

Minnesota Attorney General: Administrative Rules Proceedings

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SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : April 2, 1990

TO : A.W. CLAPP III
Special Assistant Attorney General
500 Lafayette Road, Suite 200 (55155)

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rule Relating to Public Use of State Parks and Other Recreational Areas

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on April 2, 1990.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard please contact me.

MJC:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

Department of Natural Resources

Adopted Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas

Rules as Adopted

6100.0100 STATUTORY AUTHORITY.

Parts 6100.0100 to 6100.2400 are authorized by Minnesota Statutes, sections 84.03, 85.052, 89.031, and 89.21.

6100.0200 PURPOSE.

The purpose of parts 6100.0100 to 6100.2400 is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

6100.0300 SCOPE.

Parts 6100.0100 to 6100.2400 apply to state parks, recreational areas, historic sites, waysides, forest campgrounds, and forest day use areas under the control of or operated by the commissioner of natural resources.

Parts 6100.1910, 6100.1920, and 6100.2000 also apply to posted state forest lands in the Richard J. Dorer Memorial Hardwood State Forest which are under the control of, or operated by, the commissioner of natural resources.

Parts 6100.0100 to 6100.2400 shall not apply to any person lawfully engaged in the performance of his or her duties in the management and administration of these areas including, but not limited to, the commissioner of natural resources, the commissioner's agents, employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers.

6100.0400 PENALTY.

A person who violates any of parts 6100.0100 to 6100.2400 is guilty of a misdemeanor and subject to immediate removal from the park, forest campground, forest day use area, or the Richard J. Dorer Memorial Hardwood State Forest and to appropriate legal

Approved by Revisor PMM

action.

6100.0500 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 6100.0100 to 6100.2400, unless a different meaning is manifest from the context, the terms defined in this part have the meanings given them.

[For text of subps 2 to 4, see M.R. 1989]

Subp. 5. **Forest day use area.** "Forest day use area" means a designated area to be used for daytime activities such as picnic areas, swimming beaches, boat accesses, and the like.

Subp. 5a. **Forest officer.** "Forest officer" means a certified Department of Natural Resources, Division of Forestry employee authorized by Minnesota Statutes and commissioner's operational orders to enforce rules; and, for the purposes of parts 6100.0100 to 6100.2400, Minnesota state conservation officers.

Subp. 5b. **Richard J. Dorer Memorial Hardwood State Forest.** "Richard J. Dorer Memorial Hardwood State Forest" means all posted state forest lands over which the commissioner of natural resources has regulatory authority within the boundaries of the state forest as defined in Minnesota Statutes, section 89.021, subdivision 33.

Subp. 5c. **Highway.** "Highway" means roads or highways as defined in Minnesota Statutes, section 160.02.

Subp. 6. **Intoxicating liquor.** "Intoxicating liquor" means intoxicating liquor as defined in Minnesota Statutes, section 340A.101.

[For text of subp 7, see M.R. 1989]

Subp. 7a. **Park manager.** "Park manager" means all managers of state parks acting directly or through authorized employees.

Subp. 7b. **Park officer.** "Park officer" means all certified Department of Natural Resources, Division of Parks and Recreation peace officers authorized by Minnesota Statutes and commissioner's operational orders; and, for the purposes of these rules, Minnesota state conservation officers.

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Subp. 7c. **Recreational motor vehicle.** "Recreational motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, snowmobile, trail bike, or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes.

[For text of subps 8 to 12, see M.R. 1989]

6100.0600 HOURS AND DAYS OF OPERATION.

Subpart 1. **State parks.** 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 except during emergencies.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a state park unless as a registered overnight guest, except that during these hours, park managers may, at their discretion, allow entrance for direct access to specific locations within the park so that guests may engage in specific approved activities. Between the hours of 10:00 p.m. and 8:00 a.m., motor vehicle travel by registered overnight guests shall be restricted to entering their registered place of lodging, or exiting their lodging area for specific locations, as above, or to leave the park.

Subp. 2. **Forest campgrounds and forest day use areas.** Forest campgrounds and forest day use areas will be open each day of the year unless otherwise posted.

In campgrounds where fees are charged, fees will be collected as long as the facility is being maintained.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a state forest campground unless as a member of a registered camping party.

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

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in Minnesota Statutes, section 609.72.

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Without prior permission from the park manager or forest officer, no person shall make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or by any other means.

It is unlawful for any person in a state park to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

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

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subpart 1. **Restrictions.** While in a state park, or while within 200 feet of a shelter or motor vehicle in a forest campground, or forest day use area except as provided in subpart 3 or by special permit from the commissioner, 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, traps, and spears; and

E. hunt, trap, or in any manner take wild animals

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except as authorized by the commissioner.

Subp. 2. **Waiver of restrictions.** When hunting, trapping, or taking wild animals is authorized in a state park, the restrictions in subpart 1 on firearms, bows and arrows, and traps are waived to the extent necessary to allow the authorized activity. However, it is unlawful at any time to construct, occupy, or use any elevated scaffold or other elevated device for the purpose of hunting, watching for, or killing big game, except that portable tree stands may be used for this purpose provided they are removed each day at the close of hunting hours and do no permanent damage to trees in which they are placed.

Subp. 3. **Exception.** During the official open seasons for hunting, a person may carry an unloaded, uncased firearm or bow and arrows from a forest campground or day use area to engage in hunting outside of the state forest campground or forest day use area.

Subp. 4. **Restriction on pursuit of wildlife.** It is unlawful while hunting to pursue wildlife into ~~or within~~ a state park or to chase wildlife out of a state park without permission of a park officer.

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** The environment is for the enjoyment of all. No person shall disturb, destroy, injure, damage, deface, molest, or remove any state property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, wild animals; geological formations, historical or archaeological artifacts or sites; historic structures; 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 parts 6100.0100 to 6100.2400. Collections for scientific and educational purposes may be made only with the written permission of the commissioner. It is unlawful to damage vegetation or damage and deface rock formations with rock-climbing equipment.

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Subp. 2. **State parks.** Within a state park, any collecting, harvesting, or taking of any tangible object for resale or commercial use is prohibited, except by written permission of the commissioner.

Collection of firewood in state parks, except where expressly permitted, is prohibited.

Within posted restrictions, rock specimens and fossils may be collected at Hill Annex Mine State Park for noncommercial use.

Harvesting wild rice on bodies of water totally enclosed within a state park boundary is prohibited except by written permission of the commissioner.

Collecting watercress and ginseng or possessing such plants in a fresh state in state parks is prohibited.

Except for scientific research conducted under special permit from the commissioner and with a state archaeological license, the use of metal detectors in state parks is permitted only for locating specifically identified items of lost personal property. Metal detectors may not be used in any instances without prior written permission from the park manager and under the supervision of the park manager.

Subp. 3. **State forest campgrounds and forest day use areas.** Within state forest campgrounds and forest day use areas, wood that is dead and lying on the ground may be used to build fires, as long as it is used within the area and not removed.

6100.1000 FIRES AND REFUSE.

Subpart 1. **Prohibition and permitted uses.** It is unlawful to build or maintain 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 day use area if such use does not create a hazard or danger to the area or to others. It is unlawful to disobey a park officer or forest officer when ordered to extinguish a fire in any location at any time.

Subp. 2. **Fire bans.** The commissioner may limit or ban

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fires by declaring that a forest fire emergency exists. The declaration will be posted conspicuously at the entrance of the area affected.

Subp. 3. **Firewood.** If firewood is provided at no charge, the removal of the firewood from the state park, state forest campground, or forest day use area is prohibited.

Subp. 4. **Refuse.** It is unlawful to place refuse anywhere except in receptacles provided. If no receptacle is available, the refuse shall be removed from the state park, forest campground, or forest day use area. It is unlawful to place refuse generated outside the state park, forest campground, or forest day use area into the receptacles.

[For text of subp 5, see M.R. 1989]

Subp. 6. **Hot coal disposal.** The disposal of hot coals or ashes anywhere within state parks, except in special containers for that purpose or other sites approved by the park manager, is prohibited.

6100.1100 PETS.

Although pets are permitted, no person shall allow any dog, cat, or other pet animal except hearing or seeing eye dogs, to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. Pet animals shall be personally attended at all times and shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet in length, and the animals shall not disrupt other persons or deprive them from using any area.

Pet waste deposited in mowed or maintained areas must be immediately cleaned up by the pet owner or caretaker and deposited in an appropriate waste container. Horse waste must be removed, by the owner or custodian, from all areas except designated horse trails.

Pets and horses are prohibited on ski trails during the winter skiing season.

6100.1200 PICNICKING.

Picnicking is permitted only in areas designated for

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picnicking. No person or group of persons shall unreasonably exclude others from a picnic area or shelter, except when the shelter has been reserved with consent of the park manager or forest officer.

6100.1300 CAMPING AREAS.

Subpart 1. **State parks.** The following camping restrictions apply in state parks:

A. A campsite's occupancy is limited to:

(1) one camping group of six people or less using;

(2) one camping shelter;

(3) one vehicle; and

(4) additional shelters, persons, or vehicles only with prior approval of the park manager.

B. Camping is permitted only at assigned sites in designated camping areas or in watercraft within the restrictions described in item A.

C. A person, other than a campground host, may not camp in the same state park for more than 14 days in succession, provided, however, that the park manager may allow camping for additional days when use conditions warrant.

D. Each camping party must register. Registration must be in person and is as follows:

(1) A responsible person of a camping party shall register for the group, giving the number in the group. Names of all persons in the party are required when requested by the park manager.

(2) The rental period must begin with the day of registration, and all fees must be paid in full at the time of registration. The registration may be canceled if the site is not personally occupied the first night. The park manager may, upon order, remove or have removed any camping equipment placed on a campsite by an unregistered party, or any equipment on a site which has been forfeited by failure to occupy the site on the first night of registration.

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(3) Camping permits shall expire at 4:00 p.m. On departure, the campsite shall be left in a neat and clean condition.

(4) Campers occupying a campsite must re-register by 11:00 a.m. to hold the campsite for that night.

E. Power units including those used to generate electricity for camping units, shall not be operated between the hours of 10:00 p.m. and 8:00 a.m., nor at other hours of the day if such operation causes a disturbance for other visitors.

Subp. 2. **Forest campgrounds and forest day use areas.**

A. A camping fee 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 outside of designated campsites is prohibited.

C. Each camping party must register in fee camping areas. A responsible person of a camping party shall register for the group giving the number in the party.

D. Camping shall be limited to a total period of 14 days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that camping for longer periods may be allowed at the discretion of the forest officer of any forest campground when conditions or nonuse 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 8:00 a.m. is prohibited.

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

I. Only one individual or group shall occupy a single

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campsite. A group cannot exceed eight people unless camping at a posted designated group camping site. Additional fees will be charged for the use of these sites.

J. A maximum of two motor vehicles per campsite is permitted except that no more than one motor vehicle may be a motorized camper.

K. The maximum number of camping shelters permitted per campsite is two, however, no more than one of the camping shelters may be a camping trailer or motorized camper. More than two shelters are permitted at posted designated group sites.

L. Disposal of liquid waste from a camping trailer or motorized camper must be in accordance with chapter 4630.

M. Moving or removing picnic tables, fire-rings, or other facilities from a campsite, day use area, or the campground is prohibited.

Subp. 3. **Other prohibitions.** It is unlawful for a person to install or affix in a permanent manner any camping facility, equipment, or structure.

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

A watercraft used for shelter or sleeping which is tied on water frontage of a state park, state forest campground, or forest day use area, or is anchored in waters which are completely within the boundary of a state park, constitutes camping and is subject to parts 6100.0100 to 6100.2400.

