

CHAPTER 6136
DEPARTMENT OF NATURAL RESOURCES
NATURAL PRESERVATION

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SCIENTIFIC AND NATURAL AREAS

6136.0100 PURPOSES.

The legislature has provided for creation and establishment of scientific and natural areas for the purpose of preserving, protecting, and managing lands or waters possessing inherent natural values, including soils, waters, or sediments, sites of scientific value, habitats of rare or endangered species of plants and animals, places of historic or prehistoric interest and scenic beauty, and areas uniquely suitable for teaching natural history and conservation.

The purpose of parts 6136.0100 to 6136.0600 is to provide for the use and protection of scientific and natural areas for educational and research purposes in such manner and by such means as will leave them conserved for future generations.

Statutory Authority: *MS s 84.03*

NOTE: This part was originally numbered 6135.4500. It was renumbered editorially.

6136.0200 POLICY.

The following rules notwithstanding, the commissioner of natural resources, the commissioner's agents and employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers may take such steps as may be necessary to enforce these rules and to establish, maintain, manage, and operate scientific and natural areas. The following rules notwithstanding, the commissioner of natural resources also may suspend any one or more of such rules by written permit to a specific applicant or applicants for scientific or educational purposes.

Statutory Authority: *MS s 84.03*

History: *17 SR 1279*

NOTE: This part was originally numbered 6135.4600. It was renumbered editorially.

6136.0300 DEFINITIONS.

Subpart 1. Scope. For the purposes of these parts, unless a different meaning is manifest from the context, the terms defined in this section have the following meanings.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Department of Natural Resources.

Subp. 3. Controlled substance. "Controlled substance" means a drug, substance, or immediate precursor found in schedules I through V of Minnesota Statutes, section 152.02.

Subp. 4. Intoxicating liquor. "Intoxicating liquor", for the purposes of these parts, 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. 5. Marijuana. "Marijuana" means the substance marijuana as it is defined in Minnesota Statutes, section 152.01.

Subp. 6. Motor vehicle. "Motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not be limited to, automobiles, trucks, dunebuggies, minibikes, motorcycles, trail bikes, all terrain vehicles (ATV'S), and snowmobiles.

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

Subp. 8. **Scientific and natural area.** "Scientific and natural area" means any area so designated by the commissioner of natural resources under the authority of Minnesota Statutes, section 84.033.

Subp. 9. **Watercraft.** "Watercraft" means any contrivance used or designed for navigation or travel on or under water, except a seaplane.

Subp. 10. **Wildlife.** "Wildlife" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Statutory Authority: *MS s 84.03*

History: *L 1985 c 305 art 3 s 1*

NOTE: This part was originally numbered 6135.4700. It was renumbered editorially.

6136.0400 USE OF SCIENTIFIC AND NATURAL AREAS.

Subpart 1. **Open to the public.** Each scientific and natural area is open to the public under such restrictions or limitations as the commissioner may impose for the area for the purpose of protecting and preserving the area. These restrictions or limitations may include but are not limited to the following: restrictions on travel within an area, restrictions on hours of visitation, and limitations on numbers of persons within the area at any given time, through issuance of permits or other methods determined necessary by the commissioner. The commissioner may provide exceptions to the general rules in a specific scientific and natural area as may be necessary to the following: establishment, maintenance, management, or operation of the area; or authorize activities which are not inconsistent with the purpose for which an area is established. The commissioner shall impose such restrictions, limitations, or exceptions by commissioner's order, filed with the secretary of state and posted in conspicuous places at the scientific and natural area.

Subp. 2. **Environmental protection.** It is unlawful for any person to destroy, injure, damage, molest, or remove any natural resources within scientific and natural areas, including but not limited to, trees, vegetation, ruins, relics, birds, fish, animals, other wildlife, or geological formations.

It is unlawful for any person, excepting state agents acting in their official capacity, to destroy, damage, deface, or remove any public property or private property belonging to another, including but not limited to, signs and research, testing, or monitoring equipment, within scientific and natural areas.

Statutory Authority: *MS s 84.03*

NOTE: This part was originally numbered 6135.4800. It was renumbered editorially.

6136.0500 RESTRICTED USES AND ACTS.

Subpart 1. **Camping and picnicking.** Camping and picnicking are not permitted in scientific and natural areas.

Subp. 2. **Fires and refuse.** Fires are not permitted in scientific and natural areas. It is unlawful for any person to burn or otherwise dispose of garbage, refuse, sewage, or trash of any kinds, within a scientific and natural area except in designated receptacles or facilities.

Subp. 3. **Boating, fishing, and other water uses.** It is unlawful to operate or use any watercraft within any scientific and natural area. It is unlawful for any person to fish or swim in any waters within any scientific and natural area.

