Invasive Species Exempt Rulemaking

What is this rule about?

This rule will make changes to invasive species rules that will update the rule to match current statute and other technical changes. If you are not interested in invasive species rules in Minnesota, you may disregard this rulemaking notice.

Where do I send my comments?

You have until 4:30 p.m. on Monday, October 8, 2018 to submit comments to the Office of Administrative Hearings.

Online

The Office of Administrative Hearings via its e-comments website (https://minnesotaoh.granicusideas.com/discussions).

Mail or In-person

600 North Robert Street
P.O. Box 64620
St. Paul, MN
55164-0620

What will this rulemaking do?

• We are making the following changes to update rule so that it is consistent with statute:
  ◦ Replace the requirement to publish the infested waters list in the State Register with a requirement for the commissioner to provide access to a copy of the listed infested waters.
  ◦ Remove requirements to drain watercraft when leaving only certain infested waters, because current statute requires that people remove drain plugs from equipment when leaving all water bodies, not only infested waters.
  ◦ Make the definition of Eurasian watermilfoil consistent with the definition in statute.
  ◦ Allow for issuing prohibited invasive species permits for the purpose of decontamination.

• We are making the following technical corrections:
  ◦ Update sources of nomenclature for scientific and common names of several invasive species.
  ◦ Correct or updates scientific names for several invasive species.
  ◦ We are changing the word "list" to "designate" so that "designate" refers to the process of classifying species as invasive and "list" refers to the process of listing water bodies as infested. This would return parts of rule to the terms used before a 2014 change.

Who might be affected by this rulemaking?

The DNR is already complying with the statutes and we do not expect the technical corrections will affect anyone.

Where can I get more information?

The following documents are available to view and print:

• Proposed rules PDF
• Notice of Submission To the Office of Administrative Hearings PDF

If you want a free copy of the proposed rules, call or email the DNR contact person listed below.

DNR Contact

Kelly Pennington
Division of Ecological and Water Resources
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155
651-259-5131
kelly.pennington@state.mn.us
Vehilce Licenses for Minnow Retailers

What is this rule about?

This rule is about vehicle licenses for minnow retailers. If you are not interested in this topic, you can disregard this rulemaking notice.

What will this rulemaking do?

Minnow Retailers who are also licensed as a resort under Minn. Stat. § 157.16 will be able to transport minnows from a minnow dealer's place of business directly to the resort using a vehicle without a minnow retailer's vehicle license.

Who might be affected by this rulemaking?

Minnow Retailers who are also licensed as a resort under Minn. Stat. § 157.16 statewide.

Where can I get more information?

UPDATE: The rules were approved as to legality by Administrative Law Judge Eric Lipman. DNR Commissioner Tom Landwehr signed an Order Adopting Rules on 10/30/2017 and the rules were filed with the Office of the Secretary of State on 10/31/2017.

The rules are scheduled for publication in the State Register on 11/13/2017. They will be effective upon publication.

The following documents are available to view and print:

- Proposed rules
- Notice of Submission To the Office of Administrative Hearings

If you want a free copy of the proposed rules, call or email the DNR contact person listed below.

DNR contact:

Sean Sisler
Fisheries Section, Fish and Wildlife Division
Minnesota Department of Natural Resources
500 Lafayette Road, St. Paul, MN 55155-4020
651-259-5213
sean.sisler@state.mn.us
ORDER ADOPTING RULES

Adoption of Rules Governing Prohibited and Regulated Invasive Species, Minnesota Rules, chapter 6216; Revisor’s ID Number R-04550

BACKGROUND INFORMATION

1. The Department of Natural Resources has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. The Office of Administrative Hearings received one (1) written comment on the rules.

3. Minnesota Statutes, section 84D.03, subdivision 1 (d), requires the commissioner of the Department of Natural Resources to maintain a list of infested waters. By Laws of Minnesota 2014, chapter 289, section 21, the Minnesota Legislature amended Minnesota Statutes, section 84D.03, subdivision 1 (d), to replace the requirement for publication in the State Register with a requirement for the commissioner to provide access to a copy of the listed infested waters. The amendments conform the rules to statute.

4. The rule amendments update requirements to drain watercraft that formerly applied only to certain infested waters. By Laws of Minnesota 2010, chapter 361, article 4, section 25, the Minnesota Legislature amended Minnesota Statutes, section 84D.10 to require that all watercraft remove drain plugs when leaving all water bodies, not only infested waters. The amendments conform the rules to statute.

5. The rule amendments update sources of nomenclature for scientific and common names of invasive species, correct or update scientific names for several invasive species, and make other technical corrections that require no interpretation of law.

6. The rule amendments conform the definition of Eurasian watermilfoil in rule to the definition in Minnesota Statutes, section 84D.01, subdivision 6, and this technical change requires no interpretation of law.

7. The rule amendments conform the rule to Minnesota Statutes, section 84D.11, subdivision 1 (a), with respect to issuing permits for decontamination, and these technical changes require no interpretation of law.

8. The rule amendments change the word “list” back to “designate” in several parts of Minnesota Rules, chapter 6216. Laws of Minnesota 2014, chapter 289, section 69, included a Revisor’s instruction that was intended to be applied only to the parts pertaining to the process of listing infested waters and not to parts pertaining to the process of classifying invasive species. This change returns those parts of the rule pertaining to the process of classifying invasive species to their pre-2014 language.

9. The use of the good cause exempt rulemaking process for these rules is authorized by Minnesota Statutes, section 14.388, subdivision 1, clauses (3) and (4) because these changes incorporate specific changes stated in applicable statutes that require no interpretation of law and make changes that do not alter the sense, meaning, or effect of a rule.

10. The rules are needed and reasonable.
ORDER

Rules of the Department of Natural Resources Governing Prohibited and Regulated Invasive Species in the form set out in the Revisor’s draft, file number RD4550 dated 06/19/18, are adopted under my authority in Minnesota Statutes, section 84D.01, subdivision 6; Minnesota Statutes, section 84D.03, subdivision 1 (d); Minnesota Statutes, section 84D.10, subdivision 4; Minnesota Statutes, section 84D.11, subdivision 1 (a); Minnesota Laws 2010, chapter 361, article 4, section 25; Minnesota Laws 2014, chapter 289, section 21; and Minnesota Laws 2015, First Special Session chapter 4, article 4, sections 20-24.

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Date Tom Landwehr, Commissioner
Department of Natural Resources