

## CHAPTER 6268

### DEPARTMENT OF NATURAL RESOURCES

### EXPERIMENTAL WATERS; PUBLIC INVOLVEMENT

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#### 6268.0010 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 6268.0010 to 6268.0040, the following terms have the meanings given them unless otherwise provided.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 3. **Department.** "Department" means the Minnesota Department of Natural Resources.

Subp. 4. **Experimental waters.** "Experimental waters" has the meaning given it in Minnesota Statutes, section 97C.001.

Subp. 5. **Special management waters.** "Special management waters" has the meaning given it in Minnesota Statutes, section 97C.005.

**Statutory Authority:** *MS s 97C.001; 97C.005*

**History:** *18 SR 468*

#### 6268.0020 AUTHORITY; SCOPE; PURPOSE.

Subpart 1. **Authority.** Parts 6268.0010 to 6268.0040 are adopted under authority of Minnesota Statutes, sections 97C.001 and 97C.005.

Subp. 2. **Scope.** Parts 6268.0010 to 6268.0040 apply to public initiation and public participation in the evaluation of all experimental and special management waters designations.

Subp. 3. **Purpose.** The purpose of parts 6268.0010 to 6268.0040 is to ensure adequate opportunity for public involvement in the initiation, designation, and evaluation of experimental or special fishing regulations adopted under Minnesota Statutes, sections 97C.001 and 97C.005.

**Statutory Authority:** *MS s 97C.001; 97C.005*

**History:** *18 SR 468*

#### 6268.0030 PUBLIC INITIATION OF EXPERIMENTAL AND SPECIAL MANAGEMENT WATERS DESIGNATION.

Subpart 1. **Submission of proposals.** A person, organization, or other entity may submit a proposal to the commissioner at any time for designation of specific lakes or streams as experimental or special management waters. Proposals must include the following information:

- A. names of waters proposed for designation and counties where waters are located;
- B. description of proposed experimental or special regulations;
- C. objective of proposed experimental or special regulations;
- D. documentation of public support for the proposal; and
- E. proposed implementation date.

Subp. 2. **Proposal evaluation.** The commissioner shall evaluate proposals for experimental or special management waters based on the following criteria:

- A. presence of an objective which meets a defined biological or social need supported by reliable information;
- B. compatibility with existing programs of the department;

- C. public acceptance;
- D. compatibility with existing state law;
- E. availability of sufficient funding if needed for evaluation; and
- F. scientific validity and conformance with established biological principles.

Subp. 3. **Action on proposal.** The commissioner may deny a proposal which does not meet the criteria in subpart 2, or may suggest modifications to the proposal so that it better meets the criteria. The commissioner shall notify originators of proposals of acceptance, denial, or suggested modifications within three months of receiving the proposal. The commissioner shall provide a written explanation for denials and suggestions for modification. The originator of the proposal may decide to accept suggested modifications or to drop the proposal. Acceptance of a proposal by the commissioner is not a guarantee that the proposal will be implemented as experimental or special management waters.

Subp. 4. **Proposal approval.** Proposals which are accepted by the commissioner are subject to further review by the department; public notice and meeting requirements of Minnesota Statutes, sections 97C.001, subdivision 2, and 97C.005, subdivision 1; and all other applicable state law before final approval and implementation. The commissioner may order that a proposal be dropped or modified at any time during the internal review or public notification process. If a proposal is dropped or modified, the commissioner shall provide the reasons for this action in writing to the originator of the proposal. The originator of the proposal may decide to accept the commissioner's modifications or to drop the proposal.

**Statutory Authority:** *MS s 97C.001; 97C.005*

**History:** *18 SR 468*

#### **6268.0040 PUBLIC PARTICIPATION IN EVALUATION OF EXPERIMENTAL AND SPECIAL MANAGEMENT WATERS DESIGNATION.**

Subpart 1. **Experimental waters.** Public meetings held to determine if experimental waters should be terminated, extended, or designated as special management waters must provide an opportunity for public review, comment, and questions concerning the proposed action. The commissioner shall review public comments before making a final determination on whether experimental waters should be terminated, extended, or designated as special management waters. Final determination regarding changes in experimental waters designation will consider public comments, but will also be based on natural resource needs and department management plans.

Subp. 2. **Special management waters.** The commissioner may hold meetings to allow public review, comment, and questions concerning existing special management waters. The commissioner shall review public comments before making a determination on changing the status of special management waters. Final determination regarding changes in special management waters designation will consider public comments, but will also be based on natural resource needs and department management plans.

**Statutory Authority:** *MS s 97C.001; 97C.005*

**History:** *18 SR 468*