Minnesota Department of Natural Resources

OFFICE OF THE COMMISSIONER
500 Lafayette Road
St. Paul, Minnesota 55155-4037

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REVISOR OF STATUTES

November 17, 2003

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

Re: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as required by Minnesota Statutes, sec. 14.05, subd. 5

Dear Ms. Timmons:

Minnesota Statutes, section 14.05, subdivision 5, requires each agency to submit to you, by December 1 of the year, a report on any rules that are obsolete, unnecessary, or duplicative. The agency must explain why the rules are obsolete, unnecessary, or duplicative, and must identify the timetable for repeal of the rules or prepare legislation to repeal the rules. The agency must also report on the status of the rules identified in the prior year's report.

It is the continuing goal of the Department of Natural Resources to enact only those rules that are needed and to repeal obsolete, unnecessary, and duplicative rules. As a part of the process of drafting new rules or amendments to existing rules, the Department of Natural Resources identifies rules that should be repealed. Quite often rules are not obsolete or unnecessary, but need to be revised to address current needs and changing conditions.

Enclosed is the report the Department of Natural Resources was required to submit pursuant to Minnesota Statutes 14.3691. This includes the Department of Natural Resources' recommended changes to its rules and specific actions to make those changes. Since the report was prepared, the Department of Natural Resources completed the Utility License rules (published October 27, 2003). As of November 17, 2003, the Aquatic Fish and Wildlife rules will be completed, except temporary postponement of two subparts concerning turtles pending further review of the ALJ report.

For purposes of this letter, we also reviewed the matter with Department of Natural Resources' staff. No obsolete, unnecessary or duplicative rules were identified that were not identified in the report described above.

Last year's report identified two sets of rules as unnecessary, duplicative or obsolete. The Boat and Safety Rules were adopted on April 14, 2003, and one rules part of the snowmobile rules (M.R. 60100.600) was repealed by 2003 legislation. A dual notice of intent to adopt amendments to the remainder of the snowmobile rules will be published this winter.

Please contact Jen Meyer (651.296.0736) for more information or with any questions.

Sincerely,

Gene Merriam
Commissioner

Department of Natural Resources

Report on Agency Rules
August 1, 2003
Minnesota Statutes, section 14.3691

Executive Summary

Minnesota Statutes 2002, section 14.3691 requires that the Department of Natural Resources report to the legislature by August 1, 2003, on the department rules that are scheduled for legislative review during the 2004 session. The following is the statutory language:

14.3691 Rule review and legislative oversight.

Subdivision 1. Reports. An entity whose rules are scheduled for review under this section must report to the governor and the appropriate committees of the legislature by August 1 of the year before the legislative session in which the entity's rules are scheduled for review. The speaker of the house of representatives and the senate committee on rules and administration shall designate the appropriate committees to receive these reports. The report must: (1) list any rules that the entity recommends for repeal; (2) list and briefly describe the rationale for rules that the entity believes should remain in effect; and (3) suggest any changes in rules that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties. Any costs of preparing this report must be absorbed within funds otherwise appropriated to the entity.

Subd. 2. Schedule. (a) Rules of the administration department, agriculture department, children, families, and learning department, commerce department, corrections department, economic security department, employee relations department, and health department will be reviewed before and during the legislative session in 2002. Policies and procedures of the board of trustees of the Minnesota state colleges and universities that would be rules if they were not exempt from chapter 14 will be reviewed before and during the legislative session in 2002.

(b) Rules of the environmental assistance office, board of teaching, housing finance agency, human rights department, human services department, labor and industry department, and mediation services bureau will be reviewed before and during the legislative session in 2003.

(c) Rules of the natural resources department, pollution control agency, public safety department, public service department, and revenue department will be reviewed before and during the legislative session in 2004.

(d) Rules of the state planning agency, trade and economic development department, transportation department, and veterans affairs department will be reviewed before and during the legislative session in 2005.

Subd. 3. Expiration. This section expires June 30, 2005.

HIST: 2000 c 469 s 4
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The Department of Natural Resources (DNR) rules are located within chapters 6100 through 6290 of Minnesota Rules 2001. Following is a listing of the chapter topics within the scope of the

DNR and its page designation in this report. This report will address each chapter as to (1) any rules that the entity recommends for repeal; (2) briefly describe the rationale for rules that the entity believes should remain in effect; and (3) identify any changes in the rules to improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties.

The Department of Natural Resources also has authority to adopt emergency and expedited emergency game and fish rules. Minnesota Statutes, secs. 84.027, subd. 13 and 97A.0451-.0459 authorize the use of an emergency rulemaking process for specific rules authorized in statute when conditions exist that do not allow compliance with all the requirements of the Minnesota Statutes, Chapter 14 rulemaking process. Rules adopted under the emergency process include: opening seasons and areas, closing seasons and areas, establishing quotas for taking of animals, selecting hunters for areas, identifying waters newly infested with harmful exotic species such as Eurasian water milfoil, and adjust fishing, hunting and trapping seasons and quotas in response to Indian Band proposals for treaty harvest to ensure compliance with court rulings. Emergency rules are limited to a maximum duration of 18 months and are not covered in this report.

Minnesota Statutes, section 3.197 requires the department to include in any report to the legislature the cost of preparing the report. The estimated cost for staff time in preparing this report is $5,600.

For more information contact:

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Department of Natural Resources
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Chapter 6100 Outdoor Recreation

1. Rules Recommended for Repeal

Parts 6100.5000, subparts 3 and 4 are recommended for repeal as the these subparts will be covered by new or existing language in other subparts. Part 6100.5200, subpart 3, is also recommended for repeal because the restrictions on the use of snowmobiles during hunting season is found in other parts of Minnesota Rules. Part 6100.5200 is also recommended for repeal as the prohibition against dumping is covered by Minnesota Statutes in chapter 609. Part 6100.5300, subparts 2 through 10 are recommended for repeal because the sign specifications are now covered in a department reference manual. Part 6100.5500 as fees for safety training are now established under law. Part 6100.5800 is recommended to be repealed as there is no statutory authority for the department to assess a penalty against a manufacturer for each machine that does not meet the sound certification. All of the above mentioned rules recommended for repeal are being addressed as a repealer in the rulemaking discussed in section number 3 below.

2. Rationale for Rules

- **Public Use of State Parks and Other Recreational Areas,** parts 6100.0100 through 6100.2400 were adopted to regulate and promote public enjoyment of state parks, forests and recreational areas. These rules are necessary for the stewardship of public lands for present use and preservation for use by future generations.

- **Public Use of State Recreation Trails**
  Parts 6100.3000 through 6100.4300 provide for public use of designated state recreational trails while protecting the quality of the trail environment to promote long-term trail use and enjoyment. These rules are necessary for the stewardship of public lands for present use and preservation for use by future generations

- **Snowmobile Registration and Operation**
  Parts 6100.5000 through 6100.6000 govern registration and registration display requirements, speed limits, accident reporting requirements, safety training program, towing devices and operational equipment, regulatory signs. This chapter also covers special permits and use of snowmobiles on public lands and waters. These rules are necessary to regulate the sport of snowmobiling.

- **Outdoor Recreation Projects**
  Parts 6100.7000 through 6100.7400 govern evaluation of outdoor recreation project proposals that are eligible for financial assistance from the land and water conservation fund administered by the federal Bureau of Outdoor Recreation. These rules are necessary to establish the procedure that the department follows in the classification, application of state criteria and the assignment of state priorities. The rules also assist other entities eligible to submit proposal to the department as to the process and criteria that is used in the evaluation of these types of projects.

3. Recommended changes

The department is amending parts 6100.5000 through 6100.6000, the snowmobile registration and operation rules, and 6232.0300. The changes to part 6232.0300 will be discussed later in this report under the discussion for chapter 6232. The department plans to publish a dual notice for the intent to adopt the rule amendments in the fall of 2003. These amendments will bring these rules, adopted over 20 years ago, up-to-date with current laws, will change display requirements to accommodate manufacturers design changes to the vehicles, update accident reporting, and provide for a paperless electronic registration system. The changes will also update rule language on speed limits to make them consistent with state law; update requirements for sleds, trailers, towed devices, operational equipment and lights; and eliminate diagrams and specifications for traffic or regulatory signs in the rules in favor of a reference to the same information contained in a department reference manual.

Authority: Minnesota Statutes, sections 84.03, 84.86, 85.052, 85.053, 85.20,86.71, 86A.05, 86A.06, 89.031, 89.19, 89.20, 89.21, and 89.71, subdivision 4.

Chapter 6102 Recreational Vehicles

1. Rules Recommended for Repeal
None

2. Rationale for Rules

Parts 6102.0001 through 6102.0080 were established to provide for ATV, ORV and OHM registration with the DNR and provide for display of such registration. They also provide for regulation of recreational vehicle use on public lands, waters and trails under the jurisdiction of the DNR, provide for uniform signs for regulatory purposes and establish equipment specifications, including noise restrictions for mufflers.

3. Recommended Changes
No changes are recommended at this time

Authority: *Minnesota Statutes sections 84.03; 84.787 to 84.796; 84.797 to 84.805; 84.92 to 84.929; 86A.06 and 89.19*

Chapter 6105 Wild, Scenic and Recreational Rivers

1. Rules Recommended for Repeal

Several parts of this chapter are recommended for repeal.

Part 6105.0710 consists of a series of maps of the riverway boundary on the Kettle River that are not available in the on-line version of the rule, are nearly illegible in the book version of the rule, and describe land acquisition goals with specificity no longer needed.

