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The Minnesota
**State
Register**

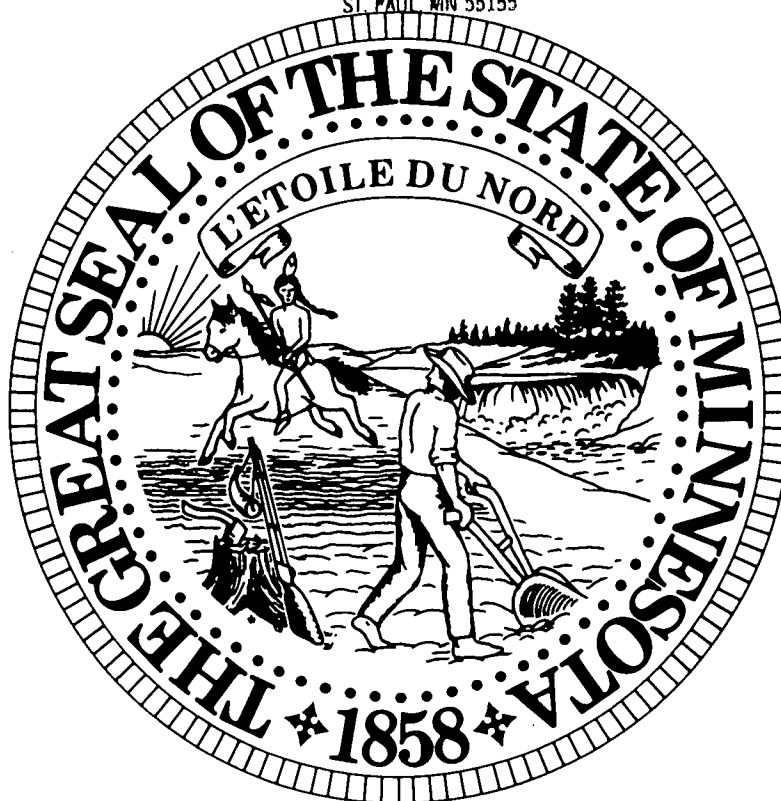
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Tuesday 5 July 1994

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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Deadline extensions may be possible at the editor's discretion. Requests for deadline extensions should only be made in valid emergency situations. Please call 297-7963 and leave your fax number—you will be faxed a one-page information sheet regarding submissions and a submission calendar.

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
1	Tuesday 5 July	Monday 20 June	Monday 27 June
2	Monday 11 July	Monday 27 June	Friday 1 July
3	Monday 18 July	Friday 1 July	Monday 11 July
4	Monday 25 July	Monday 11 July	Monday 18 July

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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For subscription information call 612/296-0931.

Commodity awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Education

Proposed Permanent Rules Relating to Development and Content of Individual Education Program Plan Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota State Board of Education intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Nevin Nolder
Minnesota Department of Education
819 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-8586

Subject of Rule and Statutory Authority. The proposed rule is about the continuation of parental rights upon a student's arriving at the age of majority, and about the development and content of individual education program plans. The statutory authority to adopt this rule is *Minnesota Statutes* 121.11, subd. 7b and *Laws of 1993*, article 43, Sec. 35, Subd. 5. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 P.M., August 5, 1994 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 5, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reasons for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the Board may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

ney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Marsha Gronseth
Executive Director

Rules as Proposed

3525.0200 DEFINITIONS FOR SPECIAL EDUCATION.

[For text of subps 1 to 10, see M.R.]

Subp. 11a. **Parent or parents.** For a pupil under age 18, "parent" or "parents" means the mother, father, guardian, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2430 to 3525.2455 for a pupil under age 18. For a pupil over age 18 or over, it means "parent" or "parents" also includes the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

Parents whose legal rights have not been terminated but who have not been granted legal custody have the right of access to, and to receive copies of important school records and the right to be informed by school officials about the child's welfare, educational progress, and status, and to attend school and parent-teacher conferences unless otherwise ordered by a court. The school need not hold a separate conference for each parent.

[For text of subps 15a to 26, see M.R.]

3525.2900 INDIVIDUAL EDUCATION PROGRAM PLAN.

[For text of subpart 1, see M.R.]

Subp. 3. **Content and sequence of individual educational program plan.** In preparing the IEP, the district shall follow this sequence and shall include the following:

[For text of items A to F, see M.R.]

G. Appropriate evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

Department of Natural Resources

Proposed Permanent Rules Relating to Game and Fish

Dual Notice:

Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing and Notice of Hearing if 25 or More Requests for Hearing are Received.

Introduction: The Minnesota Department of Natural Resources intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons request a hearing on these rules by August 5, 1994, 4:30 pm, a public hearing will be held on August 16, 1994. To find out whether these rules will be adopted without a public hearing or if a public hearing will be held, you should contact Mike Grupa at (612) 297-2447 between August 5, 1994 and August 16, 1994.

Subject of Rules and Statutory Authority: The proposed rules are about fish transportation, labeling and packing of fish under a fish packer license, wildlife management areas, state game refuges, controlled hunting zones, big game, small game, pelting fees, predator control, turkeys, geese, game farms, rough fish, whitefish and ciscoes, Lake Superior fishing regulations, Lake Superior fishing guides, minnows, amphibians, and crayfish. The Statutory authority to adopt the rules is *Minnesota Statutes*, sections 97A.137, 97A.091, 97A.092, 97B.311, 97B.411, 97B.505, 97B.515, 97B.301, 97A.401, 97B.305, 97A.485, 97B.605, 97B.711, 97B.911, 97B.915, 97B.921, 97B.925, 97B.715, 97B.621, 97B.631, 97B.635, 97B.625, 97A.055, 97B.671, 97B.721, 97A.095, 97B.811, 97B.803, 97A.105, 97A.418, 97A.551, 97C.865, 97C.345, 97C.375, 97C.401, 97C.311, 97C.505, 97C.601, 97C.871, 97C.205, and 97A.045.

Modifications: The proposed rule may be modified if the modifications are supported by data and views submitted to the agency or as a result of the rule hearing process if they do not result in substantial change in the proposed rule as noticed. If you are potentially affected in any manner by the substance of the proposed rules, you are encouraged to participate in the rulemaking process.

Request for Hearing: In addition to submitting comments, you may also request a hearing be held on these rules. Your request for a public hearing must be in writing and must be received by the agency by 4:30 pm, August 5, 1994. Your request for a public hearing must include your name, address, and phone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Cancellation of Hearing: The hearing scheduled for August 16, 1994 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on these rules. If you requested a public hearing, the agency will notify you before

Proposed Rules

the scheduled hearing whether or not the hearing will be held. You may also call Mike Grupa at (612) 297-2447 after August 5, 1994 to find out whether a hearing will be held.

Agency Contact Person: Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to Mike Grupa, Department of Natural Resources, 500 Lafayette Rd, St. Paul MN, 55155-4047, (612) 297-2447, no later than August 5, 1994, 4:30 pm.

Notice of Hearing: If 25 or more persons submit written requests for a public hearing on these rules, a hearing will be held pursuant to *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on August 16, 1994 at the Kelly Inn Best Western, at Interstate 94 and Marion Street, St. Paul, Minnesota, beginning at 9:00 am and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Judge Phyllis A. Reha. Judge Reha can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, (612) 341-7609.

Hearing Procedure: If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 pm on the due date. No additional evidence may be submitted during the five day period. This rule hearing procedure is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, should a hearing be held, is now available from the Office of Administrative Hearings. To review or obtain a copy of the Statement, contact Mike Grupa at the address listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations: The promulgation of this rule is the final step in the Department of Natural Resources' conversion from commissioner's orders to rules. Throughout this process, the department has maintained a policy of no substantive changes, which means that the proposed rule contains the same provisions as the commissioner's orders it was derived from. Since this rule is only a codification of commissioner's orders which existed prior to the department's conversion to rules, there are no impacts to small businesses.

Expenditure of Public Money by Local Bodies. For the reasons stated above, this rule will not require the expenditure of public money by local public bodies, thus no fiscal note is required.

Other Notices: For the reasons stated above, this rule will not affect agricultural land.

Lobbyist Registration: *Minnesota Statutes*, Chapter 10A require each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, 55155, (612) 296-5148.

Adoption Procedure if No Hearing: If no hearing is required, upon adoption of the rule, the rule and supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that form relates to legality. You may request to be notified of the date of the rule submission to the Attorney General or the Attorney General's decision on the rule. If you wish to be so notified, you must submit the written request to Mike Grupa at the address listed above.

Adoption Procedure After the Hearing: If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may request notification of the date on which the rules were adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rules are filed. If you want to be so notified, you may indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

Dated: 24 June 1994

Rod Sando
Commissioner

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Notice of Hearing

In the matter of the proposed rule relating to fish transportation, labeling and packing of fish under a fish packer license, wildlife management areas, state game refuges, controlled hunting zones, big game, small game, pelting fees, predator control, turkeys, geese, game farms, rough fish, whitefish and ciscoes, Lake Superior fishing regulations, Lake Superior Fishing guides, minnows, amphibians, and crayfish, the Commissioner of Natural Resources has scheduled a hearing on August 16, 1994, 9:00 am, at the Kelly Inn Best Western, Interstate 94 and Marion Street, St. Paul, Minnesota.

A copy of this notice will be mailed to all persons who have registered with the department for that purpose.

A copy of this notice will be published in the *State Register*.

Dated: 24 June 1994

Rod Sando
Commissioner

Rules as Proposed

TRANSPORTATION OF FISH

6214.0200 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Dressed fish. "Dressed fish" means fish that may have heads, entrails, gills, and either the scales or skin removed.

Subp. 3. Fillet. "Fillet" means a portion, not including the cheeks, of the flesh of a fish that has been removed. Scales or skin may be removed or intact.

6214.0300 PREPARATION AND PACKING OF FISH FOR TRANSPORTATION.

Subpart 1. Restrictions on packing and wrapping fish. All fish that are being transported or shipped by residents or nonresidents must be packed and wrapped in such a way that they may be readily unpacked, unwrapped, separated, examined, and counted.

Subp. 2. Retention of patch of skin on dressed fish. Except for bullheads, sunfish, and crappies, all dressed fish and fillets must retain, in a place other than the belly, a patch of skin, measuring at least one square inch, with scales intact. Dressed and filleted sauger will be counted as walleye.

Subp. 3. Restriction on number of fillets per fish. A fish may not be reduced to more than two fillets.

Subp. 4. Restriction on fish with statewide length limits. Fish having statewide length limits may only be possessed in the field, transported, or shipped undressed, except as provided by *Minnesota Statutes*, section 97A.551, subdivision 4.

Subp. 5. Fish with length limits on specific waters. Where length limits are in effect only on specific waters, fish covered by length limits and possessed by anglers while on those waters must be undressed.

6214.0400 LABELING AND PACKING OF FISH UNDER A FISH PACKER LICENSE.

Fish packed by a licensed fish packer must be packed and labeled in accordance with the following provisions:

A. Between March 15 and November 30 completely filleted sauger will be counted as walleye except that sauger may be packed in a filleted condition with skin, dorsal fin, and tail attached. Between December 1 and March 14, filleted sauger will not be counted as walleye, if packages are properly labeled.

B. A fish may not be reduced to more than two fillets.

C. Fish having statewide length limits may only be packed undressed, except as provided by *Minnesota Statutes*, section 97A.551, subdivision 4. Fish from waters where length limits differ from statewide regulations may be packed dressed.

D. Each package of fish must be individually labeled by the licensed fish packer. The label must be marked legibly in ink and contain the following information:

- (1) name, address, and license number of the person who lawfully possesses the fish;
- (2) name and address of consignee, if different from subitem (1);
- (3) name and license number of the fish packer who packed the fish;
- (4) contents of package, including species, number of fish, and net weight; and
- (5) date of packaging.

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

[For text of subs 1 to 8, see M.R.]

Subp. 9. Areas closed to firearms deer hunting. The Lake Blanche Wildlife Management Area in Otter Tail county is and a portion of the Timber Lake Wildlife Management Area (as posted) in Jackson county are closed to firearms deer hunting.

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

Subpart 1. Albert Lea Game Refuge, Freeborn county. The Albert Lea Game Refuge in Freeborn county is open to:

- A. small game hunting, except waterfowl;

- B. trapping;
- C. deer and bear hunting by firearms; and
- D. deer and bear hunting by archery.

Subp. 2. Bemidji Game Refuge, Beltrami county. The Bemidji Game Refuge in Beltrami county is open to:

- A. small game hunting, except waterfowl, through October 31;
- B. trapping for beaver, mink, and muskrat only; and
- C. deer and bear hunting by archery.

Subp. 3. Camp Ripley State Game Refuge, Morrison county. Hunting in the Camp Ripley State Game Refuge in Morrison county is allowed only by permit as provided by parts 6232.0900 to 6232.1100.

Subp. 4. Claremont Game Refuge, Dodge county. The Claremont Game Refuge in Dodge county is open to:

- A. small game hunting, except waterfowl;
- B. trapping; and
- C. deer and bear hunting by archery.

Subp. 5. Clay County Game Refuge, Clay county. The Clay County Game Refuge in Clay county is open to:

- A. deer and bear hunting by firearms; and
- B. deer and bear hunting by archery.

Subp. 6. Clearbrook Game Refuge, Clearwater county. The Clearbrook Game Refuge in Clearwater county is open to:

- A. small game hunting, except waterfowl, through December 31;
- B. trapping through December 31;
- C. deer and bear hunting by firearms; and
- D. deer and bear hunting by archery.

Subp. 7. Cross Lake Game Refuge, Crow Wing county. The Cross Lake Game Refuge in Crow Wing county is open to:

- A. trapping; and
- B. deer and bear hunting by archery.

Subp. 8. East Minnesota River Game Refuge, Blue Earth and Le Sueur counties. The East Minnesota River Game Refuge in Blue Earth and Le Sueur counties is open to deer and bear hunting by archery, except during the firearms deer season.

Subp. 9. Elizabeth Lake Game Refuge, Isanti county. The Elizabeth Lake Game Refuge in Isanti county is open to:

- A. small game hunting, except waterfowl;
- B. trapping;
- C. deer and bear hunting by firearms; and
- D. deer and bear hunting by archery.

Subp. 10. Erhard's Grove Game Refuge, Otter Tail county. The Erhard's Grove Game Refuge in Otter Tail county is open to:

- A. deer and bear hunting by firearms; and
- B. deer and bear hunting by archery.

Subp. 11. Evansville Game Refuge, Douglas county. The Evansville Game Refuge in Douglas county is open to:

- A. trapping; and
- B. deer and bear hunting by firearms.

Subp. 12. Fish Lake-Ann River Game Refuge, Kanabec county. The Fish Lake-Ann River Game Refuge in Kanabec county is open to trapping.

Subp. 13. Fox Lake Game Refuge, Martin county. The Fox Lake Game Refuge in Martin county is open to:

- A. small game hunting, except waterfowl;
- B. trapping;

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C. special goose hunts;

D. deer and bear hunting by firearms; and

E. deer and bear hunting by archery.

Subp. 14. German Lake Game Refuge, Isanti county. The German Lake Game Refuge in Isanti county is open to:

A. small game hunting, except waterfowl;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 15. Glencoe Izaak Walton League Game Refuge, McLeod county. The Glencoe Izaak Walton League Game Refuge in McLeod county is open to trapping.

Subp. 16. Gopher Campfire Game Refuge, McLeod county. The Gopher Campfire Game Refuge in McLeod county is open to:

A. trapping; and

B. deer and bear hunting by archery.

Subp. 17. Hanley Falls Game Refuge, Yellow Medicine county. The Hanley Falls Game Refuge in Yellow Medicine county is open to deer and bear hunting by archery.

Subp. 18. Hiawatha Game Refuge, Pipestone county. The Hiawatha Game Refuge in Pipestone county is open to:

A. small game hunting, except waterfowl, by shotgun only;

B. trapping; and

C. deer and bear hunting by archery.

Subp. 19. Howard Lake Game Refuge, Wright county. The Howard Lake Game Refuge in Wright county is open to trapping.

Subp. 20. Itasca State Park, Becker, Clearwater, and Hubbard counties. Itasca State Park in Becker, Clearwater, and Hubbard counties is open to firearms deer hunting, except where posted as closed.

Subp. 21. Lac qui Parle Game Refuge, Chippewa and Lac qui Parle counties. The following special provisions apply to the Lac qui Parle Game Refuge, Chippewa, and Lac qui Parle counties:

A. Those portions within the Lac qui Parle State Recreational Area, Mission Site, or that are posted to prohibit trespass are closed to hunting. The remainder of the refuge is open to deer hunting and to small game hunting, except during the goose season in the Lac qui Parle Goose Zone where small game hunting is allowed only at designated hunting stations as provided by parts 6230.0500 to 6230.1100.

B. From September 20 to December 1, a person may not trespass on any part of the refuge which is posted with signs prohibiting trespass during this period, except that, beginning the day after the goose season closes within the Lac qui Parle Goose Zone, fishing is permitted in the posted area.

C. A person may not trespass on Rosemoen Island at any time during the year.

Subp. 22. Lake Ripley Game Refuge, Meeker county. The Lake Ripley Game Refuge in Meeker county is open to:

A. small game hunting, except waterfowl, after the waterfowl season; and

B. trapping after the waterfowl season.

Subp. 23. Lake Winona Game Refuge, Douglas county. The Lake Winona Game Refuge in Douglas county is open to trapping.

Subp. 24. Linn Lake Game Refuge, Chisago county. The Linn Lake Game Refuge in Chisago county is open to:

A. small game hunting, except waterfowl;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 25. Little Pine Lake Game Refuge, Otter Tail county. The Little Pine Lake Game Refuge in Otter Tail county is open to trapping.

Subp. 26. Lost Lake Game Refuge, Fillmore county. The Lost Lake Game Refuge in Fillmore county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 27. Lower Pigeon Lake Game Refuge, Itasca county. The Lower Pigeon Lake Game Refuge in Itasca county is open to:

A. deer and bear hunting by firearms; and

B. deer and bear hunting by archery.

Subp. 28. Madelia Game Refuge, Watonwan county. The Madelia Game Refuge in Watonwan county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 29. Minnetonka Game Refuge, Carver and Hennepin counties. The Minnetonka Game Refuge in Carver and Hennepin counties is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 30. Moscow Game Refuge, Freeborn county. The Moscow Game Refuge in Freeborn county is open to:

A. small game hunting, except waterfowl;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 31. Nerstrand Woods Game Refuge, Rice county. The Nerstrand Woods Game Refuge in Rice county is open to deer hunting by muzzleloader special permit only.

Subp. 32. Oak Lake Game Refuge, Polk county. The Oak Lake Game Refuge in Polk county is open to trapping.

Subp. 33. Ocheda Lake Game Refuge, Nobles county. The Ocheda Lake Game Refuge in Nobles county is open to trapping.

Subp. 34. Park Rapids Game Refuge, Hubbard county. The Park Rapids Game Refuge in Hubbard county is open to trapping.

Subp. 35. Paul Bunyan Game Refuge, Hubbard county. The Paul Bunyan Game Refuge in Hubbard county is open to:

A. small game hunting, except waterfowl, through the Thursday nearest November 4;

B. trapping;

C. deer hunting by muzzleloader during the muzzleloader season; and

D. deer and bear hunting by archery through the Thursday nearest November 4.

Subp. 36. Pigeon River Flowage Game Refuge, Itasca county. The Pigeon River Flowage Game Refuge in Itasca county is open to:

A. deer and bear hunting by firearms; and

B. deer and bear hunting by archery.

Subp. 37. Pine County Game Refuge, Units 1, 2, and 3, Pine county. The Pine County Game Refuge, Units 1, 2, and 3 in Pine county are open to:

A. small game hunting;

B. trapping; and

C. deer and bear hunting by archery.

Subp. 38. Polk-Clearwater Game Refuge, Polk and Clearwater counties. The Polk-Clearwater Game Refuge in Polk and Clearwater counties is open to:

A. trapping; and

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B. deer and bear hunting by archery.

Subp. 39. Rochester Refuge, Olmsted county. The Rochester Refuge in Olmsted county is open to:

A. small game hunting, except waterfowl;

B. trapping;

C. deer and bear hunting by firearms and bow and arrow; and

D. the taking of unprotected wild animals at any time and by any legal method.

Subp. 40. St. Croix River Game Refuge, Washington county. The St. Croix Game Refuge in Washington county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 41. St. James Game Refuge, Watonwan county. The St. James Game Refuge in Watonwan county is open to:

A. trapping; and

B. special goose hunts.

Subp. 42. Sand Dunes Game Refuge, Sherburne county. The Sand Dunes Game Refuge in Sherburne county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 43. Schoolcraft Game Refuge, Hubbard county. The Schoolcraft Game Refuge in Hubbard county is open to:

A. small game hunting, except waterfowl, through the Thursday nearest November 4;

B. trapping; and

C. deer and bear hunting by archery through the Thursday nearest November 4.

Subp. 44. Stearns County Game Refuge, Stearns county. The Stearns County Game Refuge in Stearns county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 45. Stillwater Game Refuge, Washington county. The Stillwater Game Refuge in Washington county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 46. Sunnyside Township Game Refuge, Wilkin county. The Sunnyside Township Game Refuge in Wilkin county is open to trapping.

Subp. 47. Swan Lake Number 2 Game Refuge, Nicollet county. The Swan Lake Number 2 Game Refuge in Nicollet county is open to:

A. small game hunting;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

Subp. 48. Talcot Lake Waterfowl Refuge, Cottonwood county. Waterfowl hunting, in an area adjacent to the Talcot Lake Waterfowl Refuge in Cottonwood county, is prohibited within the right-of-way of State Trunk Highway 62 from the Cottonwood-Murray county line on the west to the junction with County State Aid Highway 7, Cottonwood county, on the east.

Subp. 49. Warroad Game Refuge, Roseau county. The Warroad Game Refuge in Roseau county is open to trapping.

Subp. 50. Whitewater Game Refuge, Winona county. The Whitewater Game Refuge in Winona county is open to:

A. small game hunting, except waterfowl, by bow and arrow or firearms using No. 4 buckshot or smaller diameter lead or steel shot or .22 caliber rimfire only;

- B. trapping by permit; and
- C. firearms deer hunting only by permit.

CONTROLLED HUNTING ZONES

6230.0500 GENERAL REGULATIONS FOR CONTROLLED HUNTING ZONES.

The following regulations apply to all persons within a controlled hunting zone:

- A. Except for the retrieval of downed birds, the taking of waterfowl is limited to the area within ten feet of each designated hunting station provided a person complies with all other refuge and trespass regulations.
- B. Only one hunting group, consisting of no more than three hunters, may occupy a designated hunting station at a time.
- C. Persons occupying a hunting station must fulfill all license requirements to hunt waterfowl.
- D. A person may not leave any refuse, offal, or feathers in the controlled hunting zone or in any parking lot.
- E. Alcoholic beverages may not be consumed or possessed at any of the hunting stations.
- F. A person may not loiter in areas between the designated hunting stations.
- G. Dogs must be on a leash except within ten feet of stations or while retrieving, and must be under control at all times.
- H. After each party member has bagged a limit of Canada geese, or expended a limit of shells, the party must promptly leave the station.
- I. No trailers of any kind are allowed in designated parking lots.

6230.0600 DESCRIPTIONS OF CONTROLLED HUNTING ZONES.

Subpart 1. Establishment of controlled hunting zones. Controlled hunting zones with designated hunting stations are established on portions of or adjacent to certain wildlife management areas and game refuges as described.

Subp. 2. Thief Lake Zone, Marshall county. On the Thief Lake Wildlife Management Area in Marshall county, the controlled hunting zone includes the following:

The Southwest Quarter of Section 8, the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 9, the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 11, the West Half (W 1/2) of Section 17, and the Northwest Quarter (NW 1/4) of Section 20; as well as portions of the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 8, the South Half of the South Half (S 1/2 S 1/2) of Section 9, the South Half (S 1/2) of Section 10, the South Half of the South Half (S 1/2 S 1/2) of Section 11, the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 20, Township 158 North, Range 41 West.

Subp. 3. Lac qui Parle Zone, Chippewa, Swift, Big Stone, and Lac qui Parle counties. The following areas are included in controlled hunting zones in the Lac qui Parle Zone in Chippewa, Swift, Big Stone, and Lac qui Parle counties:

A. On the Lac qui Parle Wildlife Management Area in Chippewa, Swift, Big Stone, and Lac qui Parle Counties, the controlled hunting zone includes the following:

The Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 32, Township 119 North, Range 42 West, and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) and the East Half of the Northwest Quarter (E 1/2 NW 1/4) of Section 5, Township 118 North, Range 42 West, all in Lac qui Parle County.

And also the East Half of the Northwest Quarter (E 1/2 NW 1/4), the East Half of the Southwest Quarter (E 1/2 SW 1/4) and the West Half of the West Half of the Southeast Quarter (W 1/2 W 1/2 SE 1/4) of Section 12, Township 118 North, Range 42 West, the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), the Northeast Quarter (NE 1/4) except that part lying northeasterly of State Hwy. 7, the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), and those parts of the Northwest Quarter (NW 1/4) owned by the state and posted as "Wildlife Management Area, Controlled Hunting Zone," all in Section 1, Township 118 North, Range 42 West, all in Chippewa County.

And also all state owned land posted as "Wildlife Management Area, Controlled Hunting Zone" located between U.S. Hwy. 59 and County State Aid Highway 33, Chippewa County, in Sections 6 and 7, Township 118 North, Range 41 West, all in Chippewa County.

And also the West Half of the Northwest Quarter (W 1/2 NW 1/4), the Southwest Quarter (SW 1/4), the West Half of the Southeast Quarter (W 1/2 SE 1/4) and the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 36, Township 119 North, Range 42 West, all in Chippewa County.

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B. On the Lac qui Parle Game Refuge in Chippewa and Lac qui Parle counties, the controlled hunting zone includes the 200 yard wide area which is outside of and immediately adjacent to the area within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 13, Chippewa County, and CSAH 33, Lac qui Parle County, thence East along CSAH 13 to the southeast corner of Section 13, Township 118 North, Range 42 West, thence North along the Township road to the northeast corner of said Section 13, thence West along the township road to the southeast corner of the West Half of the West Half of the Southeast Quarter (W 1/2 W 1/2 SE 1/4) of Section 12, Township 118 North, Range 42 West; and beginning at the northeast corner of the West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 12, Township 118 North, Range 42 West, thence West along the North side of said West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 12, Township 118 North, Range 42 West, to County Road 32, Chippewa County, thence North along County Road 32 to the intersection of CSAH 12, Chippewa County, thence West along CSAH 12 to the intersection of County Road 31, Chippewa County, thence along County Road 31 to State Trunk Highway 40; and beginning at the intersection of State Trunk Highway 40 and CSAH 33 in Lac qui Parle County, thence southeasterly along CSAH 33 to the intersection with CSAH 13, Chippewa County, the point of beginning.

C. Designated hunting stations are also established in Lac qui Parle State Recreation Area, Lac qui Parle county, where waterfowl hunting is permitted subject to the provisions of part 6230.0700.

Subp. 4. Elm Lake Zone, Marshall county. On the Elm Lake Wildlife Management Area in Marshall county, the controlled hunting zone includes the following:

The North 200 yards of Sections 1 and 2, Township 155 North, Range 41 West, adjacent to the South boundary of the Agassiz National Wildlife Refuge.

Subp. 5. Roseau River Zone, Roseau county. The following areas are included in the controlled hunting zones in the Roseau River Zone in Roseau county:

A. On the Roseau River Wildlife Management Area in Roseau county, the controlled hunting area includes the following:

The South Half of the South Half (S 1/2 S 1/2) of Section 12, and the South Half of the South Half (S 1/2 S 1/2) of Section 11, Township 163 North, Range 42 West.

B. On the Roseau River Game Refuge in Roseau county, the controlled hunting zone includes the 200 yard wide area which is east of and immediately adjacent to the following described portion of the refuge boundary:

Beginning at the northeast corner of Section 1, Township 163 North, Range 42 West; thence South 1-3/4 miles along County State Aid Highway 3 to the southeast corner of the North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 12, Township 163 North, Range 42 West.

Subp. 6. Rochester Zone, Olmsted county. On the Rochester Game Refuge in Olmsted county, the controlled hunting zone includes the 200 yard wide area lying outside of the refuge and immediately adjacent to the following described portion of the refuge boundary:

Beginning at the intersection of County State Aid Highway 117 and County Road 8; thence along the southern, western and northern boundaries of the refuge to the center of Section 18, Township 107 North, Range 13 West.

Subp. 7. Talcot Lake Zone. On the Talcot Lake Game Refuge and Sanctuary in Cottonwood county, the controlled hunting zones include the East Side Zone and the West Side Zone:

A. The East Side Zone is the 200 yard wide area which is outside of the Talcot Lake Game Refuge and Sanctuary and immediately adjacent to the following described boundary as posted:

Beginning along County State Aid Highway (CSAH) 7, Cottonwood County at the center of Section 17, Township 105 North, Range 38 West; thence South along CSAH 7 to State Trunk Highway (STH) 62.

B. The West Side Zone is the 200 yard wide area which is west and north of and immediately adjacent to the following described boundaries:

Starting at a point on the north shore of Talcot Lake 600 feet east of the west line of Section 19, Cottonwood County, Township 105 North, Range 38 West; thence North to the north line of Section 19, Township 105 North, Range 38 West; thence North to a point 325 feet north of the south line and 600 feet east of the west line of Section 18, Cottonwood County, Township 105 North, Range 38 West; thence due East to the north-south refuge line.

Subp. 8. Orwell Zone. On the Orwell Wildlife Management Area Sanctuary in Otter Tail county, the controlled hunting zone includes the following:

The west 200 yards of Section 26, Township 132 North, Range 44 West, adjacent to County Road 15 from the northwest corner of the Orwell Wildlife Sanctuary South to the Otter Tail River.

6230.0700 THIEF LAKE (EARLY) AND LAC QUI PARLE SPECIAL PROVISIONS.

Subpart 1. Time periods for special provisions. In addition to the regulations provided by part 6230.0500, the following subparts apply to all persons. In the Thief Lake controlled hunting zone, the regulations in this part apply during the period from the

opening day of the goose season to the Monday nearest October 22. In the Lac qui Parle controlled hunting zones, these regulations apply during the open season for taking geese in the Lac qui Parle Goose Zone.

Subp. 2. Hunting stations. Waterfowl and small game hunters may reserve designated hunting stations in accordance with regulations available at the Thief Lake and Lac qui Parle Wildlife Management Area Headquarters. Reservation dates may not be changed.

Subp. 3. Back tag permit required. A person may not hunt migratory waterfowl or small game in the controlled hunting zone without first registering at the check station and obtaining a back tag permit. Back tags must be worn as specified on the permit. Hunters age 18 or older will be charged a \$3 daily fee for the Lac qui Parle back tag permit. Failure to comply with the provisions of the permit or special provisions relating to the controlled hunt will result in immediate revocation of the permit for that day.

Subp. 4. Limitation on number of shells possessed. Only persons hunting may bring shotgun shells into the controlled hunting zone. A waterfowl or small game hunter may not bring in more than six shells per day or have in possession more than six shells at any one time.

Subp. 5. Firearms must be cased. Waterfowl and small game hunters must have firearms cased, except within ten feet of assigned hunting stations.

Subp. 6. Actions after taking bag limit. Within one hour of hunt completion each party member must personally return their entry permit to the check station and submit any geese taken for inspection.

Subp. 7. Limitation on number of trips. Waterfowl and small game hunters are limited to three trips per season either as a guest or a successful applicant except when vacancies exist. Hunters are limited to one trip per day to the hunting stations.

6230.0800 THIEF LAKE (LATE) SPECIAL PROVISIONS.

Subpart 1. Time period for special provisions. In addition to the general regulations, the following subparts apply to waterfowl hunters in the Thief Lake Controlled Hunt Zone during the period from the Tuesday nearest October 23 to the close of the goose season.

Subp. 2. Designated hunting station. Waterfowl hunters must use designated hunting stations and on a first come first served basis. Hunters are limited to one trip per day to the hunting stations.

Subp. 3. Revocation of permit. Failure to comply with the provisions of the permit or special provisions relating to the controlled hunt will result in immediate revocation of the permit for that day.

Subp. 4. Firearms must be cased. Waterfowl hunters must have their firearms cased except within ten feet of their designated hunting station.

6230.0900 ELM LAKE AND ORWELL SPECIAL PROVISIONS.

Subpart 1. Time period for special provisions. In addition to the general regulations, the following subparts apply to all persons in the Elm Lake Controlled Hunting Zone during the period from the opening date of the goose season to the Monday nearest October 22 and in the Orwell Controlled Hunting Zone during the regular goose season.

Subp. 2. Designated hunting stations. Hunters may hunt only at the designated hunting stations having numbers corresponding to their parking stall number.

Subp. 3. Restrictions on entry to zone. Persons may not enter the controlled hunting zone except when their vehicles are occupying numbered parking stalls in the designated parking lot in the controlled hunting zone. Persons other than those hunting at a designated station in the controlled hunting zone may not occupy a numbered stall in a designated parking lot.

Subp. 4. Firearms must be cased. All firearms must be cased except within ten feet of a hunting station.

Subp. 5. Restrictions on occupancy of designated parking lot and hunting stations. A person may not park in or otherwise occupy any parking stall in the designated parking lot or occupy any designated hunting station during any two consecutive days or from one hour after the close of daily waterfowl shooting hours to 8:00 p.m.

6230.1000 ROSEAU RIVER AND ROCHESTER REGULATIONS.

Subpart 1. Time period for special provisions. In addition to the general regulations, the following subparts apply to all persons in the Roseau River and Rochester Controlled Hunting Zones during the open goose seasons.

Subp. 2. Limitations on persons hunting. The wildlife manager may limit persons hunting to one day of hunting in every three if the manager determines that it is necessary to provide for the equitable allocation of hunting opportunities. If hunting is limited, the manager will stamp the date on the small game hunting license or firearms safety certificate of each person at a restricted

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hunting station. Persons may hunt at any restricted station on the day stamped but may not occupy a restricted station for the next two days. Restricted stations will be posted.

Subp. 3. Restrictions on occupancy of designated parking lot and hunting stations. A person may not occupy a hunting station or a designated parking lot from one hour after the close of daily waterfowl shooting hours to 8:00 p.m.

6230.1100 TALCOT LAKE SPECIAL PROVISIONS.

Subpart 1. Time period for special provisions. In addition to the general regulations, the following subparts apply to all persons in the Talcot Lake Controlled Hunting Zone during the open Canada goose season.

Subp. 2. Hunting prohibited. Hunting, other than waterfowl, is prohibited in the West Side Controlled Hunting Zone.

Subp. 3. Limitations on persons hunting. The wildlife manager may limit persons to one day of hunting in every three if the manager determines that it is necessary to provide for the equitable allocation of hunting opportunities. If hunting is limited, the manager will stamp the date on the small game hunting license or firearms safety certificate of each person at a restricted hunting station. Persons may hunt at any restricted station on the day stamped but may not occupy a restricted station for the next two days. Restricted stations will be posted.

