

**6216.0265 PERMITS FOR PROHIBITED AND REGULATED INVASIVE SPECIES.**

Subpart 1. **Requirement.** No person may possess, import, purchase, propagate, or transport a prohibited invasive species without a permit from the commissioner issued according to this part, except as authorized by Minnesota Statutes, section 84D.05. No person may introduce a regulated invasive species without a permit from the commissioner issued according to this part, except as authorized in subpart 2. A regulated invasive species permit is not required for a person to possess, import, purchase, propagate, transport, own, or sell a regulated invasive species.

Subp. 2. **Exemptions and alternate permits for regulated invasive species.** In lieu of an additional permit issued under Minnesota Statutes, section 84D.11, permits and licenses issued under Minnesota Statutes, sections 17.4981 to 17.4994 and chapter 97C, and rules adopted thereunder, may authorize the introduction of regulated invasive species, provided that the conditions specified in those permits and licenses are in accordance with the conditions specified under this part.

Subp. 3. **Prohibited invasive species permit limitation.** A person may apply for a permit for prohibited invasive species only for the purposes of disposal, control, research, or education according to Minnesota Statutes, section 84D.11, subdivision 1.

Subp. 4. **Eligibility; prohibited invasive species permit.** An applicant for a prohibited invasive species permit must:

A. have experience in the skills necessary for handling potentially harmful species, including:

(1) knowledge of precautions necessary to prevent spread through handling;

or

(2) previous experience handling invasive species without allowing escapes;

B. maintain a facility or transportation equipment that prevents the escape of nonnative species;

C. if the applicant is an individual, be at least 18 years of age at the time the application is received by the department; and

D. if the applicant is a corporation, limited partnership, or other business entity, be qualified to do business in Minnesota as shown by a certificate of authority to transact business in Minnesota or a certificate of limited partnership from the Minnesota Secretary of State.

**Subp. 5. Permit application.**

A. Written application for a permit for a prohibited or regulated invasive species shall be made on a form prescribed by the commissioner and shall contain the following:

- (1) the legal name, address, daytime and evening telephone numbers, and, if an individual, date of birth of the applicant;
- (2) the scientific and common names of either the prohibited invasive species that the applicant desires to propagate, possess, import, purchase, or transport or the regulated invasive species that the applicant desires to introduce;
- (3) a detailed description of the activity the applicant will be undertaking;
- (4) a detailed description of the facilities or transportation equipment to be used and an explanation of how the equipment is sufficient to prevent an unauthorized introduction of a prohibited invasive species;
- (5) a description of the applicant's experience in handling the same or similar species;
- (6) a written contingency plan for eradication or recapture in the event of an unauthorized introduction of the prohibited invasive species; and
- (7) an agreement to comply with the requirements of parts 6216.0100 to 6216.0600.

B. The commissioner may request additional information from the applicant in writing after the application is received if necessary to evaluate the potential risk to the state's resources.

C. The commissioner shall review the permit applications and respond to the applicant within 30 days of receipt of the application or the additional information requested in item B.

**Subp. 6. Inspection of facilities or equipment.** After receipt of an application for a prohibited invasive species permit, and a determination by the commissioner that the applicant has satisfied all the initial requirements for a permit as described in this part, the commissioner may inspect the applicant's holding facilities or other containment or transportation equipment. Facilities holding prohibited invasive species under permit are subject to inspection by the commissioner at any reasonable time.

**Subp. 7. Transferability.** A permit issued under this part is not transferable.

**Subp. 8. Expiration date and renewal.** All prohibited invasive species and regulated invasive species permits expire at midnight on December 31 of each year, unless otherwise specified in the permit. Applications for renewal of permits shall be made by October 1

of the year the permit expires. Applications for renewal shall describe any changes to the information initially required in subpart 5.

**Subp. 9. Revocation of permit.**

A. The commissioner may revoke all or part of a permit issued under this part when:

(1) the commissioner determines that a permittee has failed to comply with parts 6216.0100 to 6216.0600; or

(2) it is necessary to protect the interests of the public, to protect native plant and animal populations in the state, or to otherwise protect the state's natural resources.

B. Except in an emergency situation when delay would threaten the state's natural resources, the commissioner shall, at least 14 days prior to the effective date of the revocation, inform the permit holder in writing of the nature of the revocation and of the conditions that, in the commissioner's opinion, require revocation.

C. Within 30 days of receipt of a notice of revocation, the permit holder may apply for an amendment to the permit or request a hearing before the commissioner to contest the revocation, to support the permit holder's proposed amendment, or both.

D. The permit shall be revoked on the date stated on the revocation notice until such time that the decision is reversed or modified.

**Subp. 10. Disclaimer of liability.** A prohibited invasive species permit or regulated invasive species permit issued under this part is permissive only. No liability is assumed by the state or any of its officers, agents, or employees by issuing a prohibited or regulated invasive species permit or by any acts or operations of the permittee or any prohibited or regulated invasive species in possession of the permittee.

**Subp. 11. Effective date.** A person possessing, importing, purchasing, selling, propagating, transporting, or introducing a prohibited invasive species on June 2, 1998, must apply for a permit within 60 days of June 2, 1998.

**Statutory Authority:** *MS s 84D.12*

**History:** *22 SR 2076; L 2004 c 243 s 40*

**Published Electronically:** *June 11, 2008*