Part 6105.0740 consists of legal descriptions of parcels proposed for scenic easement acquisition on the Kettle River. With limited opportunity to purchase easements from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Part 6105.0750 consists of legal descriptions of parcels proposed for fee acquisition on the Kettle River. With limited opportunity to purchase land from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Part 6105.0760 is a typical trail design graphic that is not available in the on-line version of the rule and was intended to be an illustration, not a regulatory standard for trail design.

Part 6105.0920 consists of legal descriptions of parcels proposed for scenic easement acquisition on the Mississippi River. With limited opportunity to purchase easements from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Part 6105.0930 consists of legal descriptions of parcels proposed for fee acquisition on the Mississippi River. With limited opportunity to purchase land from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Part 6105.0950 consists of a series of maps of the riverway boundary on the Mississippi River that are not available in the on-line version of the rule, are nearly illegible in the book version of the rule, and are duplicative of the legal description found in Part 6105.0910.

Part 6105.0960 also consists of a series of maps of the Mississippi River that are not available in the on-line version of the rule, are nearly illegible in the book version of the rule, and describe land acquisition goals with specificity no longer needed.

Part 6105.1110 consists of legal descriptions of parcels proposed for scenic easement acquisition on the North Fork Crow River. With limited opportunity to purchase easements from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Part 6105.1120 consists of a series of maps of the riverway boundary on the North Fork Crow River that are not available in the on-line version of the rule, are nearly illegible in the book version of the rule, and are duplicative of the legal description found in Part 6105.1100.

Part 6105.1130 is a typical site design graphic that is not available in the on-line version of the rule and was intended to be an illustration, not a regulatory standard for site design.

Part 6105.1300 consists of legal descriptions of parcels proposed for scenic easement acquisition on the Minnesota River. With limited opportunity to purchase easements from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Part 6105.1310 consists of legal descriptions of parcels proposed for fee acquisition on the Minnesota River. With limited opportunity to purchase land from willing sellers, managers need flexibility to make purchases when funds and sellers are available and not be bound by rigid acquisition goals set 25 years ago.

Parts 6105.1320 through 6105.1370 are a series of graphics that are not available in the on-line version of the rule and were intended to be an illustration, not a regulatory standard for site design.

2. Rationale for Rules

- **State Wild and Scenic Rivers**, parts 6105.0010 through 6105.0250 were adopted to preserve and protect the outstanding scenic, recreational, natural, historical and scientific values of certain Minnesota rivers and their adjacent lands. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Lower St. Croix National Scenic Riverway Water Surface Use Rules**, parts 6105.0300 through 6105.0350 were adopted to promote the full use by all people, now and in the future, of the water surface of the Lower St. Croix River in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a national scenic riverway. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Lower St. Croix National Scenic Riverway Land Use Rules**, parts 6105.0351 through 6105.0550 were adopted to protect and preserve the outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, and other similar values of the Lower St. Croix National Scenic Riverway in a manner consistent with the National Wild and Scenic Rivers Act and the Lower St. Croix River Act. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Kettle River Rules**, parts 6105.0600 through 6105.0760 were adopted to preserve and protect that portion of the Kettle River from the Carlton-Pine county line to its confluence with the St. Croix River as a component of the State Wild and Scenic Rivers System. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Mississippi River Rules**, parts 6105.0800 through 6105.0960 were adopted to preserve and protect that portion of the Mississippi River from the county state aid highway 7 bridge at St. Cloud to the northwestern boundaries of the cities of Anoka and Champlin as a component of the State Wild and Scenic Rivers System. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **North Fork Crow River Rules**, parts 6105.1000 through 6105.1130 were adopted to preserve and protect that portion of the North Fork Crow River from the spillway at the southern end of Lake Koronis to the Meeker-Wright county line as a component of the State

Wild and Scenic Rivers System. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Minnesota River Rules,** parts 6105.1200 through 6105.1370 were adopted to preserve and protect that portion of the Minnesota River from the Lac qui Parle dam to the Redwood County state aid highway 11 bridge near Franklin as a component of the State Wild and Scenic Rivers System. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Rum River Rules,** parts 6105.1400 through 6105.1500 were adopted to preserve and protect that portion of the Rum River from the Ogechie Lake spillway to a line crossing the river between the centerlines of Rice Street and Madison Street in the city of Anoka as a component of the State Wild and Scenic Rivers System. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

- **Cannon River Rules,** parts 6105.1550 through 6105.1700 were adopted to preserve and protect that portion of the Cannon River from the northern city limits of Faribault to its confluence with the Mississippi River as a component of the State Wild and Scenic Rivers System. These rules are necessary for the stewardship of certain public waters for present use and preservation for use by future generations.

3. Recommended changes

State Wild and Scenic Rivers: The Department is about to start rulemaking to amend part 6105.0210, subpart 2.C, to allow ATV use on existing ATV trails on abandoned railroad lines crossing the Rum and Kettle rivers. These trails were developed on abandoned railroad lines subsequent to wild and scenic river designation of these two rivers; ATV use on these trails is appropriate, but inadvertently prohibited by these rules.

Lower St. Croix National Scenic Riverway Water Surface Use Rules: The Department is about to start rulemaking to amend parts 6105.0300 through 6105.0350 to update these boating rules to reflect changes recommended in the 2001 Cooperative Management Plan for the Lower St. Croix National Scenic Riverway.

Lower St. Croix National Scenic Riverway Land Use Rules: The Department is about to start rulemaking to amend parts 6105.0351 through 6105.0550 to update the land use rules to reflect changes recommended in the 2001 Cooperative Management Plan for the Lower St. Croix National Scenic Riverway. These outdated rules have not been amended since they first took effect May 1, 1974.

Mississippi River Rules: The Department is about to start rulemaking to amend parts 6105.0800 through 6105.0960 to update the land use rules to reflect changes recommended in the 2003 management plan for the Mississippi River component of the State Wild and Scenic Rivers System. These outdated rules have not been amended since they first took effect in 1976.

Authority: Minnesota Statutes, Sections 103F.305-103F.345, 103F.351.

Chapter 6110 Water Safety, Water Surface Use

1. Rules Recommended for Repeal:

None .

2. Rationale for Rules

- Boat and Water Safety; parts 6110.0100 through 6110.2300
  These rules set most of the technical standards for the boat and water safety program that is mandated under federal law and Chapter 86B, including registration, safety equipment, safe loading and powering, boat operation, aids to navigation, temporary structures administration and accident reporting.

- Water surface Use Management, parts 6110.3000 through 6110.4200
  a) 6110.3000-.3800 set the technical requirements and procedures for local units of government seeking to implement water surface use zoning under MS § 86B.205;
  b) 6110.4000 sets surface use restrictions for Square Lake in Washington Co;
  c) 6110.4100 sets surface use restrictions for Tanner's Lake in Washington Co;
  d) 6110.4200 sets surface use restrictions for Brown Lake in Mille Lacs Co.

3. Recommended Changes

No changes are recommended.

Authority: *Minnesota Statutes sections 86B.205, Sub. 9 & 86B .211*

Chapter 6115 Public Water Resources

1. Rules Recommended for Repeal

None

2. Rationale for Rules

- **Fees for Water Permits and Permits for Underground Gas or Liquid Storage,** parts 6115.0010 through 6115.0120, were adopted to establish fee schedules for permit applications, field inspections, and monitoring, with regard for permits required by Minnesota Statutes, section 103G.271 and section 103G.301. These rules are necessary for the calculation of permit application fees using the parameters identified in the statute, amendment and transfer fees, field inspection fees, fees for monitoring activities, annual water appropriation processing fees and water appropriation processing fee exemptions.

- **Fees for Underground Storage of Gas or Liquid in Natural Formations,** part 6115.0130, was adopted to establish the permit application fees and additional fees for processing and analyzing the application as required by Minnesota Statutes, section 103I.681. These rules are necessary for the calculation of the permit application fee, additional fees for field inspection and monitoring, refund of fees, and billing and payment of fees.

- **Standards and Criteria for Granting Permits to Change the Course, Current or Cross-Section of Public Waters,** parts 6115.0150 through 6115.0280, were adopted to provide for the orderly and consistent review of permit applications as required by Minnesota Statutes, section 103G.315. These rules are necessary in order to conserve and utilize the water resources of the state in the best interest of its people. In deciding to issue permits, the department shall be guided by the policies and requirements declared in Minnesota Statutes, sections 103A.201, 103A.208, 103F.101, 103.105, 103F.205, 103F.351, 103G.297, 103G.305, and 116D.04.

- **Dams,** parts 6115.0300 through 6115.0520, were adopted pursuant to Laws of Minnesota 1978, chapter 779, section 8 (now section 103G.535). These rules are necessary to regulate the construction and enlargement of dams, as well as the repair, alteration, maintenance, operation, transfer of ownership, and abandonment, in a manner as to best provide for public health, safety, and welfare.

- **Water Appropriation and Use Permits,** parts 6115.0600 through 6115.0810, were adopted to provide for the orderly and consistent review of permit applications for appropriation and use of waters of the state as required by Minnesota Statutes, section 103G.315. These rules are necessary to conserve and utilize the water resources of the state in the public interest. In the application of these parts, the department shall be guided by the policies and requirements declared in Minnesota Statutes, chapters 103G and 116D.

- **Lake Improvement Districts,** parts 6115.0900 through 6115.0980, were adopted to provide for the orderly establishment of lake improvement districts in a manner that will preserve and protect the lakes of Minnesota and enhance the use and enjoyment of these lakes. These rules provide guidelines, criteria, and standards for the establishment of lake improvement

districts by counties, cities, and towns, as authorized by Minnesota Statutes, section 103B.501 through 103B.581, 103G.605 and 103G.621.

