

# Minnesota Department of Natural Resources

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

Office of the Commissioner

651-259-5555



December 1, 2014

Governor Mark Dayton

Senator John Marty, Chair  
Environment and Energy Committee

Representative David Dill, Chair  
Environment and Natural Resources Policy  
Committee

Senator David M. Brown, Ranking Minority Member  
Environment and Energy Committee

Tom Hackbarth, Ranking Minority Member  
Environment and Natural Resources Policy  
Committee

Senator David J. Tomassoni, Chair  
Environment, Economic Development and  
Agriculture Division

Representative Jean Wagenius, Chair  
Environment, Natural Resources and Agriculture  
Finance Committee

Senator Bill Ingebrigtsen, Ranking Minority Member  
Environment, Economic Development and  
Agriculture Division

Representative Denny McNamara, Ranking Minority  
Member  
Environment, Natural Resources and Agriculture  
Finance Committee

Mr. Greg Hubinger, Director  
Legislative Coordinating Commission  
[greg.hubinger@lcc.leg.mn](mailto:greg.hubinger@lcc.leg.mn)

Ms. Michele Timmons, Revisor  
Office of the Revisor of Statutes  
[revisor@revisor.mn.gov](mailto:revisor@revisor.mn.gov)

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

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

*Minnesota Statutes*, section 14.05, subdivision 5, directs the Department of Natural Resources (DNR) 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 or update the following obsolete rules, which are addressed in a permanent rulemaking package (Revisor's File No. R-04250) filed with the Office of Secretary of State on August 20, 2014. The notice of adoption will be published in the State Register after the fall hunting seasons, at which time these changes will take effect.
  - a. Part 6232.0300, subpart 1, item B, subitem 3, provides for special deer hunting regulations in an area of the state where bovine tuberculosis existed. The disease is no longer found in this area and the reference is no longer necessary. We plan to address this item in an expedited permanent rule package targeted for completion in 2014.
  - b. Minnesota's wild turkey population is self-sustaining and intensive harvest management with small permit areas is no longer necessary. As such, the state's 77 original wild turkey hunting permit areas described in part 6236.0810 were consolidated into nine larger permit areas in the spring of 2012 using a temporary rule process. This process allowed managers and hunters to evaluate the new system and make any necessary changes. We plan to address these items through an expedited permanent rule process targeted for completion in 2014.



2. The DNR previously declared its intention to repeal or update the following obsolete rules, which are addressed in a permanent rulemaking package (Revisor's File No. R-04114) filed with the Office of Secretary of State on November 25, 2014. The following repealers will take effect upon publication of a notice of adoption in the near future.
  - a. We are repealing chapter 6212 "Licenses and Permits" because it is obsolete in its entirety.
  - b. We are repealing part 6280.0250 concerning prohibition on the harvest of *Nelumbo lutea* (American lotus) in areas designated for their protection. Regulation of that plant is accomplished through the normal aquatic plant management permitting process.
3. The DNR previously declared its intention to repeal or update the following obsolete rules carried forward in this report.
  - a. Parts 6230.0100 and 6230.0250 provide similar definitions for "waterfowl season." We plan to address this item in a permanent rulemaking package targeted for completion in 2015.
  - b. Part 6260.1500 concerns regulation of commercial fishing on Namakan and Sand Point Lakes. Minnesota can no longer regulate that activity on lakes that are situated entirely within Voyageurs National Park, and so the rule is obsolete and unnecessary. We will address this item in a permanent rulemaking package or use the process outlined in Minnesota Statutes, section 14.3895. We have not set a target for completion.
  - c. We will address obsolete rules in Chapter 6100 "Outdoor Recreation" in a permanent rulemaking package still under development or use the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion. Our 2012 report contains a detailed list of obsolete rule parts.
  - d. We will address obsolete rules in Chapter 6105 "Wild, Scenic, and Recreational Rivers" in a permanent rulemaking package or use the process outlined in *Minnesota Statutes*, section 14.3895. Our 2012 report contains a detailed list of obsolete rule parts. We have not set a target for completion.
  - e. Part 6120.3300, subpart 2, item D, establishes standards for lots of record in shoreland areas, specifically for when nonconforming lots of record may be allowed as building sites without variances from lot size requirements. These provisions are superseded by *Minnesota Statutes*, section 462.357, subdivision 1e, (d) to (j), and section 394.36, subdivision 5. We will address this item in a permanent rulemaking package or use the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion.
  - f. Part 6115.0110 relating to annual water appropriation processing fee is obsolete and unnecessary because it is superseded by more recent statutes. We will address this item in a permanent rulemaking package or use the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion.
4. The Department has reviewed its rules and found no additional rules are or have become obsolete, unnecessary, or duplicative over the course of the last year.

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

Sincerely,



Tom Landwehr, Commissioner  
Department of Natural Resources

c: Beth Carlson, DNR Administrative Rules Coordinator

### LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT:

#### Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2014

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, DNR Administrative Rules Coordinator

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| Description of Cost                     | Further explanation if necessary   | Amount       |
|-----------------------------------------|------------------------------------|--------------|
| Staff Time:                             |                                    |              |
| Operations Services Division            | 4.0 hours                          | \$160        |
| Ecological and Water Resources Division | 0.5 hour                           | \$25         |
| Fish and Wildlife Division              | 1.0 hour                           | \$35         |
| Duplication Cost (includes paper)       |                                    | nominal      |
| Other:                                  |                                    | n.a.         |
|                                         | <b>TOTAL TO PREPARE<br/>REPORT</b> | <b>\$220</b> |