



Proposed Updates to Minnesota's List of Endangered, Threatened, and Special Concern Species

Rich Baker

Minnesota Endangered Species Coordinator
Department of Natural Resources

for

Minnesota Forest Resources Council
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History of Minnesota's Endangered Species Laws





STATUTE

- 1971: New law protected wolf, tiger, and several other animals as endangered
- 1974: Removed named animals; added threatened status
- 1981: Added special concern status; added plants



RULE (E/T/SC LIST)

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- 1971: Authority to create list granted but never exercised
 - 1981 – 1984: List first developed and adopted
 - 1991 – 1996: List revised
 - 2001 – present: List being revised
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Subdivision 1. Prohibition

- Prohibits take, import, transport, sale, or possession of endangered species
- Prohibition is extended to threatened species in rule
- Exceptions provided in Subdivision 2 and 7



Wood turtle (*Clemmys insculpta*) - Thr



Subdivision 2. Application

Exemptions to prohibition for:

- Plants taken on **agricultural land, ditches, and roadways**
- **Noxious weeds** and control of noxious weed (if “...reasonable effort” is taken)
- Plants taken adjacent to agricultural lands **as a result of chemical application** on the ag land (if “...reasonable care” is taken to avoid impacts); does not include timber land or tax credit land
- Plants taken **accidentally and unknowingly**



Valerian (*Valeriana edulis*) - Thr





Subdivision 3. Designation

Authority to adopt rules to designate species as:


- **Endangered**, if the species is threatened with extinction throughout all or a significant portion of its range
- **Threatened**, if the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range
- **Species of Special Concern**, if although the species is not endangered or threatened, it is extremely uncommon in this state, or has unique or highly specific habitat requirements and deserves careful monitoring of its status. Species on the periphery of their range that are not listed as threatened may be included in this category along with those species that were once threatened or endangered but now have increasing or protected, stable populations





Subdivision 4. Studies

DNR may conduct [investigations](#)



Subdivision 5. Management

DNR may undertake [management](#) programs, issue orders, and adopt [rules](#) to recover threatened or endangered species



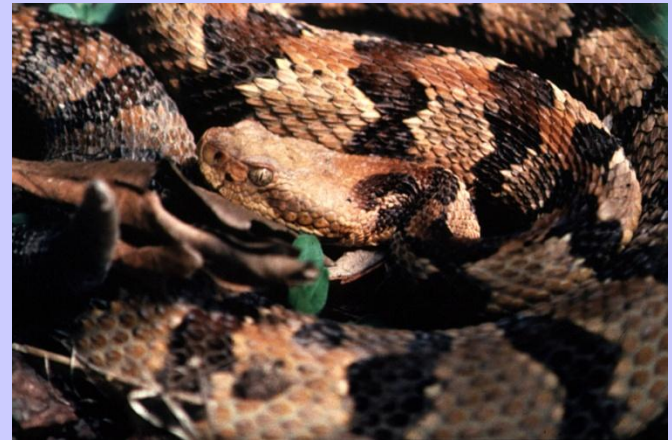
Subdivision 6. Enforcement

A Conservation Officer may execute a warrant to [search for and seize](#) items possessed in violation of this law



Subdivision 7. Exceptions

- The DNR may issue permits for education, study, propagation, to prevent injury to persons or property, or if "...the social and economic benefits of the act outweigh the harm caused by it."
- May not take an endangered species to prevent injury or for social and economic benefits until all alternatives have been evaluated and rejected
- May take an endangered species "...without a permit, to avoid immediate and demonstrable threat to human life or property."
- May not take an endangered species for forest management without a permit.



St. Lawrence Grapefern (*Botrychium rugulosum*) – Thr

Timber Rattlesnake (*Crotalus horridus*) - Thr



Subdivision 8. Application

The law does not apply retroactively, and does not prohibit importation of legally acquired items.



