

6100.0300 SCOPE.

Unless stated otherwise, parts 6100.0100 to 6100.2400 apply to all state parks and forest lands under the control of or operated by the commissioner of natural resources.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 18 SR 1145; 24 SR 208*

6100.0400 [Repealed, 24 SR 208]**6100.0500 DEFINITIONS.**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.

Subp. 1a. **All-terrain vehicle or ATV.** “All-terrain vehicle” or “ATV” has the meaning given in Minnesota Statutes, section 84.92, subdivision 8.

Subp. 2. **Beach.** “Beach” means that part of a body of water and shore designated for swimming and sunning.

Subp. 3. **Commissioner.** “Commissioner” means the commissioner of natural resources, state of Minnesota, acting directly or through authorized agents.

Subp. 3a. [Repealed, 24 SR 208]

Subp. 3b. **Dispersed camping.** “Dispersed camping” means camping overnight outside of established campgrounds or designated campsites.

Subp. 3c. **Firearm.** “Firearm” has the meaning given in Minnesota Statutes, section 97A.015, subdivision 19.

Subp. 4. **Forest campground.** “Forest campground” means those areas developed and maintained by the commissioner on forest lands for camping and related recreational activities.

Subp. 5. **Forest day use area.** “Forest day use area” means a designated area on forest lands to be used for daytime activities, such as picnic areas, swimming beaches, and boat accesses.

Subp. 5a. **Forest lands.** “Forest lands” has the same meaning as the term “forest lands under the authority of the commissioner” as defined in Minnesota Statutes, section 89.001, subdivision 13, and includes forest campgrounds, forest day use areas, and forest recreation areas.

Subp. 5b. **Forest officer.** “Forest officer” means a Department of Natural Resources employee authorized by Minnesota Statutes and designated by the commissioner as a forest officer to enforce laws and rules and also includes Minnesota conservation officers.

Subp. 5c. [Repealed, 24 SR 208]

Subp. 5d. [Repealed, 24 SR 208]

Subp. 5e. **Forest recreation area.** “Forest recreation area” means an area on forest lands that is posted as a recreation site including campgrounds, campsites, picnic areas, day use areas, beaches, parking lots, interpretive sites, and trailheads.

Subp. 5f. **Forest road.** “Forest road” has the meaning given in Minnesota Statutes, section 89.001, subdivision 14, inventoried pursuant to Minnesota Statutes, section 89.71, subdivision 1.

Subp. 5g. **Forest trail.** “Forest trail” means a trail that is either constructed, maintained, or located on forest lands administered by the commissioner for recreational activities on forest lands. Forest trail does not include state recreational trails as defined in Minnesota Statutes, section 85.015.

Subp. 5h. **Horse.** “Horse” includes a horse, mule, donkey, llama, alpaca, or other ungulate or ruminant that is used to transport people, equipment, or materials.

Subp. 6. **Intoxicating liquor.** “Intoxicating liquor” has the meaning given in Minnesota Statutes, section 340A.101, subdivision 14.

Subp. 7. **Motor vehicle.** “Motor vehicle” means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, minibikes, motorcycles, trail bikes, and all terrain vehicles (ATV’s), but not including snowmobiles.

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 a Department of Natural Resources employee authorized by Minnesota Statutes and designated by the commissioner as a state park officer to enforce laws and rules and also includes Minnesota conservation officers.

Subp. 7c. [Repealed, 24 SR 208]

Subp. 8. **Person.** “Person” means any individual, partnership, corporation, or association.

Subp. 8a. **Restricted area.** “Restricted area” means an area posted to prohibit entrance or posted to allow specific activities that may require a special use permit or payment of a fee.

Subp. 8b. **Road or highway.** “Road” or “highway” has the meaning given in Minnesota Statutes, section 160.02, subdivision 26. Road or highway does not include forest roads.

Subp. 8c. **Rock climbing.** “Rock climbing” means activities associated with a person moving upon, along, or across a nonhorizontal rock surface, including but not limited to scrambling, bouldering, free climbing, assisted climbing, and technical climbing.

Subp. 8d. **Scramble area.** “Scramble area” means an area that is posted and designated to permit motor vehicles to operate unrestricted by the limitations imposed in part 6100.1950.

Subp. 8e. **Service animal.** “Service animal” means an animal that performs tasks or assists in performing tasks for a person that are associated with major life activities and includes a seeing eye or hearing ear dog.

Subp. 9. **Shelter.** “Shelter” means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailers, pickup campers, buses, station wagons, motor homes, and boats.

Subp. 10. **Snowmobile.** “Snowmobile” has the meaning given in Minnesota Statutes, section 84.81, subdivision 3.

Subp. 10a. **Special event.** “Special event” means an event held in a state park or on forest lands that is not normally allowed, that causes significant environmental effects, or that is likely to attract large numbers of people that could disrupt normal use of the state park or forest lands. Special events include, but are not limited to, motorcycle, snowmobile, and sports car rallies, races, or enduros; orienteering trials; group campouts that do not occur at designated group camps; dog sled races; dog trials; and commercial uses.

Subp. 11. **State park.** “State park” has the meaning given in Minnesota Statutes, section 85.012, and includes state monuments, state recreation areas, and state waysides as defined in Minnesota Statutes, section 85.013, and state historic sites under the authority of the commissioner.

Subp. 12. **Watercraft.** “Watercraft” has the meaning given in Minnesota Statutes, section 86B.005, subdivision 18.

Subp. 13. **Off-highway motorcycle or OHM.** “Off-highway motorcycle” or “OHM” has the meaning given in Minnesota Statutes, section 84.787, subdivision 7.

Subp. 14. **Off-road vehicle or ORV.** “Off-road vehicle” or “ORV” has the meaning given in Minnesota Statutes, section 84.797, subdivision 7.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *L 1985 c 305 art 3 s 1; 14 SR 2497; 17 SR 1279; 18 SR 1145; 24 SR 208*

6100.0525 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 state park or forest lands and to other appropriate legal action, including revocation of any permits issued.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: 24 SR 208

6100.0550 SPECIAL EVENTS.

Subpart 1. **Permit required.** Special events and commercial uses or operations may not be conducted in state parks or on forest lands except with a written permit from the commissioner obtained prior to the event, or under contract, lease, or other written agreement from the commissioner.

Subp. 2. **Fees and insurance.**

A. The commissioner shall establish and charge fees for special events and commercial uses of state parks and forest lands. Fees shall be set to recoup the costs of developing, operating, and maintaining facilities necessary for the specified uses, or to prevent or mitigate resource impacts of those uses.

B. The commissioner may require sponsors or permittees of special events or commercial uses to furnish a certificate of liability insurance valid for the effective dates of the permit, listing the state of Minnesota as a named insured. The amount of coverage shall be at least as much as the state's limits of liability under the Minnesota Tort Claims Act, Minnesota Statutes, section 3.736.

C. The commissioner may require sponsors or permittees of special events or commercial uses to provide security such as a bond or cashier's check to ensure that appropriate cleanup measures, removal of signs, repair of damage, and other required actions are completed.

Subp. 3. **Protection from peddling and soliciting.** It is unlawful for a 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.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: 24 SR 208

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 lands.** Forest lands are open at all times unless otherwise posted, except as provided in this subpart. After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a forest campground unless as a member of a registered camping party. Forest day use areas are open from 6:00 a.m. to 10:00 p.m.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: 14 SR 2497; 24 SR 208

6100.0650 RESTRICTED AREAS.

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

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

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208*

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

Subpart 1. Disorderly conduct. It is unlawful for a person to engage in disorderly conduct, as provided under Minnesota Statutes, section 609.72.

Subp. 2. Noise. Without prior permission from the park manager or forest officer, no person shall make noise reasonably tending 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.

Subp. 3. Liquor. It is unlawful for a person in a state park, forest campground, or forest day use area 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 or forest officer.

Subp. 4. Disturbance. No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous, noisy, or threatening conduct reasonably tending to arouse alarm, anger, or resentment in others.

Subp. 5. Drugs. A person's possession and use of drugs shall be in accordance with state laws.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 16 SR 197; 24 SR 208*

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subpart 1. Restrictions.

A. While in a state park, or while in or within 200 feet of a forest recreation area, except as provided in subpart 2 or by special permit from the commissioner, it is unlawful for a person to:

- (1) possess explosives or fireworks of any kind;
- (2) possess a firearm, unless the firearm is unloaded 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;
- (3) 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;
- (4) use or display any other type of weapon including slingshots, switchblade knives, traps, and spears; and
- (5) hunt, trap, or take wild animals in any manner except as authorized by the commissioner.

B. It is unlawful while hunting to pursue wildlife into a state park or to chase wildlife out of a state park without permission of a park officer.

Subp. 2. Exceptions.

A. 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.

B. During the open seasons for hunting, a person may carry an unloaded, uncased firearm or bow and arrows from a forest recreation area to engage in hunting outside of the forest recreation area.

Subp. 3. [Repealed, 24 SR 208]

Subp. 4. [Repealed, 24 SR 208]

Subp. 5. **Hunting and shooting; forest lands.** Forest lands are open to hunting and to target, trap, and recreational shooting except where prohibited by law, posted or designated closed for management or public safety purposes, or otherwise restricted by this part.

Subp. 6. **Shooting ranges; forest lands.** Items A to G govern the use of designated shooting ranges on forest lands.

A. Shooting range hours are from sunrise to sunset, except that no shooting is allowed before 8:00 a.m. or after 8:00 p.m.

