

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY
DIVISION OF PARKS & RECREATION

IN THE MATTER OF THE PROPOSED RULES REVISION
FOR PARKS AND TRAILS: PUBLIC USE OF STATE
PARKS AND OTHER RECREATIONAL AREAS

STATEMENT OF NEED AND REASONABLENESS

DECEMBER 11, 1989

INTRODUCTION

Minnesota's state parks, designated monuments, recreation reserves and waysides were created by the Legislature to conserve scenery, natural and historic objects and wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Minnesota's state forests were created by the Legislature to produce timber and other forest crops, provide outdoor recreation, protect watersheds and to perpetuate rare and distinctive species of native flora and fauna.

The Department of Natural Resources has determined that the rules for state parks and state forest campgrounds and day use areas which have been in effect since January 15, 1979 are inadequate and in need of revision.

The Department believes that these rule amendments have no fiscal impact on local governments, no impact on small business, and no impact on agricultural lands.

The Department of Natural Resources is experiencing an ever-increasing demand by various user groups to provide settings in which to pursue new recreational interests. Occasionally these activities are not allowed in state parks, state forest campgrounds and day use areas because of user conflicts, impacts to the natural, historical and cultural resources, or because they are determined not to be in the public interest.

Through these proposed rule changes and additions, the Department hopes to strike a balance between needs and demands of various users and protecting the resources and facilities of the state parks, state forest campgrounds and day use areas.

The proposed rule amendments are in the form of a complete report of the existing rules and in some cases the changes are substantive, but many of the changes are a matter of style, not substance.

GENERAL PROVISIONS

6100.0100 STATUTORY AUTHORITY.

In 1987, Minnesota Statutes 1986, section 85.05, which authorized the Commissioner of Natural Resources to make rules for state parks was repealed and recodified in Minnesota Statutes, section 85.052, subdivision 1.

6100.0300 SCOPE.

Reference has been made to state forest lands in the Richard J. Dorer Memorial Hardwood State Forest because specific parts of the rules are written to apply to these lands.

Other changes to this part have been made to make the language gender free and change the style.

6100.0400 PENALTY.

Language concerning the Richard J. Dorer Memorial Hardwood State Forest has been added to reflect the inclusion of this state forest in the scope of these rules.

6100.0500 DEFINITIONS.

Subpart 5. **Forest Day Use Area.** The word "posted" has been deleted and the word "designated" added because most day use areas are not posted but they are designated and their boundaries are defined by the use area.

Subpart 5a. **Forest officer.** This definition has been added to clarify who can enforce these rules and to inform the public of this responsibility.

Subpart 5b. **Richard J. Dorer Memorial Hardwood State Forest.** A definition of the Richard J. Dorer Memorial Hardwood Forest has been added that clarifies that the rules apply to posted lands under the authority of the Commissioner. This definition is necessary because certain parts of these rules are written to apply to these lands.

Subpart 5c. **Highway.** A definition of what a highway is has been added for the purposes of these rules.

Subpart 6. **Intoxicating Liquor.** Minnesota Statutes, section 340.401, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1, and was renumbered in part 340A.101.

Subpart 7a. **Park manager.** and Subpart 7b. **Park officer.** These definitions have been added to clarify who can enforce these rules and to inform the public of the responsibilities of each.

Subpart 7c. **Recreational Motor Vehicle.** This definition has been added because of new parts of these rules that restrict the use of these vehicles. This definition is taken from Minnesota Statutes, section 84.90.

6100.0600 HOURS AND DAYS OF OPERATION.

Subpart 1. **State Parks.** The language has been changed to permit park managers to allow entrance to certain areas between 10 PM and 8 AM, to accommodate legitimate activities in certain circumstances that do not disturb overnight campers, e.g. early morning anglers using a remote boat access and persons attending early morning or late night interpretive programs.

Limitations on overnight guest travel within the park by motor vehicle has been clarified to minimize campground disturbances and security problems.

Subpart 2. **Forest campgrounds and forest day use areas.** This change clarifies that state forest campgrounds are open to public use year round, unless posted, and also clarifies that because the facilities are open year round, that these rules also apply year round. The listing of an official open season was confusing to the public and implied that the rules only applied to the official open season.

