

# Minnesota Department of Natural Resources

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

Office of the Commissioner

651-259-5555



January 14, 2014

Senator John Marty  
Chair, Environment and Energy Committee  
[jmarty@senate.mn](mailto:jmarty@senate.mn)

Representative David Dill  
Chair, Environment and Natural Resources  
Policy Committee  
[rep.david.dill@house.mn](mailto:rep.david.dill@house.mn)

Senator David M. Brown  
Ranking Minority Member, Environment and  
Energy Committee  
[sen.david.brown@senate.mn](mailto:sen.david.brown@senate.mn)

Representative Tom Hackbarth  
Ranking Minority Member, Environment and  
Natural Resources Policy Committee  
[rep.tom.hackbarth@house.mn](mailto:rep.tom.hackbarth@house.mn)

Senator David Tomassoni  
Chair, Environment, Economic Development,  
and Agriculture Finance Division  
[sen.david.tomassoni@senate.mn](mailto:sen.david.tomassoni@senate.mn)

Representative Jean Wagenius  
Chair, Environment, Natural Resources, and  
Agriculture Finance Committee  
[rep.jean.wagenius@house.mn](mailto:rep.jean.wagenius@house.mn)

Senator Bill Ingebrigtsen  
Ranking Minority Member, Environment,  
Economic Development, and Agriculture  
Finance Division  
[sen.bill.ingebrigtsen@senate.mn](mailto:sen.bill.ingebrigtsen@senate.mn)

Representative Denny McNamara  
Ranking Minority Member, Environment,  
Natural Resources, and Agriculture Finance  
Committee  
[rep.denny.mcnamara@house.mn](mailto:rep.denny.mcnamara@house.mn)

**Subject: Annual Report on Rulemaking Docket and Official Records for Rules Completed in 2013 as required by Minnesota Statutes, section 14.116(a)**

Dear Senators and Representatives:

Minnesota Statutes, section 14.116(a), requires the Department of Natural Resources (DNR) to submit its rulemaking docket and official rulemaking records for rules completed during the preceding calendar year.

The DNR's current rulemaking docket is enclosed with this letter. Our docket is always available on the [DNR's rulemaking webpage](#).

The DNR completed the following six permanent rules in 2013 under the Administrative Procedure Act, *Minnesota Statutes*, Chapter 14:

1. Adopted Permanent Rules Relating to Fishing Contests, Revisor's File No. R-03793, effective 2/26/2013
2. Adopted Permanent Rules Relating to Northern Pike and Border Waters, Revisor's File No. R-04084, effective 4/08/2013
3. Adopted Permanent Rules Relating to Aquatic Regulation for Lake Superior and Other Waters, Revisor's File No. R-03943, effective 5/20/2013
4. Adopted Permanent Rules Relating to Endangered, Threatened, and Special Concern Species, Revisor's File No. R-03921, effective 8/19/2013
5. Adopted Permanent Rules Relating to Falconry, Revisor's File No. R-04112, effective 9/10/2013



6. Adopted Exempt Permanent Rules Relating to Taking Fish and Wildlife, Revisor's File No. R-04226, effective 12/02/2013

Please note that you also have access to the key documents in any agency rulemaking at the Revisor's website, [http://www.revisor.mn.gov/rules/rule\\_search.php](http://www.revisor.mn.gov/rules/rule_search.php). The relatively new database is entitled "Minnesota Rule Status – Basic Search." Among other options, you can search state rulemaking documents by agency, keyword, rule type, dates, or statutory authority. You can access documents related to an adopted rule, or the documents already made public for a rule that is still being promulgated.

If you have questions about this report, please contact Beth Carlson, DNR Rules Coordinator, at 651-259-5531 or [beth.carlson@state.mn.us](mailto:beth.carlson@state.mn.us).

Sincerely,



Tom Landwehr  
Commissioner

Enclosure: DNR Public Rulemaking Docket

- c: Bob Meier, DNR Assistant Commissioner  
Beth Carlson, DNR Rules Coordinator, DNR Division of Operations Services

## LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT – *Annual Report on Rulemaking Docket and Official Records for Rules Completed in 2013*

Based on: Records maintained by DNR Rules Coordinator

Minnesota Statute Reference: **Minnesota Statutes, section 14.116(a)**

Prepared by: Beth Carlson, Rules Coordinator, Department of Natural Resources

Phone: 651-259-5531

Email: beth.carlson@state.mn.us

Description of Cost	Further explanation if necessary	Amount
Staff Time – DNR Rules Coordinator	2.0 hours @ \$ 38.11	\$ 76
	<b>TOTAL TO PREPARE REPORT</b>	\$ 76



