copy must be retained by the applicant.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.0200 CONSIGNMENT OF GAME AND FISH LICENSES.

The county auditor must issue licenses on a consignment basis to any subagent who has applied and who furnishes a valid corporate surety bond properly issued by a corporation duly licensed to issue such bonds in this state. Bonds must be:

- A. in favor of the county;
- B. in an amount equal to the maximum total value of licenses, including any surcharge, but excluding the issuing fee, expected to be held on consignment at any one time; and
- C. conditioned upon the performance by the subagent of all of the duties of a license subagent.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.0300 COMPLETION OF LICENSE FORMS.

Subpart 1. **Licenses must be completed at place of sale.** County auditors or subagents selling licenses are responsible for the completion of each license form of each license sold at their place of business. Licenses must be completed using a data recorder machine, ball point pen, or indelible pencil, in such manner that all copies are legible.

Subp. 2. **Signature requirements on license.** The applicant and the county auditor or subagent must sign their complete names in the spaces provided so that they appear on all copies. A rubber stamp or other device may not be used in lieu of a signature. County auditors and subagents are responsible for the issuance of licenses; however, employees of county auditors or subagents may sign the name of the county auditor or subagent followed by the initials of the employee.

Subp. 3. **Restriction on issuance of resident license.** A resident license may not be issued to any person unless the county auditor or subagent has ascertained, by personal knowledge or written identification, that the applicant is a resident as defined by Minnesota Statutes, section 97A.015.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.0400 RETURN OF "DNR COPY" OF LICENSES.

Immediately upon issuance, county auditors or subagents must remove and return, to the license bureau, the "DNR Copy" of each license. Failure to promptly return completed department copies may result in revocation of the subagent's authorization to sell licenses.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

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6212.0500 REQUIRED RECORDS, REPORTS, AND PAYMENTS FOR ISSUANCE OF GAME AND FISH LICENSES.

Subpart 1. **Records required of county auditors and subagents.** County auditors must keep a record of all transactions relating to licenses received by them and licenses issued by them to their subagents, including licenses received, sold, or returned for redemption or credit, fees collected, commissions retained, remittances made, and cash on hand or deposited, showing at all times the current status of the county auditor's account and the account of each subagent. Subagents must keep a record of all transactions relating to licenses issued to them in the same manner as county auditors. All such records may be subject to inspection and auditing by the commissioner.

Subp. 2. **Payments and returns of sold licenses by subagents.** Subagents must, on or before the 10th day of each month, return to the auditor each sold-out license book from the previous month. All proceeds from the sale of licenses, except those for which the auditor has previously been paid, will be paid to the auditor at the time the books are returned. Partially sold license books and all proceeds from the sale of licenses from such books must be returned to the auditor no later than March 10 of each year.

Subp. 3. **Retention of sold and unsold licenses by county auditors.** County auditors must preserve all sold and unsold license books, whether sold by the auditor or a subagent, for at least one year after the end of the license year.

Subp. 4. **Payments and reports by county auditors.** County auditors must, on or before the 15th day of each month, mail or deliver a complete written report to the commissioner, either on forms provided for such purpose or in a prescribed format, covering all licenses issued and sold by the county auditor or subagents during the preceding calendar month together with a warrant on the county treasury for license fees as provided by Minnesota Statutes, sections 97A.475 and 97A.485. If no license fees were received during a preceding month, a written report so stating must be made to the commissioner. If a county auditor fails to submit these monthly reports within the specified time period, the commissioner may withhold further consignments of licenses to the county auditor until the report is received. An immediate and complete accounting of all licenses consigned to the county auditor during the current licensing year may be required.

Subp. 5. **Final reports of unsold licenses.** The following provisions apply to final reports of unsold licenses and partially sold books:

A. Each subagent who has purchased or taken on consignment licenses for resale must, not later than March 10 of each year, return all unsold licenses and partially sold license books to the county auditor, except that all unsold licenses to take deer either by archery, firearm, or muzzleloader must be returned to the auditor on the first business day after the last day during which each type of license may be sold. The county auditor must give to each subagent a cash refund for unsold licenses or credit in the case of consignment.

