

**Department of Natural Resources
Division of Lands and Minerals**

Memo

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REVISOR OF STATUTES REVISOR OF STATUTES

To: ✓ Michele Timmons, Revisor of Statutes
Greg Hubinger, Director, Legislative Coordinating Commissioner
Senator John Marty, Chair, Environment and Natural Resources Committee
Senator Dallas Sams, Chair, Environment, Agriculture and Economic Division
Representative Tom Hackbarth, Chair, Environment and Natural Resources Policy Committee
Representative Dennis Ozment, Chair, Environment and Natural Resources Finance

From: Kathy A. Lewis, Attorney, Transactions Manager *KL*

Date: 12/9/2004

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

Attached is a copy of the annual report by the Department of Natural Resources on obsolete, unnecessary, or duplicative rules. This report is required by Minnesota Statutes, sec. 14.05, subd. 5.

If you have any questions on this report, please feel free to contact me at 651-296-9564.



Minnesota Department of Natural Resources

OFFICE OF THE COMMISSIONER

500 Lafayette Road
St. Paul, Minnesota 55155-4037

December 1, 2004

Governor Tim Pawlenty
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155

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

Dear Governor Pawlenty:

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. Each agency must explain why its rules are obsolete, unnecessary, or duplicative, and must identify the timetable for repeal of the rules or prepare legislation to repeal the rules. Each agency must also report on the status of the rules identified in its prior year's report.

It is the continuing goal of the Department of Natural Resources (DNR) 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As a part of the process of drafting new rules or amendments to existing rules, the DNR identifies rules that should be repealed.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.

In preparing this report for 2004, the DNR identified the following rules as obsolete, unnecessary or duplicative:

Minnesota Rules, parts 6120.2500 to 6120.3900, shoreland and floodplain management. The DNR has initiated a five-county pilot project to develop new alternative shoreland management rules to address development issues identified in Crow Wing, Itasca, Cass, Aitkin, and Hubbard counties. The project is a component of the Governor's Clean Water Initiative. During 2004, the DNR has been conducting stakeholder meetings to solicit information to guide rulemaking. The DNR plans to continue this process during 2005. During the 2005 legislative session, there may be amendments to Minnesota Statutes, sections 103F.201 through 103F.221, which would also need to be reflected in rulemaking. The DNR expects to initiate formal rulemaking in 2006.

DNR INFORMATION: 651-296-6157, 1-888-646-6367 (TTY: 651-296-5484, 1-800-657-3929) FAX: 651-296-4799



Last year's report on obsolete, unnecessary, or duplicative rules referred to the report that the Department of Natural Resources was required to submit pursuant to Minnesota Statutes 14.3691. The status of the rules identified in the 2003 report as obsolete, unnecessary, or duplicative is as follows:

- (1) Snowmobile Registration and Operation, Minnesota Rules, parts 6100.5000 through 6100.6000. No rulemaking activity occurred in 2004 on the amendment of these rules. The DNR plans to publish a notice of intent to adopt rules in 2005 to update the snowmobile registration rules.
- (2) Wild, Scenic, and Recreational Rivers, Minnesota Rules, chapter 6105. No rulemaking activity has occurred in 2004. The DNR plans to publish a request for comments in 2005 to start the process of updating the Mississippi River rules, Minnesota Rules, parts 6105.0800 to 6105.0760.
- (3) Water Aeration Systems, Minnesota Rules, chapter 6116. The 2003 report identified the need to amend the rules to reflect a permit fee change. Further analysis has determined that a rule change is not needed since the fee is set by Laws of 2003, Chapter 128, Art. 1, Sec. 118.
- (4) Wildlife Management, Minnesota Rules, chapters 6212, 6230, 6232, 6234, 6236, 6240, and 6290. In 2004, the DNR worked on drafting rules and the statement of need and reasonableness. A notice of intent to adopt rules will be published in 2005 to update these rules.
- (5) Aquatic Plant Management, Minnesota Rules, chapter 6280. It was determined that further statutory changes were needed before rules were adopted. Laws of 2004, Chapter 255, Section 42, amends the fee schedule authority. The DNR is proceeding with adoption of rules under the good cause exemption process, with plans to submit the rules to the Office of Administrative Hearings in December of 2004.

Please contact Kathy A. Lewis (651-296-9564) for more information or with any questions.

Sincerely,



Gene Merriam
Commissioner

Cc: K. Lewis