Subdivision 9. Violations

A violation of the law is a misdemeanor



Tiger Beetle (*Cicindela denikei*) – Thr

Red Saltwort (*Salicornia rubra*) - Thr





Minnesota's List of Endangered, Threatened, and Special Concern Species

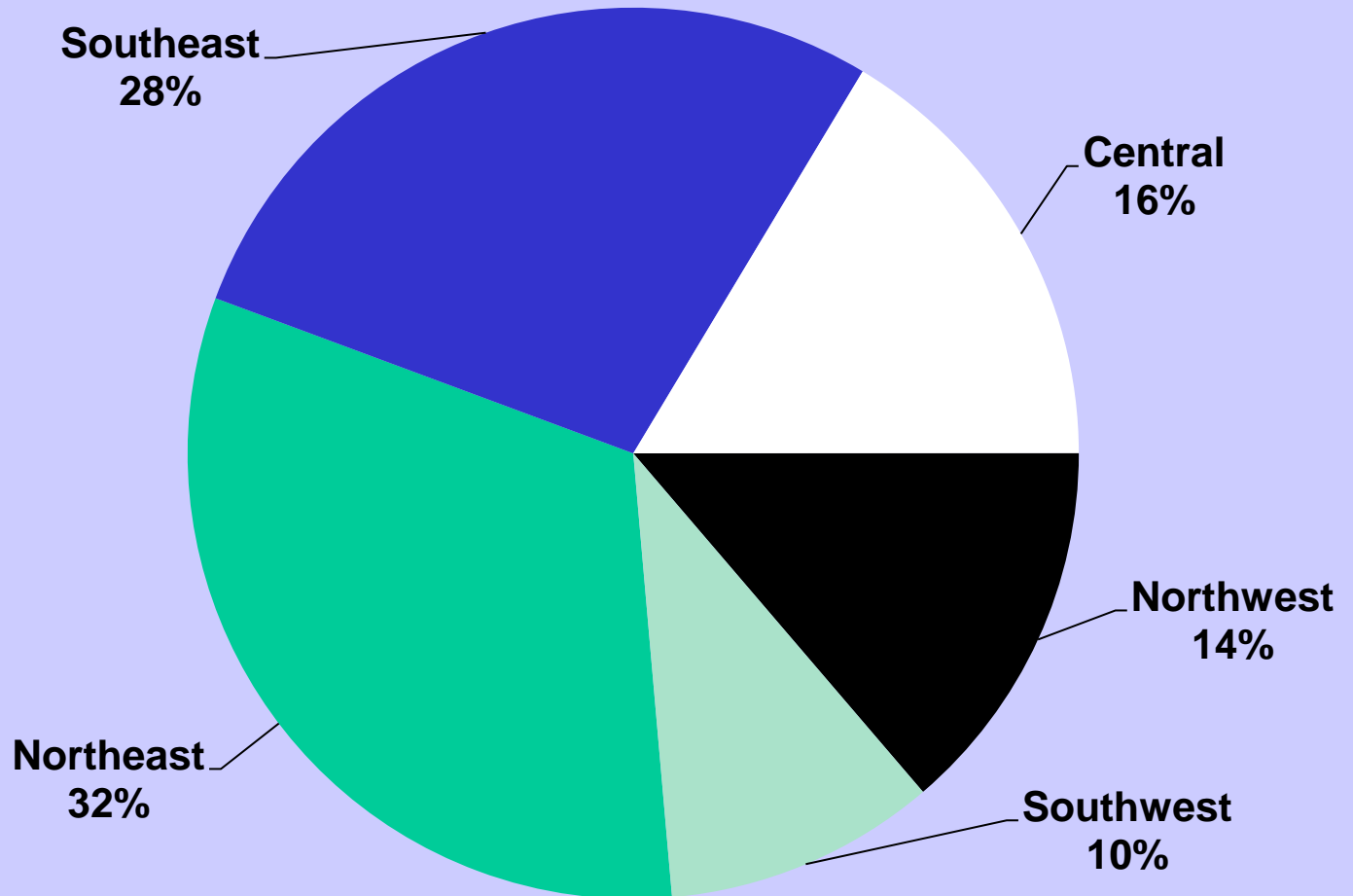
	E	T	SC	TOTAL
	96	101	242	439
VASCULAR PLANTS	57	66	133	256
LICHENS	8	3	6	17
MOSSES AND LIVERWORTS	1	0	2	3
FUNGI	3	0	3	6
MAMMALS	0	1	14	15
BIRDS	7	6	15	28
REPTILES AND AMPHIBIANS	2	3	9	14
FISH	0	1	20	21
MUSSELS	8	12	5	25
SNAILS	2	3	0	5
JUMPING SPIDERS	0	0	8	8
LEAFHOPPERS	0	0	1	1
DRAGONFLIES	0	0	2	2
BUTTERFLIES AND MOTHS	5	3	8	16
CADDISFLIES	1	0	12	13
TIGER BEETLES	2	3	4	9



