

## CHAPTER 86A

## OUTDOOR RECREATION SYSTEM

86A.06 Rules.

86A.09 Development and establishment of units.

**86A.06 RULES.**

Each managing agency, in consultation with the commissioner of energy, planning and development, shall promulgate rules relating to the units of the outdoor recreation system within its jurisdiction, which shall provide for administration of the units in the manner specified in section 86A.05 and the laws relating to each type of unit. The authority provided by this subdivision does not amend or repeal authority possessed by the commissioner of natural resources pursuant to section 97.53, subdivision 2, and in no way is intended to modify or diminish authority possessed by the commissioner in relation to section 97.53, subdivision 2.

**History:** 1981 c 356 s 105

**86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

Subdivision 1. **Master plan required.** No construction of new facilities or other development of an authorized unit, other than repairs and maintenance, shall commence until the managing agency has prepared and submitted to the commissioner of energy, planning and development and the commissioner of energy, planning and development has reviewed, pursuant to this section, a master plan for administration of the unit in conformity with this section. No master plan is required for wildlife management areas that do not have resident managers, for water access sites, or for rest areas.

Subd. 2. **Master plan; preparation and content.** The managing agency shall supervise preparation of the master plan and shall utilize the professional staffs of any agency of the state when the expertise of the staff of such agency is necessary to adequately prepare the master plan; the master plan shall present the information in a format and detail that is appropriate to the size and complexity of the authorized unit. When the master plan has been completed the managing agency shall announce to the public in a manner reasonably designed to inform interested persons that the master plan is available for public review and in the case of any major unit shall hold at least one public hearing on the plan in the vicinity of the unit. The managing agency shall make the master plan available for review and comment by the public and other state agencies for at least 30 days following the announcement and before submitting the master plan to the commissioner of energy, planning and development. Copies of the plan shall be provided to members of the outdoor recreation advisory council and to any other person on request.

Subd. 3. **Master plan; review and approval.** All master plans required by this section shall be submitted to the commissioner of energy, planning and development for review pursuant to this subdivision. The commissioner of energy, planning and development shall review the master plan to determine whether the plan: (a) provides for administration of the unit in a manner that is consistent with the purposes for which the unit was authorized and with the principals governing the administration of the unit, as specified in section 86A.05 and the statutes relating to each type of unit; (b) recognizes values and resources within the unit that are primarily the responsibility of another managing agency to protect or develop, and provides for their protection or development either through

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a cooperative agreement with the other managing agency or through designation of the appropriate area as a secondary unit. In reviewing any master plan, the commissioner of energy, planning and development shall consult with other state agencies. Within 60 days after receiving the master plan, the commissioner of energy, planning and development shall notify the managing agency that the plan has been reviewed and forward its recommendations for any changes it might suggest. The managing agency shall review the recommendations and notify the commissioner of energy, planning and development of the disposition made of them. Failure to comment on a master plan within the time specified shall be considered approval of the plan by the commissioner of energy, planning and development. If the director of the commissioner of energy, planning and development feels that the master plan still fails significantly to comply with this subdivision, he may request review of the master plan by the governor. In that event review shall not be deemed completed until after the master plan has been approved by the governor or 60 days have elapsed without action by the governor to approve or reject the plan, whichever occurs first.

Subd. 4. **Development.** Construction of necessary facilities and other development of the unit shall commence as soon as practicable after review of the master plan by the commissioner of energy, planning and development, and the governor if requested, and shall be carried out in conformity with the master plan.

*[For text of subd 5, see M.S.1980]*

**History:** 1981 c 356 s 106-109