

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1673

02/23/2017 Authored by Fabian
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
03/02/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to natural resources; modifying off-highway vehicle provisions; modifying

1.3 provisions of Minnesota Naturalist Corps; modifying invasive species provisions;

1.4 modifying state water trail provisions; modifying water safety requirements;

1.5 modifying grant, contract, and lease provisions; modifying provisions to take,

1.6 possess, and transport wildlife; modifying commissioner's duties and authority;

1.7 amending Minnesota Statutes 2016, sections 84.01, by adding a subdivision;

1.8 84.788, subdivision 2; 84.793, subdivision 1; 84.9256, subdivision 1; 84.946,

1.9 subdivision 2, by adding a subdivision; 84.992, subdivisions 3, 4, 5, 6; 84D.03,

1.10 subdivisions 3, 4; 84D.04, subdivision 1; 84D.05, subdivision 1; 84D.11, by adding

1.11 a subdivision; 85.32, subdivision 1; 86B.313, subdivision 1; 86B.511; 88.523;

1.12 89.39; 90.041, subdivision 2; 90.051; 90.14; 90.151, subdivision 1; 90.162; 90.252;

1.13 94.343, subdivision 9; 94.344, subdivision 9; 97A.015, subdivisions 39, 43, 45,

1.14 52, 53; 97A.045, subdivision 10; 97B.655, subdivision 1; 97C.401, subdivision

1.15 2; 97C.701, by adding a subdivision; 103G.411; 160.06; repealing Minnesota

1.16 Statutes 2016, sections 84.026, subdivision 3; 85.012, subdivision 27b; 97C.701,

1.17 subdivisions 1a, 6; 97C.705; 97C.711; Minnesota Rules, parts 6258.0100;

1.18 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts

1.19 1, 4, 5; 6258.0800; 6258.0900.

1.20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.21 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision

1.22 to read:

1.23 Subd. 6. **Legal counsel.** The commissioner may appoint attorneys or outside counsel to

1.24 render title opinions, represent the department in severed mineral interest forfeiture actions

1.25 brought pursuant to section 93.55, and, notwithstanding any statute to the contrary, represent

1.26 the state in quiet title or title registration actions affecting land or interests in land

1.27 administered by the commissioner of natural resources.

2.1 Sec. 2. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

2.2 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

2.3 (1) owned and used by the United States, an Indian tribal government, the state, another
2.4 state, or a political subdivision;

2.5 (2) registered in another state or country that have not been within this state for more
2.6 than 30 consecutive days;

2.7 (3) registered under chapter 168, when operated on forest roads to gain access to a state
2.8 forest campground;

2.9 (4) used exclusively in organized track racing events;

2.10 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident
2.11 off-highway motorcycle state trail pass; ~~or~~

2.12 (6) operated by a person participating in an event for which the commissioner has issued
2.13 a special use permit; or

2.14 (7) operated on boundary trails and registered in another state or country providing equal
2.15 reciprocal registration or licensing exemptions for registrants of this state.

2.16 Sec. 3. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

2.17 Subdivision 1. **Prohibitions on youthful operators.** (a) A person six years or older but
2.18 less than 16 years of age operating an off-highway motorcycle on public lands or waters
2.19 must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

2.20 (b) Except for operation on public road rights-of-way that is permitted under section
2.21 84.795, subdivision 1, a driver's license issued by the state or another state is required to
2.22 operate an off-highway motorcycle along or on a public road right-of-way.

2.23 (c) A person under 12 years of age may not:

2.24 (1) make a direct crossing of a public road right-of-way;

2.25 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

2.26 (3) operate an off-highway motorcycle on public lands or waters unless accompanied
2.27 by a person 18 years of age or older or participating in an event for which the commissioner
2.28 has issued a special use permit.

2.29 (d) Except for public road rights-of-way of interstate highways, a person less than 16
2.30 years of age may make a direct crossing of a public road right-of-way of a trunk, county

3.1 state-aid, or county highway only if that person is accompanied by a person 18 years of age
3.2 or older who holds a valid driver's license.

