

Minnesota Department of Natural Resources

Ecological and Water Resources Division

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing Endangered, Threatened, and Special Concern Species; *Minnesota Rules*, chapter 6134; Revisor's ID Number R-4856

Subject of Rules. The Minnesota Department of Natural Resources (DNR) requests comments on possible amendments to rules designating species as state endangered, threatened, or of special concern. The DNR is considering rule amendments that may include the following adjustments to any part of Minnesota Rules, Chapter 6134:

1. addition of species to a designation;
2. removal of species from a designation;
3. transfer of species from one designation to another; or
4. updating the name of a designated species with or without change to designation.

Persons Affected. The amendments to the rule may affect persons engaging in the prohibited acts of taking, import, transport, sale, purchase, disposal, or possession of any portion of a state endangered or threatened species. Landowners on whose land state endangered or threatened species are present may also be affected. Individuals who modify their activities to avoid taking currently endangered or threatened species may be affected if those species become de-listed as a result of this rulemaking process. Similarly, individuals who modify their activities to comply with the terms of a Permit to Take Endangered or Threatened Species may be affected if those species become de-listed as a result of this rulemaking process.

Statutory Authority. *Minnesota Statutes*, section 84.0895, requires the DNR to reevaluate the designated species list every three years and make appropriate changes.

Public Comment. Interested persons or groups may submit comments or information on these possible rule amendments in writing until 4:30 p.m. on May 17, 2024. The DNR will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments in accordance with Minnesota's rulemaking process. This public comment opportunity is associated with the development of possible rules. There will be another public comment opportunity if the Department later decides to announce its intention to adopt a set of proposed rules. See NOTE below for more information. The Department DNR does not plan to appoint an advisory committee to comment on the possible rules.

The DNR welcomes information related to currently listed endangered, threatened, or special concern species that may warrant change in status as well as any other species that may warrant listing consideration. The DNR is particularly interested in any information on the risk of extinction of any native species in the state, in particular their rarity, trends, and threats. This information will aide the DNR in the species status assessments that will help to inform listing determinations.

The DNR is interested in any information on whether the cost of complying with the rule in the first year after the rule takes effect will equal or exceed \$25,000 for any small city or business under *Minnesota Statutes*, section 14.127.

Rules Drafts. The DNR has not yet drafted the possible rule amendments. Comments received at this time will aide in the development of the possible rule amendments.

Department Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Bridget Henning-Randa at Minnesota Department of Natural Resources, 500 Lafayette Rd., Box 25, St. Paul, MN 55155, phone: 651-259-5073, and Endangered.Species.List.Revision.DNR@state.mn.us.

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 reach out to the DNR contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The DNR is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit those comments after the rules are formally proposed.

2/22/2024
Date


Sarah Strommen, Commissioner
Minnesota Department of Natural Resources