

Minnesota Attorney General: Administrative Rules Proceedings

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ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Bill Clapp
Special Assistant
Attorney General

DATE: September 7, 1978

FROM : Lee E. Sheehy
Special Assistant
Attorney General

PHONE: 296-1283

SUBJECT: In the Matter of Proposed Rules for Public Use of State Parks and State Forest Campground and Day Use Area

The above-captioned rules have been returned herewith and have not been approved by this office or filed with the Secretary of State.

The below-enumerated rules, or portions thereof, have been disapproved for the following reasons:

1. Agency Finding No. 7: The last sentence of this finding relates to a "provision regarding damages." I am unable to locate in the rule proposed for adoption such a provision.

2. NR 1 (E)(2): The prohibition against making a "loud sound" is impermissibly vague. Since violation of this rule is a misdemeanor, the standards for governing conduct must meet the vagueness tests enunciated by the Minnesota Supreme Court. See, for example, State v. Target, 156 N.W.2d 908 (1968). The "loud sound" prohibition appears to be improper under this test. Finally, it appears that the agency's interest in prohibiting loud sounds may well be covered by the disorderly conduct statute, which the agency is attempting to incorporate into its rules, thereby making this part of the rule unnecessary. The remaining prohibitions against use of the public address systems, amplifier or power equipment are approved.

3. NR 1 (E)(4): It is this office's policy to grant deference to agency expertise in areas of policy-making. It is our responsibility, however, to assure that agency findings justify the need for and reasonableness of agency action. The Hearing Examiner in Finding No. 15 of his report explains at length his reasons for finding (E)(4) relating to alcohol consumption unreasonable. Agency Finding No. 8 must be augmented to address matters raised by the Examiner's Finding.

4. NR 1 (G): There is no need for the number "1" preceding the first paragraph since there is no number "2" in subdivision G.

5. NR 1 (I): This rule is not disapproved. However, a question may exist about whether the "bathing beach" referred to in this rule is distinguishable from the general definition of "beach" contained in Subdivision C.

6. NR 1 (K)(6): If the agency intends to make noise "above that of a quiet conversation" is a misdemeanor, it must provide a more substantial written finding showing the need and reasonableness for such a prohibition than is found in the existing agency findings. Secondly, the agency must supply a legal brief to this office showing that such a rule is not void for vagueness

on its face. Finally, the agency should explain why the disorderly conduct statute does not provide adequate protection for the public for occurrences in which NR 1 (K)(6) may be enforced thereby making such a provision unnecessary.

7. NR 1 (K)(7): The agency must provide a more detailed finding supporting NR 1 (K)(7), especially juxtaposed against NR 1 (V), Agency Finding No. 29, which appears to declare such a provision improper, and Hearing Examiner's Finding No. 16.

8. NR 1 (N)(2)(c): Additional findings for this subdivision beyond Agency Finding No. 19 is necessary, especially since the prohibition is against possessing such devices on the shore in addition to the body of water as the rule is presently written.

9. NR 1(Q)(1): The citation to incorporated provisions is unclear, and such citations to rules should be with clarity such as that evidenced in proposed NR 1 (Q)(2).

10. NR 1 (R)(2): A review of Minn. Stat. Chapter 86A by this office does not clearly show why this rule relating to the use of horses is required to read as it does by such statutory language. In light of the substantial public outcry over this rule at the hearing and Hearing Examiner Finding No. 13, the agency must submit additional detailed findings and/or cite to testimony in the record which establishes the need for and reasonableness of this provisions.

If you have any questions, do not hesitate to call me. I have retained copies of relevant materials in my file should you wish to discuss them with me.

LES:mb

cc: Duane Harves

#461 Dept of Natural Resources

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 8/24 Temporary Rule _____

Resubmitted and Received 10/13/78 } 11-29/78 Requested orig of Order Adopting so rules can be filed

DUE DATE 9/13/10/26/78 / 12/8/78 12/4 -

a. Returned to Agency w/o filing w/Secy of State 9/7 / 10-26
b. Approved 12/5 Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable N.A.
4. Order for Hearing ✓
5. Notice of Hearing ✓
   (i) Sufficiency ✓
6. Secretary of State's List ✓
7. Certificate of Acquisition of Secretary of State's List ✓
8. Affidavit of Mailing ✓
   (i) At least 30 days prior to hearing ✓
9. Statement of Need and Evidence ✓
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable N.A.
13. Order Adopting ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable N.A
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable NA
17. Petition by Public, where applicable N.A.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

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In the Matter of Proposed Rules for Public Use of State Parks and State Forest Campground and Day Use Areas.

SUPPLEMENTARY FINDINGS OF THE COMMISSIONER

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These Supplementary Findings are made in response to the office of the Attorney General which, in reviewing the rule and Findings previously submitted to it for review as to form and legality, has raised certain questions and concerns.

1. Referring to paragraph 7. of the Findings and Conclusions of the Commissioner dated August 24, 1978, the last word should be "drugs," not "damages."

2. Section E.2. of the rule submitted to the Hearing Examiner reads:

> No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager or forest officer.

To avoid the possibility that "loud sounds" may be too vague to obtain court enforcement, the two words should be replaced with "noise tending reasonably to arouse alarm, anger or resentment in other park users." This language is taken directly from the disorderly conduct statute, but unlike the statute does not require that the noise be associated with boisterousness. Quietude is an important ingredient in the experience the Department wants to provide park and campground users, warranting special treatment.

3. The rule submitted to the Attorney General for approval continues the ban in the existing rule on the

consumption of beer, wine and liquor stronger than 3.2% alcohol by volume, and extends the ban to state forest campgrounds and day use areas.

The entire record before me on the subject is in Volume I of the transcript at pages 51-66 and Volume II at pages 123-128 and 134. All the public testimony within these pages is that Messrs. Irwin, Chester, Voita, and Schwartz found in Volume I at 51-52, 54-56, and 64-66. (The "Mr. Irwin" on pages 53 and 54 is a Department employee). Of those, only two remarks by Mr. Chester, found on pages 52 and 56, have anything to do with drinking. He says there is drinking in the parks and campgrounds. There is no public testimony pro or con the rule. Agency staff, on the other hand, made an affirmative presentation as to the need for and reasonableness of the rule: it makes it possible to stop situations from turning into disorderly conduct before they do. See the transcript at pages 53-54, 57-64, 66, 123-127, and 134. I find the testimony clearly shows need and reason for the rule.

Enforcement of the rule by trained peace officers in situations that would otherwise turn into trouble, is a rational basis for selective enforcement. It is neither arbitrary nor discriminatory. The rule will be lawfully enforced. It would be like prior restraint to reject it because some think it won't be.

4. The 1. in NR 1.G. is unnecessary because there is no 2., so should be removed.

5. In NR I, the phrase "bathing beach" is not intended to mean anything other than "beach" as defined in Section C. Therefore "bathing" should be struck.

6. During the hours when people don't want their

sleep disturbed, it is reasonable and necessary that there be quiet in the camping areas. One could rely on the general prohibition in Section E.2. against "noise tending reasonably to arouse alarm, anger or resentment in other park users." But it is possible to further define what that noise level is during the hours of sleep, namely "noise at a level above that of a quiet conversation." I find the noise restriction in NR 1.K.6. appropriate to nighttime hours in campgrounds, and better than the general noise limitation set out in NR 1.E.2. because it is more specific and is tailored to a particular situation.

7. In light of Section V., Section K.7. is unnecessary and should be stricken.

8. NR 1.N.2.c. should be prefaced by the phrase "while in the water". The provision is a safety precaution, eliminating the possibility that weak swimmers are relying on unreliable flotation devices.

9. A review of NR 1.Q.1. reveals that it is informational only, and may be stricken. Agency personnel already have authority to enforce snowmobile laws and rules, making incorporation by reference unnecessary.

10. The public testimony about horses in parks consists of the written statement of Mr. Rierson, his testimony at pages 10-12, 15-18, 19, 24, 26-27, and 31-32 of the transcript, and the statement by Rep. McEachern at page 28. The agency staff's explanation of the rule is found at pages 9-10, 14, 18-19, 20 and 29-30. The position is that (1) Section R.2. is unchanged from the rule that has been in effect for years -- NR 1(m); (2) it is the same signing method established for all users other than hikers and skiers; (3) it is less expensive to sign where horses

can go, because there are less places they can go than they can't go. Mr. Rierson wants that situation to change. If it comes to pass, as a result of the management planning process now underway pursuant to Minn. Stat. Chapter 86A, that a majority of trails become open to horses, then the signing method should be reversed to that used for people afoot. But to date, it is neither reasonable nor necessary to change the established practice.

Dated this 8 day of November, 1978.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Joseph N. Alexander
Acting Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

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In the Matter of Proposed Rules For Public Use of State Parks and State Forest Campgrounds and Day Use Areas

ORDER ADOPTING RULE

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WHEREAS, the public hearing held on December 6, 1977, and December 8, 1977, was properly noticed and fairly conducted; and

WHEREAS, the Report of the Hearing Examiner has been received; and

WHEREAS, the proposed rules have been modified in accordance with the Findings and Conclusions of the Commissioner, and combined into one rule; and

WHEREAS, the Commissioner of Natural Resources is authorized by law to adopt the rule;

NOW, THEREFORE, I adopt the Rule for Public Use of State Parks and State Forest Campgrounds and Day Use Areas identified as Minnesota Rule NR 1 and attached as Exhibit 1, as a rule of the State of Minnesota, Department of Natural Resources.

This order is effective upon approval of the rule by the Attorney General and five days after the rule is published in the State Register.

Dated this 24th day of August, 1978.

JOSEPH N. ALEXANDER,
Acting Commissioner
Department of Natural Resources

Department of Natural Resources

Rules For Public Use Of State Parks, Forest Campgrounds And Forest Day Use Areas.

NR 1 Public use of state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas.

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 85.05, 89.031 and 89.21.

B. Penalty.

Any person who violates any of these rules is guilty of a misdemeanor and subject to immediate removal from the park, forest campground or forest day use area and to appropriate legal action.

C. Definitions.

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "State park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, state wayside, or state historic site.

3. "Forest day use area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

4. "Forest campground" means those areas developed and maintained by the Commissioner on state lands administered by the Division of Forestry for camping and related recreational activities.

5. "Person" means any individual, partnership, corporation or association.

6. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

7. "Shelter" means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailers, pick-up campers, buses, station wagons, motor homes and boats.

8. "Beach" means that part of a body of water and shore designated for swimming and sunning.

9. "Motor vehicle" means any self-propelled vehicle including but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (AVT's), but not including snowmobiles.

10. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. State parks.

a. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

b. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

2. Forest campgrounds and forest day use areas.

a. Forest campgrounds and forest day use areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

b. Forest day use areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. A person's conduct shall be as prescribed in Minn. Stat. § 609.72.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make noise of a volume tending reasonably to arouse alarm, anger, or resentment in other park users, without prior permission from the park manager or forest officer.

3. It is unlawful for any person to consume intoxicating liquors.

4. A person's possession and use of drugs shall be in accordance with state laws.

F. Public safety; hunting.

1. While in a state park, or while in a forest campground or forest day use area during the official open season for these areas, it is unlawful for any person to:

a. possess explosives of any kind;

b. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

c. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;

d. use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection.

The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property, including but not limited

to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities, except edible fruit, mushrooms and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by these rules. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the area affected.

3. Where firewood is provided at no charge its use shall be within reasonable limits.

4. Minn. Stat. § 85.20, subd. 6, and § 609.68, forbidding littering, are incorporated in this rule by reference.

5. Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from areas where receptacles are not provided.

I. Pets.

Pets are permitted, provided no person shall allow any dog, cat, or other pet animal to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking.

Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. State parks.

a. Camping is permitted only at assigned sites in designated camping areas.

b. A person may not camp in the same state park for more than 14 days aggregate during the period of June 15 through Labor Day, provided, however, that the park manager may in his discretion allow camping for such additional days as he may prescribe when conditions of nonuse so warrant.

c. Each camping party must register.

(1) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(2) Registration must be in person.

(3) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(4) Camping permits shall expire at 4:00 p.m.

d. A campsite may be occupied by:

(1) Any group of six or less using one shelter for sleep; or by

(2) A family using one shelter, and an additional shelter with prior approval of the park manager. A family consists of a father and/or mother accompanied by any of the following: their parents, their children, and their blood relatives.