Subp. 4. Designated hunting stations. Waterfowl hunters must hunt only at the designated hunting stations having numbers corresponding to their parking stall number.

Subp. 5. Restrictions on entry to zone. Persons may not occupy a hunting station within the controlled hunting zone except when their vehicles are occupying numbered parking stalls in a designated parking lot in the controlled hunting zone. Persons other than those hunting at a designated hunting station may not occupy a numbered stall or park in a designated parking lot.

Subp. 6. Restrictions on occupancy of designated parking stall and hunting stations. A person may not park in or otherwise occupy any parking stall in the designated parking lot or occupy any designated hunting station from 10:00 p.m. to 5:00 a.m.

6232.0100 GENERAL RESTRICTIONS FOR TAKING BIG GAME.

[For text of subps 1 to 6, see M.R.]

Subp. 7. Legal bows. Bows used for taking big game must have a pull of no less than 40 pounds at or before full draw.

6232.0200 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. Deer management permit. "Deer management permit" means a license to take and tag a second deer available for one-half the cost of a regular resident or nonresident license, except that the license is free to qualifying owners and tenants of ten acres or more of agricultural land.

[For text of subps 6 and 7, see M.R.]

Subp. 8. Regular firearms season. The regular firearms season means the seasons described in part 6232.1300.

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

Subpart 1. Zone and date options. A firearm deer hunter may purchase either a regular firearm license valid for the regular firearms deer season or muzzleloader season, or a multizone buck license to take antlered deer in more than one zone. A hunter purchasing a regular firearm license, including a hunter choosing a muzzleloader option, must select only one of the zone and date options listed on the license. For the regular firearm season, this choice will be indicated by a punched hole at the time of purchase. A person may only hunt deer by firearms within the zone and date options indicated on the person's regular firearm license.

[For text of subp 2, see M.R.]

Subp. 3. Party hunting. A party is a group of two or more licensed deer hunters who are afield hunting together and are all using firearms or all using archery equipment. A member of a party may kill a deer for another member of the party who has an unused tag valid for that deer, except as provided by Minnesota Statutes, section 97B.301. A mixed-weapons group is considered two separate parties. Multizone buck licensees may party hunt with regular firearms licensees.

[For text of subp 4, see M.R.]

Subp. 5. Tagging. The seal or the tag of the license valid for the taking of the deer must be affixed around the tendon or bone of a hind leg, around the base of an antler, or through a slit cut in either ear so that the seal cannot be readily removed.

[For text of subp 6, see M.R.]

Subp. 7. All-terrain vehicle or snowmobile use by licensed hunters.

A. A person licensed to take deer must not operate an all-terrain vehicle or snowmobile in an area open for the taking of deer by firearms during legal shooting hours on a day that they are licensed to take deer within that area except from 11:00 a.m. to 2:00 p.m. each day.

B. A person licensed to take deer who does not possess a firearm, either cased or uncased, may use an all-terrain vehicle or snowmobile to retrieve and transport a deer that is known to be dead from sunset to two hours after sunset during the regular firearms deer season and for one day after the season on wildlife management areas north and west of a line described as follows:

State Trunk Highway (STH) 1 from the west boundary of the state to STH 89; then north along STH 89 to Fourtown; then north on County State Aid Highway (CSAH) 44, Beltrami County, to County Road 704, Beltrami County; then north on County Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to CSAH 5, Roseau County; then north on CSAH 5 to Warroad; then north on STH 11 to STH 313; then north on STH 313 to the north boundary of the state.

C. For purposes of this chapter, all-terrain vehicles are vehicles, including trail bikes, three-wheelers, four-wheelers, tracked vehicles, or other manufactured or homemade vehicles, ~~must not be~~ licensed for highway use. Motor vehicles licensed for and being lawfully operated on a public road or highway, or farm tractors being used for agricultural purposes, are exempt from this subpart. This subpart applies to all lands and waters regardless of ownership except as provided in item B, and except that a person using an all-terrain vehicle or snowmobile in pursuing an occupation on the person's own land and not in possession of a firearm is exempt. A permit to operate these vehicles during the restricted hours may be issued by a conservation officer in the event of an emergency or other unusual conditions. Legal use of snowmobiles during the open deer season is governed by part 6100.5100.

6232.0900 CAMP RIPLEY ARCHERY HUNT.

Subpart 1. Deer season and hunter quota. Camp Ripley may be open, by permit only, for the taking of deer by archery. Open dates are the two-day period beginning the third Thursday in October and the two-day period beginning the last Saturday in October.

Subp. 2. Permit required to hunt. Only persons possessing a valid Minnesota archery deer hunting license and a permit validated for the Camp Ripley Archery Hunt will be permitted to enter Camp Ripley. Permits are not transferable between individuals or hunting dates.

6232.1000 APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT.

Subpart 1. Preference drawing. Persons with preference from the previous drawings will be issued Camp Ripley preference permits by correctly and completely filling out and submitting the preference application mailed to them by the department.

The total number of permits issued for all hunting periods may not exceed the quota. If more preference applications are received than that allotted for a single hunting period, a preference drawing will be held. Those unsuccessful in this preference drawing will be offered permits for the alternate hunting period, when available. In the event there are permits remaining after preference permits have been issued, a random drawing will be conducted from general applicants to reach the quota. Persons may not hunt in more than one hunting period.

Subp. 2. General drawing. This subpart applies to the Camp Ripley archery hunt general drawing.

A. All applicants without preference must enter the general drawing by submitting an application form. This form is available by sending a stamped, self-addressed, business-sized envelope to the archery hunt, or acquired at this address between 8:00 a.m. and 4:30 p.m., Monday through Friday.

B. Up to six persons may apply as a group by submitting their individual applications in one envelope. Either all members of a group will be selected or none will be selected.

C. All general applicants will be notified of the results by mail.

Subp. 3. Application requirements. Applicants for permits must:

A. personally sign the application;

B. apply for only one drawing;

C. apply for only one of the hunting periods;

D. submit no more than one application per year;

E. mail or deliver the application with the nonrefundable application fee of \$6 per hunter to be received on or before 4:30 p.m. on the Friday nearest August 17, at Archery Hunt, Route 4, Box 19A, Little Falls, MN 56345; and

F. pay application fees by cashier's check, money order, or personal check.

6232.1100 SPECIAL RESTRICTIONS FOR CAMP RIPLEY ARCHERY HUNT.

Subpart 1. Access to Camp Ripley. This subpart applies to access into Camp Ripley during the archery hunt.

A. Archers with valid permits must enter and leave Camp Ripley only by way of the southeast railroad gate and only from 1:00 p.m. on the day before the hunt to 8:00 p.m. on the last day of the hunt.

B. Permittees will be issued a current map of Camp Ripley showing areas of Camp Ripley that are closed to hunting. A person may not enter any closed area, except for the road from the southeast railroad gate through the checkpoint to the open hunting area. A zoning system may be used to regulate access into various portions of the open areas of Camp Ripley.

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C. Permittees must register at the department checkpoint prior to hunting each day.

D. Permittees will be allowed beyond the department checkpoint only from one hour before sunrise to one hour after sunset on each day open for hunting, or as otherwise authorized by the commissioner.

E. Hunters may not pursue wounded deer into closed areas, except with prior approval and when escorted by an agent of the commissioner.

F. Persons or vehicles, while on any road or trail, may not pass beyond any barrier, gate, or warning sign.

G. All-terrain vehicles are not permitted in Camp Ripley during the Camp Ripley archery hunt. All vehicles are restricted to operating only on designated roads.

H. Vehicles in line at the checkpoint must be occupied. Permittees must stay with their vehicles.

Subp. 2. Tree stands and blinds in Camp Ripley. Only portable stands or blinds may be used and must be removed each day at the close of hunting hours and do no permanent damage.

Subp. 3. Transportation of deer. Deer may not be removed from Camp Ripley or transported beyond the department checkpoint until registered at the checkpoint.

Subp. 4. Closing of season. The commissioner may close the season without prior notice, if necessary to accommodate military training priorities or in case of weather emergency.

Subp. 5. Taking of porcupines and coyotes allowed. Porcupines and coyotes may be taken by persons lawfully hunting deer in Camp Ripley.

6232.1600 SPECIAL HUNT PROCEDURES.

[For text of subs 1 to 4, see M.R.]

Subp. 5. Undersubscribed areas. For those special hunt areas that are undersubscribed after provisions of subpart 4 are implemented, the commissioner may issue remaining permits over-the-counter on a first-come first-serve basis to individuals possessing a firearms license validated for the proper zone and time period.

6232.1800 ANTLERLESS PERMITS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. Antlerless permit areas. Permit areas are comprised of partial, single, or grouped registration blocks described as follows:

[For text of item A, see M.R.]

B. Antlerless permit areas in Zone 2:

[For text of subitems (1) to (3), see M.R.]

(4) permit areas 221 to ~~227~~ 228 and 235 and 236 consist of registration blocks 221 to ~~227~~ 228 and 235 and 236;

[For text of subitems (5) to (10), see M.R.]

[For text of item C, see M.R.]

D. Antlerless Permit Areas in Zone 4:

(1) permit areas 401 to ~~428~~ 429 consist of registration blocks 401 to ~~428~~ 429;

[For text of subitems (2) to (8), see M.R.]

6232.1900 FIREARMS DEER MANAGEMENT PERMITS.

Subpart 1. Undersubscribed antlerless permit areas. Firearms deer management permits are authorized in antlerless permit areas where the number of applications is less than the number of permits available. The number of deer management permits authorized is up to 1-1/2 times the difference between the number of available permits and the number of antlerless permits issued. A deer management permit for an undersubscribed antlerless permit area is valid only within the area designated on the management permit. The following procedures are used to select antlerless permit applicants for management permits:

A. A landowner-tenant drawing will be held in those antlerless permit areas where firearms deer management permits are available subject to the following restrictions:

(1) Owners and tenants who live on at least ten acres of agricultural land will be given preference for firearms management permits in those antlerless permit areas where management permits are available.

(2) Agricultural land includes land that is plowed or tilled, that has standing crops or crop residues, that is within a maintained fence for enclosing domestic livestock, or that is enrolled in the federal Conservation Reserve Program (CRP) or the state RIM Reserve Program in the antlerless permit area or subpermit area applied for.

(3) An applicant must be a landowner or tenant living on the qualifying property or a family member of a qualifying landowner or tenant who lives on the qualifying property and is part of the farming operation.

(4) Eligible landowner-tenants or qualifying family members must fill out an application available from county auditors.

the license bureau, and other authorized agents and submit the application in an envelope with their antlerless permit application by the first Thursday following Labor Day.

(5) A random drawing will be held among eligible landowner-tenant applications for available firearms deer management permits in each antlerless permit area.

(6) Landowner-tenants selected in the preference drawing will receive certification on their antlerless permit authorizing acquisition of a management permit. They may obtain a firearms deer management permit at no cost by submitting the certificate to any county auditor's office or the license bureau before or during the regular firearms season. Eligible landowner-tenants who apply for the orchard subpermit area may also obtain free management permits under this provision. Before receiving the management permit, the landowner-tenant must verify that they still qualify as a landowner-tenant for purposes of firearms deer management permits, and will allow public firearms deer hunting on their lands during the firearms deer season.

B. If there are firearms deer management permits available after the landowner-tenant drawing, hunters randomly drawn from permittees in each undersubscribed area who have checked the bonus option on their antlerless permit application will be authorized to purchase a management permit. A deer management permit may be purchased by submitting the certificate and fee to the license bureau, a Minnesota county auditors' office, or other authorized agents. Deer management permits may be purchased throughout the regular firearms season.

Subp. 2. Special hunt areas. Deer management permits may be issued for those special hunt areas listed in the annual hunting regulations. A deer management permit for a special hunt area is valid only within the area designated on that permit. The maximum number of deer management permits authorized is equal to the number of special permits issued for each special hunt area. Deer management permits must be purchased only at the headquarters for special hunt areas and prior to hunting in the special area, except as specifically authorized. Special hunt personnel are authorized to sell deer management permits.

6232.2450 MUZZLELOADER DEER MANAGEMENT PERMITS.

Deer management permits may be issued for muzzleloader hunting areas listed in the annual hunting regulations. Deer management permits may be purchased from the license bureau, county auditor, or other authorized agents. Permits may also be purchased at the headquarters for special hunt areas and prior to the permit holder hunting in the special area. Special hunt personnel are authorized to sell deer management permits.

6232.2550 ROTHSAW WILDLIFE MANAGEMENT AREA.

The Rothsaw Wildlife Management Area Sanctuary in Wilkin county is open to deer hunting during the established seasons in the zones in which it is located.

6232.3600 SEASONS AND DATES FOR TAKING MOOSE.

Moose may be taken by licensed hunters, in ~~odd-numbered~~ those years when a moose season is authorized by the commissioner, using legal firearm or legal bow and arrow within the following seasons:

[For text of items A and B, see M.R.]

C. in the Northeast Area consisting of Moose Zones 20 to 80, when opened by the commissioner, for the 16-day period beginning the Saturday nearest October 9 1.

Open zones and date changes, if any, can be found in the annual hunting regulations.

6232.3700 GENERAL REGULATIONS FOR TAKING MOOSE.

[For text of subps 1 to 7, see M.R.]

Subp. 8. License requirement. A moose license is valid for a party of four persons only for the zone selected.

Subp. 9. Bag limit. The bag limit of moose is one of any age or sex per licensed party of four hunters. Only one moose may be taken by a party.

6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.

Subpart 1. **General procedures.** The provisions in this part apply to applications for moose licenses.

A. A person may apply for only one of the open zones.

B. If the number of applications for any zone exceeds the quota, a random selection will be conducted to determine the successful applicants. A person may apply only once and must apply in a party of four. All party members must apply for the same zone and personally sign the application.

C. Up to 20 percent of the licenses in each zone of the Northwest Area may be issued in a separate landowner and tenant drawing. The following persons are eligible for this separate drawing:

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(1) owners of at least 160 acres of agricultural or grazing land, within the zone applied for; or

(2) tenants living on at least 160 acres of agricultural or grazing land, within the zone applied for; or

(3) family members of qualifying landowners, if they live on the qualifying property and are part of the farming operation. Family members include those related by blood, marriage, or adoption.

Applicants unsuccessful in the landowner and tenant drawing will be included in the selection process for the remaining licenses in the same zone. Landowner and tenant party applications that include individuals who do not meet the requirements for this license will be removed from the landowner and tenant drawing and will not be entered into the general drawing.

[For text of items D to G, see M.R.]

[For text of subp 2, see M.R.]

6232.3900 MOOSE HUNTING ON REFUGES.

Subject to federal regulations, the Agassiz National Wildlife Refuge, Marshall county, is The Clay County Refuge in Zone 15 and the sanctuary within the Rothsay Wildlife Management Area in Zone 16 are open to for the taking of moose during an authorized season.

6232.4000 NUISANCE MOOSE.

Nuisance moose may be taken under special authorization by licensed moose hunters from September 1 to December 31 under the following conditions:

[For text of items A to D, see M.R.]

E. Authorization may only be granted to parties of four hunters who have a valid moose hunting license. Priority must be given to parties with licenses valid for the zone in which the damage is occurring. Authorization may be granted for nuisance moose outside zones open to hunting. Only one party may hunt under an authorization. Each authorization is restricted to a specified location.

6232.4100 MOOSE ZONES.

[For text of subs 1 to 8, see M.R.]

Subp. 9. [See repealer.]

Subp. 9a. Moose Zones 8A and 8B. Moose Zones 8A and 8B consist of that portion of the state lying within the following described boundaries:

A. Moose Zone 8A:

Beginning at the intersection of County State Aid Highway (CSAH) 28, Marshall County and CSAH 11, Marshall County; thence along CSAH 28 to U.S. Highway 59; thence along U.S. Highway 59 to State Trunk Highway (STH) 32; thence along STH 32 to CSAH 3, Pennington County; thence along CSAH 3 to CSAH 10, Pennington County; thence along CSAH 10 to STH 1; thence along STH 1 to CSAH 11, Pennington County; thence along CSAH 11 to CSAH 11, Marshall County; thence along CSAH 11 to the point of beginning.

B. Moose Zone 8B:

Beginning at the intersection of County State Aid Highway (CSAH) 4, Marshall County and U.S. Highway 75; thence along CSAH 4 to CSAH 28, Marshall County; thence along CSAH 28 to CSAH 11, Marshall County; thence along CSAH 11 to CSAH 11, Pennington County; thence along CSAH 11 to State Trunk Highway (STH) 1; thence along STH 1 to CSAH 10, Pennington County; thence along CSAH 10 to CSAH 3, Pennington County; thence along CSAH 3 to CSAH 21, Polk County; thence along CSAH 21 to U.S. Highway 75; thence along U.S. Highway 75 to the point of beginning.

[For text of subp 10, see M.R.]

Subp. 11. **Moose Zone 10.** Moose Zone 10 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 41, Polk County and CSAH 8, Polk County; thence along CSAH 41 to State Trunk Highway (STH) 32; thence along STH 32 to STH 1; thence along STH 1 to CSAH 27, Pennington County; thence along CSAH 27 to CSAH 2, Polk County; thence along CSAH 2 to STH 92; thence along STH 92 to CSAH 8, Red Lake County; thence along CSAH 8 to CSAH 8, Polk County; thence along CSAH 8 to the point of beginning.

Beginning at the intersection of County State Aid Highway (CSAH) 41, Polk County and State Trunk Highway (STH) 59; thence along CSAH 41 to STH 32; thence along STH 32 to STH 1; thence along STH 1 to CSAH 27, Pennington County; thence along CSAH 27 to CSAH 2, Polk County; thence along CSAH 2 to STH 92; thence along STH 92 to CSAH 6, Polk County; thence along CSAH 6 to the south boundary of Polk County; thence along the south boundary of Polk County to STH 59; thence along STH 59 to the point of beginning.

[For text of subs 12 to 25, see M.R.]

Subp. 26. **Moose Zone 30.** Moose Zone 30 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 2, Lake County and Forest Road (FR) 122; thence along FR

122 to CSAH 44, St. Louis County; thence along CSAH 44 to CSAH 16, St. Louis County; thence along CSAH 16 to the Soudan Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR); thence along said railroad to Wyman Creek; thence along Wyman Creek to the Erie Mining Company railroad in Section 17, T. 59N, R. 14W; thence eastward along the Erie Mining Company said railroad to CSAH 2, Lake County; thence along CSAH 2 to the point of beginning.

[For text of subps 27 to 29, see M.R.]

Subp. 29a. Moose Zone 34. Moose Zone 34 consists of that portion of the state lying within the following described boundaries: Beginning at the intersection of County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County and Forest Road (FR) 200; thence along FR 200 to Hilda Creek; thence along Hilda Creek to Oriniack Lake; thence along the north and east shore of Oriniack Lake to the portage connecting Oriniack Lake and Trout Lake; thence along said portage to Trout Lake; thence along the north and east shores of Trout Lake to the portage connecting Trout Lake and Vermilion Lake; thence along said portage to Vermilion Lake; thence along the north shore of Vermilion Lake to the Vermilion River; thence along the Vermilion River to CSAH 24, St. Louis County; thence along CSAH 24 to CSAH 116; St. Louis County; thence along CSAH 116 to the point of beginning.

Subp. 29b. Moose Zone 35. Moose Zone 35 consists of that portion of the state lying within the following described boundaries: Beginning at the intersection of the Little Indian Sioux River and County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County; thence along the Little Indian Sioux River to Upper Pauness Lake; thence along the east shore of Upper Pauness Lake to the outlet of Upper Pauness Lake; thence along said outlet to Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the Little Indian Sioux River; thence along the Little Indian Sioux River to the Canadian border; thence along the Canadian border through Loon, Loon River, Little Vermilion, and Sand Pit Lakes; thence through King Williams Narrows to the east shore of Crane Lake; thence along the east and south shore of Crane Lake to the Vermilion River; thence along the Vermilion River to CSAH 24, St. Louis County; thence along CSAH 24 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning.

[For text of subps 30 to 44, see M.R.]

6232.4700 DEER AND BEAR REGISTRATION BLOCKS.

[For text of subps 1 to 72, see M.R.]

Subp. 73. **Registration Block 225.** Deer And Bear Registration Block 225 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 169 and State Trunk Highway (STH) 23 at Milaca; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the east boundary of the state; thence along the east boundary of the state to U.S. Highway 8; thence along U.S. Highway 8 to STH 95; thence along STH 95 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 23 and U.S. Highway 169; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to STH 107; thence along STH 107 to STH 65; thence along STH 65 to STH 95; thence along STH 95 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

Subp. 74. **Registration Block 226.** Deer And Bear Registration Block 226 consists of that portion of the state lying within the following described boundary, except that part comprising Block 235:

Beginning at the intersection of State Trunk Highway (STH) 95 and U.S. Highway 169 at Princeton; thence south along U.S. Highway 169 to County State Aid Highway (CSAH) 4, Sherburne County; thence along CSAH 4 to CSAH 8, Isanti County; thence along CSAH 8 to CSAH 7, Isanti County; thence along CSAH 7 to CSAH 28, Anoka County; thence along CSAH 28 to CSAH 24, Anoka County; thence along CSAH 24 to STH 65; thence along STH 65 to CSAH 9, Isanti County; thence along CSAH 9 to CSAH 17, Chisago County; thence along CSAH 17 to Interstate 35 (I-35); thence south along I-35 to STH 97; thence along STH 97 to STH 95; thence due east to the east boundary of the state; thence along the east boundary of the state to U.S. Highway 8; thence along U.S. Highway 8 to STH 95; thence along STH 95 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 107 and STH 70; thence along STH 70 to the east boundary of the state; thence along the east boundary of the state to STH 95; thence along STH 95 to STH 65; thence along STH 65 to STH 107; thence along STH 107 to the point of beginning.

Subp. 75. **Registration Block 227.** Deer And Bear Registration Block 227 consists of that portion of the state lying within the following described boundary, except that part comprising Block 235:

Beginning at the intersection of County State Aid Highway (CSAH) 4, Sherburne County, and U.S. Highway 169; thence along

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CSAH 4 to CSAH 8, Isanti County; thence along CSAH 8 to CSAH 7, Isanti County; thence along CSAH 7 to CSAH 28, Anoka County; thence along CSAH 28 to CSAH 24, Anoka County; thence along CSAH 24 to State Trunk Highway (STH) 65; thence along STH 65 to CSAH 9, Isanti County; thence along CSAH 9 to CSAH 17, Chisago County; thence along CSAH 17 to Interstate 35 (I-35); thence south along I-35 to CSAH 14, Anoka County; thence along CSAH 14 to STH 242; thence along STH 242 to U.S. Highway 52; thence along U.S. Highway 52 to the east bank of the Mississippi River; thence along the east bank of said river to STH 101; thence along STH 101 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

Beginning at the intersection of U.S. Highway 169 and State Trunk Highway (STH) 95; thence along STH 95 to Interstate Highway 35 (I-35); thence along I-35 to the north border of the Carlos Avery Wildlife Management Area; thence along the north and west border of the Carlos Avery Wildlife Management Area to the north boundary of Ham Lake Township, Anoka County; thence along the north border of Ham Lake, Andover, and Ramsey Townships to County State Aid Highway (CSAH) 12, Sherburne County; thence along CSAH 12 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

Subp. 75a. Registration Block 228. Deer and Bear Registration Block 228 consists of that portion of the state lying within the following described boundary:

Beginning at a point on the east boundary of the state due east of the intersection of State Trunk Highway (STH) 95 and STH 96; thence due west to this intersection; thence along STH 96 to the west boundary of Washington County; thence along the west boundary of Washington County to the southeast corner of Anoka County; thence along the south boundary of Anoka County to Interstate Highway 35 (I-35); thence along I-35 to the north boundary of Lino Lakes Township, Anoka County; thence along the north boundary of Lino Lakes Township to the east boundary of Ham Lake Township, Anoka County; thence along the north boundary of Ham Lake, Andover, and Ramsey Townships to County State Aid Highway (CSAH) 12, Sherburne County; thence along CSAH 12 to U.S. Highway 169; thence along U.S. Highway 169 to the east bank of the Mississippi River; thence along the east bank of the Mississippi River to the east boundary of the state; thence along the east boundary of the state to the point of beginning.

[For text of subp 76, see M.R.]

Subp. 77. Registration Block 236. Deer And Bear Registration Block 236 consists of that portion of the state lying within the following described boundary, except that portion of the state known as the Carlos Avery State Wildlife Management Area:

Beginning at the intersection of U.S. Highway 52 and the east bank of the Mississippi River; thence along U.S. Highway 52 to State Trunk Highway (STH) 242; thence along STH 242 to County State Aid Highway (CSAH) 14, Anoka County; thence along CSAH 14 to Interstate 35 (I-35); thence along I-35 to STH 97; thence along STH 97 to STH 95; thence due east to the east boundary of the state; thence along the east boundary of the state to the junction of the St. Croix and Mississippi Rivers; thence along the east bank of the Mississippi River to the point of beginning.

Beginning at the intersection of Interstate Highway 35 (I-35) and State Trunk Highway (STH) 95; thence along STH 95 to the east boundary of the state; thence along the east boundary of the state to a point due east of the intersection of STH 95 and STH 96; thence due west to this intersection; thence along STH 96 to the west boundary of Washington County; thence along the west boundary of Washington County to the southeast corner of Anoka County; thence along the south boundary of Anoka County to I-35; thence along I-35 to the north boundary of Lino Lakes Township; thence along the north boundary of Lino Lakes Township to the east boundary of Ham Lake Township; thence along the east boundary of Ham Lake Township to the north boundary of Ham Lake Township; thence along the north and west boundary of the Carlos Avery State Wildlife Management Area to I-35; thence along I-35 to the point of beginning.

[For text of subps 78 to 90, see M.R.]

Subp. 91. Registration Block 337. Deer And Bear Registration Block 337 consists of that portion of the state lying within the following described boundary:

Beginning at the confluence of the Crow and Mississippi Rivers; thence along the east bank of the Mississippi River to U.S. Highway 212; thence along U.S. Highway 212 to State Trunk Highway (STH) 25; thence along STH 25 to the South Fork of the Crow River; thence along the east bank of the South Fork of the Crow River to the confluence with the Crow River; thence along the east bank of the Crow River to the point of beginning.

Beginning at the confluence of the South Fork of the Crow River and the Mississippi River; thence along the east bank of the Mississippi River to the east boundary of the state; thence along the east boundary of the state to the east boundary of the city of Hastings; thence along the east and south boundary of Hastings to the south boundary of Nininger Township; thence along the south boundary of Nininger Township and the city of Rosemount to the east boundary of the city of Lakeville; thence along the east boundary of the city of Lakeville to the east boundary of the city of Farmington; thence along the east and south boundary of the city of Farmington to the south boundary of the city of Lakeville; thence along the south boundary of the city of Lakeville and Credit River and Spring Lake Townships to the west boundary of Spring Lake Township; thence along the west boundary of Spring Lake Township to the south boundary of Louisville Township; thence along the south boundary of Louisville Township to U.S. Highway 169; thence along U.S. Highway 169 to the west boundary of Sand Creek Township; thence along the west boundary of Sand Creek Township to the west bank of the Minnesota River; thence along the west bank of the Minnesota River to the south boundary of the city of Carver; thence along the south and west boundary of the city of Carver to the west boundary of

Chaska Township; thence along the west boundary of Chaska Township and the city of Chaska to State Trunk Highway (STH) 5; thence along STH 5 to the west boundary of Laketown Township; thence along the west boundary of Laketown Township to the west boundary of the city of Minnetrista; thence along the west boundary of the city of Minnetrista to the north boundary of Carver County; thence along the north boundary of Carver County to the South Fork of the Crow River; thence along the east bank of the South Fork of the Crow River to the point of beginning.

Subp. 92. **Registration Block 338.** Deer And Bear Registration Block 338 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 212 and State Trunk Highway (STH) 25; thence along STH 25 to the Minnesota River; thence along the east bank of the Minnesota River to STH 19; thence along STH 19 to Interstate Highway 35 (I-35); thence along I-35 to U.S. Highway 212; thence along U.S. Highway 212 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 5 and STH 25; thence along STH 25 to the west bank of the Minnesota River; thence along the west bank of the Minnesota River to STH 19; thence along STH 19 to Interstate Highway 35 (I-35); thence along I-35 to the south boundary of the city of Lakeville; thence along the south boundary of the city of Lakeville and Credit River Township to the south boundary of Spring Lake Township; thence along the south and west boundaries of Spring Lake Township to the south boundary of Louisville Township; thence along the south boundary of Louisville Township to U.S. Highway 169; thence along U.S. Highway 169 to the west boundary of Sand Creek Township; thence along the west boundary of Sand Creek Township to the west bank of the Minnesota River; thence along the west bank of the Minnesota River to the south boundary of the city of Carver; thence along the south and west boundary of the city of Carver to the west border of Chaska Township; thence along the west border of Chaska Township and the city of Chaska to STH 5; thence along STH 5 to the west boundary of Laketown Township; thence along the west boundary of Laketown Township to the west boundary of the city of Minnetrista; thence along the west boundary of the city of Minnetrista to the north boundary of Carver County; thence along the north boundary of Carver County to the east bank of the South Fork of the Crow Wing River; thence along the east bank of the South Fork of the Crow Wing River to STH 25; thence along STH 25 to the point of beginning.

Subp. 93. **Registration Block 339.** Deer And Bear Registration Block 339 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of Interstate Highway 35 (I-35) and State Trunk Highway (STH) 19; thence along STH 19 to the Little Cannon River; thence along the west bank of the Little Cannon River to its confluence with the Cannon River; thence along the north bank of the Cannon River to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 63; thence along U.S. Highway 63 to the east boundary of the state; thence along the east boundary of the state to the confluence of the Mississippi and St. Croix Rivers; thence along the east bank of the Mississippi River to U.S. Highway 212; thence along U.S. Highway 212 to I-35; thence along I-35 to the point of beginning.

Beginning at the intersection of Interstate Highway 35 (I-35) and State Trunk Highway (STH) 19; thence along STH 19 to the Little Cannon River; thence along the west bank of the Little Cannon River to its confluence with the Cannon River; thence along the north bank of the Cannon River to the east boundary of the state; thence along the east boundary of the state to the east boundary of the city of Hastings; thence along the south and east boundaries of the city of Hastings to the south boundary of Nininger Township; thence along the south boundary of Nininger Township and the city of Rosemount to the east boundary of the city of Lakeville; thence along the east boundary of the city of Lakeville to the east boundary of the city of Farmington; thence along the east and south boundary of the city of Farmington to the south boundary of the city of Lakeville; thence along the south boundary of the city of Lakeville to I-35; thence along I-35 to the point of beginning.

[For text of subs 94 to 120, see M.R.]

Subp. 121. **Registration Block 419.** Deer And Bear Registration Block 419 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 23 and STH 15; thence along STH 15 to U.S. Highway 12; thence along U.S. Highway 12 to the east bank of the Crow River at Delano; thence along the east bank of the Crow River to the confluence of the Crow River and the Mississippi River; thence along the northeast bank of the Mississippi River to STH 23; thence along STH 23 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 23 and STH 15; thence along STH 15 to U.S. Highway 12; thence along U.S. Highway 12 to County State Aid Highway (CSAH) 9, Wright County; thence along CSAH 9 to CSAH 35, Wright County; thence along CSAH 35 to CSAH 8, Wright County; thence along CSAH 8 to Interstate Highway 94 (I-94); thence along

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I-94 to STH 24; thence along STH 24 to the Mississippi River; thence along the northeast bank of the Mississippi River to STH 23; thence along STH 23 to the point of beginning.

[For text of subps 122 to 128, see M.R.]

Subp. 129. **Registration Block 427.** Deer And Bear Registration Block 427 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 7 and STH 4; thence along STH 4 to STH 19; thence along STH 19 to STH 15; thence along STH 15 to County State Aid Highway (CSAH) 1, Nicollet County; thence along CSAH 1 to STH 22; thence along STH 22 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 9, Sibley County; thence along CSAH 9 to STH 19; thence along STH 19 to the Minnesota River; thence along the north shore of the Minnesota River to STH 25; thence along STH 25 to STH 5; thence along STH 5 to U.S. Highway 212; thence along U.S. Highway 212 to STH 22; thence along STH 22 to STH 7; thence along STH 7 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 7 and STH 4; thence along STH 4 to STH 19; thence along STH 19 to STH 15; thence along STH 15 to County State Aid Highway (CSAH) 1, Nicollet County; thence along CSAH 1 to STH 22; thence along STH 22 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 9, Sibley County; thence along CSAH 9 to STH 5; thence along STH 5 to U.S. Highway 212; thence along U.S. Highway 212 to STH 22; thence along STH 22 to STH 7; thence along STH 7 to the point of beginning.

[For text of subp 130, see M.R.]

Subp. 130a. **Registration Block 429.** Deer and Bear Registration Block 429 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 8, Wright County and Interstate Highway 94 (I-94); thence along I-94 to State Trunk Highway (STH) 24; thence along STH 24 to the Mississippi River; thence along the northeast bank of the Mississippi River to the confluence of the Mississippi River and the south fork of the Crow River; thence along the east bank of the south fork of the Crow River to U.S. Highway 12; thence along U.S. Highway 12 to CSAH 9, Wright County; thence along CSAH 9 to CSAH 35, Wright County; thence along CSAH 35 to CSAH 8, Wright County; thence along CSAH 8 to the point of beginning.

[For text of subps 131 to 134, see M.R.]

Subp. 135. **Registration Block 442.** Deer And Bear Registration Block 442 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 19 and County State Aid Highway (CSAH) 9, Sibley County; thence along STH 19 to CSAH 11, LeSueur County; thence along CSAH 11 to STH 99; thence along STH 99 to CSAH 15, LeSueur County; thence along CSAH 15 to CSAH 26, Blue Earth County; thence along CSAH 26 to STH 60; thence along STH 60 to CSAH 6, Blue Earth County; thence along CSAH 6 to CSAH 22, Blue Earth County; thence along CSAH 22 to CSAH 19, Brown County; thence along CSAH 19 to STH 15; thence along STH 15 to CSAH 1, Nicollet County; thence along CSAH 1 to STH 22; thence along STH 22 to CSAH 3, Nicollet County; thence along CSAH 3 to CSAH 9, Sibley County; thence along CSAH 9 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 5 and County State Aid Highway (CSAH) 9, Sibley County; thence along STH 5 to STH 25; thence along STH 25 to the Minnesota River; thence along the north bank of the Minnesota River to STH 19; thence along STH 19 to CSAH 11, LeSueur County; thence along CSAH 11 to STH 99; thence along STH 99 to CSAH 15, LeSueur County; thence along CSAH 15 to CSAH 26, Blue Earth County; thence along CSAH 26 to STH 60; thence along STH 60 to CSAH 6, Blue Earth County; thence along CSAH 6 to CSAH 22, Blue Earth County; thence along CSAH 22 to CSAH 19, Brown County; thence along CSAH 19 to STH 15; thence along STH 15 to CSAH 1, Nicollet County; thence along CSAH 1 to STH 22; thence along STH 22 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 3, Nicollet County; thence along CSAH 3 to CSAH 9, Sibley County; thence along CSAH 9 to the point of beginning.

