

Department of Natural Resources**Adopted Exempt Permanent Rules Relating to Prohibited and Regulated Invasive Species****6216.0100 PURPOSE.**

The purpose of ~~parts 6216.0100 to 6216.0600~~ this chapter is to prevent the spread of invasive species, including prohibited and regulated invasive aquatic plants and wild animals, into and within the state as authorized by Minnesota Statutes, sections 17.497 and 84D.12, while allowing flexibility for conditional possession of invasive species. ~~Parts 6216.0100 to 6216.0600~~ This chapter also ~~provide~~ provides a public process for listing of infested waters and ~~classification~~ classifying and listing of designating nonnative species according to criteria in statute.

6216.0230 NOMENCLATURE.

The scientific taxonomic nomenclature used in ~~parts 6216.0100 to 6216.0600~~ this chapter follows the nomenclature assigned by the following sources, which are incorporated by reference. The sources are available through the Minitex interlibrary loan system and are not subject to frequent change:

- A. The American Fisheries Society, Common and Scientific Names of Fishes from the United States, Canada, and ~~Canada~~ Mexico (~~fifth~~ seventh edition ~~1991~~ 2013);
- B. John J. Mayer and I. Lehr Brisbin, Jr., Wild Pigs in the United States (1991);
- C. The American Ornithologists' Union, Checklist of North American Birds (~~sixth~~ seventh edition ~~1983~~ 1998 and subsequent supplements);

[For text of item D, see Minnesota Rules]

- E. Ronald M. Nowak, Walker's Mammals of the World, volumes I and II (~~fifth~~ sixth edition ~~1991~~ 1999);

[For text of items F to H, see Minnesota Rules]

6216.0250 PROHIBITED INVASIVE SPECIES.

Subpart 1. **Listing Designation.** The species in subparts 2 to 5 and any hybrids, cultivars, or varieties of the species are ~~listed~~ designated as prohibited invasive species.

Subp. 2. **Aquatic plants.** The following aquatic plants are ~~listed~~ designated as prohibited invasive species:

[For text of items A to E, see Minnesota Rules]

F. Eurasian watermilfoil (*Myriophyllum spicatum*) Linnaeus, including its hybrids;

[For text of items G to K, see Minnesota Rules]

L. starry stonewort (*Nitellopsis obtusa*) ~~Linnaeus~~ (N.A. Desvaux) J. Groves;

[For text of items M and N, see Minnesota Rules]

Subp. 2a. **Federal noxious weed list.** For purposes of this part, the aquatic plants listed in Code of Federal Regulations, title 7, section 360.200, are also ~~listed~~ designated as prohibited invasive species except for Chinese water spinach (*Ipomoea aquatica*) Forsskal.

Subp. 3. **Fish.** The following fish are ~~listed~~ designated as prohibited invasive species:

[For text of items A to Q, see Minnesota Rules]

R. stone moroko (*Pseudorasbora parva*) Temminck & ~~Schlegels~~ Schlegel;

S. tubenose goby (*Proterorhinus semilunaris*) Heckel or (*Proterorhinus marmoratus*) Pallas;

T. wels catfish (~~*Siluris*~~ *Silurus* *glanis*) Linnaeus;

[For text of items U and V, see Minnesota Rules]

W. zander (*Sander lucioperca*) or (*Stizostedion lucioperca*) Linnaeus.

Subp. 4. **Invertebrates.** The following invertebrates are ~~listed~~ designated as prohibited invasive species:

[For text of items A to F, see Minnesota Rules]

Subp. 5. **Mammals.** The following mammals are ~~listed~~ designated as prohibited invasive species:

[For text of items A to C, see Minnesota Rules]

D. nutria, any strain (~~Myocaster coypu~~ Myocaster coypus).

6216.0260 REGULATED INVASIVE SPECIES.

Subpart 1. **~~Listing~~ Designation.** The species in subparts 2 to 6 are ~~listed~~ designated as regulated invasive species.