2. Forest campgrounds and forest day use areas

a. A nominal charge per campsite per night shall be collected in certain forest campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay the camping fee immediately upon occupying a campsite.

b. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

c. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

d. Camping shall be limited to a total period of fourteen days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that the forest officer of any forest campground in his discretion, allow camping for such longer periods as he may prescribe when conditions or non-use so warrant.

e. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

f. Camping permits in fee campgrounds shall expire at 4:00 p.m.

g. Setting up camp between the hours of 10:00 p.m. and 6:00 a.m. is prohibited.

h. Any group desiring to occupy more than two campsites must obtain prior approval from the forest officer.

i. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

3. It shall be unlawful for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

4. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

5. A watercraft used for shelter or sleeping which is tied on water frontage constitutes camping and is subject to these rules.

6. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating.

1. Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to state parks, forest campgrounds and forest day use areas.

2. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess of 10 miles per hour, unless the lake is otherwise designated and posted.

M. Fishing.

1. Fishing conforming to Minnesota laws and rules is permitted in the waters adjacent to state parks, forest campgrounds, and forest day use areas.

2. If a fish clearing facility is provided, no person shall clean fish and dispose of the remains except at that place.

N. Beaches; swimming - state parks.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the life-guard, if one is present.

2. It is unlawful on a beach:

a. To allow any dog or other pet to enter;

b. To possess glass containers;

c. While in the water, to use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;

d. To use the beach before sunrise or after sunset;

e. To enter with any boat, canoe or raft;

f. To fish;

g. To swim beyond boundary buoy or marker;

h. To engage in any activity which is hazardous and could cause injury to others;

i. To use any soap, detergent or shampoo; and

j. To change clothes except in structures designated for such use.

O. Motor vehicle permits - state park.

1. Requirements for motor vehicle permits for entry into state parks shall be as stated in Minn. Stat. § 85.05, Subd. 2 (a) and (c).

2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield.

P. Motor vehicle use; boats, trailers, fish house.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within state parks, forest campgrounds and forest day use areas. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. Within forest campgrounds and forest day use areas:

a. No person shall leave standing, whether attended or unattended a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

b. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

c. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

Q. Snowmobiles - state parks.

1. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

2. Within state parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use.

1. People on foot may go anywhere that is not posted otherwise.

2. No person shall ride or lead or have a horse except on trails and areas designated for such.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas.

It shall be unlawful to enter by any means a posted restricted area.

T. Aircraft.

It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the country in which the park is located.

U. Protection from peddling and soliciting.

It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, except for authorized concessions, without the prior written consent of the park manager or forest officer.

V. Suspension of rules.

In situations of emergency the Commissioner may provide temporary exceptions to the general rules for a specific state park, forest campground or forest day use area by posting notice of such exception at said unit.

W. Repeal of preceding rules NR 1 and NR 10.

Previous rules NR 1 and NR 10, governing state parks, forest campgrounds and forest day use areas, are repealed.

APPROVED AS TO FORM AND LEGALITY

DEC. 5 1978 19

WARREN SPANNAUS ATTORNEY GENERAL

BY

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC - 6 1978
Joan Anderson Growe
Secretary of State
9:15 AM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of Revising the Rules Governing Public Use of State Parks, State Recreational Areas, State Historic Sites (Minn. Regs. NR 1) and State Forest Campgrounds and Day Use Areas (Minn. Regs. NR 10)	)))))))	REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Howard L. Kaibel, Jr., of the Minnesota Office of Hearing Examiners on December 6, 1977, in Room 83 of the State Office Building, Saint Paul, Minnesota, and was further heard on December 8, 1977, in Grand Rapids, Minnesota. The hearings continued until all interested persons had an opportunity to participate and be heard fully. No transcript of those hearings was prepared and this Report is based on the Hearing Examiner's notes.

Mr. Augustus W. Clapp, III, Special Assistant Attorney General, appeared on behalf of the Department Staff. Mr. R. W. Hosfield of the Division of Parks and Mr. Erick Kurki of the Division of Forestry also appeared on behalf of the Department.

BACKGROUND

This Report is being prepared pursuant to Minn. Stat. § 15.052, subd. 3, which requires that the Hearing Examiner:

> Make a report on each proposed agency action in which the hearing examiner functioned in an official capacity, stating his findings of fact and his conclusions and recommendations, taking notice of the degree to which the agency has (1) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

This proceeding involves two different types of recreation facilities administered by the Department of Natural Resources. For convenience, they are referred to in this Report as "parks"

and "campgrounds". "Parks" actually include "state parks, recreational areas, historic sites, and waysides" under the jurisdiction of the Department's division of parks and recreation. "Campgrounds" include "state forest campgrounds and state forest day use" or picnicking areas which are under the jurisdiction of the Department's division of forestry. The nature of the facilities and the public activity taking place in "parks" and "campgrounds" is basically indistinguishable. The two divisions have in the past adopted two separate sets of rules to govern public activities in "parks" and "campgrounds". This proceeding was called to revise and update those rules. The two divisions proposed to continue using two separate sets of rules running to some 23 pages. Without actual ly counting the words or subsections, the vast majority of them are identical. Most of the provisions of the proposed "park" rules are simply rewritten provisions of their existing rule which was filed with the Secretary of State in 1971. That was prior to the 1976 revision of the Administrative Procedures Act, creating the Office of Hearing Examiners and requiring the above-cited Report on need, reasonableness and statutory authority. The recreation division staff took the position that to the extent these "park" rules basically repeal and readopt those provisions without major substantive change, there is no need to document need, reasonableness or statutory authority because they are merely a continuation in effect of existing provisions and are not new rules. The existing "campground" rule is a short document of less than two pages, which was filed with the Secretary of State in 1945, and contains very few of the more detailed "park" rule provisions. The forestry division proposed that the new "campground" rule incorporate most of the "park" rule provisions. The Statement of Need for the "campground" rules asserts:

> We feel it is reasonable that the revised rules proposed for state parks also be used for campgrounds and day use areas in state forests, with the following exceptions:

The Statement of Need then goes on to highlight some 15 places where the division feels "campground" rules must differ with "park" rules, many of which are minor such as the citation to statutory authority and definition of terms. Although most of the provisions of these "campground" rules are thus new rules, very little effort was made to document the need, reasonableness or statutory authority for them.

A large number of provisions (detailed later in these Findings) of both sets of rules merely restate the "do's" and "don'ts" of existing laws and rules governing conduct, such as stating that fishing is allowed if you obey the fishing laws, and that driving without a valid driver's license is not. The extensive list of permitted and non-permitted conduct is clearly not exhaustive either with regard to permitted conduct (such as smoking or reading) or proscribed conduct (such as underage smoking, kidnapping, child molesting, etc.).

The division staffs advanced two reasons for promulgating this extensive duplicative restatement as separate provisions of the state code of administrative rules. The primary justification advanced early in the hearing was to facilitate informing campers of "do's" and "don'ts" by posting of the differing regulations themselves at the various "parks" and "campgrounds" by the two divisions. It is clear, however, that separate signs could be drafted and posted without the rule promulgation in the form herein proposed. A secondary reason advanced later in the hearing for the extensive restatement of existing laws was to clearly give "park" and "campground" management staff the power to enforce the various proscriptions, noting that the Legislature has refused to give the Department personnel arrest powers. Upon reflection, it is clear that this clarification could be accomplished by including a simple statement that violation of state laws will be grounds for ejectment or for action by law enforcement officers. Only the Legislature can change arrest authority.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department of Natural Resources shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. That on September 9, 1977, the Department files the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. That on October 17, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 777.

3. That on November 1, 1977, the Department mailed the Notice of Hearing to all persons and associations who has registered their names with the Secretary of State for the purpose of receiving such notice.

4. That on November 10, 1977, the Department files the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;

(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need;
(g) The Statement of Evidence, including the names of witnesses to be called; and
(h) The names of Department personnel who will represent the agency.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. That the record remained open through December 28, 1977, for the receipt of written comments and statements.

6. That for reasons hereinbefore explained in the Background section of this Report, the division staffs did not endeavor to document by an affirmative presentation of facts either the need for or the reasonableness of most of the provisions of the proposed rules. To avoid unnecessary repetition, it is specifically found that this documentation has not been provided with regard to all of the proposed provisions unless otherwise noted in a subsequent Finding. In the case of "park" rule provisions continued in effect by repeal and readoption with nonsubstantive editorial changes, it appears that documentation is unnecessary as asserted by the park division staff. The expansion of the impact of these provisions by the proposed extension of them to "campground" facilities clearly requires such documentation before they can be adopted and applied to such facilities as is proposed in "campground" Rule NR 10. This is a matter which is properly left to the Commissioner, the Attorney General when approving them as to form and legality, the Legislative Commission on Administrative Rules and ultimately, the Courts upon judicial review.

7. That proposed "park" rules E(1) and (4), G(1), H(2), L(2) and (4), M(1), N(2)(h), O(1) and (2), P(1) and (3), Q(2) and proposed "campground" rules E(1) and (4), G(2), H(4), I(1), M(1), N(1) and (3), simply restate existing state law. To do so cannot be found either needed or reasonable on this record. No statutory authority was cited for adopting proscriptions already dealt with by the Legislature or for the variance that

I disagree - May wish to exclude certain stat proscript if they can be excluded

will exist should the Legislature change those proscriptions. Where the repetition is word-for-word incorporation of statutory language (such as the disturbing the peace provisions), the Statutes specifically prohibit such repetition "unless the hearing examiner determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect" (Minn. Stat. § 15.0412, subd. 1, Laws, 1977, Chapter 443). No argument has ever been made on this record that any of the proposed duplication herein is crucial to such comprehension. Where the repetition is general information (such as "Park" Rule M(1) saying "fishing is permitted in the waters. . ." and that "all state laws. . . are applicable in these waters as elsewhere"), it is unnecessary to make such information on a formal state agency rule as this kind of information can be posted or distributed without doing so. This is also a matter deserving the Attorney General's attention upon review as to form and legality.

8. That no documentation has been provided of either the need for or reasonableness of adopting two separate rules, particularly two extensive virtually identical rules. In their final written submission, the division staffs take the position that it is unnecessary to provide such documentation, apparently concluding this is properly a matter of "form" for the Attorney General. It is deserving of his attention.

9. That the park division staff has adequately documented the need for and reasonableness of its proposed revisions of existing rules contained in the following subsections:

> E(2) regulating use of sound amplification equipment is necessary because of incidents of abuse cited by staff;
>
> G allowing picking of edible fruits is necessary because the existing prohibition is unenforced and the staff offered uncontradicted testimony that it "causes no harm";
>
> G restricting damaging rock-climbing equipment is necessary to protect natural resources from this activity which "has become popular";
>
> H specifically allowing fires in portable stoves is necessary because the existing prohibition is unenforced and use has become the rule rather than the exception;

I allowing use of portable cages and other enclosures to contain and control pets is merely a clarification of the existing requirement that they should not be "unrestrained";

K requiring payment of registration fees at the start of site occupation is necessary and reasonable as "a good business procedure"; and

U relaxing soliciation restrictions for consessionaires, because of uncontradicted testimony that "it is a necessity for one to be successful in a business".

There were no objections to any of these proposed revisions.

10. That the forestry division staff has adequately documented the need for and reasonableness of the proposed variations from "park" rules contained in H(3) controlling waste and removal of firewood (because they provide it in "campgrounds" free of charge) and N(4)(5) and (6) relating to storage and abandonment of property because of uncontradicted testimony that they have encountered problems in this regard which have not been encountered in "parks".

11. That although no affirmative presentation of facts was presented, the Examiner deems the following proposed "park" rule sections to involve such obvious dangers to other park users or resources as to be found to be needed and reasonable: N(2)(a), (b), (e), (f), (g) and (i) relating to beaches and R(3) relating to bicycles.

12. That the park and recreation division staff in its final written submission has agreed to withdraw all of proposed "park" rule O, except for a single sentence because those matters are already contained in the relevant statute relating to motor vehicle stickers. The remaining sentence requiring that the sticker be affixed with its own adhesive cannot be found reasonable unless it is further modified to require destruction and application for replacement upon sale of the vehicle.

13. That proposed "park" rule R(2) and proposed "campground" rule I(2) (prohibiting any horseback riding at any time except on designated trails) are specifically found to be unnecessary and unreasonable. These provisions were vigorously

objected to by the public at the hearing and in written comments. No facts were presented to document detrimental impact of this use on park resources or on the enjoyment of the parks by other users. Recreation division staff provided no documentation as to the impact of the proposed rule on the public in the form of mileage of equestrian trails already marked and the forestry division staff did not indicate what percentage of its "49 miles of equistrian (sic) trails" have been marked. The staffs spoke only vaguely of the "momentum" of their signing program. Department field staff provided direct and uncontradicted testimony showing the rule to be arbitrary and overly broad in indicating that hiking is compatible with horseback riding. No evidence was introduced of the mileage of hiking trails that have been marked for horseback riding. Department field staff indicated that horseback riding would be a good summertime use for snowmobile trails, but no evidence was presented as to how many miles of such "park" trails or what percentage of the 1,316 miles of "campground" trails are properly signed for summertime use.