- **State Water Bank Program,** parts 6115.1200 through 6115.1280, were adopted pursuant to Minnesota Statutes, section 103F.601. These rules are necessary to implement and make specific the state water bank program and indemnification process established by statute for the purpose of compensating farmers for not converting certain kinds of wetland to cropland.

- **Agricultural Dike Construction Along the Red River of the North and Bois De Sioux Rivers,** parts 6115.1300 through 6115.1400, were adopted to provide for the orderly and consistent review of permit applications to construct, relocate, rebuild, or alter agricultural dikes along the Red River of the North and the Bois de Sioux Rivers in order to assure that the granting of such permits would be in the best interests of the people of Minnesota and North Dakota. The authority to establish these joint criteria is granted to the Commissioner of Natural Resources in Minnesota Statutes, sections 103G.245, 103G.105 and 471.59 and to the North Dakota State Water Commission by Sections 61-02-24 and 61-16-15 of the North Dakota Century Code. Additional authority to adopt rules relating to flood plain development is authorized in sections 103F.141 and 103F.161. These rules are necessary as the two states recognize that establishment of these parts governing the issuance, review, and denial of permits to construct, relocate, rebuild, or alter agricultural dikes along the boundary rivers is the first step in the exercise of joint control over these activities which could contribute to an increased flood potential of these rivers.

3. Recommended Changes

No changes are recommended at this time.

Authority: Minnesota Statutes, sections 103B.501 through 103B.581, 103F.601, 103G.105, 103G.245, 103G.271, 103G.301, 103G.315, 103G.535, 103G.605, 103G.621, 103I.681, 471.59.

Chapter 6116 Water Aeration Systems

1. Rules Recommended for Repeal
None

2. Rationale for Rules, parts 6116.0010 through 6116.0070, the rules pertaining to the aeration program, describe how the Department of Natural Resources will issue permits for the operation of aeration systems in public waters. The purpose of the permit is two fold, first to ensure the safe operation of aeration systems in public waters. The second reason is to ensure the appropriate use of aeration technology. Aeration is mainly used as a management tool to prevent winterkill of fish in order to provide greater angling opportunities for the public. Other potential benefits of aeration include, but are not limited to, prevention of ice damage to shorelines and permanent structures, improving water quality, and maintaining open water for captive waterfowl.

The safety aspect of the program is very important to allowing various other uses of the lake surface while operating the aeration system. The aeration system allows oxygen to enter the lake by creating and maintaining an open water area during the winter months. The rules define the responsibilities of the permittee such as attending safety workshops provided by DNR staff, inspecting and allowing for inspections of the system on a frequent basis, requiring liability insurance, and posting thin ice signs around the areas of thin ice and open water created by the system, as well as warning signs on the shore at the public access points.

3. Recommended Changes
The 2003 legislature has initiated a permit fee of $250; the rules will be revised to reflect the fee change.

Authority: *Minnesota Statutes, section 103G.611*

Chapter 6120 Shoreland and Floodplain Management

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- **Floodplain Management,** parts 6120.5000 through 6120.6200, were mandated by the Minnesota legislature through The Floodplain Management Act of 1969, Minnesota Statutes Chapter 103F, for local governments to adopt and enforce Floodplain Ordinances. These rules are necessary to provide guidelines, criteria, and standards for ordinance adoption by counties, cities, and towns. Their purpose is to provide guidance for the wise development of floodplains thereby preventing loss of life and reducing/minimizing property damages due to floods. To date 400+ communities have approved floodplain ordinances.

- **Shoreland Management,** parts 6120.2500 through 6120.3900, including a model ordinance, were mandated by the Minnesota legislature through The Shoreland Management Act of 1969, Minnesota Statutes Chapter 103F for local governments to adopt and enforce Shoreland Management Ordinances. These rules are necessary to provide guidelines, criteria, and standards for ordinance adoption by counties, cities, and towns. Their purpose is to provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters. To date 200 + communities have approved shoreland management ordinances.

3. Recommended Changes
At this time the department is not recommending any rule changes in Chapter 6120.

Authority: Minnesota Statutes, sections 103F.101 through 103F.165 (Floodplain Management) and Minnesota Statutes sections 103F.201 through 103F.221 (Shoreland Development).

Chapter 6122 Lakeshore Lease Appraisals

1. Rules Recommended for Repeal
None

2. Rationale for Rules

Minnesota Statutes, section 92.46 required the commissioner of natural resources to adopt rules for leasing state lands for cottage and camp purposes. The law requires the rules to address the method of appraising the property and an appeal procedure for both the appraised values and lease rates. Minnesota Rules, parts 6122.0100 to 6122.0400 specify the method of determining a lot's appraised value and the appeal process. The rules are needed for providing the state lessees assurances on the manner in which the lots are appraised and the procedures they follow if they disagree with that determination.

3. Recommended Changes
No changes are recommended.

Authority: Minnesota Statutes, section 92.46

Chapter 6130 Ferrous Metallic Mineral Mining

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Parts 6130.0100 through 6130.0400 are necessary to define specific terms used in the remainder of the chapter and define the scope of this chapter of rules.

- **Taconite and Iron Ore Reclamation Standards**, parts 6130.1000 through 6130.4100 are necessary to establish the criteria for mining operations in order to achieve a mining program that minimizes adverse impacts of mining operations on the environment and the public. They establish exclusion and avoidance areas for mining, mine disposal requirements and buffer and barrier zones. They also create standards for stockpile design and construction and runoff, tailings basins, erosion control, and deactivation requirements.

- **Metallic Minerals Mining Permit**, parts 6130.4200 through 6130.6300, are necessary to establish the criteria for a mining permit program. They identify the application procedure, identify the documentation required by the permit applicant, criteria for the mine operating plan and deactivation plan, procedures for objections to be made, and grounds for amending and canceling the permit to mine. They also cover financial security requirements.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 93.47*

Chapter 6125 Mineral Resources

1. Rules Recommended for Repeal

None

2. Rationale for Rules

- **Permits and Leases for Metallic Minerals, Except Iron Ore and Taconite Ore**

  Parts 6125.0100 through part 6125.0700 are the rules for permits and leases for metallic minerals, except iron ores and taconite ores. These rules establish a system for leasing state lands and minerals for metallic minerals, except iron ores and taconite ores through public sale, however, the rules also establish for leasing through negotiation. Part 6125.0610 establishes a Preference Rights leasing system, which allows the commissioner to establish a list of mining units that are available for leasing through application and lists the criteria for establishing the preference rights mining units. These rules are therefore reasonable and necessary to enable the commissioner to issue leases for the purpose of exploring for, mining and removal of metallic minerals, except iron ores and taconite ores. The rules were amended in 1995 and reflect current practice.

- **Permits and Leases for Sand and Gravel**

  Parts 6125.6000 through.7100 are the rules governing permits and leases for sand and gravel prospecting for and mining and removal of sand and gravel under the waters of public lakes or streams. These rules are necessary for the issuance of permits and leases for sand and gravel prospecting and mining under the waters of public lakes or streams. Although this leasing program is dormant at this time, these rules should remain in place so that the process is available should the program be activated in the futrue.

- **Leases of State Lands for Selected Industrial Minerals**

  Parts 6125.8000-8700 are the rules for leasing state-owned lands for selected industrial minerals. These rules establish a system for leasing state lands and minerals for industrial minerals primarily through negotiation, however, the rules also establish for leasing through public sale. These rules are therefore reasonable and necessary to enable the commissioner to issue leases for the purpose of exploring for, mining and removal of selected industrial minerals. The rules were established in 1995 and reflect current practice.

3. Recommended Changes

There are no recommended changes at this time.

Authority for these rules is at Minnesota Statutes, section 93.25.

Chapter 6130 Ferrous Metallic Mineral Mining

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Parts 6130.0100 through 6130.0400 are necessary to define specific terms used in the remainder of the chapter and define the scope of this chapter of rules.

- **Taconite and Iron Ore Reclamation Standards,** parts 6130.1000 through 6130.4100 are necessary to establish the criteria for mining operations in order to achieve a mining program that minimizes adverse impacts of mining operations on the environment and the public. They establish exclusion and avoidance areas for mining, mine disposal requirements and buffer and barrier zones. They also create standards for stockpile design and construction and runoff, tailings basins, erosion control, and deactivation requirements.

- **Metallic Minerals Mining Permit,** parts 6130.4200 through 6130.6300, are necessary to establish the criteria for a mining permit program. They identify the application procedure, identify the documentation required by the permit applicant, criteria for the mine operating plan and deactivation plan, procedures for objections to be made, and grounds for amending and canceling the permit to mine. They also cover financial security requirements.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 93.47*

Chapter 6131 Peat Mining

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- General Provisions, parts 6131.0100 through 6131.0300 are necessary to establish the applicable meanings used in this chapter and define the scope of the rules, which is to implement Minnesota Statutes 93.44 through 93.51 to control possible adverse effects of peat mining on the environment.

- **Peatland Reclamation Standards**, parts 6131.0100 through 6131.0300, are necessary to set forth the scope of permit requirements, reclamation standards, identify avoidance areas for peat mining, establish requirements for mine design to ensure compatibility with surrounding nonmining land uses and to minimize adverse water quality. The rules also govern requirements for site restoration and cleanup and responsibility for such.

