



# *Department of Natural Resources Fact Sheet*



## **2012 POLICY FACT SHEET Omnibus Policy/Technical Bill**

### **It is needed because**

The Department of Natural Resources' (DNR) omnibus policy and technical bill contains a number of important provisions that will enable the department to more effectively and efficiently manage the state's natural resources.

### **Major program elements**

#### **Article 1 – Natural Resource Policy**

**Sec. 1. Prepay authority.** Amends the prepayment provision to provide state agencies the authority to make short-term advance payments for land acquisitions associated with executed grants.

**Sec. 2. Report repeal, Forests for the Future Revolving Account.** Removes the annual reporting requirement related to forest land purchases supported by, and sales providing revenue into, this revolving account. These annual reports are duplicative to updated fund statements provided as part of the February and November forecasts.

**Sec. 3. Apprentice rider validation.** Provides for individuals possessing an apprentice riding validation to ride in a DNR-sponsored event involving snowmobiles, all-terrain vehicles (ATVs), or off-highway motorcycles without possessing a valid safety certificate twice in a lifetime. This provision allows the public to participate in a motorized recreation mentor program similar in nature to other recreation mentor programs.

**Sec. 4. Snowmobile and ATV technical changes.** Provides for a minor technical change to M.S. 84.91, subd. 1, which prohibits the operator of a snowmobile or ATV convicted of violating M.S. 169A.20 while operating a snowmobile or ATV or refuses to submit to testing, from operating any snowmobile or ATV for one year.

**Sec. 5. VHS protections.** This section provides an exemption from requirements to drain portable bait containers when ice fishing except on waters designated with infestations of viral hemorrhagic septicemia (VHS). This section also establishes a minimum 21 day waiting period between moving a boat lift, dock, swim raft or associated equipment from one water body to another water body.

**Sec. 6. Aquatic invasive species (AIS) protections, inspection of watercraft and water-related equipment.** This section allows the commissioner to delegate authority to require mandatory inspections to tribal and local governments that assume all legal, financial, and administrative responsibilities for inspection programs on public waters within their jurisdiction. Conservation officers and licensed peace officers may order water-related equipment to be removed from a water body if necessary to implement aquatic invasive species control measures. The commissioner may establish inspection stations and require mandatory inspections before placing water-related equipment into a water body. The commissioner may also authorize tribal and local governments to operate mandatory inspection stations. Criteria for mandatory inspection requirements are provided to address safety, consistency, and public access issues.

**Sec. 7. AIS civil penalties.** This provision doubles most penalty amounts and includes a higher penalty for those persons who continue to violate the invasive species laws. The provision also clarifies a civil penalty option for failing to leave drain plugs or similar devices removed or opened while transporting water related equipment.

**Sec. 8. Grant-in-aid trail authority.** Allows local governments to designate a grant-in-aid for

motorized and non-motorized uses on at the same time. This provision enables for combined use where it is warranted and safety can be maintained.

**Sec. 9. Misdemeanor to petty misdemeanor clarification of penalties.** Amends M.S. 85.20, subd. 1, which provides that any person within a state park, state monument, state recreation area, state wayside, state trail, or state forest that willfully causes destruction of resources within the unit or violates or fails to comply with rules adopted according to M.S. 86A.06 is guilty of a petty misdemeanor rather than a misdemeanor unless a penalty is otherwise imposed by statute.

**Sec. 10. Valid horse pass in possession.** Amends M.S. 85.46, subd. 1, providing that a person in violation of this provision is guilty of a petty misdemeanor.

**Secs. 11-12. AIS Prevention Certification Program.** Sec. 11 establishes a certification program that requires a person trailering watercraft or water-related equipment to complete training and testing related to preventing the spread of aquatic invasive species. An AIS trailer decal shall be issued to a person that satisfactorily completes the required training. Sec. 12 requires that a person may not transport watercraft or water-related equipment with a trailer unless the person has an AIS trailer decal.

**Sec. 13. Motorboat technical changes.** Provides for a minor technical change to M.S. 86B.331, subd. 1, which prohibits the operator of a motorboat convicted of violating M.S. 169A.20, from operating any motorboat for 90 days between May 1 and October 31. If the person operating the motorboat refuses to submit to testing, the person shall be prohibited from operating any motorboat for a period of one year.

**Sec. 14. Game and fish technical changes.** Provides for a minor technical change to M.S. 97A.421, which provides that a person who fails to appear in court or comply with orders of the court for a violation of game and fish laws or has been convicted of violating a provision of game and fish laws and refused or failed to comply with that sentence, shall have the

game and fish license and permit privileges suspended.

**Sec. 15. Bait prohibition clarifications.** This change allows the possession and use of bait taken from waters infested with VHS if the bait has been processed to inactivate VHS using procedures prescribed by rules adopted by the commissioner.

**Sec. 16. Report repeal, land records management.** Removes the requirement that DNR report on the outcomes of the land records management support. This system has been implemented, and the 2011 report should be considered the final report.

**Sec. 17. ENTF appropriation clarification.** Amends M.L. 2010, Ch. 362, Sec. 2, subd. 7 by clarifying that the project is utilizing the woody byproduct of restoration efforts, clarifying the fund distribution process, aligning the appropriation language with the approved work program and allowing the DNR to reinvest revenues collected from the sale of woody biomass material into the project.

