



# New prohibited species in Minnesota

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# Take-aways

- Minnesota classified 13 species/species groups as prohibited
  - Effective February 20, 2024:
    - mitten crab
    - Nile perch
    - snakehead fish (family)
    - walking catfish (family)
    - yellow floating-heart
    - tench
    - golden mussel
    - marbled crayfish
    - golden clam (*Corbicula* spp.)
    - tubenose gobies (*Proterorhinus* spp.)
    - Eastern mosquitofish
    - nonnative Phragmites
  - Effective July 1, 2024:
    - jumping worms (*Amyntas* spp. and *Metaphire* spp.)

# Most species added thanks to interjurisdictional nudges!

- Conference of Great Lakes and St. Lawrence Governors and Premiers Aquatic Invasive Species Task Force “least wanted” list:
  - yellow floating-heart
  - tench
  - golden mussel
  - marbled crayfish
- Consistency with federal injurious wildlife species list:
  - mitten crab
  - Nile perch
  - snakehead fish (family)
  - walking catfish (family)
    - “future-proofed” with reference to Code of Federal Regulations for fish, mollusks, and crustaceans

# How rulemaking happens

- For more information about this rulemaking:  
[www.dnr.state.mn.us/invasives/invasive-species-program-2022-prohibited-invasive-species-rulemaking.html](http://www.dnr.state.mn.us/invasives/invasive-species-program-2022-prohibited-invasive-species-rulemaking.html).
- DNR invasive species authorities are in statute (e.g., Minnesota Statutes, chapter 84D) – laws passed by Minnesota Legislature
- Statutes give agencies authority to make rules about specific topics

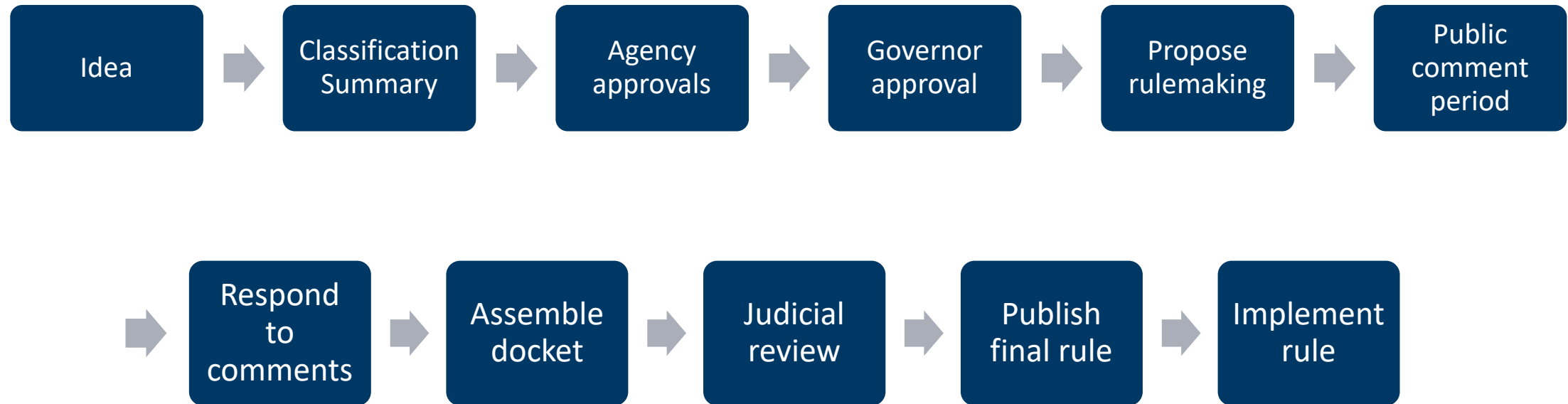
# Rulemaking authority

- “A person may not possess, import, purchase, sell, propagate, transport, or introduce a prohibited species...” (Minnesota Statutes, section 84D.05)
- Commissioner shall classify nonnative species of aquatic plants and wild animals as:
  - prohibited
  - regulated (illegal to release into the wild)
  - unlisted nonnative species (illegal to release into the wild)
  - unregulated nonnative species (not subject to chapter 84D regulation)

# Rulemaking process

- Criteria for classification of invasive species are in Minnesota Statute and Rule
- Summarize our evaluation in a “classification summary” document, considering:
  - introduction, survival, spread
  - ability to control
  - impacts on natural resources, human health
  - other factors – regulations in other jurisdictions, pathway regulations (e.g., aquatic plants)
- More information about process, completed classification summary for newly-listed species, and template available here:
  - [www.dnr.state.mn.us/invasives/ais/classification.html](http://www.dnr.state.mn.us/invasives/ais/classification.html)

# Expedited, permanent rulemaking process\*



\*simplified for discussion purposes; see [www.dnr.state.mn.us/input/rules/index.html](http://www.dnr.state.mn.us/input/rules/index.html) for more information

# Rulemaking is not magic

- Regulations are not self-enforcing
  - require capacity to implement and enforce
- Classification options in Minnesota were written for species people were not intentionally possessing, buying, and trading
  - model regulatory framework from AIS in Commerce project
  - risks with “opening up” legislation
- Regulating species and pathways
  - both important tools, with tradeoffs



# Interjurisdictional collaboration is key

- Most of the species in this rulemaking were added for consistency with Great Lakes and St. Lawrence Governors and Premiers Aquatic Invasive Species Task Force “least wanted” list and Federal injurious wildlife list
- GLSLGP AIS Task Force, Great Lakes Panel, Great Lakes Commission all helped to make this rulemaking happen

# Thank You!

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