- **Permit Requirements**, parts 6131.0140 through 6131.0180, are necessary to manage the permit to mine program by establishing the duties of the permit holder and the documentation that must be provided by the permit applicant, reporting requirements and standards for deactivation and release.

- **Procedures and Standards**, parts 6131.0190 through part 6131.0340, provide for the procedures for submitting a permit application, variance procedures, amendments to and cancellation of a permit. They also provide for revocation or modification of the permit, suspensions of and financial assurance requirements. They also provide for a hearing process in the event of a dispute.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 93.461*

Chapter 6132 Nonferrous Metallic Mineral Mining

1. Rules Recommended for Repeal

None

2. Rationale for Rules

- General Provisions, parts 6132.0100 through part 6132.0300, are necessary to define specific terms of art used in the remainder of the chapter and define the scope of this chapter of rules.

- **Permit Requirements**, parts 6132.1000 through part 6132.1400, establish the requirements for mine waste characterization plans and permit application documentation requirements. These parts also cover financial assurance, reporting requirements and the process for releasing a permittee.

- **Reclamation Standards**, parts 6132.2000 through part 6132.3200, cover the reclamation standards for a nonferrous metallic mineral mining operation. These are necessary for the permitting program to establish the requirements and goals to be achieved through reclamation of a mining site. These include stockpile management, tailing basins designs, heap and dump leaching facilities and erosion control. The rules also cover closure and post closure maintenance.

- **Administrative Procedures**, parts 6132.4000 through 6132.5300, identify the application process and procedures for obtaining a permit to mine, publication of such and the applicant and the hearing procedures for a permit to mine application. The rules also cover amendment, variances, assignment, revocation and release of the permittee, in addition to wetland replacement requirements.

3. Recommended Changes

No changes are recommended.

Authority: *Minnesota Statutes section 93.44 to 93.93.51; 103G 222*

Chapter 6133 Restitution Value for Fish and Wildlife

1. Rules Recommended for Repeal
None

2. Rationale for Rules

Parts 6133.0010 through part 6133.0090 establish by rule the dollar value to the state of species of wild animals. These rules establish a prima facie value for restitution to the state in the event that animals are taken illegally or to establish a value for persons taking an animal legally.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 97A.345*

Chapter 6134 Endangered Threatened, Special Concern Species

1. Rules Recommended for Repeal
None

2. Rationale for Rules Parts 6134.0100 through 6134.0400

Minn. Stat. sec. 84.0895, subd. 3, requires the commissioner of natural resources to adopt rules designating species meeting the statutory definitions of endangered, threatened, or species of special concern. The resulting List of Endangered, Threatened, and Special Concern Species was created in 1984 and was amended in 1996. The List draws attention to species that are at greatest risk of extinction within the state. By alerting resource managers and the public to species in jeopardy, activities can be reviewed and prioritized to help preserve the diversity and abundance of Minnesota's native flora and fauna.

3.**Recommended Changes.**
No changes are proposed.

Authority: *Minnesota Statutes section 84.0895, subd. 3*

Chapter 6135 Utility Crossings

1. Rules Recommended for Repeal

None

2. Rationale for Rules

Minnesota Statute, section 84.415 required the commissioner of natural resources to adopt rules containing standards and criteria governing the sale of licenses permitting the passage of utilities over public lands and waters. Parts 6135.0100 to 6135.0800 sets fees and standards for the utility licenses and criteria for minimizing the environmental impact of such crossings. Utilities covered include pipelines, electric transmission lines, electric distribution lines, telephone, telegraph, and fiber optic. The rules are needed for the setting of rates to use the state-owned lands and the crossing of state public waters. Basic standards for design, safety considerations, and environmental protection provide expectations as to construction and operation to the licensees.

3. Recommended Changes

Pursuant to Laws of 2003, Chapter 128, Art. 1, Sec. 158, the department is adopting amendments to the permanent rules on utility licenses under the procedures of Minnesota Statutes, sec. 14.388, clause (3) to reflect the changes in law.

Authority: Minnesota Statutes, section 84.415

Chapter 6136 Natural Preservation

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- **Scientific and Natural Areas**, parts 6136.0100 through 6136.0600. Environmental protection and public use of scientific and natural areas, parts 6136.0100 through 6136.0600, were adopted to regulate environmental protection and public use in order to safeguard the natural resources found on scientific and natural areas. The rules are necessary for the protection and stewardship of the inherent natural values found on the lands and waters of scientific and natural areas and for the enjoyment and use by present and future generations.

- **Critical Natural Habitat**, parts 6136.0700, Priorities for Acquisition and Improvement of Critical Natural Habitat

- **Stromatolites**, part 6136.0800, Possession, Moving, or Disturbing Stromatolites, was adopted to ensure that stromatolites are left alone and preserved unmolested in the beds of public waters. The rules are necessary for the preservation of these unusual natural resource features in the limited areas in which they are found.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes, sections 84.03, 84.994, 84.1525*

Chapter 6140 Boundary Waters Canoe Area

1. Rules Recommended for Repeal
None

2. Rationale for Rules

Parts 6140.0100 through part 6140.1500 regulate use within the BWCA to maintain the primitive wilderness character of the area, particularly the lakes and streams and the lands in the vicinity of the lakes, streams and portages, in a manner that recognizes state law, administrative and judicial actions, and the federal regulations and administrative guides of the Forest Service governing the Federal Lands in the area.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 84.027, 84.03*

Chapter 6200 Game and Fish General Provisions

1. Rules Recommended for Repeal
None

2. Rationale for Rules
Parts 6200.0100 and 6200.0200 provide for general definitions applicable to following chapters governing game and fish and other general provisions. These assist in interpreting the following chapters on game and fish regulations and clarify terminology.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes sections 97A.255 and 97B.075*

Chapter 6212 Licenses and Permits

1. Rules Recommended for Repeal

Minnesota Rules part 6212.0100 through 6212.0400, 6212.0500, Subp. 1, Subp. 2, Subp. 3, Subp. 4, and Subp. 5 (A), 6212.0600 through 6212.1000, 6212.1100, Subp. 1, Subp. 2, Subp. 3, Subp. 4, and Subp. 5 (A), 6212.1200 and 6212.1300 should be repealed because Minnesota Rules part 6213.0100 through 6213.0800 deal with the electronic issuance of licenses and passes and replaces the parts of Chapter 6212 mentioned above.

Minnesota Rules part 6212.1700, covering permits for deer as pets, should be repealed because Laws of Minnesota for 2003, Chapter 128, section 55, removed the commissioner's authority to issue permits for keeping deer as pets.

The department is repealing part 6212.2600, subpart 2. This language is being moved to part 6262.0100 to consolidate all fish possession language. The rule repeal should be effective by the end of 2003. Further information on the change may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

2. Rationale for Rules

- Minnesota Rules part 6212.0500, subp. 5 (B) and 6212.1100, subp. 5 (B) deal with the issue of voided licenses and passes and the license agents accountability for them. Currently Chapter 6213 does not contain language covering the voided licenses. Until such time as we have had the opportunity to incorporate voided licenses into 6213, we will need to maintain language in 6212.

- **Possession, Scientific and Collecting Permits**, parts 6212.1400 through 6212.1500, were adopted to regulate the issuance of permits for taking, transportation, disposal, or possession of wild animals for scientific or educational purposes. They are necessary to establish consistent issuance, reporting, and revocation requirements for these permits.

- **Permits for Use of Contraceptive Chemicals**, part 6212.1750, was adopted to regulate the use of contraceptive chemicals in wildlife. It is necessary to meet the requirements of Minn. Stat. Sec. 97A.501, subd. 3 and to assure that the use of such chemicals is consistent with management objectives for protecting and managing public wildlife resources

- **Threatened and Endangered Species,** parts 6212.1800 through 6212.2300,Minnesota Statutes, sec. 84.0895 (Protection of Threatened and Endangered Species), subd. 5, allows DNR to "undertake management programs, issue orders, and adopt rules necessary to bring a resident species of wild animal or plant that has been designated as threatened or endangered to a point where it is no longer threatened or endangered" and further specifies that these management programs include "regulated taking". The above-referenced rules have been created under this statute for the purpose of regulating treatment of threatened and endangered species to prevent the further decline and extirpation (permanent disappearance) of these species in the state. Part 6212.1800 explains requirements for permits to take, import, transport, purchase, sell, dispose or possess a threatened or endangered species of

plant or animal for research or education. Part 6212.2100 specifies three other reasons for which a permit can be issued (enhance propagation or survival, to prevent injury, social and economic benefit outweighs harm); this language is taken directly from statute. Part 6212.2200 explains conditions under which processed specimens of endangered or threatened species can be possessed. Part 6212.2300 specifies additional requirements for delivery of the carcass to DNR when a threatened or endangered animal is taken because of a threat to human life.

- **Fishing Contests**, parts 6212.2400 through 6212.2800, Fishing Contests, parts 6212.2400 through 6212.2800 were adopted to provide guidelines for the implementation of fishing tournaments. It is necessary to meet the requirements of Minn. Stat. Sec. 97C.081 and to assure that the tournament activities are managed to minimize user conflicts, to protect fish and fish habitat, and for the safety of participants

- **Fish Toxicants**, parts 6212.2900 through 6212.3000, were adopted to require that people with permits to apply fish toxicants have insurance coverage. It is necessary to meet the requirements of Minn. Stat. Sec. 97C.051 and to ensure that permittees are insured in case of property damage or bodily injury.

3. **Recommended Changes**

There are no recommended changes.