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

6100.1400 BOATING.

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

A. no one shall operate a boat, watercraft, or motor on any body of water or portion of any body of water

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specifically posted prohibiting that use;

B. no one shall moor a boat on any beach or area specifically posted prohibiting that use; and

C. on any lake entirely within a state park, no person shall water-ski or operate a motorized watercraft in excess of ten miles per hour, unless the lake is otherwise designated and posted.

6100.1500 FISHING.

Fishing for fish only, is permitted when conforming to Minnesota laws and rules in the waters within and adjacent to state parks, forest campgrounds, and forest day use areas. When spear fishing or bow and arrow fishing is permitted, the restriction on spears or bows and arrows is waived to the extent necessary to allow the activity.

If a fish-cleaning facility is provided, no person shall clean fish and dispose of the remains except at that facility. In state parks, where a fish cleaning facility is not provided, fish cleaning shall take place only in areas or sites approved by the park manager.

6100.1600 SWIMMING IN STATE PARKS.

Activities in and upon the beaches and swimming areas shall be under the direction of the lifeguard, if one is present.

It is unlawful to swim in or enter any body of water or area where prohibited.

It is unlawful in any area where swimming is not prohibited, including designated beaches, to:

A. allow any dog or other pet to enter the water with swimmers;

B. while in the water, use air mattresses, inner tubes, and other flotation devices not approved by the Coast Guard, except when an area is specifically designated for that use;

C. enter the water before sunrise or after sunset;

D. engage in any activity which is hazardous and could cause injury to others; or

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E. use any soap, detergent, or shampoo.

In addition to items A to E, it is unlawful on designated beaches to possess glass containers; enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

Vehicles entering state parks shall be in accordance with motor vehicle permit requirements as stated in Minnesota Statutes, section 85.053, subdivision 2.

The permit shall be completely affixed by its own adhesive to the lower right-hand corner of the windshield, and may not be transferred to another vehicle.

6100.1710 GROUP DAILY VEHICLE PERMITS.

State park managers have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally minimal, such as weekdays, weekends in some parks, or off-season weekends.

6100.1800 MOTOR VEHICLE USE; STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES, AND OTHER EQUIPMENT.

[For text of subpart 1, see M.R. 1989]

Subp. 2. **Designated roads.** The motor vehicle may be operated only on designated roads and parking areas, and shall be properly parked in designated parking areas or parking spurs only. It may not be driven on roads which are posted, chained, or gated prohibiting motor vehicles. Parking in any area not designated as a parking area is prohibited and subjects the vehicle to being towed at the owner's expense.

Subp. 3. **Speed limit; recklessness.** The motor vehicle shall not be operated in excess of posted speeds or in a reckless, careless, or exhibitive manner. No person shall

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operate any vehicle in such a manner as to create unnecessary engine noise, tire squeals, skidding, or sliding.

Minnesota Statutes, chapter 169, governing motor vehicle use on public roads is incorporated by reference to apply to all roads within state parks.

Subp. 4. **Storage and abandonment.**

A. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, boat, fish house, or any other equipment or material in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, water access, parking area, or winter sport facility.

B. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored, abandoned, or parked overnight. This does not apply, however, to overnight parking for the appropriate use of campsites or to fish houses on lakes where overnight use is permitted, or to the temporary storage of such items by a person who remains in the immediate vicinity during normal operating hours. In state parks, for certain approved activities, overnight parking or storage of equipment by persons not remaining in the immediate vicinity may be allowed with prior approval of the park manager. In state forest campgrounds and forest day use areas, overnight parking is permitted in designated parking lots.

C. Any vehicle, trailer, boat, or any other equipment or material except fish houses located on the ice surface of a body of water, left for a period longer than 30 days shall be deemed abandoned and shall be transferred to the custody of the commissioner of administration for disposal pursuant to Minnesota Statutes, section 16B.25.

6100.1910 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES IN STATE FOREST CAMPGROUNDS AND FOREST DAY USE AREAS.

No person shall operate a snowmobile or recreational motor vehicle in any state forest campground or forest day use area unless on a trail or road posted and designated for that use.

6100.1920 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES; RICHARD

Approved
by Revisor _____

J. DORER MEMORIAL HARDWOOD STATE FOREST.

No person shall operate a snowmobile or recreational motor vehicle on state forest lands within the Richard J. Dorer Memorial Hardwood State Forest unless on trails, roads, and areas posted and designated for such use.

6100.2000 NONMOTORIZED USE.

Subpart 1. **On foot, ski, or snowshoe.** People on foot, ski, or snowshoe may go anywhere that is not posted otherwise, or is not further limited by stipulations in subparts 2 to 6.

Subp. 2. **Horses.** No person shall ride, lead, or have a horse except upon trails and areas designated for use by horses. Horses are prohibited from using state forest campgrounds unless the area has been specifically designated for use by horses or a special use permit from a forest officer has been obtained.

Subp. 3. **Bicycles.** People riding bicycles may travel only on designated bike trails, or where motor vehicles are allowed except in areas posted to prohibit such use.

Subp. 4. **Restricted sensitive areas.** Hikers, skiers, and snowshoers shall not knowingly enter deer yards or other sensitive restricted areas.

Subp. 5. **Ski trails.** On groomed and tracked ski trails, activities which tend to damage the track or interfere with and disrupt use by skiers are prohibited.

Subp. 6. **Dogsledding.** Dogsledding is permitted in state parks only on trails designated for such use, or as approved by the park manager. Any other dogsledding use is prohibited.

No person in a state park, forest campground, or forest day use area, shall bicycle, ski, or ride a horse in a reckless or careless manner, at an unreasonable or out of control speed, or in any way that unnecessarily endangers oneself or other users.

6100.2100 RESTRICTED AREAS.

It is unlawful to enter by any means a restricted area which has been posted to prohibit entrance.

It is unlawful for any person to use a state park facility

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by Revisor _____

that requires a special use permit or a fee, without first obtaining a permit or paying the fee.

6100.2200 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 official business of the United States of America, the state of Minnesota, or the county in which the park is located.

6100.2300 PROTECTION FROM PEDDLING AND SOLICITING.

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

6100.2400 SUSPENSION OF RULES.

In situations of emergency or in the case of authorized special events, 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 the exception at the unit.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

April 2 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Casserly
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 2 1990

Joan Anderson Growe
Secretary of State

G Carson
1:15 pm

MJC

Revisor #AR1576

RULE REVIEW CHECKLIST

(DNR)

File No. 1685 Docket No. 0500090583

DATE RECEIVED 3-19-90 ADOPTED W/O HEARING X

REVIEW DATE 3-28-90 EMERGENCY RULE _____

DUE DATE 4-2-90 Revisor Book 3-26-90

REVISOR APPROVED _____

APPROVED 4-2-90 mjc

REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

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4 Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
- _____ Date published in State Register
- _____ Comments

_____ Petition for Adoption of a Rule (if applicable)

_____ Board's Authorizing Resolution
- _____ Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- _____ Statutory Authority - look on sheet
- _____ Small Business Statement
- _____ Expenditure of public money statement
- Dec 28, 1989 Signature

✓ Statement of Need and Reasonableness (if applicable)
- _____ Small Business Statement
- _____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Jan 11, 1990 Date 30/25 days before adoption
- _____ Notice attached indicates it is attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- Jan 16, 1990 Date 30/25 days before adoption

_____ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules) not mandatory
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ Resolution Adopting
- _____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- March 13, 1990 Date

✓ Written requests, submissions or comments

_____ Declaration of attorney
- Bill Clapp Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

In the Matter of the
Amendment of Rules Regarding
Public Use of State Parks
and Other Recreational Areas

DECLARATION
OF COUNSEL

I have examined the above-captioned rule amendments and the supporting rulemaking record. I conclude that the State laws and rules for rulemaking have been followed.

Dated: March 16, 1990 no billing number

A. W. CLAPP III
Special Assistant
Attorney General

DEPARTMENT : NATURAL RESOURCES

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE : March 14, 1990

FILE : 1100-2-1

TO : Bill Clapp
Special Assistant Attorney General

FROM : John Hellquist
Recreation and Land
Program Coordinator

PHONE : 612-297-3508

RECEIVED
MAR 14 1990
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

SUBJECT : State Park and Forest Campground Rules

Attached for your approval are the amended rules for State Parks and Forest Campgrounds. Please submit these documents to the Attorney General's office in charge of rules so that the rules can be implemented as soon as possible.

If you have any questions give me a call.

cc: Jerry Rose
Bruce Zumbahlen
Bill Morrissey
Paul Maurer

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY
DIVISION OF PARKS & RECREATION

IN THE MATTER OF THE PROPOSED RULES REVISION FOR PARKS AND TRAILS: PUBLIC USE OF STATE PARKS AND OTHER RECREATIONAL AREAS

STATEMENT OF NEED AND REASONABLENESS

DECEMBER 11, 1989

INTRODUCTION

Minnesota's state parks, designated monuments, recreation reserves and waysides were created by the Legislature to conserve scenery, natural and historic objects and wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Minnesota's state forests were created by the Legislature to produce timber and other forest crops, provide outdoor recreation, protect watersheds and to perpetuate rare and distinctive species of native flora and fauna.

The Department of Natural Resources has determined that the rules for state parks and state forest campgrounds and day use areas which have been in effect since January 15, 1979 are inadequate and in need of revision.

The Department believes that these rule amendments have no fiscal impact on local governments, no impact on small business, and no impact on agricultural lands.

The Department of Natural Resources is experiencing an ever-increasing demand by various user groups to provide settings in which to pursue new recreational interests. Occasionally these activities are not allowed in state parks, state forest campgrounds and day use areas because of user conflicts, impacts to the natural, historical and cultural resources, or because they are determined not to be in the public interest.

Through these proposed rule changes and additions, the Department hopes to strike a balance between needs and demands of various users and protecting the resources and facilities of the state parks, state forest campgrounds and day use areas.

The proposed rule amendments are in the form of a complete report of the existing rules and in some cases the changes are substantive, but many of the changes are a matter of style, not substance.

GENERAL PROVISIONS

6100.0100 STATUTORY AUTHORITY.

In 1987, Minnesota Statutes 1986, section 85.05, which authorized the Commissioner of Natural Resources to make rules for state parks was repealed and recodified in Minnesota Statutes, section 85.052, subdivision 1.

6100.0300 SCOPE.

Reference has been made to state forest lands in the Richard J. Dorer Memorial Hardwood State Forest because specific parts of the rules are written to apply to these lands.

Other changes to this part have been made to make the language gender free and change the style.

6100.0400 PENALTY.

Language concerning the Richard J. Dorer Memorial Hardwood State Forest has been added to reflect the inclusion of this state forest in the scope of these rules.

6100.0500 DEFINITIONS.

Subpart 5. **Forest Day Use Area.** The word "posted" has been deleted and the word "designated" added because most day use areas are not posted but they are designated and their boundaries are defined by the use area.

Subpart 5a. **Forest officer.** This definition has been added to clarify who can enforce these rules and to inform the public of this responsibility.

Subpart 5b. **Richard J. Dorer Memorial Hardwood State Forest.** A definition of the Richard J. Dorer Memorial Hardwood Forest has been added that clarifies that the rules apply to posted lands under the authority of the Commissioner. This definition is necessary because certain parts of these rules are written to apply to these lands.

Subpart 5c. **Highway.** A definition of what a highway is has been added for the purposes of these rules.

Subpart 6. **Intoxicating Liquor.** Minnesota Statutes, section 340.401, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1, and was renumbered in part 340A.101.

