



Department of Natural Resources Fact Sheet



2014 LEGISLATIVE FACT SHEET DNR Policy-Technical Bill

It is needed because

The Department of Natural Resources (DNR) is proposing a number of policy and technical changes that will improve conservation results and increase operational efficiencies by clarifying authorizing language and amending or repealing outdated language.

Major program elements

Sec. 1. Consumer reporting. Consumer reporting agencies (e.g. Federal Trade Commission) have no mechanism for processing reports when notification of a breach in security of more than 1,000 individuals occurs. DNR recommends changing the business notification requirements to these consumer reporting agencies.

Secs. 2, 4-5, 10-21, 25, 32. Listing of aquatic invasive species. DNR proposes to replace the term "designated" with "listed" for aquatic invasive species provisions and change requirements relating to notification by written order published in the state register.

Sec. 3. Gift limitations and tracking. Amend requirements exclusive to DNR regarding items for public distribution. This change will ensure DNR will continue to follow existing fiscal and administrative policies that manage and control purchasing in state government while purchasing items in bulk that may be distributed by the department over several years.

Sec. 6. Permitting efficiency. Eliminate the interim (February 1) permitting efficiency report, which is redundant to the annual August 1 report, which provides an annual assessment of the success in meeting the state's 150 day permitting goal.

Sec. 7. Facilities management account. Amend language to clarify DNR authority to bill and carry forward revenue available to cover costs of both maintaining and operating facilities.

Sec. 8. ATV training requirements. This is a technical correction to resolve a disparity created by a 2013 legislative change to ATV training language.

Sec. 9. Forest trail designation for ORV use. Amend M.S. 84.926, subd. 4 to allow highway licensed vehicles (HLVs) and all-terrain vehicles (ATVs) on designated off-road vehicle trails for limited hunting-related activities without requiring the purchase of an off-road vehicle registration.

Sec. 22. Master plan requirements. Update recreation unit master planning requirements to allow plan amendments; replace required public hearing with public meeting, and eliminate obsolete review and approval processes and references. Current language reflects a time when the outdoor recreation system was being created and expanded. The process can be greatly simplified and should provide the authority to amend master plans as needed. It also removes an unnecessary requirement for other agencies to obtain DNR approval of their plans. DNR needs to update park and trail master plans when a change in operations is desired or new facilities added, but the statutes don't provide specific authority or procedures for amendments. The currently-required public hearing is not the best way for DNR to inform and engage the public. Public meetings are more appropriate.

Sec. 23. Registry of outdoor recreation units. This change directs agencies with 86A units to maintain their own respective registries instead of DNR maintaining a comprehensive list for the state.

Sec. 24. Forest trail designation rulemaking. Before a state forest trail of any type can be designated, undesignated, or changed, M.S. 89.19, subd. 2, requires a public meeting, 60-day notice of the public meeting published in the State Register, paid public notices, and a statewide news release. If the trail

designation change is made, it must be by written order in a second State Register notice. This applies to all types of trail, of any length, including when trails are eliminated. DNR proposes to reduce the notice requirements to a statewide news release, a 30-day public comment period, and a public meeting. The State Register requirements would be eliminated. The trail designation would still be by written order.

Sec. 26-27. Floodplain management ordinances.

Amend language related to floodplain management ordinances to remove requirement that DNR notify local governmental units that technical information on the delineation of floodplains is available and the requirement that LGUs prepare an ordinance within 6 months of the notice. Communities enrolling in, or maintaining enrollment in, the National Flood Insurance Program (NFIP) must meet federal timelines to adopt new floodplain delineation data. Also amend language that relates to the alteration of structures to provide for consistency with existing federal regulations.

Sec. 28 and 33. Flood insurance. The National Flood Insurance Program (NFIP) is a federal, voluntary program that makes flood insurance available to communities that adopt a local floodplain management ordinance and administer and enforce the ordinance. DNR worked cooperatively with FEMA to identify communities subject to recurrent flooding. The current process of identifying areas of recurring flooding has been updated and is now done cooperatively with FEMA and local governments. DNR proposes to repeal portions of this section that require DNR to prepare the list of areas subject to recurring flooding and the mandate and prescription timelines for communities to enroll in the NFIP.

Sec. 29. Public waters work permit exceptions. DNR proposes to amend public waters work permit language by repealing a requirement redundant to Minnesota Rules 6115.0200, Sub. 4, which already allows removal of debris without a permit.

Sec. 30. Invasive aquatic plant management permit. Technical change related to aquatic invasive species, removing language limiting the scope of what can be included in an invasive aquatic plant management permit.

Sec. 31. Minnesota River Valley master plan requirement.

This section requires DNR to create an outdoor recreation unit master plan in accordance with M.S. 86A.09 for the Upper Minnesota River Valley in Redwood and Renville counties.

Sec. 33. Repealers. Repeals redundant or outdated provisions relating to forest road coordination committees, floodplain management ordinances, and flood insurance.

- M.S. 89.01, subd. 7. The commissioner is currently required to establish a forest road coordination committee in each forestry administrative area in which a state or county forest road is located. It lists who the commissioner shall appoint as members of these committees and that each committee must meet at least once annually. DNR will continue to interact and collaborate with stakeholders on forest road projects and issues.
- M.S. 103F.121, subd. 3 and 4. Since these statutes were written, federal law has been updated to require flood insurance as mandatory for federally backed loans if the structure is located in the flood hazard area mapped by FEMA, and the National Flood Insurance Program (NFIP) flood insurance is only available in communities that participate in the NFIP and have an ordinance.

Key measures and outcomes

- Increased transparency of department operations.
- Streamlined operations that provide for the efficient delivery of services to customers.

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