14. That proposed "park" rule K(4)(b) as the division proposed amending it at the hearing is specifically found to be unreasonable. It would modify the general site occupancy limitations (one tent or other shelter with a maximum of six occupants) by allowing two tents with no limit on the number of occupants so long as all of the occupants are a "family" defined as "a father and/or mother with their children and relatives unaccompanies by their spouses." The Department agreed that enforcement would provide absurd results such as allowing a couple plus three or more of their children so long as sons-and-daughters-in-law were left home or allowing a couple to bring four or more children so long as one or the other grandparent is left home. At the same time, a legal "family" of unlimited numbers can occupy an adjacent site. Furthermore, and perhaps more fundamentally, no statutory authority was cited for promulgating a rule favoring a family, however re-

lated, over unrelated individuals. Finally, the proposed revision appears to be a substantial change in the originally proposed rule which did not contain the marital restrictions. Members of the public satisfied with the rules as originally proposed which defined the exception as any group "related by blook or marriage" who are potentially adversely affected by the proposed revision should have proper notice and an opportunity to object.

15. That proposed "park" and "campground" subsections E(3) are specifically found to be unnecessary and unreasonable. They would reenact an existing "park" rule prohibiting consumption of intoxicating beverages or intoxication and would extend that rule to "campgrounds". The public indicated and the staff readily and unanimously admitted that open consumption of such beverages by park users is the rule rather than the exception. This widespread total lack of enforcement is irrefutable, factual evidence that the rule is unnecessary. The extensive uncontradicted evidence suggests that strict, equitable general enforcement of this proposed rule (like its predecessor--prohibition) would be impossible. Department staff readily admitted that they do not intend enforcement of this rule to be either strict, general or equitable. They specifically indicated that they intend to use the proposed rule to stop young people's beer parties and the underage drinking that sometimes accompanies some of those parties. The Department staff specifically rejected the alternative of prosecuting only such illegal drinking or other illegal disruptive conduct, calling the arbitrarily enforced rule a good "tool for prosecution". They explained that such persons claiming to be innocent when charged with crimes involving such conduct will readily plead guilty to the misdemeanor of consumption in part because such consumption is not looked on as "wrong". Such selective discriminatory enforcement of rules was vigorously objected to by members of the public. A legislator cited another example of prosecution for shooting from a deer stand, a regula-

tion that sat on the books for years without enforcement, in arguing strongly against such rules. State agency "rules" are limited by the Administrative Procedures Act to "statements of general applicability and future effect" (Minn. Stat. § 15.0411, subd. 3). This proposed statement will have neither.

16. Proposed "park" rule V and "campground" rule P, in addition to being without need or reasonableness, appear to be bereft of statutory authority. These rules would allow suspension of any of the rules merely by posting a notice of such exceptions at the site involved. The Administrative Procedures Act requires that state agency rules be amended only after proper notice and hearing in the same fashion as they are promulgated. No specific examples were cited on the record of the intended application of the suspension provision, but the intent may better be accomplished by explicitly inserting permission provisions in the individual subsections of the rule, as is done in the "park" rules, for example, relating to fishermen entering earlier than 8:00 a.m., and for use of a public address system. (Inexplicably, such permission exceptions are omitted in the "campground" rule.)

CONCLUSIONS

1. That the Department of Natural Resources duly acquired and now has jurisdiction over the within proceeding.

2. That except as to documentation of need and reasonableness, the Department has complied with all requirements of law and rule.

3. That where the foregoing Findings so indicate, certain of the proposed provisions are needed and reasonable.

4. That except as otherwise specifically noted in the foregoing Findings, the Department has adequately documented and how has the statutory authority to adopt the proposed rules.

RECOMMENDATIONS

IT IS HEREBY RECOMMENDED: That the Department revise and consolidate the two proposed rules, setting forth such differing

treatment only in situations where such treatment is absolutely needed and reasonable;

IT IS FURTHER RECOMMENDED: That the rules be simplified by eliminating matters already allowed or proscribed elsewhere in state law; and

IT IS FURTHER RECOMMENDED: That after such consolidation and simplification and attention to the other matters in the foregoing Findings, that the Department duly adopt and promulgate such rules.

Dated: January 24, 1978.

Howard L. Kaibel, Jr.
HOWARD L. KAIBEL, JR.
Hearing Examiner

By: Wm Selzler

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Attorney General
Natural Resources

TO : LEE SHEEHY
Special Assistant Attorney General

DATE: Nov. 27, 1978

FROM : BILL CLAPP, Bill
Special Assistant Attorney General

PHONE: 6-3294

SUBJECT: Rules for State Parks and Forest Campgrounds
Our File No. C 67 D

I am returning the material you returned to me, together with Supplementary Findings responsive to your concerns, another "substantial change" letter from the chief hearing examiner, and five copies of a final rule reflecting the changes identified in the Supplementary Findings, and the change recommended by Duane Harves.

BC:gvp
encl.

RECEIVED
NOV 29 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT OFFICE OF HEARING EXAMINERS

Office Memorandum

TO : A. William Clapp
Special Assistant Attorney General
Department of Natural Resources

DATE: Nov. 21, 1978

FROM : Duane R. Harves
Chief Hearing Examiner

PHONE: 8100

SUBJECT: RULES FOR STATE PARKS AND FOREST CAMPGROUNDS

I have reviewed the resubmission and the changes which you have made at the request of Lee Sheehy.

The only change that bothers me is the addition of the words "noise tending reasonably to arose alarm, anger or resentment in other park users". The foregoing words were submitted for the words "loud sounds" in section E.2.

The original rule spoke to the volume of the sounds. This rule does not, as presently amended, speak to volume but could mean any noise of any volume, which could encompass quietly spoken profanities, taunts, quiet quarreling, and quiet politicing.

Whether or not the rule as amended is a "substantial change" is a close question. I would feel much more comfortable if the words "of a volume" were inserted between the words "noise" and "tending".

DRH:sh
cc: Lee Sheehy

ADMIN 1000 (Rev. 1/78)

OUR FILE NO. 461

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Bill Clapp
Special Assistant
Attorney General

DATE: October 26, 1978

FROM : Lee E. Sheehy
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Rules for Public Use of State Parks and State Forest Campgrounds and Day Use Areas

I have reviewed the draft of materials submitted to this office relating to the above-captioned matter.

The Supplementary Finding and proposed changes in the rule appear to resolve all matters raised by my memorandum to you dated September 7, 1978, except as follows:

Proposed Supplementary Finding No. 6 discusses PCA ambient nighttime noise standards and points out the difficulty in the average individual relating these relatively technical standards to any particular type of conduct. However, the finding fails to show that the proposed "above a quiet conversation" standard is the equivalent of the PCA nighttime standards. Further, the finding fails to say why the PCA standards are applicable and proper regulatory basis for governing noise in state parks and related facilities. Finally, the Finding fails to explain why the disorderly conduct provision does not make this provision unnecessary.

These rules and the Supplementary Findings must be resubmitted to the Chief Hearing Examiner for his review prior to being resubmitted to this office.

If you have any questions, do not hesitate to call me.

LES:mb

Enclosure

RECEIVED
OCT 27 1978
ATTORNEY GENERAL'
Dept. of Natural Resources

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Attorney General
Natural Resources

Office Memorandum

TO : LEE SHEEHY,
Special Assistant Attorney General

DATE: October 12, 1978

FROM : BILL CLAPP, Bill
Special Assistant Attorney General

PHONE: 6-3294

SUBJECT: Rules for State Parks, etc.
Our File No. C-67-D

I think the attached draft Supplementary Findings will resolve your concerns.

In State v. Johnson, 282 Minn. 153, 163 N.W. 2d 750 (1968), the court held that a Minneapolis ordinance barring ". . . conduct which disturbs the peace or quiet of another. . . was not unconstitutionally vague and indefinite. If that is ". . . sufficiently explicit to enable one of common knowledge to ascertain what conduct is prohibited thereby," as the Johnson court held (282 Minn. at 158, 163 N.W. 2d at 753-54), then "noise above that of a quiet conversation" has got to be acceptable.

Also enclosed is all the material you returned to me with your letter.

AWC:gvp
encl.

RECEIVED
OCT 13 19
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

D R A F T (AWC:gvp) 10/12/78

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

- - - - - - - - - - -

In the Matter of Proposed Rules for Public Use of State Parks and State Forest Campground and Day Use Areas.

SUPPLEMENTARY FINDINGS OF THE COMMISSIONER

- - - - - - - - - - -

These Supplementary Findings are made in response to the office of the Attorney General which, in reviewing the rule and Findings previously submitted to it for review as to form and legality, has raised certain questions and concerns.

1. Referring to paragraph 7. of the Findings and Conclusions of the Commissioner dated August 24, 1978, the last word should be "drugs", not "damages".

2. Section E.2 of the rule submitted to the Hearing Examiner reads:

> No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager or forest officer.

To avoid the possibility that "loud sounds" may be too vague to obtain court enforcement, the two words should be replaced with "noise tending reasonably to arouse alarm, anger or resentment in other park users." This language is taken directly from the disorderly conduct statute, but unlike the statute does not require that the noise be associated with boisterousness. Quietude is an important ingredient in the experience the Department wants to provide park and campground users, warranting special treatment.

3. The rule submitted to the Attorney General for approval continues the ban in the existing rule on the

consumption of beer, wine and liquor stronger than 3.2% alcohol by volume, and extends the ban to state forest campgrounds and day use areas.

The entire record before me on the subject is in Volume I of the transcript at pages 51-66 and Volume II at pages 123-128 and 134. All the public testimony within these pages is that of Messrs. Irwin, Chester, Voita, and Schwartz found in Volume I at 51-52, 54-56, and 64-66. (The "Mr. Irwin" on pages 53 and 54 is a Department employee). Of those, only two remarks by Mr. Chester, found on pages 52 and 56, have anything to do with drinking. He says there is drinking in the parks and campgrounds. There is no public testimony pro or con the rule. Agency Staff, on the other hand, made an affirmative presentation as to the need for and reasonableness of the rule: it makes it possible to stop situations from turning into disorderly conduct before they do. See the transcript at pages 53-54, 57-64, 66, 123-127, and 134. I find the testimony clearly shows need and reason for the rule.

Enforcement of the rule by trained peace officers in situations that would otherwise turn into trouble, is a rational basis for selective enforcement. It is neither arbitrary or discriminatory. The rule will be lawfully enforced. It would be like prior restraint to reject it because some think it won't be.

4. The 1. in NR 1.G. is unnecessary because there is no 2., so should be removed.

5. In NR I, the phrase "bathing beach" is not intended to mean anything other than "beach" as defined in section C. Therefore "bathing" should be struck.

6. During the hours when people don't want their sleep disturbed, it is necessary and reasonable that there

be quiet in the camping areas. It must be quieter than in the daytime. The PCA ambient standards for nighttime noise are L_{10}55 dBA and L_{50}50 dBA. But people don't know how to relate the noise they are making to these numbers. One could rely on the language established in paragraph 2. of this document, but "noise at a level above that of a quiet conversation" is far more precise than "noise tending reasonably to arouse alarm, anger or resentment in other park users." therefore, NR 1.K.6 is found to be reasonable and necessary.

7. In light of section V., section K7. is unnecessary and should be stricken.

8. NR 1.N.2.c. should be prefaced by the phrase "while in the water." The provision is a safety precaution, eliminating the possibility that weak swimmers are relying on unreliable flotation devices.

9. A review of NR 1.Q.1. reveals that it is informational only, and may be stricken. Agency personnel already have authority to enforce snowmobile laws and rules, making incorporation by reference unnecessary.

10. The public testimony about horses in parks consists of the written statement of Mr. Rierson, his testimony at pages 10-12, 15-18, 19, 24, 26-27, and 31-32 of the transcript, and the statement by Rep. McEachern (2) at page 28. The agency staff's explanation of the rule is found at pages 9-10, 14, 18-19, 20 and 29-30. The position is that (1) Section R.2. is unchanged from the rule that has been in effect for years -- NR 1(m); (2) it is the same signing method established for all users other than hikers and skiers; and (3) it is less expensive to sign where horses can go, because there are less places they can go than they can't go. Mr. Rierson wants that situation to change. If it comes to pass, as a result of the management planning process now underway pursuant to Minn. Stat. Chapter 86A, that a

majority of trails become open to horses, then the signing method should be reversed to that used for people afoot. But to date, it is neither reasonable nor necessary to change the established practice.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Attorney General
Natural Resources

Office Memorandum

TO : LEE SHEEY,
Special Assistant Attorney General

DATE: August 17, 1978

FROM : BILL CLAPP, Bill
Special Assistant Attorney General

PHONE: 6-0691

SUBJECT: Rules for State Parks and State Forest Campgrounds.

