

## Minnesota Statewide AIS Advisory Committee (SAISAC)

*March 24, 2022 Meeting Minutes*

*WebEx Online Meeting*

**Members Present:** Pat Brown, Chris DuBose, Kate Hagsten, Holly Kalbus, Ryan Wersal, Maggie Stahley, Mike Sorensen, Bruce Babcock, Charlie Brandt, Shelly Binsfeld, Michaela Kofoed, Beto Garcia

**Members Absent:** Will Bement, KoriiRay Northrup, Chris Magnotto

**Ex-officio Members Present:** Doug Jensen, Nicholas Phelps

**Ex-officio Members Absent:** Nicole Lalum, Amy McGovern

**DNR Staff Present:** Heidi Wolf, Tina Fitzgerald, Kelly Pennington, Chelsey Blanke

**Chair H. Kalbus called the meeting to order at 9:04AM**

**Motion to approve agenda as amended: First by C. DuBose, second by R. Wersal**

**Motion to approve Meeting Minutes from February 24, 2022: First by R. Wersal, second by P. Brown.**

### Meeting Summary:

- The Committee learned about and discussed DNR regulations and policy-making processes related to invasive species.
- The Committee and the DNR thanks Doug Jensen for his decade of service as an Ex-Officio on this Committee and wishes him well on his next adventure as he leaves his role at Minnesota Sea Grant.

### Member Updates:

- **C. Brandt** is testing boats on open water.
- **B. Babcock** has no updates.
- **C. DuBose** says his county is rearranging staff and adding more staff to have a county-wide water resources manager, LID (Lake Improvement District) administrator, technician and AIS specialist.
- **K. Hagsten** is ramping up for the season. Posted jobs for inspectors.
- **M. Stahley** has no update.
- **M. Sorensen** is hiring 20 watercraft inspectors and wrapping that up now.
- **P. Brown** has had several coordination meetings with DNR for a joint messaging campaign. Prepping for field season. Talked with Gary Montz for joint sampling for zebra mussels. CD3 unit procurement to protect smaller lakes.
- **R. Wersal** is finishing first year project funding stuff. With the state fiscal year, federal fiscal year and contract on calendar year – deadlines are everywhere. Has 2 grad students finishing up this year, guiding them to the finish line.
- **S. Binsfeld** will be volunteering for long lake earth day event.

- **H. Kalbus** worked with county parks department to create a management plan for lakes in the county. Used the county AIS plan and parks plan and combined it. Good relationships, really important. Getting ready for inspection season. Going to have additional training, likely recorded, focused on safety.
- **D. Jensen** is leaving Sea Grant. This will be his last meeting. Thanks the DNR for the opportunity. Thanks the members for their support on AIS issues. This Committee is unique and important and significant in addressing AIS issues. Wish you the best. Wrapping up projects with Sea Grant and graduate and undergraduate students. BWCAW (Boundary Waters Canoe Area Wilderness) signage – 123 new AIS signs at trailheads and water accesses leading into the boundary waters. Future role – not sure yet. Contract or consulting. Has some irons in the fires. Presenting at the international conference for AIS – first plenary speaker. Helping Tim Campbell national AIS community of practice. Will continue on the Great Lakes Panel information education and other boards in the Duluth area. **M. Sorensen** says you are the guy that knows everything about AIS. Members give their well-wishes to **D. Jensen** on next adventures.
- **N. Phelps** is reviewing proposals for the next round of projects. There were 14 new submissions with a diversity of ideas. Will be making decisions shortly and announcing in September. There is a webinar next week: zebra mussels and mercury levels – invaded lakes had much higher mercury levels in fishes, in many cases bumped them above consumption advisory guidelines. It hasn't been looked at before. [Link to the webinar.](#)