B. Shooting ranges are closed during the firearms deer season.

C. Alcoholic beverages and glass containers are prohibited on a shooting range.

D. Firearms must be unloaded and cased unless on the firing line.

E. Use of a firing point is limited to one hour when others are waiting.

F. Shooting is permitted only from the designated firing points on ranges where they are provided.

G. Targets permitted are:

(1) rifle or pistol – paper targets or steel silhouettes only. Paper targets must be attached to target holders where provided; and

(2) shotgun – clay targets only.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** Unless otherwise provided by law, no person in a state park or forest recreation area 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, legally taken wild animals, and vegetation unavoidably damaged or destroyed by the ordinary recreational 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.

Subp. 2. **State parks.**

A. Within a state park, collecting, harvesting, or taking a tangible object for resale or commercial use is prohibited, except by written permission of the commissioner. The commissioner may further restrict collecting, harvesting, or taking a plant, animal, or other tangible object for scientific, educational, commercial, or any other purpose if the commissioner finds it necessary for the protection of the park's resources.

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

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

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

E. Collecting or possessing naturally occurring plants in a fresh state in state parks is prohibited, except that edible fruit and mushrooms may be harvested for personal, non-commercial use.

F. Except for scientific research conducted under special permit from the commissioner and with a field archaeology license issued by the state archaeologist, the use of metal detectors in state parks is permitted only for locating specifically identified items of lost personal property. Metal detectors may be used only with prior written permission from the park manager and under the supervision of the park manager.

G. It is unlawful at any time to construct, occupy, or use an elevated scaffold or other elevated device in a state park, except that a portable tree stand may be used for hunting or watching wild animals if the stand is removed each day and does no permanent damage to the tree in which it is placed.

H. A person may not release, place, or transplant plant or animal life in a state park unless approved by the commissioner. This item does not apply to a person operating under a contract, lease, license, or permit from the commissioner that allows releasing, placing, or transplanting plant or animal life in a state park.

Subp. 3. Forest lands.

A. Wood that is dead and lying on the ground on forest lands may be used to build fires, as long as it is used on forest lands and not removed, except under permit issued by the commissioner.

B. No person may cut live merchantable trees on forest lands for constructing an elevated scaffold, except that shrubs, the lateral branches of trees, and saplings measuring smaller than four inches in diameter at 4–1/2 feet off the ground may be removed.

C. A person may not release, place, or transplant plant or animal life on forest lands unless approved by the commissioner. This item does not apply to a person operating under a contract, lease, license, or permit from the commissioner that allows releasing, placing, or transplanting plant or animal life on forest lands.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1000 FIRES AND REFUSE.

Subpart 1. Prohibition and permitted uses. It is unlawful to build or maintain a fire in a state park, forest campground, or forest day use area 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 the 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. In times of fire emergency, as prescribed by Minnesota Statutes, sections 88.02 to 88.22, the commissioner may limit or ban the building of fires. The notice shall 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, 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.

Subp. 5. Littering. Minnesota Statutes, sections 85.20, subdivision 6, 115A.99, and 609.68, forbidding littering, are incorporated in this part by reference.

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.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1100 PETS.

In a state park, forest campground, or forest day use area:

A. No person shall allow a dog, cat, or other pet animal, except a service animal, to enter a building or beach or permit a 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

6100.1100 OUTDOOR RECREATION

8

enclosure or by a leash not exceeding six feet in length, and the animals shall not disrupt other persons or deprive them from using an area.

B. 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.

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

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1200 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.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1250 CAMPING.

Subpart 1. **Camping in state parks.** The camping restrictions in items A to J apply in state parks.

A. A campsite's occupancy is limited to one camping group of six people or less, one camping shelter, and one vehicle. Additional persons, shelters, or vehicles are permitted only with prior approval of the park manager. These limits do not apply in designated group camping areas.

B. Camping is permitted only at assigned sites in designated camping areas or in watercraft subject to 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. A responsible person of a camping party shall register for the group, giving the number in the party. The names of all persons in the party must be provided when requested by the park manager.

E. The rental period begins with the day of registration and all fees must be paid in full at the time of registration. The campsite must be occupied by a member of the party on the first night of the rental period. Camping equipment placed on a campsite by an unregistered party, any equipment on a site that is not occupied on the first night of the rental period, or any equipment left on a site after the end of the rental period may be removed by the park manager to allow registered campers to occupy the site.

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

G. Campers occupying a campsite must reregister by 11:00 a.m. to hold the campsite for that night.

H. Power units used to generate electricity 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 the operation causes a disturbance for other visitors.

I. In a designated horse camping area, portable corrals may be set up if they do not unreasonably exclude others from using the area and they comply with conditions posted at that site.

J. Camping in designated group camps is limited to registered groups or individual campers assigned to the area by the park manager.

Subp. 2. **Camping in forest campgrounds and use of forest day use areas.** The restrictions in items A to J apply in forest campgrounds and day use areas.

A. A campsite's occupancy is limited to one camping group of eight people or less, two camping shelters, and two vehicles, except that not more than one camping trailer or motorized camper may occupy the site. Additional persons, shelters, or vehicles are permitted only with the prior approval of the forest officer. These limits do not apply in designated group camping areas.

B. Camping is permitted only at designated sites.

C. 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, or 21 days the rest of the year, provided, however, that camping for longer periods may be allowed at the discretion of the forest officer in a forest campground when use conditions warrant.

D. A camping fee per campsite per night shall be charged in certain forest campgrounds. Camping fees shall be set to recoup the costs of developing, operating, and maintaining facilities or to prevent or mitigate resource impacts. Campers must pay the camping fee immediately upon occupying a campsite. If a party occupies a campsite and fails to pay the camping fee immediately, an additional charge equivalent to one night's camping fee shall be assessed if department personnel must visit the campsite to collect the camping fee.

E. In fee camping areas, each camping party must register. A responsible person in the camping party shall register for the group, giving the number in the party. The rental period begins with the day of registration. The campsite must be occupied by a member of the party on the first night of the rental period. Camping equipment placed on a campsite by an unregistered party, any equipment on a site that is not occupied on the first night of the rental period, or any equipment left on a site after the end of the rental period may be removed by a forest officer to allow registered campers to occupy the site.

F. Camping permits in fee campgrounds expire at 4:00 p.m. The site shall be vacated upon expiration of the camping permit. On departure, the campsite shall be left in a neat and clean condition.

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. Disposal of sewage waste from a camping trailer or motorized camper must be in accordance with chapter 4630. Liquid wastes from cooking and washing shall be disposed of in the sump provided for that purpose. If a sump is not provided, the wastes may be disposed of on the surface of the ground at least 150 feet from a water body in a manner that does not endanger a water supply, pollute a surface water, create a nuisance, or otherwise constitute a hazard to the public health or safety.

J. In a designated horse camping area, portable corrals may be set up if they do not unreasonably exclude others from using the area and they comply with conditions posted at that site.

Subp. 3. Other prohibitions. In a state park, forest campground, or forest day use area, a person may not:

A. install or affix in a permanent manner a camping facility, equipment, or a structure;

B. move or remove picnic tables, fire rings, or other facilities from a campsite, day use area, or campground;

C. dig or excavate; or

D. make a noise at a level above that of a quiet conversation in camping areas between the hours of 10:00 p.m. and 8:00 a.m., which are designated quiet hours.

Subp. 4. Watercraft. A watercraft used for shelter or sleeping that is tied to, beached on, or docked on water frontage of a state park, state forest campground, or forest day use area, or anchored in waters that are completely within the boundary of a state park, constitutes camping and is subject to parts 6100.0100 to 6100.2400.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: 24 SR 208

6100.1300 [Repealed, 24 SR 208]

6100.1350 DISPERSED CAMPING.

Subpart 1. **Dispersed camping.** Dispersed camping is permitted on forest lands. A person who dispersed camps may not:

- A. dig or trench around tents or other camping shelters;
- B. camp on forest lands that are posted or designated to prohibit camping;
- C. collect firewood, unless it is dead and laying on the ground. Wood collected and used for campfires may not be removed from state land;
- D. camp on forest lands within one mile of a fee campground without paying a fee, unless in a designated remote campsite;
- E. construct permanent camping structures; or
- F. place wood, nails, screws, or other fasteners in a living tree at a campsite.

Subp. 2. **Waste disposal.**

A. Areas used for dispersed camping must be kept in a neat, clean, sanitary condition. All litter must be removed from the site and disposed of according to state law.

B. Disposal of human wastes in areas used for dispersed camping where no latrine or holding tank is available shall be accomplished by burying wastes in the immediate vicinity, at least 150 feet from a water body, in a manner that does not endanger a water supply, pollute a surface water, create a nuisance, or otherwise constitute a hazard to the public health and safety.

C. No person shall discharge sewage on the ground from a camping vehicle or trailer in areas used for dispersed camping. Holding tanks or other containers must be used and properly emptied at a trailer sanitation station or other suitable facility, except that liquid wastes from cooking and washing may be disposed of on the surface of the ground in a manner that does not endanger a water supply, pollute a surface water, create a nuisance, or otherwise constitute a hazard to the public health and safety.

Subp. 3. **Occupancy limited.** Dispersed camping on forest lands shall be limited to a total period of 14 days in any one section, township, and range from the first Saturday in May to the second Sunday in September, or 21 days the rest of the year. If a camp location is changed during a calendar year, the new camp shall be established at least 15 miles from the previous camp.