These rules being submitted for your review are different in one respect from what I normally send you: there are no copies showing changes from the rule as proposed. This is because it would have been such a chore to prepare--as you will see when you get into it. The State Register has agreed to publish the final rule clean, without showing changes.

AWC:gvp
encl.

Department of Natural Resources

Public Use of State Parks, Recreational Areas, Historic Sites and Forest Campgrounds

Notice of Hearing

Please take notice that hearings on the above entitled matter will be held at the following times and places.

December 6, 1977, St. Paul, MN., Room 83 of the State Office Building which is in the Capitol complex, beginning at 9:30 a.m.

December 8, 1977, Grand Rapids, MN., at Davies Theatre, which is in Davies Hall at Itasca Community College, beginning at 9:30 a.m.

All interested persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearings. In addition, written materials may be submitted to hearing examiner Howard Kaibel at the Office of Hearing Examiners, 1745 University Ave., St. Paul, MN 55104, either before the hearing or within five (5) days after the hearing. The hearing will be conducted as described in Minn. Stat. § 15.0412 and in Minnesota Rules HE 101-109.

The proposed rules are complete revisions of the existing rules, amending the existing rules by replacement. Both revised rules are being considered at the same hearing because their subject matter is quite similar, and they are worded identically as much as possible.

The rules contain regulations which apply to persons using the units of the state's outdoor recreation system listed in the caption of this notice. Violation of the regulations is a misdemeanor. Subjects covered are:

—opening and closing times

—personal behavior, noise, alcohol and drugs

—hunting, possession of weapons

—gathering plants, flowers, berries, wood

—fires, trash disposal

—pets

—use of campsites

—boating, fishing, swimming

—use of horses, bicycles, snowmobiles, aircraft, automobiles, and other motorized vehicles

—peddling and soliciting

A free copy of the proposed rules may be obtained by writing to the Department of Natural Resources, Division of Parks and Recreation, Centennial Building, Saint Paul, Minnesota 55155. Additional copies will be available at the hearings. A "statement of need" explaining why the agency feels the proposed rules are necessary, and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Office of Hearing Examiners twenty-five (25) days before the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule-making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, phone: (612) 296-5615.

William B. Nye
Commissioner

Rules as Proposed

NR 10 Public use of state forest campgrounds and day use areas.

A. Authority and scope.

1. These rules apply to those state forest campgrounds and state forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in boldface, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are underlined and boldfaced, while deletions from proposed rules are printed within [[double brackets]].

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 89.031, and 89.21.

B. Penalty.

Any person who shall violate any of these rules is guilty of a misdemeanor and subject to immediate removal from the park and/or appropriate legal action.

C. Definitions.

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "Day Use Area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

3. "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V of Minn. Stat. § 152.02, and marijuana, as defined in Minn. Stat. § 152.01, subd. 9.

4. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

5. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

6. "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

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

8. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

9. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. Forest Campgrounds and Day Use Areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

2. Day Use Areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. No person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(a) Brawling, fighting, or other violent conduct directed toward another; or

(b) Offensive, obscene or abusive language or boisterous or noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds.

3. It is unlawful for any person to consume intoxicating liquors or to be intoxicated.

4. No person shall use, be in the possession of, or be under the influence of drugs unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

F. Public safety; hunting.

1. While in a forest campground or day use area, it is unlawful for any person to

(a) possess explosives of any kind;

(b) possess a firearm, including an air gun,

unless the firearm is unloaded both in barrel and magazine;

(c) use or display of any other type of weapon including but not limited to slingshots, switchblade knives and bow and arrows.

G. Environmental protection.

1. The forest campground and day use area environments are for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities except edible fruit, mushrooms, and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of the state forest campground or day use area as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

2. No person shall destroy, damage, deface or remove any public property, or private property belonging to another.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the state forest campground or day use area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the recreational Forest Campground or Day Use Area affected.

3. Where firewood is provided, its use shall be within reasonable limits.

4. It is unlawful for any person to burn or otherwise dispose of garbage (waste, refuse, sewage, litter or trash) of any kind within a Forest Campground and Day Use Area except to dispose of the same in receptacles provided for that purpose. Such receptacles shall be used only for garbage generated at the area. Garbage is to be removed from areas where receptacles are not provided.

5. It is unlawful to have glass containers where people swim.

I. Pets and horses.

1. Pets are permitted in state forest campgrounds and day use areas, no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

2. No person shall ride or lead or have a horse within a forest campground or day use area, except where specifically permitted by posted notice.

J. Picnicking. Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping.

1. A nominal charge per campsite per night shall be collected in certain Forest Campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay camping fee immediately upon occupying campsite.

2. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

3. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

4. Camping shall be limited to fourteen (14) consecutive days during each official camping season.

5. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

6. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in boldface, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are underlined and boldfaced, while deletions from proposed rules are printed within [[double brackets]].

7. Camping permits in fee campgrounds shall expire at 4:00 P.M.

8. Setting up camp between the hours of 10:00 P.M. and 6:00 A.M. is prohibited.

9. Placement of tent stakes or anchors in the ground for the erection of tents is permitted, but digging or excavating is prohibited.

10. Any group desiring to occupy more than two campsites must obtain prior approval from the Forest Officer.

11. It shall be unlawful for any person to permanently install or affix in a permanent manner any camping facility, equipment, or structure.

12. A watercraft used for shelter or sleeping which is tied on campground water frontage constitutes camping and is subject to these rules.

13. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating. Boating on waters within or adjacent to state forest campground or day use areas is permitted subject to the following conditions:

1. The operation of watercart is subject to all state and local water and watercraft safety laws, ordinances, and rules and regulations.

2. Watercraft shall not be operated on any water which is posted prohibiting such use, or in areas designated and posted by buoys as swimming areas.

M. Fishing.

1. Fishing is permitted in the waters of or adjacent to any state forest campground or day use area. All state laws, regulations and orders of the Commissioner of Natural Resources are applicable in these waters as elsewhere.

2. No person shall clean fish and dispose of the remains except at facilities provided for such use.

N. Motor vehicle use; boats, trailers, fish houses.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within a forest campground or day use area. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas when so provided. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

5. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

6. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

O. Protection from peddling and soliciting.

1. It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors within a Forest Campground or Day Use Area, or advertise without the prior written consent of the forest officer.

P. Suspension of rules. The Commissioner may provide exceptions to the general rules for a specific Forest Campground or Day Use Area by posting notice of such exception at said Campground or picnic area.

Q. Repeal of preceding rule NR 10. All previous rules and regulations governing Campgrounds and Day Use Areas are repealed.

NR 1 Public use of state parks, recreational areas, historic sites, and waysides.

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, and waysides which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03 and 85.05.

B. Penalty. Any person who shall violate any of these rules is guilty of a misdemeanor and subject to immediate removal from the park and/or appropriate legal action.

C. Definitions. For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Beach" means that part of a body of water and shore designated for swimming and sunning.

2. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

3. "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V or Minn. Stat. § 152.02, and marijuana, as defined in Minn. Stat. § 152.01, subd. 9.

4. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

5. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

6. "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

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

8. "Shelter" means equipment used to sleep in or on, excluding sleeping bags and tents smaller than 60 square feet. Examples are tents 60 square feet or larger, trailers, pick-up campers, buses, station wagons, motor homes and boats.

9. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

10. "State Park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, or state wayside, or state historic site.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. Park hours.

1. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

2. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest, except that a visitor of a registered guest may remain after 10:00 p.m. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

E. Personal conduct.

1. Within a state park, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(a) Brawling, fighting, or other violent conduct directed toward another; or

(b) Offensive, obscene or abusive language or boisterous or noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in boldface, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are underlined and boldfaced, while deletions from proposed rules are printed within [[double brackets]].

3. It is unlawful for any person to consume intoxicating liquors or to be intoxicated within a state park.

4. No person shall use, be in the possession of, or be under the influence of drugs within a state park unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

F. Public safety; hunting.

1. While in a state park, it is unlawful for any person to

(a) possess explosives of any kind;

(b) possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

(c) possess a bow and arrows, unless either unstrung and completely contained in a case, or contained in the trunk of a car with the trunk door closed;

(d) use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection.

1. The park environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities except edible fruit, mushrooms, and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of the state park as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

2. No person shall destroy, damage, deface or remove any public property, or private property belonging to another, within a state park.

H. Fires and refuse.

1. It is unlawful to build a fire within a state park except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the state park or to others.

2. It is unlawful for any person to burn or otherwise dispose of garbage (waste, refuse, sewage, litter or trash) of any kind within a state park except to dispose of the same in receptacles provided for that purpose. Such receptacles shall be used only for garbage generated at the area. Garbage is to be removed from areas where receptacles are not provided.

I. Pets. Pets are permitted in state parks, provided no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking. Picnicking is not permitted within state parks except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. Camping is permitted only at assigned sites in designated camping areas.

2. Camping shall be limited to a total period of two weeks in any one park during the period of June 15 through Labor Day provided, however, that the park manager of any state park may, in his discretion, allow camping for such longer periods as he may prescribe when conditions of nonuse so warrant.

3. Each camping party must register.

(a) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(b) Registration must be in person.

(c) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(d) Camping permits shall expire at 4:00 p.m.

4. A campsite may be occupied by:

(a) Any group of six or less using one shelter for sleep; or by

(b) A group using more than one shelter if all members of the group are related by blood or marriage and only one shelter is occupied by couples. There may not be more than one camping party at one site.

5. It shall be unlawful in a state park for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

6. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

7. A watercraft used for shelter or sleeping which is tied on park water frontage constitutes camping and is subject to these rules.

8. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating. Boating on waters within or adjacent to state parks is permitted subject to the following conditions:

1. The operation of watercraft is subject to all state and local water and watercraft safety laws, ordinances, and rules and regulations.

2. Watercraft shall not be operated on any water which is posted prohibiting such use, or in areas designated and posted by buoys as swimming areas.

3. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess of 10 miles per hour, unless the lake is otherwise designated and posted.

4. No person shall dispose of garbage, refuse, sewage, or trash of any kind in any waters within the boundaries of a state park.

M. Fishing.

1. Fishing is permitted in the waters of or adjacent to any state park. All state laws, regulations and orders of the Commissioner of Natural Resources are applicable in these waters as elsewhere.

2. No person shall clean fish and dispose of the remains within a state park except at facilities provided for such use.

N. Beaches; swimming.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the lifeguard, if one is present.

2. It is unlawful on a beach:

(a) To allow any dog or other pet to enter;

(b) To possess glass containers;

(c) To use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;

(d) To use beach before sunrise or after sunset;

(e) To enter with any boat, canoe or raft;

(f) To fish;

(g) To swim beyond boundary buoy or marker;

(h) To engage in any activity which is hazardous and could cause injury to others.

(i) To use any soap, detergent or shampoo in the beach; and

(j) To change clothes except in structures designated for such use.

O. Motor vehicle permits.

1. No motor vehicle may enter a state park over 50 acres in area without a valid motor vehicle permit affixed to it, except at Fort Snelling Memorial Chapel, and on open house day.

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2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield. The permit is valid only for the vehicle to which it was first affixed.

3. A person obtaining a motor vehicle permit without charge because he or she is 65 years of age or older, shall affix the permit only to a vehicle owned wholly or jointly by that person. The permit is valid only when the vehicle is owned and occupied by that person.

P. Motor vehicle use.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within a state park. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

Q. Snowmobiles.

1. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

2. The operation of snowmobiles is subject to all laws of the State of Minnesota and all rules and regulation promulgated by the Commissioner of Natural Resources.

3. No snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use of park.

1. People on foot may go anywhere in the park that is not posted otherwise.

2. No person shall ride or lead or have a horse within a state park except on trails and areas designated for such use.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas. It shall be unlawful to enter by any means a posted restricted area.

T. Air craft. It is unlawful for any person to land any aircraft on lands or waters within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the county in which the park is located.

U. Protection from peddling and soliciting. It is unlawful for any person to engage in or solicit business of any nature whatsoever from park visitors within a state park, except for authorized concessions.

V. Suspension of rules. The Commissioner may provide exceptions to the general rules for a specific state park by posting notice of such exception at said state park.

W. Repeal of preceding rule NR 1. All previous rules and regulations governing state parks are repealed.

Office of the Secretary of State

Proposed Rules Governing Voter Registration and Preparation of the White Ballot

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), as amended by Laws of 1977 ch. 443 § 2, in the Auditorium of the State Office Building, Wabasha Street between Aurora and Fuller Avenues, St. Paul, Minnesota 55155, on Tuesday, November 22, 1977, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have the opportunity to participate. Statements may be made orally, and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail, whether or not an appearance is made at the hearing, to Peter C. Erickson, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone: (612) 296-8118, either before, during or within five working days after the close of the hearing.