### DNR Updates by Heidi Wolf

- Major Kirilin says DNR Enforcement is doing AIS check stations for open water season this year. They do a detail in a part of the state and have anyone trailering a boat pull over to a rest station and conduct inspections for compliance. Sometimes give warnings and citations. Mostly education. A good snapshot of inspections not at an access.
- Hiring: AIS Prevention Planner in the north – interviews are next week. AIS trainer started – Jeannine Howland. She did it as a work out of class last year in that role. She and Adam are doing all sorts of training prep. Using new software to track online training completion. And going back to in-person too. AIS Trainer in the south is back, Felix. Brainerd trainer position hiring had one applicant, still working that out.
- The DNR has a return to office April 22 statewide. Updating telework forms. Central office staff will be in the office Tuesday and Wednesday, and telework other days. These meetings may be in-person again, or likely a hybrid.
- Bait harvest pilot project: It has been illegal to use traps in zebra mussel waters, but with pressure to make sure live bait is available in the state, the DNR is looking at a pilot for 2-3 years to allow harvesters to have lake-specific gear – traps that they use only on one lake. Putting in considerable work and how to measure and how much would it cost (time for DNR staff in three Divisions). Starting on 5 or 10 water bodies. The DNR has been working with bait harvesters over the past year, this one thing we've been talking with them about. **D. Jensen** adds that the DNR has been working with bait industry since the 90s. All equipment is tagged and equipment can only be used on infested waters, so this is not too different than what has been done. Also zebra mussel reproduction happens at 54-81 degrees. Is the pilot going to test how much temperature affects this? **H. Wolf** says no, we are keeping the close dates. Too much to do two things at one time. Only traps, lines, anchors – one lake only – hot pink tag. Other equipment will be tagged and follow existing laws. Considering GPS tracking. There is always a tagging visit, where DNR and harvester sign the

permit together. This is another risk, so we want to be careful about it. **D. Jensen** asks, is just for zebra mussel waters? **H. Wolf** says the focus is zebra mussels, but it could have something else. They will be double tagged. **D. Jensen** conducted HACCP visits in 90's, where box traps were treated similar to netting. **K. Hagsten** asks, did you say there is going to be financial assistance for folks to get extra equipment? **H. Wolf** says no, the pilot is voluntary and up to the harvesters to have traps. Looking at costs for staff time. **P. Brown** asks, is Red Lake included? **H. Wolf** says the lakes haven't been selected yet. Need interested harvesters, presence of described baitfish, and staff support. Likely, but can guarantee.

- Great Lakes Restoration Initiative (GLRI) and USFWS grants: Two this time of year. State-interstate: any state that has a management plan is eligible with 25% match. Likely will fund zebra mussel K9s, two used watercraft for inspection training, signage for invasive carp, and community-based social marketing stuff. GLRI: Typically \$800k which funds the inspection program in Region 2 and a new temporary OIT position. Chelsey's position expires in June and can only be 3 years.
- Fielding an interesting request from a TV show: A chef that is going to travel, hunt, gather invasives and cook them. If we can get some good education out of this – they would need a permit and a permit requires an education component.
- Great Lakes law enforcement committee: Making sure we (the Divisions of Ecological and Water Resources and Enforcement) have a strong connection internally and regionally. E.g. outstate crayfish seller told they can't sell in Minnesota, now they have information on their website. But in Wisconsin the same company is violating state laws. An example of the need for consistent laws. **D. Jensen** adds these conversations started at the 2014 Great Lakes BIOTICS symposium and at 2018 UMISC – learned there was a need for AIS managers and Enforcement to have a closer connection. Also trying harmonize approaches, even with different regulations and processes, aiming for the same outcome. **H. Wolf** adds another successful example of working with Enforcement: we told someone selling something on social media to stop, they continued to sell it, and then Enforcement met up with them.
- Chelsey submitted the Invasive Species State Plan last Friday!
- **T. Fitzgerald:**
  - Hosted a successful series of four online workshops for local governments and partners. Stats: 103 individuals, 42 counties, 53 county staff, 10 partner organizations, 29 people from partner organizations, 21 DNR staff, and each person attended an average of 2.3 workshops. Workshops were recorded and will be shared online and via email.
  - The Upper Midwest Invasive Species Conference (UMISC) is happening October 25-27<sup>th</sup> as a hybrid event online and in-person in Green Bay, WI. If you have topics of interest you would like to present on or hear about, let me know.