B. No later than April 15, county auditors must prepare a final report which will show the total number of unsold, void, and no fee licenses to be credited toward their account and must contain a list of the sequential numbers of such licenses. Any unsold licenses not so reported for redemption or credit by the date prescribed will be presumed to have been sold, and the county auditor and subagent will be accountable.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.0600 ISSUANCE OF DUPLICATE LICENSES.

Subpart 1. **Duplicate license eligibility.** A licensee whose license is lost or destroyed may obtain a duplicate license upon submission to the License Bureau of an affidavit signed under oath by the licensee.

Subp. 2. **Duplicate deer licenses.** Duplicate firearms and archery deer licenses may be obtained from county auditors by licensees whose licenses have been lost or destroyed. Deer license duplicates may be provided from a separate license book designated for that purpose. Before a duplicate license is received, applicants must submit to the county auditor an affidavit in the form prescribed by the department.

Subp. 3. **Duplicate licenses exempt from number restriction.** Except for duplicate licenses, a person may not obtain more than one trapping or big game license of each kind in a license year unless authorized by the commissioner.

Statutory Authority: *MS s 97A.405; 97A.415; 97A.485*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.0700 PROHIBITIONS AND PENALTIES ON ISSUANCE OF GAME AND FISH LICENSES.

Subpart 1. **Restrictions on sale price of licenses.** A county auditor or subagent may not offer licenses free or at a nominal, reduced, or increased fee, except as provided by Minnesota Statutes, sections 97A.475 and 97A.485. A county auditor or subagent may not waive all or part of the issuing fee or use licenses in connection with a drawing, raffle, giveaway, or sales promotion.

Subp. 2. **Restriction on issuance of licenses from a single book.** All licenses within a license book must be issued in consecutive order.

Statutory Authority: *MS s 97A.485*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

CROSS-COUNTRY SKI PASSES**6212.0800 APPLICATIONS FOR AGENCIES TO SELL CROSS-COUNTRY SKI PASSES.**

Subpart 1. **Appointment of agents.** County auditors may appoint agents for the sale of cross-country ski passes, whether cash or consignment, only upon the receipt of a completed application on a form provided by the commissioner.

Subp. 2. **Applications must be approved.** All applications must be signed by the applicant and approved by the county auditor, or in the case of an application made by a state agency, approved by the commissioner before passes are furnished. Applicants, other than state agencies, requesting to sell passes on consignment must include with their application the surety bond required by part 6212.0900.

Subp. 3. **Applications made in triplicate.** All applications must be made in triplicate. The county auditor must retain the original and promptly forward one copy to the commissioner. When receiving an application from a state agency, the commissioner must retain the original and one copy. The remaining copy must be retained by the applicant.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

Published Electronically: *June 11, 2008*

6212.0900 CONSIGNMENT OF CROSS-COUNTRY SKI PASSES.

Subpart 1. **Surety bond required.** A county auditor may issue passes on a consignment basis to a subagent who has applied and who furnishes a valid corporate surety bond properly issued by a corporation duly licensed to issue bonds in this state. The surety bond must be:

- A. in favor of the county;
- B. in an amount equal to the maximum total value, excluding the issuing fee, of pass blanks expected to be held on consignment at any one time; and
- C. conditioned upon the performance by the agent of all of the duties of a pass agent.

Subp. 2. **Issuance of passes to state agency on consignment basis.** The commissioner may issue passes on a consignment basis to a state agency that has been appointed by the commissioner.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

Published Electronically: *June 11, 2008*

6212.1000 COMPLETION OF PASS FORMS AND RETURN OF DEPARTMENT COPIES.

Passes must be filled out using a data recorder machine, a ball point pen, or an indelible pencil so that all copies are legible. Passes that are not filled out at the time of purchase must be fully completed prior to use. Appropriate copies must be promptly returned to the commissioner by the passholder.

Statutory Authority: *MS s 85.41*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.1100 REQUIRED RECORDS, REPORTS, AND PAYMENTS FOR ISSUANCE OF CROSS-COUNTRY SKI PASSES.

Subpart 1. **Required records.** County auditors or state agencies must keep a record of all transactions relating to passes received by them and passes issued by them to their subagents. The record must include passes received, sold, or returned for redemption or credit, fees collected, commissions retained, remittances made, and cash on hand or deposited showing at all times the current status of the county auditor's or state agency's account and, in the case of the county auditor, the account of each subagent. Subagents must keep a record of all transactions relating to passes issued to them in the same manner as county auditors. All records may be subject to inspection and auditing by the commissioner.