Copies of the proposed amendments are now available, and one free copy may be obtained by writing to Secretary

As Adopted

Department of Natural Resources

Rules For Public Use Of State Parks,
Forest Campgrounds And Forest Day
Use Areas.

NR 1 Public use of state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas.

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 85.05, 89.031 and 89.21.

B. Penalty.

Any person who violates any of these rules is guilty of a misdemeanor and subject to immediate removal from the park, forest campground or forest day use area and to appropriate legal action.

C. Definitions.

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "State park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, state wayside, or state historic site.

3. "Forest day use area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

4. "Forest campground" means those areas developed and maintained by the Commissioner on state lands administered by the Division of Forestry for camping and related recreational activities.

5. "Person" means any individual, partnership, corporation or association.

6. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

7. "Shelter" means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailers, pick-up campers, buses, station wagons, motor homes and boats.

8. "Beach" means that part of a body of water and shore designated for swimming and sunning.

9. "Motor vehicle" means any self-propelled vehicle including but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (AVT's), but not including snowmobiles.

10. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. State parks.

a. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

b. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

2. Forest campgrounds and forest day use areas.

a. Forest campgrounds and forest day use areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

b. Forest day use areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. A person's conduct shall be as prescribed in Minn. Stat. § 609.72.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager or forest officer.

3. It is unlawful for any person to consume intoxicating liquors.

4. A person's possession and use of drugs shall be in accordance with state laws.

F. Public safety; hunting.

1. While in a state park, or while in a forest campground or forest day use area during the official open season for these areas, it is unlawful for any person to:

a. possess explosives of any kind;

b. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

c. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;

d. use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection.

1. The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property, including but not limited

to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities, except edible fruit, mushrooms and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by these rules. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the area affected.

3. Where firewood is provided at no charge its use shall be within reasonable limits.

4. Minn. Stat. § 85.20, subd. 6, and § 609.68, forbidding littering, are incorporated in this rule by reference.

5. Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from areas where receptacles are not provided.

I. Pets.

Pets are permitted, provided no person shall allow any dog, cat, or other pet animal to enter any building or (bathing) beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking.

Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. State parks.

a. Camping is permitted only at assigned sites in designated camping areas.

b. A person may not camp in the same state park for more than 14 days aggregate during the period of June 15 through Labor Day, provided, however, that the park manager may in his discretion allow camping for such additional days as he may prescribe when conditions of nonuse so warrant.

c. Each camping party must register.

(1) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(2) Registration must be in person.

(3) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(4) Camping permits shall expire at 4:00 p.m.

d. A campsite may be occupied by:

(1) Any group of six or less using one shelter for sleep; or by

(2) A family using one shelter, and an additional shelter with prior approval of the park manager. A family consists of a father and/or mother accompanied by any of the following: their parents, their children, and their blood relatives.

2. Forest campgrounds and forest day use areas

a. A nominal charge per campsite per night shall be collected in certain forest campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay the camping fee immediately upon occupying a campsite.

b. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

c. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

d. Camping shall be limited to a total period of fourteen days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that the forest officer of any forest campground in his discretion, allow camping for such longer periods as he may prescribe when conditions or non-use so warrant.

e. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

f. Camping permits in fee campgrounds shall expire at 4:00 p.m.

g. Setting up camp between the hours of 10:00 p.m. and 6:00 a.m. is prohibited.

h. Any group desiring to occupy more than two campsites must obtain prior approval from the forest officer.

i. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

3. It shall be unlawful for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

4. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

5. A watercraft used for shelter or sleeping which is tied on water frontage constitutes camping and is subject to these rules.

6. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

7. The Commissioner may provide exceptions to the camping rules by posting notice of such exceptions.

L. Boating.

1. Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to state parks, forest campgrounds and forest day use areas.

2. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess

of 10 miles per hour, unless the lake is otherwise designated and posted.

M. Fishing.

1. Fishing conforming to Minnesota laws and rules is permitted in the waters adjacent to state parks, forest campgrounds, and forest day use areas.

2. If a fish clearing facility is provided, no person shall clean fish and dispose of the remains except at that place.

N. Beaches; swimming - state parks.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the life-guard, if one is present.

2. It is unlawful on a beach:

a. To allow any dog or other pet to enter;

b. To possess glass containers;

c. To use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;

d. To use the beach before sunrise or after sunset;

e. To enter with any boat, canoe or raft;

f. To fish;

g. To swim beyond boundary buoy or marker;

h. To engage in any activity which is hazardous and could cause injury to others;

i. To use any soap, detergent or shampoo; and

j. To change clothes except in structures designated for such use.

O. Motor vehicle permits - state park.

1. Requirements for motor vehicle permits for entry into state parks shall be as stated in Minn. Stat. § 85.05, Subd. 2 (a) and (c).

2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield.

P. Motor vehicle use; boats, trailers, fish house.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within state parks, forest campgrounds and forest day use areas. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. Within forest campgrounds and forest day use areas:

a. No person shall leave standing, whether attended or unattended a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

b. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

c. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

Q. Snowmobiles - state parks.

1. The operation of snowmobiles is subject to Snowmobile Safety Laws and Rules.

2. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

3. Within state parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use.

1. People on foot may go anywhere that is not posted otherwise.

2. No person shall ride or lead or have a horse except on trails and areas designated for such.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas.

It shall be unlawful to enter by any means a posted restricted area.

T. Aircraft.

It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the country in which the park is located.

U. Protection from peddling and soliciting.

It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, except for authorized concessions, without the prior written consent of the park manager or forest officer.

V. Suspension of rules.

In situations of emergency the Commissioner may provide temporary exceptions to the general rules for a specific state park, forest campground or forest day use area by posting notice of such exception at said unit.

W. Repeal of preceding rules NR 1 and NR 10.

Previous rules NR 1 and NR 10, governing state parks, forest campgrounds and forest day use areas, are repealed.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

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In the Matter of Proposed Rules For Public Use of State Parks and State Forest Campgrounds and Day Use Areas

FINDINGS AND CONCLUSIONS OF THE COMMISSIONER

- - - - - - - - - -

Based on a review of the Report of the Hearing Examiner, the transcript and the exhibits, I make the following:

FINDINGS AND CONCLUSIONS

1. I concur with the examiner's Findings 1 through 5, and conclude as he did that the Department acquired and has jurisdiction of the matter.

2. I concur with the examiner's recommendation that the two proposed rules be combined into one. Many paragraphs are identical and more can be made so, to the extent that the arguments in favor of two separate rules lose their force.

3. I concur with the hearing examiner that the restating in the rules of various statutory do's and don'ts, is unreasonable, at least to the extent it is hard to tell why some things were selected and others not. However, the Department of Natural Resources peace officers need to be able to enforce certain state laws which are particularly important to management of the units covered by these rules. Further Findings indicate where these should be incorporated into the rules by reference, so that authorized department personnel may arrest and issue citations for their violation.

4. Forest campgrounds are smaller than state parks, and do not have trails, lifeguards, flush toilets, showers, and motor vehicle permits. But as the hearing examiner noted, "The nature of the facilities and the public activity taking

place in (them) is basically indistinguishable." This fact constitutes an affirmative showing that the rules for parks are equally reasonable and necessary for forest campgrounds and day use areas, except where the following Findings indicate a need for a difference.

5. The definitions proposed are reasonable and necessary to an understanding of the rules. Administrative notice is taken that there are occasional campgrounds which though not in state forests are managed by the Division of Forestry. A definition of campground should be added which states this.

6. The "when open" section of the forest campground rules codifies established practice and is therefore reasonable and necessary. Paragraph D.1. of the park rules is the same as the existing rule. Paragraph D.2., regarding the closed hours, is a reasonable and necessary explanation of what it means to say the park is "closed" at 10:00 p.m. until 8:00 a.m.

7. The Personal Conduct sections of the two proposed rules are identical, which is entirely appropriate. For parks, they are the same as the present rule. The disorderly conduct paragraph is the primary enforcement tool of the Department's peace officers, and therefore needs to be in this rule so it can be enforced without resorting to citizen's arrests or calling the sheriff. In order to satisfy the statutory prohibition against quoting statutes in rules the disorderly conduct section of the state criminal code should be incorporated by reference. The same applies to the provision regarding damages.

8. The provision regarding consumption of alcohol is the same as the present park rule. As between the judgment

of the hearing examiner (unsupported by any testimony other than his own) regarding anything stronger than "3.2" beer, and the judgment of experienced Department personnel who testified, I will rely on the latter. However, the testimony indicated it is the consumption provision more than the intoxication provision which is needed. In light of that and in keeping with the spirit of Minn. Stat. §340.961 (forbidding "local laws or ordinances" which make drunkenness a crime) the clause prohibiting intoxication should be stricken.

9. The Public Safety and Hunting section of the park rules is essentially the same as now, with the firearm provision brought into conformance with Minn. Stat. §100.29, Subd. 5, and the bow and arrow provision of the same subdivision added. The forest campground firearm provisions should be made the same as the park provisions during the official season that the campgrounds are open, since that is not a time for hunting. There is no reason to allow more casual handling of firearms in forest campgrounds than in parks.

10. Environmental Protection sections are in both existing rules. The proposed language clarifies the prohibitions; recognizes that the popular pastimes of berrypicking and mushrooming, because they are not harmful, should be allowed; and protects cliffs from the newly-popular sport of rockclimbing. The changes are reasonable and necessary.

11. Paragraphs 1 of the two Fires and Refuse sections are identical, and reasonable and necessary on their face. Paragraph 4 of the forest campground rules and paragraph 2 of the park rules, which are the same, should be changed to incorporate by reference the anti-littering

provision of the state criminal code. The two sections can be made identical by applying to parks paragraphs 2. and 3. of the campground rules. Paragraph 2. should be clarified to show that it doesn't mean fourteen (14) days in a row, but rather fourteen (14) days in the aggregate. The two paragraphs make as much sense for one unit as the other. The provision limiting firewood use is not needed when the user must pay for what he uses.

12. The existing forest campground rules required that dogs be leashed, but exempt from the rule Minnesota-domiciled dogs. This discriminatory exception is not provided in the present park rules and it is reasonable and necessary that it has not been carried forward into the proposed rule. Horses should be addressed in the Non-motorized Use section.

13. The proposed Picnicking section is the same as the existing state park rule.

14. In the state park Camping section, paragraphs 1, 2, 3(a) and 5 through 8, are from the present rule. Paragraphs 3(b) and 3(c) codify established policy against pre-registration, a reasonable and necessary way to avoid reserved unoccupied camp sites. The record contains no discussion of paragraph 3(d), which establishes a 4:00 p.m. checkout time. Administrative notice is taken that 4:00 p.m. is the most commonly used checkout time in Minnesota state parks today. It is reasonable and necessary to codify an existing practice, particularly because it will enable park campers to rely on a uniform practice as they travel from park to park.

15. Paragraph 4 of the state park Camping section is intended to codify the existing policy used to hold down

crowding and therefore wear and tear on an individual camp site. The basic limitation of six (6) people and one shelter is present policy. There was no testimony against it, and it is found reasonable and necessary. It is also present policy that, up to a point, the basic limitation not be applied so as to break up families. The record indicates the problem is with specifying that point. The rule as proposed said "family" meant people related by blood or marriage, which is a very broad definition. The limitation proposed was that all the couples in the family would have to stay in the same shelter. At the second day of the hearing, the Department of Natural Resources staff proposed a change, having discovered that actual established practice was different from written policy. Since the hearing, further staff investigation has disclosed that park managers have been allowing two shelters in a site, or more than six (6) people in a site, if the site occupants consist of a father and/or mother accompanied by any or all of their parents, their children, their blood relatives. In other words, if there are any couples other than parents and grandparents, or if the family wants to use more than two shelters, then the park managers have been requiring the people to use two campsites. This is an established practice which the public is used to, and the Department has no desire to change it. Paragraph 4 should be amended accordingly. The hearing examiner thinks this might be a substantial change. I think not. Referring to Minn. Rule HE 108, the change (1) does not effect classes of persons not represented at the hearing (the Good Sam Club was there), (2) does not go to a new subject matter, (3) is not a major change, particularly in light of the fact that it makes the rule fit the practice that the public is used to, and (4) does not result

Chief HE found no substantial chg.

in a fundamentally different rule.

