

Working on Public Lands Conservation Partners Legacy Grant Program

Working on DNR Lands

DNR lands and waters are governed by numerous statutes, rules, policies, and other guidelines. A summary of these are listed below. This list may not be comprehensive; for that reason it is important that you **contact the DNR land manager responsible for the tract of land you are interested in working on as soon as possible**. Grantees must follow all applicable laws, rules, and regulations.

The Grantee may, by letter, assign these duties and associated funds back to DNR to cover costs incurred by DNR for performing this work on DNR lands, with DNR consent.

DNR Operational Orders and Other Guidelines

DNR uses Operational Orders to define policies and procedures regarding work on DNR lands. Operational Orders apply to all DNR resource management activities by employees and non-DNR individuals or organizations on DNR-administered lands and public waters; and activities DNR regulates, permits, or funds (grants). The following Operational Orders are linked to the Conservation Partners Legacy Grant webpage at <http://www.dnr.state.mn.us/grants/habitat/lessard-sams.html>. Other guidelines that must be followed when working on DNR-administered land are also described below.

Prescribed Burning

Burning on DNR land requires a high level of training, experience, and insurance. Please contact the CPL Grants Program Staff before applying for a grant involving this type of work. The DNR's Operational Order 47 - Prescribed Burning and additional information is available on the DNR's Prescribed Burn Home Page, <http://www.dnr.state.mn.us/rxfire/index.html>. The guidelines discussed apply anyone doing prescribed burns on DNR lands, including grantees and any subcontractors. All personnel must meet the required training, experience, and physical fitness standards necessary for the complexity of the burn as outlined in the op order. Proof that these standards have been met will be required before burns can be conducted.

Pesticide Use

Resource management commonly requires the management of pests which can adversely affect, retard the development of, preclude the use of, or destroy these resources. Applications of pest control in resource management include methods such as using biological controls, burning and mowing to prevent seed production, managing competitive species, and pesticide use. Pest control practices on DNR administered lands and in public waters will employ integrated pest management techniques.

Operational Order 59 – Pesticides and Pest Control, and the appropriate DNR Division's Guidelines must be followed, and can be found on the CPL Grant webpage. This Operational Order includes policy and procedures for pest control, pesticide procurement, handling, storage, use, disposal and record keeping.

Banned Pesticides

DNR (and some counties and private landowners) has been awarded the Forest Stewardship Council and Sustainable Forestry Initiative certification. In order to maintain this certification, the DNR, and its cooperators and contractors, cannot use certain pesticides on the certified state forests and WMAs it manages; *all other pesticides can be used*. This includes all but the Prairie Parklands Province of the state. More information on Forest Certification and the list of banned pesticides is available at <http://www.dnr.state.mn.us/forestry/certification/index.html>

Invasive Species

Because invasive species have the potential to adversely affect natural resources, it is the DNR's policy to limit the introduction of invasive species onto DNR managed lands and waters, limit their rate of geographical spread, and reduce their impact on high value resources. Operational Order 113 - Invasive Species - must be followed, as well as guidelines for the appropriate Division. These can be found on the CPL Grant webpage. This is a requirement of all DNR funding.

Forest Certification Guidelines

DNR (and some counties and private landowners) has been awarded the Forest Stewardship Council and Sustainable Forestry Initiative certification. Certification increases the social, economic, and environmental value and marketability of the state's forest resources. Certified lands include the DNR's state forests and wildlife management areas. A map of certified forests can be found here:

http://www.dnr.state.mn.us/forestry/certification/certifiedforest_map.html

The development of comprehensive forest management guidelines is a core mandate of the [Sustainable Forest Resources Act](#) (MN Statutes 89A). The guidelines are intended to reduce the potential for negative environmental impacts resulting from forest harvesting and other forest-management activities on all forest lands in the State. These guidelines or best management practices (BMPs) must be followed when working on certified forest lands.

Woody Biomass

BMPs for sustainably managing woody biomass have also been developed. The guidelines are available here: http://www.frc.state.mn.us/documents/council/site-level/MFRC_FMG&Biomass_2007-12-17.pdf Contact the DNR land manager for more information.

Use of Genetically Modified Organisms (GMOs) on WMAs

GMOs cannot be used on portions of WMAs not covered by an agricultural lease or cooperative farming agreement. GMO trees (seeds and seedlings) are restricted on all certified state lands.