Subp. 4. **Motor vehicle operation.** It is unlawful to operate any motor vehicle within any scientific and natural area.

Subp. 5. **Aircraft.** It is unlawful for any person to land any aircraft on lands or waters or fly over at disturbing levels within the boundaries of any scientific and natural area.

Subp. 6. **Pets and horses.** It is unlawful to bring or allow horses or other pet animals into any scientific and natural area.

Subp. 7. **Personal behavior.** It is unlawful for any person to engage in any violent, immoral, abusive, loud, obscene, or other conduct creating or tending to create a breach of the peace or to disturb the educational or research values and resources of scientific and natural area lands and waters.

Subp. 8. **Intoxicating liquors.** It is unlawful for any person to consume intoxicating liquors within a scientific and natural area. It is unlawful for any person under the influence of intoxicating liquors to be within a scientific and natural area.

Subp. 9. **Drugs.** It is unlawful for any person to use, be in possession of, or be under the influence of marijuana or any controlled substance within a scientific and natural area, unless such use, possession, or influence is pursuant to and in compliance with a prescription from a licensed physician.

Subp. 10. **Hunting, firearms, and public safety.** It is unlawful for any person to display or have in possession within a scientific and natural area, a firearm or air gun unless unloaded in both barrels and magazine and cased. It is unlawful for any person to have in possession within a scientific and natural area explosives of any kind. It is unlawful for any person to use or display within a scientific and natural area any other type of weapon, including but not limited to, slingshots, switchblade knives, bow and arrows, and traps.

Subp. 11. **Protection from peddling and soliciting.** It is unlawful for any person to engage in or solicit business of any nature whatsoever from persons in a scientific and natural area. It is unlawful for any person to advertise in any manner within a scientific and natural area any private activity or function.

Statutory Authority: *MS s 84.03*

History: *17 SR 1279*

NOTE: This part was originally numbered 6135.4900. It was renumbered editorially.

6136.0600 PENALTIES.

Any person who shall violate any of the provisions of these parts shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

Statutory Authority: *MS s 84.03*

NOTE: This part was originally numbered 6135.5000. It was renumbered editorially.

CRITICAL NATURAL HABITAT

6136.0700 PRIORITIES FOR ACQUISITION AND IMPROVEMENT OF CRITICAL NATURAL HABITAT.

Subpart 1. **Specific criteria for selecting critical natural habitat.** As provided by Minnesota Statutes, section 84.944, the commissioner must consider the following specific criteria in assessing the value of a proposed critical natural habitat project:

A. the occurrence of one or more of the state's various rare natural resources including plants, animals, and undisturbed natural ecological communities as identified by the department's Natural Heritage Program;

B. the existing and potential value of the project to provide vital habitat for fish and wildlife, especially for species identified for special management consideration;

C. the threat of habitat destruction if the project is not carried out;

D. the surrounding land uses in terms of the amount and type of similar habitat and the projected loss of habitat in the area;

E. the location of the project within or adjacent to an existing management unit, including accessibility and relationship to other existing state lands or waters;

F. the integrity of the land or water parcel and the long-term viability of the project;

G. the recreational potential of the parcel including present and future demand and the opportunities to meet this demand in the surrounding area; and

H. the projected acquisition or management costs and potential future management problems.

Subp. 2. **Prioritization of proposed projects.** Proposed projects that meet one or more of the specific criteria in this part will be ranked by the commissioner in accordance with the following priorities, listed in order of decreasing importance:

A. the potential contribution to the maintenance or enhancement of populations of native plant, fish, and wildlife species listed as endangered or threatened in chapter 6134;

B. the potential contribution to the protection or enhancement of native ecological communities that are now uncommon or diminishing;

C. the benefits provided to existing or potential habitat for fish and wildlife populations; or

D. the enhancement of fish and wildlife oriented recreation.

Statutory Authority: *MS s 84.944*

History: *18 SR 83*

NOTE: This part was originally numbered 6210.0400. It was renumbered editorially.

STROMATOLITES

6136.0800 POSSESSION, MOVING, OR DISTURBING STROMATOLITES.

Permits for the possession, moving, or disturbing of stromatolites on the bed of or in any of the waters of the state may be issued by the commissioner for bona fide scientific, research, or educational purposes upon written application by qualified persons, as determined by the commissioner, or institutions. These permits shall contain conditions limiting the number of stromatolites which may be possessed, and are subject to cancellation at any time upon written notice provided to the permittee.

Statutory Authority: *MS s 84.1525*

History: *18 SR 83*

NOTE: This part was originally numbered 6210.0500. It was renumbered editorially.