Subpart 7a. **Park manager.** and Subpart 7b. **Park officer.** These definitions have been added to clarify who can enforce these rules and to inform the public of the responsibilities of each.

Subpart 7c. **Recreational Motor Vehicle.** This definition has been added because of new parts of these rules that restrict the use of these vehicles. This definition is taken from Minnesota Statutes, section 84.90.

6100.0600 HOURS AND DAYS OF OPERATION.

Subpart 1. **State Parks.** The language has been changed to permit park managers to allow entrance to certain areas between 10 PM and 8 AM, to accommodate legitimate activities in certain circumstances that do not disturb overnight campers, e.g. early morning anglers using a remote boat access and persons attending early morning or late night interpretive programs.

Limitations on overnight guest travel within the park by motor vehicle has been clarified to minimize campground disturbances and security problems.

Subpart 2. **Forest campgrounds and forest day use areas.** This change clarifies that state forest campgrounds are open to public use year round, unless posted, and also clarifies that because the facilities are open year round, that these rules also apply year round. The listing of an official open season was confusing to the public and implied that the rules only applied to the official open season.

The change is also necessary because many state forest campgrounds are maintained earlier in the spring and later in the fall to accommodate a large group of visitors who now use these campgrounds during these times.

The subpart has also been changed to permit only registered campers to remain in the campground after 10 PM. This change is made to insure that visitors do not disrupt other users during the night time hours by driving vehicles into and out of the campground, or by remaining at a campsite. This has been a major problem at many state forest campgrounds.

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

The language regarding the use of power equipment and audio equipment has been changed to add radios and stereos, specifically by name rather than by implication.

The prohibition on consumption of intoxicating liquors has been deleted for forest campgrounds and forest day use areas. The Division of Forestry does not enforce this rule and feels that the consumption of intoxicating liquors in accordance with state law should be allowed at its facilities. Consumption of liquor in and of itself is not the problem, the problems arise when people who are intoxicated become disorderly and disturb other campers. If problems of disorderly behavior become a problem the Division of Forestry will write citations for disorderly conduct as outlined in these rules and state statute.

The prohibition on consumption of intoxicating liquors has been retained for state parks. Also, language has been added to prohibit the display of containers of intoxicating liquors in state parks. This would allow park officers to more readily intervene in situations where liquor related disturbances were occurring and allow them to have the liquor removed.

Possession of 3.2 beer (not defined as intoxicating liquor) in a keg would be prohibited in state parks without a permit. This is reasonable because kegs of beer tend to congregate people and increase the level of disturbance for other park users in the vicinity. Permits for kegs would be issued to groups based on factors such as the number in the group, the number of park users that will be affected (time of year, day of the week) a park's ability to provide a location where disruption of other users is less likely, and potential damage to park resources.

The paragraph on brawling, the use of abusive language and boisterous conduct has been added to clarify and communicate to users that this activity is illegal and will be enforced. This language is taken from Minnesota Statutes, section 609.72.

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

"Firearms" and "Weapons" have been added to the title of this part for clarification and easy reference.

Subpart 1. **Restrictions.** This subpart has been changed to prohibit hunting within a state forest campground unless authorized by the commissioner and to also prohibit hunting within 200 feet of a camping shelter or motor vehicle parked in a forest campground or forest day use area. This change is necessary because of increased use at forest campgrounds and day use areas in the fall and will protect the health and safety of these users.

Subpart 1D. Spears have been listed as another weapon in these rules because although they are permitted for spear fishing, they are only allowed to the extent necessary to use them for that activity.

Subpart 1E. This language has been added specifically to prohibit taking of any animal in any manner, excluding fish, except as permitted by the commissioner. This is in keeping with state parks being game refuges as stated in MN Statutes 97A.085. It is also reasonable that this apply to state forest campgrounds and day use areas because they are used by visitors as overnight accommodations and recreational areas.

Subpart 2. **Waiver of restrictions.** Language has been added prohibiting permanent structures used for hunting big game in state parks. Hunting in state parks is allowed in accordance with MN Statutes 97A.091, when it becomes necessary to regulate the deer herd for reasons such as reducing overpopulation or overbrowsing of vegetation. Construction and use of permanent stands causes damage to trees. It also tends to preempt hunting rights to an area, causing conflicts among hunting parties.

Subpart 3. **Exception.** This exception to possession of firearms and bows and arrows in state forest campgrounds and forest day use areas access to adjacent, open hunting areas.

Subpart 4. **Restriction on pursuit of wildlife.** Language has been added to address the problem of hunting parties chasing game from state park property where hunting is prohibited, into adjacent areas open to hunting. It also prevents hunters from pursuing game within a park without supervision by park officers. This is reasonable and necessary to assure the safety of park visitors and other unwounded, game animals, while allowing some means for hunters to retrieve legally wounded animals that have entered a state park.

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** The word "deface" has been added to further define the type of damage to property which is prohibited. This would more clearly explain that graffiti, spray painting, carving on wooden structures and scratching on rest room fixtures are not allowed.

The addition of historical and archaeological artifacts and historic structures has been made to insure the protection of valuable cultural resources which are found in many state parks and forest campgrounds. Collection of these resources is prohibited by the "Field Archaeology Act", Minnesota Statutes, sections 138.31 to 138.42, and the "Private Cemeteries Act", Minnesota Statutes, section 307.08.

Damaging vegetation and defacing rock formations with rock climbing equipment has been added because of the need to protect these resources. While these have not been permitted previously, this more specifically identifies that they are not allowed.

Subpart 2. **State parks.** Language has been added prohibiting any collecting, harvesting, or taking for resale or for commercial use in state parks. While the DNR will continue to allow the taking of edible fruits, berries and mushrooms for personal consumption when such taking does not destroy the plant, it works contrary to the state park goals, and it is not in the public interest to allow commercial exploitation of state park resources.

Collection of Firewood: Gathering of firewood has not been allowed in the past. Language has been added to allow gathering of firewood when it is in the best interest of the park in order to achieve specific management purposes (e.g. cleaning up windfall damage).

Language has been added allowing the collection of rock specimens and fossils at Hill Annex Mine State Park. The mine was transferred from the Iron Range Resources and Rehabilitation Board to the State Park system in the summer of 1988. Historically, the gathering of rock specimens and fossils from "spoil piles" of unusable ore has been allowed. It serves no resource protection goals to prohibit this activity because the materials have already been badly disturbed and removed from original sites, and because this was a popular activity at the mine, the Division of Parks & Recreation wishes to allow this collecting-- for non-commercial use only--to continue.

Harvesting wild rice would be prohibited on state park waters to provide a food source for waterfowl in a park's refuge setting, and to help assure a minimally disturbed environment for wildlife use and public enjoyment.

Collecting watercress and ginseng in state parks is not allowed under current rules. The language on possession of these plants in a fresh state is included to aid in the enforcement of these rules.

Language prohibiting the use of metal detectors has been added to inform park visitors of current laws restricting their use on state property and removing materials from state lands. The rule, and state law, would still allow metal detector use for licensed archaeological research, to find recently lost personal property identified before the search and for locating buried utility lines. The recovery of objects with the use of metal detectors is prohibited by the "Field Archeology Act", Minnesota Statutes, sections 138.31 to 138.42. The prevention of the removal of objects from state property is implied in the "Lost Property on State Lands Act", Minnesota Statute 16B.25.

Subpart 3. **State forest campgrounds and forest day use areas.** Language has been added to clarify that firewood collection in state forest campgrounds and day use areas is permitted if the wood is dead and laying on the ground. This is permitted because some state forest campgrounds do not sell or supply firewood.

6100.1000 FIRES AND REFUSE.

Subpart 1. **Prohibition and permitted uses.** Making a fire is not allowed except in fireplaces or fire rings. Language has been added making it illegal to maintain a fire or to refuse to extinguish a fire when ordered by a park officer or forest officer. These additions would allow officers to resolve potentially dangerous situations.

Subpart 2. **Fire bans.** Changes have been made to make the language gender free.

Subpart 3. **Firewood.** The language has been changed to prohibit the removal of free firewood provided to users in some locations, so that other users may also have an opportunity to use it.

Subpart 4. **Refuse.** The language has been changed to make this subpart easier to understand.

Subpart 6. **Hot coal disposal.** This subpart has been added to control the disposal of hot coals in state parks to reduce damage to park resources and injury to other visitors, especially children.

6100.1100 PETS.

Language has been added to allow the use of hearing and seeing eye dogs in any facilities to assist hearing and visually impaired persons.

Language has been added requiring pet and horse owners to clean up after their animals in mowed or maintained areas so that other users may enjoy these areas without annoyance.

Language has also been added to prohibit pets and horses from state park ski trails during the winter skiing season to eliminate unnecessary damage to the groomed tracks and disruption to other skiers.

6100.1200 PICNICKING.

An exception to the present rule has been added so that persons who have officially reserved a shelter and have paid the fee may restrict others from using the shelter, because reservations for picnic shelters are now taken in some locations.

6100.1300 CAMPING AREAS.

Subpart 1. **State Parks.**

1A. This section has been rearranged to make it easier for users to understand. Language limiting a campsite's occupancy to one vehicle except as approved by the park manager, has been added to inform campers of our current internal directive. This addition is reasonable and necessary to reduce the damage to the campsite caused by excess vehicles parking off of the parking spur.

1B. Language has been added to include watercraft as areas where camping is permitted, within the restrictions in subpart 3.

1C. Language has been changed so that persons may not camp in the same state park for more than 14 days in succession, rather than 14 days aggregate through the summer months. This rule provides the general public an expectation that a particular campsite or campgrounds will not be tied up by the same party for an entire summer season. It also ensures that the campsite turf will not be destroyed by camping equipment or vehicles parked for extended periods of time. Campground hosts have been added as an exception because they are generally expected to stay four weeks as part of that program.

1D. (1) This language has been changed to read that a responsible person shall register for campsite, rather than just being allowed to as the old language implied. It is reasonable to require that a person who may be held legally responsible must register for the site. The language regarding the taking of names was changed to specify what was just implied in the old language.

(2) Language has been added to give the park manager the authority to remove camping equipment from a campsite when the unregistered camper owning the equipment cannot be located, or when the site has not been occupied on the first night as required. Rule 6100.0400 states that persons who violate any of these parts is subject to immediate removal from the park. This new language would give the park manager the authority to remove their property as well, so that the sites are made available to legally registered campers, who might otherwise have to wait many hours for the site to be cleared by the owner of the camping equipment. The equipment would be held in a secure location until the owner claimed it or if abandoned, would be disposed of according to MN Statute 16B.25, "Lost Property on State Lands Act".

(3) Although refuse is addressed elsewhere in these rules, reference to leaving the campsite in a clean condition upon departure has been made specifically in this subpart to inform campers that this also applies to their campsite.

(4) Language has been added requiring campers to re-register for their campsite by 11 A.M., so that incoming campers will not have to wait until the 4 PM check-out time to find out if sites will be open. They would then have five more hours to find other accommodations.

1E. The restriction on the use of power units (generators) between 10:00 P.M. and 8:00 A.M. has been added to reduce the disruption to other campers during the night-time hours. Language has also been added to reflect rule 6100.0700, restricting the noise levels which disturb other users at any time of the day.

Subpart 2. **Forest Campgrounds and Day Use Areas.**

2A. The language has been changed to clarify that a camping fee is collected at certain state forest campgrounds.

2B. The language has been changed to clarify that camping is only permitted at designated sites.

2C. The language has been changed to clarify that registration is required only at fee camping areas and permits any responsible person to register.

2D. The language has been changed to clarify that a person may be allowed to camp for longer periods if allowed by a forest officer.

