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STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-38

Allowing for Safe Outdoor Recreation

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Since the World Health Organization ("WHO") characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. Minnesota has taken extraordinary steps to prevent and respond to the COVID-19 pandemic. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat.

In Minnesota Statutes 2019, section 12.02, subdivision 1, the Minnesota Legislature recognized the "existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness" and conferred upon the Governor the emergency and disaster powers provided in Chapter 12 to "ensure the preparations of this state will be adequate to deal with disasters," to "generally protect the public peace, health, and safety," and to "preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the State's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the State are suspended during the pendency of the emergency.

On March 29, 2020, the federal government revised previous guidance and encouraged continued social distancing through the end of April. Limiting activities to only those that are most essential and practicing social distancing at all times are vital tools required to mitigate the community spread of COVID-19 in Minnesota and nationwide. Accordingly, on April 8, 2020, I

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issued Executive Order 20-33 extending the Stay at Home Order and Temporary Closure of Bars, Restaurants and other Places of Public Accommodation.

Healthy individuals foster healthy communities. The Centers for Disease Control and Prevention ("CDC") and the WHO both promote the importance of staying active. According to the CDC, physical activity fosters normal growth and development, improves overall health, reduces the risk of various chronic diseases, and makes people feel better, function better, and sleep better. The WHO recognizes that regular physical activity, including outdoor activities such as walking in parks, bicycle rides, and gardening can help with the adjustment to new routines and support social, mental, and physical wellbeing. Participating in outdoor activities is a good way to stay healthy, reduce stress, and enjoy time with family.

Minnesotans know that the actions they take today can protect everyone's health tomorrow. And, as spring arrives, Minnesotans are asking how the current Stay at Home Order and social distancing guidelines pertain to outdoor recreation. Although Minnesotans are strongly encouraged to stay close to their primary residences, many outdoor recreational activities are available close to Minnesotans' homes and can be done safely.

Under current Executive Orders, Minnesotans may go outdoors and engage in activities such as walking, running, fishing, and hunting, as long as they are maintaining an appropriate social distance from other households. To provide additional clarity, the Minnesota Department of Natural Resources ("DNR") and Minnesota Department of Health ("MDH") have developed Outdoor Recreation and COVID-19 Guidelines for Facilities and the Public ("Outdoor Recreation Guidelines"). These Outdoor Recreation Guidelines are available at DNR's COVID-19 website (https://www.dnr.state.mn.us/covid-19.html). By following the Outdoor Recreation Guidelines, in addition to the requirements of previous Executive Orders, we can continue to enjoy the many benefits of outdoor activities while providing for public health, slowing the spread of COVID-19, and decreasing the potential for added strain on local communities and health care systems. We all have a role to play in protecting ourselves and our fellow Minnesotans from the COVID-19 pandemic.

For these reasons, I order as follows:

1. Consistent with federal guidance and to protect our neighbors, Minnesotans should stay close to home and are strongly discouraged from unnecessary travel, including long-distance travel to engage in outdoor recreational activities and travel to and from cabins, commercial lodging, and vacation homes or rentals.

2. Effective on April 18, 2020 at 5:00 am, paragraph 5.c of Executive Order 20-33 is replaced in its entirety by the following (indicated by underlined text):

   c. **Outdoor Recreational Activity**. Individuals **must not** engage in outdoor recreational activities where they will come into close proximity with others from different households. Individuals may engage in the activities listed below, provided that they follow the Outdoor Recreation Guidelines:

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i. Individuals may engage in any outdoor activity that is dependent upon or derives its principal benefit from natural surroundings and open space, including but not limited to hunting, fishing, trapping, boating, hiking, biking, golfing, and picnicking for the purposes of pleasure, rest, exercise, or relaxation, provided that the activity can be engaged in accordance with the Outdoor Recreation Guidelines, including maintaining at least six feet of separation between participants from different households. Groups **within a single household** may engage in outdoor activities or sports that do not allow for social distancing (*e.g.*, soccer or basketball) but should not engage in such activities with members of other households.

ii. Outdoor recreational activities allowed by this Executive Order **do not include** performances, competitions, team events, tournaments, races, rallies, organized sports, spectator events, fairs, or any other events that involve the gathering of individuals in a manner that would preclude social distancing. For example, individuals must not partake, as participants or as spectators, in activities such as marathons, fundraising walks, fishing contests, league sports, and tournaments.

iii. All persons participating in outdoor recreational activities under this Executive Order must follow the Outdoor Recreation Guidelines.