Subp. 4. **Occupation; abandonment.** Dispersed camps set up on forest lands must be occupied by a responsible person of the camping party during the time the equipment is left on state land. A tent or other camping structure unoccupied for more than 14 days shall be removed by a forest officer, stored for 30 days to allow the owner time to claim it, and then deemed abandoned and transferred to the custody of the commissioner of administration for disposal in accordance with state law.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208*

6100.1355 NONMOTORIZED USE.

Subpart 1. **On foot, ski, or snowshoe.** People on foot, ski, or snowshoe may go anywhere in state parks or forest lands that is not posted to prohibit foot, ski, or snowshoe use or is not further limited by subparts 2 to 8.

Subp. 2. **Horses.** Within a state park and in the Richard J. Dorer Memorial Hardwood Forest, no person shall ride, lead, or have a horse except on trails and areas designated for use by horses. Horses are prohibited from using 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. Horses are permitted on all other forest lands except where it is posted to prohibit the use of horses.

Subp. 3. **Bicycles.** Within a state park and in the Richard J. Dorer Memorial Hardwood Forest, people riding bicycles may travel only on designated bike trails or where motor ve-

hicles are allowed, except in areas posted to prohibit bicycle use. Bicycles are permitted on all other forest lands except where it is posted to prohibit bicycle 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.** In state parks, dogsledding is permitted only on trails designated for dogsled use, or as approved by the park manager. Any other dogsledding use in state parks is prohibited. Dogsledding is permitted on all other forest lands except where it is posted to prohibit dogsledding.

Subp. 7. **Speed.** 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 the person or other users.

Subp. 8. **Rock climbing.** In state parks, rock climbing is allowed only in designated areas and only by permit. Rock climbing is permitted on all other forest lands except where it is posted to prohibit rock climbing.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208*

6100.1400 BOATING.

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

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

B. no person shall moor a watercraft on a beach or area specifically posted prohibiting that use;

C. on a 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; and

D. no person shall tie, anchor, or fasten a watercraft to a dock or pier in a manner that prevents free access to the dock or pier, except for short periods of time not to exceed 30 minutes to allow launching or loading of a watercraft or where signs are posted to permit tie ups for longer periods of time.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1500 FISHING.

Subpart 1. **Fish only.** In waters entirely within state parks, fishing for fish only is permitted when conforming to Minnesota laws and rules. Taking of minnows, turtles, frogs, mussels, and other aquatic life other than fish is prohibited. 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.

Subp. 2. **Fish cleaning.** In a state park, forest campground, or forest day use area, if a fish-cleaning facility is provided, no person shall clean fish and dispose of the remains except at that facility. In state parks, if a fish cleaning facility is not provided, fish cleaning shall take place only in areas or sites approved by the park manager.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1600 SWIMMING.

Swimming is permitted in state parks, forest campgrounds, and forest day use areas according to items A to H.

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

B. No person shall swim in or enter a body of water or area posted closed to swimming.

C. No person shall allow a dog or other pet to enter the water with swimmers.

D. No person shall enter the water before sunrise or after sunset.

E. No person shall possess glass containers; enter a swimming area with a boat, canoe, or raft; fish; or engage in an activity that is hazardous and could cause injury to others.

F. No person shall use soap, detergent, or shampoo.

G. When a facility for changing clothes is provided, it is unlawful to change clothes in any other building or facility.

H. In a state park, while in the water, no person shall use an air mattress, inner tube, or other flotation device that is not approved by the Coast Guard, except when an area is specifically designated for that use.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1610 [Repealed, 24 SR 208]

6100.1650 STORAGE AND ABANDONMENT OF PERSONAL PROPERTY.

Subpart 1. **Obstruction of passage.** No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, boat, fish house, or other equipment or personal property so as to block, obstruct, or limit the use of a road, trail, waterway, water access, parking area, or winter sport facility.

Subp. 2. **Abandonment.** No vehicle, trailer, boat, fish house, or other equipment or personal property may be stored or abandoned in a state park or on forest lands. In state parks, overnight parking and storage of equipment is permitted only in connection with the use of campsites or fish houses, except by prior approval of the park manager. The temporary storage of personal property by a person who remains in the immediate vicinity is permitted. In state forest campgrounds and forest day use areas, overnight parking is permitted in designated parking areas.

Subp. 3. **Disposal.** A vehicle, trailer, boat, or other equipment or personal property left for a period longer than 14 days, except fish houses located on the ice surface of a body of water, shall be deemed abandoned and shall be transferred to the custody of the commissioner of administration for disposal in accordance with state law.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208*

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

Motor vehicles entering state parks shall comply with the motor vehicle permit requirements stated in Minnesota Statutes, section 85.053.

Permits may not be transferred to another vehicle.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1710 STATE PARK GROUP DAILY VEHICLE PERMITS.

State park managers may issue special group daily vehicle permits to groups consisting of ten vehicles or more. The permit shall be issued for one day of use between 8:00 a.m. and

10:00 p.m. The group daily vehicle permit shall be sold only 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.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 24 SR 208*

6100.1800 [Repealed, 24 SR 208]

6100.1900 MOTOR VEHICLES AND SNOWMOBILES IN STATE PARKS, FOREST CAMPGROUNDS, AND DAY USE AREAS.

Subpart 1. **Motor vehicle use.** Only motor vehicles licensed for use on Minnesota highways may be operated within state parks, forest campgrounds, and forest day use areas. The operator must have a valid driver's license. Snowmobiles or other motor vehicles may operate in a forest campground or forest day use area on a trail or road that is posted and designated for that use. Operation must comply with all applicable laws and rules.

Subp. 2. **Designated roads.** Licensed motor vehicles may be operated only on designated roads and parking areas and may be parked only in designated parking areas or parking spurs. Motor vehicles may not be driven on roads that are posted, chained, or gated. Parking in an 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.** A motor vehicle shall not be operated in excess of posted speeds or in a reckless, careless, or exhibitive manner. No person shall operate a vehicle in such a manner as to create unnecessary engine noise, tire squeals, skidding, or sliding.

Subp. 4. **Motor vehicle law.** Minnesota Statutes, chapter 169, governing motor vehicle use on public roads and highways, applies to all roads within state parks.

Subp. 5. **Snowmobiles.** No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for snowmobile use, under conditions of snow cover considered adequate for protection of the park by the park manager. Within state parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208*

6100.1905 [Repealed, 24 SR 208]

6100.1910 [Repealed, 24 SR 208]

6100.1920 [Repealed, 24 SR 208]

6100.1930 [Repealed, 24 SR 208]

6100.1950 MOTOR VEHICLES AND SNOWMOBILES; FOREST LANDS.

Subpart 1. **Classified forest lands.** The operation of motor vehicles and snowmobiles on forest lands classified by the commissioner for purposes of motor vehicle use according to subpart 2 and Minnesota Statutes, section 89.002, is regulated according to items A to C.

A. On forest lands classified as managed, a person may operate a motor vehicle only on forest roads and forest trails that are not posted and designated closed and in areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

B. On forest lands classified as limited, a person may operate a motor vehicle only on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

C. No person shall operate a motor vehicle or snowmobile on forest lands classified as closed, unless on frozen public waters where operation is not otherwise prohibited.

Motor vehicles that are licensed for use on public highways may be operated on forest roads that are not posted or gated closed. Snowmobiles may operate on designated trails.

Subp. 2. Criteria for classification. The following criteria shall be considered when classifying forest lands for motor vehicle use:

- A. resource sensitivity and management objectives;
- B. resource impact by motorized and nonmotorized use, including erosion, rutting, and impacts on vegetation, wildlife, air, water, or natural habitats;
- C. motorized and nonmotorized recreational opportunity in area;
- D. user needs, such as trails, parking, signs, and access;
- E. the degree and trend of motor vehicle use in the area;
- F. the degree and trend of nonmotor vehicle use in the area;
- G. competing interests among different user groups; and
- H. public safety and law enforcement concerns.

Subp. 3. Notice and public meeting. Before changing the classification of forest lands for motor vehicle use, the commissioner shall provide notice and a public meeting according to items A to C.

A. A public meeting shall be held in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed classification change.

B. Sixty days before the public meeting, notice of the proposed classification change shall be published in legal newspapers that serve the counties in which the lands are located and in a statewide Department of Natural Resources news release and in the State Register. The notice shall include a summary of the proposed action, a request for public comment, and notice of the public meeting.

C. Twenty-one days before the public meeting, notice of the meeting shall be announced in a statewide Department of Natural Resources news release.

Subp. 4. Commissioner's decision. The commissioner shall make a decision about the proposed classification change after considering the criteria listed in subpart 2 and any public comment received and explaining how the nature and magnitude of the criteria and comments relate to the classification.

Subp. 5. Nonmotorized trails. No person shall operate a motor vehicle or snowmobile on forest lands on a designated nonmotorized trail, including ski, foot, horse, bike, or accessible trail, unless the trail is also posted open for a motorized use.

Subp. 6. Lakes, rivers, and streams. No person shall operate a motor vehicle on forest lands on or over the beds of lakes, rivers, or streams when ice is not covering the water body, except on a bridge, culvert, or similar structure or designated low water crossing.

Subp. 7. Other prohibitions and exceptions.

A. No person shall operate a motor vehicle or snowmobile on forest lands in a manner that causes erosion or rutting or injures, damages, or destroys trees or growing crops. The rutting prohibition does not apply on trails that are designated and maintained for motorized use.

B. No person shall operate motor vehicles or snowmobiles on forest lands within the boundaries of an area that is posted and designated as closed to the operation of motor vehicles or snowmobiles.