**Sec. 18. Report repeal, Division of Enforcement.** Amends M.L. 2011, First Special Session, Ch. 2, Art. 1, Sec. 4, subd. 7 by removing the requirement that DNR report to the legislature regarding grants from the ATV account to assist in safety and environmental education and monitoring trails on public lands. This provision maintains the annual reporting requirement for grant recipients to DNR.

**Sec. 19. Clarification of hunting and fishing season use for La Salle Lake State Recreation Area.** Amends M.L. 2011, First Special Session, Ch. 6, Art. 3, Sec. 8, subd. 3 by clarifying that hunting, fishing, and trapping of protected species are allowable activities during designated seasons at La Salle Lake State Recreation Area.

**Sec. 20. Report and program repeal, miscellaneous.**

- M.S. 84.96 Natural Resource Asset Preservation and Replacement and M.S. 86A.12 Natural Resources Capital Improvement Program: DNR proposes to combine these two reports into one report to be submitted during even-numbered years.

- M.S. 89.06 Nursery and Tree Improvement Plan: This requirement provides that by February 1, 1983, DNR submit a plan to the legislature on the costs and benefits of making the nursery and tree improvement program self-supporting. The report was submitted as required.
- M.S. 90.042 Timber Harvest Plan: DNR is required to submit an annual report, providing a complete description of the public involvement process for timber harvest plans to the legislature. This proposal would eliminate the written reporting requirement, more effectively and efficiently supporting the intent of the requirement through website-based reporting. Timber harvest plans and other public notices and public involvement opportunities are now posted and updated on the DNR's website, providing greater public access to these resources. People can submit their review comments on any of these items electronically or in writing within a timeframe specified in the posting announcement.
- M.S. 97A.4742 Lifetime Fish and Wildlife Trust Fund Report: This report requirement is duplicative to existing reporting to the Game and Fish Fund Budget Oversight Committee and updated fund statements provided as part of the February and November forecasts.
- M.S. 103G.705 Stream Protection and Improvement Loan Program: This provision allows for a stream protection and improvement loan program, which provides loans to local governments for up to 90 percent of the total local cost of a project to protect or improve a stream. Funding is no longer available for this program, making this provision obsolete.

## **Article 2 – Lands Policy**

The bill also authorizes the conveyance of road easements to private parties across school trust land. Currently, easements across school trust lands that, in effect, benefit only private parties, must be issued to local units of government. The bill will increase efficiency by eliminating this requirement. This bill addresses changes in the boundaries of state parks, state recreation areas, and state forests. The bill also addresses the sale of DNR-administered lands that possess characteristics that statutorily restrict their sale and includes a sale of county-administered tax forfeited land. These land transactions must first be

reviewed and approved by the legislature. The bill amends M.S. 92.45 to remove the restriction on the sale of state-owned riparian lands to enable the state to better fulfill its fiduciary responsibilities as to school and university trust lands. The bill amends M.S. 92.50 to extend the term limit of DNR real estate leases from 10 to 21 years. This conforms to changes previously made to M.S. 89.17 and creates uniform term limits for all DNR real estate leases.

### **Sec. 1. Road easements across state lands.**

Authorizes the commissioner to convey road easements on school trust lands to private parties with easement term limited to 50 years.

**Sec. 2. Riparian land sales.** Amends M.S. 92.45 to remove the provision that prohibits the sale of state lands bordering meandered lakes and other public waters and watercourses.

**Sec. 3. Lease terms.** Changes the term limit of leases of DNR-administered land from 10 to 21 years.

### **Secs. 4-11. DNR land transactions**

- **Sec. 4.** Deletes .52 acres of land from Interstate State Park, Chisago County and 1.4 acres of land from McCarthy Beach State Park, St. Louis County
- **Sec. 5.** Adds 116 acres of land to Greenleaf Lake State Recreation Area, Meeker County and 7.6 acres of land to the Iron Range Off-Highway Vehicle Recreation Area, St. Louis County
- **Sec. 6.** Deletes 255.1 acres of land from the Iron Range Off-Highway Vehicle Recreation Area, St. Louis County, including land not owned by the state and school trust land that was a buffer area
- **Secs. 7-8.** Changes state forest boundaries so that 2447.69 acres of land located in Carlton County is deleted from Fond du Lac State Forest and added to Nemadji State Forest
- **Sec. 9.** Authorizes a direct sale, for less than value, of 30.72 acres land in the former Black Dog Preserve SNA, Dakota County to the United States
- **Sec. 10.** Authorizes a direct sale of 1.4 acres of land in St. Louis County to resolve a trespass
- **Sec. 11.** Authorizes a direct sale, at less than market value, of 74.61 acres of tax-forfeited land in St. Louis County to Independent School District #704 for use as a school forest

**Project locations**

Statewide.

**Financial Implications (if appropriate)**

These changes will result in a reduction of costs associated with report writing and a minimal increase in revenues associated with an increased authority for civil penalties associated with AIS violations.

**For further information contact:**

Bob Meier, Policy and Government Relations Director  
Commissioner's Office  
Minnesota Department of Natural Resources  
500 Lafayette Rd, St. Paul, MN 55155  
651-259-5024  
Bob.Meier@state.mn.us

Kathy Lewis, Assistant Director  
Division of Lands and Minerals  
Minnesota Department of Natural Resources  
500 Lafayette Rd, St. Paul, MN 55155  
651-259-5404  
Kathy.Lewis@state.mn.us