Working on Non-DNR Lands, Public Lands

Public lands and waters are governed by numerous statutes, rules, policies, and other guidelines. A summary of these are listed below. This list may not be comprehensive; for that reason it is important that you **contact the public land manager responsible for the tract of land you are interested in working on as soon as possible**.

Grantees must follow all applicable laws, rules, and regulations.

These requirements also apply to DNR Lands. These duties and associated grant funds for work on state lands may be assigned back to DNR by letter, with DNR consent.

Natural Heritage Review

Natural Heritage Review is required of all CPL projects. *This review should be done during the initial meeting with the public land manager.* Completing the review will help projects conform to the MN Statewide Conservation and Preservation Plan, will protect federally or state listed threatened or endangered species, and prevent the destruction or adverse modification of critical habitats of these species.

In addition, all federal lands, and other lands that have received federal funds, must comply with the Federal Endangered Species Act. Nearly all Wildlife Management Areas and many other DNR and public lands have or currently receive federal funds.

In addition, [MS 84.0895](#) provides that work on public lands or waters must not jeopardize the continued existence of any federally or state listed threatened or endangered species or result in the destruction or adverse modification of critical habitats of these species.

To protect these species, and remain in compliance with federal and state law, all projects will undergo Natural Heritage Review. Special attention will be given to projects that propose to alter existing habitat either temporarily or permanently. This includes: prescribed burning, grassland conversion, woody cover plantings, wetland/impoundment construction, timber harvest, pesticide spraying, grassland mowing, new road/trail construction, new bridge construction etc.

The Division of Ecological Resources Natural Heritage Program maintains the Natural Heritage Information System (NHIS), a collection of databases that provides information on Minnesota's rare plants and animals, native plant communities, and other rare features. The NHIS is continually updated as new information becomes available. Many DNR and other public land managers can access this database to do the review. The [NHIS](#) website has more information.

A Natural Heritage Review must be completed by trained personnel that have access to the DNR's NHIS database. If the local land manager or easement holder does not have this access, that person must complete their review of your project and submit the Application Review and Approval Form to CPL Grant staff no more than 3 days from the date of your meeting and no later than 3 weeks before the grant application deadline. CPL Grant staff will complete the Natural Heritage review and provide you feedback for

your project should there be any features found within one mile of your project. This feedback must be included in your final application.

Water-related permits

Projects that impact Minnesota's water resources are regulated by a variety of state, local, and federal agencies. In many cases, a permit is required from one or more agencies before proceeding with the project.

Information on these permits can be found on the Division of [Waters](#) webpage. Costs can be estimated. See [USACE](#) webpage for permit requirements.

Local Government Approvals

Projects that add or alter flow into or through a legal public ditch system will require written approval from the ditch authority before they can proceed. Local Watershed Districts may also have project requirements that need to be met.

Requirements will vary by LGU, [BWSR](#)'s Statewide Directory will help you determine whom to contact for county ditch authorities by contacting your County Soil and Water Conservation District or Watershed District.

Construction Stormwater Permitting Program

The Minnesota Pollution Control Agency (PCA) administers the [Stormwater](#) Program, which is required under several federal and state statutes and rules. See MPCA's Construction Stormwater permit program website if your project will disturb more than one acre of land.

MN Wetland Conservation Act

The Wetland Conservation Act ([WCA](#)) was passed by the MN Legislature to achieve:

- A. No net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;
- B. Increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;
- C. Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and
- D. Replace wetland values where avoidance of activity is not feasible and prudent.

Projects proposing to impact a wetland must first, attempt to avoid the impact; second, attempt to minimize the impact; and finally, replace any impacted area with another wetland of at least equal function and value. Oversight for WCA is provided by the Board of Water and Soil Resources ([BWSR](#)), but direct contact for WCA permits is made through Local Government Units.

Local Government Units have the authority to charge fees for the processing of WCA permit applications if they choose to. Please refer to BWSR's LGU directory to find your WCA contact and any and all applicable fees and necessary permits.

Invasive Species

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Historic Property Review

If an appreciable amount of ground is going to be disturbed, and when archaeological or historic sites are known or predicted to exist on public lands or waters, services of a professional archaeologist must be used to preserve these sites ([MS 138.4](#)). Contact the public land manager for assistance.

Review the Minnesota Historical Society's website on SHPO Review and Compliance. Any SHPO review must be requested by the public land manager. Please contact the land manager to expedite the request as there is a 30-day review period from the day the request is received.