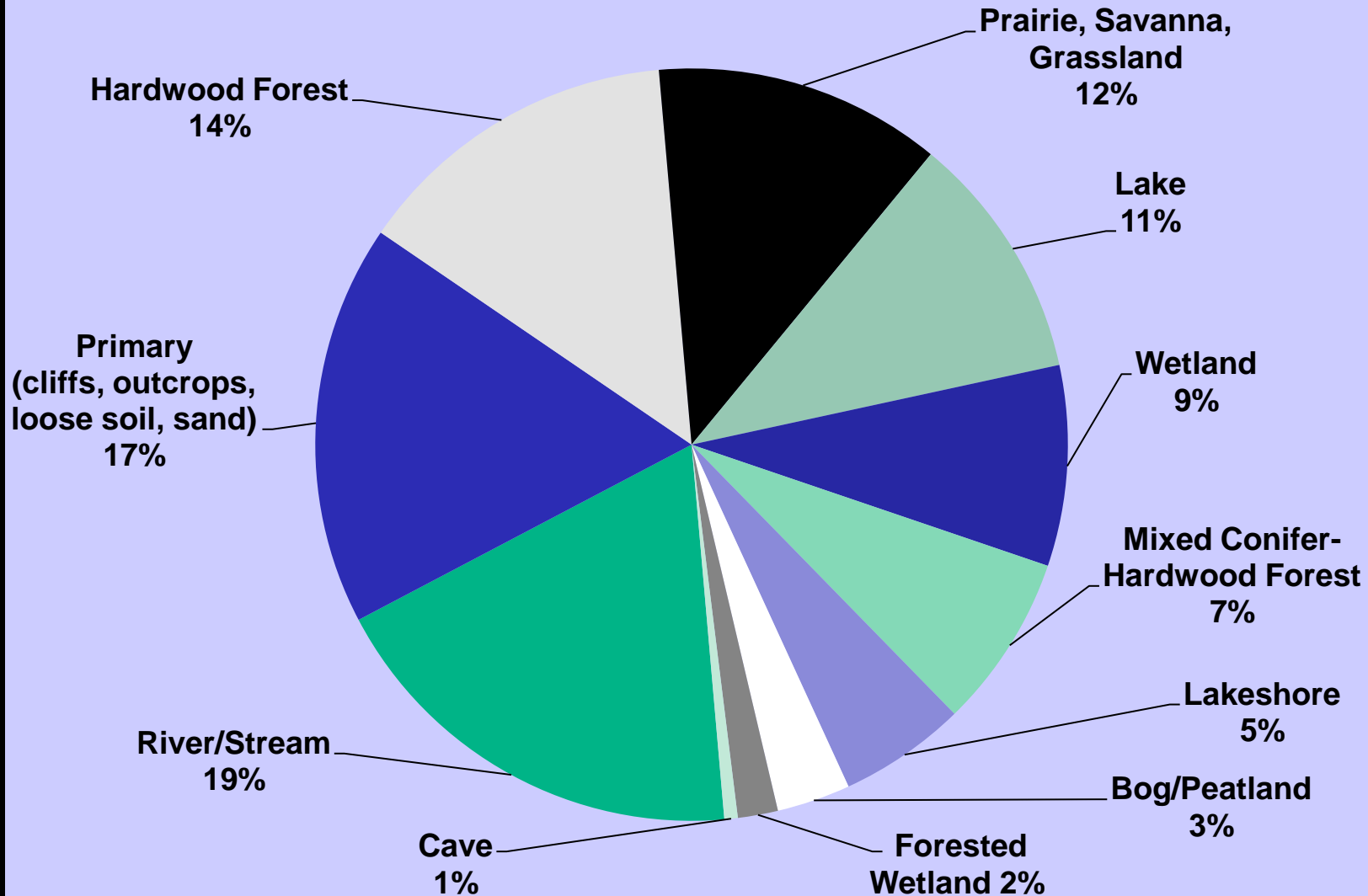
2013 Revision

	302	100%
VASCULAR PLANTS	133	44%
lichens	23	8%
MOSSES AND LIVERWORTS	27	9%
FUNGI	2	1%
MAMMALS	9	3%
BIRDS	11	4%
REPTILES AND AMPHIBIANS	5	2%
FISH	21	7%
MUSSELS	15	5%
SNAILS	8	3%
JUMPING SPIDERS	5	2%
LEAFHOPPERS	2	1%
DRAGONFLIES	8	3%
BUTTERFLIES AND MOTHS	6	2%
CADDISFLIES	25	8%
TIGER BEETLES	2	1%

How are proposed changes distributed by region?



