

July 18, 2025

VIA E-FILING ONLY

Elizabeth P. Carlson
Minnesota Department of Natural Resources
500 Lafayette Rd Box 10
Saint Paul, MN 55155
Beth.Carlson@state.mn.us

**Re: *In the Matter of the Proposed Expedited Game and Fish Rule
Relating to Lake Superior Fishing Regulations Revisor's File
Number: R-4872***
OAH 24-9002-40997; Revisor R-4872

Dear Elizabeth P. Carlson:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RULES PURSUANT TO MINN. STAT. § 14.389 AND MINN. R. 1400.2410**. With the approval of these expedited rules, the Office of Administrative Hearings has closed this file and is returning the rule record to the Department so that the Department can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365.

Please ensure that the Department's signed order adopting the rules is filed with our office. The Office of Administrative Hearings will request the finalized rules from the Revisor's office following receipt of that order. The Office of Administrative Hearings will then file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes and one copy to the Minnesota Department of Natural Resources. **Pursuant to Minn. Stat. § 14.389, subd. 3 and Minn. R. 1400.2410, subp. 5, the Department is responsible for filing a copy of the expedited rules with the Governor.**

The Department's next step is to arrange for publication of the Notice of Adoption in the State Register. The Department should request copies of the Notice of Adoption from the Revisor's Office. One copy should be placed in the official rulemaking record. Two copies of the Notice of Adoption should be sent to the State Register for publication. Please note that if the final expedited rule is different from the rule originally published, an agency must publish a copy of the changes in the State Register. An expedited rule becomes effective upon publication of the Notice of Adoption in the State Register in accordance with Minn. Stat. § 14.389, subd. 3.

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If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Nichole Sletten". The signature is written in a cursive, flowing style.

NICHOLE SLETTEN
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Office of the Revisor of Statutes

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Expedited
Game and Fish Rule Relating to Lake
Superior Fishing Regulations

**ORDER ON REVIEW OF
RULES PURSUANT TO
MINN. STAT. § 14.389
AND MINN. R. 1400.2410**

This matter came on before Assistant Chief Administrative Law Judge Kristien R. E. Butler upon the application of the Minnesota Department of Natural Resources (Department) for a legal review.

On July 16, 2025, Department filed documents with the Office of Administrative Hearings seeking review and approval of the above-entitled rule pursuant to Minn. Stat. § 14.389 (2024) and Minn. R. 1400.2410 (2023).

Department submitted for review:

1. The proposed rule, including the Revisor's approval;
2. The Notice of Intent to Adopt Expedited Rules Without a Public Hearing as mailed, which incorporated the statutory authority permitting Department to adopt expedited rules;
3. The Notice of Intent to Adopt Expedited Rules Without a Public Hearing as published in the *State Register*, which incorporated the statutory authority permitting Department to adopt expedited rules;
4. The Certificate of Mailing the Notice of Intent to Adopt Expedited Rules Without a Public Hearing to Department's Rulemaking Mailing List and the Certificate of Accuracy of the Mailing List;
5. The Certificate of Giving Additional Notice and a copy of Department's statewide news release;
6. The five received written public comments on the proposed rule, including a copy of Department's responses;
7. A copy of the adopted rule; and
8. The proposed Order Adopting Rules.

Based upon review of the submissions by Department,

IT IS HEREBY DETERMINED THAT:

1. Department has complied with the applicable procedural requirements of Minnesota Statutes, chapter 14, and Minnesota Rules, chapter 1400.
2. The rule meets the required standards of items A and C to H of Minn. R. 1400.2100 (2023),
3. Pursuant to Minn. Stat. § 84.027, subd. 13a(b) (2024), Department has the statutory authority to adopt the proposed rule by way of the expedited rulemaking process.
4. Department's published Notice of Intent to Adopt Expedited Rules Without a Public Hearing contained a written language error in 1.a. under the Subject of the Expedited Rules section. Given this error did not deprive any person or entity of the opportunity to meaningfully participate in the rulemaking process, the Judge deems this error to be harmless pursuant to Minn. Stat. § 14.26, subd. 3(d)(1) (2024).
5. Department made one modification to the proposed rule by adding the date the rule would take effect. The Judge finds this modification to be unsubstantial, therefore, Minn. R. 1400.2100(C) is not implicated.

Accordingly, the Judge hereby issues the following:

ORDER

The proposed adopted rule is **APPROVED**.

Dated: July 18, 2025

A handwritten signature in black ink, appearing to read 'Kristien R. E. Butler', written over a horizontal line.

KRISTIEN R. E. BUTLER
Assistant Chief Administrative Law Judge