2G. The hours when camp can be set up has been changed to coincide with designated quiet hours, to prevent disruption of other visitors.

2H. The number of sites that a group can occupy has been changed from two to six before needing approval from a forest officer. This rule is broadened because it is felt that allowing larger groups to camp has not and will not be a problem.

2I. The group size of eight people or less has been retained; however, the reference to a family unit has been removed. The restriction on the number of people allowed is in line with the carrying capacity of most state forest campsites. Permits larger groups where specially designed and designated sites have been developed. This limitation is needed to preserve the campsite and prevent excessive wear.

2J. Language has been added restricting the number of vehicles allowed per campsite to two. State forest campsites are designed for two vehicles or less in order to preserve the integrity of the site. Having more than one motorized camper or camping trailer on a site causes excessive wear and damage.

2K. Language has been added restricting the number of camping shelters per campsite to two or less, to preserve the campsite and stay in line with the designed carrying capacity.

2L. Language has been added to prohibit the discharge of grey water and liquid waste because this has been a problem at some state forest campgrounds where there are no dump stations. This rule clarifies that it is prohibited.

2M. Language has been added to prohibit the moving and removing of picnic tables from designated areas because this as been a problem at some campgrounds and disrupts other users. This rule clarifies that it is prohibited and should make enforcement easier.

Subpart 3. **Other Prohibitions.** The language concerning the use of watercraft for shelter or sleeping has been clarified to include watercraft moored in waters completely within the boundaries of a state park because the potential impact to park resources and disruption to other users is just as great as any other overnight camper.

6100.1400 BOATING.

A. Language has been added to allow the restriction of boating and/or motors of a certain type to protect sensitive natural resources in specific bodies of water or portions thereof. Examples include endangered water plants, trout, loon and eagle nesting sites, and shorelines sensitive to erosion. Posting such restrictions on some small bodies of water would also allow more people to enjoy it simultaneously with minimal disturbance.

B. Language has been added to restrict mooring a boat on any beach or area posted, so that access to swimmers or other boaters is not limited. This problem is more prevalent at state forest campgrounds and day use areas than at state parks.

6100.1500 FISHING.

The language has been changed to restrict fishing to the taking of fish only in waters totally within state parks, forest campgrounds and forest day use areas, even though current fishing regulations allow the taking of clams, mussels, frogs and most species of turtles with the possession of a fishing license.

This change would only effect lakes and other small bodies of water totally within state parks and reflects the intent of Minnesota Statutes, section 97A.091, Hunting on Game Refuges, Subd. 1, which states, "Except as provided in subdivision 2 [When hunting allowed], a person may not take a wild animal, except fish, within a state game refuge". There is no intent to place any restriction to established fishing regulations outside of the areas of jurisdiction.

Language has been added to clarify that when spear fishing and bow and arrow fishing is permitted by fishing regulations, the restriction on spears and bows and arrows is waived to the extent necessary, so that the activity may occur.

Language has also been added that fish cleaning in state parks without a fish cleaning facility may only be done in places approved by the park manager, so that the scales and remains will be left in areas least likely to cause a nuisance to other visitors.

6100.1600 SWIMMING IN STATE PARKS.

The title of this part has been changed from "State Park Beaches", to clarify that this part deals with swimming as a whole, rather than addressing beach areas only. The Division of Parks & Recreation strongly encourages people to use designated beaches and the safety lifeguards provide; however, it also recognizes that many park visitors like to enter waters outside of the beach boundaries. This is illegal under the current rules.

The language has been changed in this part, eliminating the restriction of swimming outside of designated beaches. However, the Division of Parks & Recreation retains the right to continue to restrict swimming in areas such as: those that are obviously hazardous or where known hazards exist; those whose shorelines are sensitive to erosion or other destruction; those that are prone to partying and littering; etc. This is necessary for safety reasons, to protect park resources and facilities, and to minimize user conflicts.

Language concerning dogs and pets has been changed to reflect that these animals are not allowed in the water with swimmers; even those outside of a designated beach. This rule is necessary to protect swimmers from being scratched or harassed by pets swimming in the water.

The language has been changed so that the Division of Parks & Recreation may allow flotation devices not approved by the Coast Guard in designated locations where safety problems associated with these devices can be minimized.

The other changes in the language have been made to reflect the changes mentioned above.

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

The language has been changed to reflect the recodification of MN Statute 85.053 and its current language. It also states that vehicle permits may not be transferred to another vehicle to inform park users of the implied intent of M.S. 85.053, Subd. 2 & 3, that a vehicle permit is not valid for more than one vehicle.

6100.1710 GROUP DAILY VEHICLE PERMITS.

Minor changes in the language have been made for grammatical purposes only.

6100.1800 MOTOR VEHICLE USE: STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES AND OTHER EQUIPMENT.

Subpart 2. **Designated roads.** The language has been changed to inform users that they must park motor vehicles in designated parking areas or spurs, rather than just allowing them to do so. Language was also added to give park officers and forest officers the authority to have illegally parked vehicles towed at the owner's expense. This is especially necessary at times in order to gain access into areas blocked by vehicles, when responding to emergencies and carrying out job responsibilities.

Subpart 3. **Speed limit; recklessness.** Language has been added to include exhibitive motor vehicle operation. It is reasonable for users of public recreation areas to expect the safety and quiet the enforcement of this rule would provide.

Language has also been added to communicate through these rules that state park roads are considered public roads, and that the same restrictions and uses apply.

Subpart 4. **Storage and abandonment.** This subpart has been changed so that it also applies to state parks, rather than just to forest campgrounds and forest day use areas.

Fish houses and other equipment have been added so that nothing may be abandoned or stored unless done in a manner consistent with state law and these rules.

Language has been added to allow overnight parking or storage by persons not remaining in the immediate area in state parks with the prior approval of the park manager, and in designated parking lots in state forests or day use areas. An example would be leaving vehicles at beginning and ending points of a canoe trip.

6100.1910 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES IN STATE FOREST CAMPGROUNDS AND DAY USE AREAS.

This part has been added to clarify that the use of snowmobiles and recreational motor vehicles is prohibited in state forest campgrounds and day use areas. The use of these vehicles has been a problem in some state forest campgrounds because they disrupt other visitors and cause safety problems.

6100.1920 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES - RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.

This part has been added to protect the relatively small units which the state owns in the Richard J. Dorer Memorial Hardwood State Forest from damage and erosion and to help prevent trespass on private lands adjacent to or within the unit. Recreational motor vehicle and snowmobile use is permitted where their use can be controlled and damage minimized.

6100.2000 NONMOTORIZED USE.

The first paragraph has been added to address the problems being encountered more frequently on busy multi-use trails. Conflicts have arisen between the different types of trail users on these trails. By putting this language into rule and by more signing on location, we are attempting to make all trail users aware that they are sharing the trails and should recognize the rights of others to use and enjoy the trails safely.

Subpart 1. **On Foot, ski, or snowshoe.** Language concerning persons on skis or snowshoes has been added to allow these users the same rights as persons on foot to go anywhere that is not posted or further limited by other rules.

Subpart 2. **Horses.** Language has been added to clarify that horses are not permitted in state forest campgrounds unless the area has been specifically designated for such use or a special use permit is obtained from the forest officer. Horses do considerable damage to campsites unless properly designed and managed and horse wastes leave the site undesirable for other users. Special camps have been developed in some state forests to provide areas for horses and their riders to use.

Subpart 3. **Bicycles.** The language has been changed prohibiting bicycle use in some areas to protect the natural resources and other visitors.

Subpart 4. **Restricted sensitive areas.** Language has been added to prohibit people from entering deer yards and other sensitive areas such as scientific and natural areas and bald eagle nesting sites.

These areas are signed when possible as time and staffing allow, but we feel it is reasonable to have the authority to keep people from entering areas after verbally warning them to stay out before an area may be able to be posted. In some cases, posting the sensitive area may attract more attention and disturbance than if it remained un-posted. A violator who unknowingly entered such a sensitive area would be given an explanation and would be informed to stay out of the area.

Subpart 5. **Ski trails.** Language has been added to clarify our position that groomed and tracked ski trails are a facility that can be destroyed by other activities such as hiking, horseback riding and sledding. This rule is currently enforced under 6100.0900.

Subpart 6. **Dogsledding.** Language has been added to address the growing sport of dog sledding in state parks. This subpart would give the park manager the authority to allow this activity when it does not conflict with other trail users and does not damage the trail surface; and also gives the authority to stop the activity where it is not permitted.

6100.2100 RESTRICTED AREAS.

The language on posted and restricted areas has been rewritten and clarified. Language has been added to prohibit people from using state park facilities that require a special use permit and/or fee before using the facility. It is reasonable to expect persons to pay the fee or obtain the special use permit before using the facility when it is adequately signed and posted informing them of such requirements.

6100.2300 PROTECTION FROM PEDDLING AND SOLICITING.

Language has been added to clarify that people are prohibited from posting signs, handbills or advertisements without prior approval. This is currently prohibited under the present rules but has been rewritten to eliminate confusion that occurred in interpreting this rule. This rule is necessary to maintain control over the types of advertisements, the locations for posting, the methods of displaying and the timely removal.

6100.2400 SUSPENSION OF RULES.

Language has been added to allow the suspension of the rules for authorized special events approved by the Commissioner. Many state parks and state forests have had an increase in special events which in some cases need exemption of certain rules during the event. Examples of such exemptions might include demonstrations of muzzle-loaders at naturalist programs, building campfires outside of fire-rings and camping in non-camping areas.

Prepared by John Hellquist, Division of Forestry
Paul Maurer, Division of Parks & Recreation

Stat Authority

84.03

The commissioner may adopt and promulgate reasonable rules, not inconsistant with law

85.052

The commissioner may make rules for use of state parks

85.20 Violations of Rules, Littering Penalties

89.031

all state forest lands shall be under the management and control of the commissioner who shall have authority to make establish, promulgate and enforce all necessary rules

89.19

Commissioner may prescribe rules governing use of forest lands

89.21

Commissioner is authorized to establish and develop state forest campgrounds

no billing number

DEPARTMENT OF NATURAL RESOURCES

Proposed Permanent Rules Relating to State Parks and State Forest Recreation Areas

Notice of Intent to Adopt Rule Amendments Without a Hearing

(1) Notice is hereby given that the Minnesota Department of Natural Resources intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in Minnesota Statutes 14.21-14.28. The statutory authorities to adopt these rules are Minnesota Statutes 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

(11) Numerous changes are proposed to Parts 6100.0100 to 6100.2400 to update the rules and bring them more in line with the current philosophies of managing state parks and state forests. The proposed rule changes protect park and forest resources while allowing for public enjoyment of the facilities.

The agency believes that these rule amendments have no fiscal impact on local governments, no impact on small business and no impact on agricultural lands.

(2) Persons interested shall have 30 days to submit written comments in support of or in opposition to the proposed rule or any part or sub-part thereof. Comment is encouraged.(3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on

the rule within the 30 day comment period. A public hearing will not be held unless 25 or more persons submit a written request for a public hearing. Any person requesting a public hearing must submit his or her name and address and specify the amendment that they desire a public hearing on. Identification of the specific objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendments, should address their correspondence to:

John Hellquist
Division of Forestry
Box 44, 500 Lafayette Road
St. Paul, MN 55155-4044
Phone (612) 297-3508

The proposed rule may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department upon request at the above address.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of

need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that Minnesota Statutes Chapter 10A requires a lobbyist to register with the State Ethical Practices Board within 5 days after he/she commences lobbying. The statute provides some exceptions. Questions should be directed to the Ethical Practices Board, 625 Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

By Steven L. Thorne, Deputy

Joseph N. Alexander
Commissioner of Natural Resources

Date 28 Dec 89

DEPARTMENT OF NATURAL RESOURCES

Proposed Permanent Rules Relating to State Parks and State Forest Recreation Areas

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA

COUNTY OF RAMSEY

Andy Brewer, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Department of Natural Resources rule-making mailing list is accurate, complete, and current as of this 11th day of Jan., 1990.