## Public Rulemaking Docket

### Concerning Permanent Rules

Contact: Beth Carlson, DNR Rules Coordinator (651-259-5531 or [beth.carlson@state.mn.us](mailto:beth.carlson@state.mn.us))

Last updated: 30 December 2013

Rule types: P = Permanent; ExpP = Expedited Permanent §14.389; GCE = Good Cause Exempt §14.388; Ex = Exempt §14.386

Contact the agency contact person to inspect written comments, written requests for a public hearing, and names of parties who requested a public hearing

#### ACTIVE RULEMAKING PROJECTS

Subject Matter	Rule Type	Agency Contact Person (Lead Staff)	Current Status of proposed rule and any agency determinations	Timetable for adoption and other agency determinations	Notices Published (State Register citations)	Public hearing schedule	Date Rule Adopted	Date Rule Filed with Secretary of State	Effective Date of Rule
Aquatic Plant Management Permit Fees	GCE	Steve Enger Fish & Wildlife Division 651-259-5092 <a href="mailto:steve.enger@state.mn.us">steve.enger@state.mn.us</a>	6 Nov 2013 Rules approved as to legality by ALJ Jeanne Cochran;  Pending completion of extra notice to legislature	Goal to complete: late 2013	2 Dec 2013 adopted rule published in State Register (38 SR 787)	not applicable	13 Nov 2013	15 Nov 2013	
Prohibited Invasive Species	ExpP	Ann Pierce Ecological & Water Resources Division 651-259-58119 <a href="mailto:adam.doll@state.mn.us">adam.doll@state.mn.us</a>	Rule development underway	Goal to complete: March 2014	23 Dec 2013 Proposed Rules and Notice of Intent To Adopt Expedited Rules Without a Hearing published <b>24 January 2014 deadline for comments</b>	not applicable			
Display of Paddle Board License Numbers (conform to 2013 statute changes)	GCE	Stan Linnell Parks & Trails Division 651-259-5626 <a href="mailto:stan.linnell@state.mn.us">stan.linnell@state.mn.us</a>	Rule development underway	Goal to complete: TBD		not applicable			
Wildlife Disease Prevention and Control Pertaining to Viral hemorrhagic septicemia (VHS) Transmission from Bait	ExpP	Linda Erickson-Eastwood Fish & Wildlife Division 651-259-5206 <a href="mailto:linda.erickson-eastwood@state.mn.us">linda.erickson-eastwood@state.mn.us</a>	Rule development underway	Goal to complete: 2014		not applicable			
Southeast Trout	P	Linda Erickson-Eastwood Fish & Wildlife Division 651-259-5206 <a href="mailto:linda.erickson-eastwood@state.mn.us">linda.erickson-eastwood@state.mn.us</a>	Rule development underway	Goal to complete: 2014	Request for Comments published 10 December 2012 in State Register (27 SR 915)	OAH Docket #			

Subject Matter	Rule Type	Agency Contact Person (Lead Staff)	Current Status of proposed rule and any agency determinations	Timetable for adoption and other agency determinations	Notices Published (State Register citations)	Public hearing schedule	Date Rule Adopted	Date Rule Filed with Secretary of State	Effective Date of Rule
Border Waters; Aquatic Plant Management	P	Linda Erickson-Eastwood Fish & Wildlife Division 651-259-5206 <a href="mailto:linda.erickson-eastwood@state.mn.us">linda.erickson-eastwood@state.mn.us</a>	Rule development underway	Goal to complete: 2014	Request for Comments published 10 December 2012 in State Register (27 SR 915)	OAH Docket #			
Mississippi River Corridor Critical Area	P	Daniel Petrik Ecological & Water Resources Division 651-259-5697 <a href="mailto:daniel.petrik@state.mn.us">daniel.petrik@state.mn.us</a>	Rule development resumed in July 2013	Goal to complete: 2014	Request for Comments published 14 Dec '09 (34 SR 848);	OAH Docket #			
Reclamation of Silica Sand Mines	P	Heather Arends Lands & Minerals Division 651-259-5376 <a href="mailto:heather.arends@state.mn.us">heather.arends@state.mn.us</a>	7/13/2013 Request for Comments signed by commissioner	Goal to complete: late 2014 or early 2015	Request for Comments published 22 July 2013 in State Register (38 SR 108)	OAH Docket #			
State Parks, State Recreation Areas, State Waysides, Forest Lands	P	Jeff Sieve Parks & Trails Division 507-359-6061 <a href="mailto:jeff.sieve@state.mn.us">jeff.sieve@state.mn.us</a>	Rule development underway	Goal to complete: 2014	Request for Comments published 10 Aug '09 (34 SR 188);				
State Trails	P	Rebecca Wooden Parks & Trails Division 651-259-5584 <a href="mailto:rebecca.wooden@state.mn.us">rebecca.wooden@state.mn.us</a>	Rule development underway	Goal to complete: 2014	Request for Comments (31 SR 140, 31 Jul '06);				