## DNR Invasive Species Regulations and Policy-Making

**Presenter: Kelly Pennington, DNR AIS Prevention Consultant**

- See slides for more information.
- Overview of regulations:
  - Regulations provide DNR's framework for addressing invasive species.
  - Can change to suit changing conditions, but changes need to follow well-defined processes.
- What are "Regulations?"
  - Regulations, including laws and rules, are an important part of Minnesota's AIS prevention strategy.

- Examples of invasive species regulations include prohibiting invasive species, watercraft inspection and cleaning requirements, and listing waters as infested.
- [Minnesota Statutes, chapter 84D](#) and [Minnesota Rules, chapter 6216](#) provide the DNR with most of its authorities for invasive species prevention and management in Minnesota.
- The DNR Invasive Species Program's (ISP) annual reports usually include a summary of any changes in regulations over the past year.
- Other resources include the Minnesota Legislative Reference Library and [Office of the Revisor of Statutes](#), or contacts in the DNR ISP.
- Statutes
  - Proposed and passed by MN legislature, signed by Governor.
    - Information on how a bill becomes a law in Minnesota can be found [here](#).
  - Sometimes ideas come from stakeholders, or industry, or interest group.
  - The Governor also [proposes new laws](#).
  - The DNR starts its process of envisioning and suggesting changes the summer prior to a given legislative session.
- Rules
  - Agencies follow the Minnesota Administrative Procedure Act and other authority for making rules.
  - This [rulemaking webpage](#) is a good place to follow any proposed changes to invasive species legislation.
  - Need specific authorities in statute to be able to make rules.

### Regulations and Policy-Making Continued

- DNR invasive species statutes
  - Statutory authority for:
    - Invasive species program (84D.02)
    - Infested waters, including bait harvest (84D.03)
    - Classify and regulate invasive species (84D.04-.08)
    - Regulate transport of aquatic plants (84D.09)
    - Inspection, service provider, and “drain-plug” requirements (84D.10-.108)
  - Statutory authority to:
    - Issue permits (84D.11)
    - Make rules (84D.12)
    - Enforce regulations (84D.13)
  - Not to regulate:
    - Diseases and plant pests regulated by Agriculture, or certain “livestock” (84D.14)
- DNR invasive species rules
  - Includes lists of prohibited, regulated, and unregulated invasive species (parts 6216.0250, 6216.0260, 6216.0270)
  - Details requirements for prohibited species permits (6216.0265)
  - Process for reporting nonnative species escapes (6216.0280) and for reviewing proposed introductions of nonnative species (6216.0290)
  - Infested waters-listing, restrictions, and permitting (6216.0300, 6216.0400, 6216.0500)
- Statute and rule changes