Authority: *Minnesota Statutes, sections 84.0895, 85.41, 97A.401, 97A.405, 97A.41597A.418, 97A.485, 97A.501, 97C.051, 97C.081*

Chapter 6213 Electronic Licensing

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Minnesota rules Chapter 6213.0100 through 6213.0800 are the rules for the procedures for issuing electronic licenses, license agent management, revenue collection, and reporting procedures for the department's electronic licensing system (ELS).

3. Recommended Changes
No changes recommended at this time

Authority: MS 84.027, 84.79, 84.798, 84.8205, 84.86, 84.924, 86B.211, 97A.405, 97A485

Chapter 6216 Harmful Exotic Species

1. Rules Recommended for Repeal
None

2. Rationale for Rules , Parts 6216.0100 through 6216.0600

The primary purpose of the exotic species rules is to preserve and protect native species and communities of wild animals and aquatic plants, ensuring continued recreational opportunities and other uses of the natural resources of the state. Another purpose of the rules is to provide a public process for designating infested waters and classifying and designating exotic species of aquatic plants and wild animals.

According to Minnesota Statutes, sections 84D.04 and 84D.12, the commissioner shall use rulemaking to classify exotic species according to the following categories: prohibited exotic species, which may not be possessed, imported, purchased, sold, propagated, transported, or introduced (except as provided in section 84D.05); regulated exotic species, which may not be introduced (except as provided in section 84D.07); unlisted exotic species, which are subject to the classification procedure in section 84D.06; and unregulated exotic species, which are not subject to regulation under this chapter. Therefore, the following parts are necessary to designate prohibited, regulated and unregulated exotic species:

M.R. 6216.0250 PROHIBITED EXOTIC SPECIES.
M.R. 6216.0260 REGULATED EXOTIC SPECIES.
M.R. 6216.0270 UNREGULATED EXOTIC SPECIES.

- **Permits for prohibited and regulated exotic species**, part 6216.0265, continues to be needed as it describes the circumstances when a permit is required and allowed for prohibited and regulated exotic species and alternate permits that may authorize an introduction of a regulated exotic species. It describes the qualifications that a person must satisfy in order to be issued a permit for prohibited or regulated exotic species. This part also addresses inspections of facilities or equipment used to confine prohibited exotic species and the transferability, renewal, and revocation of permits.

- **Escape of exotic species,** part 6216.0280, is necessary to establish the information that must be provided to the Department when a person reports an unauthorized introduction of prohibited, regulated, or unlisted exotic species in the state as it is required by Minn. Stat., sec. 84D.08. The type of information to be provided is not specified in statute and it is necessary to specify the requirements so the permittee, other members of the public, and the Department know what information should be provided in order to consider a person in compliance with Minn. Stat., sec. 84D.08 (a) and not be subject to criminal penalties for the unauthorized introduction under Minn. Stat., sec. 84D.08 (b).

- **Process for review of proposed introductions of unlisted exotic species**, part 6216.0290, is necessary to establish what information is required from a person who requests that the commissioner review an unlisted exotic species of aquatic plant or wild animal for introduction according to Minn. Stat., sec. 84D.06.

- **Identification, notice, and marking of infested waters**, part 6216.0300, is needed to specify how the department will identify infested waters that have been designated by the department.

- **Designation of infested waters**, part 6216.0350, subparts 1 through 6, designate waters of the state currently known to contain populations of Eurasian water milfoil (subpart 1), round goby (subpart 2), ruffe (subpart 3), spiny water flea (subpart 4), white perch (subpart 5), and zebra mussel (subpart 6) as "infested waters." The presence of these species in the listed waters has been confirmed by biologists from the Department.

- **Restricted activities on infested waters**, part 6216.0400, governs the use of infested waters for fish hatchery or aquatic farm operations.

- **Transportation of water from infested waters**, part 6216.0500, continues to be important to help prevent the spread of harmful exotic species such as zebra mussels , spiny water fleas, and an increasing threat of fish diseases from one water to another.

3. Recommended Changes
No changes are recommended at this time.

Authority: Minnesota Statutes, section, 84D.12

Chapter 6218 Public Water Access

1. Rules Recommended for Repeal
None

2. Rationale for Rules

Parts 6218.0100 and 6218.0200 govern the use of public water access site. These rules prescribe the appropriate use and identify prohibited uses of public resources. They are necessary to maintain and preserve the access sites for the use, benefit and enjoyment of the public.

4. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section, 86A.05 and 86A.06*

Chapter 6230 Wildlife Management

1. **Rules Recommended for Repeal**

The following rules are recommended for repeal:

- Part 6230.0400, subparts 29 and 37 are recommended for repeal because these two are no longer state game refuges under Minn. Stat. Sec. 97A.085, subd 8.
- Part 6230.0800, subpart 3 is recommended for repeal because the permit requirement for this controlled hunting zone is being eliminated

2. **Rationale for Rules**

- **Wildlife Management Areas,** parts 6230.0100 through 6230.0280, were adopted to regulate hunting and trapping in state wildlife management areas and to establish public use rules for those areas consistent with statutes and the management purposes for the units. These rules are necessary to regulate use and management of these areas.

- **State Game Refuges,** parts 6230.0300 through 6230.0400, were adopted to regulate hunting and trapping in State Game Refuges. Refuges are closed to hunting and trapping unless opened by rule, and these rules are necessary to provide for management and use of wildlife populations within these refuges.

- **Controlled Hunting Zones,** parts 6230.0500 through 6230.1100, were adopted to establish and regulate hunting within areas on or adjacent to wildlife management areas or game refuges with high concentrations of waterfowl. These rules are necessary to protect populations of migratory waterfowl using these areas, and to provide for safe hunting conditions.

- **National Wildlife Refuges and Federal Waterfowl Production Areas,** parts 6230.1200 through 6230.1300, were adopted to provide for general hunting regulations in these areas. These rules are necessary to open or close these areas to particular types of hunting under state regulation.

- **State Forests,** parts 6230.1400, establish that hunting by firearms in portions of the Brightsdale Management Unit of the Richard Dorer Memorial Hardwood State Forest surrounding the forest resource center in Fillmore county is not allowed in areas that are posted closed to firearms hunting.

- **Transfer of Wild Animals by Gift,** parts 6230.1500 through 6230.1600, identify what must be done by a donor in order to legally transfer a lawfully taken protected wild animal. This will assist enforcement officers in determining that protected wild animals were in fact lawfully taken and that the possessor of such has received such in a lawful manner. Part 6230.1600 identifies the lakes that have been identified for wildlife management purposes and which are closed to airboat use unless otherwise designated. This allows for better

management practices on these lakes that have been identified for WMA purposes.

3. Recommended Changes

The department is undergoing rulemaking that will amend parts 6230.0200, 6230.0250, 6230.0400, 6230.0600 through 6230.0800, and 6230.1000. The department plans to publish a dual notice for the intent to adopt the rule amendments in the fall of 2003. These amendments will incorporate changes to wildlife management area, state game refuge, and controlled hunting zone rules that are generally designed to increase harvest opportunity and improve population management capabilities. Some more restrictive wildlife management area rules are because of deed or gift restrictions on certain parcels, or to address safety issues.

Authority: *Minnesota Statutes sections 86A.06, 97A.091, 97A.092, 97A.101, 97A.135,and 97A.137, 97.A.505, 97B.305, 97B.311, 97B.411, 97B.505, 97B.515. 97B.605, 97B.711, 97B.731, 97B.803*

Chapter 6232 Big Game

1. Rules Recommended for Repeal

The following rules are recommended for repeal:

- Part 6232.0200, subp 3; part 6232.1100, subp 5; part 6232.1200; part 6232.1900, subp 2; part 6232.2450; part 6232.3800, subp 2; and part 6232.4700, subps 3, 4, 6, 7, 11-15, 17-19, 22-24, 27, 30, 34, 36, 38, 41, 42, 44, 47, 49-51, 53, 66, 74, and 87.

2. Rationale for Rules

- **Big Game General Restrictions**, part 6232.0100, was adopted to provide general regulations for the taking of big game (deer, bear, moose, elk) that applied to all big game species. These rules are necessary to provide for the general regulation and management of these species and to reduce duplication in specific rules that apply to each species of big game individually (see below).

- **Deer**, parts 6232.0200 through6232.2500, were adopted to provide regulations for taking deer by archery, firearms, and muzzleloader and to provide special provisions for hunters with disabilities. These rules are necessary to provide for open seasons, methods, bag limits, tagging and registration, zones, and licensing and application procedures for deer hunting.

- **Bears**, parts 6232.2600 through 6232.3500, were adopted to provide regulations for taking bears. These rules are necessary to provide for open seasons, methods, bag limits, tagging and registration, permit areas, and licensing and application procedures for bear hunting.

- **Moose**, parts 6232.3600 through 6232.4100, were adopted to provide regulations for taking moose. These rules are necessary to provide for open seasons, methods, bag limits, tagging and registration, zones, and licensing and application procedures for moose hunting.

- **Elk**, parts 6232.4200 through 6232.4600 were adopted to provide regulations for taking elk. These rules are necessary to provide for open seasons, methods, bag limits, tagging and registration, zones, and licensing and application procedures for elk hunting.

- **Deer and Bear Registration Blocks**, part 6232.4700, was adopted to divide the state into a system of geographic blocks with similar vegetation cover, land use, and ownership. The rule is necessary to provide for management of populations and harvests of deer, bear and other species. Without such a management tool, harvest distribution cannot be controlled in different geographic areas, resulting in overharvests in some areas and underharvests in other areas.

