

## CHAPTER 6136

### DEPARTMENT OF NATURAL RESOURCES

### NATURAL PRESERVATION

SCIENTIFIC AND NATURAL AREAS		CRITICAL NATURAL HABITAT	
6136.0100	PURPOSES.	6136.0700	PRIORITIES FOR ACQUISITION AND IMPROVEMENT OF CRITICAL NATURAL HABITAT.
6136.0200	POLICY.		
6136.0300	DEFINITIONS.		<b>STROMATOLITES</b>
6136.0400	USE OF SCIENTIFIC AND NATURAL AREAS.	6136.0800	POSSESSION, MOVING, OR DISTURBING STROMATOLITES.
6136.0550	RESTRICTED USES AND ACTS.	6136.0900	NATIVE PRAIRIE BANK ELIGIBILITY REQUIREMENTS.
6136.0600	PENALTIES.		

#### SCIENTIFIC AND NATURAL AREAS

##### 6136.0100 PURPOSES.

The legislature has provided for creation and establishment of scientific and natural areas for the purpose of preserving, protecting, and managing lands or waters possessing inherent natural values, including soils, waters, or sediments, sites of scientific value, habitats of rare or endangered species of plants and animals, places of historic or prehistoric interest and scenic beauty, and areas uniquely suitable for teaching natural history and conservation.

The purpose of parts 6136.0100 to 6136.0600 is to provide for the management of scientific and natural areas for public use, educational and research purposes in such manner and by such means as will leave them conserved for future generations.

**Statutory Authority:** *MS s 84.03*

**History:** *32 SR 724*

##### 6136.0200 POLICY.

Notwithstanding parts 6136.0400 and 6136.0550, the commissioner of natural resources, the commissioner's agents and employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers may take such steps as may be necessary to enforce this chapter and to establish, maintain, manage, and operate scientific and natural areas.

**Statutory Authority:** *MS s 84.03*

**History:** *17 SR 1279; 32 SR 724*

##### 6136.0300 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the following meanings.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources.

Subp. 3. [Repealed, 32 SR 724]

Subp. 4. [Repealed, 32 SR 724]

Subp. 5. [Repealed, 32 SR 724]

Subp. 6. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes, all-terrain vehicles, and snowmobiles.

Subp. 7. **Person.** "Person" means any individual, partnership, corporation, or association.

Subp. 8. **Scientific and natural area.** "Scientific and natural area" means any area so designated by the commissioner of natural resources under the authority of Minnesota Statutes, section 84.033.

Subp. 9. **Watercraft.** "Watercraft" means any contrivance used or designed for navigation or travel on or under water, except a seaplane.

Subp. 10. [Repealed, 32 SR 724]

**Statutory Authority:** *MS s 84.03*

**History:** *L 1985 c 305 art 3 s 1; 32 SR 724*

#### **6136.0400 USE OF SCIENTIFIC AND NATURAL AREAS.**

Subpart 1. **Open to the public.** Each scientific and natural area designated as a public use unit as provided by Minnesota Statutes, section 86A.05, subdivision 5, is open to the public subject to the provisions of this part and part 6136.0550.

Subp. 2. **Environmental protection.** It is unlawful for any person to destroy, injure, damage, molest, or remove any natural resources within scientific and natural areas, including but not limited to, trees; vegetation; ruins; relics; birds, fish, or other animals; or geological formations, except as provided by a permit or designation order in part 6136.0550, subpart 5 or 6.

It is unlawful for any person, excepting state agents acting in their official capacity, to destroy, damage, deface, or remove any public property or private property belonging to another, including but not limited to, signs and research, testing, or monitoring equipment, within scientific and natural areas.

**Statutory Authority:** *MS s 84.03*

**History:** *32 SR 724*

**6136.0500** [Repealed, 32 SR 724]

#### **6136.0550 RESTRICTED USES AND ACTS.**

Subpart 1. **General restrictions.** The following activities are prohibited in scientific and natural areas unless specifically authorized by written permit under subpart 5 or commissioner's designation order under subpart 6:

- A. camping and picnicking;
- B. burning of any kind;
- C. disposal of garbage, refuse, sewage, or trash;
- D. swimming, boating, or use of any type of watercraft;
- E. fishing;
- F. hunting, trapping, or possession of an uncased or loaded firearm, an uncased and strung bow, a trap, a slingshot, or explosives;
- G. operation of a bicycle or motorized vehicle, except in designated parking areas;
- H. landing aircraft;
- I. possession of horses or other pet animals or allowing entry of horses or other pet animals;
- J. consumption of alcoholic beverages;
- K. commercial activities, including peddling, soliciting, and advertising; and
- L. private events or group activities, including orienteering, geo-caching, and athletic or social events, which are advertised or organized for purposes other than nature observation, education, or research.

Subp. 2. **Abandonment.** A person may not store or abandon property in a scientific and natural area.

Subp. 3. **Structures.** A person may not erect, construct, or maintain a dock, fence, stand, sign, post, blind, or other structure within a scientific and natural area, except stands as provided under subpart 4 and blinds in an authorized watercraft and except as provided by a permit issued under subpart 5.

Subp. 4. **Stands.** A person may use an elevated scaffold or stand if it is removed each day at the close of shooting hours and does no damage to trees or other vegetation. A person may not use a portable stand that is nailed, spiked, or screwed into a tree or that otherwise damages the bark of a tree. A person may not use spikes, nails, steps, or other devices that are driven or screwed into trees.

