

Chapter 3: Minnesota Regulations

1. Current Regulations

Minnesota has several state laws intended to minimize the introduction and spread of invasive species of wild animal and aquatic plants in the state. The state designated several invasive species using a four-tiered classification system. Invasive species are classified as prohibited, regulated, unregulated, and unlisted invasive species. The classification process establishes the level of regulation and types of allowable uses for each species.

Prohibited invasive species

Certain invasive species that can threaten natural resources and their use have been designated as **prohibited invasive species** in Minnesota. It is unlawful (a misdemeanor) to possess, import, purchase, transport, or introduce these species except under a permit for disposal, control, research, or education. The prohibited invasive species in Minnesota include the following and any hybrids, cultivars, or varieties of the species listed below:

- **Aquatic Plants**

- African oxygen weed (*Lagarosiphon major*)

- aquarium watermoss or giant salvinia (*Salvinia molesta*)

- Australian stone crop (*Crassula helmsii*)

- brittle naiad (*Najas minor*)

- curly-leaf pondweed (*Potamogeton crispus*)*

- Eurasian watermilfoil (*Myriophyllum spicatum*)*

- European frog-bit (*Hydrocharis morsus-ranae*)

- flowering rush (*Butomus umbellatus*)*

- hydrilla (*Hydrilla verticillata*)

- Indian swampweed (*Hygrophila polysperma*)

- purple loosestrife (*Lythrum salicaria*, *Lythrum virgatum*, or any variety, hybrid, or cultivar thereof)*

- water aloe or water soldiers (*Stratiotes aloides*)

- water chestnut (*Trapa natans*)

- **Fish**

- bighead carp (*Hypophthalmichthys nobilis*)

- black carp (*Mylopharyngodon piceus*)

- grass carp (*Ctenopharyngodon idella*)

- northern snakehead fish (*Channa argus*)

- round goby (*Neogobius melanostomus*)*

- rudd (*Scardinius erythrophthalmus*)

- ruffe (*Gymnocephalus cernuus*)*

- sea lamprey (*Petromyzon marinus*)*

silver carp (*Hypophthalmichthys molitrix*)
tubenose goby (*Proterorhinus marmoratus*)*
white perch (*Morone americana*)*
zander (*Stizostedion lucioperca*)

- **Invertebrates**

New Zealand mud snail (*Potamopyrgus antipodarum*)*
zebra mussel (*Dreissena spp.*)*

* **These species are known to be in Minnesota waters.**

Transportation prohibitions

Current state law prohibits transportation of **all** aquatic plants (with a few exceptions). This law will not only help prevent the spread of Eurasian watermilfoil, but it will also reduce the risk of zebra mussels being transported while attached to aquatic plants. And it will reduce the inadvertent transport of other harmful plants into or within the state.

Under state law, it is unlawful to:

- transport aquatic plants on public roads, except as allowed in statute;
- transport zebra mussels and other **prohibited** species of animals on a public road;
- place or attempt to place into waters of the state a boat, seaplane, or trailer that has aquatic plants, zebra mussels, or other **prohibited** invasive species attached.

Regulations on transport of water

As of July 1, 2010, the following regulations, apply to the transportation of water by boaters from all waters in the state (violations are misdemeanors):

- a person leaving waters of the state must drain boating-related equipment holding water and live wells and bilges by removing the drain plug before transporting the watercraft and associated equipment on public roads; and
- drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells must be removed or opened while transporting watercraft on a public road (marine sanitary systems and portable bait containers are excluded from this requirement).
- A person must not dispose of bait in waters of the state.

How does this apply to me?

If your business involves moving, transporting, or selling of any boats or other equipment from one water body to another water body you are responsible for following the regulations of transportation of plants, animals, and water. If you are found out of compliance with these regulations you may incur either a civil penalty or a misdemeanor.

Bait Harvesters and Fishing Guides

If you are a bait harvester or fishing guide you have some additional AIS related regulations. For bait harvesters the harvesting of bait from infested waters is prohibited except for commercial harvest by special permit. Commercial bait harvesters must apply to the DNR for the permit, attend training, pass a test, and follow restrictive permit conditions. Permits require conditions such as; use of separate gear in infested waters and non-infested waters, tagging all gear in infested waters with tags specific to species in the infested waters, and not transporting gear tagged for infested waters to non-infested waters.

Fishing guides must follow all the regulations that apply to recreational boaters and anglers. It is illegal to transport live fish other than baitfish. Live fish may not be transported in a livewell once you leave the lake.

For the latest laws on AIS regulations visit the MN DNR website at

<http://www.dnr.state.mn.us/eco/invasives/laws.html>

For other questions about the regulations and enforcement you can contact:

Invasive species Specialists - see list at: http://files.dnr.state.mn.us/contact/eco_invasivesstaff.pdf

2. Penalties

Why Should I comply?

As a lake service provider you are in a unique position of having the ability to not only prevent the spread of aquatic invasive species but also act as a conduit of information to your customers about AIS. But there are other considerations that make compliance a good business decision.

- Your business depends on it! Keeping lakes free of AIS means continued tourist dollars as well as economic and ecological health.
- You are very high profile. If you support compliance then you influence others to be good stewards of their lakes.
- If you are found or alleged to be the source of an infestation the negative publicity would be damaging. Your customers are concerned about their lakes and they want to hire businesses that show that same level of concern.
- Potential criminal and or civil penalties. These can be expensive and prohibitive to your bottom line.
- Use it as a marketing tool. Toot your horn about your stewardship ethics! You will find your customers will appreciate your extra effort on the behalf of their lakes.
- Be a leader in invasive species protection. You can influence not only your customers but other businesses to go the extra mile to protect lakes from AIS.

Current Penalties for Transportation Violations

Violation (Officers may issue either civil citations or misdemeanors)	Penalty
Transporting aquatic plants on public roads	\$50 civil penalty
Transporting zebra mussels or other prohibited species of animals on public roads	\$250 civil penalty or misdemeanor (up to \$1000)
Place or attempt to place into waters of the state a watercraft that has: <ul style="list-style-type: none"> • Aquatic plants • Zebra mussels or other prohibited species 	\$100 civil penalty \$500 civil penalty or misdemeanor (up to \$1000)
Failing to remove drain plug and drain water from watercraft and equipment before leaving designated zebra mussel, spiny water flea, or other invasive plankton infested waters	\$50 civil penalty or misdemeanor (up to \$1000)
Refuse to submit to an inspection	suspend watercraft license for one year
Refuse to obey an order of a peace officer or conservation officer to remove prohibited invasive species or aquatic macrophytes from any watercraft, trailer, or plant harvesting equipment	gross misdemeanor (up to \$3000) or suspend license for one year

*** This information is current as of February 2011. For the latest information please visit <http://www.dnr.state.mn.us/eco/Invasives/laws.html#transport>**