3.3 (e) A person less than 16 years of age may operate an off-highway motorcycle on public
3.4 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if
3.5 that person is accompanied by a person 18 years of age or older who holds a valid driver's
3.6 license.

3.7 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate
3.8 an off-highway motorcycle on public lands or waters if the nonresident youth has in
3.9 possession evidence of completing an off-road safety course offered by the Motorcycle
3.10 Safety Foundation or another state as provided in section 84.791, subdivision 4.

3.11 Sec. 4. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

3.12 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public
3.13 road rights-of-way that is permitted under section 84.928 and as provided under paragraph
3.14 (j), a driver's license issued by the state or another state is required to operate an all-terrain
3.15 vehicle along or on a public road right-of-way.

3.16 (b) A person under 12 years of age shall not:

3.17 (1) make a direct crossing of a public road right-of-way;

3.18 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

3.19 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
3.20 paragraph (f).

3.21 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age
3.22 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,
3.23 county state-aid, or county highway or operate on public lands and waters or state or
3.24 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate
3.25 issued by the commissioner and is accompanied by a person 18 years of age or older who
3.26 holds a valid driver's license.

3.27 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,
3.28 but less than 16 years old, must:

3.29 (1) successfully complete the safety education and training program under section 84.925,
3.30 subdivision 1, including a riding component; and

3.31 (2) be able to properly reach and control the handle bars and reach the foot pegs while
3.32 sitting upright on the seat of the all-terrain vehicle.

4.1 (e) A person at least ~~11~~ six years of age may take the safety education and training
4.2 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
4.3 the certificate is not valid until the person reaches age 12.

4.4 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
4.5 vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a
4.6 parent or legal guardian.

4.7 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

4.8 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
4.9 or waters or on state or grant-in-aid trails if the person cannot properly reach and control
4.10 the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain
4.11 vehicle.

4.12 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16
4.13 years old, may make a direct crossing of a public road right-of-way of a trunk, county
4.14 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or
4.15 state or grant-in-aid trails if:

4.16 (1) the nonresident youth has in possession evidence of completing an all-terrain safety
4.17 course offered by the ATV Safety Institute or another state as provided in section 84.925,
4.18 subdivision 3; and

4.19 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds
4.20 a valid driver's license.

4.21 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
4.22 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
4.23 under section 84.928 if the person:

4.24 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
4.25 and

4.26 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

4.27 Sec. 5. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

4.28 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a
4.29 capital expenditure on a capital asset previously owned by the state, within the meaning of
4.30 generally accepted accounting principles as applied to public expenditures. The commissioner
4.31 of natural resources will consult with the commissioner of management and budget to the
4.32 extent necessary to ensure this and will furnish the commissioner of management and budget

5.1 a list of projects to be financed from the account in order of their priority. The legislature
5.2 assumes that many projects for preservation and replacement of portions of existing capital
5.3 assets will constitute betterments and capital improvements within the meaning of the
5.4 Constitution and capital expenditures under generally accepted accounting principles, and
5.5 will be financed more efficiently and economically under this section than by direct
5.6 appropriations for specific projects.

5.7 (b) An appropriation for asset preservation must not be used to acquire land or to acquire
5.8 or construct buildings or other facilities.

5.9 (c) Capital budget expenditures for natural resource asset preservation and replacement
5.10 projects must be for one or more of the following types of capital projects that support the
5.11 existing programmatic mission of the department: code compliance including health and
5.12 safety, Americans with Disabilities Act requirements, hazardous material abatement, access
5.13 improvement, or air quality improvement; building energy efficiency improvements using
5.14 current best practices; building or infrastructure repairs necessary to preserve the interior
5.15 and exterior of existing buildings; projects to remove life safety hazards such as building
5.16 code violations or structural defects; or renovation of other existing improvements to land,
5.17 including but not limited to trails and bridges.

5.18 (d) Up to ten percent of an appropriation awarded under this section may be used for
5.19 design costs for projects eligible to be funded from this account in anticipation of future
5.20 funding from the account.