[For text of subps 136 to 143, see M.R.]

Subp. 144. **Registration Block 453.** Deer And Bear Registration Block 453 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 30 and STH 91; thence along STH 91 to the south boundary of the state; thence along the south boundary of the state to County State Aid Highway (CSAH) 3, Nobles County; thence along CSAH 3 to STH 264; thence along STH 264 to CSAH 1, Jackson County; thence along CSAH 1 to CSAH 1, Nobles County; thence along CSAH 1 to the south boundary of Murray County; thence along the south boundary of Murray County to the Chicago and North Western Railroad; thence northwest along said railroad to STH 62; thence along STH 62 to U.S. Highway 59; thence along U.S. Highway 59 to STH 30; thence along STH 30 to the point of beginning.

Beginning at the intersection of State Trunk Highway (STH) 30 and STH 91; thence along STH 91 to the south boundary of the state; thence along the south boundary of the state to County State Aid Highway (CSAH) 3, Nobles County; thence along CSAH 3 to STH 264; thence along STH 264 to CSAH 1, Jackson County; thence along CSAH 1 to CSAH 1, Nobles County; thence

along CSAH 1 to CSAH 18, Nobles County; thence along CSAH 18 to CSAH 3, Nobles County; thence along CSAH 3 to the south boundary of Murray County; thence along the south boundary of Murray County to CSAH 42, Murray County; thence along CSAH 42 to STH 62; thence along STH 62 to U.S. Highway 59; thence along U.S. Highway 59 to STH 30; thence along STH 30 to the point of beginning.

Subp. 145. **Registration Block 454.** Deer And Bear Registration Block 454 consists of that portion of the state lying within the following described boundary, except that part comprising Block 455:

Beginning at the intersection of U.S. Highway 14 and State Trunk Highway (STH) 91; thence along STH 91 to STH 30; thence along STH 30 to U.S. Highway 59; thence along U.S. Highway 59 to STH 62 at Fulda; thence along STH 62 to the Chicago and North Western Railroad; thence along said railroad to the south boundary of Murray County; thence along said boundary to the southwest corner of Cottonwood County; thence along the south boundary of Cottonwood County to County State Aid Highway (CSAH) 5, Cottonwood County; thence along CSAH 5 to STH 62; thence along STH 62 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 14; thence along U.S. Highway 14 to the point of beginning.

Beginning at the intersection of U.S. Highway 14 and State Trunk Highway (STH) 91; thence along STH 91 to STH 30; thence along STH 30 to U.S. Highway 59; thence along U.S. Highway 59 to STH 62; thence along STH 62 to County State Aid Highway (CSAH) 42, Murray County; thence along CSAH 42 to the south boundary of Murray County; thence along said boundary to CSAH 3, Nobles County; thence along CSAH 3 to CSAH 18, Nobles County; thence along CSAH 18 to CSAH 32, Jackson County; thence along CSAH 32 to CSAH 9, Jackson County; thence along CSAH 9 to CSAH 5, Cottonwood County; thence along CSAH 5 to STH 62; thence along STH 62 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 14; thence along U.S. Highway 14 to the point of beginning.

Subp. 146. **Registration Block 455.** Deer And Bear Registration Block 455 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of County State Aid Highway (CSAH) 6, Murray County, and CSAH 42, Murray County; thence along CSAH 42 to CSAH 3, Murray County; thence along CSAH 3 to the Chicago and North Western Railroad; thence along said railroad to the south boundary of Murray County; thence along said boundary to the southwest corner of Cottonwood County; thence along the south boundary of Cottonwood County to CSAH 5, Cottonwood County; thence along CSAH 5 to CSAH 13, Cottonwood County; thence along CSAH 13 to CSAH 6, Murray County; thence along CSAH 6 to the point of beginning.

Beginning at the intersection of County State Aid Highway (CSAH) 6, Murray County, and CSAH 42, Murray County; thence along CSAH 42 to the south boundary of Murray County; thence along said boundary to CSAH 3, Nobles County; thence along CSAH 3 to CSAH 18, Nobles County; thence along CSAH 18 to CSAH 32, Jackson County; thence along CSAH 32 to CSAH 9, Jackson County; thence along CSAH 9 to CSAH 5, Cottonwood County; thence along CSAH 5 to CSAH 13, Cottonwood County; thence along CSAH 13 to CSAH 6, Murray County; thence along CSAH 6 to the point of beginning.

Subp. 147. **Registration Block 456.** Deer And Bear Registration Block 456 consists of that portion of the state lying within the following described boundary:

Beginning on County State Aid Highway (CSAH) 1, Nobles County; at the south boundary of Murray County; thence along CSAH 1, Nobles County, to CSAH 1, Jackson County; thence along CSAH 1 to State Trunk Highway (STH) 264; thence along STH 264 to CSAH 3, Nobles County; thence along CSAH 3 to the south boundary of the state; thence along the south boundary of the state to CSAH 23, Jackson County; thence along CSAH 23 to CSAH 8, Jackson County; thence along CSAH 8 to CSAH 29, Jackson County; thence along CSAH 29 to CSAH 36, Jackson County; thence along CSAH 36 to CSAH 1, Cottonwood County; thence along CSAH 1 to STH 60; thence along STH 60 to STH 62; thence along STH 62 to CSAH 5, Cottonwood County; thence along CSAH 5 to the south boundary of Cottonwood County; thence along said boundary to the southeast corner of Murray County; thence along the south boundary of Murray County to the point of beginning.

Beginning at the intersection of County State Aid Highway (CSAH) 1, Nobles County, and CSAH 18, Nobles County; thence along CSAH 1 to CSAH 1, Jackson County; thence along CSAH 1 to State Trunk Highway (STH) 264; thence along STH 264 to CSAH 3, Nobles County; thence along CSAH 3 to the south boundary of the state; thence along the south boundary of the state to CSAH 23, Jackson County; thence along CSAH 23 to CSAH 8, Jackson County; thence along CSAH 8 to CSAH 29, Jackson County; thence along CSAH 29 to CSAH 36, Jackson County; thence along CSAH 36 to CSAH 1, Cottonwood County; thence along CSAH 1 to STH 60; thence along STH 60 to STH 62; thence along STH 62 to CSAH 5, Cottonwood County; thence along CSAH 5 to CSAH 9, Jackson County; thence along CSAH 9 to CSAH 32, Jackson County; thence along CSAH 32 to CSAH 18, Nobles County; thence along CSAH 18 to the point of beginning.

[For text of subps 148 to 157, see M.R.]

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Proposed Rules

6234.0100 GENERAL RESTRICTIONS FOR TAKING SMALL GAME.

[For text of subs 1 and 2, see M.R.]

Subp. 3. Wounded game included in bag limit. Wounded or captured game reduced to possession must be killed before being removed from the site where taken, and once reduced to possession must be included in a person's daily bag limit.

6234.0200 TAKING RUFFED GROUSE AND SPRUCE GROUSE.

A person may not take more than an aggregate of five ruffed grouse and spruce grouse per day or possess an aggregate of more than ten ruffed grouse and spruce grouse at a time.

Ruffed grouse and spruce grouse may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to December 31.

6234.0300 TAKING SHARP-TAILED GROUSE.

[For text of subpart 1, see M.R.]

Subp. 2. Open area. The open area to take sharp-tailed grouse is statewide except in that portion of the state lying within the following described boundary:

Beginning on U.S. Highway 2 at the west boundary of the state; thence along U.S. Highway 2 to Cass Lake; thence along State Trunk Highway (STH) 371 to Little Falls; thence along STH 27 to the west boundary of the state; thence along the west boundary of the state to the point of beginning.

Beginning on U.S. Highway 2 at the west boundary of the state; thence along U.S. Highway 2 to U.S. Highway 71; thence north-east along U.S. Highway 71 to State Trunk Highway (STH) 1; thence east along STH 1 to STH 73; thence south along STH 73 to U.S. Highway 2; thence west on U.S. Highway 2 to STH 200; thence west on STH 200 to STH 6; thence south on STH 6 to STH 18; thence east on STH 18 to STH 65; thence south on STH 65 to STH 70; thence east on STH 70 to the east boundary of the state; thence along the east, south, and west boundary of the state to the point of beginning.

Subp. 3. Open season. Sharp-tailed grouse may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to November 30.

6234.0400 TAKING PHEASANTS.

A person may not take more than two cock pheasants per day or possess more than six cock pheasants at a time.

Subpart 1. Open season. Only cock (male) pheasants may be taken by firearm or bow and arrow from the Saturday on or nearest October 13 to the Sunday on or nearest December 16 from 9:00 a.m. to sunset each day.

Subp. 2. Firearm restriction. A person may not take pheasants with a rifle or handgun other than a .22 caliber rimfire using short, long, or long rifle ammunition.

6234.0500 TAKING GRAY PARTRIDGE.

Subpart 1. Open season. Gray (Hungarian) partridge may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to December 31.

Subp. 2. Rifle restriction. A person may not take gray partridge with a rifle or handgun other than a .22 caliber rimfire using short, long, or long rifle ammunition.

6234.1100 TAKING MINK AND MUSKRATS.

Subpart 1. Open season in North Zone. Mink and muskrats may be taken by trapping from 9:00 a.m. on the Saturday nearest October 26 to ~~December 31~~ the last day in February in the North Zone.

Subp. 2. Open season in South Zone. Mink and muskrats may be taken by trapping from 9:00 a.m. on the Saturday nearest October 30 to ~~December 31~~ the last day in February in the South Zone.

[For text of subs 3 and 4, see M.R.]

6234.1200 TAKING RACCOON RACCOONS.

[For text of subpart 1, see M.R.]

Subp. 2. Bag limits. Residents may take and possess raccoons without limit. Nonresidents may not take more than 20 raccoons per season or possess more than 20 raccoons at a time. Raccoons may be taken and possessed without limit.

Subp. 3. Special provisions. The special provisions in items A and B apply to taking raccoons:

A- A person may use an artificial light to locate, attempt to locate, or shoot a raccoon only if the raccoon has been treed or put at bay by dogs. The use of dogs and lights to take raccoon is regulated as provided by *Minnesota Statutes*, sections 97B.081, 97B.621, and 97B.931.

B- Each raccoon or, if the pelt is removed, the pelt of a raccoon taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the raccoon or its pelt in the manner as provided by part 6234.2600.

6234.1300 TAKING RED FOX AND GRAY FOX.

[For text of subpart 1, see M.R.]

Subp. 2. **Bag limits.** ~~Residents may take and possess Red fox and gray fox may be taken and possessed without limit. Nonresidents may not take more than an aggregate of five red and gray fox per season, or possess more than an aggregate of five red and gray fox at a time.~~

[For text of subp 3, see M.R.]

Subp. 4. **Special provisions.** The special provisions in items A and B apply to taking red fox and gray fox.

A. Fox may be run without being taken by the use of dogs at any time during the year except from March 16 to July 14 or under permit.

B. Dogs may be used for hunting fox during the open season.

6234.1400 TAKING BADGER AND OPOSSUM.

Subpart 1. **Open season.** Badgers and opossums may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the ~~Friday Saturday~~ nearest ~~October 22~~ September 16 to the last day in ~~February~~ March 15.

[For text of subp 2, see M.R.]

6234.1600 TAKING BOBCAT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Tagging bobcats.** Pelts and skinned carcasses are subject to the provisions of part 6234.2600. ~~Each bobcat or pelt taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to bobcats or pelts in the manner as provided by part 6234.2600.~~

6234.1700 TAKING FISHER.

[For text of subpart 1, see M.R.]

Subp. 2. **Bag limits.** A person may not take more than ~~one~~ two fisher per season or possess more than ~~one~~ two fisher at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

[For text of subp 3, see M.R.]

6234.2800 PAYMENT OF PELTING FEES.

If a person recovers, treats, preserves, or transports the pelt of any fur-bearing animal that was accidentally killed, or lawfully killed while causing or threatening injury or damage, the person may be entitled to a pelting fee equal to 25 percent of the average value of a pelt in the lot of fur in which the pelt was sold or 25 percent of the proceeds of the sale of the pelt if not sold in a lot of fur. A pelting fee will not be paid on muskrats.

6234.2900 PELTING FEE RESTRICTIONS.

The provisions in items A and B apply to the payment of pelting fees.

A. A person must provide the pelt and carcass to the commissioner at the earliest opportunity.

B. Claims for pelting fees must be submitted on forms provided by the commissioner. Claims will not be paid until the commissioner has certified that the claimant has used due care in recovering, treating, preserving, and transporting the pelt to maintain its value.

6234.3000 CERTIFICATION FOR PREDATOR CONTROL.

Subpart 1. Certification required. A person may not participate in the predator control program unless the person is certified.

Subp. 2. Application process. Application for certification as a predator controller may be made on forms provided by the commissioner to a conservation officer in the applicant's county of residence.

Subp. 3. Predator controller qualification requirements. A person will not be certified unless the person meets the following qualifications as determined by the commissioner:

A. skill in the use of firearms;

B. skill in hunting or trapping, including the ability to distinguish signs, tracks, and trails of predators; and

C. a reputation for reliability.

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Subp. 4. Revocation of certification. A certificate issued to a predator controller may be revoked upon conviction for a violation of any provision of chapters 6200 to 6266 or *Minnesota Statutes*, chapters 97A to 97C.

Subp. 5. Inactivity in predator control program. A certificate may be revoked if the controller is inactive in the program for two consecutive years.

6234.3100 DESIGNATED CONTROL AREAS AND DATES OF OPERATION.

Subpart 1. Reporting of damage. Predator damage must be reported to a conservation officer on forms provided by the commissioner.

Subp. 2. Designation of corrective action. If it is determined that corrective action in an area is necessary, a directive will be issued designating:

A. the predator control area. The open area may not exceed a one-mile radius surrounding the damage site for coyotes and a one-half mile radius for fox;

B. the species of predators to be taken;

C. the predator controllers who are eligible to participate. Eligible predator controllers may be limited to those living in the vicinity of the control area;

D. the allowable methods of control; and

E. the effective dates. Between October 1 and the last day of February no areas may be open for predator control for more than 30 days. All control activities must cease at the expiration of the date specified in the directive. If an earlier date is not specified, all open areas close on October 1.

6234.3200 USE OF SNARES FOR PREDATOR CONTROL.

Certified predator controllers may use snares statewide at any time when participating in the predator control program.

6234.3300 PROHIBITED METHODS OF PREDATOR CONTROL.

Subpart 1. Motor vehicles. Predators may not be taken from motor vehicles, airplanes, or snowmobiles.

Subp. 2. Poison. Poison may not be used in taking predators.

6234.3400 COMPENSATION FOR PREDATOR CONTROL.

Subpart 1. Presentation of carcass. A predator controller must, within 48 hours, present the entire unskinned carcass of each predator to the conservation officer in the county where taken. The conservation officer must remove the front feet and the ears from the unskinned carcass. The remaining carcass is the property of the predator controller and must be immediately removed.

Subp. 2. Identification of sites. Controllers must, upon request, specifically identify the site where each predator for which payment is claimed was taken.

Subp. 3. Payment schedule. The payments in items A and B will be made for predators taken according to this part.

A. For predators taken from March 1 through September 30:

(1) coyote (Brush Wolf), \$45; and

(2) fox, \$15.

B. For predators taken from October 1 through the last day in February: coyote (brush wolf), \$30.

TURKEY HUNTING

6236.0100 DEFINITIONS.

[For text of subs 1 to 4, see M.R.]

Subp. 5. Legal bow and arrow. "Legal bow and arrow" means a bow that has a pull of no less than 40 pounds, at or before full draw, and that is not drawn, held, or released by a mechanical device. Arrowheads must be:

A. sharp and have a minimum of two metal cutting edges;

B. of a barbless broadhead design;

C. of a diameter of at least seven-eighths of an inch; or

D. of a blunt head design.

Subp. 6. Legal firearms. "Legal firearms" means shotguns 20 gauge or larger, or muzzleloading shotguns 12 gauge or larger, using fine shot size No. 4, 5, or 6.

6236.0550 FIREARM AND BOW AND ARROW RESTRICTIONS.

While afield hunting turkeys, licensees may not have in possession or control any firearm or bow and arrow except those defined as legal as provided by part 6236.0100.

6236.0600 SPRING TURKEY SEASON REGISTRATION.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Open areas.** ~~Eleven~~ Fourteen turkey zones, numbered between 1 and 24 ~~30~~, are open during the spring turkey season.

Subp. 5. **Registration.** Turkeys must be registered no later than 2:00 p.m. of the day taken during the spring turkey season.

6236.0700 FALL TURKEY SEASON REGISTRATION.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Open areas.** Turkey Zones 1 through 4 ~~5~~ are open for the fall turkey season.

Subp. 5. **Registration.** Turkeys must be registered within 24 hours after being taken during the fall turkey season.

6236.0800 TURKEY ZONE DESCRIPTIONS.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Turkey Zone 5.** Turkey Zone 5 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 61 and ~~County State Aid Highway (CSAH) 19~~ U.S. Highway 63, Goodhue County; ~~thence along CSAH 19 to the intersection of U.S. Lock and Dam No. 3 access road located at the north quarter corner of Section 5, Township 113 North, Range 15 West, Goodhue County;~~ thence due east north along U.S. Highway 63 to the east boundary of the state; thence along the east boundary of the state to a point due east of the intersection of the Zumbro River and the Mississippi River; thence due west to the Zumbro River; thence along the Zumbro River to U.S. Highway 61; thence along U.S. Highway 61 to State Trunk Highway (STH) 42; thence along STH 42 to CSAH 7, thence along CSAH 7 to Interstate (I) 90; thence along I 90 to U.S. Highway 52; thence along U.S. Highway 52 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 60 to Interstate (I) 35, Rice County; thence along I 35 to STH 19; thence along STH 19 to STH 20; thence along STH 20 to U.S. Highway 61; thence along U.S. Highway 61 to the point of beginning.

[For text of subs 6 and 7, see M.R.]

Subp. 8. **Turkey Zone 12.** Turkey Zone 12 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 169 and State Trunk Highway (STH) 68; thence along STH 68 to County State Aid Highway (CSAH) 45, Blue Earth County; thence along CSAH 45 to CSAH 24, Nicollet County; thence along CSAH 24 to U.S. Highway 14; thence along U.S. Highway 14 to CSAH 12, Nicollet County; thence along CSAH 12 to CSAH 5, Nicollet County; thence along CSAH 5 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 3, Nicollet County; thence along CSAH 3 to CSAH 9, Sibley County; thence along CSAH 9 to CSAH 8, Sibley County; thence along CSAH 8 to the midpoint of the Minnesota River; thence along the midpoint of the Minnesota River to ~~U.S. Highway 14~~ State Trunk Highway (STH) 99, Le Sueur County; thence along STH 99 to CSAH 15; thence along CSAH 15 to STH 60, Blue Earth County; thence along U.S. Highway 14 to STH 22; thence along STH 60 to U.S. Highway 14; thence along U.S. Highway 14 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

[For text of subp 9, see M.R.]

Subp. 10. **Turkey Zone 20.** Turkey Zone 20 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 98 and U.S. Highway 61; thence along U.S. Highway 61 to County State Aid Highway (CSAH) 30, Chisago County; thence along CSAH 30 to STH 95; thence along STH 95 to CSAH 9, Chisago County; thence along CSAH 9 to U.S. Highway 8; thence along U.S. Highway 8 to STH 98; thence along STH 98 to the point of beginning All of Chisago County lying East of Interstate (I)35, except that portion of the state known as the Carlos Avery Wildlife Management Area (including the Sunrise Addition in Chisago County).

Subp. 11. **Turkey Zone 21.** Turkey Zone 21 consists of that portion of the state known as Washington County and those portions of Dakota and Goodhue counties lying within the following described boundary:

All of Washington County Beginning at the intersection of U.S. Highway 61 and the Mississippi River, Dakota County; thence along U.S. Highway 61 to U.S. Highway 63, Goodhue County; thence due north along U.S. Highway 63 to the east boundary of the state.

Subp. 12. **Turkey Zone 22.** Turkey Zone 22 consists of that portion of the state known as the Carlos Avery Wildlife Management Area (including the Sunrise River Addition), Anoka and Chisago counties.

Subp. 13. **Turkey Zone 30.** Turkey Zone 30 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of Interstate (I)94 at County State Aid Highway (CSAH) 15, Stearns County; thence southeasterly along I 94 to CSAH 8, Wright County; thence along CSAH 8 to CSAH 35; thence along CSAH 35 to CSAH 21, Meeker County; thence along CSAH 21 to State Trunk Highway (STH) 15; thence along STH 15 to the point of beginning.

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Proposed Rules

6236.0900 SPECIAL PROVISIONS FOR TAKING TURKEYS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. Game refuges open to taking turkeys. The Lost Lake Refuge in Fillmore county, the Whitewater State Game Refuge in Winona county, and the St. Croix River and Stillwater Game Refuges in Washington county are open for the taking of turkeys during the open seasons.

Subp. 5. Wildlife management areas open to taking turkeys. That portion of the Carlos Avery Wildlife Management Area posted with "Wildlife Sanctuary Do Not Trespass" signs that lies within zone 22 is open for the taking of turkeys during the spring turkey season.

6236.0950 TAGGING TURKEYS.

Immediately after taking a turkey, the hunter must punch date of kill, sign, and attach the tag provided with the license to the turkey as specified on the tag. This tag must remain attached to the turkey during transit.

6236.1000 TURKEY REGISTRATION.

A person taking a turkey must register the turkey at a designated registration station within the time specified for that season. The feathers, head, and feet must remain on the turkey until it is registered. An unregistered turkey may not be possessed outside the zone where taken unless it is being transported in a direct route to a registration station. Registration stations will be listed in materials provided to all licensees.

6240.0200 GENERAL RESTRICTIONS FOR TAKING AND POSSESSION OF MIGRATORY GAME BIRDS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. Blinds on public lands and public waters. An unoccupied blind on public land or in public waters is available for use by the public and is not the property of the person who constructed it.

Subp. 4. Use of motorized watercraft. A person may use motorized watercraft in the waterfowl feeding and resting area established on South Heron Lake during the goose season established in part 6240.1600.

EARLY GOOSE SEASONS

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.** Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except on those described or shown on a map provided by the commissioner.

Subp. 2. **Taking on public roads and rights-of-way.** Taking Canada geese on public roads and their rights-of-way is prohibited during the early seasons, except in the Southwest Border Canada Goose Zone.

6240.1500 TAKING GEESE IN TWIN CITIES METROPOLITAN CANADA GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Twin Cities Metropolitan Canada Goose Zone during the ten-day period beginning the first Saturday in September.

Subp. 2. **Daily limits.** A person may not take more than four Canada geese per day during the early season.

Subp. 3. **Zone description.** The Twin Cities Metropolitan Canada Goose Zone is described as follows:

A. All of Hennepin and Ramsey Counties.

B. In Anoka County, all of Columbus Township lying south of County State Aid Highway (CSAH) 18, Anoka County; all of the cities of Ramsey, Andover, Anoka, Coon Rapids, Spring Lake Park, Fridley, Hilltop, Columbia Heights, Blaine, Lexington, Circle Pines, Lino Lakes, and Centerville; and all of the city of Ham Lake except that portion described as follows: lying north of CSAH 18 and east of U.S. Highway 65.

Beginning at the intersection of CSAH 18, Anoka County, and U.S. Highway 65; thence east along CSAH 18 to the eastern boundary of Ham Lake; thence north along said boundary to the north boundary of Ham Lake; thence west along said boundary to U.S. Highway 65; thence south along U.S. Highway 65 to the point of beginning.

C. In That part of Carver County; all of the cities of Victoria, Chaska, Chanhassen, and Carver and the Townships of Chaska and Laketown; and portions of the cities of Cologne, Waconia, Mayer, and Watertown; and the Townships of Dahlgren, Benton, Waconia, and Watertown lying north and east of the following described line:

Beginning on U.S. Highway 212 at the southwest corner of the city of Chaska; thence west to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line; thence east to the Hennepin County line.

Beginning at the northeast corner of San Francisco Township; thence west along the north boundary of San Francisco Township to the east boundary of Dahlgren Township; thence north along the east boundary of Dahlgren Township to U.S. Highway 212; thence west along U.S. Highway 212 to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line.

[For text of items D and E, see M.R.]

F. In That portion of Washington County, all of the cities of Cottage Grove, St. Paul Park, Newport, Woodbury, White Bear Lake, Oakdale, Landfall, Lake Elmo, Pine Springs, Willernie, Birchwood, Mahtomedi, Dellwood, Forest Lake, Marine, Stillwater, Oak Park Heights, Bayport, Hugo, Lakeland, Lakeland Shores, St. Croix Beach, St. Mary's Point, Afton, and Hastings; all of the Townships of Gray Cloud Island, May, Grant, Stillwater, Baytown, Denmark, and West Lakeland; and that portion of Forest Lake Township lying south of State Trunk Highway (STH) 97 and CSAH 2, Washington County; and those portions of New Seandia Township lying south of STH 97; and of a line drawn due east from the intersection of STH 97 and STH 95 to the east boundary of the state: lying south of the following described line:

Beginning at County State Aid Highway (CSAH) 2 on the west boundary of the county; thence east on CSAH 2 to U.S. Highway 61; thence south on U.S. Highway 61 to State Trunk Highway (STH) 97; thence east on STH 97 to the intersection of STH 97 and STH 95; thence due east to the east boundary of the state.

6240.1600 TAKING GEESE IN SOUTHWEST BORDER GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Southwest Border Canada Goose Zone during the ten-day period beginning the first Saturday in September †.

Subp. 2. **Daily limits.** A person may not take more than two Canada geese per day during the early season.

Subp. 3. **Zone description.** The Southwest Border Canada Goose Zone is all of Martin County and that portion of Jackson County south and east of U.S. Highway 60: described as follows:

A. All of Blue Earth, Faribault, LeSueur, Lincoln, Lyon, Martin, McLeod, Nicollet, Sibley, Waseca, and Watonwan counties.

B. All of Cottonwood, Jackson, Murray, and Nobles counties except the area within the following described boundary:

Beginning at the junction of County State Aid Highway (CSAH) 42 and CSAH 6, Murray County; thence east along CSAH 6 to CSAH 13, Cottonwood County; thence east along CSAH 13 to CSAH 5, Cottonwood County; thence south along CSAH 5 to CSAH 9, Jackson County; thence south along CSAH 9 to CSAH 32, Jackson County; thence west along CSAH 32 to CSAH 18, Nobles County; thence west along CSAH 18 to CSAH 3, Nobles County; thence north along the township road to the Murray County line; thence west to CSAH 42, Murray County; thence north to the point of beginning.

C. That part of Brown County lying south and west of the following described line:

Beginning at the junction of U.S. Highway 14 and the east Brown County line; thence west on U.S. Highway 14 to Cobden; thence due west one mile on U.S. Highway 14 and the township road to the Redwood County line.

D. That part of Renville County east of State Trunk Highway 4.

E. That part of Meeker County south of U.S. Highway 12.

F. In Scott County, the Townships of Belle Plaine, Blakely, and Helena, including municipalities located therein.

G. That part of Carver County lying west of the following described line:

Beginning at the northeast corner of San Francisco Township; thence west along the north San Francisco Township line to the east boundary of Dahlgren Township; thence north on the east Dahlgren Township line to U.S. Highway 212; thence west on U.S. Highway 212 to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line.

6240.1700 TAKING GEESE IN FERGUS FALLS/ALEXANDRIA CANADA GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Fergus Falls/Alexandria Canada Goose Zone during the ten-day period beginning the first Saturday in September †.

[For text of subps 2 and 3, see M.R.]

6240.1800 EARLY GOOSE HUNT APPLICATION AND PERMIT.

Subpart 1. **Application process.** Permits are required to take Canada geese during the early seasons. A person may obtain a permit by submitting an application, provided by the commissioner, to the address indicated on the form. The application deadline is August †.

[For text of subps 2 and 3, see M.R.]

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

The Douglas County Goose Refuge in Douglas County and the Otter Tail County Goose Refuge in Otter Tail County are open to Canada goose hunting during the early and regular goose seasons.

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Proposed Rules

GAME FARMS

6242.0500 GAME FARM LICENSE REQUIREMENTS.

The game farm license must specify the species which may be propagated or sold.

6242.0600 GAME FARM LICENSE CONDITIONS.

A game farm license may be issued to an applicant who:

- A. is primarily responsible for the care of the animals;
- B. has adequate knowledge to properly care for the species involved;
- C. provides a fenced area of adequate size on the premises to effectively confine the animals to be kept;
- D. provides clean and healthy facilities to house, breed, and maintain the animals; and
- E. provides for adequate food, water, shelter, sanitation, protection from injury, and prevention of overcrowding.

Failure to meet these requirements may be grounds for revocation or nonrenewal of the license.

6242.0800 ACQUISITION OF GAME FARM ANIMALS.

A game farm licensee may acquire protected captive-reared mammals and game birds or their eggs only from a licensed game farm operator or other person exempt from the licensing requirement.

6242.1100 REPORTS ON OPERATIONS.

On or before March 15 of each year, licensees must submit, on forms provided by the commissioner, reports of their game farm operations during the preceding license year. These reports must be one of two types:

- A. for upland game birds and waterfowl, an inventory of all livestock acquired, hatched, possessed, sold, deceased, or disposed of; and
- B. for all other species, a report of the required records.

These reports must be submitted to the Division of Enforcement.

6242.1200 ENDANGERED SPECIES.

A game farm license is not a license to possess, breed, propagate, sell, or dispose of any endangered species, unless the endangered species is specifically listed on the game farm license and has been lawfully obtained.

ROUGH FISH

6252.0100 SEASONS AND METHODS FOR TAKING ROUGH FISH.

Rough fish may be taken by resident licensed individuals, in accordance with *Minnesota Statutes*, sections 97C.345, 97C.371, and 97C.373, by the following methods during the period May 1 to, but not including, the third Monday in February 97C.375. Rough fish may be taken by these the following methods between sunrise and sunset in all inland waters, except where the taking of fish is otherwise prohibited by law or rule. Nonresidents may not spear from a fish house or darkhouse.

A. Harpooning equipment may not be used within 1,000 feet of an established swimming beach. Harpooning equipment may be discharged only when both the equipment and operator are entirely beneath the surface of the water and may not be carried in a cocked position while out of the water.

B. Rough fish may be taken by archery provided that the arrows used are tethered or controlled by an attached line. The use of crossbows is prohibited.

C. Rough fish may be taken by means of hand-held dip nets having a diameter not exceeding 24 inches.

6252.0300 RESTRICTIONS ON TAKING ROUGH FISH.

Except as provided by *Minnesota Statutes*, section 97C.345, rough fish may not be taken by spearing, harpooning, and archery, or dip netting in any designated trout stream or lake, posted spawning area, or any water where spawning, trapping, or hatchery operations are being carried on.

6252.0350 PROHIBITION ON RETURNING ROUGH FISH TO WATERS.

Rough fish taken by spearing, harpooning, and or archery may not be returned to the water and rough fish may not be left on the banks of any water of the state.

6252.0500 OPEN SEASONS FOR TAKING WHITEFISH AND CISCOES.

[For text of subpart 1, see M.R.]

Subp. 2. **Schedule I.** All bodies of water listed in this schedule, known as ~~Schedule I~~, are to be opened and closed on a 48-hour notice posted at lake accesses and other public places, provided that a gill net or any part of a gill net may not be set in any water deeper than six feet, measured from the lake bottom to the top surface of the water or ice.

Proposed Rules

	County	<u>Whitefish</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>3-1/2</u> <u>inches</u> <u>allowed</u>	<u>Ciscoe</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>1-3/4</u> <u>inches</u> <u>allowed</u>
Balsam, Big, T.58, 59, R.24, S.5 + Various	Itasca		X
Basswood, T.64, 65, R.9, 10, 11, S. Var.	Lake		X
Bear Island, T.61, R.13, S. Var.	St. Louis		X
Deer, T.56, R.26, 27; T.57, R.26, 27, S. Var.	Itasca	X	
Ely, T.57, 58, R.17, S. Var.	St. Louis		X
Fall, T.63, R.11, 12, S. Var.; T.64, R.11, S. Var.	Lake		
Flour, T.64, R.1E, 1W	St. Louis		X
Green, T.120, R.33, 34; T.121, R.33, 34	Cook		X
Ida, T.129, 130, R.38	Kandiyohi		
Mille Lacs	Douglas	X	
	Aitkin	X	
	Crow Wing		
	Mille Lacs	X	
	Itasca		X
Nashwauk, T.57, R.23, 24, S.7 + Var.	Lake		
Newton, T.63, 64, R.11, S. Var.	Lake	X	
Ojibway, T.63, R.9, 10, S. Var.	Lake		X
Poplar, T.64, R.1W, 2W	Cook	X	
Rachel, T.127, R.39	Douglas		X
Reilly (O'Reilly), T.56, R.24, S.5, 6	Itasca		X
Shagawa, T.63, R.12, S. Var.	St. Louis	X	
Straight, T.140, R.36, S.6 + Var.	Becker	X	
Vermillion, T.61, R.16; T.62, R.14, 15, 16, 17; T.63, R.15, 16, 17, 18 - all except Pike Bay, south and west of a north- south line at narrowest portion between Echo Point and Punchers Point, T.62, R.15, S.19 + Var.	St. Louis	X	

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Proposed Rules

Subp. 3. **Schedule II.** All bodies of water listed in this schedule, ~~known as Schedule II~~, are open during the dates indicated by one of the following symbols:

- A = Second Friday of October to through the first Sunday of December;
- B = First Friday of November to through the second Sunday of December; or
- C = Second Friday of November to through the second Sunday of December.