16. In the Camping section of the forest campground rules, paragraphs 2, 3, and 4 are from the present rules. The other paragraphs are much alike, the park rules differing to the extent that forest campgrounds are different from park campgrounds. For example, only some have fees. Often they are unattended, so that sites are not assigned. The season of significant use is longer, so that the fourteen (14) day restriction needs to cover a longer period. Because there is no way to "close"the campground at 10:00 p.m., it is setting up camp that is restricted as to time. Because campsites in a typical forest campground are few, it is possible that a single large group could consume every site, which is why it is reasonable and necessary that use of more than two sites by a group must first be cleared with the forest officer.

17. The first three paragraphs of the Boating section of the park rules are from the present rule. Paragraph 4 can be eliminated since it is a paraphrase of the state law which is incorporated by reference in the Fires and Refuse section. In state forests, there are no lakes entirely within a campground.

18. The proposed Fishing provisions of the state park rules are the same as the present rules, and are equally reasonable and necessary in forest campgrounds and day use areas. Paragraph 1 should more clearly incorporate by reference state laws and rules. Paragraph 2 should be changed to show it applies only when there is a fish-cleaning facility provided.

19. In the Beaches and Swimming section of the state park rules, the first clause of paragraph 1, is from

the present rule. The second clause of paragraph 1 gives the lifeguard reasonable and necessary authority to control the beach. In paragraph 2, clause (j) is in the present rule. The present rules ban all floatation devices, where proposed clause (c) will allow those approved by the U.S. Coast Guard. This will let a cautious swimmer wear an approved personal floatation device--a reasonable improvement over the present rule. The remaining clauses of paragraph 2 are reasonable and are necessary for the safety and enjoyment of beach users.

20. State forests do not have organized beaches, so no beach rules are there proposed.

21. In the Motor Vehicle Permits section of the state park rules, paragraphs 1 and 3 are unnecessary paraphrases of Minn. Stat. §85.05, Subd. 2, clauses (a) and (c). Paragraph 2 establishes that the statutorily-required affixing must be by the permit's own adhesive--which codified established practice. Without this provision, there would be an unreasonable and unnecessary loophole in the rule, enabling a number of families to share a single permit over the course of camping season. This would mean less income for the state park development account, and consequent pressure for higher fees. The second sentence of paragraph 2 is unreasonable, because it prevents a person from scraping a sticker off one car and exchanging the remnants for a new sticker to be used on another car.

22. Motor vehicle permits are not required in state forest campgrounds or day use areas.

23. Paragraphs 1, 2, and 3 of the two Motor Vehicle Use sections are in the present state park rule. Paragraphs 1 and 3 assure that basic safety laws applicable to the

state's public roads also apply to park and state forest areas. Forest rule paragraphs 4 through 6 address problems special to the relatively unsupervised state forest campgrounds and day use areas. They are reasonable and necessary provisions providing a means of keeping a campground from becoming a dump or a private recreation area.

24. Paragraphs 1 and 2 of the Snowmobiles section of the park rules are from the present rule. Paragraph 3 changes the presently-allowed hours of operation from daylight to 11:00 p.m., to 8:00 a.m. to 10:00 p.m. The proposed new hours conform to the hours applicable to other park users, a reasonable and necessary change. The Manager may extend the hours, as for through corridor trails.

25. Snowmobiles not being a problem in state forest campgrounds and day use areas, rules are not needed.

26. Paragraph 1 of the Non-motorized Use section of the park rules is to let people on foot know they are not confined to trails and roadways. Paragraph 2, which says horses can go on trails so marked, is the only provision of the proposed rule that drew public testimony. The language is unchanged from the present rule. It simply tells horse-riders how to tell where they can go. The decision as to whether and where in a park horses may go, is made in the management planning process established by the Outdoor Recreation Act--Minn. Stat. Ch. 86A--not in this rule making proceeding. Paragraph 3 codifies the established signing practice for bicycles. It is the same as for horses and snowmobiles: you can go on trails so signed you cannot go on trails not so signed. The Non-motorized Use paragraphs are reasonable and necessary.

More detail!

27. The Restricted Areas and Aircraft sections of the park rules are the same as the present rule.

28. The Peddling section of the park rules is the same as the present rule, except that it allows park concessionaires to make their presence known, an obviously reasonable and necessary change. The forest campground rule allows peddling with prior written approval of the forest officer. This is a reasonable provision and should be added to the park rule. Forest campgrounds should use the park rule as amended.

29. The Suspension of Rules sections are so broad as to allow rule-making without hearing. They should be amended to accurately express the intent--that is, to allow temporary exceptions in emergency situations (fire hazards, washouts, heavy snows, etc.).

Dated this 24th day of August, 1978.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

JOSEPH N. ALEXANDER,
Acting Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Revising the Rules Governing Public Use of State Parks, State Recreational Areas, State Historic Sites (Minn. Regs. NR 1) and State Forest Campgrounds and Day Use Areas (Minn. Regs. NR 10)

ORDER

FOR

HEARING

The rules regarding public use of those units of the Minnesota outdoor recreation system listed above which are under the control of or operated by the Commissioner of Natural Resources, have been in effect for sometime, and appear to need updating. Agency staff having prepared complete rewrites of both existing rules,

NOW THEREFORE IT IS ORDERED that hearings be held on the above-entitled matter in accordance with the rule-making provisions of Chapter 15 of Minnesota Statutes, at the following times and places.

December 6, 1977, St. Paul, MN., Room 83 of the State Office Building which is in the Capitol complex, beginning at 9:30 a.m.

December 8, 1977, Grand Rapids, MN., at Davies Theatre, which is in Davies Hall at Itasca Community College, beginning at 9:30 a.m.

Dated September 14, 1977

William B. Nye, Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Revising the Rules Governing Public Use of State Parks, State Recreational Areas, State Historic Sites (Minn. Regs. NR 1) and State Forest Campgrounds and Day Use Areas (Minn. Regs. NR 10)	NOTICE OF HEARING

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All interested persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearings. In addition, written materials may be submitted to hearing examiner Howard Kaibel at the Office of Hearing Examiners, 1745 University Ave., St. Paul, MN. 55104, either before the hearing or within five (5) days after the hearing. The hearing will be conducted as described in Minnesota Statutes, Section 15.0412 and in Minnesota Regulations HE 101-109.

The proposed rules are complete revisions of the existing rules, amending the existing rules by replacement. Both revised rules are being considered at the same hearing because their subject matter is quite similar, and they are worded identically as much as possible.

The rules contain regulations which apply to persons using the units of the state's outdoor recreation system listed in the caption of this notice. Violation of the regulations is a misdemeanor. Subjects covered are:

- opening and closing times
- personal behavior, noise, alcohol and drugs
- hunting, possession of weapons

- gathering plants, flowers, berries, wood
- fires, trash disposal
- pets
- use of campsites
- boating, fishing, swimming
- use of horses, bicycles, snowmobiles, aircraft, automobiles, and other motorized vehicles
- peddling and soliciting

A free copy of the proposed rules may be obtained by writing to the Department of Natural Resources, Division of Parks and Recreation, Centennial Building, Saint Paul, Minnesota 55155. Additional copies will be available at the hearings. A "statement of need" explaining why the agency feels the proposed rules are necessary, and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Office of Hearing Examiners twenty-five (25) days before the hearing and will be available there for public inspection.

Please be advised that Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule-making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, phone (612) 296-5615.

Dated this 14th day of September, 1977.

William B. Nye

WILLIAM B. NYE
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Revising the Rules Governing Public Use of State Parks, State Recreational Areas, State Historic Sites (Minn. Regs. NR 1) and State Forest Campgrounds and Day Use Areas (Minn. Regs. NR 10)

CERTIFICATE

I hereby certify that the attached 489 labels and 3 sheets constitute the complete list of those who as of 10:45 o'clock A .m. this 28 day of October, 1977, have requested pursuant to Minn. Stat., Section 15.0412, subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearings on proposed rules and subjects captioned above.

SECRETARY OF STATE
JOAN GROWE

Joan Anderson Growe

By Cheri L. Mattson

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Revising the Rules Governing Public Use of State Parks, State Recreational Areas, State Historic Sites (Minn. Regs. NR 1) and State Forest Campgrounds and Day Use Areas (Minn. Regs. NR 10)

AFFIDAVIT OF MAILING

Allen C. Stroth, being first duly sworn, deposes and says:

That on Nov. 1, 1977, at St. Paul, Ramsey County, Minnesota, has served the attached notice of Hearing by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped and with postage prepaid, to all persons and associations at the address on the attached list.

Allen C. Stroth

Subscribed and sworn to before me this 1st day of Nov, 1977

John L. Geer

JOHN L. GEER
Notary Public, Ramsey County, Minn.
My Commission Expires, Sept. 27, 1978

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Revising the Rules Governing Public Use of State Parks, State Recreational Areas, State Historic Sites (Minn. Regs. NR 1) and State Forest Campgrounds and Day Use Areas (Minn. Regs. NR 10)

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Dated this 14th day of September, 1977.

William B. Nye

WILLIAM B. NYE
Commissioner

DEPARTMENT OF NATURAL RESOURCES

PROPOSED RULES

PUBLIC USE OF STATE FOREST CAMPGROUNDS

AND DAY USE AREAS

NR 10 Public Use of State Forest Campgrounds and Day Use Areas.

A. AUTHORITY AND SCOPE

1. These rules apply to those state forest campgrounds and state forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minnesota Statutes, sections 84.03, 89.031, and 89.21.

B. PENALTY

Any person who shall violate any of these rules is guilty of a misdemeanor and subject to immediate removal from the park and/or appropriate legal action.

C. DEFINITIONS

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "Day Use Area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

3. "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V of Minnesota Statutes, Section 152.02, and marijuana, as defined in Minnesota Statutes, Section 152.01, Subd. 9.

4. "Intoxicating liquor" means intoxicating liquor as defined in Minnesota Statutes, Section 340.07 and intoxicating malt liquors as defined in Minnesota Statutes, Section 340.401.

5. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

6. "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

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

8. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

9. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. WHEN OPEN

1. Forest Campgrounds and Day Use Areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

2. Day Use Areas will be open from 6:00 a.m. to 10:00 p.m.

E. PERSONAL CONDUCT

1. No person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(a) Brawling, fighting, or other violent conduct directed toward another; or

(b) Offensive, obscene or abusive language or boisterous or noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds.

3. It is unlawful for any person to consume intoxicating liquors or to be intoxicated.

4. No person shall use, be in the possession of, or be under the influence of drugs unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

F. PUBLIC SAFETY; HUNTING

1. While in a forest campground or day use area, it is unlawful for any person to

(a) possess explosives of any kind;

(b) possess a firearm, including an air gun, unlwaa the firearm is unloaded both in barrel and magazine;

(c) use or display of any other type of weapon including but not limited to slingshots, switchblade knives and bow and arrows.

G. ENVIRONMENTAL PROTECTION

1. The forest campground and day use area environments are for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities except edible fruit, mushrooms, and wild animals legally taken and vegetation unavoidably damaged or

destroyed by the ordinary uses of the state forest campground or day use area as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

2. No person shall destroy, damage, deface or remove any public property, or private property belonging to another.

H. FIRES AND REFUSE

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the state forest campground or day use area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the recreational Forest Campground or Day Use Area affected.

3. Where firewood is provided, its use shall be within reasonable limits.

4. It is unlawful for any person to burn or otherwise dispose of garbage (waste, refuse, sewage, litter or trash) of any kind within a Forest Campground and Day Use Area except to dispose of the same in receptacles provided for that purpose.

Such receptacles shall be used only for garbage generated at the area. Garbage is to be removed from areas where receptacles are not provided.

5. It is unlawful to have glass containers where people swim.

I. PETS AND HORSES

1. Pets are permitted in state forest campgrounds and day use areas, no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

2. No person shall ride or lead or have a horse within a forest campground or day use area, except where specifically permitted by posted notice.

J. PICNICKING

Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. CAMPING

1. A nominal charge per campsite per night shall be collected in certain Forest Campgrounds. The determination of

camping fees shall be based upon the nature and cost of facilities provided. Campers must pay camping fee immediately upon occupying campsite.

2. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

3. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

4. Camping shall be limited to fourteen (14) consecutive days during each official camping season.

5. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

6. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

7. Camping permits in fee campgrounds shall expire at 4:00 P.M.

8. Setting up camp between the hours of 10:00 P.M. and 6:00 A.M. is prohibited.

9. Placement of tent stakes or anchors in the ground for the erection of tents is permitted, but digging or excavating is prohibited.

10. Any group desiring to occupy more than two campsites must obtain prior approval from the Forest Officer.

11. It shall be unlawful for any person to permanently install or affix in a permanent manner any camping facility, equipment, or structure.

12. A watercraft used for shelter or sleeping which is tied on campground water frontage constitutes camping and is subject to these rules.

13. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. BOATING

Boating on waters within or adjacent to state forest campground or day use areas is permitted subject to the following conditions:

1. The operation of watercart is subject to all state and local water and watercraft safety laws, ordinances, and rules and regulations.