- Changes need to be integrated into existing statutory language; need to avoid unintended consequences when doing this so it can require a lot of thought.
- Sometimes changes get wrapped up into an “omnibus bill” that can help facilitate passage of the bill (but if that omnibus bill gets vetoed, the language may not pass even if it is not the reason for the veto).
- “Exempt” rulemaking would be to make definitions of a term in rule consistent the definition in statute.
- Recent summaries of statute and rule change can be found in the [DNR ISP Annual Reports](#).
- Rulemaking process
  - The DNR has authority to classify nonnative species as prohibited or regulated invasive species using a rulemaking process.
  - Prohibited invasive species are illegal to possess, import, purchase, sell, propagate, transport, or introduce without a permit from the DNR.
  - All species proposed for designation as invasive species are assessed using criteria in Minnesota Statutes, chapter 84D.
  - The DNR tends to prioritize species that (1) are high risk and (2) are of regional concern. For instance, the DNR ISP works with partners in Great Lakes and Mississippi River Basin states and Canadian provinces so that we have similar lists of prohibited species. The Great Lakes St. Lawrence Governors and Premiers created a list of “Least Wanted Species.”
  - Species are assessed using a “[classification summary](#)” (link downloads a word document template).
    - Assess the likelihood of introduction and survival; ability to manage or control; other relevant information (Minnesota Statutes, section 84D.04, subd. 2)
    - Does the species cause, or have the potential to cause, economic or environmental harm, harm to human health; or threaten or have the potential to threaten the use of natural resources in the state? (Minnesota Statutes, section 84D.01, subd. 9a)
    - Would the species have potential adverse impacts on: native species, outdoor recreation, commercial fishing, and other uses of natural resources in the state? (Minnesota Statutes, section 84D.04, subd. 2)
  - Need to consider other regulations already in place beyond invasive species regulations when making changes to rules and statutes (e.g., fisheries and wildlife regulations).
- Current rulemaking in progress: new invasive species classifications
  - Aquatic plants: Common reed (Non-native Phragmites) and yellow floating heart
  - Fish: Eastern mosquitofish, tench, tubenose gobies, and those on the federal injurious wildlife list.
  - Invertebrates: golden freshwater clam, golden mussel, jumping worms, marmorkreb or marbled crayfish, and those on the federal injurious wildlife list.
  - Note: These changes to rule are not formally proposed yet. Once the rule is proposed there will be a 30-day public comment period.

## Questions and Answers

- **N. Phelps:** Are there any species on the list for which classifying as prohibited would result in them rising to immediate management relevance? Is there anything the DNR will do differently if/when these species are listed as prohibited?
  - **K. Pennington:** There’s not necessarily a one-to-one correlation in species that are prohibited and those that will need to be managed. Classifying species is a preventative approach.

- **M. Sorensen:** Minneapolis Parks will only treat with herbicides if control is required by law. So, for example, listing of invasive *Phragmites* as a noxious weed led Minneapolis Parks to be able to treat it.
- **H. Wolf:** Generally, we list species because we think there is a risk and it allows us to act in the future. For example, an individual was selling jumping worms and the listing would allow us to prohibit their sale.
- **K. Pennington:** We also have a list of regulated invasive species that we are concerned which are illegal to release but they are legal to possess, sell, etc. The part about being illegal to release applies for all nonnative species.
- **S. Binsfeld:** Glad to see that we have the mechanisms to take action as we see species advancing toward Minnesota in other states.

### Continued Updates from Committee Members

- **M. Kofoed:** No major updates. Getting excited for the bass fishing season.
- **B. Garcia:** No updates. Are these meetings recorded? **T. Fitzgerald:** We do not record but we do take notes and will provide those and the presentation slides.

### Discussion Time for Committee

- See topics of interest document for ideas from past meetings.
- **T. Fitzgerald:** Adam Doll and Jeannine Howland could come talk about the watercraft inspection program and working with local government units on watercraft inspection and training. **H. Kalbus:** Could this be a shorter presentation so we also have time for other topics within the same meeting? We talk about this a lot. **T. Fitzgerald:** Yes, this may be a 1-hr topic or less so there would be time for other topics within the same meeting also.
- Pathways for aquatic invasive species:
  - **S. Binsfeld** and **H. Kalbus** thought it would be important to keep talking about pathways besides watercraft.
  - **S. Binsfeld** also mentioned it would be interesting to learn more about how we are working with other states. **T. Fitzgerald:** There was a recent presentation to this Committee (last fall) about interjurisdictional work and how the DNR coordinates and collaborates with entities outside of Minnesota – will share that presentation. Other organizations work with other jurisdictions also (e.g, Minnesota Sea Grant, MAISRC).
  - **B. Garcia** (in chat): AIS Pathways are a major interest for me.
- **T. Fitzgerald:** Could do a quick overview of Basecamp. It is helpful to have everything in one place and want to make sure the Committee knows how to use it.
- **N. Phelps:** Topics that are most pressing to the DNR. Would be good to have this Committee provide input into important decision points. Focusing on this could help prioritize topics instead of focusing on the Committee's personal interests.
- **H. Kalbus:** Working with tribal communities. **T. Fitzgerald:** Could probably have someone talk about DNR's Tribal Consultation process for working with tribes as well as have program staff and committee members provide specific examples. Suggested **P. Brown, W. Bement, K. Hagsten, K. Northrup** or others could present.
- **S. Binsfeld:** Multi-cultural outreach. There may be some groups of people that are not looking at the same things we are looking at or are not seeing our messaging. Want to make sure DNR is connecting and