	County	<u>Whitefish</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>3-1/2</u> <u>inches</u> <u>allowed</u>	<u>Ciscoe</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>1-3/4</u> <u>inches</u> <u>allowed</u>	Open dates
Ball Club, T.144, R.25, 26; T.145, R.26	Itasca	X		B
Bass, T.137, R.28	Crow Wing	X		B
Bass, north basin and Snyder Bay to the narrows, T.56, R.26	Itasca	X		B
Bass, Big, T.140, R.26, S.27 + Various	Cass		X	B
Beltrami, T.148, R.32, 33	Beltrami	X		B
Bemidji, Little, T.142, R.39, S.23 + Var.	Becker	X		B
Benedict, T.142, R.32	Hubbard	X		B
Black Bear, T.46, R.29, 30; T.47, R.29, 30	Crow Wing		X	B
Blackduck, T.149, R.31	Beltrami	X		B
Blackwater, T.140, R.29, S.25 + Var.	Cass	X		B
Bowstring, T.146, R.25, 26; T.147, R.25, 26	Itasca	X		B
Bowstring, Little, T.58, R.27, S.23 + Var.	Itasca	X		B
Boy, T.142, R.27, 28	Cass	X		B
Buffalo, T.140, R.40, 41; T.141, R.40	Becker	X		C
Burgen, T.127, 128, R.37	Douglas	X		B
Buzzle, Big, T.148, R.35	Beltrami		X	B
Caribou, T.65, R.1E	Cook	X		A
Carr, T.146, R.33	Beltrami	X		B
Cass, T.145, 146, R.30, 31	Beltrami			
	Cass	X		B
Clear, T.137, R.28	Crow Wing		X	B
Clearwater, T.149, R.35, 36	Beltrami			
	Clearwater	X		B
Cotton, T.139, 140, R.40	Becker	X		B
Crane, T.67, R.16, 17	St. Louis		X	A
Crooked, T.144, R.31	Cass	X		B
Crooked, T.45, R.28, S.16 + Var.	Crow Wing	X		B
Crow Wing, Fifth and Sixth Lakes (channel between), T.140, R.33, S.20	Hubbard			
		X		B
Crow Wing, Seventh and Eighth Lakes (channel between), T.140, R.33, S.12 + Var.	Hubbard			
		X		B

Proposed Rules

	County	<u>Whitefish</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>3-1/2</u> <u>inches</u> <u>allowed</u>	<u>Ciscoe</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>1-3/4</u> <u>inches</u> <u>allowed</u>	Open dates
Crow Wing, Ninth, T.140, 141, R.32	Hubbard	X		B
Crystal, T.136, R.42	Otter Tail	X		C
Curfman, T.138, R.41	Becker	X		B
Cut Foot Sioux, T.146, 147, R.27	Itasca	X		B
Deer, T.148, R.34	Beltrami	X		B
Deer, T.64, R.1E, S.4 + Var.; T.65, R.1E, S.32 + Var.	Cook		X	A
Deer, T.62, R.24, S. Var.	Itasca	X		B
Detroit, T.138, 139, R.41	Becker	X		B
Eagle, T.45, R.29	Crow Wing		X	B
Elbow, Big, T.142, R.38, 39	Becker	X		C
Eunice, T.138, R.42, S.26 + Var.	Becker	X		B
Fish, T.137, R.42	Otter Tail	X		C
Fish Hook, T.140, R.34, 35	Hubbard	X		B
Floyd, Big, T.139, R.41	Becker	X		B
Fox, East, T.138, R.27	Crow Wing	X		B
Fox, West, T.138, R.27	Crow Wing	X		B
Franklin, T.136, 137, R.42	Otter Tail	X		C
Gilstad, T.148, 149, R.30	Beltrami	X		B
Graham, T.137, 138, R.40	Becker			
	Otter Tail	X		B
Grant, T.146, 147, R.34	Beltrami		X	B
Graves, T.58, R.26	Itasca	X		B
Gull, T.134, R.29, 30; T.135, R.29	Cass			
	Crow Wing	X		B
Gull, Upper, T.135, R.29	Cass	X		B
Hanging Horn, Big, T.46, R.19	Carlton	X		B
Howard, T.141, R.31	Cass		X	B
Ice Cracking, T.141, R.38, 39	Becker	X		C
Isabella, T.61, R.8; T.62, R.7, 8	Lake	X		A
Island, T.141, R.35	Hubbard	X		B
Island, T.150, R.28	Itasca	X		B
Jack, T.141, 142, R.30	Cass		X	B
Jessie, T.147, 148, R.25	Itasca	X		B
Jessie, Little, T.147, R.25	Itasca		X	B
Jewett, T.134, R.43	Otter Tail	X		C
Kabekona, T.142, R.32; T.143, R.32, 33	Hubbard	X		B
Kabetogama, T.69, 70, R.19-22	Koochiching			
	St. Louis		X	A
Kimble, T.137, R.28	Crow Wing		X	B
Kitchie, T.146, 147, R.30	Beltrami	X		B

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Proposed Rules

		<u>Whitefish</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>3-1/2</u> <u>inches</u> <u>allowed</u>	<u>Ciscoe</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>1-3/4</u> <u>inches</u> <u>allowed</u>	Open dates
Lake of the Woods	Lake of the Woods			
	Roseau	X		A
Latoka, T.128, R.38	Douglas	X		B
Leaf, East, T.134, R.37, 38	Otter Tail	X		C
Leaf, Middle, T.134, R.38	Otter Tail	X		C
Leaf, West, T.134, R.38	Otter Tail	X		C
Leavitt, T.139, R.25, 26	Cass	X		B
Leech, including Kabekona	Cass			
Bay and all other bays,	Hubbard			
T.141, R.29, 31; T.142,				
R.28, 29, 30, 31, 32;				
T.143, R.28, 29, 30, 31;				
T.144, R.28, 29, 30		X		A
Lida, T.135, 136, R.42	Otter Tail	X		C
Lizzie, T.136, 137, R.42	Otter Tail	X		C
Long, T.138, 139, R.41	Becker	X		B
Long, T.139, 140, R.34	Hubbard	X		B
Long, T.134, R.42, 43	Otter Tail	X		C
Long, Lower South, T.44,	Crow Wing			
R.29, 30		X		B
McCraney, T.143, R.40, S.25	Mahnomen			
+ Var.		X		B
Many Point, T.141,	Becker			
R.38; T.142, R.38, 39		X		B
Maple, T.60, R.27	Itasca	X		B
Margaret (Kilpatrick),				
T.135, R.29	Cass	X		B
Marquette, T.146, R.33	Beltrami	X		B
Maud, T.138, R.42	Becker	X		B
Melissa, T.138, R.41	Becker	X		B
Mitchell, T.138, R.27	Crow Wing	X		B
Moore, T.142, R.38, S.5;	Becker			
T.143, R.38, S.32	Clearwater	X		B
Movil, T.147, 148, R.33	Beltrami	X		B
Murphy, T.137, R.39, S.6;	Becker			
T.138, R.39, S.31	Otter Tail	X		B
Namakan, T.68, R.17, 18;	St. Louis			
T.69, R.17, 18, 19,				
except the narrows				
between Namakan and				
Sand Point Lakes			X	A
Net (Burnett), T.142, R.40,	Becker			
S.17 + Var.		X		B
Niswaa, T.135, R.29	Crow Wing	X		B
Oak (Mud), T.143, R.32, S.27	Hubbard	X		B
Osakis, T.128, R.35, 36;	Douglas			
T.129, R.35	Todd	X		B
Ossawinamakee (Long), T.136,	Crow Wing			
137, R.28		X		B
Pelican, T.135, R.27, 28;	Crow Wing			
T.136, R.27, 28		X		B
Pelican, Big, T.137, R.42, 43	Otter Tail	X		C

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		<u>Whitefish</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>3-1/2</u> <u>inches</u> <u>allowed</u>	<u>Ciscoe</u> <u>minimum</u> <u>mesh</u> <u>size</u> <u>1-3/4</u> <u>inches</u> <u>allowed</u>	Open dates
Pike, T.142, R.38	Becker	<u>X</u>		B
Pike, East, T.65, R.2E, 3E	Cook		<u>X</u>	A
Pike Bay, T.145, R.30, 31	Cass	<u>X</u>		B
Pillager, T.133, 134, R.30	Cass		<u>X</u>	B
Pimushe, T.147, 148, R.30, 31	Beltrami	<u>X</u>		B
Pine, Big, T.136, 137, R.38	Otter Tail	<u>X</u>		C
Pine, Little, T.136, R.39; T.137, R.38, 39	Otter Tail	<u>X</u>		C
Pine Mountain, T.138, R.30; T.139, R.30, 31	Cass		<u>X</u>	B
Plantaganette, T.145, R.33, 34; T.146, R.33	Beltrami Hubbard	<u>X</u>		B
Pokegama, T.54, R.25, 26; T.55, R.25, 26	Itasca		<u>X</u>	B
Portage, T.141, R.31	Cass		<u>X</u>	B
Portage, T.45, R.28, S.29 + Var.	Crow Wing	<u>X</u>		B
Potato and Eagle Lakes (channel between), T.141, R.35, S.22	Hubbard	<u>X</u>		B
Prairie, T.50, R.20	St. Louis	<u>X</u>		B
Pug Hole Lake, T.140, R.26, S.2 + Var.	Cass		<u>X</u>	B
Rainy, T.69-71, R.17-24	Koochiching St. Louis		<u>X</u>	A B
Round, T.141, R.38, 39	Becker	<u>X</u>		B
Round, T.134, R.28, 29; T.135, R.28, 29	Crow Wing	<u>X</u>		B
Round, T.148, R.27, 28	Itasca		<u>X</u>	B
Roy, T.135, R.29	Cass Crow Wing	<u>X</u>		B
Rush Island, T.148, R.26, S.15 + Var.	Itasca	<u>X</u>		B
Sand, Big, T.147, 148, R.26	Itasca	<u>X</u>		B
Sand Point, T.67, R.16, 17; T.68, R.16, 17, except the narrows between Sand Point and Namakan Lakes and Sand Point and Little Vermillion Lakes	St. Louis		<u>X</u>	A
Sandy, T.149, R.35	Beltrami		<u>X</u>	B
Sandy, Big, T.49, R.23, 24; T.50, R.23, 24	Aitkin	<u>X</u>		B
Sauk, Big, T.126, 127, R.34	Stearns Todd	<u>X</u>		B

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Proposed Rules

	County	<u>Whitefish minimum mesh size 3-1/2 inches allowed</u>	<u>Ciscoe minimum mesh size 1-3/4 inches allowed</u>	Open dates
Serpent, T.46, R.28, 29	Crow Wing		X	B
Silver Island, T.60, R.6; T.61, R.6, 7	Lake	X		A
Snyder (Snider), T.143, R.39, 40	Mahnomen	X		B
Stalker, T.132, R.41	Otter Tail	X		C
Star, T.137, R.28	Crow Wing	X		B
Star, T.135, R.40, 41; T.136, R.41	Otter Tail	X		C
Steamboat, T.144, R.31, 32	Cass			
	Hubbard	X		B
Strawberry, T.141, 142, R.40	Becker		X	B
Sucker, Lower (Big Sucker), T.144, R.30; T.145, R.29, 30	Cass	X		B
Swan, T.55, 56, R.22, 23, S. Var.	Itasca		X	B
Ten Mile, T.140, R.30, 31; T.141, R.30, 31	Cass		X	C
Thunder, Big, T.140, R.26	Cass	X		B
Tulaby, T.142, 143, R.39	Becker			
	Mahnomen	X		B
Turtle, Big, T.148, R.33	Beltrami	X		B
Turtle, Big, T.59, R.26, 27; T.60, R.26, 27	Itasca		X	B
Turtle, Little, T.148, R.31, 32	Beltrami	X		B
Turtle River Lake, T.147, 148, R.32	Beltrami	X		B
Twin Lakes, T.56, R.23, 24	Itasca	X		B
Victoria, T.128, R.37	Douglas	X		B
Wabedo, T.140, R.28	Cass	X		B
Washburn, T.139, 140, R.26	Cass	X		B
White Earth, T.142, 143, R.40	Becker			
	Mahnomen	X		B
Wilson Bay, T.134, R.29, 30	Cass	X		B
Wimer, T.137, R.40	Otter Tail	X		C
Winnibigoshish, T.145, R.27, 28, 29; T.146, R.27, 28, 29; T.147, R.27, 28	Cass			
	Itasca	X		B
Winnibigoshish, Little, T.145, R.26, 27; T.146, R.26, 27, except those portions within one-fourth mile of river channels	Cass			
	Itasca		X	B
Wolf, Big, T.145, 146, R.32, S. Var.	Beltrami			
	Hubbard	X		B
Woman, T.140, R.28, 29; T.141, R.28, 29	Cass	X		B

Subp. 4. **Schedule III.** That part of Upper Red Lake located in Beltrami county (T.153, R.31, 32, 33, 34; T.154, R.31, 32, 33, 34; T.155, R.30, 31, 32) and outside the Red Lake Indian Reservation, known as Schedule III, is open from the second Friday of October through the third Sunday of November and it is permissible to set portions of gill nets in water deeper than six feet, provided that one end of the gill net is set in water no deeper than six feet, measured from the lake bottom to the top surface of the water or ice. The minimum allowable mesh size for these nets is 3-1/2 inches.

Subp. 5. Special restrictions for Leech Lake Reservation. The seasons, daily, and possession limits for the taking of fish from bodies of water within the Leech Lake Reservation for noncommercial purposes shall be the same as the statewide regulations, except whitefish which shall have a daily and possession limit of 25 each. These limits do not apply to band or tribal members possessing a valid band fishing identification permit.

6252.0600 TIME RESTRICTIONS ON TAKING WHITEFISH AND CISCOES.

Gill nets for taking whitefish and ciscoes may not be set after sunset or raised before sunrise. All gill nets must be operated only by the licensee. Gill nets must be tended at least once every 24 hours. A person may use only one gill net.

LAKE SUPERIOR FISHING GUIDES

6252.0900 LICENSE REQUIREMENTS FOR LAKE SUPERIOR FISHING GUIDES.

License applicants must be at least 18 years of age at the time the license is issued and possess a valid United States Coast Guard operator's license appropriate for the watercraft to be used. Applications are available from the License Bureau and must be submitted to the Lake Superior Area Fisheries Supervisor.

6252.1000 REQUIRED RECORD KEEPING.

Licensed Lake Superior fishing guides must keep accurate records on forms provided by the commissioner. Records must be kept on a monthly basis and must be submitted on or before the tenth day of each month for the preceding month. Records must be submitted whether or not the licensee engaged in guiding during the reporting month, except that records need not be submitted for the months of November through April unless the licensee has engaged in guiding during those months. Records must be submitted to the Lake Superior Area Fisheries Supervisor.

Failure to submit any required records will invalidate any subsequent application for licensure as a guide for up to a three-year period, upon determination by the commissioner.

MINNOWS

6254.0100 PERMITTED ACTIVITIES FOR TAKING MINNOWS.

Subpart 1. Minnow retailer's license required for retail purposes. A person possessing a valid minnow retailer's license, as provided by Minnesota Statutes, section 97C.501, may buy and possess any amount of minnows, for the purpose of reselling them at retail, and may transport minnows from the place of wholesale purchase to an established, stationary place of business located in the state and owned or operated by the licensee, where the minnows are sold at retail, or to a licensed private fish hatchery or aquatic farm.

Subp. 2. Required vehicle licenses. The provisions in items A and B apply to license requirements on vehicles used to transport minnows.

A. A vehicle may not be used to contain or transport more than 12 dozen minnows in this state unless it is licensed for that purpose by the commissioner, except as provided by Minnesota Statutes, section 97C.501, subdivision 3. Vehicle licenses must be kept in the vehicle and must be available for inspection by the commissioner at all reasonable times. Minnow dealers and retailers may obtain vehicle licenses only for vehicles registered in this state. A motor vehicle licensed as a common carrier is not required to be licensed under the game and fish laws to transport minnows for another person.

B. Each vehicle licensed for the transport of minnows must be identified with the licensee's name and town of residence as it appears on the retailer's, dealer's, exporter's, or hauler's license. Required vehicle identification must be displayed so that it is readily visible from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and with a three-eighths inch wide stroke. Required vehicle identification may be permanently affixed to vehicles or displayed on removable plates or placards placed on opposite doors of the vehicle or on tanks carried on the vehicle. In addition, vehicle identification for vehicles used to transport minnows out of the state must bear the exporting dealer's or hauler's license number.

Subp. 3. Angling license requirement exemption. A properly endorsed aquatic farm or private fish hatchery license allows the licensee to conduct activities provided by subparts 1 and 2 and exempts the licensee from angling license requirements when conducting activities specified under this part.

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Proposed Rules

6254.0200 WATERS OPEN TO TAKING MINNOWS.

Minnows may be taken from all waters of the state, except that minnows may be taken from the waters described in items A to E only if the taker possesses a permit issued by the commissioner:

A. waters within the boundaries of wildlife management areas;

B. waters within the boundaries of state parks;

C. within 50 yards of any site where loons are nesting; and

D. waters described in parts 6254.0300 and 6254.0400 where taking for commercial purposes is specifically prohibited or regulated by the commissioner.

E. designated trout waters as provided by *Minnesota Statutes*, section 97C.505, subdivision 5.

6254.0400 WATERS WITH RESTRICTIONS ON EQUIPMENT USED FOR TAKING MINNOWS.

Taking minnows with a seine is prohibited in the waters described in items A and B; however, taking minnows by the use of traps or other legal means is permitted:

A. Otter Creek in Mower County: that portion of the main stream in T.101, R.17, S.28,29,30,31; and T.101, R.18, S.36 from the Nevada Road bridge in S.28 to the Iowa border; and

B. Zumbro River in Wabasha County: that portion of the main river in T.109, R.14, S.6,7,8,9,10,17 from the Village of Mazeppa to its junction with the South Branch of the Zumbro River.

6254.0500 ALLOWABLE METHODS FOR TAKING MINNOWS.

Minnows may be taken in traps subject to the conditions in items A to C.

A. Minnow traps must be identified in a permanent and legible manner. The traps of persons licensed to take minnows must display the name, town of residence, and aquatic farm or private fish hatchery license number of the minnow dealer to whom they belong. The traps of persons other than dealers and aquatic farm and private fish hatchery operators must display the name, full street address, and town of residence of the person to whom they belong. The required information must be displayed on a waterproof tag securely attached to the trap or be branded or stamped into a permanent portion of the trap. On leech traps, the required information may also be painted on the trap with oil base paint or indelible ink. Identification on nonsubmerged traps must be unobscured and located above the water surface.

B. A single string of minnow traps, attached together, may not extend across more than one-half the width of any stream, nor may a single string of minnow traps be placed within 50 feet in any direction of any portion of another single string. In open water, an individually placed minnow trap may not be placed within 20 feet in any direction of any portion of another such trap, except that submerged traps may be set four traps at one site, set side by side within 12 inches of one another, at intervals of not less than 20 feet in any direction of any portion of other such minnow trap sets. A minnow dealer may not set a trap within 50 feet in any direction of any portion of another minnow dealer's trap.

C. Minnow traps must be lifted and emptied of minnows and other fish as frequently as necessary to prevent the loss of minnows or other fish, provided that under no circumstances may minnow traps be emptied less frequently than once every 72 hours between April 1 and October 31 and once every seven days between November 1 and March 31. All traps must be removed from the water and shoreline immediately upon ceasing trapping operations.

6254.0600 REQUIREMENTS TO HOLD AND MOVE MORE THAN 24 DOZEN MINNOWS.

Subpart 1. Restrictions apply to quantities of minnows in excess of 24 dozen. This part applies only to quantities of minnows in excess 24 dozen.

Subp. 2. Water volume for handling and transporting minnows. After being taken, minnows may not be moved in less water than the volume that will sustain them in good condition.

Subp. 3. Oxygen content and temperature requirements. All containers used to hold minnows other than for transport must be provided with aerating equipment or with a continuous flow of water which at all times maintains sufficient dissolved oxygen to sustain the minnows in good condition, except that containers so equipped are not required for holding leeches. Leeches may not be held in any container in which the dissolved oxygen in the water or the temperature is not maintained at a level that will sustain the leeches in good condition. Minnows, including leeches, may be transported only in containers in which the dissolved oxygen in the water is maintained at a level that will sustain the minnows in good condition.

Subp. 4. Inspection of minnow containers. Minnows must be transported only in containers that permit inspection of the minnows by the commissioner at any time.

Subp. 5. Required reporting. Minnow dealers and exporting minnow dealers must report, on forms provided by the commissioner, for the previous calendar year. Reports must be submitted prior to February 1 of each year to the address identified on the form. A minnow dealer's license or exporting minnow dealer's license may not be renewed until the yearly report has been received.

Subp. 6. Exemption from water volume, oxygen, and temperature requirements. Subparts 2 and 3 do not apply to persons licensed as aquatic farm or private fish hatchery operators.

AMPHIBIANS AND TURTLES**AMPHIBIANS****6256.0100 ALLOWED TIMES FOR TAKING FROGS.**

Frogs may only be taken between sunrise and sunset, except as otherwise permitted.

6256.0200 SPECIES AND SIZE LIMITS FOR TAKING FROGS.

Only leopard frogs (*Rana pipiens*) and bull frogs (*Rana catesbiana*) more than six inches long may be taken or possessed for purposes other than bait.

6256.0300 PERMITS FOR IMPORTING FROGS.

Live frogs may not be imported for purposes other than bait, unless authorized by a specific permit issued by the commissioner.

6256.0400 REPORTS, RECORDS, AND INSPECTIONS TO TAKE FROGS FOR NONBAIT.

All licensees and permittees who have taken frogs for purposes other than bait must report activities of the previous license year, on forms provided by the commissioner, before relicensing.

All licensees and permittees who take or possess frogs for purposes other than bait must keep a record book that includes the number or weight of each species of frog acquired by taking or purchase and sold, the name and address of each purchaser and seller, and the date of each transaction. These records must be kept current within 48 hours of a transaction.

CRAYFISH**6260.2500 GENERAL RESTRICTIONS ON TAKING CRAYFISH.**

Subpart 1. Seasons and size restrictions. The open season for taking crayfish is April 1 through November 30. Crayfish less than one inch in length from tip of rostrum to tip of tail must be returned unharmed to the water.

Subp. 2. Gear and marking requirements. The following provisions in this subpart apply to gear and marking requirements on the taking of crayfish:

A. Crayfish may be harvested with gear allowed for rough fish and minnows in addition to gear specified in this part. Crayfish traps or harvesting devices must be identified in a permanent and legible manner with a plastic or metal tag not smaller than one inch by three inches bearing the user's name and address.

B. The mesh size for crayfish traps may not be less than one-half inch, stretch measure.

C. Floats used to mark traps may not be larger than four inches square or four inches in diameter.

D. Rough fish parts may be used within a crayfish trap as bait.

6260.2600 SALE OF CRAYFISH.

All crayfish species in this state may be harvested and crayfish may be cultured for sale for food and processed bait. Crayfish may not be sold for live bait or aquarium use within this state.

6260.2700 TENDING CRAYFISH TRAPS.

Crayfish traps may be lifted from one hour before sunrise until one hour after sunset. Crayfish traps must be lifted at least once in each 24 hour period weather permitting. All trapped fish must be returned to the water.

6260.2800 DISPOSAL OF CRAYFISH.

Dead crayfish or the shells or meats of crayfish may not be returned to the water or deposited on any shoreline or adjacent area.

6260.2900 TRANSPORTATION AND STOCKING OF CRAYFISH.

The transportation of any crayfish from one body of water to another within the state is prohibited, except by written permission from the commissioner.

6260.3000 IMPORTATION OF CRAYFISH PROHIBITED.

The placement in waters of the state of any crayfish imported from outside the state is prohibited, except under permit by the commissioner.

6260.3100 PENALTIES FOR VIOLATION.

Violation of any provision of state law pertaining to the harvest of crayfish, parts 6260.2500 to 6260.3400, or any terms or conditions of any permit may result in the permit being revoked in addition to any other penalties provided by law.

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Proposed Rules

6260.3200 TAKING OF CRAYFISH FOR PERSONAL USE.

Subpart 1. License requirement for taking crayfish for personal use. A person possessing a valid resident or nonresident angling license may take and possess for personal use not more than 25 pounds of live, whole freshwater crayfish.

Subp. 2. Sale of crayfish taken for personal use prohibited. Crayfish taken for personal use may not be sold.

Subp. 3. Locations for taking crayfish for personal use. Crayfish may be harvested for personal use in any waters of the state where fish may be taken by angling, and to which the harvester has legal access, unless otherwise posted.

Subp. 4. Use of crayfish for bait. Live crayfish taken may be used as bait only in the body of water where taken.

6260.3300 TAKING CRAYFISH FOR COMMERCIAL USE.

Subpart 1. Permits and resident angling license requirements. A person taking or possessing more than 25 pounds of live, whole freshwater crayfish must first obtain a written permit from the commissioner. This permit is required to harvest crayfish for sale.

Subp. 2. Persons allowed to assist permit holders. Only persons listed on the permit may assist the permit holder in any phase of the crayfish harvesting operations.

Subp. 3. Commercial use permit procedures. Permits may be issued upon application pursuant to the criteria in this subpart:

A. Application must be made on forms, provided by the commissioner, and must be submitted to the area fisheries office.

B. Permits will be issued only to residents who possess a valid Minnesota angling license or are otherwise exempt from angling license requirements.

C. A person working for a permit holder must possess a valid Minnesota angling license or be otherwise exempt from angling license requirements.

D. Applications must be signed by the applicant. Failure to properly and fully complete an application may result in its rejection.

6260.3400 PERMIT CONDITIONS FOR COMMERCIAL CRAYFISH OPERATIONS.

Subpart 1. Permit duration. A permit is not valid for more than one season and may be issued for shorter periods of time at the discretion of the commissioner.

Subp. 2. Permit revocation. The commissioner may revoke any permit upon determination that revocation is necessary for protection of natural resources.

Subp. 3. Variance of harvest operations. Any variance from permit conditions requires a written amendment which must be attached to and become part of the permit.

Subp. 4. Importation of crayfish. The importation of live crayfish or crayfish eggs into the state is prohibited except by written permit from the commissioner. Permits to import live crayfish for processing may only be issued provided no live crayfish are allowed to exit the processing facility.

Subp. 5. Required records. Permit holders must keep records of all crayfish sales transactions. Records must be verifiable with supporting sales slips and include the number or weight of all species of crayfish acquired by taking or purchase and sold, name and address of buyer, and date of each transaction. Records must be kept current within 48 hours. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permit holder ineligible for future permits.

Subp. 6. Commercial sale, purchase, and transportation of crayfish. Crayfish legally harvested may be bought, sold, and transported for food purposes and as processed bait only, except as otherwise provided by part 6260.2900 and this part.

Crayfish must be kept separated from live fish when being transported within the state.

Subp. 7. Exportation of crayfish. Crayfish legally possessed may be exported for any purpose.

Subp. 8. Notification of harvest operations. The permit holder must inform the area fisheries office at least 24 hours in advance of the start of harvest operations for each water body.

Subp. 9. Responsibility for harvest activities. The permit holder must be in personal attendance at harvest operations and is responsible for all harvest activities. All members of the crew must be listed on the permit.

Subp. 10. Identification of harvest sites. Crayfish harvest sites will be identified to the area fisheries office by name and legal description or, if available, the Division of Waters inventory number.

Subp. 11. Permits to rear and hold crayfish. The commissioner may issue a permit to rear or hold crayfish of the species *Orconectes virilis* and *Orconectes immunis* for any waters, including waters that are not isolated from other waters.

FISHING REGULATIONS AND REQUIREMENTS

6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

[For text of subps 1 to 3, see M.R.]

Subp. 4. Importation, transportation, or stocking of live fish. Except as provided in *Minnesota Statutes*, sections 17.4985, subdivision 3; 97C.515, subdivision 3; and 97C.525, subdivision 1, and part 6250.0400, subpart 3, a person may not import, trans-

Proposed Rules

port, or stock in any waters of the state live fish eggs, fish spawn, or immature or adult fish of any species without a permit issued by the commissioner. An angling license does not authorize a person to import, transport, or stock live fish.

6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Lake Superior open season, daily and possession limits. Angling season and daily and possession limits for Lake Superior are as follows:

<u>Species</u>	<u>Open Season</u>	<u>Daily and Possession Limits</u>
A. <u>Trout, including Splake (except Lake Trout)</u>	<u>Continuous</u>	<u>5 in aggregate. Brook and brown trout and splake must be at least 10 inches in length. No more than 3 may be 16 inches or longer. Only 3 may be rainbow trout (including steelhead) of which only 1 may have unclipped fins. A rainbow trout with unclipped fins must be at least 28 inches in length and a rainbow trout with a clipped fin must be at least 16 inches in length. Clipped rainbow trout have their adipose fin removed and must show a healed scar.</u>
B. <u>Lake Trout</u>	<u>December 1 through September 30</u>	<u>3</u>
C. <u>Salmon</u>	<u>Continuous</u>	<u>10 in aggregate. All must be at least 10 inches in length. Only 1 may be an Atlantic salmon.</u>
D. <u>Smelt</u>	<u>Continuous</u>	<u>Smelt may be possessed without limit and may be bought or sold at any time.</u>

All other species may be taken as allowed by inland regulations.

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Proposed Rules

Pollution Control Agency

Proposed Permanent Rules Relating to Control Equipment

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule amendments and may also submit a written request that a public hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Andrew E. Ronchak
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-3107
Facsimile: (612) 297-7709

Subject of Rule and Statutory Authority. The rule amendments to *Minnesota Rules* ch. 7007 and 7011 propose to:

- 1) Create a streamlined class of permits called registration permits.
- 2) Exempt certain sources subject to New Source Performance Standards.
- 3) Add flexibility to issue installation and operating permits during transition.
- 4) Clarify permit application emissions related requirements.
- 5) Clarify calculations to determine if a change is a modification.
- 6) Add to insignificant activities list and change the insignificant and minor modification thresholds.
- 7) Add a control equipment performance standard giving credit for the operation of certain types of pollution control equipment.

The MPCA's statutory authority to adopt these rule amendments is found in *Minnesota Statutes* § 116.07, subd. 4 (1992). This broad rulemaking authority is "without limitation" and includes authority to adopt rules "on any ... matter relevant to the prevention, abatement, or control of air pollution." *Minnesota Statutes* § 116.07, subd. 4a (1992) which provides the MPCA the authority to issue permits, and *Minnesota Statutes* §§ 116.091 and 116.454 (1992) which provides the MPCA the authority to obtain information concerning emissions of toxic air pollutants. A copy of the proposed rule amendments are published below. One free copy of the rule is available upon request from Andrew Ronchak at the address and telephone number stated above.

Comments. You have until 4:30 p.m., August 4, 1994 to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on August 4, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, §§ 14.131 to 14.20.

Request to Appear Before MPCA Board. The MPCA Board has delegated its authority to adopt the proposed amendments using the procedures for rules adopted without a public hearing, and to perform the necessary acts to provide that the rule shall have the force and effect of law, to the MPCA Commissioner or his designee. You may request to appear before the Board. Your request to appear before the Board must be in writing and must be received by the MPCA contact person by August 4, 1994. Your written request must include your name and address. If no one requests an appearance before the MPCA Board and a public hearing is not required, then the Commissioner of the MPCA will make the final decision on this rule as allowed by a delegation from the MPCA Board.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. *Minnesota Statutes* § 14.115, subd. 4 (1992) requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. The proposed rule amendments may affect small businesses defined in *Minnesota Statutes* § 14.115 (1992). The rule amendments accomplish four goals. Three of these four changes are intended to ease administrative burdens for small businesses. The most important of these changes is the establishment of a separate and simplified permit process for small sources of air pollution. This simplified registration permit is intended to substitute for

the more complicated state permit for sources that qualify by the nature of the source or the level of emissions. The registration permit has simplified and clarified application, record keeping, and reporting requirements. The conditions of the permit are spelled out by rule, rather than customized from source to source.

Other provisions which are intended to ease administrative burdens for small business include:

- 1) Exempting from the requirement to obtain a permit, small sources who require a permit solely because they are subject to three additional new source performance standards (pt. 7007.0300).
- 2) Allowing small sources who require a permit solely because they are subject to certain new source performance standards to obtain registration permits (pt. 7007.1115).
- 3) Adding activities to the insignificant activities list (pt. 7007.1300) for which a permit amendment is not required.
- 4) Adding a hazardous pollutant threshold, below which no permit amendment is required for insignificant and minor modifications (pt. 7007.1250 and 7007.1450).

One change proposed is likely to increase the reporting requirements for a small business which is a major source for hazardous air pollutants (pt. 7007.0500, subp. 2, item C, subitems 4 and 5). These revisions require that permit applications from major sources contain information on actual emission rates of the pollutants designated by EPA as hazardous air pollutants. Sources which are major toxic sources must report on a unit by unit basis, and those that are major for criteria pollutants must report only total emissions. Although these revisions will impact primarily larger businesses, it is possible that some small businesses will be major sources of hazardous pollutants due to the relatively small size threshold established in the Clean Air Act. The threshold is 10 tons/yr of one hazardous pollutant or an aggregate of 25 tons/yr.

Consideration of Economic Factors. In exercising its powers the MPCA is required by *Minnesota Statutes* § 116.07, subd. 6 (1992), to give due consideration to economic factors. In considering the economic impacts of these revisions, the MPCA did not consider the economic effect of the revisions on individual industry sectors or on the state as a whole because the net effect of the revisions, particularly for small sources, is expected to be a benefit.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes* § 14.11, subd. 1, requires the MPCA to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. It is not anticipated that this provision will result in the expenditure of more than \$100,000 per year by local public bodies in either of the next two years. On the contrary, through the streamlining aspects of the revisions, there will be a significant net cost savings.

Impacts on Agricultural Land and Farming Operations. *Minnesota Statutes* § 14.11, subd. 2 (1992), requires that if the agency proposing the adoption of a rule determines that the rule may have a direct and substantial adverse impact on agricultural land in the state, the agency shall comply with specified additional requirements. The MPCA believes that the proposed rules will not have any impact on agricultural lands because the rules affect stationary sources of air pollution, not agricultural land.

Minnesota Statutes § 116.07, subd. 4 (1992), requires that if a proposed rule affects farming operations, the MPCA must provide a copy of the proposed rule and a statement of the effect of the proposed rule on farming operations to the commissioner of Agriculture for review and comment. The MPCA believes that the proposed rules would not affect farming operations.

Adoption and Review of the Rule. If the MPCA contact person does not receive a request to appear before the Board and if a public hearing is not required, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to Andrew Ronchak.

Charles W. Williams
Commissioner

Rules as Proposed

7007.0100 DEFINITIONS.

[For text of subs 1 to 9, see M.R.]

Subp. 9a. Emission point. "Emission point" means the stack, chimney, vent, or other functionally equivalent opening whereby emissions are exhausted to the atmosphere.

[For text of subs 10 to 12, see M.R.]

Subp. 12a. Hazardous air pollutant. "Hazardous air pollutant" means any air pollutant listed in section 112(b) of the act.

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Subp. 12b. Listed control equipment. "Listed control equipment" has the meaning given in part 7011.0060, subpart 3.

[For text of subs 13 to 16, see M.R.]

Subp. 17. Permit. "Permit" means any permit issued under parts 7007.0100 to 7007.1850, including part 70 permits, state permits, registration permits, and general permits.

[For text of subp 18, see M.R.]

Subp. 18a. Registration permit. "Registration permit" means a permit issued under parts 7007.1110 to 7007.1130.

[For text of subs 19 to 27, see M.R.]

7007.0150 PERMIT REQUIRED.

[For text of subpart 1, see M.R.]

