

6/24/95

STATEMENT OF NEED AND REASONABLENESS
FOR THE ADOPTION OF PROPOSED RULE
MINN. RULES 6135.4900 Subp. 12

The legislature in 1969 provided for the creation and establishment of scientific and natural areas for preserving, protecting and managing lands and waters possessing inherent natural values including habitats of rare or endangered species of plants and animals, soils, waters, or sediments, sites of scientific value, and areas uniquely suitable for teaching natural history and conservation.

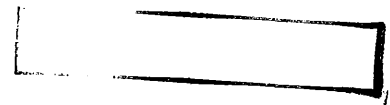
Currently motorized vehicles and other activities known to cause damage to the resources for which natural areas are established are prohibited. Since the promulgation of rules for Scientific and Natural Areas in 1975, however, we have found that the use of non-motorized vehicles also creates unacceptable levels of damage to rare and endangered species and the natural conditions of the area for which they have been designated as scientific and natural areas. Though there are existing areas where activities ordinarily prohibited are permitted, these activities either pre-existed the designation as an SNA (on publicly owned sites) or are needed for administration and management of the site as an SNA. These activities at these locations do not have an adverse effect on the site and its rare resources. There is no evidence that similar damage is caused by persons traveling on foot, cross country ski or snowshoe. To ensure that protected areas are not damaged by non-motorized vehicles now and in the future the following rule is proposed:

Travel in a designated scientific and natural area is prohibited by any means other than foot, cross country ski or snowshoe except in areas or on trails designated as allowing other specific uses.

This rule is being adopted pursuant to authority found in Minn. Statutes 86A.05, Subd. 5 and 86A.06.

The Legislative Commission to
Review Administrative Rules

JUL 25 1991



STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed
Adoption of the Rule of the
State of Minnesota Governing
Restricted Uses and Acts
In Scientific and Natural Areas
[Proposed Minn. Rule § 6135.4900, subp.12]

NOTICE OF INTENT TO
ADOPT A RULE WITHOUT
A PUBLIC HEARING

Notice is hereby given that the State of Minnesota intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minn. Stat. §§ 86A.05, subd. 5 and 86A.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Robert Djupstrom
500 Lafayette Road
Division of Fish and Wildlife
(612) 297-2357
St. Paul, Minnesota 55155

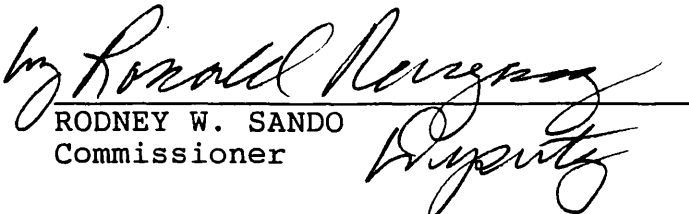
The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

[A copy of the proposed rule is attached to this notice.]

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Robert Djupstrom upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Robert Djupstrom.

Dated: 6/4/91


RODNEY W. SANDO
Commissioner