How are proposed changes distributed by general habit types?



Forest-Related Species of Interest

Northern Goshawk (*Accipiter gentilis*)

Proposal: reclassify from no status to Special Concern

Basis: extremely uncommon - Of 75 territories monitored in 2012, 37 were occupied, 32 had nesting attempts, 55% of which were successful, with average 1.35 young/nest. Lowest success and productivity since monitoring began in 2003.

highly specific habitat requirements – Preference for a minimum of 4,000 acres of unfragmented mature and old upland forest within 3-mile radius of nest for nesting and foraging. Fragmented habitat results in higher predation and energy expenditure.

Comments in support: LLBO, SNF

Comments opposed: MFI, MTPA, Blandin, Sappi, Potlatch

Comments recommending T: Audubon MN, MRVAC, Sierra Club



Forest-Related Species of Interest



Boreal Owl (*Aegolius funereus*)

2007 Proposal: reclassify from no status to Threatened

Final Proposal: reclassify from no status to Special Concern

Basis: extremely uncommon – Very distinctive male breeding display vocalization, but only 6 detected by Western Great Lakes Owl Survey during 2005-2012. Only 6 observations by Breeding Bird Atlas during 2008-2011.

Comments in support: SNF

Comments opposed: MFI, MTPA, Blandin, Sappi, Potlatch

Comments recommending T: Audubon MN, MRVAC, Sierra Club



Forest-Related Species of Interest



Black-throated Blue Warbler (*Dendroica caerulescens*)

2007 Proposal: reclassify from no status to Special Concern

Final Proposal: no change in status

Forest-Related Species of Interest

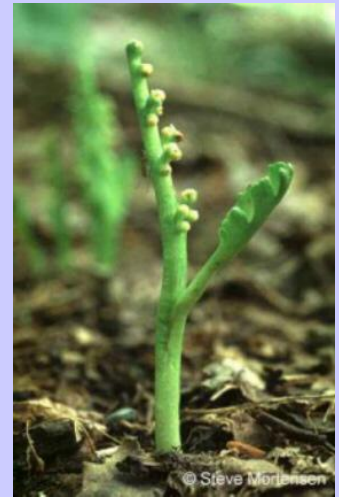
Goblin Fern (*Botrychium mormo*)

Proposal: reclassify from Special Concern to Threatened

Basis: likely to become endangered within the foreseeable future –
Well-documented threat from invasion of earthworms into habitat.
Extirpated from many locations in which it was once common.

Comments in support: LLBO

Comments opposed: MFI, MTPA, Blandin, Sappi



Forest-Related Species of Interest



Butternut (*Juglans cinerea*)

Eastern Hemlock (*Tsuga canadensis*)

Proposal: reclassify from Special Concern to Endangered

Basis: threatened with extinction – Experiencing rapid decline due to butternut canker

Permitting: recently-granted general permitting authority will be used to allow incidental take without interfering with forest management

Implications for Forest Management



- Forest Certification and Forest Management Planning continue to provide opportunities for early identification and avoidance of potential impacts to listed species
- U.S. Forest Service has designated goshawk and goblin fern as Regional Forester Sensitive Species, and Minnesota's National Forests already consider impacts to these species in their management planning activities
- To date, no permits have been needed by forest resources industry
- Of the 23 permits applied for by other industries to date, 22 permits have been issued



Rulemaking timeline

- Draft amendments developed 2000 – 2006; 273 changes proposed
- 120-day comment period 1/5/07 – 5/5/07; 423 comments received
- Notice of hearing published 12/10/12
- Five public hearings held 1/29/13 – 2/7/13
- Comment period closed 3/6/13; over 700 comments received
- DNR response and rebuttal letters filed
- All comments, transcripts, and responses available online
- Judge's report due around 4/5/13
- Hope to adopt rules by 6/13



QUESTIONS?