3. Recommended Changes

The department is undergoing rulemaking that will amend parts 6232.0200-6232.0700, 6232.1000-6232.1300, 6232.1600-6232.2000, 6232.2100, 6232.2900, 6232.3800, 6232.4100, and 6232.4700. The department plans to publish a dual notice for the intent to adopt the rule amendments

in the fall of 2003. These amendments will incorporate changes to big game hunting that will improve population management capability and eliminate unnecessary paperwork and mailing costs for hunters and the department. In addition, some of the changes are to adopt rules consistent with new procedures related to electronic licensing and to make rules consistent with changes in statutes.

Authority: *Minnesota Statutes Section 97A.431, 97A.433, 97A.535, 97B.211, 97B.301, 97B.305, 97B.311, 97B.405, 97B.411, 97B.425, 97B.431, 97B.505, and 97B.515.*

Chapter 6234 Small Game

1. Rules Recommended for Repeal

The following rules are recommended for repeal:

- Part 6234.1800 and part 6234.2600, subparts 1 and 2.

2. Rationale for Rules

- **General Restrictions**, parts 6234.0100 through 6234.0800, were adopted to provide hunting regulations for the taking of resident (non-migratory) small game, including grouse, pheasants, gray partridge, rabbits, hares, and squirrels. The rules are necessary to provide for open seasons and areas, methods, and limits for these species.

- **Furbearers and trapping**, parts 6234.0900 through 6234.2900, were adopted to provide hunting and trapping regulations for the taking of fur-bearing animals, including mink, muskrat, beaver, otter, raccoon, fox, badger, opossum, bobcat, fisher, and pine marten. The rules are necessary to provide for open seasons and areas, methods of take, limits, pelting fees, and tagging and registration requirements for these species.

- **Predator Control**, parts 6234.3000 through 6234.3400, were adopted to provide regulations for the state directed predator control program. They are necessary to prescribe predator controller certification, procedures, and compensation as directed by Minnesota Statutes Section 97B.671.

- **Take a Kid Hunting**, part 6234.3500, was adopted to prescribe the dates for Take a Kid Hunting Weekend as directed by Minnesota Statutes Section 97A.445, subd. 5.

3. Recommended Changes

The department is undergoing rulemaking that will amend parts 6234.0800, 6234.1200-6234.1400, 6234.1600-6234.1800, 6234.2000, 6234.2300, 6234.2400, and 6234.2600. The department plans to publish a dual notice for the intent to adopt the rule amendments in the of 2003. These amendments will standardize some seasons, methods, and limits for hunting by falconry and for taking furbearers, and will simplify tagging requirements for furbearers.

Authority: *Minnesota Statutes sections 97B.031, 97B.105, 97B.605, 97B.611, 97B.615, 97B.621, 97B.625, 97B.631, 97B.635, 97B.711, 97B.715, 97B.901, 97B.911, 97B.915, 97B.921, 97B.925, 97B.926, 97B.935, and 97B.951.*

Chapter 6236 Wild Turkeys

1. Rules Recommended for Repeal
None.

2. Rationale for Rules

- **Turkey Hunting**, parts 6236.0100 through 6236.1000, were adopted to regulate the taking of wild turkeys. These rules are necessary to provide definitions, seasons, shooting hours, methods of take, drawing application procedures, permit areas, and limits for wild turkey hunting.

- **Turkey Hunting Guides**, parts 6236.1100 and 6236.1300, were adopted to regulate guiding of wild turkey hunters. These rules are necessary to prescribe the qualifications for turkey guide licenses as required by Minn. Stat. Sec. 97B.725.

3. Recommended Changes

The department is undergoing rulemaking that will amend parts 6236.0300, 6236.0600, 6236.0810, and 6236.0900. The department plans to publish a dual notice for the intent to adopt the rule amendments in the fall of 2003. These amendments will standardize license application procedures and turkey permit areas and will expand seasons and shooting hours.

Authority: *Minnesota Statutes section 97A.435, 97B.711, 97B.721, 97B.723,and 97B.725*

Chapter 6238 Falconry

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Chapter 6238, Falconry, contains the rules for practicing the sport of falconry in Minnesota. They are necessary for certification as required by the U. S. Fish and Wildlife Service (USFWS) for Minnesota to issue a falconry permit. Falconry permits in Minnesota are jointly administered by the Minnesota Department of Natural Resources, but co-signed by the USFWS, Permits Office. The USFWS is undertaking a study to determine the feasibility of dropping the federal permit requirement. The State would then be solely responsible for issuing falconry permits under federal guidelines. The State has recommended that the federal permit requirement remain in force as the system has worked well in Minnesota.

3. Recommended Changes
No changes are recommended at this time.

Authority: *Minnesota Statutes sections 97A.401*

Chapter 6240 Migratory Birds

1. Rules Recommended for Repeal
None.

2. Rationale for Rules

- **Migratory Game Birds**, parts 6240.0100 through 6240.0500, were adopted to regulate the taking of migratory game birds, except waterfowl and coots and gallinules. This includes rails, snipe, and woodcock. These rules are necessary to provide definitions, seasons, shooting hours, methods of take, and limits for these species.

- **Migratory Waterfowl**, parts 6240.0550 through 6240.2100, were adopted to regulate the taking of migratory waterfowl. These rules are necessary to provide for open seasons, zones, methods of take, hours, limits, and feeding and resting areas for these species.

- **Common Crow**, parts 6240.2300 through 6240.2600, were adopted to regulate the taking of common crows. These rules are necessary to provide for open seasons, methods, and areas for taking common crows, consistent with federal law and as required by Minn. Stat. sec. 97B.731, subd. 3. A separate section of rule is needed because crows are legally classified as protected migratory birds, but are not classified as migratory game birds.

3. Recommended Changes

The department is undergoing rulemaking that will amend parts 6240.0200, 6240.1000, 6240.1200, 6240.1500-6240.1700, 6240.1850, 6240.2000, and 6240.2100. The department plans to publish a dual notice for the intent to adopt the rule amendments in the fall of 2003. These amendments will modify some waterfowl hunting seasons, limits, zones, shooting hours, refuges, and feeding and resting areas.

Authority: *Minnesota Statutes section 97A.091, 97A.095, 97A.401, 97B.711, 97B.731, and 97B.803*

Chapter 6242 Shooting Preserves and Game Farms

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Shooting Preserves, parts 6242.0100 through 6242.0400, define shooting preserves and provide for the license requirements and application procedures for operating a shooting preserve. They also identify the posting requirements, marking of released birds, record keeping and annual reporting requirements.

- Game Farms, parts 6242.0500 through 6242.1200, define game farms, identify the requirements for a license and conditions of the license. The rules also cover acquisition and sale or disposal of game farm animals, record keeping and annual reporting requirements.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes sections 84.0895, 97A.105, 97A.115, 97A.425*

Chapter 6244 Captive Wildlife

1. Rules Recommended for Repeal

None

2. Rationale for Rules

- **Wildlife Rehabilitation Permits**, parts 6244.0400 through 6244.0700, are necessary to provide the standards for the rehabilitation of orphaned, sick and injured wild animals and to establish a permit system and other criteria for rehabilitation under Minnesota Statutes, sections 97A.401 and 97A.418. The permit process also allows for participation in rehabilitation programs through selected volunteers. This insures that participants have the required background and knowledge in housing animals under appropriate conditions, provide a high level of humane care for animals and are protected from injury or disease from animals. The rules also contain record keeping and recording requirements to insure compliance with rules and statutes.

- **Rehabilitation Standards**, parts 6244.0800 through 6244.1100, establish the accepted conditions or care for the rehabilitation of the animals, release of a rehabilitated animal and disposal of nonreleaseable animals. The rules also establish the facility standards to insure safety, sanitation and animal health.

- **Administrative Procedures**, parts 6244.1100 through 6244.2000, address the transition from permits issued before July 1, 1996 to these rules, classes of permit holders, duration, renewal, variance and revocation of permits.

- **Wildlife Exhibits**, parts 6244.2100 through 6244.3300, establish the reasonable standards for the care and treatment of captive wildlife for public exhibition purposes, and a permit system for such display under the legislative mandate of Minnesota Statutes, section 97A.041.

3. Recommended Changes

No changes are recommended.

Authority: *Minnesota Statutes sectio97A.041, 97A.418n*

Chapter 6250 Private Fish Hatcheries

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Part 6250.0101 was adopted so that the regulation of private fish hatcheries would be subject to the same provisions as the aquatic farms under Minn. Statutes, chapter 17. The rule is necessary to meet the requirements of Minn. Stat. Sec. 97C.211. This rule directs the Department to statutes listed under the Department of Agriculture that allow us to regulate this industry to protect wild fish stocks from introductions of non-indigenous species, nuisance species, and diseases.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 97C.211*

Chapter 6254 Minnows

1. Rules Recommended for Repeal

None

2. Rationale for Rules

- Parts 6254.0100 through 6254.0800 were adopted to regulate the commercial and recreational harvest and transportation of minnows. The regulations are necessary to define license requirements, establish equipment types and use, list water bodies that may not be utilized for these activities, and protect fish health during transportation. These rules were established to meet the requirements of Minnesota Statutes 97C.505. The rules allow the Department to manage these activities to preserve adequate populations, to ensure that these activities are conducted in a sustainable manner, to prevent the death of target and non-target animals, and to protect wild fish stocks from introductions of non-indigenous species, nuisance species, and diseases.