2. Watercraft shall not be operated on any water which is posted prohibiting such use, or in areas designated and posted by buoys as swimming areas.

M. FISHING

1. Fishing is permitted in the waters of or adjacent to any state forest campground or day use area. All state laws, regulations and orders of the Commissioner of Natural Resources are applicable in these waters as elsewhere.

2. No person shall clean fish and dispose of the remains except at facilities provided for such use.

N. MOTOR VEHICLE USE; BOATS, TRAILERS, FISH HOUSES

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within a forest campground or day use area. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas when so provided. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

5. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

6. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred

to the custody of the Commissioner of Administration for disposal pursuant to Minnesota Statutes, Section 16.0231.

O. PROTECTION FROM PEDDLING AND SOLICITING

1. It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors within a Forest Campground or Day Use Area, or advertise without the prior written consent of the forest officer.

P. SUSPENSION OF RULES

The Commissioner may provide exceptions to the general rules for a specific Forest Campground or Day Use Area by posting notice of such exception at said Campground or picnic area.

Q. REPEAL OF PRECEDING RULE NR 10

All previous rules and regulations governing Campgrounds and Day Use Areas are repealed.

DEPARTMENT OF NATURAL RESOURCES

PROPOSED RULES

PUBLIC USE OF STATE PARKS

NR 1 Public Use of State Parks, Recreational Areas, Historic Sites, and Waysides.

A. AUTHORITY AND SCOPE

1. These rules apply to those state parks, recreational areas, historic sites, and waysides which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minnesota Statutes, sections 84.03 and 85.05.

B. PENALTY

Any person who shall violate any of these rules is guilty of a misdemeanor and subject to immediate removal from the park and/or appropriate legal action.

C. DEFINITIONS

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Beach" means that part of a body of water and shore designated for swimming and sunning.

2. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

3. "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V of Minnesota Statutes, Section 152.02, and marijuana, as defined in Minnesota Statutes, Section 152.01, Subd. 9.

4. "Intoxicating liquor" means intoxicating liquor as defined in Minnesota Statutes, Section 340.07 and intoxicating malt liquors as defined in Minnesota Statutes, Section 340.401.

5. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

6. "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

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

8. "Shelter" means equipment used to sleep in or on, excluding sleeping bags and tents smaller than 60 square feet. Examples are tents 60 square feet or larger, trailers, pick-up campers, buses, station wagons, motor homes and boats.

9. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

10. "State Park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, or state wayside, or state historic site.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. PARK HOURS

1. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

2. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest, except that a visitor of a registered guest may remain after 10:00 p.m. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

E. PERSONAL CONDUCT

1. Within a state park, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(a) Brawling, fighting, or other violent conduct directed toward another; or

(b) Offensive, obscene or abusive language or boisterous or noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager.

3. It is unlawful for any person to consume intoxicating liquors or to be intoxicated within a state park.

4. No person shall use, be in the possession of, or be under the influence of drugs within a state park unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

F. PUBLIC SAFETY; HUNTING

1. While in a state park, it is unlawful for any person to

(a) possess explosives of any kind;

(b) possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

(c) possess a bow and arrows, unless either unstrung and completely contained in a case, or contained in the trunk of a car with the trunk door closed;

(d) use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. ENVIRONMENTAL PROTECTION

1. The park environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities except edible fruit, mushrooms, and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of the state park as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

2. No person shall destroy, damage, deface or remove any public property, or private property belonging to another, within a state park.

H. FIRES AND REFUSE

1. It is unlawful to build a fire within a state park except in a fireplace or a fire ring provided for that purpose.

However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the state park or to others.

2. It is unlawful for any person to burn or otherwise dispose of garbage (waste, refuse, sewage, litter or trash) of any kind within a state park except to dispose of the same in receptacles provided for that purpose. Such receptacles shall be used only for garbage generated at the area. Garbage is to be removed from areas where receptacles are not provided.

I. PETS

Pets are permitted in state parks, provided no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. PICNICKING

Picnicking is not permitted within state parks except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. CAMPING AREA

1. Camping is permitted only at assigned sites in designated camping areas.

2. Camping shall be limited to a total period of two weeks in any one park during the period of June 15 through Labor Day provided, however, that the park manager of any state park may, in his discretion, allow camping for such longer periods as he may prescribe when conditions of nonuse so warrant.

3. Each camping party must register.

(a) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(b) Registration must be in person.

(c) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(d) Camping permits shall expire at 4:00 p.m.

4. A campsite may be occupied by:

(a) Any group of six or less using one shelter for sleep; or by

(b) A group using more than one shelter if all members of the group are related by blood or marriage and only one shelter is occupied by couples. There may not be more than one camping party at one site.

5. It shall be unlawful in a state park for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

6. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

7. A watercraft used for shelter or sleeping which is tied on park water frontage constitutes camping and is subject to these rules.

8. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. BOATING

Boating on waters within or adjacent to state parks is permitted subject to the following conditions:

1. The operation of watercraft is subject to all state and local water and watercraft safety laws, ordinances, and rules and regulations.

2. Watercraft shall not be operated on any water which is posted prohibiting such use, or in areas designated and posted by buoys as swimming areas.

3. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess of 10 miles per hour, unless the lake is otherwise designated and posted.

4. No person shall dispose of garbage, refuse, sewage, or trash of any kind in any waters within the boundaries of a state park.

M. FISHING

1. Fishing is permitted in the waters of or adjacent to any state park. All state laws, regulations and orders of the Commissioner of Natural Resources are applicable in these waters as elsewhere.

2. No person shall clean fish and dispose of the remains within a state park except at facilities provided for such use.

N. BEACHES; SWIMMING

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the life-guard, if one is present.

2. It is unlawful on a beach:

(a) To allow any dog or other pet to enter;

(b) To possess glass containers;

(c) To use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;

(d) To use beach before sunrise or after sunset;

(e) To enter with any boat, canoe or raft;

(f) To fish;

(g) To swim beyond boundary buoy or marker;

(h) To engage in any activity which is hazardous and could cause injury to others.

(i) To use any soap, detergent or shampoo in the beach; and

(j) To change clothes except in structures designated for such use.

O. MOTOR VEHICLE PERMITS

1. No motor vehicle may enter a state park over 50 acres in area without a valid motor vehicle permit affixed to it, except at Fort Snelling Memorial Chapel, and on open house day.

2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield. The permit is valid only for the vehicle to which it was first affixed.

3. A person obtaining a motor vehicle permit without charge because he or she is 65 years of age or older, shall affix the permit only to a vehicle owned wholly or jointly by that person. The permit is valid only when the vehicle is owned and occupied by that person.

P. MOTOR VEHICLE USE

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within a state park. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

Q. SNOWMOBILES

1. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

2. The operation of snowmobiles is subject to all laws of the State of Minnesota and all rules and regulations promulgated by the Commissioner of Natural Resources.

3. No snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. NON-MOTORIZED USE OF PARK

1. People on foot may go anywhere in the park that is not posted otherwise.

2. No person shall ride or lead or have a horse within a state park except on trails and areas designated for such use.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. RESTRICTED AREAS

It shall be unlawful to enter by any means a posted restricted area.

T. AIR CRAFT

It is unlawful for any person to land any aircraft on lands or waters within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the county in which the park is located.

U. PROTECTION FROM PEDDLING AND SOLICITING

It is unlawful for any person to engage in or solicit business of any nature whatsoever from park visitors within a state park, except for authorized concessions.

V. SUSPENSION OF RULES

The Commissioner may provide exceptions to the general rules for a specific state park by posting notice of such exception at said state park.

W. REPEAL OF PRECEDING RULE NR 1

All previous rules and regulations governing state parks are repealed.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Proposed Amendments to
Minnesota Rules NR 1,
Public Use of State Parks,
Recreational Areas, Historic
Sites and Waysides

STATEMENT OF
NEED AND
EVIDENCE

The authority of the Commissioner of Natural Resources to promulgate rules regarding the public use of State Parks is found in Minnesota Statutes, Section 84.03 and Minnesota Statutes, Section 85.05. The rules currently in effect are identified as Minnesota Regulations NR 1. The Commissioner of Natural Resources proposes to amend these rules.

The proposed amendments are in the form of a complete report of the existing rule, but many of the changes are matters of style, not substance. This statement addresses the need for and reasonableness of those substantive changes which seem significant (rest of page 2).

Some of the changes are a result of incorporating into the rules portions of applicable Minnesota Statutes. Also incorporated into the rules are those portions of the Division of Parks and Recreation's camping policy that pertain to public behavior.

D. PARK HOURS

The hours that one may snowmobile on "park" trails have been changed from daylight to 11:00 p.m. to 8:00 a.m. to 10:00 p.m. so that parks hours apply the same to all users. Exception to this is made by posting trails such as Corridor Trails, to extend the hours they may be travelled.

As has previously been stated in park camping policy, registered campers, registered cabin and lodge guests and their visitors are allowed to remain in the park after 10:00 p.m. This rule legalizes these registered visitors to remain in the park and also their guests. Park managers may allow people to enter before 8:00

.a.m. This exception is primarily for the benefit of fishermen.

E. PERSONAL CONDUCT

The rule on drugs is amended to allow visitors to use drugs under prescription for medical purposes.

G. ENVIRONMENTAL PROTECTION

Protection of the environment is made more strict by the addition of the word "disturb" for better control - as for the digging for objects when using metal detectors.

The rule is relaxed to allow visitors to pick edible fruits, which are considered a renewable resource that should be for visitor enjoyment. This is a popular activity and causes no harm.

It is recognized that repeated authorized "use" of a park does incur a degree of damage to the resource or facility. No individual should be held liable for the damage.

Visitors, especially campers, bring with them valuable personal property. The number of thefts and other conflicts is increasing. Visitors need protection of their property.

Rock climbing has become popular. To protect the resource, use of damaging equipment is forbidden.

H. FIRES & REFUSE

In addition to visitors being allowed to build fires in fireplaces or fire-rings, visitors will be allowed to use portable gas or liquid fueled camp stoves or charcoal burners. This method of cooking is very popular among the visitors and is relatively safe.

It will be unlawful for people to dump their refuse carried from their homes or establishments into and around containers in parks. This has become a bad problem in certain parts of the state - especially where a heavily travelled highway bisects a park.

Backpacking and hiking have become increasingly popular and at the same time increasing the problem of refuse left behind by those participating in this activity and others who use the dispersed areas of a park. The rule now requires one to carry out refuse where receptacles are provided.

I. PETS

The rule is broadened to include cages and equipment such as camping trailers as a suitable enclosure.

K. CAMPING AREA

The hours of solitude in a camping area is further defined as between the hours of 10:00 p.m. and 8:00 a.m. so that visitors may have a full measure of peace and quiet. Breaking camp and leaving to go fishing are not considered a breach of solitude.

Problems have arisen by allowing friends and or relatives to preregister (make reservations) for campsites such as no shows, and the situation where all sites are rented though not occupied-which does not set good with one who after a long day's travel is not able to have a campsite.

A park policy and now a rule is that the rental period of a campsite begins the day of registration and must be paid in full at time of registration - a good business procedure.

In order to keep the number of people and number of shelters used in line with the carrying capacity of a campsite limitations are imposed. Campgrounds are operated primarily for families. Restriction as to number of people

does not apply to a family.

N. BEACHES; SWIMMING

Several rules were added so that public behavior at park beaches could be better controlled and more importantly, for the safety of the visitors. Protection of the resource is also a consideration. The following are now unlawful:

- to possess glass containers
- to use flotation devices not approved by the Coast Guard
- to use the beach before sunrise and after sunset
- to fish
- to swim beyond boundary buoy or marker
- to engage in any activity which is hazardous and could cause injury to others
- to use soap or shampoo

O. MOTOR VEHICLE PERMITS

The rule pertaining to requirement of motor vehicle permits on vehicles entering a park is Minnesota Statutues Section 85.05 Subdivision 2.

Because it is possible to purchase a motor vehicle permit without its being affixed to the windshield, or affixed by the use of tape, the requirement that the permit be affixed by its own adhesive is proposed so as to reduce the number of permits being transferred.

The first sentence of the rule pertaining to permit requirement for senior citizens is Minnesota Statutes Section 85.05 Subdivision 1. The Statute was interpreted to mean that a person over 65 years of age could enter a park as a passenger of his car with a valid permit.

P. MOTOR VEHICLE USE

Motor vehicles have been observed being driven in parks by people not possessing a valid driver's license. Some of these people have been too young.

Safety of other visitors and to the resources is put in jeopardy.

R. NON-MOTORIZED USE OF PARK

This non-motorized use section is added to park rules to recognize that there are non-motorized users and to state what few restrictions are necessary - for instance - bicyclists may travel where motor vehicles are allowed and on trails designated for their use.