5.21 Sec. 6. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to
5.22 read:

5.23 Subd. 4. **Priorities; report.** The commissioner of natural resources must establish
5.24 priorities for natural resource asset preservation and replacement projects. By January 15
5.25 each year, the commissioner must submit to the commissioner of management and budget
5.26 a list of the projects that have been paid for with money from a natural resource asset
5.27 preservation and replacement appropriation during the preceding calendar year.

5.28 Sec. 7. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

5.29 Subd. 3. **Training and mentoring.** The commissioner must develop and implement a
5.30 training program that adequately prepares Minnesota Naturalist Corps members for the
5.31 tasks assigned. Each corps member ~~shall be~~ is assigned a state park an interpretive naturalist
5.32 as a mentor.

6.1 Sec. 8. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

6.2 Subd. 4. **Uniform patch pin.** Uniforms worn by members of the Minnesota Naturalist
6.3 Corps must have a patch pin that includes the name of the Minnesota Naturalist Corps and
6.4 information that the program is funded by the clean water, land, and legacy amendment to
6.5 the Minnesota Constitution adopted by the voters in November 2008.

6.6 Sec. 9. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

6.7 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if
6.8 the person:

6.9 (1) is a permanent resident of the state;

6.10 (2) is a participant in an approved college internship program ~~or has a postsecondary~~
6.11 ~~degree~~ in a field related to natural resource resources, cultural history, interpretation, or
6.12 conservation ~~related field~~; and

6.13 (3) has completed at least one year of postsecondary education.

6.14 Sec. 10. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

6.15 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible
6.16 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~
6.17 ~~20,~~ and are not eligible for other benefits except workers' compensation. The corps members
6.18 are not employees of the state within the meaning of section 43A.02, subdivision 21.

6.19 Sec. 11. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

6.20 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
6.21 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),
6.22 (c), or (d), and section 97C.341.

6.23 (b) In waters that are listed as infested waters, except those listed as infested with
6.24 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
6.25 17.4982, subdivision 6, taking wild animals may be permitted for:

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

6.28 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
6.29 watermilfoil, when the infested waters are listed solely because they contain Eurasian

7.1 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not
7.2 exceeding 16 inches in diameter and 32 inches in length.

7.3 (c) In streams or rivers that are listed as infested waters, except those listed as infested
7.4 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest
7.5 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by
7.6 hook and line for noncommercial personal use is allowed as follows:

7.7 (1) fish taken under this paragraph must be used on the same body of water where caught
7.8 and while still on that water body. Where the river or stream is divided by barriers such as
7.9 dams, the fish must be caught and used on the same section of the river or stream;

7.10 (2) fish taken under this paragraph may not be transported live from or off the water
7.11 body;

7.12 (3) fish harvested under this paragraph may only be used in accordance with this section;

7.13 (4) any other use of wild animals used for bait from infested waters is prohibited;

7.14 (5) fish taken under this paragraph must meet all other size restrictions and requirements
7.15 as established in rules; and

7.16 (6) all species listed under this paragraph shall be included in the person's daily limit as
7.17 established in rules, if applicable.

7.18 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River
7.19 downstream of the dam at Taylors Falls, including portions described as
7.20 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items
7.21 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for
7.22 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

7.23 (1) nontarget species must immediately be returned to the water;

7.24 (2) gizzard shad taken under this paragraph must be used on the same body of water
7.25 where caught and while still on that water body. Where the river is divided by barriers such
7.26 as dams, the gizzard shad must be caught and used on the same section of the river;

7.27 (3) gizzard shad taken under this paragraph may not be transported off the water body;
7.28 and

7.29 (4) gizzard shad harvested under this paragraph may only be used in accordance with
7.30 this section.

7.31 This paragraph expires December 1, 2017.

8.1 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued
8.2 under paragraph (b) may not be transported to, or used in, any waters other than waters
8.3 specified in the permit.