Subp. 2. Permit required. Part 7007.0200 describes which emission facilities, emissions units, and stationary sources in Minnesota are required to obtain a part 70 permit. Part 7007.0250 describes which emission facilities, emission units, and stationary sources in Minnesota are required to obtain a state permit. Part 7007.0300 describes emission units and stationary sources in Minnesota that are not required to obtain a permit. Part 70 and state permits required in parts 7007.0200 and 7007.0250 may alternately be obtained in the form of a general permit, if available, under part 7007.1100. Permits may also alternately be obtained in the form of a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts.

[For text of subp 3, see M.R.]

Subp. 4. Calculation of potential to emit.

A. For purposes of parts 7007.0200 and 7007.0250, the owner or operator of a stationary source shall calculate the stationary source's potential to emit using the definition in part 7005.0100, subpart 35a, except as provided in subitems (1) and (2).

(1) Emissions caused by activities described in subpart 2 of the insignificant activities list in part 7007.1300 shall not be considered in the calculation of potential emissions.

(2) Emissions caused by activities described in subpart 3 of the insignificant activities list in part 7007.1300 shall be considered in the calculation of potential emissions if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).

Calculations of emissions under this subpart are only intended to determine if a permit is required.

B. To determine what type of permit is required, if a permit is required under item A, the control equipment efficiency determined by part 7011.0070 for listed control equipment at a stationary source may be used in calculating potential to emit if the owner or operator is in compliance with parts 7011.0060 to 7011.0080.

C. When calculating emissions to determine if a permit amendment is required, the calculation method stated in part 7007.1200 shall be used.

[For text of subp 5, see M.R.]

7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

Subpart 1. Part 70 permit required. The emission facilities, emission units, and stationary sources described in subparts 2 to 5 must obtain a part 70 permit from the agency. All provisions of parts 7007.0100 to 7007.1850 apply to part 70 permits unless the provision states that it applies only to state permits, registration permits, or general permits.

[For text of subs 2 to 6, see M.R.]

7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

Subpart 1. State permit required. The stationary sources described in this part must obtain a state permit from the agency under this part. All provisions of parts 7007.0100 to 7007.1850 apply to state permits unless the provision states that it applies only to part 70 permits or to general permits, or registration permits.

[For text of subs 2 to 5, see M.R.]

Subp. 7. Registration permits. A stationary source required to obtain a state permit from the agency under this part, or which chooses to obtain a state permit to limit its emissions to levels below those that would trigger the requirement to obtain a part 70 permit, may elect to instead obtain a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts.

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. No permit required. The following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

A. any stationary source that is not described in part 7007.0200, subparts 2 to 5, or 7007.0250;

B. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to the following new source performance standards:

(1) *Code of Federal Regulations*, title 40, part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters (incorporated by reference at part 7011.2950); and

(2) Code of Federal Regulations, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners (incorporated by reference at part 7011.3250);

(3) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced after July 23, 1984 (incorporated by reference at part 7011.1520, item C), if all storage vessels at the stationary source each have a capacity greater than or equal to 40 cubic meters and less than 75 cubic meters; and

(4) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference at part 7011.0570), if all steam generating units at the stationary source are only capable of combusting natural gas; and

C. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to Code of Federal Regulations, title 40, part 61, subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation (incorporated by reference at part 7011.9920).

[For text of subp 2, see M.R.]

7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE OPERATION DURING TRANSITION.

Subpart 1. **Transition applications under this part; deadline based on SIC code.** Initial permit applications under parts 7007.0100 to 7007.1850 for an emission unit, emission facility, or stationary source in operation on October 18, 1993, shall be considered timely if they meet the requirements of this part.

A. An owner or operator of an existing stationary source with a Standard Industrial Classification (SIC) Code number in the left column of the following table shall submit a permit application by the corresponding date in the right column:

Category	SIC Code Range	Application Deadline
A	0000 to 2399, excluding <u>1422, 1423, 1429,</u> <u>1442, 1446,</u> 2041, and 2048	October 15, 1994
B	2400 to 2999 and 4953, excluding 2951 and 2952	January 15, 1995
C	3000 to 4499	March 15, 1995
D	4500 to 5099, excluding 4953	June 15, 1995
E	5100 to 8199	September 15, 1995
F	8200 to 9999, including <u>1422, 1423, 1429, 1442,</u> <u>1446, 2041, 2048, 2951,</u> and 2952	November 15, 1995

[For text of items B to E, see M.R.]

[For text of subps 2 to 5, see M.R.]

7007.0400 PERMIT REISSUANCE APPLICATIONS AFTER TRANSITION; NEW SOURCE AND PERMIT AMENDMENT APPLICATIONS; APPLICATIONS FOR SOURCES NEWLY SUBJECT TO A PART 70 OR STATE PERMIT REQUIREMENT.

Subpart 1. **Requirement for application.** Applications for reissued permits after the transition period; ~~and shall be considered timely if they meet the requirements of subpart 2.~~ Applications for permits for new stationary sources or amendments; shall be considered timely if they meet the requirements of ~~this part~~ subpart 3. ~~An application for a total facility permit from a stationary source that, because of a modification or change at the stationary source, becomes subject to the requirement to obtain a part 70 or state permit for the first time after the application deadline in part 7007.0350, subpart 1, and which was issued a permit for the installa-~~

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tion and operation of the change or modification under part 7007.0750, subpart 5, shall be considered timely if it meets the requirements of subpart 4.

[For text of subps 2 and 3, see M.R.]

Subp. 4. Applications for permits for stationary sources newly subject to the requirement to obtain a part 70 or state permit. If a modification or change at a stationary source would make the source subject for the first time to the requirement to obtain a part 70 or state permit after the application deadline in part 7007.0350, subpart 1, and the agency issues a permit authorizing installation or operation of the change or modification under part 7007.0750, subpart 5, the owner or operator shall submit an application for a total facility permit:

A. within 180 days after commencing operation of the change or modification that triggered the permit requirement, if the owner or operator is applying for a state, registration, or general permit; or

B. within 365 days after commencing operation of the change or modification that triggered the permit requirement, if the owner or operator is applying for a part 70 permit.

7007.0500 CONTENT OF PERMIT APPLICATION.

[For text of subpart 1, see M.R.]

Subp. 2. Information included. Applicants shall submit the following information as required by the standard application form:

[For text of items A and B, see M.R.]

C. The following emissions-related information:

(1) A permit application shall provide the information required by this part for every emissions unit within the stationary source, except as provided otherwise in subitem subitems (2) to (10). Notwithstanding the first sentence, if a stationary source is not a major source and the sole reason it is required to have a permit is because it is subject to federal standards described under part 7007.0250, subpart 2, then the application need only provide information for the emissions units regulated by those federal standards. All permit applications shall include information about fugitive emissions in the same manner as stack emissions, regardless of whether the stationary source category in question is included in the list of stationary sources contained in the definition of major source in part 7007.0200, subpart 2.

[For text of subitem (2), see M.R.]

(3) A permit application shall identify and describe all each emission points point in sufficient detail to determine verify the applicability of all applicable requirements. This shall include the location of emissions units, flow rates, and stack parameters (including, if required by the agency, height, diameter, and plume temperature) for all regulated air pollutants. This shall include the location of all emissions units and processes venting through each emission point. In addition, if the exhaust gas flow rate and temperature, and the stack height and diameter of an emission point are needed to determine applicability of or show compliance with any applicable requirement, this information shall be provided. For stationary sources that are major sources according to 7007.0200, subpart 2, item A, the exhaust gas flow rate and temperature and stack height and diameter shall be provided for all emission points.

(4) A permit application shall identify rates of regulated air pollutants and hazardous air pollutants that are not yet regulated air pollutants, emitted in tons per year from the stationary source as a whole, and also in tons per year such terms as are necessary to establish compliance consistent with the applicable standard reference test method for each emissions unit subject to an applicable requirement. The application shall provide this information for potential emissions, as defined in part 7005.0100, subpart 35a. The application shall also include the emissions limits that will be imposed on the stationary source by applicable requirements.

(5) The permittee A permit application shall provide the information, including how the calculation was made, on actual emission rates of regulated air pollutants emitted in tons per year on actual emissions required in this subitem.

(a) The permittee is exempt from this requirement if, shall provide actual emission rates, in tons per year, of criteria pollutants unless, in the preceding year, the permittee has submitted an emissions inventory as required by part 7019.0405 parts 7019.3000 and 7019.3010.

(b) For stationary sources that are major sources under part 7007.0200, subpart 2, item B or C, the permittee shall provide actual emission rates, in total tons per year, or if emissions of a hazardous air pollutant are less than one ton per year, in pounds per year, of each hazardous air pollutant for the stationary source as a whole.

(c) For stationary sources that are major sources under part 7007.0200, subpart 2, item A, the permittee shall provide actual emission rates, in tons per year, or if emissions of a hazardous air pollutant are less than one ton per year, in pounds per year, of each hazardous air pollutant for each emissions unit at the stationary source.

[For text of subitems (6) to (10), see M.R.]

[For text of items D to N, see M.R.]

[For text of subps 3 to 5, see M.R.]

7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Modification installation and operation permits.** The agency may issue permits authorizing a modification or change to a stationary source (an installation and operation permit) prior to issuance of an operating permit covering the entire stationary source (a total facility permit) if the agency finds:

A. the stationary source has filed a complete application for the proposed modification or change and:

(1) has filed a timely application for a total facility permit under part 7007.0350, subpart 1; or

(2) was not subject to the requirement to file a permit application under the deadlines in part 7007.0350, subpart 1, because the change or modification will subject the stationary source for the first time to the requirement to obtain a part 70 or state permit;

B. the delay resulting from issuing the installation and operation permit and the total facility permit at the same time would cause undue economic hardship on the stationary source; and

C. the agency has sufficient information about the entire stationary source to be able to comply with the requirements of part 7007.1000.

The requirements of parts 7007.0100 to 7007.1850 that apply to modifications to a stationary source with a total facility permit shall also apply to modifications authorized under this part. The owner of operator of a stationary source that obtains an installation and operation permit under item A, subitem (2), shall lose its right to operate the stationary source if the owner or operator fails to submit an application for a total facility permit in the time required by part 7007.0400, subpart 4, and shall be considered to be in violation of part 7007.0150, subpart 1.

[For text of subs 6 and 7, see M.R.]

7007.1050 DURATION OF PERMITS.

[For text of subs 1 to 3, see M.R.]

Subp. 3a. **Registration permits.** A registration permit shall not expire.

[For text of subs 4 to 7, see M.R.]

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

Subpart 1. Stationary sources that may obtain a registration permit. A stationary source that qualifies for a registration permit under this part and part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D) may elect to apply to the commissioner for a registration permit instead of a part 70, state, or general permit, except as provided in subpart 2.

Subp. 2. Stationary sources that may not obtain a registration permit.

A. A stationary source may not obtain a registration permit if it is required to obtain a permit under parts 7007.0200, subpart 3 (acid rain affected sources), 7007.0200, subpart 4 (solid waste incinerators, waste combustors), 7007.0200, subpart 5 (other part 70 sources), 7007.0250, subpart 3 (state implementation plan required state permit), or 7007.0250, subpart 6 (waste combustors).

B. A stationary source may not obtain a registration permit if it is subject to a new source performance standard other than the following:

(1) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference in part 7011.0570);

(2) Code of Federal Regulations, title 40, part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973 and Prior to May 19, 1978 (incorporated by reference in part 7011.1520, item A);

(3) Code of Federal Regulations, title 40, part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 18, 1978 and Prior to July 23, 1984 (incorporated by reference in part 7011.1520, item B);

(4) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984 (incorporated by reference in part 7011.1520, item C);

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(5) Code of Federal Regulations, title 40, part 60, subpart DD, Standards of Performance for Grain Elevators (incorporated by reference in part 7011.1005, subpart 2);

(6) Code of Federal Regulations, title 40, part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture (incorporated by reference in part 7011.2550);

(7) Code of Federal Regulations, title 40, part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances (incorporated by reference in part 7011.2565);

(8) Code of Federal Regulations, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners (incorporated by reference in part 7011.3250);

(9) Code of Federal Regulations, title 40, part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors (incorporated by reference in part 7011.3350); and

(10) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines (incorporated by reference in part 7011.2580).

Subp. 3. Registration permit application. Items A to D apply to registration permit applications submitted under parts 7007.1110 to 7007.1130.

A. The owner or operator of a stationary source must apply for a registration permit prior to the applicable deadline in parts 7007.0350 and 7007.0400.

B. The owner or operator of a stationary source must submit the registration permit application on a standard application form provided by the commissioner. The commissioner may create different application forms for the different registration permit options available under parts 7007.1115 to 7007.1130.

C. Any owner or operator of a stationary source who fails to submit any relevant facts or who has submitted incorrect information in an application for a registration permit shall, upon becoming aware of such failure or incorrect information, promptly submit to the commissioner such supplementary facts or corrected information. This requirement applies both while the permit application is pending before the commissioner and after a registration permit is issued.

D. If the commissioner determines during review of the application that additional information is needed to evaluate the registration permit application or to verify that the stationary source qualifies for a registration permit under parts 7007.1110 to 7007.1130, the commissioner may request the information from the applicant, and the applicant shall submit the information to the commissioner by the date specified in the request.

Subp. 4. Registration permit certifications. All registration permit applications, reports, and record keeping, testing, or monitoring submittals to the commissioner under parts 7007.1110 to 7007.1130 shall include a certification made by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification that is submitted by the owner or operator with a registration permit application must additionally state that the stationary source will be operated in compliance with all applicable requirements, and shall be signed by a responsible official of both the owner and the operator of the stationary source if they are not the same.

Subp. 5. Registration permit issuance, denial, and revocation. The commissioner shall issue a registration permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, subpart 2, items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 6. Registration permit content. A registration permit shall identify the stationary source, the owner and operator of the stationary source, and shall state as follows: "The permittee shall comply with Minnesota Rules, part 7007.1110, part [insert 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever one applies], and all applicable requirements."

Subp. 7. Registration permit compliance requirements. The owner and operator of the stationary source issued a registration permit, shall comply with:

A. this part including the general conditions in subpart 20;

B. part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D), whichever applies;
and

C. all applicable requirements.

Subp. 8. Emission inventory required for stationary sources issued registration permits. The owner or operator of a sta-

tionary source issued a registration permit under parts 7007.1110 to 7007.1130 must submit an annual emission inventory to the commissioner under parts 7019.3000 to 7019.3010.

Subp. 9. Record retention, access to records, and inspections for stationary sources issued registration permits.

A. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must maintain at the stationary source for a period of five years from the date the record was made all information required to be recorded under applicable state and federal rules, and part 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever part applies to the stationary source. The owner or operator must make these records available for examination and copying upon request of the commissioner, and must upon request submit these records to the commissioner by the time specified by the commissioner in the request.

B. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must provide the commissioner, or an authorized representative or agent of the commissioner, access to the stationary source (including allowing the collection of samples), and records to the extent provided under *Minnesota Statutes*, section 116.091, or other law, upon presentation of credentials and other documents required by law.

Nothing in this subpart shall be read to limit the commissioner's, agency's, or administrator's authority under *Minnesota Statutes*, section 116.091, section 114 of the act, or other law.

Subp. 10. Changes or modifications at stationary sources issued registration permits that trigger certain new source performance standards. If a change or modification made at a stationary source issued a registration permit results in the stationary source being subject to a new source performance standard listed under subpart 2, item B, or if the change or modification adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

A. the information required by the standard in the time specified in the standard;

B. with the notice in item A, a written notice containing a description of the change if the change triggers a new source performance standard; and

C. with the notice in item A, a copy of the applicable new source performance standard, with the applicable portions of the new source performance standard highlighted (including applicable parts of *Code of Federal Regulations*, title 40, part 60, subpart A, General Provisions).

Subp. 11. Change rendering stationary source ineligible for a registration permit or that changes the applicable registration permit option. If the owner or operator makes a change at a stationary source issued a registration permit which increases emissions, including a change described in subpart 10, and results in the stationary source no longer being able to qualify for or meet the requirements for its registration permit, and the change is not a modification, as defined in part 7007.0100, subpart 14, then the owner or operator must:

A. within 30 days of making the change, submit a written notification to the commissioner that includes a description of the change, and a statement of what type of permit application the owner or operator will submit; and

B. within 90 days of making the change, submit the required permit application.

If the owner or operator fails to submit the required permit application in the time required by this subpart, the owner or operator shall lose its right to operate the stationary source and shall be considered to be in violation of part 7007.0150, subpart 1. Once a stationary source has made a change rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 12. Modification rendering stationary source ineligible for its current registration permit option. Items A to C apply to the owner or operator of a stationary source that has been issued a registration permit and that wants to make a modification which results in the stationary source no longer being able to meet the requirements for the registration permit option for which it was issued a registration permit, but which will result in the stationary source being eligible for another registration permit option.

A. The owner or operator must submit the required permit application to the commissioner before beginning actual construction on the modification.

B. The owner or operator may begin actual construction on and commence operation of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the owner or operator must comply with the requirements of the registration permit option for which the owner or operator applied, and all applicable requirements. During this time period, the owner or operator need not comply with the registration permit requirements specific to the option under which the owner or operator currently holds a registration permit.

Subp. 13. Modification rendering stationary source ineligible for a registration permit. The owner or operator of a station-

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any source that has been issued a registration permit must submit a part 70, state, or general permit application before making a modification which results in the stationary source no longer qualifying for any registration permit option under parts 7007.1110 to 7007.1130. The owner or operator may not begin actual construction on the modification until the required part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a modification rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 14. Addition of control equipment, removal of emission units, or pollution prevention practices which result in or reinstate registration permit eligibility. If through the addition of listed control equipment, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source qualifies for or reinstates eligibility for a registration permit under parts 7007.1110 to 7007.1130, the owner or operator may apply for a registration permit. If the stationary source qualifies for or reinstates eligibility for a registration permit due to implementation of pollution prevention practices, the owner or operator shall submit a description of the pollution prevention practices with the registration permit application for the commissioner's review and approval. For purposes of this subpart, "pollution prevention practices" means eliminating or reducing the quantity or toxicity of regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

Subp. 15. Change of ownership or control of stationary source issued a registration permit. Prior to a change in the ownership or control of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator must apply for and obtain a registration permit for the stationary source.

Subp. 16. Application for a different type of permit. The owner or operator shall submit an application for a part 70, state, or general permit, or a different registration permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

- A. the stationary source has a history of noncompliance with applicable requirements or with its registration permit;
- B. the stationary source does not qualify for a registration permit;
- C. the stationary source qualifies for a different registration permit option under parts 7007.1110 to 7007.1130; or
- D. the applicable requirements to which the stationary source is subject are about to or have changed substantially.

Subp. 17. Voiding an existing permit. The commissioner shall void a part 70 or state permit for a stationary source which is issued a registration permit. A stationary source which is covered under the terms of a general permit is no longer covered by the general permit when it is issued a registration permit. The commissioner shall void a registration permit issued under one registration permit option for a stationary source that is issued a registration permit for a different registration permit option. The commissioner shall void a registration permit for a stationary source that is issued a part 70, state or general permit.

Subp. 18. No circumvention; permit shield.

A. The owner or operator of a stationary source that obtains a registration permit shall be subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the registration permit.

B. The permit shield under part 7007.1800 shall not apply to registration permits.

Subp. 19. List of registration permit facilities. The commissioner shall make available to the public upon request a list of facilities that have been issued registration permits under parts 7007.1110 to 7007.1130.

Subp. 20. Registration permit; general conditions. Registration permits issued by the commissioner under parts 7007.1110 to 7007.1130 shall include the general conditions in items A to O, which are included in the permit by reference to part 7007.1110 as a whole.

A. Unchallenged provisions of the permit remain valid despite any successful challenges to specific portions of the permit.

B. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of state law and, if the provision is federally enforceable, of the act. Such violation is grounds for enforcement action by the commissioner, the agency, or the EPA; or for permit revocation.

C. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

D. The permit may be revoked for cause as provided in subpart 5. The filing of a request by the permittee for a different type of permit, a different registration permit option, for revocation or termination of this permit, or for a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in subpart 12.

E. The permit does not convey any property right of any sort, or any exclusive privilege.

F. The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the commissioner copies of records to be kept by the permittee.

G. The commissioner's issuance of the permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain a permit.

H. The commissioner's issuance of the permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

I. The commissioner's issuance of the permit does not obligate the commissioner to enforce local laws, rules, or plans beyond that authorized by *Minnesota statutes*.

J. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

K. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by the permit.

L. The permittee shall, when requested by the commissioner, submit within a reasonable time any information and reports that are relevant to pollution or the activities authorized under the permit.

M. If the permittee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the permit has occurred, the permittee shall immediately take all reasonable steps to minimize the adverse impact on human health or the environment resulting from the noncompliance.

N. The permit is not transferable to any person.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state, the agency, and the commissioner assume no responsibility for damages to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state, the agency, and the commissioner may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, *Minnesota Statutes*, section 3.376.

Subp. 21. Parts that do not apply to registration permits. Parts 7007.0500 to 7007.0950; 7007.1000, subpart 1; 7007.1100; 7007.1150 to 7007.1250; 7007.1350 to 7007.1650; and 7007.1800 do not apply to registration permits under parts 7007.1110 to 7007.1130.

7007.1115 REGISTRATION PERMIT OPTION A.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source is required to obtain a permit solely because it is subject to a new source performance standard listed in part 7007.1110, subpart 2, item B, and the owner or operator does not anticipate making changes in the next year which will cause the stationary source to require a permit for other reasons. Insignificant activities at the stationary source listed in part 7007.1300 are not considered in the eligibility determination under this subpart.

Subp. 2. Application content. An application for a registration permit under this part must contain the following:

A. information identifying the stationary source and its owner or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code; and

C. a copy of the applicable new source performance standards listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of *Code of Federal Regulations*, title 40, part 60, subpart A, General Provisions, for each affected facility as defined in *Code of Federal Regulations*, title 40, section 60.2.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a registration permit under this part must:

A. meet the eligibility requirements of subpart 1 at all times;

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B. comply with part 7007.1110; and

C. comply with all applicable requirements, including new source performance standards.

7007.1120 REGISTRATION PERMIT OPTION B.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if:

A. the stationary source purchases or uses less than 2,000 gallons of VOC-containing materials in any 12-month period;

B. the only emissions from the stationary source are from VOC-containing materials, fugitive emissions from roads or parking lots, or are from insignificant activities under part 7007.1300; and

C. the owner or operator does not anticipate making changes in the next 12 months which will cause the stationary source to purchase or use 2,000 gallons or more of VOC-containing materials in any 12-month period.

Subp. 2. Application content. An application for a registration permit under this part must contain the following:

A. information identifying the stationary source and its owners or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

B. a description of the stationary source's processes and products by Standard Industrial Classification (SIC) code;

C. a copy of the applicable new source performance standards listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, for each affected facility as defined in Code of Federal Regulations, title 40, section 60.2;

D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or use of VOC-containing materials; and

E. for stationary sources in operation on the effective date of this part, the gallons of VOC-containing materials purchased or used in the 12-month period preceding the application. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials that will be purchased or used over a 12-month period during normal operation using a worksheet provided by the agency. If the stationary source has been operated less than 12 months on the effective date of this part, the owner or operator shall calculate gallons of VOC-containing materials purchased or used by multiplying 12 months by the larger of the two following monthly averages:

(1) the average monthly gallons purchased or used; or

(2) the estimated average monthly gallons purchased or used for normal operation.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a registration permit under this part shall:

A. record each month the amount of VOC-containing materials purchased or used (whichever was stated in the permit application) during that calendar month;

B. recalculate and record each month for the previous 12 months the total amount of VOC-containing materials purchased or used (whichever was stated in the permit application), the date the calculation was made, and the calculation itself;

C. purchase or use (whichever was stated in the permit application) less than 2,000 gallons of VOC-containing materials in any 12-month period;

D. have emissions from the stationary source only from VOC-containing materials, from fugitive emissions from roads or parking lots, or from insignificant activities under part 7007.1300;

E. comply with part 7011.1110; and

F. comply with all applicable requirements, including new source performance standards.

7007.1125 REGISTRATION PERMIT OPTION C.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source consists of only indirect heating units (boilers), reciprocating internal combustion engines, fugitive emissions from roads and parking lots, and/or VOC emissions from use of VOC-containing materials, and meets the following criteria:

A. all emissions units at the stationary source are included under calculations 1, 2A, 2B, and 3 in subpart 4, or are insignificant activities under part 7007.1300;

B. all fuels burned at the stationary source are listed in Table 1 or 2 of subpart 4;

C. the stationary source does not burn fuels which exceed the sulfur limits listed in Table 1 or 2 in subpart 4;

D. the sum of calculations determined under calculations 1, 2A, 2B, and 3 in subpart 4 is less than 100; and

E. the owner or operator does not anticipate making changes in the next 12 months which will cause the sum of calculations determined under calculations 1, 2A, 2B, and 3 in subpart 4 to exceed 100.

Subp. 2. Application content. An application for a registration permit under this part must contain the following:

A. information identifying the stationary source and its owners or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code;

C. a copy of the applicable new source performance standard or standards listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, for each affected facility as defined in Code of Federal Regulations, title 40, section 60.2;

D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or the use of VOC-containing materials, on the purchase or use of fuels, and on hours of operation; and

E. the calculations required by subpart 4. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials, amount of fuels burned and hours of operation for a 12-month period during normal operation in performing the calculations required in subpart 4. If the stationary source has been operated less than 12 months on the effective date of this part, the owner or operator shall perform the calculation in subpart 4 by calculating gallons of VOC-containing materials purchased or used, amount of fuels purchased or used, or hours of operation by multiplying by 12 the larger of the following:

(1) the average monthly gallons of VOC-containing materials purchased or used, amount of fuel purchased or used, or hours of operation; or

(2) calculating an estimated monthly average for normal operations.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to I.

A. If the stationary source qualified in the permit application, in whole or in part, by calculating VOC actual emissions from VOC-containing materials purchased or used (whichever was stated in the permit application) in calculation 3 in subpart 4, the owner or operator must:

(1) record each month, the amount of each VOC-containing material purchased or used (whichever was stated in the permit application), the maximum VOC content;

(2) maintain a record of the material data safety sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, for each VOC-containing material purchased or used (whichever was stated in the permit application); and

(3) recalculate and record each month for the previous 12 months the actual VOC emissions from all VOC-containing materials purchased or used (whichever was stated in the permit application), using calculation 3 in subpart 4, the date the calculation was made, and the calculation itself.

B. If the stationary source qualified in the permit application, in whole or in part, by using fuel burned in calculation 1 or 2A in subpart 4, the owner or operator must, for each emission unit included in calculation 1 or 2A:

(1) record each month the amount of each fuel purchased or used (whichever was stated in the permit application);

(2) record the sulfur content of each fuel purchased or used (whichever was stated in the permit application), and maintain for each batch of fuel a record of the vendor certifications of sulfur content or test results by an independent laboratory using the ASTM method listed for the fuel in Table 1 or Table 2 (whichever applies), if a sulfur threshold is stated for that fuel in Table 1 or 2 in subpart 4; and

(3) recalculate and record each month emissions for the preceding 12 months using calculations 1 and 2A of subpart 4, the date the calculation was made, and the calculation itself.

C. If the stationary source qualified in the permit application, in whole or in part, by using hours of operation in calculation 2B in subpart 4, the owner or operator must, for each emissions unit included in calculation 2B:

(1) record each month the hours operated, rounded to the nearest hour; and

(2) recalculate and record each month emissions for each emissions unit for the preceding 12 months using calculation 2B in subpart 4, the date the calculation was made, and the calculation itself.

D. The owner or operator must add together and record each month the sum of the calculations made in items A to C.

E. The owner or operator must not burn any fuels at the stationary source that are not listed in Table 1 or Table 2 of subpart 4, or that exceed the sulfur content limits listed in Table 1 or Table 2.

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F. The number determined by the calculation in item D shall not exceed 100 in any 12-month period.

G. The owner or operator must have emissions from the stationary source only from indirect heating units (boilers), from reciprocating internal combustion engines, from fugitive emissions from roads or parking lots, from insignificant activities under part 7007.1300, and/or from use of VOC-containing materials.

H. The owner or operator must comply with part 7011.1110.

I. The owner or operator must comply with all applicable requirements, including new source performance standards.

Subp. 4. **Tables and calculations.** The tables and calculations in this subpart shall be used to determine whether a stationary source is eligible for a registration permit under this part. For the purposes for fuel specifications listed in calculations 1 and 2A, the Annual Book of American Society for Testing and Materials Standards (ASTM), 1916 Race Street, Philadelphia, PA, 19103-1187, volumes 4.05, 5.01, 5.03, and 5.05 (1993) are incorporated by reference. ASTM is the author and publisher. These publications are available through the Minitex interlibrary loan system (University of Minnesota Library). These documents are subject to frequent change.

Calculation 1. Indirect Heating Emissions Units. For stationary sources with indirect heating emissions units, multiply the amount of fuel used for the previous 12-month period, by the multiplication factor (MF) listed in Table 1. For each indirect heating emissions unit burning two or more different types of fuels, the owner or operator shall perform this calculation for each fuel burned and add the results of all the calculations to arrive at the calculation 1 total. The following formula determines the calculation 1 total:

STEP 1: fuel used (in units specified) x MF = unit total

STEP 2: unit 1 total + unit 2 total + ... unit n total = Calculation 1 total

TABLE 1

<u>FUEL USED (units burned/year)-[specification]</u>	<u>SULFUR LIMIT</u>	<u>MULTIPLICATION FACTOR (MF)</u>
anthracite coal (tons)-[ASTM D 388(Vol 05.05)]	2.38%	4.64E-02
bituminous coal (tons)-[ASTM D 388(Vol 05.05)]	2.10%	4.10E-02
sub bituminous coal (tons)-[ASTM D 388 (Vol 05.05)]	1.66%	2.91E-02
lignite A coal (tons)-[ASTM D 388(Vol 05.05)]	1.26%	1.89E-02
petroleum coke (tons)-[ASTM C 1160(Vol 04.05)]	2.33%	4.55E-02
untreated domestic wood and bark (tons)-[ASTM D 1165(Vol 04.09)]	n/a	8.40E-03
kerosene (gallons)-[ASTM D 3699(Vol 05.03)]	0.50%	3.59E-05
No. 1 and No. 2 distillate (gallons)-[ASTM D 396(Vol 05.01)]	0.50%	3.59E-05
No. 4 distillate (gallons)-[ASTM D 396(Vol 05.01)]	1.80%	1.35E-04
No. 5 and No. 6 residual (gallons)-[ASTM D 396(Vol 05.01)]	1.80%	1.43E-04
liquefied petroleum gas (LPG) (gallons)-[ASTM D 1835(Vol 05.01 and 05.05)]	n/a	6.60E-06
dry or commercial pipeline natural gas (cubic feet)-this must be a mixture of ethane, methane, not more than five percent propane and not more than one percent butane	n/a	7.00E-08

Calculation 2. Reciprocating Internal Combustion Engine Emission Units. A stationary source with one or more reciprocating internal combustion (RIC) engines shall, for each RIC engine, use either calculation 2A or 2B. Stationary sources with RIC engine emission units burning fuels not listed in Table 2, however, must use calculation 2B.

Calculation 2A. RIC Engine Fuel Usage Calculation. For stationary sources with one or more RIC engines, multiply the amount of fuel used for the previous 12-month period for each RIC engine by the multiplication factor (MF) from Table 2. For RIC engines burning two or more different types of fuels, the owner or operator must perform this calculation for each fuel burned by the RIC engine and add the results of each calculation to determine the total for that RIC engine. The following formula determines the calculation 2A total:

- STEP 1: fuel used (in specified units) x MF = RIC engine total
- STEP 2: RIC engine 1 total + RIC engine 2 total + ... RIC engine n total = Calculation 2A total

TABLE 2

FUEL USED (units burned/year)-[specification]	SULFUR LIMIT	MULTIPLICATION FACTOR (MF)
No. 1 and No. 2 diesel, and kerosene (gallons)-[ASTM 975(Vol 05.01)]	0.5%	2.35E-04
liquefied petroleum gas (LPG) (gallons)-[ASTM D 1835(Vol 05.01 and 05.05)]	n/a	6.95E-05
dry or commercial pipeline natural gas (cubic feet)-[as defined in Table 1]	n/a	1.70E-06

Calculation 2B. RIC Engine Operating Hours Calculation. For stationary sources with one or more RIC engines, multiply the design capacity of the engine in horsepower by the hours operated for the previous 12-month period and by the multiplication factor 1.22E-05. The owner or operator shall perform this calculation for each RIC engine, then add the results of all the calculations to arrive at the calculation 2B total. The following formula determines the calculation 2B total:

- STEP 1: engine horsepower design capacity x hours operated x 1.22E-05 = RIC engine total
- STEP 2: RIC engine 1 total + RIC engine 2 total + ... RIC engine n total = Calculation 2B total

Calculation 3. VOC Emissions Units. An owner or operator of a stationary source which purchases or uses VOC-containing materials shall, for each material purchased or used which contains VOC, multiply a factor of ten by the weight factor (WF) of the VOC in the material (weight of VOC per weight of VOC-containing material) by the density of the material (in pounds per gallon) by the number of gallons of that material purchased or used in the previous 12-month period. The owner or operator shall perform this calculation for each material purchased or used which contains VOC (including VOC purchased or used for cleaning) and add the results of the calculations to arrive at the calculation 3 total. In determining the WF and the density, the owner or operator shall use the maximum listed in the material safety data sheets (MSDS) or a signed statement from the supplier for each VOC-containing material. The following formula determines the calculation 3 total:

- STEP 1: 10 [WF x density of the material (lb/gal) x (1 ton/2,000 lb) x material purchased or used (gallons) for the previous 12-month period] = material total
- STEP 2: material 1 + material 2 + ... material n total = Calculation 3 total

7007.1130 REGISTRATION PERMIT OPTION D.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source meets the following criteria:

- A. all emissions units at the stationary source are either included in calculations in subpart 4, or are insignificant activities under part 7007.1300;
- B. the actual emissions in any 12-month period at the stationary source for each pollutant are less than the thresholds in subpart 5; and
- C. the owner or operator does not anticipate making changes in the next year which will cause the stationary source's actual emissions to exceed any threshold in tons per year listed in subpart 5.

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Subp. 2. Application content. An application for a registration permit under this part must contain all of the following requirements:

A. information identifying the stationary source and its owners or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code;

C. a copy of the applicable new source performance standards listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, for each affected facility as defined in Code of Federal Regulations, title 40, section 60.2;

D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or the use of VOC-containing or hazardous air pollutant-containing materials and on the purchase or use of fuels;

E. the calculations required by subpart 4, and the total actual emissions per pollutant that result from those calculations. If the stationary source has not been operated, the owner or operator shall estimate actual emissions during normal operation in performing the calculations required by subpart 4. If the stationary source has been operated less than 12 months on the effective date of this part, the owner or operator shall estimate actual emissions by multiplying by 12 the larger of the following:

(1) the average monthly actual emissions; or

(2) the estimated average monthly actual emissions during normal operation; and

E. if the calculations required by subpart 4 used control equipment efficiencies for listed control equipment determined by part 7011.0070, a copy of the portion of the control equipment manufacturer's specifications with the operating parameters required to be monitored under part 7011.0080 highlighted, and if the efficiency is based on an alternative control efficiency under part 7011.0070, subpart 2, a copy of the performance test plan with the operating parameters highlighted.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to I.