Subp. 2. **Required payments and return of sold passes.** Subagents must, on or before the tenth day of each month, return to the auditor each sold-out pass book from the previous month. All proceeds from the sale of passes, except those for which the auditor has previously been paid, will be paid to the auditor at the time the books are returned. Partially sold pass books and all proceeds from the sale of passes from such books must be returned to the auditor no later than July 10 of each year.

Subp. 3. **Retention of sold passes.** The county auditor or state agency must preserve all stubs of sold passes, whether sold by the auditor, subagent, or state agency for at least one year after the end of the pass year.

Subp. 4. **Payments and reports by county auditors.** County auditors and state agencies must, on or before the 15th day of each month, mail or deliver to the license bureau a complete written report to the license bureau pertaining to all cross-country ski passes issued and sold. Reports must either be on forms provided by the commissioner or in a prescribed format. County auditors must include a warrant for 96 percent of all the pass fees, excluding issuing fees, collected through their or their subagents' sales. State agencies must include a warrant for 100 percent of all the pass fees collected through their sales. If a county auditor or state agency fails to submit monthly reports within the specified time period, the commissioner may withhold further consignments of passes until the report is received. An immediate accounting of all passes consigned to the county auditor or state agency during the current cross-country pass year may be required.

Subp. 5. **Final report of unsold passes and partially sold books.** The following provisions apply to final reports of unsold cross-country ski passes and partially sold books:

A. Each subagent who has taken on consignment passes for resale must, not later than July 10, return all unsold passes and partially sold pass books to the county auditor. The county auditor must give to each subagent a cash refund for unsold passes or credit in the case of consignment.

B. No later than August 15, county auditors or state agencies must prepare a final report that will show the total number of unsold and void passes to be credited toward their account and must contain a list of sequential numbers of such passes. Any unsold or void passes not reported for redemption or credit by the date prescribed will be presumed to have been sold and the county auditor and subagent or the state agency will be accountable.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

Published Electronically: *June 11, 2008*

6212.1200 ISSUANCE OF DUPLICATE CROSS-COUNTRY SKI PASSES.

Subpart 1. **Eligibility for a duplicate pass.** A passholder whose pass is lost or destroyed may obtain a duplicate pass upon submitting to the license bureau an affidavit of loss signed under oath by the passholder.

Subp. 2. **Duplicate pass fee.** The fee for a duplicate pass is \$2.

Statutory Authority: *MS s 85.41*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.1300 PROHIBITIONS AND PENALTIES ON ISSUANCE OF CROSS-COUNTRY SKI PASSES.

Subpart 1. **Restriction on sale price of passes.** Cross-country ski passes must be offered for sale by state agencies, county auditors, or agents only at the fee defined under Minnesota Statutes, section 85.42.

Subp. 2. **Restriction on issuance of passes from a single book.** Cross-country ski passes must be issued in consecutive order within a single book.

Subp. 3. **Revocation of a state agency's authorization to sell passes.** The commissioner may revoke the authorization to sell cross-country ski passes of any state agency or subagent found in violation of any provision of law or rule relating to the sale and handling of passes or the required reporting.

Statutory Authority: *MS s 85.41*

History: *18 SR 83; 18 SR 1339*

Published Electronically: *June 11, 2008*

POSSESSION PERMITS

6212.1400 GENERAL RESTRICTIONS FOR POSSESSION PERMITS.

Subpart 1. **Permit requirements.** Permits for the taking, transportation, disposal, or possession of protected wild animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by this part. Applications for permits from individuals or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

Subp. 2. **Issuance of permits.**

A. Permits may be issued upon written application made by individuals or institutions currently conducting propagation, research, scientific programs, or educational programs in the fields of biology or natural history.

B. Permits may be issued upon written application made by media outlets to enable them to conduct educational programs and to promote outdoor recreation and programs in the fields of biology or natural history.

C. Individuals, media outlets, or institutions must have appropriate and adequate facilities for the care, exhibition, or storage of the specimens sought to be taken, acquired, or possessed.

