

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER'S ORDER NO. 2362

REGULATIONS FOR THE TAKING AND POSSESSION
OF TURTLES IN THE INLAND WATERS OF
THE STATE OF MINNESOTA;
SUPERSEDING COMMISSIONER'S ORDER NO. 2131

Pursuant to authority vested in me by Minn. Stat.
§§ 97A.475(41) and 97C.605, and other applicable law, I,
Joseph N. Alexander, Commissioner of Natural Resources, do hereby
prescribe the following regulations for the taking and possession
of turtles in the inland waters of the State of Minnesota.

Section 1. LICENSES.

(a) Any person permitted by law to take fish by
angling may take, possess and transport a limit of three (3)
turtles. Turtles may be taken in any manner except by the use of
nets other than anglers fishing nets, turtle hooks or traps, or
by the use of explosives, drugs, poisons, lime and other harmful
substances.

(b) A person may not take, possess, transport or
purchase turtles for sale without a turtle seller's license.

(c) Any resident holding a turtle seller's license may
take, possess, transport, buy and sell turtles without limit.
Under the authority of this license turtles may be taken in any
manner except by the use of explosives, drugs, poisons, lime, and
other harmful substances or firearms.

(d) Only residents may purchase a turtle seller's
license.

* 40035

COMMISSIONER'S ORDER NO. 2362

(e) A turtle seller's license is not required to buy turtles for retail sale to consumers:

- (1) at a location licensed by the Departments of Agriculture or Health for sale or preparation of food;
- (2) of a person licensed by the Departments of Agriculture or Health for sale or preparation of food; or
- (3) of a person buying turtle at a retail outlet.

Sec. 2. PERMITS.

(a) Permits for the purpose of taking turtles with the aid of artificial lights may be issued by the commissioner or his authorized agent.

(b) Turtles other than those identified in Sec. 3 of this order may be taken only with a proper permit.

Sec. 3. SPECIES.

Only snapping turtles (*Chelydra serpentina*), mud or painted turtles (*Chrysemys picta*) and spiny soft-shell turtles (*Apalone spinifera*) may be harvested. All other turtles shall not be taken without a proper permit.

Sec. 4. SIZE LIMIT.

Snapping turtles of the species *Chelydra serpentina* may not be possessed when the size is less than ten (10) inches wide including the curvature, measured from side to side across the shell at midpoint.

COMMISSIONER'S ORDER NO. 2362

Sec. 5. EQUIPMENT AND METHOD OF HARVEST.

(a) When angling for turtles a person may not use more than one line with more one than hook attached including artificial lures.

(b) Turtles may not be taken by snagging.

(c) In addition to Section 1(c), turtles may be taken under the authority of a turtle seller's license by means of turtle traps, turtle hooks and other commercial fishing gear as authorized in Sec. 7(e) of this order.

(1) Turtle hooks are handheld devices consisting of a rigid pole with hooks attached to one end which facilitates taking turtles by "hooking" them beneath the surface of the water, lifting them out of the water and placing them in confinement.

(2) Turtle traps that are constructed of flexible webbing material (twine) shall be of mesh size not less than three and one-half (3-1/2) inches bar measure or seven (7) inches extension measure.

(3) Turtle traps that are constructed of rigid material (wire) shall be of mesh size not less than three and one-half (3-1/2) inches bar measure and shall have at least one (1) square opening in the top panel measuring at least four (4) inches on a side and one of the same dimension near the bottom in each of the side panels.

COMMISSIONER'S ORDER NO. 2362

Sec. 6. SEASON.

Turtles identified in Sec. 3 of this order may be taken, possessed, transported, bought and sold at any time under the authority of appropriate license.

Sec. 7. OPERATIONS.

(a) Traps must be set in water shallow enough to place the top no deeper than one (1) inch below the water surface.

(b) Traps shall be checked and serviced at intervals not exceeding 48 hours.

(c) No licensee may operate more than 40 traps.

(d) When in use each trap shall have affixed on it a tag of permanent material (metal or plastic), visible from above, bearing the name, address and license number of the operator. This information shall be presented in an indelible manner (embossed, engraved or branded) on the tag. Such tag shall be of dimensions not less than two and one-half (2-1/2) inches in length by five-eighths (5/8) inches in width.

(e) Turtles taken incidental to other commercial operations may be possessed, transported and sold provided the operator is a holder of a turtle seller's license.

Sec. 8. REPORTS, RECORDS AND INSPECTIONS.

(a) Reports shall be submitted, on forms provided, by holders of turtle seller's licenses at the time of license renewal or March 1, whichever comes first. The completed report shall be furnished to the Director of the Division of Fish and Wildlife or his agent. The forms shall record the numbers and

COMMISSIONER'S ORDER NO. 2362

pounds of turtles taken, by species, and other such information as specified.


(b) Licensees who purchase turtles for resale or for processing and resale shall keep a correct and complete book record, in the English language, of all transactions and activities covered in his license, in accordance with provisions of Minn. Stat. § 97A.425.

(c) Licensees are subject to inspection at all reasonable times by agents of the commissioner. Subjects of inspection shall include records as required by paragraph (b) of this section, business and operations premises, all boats, vehicles, gear and employees (for license and identification) utilized in a turtle harvest or processing operation.

Sec. 9. Commissioner's Order No. 2131 is hereby superseded.

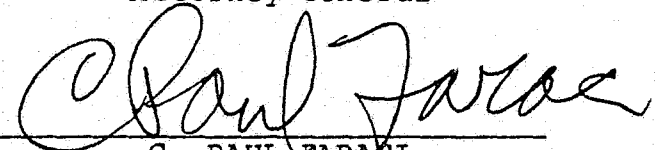
Dated at Saint Paul, Minnesota, this 3 day of

Jan, 1990.


JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

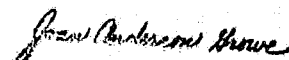
APPROVED AS TO FORM AND EXECUTION

HUBERT H. HUMPHREY, III
Attorney General


C. PAUL FARACI
Deputy Attorney General

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 12 1990


Secretary of State

140038