

## 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 Relating to Invasive Species, *Minnesota Rules*, chapter 6216; Revisor's ID Number R-4640

**Introduction.** The Minnesota Department of Natural Resources (DNR) 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 Friday, December 9, 2022.

**Agency Contact Person.** Submit comments or questions on the rules to Laura Van Riper, Terrestrial Invasive Species Coordinator, at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4025, phone 651-259-5090, FAX 651-296-1811, or email [ais.dnr@state.mn.us](mailto:ais.dnr@state.mn.us).

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are about listing prohibited invasive species in Minnesota. Prohibited invasive species are illegal to possess, import, purchase, sell, propagate, transport, or introduce without a permit from the DNR. The following species have been assessed and identified for listing using criteria in Minnesota Statutes, chapter 84D.

#### Aquatic plants

- common reed – nonnative subspecies (*Phragmites australis* ssp. *australis*, not including *Phragmites australis* ssp. *americanus*)
- yellow floating heart (*Nymphoides peltata*)

#### Fish

- Eastern mosquitofish (*Gambusia holbrooki*)
- Nile perch (*Lates niloticus*)
- snakehead fish (*Channidae* family)
- tench (*Tinca tinca*)
- tubenose gobies (any fish belonging to the genus *Proterorhinus*)
- walking catfish (*Clariidae* family)

#### Invertebrates

- golden clam (*Corbicula fluminea*)
- golden mussel (*Limnoperna fortunei*)
- jumping worms (*Amyntas* and *Metaphire* spp.)

- marbled crayfish (marmorkrebs) (*Procambarus virginalis* or *Procambarus fallax forma virginalis*)
- mitten crabs (*Eriocheir* spp.)

The statutory authority to adopt the rules is Minnesota Statutes, section 84D.12. The statutory authority to adopt the rules under the expedited rulemaking process is Minnesota Statutes, sections 84.027, subd. 13a (a) (2). A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed on the [DNR rulemaking webpage](http://www.dnr.state.mn.us/input/rules/rulemaking.html) at [www.dnr.state.mn.us/input/rules/rulemaking.html](http://www.dnr.state.mn.us/input/rules/rulemaking.html).

**Comments.** You have until 4:30 p.m. on Friday, December 9, 2022, 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 agency 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. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

**Public Data.** All information you submit in a public comment during formal rulemaking proceedings is public data, including your name and contact information.

**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.

**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.

September 14, 2022

Date



Sarah Strommen, Commissioner