C. No person shall operate a motor vehicle or snowmobile in the Richard J. Dorer Memorial Hardwood Forest, except on forest roads that are not posted and designated as closed, and on forest trails or areas that are posted and designated to allow the use of motor vehicles or snowmobiles. The exception under item D does not apply.

D. Except as provided in item C, on forest lands classified as managed or limited, a person may use an ATV off forest trails in a manner consistent with this subpart when lawfully:

(1) engaged in hunting big game or constructing hunting stands during October, November, and December;

(2) retrieving big game during September; or

(3) trapping during open seasons.

E. No person shall construct an unauthorized permanent trail on forest lands.

F. Subpart 1 does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, and the harvest and transport of forest products for commercial purposes.

G. The commissioner may grant a variance from the requirements of subpart 1 to private landowners and leaseholders when the only reasonable access to their land is across state forest lands.

Subp. 8. Forest roads.

A. A motor vehicle on a forest road shall travel at a speed that is reasonable and prudent. It is a violation of this part to exceed a posted speed limit.

B. All posted parking and traffic regulations, including signs designating speed limits, stop signs, one-way traffic, and do not enter, shall be obeyed on a forest road.

C. No person, passenger, or operator of a motor vehicle shall travel on or along a forest road that is designated as closed with signs, barricaded, or blocked with a gate.

D. Removing snow from a forest road is prohibited when the road is posted for no snow removal.

E. No person shall operate, nor shall an owner permit the operation of a motor vehicle, on a forest road or trail in a manner that causes damage to the road, land, or other natural resources.

Statutory Authority: *MS s 14.045; 14.388; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208; 25 SR 782; 27 SR 27*

6100.2000 [Repealed, 24 SR 208]

6100.2100 [Repealed, 24 SR 208]

6100.2200 AIRCRAFT IN STATE PARKS.

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.

Statutory Authority: *MS s 84.03; 85.052; 85.20; 89.031; 89.19; 89.21*

History: *14 SR 2497*

6100.2300 [Repealed, 24 SR 208]

6100.2350 OFFICIAL USE AND VARIANCE.

Parts 6100.0100 to 6100.2400 do not apply to a licensed peace officer or an employee or agent of the Department of Natural Resources while engaged in the performance of official duties. The commissioner may grant a variance from the requirements of parts 6100.0100 to 6100.2400 when the commissioner considers it necessary for maintenance, conservation, or public safety purposes.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *24 SR 208*

6100.2400 SUSPENSION OF RULES.

In situations of emergency or in the case of authorized special events, the commissioner may provide temporary exceptions to parts 6100.0100 to 6100.2400 by posting notice of the exception at the site.

Statutory Authority: *MS s 14.045; 84.03; 85.052; 85.053; 85.20; 86A.05; 86A.06; 89.031; 89.19 to 89.21; 89.71*

History: *14 SR 2497; 18 SR 1145; 24 SR 208*

PUBLIC USE OF STATE RECREATIONAL TRAILS

6100.3000 PURPOSE.

It is the purpose of these statewide rules to provide for public use of designated state recreational trails while protecting the quality of the trail environment to promote long-term trail use and enjoyment.

Statutory Authority: *MS s 84.03; 84.86*

6100.3100 STATUTORY AUTHORITY AND SCOPE.

These parts are adopted under the authority of Minnesota Statutes, sections 84.03 and 84.86, and apply to authorized state trail units as described in the Outdoor Recreation Act of 1975, Minnesota Statutes, chapter 86A, when designated by the commissioner of natural resources by order filed with the secretary of state.

These parts shall not apply to any person lawfully engaged in the performance of duties in the development, maintenance, and operation of such trails, 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.

Statutory Authority: *MS s 84.03; 84.86*

History: *9 SR 694; 17 SR 1279*

6100.3200 SEVERABILITY.

The provisions of these parts shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

Statutory Authority: *MS s 84.03; 84.86*

6100.3300 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of these parts, the terms defined in this part have the meanings given them.

Subp. 2. **Bicycle.** "Bicycle" means any land based vehicle powered by human muscle.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of natural resources, state of Minnesota, acting directly or through an authorized agent.

Subp. 4. **Drug.** "Drug" means any drug, controlled substance, or immediate precursor found in schedules I through V of Minnesota Statutes, section 152.02, and marijuana, as defined in Minnesota Statutes, section 152.01, subdivision 9.

Subp. 5. **Horseback riding.** "Horseback riding" includes all modes of human travel produced at least in part by nonhuman muscle.

Subp. 6. **Intoxicating liquor.** "Intoxicating liquor" for the purposes of these rules means liquors which are intoxicating pursuant to Minnesota Statutes, section 340A.101, subdivision 14, and malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

Subp. 7. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, minibikes, motorcycles, trail bikes, and all terrain vehicles (ATV's).

Subp. 8. **Person.** "Person" means any individual, partnership, corporation, or association.

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

Subp. 10. **Special event.** "Special event" means an organized rally, race, exhibit, demonstration, or other similar activity of limited duration which is conducted according to a pre-arranged schedule and in which general public interest is manifested.

Subp. 11. **Trail.** "Trail" means all of that land contained within the area designated as a state recreational trail by the commissioner.

Subp. 12. **Treadway.** "Treadway" means that part of the trail constructed for travel.

Statutory Authority: *MS s 84.03; 84.86*

History: *L 1985 c 305 art 3 s 1; 17 SR 1279*

6100.3400 TRAIL USES.

Subpart 1. **In general.** Subject to the limitations imposed by these parts and other duly enacted statutes, rules, and ordinances, or unless specifically prohibited by the commissioner, trails may be used for snowmobiling and all nonmotorized forms of recreation, including but not limited to hiking, bicycling, horseback riding, snowshoeing, cross-country skiing, camping, and picnicking.

Subp. 2. **Motor vehicles.** No motor vehicle, other than a snowmobile, shall be operated within a trail, except upon a legal road or highway as those terms are defined in Minnesota Statutes, section 160.02, subdivision 26, and except as authorized by the commissioner.

Subp. 3. **Snowmobiles.** No snowmobile shall be operated within a trail except upon treadways designated for such use and under conditions considered adequate for the protection of the trail by the commissioner.

Subp. 4. **Horses.** No one shall ride, lead, or drive a horse or other beast of burden upon a trail except upon treadways designated for such use.

Subp. 5. **Trail hours.** Any specific use of a trail may be limited to hours designated by the commissioner and any use in violation of such limitation is unlawful.

Subp. 6. **Traffic control.** Traffic control:

A. Trail signs shall be obeyed.

B. When on a trail treadway, all trail users must stay on the right half of the treadway when meeting or being passed by another trail user.

C. When passing another trail user traveling in the same direction, a trail user must pass on the left half of the treadway and may pass only when such left half is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safety of any trail user approaching from the opposite direction or any trail user overtaken.

D. Any trail user who is about to enter onto or cross a trail treadway, shall yield the right of way to any trail user already on the treadway to be entered or crossed.

E. When at approximately the same time, two trail users are about to enter an otherwise unmarked treadway intersection from different treadways or are approaching an otherwise unmarked merger of two treadways from any two directions, the trail user on the left shall yield the right-of-way to the trail user on the right.

Subp. 7. **Special events.** No special events shall be held within a trail except with a written permit of the commissioner previously obtained. Such permit may exempt the holder and other participants from the operation of any of the rules contained herein, and may be revoked or suspended by the commissioner at any time.

Statutory Authority: *MS s 84.03; 84.86*

6100.3500 USE OF CAMPING AND REST AREAS.

Subpart 1. **Camping.** Camping:

A. Overnight camping is restricted to designated camping areas.

B. The duration of the stay of any person at said areas shall be no more than two consecutive nights except where otherwise posted.

C. A fee may be prescribed by order of the commissioner for use of the camping areas and facilities, and if such a fee is prescribed, it shall be paid before the area or facility is used.

D. There shall be no digging or trenching within the camping or rest areas.

6100.3500 OUTDOOR RECREATION

18

E. No persons or group of persons shall unreasonably exclude others from campgrounds or rest areas.

Subp. 2. **Fires.** It is unlawful to build a fire within a trail except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves may be used within a camping or rest area if such use does not create a hazard or danger to the trail or to others.

Statutory Authority: *MS s 84.03; 84.86*

6100.3600 HUNTING.

No firearm or bow and arrow shall be discharged within the trail at any time, except for the purpose of lawful hunting during the period from September 15 to March 30 only. No rifle, shotgun with slug, or bow and arrow shall be discharged upon, over, or across the trail treadway at any time.

Statutory Authority: *MS s 84.03; 84.86*

6100.3700 TRAPPING.

The commissioner may forbid the placement of any manner of animal trap in any area of a trail by order.

Statutory Authority: *MS s 84.03; 84.86*

6100.3800 PROTECTION OF TRAILS.

Subpart 1. **Environment.** No person shall disturb, destroy, injure, damage, or remove any property within trails including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities except edible fruit and wild animals legally taken under the provisions of parts 6100.3600 and 6100.3700 and vegetation unavoidably damaged or destroyed by the ordinary uses of the trail as specifically permitted by these parts. Collections for scientific and educational purposes may be made with the written consent of the commissioner previously obtained.

Subp. 2. **Bill posting.** No persons shall post, paste, fasten, paint, or affix any placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure in a trail.

Subp. 3. **Obstructions.** No person shall place or cause to remain within any trail, any snowmobile, trailer, horse, bicycle, or other object so as to obstruct the free use and enjoyment of said trail. Any such obstruction shall be removed at the owner's expense. If not claimed and payment of expenses offered within a reasonable time, which in no case shall be more than 30 days, it shall be disposed of according to the provisions of Minnesota Statutes, section 16B.25 concerning the disposal of lost or abandoned property.

