

# Minnesota Department of Natural Resources

500 Lafayette Road · Saint Paul, Minnesota · 55155-4037

Office of the Commissioner

651-259-5555



November 30, 2009

Governor Tim Pawlenty  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1606

Senator Satveer Chaudhary, Chair  
Senate Environment & Natural Resources Committee  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
Capitol Building, Room 205  
St. Paul, MN 55155-1606

Senator Pat Pariseau  
Ranking Minority Party Member  
Senate Environment & Natural Resources Committee  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
State Office Building, Room 117  
St. Paul, MN 55155-1206

Senator Ellen Anderson, Chair  
Senate Environment, Energy, & Natural Resources  
Budget Division  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
Capitol Building, Room 120  
St. Paul, MN 55155-1606

Senator Dennis R. Frederickson  
Ranking Minority Party Member, Senate Environment,  
Energy, & Natural Resources Budget Division  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
State Office Building, Room 139  
St. Paul, MN 55155-1206

Mr. Greg Hubinger, Director  
Legislative Coordinating Commission  
72 State Office Building, Room 72  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1206

Representative Kent Eken, Chair  
House Environment Policy and Oversight Committee  
State Office Building, Room 575  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Representative Denny McNamara  
Ranking Minority Party Member  
House Environment Policy and Oversight Committee  
State Office Building, Room 255  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Representative Jean Wagenius, Chair  
House Environment & Natural Resources Finance  
Division  
State Office Building, Room 449  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Representative Tom Hackbarth  
Ranking Minority Party Member  
House Environment & Natural Resources Committee  
State Office Building, Room 309  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Ms. Michele Timmons, Revisor  
Office of the Revisor of Statutes  
State Office Building, Room 700  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1206

**Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5**

Dear Governor Pawlenty, Senators, Representatives, Revisor Timmons, Director Hubinger:

Minnesota Statutes, section 14.05, subdivision 5, directs the Department of Natural Resources (DNR) has to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

1. The DNR previously declared its intention to repeal Minnesota Rules, part 6216.0350, which lists designated infested waters. That process is now concluded.
2. The DNR previously declared its intention to revise Minnesota Rules, part 6102.0010, subpart 3, to match a statutory change in Laws of Minnesota 2005, First Special Session, chapter 1, article 2, section 22, concerning off-highway motorcycles. That process is now concluded.
3. The DNR previously declared its intention to address the following duplicative and obsolete rules; these items are being addressed as part of a permanent rulemaking package.
  - a. Minnesota Rules, parts 6234.2500 and 6234.3200, relating to use of snares for predator control, are duplicative. In Minnesota Rules, part 6234.3000, subparts 4 and 5 relating to certification for predator control are duplicative. We plan to include a repeal of the duplicates in a future permanent rulemaking package relating to wildlife rules. Our projected timetable for completing that rulemaking is by the end of 2010.
  - b. Minnesota Rules, parts 6237.0500 and 6232.1400, relating to prairie chicken permit areas and deer zone boundaries, are obsolete. We conducted a repeal of those sections using the process for expedited permanent rules outlined in *Minnesota Statutes*, section 14.389. That process is now concluded.
4. The Department has reviewed its rules and found that the following rules are or have become obsolete, unnecessary, or duplicative over the course of the last year.

Minnesota Rules, part 6262.0500, subpart 2a, item B, is obsolete due to end date in the rule. Our timetable for completing this rulemaking is by the end of 2011, through either another permanent rules package or using the process outlined in *Minnesota Statutes*, section 14.3895 (whichever is appropriate).

Minnesota Rules, part 6262.0500, subpart 2a, item B, is obsolete due to end date in the rule. Our timetable for completing this rulemaking is by the end of 2011, either through another permanent rules package or using the process outlined in *Minnesota Statutes*, section 14.3895 (whichever is appropriate).

Minnesota Rules, part 6262.0600, subpart 2 relating to night bowfishing needs to be updated to reflect statute changes effective in 2009. Our timetable for completing this rulemaking is by the end of 2011 through another permanent rules package.

The DNR has found no other rules that have become obsolete, unnecessary, or duplicative over the course of the last year.

Please let me know if I can provide further assistance.

Sincerely,



Mark Holsten  
Commissioner

**DATE: November \_\_, 2009**

**LEGISLATIVE REPORT – Cost of Preparation**

NAME OF LEGISLATIVE REPORT:

Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2009

Based on: Communications from rule writing contacts in agency divisions

Minnesota Statute Reference: *Minnesota Statutes*, section 14.05, subdivision 5

Prepared by: Elizabeth P. Carlson, Rules Coordinator, Department of Natural Resources

Phone: 651-259-5531

E-Mail: beth.carlson@state.mn.us

Description of Cost	Further explanation if necessary	Amount
Staff Time		
OMBS	5.0 hours staff time	163.45
Fisheries Section, Div. of Fish & Wildlife	1.0 hours staff time	31.40
Wildlife Section, Div. of Fish & Wildlife	0.5 hours staff time	12.50
Duplication Cost (includes paper)		14.00
Other:		
<b>TOTAL TO PREPARE REPORT</b> (Note: Right click on amount cell and choose update to complete)		<b>\$ 221.35</b>