



STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138

June 25, 1999

Steve Simmer
Division of Forestry, Box 44
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155

RE: Review of Adopted Exempt Rules of the Minnesota Department of Natural Resources Governing Parks and Trails; Public Use of State Parks and Other Recreational Areas. Minn. R. Chapter 6100.
OAH Docket No. 6-2000-10949-1

Dear Mr. Simmer:

This is to inform you that the amendments to Minnesota Rule Chapter 6100 have been approved as to legality on June 25, 1999, under Minn. Stat. § 14.388 (3). The Administrative Law Judge finds that it is unnecessary or impracticable to comply with the rulemaking procedures under Chapter 14 for the proposed rule amendments to this rule part.

The above rules came on for hearing before Administrative Law Judge Allan Klein on December 7, 8, and 16, 1998, and January 28, 1999. In his Report, dated March 24, 1999, Judge Klein found one defect in the rules. The agency proposed a cure for the defect and resubmitted the rules to the Office of Administrative Hearings for approval. The Chief Administrative Law Judge approved the rules on April 14, 1999. Subsequent to the rule's approval but before they were adopted by the agency, legislation was passed on requiring changes to the proposed rules.

The required legislative changes are set forth in 1999 Minn. Laws ch. 231, § 204. Section 204 (a) states the following: "The commissioner of natural resources shall amend the proposed permanent rules relating to public use of recreational areas . . . according to this section and pursuant to Minnesota Statutes, section 14.388 [Good Cause Exemption]." The agency has made the required changes to Minn. R. chapter 6100. Also, the agency has complied with the procedural requirements set forth in Minn. Stat. § 14.388 and Minn. R. 1400.2400.

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For the reasons set forth above and based upon the entire record, the Administrative Law Judge agrees that Minn. R. chapter 6100 should be amended. The Administrative Law Judge finds that it is unnecessary and impracticable to use the procedures of Minn. Stat. Chapter 14 to amend these rules.

With the approval of the adoption of the rules, our office has closed this file and is returning the rule record to you so that your agency can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. Our office will file two copies of the adopted rules with the Secretary of State. Your next step is to arrange for publication of the adopted exempt rule in the State Register as required by Minn. Stat. § 14.386 (a).

If you have any questions regarding this matter, please contact Catherine Anderson at 612/341-7666.

Sincerely,

Allan W. Klein
by AAB

Allan W. Klein
Administrative Law Judge
612/341-7609

Enclosures

cc: Office of the Attorney General
Legislative Coordinating Commission
Office of the Revisor of Statutes