#### RECENTLY COMPLETED RULEMAKING PROJECTS

Subject Matter	Rule Type	Agency Contact Person (Lead Staff)	Current Status of proposed rule and any agency determinations	Timetable for adoption and other agency determinations	Notices Published (State Register citations)	Public hearing schedule	Date Rule Adopted	Date Rule Filed with Secretary of State	Effective Date of Rule
Taking Fish and Wildlife	GCE	Jason Abraham Wildlife Section 651-259-5197 <a href="mailto:jason.abraham@state.mn.us">jason.abraham@state.mn.us</a>  Linda Erickson-Eastwood Fisheries Section 651-259-5206 <a href="mailto:linda.erickson-eastwood@state.mn.us">linda.erickson-eastwood@state.mn.us</a>	13 Nov 2013 Rules approved as to legality by ALJ Barbara Case	Goal to complete: late 2013		not applicable	14 Nov 2013	15 Nov 2013	2 Dec 2013

#### UNDER CONSIDERATION FOR RULEMAKING

Subject Matter	Rule Type	Agency Contact Person (Lead Staff)	Current Status of proposed rule and any agency determinations	Timetable for adoption and other agency determinations	Notices Published (State Register citations)	Public hearing schedule	Date Rule Adopted	Date Rule Filed with Secretary of State	Effective Date of Rule
Other Power-Driven Mobility Devices (OPDMDs)	GCE	Jason H. Peterson Operations Services Division 651-259-5488 <a href="mailto:jason.h.peterson@state.mn.us">jason.h.peterson@state.mn.us</a>	Under consideration			OAH Docket #  No hearing for this type of rule			

Subject Matter	Rule Type	Agency Contact Person (Lead Staff)	Current Status of proposed rule and any agency determinations	Timetable for adoption and other agency determinations	Notices Published (State Register citations)	Public hearing schedule	Date Rule Adopted	Date Rule Filed with Secretary of State	Effective Date of Rule
Aquatic Plant Permit Fees	P	Steve Enger Ecological & Water Resources Division 651-259-5092 <a href="mailto:steve.enger@state.mn.us">steve.enger@state.mn.us</a>	On 19 October '10, Governor Pawlenty's office decided not to process this rulemaking package further  DNR may close this file unfinished (see GCE rulemaking listed above)	On hold pending further direction	Request for Comments published (33 SR 221 on 28 July 2008); 2nd Request for Comments published 6 July '09 (34 SR 29); Notice of Hearing and proposed rules published 28 Dec '10 (34 SR 895)	OAH Docket # 4-2000-21002-1 Hearings held 2:00-5:00 PM and 7:00-9:00 PM at: Tuesday, 23 February 2010, Fergus Falls, MN Wednesday, 24 February 2010, Camp Ripley Education Center, Little Falls, MN 56345 Thursday, 25 February 2010, Plymouth, MN 55441			
Shoreland Management	P	Jennifer Shillcox Ecological and Water Resources Division 651-259-5727 <a href="mailto:jennifer.shillcox@state.mn.us">jennifer.shillcox@state.mn.us</a>	SONAR signed 30 March '10; Governor declined to support the rules as currently drafted (11 Aug '10);	On hold pending further direction	Request for Comments (32 SR 1319, 22 Jan '08); 2nd Request for Comments published 2 Mar '09 (33 SR 1492);				
Public Waters Permits (Structures in Public Waters)	P	Tom Hovey Ecological and Water Resources Division 651-259-5654 <a href="mailto:tom.hovey@state.mn.us">tom.hovey@state.mn.us</a>	SONAR signed 12 Oct '09; Governor declined to support the rules as currently drafted (11 Aug '10);	On hold pending further direction	Request for Comments published on 28 Jul '08 (33 SR 222);				
Mississippi River Scenic Riverway	P	Jennifer Shillcox Ecological and Water Resources Division 651-259-5727 <a href="mailto:jennifer.shillcox@state.mn.us">jennifer.shillcox@state.mn.us</a>	Rule development initiated	On hold	Request for Comments (31 SR 616, 6 Nov '06);				