3. Effective on April 18, 2020 at 5:00 am, paragraph 6 of Executive Order 20-33 is amended to include the following subparagraph kk (indicated by underlined text):

kk. **Outdoor recreational facilities**. This category is limited to workers supporting the below publicly and privately maintained or operated outdoor recreational facilities, provided that such facilities adhere to the Outdoor Recreation Guidelines. This category **does not include** workers supporting outdoor recreational equipment retail stores or workers engaged in services for hire such as charter boats, launches, or fishing guides. To the extent that any of the facilities listed below have been closed under Executive Orders 20-04, 20-18, and 20-33, those facilities are permitted to reopen, provided that they adhere to this Executive Order and the Outdoor Recreation Guidelines. In accordance with Executive Orders 20-04, 20-18, and 20-33, **all indoor facilities** associated with outdoor recreational facilities **must remain closed** except for (a) facilities used only by workers to the extent necessary to facilitate the outdoor recreation, (b) bathroom facilities cleaned and disinfected regularly in accordance with the Outdoor Recreation Guidance, (c) sales and service facilities allowed under subparagraph vi below, and (d) facilities that provide food and beverage for off-premises consumption, as allowed in Executive Order 20-04, paragraphs 2 and 4.

i. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.

ii. Locally, regionally, and privately managed parks and trails.

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iii. State, regional, or local public water accesses.

iv. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners or seasonal renters, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.

v. Public and private golf courses and outdoor driving ranges.

vi. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms by appointment only.

vii. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.

viii. Bait shops for sale of live bait.

ix. Outdoor shooting ranges and game farms.

x. Any other outdoor recreation facilities that may be designated in the Outdoor Recreation Guidelines.

4. All private and public campgrounds and dispersed camping sites must remain closed to recreational camping.

5. Nothing in this Executive Order permits trespass upon private property. All activities and work undertaken pursuant to this Executive Order must be undertaken in accordance with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules. Nothing in this Executive Order should be construed to abrogate existing local authority to limit or restrict activities or close facilities.

6. Minnesotans who are customers or visitors in workplaces should respect the efforts of employers to protect the safety of their workers by complying with those workplaces' social distancing and hygiene instructions. Employers should post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.

7. Nothing in this Executive Order should be interpreted to allow or encourage workers who can work from home to leave home for work. As ordered in Executive Order 20-33, **all workers who can work from home must do so**.

8. As provided in Executive Order 20-33, paragraph 7, all activities and work exempted in this Executive Order should be conducted in a manner that adheres to Minnesota Occupational Safety and Health Standards and MDH and CDC Guidelines related to COVID-19, including social distancing and hygiene. Under existing law and authority, the Minnesota Occupational Safety and Health Administration may issue citations, civil penalties, or closure orders to places of employment with unsafe or

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unhealthy conditions, and the Department of Labor and Industry may penalize employers that retaliate against employees who raise safety and health concerns.

9. I urge all Minnesotans to voluntarily comply with this Executive Order and Executive Order 20-33. The penalties set forth in Executive 20-33, paragraph 9, apply to violations of this Executive Order.

10. DNR and local government workers are authorized to engage in activities necessary for the implementation of this Executive Order, provided that such work is done in accordance with applicable CDC and MDH guidance.

11. I direct DNR to continue to develop and implement guidelines and requirements for appropriate social distancing, hygiene, and public health best practices.

12. All provisions of Executive Orders 20-04, 20-18, and 20-33 consistent with this Executive Order remain in effect.

13. This Executive Order is effective through May 3, 2020 at 11:59 pm, until it is rescinded by proper authority, or until the peacetime emergency declared in Executive Order 20-01 is terminated, whichever occurs earlier.

14. This Executive Order may be extended by a future Executive Order, with the approval of the Executive Council.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 17, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

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Approved by the Executive Council on April 17, 2020:

Alice Roberts-Davis
Secretary, Executive Council