The change is also necessary because many state forest campgrounds are maintained earlier in the spring and later in the fall to accommodate a large group of visitors who now use these campgrounds during these times.

The subpart has also been changed to permit only registered campers to remain in the campground after 10 PM. This change is made to insure that visitors do not disrupt other users during the night time hours by driving vehicles into and out of the campground, or by remaining at a campsite. This has been a major problem at many state forest campgrounds.

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

The language regarding the use of power equipment and audio equipment has been changed to add radios and stereos, specifically by name rather than by implication.

The prohibition on consumption of intoxicating liquors has been deleted for forest campgrounds and forest day use areas. The Division of Forestry does not enforce this rule and feels that the consumption of intoxicating liquors in accordance with state law should be allowed at its facilities. Consumption of liquor in and of itself is not the problem, the problems arise when people who are intoxicated become disorderly and disturb other campers. If problems of disorderly behavior become a problem the Division of Forestry will write citations for disorderly conduct as outlined in these rules and state statute.

The prohibition on consumption of intoxicating liquors has been retained for state parks. Also, language has been added to prohibit the display of containers of intoxicating liquors in state parks. This would allow park officers to more readily intervene in situations where liquor related disturbances were occurring and allow them to have the liquor removed.

Possession of 3.2 beer (not defined as intoxicating liquor) in a keg would be prohibited in state parks without a permit. This is reasonable because kegs of beer tend to congregate people and increase the level of disturbance for other park users in the vicinity. Permits for kegs would be issued to groups based on factors such as the number in the group, the number of park users that will be affected (time of year, day of the week) a park's ability to provide a location where disruption of other users is less likely, and potential damage to park resources.

The paragraph on brawling, the use of abusive language and boisterous conduct has been added to clarify and communicate to users that this activity is illegal and will be enforced. This language is taken from Minnesota Statutes, section 609.72.

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

"Firearms" and "Weapons" have been added to the title of this part for clarification and easy reference.

Subpart 1. **Restrictions.** This subpart has been changed to prohibit hunting within a state forest campground unless authorized by the commissioner and to also prohibit hunting within 200 feet of a camping shelter or motor vehicle parked in a forest campground or forest day use area. This change is necessary because of increased use at forest campgrounds and day use areas in the fall and will protect the health and safety of these users.

Subpart 1D. Spears have been listed as another weapon in these rules because although they are permitted for spear fishing, they are only allowed to the extent necessary to use them for that activity.

Subpart 1E. This language has been added specifically to prohibit taking of any animal in any manner, excluding fish, except as permitted by the commissioner. This is in keeping with state parks being game refuges as stated in MN Statutes 97A.085. It is also reasonable that this apply to state forest campgrounds and day use areas because they are used by visitors as overnight accommodations and recreational areas.

Subpart 2. **Waiver of restrictions.** Language has been added prohibiting permanent structures used for hunting big game in state parks. Hunting in state parks is allowed in accordance with MN Statutes 97A.091, when it becomes necessary to regulate the deer herd for reasons such as reducing overpopulation or overbrowsing of vegetation. Construction and use of permanent stands causes damage to trees. It also tends to preempt hunting rights to an area, causing conflicts among hunting parties.

Subpart 3. **Exception.** This exception to possession of firearms and bows and arrows in state forest campgrounds and forest day use areas access to adjacent, open hunting areas.

Subpart 4. **Restriction on pursuit of wildlife.** Language has been added to address the problem of hunting parties chasing game from state park property where hunting is prohibited, into adjacent areas open to hunting. It also prevents hunters from pursuing game within a park without supervision by park officers. This is reasonable and necessary to assure the safety of park visitors and other unwounded, game animals, while allowing some means for hunters to retrieve legally wounded animals that have entered a state park.

6100.0900 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** The word "deface" has been added to further define the type of damage to property which is prohibited. This would more clearly explain that graffiti, spray painting, carving on wooden structures and scratching on rest room fixtures are not allowed.

