

Minnesota Department of Natural Resources

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

Office of the Commissioner

651-259-5555



December 1, 2016

Governor Mark Dayton

Senator John Marty, Chair, Environment and
Energy Committee

Senator David Osmek, Ranking Minority
Member, Environment and Energy
Committee

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

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

Representative Denny McNamara, Chair,
Environment and Natural Resources Policy
and Finance Committee

Representative Rick Hansen, Ranking Minority
Member, Environment and Natural
Resources Policy and Finance Committee

Mr. Greg Hubinger, Director, Legislative
Coordinating Commission
greg.hubinger@lcc.leg.mn

Mr. Paul Marinac, Revisor, Office of the
Revisor of Statutes
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 Marinac, 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 Department has reviewed its rules and found that the following wildlife rules are or have become obsolete, unnecessary, or duplicative. We plan to address these items in a permanent rulemaking package still under development or use the repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion.

Part 6232.0900, subpart 2, references the all-season deer license, which is no longer available.

Part 6232.1000, subpart 1, references a 13-digit firearms safety identification number. It is unnecessary to reference the number of digits in the identification and the length could change.



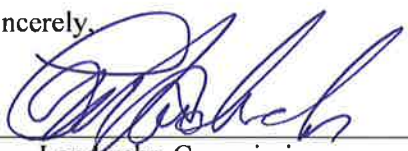
Part 6232.1000, subpart 3, item A, establishes that applicants for the Camp Ripley Hunt must be at least 12 years of age before the hunt. This rule is superseded by *Minnesota Statutes*, section 97A.475, which allows youth 10 and over to hunt deer.

Part 6232.1100 subpart 1, item A, establishes the start time as noon but should be changed to 5 a.m. Item B establishes boundaries for a closed area. The boundaries are obsolete and should be changed. Item D establishes a time when hunters are allowed into a hunting area. The time is obsolete and needs to be changed. Item E establishes exceptions under which hunters may pursue wounded deer. These exceptions are obsolete. Item F requires a clarification on that prohibits access. Item H requires permittees to stay with their vehicles. This is no longer necessary and should be removed.

2. In review of its rules the Department has also found that part 6216.0500, subpart 3, which requires people to drain water after leaving certain infested waters, is duplicative and unnecessary. *Minnesota Statutes*, section 84D.10, subdivision 4, contains more comprehensive requirements for people leaving any water of the state. We will address this item in a permanent rulemaking package or use the repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion.
3. The DNR previously declared its intention to repeal or update the following obsolete rules carried forward in this report.
 - a. We will address obsolete rules in Chapter 6100 "Outdoor Recreation" in a permanent rulemaking package still under development or use the repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion. Our January 2013 Agency Report on Rules contains a detailed list of the obsolete rule parts (available at <http://files.dnr.state.mn.us/aboutdnr/reports/legislative/2013-agency-report-rules.pdf>).
 - b. We will address obsolete rules in Chapter 6105 "Wild, Scenic, and Recreational Rivers" in a permanent rulemaking package or use the repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion.
 - c. 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*, sections 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 repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion.
 - d. 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 repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion.

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

Sincerely,



Tom Landwehr, Commissioner
Department of Natural Resources

c: Beth Carlson, DNR Rules Coordinator

LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT:

Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2016

Based on:..... Communications from rule writing contacts in agency divisions; also past reports

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

Prepared by: Elizabeth P. Carlson, DNR Rules Coordinator, Operations Services Division

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Description of Cost	Further explanation if necessary	Amount
Staff Time:		
Operations Services Division (professional services rate @ \$74/hr)	5.0 hours (rules coordinator)	370.00
Ecological and Water Resources Division	0.50 hours	23.51
Fish and Wildlife Division	0.75 hours	27.87
Parks and Trails Division	0.0 hours	
Duplication Cost (includes paper)		nominal
Other:		n.a.
	TOTAL TO PREPARE REPORT	\$421.38