Minnesota Sustainable Foraging Task Force

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To: Members of the Minnesota Sustainable Foraging Task Force

From: Nick Nero

RE: Minnesota Foraging Laws and Regulations

Memorandum

Minnesota:

Noxious Weed Law	Minn. Stat. § 18.75-91 (2009)	Noxious Weed: "an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property." Eradicate: "to destroy the aboveground and belowground plant parts of noxious weeds by a lawful method, which prevents the maturation and spread of noxious weed propagating parts from one area to another."
Wild Rice Harvesting	Minn. Stat. § 84.091-152 (2016)	Establishes power for commissioner to regulate, creates harvesting season (August 15 – September 30), and protects Native Minnesotans' harvesting rights
Wild Ginseng	Minn. Stat. § 84.093 (2008)	"The commissioner may establish rules including seasons for harvesting to conserve wild ginseng."
Wild Ginseng Regulations	Minn. Admin. Rules Chapter 6282 (2008)	Establishes rules for where, when, and how wild ginseng may be harvested. Creates structure for wild ginseng dealers and exportation

Foraging Regulation	Minn. Admin. Rules Part 6100.0900, subpart 1 (2008)	"Unless otherwise provided by law, no person in a state park or forest recreation area shall disturb, destroy, injure, damage, deface, molest, or remove any state property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, wild animals, geological formations, historical or archaeological artifacts or sites, historic structures, signs, or facilities, except edible fruit, mushrooms, legally taken wild animals, and vegetation unavoidably damaged or destroyed by the ordinary recreational uses of these areas as specifically permitted by parts 6100.0100 to 6100.2400. Collections for scientific and educational purposes may be made only with the written permission of the commissioner. It is unlawful to damage vegetation or damage and deface rock formations with rock-climbing equipment."
	Minn. Admin. Rules Part 6100.0900, subpart 2 (A)	"Within a state park, collecting, harvesting, or taking a tangible object for resale or commercial use is prohibited, except by written permission of the commissioner. The commissioner may further restrict collecting, harvesting, or taking a plant, animal, or other tangible object for scientific, educational, commercial, or any other purpose if the commissioner finds it necessary for the protection of the park's resources."
	Minn. Admin. Rules Part 6100.0900, subpart 2 (E)	Collecting or possessing naturally occurring plants in a fresh state in state parks is prohibited, except that edible fruit and mushrooms may be harvested for personal, noncommercial use.
Native Foraging Rights in Northern Minnesota	1854 Treaty	"And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President."

Nationally:

Foraging Prohibited (without permission or permit):

Alabama	Ala. Code 220-5-07
Arizona	Ariz. R12-8-103
Arkansas	Ark. Park Directive, No. 3150
California	CCR 4306
Colorado	2 CCR 405-1
Delaware	Del. Admin. Code, 9201 § 17-5
Florida	Fla. Rule, 62D-2.013
Georgia	Ga. Admin. Code, 391-5-1-.04(1)(c)
Idaho	Idaho Admin. Code, IDAPA 26.01.20 § 175 (09)
Kentucky	KRS § 433.750
Louisiana	LAC 25:IX.303
Maryland	COMAR 08.07.06.13
Massachusetts	302 CMR 12.04 (21)
Mississippi	40 Miss. Admin. Code Pt. 6, R. 1.2, O, 1
Montana	ARM 12.12.106 (a)

Nebraska	167 NAC 6 § 001.02B
Nevada	Nev.Rev. Stat. § 527.050
New Jersey	N.J.A.C. 7:2-2.10
New Mexico	NM Stat. § 16-2-32 NM Admin. Code 19.2.19.18, A(2)
New York	6 CRR-NY 190.8 (g)
North Carolina	02 NCAC 60B.1028
North Dakota	NDAC 58-02-08-10
Ohio	OAC 1501:46-3-27.
Rhode Island	250 RICR 100-00-7.20
South Carolina	S.C. Code Ann. § 51-3-140
South Dakota	ARSD 41:03:01:05
Texas	31 TAC § 59.134 (l)(1)
Utah	Utah Admin. Code R651-620-2
West Virginia	W.Va. Leg. Rule § 58-31-2, 2.1
Wyoming	Wy. Rules, State Parks & Historic Sites, ch. 1 § 15 (d)

Foraging for Personal Use Allowed:

Alaska	11 AAC 96.020 (a)(3)(B)
Connecticut	Solely mushroom foraging permitted. Conn. Stat. § 23-4 (b).
Hawaii	HAR § 13-146-32
Illinois	Prohibited in nature preserves: Illinois Natural Areas Preservation Act, 525 ILCS 30/23 Permitted in state parks: 17 IAC § 110.70
Indiana	312 IAC 8-2-10
Iowa	DNR
Kansas	KAR § 115-8-20 (4)(F)
Maine	Permitted on Maine's Public Lands: Bureau of Parks and Lands Prohibited in state parks: 1 CMR 670, ch. 1 (1)
Michigan	DNR
Missouri	3 CSR 10-11.135
New Hampshire	No law directly prohibits: NH State Parks
Oklahoma	Okla. Stat. tit. 61 § 335
Oregon	Oregon State Parks
Pennsylvania	17 PA. Code, Subpart C, Section 21.115 (b)(1)

Tennessee	Tennessee State Parks
Vermont	10 V.S.A. § 4.1(e)
Virginia	4 VAC 5-30-50
Washington	WAC 352-28-030
Wisconsin	NR 45.04(1s)(a)4

Please reach out with any comments or questions. I can be reached at nick.nero@lcc.mn.gov or (651) 296-6033.