The addition of historical and archaeological artifacts and historic structures has been made to insure the protection of valuable cultural resources which are found in many state parks and forest campgrounds. Collection of these resources is prohibited by the "Field Archaeology Act", Minnesota Statutes, sections 138.31 to 138.42, and the "Private Cemeteries Act", Minnesota Statutes, section 307.08.

Damaging vegetation and defacing rock formations with rock climbing equipment has been added because of the need to protect these resources. While these have not been permitted previously, this more specifically identifies that they are not allowed.

Subpart 2. **State parks.** Language has been added prohibiting any collecting, harvesting, or taking for resale or for commercial use in state parks. While the DNR will continue to allow the taking of edible fruits, berries and mushrooms for personal consumption when such taking does not destroy the plant, it works contrary to the state park goals, and it is not in the public interest to allow commercial exploitation of state park resources.

Collection of Firewood: Gathering of firewood has not been allowed in the past. Language has been added to allow gathering of firewood when it is in the best interest of the park in order to achieve specific management purposes (e.g. cleaning up windfall damage).

Language has been added allowing the collection of rock specimens and fossils at Hill Annex Mine State Park. The mine was transferred from the Iron Range Resources and Rehabilitation Board to the State Park system in the summer of 1988. Historically, the gathering of rock specimens and fossils from "spoil piles" of unusable ore has been allowed. It serves no resource protection goals to prohibit this activity because the materials have already been badly disturbed and removed from original sites, and because this was a popular activity at the mine, the Division of Parks & Recreation wishes to allow this collecting-- for non-commercial use only--to continue.

Harvesting wild rice would be prohibited on state park waters to provide a food source for waterfowl in a park's refuge setting, and to help assure a minimally disturbed environment for wildlife use and public enjoyment.

Collecting watercress and ginseng in state parks is not allowed under current rules. The language on possession of these plants in a fresh state is included to aid in the enforcement of these rules.

Language prohibiting the use of metal detectors has been added to inform park visitors of current laws restricting their use on state property and removing materials from state lands. The rule, and state law, would still allow metal detector use for licensed archaeological research, to find recently lost personal property identified before the search and for locating buried utility lines. The recovery of objects with the use of metal detectors is prohibited by the "Field Archeology Act", Minnesota Statutes, sections 138.31 to 138.42. The prevention of the removal of objects from state property is implied in the "Lost Property on State Lands Act", Minnesota Statute 16B.25.

Subpart 3. State forest campgrounds and forest day use areas. Language has been added to clarify that firewood collection in state forest campgrounds and day use areas is permitted if the wood is dead and laying on the ground. This is permitted because some state forest campgrounds do not sell or supply firewood.

6100.1000 FIRES AND REFUSE.

Subpart 1. Prohibition and permitted uses. Making a fire is not allowed except in fireplaces or fire rings. Language has been added making it illegal to maintain a fire or to refuse to extinguish a fire when ordered by a park officer or forest officer. These additions would allow officers to resolve potentially dangerous situations.

Subpart 2. Fire bans. Changes have been made to make the language gender free.

Subpart 3. Firewood. The language has been changed to prohibit the removal of free firewood provided to users in some locations, so that other users may also have an opportunity to use it.

Subpart 4. Refuse. The language has been changed to make this subpart easier to understand.

Subpart 6. Hot coal disposal. This subpart has been added to control the disposal of hot coals in state parks to reduce damage to park resources and injury to other visitors, especially children.

6100.1100 PETS.

Language has been added to allow the use of hearing and seeing eye dogs in any facilities to assist hearing and visually impaired persons.

Language has been added requiring pet and horse owners to clean up after their animals in mowed or maintained areas so that other users may enjoy these areas without annoyance.

Language has also been added to prohibit pets and horses from state park ski trails during the winter skiing season to eliminate unnecessary damage to the groomed tracks and disruption to other skiers.

6100.1200 PICNICKING.

An exception to the present rule has been added so that persons who have officially reserved a shelter and have paid the fee may restrict others from using the shelter, because reservations for picnic shelters are now taken in some locations.

6100.1300 CAMPING AREAS.

Subpart 1. State Parks.