D. A permit may not be issued unless the commissioner has first determined that the permitted act will not be detrimental to the species or cause harm to natural resources. Conditions for permits may be specified to protect species and enhance knowledge of the species including:

- (1) limits on the number of people authorized by the permit;
- (2) when authorized activities may be conducted, including seasonal, daily, or other time restrictions;
- (3) where authorized activities may be conducted;
- (4) how authorized activities are conducted, including methods that may be used to collect or dispose of data, animals, or other resources;
- (5) limits on the quantity or types of animals or other resources that may be removed or collected; or
- (6) a requirement to deposit with the University of Minnesota at least one voucher specimen for each species collected in a time frame specified in the permit.

E. The following criteria shall be considered when making a decision on issuing conditions for a permit:

- (1) whether the activity will advance knowledge, understanding, interpretation, or management of the species;
- (2) whether the activity will advance retention and recruitment of people involved in outdoor skills;
- (3) whether alternative locations for carrying out the activity are available;
- (4) whether the activity interferes with other public use, research, educational, or management activities;
- (5) whether there are other reasonable alternatives for conducting the activity; or
- (6) whether the applicant is qualified to conduct the activities authorized by the permit.

Subp. 3. **Permits for taking.** Permits for the taking of protected wild animals or their parts may be issued only to named individuals. Permits for taking are valid only for the named permittees and are not transferable. Permits solely for possession, transportation, propagation, or disposal may be issued in the name of an institution or individual.

Subp. 4. **Sale or transfer of specimens.** Specimens held under permit may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit.

Subp. 5. **Offspring.** Offspring of any specimen possessed under a permit will be subject to this part and to all the terms and conditions set forth in the permit.

Subp. 6. **Reports.** Before January 31 of each year, each permittee who has taken a protected wild animal, or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.

Subp. 7. **Possession of permit.** Individual permittees must have their permit available for inspection by the commissioner while doing an act authorized by the permit. Permits issued in the names of institutions must be available for inspection during regular business hours.

Subp. 8. **Expiration, cancellation, and revocation of collector permits.** All permits issued as provided by this part expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.

All permits issued as provided by this part are subject to immediate cancellation by the commissioner upon determination that such cancellation is necessary for the conservation of the natural resources of this state, for the welfare of particular specimens, or is in the public interest.

Violation of any of the provisions of this part or the terms of any permit issued under those parts may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.

Subp. 9. **Permits for pets.** Permits are not issued for the taking or possession of protected wild animals as pets, except for raptors as provided by chapter 6238.

Statutory Authority: *MS s 84D.05; 84D.09; 84D.10; 84D.11; 84D.13; 86B.121; 97A.031; 97A.045; 97A.401; 97A.418; 97A.505; 97A.510; 97A.551; 97C.001; 97C.005; 97C.085; 97C.205; 97C.315; 97C.325; 97C.345; 97C.401*

History: *18 SR 83; 36 SR 435*

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6212.1500 [Repealed, 36 SR 435]

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6212.1600 [Repealed, 20 SR 2291(NO. 43)]

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6212.1700 [Repealed, 36 SR 435]

Published Electronically: *November 21, 2011*

CONTRACEPTIVE CHEMICALS PERMIT

6212.1750 PERMITS FOR USE OF CONTRACEPTIVE CHEMICALS.

Subpart 1. **Contraceptive chemicals defined.** "Contraceptive chemicals" are any drugs, vaccines, steroids, or other chemicals that, when administered to individual wild animals within a target species'

population, produce a state of infertility or prevent the production of progeny, either temporarily or permanently.

Subp. 2. **Application requirements.** Permits may be issued by the commissioner for the administration of contraceptive chemicals to noncaptive wild animals under the conditions in items A and B.

A. Permits may only be issued to federal, state, or local government agencies, universities or colleges, or their agents.

B. A written request for the permit must be submitted prior to the planned application of the contraceptive chemical treatment. The request must be accompanied by a proposed management plan or research proposal that:

- (1) is approved by the landowner or land manager responsible for the site;
- (2) for a research proposal, is approved by the federal, state, or local government agency, university, or college responsible for the actions of the research investigator;
- (3) includes a clear statement of the objectives of the management or research project including population objectives for management projects;
- (4) includes an assessment of the anticipated effect of the chemical treatment on each target species' population on each site and on individual animals within each target population;
- (5) documents potential impacts to nontarget wild animal populations;
- (6) documents potential threats to human health and safety;
- (7) includes a description of all planned or completed management actions and an evaluation of the costs, efficiency, effectiveness, and safety of alternative methods for managing each target species' population on each site; and
- (8) includes a plan for monitoring short-term and long-term effects of the contraceptive chemical treatments on treated individual wild animals and each target species' population on each site.