8.4 (f) Bait intended for sale may not be held in infested water after taking and before sale,
8.5 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

8.6 Sec. 12. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

8.7 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**
8.8 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines
8.9 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
8.10 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined
8.11 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~
8.12 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~
8.13 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~
8.14 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~
8.15 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~
8.16 tagged with tags provided by the commissioner, as specified in the commercial licensee's
8.17 license or permit. Tagged gear must not be used in any water bodies other than those specified
8.18 in the license or permit. The permit may authorize department staff to remove tags after the
8.19 gear is decontaminated. This tagging requirement does not apply to commercial fishing
8.20 equipment used in Lake Superior.

8.21 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
8.22 frog, or crayfish harvesting in an infested water that is listed solely because it contains
8.23 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum
8.24 of two days before they are used in any other waters, except as provided in this paragraph.
8.25 Commercial licensees must notify the department's regional or area fisheries office or a
8.26 conservation officer before removing nets or equipment from an infested water listed solely
8.27 because it contains Eurasian watermilfoil and before resetting those nets or equipment in
8.28 any other waters. Upon notification, the commissioner may authorize a commercial licensee
8.29 to move nets or equipment to another water without freezing or drying, if that water is listed
8.30 as infested solely because it contains Eurasian watermilfoil.

8.31 (c) A commercial licensee must remove all aquatic macrophytes from nets and other
8.32 equipment before placing the equipment into waters of the state.

8.33 (d) The commissioner shall provide a commercial licensee with a current listing of listed
8.34 infested waters at the time that a license or permit is issued.

9.1 Sec. 13. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

9.2 Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify
9.3 nonnative species of aquatic plants and wild animals, including subspecies, genotypes,
9.4 cultivars, hybrids, or genera of nonnative species, according to the following categories:

9.5 (1) prohibited invasive species, which may not be possessed, imported, purchased, sold,
9.6 propagated, transported, or introduced except as provided in section 84D.05;

9.7 (2) regulated invasive species, which may not be introduced except as provided in section
9.8 84D.07;

9.9 (3) unlisted nonnative species, which are subject to the classification procedure in section
9.10 84D.06; and

9.11 (4) unregulated nonnative species, which are not subject to regulation under this chapter.

9.12 Sec. 14. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

9.13 Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell,
9.14 propagate, transport, or introduce a prohibited invasive species, except:

9.15 (1) under a permit issued by the commissioner under section 84D.11;

9.16 (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

9.17 (3) under a restricted species permit issued under section 17.457;

9.18 (4) when being transported to the department, or another destination as the commissioner
9.19 may direct, in a sealed container for purposes of identifying the species or reporting the
9.20 presence of the species;

9.21 (5) when being transported for disposal as part of a harvest or control activity when
9.22 specifically authorized under a permit issued by the commissioner according to section
9.23 103G.615, when being transported for disposal as specified under a commercial fishing
9.24 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,
9.25 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

9.26 (6) when being removed from watercraft and equipment, or caught while angling, and
9.27 immediately returned to the water from which they came; ~~or~~

9.28 (7) when being transported from riparian property to a legal disposal site that is at least
9.29 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited
9.30 invasive species are in a covered commercial vehicle specifically designed and used for
9.31 hauling trash; or

10.1 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

10.2 Sec. 15. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to
10.3 read:

10.4 Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to
10.5 departmental divisions for tagging bighead, black, grass, or silver carp for research or
10.6 control. Under the permit, the carp may be released into the water body from which the carp
10.7 was captured. This subdivision expires December 31, 2021.

10.8 Sec. 16. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

10.9 Subdivision 1. ~~Areas marked~~ **Designation.** (a) The commissioner of natural resources
10.10 is authorized in cooperation with local units of government and private individuals and
10.11 groups when feasible to ~~mark~~ designate and manage state water trails on the Lake Superior
10.12 water trail under section 85.0155 and on the following rivers, which have historic,
10.13 recreational, and scenic values: Little Fork, Big Fork, Minnesota, St. Croix, Snake,
10.14 Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum,
10.15 Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,
10.16 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in
10.17 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood, Blue
10.18 Earth, Cedar, Shell Rock, and Vermilion in St. Louis County, North Fork of the Crow, and
10.19 South Fork of the Crow Rivers, which have historic and scenic values, and to mark
10.20 appropriately. The commissioner may map and sign points of interest, public water access
10.21 sites, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious
10.22 hazards that are dangerous to canoe, kayak, and watercraft travelers. The commissioner
10.23 may maintain passageway for watercraft on state water trails.