Subp. 2. **Aquatic plants.** The following aquatic plants are ~~listed~~ designated as regulated invasive species:

[For text of items A to G, see Minnesota Rules]

Subp. 3. **Fish.** The following fish are ~~listed~~ designated as regulated invasive species:

[For text of items A to E, see Minnesota Rules]

Subp. 4. **Invertebrates.** The following invertebrates are ~~listed~~ designated as regulated invasive species:

[For text of item A, see Minnesota Rules]

B. Chinese mystery snail, Japanese trap door snail (*Cipangopaludina* spp.)
Hannibal or (*Bellamya chinensis*) Reeve;

[For text of items C and D, see Minnesota Rules]

Subp. 5. **Birds.** The following birds are ~~listed~~ designated as regulated invasive species:

- A. Egyptian goose (*Alopochen ~~aegyptiaca~~ aegyptiaca*) Linne;
- B. mute swan (*Cygnus olor*) Gmelin; and
- C. Sichuan pheasant (*Phasianus colchicus ~~strachii~~ strauchi*).

Subp. 6. **Reptiles.** The following reptile is ~~listed~~ designated as a regulated invasive species: red-eared slider (*Trachemys scripta elegans*) Wied-Neuweid.

6216.0265 PERMITS FOR PROHIBITED AND REGULATED INVASIVE SPECIES.

[For text of subpart 1, see Minnesota Rules]

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 Minnesota Statutes, 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, decontamination, control, research, or education according to Minnesota Statutes, section 84D.11, subdivision 1.

[For text of subpart 4, see Minnesota Rules]

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:

[For text of subitems (1) to (6), see Minnesota Rules]

(7) an agreement to comply with the requirements of ~~parts 6216.0100 to 6216.0600~~ this chapter.

[For text of items B and C, see Minnesota Rules]

[For text of subparts 6 to 8, see Minnesota Rules]

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~~ this chapter; or

[For text of subitem (2), see Minnesota Rules]

[For text of items B to D, see Minnesota Rules]

[For text of subparts 10 and 11, see Minnesota Rules]

6216.0270 UNREGULATED NONNATIVE SPECIES.

Subpart 1. **Listing Designation.** The species in subparts 2 to 5 are ~~listed~~ designated as unregulated nonnative species. These nonnative species are not subject to regulation under Minnesota Statutes, chapter 84D.

Subp. 2. **Fish.** The following fish are ~~listed~~ designated as unregulated nonnative species:

[For text of items A to G, see Minnesota Rules]

Subp. 3. **Invertebrates.** The following invertebrates are ~~listed~~ designated as unregulated nonnative species: subtropical, tropical, and saltwater invertebrates.

Subp. 4. **Mammals.** The following mammal is ~~listed~~ designated as an unregulated nonnative species: rat (*Rattus norvegicus* and *Rattus rattus*).

Subp. 5. **Birds.** The following birds are ~~listed~~ designated as unregulated nonnative species:

[For text of items A to H, see Minnesota Rules]

6216.0290 PROCESS FOR REVIEW OF PROPOSED INTRODUCTIONS OF UNLISTED NONNATIVE SPECIES.

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Listing Designation and notification.** After ~~completion of~~ completing the review of a proposal to introduce an unlisted nonnative species and ~~making a determination of determining~~ the appropriate classification, the commissioner shall ~~list~~ designate the species and notify the applicant as required under Minnesota Statutes, section 84D.06.

6216.0300 LISTING, NOTICE, AND MARKING OF INFESTED WATERS.

Subpart 1. **Listing of infested waters and notice.** The commissioner shall maintain a list of infested waters and provide access to a copy of the listed waters. ~~The commissioner shall publish the names of listed water bodies in the State Register before May 1 of each year and provide notice through other available means where practical.~~ The department shall post signs describing the infestation at all public accesses to listed water bodies. At any time, the commissioner may list additional water bodies or remove from listing those water bodies which no longer are infested waters.

[For text of subparts 2 and 3, see Minnesota Rules]

6216.0400 RESTRICTED ACTIVITIES ON INFESTED WATERS; PERMITS.

Subpart 1. **Taking bait from infested waters.** ~~The Taking of~~ wild animals from infested waters for bait or aquatic farm purposes is prohibited, except:

[For text of item A, see Minnesota Rules]

B. harvest for bait purposes from waters that are ~~designated~~ listed as infested waters solely because they contain Eurasian watermilfoil is allowed for noncommercial personal use; and

[For text of item C, see Minnesota Rules]

[For text of subparts 1a to 4, see Minnesota Rules]

REPEALER. Minnesota Rules, part 6216.0500, subpart 3, is repealed.