A. If the stationary source qualified in the permit application, in whole or in part, by calculating VOC and hazardous air pollutant actual emissions from VOC-containing or hazardous air pollutant-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) record each month, the amount of each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application), and the VOC and hazardous air pollutant content;

(2) maintain a record of the material data safety sheet (MSDS), or a signed statement from the supplier stating the maximum VOC or hazardous air pollutant content, for each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application); and

(3) recalculate and record each month for the previous 12 months, the actual VOC and hazardous air pollutant emissions from VOC-containing and hazardous air pollutant-containing materials purchased or used (whichever was stated in the permit application), the date the calculation was made, and the calculation itself.

B. If the stationary source qualified in the permit application, in whole or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

(1) record each month the amount of each fuel purchased or used (whichever was stated in the permit application); and

(2) recalculate and record each month emissions for the preceding 12 months, the date the calculation was made, and the calculation itself.

C. If the stationary source qualified in the permit application, in whole or in part, by using hours of operation in the calculations in subpart 4, the owner or operator must:

(1) record each month the hours operated for each emissions unit, rounded to the nearest hour; and

(2) recalculate and record each month emissions for the preceding 12 months, the date the calculation was made, and the calculations itself.

D. If the stationary source qualified in the permit application, in whole or in part, by calculating actual emissions under subpart 4 based on the quantity of material handled or throughput, or product produced, the owner or operator must:

(1) record each month for each material handled or throughput and for each product produced, the amount of the material handled or throughput and the amount of product produced; and

(2) recalculate and record each month for the previous 12-month period for each material handled or throughput and for each product produced, the emissions, the date the calculation was made, and the calculation itself.

E. The owner or operator must recalculate and record each month for the previous 12 months, pursuant to subpart 4, the actual emissions from the stationary source, the date the calculation was made, and the calculation itself. This calculation must include all

emissions units at the stationary source, except for insignificant activities under part 7007.1300, and the information required by subpart 4, item B, subitem (2), if continuous emissions monitor (CEM) data is used in the calculation.

E. If the stationary source qualified in the permit application, in whole or in part, by using control equipment efficiencies for listed control equipment determined under part 7011.0070, the owner or operator shall comply with parts 7011.0060 to 7011.0080. If the calculations required by subpart 4 used control equipment efficiencies based on an alternative control efficiency under part 7011.0070, subpart 2, the owner or operator shall also comply with the operating parameters of the performance test that established the alternative control efficiency.

G. The actual emissions from the stationary source determined pursuant to subpart 4 must not exceed the thresholds in subpart 5 for any pollutant in any 12-month period.

H. Comply with part 7011.1110.

I. Comply with all applicable requirements including new source performance standards.

Subp. 4. Calculation of actual emissions. To calculate actual emissions under this part, the owner or operator of a stationary source shall use the calculation methods under items A to E. The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive emissions must be included in the calculations under this subpart, except for fugitive emissions from roads and parking lots at the stationary source.

A. Under this subpart, owners and operators of stationary sources must calculate actual emissions for each emissions unit for each pollutant. All calculations of actual emissions required under this part shall be based on the stationary source's operating parameters, and must use the following equation:

$E = OP \times EF \times [1 - CE]$, where

E = Actual Emissions in tons per year

OP = Operating Parameter as required by the Emission Factor (hours of operation or units produced)

EF = Emission Factor (pounds of pollutant per hour of operation or units produced). The emission factor used in this calculation shall be an EPA emission factor.

CE = Control Efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

B. If the owner or operator of the stationary source has collected emissions data through use of a continuous emission monitor (CEM), the owner or operator shall use the CEM data to calculate actual emissions, if the following requirements are met:

(1) the owner or operator must have operated the CEMs at the stationary source in compliance with all of the requirements of parts 7017.1000; 7019.1000 and 7019.2000; any other applicable state rules or federal regulations pertaining to CEM operation; and all applicable air emission permit conditions;

(2) the total operating time of the applicable emissions unit and the total operating time of the CEM for the previous 12 months must be included in the permit application and in the monthly records required in subpart 3; and

(3) an explanation of how the emissions were calculated based on the CEM data must be included in the permit application and in the monthly records required in subpart 3. In calculating actual emissions, the owner or operator must use the rated capacity of the flow unless the CEM provides actual data on the flow rate. For CEM downtime, this calculation must apply EPA emission factors, performance test data as specified in item C, or the method of reporting CEM downtime specified in *Code of Federal Regulations*, title 40, part 75 (Acid Rain Program, Continuous Emission Monitoring). This method may be used by any stationary source with a CEM, regardless of whether federal regulations require use of the CEM.

C. Emission factors from performance tests may be used for the calculation of actual emissions, provided that the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing performance tests.

D. A material balance method may be used to calculate VOC actual emissions. The owner or operator of a stationary source that uses material balance to calculate VOC actual emissions shall determine total VOC actual emissions (E) using the following equation:

$E = (a - b - c) \times (1 - d)$, where

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a = the amount of VOC entering the process. A signed statement from the supplier or the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOCs chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the control efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

E. The owner or operator of a stationary source may determine sulfur dioxide actual emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using ASTM methods or verified by vendor certification. The sulfur dioxide actual emissions shall be determined for each batch of fuel received by using the following equation:

$SO_2 = \%S/100 \times F/2,000 \times 2$, where

SO_2 = Sulfur dioxide emissions from a batch of fuel.

%S = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2,000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

Subp. 5. Emissions thresholds. The owner or operator must calculate actual emissions for the stationary source using the calculations under subpart 4 and the calculated actual emissions must be below the thresholds listed in Table 3.

TABLE 3
OPTION D EMISSIONS THRESHOLDS

<u>POLLUTANT</u>	<u>THRESHOLD (ton/year)</u>
HAP	5 tons/year for a single HAP 12.5 tons/year total for all HAPs
PM	50 tons/year
PM-10	50 tons/year for an Attainment Area 25 tons/year for a Nonattainment Area
VOC	50 tons/year
SO ₂	50 tons/year
NO _x	50 tons/year
CO	50 tons/year
Pb	0.5 tons/year

7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

[For text of items A and B, see M.R.]

C. Any person who, at a permitted stationary source: (i) installs air pollution control equipment that does not constitute a title I modification or a modification, or (ii) replaces a unit identified in the permit with one that does not increase emissions of any regulated air pollutant and does not constitute a title I modification or a modification, shall provide written notice to the agency. The written notice must be received by the agency seven working days prior to the installation or replacement. The permittee and the agency shall attach the notice to the stationary source's permit. If the agency finds that the installation or replacement triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the agency shall initiate an amendment under part 7007.1400 or 7007.1500 to include the new requirements. If the installation or replacement constitutes a title I modification or other type of modification, this item does not apply, and the permittee shall follow the applicable procedures of part 7007.1250, 7007.1350, 7007.1450, or 7007.1500. If notice is provided as required by this item, the installation and operation of the additional equipment shall not be considered a violation of the permit.

[For text of items D to F, see M.R.]

7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.

Subpart 1. How to calculate emission changes. When this method part is required to be used, the method of calculation in subpart 2 must be used to determine first whether a modification is a title I modification. To calculate emission changes will be calculated by comparing the hourly emission rate of the for a modification that is not a title I modification, the method in subpart 3

shall then be used. To verify whether the modification or other change at a stationary source, at maximum physical capacity, before and after the proposed physical or operational change. The emission rate shall be expressed as pounds per hour of any regulated air pollutant, might make the stationary source subject for the first time to the requirement to obtain a state or part 70 permit, the calculation method in part 7007.0150, subpart 4, must be used.

Subp. 2. Calculation methods to determine if the proposed change is a title I modification. To determine if a modification is a title I modification, the applicable federal calculation method must be used. To determine the applicable methods to calculate emission changes for a title I modification, the permittee must refer to the federal regulations listed in part 7007.0100, subpart 26. Parts 7011.0060 to 7011.0080 may be used in this calculation if the stationary source is in compliance with parts 7011.0060 to 7011.0080, except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used. A change that would not be considered to increase emissions using the calculation method in subpart 3 may nonetheless be considered a title I modification, particularly under the calculation method required by part C (prevention of significant deterioration of air quality) and part D (plan requirements in nonattainment areas) of the act.

Subp. 3. Calculation method for modifications that are not title I modifications. Emissions changes for a modification must be calculated by comparing the hourly emission rate of the stationary source, at maximum physical capacity, before and after the proposed physical or operational change. The emission rate shall be expressed as pounds per hour of any regulated air pollutant. Items A to C shall be used to determine emission changes for modifications that are not title I modifications.

A. When calculating emissions before and after the physical and operational change, physical and operational limitations on emissions and emission decreases will be considered only if they:

- (1) are or will be automatically required by an applicable requirements or requirement including parts 7011.0060 to 7011.0080, except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used to calculate emissions under this part;
- (2) are or will be automatically required by an existing permit terms; or if they;
- (3) are integral to the process;
- (4) are proposed as a permit term and condition in the application for a minor, moderate, or major modification under part 7007.1450 or 7007.1500; or
- (5) are calculated in records kept at the stationary source where reductions rendered the modification insignificant under part 7007.1250. The agency shall use the following to determine emission rate:

A- B. In cases where use of emission factors or related calculation methods clearly demonstrates whether or not the change will increase the emission level, the following emission factors or methods shall be used:

- (1) EPA emission factors as defined in part 7005.0100, subpart 10d, or other emission factors determined by the agency to be superior to EPA emission factors; or
- (2) if no EPA emission factors are specified, factors or related emissions calculation methods published by EPA or provided by the agency upon request of the permittee which relate to the specific source type. The permittee shall identify the source of the emission factor or calculation method in the application.

B- C. Material balances, continuous monitor data, or manual emissions tests may be used in cases where use of emission factors or related calculation methods under item A B does not clearly demonstrate, to the agency's satisfaction, whether or not the change will increase the emission level, or where a permittee demonstrates to the agency's satisfaction that there are reasonable grounds to dispute the result obtained under item A B. These methods may be used only to establish premodification emission rates from which postmodification emission rates may be calculated. Tests shall be conducted under such conditions as the agency shall specify. At least three valid test runs must be conducted. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

C. The calculation method described in this part may not be relied on to determine whether a modification constitutes a title I modification. To determine if a modification constitutes a title I modification, the applicable federal calculation method must be used. A change that would not be considered to increase emissions using the calculation method in this part may nonetheless be considered a title I modification, particularly under the method of calculation required by part C (Prevention of Significant Deterioration of Air Quality) and part D (Plan Requirements in Nonattainment Areas) of the act.

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. When an insignificant modification can be made. The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2.

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A. Construction or operation of any emissions unit, or undertaking any activity, on the insignificant activities list in part 7007.1300.

B. Any modification that will:

- (1) result in an increase of an air pollutant which is not listed in table 1; or
- (2) result in an increase of an air pollutant which is listed below, but in an amount less than the corresponding threshold:

Pollutant	Threshold
NO _x	2.28 pounds per hour
SO ₂	2.28 pounds per hour
VOCs	2.28 pounds per hour
PM-10	.855 pounds per hour
CO	5.70 pounds per hour
Lead	.025 pounds per hour
HAPs	<u>25% of the hazardous air pollutant thresholds listed in Code of Federal Regulations, title 40, section 63.44, as proposed in Federal Register, volume 59, pages 15504-15571 (April 1, 1994)</u>

For purposes of this subpart, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. An owner or operator may not use control equipment efficiencies for listed control equipment determined by part 7011.0070 to qualify for an insignificant modification, unless the specifications for the control equipment are from a control equipment manufacturer, as defined in part 7011.0060, subpart 4. Modifications which would otherwise be insignificant under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and the requirements of title I of the act.

[For text of subs 2 to 6, see M.R.]

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

[For text of subpart 1, see M.R.]

Subp. 2. **Insignificant activities not required to be listed.** The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2).

[For text of item A, see M.R.]

B. Plant upkeep:

(1) routine housekeeping or plant upkeep activities such as painting buildings, retarring roofs, or paving parking lots; ~~and~~, but excluding spray paint booths used for plant upkeep activities;

(2) routine maintenance of buildings, grounds, and equipment;

(3) use of vacuum cleaning systems and equipment for portable steam cleaning;

(4) clerical activities such as operating copy machines and document printers, except operation of such units on a commercial basis;

(5) janitorial activities; and

(6) sampling connections used exclusively to withdraw materials for laboratory analysis and testing.

[For text of item C, see M.R.]

D. Finishing operations:

(1) closed tumblers used for cleaning or deburring metal products without abrasive blasting; ~~and~~

(2) equipment for washing or drying fabricated glass or metal products, if no VOCs are used in the process, and no gas, oil, or solid fuel is burned;

(3) equipment operated inside a building used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic, precision parts, leather, metals, plastics, masonry, carbon, or glass; and

(4) blast cleaning operations using suspension of abrasive in water.

E. Storage tanks:

(1) pressurized storage tanks for anhydrous ammonia, liquid petroleum gas (LPG), liquid natural gas (LNG), or natural gas;

(2) lubricating oils;

(3) underground storage of fuel in tanks with a total capacity less than 100,000 gallons; and

(4) gasoline storage tanks with a combined total tankage capacity of less than 2,000 gallons.

[For text of items F and G, see M.R.]

H. Residential activities: typical emissions from residential structures, not including:

(1) fuel burning equipment with a total capacity of 500,000 Btu/hour or greater;

(2) emergency backup generators; and

(3) incinerators.

[For text of items I and J, see M.R.]

K. Miscellaneous:

(1) safety devices, such as fire extinguishers, if associated with a permitted emission source, but not including sources of continuous emissions;

(2) flares to indicate danger to the public; ~~and~~

(3) operation of mobile sources, except for fugitive emissions from operation of a passenger automobile, station wagon, pickup truck, or van, as defined in Minnesota Statutes, section 168.011; mobile sources at a stationary source; required to be included under title I, and except for stationary sources where the agency determines the fugitive emissions from associated mobile source activity may impact attainment of national ambient air quality standards;

(4) purging of natural gas lines;

(5) natural draft hoods, natural draft ventilation, comfort air conditioning, or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from specific units of equipment; and

(6) funeral home embalming processes and associated ventilation systems.

L. Demonstration projects conducted by a teaching and research institution, where the sole purpose of a demonstration project is to provide an actual functional example of a process unit operation to the students or other interested parties, where actual operating hours of each emission unit shall not exceed a total of 50 hours in a calendar year and where the emissions unit is not used to dispose of waste materials.

Subp. 3. **Insignificant activities required to be listed.** The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (Enhanced Monitoring) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

[For text of items A to D, see M.R.]

E. Storage tanks: ~~fuel oil storage tanks with a capacity of less than 2,000 gallons.~~

(1) gasoline storage tanks with a combined total tankage capacity of not more than 10,000 gallons; and

(2) nonhazardous air pollutant VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons of nonhazardous air pollutant VOCs and with a vapor pressure of not more than 1.0 psia at 60 degrees Fahrenheit.

F. Cleaning operations: commercial laundries, not including dry cleaners ~~and industrial launderers.~~

[For text of item G, see M.R.]

H. Miscellaneous:

(1) ~~degreasing operations that do not exceed 45 use of not more than 200 gallons of VOC containing materials per 12 months;~~

(2) equipment used exclusively for packaging lubricants or greases;

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- (3) equipment used for hydraulic or hydrostatic testing;
- (4) brazing, soldering, or welding equipment;
- (5) blueprint copiers and photographic processes;
- (6) equipment used exclusively for melting or application of wax; and
- (7) nonasbestos equipment used exclusively for bonding lining to brake shoes.

I. Individual emission units at a stationary source which each have a potential to emit for each of the following pollutants less than:

(1) 4,000 pounds per year of carbon monoxide; or

(2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, VOCs, and ozone.

Subp. 4. Part 70 source insignificant activities required to be listed. Emissions units with potential emissions less than the following limits but not included in subpart 2 must be listed in a part 70 permit application:

A. 5.7 pounds per hour of carbon monoxide;

B. potential emissions of 2.28 pounds per hour or actual emissions of one ton per year for nitrogen oxide, sulfur dioxide, and VOCs;

C. .025 pounds per hour of lead; and

D. 25 percent of the hazardous air pollutant thresholds listed in Code of Federal Regulations, title 40, section 63.44, as proposed in Federal Register, volume 59, pages 15504-15571 (April 1, 1994).

Calculation of emissions from the emissions units listed in this subpart shall be provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (Enhanced Monitoring) or section 112 of the act (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit.

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. Minor amendment applicability. Except as provided in subpart 1, the agency may amend a permit to allow a modification under the minor permit amendment process of this part, if the modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold:

Pollutant	Threshold
NO _x	9.13 pounds per hour
SO ₂	9.13 pounds per hour
VOCs	9.13 pounds per hour
PM-10	3.42 pounds per hour
CO	22.80 pounds per hour
Lead	.11 pounds per hour
HAPs	<u>Hazardous air pollutant thresholds listed in Code of Federal Regulations, title 40, section 63.44, as proposed in Federal Register, volume 59, pages 15504-15571, (April 1, 1994)</u>

For purposes of the previous sentence, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. Modifications which would otherwise qualify for a minor or moderate amendment under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and requirements of title I of the act.

[For text of subs 3 to 9, see M.R.]

7011.0060 DEFINITIONS.

Subpart 1. Scope. The definitions in parts 7005.0100 and 7007.0100 apply to the terms used in parts 7011.0060 to 7011.0080 unless the terms are defined in this part. The definitions in this part apply to the terms used in parts 7011.0060 to 7011.0080.

Subp. 2. Hood. "Hood" means a shaped inlet to a pollution control system that does not totally surround emissions from an

emissions unit, that is designed to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists, Lansing, Michigan." This document is subject to frequent change.

Subp. 3. Control equipment manufacturer. "Control equipment manufacturer" means a person that manufactures and sells control equipment, if at least 50 percent of the dollar value of the annual control equipment sales are made to persons who are not a subsidiary, division, or subdivision of the control equipment manufacturer.

Subp. 4. Listed control equipment. "Listed control equipment" means the control equipment at a stationary source listed in part 7011.0070, subpart 1, Table A.

Subp. 5. Total enclosure. "Total enclosure" means an enclosure that completely surrounds emissions from an emissions unit such that all emissions are captured and discharged through ductwork to control equipment.

7011.0061 INCORPORATION BY REFERENCE.

For the purpose of parts 7011.0060 to 7011.0080, the document, Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-7, Cincinnati, OH, 45211-4438 (1984), is incorporated by reference. American Conference of Governmental Industrial Hygienists is the author and publisher. This document is available through the Minitex interlibrary loan system (University of Minnesota Library). This document is subject to frequent change.

7011.0065 APPLICABILITY.

Subpart 1. Applicability. The owner or operator of a stationary source shall comply with parts 7011.0060 to 7011.0080 if the owner or operator used the control equipment efficiencies for listed control equipment established pursuant to part 7011.0070 to calculate potential to emit, from emissions units that discharge through the listed control equipment, to:

- A. determine what type of permit is required, pursuant to part 7007.0150, subpart 4, item B;
- B. determine what type of amendment to a part 70 or state permit is required, pursuant to part 7007.1200;
- C. qualify for an insignificant modification under part 7007.1250; or
- D. qualify for registration permit option D under part 7007.1130.

Subp. 2. Exceptions to applicability. Notwithstanding subpart 1, the owner or operator of a stationary source need not comply with parts 7011.0060 to 7011.0080, if:

- A. nonuse of the listed control equipment is specifically allowed in a part 70, state, or general permit issued under chapter 7007; or
- B. the listed control equipment is at a stationary source that would not require a permit under chapter 7007, even if the emission reductions from the listed control equipment at the stationary source are not considered in the stationary source's potential emissions.

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

Subpart 1. Listed control equipment efficiencies. Unless a part 70, state, or general permit specifies a different control efficiency, the owner or operator of a stationary source must at all times attain at least the control efficiency listed in Table A for each piece of listed control equipment at the stationary source. The applicable control efficiency for a type of listed control equipment and a given pollutant is determined by whether air emissions are discharged to the control equipment through a hood or through a total enclosure. The control equipment efficiencies in Table A do not apply to any hazardous air pollutant. The owner or operator of a stationary source that is subject to the control efficiencies given for hoods in Table A must evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists, Lansing, Michigan." and must include with the permit application the certification required in subpart 3.

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CONTROL EQUIPMENT EFFICIENCY-TABLE A

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY	
			TOTAL ENCLOSED	HOOD
	<u>PM CONTROL CATEGORY-CYCLONES</u>			
	<u>means a device where airflow is forced to spin in a vortex through a tube</u>			
007	Centrifugal Collector (cyclone)-high efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	80%	64%
008	Centrifugal Collector (cyclone)-medium efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	50%	40%
009	Centrifugal Collector (cyclone)-low efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM,PM-10	10%	8%
076	Multiple Cyclone without Fly Ash ReInjection means: a cyclonic device with more than one tube where fly ash is not re-injected	PM,PM-10	80%	NA
077	Multiple Cyclone with Fly Ash ReInjection means: a cyclonic device with more than one tube where fly ash is re-injected	PM,PM-10	50%	NA
085	Wet Cyclone Separator or Cyclonic Scrubbers means: a cyclonic device that sprays water into a cyclone	PM,PM-10	50%	40%
012	<u>PM CONTROL CATEGORY-ELECTROSTATIC PRECIPITATORS</u>			
	<u>means: a control device in which the incoming particulate matter receives an electrical charge and is then collected on a surface with the opposite electrical charge</u>			
	-assumed efficiency for boiler fly ash control	PM-10	40%	NA

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ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY	
			TOTAL ENCLOSURE	HOOD
	<u>-assumed efficiency for other applications</u>	<u>PM-10</u>	<u>70%</u>	<u>56%</u>
<u>PM CONTROL CATEGORY-OTHER CONTROLS</u>				
<u>016</u>	<u>Fabric Filter means: a control device in which the incoming gas stream passes through a porous fabric filter forming a dust cake</u>	<u>PM,PM-10</u>	<u>99%</u>	<u>79%</u>
<u>052</u>	<u>Spray Tower means: a control device in which the incoming gas stream passes through a chamber in which it contacts a liquid spray</u>	<u>PM,PM-10</u>	<u>20%</u>	<u>16%</u>
<u>053</u>	<u>Venturi Scrubber means: a control device in which the incoming gas stream passes through a venturi into which a low pressure liquid is introduced</u>	<u>PM,PM-10</u>	<u>90%</u>	<u>72%</u>
<u>055</u>	<u>Impingement Plate Scrubber means: a control device in which the incoming gas stream passes a liquid spray and is then directed at high velocity into a plate</u>	<u>PM,PM-10</u>	<u>25%</u>	<u>20%</u>
<u>058</u>	<u>Mat or Panel Filter means: a control device in which the incoming gas stream passes through a panel of coarse fibers. Panels are removable for cleaning or replacement and provide little resistance to air flow</u>	<u>PM,PM-10</u>	<u>92%</u>	<u>NA</u>
<u>061</u>	<u>Dust Suppression by Water Spray means: the application of water to a surface or material to maintain a minimum moisture content level of 2% to prevent particles from becoming airborne</u>	<u>PM,PM-10</u>	<u>40%</u>	<u>NA</u>

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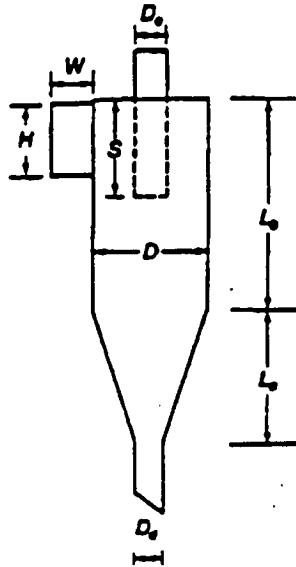
Proposed Rules

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY	
			TOTAL ENCLOSURE	HOOD
<u>VOC CONTROL CATEGORY</u>				
<u>019</u>	<u>Afterburners (thermal or catalytic oxidation) means: a device used to reduce VOCs to the products of combustion through thermal (high temperature) oxidation or catalytic (use of a catalyst) oxidation in a combustion chamber</u>	<u>VOC</u>	<u>95%</u>	<u>76%</u>
<u>023</u>	<u>Flaring or Direct Combustor means: a device in which air, combustible organic waste gases, and supplementary fuel (if needed) react in the flame zone (e.g., at the flare tip) to destroy the VOCs</u>	<u>VOC</u>	<u>98%</u>	<u>78%</u>
<u>NO_x CONTROL CATEGORY-OTHER CONTROLS</u>				
<u>024</u>	<u>Modified Furnace or Burner Design (low NO_x burner) means: a burner that is designed or modified to produce fuel rich and lean zones to reduce NO_x formation through the reduction of the flame temperature and available oxygen</u> <u>Staged Combustion means:</u>	<u>NO_x</u>	<u>35%</u>	<u>NA</u>
<u>025A</u>	<u>Over-Fire Air means: a burner in which 10 to 30% of the combustion air is supplied through ports that are above the grate or hearth</u>	<u>NO_x</u>	<u>30%</u>	<u>NA</u>
<u>025B</u>	<u>Reburning means: a burner in which a secondary fuel is injected above the primary combustion zone</u>	<u>NO_x</u>	<u>40%</u>	<u>NA</u>
<u>026</u>	<u>Flue Gas Recirculation means: a burner in which a portion of the flue gases are diverted from the exhaust stream and reintroduced into the primary combustion zone</u>	<u>NO_x</u>	<u>30%</u>	<u>NA</u>

Proposed Rules

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY	
			TOTAL ENCLOSURE	HOOD
028	<u>Steam or Water Injection</u> means: <u>a burner in which water or steam is injected into the primary combustion zone</u>	NO _x	40%	NA
029	<u>Low Excess Air Firing</u> means: <u>a burner in which the amount of excess air in the combustion chamber is reduced</u>	NO _x	30%	NA

Drawing 1



SOURCE: Lapple, 1951.

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Proposed Rules

Table 1
Cyclone Type

	<u>High Efficiency</u>		<u>Conventional (Medium Efficiency)</u>		<u>High Throughput (Low Efficiency)</u>	
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Ratio of dimensions</u>						
<u>Body diameter, D/D</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
<u>Height of inlet, H/D</u>	<u>0.5</u>	<u>0.44</u>	<u>0.5</u>	<u>0.5</u>	<u>0.75</u>	<u>0.8</u>
<u>Width of inlet, W/D</u>	<u>0.2</u>	<u>0.21</u>	<u>0.25</u>	<u>0.25</u>	<u>0.375</u>	<u>0.35</u>
<u>Diameter of gas exit, D/D</u>	<u>0.5</u>	<u>0.4</u>	<u>0.5</u>	<u>0.5</u>	<u>0.75</u>	<u>0.75</u>
<u>Length of vortex finder, S/D</u>	<u>0.5</u>	<u>0.5</u>	<u>0.625</u>	<u>0.6</u>	<u>0.875</u>	<u>0.85</u>
<u>Length of body, L/D</u>	<u>1.5</u>	<u>1.4</u>	<u>2.0</u>	<u>1.75</u>	<u>1.5</u>	<u>1.7</u>
<u>Length of cone, L/D</u>	<u>2.5</u>	<u>2.5</u>	<u>2.0</u>	<u>2.0</u>	<u>2.5</u>	<u>2.0</u>
<u>Diameter of dust outlet, D/D</u>	<u>0.375</u>	<u>0.4</u>	<u>0.25</u>	<u>0.4</u>	<u>0.375</u>	<u>0.4</u>

Sources: Column (1) and (5), Stairmand, 1951; columns (2), (4), and (6), Swift, 1969; and column (3), Lapple, 1951.

Subp. 2. Alternative control equipment efficiencies; control efficiencies for hazardous air pollutants. The owner or operator of a stationary source may use an alternative control equipment efficiency for the control equipment listed in subpart 1, if the actual control efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The owner or operator of a stationary source may use a control equipment efficiency for listed control equipment for a hazardous air pollutant, if the control efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The request for the alternative control efficiency may be made through a permit application for a part 70, state, registration, or general permit, or in a required notice or application submitted under parts 7007.1150 to 7007.1500. The owner or operator of a stationary source must attain at all times the alternative control efficiency for a piece of listed control equipment at the stationary source established under this subpart.

Subp. 3. Certification for hoods. The certification required by subpart 1 for hoods shall be signed by an engineer, and shall state as follows:

"I certify under penalty of law that I have evaluated the aforementioned hood(s) and that the (each) hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists, Lansing, Michigan.""

7011.0075 CONTROL EQUIPMENT GENERAL REQUIREMENTS.

Subpart 1. Operation of control equipment. The owner or operator of a stationary source shall operate all listed control equipment located at the stationary source whenever operating the emission units controlled by the listed control equipment. Unless specifically allowed by a part 70, state, or general permit, each piece of listed control equipment shall at all times be operated in the range established by the control equipment manufacturer's specifications for each monitoring parameter listed in part 7011.0080, or within the operating parameters of the most recent performance test approved by the commissioner under parts 7017.2001 to 7017.2060 if those are more restrictive.

Subp. 2. Maintenance of control equipment. The owner or operator of a stationary source shall maintain each piece of listed

control equipment according to the control equipment manufacturer's specifications, shall comply with source-specific maintenance requirements specified in a part 70, state, or general permit, and shall perform the following on each piece of listed control equipment:

A. maintain an adequate inventory of spare parts for components that are subject to sudden failure or frequent replacement due to wear;

B. train staff on the operation and monitoring of control equipment and troubleshooting, and train and require staff to respond to indications of malfunctioning equipment, including alarms, abnormal temperature indications, noises, and odors;

C. thoroughly inspect all control equipment at least annually (this often requires shutting down temporarily);

D. inspect, at least monthly, components that are subject to wear or plugging including bearings, belts, hoses, fans, nozzles, orifices, and ducts;

E. inspect, at least quarterly, components that are not subject to wear including structural components, housings, ducts, and hoods;

F. check, at least daily, monitoring equipment including pressure gauges, chart recorders, temperature indicators and recorders;

G. calibrate, at least annually, all monitoring equipment; and

H. maintain a record of activities conducted in items A to G consisting of the activity completed, the date the activity was completed, and any corrective action taken (including any action taken to prevent a reoccurrence of any incident requiring corrective action).

Subp. 3. Installation of monitoring equipment. The owner or operator of a stationary source shall install monitoring equipment to measure the operating parameters of all listed control equipment as specified by part 7011.0080 or by source specific monitoring requirements specified in a part 70, state, or general permit. The monitoring equipment must be installed prior to operation of any new process equipment controlled by the control equipment or, for stationary sources in operation on the effective date of this part, by the application deadline listed in part 7007.0350, subpart 1, item A. The owner or operator of a stationary source shall operate the monitoring equipment for each piece of listed control equipment at all times the listed control equipment is required to operate under subpart 1.

Subp. 4. Shutdown and breakdown procedures. In the event of a shutdown of listed control equipment, or a breakdown of listed control equipment, the owner or operator of a stationary source shall comply with part 7019.1000.

Subp. 5. Deviation of listed control equipment from operating specifications. The owner or operator of a stationary source shall report to the commissioner deviations from any monitored operating parameter as required by part 7011.0080. "Deviation" means any recorded reading outside of the specification or range of specifications allowed by subpart 1 or established by a part 70, state, or general permit. This report shall be on a form approved by the commissioner. For any given calendar quarter, and within 30 days after the end of the quarter, the owner or operator shall:

A. for pollution control equipment parameters measured on a continuous basis, submit a monitoring report if there are deviations for more than five percent of the emissions units operating time in that quarter; and

B. for pollution control equipment parameters measured periodically, submit a monitoring report if there are deviations for more than five percent of the measurements of a subject parameter of the control equipment operating in that quarter.

Subp. 6. Demonstration of control equipment efficiency. The owner or operator shall, upon request of the commissioner or the administrator, conduct a performance test under parts 7017.2001 to 7017.2060 to determine the efficiency of the control equipment. In addition to the reasons specified in part 7017.2020, subpart 1, the commissioner or the administrator may make such a request to verify that the control equipment at a stationary source is attaining the efficiency determined in part 7011.0070.

Subp. 7. Recalculation of potential to emit.

A. The owner or operator shall recalculate the potential to emit of the stationary source under part 7007.0150, subpart 4, or under part 7007.1200 for amendments to part 70 or state permits, if the owner or operator becomes aware of any information indicating that the calculation originally performed under part 7007.0150, subpart 4, or 7007.1200, would change because the listed control equipment is not as efficient as originally assumed under part 7011.0070 or changes have been made to decrease the listed control equipment's efficiency. The owner or operator shall submit this recalculation to the commissioner within 30 days of becoming aware of the information.

B. The owner or operator shall, upon request of the commissioner or the administrator, recalculate the potential to emit of the

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Proposed Rules

stationary source under part 7007.0150, subpart 4, or part 7007.1200 for amendments to part 70 and state permits, and submit the recalculation to the commissioner or the administrator by the date specified in the request.

7011.0080 MONITORING AND RECORD KEEPING FOR LISTED CONTROL EQUIPMENT.

The owner and operator of a stationary source shall comply with the monitoring and record keeping required for listed control equipment by the table in this part. The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. For hoods, the owner shall maintain at the stationary source the engineer's evaluation of each hood required in part 7011.0070, as well as a monthly record of the fan rotation speed or face velocity of each hood.