10.24 (b) The commissioner must establish designation criteria and a process for designating
10.25 water trails. The designation criteria and process established under this paragraph apply to
10.26 water trails designated on water bodies added to paragraph (a) after the effective date of
10.27 this act.

10.28 Sec. 17. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

10.29 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws
10.30 relating to watercraft, a person may not operate or permit the operation of a personal
10.31 watercraft:

- 11.1 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~
11.2 ~~Guard (USCG)-approved~~ wearable personal flotation device ~~with a~~ that is approved by the
11.3 United States Coast Guard (USCG) and has a USCG label indicating it the flotation device
11.4 either is approved for or does not prohibit use with personal watercraft ~~or water skiing~~;
- 11.5 (2) between one hour before sunset and 9:30 a.m.;
- 11.6 (3) at greater than slow-no wake speed within 150 feet of:
- 11.7 (i) a shoreline;
- 11.8 (ii) a dock;
- 11.9 (iii) a swimmer;
- 11.10 (iv) a raft used for swimming or diving; or
- 11.11 (v) a moored, anchored, or nonmotorized watercraft;
- 11.12 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other
11.13 device unless:
- 11.14 (i) an observer is on board; or
- 11.15 (ii) the personal watercraft is equipped with factory-installed or factory-specified
11.16 accessory mirrors that give the operator a wide field of vision to the rear;
- 11.17 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,
11.18 or personal flotation device of the operator, if the personal watercraft is equipped by the
11.19 manufacturer with such a device;
- 11.20 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
11.21 tampered with so as to interfere with the return-to-idle system;
- 11.22 (7) to chase or harass wildlife;
- 11.23 (8) through emergent or floating vegetation at other than a slow-no wake speed;
- 11.24 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
11.25 including weaving through congested watercraft traffic, jumping the wake of another
11.26 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing
11.27 backwards;
- 11.28 (10) in any other manner that is not reasonable and prudent; or
- 11.29 (11) without a personal watercraft rules decal, issued by the commissioner, attached to
11.30 the personal watercraft so as to be in full view of the operator.

12.1 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft
12.2 to launch or land a person on water skis, a kneeboard, or similar device by the most direct
12.3 route to open water.

12.4 Sec. 18. Minnesota Statutes 2016, section 86B.511, is amended to read:

12.5 **86B.511 LIGHTS.**

12.6 Subdivision 1. Navigation lights. Except as provided in section 169.541, a watercraft
12.7 using the waters of this state, when underway or in use between sunset and sunrise, must
12.8 carry and display the navigation lights prescribed by the commissioner for the watercraft.

12.9 Subd. 2. Other lights. (a) No person may operate a watercraft with lights that are not
12.10 navigation lights required under subdivision 1, that are visible on the exterior of the
12.11 watercraft, and that:

12.12 (1) interfere with the visibility of navigation lights; or

12.13 (2) are red, green, or blue.

12.14 (b) Notwithstanding paragraph (a), watercraft operated for government-sanctioned public
12.15 safety activities may display an alternately flashing red and yellow light signal for
12.16 identification. The lights must not interfere with the visibility of the navigation lights. No
12.17 special privilege is granted. Operators must not presume that the light or exigency gives
12.18 them precedence or right-of-way.

12.19 (c) Notwithstanding paragraph (a), law enforcement may operate watercraft with lights
12.20 that are flashing blue when engaged in law enforcement activities. The lights must not
12.21 interfere with the visibility of the navigation lights.

12.22 Sec. 19. Minnesota Statutes 2016, section 88.523, is amended to read:

12.23 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

12.24 Upon application of the owner, any auxiliary forest contract may be made subject to any
12.25 provisions of law enacted subsequent to the execution of the contract and in force at the
12.26 time of application, so far as not already applicable, with the approval of the county board
12.27 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format
12.28 prescribed by the commissioner and approved by the attorney general must be executed by
12.29 the commissioner in behalf of the state and by the owner. The supplemental agreement must
12.30 be filed and recorded in like manner as the supplemental contract under section 88.49,
12.31 subdivision 9, and takes effect upon filing and recording.

