

Minnesota Department of Natural Resources

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

Office of the Commissioner

651-259-5555



November 25, 2013

Governor Mark Dayton

Senator John Marty, Chair
Environment and Energy Committee

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

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

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

Mr. Greg Hubinger, Director
Legislative Coordinating Commission

Representative David Dill, Chair
Environment and Natural Resources Policy Committee

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

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

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

Ms. Michele Timmons, Revisor
Office of the Revisor of Statutes

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

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

Minnesota Statutes, section 14.05, subdivision 5, directs the Department of Natural Resources (DNR) to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

1. The DNR previously declared its intention to repeal part 6266.0400, subparts 9 and 13, relating to liberalized fishing and waters closed to fishing on the South Dakota border waters. The repealer was included with permanent rules effective April 8, 2013.
2. The DNR previously declared its intention to repeal or update the following obsolete rules, which are addressed in a permanent rulemaking package to be submitted for review by the Office of Administrative Hearings in the near future. Our target for completion is 2014.
 - a. Chapter 6212 "Licenses and Permits" is obsolete in its entirety and will be repealed.
 - b. The DNR will repeal part 6280.0250 concerning prohibition on the harvest of *Nelumbo lutea* (American lotus) in areas designated for their protection. Regulation of that plant is accomplished through the normal aquatic plant management permitting process.
3. The DNR previously declared its intention to repeal or update the following obsolete rules carried forward in this report.
 - a. Obsolete rules in Chapter 6100 "Outdoor Recreation" will be addressed in a permanent rulemaking package or will be repealed using the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion. Please refer to our 2012 report for a detailed list of obsolete rule parts.

- b. Obsolete rules in Chapter 6105 "Wild, Scenic, and Recreational Rivers" will be addressed in a permanent rulemaking package or will be repealed using the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion. Please refer to our 2012 report for a detailed list of obsolete rule parts.
 - c. Part 6120.3300, subpart 2, item D, establishes standards for lots of record in shoreland areas, specifically for when nonconforming lots of record may be allowed as building sites without variances from lot size requirements. These provisions are superseded by *Minnesota Statutes*, section 462.357, subdivision 1e, (d) to (j), and section 394.36, subdivision 5. This item will be addressed in a permanent rulemaking package or will be repealed using the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion.
 - d. Part 6260.1500 concerns regulation of commercial fishing on Namakan and Sand Point Lakes. Minnesota can no longer regulate that activity on lakes that are situated entirely within Voyageurs National Park, and so the rule is obsolete and unnecessary. This item will be addressed in a permanent rulemaking package or will be repealed using the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion.
4. The Department has reviewed its rules and found that the following rules are or have become obsolete, unnecessary, or duplicative over the course of the last year. Our timetable for completing these rulemakings is by the end of 2014, through either a permanent rules package or using the process outlined in *Minnesota Statutes*, section 14.3895, whichever is appropriate.
- a. Parts 6230.0100 and 6230.0250 provide similar definitions for "waterfowl season." The DNR plans to address this item in an expedited permanent rulemaking package targeted for completion in 2014.
 - b. Part 6232.0300, subpart 1, provides for special deer hunting regulations in an area of the state where bovine tuberculosis existed. The disease is no longer found in this area and the reference is no longer necessary. The DNR plans to address this item in an expedited permanent rule package targeted for completion in 2014.
 - c. Minnesota's wild turkey population is self-sustaining and intensive harvest management with small permit areas is no longer necessary. As such, the state's 77 original wild turkey hunting permit areas described in part 6236.0810 were consolidated into nine larger permit areas in the spring of 2012 using a temporary rule process. This process allowed managers and hunters to evaluate the new system and make any necessary changes. The DNR plans to address these items through an expedited permanent rule process targeted for completion in 2014.
 - d. Part 6115.0110 relating to annual water appropriation processing fee is obsolete and unnecessary because it has been superseded by more recent statutes. This item will be addressed in a permanent rulemaking package or will be repealed using the process outlined in *Minnesota Statutes*, section 14.3895. We have not set a target for completion.

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

Sincerely,



Tom Landwehr, Commissioner
Department of Natural Resources

c: Beth Carlson, DNR Administrative Rules Coordinator

LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT:

Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2013

Based on: Communications from rule writing contacts in agency divisions

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

Prepared by: Elizabeth P. Carlson, DNR Administrative Rules Coordinator

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Description of Cost	Further explanation if necessary	Amount
Staff Time		
Operations Services Division	5 hours	\$190
Division of Fish & Wildlife	1 hour	34
Duplication Cost (includes paper)		nominal
Other:		n.a.
TOTAL TO PREPARE REPORT		\$224