That on the 11th day of Jan., 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Andy Brewer
Name

Director, Regulatory & Legislative Services
Title

Subscribed and sworn to before me this 11th day of January, 1990.

Karen L. Singer

Karen L. Singer
NOTARY PUBLIC – MINNESOTA
RAMSEY COUNTY
My commission expires May 16, 1991

Department of Natural Resources

Proposed Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas

Notice of Intent to Adopt Rule Amendments Without a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in *Minnesota Statutes* 14.21-14.28. The statutory authorities to adopt these rules are *Minnesota Statutes* 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

Numerous changes are proposed to Parts 6100.0100 to 6100.2400 to update the rules and bring them more in line with the current philosophies of managing state parks and state forests. The proposed rule changes protect park and forest resources while allowing for public enjoyment of the facilities.

The agency believes that these rule amendments have no fiscal impact on local governments, no impact on small business and no impact on agricultural lands.

Persons interested shall have 30 days to submit written comments in support of or in opposition to the proposed rule or any part or sub-part thereof. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. A public hearing will not be held unless 25 or more persons submit a written request for a public hearing. Any person requesting a public hearing must submit his or her name and address and specify the amendment that they desire a public hearing on. Identification of the specific objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendments, should address their correspondence to:

John Hellquist
Division of Forestry
Box 44, 500 Lafayette Road
St. Paul, MN 55155-4044
Phone (612) 297-3508

The proposed rule may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT THAT DESCRIBES THE NEED FOR AND REASONABLENESS of each provision of the proposed amendments is available from the Department upon request at the above address.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* Chapter 10A requires a lobbyist to register with the State Ethical Practices Board within 5 days after he/she commences lobbying. The statute provides some exceptions. Questions should be directed to the Ethical Practices Board, 625 Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

Dated: 28 December 1989

Joseph N. Alexander
Commissioner of Natural Resources

Rules as Proposed

6100.0100 STATUTORY AUTHORITY.

Parts 6100.0100 to 6100.2400 are authorized by *Minnesota Statutes*, sections 84.03, 85.052, 89.031, and 89.21.

6100.0200 PURPOSE.

The purpose of ~~these~~ parts 6100.0100 to 6100.2400 is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

6100.0300 SCOPE.

~~These~~ Parts 6100.0100 to 6100.2400 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.

Parts 6100.1910, 6100.1920, and 6100.2000 also apply to posted state forest lands in the Richard J. Dorer Memorial Hardwood State Forest which are under the control of, or operated by, the commissioner of natural resources.

~~These~~ Parts 6100.0100 to 6100.2400 shall not apply to any person lawfully engaged in the performance of his or her duties in the ~~development, maintenance, and operation~~ management and administration of these areas including, but not limited to, the commissioner of natural resources, ~~his~~ the commissioner's agents, employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers.

6100.0400 PENALTY.

~~Any~~ A person who violates any of ~~these~~ parts 6100.0100 to 6100.2400 is guilty of a misdemeanor and subject to immediate removal from the park, forest campground, ~~or~~ forest day use area , or the Richard J. Dorer Memorial Hardwood State Forest and to appropriate legal action.

6100.0500 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of ~~these~~ parts 6100.0100 to 6100.2400, unless a different meaning is manifest from the context, the terms defined in this part have the meanings given them.

[For text of subps 2 to 4, see M.R. 1989]

Subp. 5. **Forest day use area.** "Forest day use area" means a ~~posted~~ designated area to be used for daytime activities such as picnic areas, swimming beaches, boat accesses, and the like.

Subp. 5a. **Forest officer.** "Forest officer" means a certified Department of Natural Resources, Division of Forestry employee authorized by *Minnesota Statutes* and commissioner's operational orders to enforce rules; and, for the purposes of parts 6100.0100 to 6100.2400, Minnesota state conservation officers.

Subp. 5b. **Richard J. Dorer Memorial Hardwood State Forest.** "Richard J. Dorer Memorial Hardwood State Forest" means all posted state forest lands over which the commissioner of natural resources has regulatory authority within the boundaries of the state forest as defined in *Minnesota Statutes*, section 89.021, subdivision 33.

Subp. 5c. **Highway.** "Highway" means roads or highways as defined in *Minnesota Statutes*, section 160.02.

Subp. 6. **Intoxicating liquor.** "Intoxicating liquor" means intoxicating liquor as defined in *Minnesota Statutes*, section 340A.101, ~~subdivision 14 and intoxicating malt liquors as defined in *Minnesota Statutes*, section 340.401~~.

[For text of subp 7, see M.R. 1989]

Subp. 7a. **Park manager.** "Park manager" means all managers of state parks acting directly or through authorized employees.

Subp. 7b. **Park officer.** "Park officer" means all certified Department of Natural Resources, Division of Parks and Recreation peace officers authorized by *Minnesota Statutes* and commissioner's operational orders; and, for the purposes of these rules, Minnesota state conservation officers.

Subp. 7c. **Recreational motor vehicle.** "Recreational motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, snowmobile, trail bike, or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes.

[For text of subps 8 to 12, see M.R. 1989]

6100.0600 HOURS AND DAYS OF OPERATION.

Subpart 1. **State parks.** 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 except during emergencies.

After 10:00 p.m. and until 8:00 a.m. the next day, 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.~~ as a registered overnight guest, except that during these hours, park managers may, at their discretion, allow entrance for direct

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access to specific locations within the park so that guests may engage in specific approved activities. Between the hours of 10:00 p.m. and 8:00 a.m., motor vehicle travel by registered overnight guests shall be restricted to entering their registered place of lodging, or exiting their lodging area for specific locations, as above, or to leave the park.

Subp. 2. **Forest campgrounds and forest day use areas.** 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~~ each day of the year unless otherwise posted.

In campgrounds where fees are charged, fees will be collected as long as the facility is being maintained.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a state forest campground unless as a member of a registered camping party.

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

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in *Minnesota Statutes*, section 609.72.

Without prior permission from the park manager or forest officer, no person shall ~~use~~ make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, 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~~ by any other means.

It is unlawful for any person in a state park to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

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

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subpart 1. **Restrictions.** While in a state park, or while ~~in~~ within 200 feet of a shelter or motor vehicle in a forest campground, or forest day use area ~~during the official open season for these areas.~~ except as provided in subpart 3 or by special permit from the commissioner, 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; ~~and~~

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

E. hunt, trap, or in any manner take wild animals except as authorized by the commissioner.

Subp. 2. **Waiver of restrictions.** When hunting ~~or~~, trapping, or taking wild animals is authorized in a state park, the restrictions in ~~the first paragraph~~ subpart 1 on firearms, bows and arrows, and traps are waived to the extent necessary to allow the authorized activity. However, it is unlawful at any time to construct, occupy, or use any elevated scaffold or other elevated device for the purpose of hunting, watching for, or killing big game, except that portable tree stands may be used for this purpose provided they are removed each day at the close of hunting hours and do no permanent damage to trees in which they are placed.

Subp. 3. **Exception.** During the official open seasons for hunting, a person may carry an unloaded, uncased firearm or bow and arrows from a forest campground or day use area to engage in hunting outside of the state forest campground or forest day use area.

Subp. 4. **Restriction on pursuit of wildlife.** It is unlawful to pursue wildlife into or within a state park without permission of a park officer.

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** The environment is for the enjoyment of all. ~~Therefore,~~ No person shall disturb, destroy, injure, damage, deface, molest, or remove any state property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, ~~wildlife,~~ wild animals; geological formations, historical or archaeological artifacts or sites; historic structures; 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~~ parts 6100.0100 to 6100.2400. Collections for scientific and educational purposes may be made only with the written ~~consent~~ permission of the commissioner ~~previously obtained~~. ~~Damaging~~ It is unlawful to damage vegetation or damage and deface rock formations with rock-climbing equipment ~~is forbidden~~.

Subp. 2. **State parks.** Within a state park, any collecting, harvesting, or taking of any tangible object for resale or commercial use is prohibited, except by written permission of the commissioner.

Collection of firewood in state parks, except where expressly permitted, is prohibited.

Within posted restrictions, rock specimens and fossils may be collected at Hill Annex Mine State Park for noncommercial use.

Harvesting wild rice on bodies of water totally enclosed within a state park boundary is prohibited except by written permission of the commissioner.

Collecting watercress and ginseng or possessing such plants in a fresh state in state parks is prohibited.

Except for scientific research conducted under special permit from the commissioner and with a state archaeological license, the use of metal detectors in state parks is permitted only for locating specifically identified items of lost personal property. Metal detectors may not be used in any instances without prior written permission from the park manager and under the supervision of the park manager.

Subp. 3. **State forest campgrounds and forest day use areas.** Within state forest campgrounds and forest day use areas, wood that is dead and lying on the ground may be used to build fires, as long as it is used within the area and not removed.

6100.1000 FIRES AND REFUSE.

Subpart 1. **Prohibition and permitted uses.** It is unlawful to build or maintain 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~~ day use area if such use does not create a hazard or danger to the area or to others. It is unlawful to disobey a park officer or forest officer when ordered to extinguish a fire in any location at any time.

Subp. 2. **Fire bans.** The commissioner may limit or ban fires ~~when he declares~~ by declaring that a forest fire emergency exists. ~~Such~~ The declaration will be posted conspicuously at the entrance of the area affected.

Subp. 3. **Firewood.** ~~Where~~ If firewood is provided at no charge ~~its use shall be within reasonable limits~~, the removal of the firewood from the state park, state forest campground, or forest day use area is prohibited.

Subp. 4. **Refuse.** ~~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.~~ It is unlawful to place refuse anywhere except in receptacles provided. If no receptacle is available, the refuse shall be removed from the state park, forest campground, or forest day use area. It is unlawful to place refuse generated outside the state park, forest campground, or forest day use area into the receptacles.

[For text of subp 5, see M.R. 1989]

Subp. 6. **Hot coal disposal.** The disposal of hot coals or ashes anywhere within state parks, except in special containers for that purpose or other sites approved by the park manager, is prohibited.

6100.1100 PETS.

Although pets are permitted, ~~provided~~ no person shall allow any dog, cat, or other pet animal except hearing or seeing eye dogs, to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. ~~Such~~ Pet animals shall be personally attended at all times and shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet ~~and shall be personally attended~~ in length, and ~~such~~ the animals shall not ~~deprive or disrupt the enjoyment or use of any area by other persons~~ disrupt other persons or deprive them from using any area.

Pet waste deposited in mowed or maintained areas must be immediately cleaned up by the pet owner or caretaker and deposited in an appropriate waste container. Horse waste must be removed, by the owner or custodian, from all areas except designated horse trails.

Pets and horses are prohibited on ski trails during the winter skiing season.

6100.1200 PICNICKING.

Picnicking is ~~not~~ permitted ~~except~~ only in ~~designated picnic~~ areas designated for picnicking. No person or group of persons shall

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unreasonably exclude others from a picnic area or shelter, except when the shelter has been reserved with consent of the park manager or forest officer.

6100.1300 CAMPING AREAS.

Subpart 1. **State parks.** The following camping restrictions apply in state parks:

A. A campsite's occupancy is limited to:

(1) one camping group of six people or less using;

(2) one camping shelter;

(3) one vehicle; and

(4) additional shelters, persons, or vehicles only with prior approval of the park manager.