U. PROTECTION FROM, etc.

The rule has been relaxed to the extent that concessionnaires can solicit - which is a necessity for one to be successful in a business.

R. W. Hosfield, Programs Coordinator

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Proposed Amendments to
Minnesota Rule NR 10,
Public Use of State Forest
Campgrounds and Day Use
Areas.

STATEMENT OF NEED
AND EVIDENCE

The Department of Natural Resources has determined that the present laws and rules as they apply to State Forest Campgrounds and day use areas are inadequate and unenforceable as they do not specifically prohibit or adequately address certain activities which have proven to be problem areas, disruptive to other campers and detrimental to the environment and to state property. Present regulations do not relate to opening and closing time; personal behavior, noise, alcohol, and drugs; hunting and possession of weapons; gathering plants, flowers, berries, wood; fires, trash disposal; pets; use of campsites; boating, fishing, trailers, fish houses, other uses of motorized vehicles; and peddling and soliciting. The proposed rules address these specific problem areas, and define, prohibit or permit activities which the Department believes to be acceptable, enforceable and in the best interests of our citizens.

We feel it is reasonable that the revised rules proposed for State Parks also be used for campgrounds and day use areas in State Forests, with the following exceptions:

1. Under Section A, paragraph 4, different statutes are cited as the authority for developing the respective rules and regulations for State Parks and State Forests. All of the statutes pertain to the commissioner's authority to make, establish, promulgate and enforce necessary rules and regulations and differ only with respect to the type of management unit for which the rules and regulations are intended.
2. Under Section C, the respective listings of definitions for State Parks and State Forests differ according to the need for definition of terms used in the respective rules and regulations.
3. In Section D of the State Forest Campgrounds and Day Use Areas rules and regulations, the term, "open officially," means that all available services and maintenance will be provided during the first Saturday in May through the second Sunday in September. A minimum level of services and maintenance is offered during the remainder of the year because the level of public use does

not justify a normal level of services and maintenance. State Forest Campgrounds and Day Use Areas are intended to provide a more primitive type of recreational experience in a less intensively managed setting than are State Parks.

State Forest Campgrounds and Day Use Areas might be closed to avoid a potentially hazardous forest fire threat and might be wholly or partly closed to rehabilitate sites whereon the vegetation and/or soils have deteriorated from over-use.

Day Use Areas are not intended for over-night occupancy and should be open only during the normal activity hours. Vandalism, rowdiness and other public nuisance activities usually occur during night-time hours.

4. In Section F, the restrictions pertaining to firearms, bows and arrows, and other hunting equipment are less stringent in State Forest Campgrounds and Day Use Areas than in State

Parks because hunting is a normally recognized activity in State Forests and the public should be allowed reasonable ingress and egress from their campsite or vehicle which may be located in the campground or day use area.

5. Under Section H, paragraph 2, the need for control of fire use is greater in State Forest Campgrounds and Day Use Areas where facilities may be more primitive and a greater fire hazard may exist than in State Parks which are more intensively developed.

6. Under Section H, paragraph 3, State Parks charge a fee for firewood while firewood is provided free of charge in some State Forest Campgrounds and Day Use Areas. The purpose of this paragraph is to control the waste of firewood in unusually large fires and to discourage the taking of firewood for home use.

7. Section I, paragraph 2, is added to the State Forest Campground and Day Use Area rules and regulations because some State Forest areas are designed for use by horse-back riders.

8. Under Section K, the language of the respective rules and regulations for State Parks and State Forests is different to cover the particular needs of State Parks and State Forests. However, the effect on the user is essentially the same.

9. Section N of the State Parks rules and regulations are not included in State Forest rules and regulations because developed, supervised swimming areas are not offered in State Forest campgrounds and day use area.

10. Motor vehicle permits (Section) of State Parks rules and regulations) are not required in State Forests so this section is not included in the State Forest rules and regulations.

11. Paragraphs 4, 5 and 6, Section N of State Forest rules and regulations are included in addition to the motor vehicle use regulations of State Parks (Section P) because:

    (a) State Forest campgrounds and day use areas do not have the full-time supervision of State Parks;

    (b) storage and abandonment of boats, fish houses, motor vehicles and other equipment

is a problem in State Forest campgrounds and day use areas.

12. Snowmobile use in State Forest campgrounds and day use areas is not a problem. Therefore, Section Q of State Parks rules and regulations is not included in the State Forest rules and regulations.

13. Section R of State Parks rules and regulations is not included in the State Forest rules and regulations because:

    (a) there are no restrictions on foot and bicycle travel in State Forest campgrounds and day use areas.

    (b) the use and control of horses is covered under Section I.

14. Restricted Areas (Section S of State Parks rules and regulations) are covered under Section D of the State Forest rules and regulations.

15. Section T of State Park rules and regulations (Aircraft) is not applicable to State Forest campgrounds and day use areas because the small, usually forested campgrounds and day use areas will not allow the landing of aircraft.

Dennis Ingvaldson

Dennis Ingvaldson

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF REVISING THE RULES GOVERNING PUBLIC USE OF STATE PARKS, STATE RECREATIONAL AREAS, STATE HISTORIC SITES (MINN. REGS. NR 1) AND STATE FOREST CAMPGROUNDS AND DAY USE AREAS (MINN. REGS. NR 10)	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, hearings were held on December 6 and 8, 1977, before Howard L. Kaibel, Jr., a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Department of Natural Resources on January 24, 1978; and

WHEREAS, the Department of Natural Resources has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Natural Resources has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearings and that the Department of Natural Resources has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Natural Resources has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 15th day
of August, 1978.

DUANE R. HARVES
Chief Hearing Examiner

Department of Natural Resources

Rules For Public Use Of State Parks, Forest Campgrounds And Forest Day Use Areas.

NR 1 Public use of state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas.

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 85.05, 89.031 and 89.21.

B. Penalty.

Any person who violates any of these rules is guilty of a misdemeanor and subject to immediate removal from the park, forest campground or forest day use area and to appropriate legal action.

C. Definitions.

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "State park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, state wayside, or state historic site.

3. "Forest day use area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

4. "Forest campground" means those areas developed and maintained by the Commissioner on state lands administered by the Division of Forestry for camping and related recreational activities.

5. "Person" means any individual, partnership, corporation or association.

6. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

7. "Shelter" means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailers, pick-up campers, buses, station wagons, motor homes and boats.

8. "Beach" means that part of a body of water and shore designated for swimming and sunning.

9. "Motor vehicle" means any self-propelled vehicle including but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (AVT's), but not including snowmobiles.

10. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. State parks.

a. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

b. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

2. Forest campgrounds and forest day use areas.

a. Forest campgrounds and forest day use areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

b. Forest day use areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. A person's conduct shall be as prescribed in Minn. Stat. § 609.72.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager or forest officer.

3. It is unlawful for any person to consume intoxicating liquors.

4. A person's possession and use of drugs shall be in accordance with state laws.

F. Public safety; hunting.

1. While in a state park, or while in a forest campground or forest day use area during the official open season for these areas, it is unlawful for any person to:

a. possess explosives of any kind;

b. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

c. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;

d. use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection.

1. The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property, including but not limited

to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities, except edible fruit, mushrooms and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by these rules. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the area affected.

3. Where firewood is provided at no charge its use shall be within reasonable limits.

4. Minn. Stat. § 85.20, subd. 6, and § 609.68, forbidding littering, are incorporated in this rule by reference.

5. Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from areas where receptacles are not provided.

I. Pets.

Pets are permitted, provided no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking.

Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. State parks.

a. Camping is permitted only at assigned sites in designated camping areas.

b. A person may not camp in the same state park for more than 14 days aggregate during the period of June 15 through Labor Day, provided, however, that the park manager may in his discretion allow camping for such additional days as he may prescribe when conditions of nonuse so warrant.

c. Each camping party must register.

(1) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(2) Registration must be in person.

(3) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(4) Camping permits shall expire at 4:00 p.m.

d. A campsite may be occupied by:

(1) Any group of six or less using one shelter for sleep; or by

(2) A family using one shelter, and an additional shelter with prior approval of the park manager. A family consists of a father and/or mother accompanied by any of the following: their parents, their children, and their blood relatives.

2. Forest campgrounds and forest day use areas

a. A nominal charge per campsite per night shall be collected in certain forest campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay the camping fee immediately upon occupying a campsite.

b. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

c. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

d. Camping shall be limited to a total period of fourteen days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that the forest officer of any forest campground in his discretion, allow camping for such longer periods as he may prescribe when conditions or non-use so warrant.

e. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

f. Camping permits in fee campgrounds shall expire at 4:00 p.m.

g. Setting up camp between the hours of 10:00 p.m. and 6:00 a.m. is prohibited.

h. Any group desiring to occupy more than two campsites must obtain prior approval from the forest officer.

i. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

3. It shall be unlawful for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

4. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

5. A watercraft used for shelter or sleeping which is tied on water frontage constitutes camping and is subject to these rules.

6. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

7. The Commissioner may provide exceptions to the camping rules by posting notice of such exceptions.

L. Boating.

1. Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to state parks, forest campgrounds and forest day use areas.

2. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess

of 10 miles per hour, unless the lake is otherwise designated and posted.

M. Fishing.

1. Fishing conforming to Minnesota laws and rules is permitted in the waters adjacent to state parks, forest campgrounds, and forest day use areas.

2. If a fish clearing facility is provided, no person shall clean fish and dispose of the remains except at that place.

N. Beaches; swimming - state parks.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the life-guard, if one is present.

2. It is unlawful on a beach:

a. To allow any dog or other pet to enter;

b. To possess glass containers;

c. To use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;

d. To use the beach before sunrise or after sunset;

e. To enter with any boat, canoe or raft;

f. To fish;

g. To swim beyond boundary buoy or marker;

h. To engage in any activity which is hazardous and could cause injury to others;

i. To use any soap, detergent or shampoo; and

j. To change clothes except in structures designated for such use.

O. Motor vehicle permits - state park.

1. Requirements for motor vehicle permits for entry into state parks shall be as stated in Minn. Stat. § 85.05, Subd. 2 (a) and (c).

2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield.

P. Motor vehicle use; boats, trailers, fish house.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within state parks, forest campgrounds and forest day use areas. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. Within forest campgrounds and forest day use areas:

a. No person shall leave standing, whether attended or unattended a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

b. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

c. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

Q. Snowmobiles - state parks.

1. The operation of snowmobiles is subject to Snowmobile Safety Laws and Rules.

2. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

3. Within state parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use.

1. People on foot may go anywhere that is not posted otherwise.

2. No person shall ride or lead or have a horse except on trails and areas designated for such.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas.

It shall be unlawful to enter by any means a posted restricted area.

T. Aircraft.

It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the country in which the park is located.

U. Protection from peddling and soliciting.

It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, except for authorized concessions, without the prior written consent of the park manager or forest officer.

V. Suspension of rules.

In situations of emergency the Commissioner may provide temporary exceptions to the general rules for a specific state park, forest campground or forest day use area by posting notice of such exception at said unit.

W. Repeal of preceding rules NR 1 and NR 10.

Previous rules NR 1 and NR 10, governing state parks, forest campgrounds and forest day use areas, are repealed.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

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In the Matter of Proposed Rules For Public Use of State Parks and State Forest Campgrounds and Day Use Areas

ORDER ADOPTING RULE

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WHEREAS, the public hearing held on December 6, 1977, and December 8, 1977, was properly noticed and fairly conducted; and

WHEREAS, the Report of the Hearing Examiner has been received; and

WHEREAS, the proposed rules have been modified in accordance with the Findings and Conclusions of the Commissioner, and combined into one rule; and

WHEREAS, the Commissioner of Natural Resources is authorized by law to adopt the rule;

NOW, THEREFORE, I adopt the Rule for Public Use of State Parks and State Forest Campgrounds and Day Use Areas identified as Minnesota Rule NR 1 and attached as Exhibit 1, as a rule of the State of Minnesota, Department of Natural Resources.

This order is effective upon approval of the rule by the Attorney General and five days after the rule is published in the State Register.

Dated this 24th day of August, 1978.

JOSEPH N. ALEXANDER,
Acting Commissioner
Department of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

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In the Matter of Proposed Rules for Public Use of State Parks and State Forest Campgrounds and Day Use Areas

CERTIFICATE OF COMPLIANCE

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I am familiar with Minnesota's laws and rules regarding the adoption of rules by state agencies. I am familiar with proceedings and the hearing record in the above-entitled matter. I believe the rules are lawful and have been lawfully adopted.

Dated this 18 day of August, 1978.

A. W. Clapp III

A. W. Clapp, III
Special Assistant Attorney General