Subp. 4. **Refuse.** No person shall burn or dispose of garbage, refuse, litter, or trash within a trail except in receptacles provided for that purpose.

Statutory Authority: *MS s 84.03; 84.86*

6100.3900 PROTECTION OF OTHER USERS.

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

A. brawling, fighting, or other violent conduct directed toward another; or

B. offensive, obscene, or abusive language, or boisterous and noisy conduct which might be reasonably expected to arouse alarm, anger, or resentment in others.

Subp. 2. **Intoxication.** No person while within a trail shall be in a state of intoxication brought about by the consumption of intoxicating liquor.

Subp. 3. **Drugs.** No person shall use, be in the possession of, or be under the influence of drugs within a trail unless such use, possession, or influence is pursuant to and in compliance with a prescription from a licensed physician.

Subp. 4. **Pets.** No persons shall allow any pet animal to be unrestrained or unattended except dogs used for hunting during legal hunting seasons in accordance with part 6100.3600. Such pets shall be restrained by a leash not exceeding six feet.

Subp. 5. **Peddling or soliciting.** No person shall peddle or solicit business of any nature, within a trail, or use any of the lands or structures as a base for commercial operations.

Subp. 6. **Safety.** While being ridden or operated within a trail, horses, bicycles, and snowmobiles must be under the control of the operator at all times.

Statutory Authority: *MS s 84.03; 84.86*

6100.4000 ADJACENT LAND.

Subpart 1. **Access.** A trail shall not be used as an access to private lands without the consent of the landowner, lessee, occupant, or agent.

Subp. 2. **Posting.** Failure to post private lands does not imply such consent for trail users.

Statutory Authority: *MS s 84.03; 84.86*

History: *17 SR 1279*

6100.4100 OTHER LAWS.

All uses of trails will be subject to commissioner's orders, snowmobile rules and safety laws, and bicycle rules and state laws.

Each component of the designated state recreational trail system shall be subject to the provisions of these parts, provided that in the event of conflict with some other law or rule of this state, the more restrictive provision will apply.

No regulation or ordinance adopted by a local unit of government may be inconsistent with these rules, except that local regulations or ordinances concerning the use of firearms, bows and arrows, and traps may be more restrictive than these rules.

Statutory Authority: *MS s 84.03; 84.86*

6100.4200 SUSPENSION OF RULES.

The commissioner may provide exceptions to the general rules for a specific trail by order filed with the secretary of state, if such exceptions authorize activities which are not inconsistent with the purposes for which the trail is established or better serve the public interest.

Statutory Authority: *MS s 84.03; 84.86*

6100.4300 PENALTY.

Any person who shall violate any rules promulgated herein shall be guilty of a misdemeanor and subject to arrest.

Statutory Authority: *MS s 84.03; 84.86*

SNOWMOBILE REGISTRATION AND OPERATION

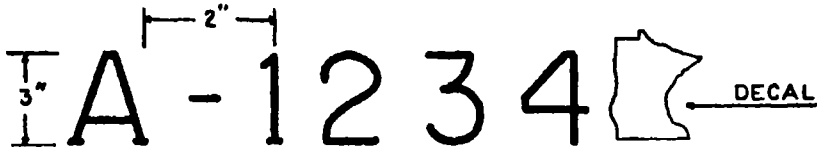
6100.5000 SNOWMOBILE REGISTRATION AND DISPLAY OF NUMBERS.

Subpart 1. **Application.** Application for snowmobile registration shall be made to the commissioner of natural resources or authorized agent on the form prescribed. Registrants must be 18 years of age or older prior to applying for registration of a snowmobile. Upon presentation of a bill of sale in the form prescribed by the commissioner, and payment of the fee required, a snowmobile registration certificate will be issued to the applicant. Registration certificates are valid for a period of three years. A decal showing the expiration date shall be affixed to the machine as illustrated below.

Subp. 2. **Required information.** The applicant shall furnish all the information required by the application for snowmobile registration.

Subp. 3. **Affixation of number.** The registration number of the snowmobile, shown on the registration certificate, shall be affixed to the snowmobile and maintained in a clear, legible manner. On all machines made after June 30, 1972, and sold in Minnesota, such registration number shall be affixed in the space provided therefor in accordance with part

6100.5700, subpart 4. On all other machines it shall be affixed on each side of the cowling on the upper half of the machine, as follows.



Subp. 4. **Description of decal or number; lost or destroyed number or decal.** All letters and numbers shall be of a color which will contrast with the surface to which applied, and shall be at least three inches high and three-eighths inch stroke. When any previously affixed registration number or decal is destroyed or lost, a duplicate shall be affixed in the manner shown above. The registration number shall remain the same if renewed by July 1 following the expiration date.

Subp. 5. **General prohibition.** No person shall operate or transport, and no person shall permit the operation of, a snowmobile within this state which does not have its registration number and unexpired decal affixed in the form and manner required by this part, unless the owner is exempted from the registration requirements of this state by Minnesota Statutes, section 84.82.

Subp. 6. **Duplicate certificate.** A duplicate registration certificate will be issued upon application by the owner to the commissioner on the form prescribed and upon payment of the fee required by law. Replacement registration decals may be obtained from the Department of Natural Resources License Center or any conservation officer.

Subp. 7. **Transfer of ownership.** Application for transfer of ownership shall be made to the commissioner within 15 days of the date of transfer. An "Application for Transfer" form is to be executed by the registered owner and the purchaser and submitted together with the fee required by law, the owner's registration certificate, and a bill of sale in the form prescribed by the commissioner.

Subp. 8. **Reporting of abandoned, stolen, or destroyed snowmobiles.** Abandoned, stolen, or destroyed snowmobiles shall be reported to the commissioner within 15 days by completing the reverse side of the registration certificate. No fee is charged for the reporting.

Statutory Authority: *MS s 84.86*

History: *17 SR 1279; L 2003 c 2 art 1 s 45*

6100.5001 DEALER'S AND MANUFACTURER'S REGISTRATION.

Subpart 1. **Demonstration or testing purposes.** Application for registration of all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be made to the commissioner. Upon payment of the fee required by law, three registration plates will be issued, together with a registration certificate which shall be conspicuously displayed by the dealer in the dealer's place of business.

Subp. 2. **Research, experimentation, or demonstration purposes.** Application for registration of all snowmobiles owned by a manufacturer and operated for research testing, experimentation, or demonstration purposes shall be made to the commissioner. Upon payment of the fee required by law, 12 registration plates will be issued, together with a registration certificate which shall be conspicuously displayed by the manufacturer in the place of manufacture.

Subp. 3. **Duplicate plates.** Additional duplicate registration plates may be purchased by a dealer or manufacturer upon payment of a fee of \$3 per plate.

Subp. 4. **Display required.** No dealer or manufacturer shall operate, or permit to be operated, within this state, any snowmobile owned by or under the control of such dealer or manufacturer unless a valid registration plate is clearly displayed on such snowmobile.

Subp. 5. **Nontransferability.** Dealer and manufacturer registrations are not transferable.

Statutory Authority: *MS s 84.86*

History: *17 SR 1279; L 2003 c 2 art 1 s 45*

6100.5002 SPECIAL PERMITS.

Upon written application by the responsible event sponsor to the commissioner, special operating permits for limited periods of time not to exceed 30 days may be issued to operators of snowmobiles from states which do not require registration when such snowmobiles are to be used in connection with a responsibly organized group outing, trailride, race, rally, or other promotional events. Such permit shall be conspicuously displayed on the snowmobile and is valid only when the snowmobile is used in connection with the event for which the permit was issued and for the period of time shown on the permit.

Statutory Authority: *MS s 84.86*

6100.5100 USE OF SNOWMOBILES DURING HUNTING SEASON.

No person shall operate a snowmobile between the hours of 7:00 a.m. and 3:00 p.m. in any area open for the taking of deer by firearms, except for law enforcement purposes or by commissioner's order; provided, however, that conservation officers may issue written permits authorizing operation of snowmobiles during such hours in case of emergency or other unusual conditions.

Deer being dragged by a snowmobile must have the prescribed deer tag properly placed and locked at the time the operator arrives at an improved roadway or designated trail. The tag must be properly placed and locked at the time the deer is brought into any hunting camp, dwelling, farmyard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a snowmobile, or upon a conveyance towed by a snowmobile.

Statutory Authority: *MS s 84.86*

6100.5200 USE OF SNOWMOBILES ON PUBLIC LANDS AND WATERS.

Subpart 1. **Permitted uses and exceptions.** Snowmobiles may be operated on public lands or waters under the jurisdiction of the commissioner of natural resources except that no persons shall operate a snowmobile in any of the following, except for law enforcement purposes:

A. in any state park, state recreation area, state historic site, or state scientific and natural area with the exception of posted snowmobile trails or areas;

B. in any state wildlife management area without the written permission of the agent in charge thereof in that part of the state lying south and west of a line described as follows: U.S. Highway No. 2 from East Grand Forks easterly to Bemidji; thence southerly along U.S. Highway No. 71 to Wadena; thence easterly along U.S. Highway No. 10 to Staples and U.S. Highway No. 210 to Carlton; thence east in a straight line to the easterly boundary of the state; and

C. in any area in which such operation is or may hereafter be prohibited by law, regulations, order, or directive.

Subp. 2. **Regulation by government subdivisions of state.** Governmental subdivisions of the state may by resolution or ordinance regulate the operation of snowmobiles on public waters within their boundaries, provided such resolution or ordinance is not inconsistent with law or these parts. No resolution or ordinance restricting the period of time within which snowmobiles may be operated on public waters shall be valid with respect to such restriction unless first submitted to the commissioner of natural resources and approved by the commissioner in writing.