3. Recommended Changes

The department is undergoing rulemaking to amend parts 6254.0300 and 6254.0510. Changes in commercial minnow regulations include closing waters to commercial harvest to protect the endangered Topeka Shiner and clarifying trap use and design specifications. The rule changes should be effective by the end of 2003. Further information on the changes may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Authority: *Minnesota Statutes section 17.4988, 84D.12, 97C.505, 97A.151, and 97C.211*

Chapter 6256 Frogs and Turtles

1. Rules Recommended for Repeal

The department is repealing part 6256.0500, subpart 3 because prohibited methods are already specified in statute (Minnesota Statutes, section 97C.605, Subd. 3. Taking; Methods Prohibited). The rule repeal should be effective by the end of 2003. Further information on the change may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

2. Rationale for Rules

- **Frogs**, parts 6256.0050 through 6256.0400 were adopted to regulate the commercial and recreational harvest of frogs for purposes other than bait. The regulations are necessary to prescribe the taking, importing, and reporting requirements. These rules were established to meet the requirements of Minnesota Statutes 97C.601. The rules allow the Department to manage these activities to preserve adequate populations, to ensure that these activities are conducted in a sustainable manner, and to protect wild stocks from introductions of non-indigenous species.

- **Turtles**, parts 6256.0500 through 6256.0600 were adopted to regulate the commercial and recreational harvest of turtles. The regulations are necessary to prescribe the taking of turtles and establish equipment types and use. These rules were established to meet the requirements of Minnesota Statutes 97C.605. The rules allow the Department to manage these activities to preserve adequate populations, to ensure that these activities are conducted in a sustainable manner, and to prevent deaths of target and non-target animals.

3. Recommended Changes

The department is undergoing rulemaking to amend part 6256.0500. Changes in the commercial turtle regulations include trap use, numbers, checking, tagging, recording, and design specifications; establishing turtle seasons and size limits; and establishing guidelines for possessing turtle eggs, the protection of turtle nests, and propagation. The purpose of these changes is to increase the likelihood that the commercial harvest of turtles in Minnesota is conducted in a sustainable manner. The rule changes should be effective by the end of 2003. Further information on the changes may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Authority: *Minnesota Statutes section 97C.601, 97C.605, 97C.621, 97C.611, and 17.4997*

Chapter 6258 Mussels

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Parts 6258.0100 through 6258.0900 were adopted to regulate the commercial and recreational harvest of mussels. The regulations are necessary to define permit requirements, seasons, harvest operations, and reporting. These rules were established to meet the requirements of Minnesota Statutes 97C.701 and 97C.705. The rules allow the Department to manage these activities to preserve adequate populations, to ensure that these activities are conducted in a sustainable manner, and to protect wild stocks from introductions of non-indigenous species, nuisance species, and diseases.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 97C.701, 97C.705, 97C.711, and 97A.045*

Chapter 6259 Crayfish

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Parts 6259.0100 through 6259.1000 were adopted to regulate the commercial and recreational harvest of crayfish. The regulations are necessary to define permit and license requirements, taking, importing, transporting, disposal, culture, and selling. These rules were established to meet the requirements of Minnesota Statutes 97C.871. The rules allow the Department to manage these activities to preserve adequate populations, to ensure that these activities are conducted in a sustainable manner, and to protect wild stocks from introductions of non-indigenous species, nuisance species, and diseases.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes section 97C.871 and 97A.418*

Chapter 6260 Commercial Fishing Operations

1. Rules Recommended for Repeal

None

2. Rationale for Rules

- **Commercial Fishing General Restrictions**, parts 6260.0100 through 6260.1300 were adopted to regulate the commercial taking of fish. The regulations are necessary to define permit and license requirements, reporting, and operating procedures. These rules were established to meet the requirements of Minnesota Statutes 97C.345. The rules allow the Department to ensure that these activities are conducted to maximize removal of commercial fish species in a safe manner, to protect non-target animals, and to minimize user conflicts.

- **Gear for Taking Rough Fish**, part 6260.1400 was adopted to establish gear specifications for commercially taking rough fish. These rules were established to meet the requirements of Minnesota Statutes 97C.801 and 97C.811. The rules allow the Department to ensure that these activities are conducted to maximize removal of commercial fish species and to protect non-target animals.

- **Commercial Fishing in International Waters**, parts 6260.1500 through 6260.1700 were adopted to regulate the commercial taking of fish and commercial operations on international waters of Namakan Lake, Sand Point Lake, Rainy Lake, and Lake of the Woods. These rules were established to meet the requirements of Minnesota Statutes 97C.825 and 97C.831. The rules allow the Department to ensure that these activities are conducted to maximize removal of commercial fish species in a safe manner, to protect non-target animals, and to minimize user conflicts.

- **Commercial Fishing on Lake Superior**, part 6260.1900 was adopted to regulate the commercial taking of fish and commercial operations on Lake Superior. These rules were established to meet the requirements of Minnesota Statutes 97C.835. The rules allow the Department to ensure that these activities are conducted to maximize removal of commercial fish species in a safe manner and to minimize user conflicts.

- **Commercial Fishing on Inland Mississippi River**, part 6260.1900 was adopted to regulate the commercial taking and commercial operations on the inland portions of the Mississippi River. These rules were established to meet the requirements of Minnesota Statutes 97C.801 and 97C.811. The rules allow the Department to ensure that these activities are conducted to maximize removal of commercial fish species in a safe manner and to protect non-target animals.

- **Commercial Fishing on Inland Waters**, part 6260.2000 was adopted to regulate commercial fishing operations on inland waters of the state. These rules were established to meet the requirements of Minnesota Statutes 97C.811. The rules allow the Department to manage these activities to preserve adequate populations, to ensure that these activities are conducted to maximize removal of commercial fish species, to protect non-target animals, and to minimize user conflicts.

- **General Provisions for Commercial Fishing Operations**, parts 6260.2100 through 6260.2200 were adopted to regulate the intensity and timing of commercial fishing efforts. These rules were established to meet the requirements of Minnesota Statutes 97C.801 and 97C.811. The rules allow the Department to ensure that satisfactory efforts to take commercial fish species are met and establish circumstances for non-compliance and license revocation.

- **Inland Commercial Fishing Areas**, parts 6260.2300 through 6260.2400 were adopted to establish commercial fishing areas within Indian reservations and throughout the state. These rules were established to meet the requirements of Minnesota Statutes 97C.815. The rules allow the Department to protect non-target animals, to minimize user conflicts, and to ensure that adequate removal of commercial fish species is accomplished.

3. Recommended Changes

The department is undergoing rulemaking to amend parts 6260.0500 and 6260.2000. Changes in commercial fishing regulations include net design and notification of lost or stolen nets. The rule changes should be effective by the end of 2003. Further information on the changes may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Authority: *Minnesota Statutes section 97C.801, 97C.811, 97C.345, 97C.815, 97C.821, 97C.825, 97C.827, 97C.831, 97C.835, 97C.841, 97C.845, 97C.851, and 97A.045*

Chapter 6262 Fishing Regulations and Requirements

1. Rules Recommended for Repeal

The department is repealing part 6262.3200, subpart 5. This language is being moved to part 6262.0100 to consolidate all fish possession language. The rule repeal should be effective by the end of 2003. Further information on the change may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Part 6262.0900 should be repealed because muskellunge seasons and limits are already specified in rule (Minnesota Rule, part 6262.0200, Subpart 1, Item I).

2. Rationale for Rules

- **General Restrictions**, parts 6262.0100 through 6262.0575 were adopted to regulate recreational fishing on inland waters and Lake Superior. The rules are necessary to restrict the taking of fish, to set seasons and limits, to establish equipment restrictions and use, and to create lists of water bodies that are closed to recreational fishing and with restrictions on taking fish. These rules assist the Department in the management of these resources to provide for a quality fishery, to preserve adequate populations of fish, and to ensure that these activities are conducted in a sustainable manner.

- **Rough Fish**, parts 6262.0600 through 6262.0750 were adopted to regulate the seasons, methods for taking, and possession of rough fish on inland waters. These rules assist the Department in the management of these resources to provide for a quality fishery, to preserve adequate populations of fish, and to ensure that these activities are conducted in a sustainable manner.

- **Whitefish and Ciscoes**, parts 6262.0800 through 6262.0850 were adopted to regulate the seasons, equipment, and methods for the recreational netting of whitefish and ciscoes in inland waters and on the Leech Lake reservation. These rules assist the Department in the management of these resources to provide for a quality fishery, to preserve adequate populations of fish, and to ensure that these activities are conducted in a sustainable manner.

- **Muskellunge**, part 6262.0900 was adopted to regulate the seasons and limits of muskellunge. These rules assist the Department in the management of these resources to provide for a quality fishery, to preserve adequate populations of fish, and to ensure that these activities are conducted in a sustainable manner.

- **Lake Superior fishing guides**, parts 6262.3000 through 6262.3050 were adopted to regulate people who provide guide services for fishing on Lake Superior. These rules are necessary to assure that guide activities are managed to protect fish and fish habitat and for the safety of participants.

- **Marking of Fish Nets**, part 6262.3100 was adopted to regulate the requirements that must be meet by people who set nets. This rule was adopted to meet the requirements of 97C.351. These rules are necessary to assure that the net is being set by a legal operator and for the

safety of other participants.

- **Packing and Transporting Fish**, parts 6262.3150 through 6262.3300 were adopted to regulate how people and commercial businesses must pack and transport fish. These rules assist the Department in the enforcement of the laws that govern the taking of fish once a person has reduced the fish to their possession.

