

Minnesota Department of Natural Resources

Division of Ecological and Water Resources

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Prohibited and Regulated Invasive Species, *Minnesota Rules*, chapter 6216; Revisor's ID Number R-04328

Introduction. The Department of Natural Resources intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until December 31, 2015.

Agency Contact Person. You must submit comments or questions on the rules to Heidi Wolf at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4025, phone 651-259-5152, FAX 651-296-1811, and heidi.wolf@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are about changes to the classification of two invasive species.

- We are designating starry stonewort (*Nitellopsis obtusa*) Linnaeus as a prohibited invasive species.
- We are changing the designation of water hyacinth (*Eichhornia crassipes*) from prohibited to regulated. This change accurately represents the risk associated with the invasive species water hyacinth and maintains some regulatory control. The previous listing as prohibited was an unintended error.
- We are making a technical correction to show yabby (*Cherax destructor*) in the invertebrates list instead of the fish list.
- We are making two spelling corrections in the listing of tilapia as a regulated species.

The statutory authority to adopt the rules under the expedited rulemaking process is *Minnesota Statutes*, sections 84D.12, subd. 2, and 84.027, subd. 13a (2).

A copy of the proposed rules is published in the State Register [and attached to this notice as mailed]. A free copy of the rules is available upon request from the agency contact person listed above. The proposed expedited rules may be viewed at: <http://www.dnr.state.mn.us/input/rules/rulemaking.html>.

Comments. You have until 4:30 p.m. on Thursday, December 31, 2015, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and

(c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption and Review of Expedited Rules. The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

November 3, 2015

Tom Landwehr, Commissioner