B. Camping is permitted only at assigned sites in designated camping areas or in watercraft within the restrictions described in item A.

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

~~C~~ D. Each camping party must register. Registration must be in person and is as follows:

(1) A ~~senior~~ responsible person of a camping party ~~may~~ shall register for the group, giving the number in the group. Names ~~may be~~ of all persons in the party are required when requested by the park manager.

~~Registration must be in person.~~

(2) The rental period must begin with the day of registration, and all fees must be paid in full at the time of registration. The registration may be canceled if the site is not personally occupied the first night. The park manager may, upon order, remove or have removed any camping equipment placed on a campsite by an unregistered party, or any equipment on a site which has been forfeited by failure to occupy the site on the first night of registration.

(3) Camping permits shall expire at 4:00 p.m. On departure, the campsite shall be left in a neat and clean condition.

(4) Campers occupying a campsite must re-register by 11:00 a.m. to hold the campsite for that night.

~~D. A campsite may be occupied by any group of six or less using one shelter for sleep or by 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.~~

E. Power units including those used to generate electricity for camping units, shall not be operated between the hours of 10:00 p.m. and 8:00 a.m., nor at other hours of the day if such operation causes a disturbance for other visitors.

Subp. 2. **Forest campgrounds and forest day use areas.** ~~Forest campgrounds and forest day use areas:~~

A. A ~~nominal charge~~ camping fee 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~~ outside of designated ~~camping areas within the prescribed limitations for the particular camping area~~ camp sites is prohibited.

C. Each camping party must register in fee camping areas. ~~The senior~~ A responsible person of a camping party ~~may~~ shall register for the group giving the number ~~therein~~ in the party.

D. Camping shall be limited to a total period of 14 days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that camping for longer periods may be allowed at the discretion of the forest officer of any forest campground ~~in his discretion, allow camping for such longer periods as he may prescribe~~ when conditions or nonuse 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~~ 8:00 a.m. is prohibited.

H. Any group desiring to occupy more than ~~two~~ six 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 unless camping at a posted designated group camping site. Additional fees will be charged for the use of these sites.

J. A maximum of two motor vehicles per campsite is permitted except that no more than one motor vehicle may be a motorized camper.

K. The maximum number of camping shelters permitted per campsite is two, however, no more than one of the camping shelters may be a camping trailer or motorized camper. More than two shelters are permitted at posted designated group sites.

L. Disposal of liquid waste from a camping trailer or motorized camper must be in accordance with chapter 4630.

M. Moving or removing picnic tables, fire-rings, or other facilities from a campsite, day use area, or the campground is prohibited.

Subp. 3. **Other prohibitions.** It ~~shall be~~ is unlawful for ~~any~~ a person to install or affix in a permanent manner any camping facility, equipment, or structure.

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

A watercraft used for shelter or sleeping which is tied on water frontage of a state park, state forest campground, or forest day use area, or is anchored in waters which are completely within the boundary of a state park, constitutes camping and is subject to ~~these rules~~ parts 6100.0100 to 6100.2400.

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

6100.1400 BOATING.

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

A. no one shall operate a boat, watercraft, or motor on any body of water or portion of any body of water specifically posted prohibiting that use;

B. no one shall moor a boat on any beach or area specifically posted prohibiting that use; and

C. on any lake entirely within a state park, no person shall water-ski ~~or surf,~~ or operate a motorized watercraft in excess of ten miles per hour, unless the lake is otherwise designated and posted.

6100.1500 FISHING.

Fishing for fish only, is permitted when conforming to Minnesota laws and rules ~~is permitted~~ in the waters within and adjacent to state parks, forest campgrounds, and forest day use areas. When spear fishing or bow and arrow fishing is permitted, the restriction on spears or bows and arrows is waived to the extent necessary to allow the activity.

If a fish-cleaning facility is provided, no person shall clean fish and dispose of the remains except at that ~~place~~ facility. In state parks, where a fish cleaning facility is not provided, fish cleaning shall take place only in areas or sites approved by the park manager.

6100.1600 ~~STATE PARK BEACHES~~ SWIMMING IN STATE PARKS.

~~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.~~

Activities in and upon the beaches and swimming areas shall be under the direction of the lifeguard, if one is present.

It is unlawful ~~on a beach:~~ to swim in or enter any body of water or area where prohibited.

It is unlawful in any area where swimming is not prohibited, including designated beaches, to:

A. ~~to~~ allow any dog or other pet to enter the water with swimmers;

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, except when an area is specifically designated for that use;

~~D~~ C. ~~to use the beach~~ enter the water before sunrise or after sunset;

~~E. to enter with any boat, canoe, or raft;~~

~~F. to fish;~~

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~~G. to swim beyond boundary buoy or marker;~~

~~H~~ D. ~~to~~ engage in any activity which is hazardous and could cause injury to others; or

~~I~~ E. ~~to~~ use any soap, detergent, or shampoo; ~~and~~

~~J. to change clothes except in structures designated for such use~~.

In addition to items A to E, it is unlawful on designated beaches to possess glass containers; enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

~~Requirements for motor vehicle permits for entry into state parks shall be~~ Vehicles entering state parks shall be in accordance with motor vehicle permit requirements as stated in *Minnesota Statutes*, section ~~85.05~~ 85.053, subdivision 2~~, clauses (a) and (c)~~.

The permit shall be completely affixed by its own adhesive to the lower right-hand corner of the windshield, and may not be transferred to another vehicle.

6100.1710 GROUP DAILY VEHICLE PERMITS.

~~All~~ State park managers ~~will~~ have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally ~~limited~~ minimal, such as weekdays, weekends in some parks, or off-season weekends.

6100.1800 MOTOR VEHICLE USE; STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES, AND OTHER EQUIPMENT.

[For text of subpart 1, see M.R. 1989]

Subp. 2. **Designated roads.** The motor vehicle may be operated only on designated roads and parking areas, and ~~may~~ shall be properly parked ~~only~~ in designated parking areas or parking spurs only. It may not be driven on roads which are posted, chained, or gated prohibiting motor vehicles. Parking in any area not designated as a parking area is prohibited and subjects the vehicle to being towed at the owner's expense.

Subp. 3. **Speed limit; recklessness.** The motor vehicle shall not be operated in excess of posted speeds or in a reckless ~~or~~, careless, or exhibitive manner. No person shall operate any vehicle in such a manner as to create unnecessary engine noise, tire squeals, skidding, or sliding.

Minnesota Statutes, chapter 169, governing motor vehicle use on public roads is incorporated by reference to apply to all roads within state parks.

Subp. 4. ~~**Forest areas**~~ **Storage and abandonment.** ~~Within forest campgrounds and forest day use areas:~~

A. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, ~~or~~ boat, fish house, or any other equipment or material in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, water access, parking area, or winter sport facility.

B. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored ~~or~~, abandoned, or parked overnight. This ~~item shall~~ does not apply, however, to overnight parking for the appropriate use of campsites or to fish houses on lakes where overnight use is permitted, or to the temporary storage of such items by a person who remains in the immediate vicinity~~.~~ during normal operating hours. In state parks, for certain approved activities, overnight parking or storage of equipment by persons not remaining in the immediate vicinity may be allowed with prior approval of the park manager. In state forest campgrounds and forest day use areas, overnight parking is permitted in designated parking lots.

C. Any vehicle, trailer, boat, ~~fish house,~~ or any other equipment or material except fish houses located on the ice surface of a body of water, left for a period longer than 30 days shall be deemed abandoned and shall be transferred to the custody of the commissioner of administration for disposal pursuant to *Minnesota Statutes*, section 16B.25.

6100.1910 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES IN STATE FOREST CAMPGROUNDS AND FOREST DAY USE AREAS.

No person shall operate a snowmobile or recreational motor vehicle in any state forest campground or forest day use area unless on a trail or road posted and designated for that use.

6100.1920 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES; RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.

No person shall operate a snowmobile or recreational motor vehicle on state forest lands within the Richard J. Dorer Memorial Hardwood State Forest unless on trails, roads, and areas posted and designated for such use.

6100.2000 NONMOTORIZED USE.

Subpart 1. **On foot, ski, or snowshoe.** People on foot, ski, or snowshoe may go anywhere that is not posted otherwise, or is not further limited by stipulations in subparts 2 to 6.

Subp. 2. **Horses.** No person shall ride ~~or~~, lead, or have a horse except ~~on~~ upon trails and areas designated for ~~such~~ use by horses. Horses are prohibited from using state forest campgrounds unless the area has been specifically designated for use by horses or a special use permit from a forest officer has been obtained.

Subp. 3. **Bicycles.** People riding bicycles may ~~go~~ travel only on designated bike trails, or where motor vehicles are allowed~~, and on trails and areas designated for~~ except in areas posted to prohibit such use.

Subp. 4. **Restricted sensitive areas.** Hikers, skiers, and snowshoers shall not knowingly enter deer yards or other sensitive restricted areas.

Subp. 5. **Ski trails.** On groomed and tracked ski trails, activities which tend to damage the track or interfere with and disrupt use by skiers are prohibited.

Subp. 6. **Dogsledding.** Dogsledding is permitted in state parks only on trails designated for such use, or as approved by the park manager. Any other dogsledding use is prohibited.

No person in a state park, forest campground, or forest day use area, shall bicycle, ski, or ride a horse in a reckless or careless manner, at an unreasonable or out of control speed, or in any way that unnecessarily endangers oneself or other users.

6100.2100 RESTRICTED AREAS.

It ~~shall be~~ is unlawful to enter by any means a ~~posted~~ restricted area which has been posted to prohibit entrance.

It is unlawful for any person to use a state park facility that requires a special use permit or a fee, without first obtaining a permit or paying the fee.

6100.2200 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~~ county in which the park is located.

6100.2300 PROTECTION FROM PEDDLING AND SOLICITING.

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

6100.2400 SUSPENSION OF RULES.

In situations of emergency or in the case of authorized special events, 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~~ the exception at ~~said~~ the unit.

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STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Adoption of the Rules for Public Use of State Parks and Other Recreational Areas

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on January 16, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 on January 11, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rule-making list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rule-making. (5) No requests for a public hearing were received by the agency.

(7) Two comments on the rule were received by the agency. (7) No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record I find the following:

(6) That comments submitted concerning part 6100.0800 subpart 4, "Pursuit of Wildlife" are correct in saying that this section is vague and unenforceable and therefore I have changed the rule to prohibit the pursuit of animals while hunting, which was the intent of the rule as explained in the statement of need and reasonableness. I further find that this change does not constitute substantial change as provided in the attorney general rules, part 2010.1000, item D, for the above stated reason.

That comments submitted concerning part 6100.1300, subpart 1, E, dealing with power units are already covered adequately in the rules and no change is necessary.

(8) The above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Proposed Permanent Rules Relating to Public Use of State Parks and Other Recreation Areas as modified are adopted this 13th day of March, 1990, pursuant to the authority vested in me by Minnesota Statutes, sections 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

(9)

Joseph N. Alexander
Commissioner of Natural Resources

January 12, 1990

David L. Swanson
500 Janalyn Circle
Golden Valley, Minnesota 55416

John Hellquist
Division of Forestry
Box 44
500 Lafayette Road
Saint Paul, Minnesota 55155-4044

Regarding: Proposed Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas: Rule 6100.1300, Subpart 1, Section E.