13.1 Sec. 20. Minnesota Statutes 2016, section 89.39, is amended to read:

13.2 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

13.3 Every individual, partnership, or private corporation to whom any planting stock is
 13.4 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must
 13.5 execute an agreement, ~~upon a form~~ in a format approved by the ~~attorney general~~
 13.6 commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~
 13.7 conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an
 13.8 agreement who ~~shall violate any provision thereof shall,~~ violates the agreement is, in addition
 13.9 to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three
 13.10 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees
 13.11 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for
 13.12 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty ~~shall be~~
 13.13 is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil
 13.14 action brought in the name of the state by the attorney general.

13.15 Sec. 21. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

13.16 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~
 13.17 ~~notification to the attorney general,~~ upon terms the commissioner deems just, any claim of
 13.18 the state for casual and involuntary trespass upon state lands or timber; provided that no
 13.19 claim shall be settled for less than the full value of all timber or other materials taken in
 13.20 casual trespass or the full amount of all actual damage or loss suffered by the state as a
 13.21 result. Upon request, the commissioner shall advise the Executive Council of any information
 13.22 acquired by the commissioner concerning any trespass on state lands, giving all details and
 13.23 names of witnesses and all compromises and settlements made under this subdivision.

13.24 Sec. 22. Minnesota Statutes 2016, section 90.051, is amended to read:

13.25 **90.051 SUPERVISION OF SALES; BOND.**

13.26 The department employee delegated to supervise state timber appraisals and sales shall
 13.27 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum
 13.28 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

13.29 Sec. 23. Minnesota Statutes 2016, section 90.14, is amended to read:

13.30 **90.14 AUCTION SALE PROCEDURE.**

14.1 (a) All state timber shall be offered and sold by the same unit of measurement as it was
14.2 appraised. No tract shall be sold to any person other than the purchaser in whose name the
14.3 bid was made. The commissioner may refuse to approve any and all bids received and cancel
14.4 a sale of state timber for good and sufficient reasons.

14.5 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,
14.6 or, if unsold at public auction, at the time of purchase at a subsequent sale under section
14.7 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
14.8 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
14.9 liable therefor to the state in a civil action, and the commissioner may reoffer the timber
14.10 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been
14.11 made.

14.12 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
14.13 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of
14.14 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~
14.15 commissioner to purchase a permit based solely on the appraiser's estimate of the volume
14.16 of timber described in the permit, provided that the commissioner has expressly designated
14.17 the availability of such option for that tract on the list of tracts available for sale as required
14.18 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the
14.19 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate
14.20 of the volume of timber described on the permit does not have recourse to the provisions
14.21 of section 90.281.

14.22 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be
14.23 awarded to the high bidder, who shall pay to the commissioner a down payment of 15
14.24 percent of the appraised value that must be received or postmarked within 14 days of the
14.25 date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser
14.26 is liable for the down payment to the state and the commissioner may offer the timber for
14.27 sale to the next highest bidder as though no higher bid had been made.

14.28 (e) Except as otherwise provided by law, at the time the purchaser signs a permit issued
14.29 under section 90.151, the commissioner shall require the purchaser to make a bid guarantee
14.30 payment to the commissioner in an amount equal to 15 percent of the total purchase price
14.31 of the permit less the down payment amount required by paragraph (b) for any bid increase
14.32 in excess of \$10,000 of the appraised value. If a required bid guarantee payment is not
14.33 submitted with the signed permit, no harvesting may occur, the permit cancels, and the
14.34 down payment for timber forfeits to the state. The bid guarantee payment forfeits to the
14.35 state if the purchaser and successors in interest fail to execute an effective permit.