Subp. 3. **No dumping.** No person shall deposit any garbage, rubbish, offal, the body of any dead animal, or other litter upon public lands or waters or the ice thereon, other than in containers, provided thereof, or, without the consent of the owner, on private lands or water or ice thereon.

Subp. 4. **Speed limits.** Speed limits:

A. It shall be unlawful for any person to drive or operate any snowmobile at a rate of speed greater than is reasonable or proper under all of the surrounding circumstances or at a rate that is greater than that set by the commissioner of natural resources pursuant to item B, on public lands or waters of this state under the jurisdiction of the commissioner of natural resources, provided that the operation of any snowmobile at a rate of speed in excess of 50 miles per hour on such lands or waters shall be unreasonable and unlawful unless operated pursuant to and in accordance with the provisions of item C.

B. Where necessary, the commissioner of natural resources may establish and post at reasonable intervals, a reasonable and safe maximum speed limit for the operation of snowmobiles along a specific portion of public trail or in a specific area of public land or water that is under the commissioner's jurisdiction. Such speed limit shall be effective when signs are erected and any operation of a snowmobile within such posted portion of trail or area in excess of the posted speed limit is unlawful.

C. The speed limits established by item A and by the commissioner of natural resources under the authority of item B may be waived in writing by the commissioner during the pendency of an organized race or similar competitive event held upon such lands or waters.

Statutory Authority: *MS s 84.86*

History: *17 SR 1279*

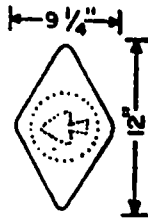
6100.5300 UNIFORM SIGNS.

Subpart 1. **In general.** The signs in subparts 2 to 10 are designated as necessary and desirable to control, direct, or regulate the operation and use of snowmobiles for the purposes indicated.

Subp. 2. **Informational blazer.** Informational blazer to be used in indicating intersections or major changes in trail direction through use of the 7-1/2 inch decals shown below, or comparable screened insignia.



Subp. 3. **Directional blazer.** Directional blazer to be used in indicating minor changes in trail direction through use of the 5-1/4 inch arrow decal shown below or comparable screened insignia.



MINNESOTA RULES 2007

Subp. 4. **Reassuring blazer.** Reassuring blazer placed along trail often enough to reassure that the user is on trail.



Subp. 5. **Color of blazers.** The blazers in subparts 2 to 4 are to be orange Scotchlite #3274 or its equivalent.

Subp. 6. **Directional decals.** The following directional decals are to be used:

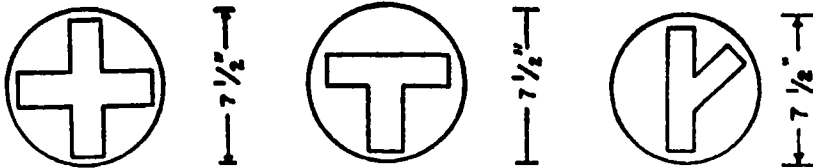
A. Directional decal to be used on the 14 inch by 18-1/4 inch informational blazer.



B. Directional decal to be used on the 9-1/4 inch by 12 inch directional blazer.



Subp. 7. **Intersectional decals.** Intersectional decals to be used on the 14 inch by 18-1/4 inch informational blazer.



Subp. 8. **Intersectional decals.** Decals in subparts 6 and 7 to have background or orange Scotchlite #3274 or equivalent with insignia screened black.

Subp. 9. **Stop sign.** Stop sign to be used along trail prior to road or highway crossing. Placement to be approximately 25 feet from such crossing point. Colors and reflectorization to conform to highway standards.



Subp. 10. **No snowmobiling sign.** No snowmobiling to be used to indicate trails and areas where snowmobile use is prohibited. Background color is to be orange Scotchlite #3274 or equivalent; snowmobile symbol to be 60 percent black, prohibiting slash and letters solid black.



From and after October 1, 1970, no sign intended for any of the purposes indicated in the preceding paragraph shall be erected by the state or its governmental subdivisions unless such sign is substantially in the form, shape, dimensions, and colors shown in the preceding paragraph.

Detailed plans and specifications of such signs will be available upon written request to the commissioner.

Statutory Authority: *MS s 84.86*

History: *17 SR 1279*

6100.5400 SNOWMOBILE ACCIDENT REPORTS.

Subpart 1. **Definitions.** For the purposes of this part, certain terms or words used herein shall be interpreted as follows:

A. "Injury requiring medical attention" means an injury of such a degree that its proper treatment requires consultation with or a visit to a doctor or hospital emergency room.

B. "Involved in an accident" means every snowmobile which either strikes or is struck by another person, snowmobile, motor vehicle, or other animate or inanimate object.

C. "Operator" means every person who operates or is in actual physical control of a snowmobile.

D. "Promptly" means that such written report shall be forwarded as soon as possible after an accident but not more than 48 hours after such accident.

E. "Total damage" means total apparent property damage resulting to each snowmobile and its related equipment or to any other property which is involved in the accident.

Subp. 2. **General requirement.** The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$100 or more, shall promptly forward a written report of the accident on the form prescribed.

Statutory Authority: *MS s 84.86*

History: *L 2003 c 2 art 1 s 45*

6100.5500 SNOWMOBILE EDUCATION AND TRAINING PROGRAMS.

Subpart 1. **Administration.** Snowmobile education and training programs will be administered by the snowmobile safety coordinator, Department of Natural Resources.

Subp. 2. **Purpose.** Training programs will be conducted in each county for the purpose of qualifying persons 12 years of age or older, but less than 18, for a snowmobile safety certificate.

Subp. 3. **Course content.** The course content will include the following: machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile and highway laws and regulations, loading and towing procedures, snowmobile code of ethics, safety hazards of operation, including possible hearing damage, environmental consequences of snowmobile use, and performance and written tests.

Subp. 4. **Fee.** The fee for enrollment in a training program class is \$2, payable in advance. A student who fails to pass may take the class over when available, without additional

fee. Persons age 18 or over, or age 11 may be admitted to a class to the extent facilities permit upon payment of the \$2 fee.

Subp. 5. Safety certificate. Upon successful completion of the training program by a student, the instructor will submit the name, address, and date of birth of the student to the snowmobile safety coordinator who will issue to the student, on behalf of the commissioner, a snowmobile safety certificate. A duplicate certificate will be issued if the original is lost or destroyed, upon application and payment of \$2. No snowmobile safety certificate shall be issued to any person less than 12 years of age except to the parents or guardian of that person, to be held by such parent or guardian until the person's 12th birthday.

Subp. 6. Age limitations. Each snowmobile safety certificate issued shall show on its face the birthdate of the person to whom it was issued. No person less than 14 years of age or any other person 14 years of age but less than 18 years of age who does not possess a snowmobile safety certificate may make a direct crossing of a street or highway at any time.

Statutory Authority: *MS s 84.86*

History: *17 SR 1279*

6100.5600 REVOCATION OF SNOWMOBILE SAFETY CERTIFICATES.

Subpart 1. Form. When the judge of a juvenile court or any of its duly authorized agents shall determine that any person, while less than 18 years of age, has violated the provisions of Minnesota Statutes, sections 84.81 to 84.88 or any other state or local law or ordinance regulating the operation of snowmobiles, the judge or duly authorized agent shall immediately report such a determination to the commissioner on the form prescribed. The judge, or duly authorized agent, may indicate upon the form prescribed a recommendation as to whether or not the person's snowmobile safety certificate should be suspended and the length of such suspension, if any.

Subp. 2. Suspension of certificate; surrender. A person under 18 years of age shall surrender the person's snowmobile safety certificate to the judge, or duly authorized agent, in all cases when such judge, or agent, recommends the suspension of such certificate. The snowmobile safety certificate shall be transmitted to the commissioner in all cases where suspension thereof is recommended and where such recommended period of suspension exceeds 15 days.

Subp. 3. Retention of certificates. The commissioner shall retain possession of suspended snowmobile safety certificates during the period of the suspension, all other certificates shall be returned immediately upon a determination that they will not be suspended.

Statutory Authority: *MS s 84.86*

History: *17 SR 1279; L 2003 c 2 art 1 s 45*

6100.5700 REQUIRED EQUIPMENT.

Subpart 1. Snowmobiles. No snowmobile shall be operated upon public lands, waters, streets, or highways unless it is equipped as follows:

A. At least one head lamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator.

B. At least one red tail lamp, having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness, under normal atmospheric conditions.

C. Reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars. Reflector material shall have at least the minimum intensity values as prescribed in Table II of federal specifications L-S-300A, dated January 1, 1970. Registration numbers, the manufacturer's trade name, or other decorative material, if meeting minimum reflectorization standards, may be included in computing the required 16-square-inch area.

D. Brakes adequate to control the movement of, and to stop and to hold the snowmobile track under normal conditions of operation.

E. "Street or highway" means the entire width between boundary lines or any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

Subp. 2. **Sled, trailer, or device towed by snowmobile.** Any sled, trailer, or other device being towed by a snowmobile during the hours of darkness under normal atmospheric conditions shall be equipped as follows:

A. Unobstructed and visible reflector material shall be mounted on each side and at the rear of the sled, trailer, or vehicle.

