

4350.3070 JOINT HEARING.

Subpart 1. **Procedure.** When one or more agencies affirm that a hearing is required or appropriate relating to its permit requirements for the project, the agencies shall issue an order for a hearing. In preparing the order for hearing, the agencies shall consult with the coordination unit in setting the time and place for the joint hearing. The coordination unit shall issue a notice that a joint hearing will be held pursuant to the contested case provisions of Minnesota Statutes, chapter 14, the rules of the Office of Administrative Hearings, and these rules. Copies of the notice and orders shall be immediately forwarded to all agencies having a permit interest in the project and to the applicant by the coordination unit.

Subp. 2. **State agency participation.** Each participating state agency shall be represented at the joint hearing by its chief administrative officer or that officer's designee. The representative shall participate in the portion of the joint hearing pertaining to submission of information, views, and supporting materials that are relevant to the specific permit applications under the jurisdiction of that agency. The manner of agency participation shall be consistent with the contested case rules of the Office of Administrative Hearings. The administrative law judge may, when appropriate, continue a joint hearing from time to time and place to place. The joint hearing shall be recorded in any manner suitable for transcription pursuant to Minnesota Statutes, chapter 14. The record of the joint hearing shall be made available for public inspection by the coordination unit.

Subp. 3. **Administrative law judge's report.** Upon termination of the joint hearing, the administrative law judge's report, containing recommendations on each permit, shall be forwarded to the coordination unit. The coordination unit shall forward copies of the report to the participating agencies and to the applicant.

Subp. 4. **Costs.** Costs of the joint hearing shall be apportioned by the coordination unit to each participating agency. The hearing costs shall be apportioned based on the percentage of the hearing record that is pertinent to each participating agency.

Subp. 5. **Final agency decision.** Within 60 days of receipt of the administrative law judge's report or notification by the coordination unit of its availability to those agencies not participating in the hearing, each agency shall notify the coordination unit of its final decision on the permit applications within its jurisdiction. This date may be extended by the director of the bureau for reasonable cause. A request for such extension, setting forth specific reasons, shall be filed with the director of the bureau, who shall immediately notify the applicant. Such extension shall be the minimum time needed by the agency to reach a final decision and shall be considered an exception to normal operating procedure. Each final decision shall set forth the reasons for the decision together with a final order denying or granting the permit, including any conditions under which the permit is issued.

Statutory Authority: *MS s 116C.32*

History: *L 1983 c 289 s 34 to 39; L 1984 c 640 s 32; L 1987 c 312 art 1; 17 SR 1279*

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