1A. This section has been rearranged to make it easier for users to understand. Language limiting a campsite's occupancy to one vehicle except as approved by the park manager, has been added to inform campers of our current internal directive. This addition is reasonable and necessary to reduce the damage to the campsite caused by excess vehicles parking off of the parking spur.

1B. Language has been added to include watercraft as areas where camping is permitted, within the restrictions in subpart 3.

1C. Language has been changed so that persons may not camp in the same state park for more than 14 days in succession, rather than 14 days_aggregate through the summer months. This rule provides the general public an expectation that a particular campsite or campgrounds will not be tied up by the same party for an entire summer season. It also ensures that the campsite turf will not be destroyed by camping equipment or vehicles parked for extended periods of time. Campground hosts have been added as an exception because they are generally expected to stay four weeks as part of that program.

1D. (1) This language has been changed to read that a responsible person shall register for campsite, rather than just being allowed to as the old language implied. It is reasonable to require that a person who may be held legally responsible must register for the site. The language regarding the taking of names was changed to specify what was just implied in the old language.

(2) Language has been added to give the park manager the authority to remove camping equipment from a campsite when the unregistered camper owning the equipment cannot be located, or when the site has not been occupied on the first night as required. Rule 6100.0400 states that persons who violate any of these parts is subject to immediate removal from the park. This new language would give the park manager the authority to remove their property as well, so that the sites are made available to legally registered campers, who might otherwise have to wait many hours for the site to be cleared by the owner of the camping equipment. The equipment would be held in a secure location until the owner claimed it or if abandoned, would be disposed of according to MN Statute 16B.25, "Lost Property on State Lands Act".

(3) Although refuse is addressed elsewhere in these rules, reference to leaving the campsite in a clean condition upon departure has been made specifically in this subpart to inform campers that this also applies to their campsite.

(4) Language has been added requiring campers to re-register for their campsite by 11 A.M., so that incoming campers will not have to wait until the 4 PM check-out time to find out if sites will be open. They would then have five more hours to find other accommodations.

1E. The restriction on the use of power units (generators) between 10:00 P.M. and 8:00 A.M. has been added to reduce the disruption to other campers during the night-time hours. Language has also been added to reflect rule 6100.0700, restricting the noise levels which disturb other users at any time of the day.

Subpart 2. Forest Campgrounds and Day Use Areas.

2A. The language has been changed to clarify that a camping fee is collected at certain state forest campgrounds.

2B. The language has been changed to clarify that camping is only permitted at designated sites.

2C. The language has been changed to clarify that registration is required only at fee camping areas and permits any responsible person to register.

2D. The language has been changed to clarify that a person may be allowed to camp for longer periods if allowed by a forest officer.

2G. The hours when camp can be set up has been changed to coincide with designated quiet hours, to prevent disruption of other visitors.

2H. The number of sites that a group can occupy has been changed from two to six before needing approval from a forest officer. This rule is broadened because it is felt that allowing larger groups to camp has not and will not be a problem.

2I. The group size of eight people or less has been retained; however, the reference to a family unit has been removed. The restriction on the number of people allowed is in line with the carrying capacity of most state forest campsites. Permits larger groups where specially designed and designated sites have been developed. This limitation is needed to preserve the campsite and prevent excessive wear.

2J. Language has been added restricting the number of vehicles allowed per campsite to two. State forest campsites are designed for two vehicles or less in order to preserve the integrity of the site. Having more than one motorized camper or camping trailer on a site causes excessive wear and damage.

2K. Language has been added restricting the number of camping shelters per campsite to two or less, to preserve the campsite and stay in line with the designed carrying capacity.

2L. Language has been added to prohibit the discharge of grey water and liquid waste because this has been a problem at some state forest campgrounds where there are no dump stations. This rule clarifies that it is prohibited.

2M. Language has been added to prohibit the moving and removing of picnic tables from designated areas because this has been a problem at some campgrounds and disrupts other users. This rule clarifies that it is prohibited and should make enforcement easier.

Subpart 3. **Other Prohibitions.** The language concerning the use of watercraft for shelter or sleeping has been clarified to include watercraft moored in waters completely within the boundaries of a state park because the potential impact to park resources and disruption to other users is just as great as any other overnight camper.