B. The reflector material required herein shall have at least the minimum intensity values set forth in subpart 1, item C or it shall be in accordance with Reflex Reflectors, SAE J594E.

Subp. 3. **Maker's permanent identification number.** All snowmobiles made after June 30, 1972, and sold in Minnesota shall bear the maker's permanent identification number so placed and of such size as follows:

A. be stamped into the right outside vertical surface of the track tunnel in an area within 12 inches of the rearmost edge of the track tunnel, or other approved location;

B. have a height of numerals and letters of not less than one-fourth inch;

C. have a depth of embossing of not less than 0.010 inch; and

D. be readable without moving any part of the vehicle.

Each snowmobile so manufactured shall bear an individual number which is not duplicated by that maker at any time within the succeeding ten years.

Subp. 4. **Snowmobile registration number affixation.** All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the snowmobile registration number at the following location and of the following dimensions:

A. A clear area shall be provided on each side of the cowling or pan with the minimum size of 3-1/2 inches vertical by 11 inches horizontal.

B. It shall be a minimum of 12 inches from the ground when the machine is resting on a hard surface.

Subp. 5. **Mufflers.** Mufflers:

A. No person shall operate a snowmobile unless it is equipped with a muffler as required by law and these rules, except that snowmobiles may be operated in organized events as authorized by Minnesota Statutes, section 84.871, without such a muffler.

B. No snowmobile manufactured on or after June 30, 1970, and before February 1, 1972, for sale in Minnesota, except snowmobiles designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 86 decibels on the A scale at 50 feet.

C. No snowmobile manufactured on or after February 1, 1972, for sale in Minnesota, except snowmobiles designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 82 decibels on the A scale at 50 feet.

D. No snowmobile manufactured on or after April 1, 1975, except a snowmobile designed for competition purposes only, shall be sold, offered for sale, or operated in Minnesota unless it is so equipped and has been certified by the manufacturer to conform to a sound level limitation of not more than 78 decibels on the A scale at 50 feet as originally equipped.

E. In certifying that a new snowmobile complies with the noise limitation requirements of this rule, a manufacturer shall make such a certification based on measurements made in accordance with the SAE Recommended Practice J192(a), as set forth in the Report of the Vehicle Sound Level Committee, as approved by the Society of Automotive Engineers September 1970 and revised November 1973.

F. No snowmobile shall be sold or offered for sale in Minnesota unless its maker has previously furnished the commissioner with a certificate of compliance certifying that all snowmobiles made by that maker meet or exceed the applicable noise level restrictions established by these rules. The certification of compliance shall be in the form of a "Snowmo-

bile Safety Certification Committee" label conspicuously attached to the machine showing certification by the Snowmobile Safety and Certification Committee, Inc., or a label showing compliance with Snowmobile Safety Certification Committee standards accompanied by a letter containing test results of an evaluation of noise levels by a competent independent testing laboratory. Snowmobiles intended for competition purposes only shall be exempt from this part provided a separate placard identifying that such snowmobile is not so equipped is conspicuously and permanently affixed thereto.

G. Except for organized events as authorized by Minnesota Statutes, section 84.871, no snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise level above that emitted by the snowmobile as originally equipped, regardless of date of manufacture.

Statutory Authority: *MS s 84.86*

History: *8 SR 1859*

6100.5800 PENALTIES.

Subpart 1. **In general.** Any person who shall violate any of the provisions of these parts shall be guilty of a misdemeanor.

Subp. 2. **Manufacturer's penalty.** A manufacturer who certifies that a new snowmobile can meet the sound level limitations imposed by these parts shall be subject to the penalty provisions of subpart 1 for each machine so certified which does not meet the applicable sound level limitations.

Statutory Authority: *MS s 84.86*

6100.6000 [Repealed, L 2003 c 2 art 1 s 45]

OUTDOOR RECREATIONAL PROJECTS

6100.7000 DEFINITIONS.

Subpart 1. **Allocations.** "Allocations" means the amount of land and water conservation fund moneys assigned annually to the state of Minnesota.

Subp. 2. **Bureau.** "Bureau" means the Bureau of Outdoor Recreation.

Subp. 3. **Fund.** "Fund" means the land and water conservation fund.

Subp. 4. **LAWCON.** "LAWCON" means the land and water conservation fund administered by the Bureau of Outdoor Recreation.

Subp. 5. **Local projects.** "Local projects" means projects sponsored by local governmental units below state level.

Subp. 6. **Metropolitan area.** "Metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.

Subp. 7. **Open space.** "Open space" means the urban acquisition grant program administered by the Department of Housing and Urban Development.

Subp. 8. **Public Law 566.** "Public Law 566" means the small watershed protection and flood control program administered by the Department of Agriculture.

Subp. 9. **Project proposal.** "Project proposal" means a proposal for acquisition of land and/or water or development of facilities contributing to outdoor recreation.

Subp. 10. **State agency.** "State agency" means the Minnesota Department of Natural Resources.

Statutory Authority: *MS s 86.71*

6100.7100 CRITERIA FOR PROPOSED RECREATIONAL PROJECTS.

Subpart 1. **Purpose.** The following criteria will be used in evaluating outdoor recreation project proposals to establish priorities which have otherwise been determined eligible for financial assistance from the land and water conservation fund.

Subp. 2. **Three-step evaluation.** Evaluation of project proposals by the state agency will be made in three steps: classification of the general project, application of state criteria, and assignment of priorities.

Subp. 3. **State criteria.** The following acquisition and development projects shall receive priority over other projects which otherwise possess the same characteristics:

A. projects identified in a county or municipal plan which has been approved by a county or an established regional authority as required by part 6100.7400, subpart 4, items A and B and incorporated in an action program of the county or regional authority which approved the project application;

B. those types of outdoor recreation facilities and functions for which the applying agency is normally responsible to supply; see part 6100.7200;

C. proposed projects which cannot be funded from other grants-in-aid programs (i.e., open space, Public Law 566, etc.);

D. projects having regional or statewide significance when applicants adequately demonstrate their inability to finance the project without federal LAWCON assistance;

E. projects promoting an environment of natural beauty as compared to those having unsightly conditions (environmental intrusions) or reservations in the title which may create such intrusions; and

F. local projects having regional significance, and state projects having statewide significance.

Statutory Authority: *MS s 86.71*

6100.7200 GOVERNMENTAL RESPONSIBILITIES IN OUTDOOR RECREATION.

Subpart 1. **In general.** Although there is not clear-cut separation between the responsibility of the private and public segments, the public endeavor may enter into competition with the private entrepreneur. If any separation in responsibility does exist, it follows that where facilities or services can be supplied by the private entrepreneur for profit, the public will not enter into competition. An example of this may be deluxe type of camping area. On the other hand a primitive type of camping area will remain a public responsibility. To identify responsibility by governmental levels the following are examples of areas and facilities which will ordinarily be considered to be of a public nature for outdoor recreation purposes. This does not include those areas of concern for the cultural or aesthetic amenities such as roadside beautification, air and water quality, preservation of historic sites, etc.

Subp. 2. **Type of areas and facilities in public responsibility.** Pursuant to Laws of Minnesota 1965, chapter 810, section 21 (codified as Minnesota Statutes, section 86.71), the governor, or such state agency or agencies as the governor may designate, is designated as the state agency to apply for, accept, receive, and disburse federal funds and private funds which are granted to the state of Minnesota from the Federal Land and Water Fund Act. The governor on June 24, 1965, designated the Department of Conservation as the state agency to act for the governor in applying for, receiving, accepting, and disbursing such funds.

A. Municipal area of responsibility.

(1) Occupancy use sites and facilities:

- (a) picnicking, urban;
- (b) playgrounds;
- (c) playfields, excluding semipro and professional;
- (d) golf links, without membership;
- (e) swimming, natural beaches;
- (f) swimming pools;
- (g) ski areas, amateur;
- (h) boat and canoe access;
- (i) skating rinks, amateur;
- (j) hockey rinks, amateur; and
- (k) archery ranges.

- (2) Dispersed use sites and facilities:
 - (a) natural areas;
 - (b) arboretums;
 - (c) scenic areas;
 - (d) parkways;
 - (e) hiking trails;
 - (f) horse trails; and
 - (g) bicycle trails.
- B. County area of responsibility.
 - (1) Picnicking, rural:
 - (a) picnicking, wayside;
 - (b) playing fields, rural excluding semipro and professional;
 - (c) playgrounds, rural;
 - (d) golf links without membership;
 - (e) swimming, natural;
 - (f) ski areas, amateur;
 - (g) boat and canoe landing;
 - (h) camping, group tent;
 - (i) camping, wayside;
 - (j) camping, primitive;
 - (k) trap shooting; and
 - (l) rifle ranges.
 - (2) Dispersed use sites and facilities:
 - (a) natural areas;
 - (b) park areas;
 - (c) scenic areas;
 - (d) parkways;
 - (e) waterfront zones;
 - (f) roadside zones;
 - (g) hiking trails;
 - (h) horse trails;
 - (i) snowmobile trails;
 - (j) historic sites, multiuse; and
 - (k) hunting and fishing areas.
- C. State area of responsibility.
 - (1) Occupancy sites and facilities:
 - (a) picnicking, rural;
 - (b) picnicking, wayside;
 - (c) boat and canoe landing, state owned land only;
 - (d) camping primitive, without road access;
 - (e) camping primitive, with road access;
 - (f) camping, group tent; and
 - (g) camping, wayside.
 - (2) Dispersed use site and facilities:
 - (a) natural history areas;
 - (b) geological history areas;
 - (c) human history areas;
 - (d) parks, multiuse;
 - (e) forests, multiuse;

- (f) water areas;
- (g) scenic areas;
- (h) parkways and scenic waysides;
- (i) waterfront zones;
- (j) roadside zones;
- (k) wilderness trails; and
- (l) wildlife areas.

