

5800.0100 REVIEW ALTERNATIVES.

Subpart 1. **Mediation.** The chair may determine that the proposed project under review is more suited to mediation than to a formal public hearing process and may suspend the metropolitan significance review for up to 30 days to bring the parties together to resolve differences. The resolution of these differences will be outlined in a written agreement. The agreement must be signed by all parties and must be accepted by the council. If the parties do not reach agreement within the suspension period, the significance review will resume. Any party may appeal the chair's decision to use mediation by submitting a written request to the council within seven days following the chair's decision. The council must review this request and either direct use of the public hearing process or affirm the chair's decision.

Subp. 2. **Public hearing process.** Unless mediation resolves the differences among the parties, the significance review will include a formal public hearing.

Subp. 3. **Use of an administrative law judge.** At any time before beginning the public hearing, the significance review committee may decide to use an administrative law judge appointed by the Office of Administrative Hearings for conducting the public hearing. A hearing held by an administrative law judge will be conducted in accordance with the rules of the Office of Administrative Hearings for contested cases, parts 1400.5010 to 1400.8400, to the extent those rules are not inconsistent with the time periods and procedures specified in this chapter. The report of the administrative law judge appointed by the significance review committee will be transmitted to the review committee. The committee will review the report and may use it as a basis for developing committee findings and recommendations. Any party may make a request for delegation of responsibility to an administrative law judge.

Subp. 4. **Phased proposed project.** When undertaking a significance review of a phased proposed project, the council may consider the total project or any separate independently viable stage. In determining independent viability, the council will consider whether a particular stage is viable without subsequent development, the interrelationship between the stage and subsequent development and whether the stage would foreclose the option of making modifications to mitigate metropolitan system effects. Any significance review of a separate stage will not preclude subsequent significance review of other stages.

Statutory Authority: *MS s 473.173*

History: *13 SR 2366; 26 SR 391*

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