6100.1400 BOATING.

A. Language has been added to allow the restriction of boating and/or motors of a certain type to protect sensitive natural resources in specific bodies of water or portions thereof. Examples include endangered water plants, trout, loon and eagle nesting sites, and shorelines sensitive to erosion. Posting such restrictions on some small bodies of water would also allow more people to enjoy it simultaneously with minimal disturbance.

B. Language has been added to restrict mooring a boat on any beach or area posted, so that access to swimmers or other boaters is not limited. This problem is more prevalent at state forest campgrounds and day use areas than at state parks.

6100.1500 FISHING.

The language has been changed to restrict fishing to the taking of fish only in waters totally within state parks, forest campgrounds and forest day use areas, even though current fishing regulations allow the taking of clams, mussels, frogs and most species of turtles with the possession of a fishing license.

This change would only effect lakes and other small bodies of water totally within state parks and reflects the intent of Minnesota Statutes, section 97A.091, Hunting on Game Refuges, Subd. 1, which states, "Except as provided in subdivision 2 [When hunting allowed], a person may not take a wild animal, except fish, within a state game refuge". There is no intent to place any restriction to established fishing regulations outside of the areas of jurisdiction.

Language has been added to clarify that when spear fishing and bow and arrow fishing is permitted by fishing regulations, the restriction on spears and bows and arrows is waived to the extent necessary, so that the activity may occur.

Language has also been added that fish cleaning in state parks without a fish cleaning facility may only be done in places approved by the park manager, so that the scales and remains will be left in areas least likely to cause a nuisance to other visitors.

6100.1600 SWIMMING IN STATE PARKS.

The title of this part has been changed from "State Park Beaches", to clarify that this part deals with swimming as a whole, rather than addressing beach areas only. The Division of Parks & Recreation strongly encourages people to use designated beaches and the safety lifeguards provide; however, it also recognizes that many park visitors like to enter waters outside of the beach boundaries. This is illegal under the current rules.

The language has been changed in this part, eliminating the restriction of swimming outside of designated beaches. However, the Division of Parks & Recreation retains the right to continue to restrict swimming in areas such as: those that are obviously hazardous or where known hazards exist; those whose shorelines are sensitive to erosion or other destruction; those that are prone to partying and littering; etc. This is necessary for safety reasons, to protect park resources and facilities, and to minimize user conflicts.

Language concerning dogs and pets has been changed to reflect that these animals are not allowed in the water with swimmers; even those outside of a designated beach. This rule is necessary to protect swimmers from being scratched or harassed by pets swimming in the water.

The language has been changed so that the Division of Parks & Recreation may allow flotation devices not approved by the Coast Guard in designated locations where safety problems associated with these devices can be minimized.

The other changes in the language have been made to reflect the changes mentioned above.

6100.1700 STATE PARK MOTOR VEHICLE PERMITS.

The language has been changed to reflect the recodification of MN Statute 85.053 and its current language. It also states that vehicle permits may not be transferred to another vehicle to inform park users of the implied intent of M.S. 85.053, Subd. 2 & 3, that a vehicle permit is not valid for more than one vehicle.

6100.1710 GROUP DAILY VEHICLE PERMITS.

Minor changes in the language have been made for grammatical purposes only.

6100.1800 MOTOR VEHICLE USE: STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES AND OTHER EQUIPMENT.

Subpart 2. **Designated roads.** The language has been changed to inform users that they must park motor vehicles in designated parking areas or spurs, rather than just allowing them to do so. Language was also added to give park officers and forest officers the authority to have illegally parked vehicles towed at the owner's expense. This is especially necessary at times in order to gain access into areas blocked by vehicles, when responding to emergencies and carrying out job responsibilities.

Subpart 3. **Speed limit; recklessness.** Language has been added to include exhibitiv motor vehicle operation. It is reasonable for users of public recreation areas to expect the safety and quiet the enforcement of this rule would provide.

Language has also been added to communicate through these rules that state park roads are considered public roads, and that the same restrictions and uses apply.

Subpart 4. **Storage and abandonment.** This subpart has been changed so that it also applies to state parks, rather than just to forest campgrounds and forest day use areas.