Dear Mr. Hellquist;

I am grateful to have received an invitation to comment on the proposed changes to the rules and regulations pertaining to the Minnesota State Park system. I am especially pleased to see that my suggestion to regulate the use of power generators has been incorporated into Rule 6100.1300,1,E. However, I am disappointed that the rule does not go far enough in regulating these devices.

You may be aware of the increasing park usage of personal electric generators. These are usually owned by large R.V. campers. They provide power for air conditioners, hot water, television, battery recharging, and appliances such as toasters and electric frying pans. The owners typically run them for an hour at a time during breakfast and suppertimes, although I have seen them run continuously for air conditioning on hot days.

The problem is that the generators are a nuisance for the other patrons of the park. They are noisy; they function at the noise level of a typical lawn mower. They spew out noxious and obnoxious exhaust fumes. They disrupt the general tranquility of the park. Making matters intolerable, they usually annoy a captive audience that is itself trying to enjoy a breakfast or dinner in the woods. You can imagine that a breakfast five yards downwind from a working generator is not a quality camping experience.

Of course, the users of these noisy machines have an alternative. The parks provide 110-volt service at most of the

campgrounds. The situation may occur when all 110-volt campsites are occupied, but when this happens the R.V. users can still heat their water with propane, take their hot showers on the campgrounds, and light their units with battery power. R.V. owners may not be able to run air conditioners or television sets, but I do not feel it is the obligation of the Division of Forestry to provide for the functioning of these appliances.

I feel that personal 110-volt generators should be prohibited from the state park system. I believe that campers who must use 110-volt power supplies to operate their vehicles should use the park-provided power. When 110-sites are occupied, R.V. users who insist that they need 110-volt power should be referred elsewhere, as is the case with regular campers when the campgrounds are full.

Judging from the responses I have received surveying my fellow campers and some of the park rangers, I think it would be easy to initiate a petition or a letter writing campaign supporting my point of view. However, I think that the facts speak for themselves and that it is obvious that gasoline operated electric generators have no place in our state park system.

For the reasons stated above I believe that the proposed rule 6100.1300,1,E is inadequate. The rule as stated leaves the impression that the Division of Forestry condones the use of personal electric generators in Minnesota's state parks. I feel that the wording should be modified to state otherwise. I would suggest the following wording:

E. Power units including those used to generate electricity for camping units, shall not be operated between the hours of 10:00 p.m. and 8:00 a.m.. Power units may not be operated at other hours of the day without prior approval of the park officer, nor if such operation causes a disturbance for other visitors.

Thank you for allowing me to express my opinion on this proposed rule.

Sincerely,

David L. Swanson

David L. Swanson

JANET C. GREEN
1754 ~~10550~~ Old North Shore Rd.
Duluth, Minnesota 55804

January 15, 1990

JOhn Hellquist
Division of Forestry
Box 44, 500 Lafayette Rd.
St. Paul, MN 55155

Dear Mr. Hellquist:

In response to the DNR's Notice of Intent to Adopt Rule Amendments without a Hearing for the Proposed Permanent Rules Relating to State Parks and State Forest Recreation Areas, I have the following comment for the record:

6100.0800, Subpart 4. Restriction on pursuit of wildlife.

The use of the word "pursuit" is vague and unenforceable. For example, both bird-watching and nature photography involve pursuing wildlife. If the intent of this provision is to prohibit chasing wild animals into state parks for the purpose of hunting or harassing the animals, then that should be stated.

If this comment does not make sense to you, please contact me at the above address or by phone to (218) 525-5654.

Would you please send me a copy of the Statement of Need and Reasonableness for this rule amendment? Thank you.

Sincerely yours,

Janet C. Green

Janet C. Green

cc: Tom McGuigan, Minnesota Audubon Council

Department of Natural Resources

Proposed Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas

Rules as Proposed

6100.0100 STATUTORY AUTHORITY.

Parts 6100.0100 to 6100.2400 are authorized by Minnesota Statutes, sections 84.03, 85.052, 89.031, and 89.21.

6100.0200 PURPOSE.

The purpose of ~~these~~ parts 6100.0100 to 6100.2400 is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

6100.0300 SCOPE.

~~These~~ Parts 6100.0100 to 6100.2400 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.

Parts 6100.1910, 6100.1920, and 6100.2000 also apply to posted state forest lands in the Richard J. Dorer Memorial Hardwood State Forest which are under the control of, or operated by, the commissioner of natural resources.

~~These~~ Parts 6100.0100 to 6100.2400 shall not apply to any person lawfully engaged in the performance of his or her duties in the ~~development, maintenance, and operation~~ management and administration of these areas including, but not limited to, the commissioner of natural resources, ~~his~~ the commissioner's agents, employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers.

6100.0400 PENALTY.

~~Any~~ A person who violates any of ~~these~~ parts 6100.0100 to 6100.2400 is guilty of a misdemeanor and subject to immediate removal from the park, forest campground, ~~or~~ forest day use area

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, or the Richard J. Dorer Memorial Hardwood State Forest and to appropriate legal action.

6100.0500 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of ~~these~~ parts 6100.0100 to 6100.2400, unless a different meaning is manifest from the context, the terms defined in this part have the meanings given them.

[For text of subps 2 to 4, see M.R. 1989]

Subp. 5. **Forest day use area.** "Forest day use area" means a ~~posted~~ designated area to be used for daytime activities such as picnic areas, swimming beaches, boat accesses, and the like.

Subp. 5a. **Forest officer.** "Forest officer" means a certified Department of Natural Resources, Division of Forestry employee authorized by Minnesota Statutes and commissioner's operational orders to enforce rules; and, for the purposes of parts 6100.0100 to 6100.2400, Minnesota state conservation officers.

Subp. 5b. **Richard J. Dorer Memorial Hardwood State Forest.** "Richard J. Dorer Memorial Hardwood State Forest" means all posted state forest lands over which the commissioner of natural resources has regulatory authority within the boundaries of the state forest as defined in Minnesota Statutes, section 89.021, subdivision 33.

Subp. 5c. **Highway.** "Highway" means roads or highways as defined in Minnesota Statutes, section 160.02.

Subp. 6. **Intoxicating liquor.** "Intoxicating liquor" means intoxicating liquor as defined in Minnesota Statutes, section 340A.101~~,-subdivision-14-and-intoxicating-malt-liquors-as defined-in-Minnesota-Statutes,-section-340.401~~.

[For text of subp 7, see M.R. 1989]

Subp. 7a. **Park manager.** "Park manager" means all managers of state parks acting directly or through authorized employees.

Subp. 7b. **Park officer.** "Park officer" means all certified Department of Natural Resources, Division of Parks and Recreation peace officers authorized by Minnesota Statutes and

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commissioner's operational orders; and, for the purposes of these rules, Minnesota state conservation officers.

Subp. 7c. **Recreational motor vehicle.** "Recreational motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, snowmobile, trail bike, or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes.

[For text of subps 8 to 12, see M.R. 1989]

6100.0600 HOURS AND DAYS OF OPERATION.

Subpart 1. **State parks.** 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 except during emergencies.

After 10:00 p.m. and until 8:00 a.m. the next day, 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.~~ as a registered overnight guest, except that during these hours, park managers may, at their discretion, allow entrance for direct access to specific locations within the park so that guests may engage in specific approved activities. Between the hours of 10:00 p.m. and 8:00 a.m., motor vehicle travel by registered overnight guests shall be restricted to entering their registered place of lodging, or exiting their lodging area for specific locations, as above, or to leave the park.

Subp. 2. **Forest campgrounds and forest day use areas.** 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~~ each day of the year unless otherwise posted.

In campgrounds where fees are charged, fees will be

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collected as long as the facility is being maintained.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a state forest campground unless as a member of a registered camping party.

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

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in Minnesota Statutes, section 609.72.

Without prior permission from the park manager or forest officer, no person shall ~~use~~ make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, 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~~ by any other means.

It is unlawful for any person in a state park to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

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

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subpart 1. **Restrictions.** While in a state park, or while ~~in~~ within 200 feet of a shelter or motor vehicle in a forest campground, or forest day use area ~~during-the-official-open season-for-these-areas,~~ except as provided in subpart 3 or by special permit from the commissioner, it is unlawful for any person to:

A. possess explosives of any kind;

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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; ~~and~~

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

E. hunt, trap, or in any manner take wild animals except as authorized by the commissioner.

Subp. 2. **Waiver of restrictions.** When hunting ~~or~~, trapping, or taking wild animals is authorized in a state park, the restrictions in ~~the first paragraph~~ subpart 1 on firearms, bows and arrows, and traps are waived to the extent necessary to allow the authorized activity. However, it is unlawful at any time to construct, occupy, or use any elevated scaffold or other elevated device for the purpose of hunting, watching for, or killing big game, except that portable tree stands may be used for this purpose provided they are removed each day at the close of hunting hours and do no permanent damage to trees in which they are placed.

Subp. 3. **Exception.** During the official open seasons for hunting, a person may carry an unloaded, uncased firearm or bow and arrows from a forest campground or day use area to engage in hunting outside of the state forest campground or forest day use area.

Subp. 4. **Restriction on pursuit of wildlife.** It is unlawful to pursue wildlife into or within a state park without permission of a park officer.

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** The environment is for the

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enjoyment of all. ~~Therefore,~~ No person shall disturb, destroy, injure, damage, deface, molest, or remove any state property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, ~~wildlife,~~ wild animals; geological formations, historical or archaeological artifacts or sites; historic structures; 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~~ parts 6100.0100 to 6100.2400. Collections for scientific and educational purposes may be made only with the written ~~consent~~ permission of the commissioner ~~previously obtained~~. ~~Damaging~~ It is unlawful to damage vegetation or damage and deface rock formations with rock-climbing equipment ~~is forbidden~~.

Subp. 2. **State parks.** Within a state park, any collecting, harvesting, or taking of any tangible object for resale or commercial use is prohibited, except by written permission of the commissioner.

Collection of firewood in state parks, except where expressly permitted, is prohibited.

Within posted restrictions, rock specimens and fossils may be collected at Hill Annex Mine State Park for noncommercial use.

Harvesting wild rice on bodies of water totally enclosed within a state park boundary is prohibited except by written permission of the commissioner.

Collecting watercress and ginseng or possessing such plants in a fresh state in state parks is prohibited.

Except for scientific research conducted under special permit from the commissioner and with a state archaeological license, the use of metal detectors in state parks is permitted only for locating specifically identified items of lost personal property. Metal detectors may not be used in any instances without prior written permission from the park manager and under the supervision of the park manager.

Subp. 3. **State forest campgrounds and forest day use areas.** Within state forest campgrounds and forest day use

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areas, wood that is dead and lying on the ground may be used to build fires, as long as it is used within the area and not removed.

6100.1000 FIRES AND REFUSE.

Subpart 1. **Prohibition and permitted uses.** It is unlawful to build or maintain 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~~ day use area if such use does not create a hazard or danger to the area or to others. It is unlawful to disobey a park officer or forest officer when ordered to extinguish a fire in any location at any time.

Subp. 2. **Fire bans.** The commissioner may limit or ban fires ~~when-he-declares~~ by declaring that a forest fire emergency exists. ~~Such~~ The declaration will be posted conspicuously at the entrance of the area affected.

Subp. 3. **Firewood.** ~~Where~~ If firewood is provided at no charge ~~its-use-shall-be-within-reasonable-limits~~, the removal of the firewood from the state park, state forest campground, or forest day use area is prohibited.

Subp. 4. **Refuse.** ~~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.~~ It is unlawful to place refuse anywhere except in receptacles provided. If no receptacle is available, the refuse shall be removed from the state park, forest campground, or forest day use area. It is unlawful to place refuse generated outside the state park, forest campground, or forest day use area into the receptacles.