The commissioner may request additional information if needed to determine the applicant's qualifications or to evaluate the proposed management plan or research proposal.

Subp. 3. **Chemicals.** Contraceptive chemicals used must have all required federal and state licensing, registration, or approvals for use on each noncaptive wild animal species for each site requested.

Subp. 4. **Permit conditions.** Authorized contraceptive chemicals, treatment methods, application devices and equipment, individual animal and population monitoring requirements, reporting requirements, and other applicable restrictions must be specified as conditions of the permit.

Statutory Authority: *MS s 97A.501*

History: *19 SR 2222*

Published Electronically: *June 11, 2008*

THREATENED AND ENDANGERED SPECIES**6212.1800 GENERAL RESTRICTIONS FOR PERMITS TO POSSESS THREATENED AND ENDANGERED SPECIES.**

Subpart 1. **Permit requirements.** A person may not take, import, transport, purchase, sell, dispose, or possess a threatened or endangered species of plant or animal without a permit from the commissioner. Permits for the taking, importation, transportation, purchase, sale, disposal, or possession of threatened or endangered species of plants or animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by parts 6212.1800 to 6212.2300 and 6242.1200. Applications for permits from individuals or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

Subp. 2. **Issuance of permits.** Permits may be issued only upon written application made by individuals or institutions currently conducting research or educational programs in the fields of biology or natural history, and that have appropriate and adequate facilities for the care, exhibition, or storage of the specimens sought to be taken, acquired, or possessed. A permit may not be issued unless the commissioner has first determined that the permitted act will not be detrimental to the species.

Subp. 3. **Permits for taking.** Permits for the taking of endangered or threatened species or their parts may be issued only to named individuals. Permits for taking are valid only for the named permittees and are not transferable. Permits solely for possession, importation, transportation, propagation, sale, or disposal may be issued in the name of an institution or individual.

Subp. 4. **Sale or transfer of specimens.** Specimens held under permit may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit.

Subp. 5. **Offspring.** Offspring of any specimen possessed under a permit will be subject to parts 6212.1800 to 6212.2300 and to all the terms and conditions set forth in the permit.

Subp. 6. **Reports.** Before January 31 of each year, each permittee who has taken any endangered or threatened species or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.

Subp. 7. **Possession of permit.** Individual permittees must have their permit available for inspection by the commissioner while doing any act authorized by the permit. Permits issued in the names of institutions must be available for inspection during regular business hours.

Subp. 8. **Expiration, cancellation, and revocation of threatened and endangered permits.** All permits issued as provided by parts 6212.1800 to 6212.2300 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.

All permits issued as provided by parts 6212.1800 to 6212.2300 are subject to immediate cancellation by the commissioner upon determination that such cancellation is necessary for the conservation of the natural resources of this state, for the welfare of particular specimens, or is in the public interest.

Violation of any of the provisions of parts 6212.1800 to 6212.2300 or the terms of any permit issued under those parts may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83; 19 SR 2222*

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6212.1900 [Repealed, 20 SR 2291(NO. 43)]

Published Electronically: *June 11, 2008*

6212.2000 PERMITS FOR PREVIOUSLY ACQUIRED SPECIMENS.

Permits for specimens of endangered or threatened species, including parts, may be issued to persons who have lawfully acquired such specimens under the following conditions:

- A. before May 30, 1985; or
- B. before they were listed as endangered or threatened.

These permits may be issued upon the applicant's submission of proof of having lawfully acquired the specimens before such date or before listing occurred.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.2100 OTHER PERMITS.

Permits for the taking, possession, importation, transportation, purchase, sale, or disposal of endangered or threatened species of animals, plants, or insects may be issued on prescribed conditions when the commissioner has determined that:

- A. the permitted act enhances the propagation or survival of the affected species;
- B. the permitted act prevents injury to persons or property, including livestock, provided that a specimen causing this injury may be killed only after all other alternatives have been evaluated and rejected; or
- C. the social and economic benefits of the permitted act outweigh the harm caused by it, provided that the killing of a specimen for these purposes will be permitted only after all other alternatives have been evaluated and rejected.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.2200 PROCESSED SPECIMENS OF ENDANGERED OR THREATENED SPECIES.

The tanned, mounted, or processed furs, skins, feathers, or other parts of endangered or threatened species, including such parts that have been incorporated into manufactured goods, may be possessed, imported, transported, purchased, sold, or otherwise disposed of without a permit, provided the specimens were in a tanned or processed condition and lawfully acquired under the following conditions:

- A. before May 30, 1985;
- B. before they were listed as endangered or threatened; or
- C. before they were brought into Minnesota.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

6212.2300 EMERGENCY TAKING.

Within 48 hours after the taking of a threatened or endangered animal that has threatened human life, the entire carcass, including the hide, must be surrendered to the commissioner.

Statutory Authority: *MS s 84.0895*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

FISHING CONTESTS

6212.2400 PERMIT REQUIREMENTS FOR FISHING CONTESTS.

Subpart 1. **Fishing contest permits.** Issuance of permits for fishing contests is provided for by Minnesota Statutes, section 97C.081. Permits may also be required, as provided by Minnesota Statutes, section 86B.121, by the sheriff of the county in which the contest is held. Application to obtain a permit must be made a minimum of 14 days prior to the contest on forms provided by the commissioner. Application information includes name of contest, name and address of permittee, name of sponsor, name and location of contest waters, public accesses to be used with a parking plan as provided in part 6212.2700, fish species included in the contest, weigh-in stations, fish handling and release procedures, disposition of harvested fish, estimated number of participants, contest dates and hours, entry fee, and prize values. Contest rules must be attached to the application. Application forms may be obtained from department fisheries offices or the department Web site. Completed applications must be submitted to the department regional office responsible for the management of the contest waters or the department's Saint Paul office if the contest includes waters in more than one region.

Subp. 2. **Permittee requirements.** The contest permittee must be an individual and a resident of the state. The permittee is responsible for conducting the contest and may not delegate responsibility to another party.

Statutory Authority: *MS s 84.0895; 97C.081*

History: *18 SR 83; 37 SR 1207*

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6212.2500 [Repealed, 37 SR 1207]

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6212.2525 PERMITTED FISHING CONTESTS.

Subpart 1. **Limitation on number of boats.** Contest participation is limited to not more than one boat for each ten acres of contest water.

Subp. 2. **Equipment requirements.** The following boat live-well and fish-holding equipment requirements are mandatory for all live-release contests to minimize negative impacts to fish:

- A. must have functional water pump or circulation system; and
- B. must be sufficiently sized to handle the anticipated number of fish allowed in the event.

Subp. 3. **Contest denials.** The commissioner shall not issue fishing contest permits for:

- A. tagging or marking fish for special contest rewards;
- B. contests that promote or allow fizzing (the act of inserting a needle into a fish's gas bladder);
- C. contests where boat take-off procedures result in unsafe boating;
- D. contests on waters where the commissioner determines the activity may compromise the fish management or research data being collected; or
- E. contests on opening days, holidays, and other high-use periods that the commissioner determines result in unacceptable safety risks.

Subp. 4. **Permit conditions.**

A. When necessary to protect fish and fish habitat, restrict activities during high-use periods, restrict activities that affect research or management work, restrict the number of boats, ensure the safety of contest participants, or decontaminate boats participating in fishing contests on infested waters, one or more of the following conditions or restrictions shall be specified in the permit:

- (1) seasonal and daily restrictions;
- (2) geographical restrictions;
- (3) fish holding equipment requirements;
- (4) daily and possession limits;
- (5) contest length;
- (6) treatment, decontamination, and management practices, including those for transport and disposal of infested waters, to prevent the transport of pathogens and invasive species;
- (7) use of live bait; or
- (8) handling and transport of fish.

B. The commissioner shall consider the following criteria when determining conditions to be included in the permit:

- (1) whether the contest activity will advance knowledge, understanding, interpretation, or management of a fish species, fish community, or water body;
- (2) impacts on other public uses, research efforts, educational events, or management activities;
- (3) impacts to spawning fish or areas, rice beds, critical habitat, or the fish community;

(4) whether the contest activity is detrimental or helps achieve management objectives for the specific water body;

(5) whether water temperature, water quality conditions, or pathogens would lead to undue mortality of released fish;

(6) whether contest activities during high-use periods are anticipated to cause unacceptable safety risks;

(7) whether contest activities during high-use periods are anticipated to cause user conflicts;

(8) whether the water body is infested and what invasive species are present;

(9) the type of tournament being conducted on an infested water body; or

(10) whether the applicants are coming from an area known to be infested with invasive species.

Subp. 5. **Restrictions on off-site weigh-ins.** The commissioner shall not issue fishing contest permits to conduct an off-site weigh-in if the contest organizer cannot prevent the transport of invasive species or pathogens from activities associated with the contest. To prevent the transport of invasive species or pathogens associated with conducting the contest, the permit shall require, at a minimum, draining and refilling water holding equipment with groundwater or treated water, as specified by the commissioner:

A. at the access site before leaving to go to another water body;

B. at the access site before going to the weigh-in location; and

C. at the weigh-in location.

Subp. 6. **Restrictions on live release weigh-ins.**

A. Except for weigh-ins when fish are immediately released, as defined in Minnesota Statutes, section 97A.015, subdivision 26c, at the location where caught, the commissioner shall not issue fishing contest permits for live release weigh-ins:

(1) when water temperature, water quality conditions, or pathogens may lead to undue mortality of released fish;

(2) for fishing contests involving muskellunge (*Esox masquinongy*), sturgeon (Acipenseridae family), or trout and salmon (Salmonidae family); or

(3) for fishing contests involving walleye, sauger, and their hybrids (*Sander* genus within the Percidae family) from:

(a) Memorial Day to Labor Day for all inland and border waters located in and south of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine Counties, except Lake Mille Lacs; and

(b) from June 14 to Labor Day for all other inland and border waters, including Lake Mille Lacs.

B. The commissioner shall not issue fishing contest permits to release fish alive after an off-site weigh-in:

(1) when fish will be held more than 2-1/2 hours from the time they leave the contest waters until they are returned to contest waters;

- (2) when 100 or more fish will be weighed-in for the contest;
- (3) for fishing contests involving northern pike (*Esox lucius*); or
- (4) for fishing contests involving bass (*Micropterus* genus within the Centrarchidae family) during July and August.

C. The commissioner may exempt fishing contests on the Canadian border waters from the requirements described in item B, subitems (2) and (4), if the contest was operating prior to January 1, 2008, and the contest is:

- (1) held in consecutive years;
- (2) not moved to a new location or water body; and
- (3) not conducted with more than 65 participating boats or 130 participating anglers.

Statutory Authority: *MS s 84.0895*

History: *37 SR 1207*

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6212.2600 POSSESSION OF FISH.

Subpart 1. **Possession limits.** Possession limits for contest waters apply to all contest participants at all times except that the total number of fish killed by a contest participant may not exceed one possession limit per event.

Subp. 2. [Repealed, 28 SR 629]

Subp. 3. **Authority to hold and release fish.** In contests where fish may be returned to the contest waters, the permittee may be authorized to hold healthy fish and release them immediately following weigh-in. Suitable release sites may be specified in the permit for the purposes provided in Minnesota Statutes, section 97C.081, subdivision 4. The commissioner shall consider the following criteria to determine when a specific release location should be included in the permit:

- A. whether water or habitat quality at or near release sites would result in undue mortality of released fish;
- B. whether barriers such as dams or channels exist that would limit natural fish movement or redistribution;
- C. whether genetics of the contest fish are consistent with the genetics of the fish population where the contest fish are being released;
- D. whether a particular release location is necessary in light of the preferred habitat and home range of the contest fish;
- E. whether release of the contest fish at another location would lead to localized depletion of fish stocks from contest waters where the contest fish were caught and removed; or
- F. whether release of contest fish may result in the spread of diseases or invasive species.

Subp. 4. **Gifting and donating fish.**

A. To prevent the waste of fish, a contest organizer may be permitted to accept from contest participants fish lawfully taken and possessed during a contest for gifting to a charitable or nonprofit

organization as defined by the Internal Revenue Service or a charity that is registered with the Attorney General's Office, Charities Division, and listed on the attorney general's Web site. Contest organizers who want to apply for a permit to gift or donate fish must fill out the appropriate sections of the contest application.