<u>EPA Identifi- cation Number(s)</u>	<u>Pollution Control Equipment Type</u>	<u>Monitoring Parameter(s)</u>	<u>Record Keeping Requirement</u>
<u>007, 008, 009, 076, 077</u>	<u>Centrifugal collector (cyclone)</u>	<u>Pressure drop</u>	<u>Record pressure drop every 24 hours if in operation</u>
<u>011A, 011B, 012A, 012B</u>	<u>Electrostatic precipitator</u>	<u>Primary and secondary voltage; primary and secondary current; sparking rate; and number of fields on-line</u>	<u>Record each parameter every 24 hours if in operation</u>
<u>016</u>	<u>Fabric filter (bag house)</u>	<u>Pressure drop</u>	<u>Record pressure drop every 24 hours if in operation</u>
<u>052</u>	<u>Spray tower</u>	<u>Liquid flow rate and pressure drop</u>	<u>Record each parameter every 24 hours if in operation</u>
<u>053, 055</u>	<u>Venturi scrubber, impingement plate scrubber</u>	<u>Pressure drop and liquid flow rate</u>	<u>Record each parameter every 24 hours if in operation</u>
<u>058A, 058B</u>	<u>HEPA and other wall filters</u>	<u>Condition of the filters, including, but not limited to, alignment, saturation, and tears and holes</u>	<u>Record of filter(s) condition every 24 hours if in operation</u>
<u>061</u>	<u>Dust suppression by water spray</u>	<u>Test moisture content daily</u>	<u>Record moisture content daily</u>
<u>085</u>	<u>Wet cyclone separator</u>	<u>Pressure drop; and water pressure</u>	<u>Record each parameter every 24 hours if in operation</u>

Proposed Rules

<u>EPA Identifi- cation Number(s)</u>	<u>Pollution Control Equipment Type</u>	<u>Monitoring Parameter(s)</u>	<u>Record Keeping Requirement</u>
<u>019</u>	<u>Thermal incinerator</u>	<u>Combustion temperature or inlet and outlet temperatures</u>	<u>Continuous hard copy readout of temperatures or manual readings every 15 minutes</u>
<u>019</u>	<u>Catalytic incinerator</u>	<u>Inlet and outlet temperatures; and catalyst bed reactivity as per manufacturer's specifications</u>	<u>Continuous hard copy readout of temperatures or manual readings every 15 minutes; and results of catalyst bed reactivity</u>
<u>023</u>	<u>Flaring</u>	<u>Temperature indicating presence of a flame</u>	<u>Continuous hard copy readout of temperatures or manual readings every 15 minutes</u>
<u>024</u>	<u>Modified furnace or burner design (low NO_x burner)</u>	<u>Continuous monitoring of the air-to-fuel ratio at each fuel and/or air port</u>	<u>Hard copy records of continuous monitoring</u>
<u>025A</u>	<u>Staged combustion - over-fire air</u>	<u>Continuous monitoring of the air-to-fuel ratio at each fuel and/or air port</u>	<u>Hard copy records of continuous monitoring</u>
<u>025B</u>	<u>Staged combustion - reburning</u>	<u>Continuous monitoring of the air-to-fuel ratio at each fuel and/or air port</u>	<u>Hard copy records of continuous monitoring</u>

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Adopted Rules

<u>EPA Identifi- cation Number(s)</u>	<u>Pollution Control Equipment Type</u>	<u>Monitoring Parameter(s)</u>	<u>Record Keeping Requirement</u>
<u>026</u>	<u>Flue gas recirculation</u>	<u>Continuous monitoring of the amount of flue gas recirculated to the burner windbox</u>	<u>Hard copy records of continuous monitoring</u>
<u>028</u>	<u>Steam or water injection</u>	<u>Continuous monitoring of the fuel consumption and the ratio of water to fuel being fired</u>	<u>Hard copy records of continuous monitoring</u>
<u>029</u>	<u>Low excess air firing</u>	<u>Continuous monitoring of the percent of excess air introduced into the boiler</u>	<u>Hard copy records of continuous monitoring</u>

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Board of Accountancy

Adopted Permanent Rules Relating to Practice Monitoring

The rules proposed and published at *State Register*, Volume 18, Number 38, pages 2066-2070, March 21, 1994 (18 SR 2066), are adopted with the following modifications:

Rules as Adopted

PRACTICE MONITORING

1100.9100 DEFINITIONS.

Subp. 6. **Quality review.** "Quality review" means a study, appraisal, or review of one or more aspects of the professional work, ~~including its related quality control system,~~ of a person or firm (LPU) in the practice of public accountancy by a reviewer who meets the requirements of part 1100.9600. An on-site quality review shall include a review of the LPU's quality control system. An off-site quality review shall not.

1100.9200 REQUIREMENT FOR QUALITY REVIEW; AREAS TO BE REVIEWED.

As a condition to renewal of its license pursuant to *Minnesota Statutes*, section 326.20, every LPU shall undergo a quality review in accordance with parts 1100.9100 to 1100.9900 once every three years. The on-site quality review is limited to the LPU's

accounting and auditing practice and its related quality control system. The off-site quality review is limited to the LPU's financial statement practice and its related compilation and review reports.

1100.9400 INITIAL QUALITY REVIEW CYCLE.

Subpart 1. **Past participation in quality review.** LPUs that are participating in a quality review program on the effective date of this part shall comply with items A to C.

A. LPUs whose year under review ended in 1993 shall have quality reviews performed in 1994, which will be their year of review, and submit the material specified in part 1100.9800 to their report acceptance bodies ~~45~~ 30 days after receiving it from their reviewers, and to the board by June 30, 1995.

B. LPUs whose year under review ended in 1994 shall have quality reviews performed in 1995, which will be their year of review, and submit the material specified in part 1100.9800 to their report acceptance bodies ~~45~~ 30 days after receiving it from their reviewers, and to the board by June 30, 1996.

C. LPUs whose year under review ended in 1995 shall have quality reviews performed in 1996, which will be their year of review, and submit the material specified in part 1100.9800 to their report acceptance bodies ~~45~~ 30 days after receiving it from their reviewers, and to the board by June 30, 1997.

Subp. 2. **First time participation in quality review.** LPUs that did not participate in quality review programs prior to the effective date of this part, and are subject to the quality review programs for the first time, shall have reviews performed in either 1995 or 1996, which will be their year of review. LPUs shall submit the material specified in part 1100.9800 to their report acceptance bodies and to the board according to the following schedule:

A. LPUs with license numbers whose last digit is even shall have quality reviews performed in 1995, and submit the material specified in part 1100.9800 to their report acceptance bodies ~~45~~ 30 days after receiving it from their reviewers, and to the board by June 30, 1996.

B. LPUs with license numbers whose last digit is odd shall have quality reviews performed in 1996, and submit the material specified in part 1100.9800 to their report acceptance bodies ~~45~~ 30 days after receiving it from their reviewers, and to the board by June 30, 1997.

After the initial report, LPUs shall be required to report every three years on the anniversary of their first reporting date.

1100.9700 QUALIFICATIONS OF REPORT ACCEPTANCE BODIES.

The AICPA is an approved report acceptance body.

The Minnesota Association of ~~Professional~~ Public Accountants, the Minnesota Society of Certified Public Accountants, other state accountancy boards, and any other organization able to demonstrate that it will fulfill its responsibilities in accordance with the review standards as established by the AICPA, and incorporated by reference in part 1100.9150, may apply to the board to be considered a report acceptance body. The board shall approve applications to be considered a report acceptance body if the applicant demonstrates that it has or will fulfill its responsibilities in accordance with the review standards as established by the AICPA, and incorporated by reference in part 1100.9150. Approval shall be withdrawn if a report acceptance body fails to fulfill its responsibilities in accordance with the review standards as established by the AICPA, and incorporated by reference in part 1100.9150.

The report acceptance body shall not make membership a condition of acting as a report acceptance body for any LPU.

Department of Administration

Adopted Permanent Rules Relating to Certified Building Officials

The rules proposed and published at *State Register*, Volume 18, Number 35, pages 1918-1927, February 28, 1994 (18 SR 1918), are adopted as proposed.

Department of Agriculture

Adopted Permanent Rules Relating to Poultry and Eggs and Purified Water

The rules proposed and published at *State Register*, Volume 18, Number 32, pages 1826-1831, February 7, 1994 (18 SR 1826); and Volume 18, Number 41, page 2221, April 11, 1994 (18 SR 2221), are adopted as proposed.

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Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

Department of Economic Security

Proposed Emergency Amendments to Permanent Rules Relating to Vocational Rehabilitation Services

Notice of Intent to Adopt an Emergency Rule

The Department of Economic Security, Division of Rehabilitation Services (DRS), intends to adopt an emergency rule, following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.29 to 14.36. You may submit written comments on the proposed emergency rules within 25 days.

Agency Contact Person. Comments or questions on the rule must be submitted to:

Pam Belknap, Rehabilitation Specialist
Division of Rehabilitation Services
First Floor
390 North Robert Street
St. Paul MN 55101
(612) 297-8269 (Voice)
(612) 296-9141 (TDD)
(612) 297-5159 FAX

Subject of Emergency Rule and Statutory Authority. The proposed emergency rule is about consumer financial participation in the cost of vocational rehabilitation services. It will exempt interpreters, notetakers and readers for persons who are deaf or hard of hearing, as well as other "auxiliary aids and services for effective communication," from the consumer financial participation requirement. The statutory authority to adopt this emergency rule is *Minnesota Statutes*, section. 268.021. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed emergency rule is available upon request from the agency contact person listed above.

Comments. You have until 3:30 p.m., August 1, 1994 to submit written data and views on the proposed emergency rule or any part or subparts of the emergency rule. Your comment must be in writing and received by the agency contact person by the due date.

Modifications. The proposed emergency rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change to the proposed emergency rule as attached and printed in the *State Register*. If the proposed emergency rule affects you in any way, you are encouraged to participate in the rulemaking process.

Background and Need for Proposed Emergency Rule. In 1992 DRS began a process to more clearly define its policies and procedures for the vocational rehabilitation (VR) program through development of a state rule. Some changes were mandated by the reauthorization of the Federal Rehabilitation Act in 1992 and others were formulated by a work group comprised of internal and external stakeholders. Input was solicited regarding all of the proposed changes at town meetings held throughout 1992 and 1993:

Based on the resulting consumer and staff input, a public hearing on the proposed rule, and the report of an Administrative Law Judge, the VR state rule, *Minnesota Rules* 3300.5000 — 3300.5060, has been adopted.

One policy change included in the VR rule is in the area of consumer financial participation, which indicates that people who can afford to do so will be asked to pay for part of some VR services. Consumers with gross family income higher than the Minnesota median income, as adjusted for family size, must pay for some purchased VR services in an amount equal to the percentage by which their gross family income exceeds the adjusted median income. (For a single person the 1994 median income is \$23,288.) This policy does not apply to those whose gross family income is below the median income, or who receive AFDC, SSI, General Assistance (GA), or Medical Assistance (MA).

Federal vocational rehabilitation regulations do not exempt interpreter, notetaker and reader services from consumer financial participation, and in some instances those services may be "recurring" and may cost more than \$300. However, based on the above analysis and public comments received from DRS town meetings, an exemption from consumer financial participation for "interpreters, readers and notetakers" was included in the proposed VR rule. During the public hearing on the proposed rule on November 30, 1993, however, several individuals questioned why interpreter, notetaker and reader services were exempt from consumer financial participation, but personal assistance services and rehabilitation technology were not. They suggested that this appeared to give special consideration to a group of people.

In response to this concern DRS proposed a change to the rule in the DRS response to the Administrative Law Judge (ALJ). The change, which was approved by both the ALJ and the Chief Administrative Law Judge, eliminated the exemption from consumer financial participation for interpreters, readers and notetakers. When that decision was made public, many community members expressed concern about the effect of the change, suggesting that DRS policy was in violation of the federal regulations implementing the Americans with Disabilities Act (ADA). Their interpretation of the federal ADA regulations was that a DRS requirement for a consumer to help pay for interpreting services would result in additional cost (or a surcharge) for that individual, in violation of the ADA regulations.

The federal ADA regulations state that "a public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part" [Title 28, *Code of Federal Regulations*, § 35.130(f)]. "Auxiliary aids" are defined in the ADA regulations: "Auxiliary aids and services includes — (1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments; (3) Acquisition or modification of equipment or devices; and (4) Other similar services and actions" [Title 28, *Code of Federal Regulations*, § 35.104]. "Public entity" is also defined in the ADA regulations: "Public entity means — (1) Any State or local government; (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and (3) The National Railroad Passenger Corporation and any commuter authority (as defined in section 103.80 of the Rail Passenger Service Act" [Title 28, *Code of Federal Regulations*, § 35.104].

DRS solicited clarification on this ADA provision from the Great Lakes Disability and Technical Assistance Center, the Region V Rehabilitation Continuing Education Program and the U.S. Department of Justice. It is DRS's understanding now that if another "public entity" or other organization refuses to provide interpreter services, or other services that are "auxiliary aids and services," and DRS accepts that responsibility, applying consumer financial participation would be a "surcharge" and a violation of the ADA regulations. DRS firmly believes that it is the responsibility of *all* "public entities" to provide auxiliary aids and services. During upcoming months, we will be working with training programs, community rehabilitation programs and employers to advocate that they provide communication accessibility for all individuals who are deaf or hard of hearing.

Based on this input, DRS is proposing an emergency rule to amend the state VR rule in accordance with ADA regulations. In the proposed emergency rule DRS defines "auxiliary aids and services for effective communication" by referring to the definition of "auxiliary aids and services" in the ADA regulations. The proposed emergency rule exempts "auxiliary aids and services designed to provide effective communications" from consumer financial participation. Personal devices such as eyeglasses or hearing aids, readers for personal use or study and services of a personal nature are specifically excluded from the "auxiliary aids" definition [Title 28, *Code of Federal Regulations*, § 35.135].

DRS believes that it is necessary to promulgate this amendment as an emergency rule in order to conform to the federal ADA regulations as quickly as possible. DRS expects to engage in permanent rulemaking on this issue later in 1994, in conjunction with rulemaking that DRS expects to be required as a result of amended federal vocational rehabilitation regulations which are expected to be issued this year.

Expenditure of Public Money by Local Public Bodies. The Department of Economic Security, Division of Rehabilitation Services, has determined that the proposed emergency rule would not require the expenditure of money by public bodies within the meaning of *Minnesota Statutes*, section 14.11, subdivision 1.

Impact on Agricultural Lands. The Department of Economic Security, Division of Rehabilitation Services, has determined that the proposed emergency rule does not have an impact on agricultural lands.

Adoption and Review of Emergency Rule. After the end of the comment period, the agency may adopt the emergency rule.

Emergency Rules

The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Effective Period for Emergency Rule. The emergency rule will take effect five working days after approval by the attorney general and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 16 June 1994

R. Jane Brown
Commissioner

Emergency Rules as Proposed

3300.5010 [Emergency] DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 3a. Auxiliary aids and services for effective communication. "Auxiliary aids and services for effective communication" means auxiliary aids and services as defined by Code of Federal Regulations, title 28, chapter 1, part 35, subpart A, section 35.104.

[For text of subs 4 to 50, see M.R.]

3300.5040 [Emergency] CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL REHABILITATION SERVICES.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Services exempted from financial participation. The division must not require eligible consumer financial participation for the following services:

A. assessment for determining eligibility and vocational rehabilitation needs, except those services provided under an extended evaluation that are not diagnostic in nature;

B. vocational evaluation;

C. work adjustment training;

D. rehabilitation counseling and guidance;

E. job placement services;

F. referral services;

G. auxiliary aids and services for effective communication;

H. job coaching;

~~H. I.~~ on-the-job training;

~~I. J.~~ independent living skills training that supports an employment goal;

~~J. K.~~ single-time nonrecurring purchases of goods and services costing \$300 or less; and

~~K. L.~~ postemployment services consisting of the services identified in this subpart.

[For text of subs 7 to 9, see M.R.]

3300.5060 [Emergency] TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.

[For text of subs 1 to 3, see M.R.]

Subp. 4. Interpreter services for postsecondary training.

~~A.~~ Before the division purchases interpreter services for postsecondary training, the amount of consumer financial participation in the cost of interpreters must be determined under part 3300.5040.

~~B.~~ Before interpreter services are provided, the eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

~~C.~~ B. Division payments for interpreter services must be made to the postsecondary training institution based on the number of credits for which the eligible consumer is registered.

~~D.~~ C. The division must not pay for interpreter services to assist an eligible consumer to participate in extracurricular activities. Interpreters must be provided only for actual class attendance, tutoring requiring interpreter services, or out-of-class assignments requiring interpreter services.

[For text of subp 5, see M.R.]

Subp. 6. Notetaker services for postsecondary training.

A. ~~Before the division purchases notetaker services for postsecondary training, the amount of consumer financial participation in the cost of notetaker services must be determined under part 3300.5040.~~

B. Before notetaker services are provided, the eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

C. ~~B.~~ Any division payments for notetaker services must be based on the number of credits for which the eligible consumer is registered.

D. ~~C.~~ The division must not pay for notetaker services to assist an eligible consumer to participate in extracurricular activities. Notetaker services must be provided only for actual class attendance, tutoring requiring notetaker services, and out-of-class assignment requiring notetaker services.

[For text of subp 7, see M.R.]

Subp. 8. Reader services for postsecondary training.

A. ~~Before the division purchases reader services for postsecondary training, the amount of consumer financial participation in the cost of reader services must be determined under part 3300.5040.~~

B. Before reader services are provided, the eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

C. ~~B.~~ Any division payments for reader services must be based on the number of credits for which the eligible consumer is registered.

D. ~~C.~~ The division must not pay for reader services to assist an eligible consumer to participate in extracurricular activities. Reader services must be provided only for actual class attendance, tutoring requiring reader services, and out-of-class assignments requiring reader services.

[For text of subs 9 to 12, see M.R.]

Subp. 13. Tuition, fees, books, supplies, and tools and equipment for postsecondary training.

[For text of items A to E, see M.R.]

F. For specialized postsecondary training programs for persons who are deaf or hard of hearing, where the provision of interpreters is included in the cost of tuition and fees for all students, the tuition cap must be increased by an amount determined according to subpart 4, items ~~C~~ B and ~~D~~ C.

[For text of items G to N, see M.R.]

EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to parts 3300.5010, 3300.5040, and 3300.5060 expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Public Utilities Commission

Premature Notice of Adoption of Rules of Practice and Procedure

The Notice of Adoption of Rules of Practice and Procedure mistakenly appeared in the June 27, 1994 — Vol. 18 #52 pages 2749 - 2751 — issue of the *State Register*. The rules are NOT adopted. The rules are scheduled to appear as adopted on July 11, 1994.

Executive Orders

Office of the Governor

Emergency Executive Order 94-3: Providing for Personnel and Equipment for the Prairie Island Nuclear Power Plant Drill and Exercise

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, the Minnesota Department of Public Safety, Division of Emergency Management, has requested assistance in providing personnel and equipment to support the Prairie Island Nuclear Power Plant Drill and Exercise; and

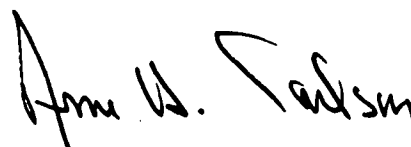
WHEREAS, adequate personnel and equipment are not available from the Department of Public Safety, other participating state agencies, Dakota and Goodhue Counties of Minnesota, and other local authorities;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about June 28, 1994, July 19, 1994, and August 30, 1994, in the service of the State, such personnel and equipment of the military forces of the State required to provide the necessary support needed by the Department of Public Safety and Dakota and Goodhue Counties to successfully complete the Prairie Island Nuclear Power Plant Exercise.
2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Emergency Management, as provided by an interagency agreement dated July 17, 1989.


Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect through August 30, 1994.

IN TESTIMONY WHEREOF, I have set my hand this 23rd day of June, 1994.



Arne H. Carlson
Governor

Filed According to Law:



Joan Anderson Growe
Secretary of State

Office of the Governor

Executive Order 94-4: Establishing the Governor's Ombudsman Committee for Mental Health and Mental Retardation

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Ombudsman Committee for Mental Health and Mental Retardation and the medical review subcommittee, established in *Minnesota Statutes* 1992, Section 245.97, are scheduled to expire on June 30, 1994; and

WHEREAS, the Ombudsman Committee and medical review subcommittee have provided the State of Minnesota with valuable expertise in quality assurance, organizational development, law, consumer rights, medical practice, psychology, and psychiatry; and

WHEREAS, the Ombudsman for Mental Health and Mental Retardation relies on the advice and assistance of the Ombudsman Committee and medical review subcommittee to carry out his or her statutory duties;

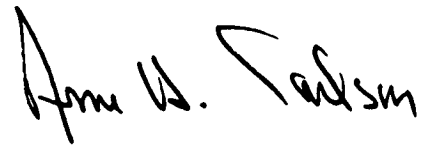
NOW, THEREFORE, I hereby order that:

1. A Governor's Ombudsman Committee for Mental Health and Mental Retardation is established.
2. The Governor's Ombudsman Committee for Mental Health and Mental Retardation shall consist of 15 members appoint-

- ed by the Governor. Members shall be appointed on the basis of their knowledge of and interest in the health and human services system subject to the Ombudsman's authority. Overall membership shall reflect the agencies, facilities and programs within the Ombudsman's authority. Members shall include consumer representatives, including clients, former clients, and relatives of present or former clients; representatives of advocacy organizations for clients and other individuals served by an agency, facility, or program; human services and health care professionals, including specialists in psychiatry, psychology, internal medicine, and forensic pathology; and other providers of services or treatment to clients.
3. The Governor shall designate one member of the committee to serve as its chair. The chair shall serve at the pleasure of the Governor.
 4. The committee shall advise and assist the Ombudsman in selecting matters for attention; developing policies, plans, and programs to carry out the Ombudsman's functions and powers; and making reports and recommendations for changes designed to improve standards of competence, efficiency, justice, and protection of rights. The committee shall function as an advisory body.
 5. A medical review subcommittee shall be established. The medical review subcommittee shall consist of at least five members of the committee and shall be appointed by the Governor. The subcommittee shall include at least three physicians, one of whom is a psychiatrist. The Governor shall designate one member of the subcommittee to serve as its chair. Members do not receive compensation, but are entitled to receive reimbursement for reasonable and necessary expenses incurred.
 6. The medical review subcommittee may:
 - (a) Make a preliminary determination of whether the death of a client that has been brought to its attention is unusual or reasonably appears to have resulted from causes other than natural causes and warrants investigation;
 - (b) Review the causes of and circumstances surrounding the death;
 - (c) Request the county coroner or medical examiner to conduct an autopsy;
 - (d) Assist an agency in its investigations of unusual deaths and deaths from causes other than natural causes; and
 - (e) Submit a report regarding the death of a client to the Ombudsman Committee, the Ombudsman, the client's next-of-kin, the facility where the death occurred and, where appropriate, make recommendations to prevent recurrence of similar deaths to the head of each affected agency or facility.
 7. The membership terms, compensation, and removal of members of the committee and the filling of membership vacancies are governed by *Minnesota Statutes* 1992, section 15.0593.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this 23rd day of June, 1994.



Arne H. Carlson
Governor

Filed According to Law:



Joan Anderson Grove
Secretary of State

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture

Agronomy Services Division

Notice of Cancellation of Minnesota Agricultural Chemical Response Compensation Board

NOTICE IS HEREBY GIVEN of cancellation of the Agricultural Chemical Response Compensation Board (ACRRA Board) meeting scheduled for July 20, 1994. The next regularly scheduled ACRRA Board meeting will be Wednesday, August 17, 1994; to be held at the Minnesota Department of Agriculture offices, 90 West Plato Boulevard, St. Paul, Minnesota, Conference Room One, at 9:00 a.m.

Call the ACRRA Program, (612) 297-3490, should you require additional information.

County of Beltrami

Ninth Judicial District

Notice of Filing Fees for County Law Library

Pursuant to *Minnesota Statutes* A. 134A.10, the Beltrami County Law Library Board of Trustees, with the approval of the Beltrami County Board of Commissioners, announces the setting of law library fees to be collected in the District, Probate and Conciliation Courts of Beltrami County, as follows:

Civil Suits

Plaintiff/Petitioner	\$10.00
Defendant/Respondent/Intervenor	\$10.00

Probate

Petitioner (Formal Proceedings and Determination of Descent)	\$10.00
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Conciliation

Petitioner	\$10.00
Respondent	\$10.00

Petty Misdemeanor, Misdemeanor Traffic and Criminal Convictions

Defendant	\$8.00
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GROSS MISDEMEANOR CONVICTIONS

Defendant	\$8.00
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Felony Convictions

Defendant	\$8.00
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These fees will be effective at and after 12:01 a.m. Friday, July 1, 1994.

Dated this 23rd day of June, 1994.

James E. Preece, Judge
Chairman/Board of Trustees

Board of Chiropractic Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Continuing Education for Full-time Faculty

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners is seeking information or opinions from sources outside the agency in preparing to propose the adoption of a rule governing continuing education credit for full time faculty. The adoption of this rule is authorized by *Minnesota Statutes*, section 148.08, which permits the agency to promulgate rules in order to administer sections 148.01 to 148.105.

The Minnesota Board of Chiropractic Examiners requests information and opinions concerning the granting of continuing education hours to licensees who are full time faculty for time spent teaching and/or preparing coursework. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to:

Rules Committee
Minnesota Board of Chiropractic Examiners
2700 University Avenue West, Suite 20
St. Paul, MN 55114

All statements of information and opinions shall be accepted until August 10, 1994. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 21 June 1994

Larry A. Spicer, DC
Executive Director

Department of Commerce

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Adoption or Amendment of Rules Relating to Banks

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to amend existing rules or adopt new rules relating to banks.

Changes in the delivery of banking services, customer demands, federal banking laws and regulations, and the competitive banking environment require a review of Minnesota banking rules. It is contemplated that revisions will be consistent with the objective of maintaining safety and soundness in Minnesota's state chartered banks, ensuring the availability of competitive banking services for Minnesota residents and providing a competitive environment for state chartered banks under a dual banking system.

Amendments will include but will not be limited to: whether the present \$25,000 real estate loan documentation exemption should be increased and if so, to what level; addressing acceptance of directors' examinations by sources other than a certified public accountant (CPA) where annual CPA opinion audits are obtained; and clarification on the maximum holding period for other real estate owned and various other sections of rule requiring clarification. Informal recommendations from the public, bankers and bank trade associations are encouraged.

The adoption of the rule or rule amendments is authorized by *Minnesota Statutes*, Section 46.01, which allows the commissioner to promulgate rules as necessary to administer or execute the laws relating to financial institutions subject to the commissioner's supervision or examination. Authority to promulgate these rules also exists under *Minnesota Statutes*, Section 45.023, which permits the Commissioner of Commerce to adopt rules whenever necessary or proper in discharging the Commissioner's official responsibilities.

Outside opinion is also solicited as to how the rules will affect small business as defined under *Minnesota Statutes*, Section 14.115, Subdivision 1. It is expected that proposed rules will benefit small business to the extent costly documentation for certain loans may not be mandated. No adverse effect on small business is contemplated.

The Minnesota Department of Commerce requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written comments should be addressed to:

James G. Miller, Deputy Commissioner
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101

Official Notices

Oral statements will be received during regular business hours over the telephone at (612) 296-2715 and in person at the above address.

All statements of information and opinions shall be accepted until August 5, 1994. Any written material received by the Minnesota Department of Commerce shall become part of the rule making record to be submitted to the Attorney General or Administrative Law Judge in the event that the rules are adopted. The Department of Commerce does not expect to form an advisory task force. Contemplated rule changes will be technical and consultation with bank trade associations is contemplated. Publication of proposed permanent rules relating to banks is anticipated on or before August 31, 1994. If no hearing is required, the department expects that the rules will be adopted by the end of 1994.

Dated: 24 June 1994

James E. Ulland
Commissioner of Commerce

Department of Commerce

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Rules Exempting Insurers from Certain Filing Requirements for Commercial Lines of Insurance

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules relating to the establishment of an exemption from certain filing requirements for commercial lines of insurance. The adoption of the rules is authorized by *Minnesota Statutes* section 70A.02, subd. 3 which permits the commissioner of commerce to exempt from the provisions of Chapter 70A any class of persons by rule, or/and any line or kind of insurance or class of risks or combination of classes by rule to the extent that the commissioner finds their application unnecessary to achieve the purposes of Chapter 70A. The adoption of the rules is also authorized by *Minnesota Statutes* section 45.023.

Specifically, the proposed rules will establish an exemption for insurance companies from filing policy forms and schedules of rates solely for commercial insureds. Currently, such policies and rates must be filed with the commissioner of commerce pursuant to *Minnesota Statutes* chapter 70A.

Outside opinion is also being solicited as to any effect the rules might have on small businesses, as defined under *Minnesota Statutes* section 14.115, subdivision 1. Since the proposed rules will affect insurance companies and commercial policies, it is anticipated that the rules will not affect small business.

The Minnesota Department of Commerce requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Donna M. Watz, Staff Attorney
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-6593 and in person at the above address.

The department does not intend to establish an advisory task force on this issue. It is hoped that the proposed rules will be published in the *State Register* in September 1994. If no hearing is required, the rulemaking process is expected to be completed by January 1, 1995.

All statements of information and opinions shall be accepted until 4:30 p.m. on August 5, 1994. Any written material received by the Minnesota Department of Commerce shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 24 June 1994

James E. Ulland
Commissioner of Commerce

Department of Commerce

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Rules Relating to Homeowner's Insurance Coverage and Rates

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules relating to homeowner's insurance coverage and rates. The adoption of the rules is authorized by *Minnesota Statutes* section 72A.19, subd. 2 and section 45.023 which permits the commissioner of commerce to promulgate rules are deemed necessary to enforce and administer the provisions of Chapter 72A of the *Minnesota Statutes*.

Specifically, the rules will clarify the applicability of *Minnesota Statutes*, section 72A.20, subd. 13 to the practice of establishing different rating zones/districts within the same town or statutory or home rule charter city in which the insurer offers to sell or write homeowner's insurance.

Outside opinion is also being solicited as to the effect of the rules on small businesses, as defined under *Minnesota Statutes* section 14.115, subd. 1. It is expected that the proposed rules will not affect small business. All interested persons are encouraged to submit comments on this topic.

The Minnesota Department of Commerce requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Donna M. Watz, Staff Attorney
 Minnesota Department of Commerce
 133 East Seventh Street
 St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-6593 and in person at the above address.

The department does not expect to form an advisory task force on this issue. Substantial input from the industry and affected parties has been collected prompting the consideration of these rules. It is hoped that the proposed rules will be published before September 30, 1994. If no hearing is required, the rulemaking process is expected to be completed by the end of 1994.

All statements of information and opinions shall be accepted until 4:30 p.m. on August 5, 1994. Any written material received by the Minnesota Department of Commerce shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 24 June 1994

James E. Ulland
 Commissioner of Commerce

Minnesota's Bookstore Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota agencies. Use the handy order form on the back of the *State Register* to order.

<i>Career Opportunity Bulletin</i> -- one year	90-3	\$ 30.00	<i>Workers Compensation Decisions</i> ,	90-12	\$400.00
<i>Career Opportunity Bulletin</i> -- six months	90-4	\$ 24.00	unpublished subs run Jan-Dec 1993; can be prorated		
<i>Gaming News</i> -- one year	90-8	\$ 40.00	<i>State Register</i> -- one year (via mail)	90-1	\$150.00
<i>Human Services Informational and Instructional Bulletin</i>	90-6	\$120.00	<i>Contracts Supplement</i> (one year)		
<i>Minnesota Statutes</i> set + supplement	18-2	\$165.00	-- via First Class Mail	90-5	\$125.00
<i>Minnesota Rules</i> 1991 set + supplement	18-100	\$200.00	-- via FAX	90-7-fax	\$140.00
<i>Tax Court/Property Decisions</i>	90-11	\$350.00	-- via ONLINE Service	90-7-online	\$140.00
<i>Workers Compensation Decisions</i> Vol. 48	90-13	\$195.00	Trial Subscription (13 weeks) of both <i>State Register</i> and <i>Contracts Supplement</i>	90-2	\$ 60.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call 612/296-0931, or toll-free nationwide; 1-800-857-3757. Prepayment is required. Please include daytime phone. Prices are subject to change. FAX: 612-296-2265.

Department of Health

Division of Disease Prevention and Control

Notice of Solicitation of Outside Information or Opinions in the Matter of the Rules Relating to Disease Reporting; Rabies; and Local Officers and County Boards, *Minnesota Rules* parts 4605.7000 to 4605.7800 and parts 4735.0100 to 4735.0120

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to revise existing *Minnesota Rules* relating to disease reporting; animal bites and rabies; and the duties of the commissioner and local boards of health with respect to disease reporting, animal bites and rabies. Amendments are being considered to existing rules parts 4605.7000 to 4605.7800 and 4735.0100 to 4735.0120.

The amendments to existing rules being considered include amending the listing of reportable diseases in part 4605.7040; clarifying terms relating to disease reporting; changing the procedures for handling animals of various species following a bite to a person; and the duties and roles of boards of health.

Authority for the commissioner to adopt and amend these rules is contained in *Minnesota Statutes*, sections 144.05, 144.0742, and 144.12, subdivision 1 (7), (11).

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity. A copy will also be mailed to representatives of local boards of health, persons who have petitioned the department expressing an interest in the revision of these rules, and the Legislative Commission to Review Administrative Rules.

The department anticipates forming a rule advisory task force to review and discuss proposed revisions. Representatives of state and local health departments, physicians, the Minnesota Animal Control Association, Board of Animal Health, and animal interests will be invited to participate. Two meetings are anticipated within the next six months. The department anticipates the adoption of revised rules by January 1995.

The department of health requests information and opinion on the subject matter of these rules at this time. Interested or affected persons or groups may submit data or views on the subject matter of the rules in writing or orally. Written statements should be addressed to:

Craig Hedberg
Acute Disease Epidemiology Section
Disease Prevention and Control Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441

Oral statements will be received during regular business hours over the telephone at (612) 623-5414 by Craig Hedberg and in person at the above address.

All statements of information will be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Department of Health becomes part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 15 June 1994

Mary Jo O'Brien
Commissioner of Health

This notice can be made available in alternative formats.

Department of Health

Division of Environmental Health

Notice of Solicitation of Outside Information or Opinions in the Matter of the Rules Relating to Health Risk Limits, *Minnesota Rules* parts 4717.7100 to 4717.7800

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to revise existing *Minnesota Rules* relating to Health Risk Limits, *Minnesota Rules* parts 4717.7100 to 4717.7800.

The amendments to the existing rules will be proposed to add health risk limits numbers and toxic endpoints for substances found to degrade Minnesota groundwater based on new statutory authority provided in *Laws of Minnesota*, chapter 557, section 17 which amends authority found in *Minnesota Statutes* 1992, section 103H.201, subdivision 1.

In proposing the additional health risk limits, the department intends to use the authority granted in *Minnesota Statutes*, section 103H.201 as amended by *Laws of Minnesota*, Chapter 557, section 17 to add additional health risk limits. The department will also use the procedures provided in *Minnesota Statutes*, section 103H.201 as amended by *Laws of Minnesota* 1993, chapter 557, section 18 and the procedures in *Minnesota Statutes*, section 14.38, subdivisions 7 and 8 to adopt the additional health risk limits.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity. A copy will also be mailed to the Minnesota extension service and soil and water conservation districts.

The department does not anticipate forming a rule advisory task force to review proposed revisions. Instead the department will use the procedures outlined in section 103H.201, subdivision 4 which provides for a 60 day comment period on the published amendments. As provided for in section 103H.201, subdivision 4, the department anticipates adopting the revised rules before November 1, 1994.

The department of health requests information and opinion on the subject matter of these rules at this time. Interested or affected persons or groups may submit data or views on the subject matter of the rules in writing or orally. Written statements should be addressed to:

Larry Gust, Health Risk Assessment Unit
Division of Environmental Health
Minnesota Department of Health
925 Southeast Delaware Street
Minneapolis, Minnesota 55459-0040

Oral statements will be received during regular business hours over the telephone at (612) 627-5053 by Larry Gust and in person at the above address.

