

6264.0270 PUBLIC INITIATION OF EXPERIMENTAL AND SPECIAL MANAGEMENT WATERS DESIGNATION.

Subpart 1. **Submission of proposals.** A person, organization, or other entity may submit a proposal to the commissioner at any time for designation of specific lakes or streams as experimental or special management waters. Proposals must include the following information:

- A. names of waters proposed for designation and counties where waters are located;
- B. description of proposed experimental or special regulations;
- C. objective of proposed experimental or special regulations;
- D. documentation of public support for the proposal; and
- E. proposed implementation date.

Subp. 2. **Proposal evaluation.** The commissioner shall evaluate proposals for experimental or special management waters based on the following criteria:

- A. presence of an objective which meets a defined biological or social need supported by reliable information;
- B. compatibility with existing programs of the department;
- C. public acceptance;
- D. compatibility with existing state law;
- E. availability of sufficient funding if needed for evaluation; and
- F. scientific validity and conformance with established biological principles.

Subp. 3. **Action on proposal.** The commissioner may deny a proposal which does not meet the criteria in subpart 2, or may suggest modifications to the proposal so that it better meets the criteria. The commissioner shall notify originators of proposals of acceptance, denial, or suggested modifications within three months of receiving the proposal. The commissioner shall provide a written explanation for denials and suggestions for modification. The originator of the proposal may decide to accept suggested modifications or to drop the proposal. Acceptance of a proposal by the commissioner is not a guarantee that the proposal will be implemented as experimental or special management waters.

Subp. 4. **Proposal approval.** Proposals which are accepted by the commissioner are subject to further review by the department; public notice and meeting requirements of Minnesota Statutes, sections 97C.001, subdivision 2, and 97C.005, subdivision 1; and all other applicable state law before final approval and implementation. The commissioner may order that a proposal be dropped or modified at any time during the internal review or public

notification process. If a proposal is dropped or modified, the commissioner shall provide the reasons for this action in writing to the originator of the proposal. The originator of the proposal may decide to accept the commissioner's modifications or to drop the proposal.

Statutory Authority: *MS s 97C.001; 97C.005*

History: *18 SR 468*

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