15.1 Sec. 24. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

15.2 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for
15.3 state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered
15.4 permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner,
15.5 by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut
15.6 and remove the timber ~~therein~~ described in the permit as designated for cutting in the report
15.7 of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be
15.8 correctly dated and executed by the commissioner and signed by the purchaser. If a permit
15.9 is not signed by the purchaser within 45 days from the date of purchase, the permit cancels
15.10 and the down payment for timber required under section 90.14 forfeits to the state. The
15.11 commissioner may grant an additional period for the purchaser to sign the permit, not to
15.12 exceed ten business days, provided the purchaser pays a \$200 penalty fee.

15.13 (b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the
15.14 commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must
15.15 be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit
15.16 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and
15.17 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and
15.18 removing all equipment and buildings. All cut timber, equipment, and buildings not removed
15.19 from the land after expiration of the permit becomes the property of the state.

15.20 (c) The commissioner may grant ~~an additional period of~~ time not to exceed 240 days
15.21 ~~for the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written
15.22 request by the permit holder for good and sufficient reasons. The permit holder may combine
15.23 in the written request under this paragraph the request for additional time under paragraph
15.24 (b).

15.25 Sec. 25. Minnesota Statutes 2016, section 90.162, is amended to read:

15.26 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

15.27 In lieu of the security deposit equal to the value of all timber covered by the permit
15.28 required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format
15.29 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state
15.30 of Minnesota equal to the purchase price for any designated cutting block identified on the
15.31 permit before the date the purchaser enters upon the land to begin harvesting the timber on
15.32 the designated cutting block.

16.1 Sec. 26. Minnesota Statutes 2016, section 90.252, is amended to read:

16.2 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**
 16.3 **FEES.**

16.4 Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with
 16.5 either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling
 16.6 of the cut timber and the collection of the payment for the same can be consummated by
 16.7 the state. ~~Such an~~ The agreement shall must be approved as to form and content by the
 16.8 ~~attorney general~~ commissioner and ~~shall~~ must provide for a bond or cash in lieu of a bond
 16.9 and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling
 16.10 and payment collection procedure may be used for any state timber sale, except that no
 16.11 permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the
 16.12 scaling is supervised by a state scaler.

16.13 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an
 16.14 agreement with the owner or operator of any weight scale inspected, tested, and approved
 16.15 under chapter 239 to provide weight measurements for the scaling of state timber according
 16.16 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the
 16.17 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any
 16.18 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect
 16.19 the interests of the state. Except as otherwise provided by the commissioner, the cost of any
 16.20 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit
 16.21 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the
 16.22 statement of the amount due for the permit under section 90.181, subdivision 1.

16.23 Sec. 27. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

16.24 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land
 16.25 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~
 16.26 commissioner determines that the title to the land proposed to be conveyed to the state is
 16.27 good and ~~marketable~~, free from all liens ~~and~~, with all encumbrances identified except
 16.28 reservations herein authorized. The commissioner may use title insurance to aid in the title
 16.29 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must
 16.30 submit an abstract of title and make and file with the commissioner an affidavit as to
 16.31 possession of the land, improvements, liens, and encumbrances thereon, and other matters
 16.32 affecting the title.

17.1 Sec. 28. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

17.2 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be
17.3 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be
17.4 approved by the county attorney in like manner as provided for approval by the ~~attorney~~
17.5 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title
17.6 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

17.7 Sec. 29. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

17.8 Subd. 39. **Protected wild animals.** "Protected wild animals" ~~are the following wild~~
17.9 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,
17.10 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,
17.11 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal
17.12 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter
17.13 6134, and wild animals that are protected by a restriction in the time or manner of taking,
17.14 other than a restriction in the use of artificial lights, poison, or motor vehicles.

17.15 Sec. 30. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

17.16 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,
17.17 burbot, cisco, gar, goldeye, and bullhead; except for any fish species listed as endangered,
17.18 threatened, or of special concern in Minnesota Rules, chapter 6134.

17.19 Sec. 31. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

17.20 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,
17.21 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,
17.22 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,
17.23 wolverine, muskrat, mink, otter, and beaver.

