

7001.1440 PUBLIC NOTICE OF APPLICATION AND PRELIMINARY DETERMINATION.

Subpart 1. **Public notice required.** Except as provided in subpart 2, the commissioner shall prepare and issue public notices in accordance with the requirements of part 7001.0100, subpart 4, except that the public comment period shall be established by the commissioner on a case-by-case basis after considering the scope, nature, and potential impacts on water quality of the project. In no event shall the public comment period be less than ten days.

Subp. 2. **Exception.** The commissioner is not required to prepare and distribute a public notice pursuant to part 7001.0100, subpart 4, if the commissioner finds that a federal agency or department has prepared and distributed or will prepare and distribute a public notice concerning a section 401 certification in accordance with the public notice requirements applicable to the federal agency or department under federal statutes or regulations, so long as the notice is actually prepared and distributed.

Statutory Authority: *MS s 115.03*

History: *10 SR 2235; L 1987 c 186 s 15*

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