Statutory Authority: *MS s 86.71*

History: *17 SR 1279*

6100.7300 APPLICATION OF STATE CRITERIA TO PROJECTS OF THE SAME CLASSIFICATION; PRIORITIES.

Subpart 1. **Acquisition projects classification.** Acquisition projects will be classified as follows:

A. areas which will provide multipurpose sites for needed mass use type of recreational activity to meet the needs of urban and local populations;

B. areas having a combination of significantly outstanding natural, scientific, cultural, historic, educational, and recreational values, particularly those providing habitat for rare and endangered species of plants and animals, and those preserving scarce ecological associations, historic and cultural features, or unique geologic formations, which will, when acquired and developed, be open to public recreation use;

C. areas which will provide sites for only a single purpose or tenancy type of recreational use;

D. areas which will provide for dispersed recreation uses, including but not limited to: public access, scenic areas, fish and wildlife habitat areas, and roadside, trail side, and waterfront zones.

Subp. 2. **General acquisition project priorities.** The priority of specific acquisition projects within any one classification will be determined by the state criteria in part 6100.7100, subpart 3 provided each project complies with Minnesota Statutes 1967, section 86.71, subdivision 4. "Compatibility" as used therein shall mean in agreement with the currently accepted state outdoor recreation plan promulgated in accordance with Minnesota Statutes 1967, section 86.71, subdivision 3.

Projects having the highest priority will be programmed as defined in part 6100.7400, within the limits of allocations available to the state and in conformity with the distribution of the funds provided in Minnesota Statutes.

Projects having a low priority will not be programmed for funding when funds are limited.

Subp. 3. **Development projects classification.** For purposes of priority evaluation, outdoor recreation development projects will be classified as follows:

A. Projects which are essential to the protection and perpetuation of the site and its environment providing the site is of unique character and of public interest.

B. Projects which are essential for protecting the health and safety of the user.

C. Projects essential to provide access to dispersed use areas including, but not limited to: water access sites, hiking, horseback, snowmobile, and other trails.

D. Projects which are essential to meet the need for facilities within an area to provide multipurpose recreational opportunities to the general public, rather than a segment of the public, and which provide for mass use needs and have combinations of facilities including, but not limited to: picnic grounds, playgrounds, launching ramps, swimming beaches, ski areas, playing fields. Consideration should be given to the needs of persons with disabilities, the aged, and underprivileged groups.

E. Projects which are essential in providing tenancy for outdoor recreation users such as campgrounds, where such facilities are not of sufficient capacity to meet the present needs.

F. Single-purpose projects which are essential in providing for mass use including, but not limited to: picnic areas, playgrounds, playing fields, swimming pools and beaches, ski areas, or ball fields.

Subp. 4. **General development project priorities.** The priority of specific development projects within any one classification will first be judged for the quality of the site itself and its suitability for the planned purposes as defined in the acquisition development priority schedule of the currently approved state outdoor recreation plan.

Secondly, the priority of said projects will be determined in accordance with the state criteria in part 6100.7100, subpart 3 provided each project complies with Minnesota Statutes 1967, section 86.71, subdivision 4. "Compatibility" as used therein shall mean in agreement with the currently accepted state outdoor recreation plan promulgated in accordance with Minnesota Statutes 1967, section 86.71, subdivision 3.

Projects having sufficient priority will be programmed as defined in part 6100.7400 within the limits of the allocation available to the state and in conformity with the distribution of the fund as provided in Minnesota Statutes 1967, section 86.71, or any amendment or superseding statute thereto.

Projects having a low priority rating will not be programmed for funding when funds are limited.

Statutory Authority: *MS s 86.71*

History: *L 2005 c 56 s 2*

6100.7400 PROJECT PROGRAMMING OR SCHEDULING PROCEDURE.

Subpart 1. **State allocation.** Preliminary allocations to the states are usually released approximately 30 days following the beginning of a fiscal year. The final amount available for state use is amended in the last quarter of the fiscal year. However, later adjustments in the state allocation may subsequently be made by the bureau to reflect the actual receipts in the fund.

Subp. 2. **Distribution of state allocation.** Minnesota Statutes 1967, section 86.71, subdivision 4, provides that 50 percent of the state allocation be distributed for projects to be acquired, developed, and maintained by local units of government. The remaining 50 percent will be made available to state agencies. This law further provides that "any guidelines established by the state for distribution of moneys made available to the state under subdivision 1 shall, after July 1, 1967, be distributed on a statewide and regional priorities basis other than a formula based on population and land areas."

Subp. 3. **Submission of project proposals.** Submission of project proposals:

A. The programming or scheduling of projects for funding from the local government share of the state allocation for each fiscal year following July 1, 1967, will be accomplished by the review and evaluation of all project proposals in the hands of the state agency on or before November 15 and May 15, or the nearest workday should these dates fall on Saturday or Sunday. Project proposals from state agencies will likewise be reviewed and evaluated if in hand on or before September 15 and March 15 or on the nearest workday.

B. Each applying agency will certify by accompanying letter or statement that they have the financial authority and capability to support 100 percent of an acquisition or 75 percent of a development project until reimbursement is received.

C. Projects programmed by the state agency and recommended to the bureau normally require about four months after date submitted for bureau action.

D. Any state agency, county, municipality, or other local public entity in Minnesota may submit project proposals to acquire land for outdoor recreational purposes, or for the development of such acquired area, or on areas now held under an acceptable title in fee or an acceptable leasehold.

Local units of government will submit the project proposals, on forms as prescribed by the state agency for acquisition projects or for development projects, with the required attachments.

State agencies will submit their project proposals using forms as presented by the federal Bureau of Outdoor Recreation for acquisition projects and for development projects, along with the required attachments.

The required attachments for all project proposals shall consist of the following: a preliminary site plan, drawn to scale and showing the area boundary, and any development, both existing or planned by appropriate symbol, must accompany a proposal. Acquisition proposals will list each individual ownership as a parcel. These parcels should be indicated on the site map. The size of the map should not be larger than necessary to show the required detail. Proposals covering programmed projects will be prepared and submitted to the bureau by the state agency.

Subp. 4. Local plan. Local plan:

A. Projects proposed by local units of government or state agencies are subject to review and coordination by the state agency (Minnesota Statutes 1967, section 86.71, subdivision 3.) Local projects must be a part of a comprehensive outdoor recreation plan (preferably part of a coordinated land use plan) for the county or an established regional authority, and must be a part of the five-year action program of such a plan after January 1, 1969. (Minnesota Statutes 1967, section 86.71, subdivision 4.) Counties or an established regional authority not having a comprehensive plan in which outdoor recreation is a planning element, may prepare an interim outdoor recreation plan for the review by the State Planning Agency and the state agency. Such a plan must contain a five-year action program for acquisition and development which covers the entire county area and all jurisdictions therein, and which is approved by the county board.

B. Projects will be rated by the county or regional authority as to priority in the county or regional action program. Only local projects having top priority will be considered by the state agency for funding.

C. On a statewide or regional basis, the state agency will program for funding those projects included in the highest priority groups of the state plan first.

Subp. 5. Local review of project proposals. Local review:

A. Any project proposal to be submitted to the Legislative Advisory Committee for state natural resource assistance subsequent to bureau approval must be reviewed by the county board and the county planning committee of the regional planning committee if such a committee has been established. (Minnesota Statutes 1967, section 86.75.) Local review of all project proposals, and not just those enumerated, is desirable and in the best interest of good planning and programming. Such local review will provide adequate intracounty coordination, and where regional planning authority exists, adequate intercounty coordination. The review comments may be presented to the state agency by letter or copy of a resolution signed by the board or committee chair.

B. Laws of Minnesota 1967, chapter 896, provides for a review of land and water conservation fund applications by the Metropolitan Council, when such a review is required by federal law or by the federal agency. Pursuant to President's Executive Order 11237 and Public Law 89.754 (80 Statutes at Large 1263) the federal government requires such a review when the application concerns acquisition of land in metropolitan areas such as the seven county metropolitan area. The council's review will be such as is required by law with respect to planning and programming. The council's recommendations will accompany the preliminary proposal when filed with the state agency for program review.

Subp. 6. State agency evaluation. All of the preliminary proposals received 30 days prior to a semiannual programming date will be evaluated by that date. Applications will either be submitted to the bureau for approval, held for future action, or disqualified if the project does not meet the standards herein established. The applicant will be duly notified by letter of the state agency's action. The standards against which a proposed project will be weighed are as follows:

A. The project must meet the qualifications for an outdoor recreation project established by the Land and Water Conservation Fund Act and the regulations of the Bureau of Outdoor Recreation.

B. The project must be consistent with the currently accepted state comprehensive outdoor recreation plan.

C. Total cost for each proposed project will be in excess of \$5,000. Administration cost at a local, state, and federal level for a smaller project would be excessive.

D. The project proposal must receive a high priority as judged using state criteria in parts 6100.7000 to 6100.7300.

E. All applicants will certify that if the grant is approved they will have the capability of financing 100 percent of an acquisition project and at least 75 percent of a development project until reimbursement from the fund is received. Applicants will also certify as to their financial and organizational ability to maintain and administer the project if a grant were provided.

Statutory Authority: *MS s 86.71*

History: *17 SR 1279*