17.24 Sec. 32. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

17.25 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~
17.26 starling, ~~maggie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,
17.27 quail other than bobwhite quail, and mute swan.

17.28 Sec. 33. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

17.29 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals
17.30 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,

18.1 striped skunk, and unprotected birds, except any animal species listed as endangered,
18.2 threatened, or of special concern in Minnesota Rules, chapter 6134.

18.3 Sec. 34. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

18.4 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~
18.5 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities
18.6 in other states and the United States government to provide for:

18.7 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents
18.8 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result
18.9 in license revocation in that jurisdiction;

18.10 (2) reporting convictions and license revocations of residents of signatory states for
18.11 violations of game and fish laws of Minnesota to game and fish authorities in the
18.12 nonresident's state of residence; and

18.13 (3) release upon signature without posting of bail for residents of signatory states accused
18.14 of game and fish law violations in this state, providing for recovery, in the resident
18.15 jurisdiction, of fines levied if the citation is not answered in this state.

18.16 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

18.17 Sec. 35. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

18.18 Subdivision 1. **Owners and occupants may take certain animals.** A person or the
18.19 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
18.20 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the
18.21 person where the animal is causing damage. The person or the person's agent may take the
18.22 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed
18.23 season or by poison. Raccoons may be taken under this subdivision with artificial lights
18.24 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,
18.25 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer
18.26 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

18.27 Sec. 36. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

18.28 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person
18.29 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~
18.30 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

18.31 ~~(b) The restrictions in paragraph (a) do not apply to boundary waters.~~

19.1 Sec. 37. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision
19.2 to read:

19.3 Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person
19.4 possessing a valid resident or nonresident angling license or a person not required to have
19.5 an angling license to take fish may take and possess at any time, for personal use only, not
19.6 more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may
19.7 be harvested in waters of the state where fish may be taken by angling. Mussel shells must
19.8 be harvested by hand-picking only and may not be purchased or sold.

19.9 Sec. 38. Minnesota Statutes 2016, section 103G.411, is amended to read:

19.10 **103G.411 STIPULATION OF LOW-WATER MARK.**

19.11 If the state is a party in a civil action relating to the navigability or ownership of the bed
19.12 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~
19.13 ~~of the attorney general,~~ may agree by written stipulation with a riparian owner who is a
19.14 party to the action on the location of the ordinary low-water mark on the riparian land of
19.15 the party. After the stipulation is executed by all parties, it must be presented to the judge
19.16 of the district court where the action is pending for approval. If the stipulation is approved,
19.17 the judge shall make and enter an order providing that the final judgment when entered shall
19.18 conform to the location of the ordinary, low-water mark as provided for in the stipulation
19.19 as it relates to the parties to the stipulation.

19.20 Sec. 39. Minnesota Statutes 2016, section 160.06, is amended to read:

19.21 **160.06 TRAIL OR PORTAGE DEDICATION.**

19.22 Any trail or portage between public or navigable bodies of water or from public or
19.23 navigable water to a public highway in this state ~~which~~ that has been in continued and
19.24 uninterrupted use by the general public for 15 years or more as a trail or portage for the
19.25 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or
19.26 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~
19.27 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~
19.28 to the same extent as public highways. The width of all trails and portages dedicated by
19.29 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

19.30 Sec. 40. **REPEALER.**

19.31 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 85.012, subdivision 27b;
19.32 97C.701, subdivisions 1a and 6; 97C.705; and 97C.711, are repealed.

- 20.1 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
- 20.2 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

85.012 STATE PARKS.

Subd. 27b. Hill-Annex Mine State Park, Itasca County.

97C.701 TAKING MUSSELS.

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

97C.705 MUSSEL SEASONS.

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

97C.711 UNDERSIZED MUSSELS.

A person must return undersized mussels to the water without injury.

6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

6258.0300 COMMERCIAL PERMITS FOR MUSSELS.

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

6258.0400 SPECIES FOR COMMERCIAL HARVEST.

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

6258.0500 HARVEST SITES FOR PERMITTEES.

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

6258.0600 HARVEST GEAR FOR PERMITTEES.

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.