All statements of information will be accepted until the notice of intent to adopt the rules is published in the *State Register*. Any written material received by the Minnesota Department of Health becomes part of the rulemaking record on this matter.

Dated: 24 June 1994

Patricia Bloomgren, Director
Division of Environmental Health
Minnesota Department of Health

This notice can be made available in alternative formats.

Department of Health

Notice of Assistance in Establishing a Shared Service Cooperative for Integrated Service Networks

Purpose

The Commissioner of Health is required under the *Laws of Minnesota 1994*, Chapter 625 (MinnesotaCare) to establish, or to assist in establishing, a shared services cooperative organized under *Minnesota Statutes* 308A to make available:

1. administrative and legal services,
2. technical assistance,
3. provider contracting and billing services, and
4. other services that might be needed

Official Notices

to those community integrated service networks (CISNs) and integrated service networks (ISNs) that choose to participate in the cooperative.

The Commissioner will provide start-up loans not to exceed \$150,000 sufficient to maintain the shared services cooperative until its operation can be maintained by fees and contributions. The cooperative must not be staffed, administered, or supervised by the Commissioner of Health. The cooperative shall make use of existing resources that are already available in the community to the extent possible.

Request for Recommendations

The commissioner requests interested parties to submit recommendations regarding the type and scope of services that the shared services cooperative should provide once it has been established. In particular, what services will be needed by the CISNs and ISNs that choose to participate in the cooperative.

Questions regarding this request for recommendations should be directed to Norm Hanson at 612/282-5606.

Submission of Recommendations

Recommendations regarding the services to be provided by the shared service cooperative should be submitted by not later than 4:30 p.m. on August 12, 1994 to:

Norm Hanson
Alternative Delivery Systems Section
Health Care Delivery Systems Division
Minnesota Department of Health
P.O. Box 64975
St. Paul, Minnesota 55164-0975

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates determined and certified November 22, 1993 for Sibley county for 234-TURNAPULL Highway/Heavy construction; May 2, 1994 for Olmsted county for 424-TILE SETTER, and May 23, 1994 for Kanabec county for 406-CEMENT MASON commercial construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr
Commissioner

Gambling in Minnesota

Lawful Gambling Statutes 1992

Chapter 349. 65 pp. 2-5 SR \$ 6.95

Lawful Gambling Rules 1993

Chapter 7861 thru 7865. 80pp. 3-3 SR \$ 6.95

Gambling Manager's Handbook 1992

Requirements of gambling activities 10-19SR \$16.95

High Stakes: Gambling in Minnesota 1992

Overview to gambling in Minnesota 10-46SR \$ 8.95

Gambling in Minnesota 1993

Supplement to High Stakes Gambling 10-26s1SR \$ 5.95

Gaming News Subscription

Yearly subscription. 90-8SR \$40.00

Gambling Organizations Directory

Lists name and address of licensed gambling organizations in Minnesota 99-2SR \$29.95

Regulatory Accounting Manual

Procedures guide includes tax forms 10-40SR \$14.95

Accounting Manual Worksheets 8-11SR \$ 7.95

View-through Binder 8 1/2 x 11 10-25 SR \$ 5.95

Tab Dividers 10 per package 10-19 SR \$16.95

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 5, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

Anoka County: Anoka High, Blaine High, Franklin, Johnsville Remove & Install Doors-Anoka & Blaine; Morris Bye Elementary Remodeling-Coon Rapids; Coon Rapids Middle, Fred Moore Middle, Sandburg School Locker Installation; Coon Rapids High, Lincoln Painting.

Carlton County: Organizational Maintenance Shop Reroofing & Sanitary Sewer Hook-up-Cloquet.

Crow Wing County: Brainerd College Campus-Brainerd.

Dakota County: Combined Organizational Maintenance Facility (COMF)-Rosemount; Metro II Community Education Center-Mendota Heights; National Guard Armory Reroofing-Hastings.

Dodge County: ISD #203 RTU Replacement & Field Crest Nursing Home Addition/Remodeling & Shell-Hayfield.

Hennepin County: Riverview School Painting-Brooklyn Park.

Kandiyohi County: National Guard Armory Underground Storage Tank Upgrade-Willmar.

Morrison County: Automated Targetry System (ATS) Facility Building U-5-Camp Ripley.

Olmsted County: Byron School Energy Conservation Measure Implementation-Byron.

St. Louis County: Community College Vermillion-Ely.

Sherburne County: Salk Jr. High Cooling Tower Modifications-Elk River.

Stearns County: Rocori Middle & High School Relighting-Cold Springs.

Steele County: 1994 Medford School Gym Reroofing-Medford.

Stevens County: National Guard Armory Reroofing-Morris.

Winona County: Winona Technical College Auto Body Program Storage Addition-Winona.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr
Commissioner

Public Utilities Commission

Notice of Informational Meeting and Public Hearing

Public hearings being conducted for the Minnesota Public Utilities Commission

Notice of Availability for Review of the Draft Environmental Report for a 245-Megawatt Natural Gas-Fired Cogeneration Facility

COTTAGE GROVE

South Washington County School District Service Center
Board Room
7362 East Point Douglas Road South
Monday, July 18, 1994
6:30 p.m.

ST. PAUL

Public Utilities Commission
121 7th Place East, Suite 350
Large Hearing Room
Monday, July 25, 1994
1:00 p.m.

Official Notices

NOTE: Questions and comments from the public will be taken during the entire session in Cottage Grove and at a session in St. Paul beginning at 1:00 p.m. on July 25, 1994. The record shall remain open for public comment until July 28, 1994. Written comments on the Draft Environmental Report may be submitted anytime during the comment period.

The purpose of these hearings is to allow the public to comment on the Draft Environmental Report and to determine whether the Public Utilities Commission should issue a Certificate of Need to LSP Cottage Grove, L.P., the proposer of the cogeneration facility. A Certificate of Need is a permit confirming that construction of an energy facility is in the public interest. The cogeneration facility would be located in Cottage Grove, Minnesota and it would cogenerate electricity for sale to Northern States Power Company (NSP) under a long-term contract and cogenerate steam for heating and process purposes for sale to nearby 3M Cottage Grove. This project would be a qualifying cogeneration facility in accordance with the Public Utility Regulatory Policy Act of 1978 (PURPA). It would be fueled primarily by natural gas. The proposed project would be scheduled to meet NSP's intermediate load needs beginning in 1997.

Public Invited to Comment

Copies of the Draft Environmental Report will be available for review by the public at the Public Information Meeting on July 18, 1994 and upon request at the Department of Public Service, 121 Seventh Place East, Suite 200, St. Paul, MN 55101-2145.

The public is invited to comment and present exhibits at the public informational meeting at the times indicated above. Members of the public are urged to make their presentations in person. If they cannot, they may submit written comments on or before July 28, 1994 to the Minnesota Department of Public Service.

For more information, or to obtain a copy of the Notice and Order for Hearing which contains additional details on the hearing process, contact Scott Brockett, Department of Public Service, 121 7th Place East, Suite 200, St. Paul, MN 55101-2145, telephone (612) 296-5120.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by July 26, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report published in November 1993, is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms that ended in January 1994 as open for application; some of these positions may still be open. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax.

There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

Export Finance Authority

1000 World Trade Center, St. Paul, MN 55101-4902. 612-297-4658.

Minnesota Statutes 116J.9673.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Member shall be knowledgeable in international finance, exporting, or international law.

The authority is created to aid and facilitate the financing of exports from Minnesota; will meet credit needs of Minnesota exporters through loan guarantees and export credit insurance. The authority board consists of seven members, six of whom must be knowledgeable in international finance, exporting, or international law, and one member to represent a company specializing in agricultural international trade. The commissioner of the Department of Trade and Economic Development is the chair of the

board. The board meets approximately once a month to review loan guarantee applications, and to review the operations of the Authority. Members must file with the Ethical Practices Board. The board does not expire.

Intergovernmental Information Systems Advisory Council (IISAC)

Dept. of Administration, Room 320, Centennial Office Bldg., 658 Cedar St., St. Paul, MN 55155. 612-297-5530.

Minnesota Statutes 16B.42, as amended by Laws of 1994.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55 per diem plus expenses for public members.

VACANCY: One new position: representative from a public library.

The council promotes the use and electronic exchange of information between state and local governments through a grant program and also acts as a liaison in the area of information systems. The council consists of twenty-nine members including: two members from each of the following groups: counties outside of the seven county metro area, cities of 2nd and 3rd class within the metro area, cities of 2nd and 3rd class outside the metro area, and cities of the 4th class; one member from each of the following groups: the Metropolitan Council, an outstate regional body, counties within the metro area, cities of the first class, school districts within the metro area, school districts outside the metro area, and public libraries; seven state department officials; five representatives of various associations; and one member of the House of Representatives and one member of the Minnesota Senate. The legislative members are non-voting members. Members are appointed for four year terms. The full council meets the second Wednesday of every other month. Members are required to serve on a working committee which may meet more frequently. The council expires June 30, 1997 per Laws of 1994, Chapter 634.

Minnesota Board of Chiropractic Examiners Peer Review Committee

2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.

Minnesota Statutes 148.01-148.106.

APPOINTING AUTHORITY: Executive Director, MN Board of Chiropractic Examiners.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Professional member to complete one year term of resigning member, ending November 30, 1994. Reappointment is possible at that time. Must be available to attend first meeting on Tuesday, September 13, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied. The committee does not expire.

Minnesota Insurance Guaranty Association

Dept. of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.

Minnesota Statutes 60C.08, Subdivision 1.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Public member.

The association provides for the payment of covered claims to avoid financial loss to policyholders because of the liquidation of an insurer. The association board consists of nine members and two public members. Public members are appointed by the commissioner of the Dept. of Commerce for a period of two years. Meetings as needed. The board does not expire.

Minnesota Pollution Control Agency

520 Lafayette Rd. N., St. Paul, MN 55155. 612-296-6300.

Minnesota Statute 116.02.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy.

The agency shall meet the variety and complexity of problems relating to water, air and land resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people. The agency consists of nine members, includ-

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ing one member who must be knowledgeable in the field of agriculture. Monthly meetings. Members must file with the Ethical Practices Board. The agency does not expire.

Nonpublic Education Council

710 Capitol Square Bldg., St. Paul, MN 55101. 612-296-6595.

Minnesota Statutes 123.935, subd. 7.

APPOINTING AUTHORITY: Commissioner of Education.

COMPENSATION: \$55 per diem, reimbursed for expenses.

VACANCY: Two vacancies.

The council advises the commissioner and the state board on nonpublic educational aids. When requested by the commissioner or the state board, the council may submit its advice about other nonpublic school matters. The council is also authorized to recognize educational accrediting agencies for purposes relating to Minnesota's Compulsory Instruction Law. The fifteen member council shall represent various areas of the state, methods of providing nonpublic education, and shall be knowledgeable about nonpublic education. The council does not expire per *Minnesota Statutes 123.935 subd. 7* as amended by *Laws of 1993*.

Practice Parameter Advisory Committee

717 Delaware St. SE, Mpls., MN 55414.

Minnesota Statutes 62J.32, subd. 4 as amended by Laws of 1994.

APPOINTING AUTHORITY: Commissioner of Health.

COMPENSATION: Expenses.

VACANCY: Two new positions: One representative of the research community who must be an individual with expertise in pharmacology or pharmaceutical economics who is familiar with the results of the pharmaceutical care research project at the University of Minnesota and the potential cost savings that can be achieved through use of a comprehensive pharmaceutical care model; and one member who is either a health care professional, representative of the research community, or medical technology industry.

The committee presents recommendations on the adoption of practice parameters and provides technical assistance as needed to the Commissioner of Health and the Minnesota Health Care Commission. The committee consists of seventeen members including eight health care professionals and representatives of the research community and medical technology industry; one of the research community representatives must be an individual with expertise in pharmacology or pharmaceutical economics, who is familiar with the results of the pharmaceutical care research project at the University of Minnesota and the potential cost savings that can be achieved through use of a comprehensive pharmaceutical care model. Meetings held at various locations on the first Thursday of each month, 9:00 to 12:00 a.m. The committee does not expire per *Minnesota Statutes 62J.32, subd. 4*.

Real Estate Appraiser Advisory Board

Dept. of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.

Minnesota Statutes 82B.05.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: \$35 per diem plus expenses.

VACANCY: Seven vacancies: Three appraiser members, three consumer members, one public member.

The advisory board makes recommendations to the commissioner as to rules regarding pre-licensing and continuing education, license examination specifications, periodic review of standards for development and communication of real estate appraisals, and other matters necessary under statute. The board consists of fifteen members, including eight licensed real estate appraisers, two of whom are to be Level Two, four consumers of appraisal services, and three members from the public. Members may not serve more than two consecutive terms. Meetings will be held at least quarterly, location not established. The board does not expire.

Rehabilitation Review Panel

Dept. of Labor and Industry, Special Compensation, Fund 443 Lafayette Rd., St. Paul, MN 55101. 612-296-2117.

Minnesota Statutes 176.102, Subdivision 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry.

COMPENSATION: \$55 per diem and reimbursed for expenses.

VACANCY: One vacancy: Rehabilitation provider member.

The panel advises the Department of Labor & Industry on rehabilitation matters relating to workers compensation and may issue penalties for violation of rules following a contested case hearing under Chapter 14 under *Minnesota Statutes* 176.103, subd. 3. Members include two representatives each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. The commissioner of Labor and Industry, or designee, is an ex-officio member. Members must file with the Ethical Practices Board. The panel does not expire.

Small Business Procurement Advisory Council

112 Administration Bldg., St. Paul, MN 55155. 612-297-4412.

Minnesota Statutes 16B.20.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. The council consists of thirteen members. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

Violence Prevention Advisory Task Force

Office of Drug Policy & Violence Prevention, 444 Cedar St., Suite 1000, St. Paul, MN 55101. 612-296-6642.

Laws of 1994, Chapter 636.

APPOINTING AUTHORITY: Chemical Abuse and Violence Prevention Council.

COMPENSATION: None.

VACANCY: Twenty positions: Please see the description of this new advisory task force.

The task force shall define violence prevention, develop measurable violence prevention goals, inventory state violence prevention programs, develop a state violence prevention policy and funding plan, and make recommendations for an ongoing system to evaluate the effectiveness of violence prevention programs, and to integrate the state violence prevention goals into the budgeting and policy-making of state agencies and the legislature. The task force shall report the recommendations to the legislature by January 1, 1995. The task force consists of twenty members including: representatives of the Chemical Abuse and Violence Prevention Council; the Legislative Commission on Children, Youth and Families; non-profit and community-based organizations dealing with violence prevention and at-risk youth programs; individuals knowledgeable in crime prevention research, family education, and child development; the demographic and geographic composition of the state; and racial and ethnic minorities. The task force shall also include a representative of the law enforcement community and an education specialist who is knowledgeable about the anti-violence curriculum.

The task force meets four times between August and November 1994, with one full day meeting in the metro area, and three full day meetings in Greater Minnesota. The task force expires January 1, 1995 per *Laws of 1994, Chapter 636*.

Attention Builders, Architects, Designers, Property Owners...***Accessible and Usable Buildings and Facilities
CABO/ANSI, A117.1***

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. 19-2 SR \$35.00



**Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.
Visit Minnesota's Bookstore to view a variety of building code publications.**

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Corrections

Funds Available to Establish Community-based Sexual Assault Services in Rice County

The Minnesota Department of Corrections, Victim Services Unit, announces the availability of funds to establish community-based sexual assault services in Rice County. One grant of up to \$30,000 is available for the 10-month period September 1, 1994, through June 30, 1995. Nonprofit organizations and local units of government are eligible to apply under this RFP. Successful applicants may be eligible to apply for continued funding of \$35,000 after the initial grant period.

The deadline for submission of grant proposals is 4:30 p.m. on Thursday, August 4, 1994. The application packet may be obtained from the contact listed below and must be completed according to the RFP and instructions. Interested applicants are welcome to call or visit the Issuing Office for more details. Those intending to make a visit should arrange an appointment in advance.

Cecilia Miller, Administrative Assistant
Department of Corrections, Victim Services Unit
450 North Syndicate, Suite 300
St. Paul, MN 55104
Phone: 612/642-0251, 800/657-3679 outside the Twin Cities metropolitan area, or TDD 612/643-3589.

Department of Trade and Economic Development

Notice of Fund Availability and Request for Proposals-Affirmative Enterprise Program

Introduction

The 1993 Minnesota Legislature created an Affirmative Enterprise program (*Minnesota Statutes* 116J.874) which the Department of Trade and Economic Development is responsible for administering.

The Department of Trade and Economic Development announces the availability of \$100,000 in grant funds for fiscal year 1995 for businesses which promote the full-time employment of disabled persons in areas of economic need.

DTED is seeking proposals from qualifying businesses to receive grant funds to provide training and support services to employees.

Eligible Applicants

A business is eligible for an Affirmative Enterprise grant if it meets the following criteria:

1. The business employs at least 25 percent of its full-time employees who are not disabled. (Unless the business has fewer than ten employees).
2. The business employs disabled persons in at least 50 percent of its full-time positions.
3. The business maintains an integrated workforce of non-disabled and disabled persons at the highest possible level.
4. Each full-time employee has an employee status with all accompanying rights and responsibilities.
5. Each full-time employee receives the following benefits:
 - a. paid vacation
 - b. paid holidays
 - c. paid sick leave
 - d. a personalized career plan
 - e. retirement with employer participation
 - f. copayment health insurance plan

Additionally, the company must have in place a process whereby:

- a. a full-time employee selected by all employees of the business entity meets with the business entity's management at least once a month;
- b. each full-time employee is informed of other, less restrictive, employment when it becomes available;
- c. all full-time employees are required to participate in at least two evaluations each year with accompanying wage adjustments;
- d. profit sharing based on the business entity's performance is provided to all full-time employees.

Proposal Contents

The propose of the Affirmative Enterprise Grants is to provide training and support services to disabled persons in conjunction with economic development. Applicants must provide:

1. a training plan,
2. a support services proposal,
3. evidence that the business meets the criteria described in the Eligible Applicant section,
4. an explicit line item budget detailing the training and support services plan, and
5. evidence that the company is located in an area of economic need.

Selection Process

The following criteria will serve as the basis for grant recipient selection:

1. The degree to which applicant proposals meet eligible applicant criteria;
2. The specificity of, and the degree to which the training plan ensures that the disabled person will be a productive member of the workforce;
3. The level of support services offered by the business to ensure the continued productivity and employment of the disabled worker;
4. The degree to which the budget links specific costs to specific training and support service activities;
5. The location of the company in an area of economic need;
6. Budget.

This Request for Proposals (RFP) is subject to all applicable federal, state and municipal laws, rules and regulations. DTED reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

Submission of Proposals

All proposals must be submitted by 4:30 p.m. on August 3, 1994. Publication should be sent to:

**Mr. Louis Jambois
Department of Trade and Economic Development
500 Metro Square
121 7th Place East
St. Paul, MN 55101**

Late proposals will not be accepted.

Questions

Questions regarding the application process should be directed to Louis Jambois at 612/297-3172.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

Notice of Availability of Contract Awards Reports

Two new "Contract Awards Reports" are now available:

- "**Commodity Awards Reports**" (awards of contracts that appear in the *State Register Contract Supplement* on Tuesday, Wednesday and Friday) are available EVERY TWO WEEKS — currently in hard copy format only at — a cost of \$5.00 plus tax and \$3.00 shipping if applicable. Order Stock #: 99-42
- "**Professional, Technical and Consulting Contract Awards**" (for contracts and RFPs that appear in the *State Register* weekly magazine on Monday) are available MONTHLY — currently in hard copy format only — at a cost of \$7.00 plus tax and \$3.00 shipping if applicable. Order Stock #: 99-43.

This information is especially useful in the competitive bidding process used by the state's purchasing office, the Materials Management Division. We have been asked by many subscribers for this information and currently find this to be the best way to meet subscribers' needs and requests.

To order the appropriate "Awards Reports" for your business or organization, contact Minnesota's Bookstore at (612) 297-3000 (metro) or 1-800-657-3757 toll-free nationwide.

Department of Employee Relations

Notice of Request for Proposals for Administration and Marketing/Sales Services for the Public Employees Insurance Program (PEIP) and the Minnesota Employees Insurance Program (MEIP)

I. Overview

The Department of Employee Relations is seeking proposals from qualified organizations to provide administration and marketing/sales services for the Public Employees Insurance Program and the Minnesota Employees Insurance Program. The ideal selected vendor would be able to perform both the administration and the marketing/sales functions. However, MEIP/PEIP will consider all proposals from vendors that wish to propose on only one of the two functions.

PEIP was created by the Minnesota Legislature and began enrolling groups in January of 1990. There are approximately 3,200 public jurisdiction groups and more than 200,000 public employees eligible for PEIP. Eligible groups include school districts, cities, counties, townships and other local jurisdictions. PEIP currently represents nearly 80 groups and more than 6,500 total members. The program is sold through an exclusive marketing arrangement with the selected marketing vendor.

MEIP was created as part of the 1992 MinnesotaCare health reform legislation. The purpose of MEIP is to serve as a purchasing pool for private sector businesses in all areas of the state. MEIP enrolled its first group in November of 1993 and currently represents more than 100 businesses and approximately 2,000 total members. There are more than 175,000 businesses in Minnesota potentially eligible for MEIP. Employers with ten to 100 employees are considered the target market. Rapid growth is expected in 1995. MEIP may be sold through any licensed insurance agent or by the marketing/sales organization contracted by the program.

Services performed by the selected program administration vendor should be virtually identical for both PEIP and MEIP except for the inclusion of life and dental insurance lines in the PEIP. Marketing/sales functions will differ substantially for the selected marketing/sales vendor due to a desired exclusive marketing arrangement for PEIP and the involvement of independent brokers/agents with MEIP.

Professional, Technical & Consulting Contracts

II. Contact and Submission of Proposal Instructions

Copies of the request for proposal are available upon request. All proposals must be received no later than 4:30 p.m. on Wednesday, August 10, 1994. Direct all questions and proposals to:

Ricka Stenerson, Program Manager, (612) 282-6437
PEIP/MEIP
200 Centennial Office Building, 658 Cedar Street
St. Paul, MN 55155

Department of Employee Relations

Notice of Request for Proposals for Dental and Life Insurance Organizations for the Public Employees Insurance Program (PEIP)

I. Overview

The Department of Employee Relations is seeking proposals from qualified dental and life insurance organizations to provide fully insured dental and life benefits for the Public Employees Insurance Program (PEIP). PEIP was created by the Minnesota Legislature to provide high quality health, dental and life insurance coverage to public jurisdictions regardless of group size or location. PEIP officially began enrolling groups in January of 1990. Coverage under PEIP is not mandatory; the program simply creates another option for public employers in the insurance marketplace.

There are approximately 3,200 public jurisdiction groups and more than 200,000 public employees eligible for PEIP. Eligible groups include school districts, cities, counties, townships and other local jurisdictions. State employees are not eligible. PEIP currently represents nearly 80 groups and more than 6,500 total members.

II. Objectives

The objectives of the Public Employees Insurance Program are:

- To provide quality, cost effective insurance coverage to public employees
- To provide pooling arrangements advantageous to public employees
- To maximize purchasing power

III. Contact

Copies of the request for proposal are available upon request. Inquiries and requests should be directed to:

Dental: Jean Schmitz (612) 282-2650
Life: Steve Johnson (612) 297-8105

IV. Submission of Proposal

All proposals must be received no later than 4:30 p.m. on Wednesday, August 10, 1994. Send five copies of your proposal to:

Ricka Stenerson, Program Manager
Public Employees Insurance Program
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Professional, Technical & Consulting Contracts

Department of Health

Minnesota Special Supplemental Food Program for Women, Infants and Children Notice of Request for Proposals for the Automated Food Delivery/Management Information and Banking System

The Minnesota Special Supplemental Food Program for Women, Infants, and Children is announcing a Request for Proposals (RFP) for the Automated Food Delivery/Management Information and Banking System, to be released July 5, 1994.

The current system consists of databases containing information on WIC participants, vouchers, and vendors. Over 278,000 vouchers for approximately 96,000 participants are prepared and distributed two times per month. Participants are served by 63 local agencies, at 280 clinic sites. Data processing services also include the monthly preparation of extensive program and project reports. Banking services involve the daily processing and reconciling of vouchers from 1650 vendors throughout the state, daily deposits, and preparation of monthly reports on banking operations.

Additional services required consist of drafting of system manuals, forms, and other written materials; provision of training for staff at a variety of locations; and participation on and assistance with special projects as specified by the State.

Interested parties should contact Jean Langehough, Operations Unit Supervisor, Minnesota WIC Program, at 612-623-5738 for a copy of the RFP. Completed proposals must be submitted to the Department of Health, 717 S.E. Delaware St., Minneapolis, MN, 55440, by July 29, 1994 at 1:00 p.m.

Minnesota Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for HIV Complementary Services

Purpose

The Minnesota Department of Health (MDH) has funds available to provide limited support for complementary alternatives to traditional western medical care, and to increase access to these services for individuals with HIV disease. The purpose of this grants program is to:

- increase access to complementary services for low income HIV-infected individuals whose insurance will not cover these services;
- document the need for and use of these services by persons with HIV disease so that this information may be shared with the broader HIV community, including persons with HIV disease, and medical and social service providers.

Amount

Funding of up to **\$10,000** is available to fund nonprofit organizations, health and social service providers and community health agencies for the development, implementation and evaluation of complementary care services for persons with HIV disease. Providers of these services will be selected on a competitive basis, and programs may be funded up to an amount of \$3,000.

Duration

The grant period is established for 12 months, October 1, 1994-September 30, 1995. Continuation funding may be available, and will be dependent upon the availability of federal HIV services funds to MDH and the satisfactory performance of the grantee.

Eligibility

Nonprofit organizations, health and social service providers and community health agencies that can demonstrate administrative, organizational, programmatic, and fiscal capacity to develop, implement, and evaluate complementary care services to persons with HIV disease are eligible to apply for these funds.

Procedure for Grant Application

The request for proposals packet is available upon request, including instructions, format, necessary forms, and selected readings. A technical assistance meeting will be held on Tuesday, July 12, from 3:00-4:00 p.m. Call for information. For further information about this Request for Proposals, you may contact Fraser Nelson at the above address or at 612/623-5721. No other MDH personnel may be contacted concerning this Request for Proposals.

Professional, Technical & Consulting Contracts

Agencies seeking MDH funding for HIV services programming are required to submit 12 copies of the completed proposal by 4:00 p.m., Friday, August 19, 1994.

Proposals are to be submitted by the specified date and time to:

Fraser Nelson, HIV Services Coordinator
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 Delaware Street S.E., P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5721

Department of Human Services

St. Peter Regional Treatment Center

Notice of Request for a Proposal for Psychiatric Services

NOTICE IS HEREBY GIVEN that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contract will be written for the period August 22, 1994 through June 30, 1995.

1. Psychiatric services needed to serve the needs of the clients at Minnesota Security Hospital.

Responses must be received by July 25, 1994. Direct inquires to:

Cindy Zahratka, Contract Coordinator
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7715

Spanish Speaking Affairs Council

Requests for Proposals (RFP) to Conduct a Study to Determine the Causes and Solutions for the Chicano/Latino High School Dropout Rate Within the State

The Spanish Speaking Affairs Council requests proposals to conduct a study to determine the causes and solutions for the Chicano/Latino high school dropout rate within the state. This request does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solution if it is considered to not be in the best interest.

Goal:

It is the goal of this project to get a better understanding of who are the dropouts, and of the factors which explain why Chicano/Latino students leave school before receiving the diploma. Moreover, SSAC will use these findings to make recommendations for intervention programs to the Governor, legislature and the Department of Education.

Objective:

To have specific programs for addressing the cause of the high school dropout rate within the various subgroups of the Minnesota Chicano/Latino community.

Sample Tasks:

- 1) Create an advisory committee to assist in the implementation of the project.
- 2) Design instruments for conducting the study.
- 3) Train bilingual and bicultural interviewers.
- 4) Analyze and interpret data.
- 5) Prepare a written report on the causes and proposed solutions.

Respondents are encouraged to propose additional tasks or activities if they will substantially improve the results of the project.

Professional, Technical & Consulting Contracts

This contract includes the creation and printing of the final report. Moreover, this contract will begin immediately upon execution and will be completed by **December 15 1994**.

Prospective responders who have any questions about this RFP may call or write:

Mr. Mario Compean
Community Services Program Specialist
Spanish Speaking Affairs Council
506 Rice St.
St. Paul, MN 55103
(612) 296-9587

All proposals should be sent to the above name and address. Proposals must be received no later than July 18, 1994, 4:30 p.m., and signed in ink by an authorized representative. Later proposals will not be accepted. Please submit three copies of proposals.

SSAC has estimated that the cost of this project not exceed \$50,000.

The following will be considered *minimum* contents of the proposal:

- 1) A statement of the objectives, goals and tasks to show or demonstrate the responding view of the nature of the project.
- 2) A brief synopsis of responder's background and experience with particular emphasis on local, state and federal government work.
- 3) A detailed cost and work plan that will identify the major tasks to be accomplished and be used as a scheduling and managing tool.

All proposals received by the deadline will be evaluated by Mr. Mario Compean and Roy Garza, SSAC staff. In some instances, an interview may be part of the evaluation process.

A 100 point scale will be used to create the final evaluation recommendation. The factors and weighting on which proposals will be judged include, but are not limited to, the following:

	<u>Weight</u>
1) Expressed understanding of project objectives	20%
2) Work Plan	10%
3) Cost Detail	10%
4) Qualifications/experience of firm	10%
5) Qualifications/experience of personnel working on the project	30%
6) Understanding and appreciation of community to be served	20%

It is anticipated that the selection will be completed by July 29, 1994.

The successful responder will be required to submit acceptable evidence of compliance with workers compensation insurance coverage requirements prior to execution of the contract.

Non-State Public Bids and Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Comprehensive Health Association

Request for Proposal for Writing Carrier Contract

The Board of Directors of the Minnesota Comprehensive Health Association (Association) has prepared a Request for Proposal in accordance with *Minnesota Statute* §62E.13, concerning the writing carrier contract to perform administrative and claims payment services for MCHA for the period January 1, 1995 through December 31, 1997. The writing carrier is also required to provide a statewide managed care network of providers for the Association's enrollees. This requirement can be fulfilled through the writing carrier's own provider network or through contract arrangement with outside entities.

State law requires the writing carrier to be a member of the Association. Selection of the writing carrier shall be based upon criteria including the member's proven ability to handle large group accident and health insurance cases, efficient claim paying capacity, and the estimate of total charges for administering the plan.

The Request for Proposal will be available July 11, 1994. Prospective responders who have questions or who would like a complete Request for Proposal may call or write:

Minnesota Comprehensive Health Association
Lynn R. Gruber
Executive Director
Suite 910
5775 Wayzata Boulevard
St. Louis Park, MN 55416
612-593-9609

Regional Transit Board

Public Notice and Advertisement for Bids for Procurement and Installation of Auxiliary Underseat Heaters in Paratransit Vehicles

NOTICE IS HEREBY GIVEN that the Regional Transit Board will receive sealed bids at the office of the Regional Transit Board, Metro Mobility Service Center, 245 East Sixth Street, Suite 200, St. Paul, MN 55101, until 2:00 p.m. on July 18, 1994, for the procurement and installation of 149 auxiliary underseat heaters in its paratransit vehicles.

Product Specifications and Installation Requirements terms and conditions are contained in the REQUEST FOR BIDS available from the Regional Transit Board at the Metro Mobility Service Center (612) 221-1932 or (612) 221-0014 TTY or at the address shown above.

Bids shall be opened publicly by a representative of the Regional Transit Board and shall be tabulated.

The Regional Transit Board reserves the right to reject all bids. Contractor will be required to comply with all applicable Equal Employment Opportunity (EEO) laws and regulations.

Non-State Public Bids and Contracts

Solid Waste Management Coordinating Board

Request for Proposals for a Public Information Consultant

The Solid Waste Management Coordinating Board is soliciting proposals from qualified parties for the development and implementation of a regional solid waste public education campaign. The Solid Waste Management Coordinating Board was formed through a Joint Powers Agreement between the Seven Metropolitan Counties for the purpose of regional solid waste management in the Twin Cities Metropolitan Area.

Project Description:

The project activities include:

- 1) Develop and implement a regional Mass Media Campaign utilizing radio to reach both the business and residential sectors
- 2) Develop and place newspaper ads targeted at medium to small businesses
- 3) Develop and implement a monitoring device that measures the success of the campaign
- 4) Develop logo sheets, style sheets, graphics and copy points for use by individual counties and agencies to support the regional public education campaign

Amount

Funding of up to \$456,000 is available. This Project is funded by a grant from the Metropolitan Council.

Duration

The contract period is expected to extend from September 1, 1994 - December 31, 1995.

Application Process

For a copy of the request for proposal (RFP) or for questions regarding this notice please contact Linda Gondringer at (612) 222-7227.

All proposals must be received by 4:30 p.m. July 29, 1994.

Send completed proposals to:

Solid Waste Management Coordinating Board
c/o Richardson Richter & Associates, Inc.
235 East 6th Street
Suite 202
St. Paul, Minnesota 55101

The Solid Waste Management Coordinating Board Reserves the Right to cancel or modify this solicitation if it is considered to be in its best interest.

Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

Minnesota Health Statistics -- 1990

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of health care publications.

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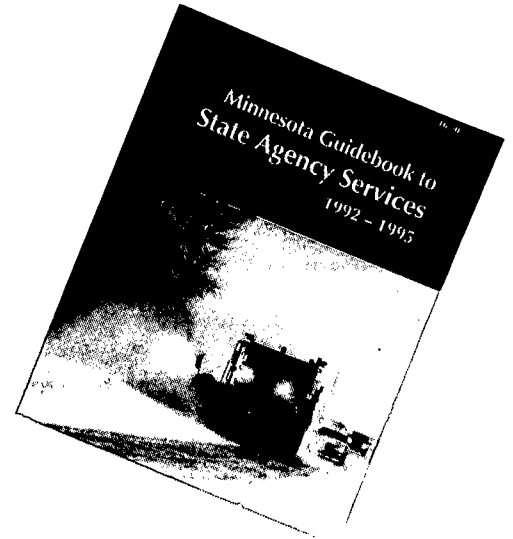
Business & Professional Directories -----

Minnesota Guidebook to State Agency Services 1992-95

An obvious "headliner" on any list for the business reference desk. The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- * applying for grants, bidding on contracts
- * addresses, phone numbers and key contact people for each agency
- * license requirements and fees
- * gaining access to government services
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- * understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR** ~~REDUCED PRICE -- \$16.00~~ **NOW \$9.95**



Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

Healing Arts (Physician's) Directory 1991

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.

Stock No. 1-1 SR \$19.95

State Agency Telephone Directory

This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

Airport Directory 1993

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8 SR \$5.95**

Law Enforcement Directory 1993

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$ 7.00**

Directory of Chemical Dependency Programs '92-93

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp.

Stock No. 1-12 SR \$17.00

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