[For text of subp 5, see M.R. 1989]

Subp. 6. **Hot coal disposal.** The disposal of hot coals or ashes anywhere within state parks, except in special containers for that purpose or other sites approved by the park manager, is prohibited.

6100.1100 PETS.

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Although pets are permitted, ~~provided~~ no person shall allow any dog, cat, or other pet animal except hearing or seeing eye dogs, to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. ~~Such~~ Pet animals shall be personally attended at all times and shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet ~~and shall be personally attended~~ in length, and ~~such~~ the animals shall not ~~deprive or disrupt the enjoyment or use of any area by other persons~~ disrupt other persons or deprive them from using any area.

Pet waste deposited in mowed or maintained areas must be immediately cleaned up by the pet owner or caretaker and deposited in an appropriate waste container. Horse waste must be removed, by the owner or custodian, from all areas except designated horse trails.

Pets and horses are prohibited on ski trails during the winter skiing season.

6100.1200 PICNICKING.

Picnicking is ~~not~~ permitted ~~except~~ only in ~~designated picnic~~ areas designated for picnicking. No person or group of persons shall unreasonably exclude others from a picnic area or shelter, except when the shelter has been reserved with consent of the park manager or forest officer.

6100.1300 CAMPING AREAS.

Subpart 1. **State parks.** The following camping restrictions apply in state parks:

A. A campsite's occupancy is limited to:

(1) one camping group of six people or less using;

(2) one camping shelter;

(3) one vehicle; and

(4) additional shelters, persons, or vehicles only with prior approval of the park manager.

B. Camping is permitted only at assigned sites in designated camping areas or in watercraft within the

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restrictions described in item A.

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

C D. Each camping party must register. Registration must be in person and is as follows:

(1) A ~~senior~~ responsible person of a camping party ~~may~~ shall register for the group, giving the number in the group. Names ~~may be~~ of all persons in the party are required when requested by the park manager.

~~Registration must be in person.~~

(2) The rental period must begin with the day of registration, and all fees must be paid in full at the time of registration. The registration may be canceled if the site is not personally occupied the first night. The park manager may, upon order, remove or have removed any camping equipment placed on a campsite by an unregistered party, or any equipment on a site which has been forfeited by failure to occupy the site on the first night of registration.

(3) Camping permits shall expire at 4:00 p.m. On departure, the campsite shall be left in a neat and clean condition.

(4) Campers occupying a campsite must re-register by 11:00 a.m. to hold the campsite for that night.

~~D. A campsite may be occupied by any group of six or less using one shelter for sleep or by 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.~~

E. Power units including those used to generate electricity for camping units, shall not be operated between the hours of 10:00 p.m. and 8:00 a.m., nor at other hours of the day

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if such operation causes a disturbance for other visitors.

Subp. 2. **Forest campgrounds and forest day use areas.** ~~Forest campgrounds and forest day use areas.~~

A. A ~~nominal charge~~ camping fee 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~~ outside of designated ~~camping areas within the prescribed limitations for the particular camping area~~ camp sites is prohibited.

C. Each camping party must register in fee camping areas. ~~The senior~~ A responsible person of a camping party ~~may~~ shall register for the group giving the number ~~therein~~ in the party.

D. Camping shall be limited to a total period of 14 days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that camping for longer periods may be allowed at the discretion of the forest officer of any forest campground ~~in his discretion, allow camping for such longer periods as he may prescribe~~ when conditions or nonuse 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~~ 8:00 a.m. is prohibited.

H. Any group desiring to occupy more than ~~two~~ six 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 unless camping at a posted designated group camping site. Additional fees will be charged for the use of these sites.

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J. A maximum of two motor vehicles per campsite is permitted except that no more than one motor vehicle may be a motorized camper.

K. The maximum number of camping shelters permitted per campsite is two, however, no more than one of the camping shelters may be a camping trailer or motorized camper. More than two shelters are permitted at posted designated group sites.

L. Disposal of liquid waste from a camping trailer or motorized camper must be in accordance with chapter 4630.

M. Moving or removing picnic tables, fire-rings, or other facilities from a campsite, day use area, or the campground is prohibited.

Subp. 3. **Other prohibitions.** It ~~shall be~~ is unlawful for ~~any~~ a person to install or affix in a permanent manner any camping facility, equipment, or structure.

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

A watercraft used for shelter or sleeping which is tied on water frontage of a state park, state forest campground, or forest day use area, or is anchored in waters which are completely within the boundary of a state park, constitutes camping and is subject to ~~these rules~~ parts 6100.0100 to 6100.2400.

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

6100.1400 BOATING.

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

A. no one shall operate a boat, watercraft, or motor on any body of water or portion of any body of water specifically posted prohibiting that use;

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B. no one shall moor a boat on any beach or area specifically posted prohibiting that use; and

C. on any lake entirely within a state park, no person shall water-ski ~~or surf,~~ or operate a motorized watercraft in excess of ten miles per hour, unless the lake is otherwise designated and posted.

6100.1500 FISHING.

Fishing for fish only, is permitted when conforming to Minnesota laws and rules ~~is permitted~~ in the waters within and adjacent to state parks, forest campgrounds, and forest day use areas. When spear fishing or bow and arrow fishing is permitted, the restriction on spears or bows and arrows is waived to the extent necessary to allow the activity.

If a fish-cleaning facility is provided, no person shall clean fish and dispose of the remains except at that ~~place~~ facility. In state parks, where a fish cleaning facility is not provided, fish cleaning shall take place only in areas or sites approved by the park manager.

6100.1600 ~~STATE PARK BEACHES~~ SWIMMING IN STATE PARKS.

~~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.~~

Activities in and upon the beaches and swimming areas shall be under the direction of the lifeguard, if one is present.

It is unlawful ~~on a beach:~~ to swim in or enter any body of water or area where prohibited.

It is unlawful in any area where swimming is not prohibited, including designated beaches, to:

A. ~~to~~ allow any dog or other pet to enter the water with swimmers;

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, except when an area is specifically designated for that use;

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~~D~~ C. ~~to-use-the-beach~~ enter the water 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~~ D. ~~to~~ engage in any activity which is hazardous and could cause injury to others; or

~~I~~ E. ~~to~~ use any soap, detergent, or shampoo~~,-and~~

~~J.--to-change-clothes-except-in-structures-designated for-such-use.~~

In addition to items A to E, it is unlawful on designated beaches to possess glass containers; enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

~~Requirements-for-motor-vehicle-permits-for-entry-into-state parks-shall-be~~ Vehicles entering state parks shall be in accordance with motor vehicle permit requirements as stated in Minnesota Statutes, section ~~85.05~~ 85.053, subdivision 2~~,-clauses (a)-and-(c)~~.

The permit shall be completely affixed by its own adhesive to the lower right-hand corner of the windshield, and may not be transferred to another vehicle.

6100.1710 GROUP DAILY VEHICLE PERMITS.

~~All~~ State park managers ~~will~~ have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally ~~limited~~ minimal, such as weekdays, weekends in some parks, or off-season weekends.

6100.1800 MOTOR VEHICLE USE; STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES, AND OTHER EQUIPMENT.

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[For text of subpart 1, see M.R. 1989]

Subp. 2. **Designated roads.** The motor vehicle may be operated only on designated roads and parking areas, and ~~may~~ shall be properly parked ~~only~~ in designated parking areas or parking spurs only. It may not be driven on roads which are posted, chained, or gated prohibiting motor vehicles. Parking in any area not designated as a parking area is prohibited and subjects the vehicle to being towed at the owner's expense.

Subp. 3. **Speed limit; recklessness.** The motor vehicle shall not be operated in excess of posted speeds or in a reckless ~~or~~, careless, or exhibitive manner. No person shall operate any vehicle in such a manner as to create unnecessary engine noise, tire squeals, skidding, or sliding.

Minnesota Statutes, chapter 169, governing motor vehicle use on public roads is incorporated by reference to apply to all roads within state parks.

Subp. 4. ~~**Forest areas**~~ **Storage and abandonment**. ~~Within forest campgrounds and forest day use areas:~~

A. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, ~~or~~ boat, fish house, or any other equipment or material in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, water access, parking area, or winter sport facility.

B. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored ~~or~~, abandoned, or parked overnight. This ~~item shall~~ does not apply, however, to overnight parking for the appropriate use of campsites or to fish houses on lakes where overnight use is permitted, or to the temporary storage of such items by a person who remains in the immediate vicinity~~.~~ during normal operating hours. In state parks, for certain approved activities, overnight parking or storage of equipment by persons not remaining in the immediate vicinity may be allowed with prior approval of the park manager. In state forest campgrounds and forest day use areas, overnight parking is permitted in designated parking lots.

C. Any vehicle, trailer, boat, ~~fish house~~, or any

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other equipment or material except fish houses located on the ice surface of a body of water, left for a period longer than 30 days shall be deemed abandoned and shall be transferred to the custody of the commissioner of administration for disposal pursuant to Minnesota Statutes, section 16B.25.

6100.1910 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES IN STATE FOREST CAMPGROUNDS AND FOREST DAY USE AREAS.

No person shall operate a snowmobile or recreational motor vehicle in any state forest campground or forest day use area unless on a trail or road posted and designated for that use.

6100.1920 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES; RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.

No person shall operate a snowmobile or recreational motor vehicle on state forest lands within the Richard J. Dorer Memorial Hardwood State Forest unless on trails, roads, and areas posted and designated for such use.

6100.2000 NONMOTORIZED USE.

Subpart 1. **On foot, ski, or snowshoe.** People on foot, ski, or snowshoe may go anywhere that is not posted otherwise, or is not further limited by stipulations in subparts 2 to 6.

Subp. 2. **Horses.** No person shall ride ~~or~~, lead, or have a horse except ~~on~~ upon trails and areas designated for ~~such~~ use by horses. Horses are prohibited from using state forest campgrounds unless the area has been specifically designated for use by horses or a special use permit from a forest officer has been obtained.

Subp. 3. **Bicycles.** People riding bicycles may ~~go~~ travel only on designated bike trails, or where motor vehicles are allowed~~,-and-on-trails-and-areas-designated-for~~ except in areas posted to prohibit such use.

Subp. 4. **Restricted sensitive areas.** Hikers, skiers, and snowshoers shall not knowingly enter deer yards or other sensitive restricted areas.

Subp. 5. **Ski trails.** On groomed and tracked ski trails,

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activities which tend to damage the track or interfere with and disrupt use by skiers are prohibited.

Subp. 6. **Dogsledding.** Dogsledding is permitted in state parks only on trails designated for such use, or as approved by the park manager. Any other dogsledding use is prohibited.

No person in a state park, forest campground, or forest day use area, shall bicycle, ski, or ride a horse in a reckless or careless manner, at an unreasonable or out of control speed, or in any way that unnecessarily endangers oneself or other users.

6100.2100 RESTRICTED AREAS.

It ~~shall be~~ is unlawful to enter by any means a **posted** restricted area which has been posted to prohibit entrance.

It is unlawful for any person to use a state park facility that requires a special use permit or a fee, without first obtaining a permit or paying the fee.

6100.2200 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~~ county in which the park is located.

6100.2300 PROTECTION FROM PEDDLING AND SOLICITING.

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

6100.2400 SUSPENSION OF RULES.

In situations of emergency or in the case of authorized special events, the commissioner may provide temporary exceptions to the general rules for a specific state park,

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forest campground, or forest day use area by posting notice of ~~such~~ the exception at ~~said~~ the unit.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas

AGENCY: Department of Natural Resources

MINNESOTA RULES: Chapter 6100

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor