



Minnesota Department of Natural Resources
Commissioner's Office
500 Lafayette Road
St. Paul, Minnesota 55155-4010

December 1, 2017

Governor Mark Dayton

Senator Carrie Ruud, Chair, Environment and
Natural Resources Policy and Legacy Finance
Committee (sen.carrie.ruud@senate.mn)

Senator Bill Ingebrigtsen, Chair, Environment and
Natural Resources Finance Committee
(sen.bill.ingebrigtsen@senate.mn)

Representative Dan Fabian, Chair, Environment and
Natural Resources Policy and Finance
Committee (rep.dan.fabian@house.mn)

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

Senator Chris A. Eaton, Ranking Minority Member,
Environment and Natural Resources Policy and
Legacy Finance Committee
(c/o Legislative Assistant david.gross@senate.mn)

Senator David J. Tomassoni, Ranking Minority
Member, Environment and Natural Resources
Finance Committee
(c/o Legislative Assistant laura.bakk@senate.mn)

Representative Rick Hansen, Ranking Minority
Member, Environment and Natural Resources
Policy and Finance Committee
(rep.rick.hansen@house.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 DNR has reviewed its rules and found that the following rules are or have become obsolete, unnecessary, or duplicative. The DNR has 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 in 2018.

Part 6230.0295, subpart 2, references parking restrictions on the Vermillion Highland Wildlife Management area. They are no longer required.

Part 6230.0400, subparts 24, 28, 40, 42, 44, 45, 47, 53 and 54, reference state game refuges that were open to all hunting and trapping for at least five years prior to 2013, when they were vacated by commissioner's order as authorized under *Minnesota Statutes*, chapter 97A.085, subd. 9.

Part 6230.0700, subpart 3, references a permit to enter the Lac qui Parle Wildlife Management Area to hunt migratory waterfowl. The permit is no longer required.

Part 6230.0700, subpart 6, references a requirement to report the harvest of any geese at Lac qui Parle Wildlife Management Area. Reporting is no longer required.

Part 6232.0400 references a special disease management zone for Bovine TB. The disease was eradicated and the zone is no longer in use

6232.1300, subpart 5, references taking antlerless deer with firearms licenses. The licenses referenced are obsolete, such as the all season license. The requirements are described elsewhere in rule or statute.

Part 6232.2000 references the multi-zone buck license, which is no longer available.

Part 6232.2050 references the all-season deer license, which is no longer available.

Part 6232.2200 prohibits the use of scopes on muzzleloaders during the muzzleloader deer season. This was rendered obsolete by a change to *Minnesota Statute* section 97B.031 subpart 6.

6232.3000, subpart 9a, references a boundary description for a bear quota area that no longer exists.

6232.4700, subparts 16, 21, 32, 45, 61, 75a, 77b and 91, reference deer registration blocks that are no longer used due to a realignment of areas in the northeast.

6237.0550, subpart 2, references a boundary description for a prairie chicken permit area that no longer exists.

6240.1200 references the early goose season, which has been incorporated into the regular migratory waterfowl season.

6240.1850 references open goose hunting on goose refuges that were open to all hunting and trapping for at least five years prior to 2013, when they were vacated by commissioner's order as authorized under *Minnesota Statutes*, chapter 97A.085, subd. 9.

2. The DNR previously declared its intention to repeal or update the following obsolete rules carried forward in this report. The DNR has 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 in 2018.

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.

3. The DNR previously declared its intention to repeal or update the following obsolete rules carried forward in this report. The DNR has 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, subd. 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.
4. The DNR previously declared its intention to repeal or update the following obsolete rules carried forward in this report. Our [January 2013 Agency Report on Rules](#) contains a detailed list of the obsolete rule parts and it is available on the DNR website on the rulemaking page.
 - a. We will address obsolete rules under 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.

- b. We will address obsolete rules under Chapter 6105 “Wild, Scenic, and Recreational Rivers,” as identified in the above-referenced January 2013 report, in a permanent rulemaking package or use the repeal process outlined in *Minnesota Statutes*, section 14.3895. This year we identified the following additional items as well:
- Part 6105.0140, subpart 3, item A, and part 6105.0400, subpart 3, contain provisions for DNR approval of preliminary plans for planned cluster developments on all state-designated Wild and Scenic Rivers and on the Lower St. Croix National Scenic Riverway prior to enactment by the local zoning authority, and part 6105.0540, subparts 1, item B, and subpart 3, items A and E, contain provisions for DNR certification of variances on the Lower St. Croix National Scenic Riverway. These provisions are now obsolete following the Minnesota Supreme Court’s 2010 “Hubbard” decision, which found that the DNR did not have express statutory authority under *Minnesota Statutes*, chapter 103F, to approve or certify such local actions.
 - Part 6105.0520 contains criteria for the review of variances on the Lower St. Croix National Scenic Riverway, some of which are not consistent with changes to the variance criteria made by the 2011 legislature to Minnesota Statutes, chapters 394 and 462.

We have not set a timetable for completion.

- c. Part 6120.3300, subpart 2, item D, which 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, is now obsolete because 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

c: Beth Carlson, DNR Rules Coordinator

LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT:

Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2017

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:	Time costs calculated at hourly salary rates except as noted	
Operations Services Division	4.5 hours (rules coordinator invoices a professional services rate @ \$74/hr)	\$333
Fish and Wildlife Division	3.0 hours	\$112
Ecological and Water Resources Division	3.5 hours	\$205
Parks and Trails Division	1.0 hours	\$51
Duplication Cost (includes paper)		nominal
Other:		n.a.
	TOTAL TO PREPARE REPORT	\$701