B. A permitted contest organizer and representatives from the charitable or nonprofit organization must distribute the gifted fish at no cost or consideration.

C. The contest organizer must keep records regarding the fish donated by contestants for two years. The records must include:

- (1) the names and addresses of contest participants donating the fish;
- (2) the contest participant's license number or possession permit number under which the fish were lawfully taken or possessed;
- (3) the number and species of fish donated;
- (4) the date, location, and contest permit number associated with the donation; and
- (5) the name of the designated representative for the charitable or nonprofit organization to which the fish are being donated and the date of the transfer to that person.

D. The following information must accompany the donated fish as the fish are transferred. Each representative of a charitable or nonprofit organization in possession of the fish must keep a copy of the documentation until the fish are consumed or otherwise destroyed:

- (1) the contest organizer's name and address;
- (2) the date, location, and contest permit number associated with the donation;
- (3) the total number of each fish species that was donated;
- (4) the date of transfer; and
- (5) the charitable or nonprofit organization's name, designated representative, and address.

Statutory Authority: *MS s 84.0895; 97C.081*

History: *18 SR 83; 28 SR 629; 37 SR 1207*

Published Electronically: *February 28, 2013*

6212.2700 CONTEST OPERATION.

Subpart 1. **Restriction on use of public accesses.** No contest may preempt use of a boat ramp or parking spaces at public access to contest waters. Contests shall not use more than 50 percent of the parking spaces at state-owned sites unless authorized by the permit. A contest organizer who seeks to use more than 50 percent of the parking spaces at a state-owned site must submit a plan on how to manage parking, on a parking plan form provided by the commissioner, when the organizer submits the contest application.

Subp. 2. **Removal of debris.** The permittee will be responsible for removal of all debris, rubbish, trash, or dead fish resulting from the contest.

Subp. 3. **Inspection and removal of invasive species.** Inspection and removal of invasive species, including, but not limited to, species such as zebra mussels or Eurasian water milfoil, as provided by

Minnesota Statutes, sections 84D.05, 84D.09, 84D.10, and 84D.13, from boats, trailers, and related equipment entering and leaving water accesses is required.

Subp. 4. **Restriction on lotteries.** No contest or any drawing or raffle conducted in conjunction with the contest may constitute an illegal lottery as provided by Minnesota Statutes, section 609.75, or violate the provisions of the lawful gambling law as provided by Minnesota Statutes, sections 349.11 to 349.23.

Statutory Authority: *MS s 84.0895; 97C.081*

History: *18 SR 83; 37 SR 1207*

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6212.2800 FISHING CONTEST REPORTING REQUIREMENT.

The permittee must submit a report of contest activities on forms provided by the commissioner within 30 days after completion of the contest. All information requested on the report must be provided. Failure to submit a report as required may render the permittee ineligible for future permits.

Statutory Authority: *MS s 97C.081*

History: *18 SR 83*

Published Electronically: *June 11, 2008*

FISH TOXICANTS

6212.2900 INSURANCE POLICY REQUIRED WITH RELEASE OF FISH TOXICANTS.

If the public has lawful access to a body of water to which fish toxicants will be applied, a permit for release of fish toxicants may not be issued until the commissioner has received a certificate of insurance evidencing the coverage from a company authorized to do business in this state. The certificate of insurance must show coverage for general liability for bodily injury and property damage. The amount of insurance coverage required shall be determined by the commissioner, but cannot exceed \$1,000,000 per occurrence or be less than \$100,000 per occurrence. The certificate of insurance must show that the policy cannot be canceled or terminated, except upon ten days' written notice to the commissioner.

Statutory Authority: *MS s 97C.051*

History: *19 SR 2222*

Published Electronically: *June 11, 2008*

6212.3000 CANCELLATION OR TERMINATION OF FISH TOXICANT PERMIT.

The commissioner may cancel or terminate a permit to release fish toxicants at any time for any violation of its provisions or of part 6212.2900.

Statutory Authority: *MS s 97A.418*

History: *19 SR 2222*

Published Electronically: *June 11, 2008*