reaching out to them in their culture and language. **T. Fitzgerald:** It would be helpful to have suggestions for specific presenters and topics on this related to invasive species. This could be “homework” for the summer break – find examples of multicultural outreach on AIS.

- **M. Kofoed:** Regulations related to invasive species control and how control is evaluated. **C. Brandt** also expressed interest in this. **T. Fitzgerald:** DNR has permits and processes set up. Fisheries oversees aquatic plant management and EWR oversees invasive aquatic plant management – lots of coordination needed. If there are ways this Committee sees that we could better coordinate across DNR divisions, with applicators, etc., that would be valuable to hear for the ISP.
- **B. Garcia:** Items that are in the pipeline for legislation right now. Timeline for legislation is critical at this time. **T. Fitzgerald:** If there is pertinent legislative action needed, the DNR would reach out in-between meetings. This Committee has written letters and taken other actions in the past. **B. Garcia:** I was thinking for our personal education. **T. Fitzgerald:** Will send information on how to sign up for legislative updates.
- **D. Jensen:** Civic governance and work by the Boundary Waters Coalition. **T. Fitzgerald:** Ramsey group did sunset, but there are other groups that might be options also.
- **D. Jensen:** CBSM (community-based social marketing) case studies. **T. Fitzgerald:** Can think of potential presenters that could do this. May also host a bait disposal workshop for counties at some point.
- **S. Binsfeld:** How does a county advocate for what they are wanting to the DNR? How do counties get heard? **T. Fitzgerald:** It varies, there are many ways. Suggested that folks reach out to **H. Wolf** (or other ISP staff depending on the topic). Could also bring those ideas/concerns as an agenda item to this Committee.
- **K. Hagsten:** Have someone from the U.S. Environmental Protection Agency (EPA) come to talk about water quality standards. Heard at a recent entomology conference on how pesticide use can affect water quality standards. **H. Kalbus:** Also interested in this. **H. Wolf:** Expects that the EPA will say that they regulate this through labeling and regulating the products, and that they expect people will use those products correctly and legally. The DNR has a vacant position for pesticide use enforcement. The question for EPA might be how they make decisions about pesticide use, or we could ask the Minnesota Department of Agriculture (MDA) to provide input into this question. **K. Hagsten:** Feel that it is up to us to let EPA know that there are situations where pesticides are not being used as intended. **H. Wolf:** Think that would be a great conversation to have with MDA. **D. Jensen:** Extension partners with MDA to provide training to pesticide applicators. **R. Wersal:** This is going to be a difficult topic to cover in one meeting. Has had applicator licenses in multiple states. NPDES (National Pollution Discharge Elimination System) permit originates from the Clean Water Act and gives states authority to regulate pesticide use. Carlton Layne would be a great person to present on this topic. **T. Fitzgerald:** This might be a good topic for later this year, maybe then with a focus on how this Committee can help the DNR on this issue. **H. Wolf:** DNR created an aquatic plant identification training and test for applicators. Those who have completed the training are recognized on the DNR website, which can be a resource for those hiring consultants. The ISP is concerned about copper use for control of invertebrates and has initiated conversations about this. There is an opportunity for us all to talk about what should and should not be allowed. We want to be able to educate consumers on what is and is not needed to address specific problems.
- **B. Garcia** (in-chat): Are there AIS maps included in the Minnesota GIS Commons? **T. Fitzgerald:** Yes. There is the infested waters layer and the “AIS locations” layer.

***Adjournment at 11:45AM***

***Next Meeting to be held on WebEx from 9AM-12PM on April 28<sup>th</sup>, 2022.***