Subp. 5. **Permits.**

A. The commissioner may issue permits to conduct an activity otherwise prohibited, provided the activity would not harm the resources of a scientific and natural area. The permit application must be submitted on a form provided by the commissioner. The commissioner shall consider the following criteria to determine if a permit should be issued:

- (1) the activity will advance knowledge, understanding, interpretation, or management of scientific and natural areas;
- (2) alternative locations for carrying out the activity are not available or not in close proximity;
- (3) the activity will not substantially interfere with other public use, research, educational, or management activities;
- (4) there are no reasonable alternatives for conducting the activity; and
- (5) the applicant is qualified to conduct the activities authorized by the permit.

B. The commissioner may specify conditions for permits issued under this subpart to protect scientific and natural areas and enhance knowledge of scientific and natural areas, including, but not limited to:

- (1) limits on the number of people authorized by the permit;
- (2) restrictions on when authorized activities may be conducted, including seasonal, daily, or other time restrictions;
- (3) restrictions on where authorized activities may be conducted;
- (4) restrictions on how authorized activities are conducted, including specifying methods that may be used to collect data and plants, animals, relics, or other resources;
- (5) limits on the quantity or types of plants, animals, relics, or other resources that may be removed or collected; and
- (6) for permits involving collection of plants or animals, requirements to deposit at the University of Minnesota at least one voucher specimen for each species collected in a time frame specified in the permit.

Subp. 6. **Designation orders.**

A. A designation order issued under the authority of Minnesota Statutes, section 84.033, subdivision 1; 86A.05, subdivision 5; or 86A.07, subdivision 3, must specify prohibited and allowed activities that are exceptions to this part and part 6136.0400.

B. A designation order may allow exceptions to prohibited activities to enhance public use of a scientific and natural area or surrounding areas, if the activities are compatible with the purposes for which the scientific and natural area was acquired. The following criteria shall be considered to determine if exceptions to the prohibited activities should be allowed:

- (1) the activity occurred prior to designation;
- (2) the designation of specific areas for activities will help prevent damage to more sensitive areas;

(3) the activity is needed to use a preexisting travel corridor to access land adjacent to a scientific and natural area for a special purpose;

(4) the activity will enhance access to or interpretation of the scientific and natural area;

(5) allowing the activity will provide consistency with regulations of adjacent public lands; and

(6) the activity will help achieve management objectives for the scientific and natural area.

C. A designation order may include restrictions in addition to those in this part and part 6136.0400 if necessary to protect the resources in a scientific and natural area. Restrictions may include, but are not limited to:

(1) limits on the number of people that can engage in an authorized activity;

(2) restrictions on when authorized activities may be conducted, including seasonal, daily, or other time restrictions;

(3) restrictions on where authorized activities may be conducted; and

(4) restrictions on how authorized activities are conducted.

**Statutory Authority:** *MS s 84.03; 86A.06*

**History:** *32 SR 724*

#### **6136.0600 PENALTIES.**

A person who violates part 6136.0400 or 6136.0550 is guilty of a petty misdemeanor and shall be punished by a fine of not more than \$300 per violation.

**Statutory Authority:** *MS s 84.03*

**History:** *32 SR 724*

### **CRITICAL NATURAL HABITAT**

#### **6136.0700 PRIORITIES FOR ACQUISITION AND IMPROVEMENT OF CRITICAL NATURAL HABITAT.**

Subpart 1. **Specific criteria for selecting critical natural habitat.** As provided by Minnesota Statutes, section 84.944, the commissioner must consider the following specific criteria in assessing the value of a proposed critical natural habitat project:

A. the occurrence of one or more of the state's various rare natural resources including plants, animals, and undisturbed natural ecological communities as identified by the department's Natural Heritage Program;

B. the existing and potential value of the project to provide vital habitat for fish and wildlife, especially for species identified for special management consideration;

C. the threat of habitat destruction if the project is not carried out;

D. the surrounding land uses in terms of the amount and type of similar habitat and the projected loss of habitat in the area;

E. the location of the project within or adjacent to an existing management unit, including accessibility and relationship to other existing state lands or waters;

F. the integrity of the land or water parcel and the long-term viability of the project;

G. the recreational potential of the parcel including present and future demand and the opportunities to meet this demand in the surrounding area; and

H. the projected acquisition or management costs and potential future management problems.

**6136.0700 NATURAL PRESERVATION**

672

Subp. 2. **Prioritization of proposed projects.** Proposed projects that meet one or more of the specific criteria in this part will be ranked by the commissioner in accordance with the following priorities, listed in order of decreasing importance:

- A. the potential contribution to the maintenance or enhancement of populations of native plant, fish, and wildlife species listed as endangered or threatened in chapter 6134;
- B. the potential contribution to the protection or enhancement of native ecological communities that are now uncommon or diminishing;
- C. the benefits provided to existing or potential habitat for fish and wildlife populations; or
- D. the enhancement of fish and wildlife oriented recreation.

**Statutory Authority:** *MS s 84.944*

**History:** *18 SR 83*

**STROMATOLITES**

**6136.0800 POSSESSION, MOVING, OR DISTURBING STROMATOLITES.**

Permits for the possession, moving, or disturbing of stromatolites on the bed of or in any of the waters of the state may be issued by the commissioner for bona fide scientific, research, or educational purposes upon written application by qualified persons, as determined by the commissioner, or institutions. These permits shall contain conditions limiting the number of stromatolites which may be possessed, and are subject to cancellation at any time upon written notice provided to the permittee.

**Statutory Authority:** *MS s 84.1525*

**History:** *18 SR 83*

**6136.0900 NATIVE PRAIRIE BANK ELIGIBILITY REQUIREMENTS.**

The commissioner shall consider the following criteria to determine if a tract of land is eligible for inclusion in the native prairie bank:

- A. presence of native prairie habitat that has a diversity of native plant and wildlife species;
- B. known occurrence of or suitable habitat for rare species; and
- C. the tract is near other public land or part of a larger native prairie complex.

**Statutory Authority:** *MS s 84.96*

**History:** *32 SR 724*