Fish houses and other equipment have been added so that nothing may be abandoned or stored unless done in a manner consistent with state law and these rules.

Language has been added to allow overnight parking or storage by persons not remaining in the immediate area in state parks with the prior approval of the park manager, and in designated parking lots in state forests or day use areas. An example would be leaving vehicles at beginning and ending points of a canoe trip.

6100.1910 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES IN STATE FOREST CAMPGROUNDS AND DAY USE AREAS.

This part has been added to clarify that the use of snowmobiles and recreational motor vehicles is prohibited in state forest campgrounds and day use areas. The use of these vehicles has been a problem in some state forest campgrounds because they disrupt other visitors and cause safety problems.

6100.1920 SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES - RICHARD J. DORER MEMORIAL HARDWOOD STATE FOREST.

This part has been added to protect the relatively small units which the state owns in the Richard J. Dorer Memorial Hardwood State Forest from damage and erosion and to help prevent trespass on private lands adjacent to or within the unit. Recreational motor vehicle and snowmobile use is permitted where their use can be controlled and damage minimized.

6100.2000 NONMOTORIZED USE.

The first paragraph has been added to address the problems being encountered more frequently on busy multi-use trails. Conflicts have arisen between the different types of trail users on these trails. By putting this language into rule and by more signing on location, we are attempting to make all trail users aware that they are sharing the trails and should recognize the rights of others to use and enjoy the trails safely.

Subpart 1. On Foot, ski, or snowshoe. Language concerning persons on skis or snowshoes has been added to allow these users the same rights as persons on foot to go anywhere that is not posted or further limited by other rules.

Subpart 2. Horses. Language has been added to clarify that horses are not permitted in state forest campgrounds unless the area has been specifically designated for such use or a special use permit is obtained from the forest officer. Horses do considerable damage to campsites unless properly designed and managed and horse wastes leave the site undesirable for other users. Special camps have been developed in some state forests to provide areas for horses and their riders to use.

Subpart 3. Bicycles. The language has been changed prohibiting bicycle use in some areas to protect the natural resources and other visitors.

Subpart 4. Restricted sensitive areas. Language has been added to prohibit people from entering deer yards and other sensitive areas such as scientific and natural areas and bald eagle nesting sites.

These areas are signed when possible as time and staffing allow, but we feel it is reasonable to have the authority to keep people from entering areas after verbally warning them to stay out before an area may be able to be posted. In some cases, posting the sensitive area may attract more attention and disturbance than if it remained un-posted. A violator who unknowingly entered such a sensitive area would be given an explanation and would be informed to stay out of the area.

Subpart 5. **Ski trails.** Language has been added to clarify our position that groomed and tracked ski trails are a facility that can be destroyed by other activities such as hiking, horseback riding and sledding. This rule is currently enforced under 6100.0900.

Subpart 6. **Dogsledding.** Language has been added to address the growing sport of dog sledding in state parks. This subpart would give the park manager the authority to allow this activity when it does not conflict with other trail users and does not damage the trail surface; and also gives the authority to stop the activity where it is not permitted.

6100.2100 RESTRICTED AREAS.

The language on posted and restricted areas has been rewritten and clarified. Language has been added to prohibit people from using state park facilities that require a special use permit and/or fee before using the facility. It is reasonable to expect persons to pay the fee or obtain the special use permit before using the facility when it is adequately signed and posted informing them of such requirements.

6100.2300 PROTECTION FROM PEDDLING AND SOLICITING.

Language has been added to clarify that people are prohibited from posting signs, handbills or advertisements without prior approval. This is currently prohibited under the present rules but has been rewritten to eliminate confusion that occurred in interpreting this rule. This rule is necessary to maintain control over the types of advertisements, the locations for posting, the methods of displaying and the timely removal.

6100.2400 SUSPENSION OF RULES.

Language has been added to allow the suspension of the rules for authorized special events approved by the Commissioner. Many state parks and state forests have had an increase in special events which in some cases need exemption of certain rules during the event. Examples of such exemptions might include demonstrations of muzzle-loaders at naturalist programs, building campfires outside of fire-rings and camping in non-camping areas.

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