3. Recommended Changes

The department is undergoing rulemaking to amend parts 6262.0100, 6262.0300, 6262.0500, 6262.0575, 6262.0800, and 6262.3300. Changes to these parts include the addition of Friday to the days listed for Take a Kid Fishing Weekend; clarification that it is illegal to fish for a species during its closed season and to sort fish; clarification of fish possession and transportation language; technical corrections in dates for fishing seasons; the establishment of a seasonal fishing closure on Lake Superior, Gull River in Cass County, and add Red Wing and Alma dams (Goodhue and Wabasha counties) on the Mississippi River to the list of dams with 300 ft fishing closures; technical corrections for the existing fishing restrictions for Little Rock Creek in Morrison County and Red Lake in Beltrami County; and the establishment of a daily and possession limit of 50 cisco on waters within the Leech Lake Reservation in Cass, Itasca, and Beltrami counties. The rule changes should be effective by the end of 2003. Further information on the changes may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Authority: *Minnesota Statutes section 17.4983, 97A.045, 97A.445, 97A.551, 97C.001, 97C.005, 97C.041, 97C.205, 97C.211, 97C.311, 97C.315, 97C.351, 97C.345, 97C.355, 97C.375 97C.381, 97C.395, 97C.401, 97C.405, 97C.411, 97C.415, 97C.805, 97C.811, 97C.821, and 97C.865*

Chapter 6264 Designated Waters

1. Rules Recommended for Repeal

The department is repealing parts 6264.0300, subpart 1 and part 6264.0400, subpart 1. These rules are being moved to 6262.0100, subpart 5 as a way of consolidating in one place all of the fish possession requirements. The rule repeals should be effective by the end of 2003. Further information on the change may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

2. Rationale for Rules

- **Designated Trout Lakes and Streams**, part 6264.0050 was adopted to place restrictions on fishing in these water bodies and establishes a list that describes those lakes and streams that have been designated. These rules are necessary to protect fish and foster the propagation of trout.

- **Muskellunge Waters**, part 6264.0200 was adopted to establish a list of water bodies with restrictions on spearing and end dates for that restriction. It also provides a list of water bodies with size restrictions but allows spearing until a specified end date. These rules were adopted to meet the requirements of 97C.011. These rules are necessary to protect fish and to manage these resources for a quality fishery.

- **Experimental and Special Management Waters**, parts 6264.0250 through 6264.0400 were adopted to ensure adequate opportunity for public involvement in the initiation, designation, and evaluation of experimental or special fishing regulations adopted under Minn. Statutes, sections 97C.001 and 97C.005. These rules also establish a listing of the special and experimental regulations adopted, which water bodies that the regulations apply to and if applicable the associated end dates. These rules assist the Department in the management of these resources to meet a specific fisheries objective and provide for a quality fishery.

3. Recommended Changes

The department is undergoing rulemaking to amend parts 6264.0050 and 6264.0300. The changes would allow the use of live leeches in designated stream trout lakes and delete the walleye and sauger combination limit of four fish on Rainy Lake. The rule changes should be effective by the end of 2003. Further information on the changes may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Authority: Minnesota Statutes, sections 97A.001, 97C.001, 97C.005, and 97C.011

Chapter 6266 Border Waters Fishing Regulations

1. Rules Recommended for Repeal

The department is repealing parts 6266.0400, subpart 14; 6266.0500, subpart 9; 6266.0600, subpart 9; and 6266.0600, subpart 8. These repeals include technical changes that move items to a consolidated location, delete repetitive language, and close mussel harvest on the Wisconsin border. The rule repeals should be effective by the end of 2003. Further information on the change may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

2. Rationale for Rules

- Parts 6266.0100 through 6266.0700 were adopted to establish requirements for recreational and commercial taking of fish and other animals on those waters that border Minnesota. The rules are necessary to establish for each state and Canada a list of the waters that these regulations apply to and establish regulations on the taking, seasons, limits, and equipment for border waters. These rules assist the Department in the management of these resources and provide for consistent regulations on border waters, provide for a quality fishery, preserve adequate populations of fish, and ensure that these activities are conducted in a sustainable manner.

3. Recommended Changes

The department is undergoing rulemaking to amend parts 6266.0100, 6266.0500, and 6266.0700. The changes include the closing of mussel harvest on Minnesota-Wisconsin border waters, modifying the turtle language so that it is consistent with other turtle rule changes, splitting the catfish title in the general fishing regulations into channel and flathead catfish; and changes in the Minnesota - Canadian border waters to make the current sturgeon and walleye harvest restrictions permanent, and modify fishing equipment that is allowed on the Rainy River. The rule changes should be effective by the end of 2003. Further information on the changes may be found in the Statement of Need and Reasonableness, dated May 7, 2003. This document is available from the Department of Natural Resources, Division of Fisheries. The proposed rule changes were published in the State Register on June 2, 2003.

Authority: *Minnesota Statutes section 97A.045, 97A.401, 97C.001, 97C.005, 97C.395, and 97C.401*

Chapter 6270 Aquatic Management Areas

1. Rules Recommended for Repeal
None

2. Rationale for Rules

- Parts 6270.0050 through 6270.0200 were adopted to establish the posting requirements and lists of allowed and prohibited activities on aquatic management areas. It is necessary to meet the requirements of Minn. Stat. Sec. 86A.06. These rules provide for the proper administration of the parcels to protect critical habitat for the production of fish, wildlife, and other aquatic species and to provide angler or management access.

3. Recommended Changes
No changes are recommended.

Authority: Minnesota Statutes section 86A.06

Chapter 6280 Aquatic Plant Management and Nuisance Control

1. Rules Recommended for Repeal
None

2. Rationale for Rules, parts 6280.0100 through 6280.1200, the rules relating to aquatic plant management and aquatic nuisance control, describe how the Department of Natural Resources will balance its obligation to protect aquatic plants and wild animals while allowing riparian owners to gain access and use of public waters. The purpose of these rules is to protect aquatic plants, an essential component of the biological community of many Minnesota lakes, while allowing riparian property owners access and use of the water. To access and use public waters, certain types of control activities are allowed, which are detailed in these rules. The rules ensure that those control activities are done safely and in a manner that does not unduly harm valuable fish and wildlife resources.

Protecting aquatic plants is necessary because they are essential components of most freshwater ecosystems (Engel, 1990). Aquatic plants represent the base of the food chain in lakes (Wetzel 1975, p 355-356).

3. Recommended Changes: The 2003 legislature increased Aquatic Plant Management permit fees; the rules will be revised to reflect the recent fee changes.

Authority: *Minnesota Statutes section 103G.615*

Chapter 6282 Ginseng

1. Rules Recommended for Repeal
None

2. **Rationale for Rules**, parts 6282.0100 through 6282.0500. Wild ginseng is listed in the *Convention on International Trade in Endangered Species of Flora and Fauna* (CITES). In order for Minnesota ginseng to be certified for export, the state must have specific rules in place to insure that continued harvest does not threaten the species. These rules must and do comply with federal guidelines established by the U.S. Fish and Wildlife Service.

3. Recommended Changes
No changes are recommended.

Authority: *Minnesota Statutes, section 84.093*

Chapter 6284 Wild Rice

1. **Rules Recommended for Repeal:**
None

2. **Rationale for Rules**

- Wild rice, parts 6284.0300 through 6284.0700, were adopted to regulate harvest of wild rice. They are necessary to specify additional restrictions on methods for harvesting, to specify restrictions on federally designated areas and wildlife management areas, and to establish regulations for harvesting wild rice on public waters within Reservations.

3. **Recommended Changes**
No changes are recommended.

Authority: *Minnesota Statutes section 84.152*

Chapter 6287 Quarantine Facilities

1. Rules Recommended for Repeal
None

2. Rationale for Rules

Minnesota Statutes, section 17.496 required the commissioner of natural resources to adopt rules for the construction and operation of a quarantine facility for fish eggs requiring quarantine and the disposition of fish from such a facility. Minnesota Rules, parts 6287.0100 to 6287.0900 specify design criteria, operational procedures and release protocol. The rules are needed to minimize introducing emergency fish diseases to the naturalized fishery resources of Minnesota yet providing an opportunity for importing fertilized fish eggs from emergency disease-restricted areas and areas with unknown fish health history

3. Recommended Changes
There are no recommended changes.

Authority: Minnesota Statutes, section 17.496

Chapter 6290 Fish and Wildlife Stamp Design Contests

1. Rules Recommended for Repeal

None

2. Rationale for Rules

Fish and Wildlife Stamp Design Contests, parts 6290.0100 through 6290.0800, were adopted to establish procedures selecting designs for fish and wildlife stamp contests. They are necessary because Minn. Stat. Sec. 97A.045, subd. 7 requires the department to make rules governing contests for selecting the design of stamps. They establish definitions, application procedures, design standards, judging procedures, and rights to use of images resulting from the contests.

3. Recommended Changes

Laws of Minnesota for 1996, Chapter 364 established a $5 wild turkey stamp effective March 1, 1997. Laws of Minnesota for 1997, Chapter 226, Sec. 15 amended Minn. Stat. Sec. 97A.045, subd. 7 (a) (4) to include turkey stamps along with other wildlife stamps. Existing provisions in Minn. Stat. 97A.045, subd. 7(b) provided that the commissioner shall make rules governing contests for selecting a design for each stamp. The department had already conducted a turkey stamp contest using the existing stamp contest rules prior to the passage of the requirement and it has continued to use those rules since that time. However, the stamp contest rules do not currently list wild turkeys and will be amended to specifically list them.

Authority: *Minnesota Statutes section 97A.045, subd. 7(b).*